



# HENDRY COUNTY PLANNING & ZONING DEPARTMENT

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## MEMORANDUM

TO: Hendry County Local Planning Agency

FROM: Hendry County Planning & Zoning Department

RE: Land Development Code Amendment – Rural Residential - Wheeler Estates  
(RR-WE) Zoning District and Supplementary Regulations

DATE OF MEETING: March 20, 2019

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### **BACKGROUND**

Hendry County has engaged Waldrop Engineering, P.A. (Consultant) to assist in their community planning efforts for a rural area in the western portion of the County known as Wheeler Estates (“Study Area”).

The purpose of this community planning study is to guide the development of Comprehensive Plan and Land Development Code amendments to effectively regulate land uses within the community; support and protect the rural character of the area; and ensure the long-term build-out of Wheeler Estates occurs in a manner that protects public health, safety and welfare.

The Study is funded by the Community Planning Technical Assistance Grant (“Grant”) administered through the Department of Economic Opportunity (“DEO”).

The following staff report provides an overview of the proposed Land Development Code amendments relating to the creation of the Rural Residential – Wheeler Estates (RR-WE) zoning district and supportive supplementary regulations. These amendments are companion to the Wheeler Estates Comprehensive Plan Amendment petition, concurrently initiated by County Staff.

- **Study Area**

The Wheeler Estates Study Area encompasses 1,933 acres and generally extends north of 23rd Terrace; east to Wheeler Road; and south of Canal Terrace. An aerial map demonstrating the Study Area is attached as Exhibit “A”.

The community is comprised of approximately 1,036 lots ranging in size from 1.08+/- acres to 105+/- acres. The vast majority of parcels are 1.25+/- acres in size, representing 90% of all lots within the community.

- **Access**

The Study Area is served by an extensive network of private access easements. Wheeler Estates is accessed exclusively from public roads within Lee County via 16th Terrace (serving Wheeler Estates North), and 10th Place (serving Wheeler Estates South). The Study Area has no direct access to State Road 80, and easements do not exist that provide legal rights to construct such access in the immediate future. With the exception of a portion of 10th Place and Wheeler Road, all roadways consist of unpaved limerock originally constructed in the mid-1980’s by Lehigh Acres Development Corporation.

- **Current Zoning Districts**

Per the adopted Zoning Map, attached as Exhibit “B”, Wheeler Estates consists primarily of two (2) zoning districts: Agricultural Transitional (A-3) and limited areas of Residential Low Density (RG-1). There are also isolated areas of High Intensity Commercial (C-3), Light Industrial (I-1), and General agriculture (A-2) zoning districts immediately north of 10th Place and Wheeler Road. These non-residential lands comprise 226+/- acres—approximately 1% of Wheeler Estates.

The Agricultural Transitional (A-3) zoning district was established specifically for the Wheeler Estates development in 2003 and is codified in LDC Section 1-53-3.7 of the Hendry County LDC. The zoning district includes cumbersome vesting and access provisions that have limited development within the community. The zoning district also limits agricultural uses to horticulture, floriculture, silviculture, and viticulture, i.e. the keeping of livestock for non-commercial or commercial purposes is prohibited. Commercial uses permitted include convenience commercial and general commercial by special exception approval. Light industrial uses are also permitted via the special exception process.

The Residential Low Density (RG-1) district is similar to the A-3 zoning district but has different development standards in terms of lot sizes and setbacks and does not allow for any agricultural uses.

## **ANALYSIS**

The proposed RR-WE zoning district is intended for lands shown on Exhibit “C”. The zoning district and supplementary regulations are attached as Exhibit “D” and establish a

comprehensive set of community-specific development standards for both residential and nonresidential uses in the community. The regulations also provide more flexibility in terms of allowable agricultural uses and set forth performance standards for non-residential uses that correlate to the locational criteria in the companion future land use category. Key changes are as follows:

- **Permitted Uses**

Residential uses remain limited to single-family detached and mobile homes continue to be a prohibited use. The proposed changes allow for non-commercial agricultural uses as an accessory to residential uses, as well lower intensity non-residential uses (Office & Convenience Commercial) permitted by a Planned Unit Development (PUD) rezoning, and subject to community-specific standards. General Commercial & Industrial uses are limited to existing only and cannot be expanded.

- **Dimensional and Density Regulations**

Development standards will remain largely the same as the current A-3 and RG-1 zoning district. Key changes include the reduction of minimum lot size to 1.1 acres to recognize the minimum vested lot size in the community, and the increase of minimum dwelling unit size from 800 square feet to 1,000 square feet.

- **Supplementary Regulations**

In addition to use regulations, the LDC amendments include minimum design standards that uphold the rural residential character of the area; clarification of infrastructure/access requirements; and, community notification requirements for new development proposals.

Such performance standards require non-residential uses to be located on improved roadways (Wheeler Road, 10<sup>th</sup> Place, 2<sup>nd</sup> Place or 16<sup>th</sup> Terrace); require PUD rezoning process; and apply minimum design standards that enhance and protect the rural character, including building material requirements, landscaping, and signage limitations.

A table is included in the supplementary regulations section to provide the flexibility for the keeping of non-commercial livestock in the RR-WE zoning district. The table specifies the maximum number and type of animal(s) allowed based upon property acreage.

- **Community Outreach**

The LDC amendments are based upon data gathered from five (5) community meetings held between September 2018 and February 2019. Additionally, the regulations were crafted based upon a community-wide survey process. The input received at the various community meetings and from the survey results were highly informative, and generally cohesive in terms of the community's support of single-family residential, agricultural and recreational land uses that protect and enhance the rural character. Limited convenience commercial, civic and recreational uses are also generally supported by the

community with careful and well-crafted limitations including enhanced design and locational standards.

The proposed LDC amendments were distributed to Wheeler Estates residents via email on February 8, 2019. The content of the amendment draft was also presented to residents at a community meeting held on February 4, 2019. Minor revisions were made between the community meeting and the final proposed amendments email containing the recommended changes.

The RR-WE zoning district, as proposed through these amendments, allows the County to tailor regulatory documents to the unique needs of Wheeler Estates, and ensures increased protections against inappropriate development patterns, while providing landowners with increased flexibility to enjoy their properties.

### **CONSISTENCY WITH COMPREHENSIVE PLAN**

The companion Comprehensive Plan Amendment seeks to re-designate lands within the Study Area to “Wheeler Estates” future land use category to provide a more appropriate and flexible range of uses for this rural and predominantly residential community. The proposed LDC amendments are entirely consistent with and complimentary to the companion Wheeler Estates future land use category, and the intent of the Hendry County Comprehensive Plan as a whole.

### **RECOMMENDATION**

Conduct a public hearing and make a recommendation to the Board of County Commissioners to adopt the LDC amendments as proposed.