

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

**VILLAGE OF ESTERO, FLORIDA  
ZONING  
ORDINANCE NO. 2022-08**

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF ESTERO, FLORIDA, CONSIDERING A  
REZONING FROM MIXED-USE PLANNED  
DEVELOPMENT (MPD) AND AGRICULTURE (AG-2) TO  
PARKS AND COMMUNITY FACILITIES (PCF) FOR A  
31.5 ACRE PROPERTY AT THE NORTHEAST CORNER  
OF US 41 AND CORKSCREW ROAD; PROVIDING FOR  
CONFLICTS; PROVIDING FOR SEVERABILITY; AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village of Estero (the “Applicant”) has filed for a rezoning on properties located at 8661, 8761, 8741, 8751, 8791, and 8801 Corkscrew Road (“Property”) for **Estero on the River MPD and Happehatchee Parcel**; and

**WHEREAS**, the Property STRAP numbers are 33-46-25-E2-U1926.2390,33-46-25-E2-U1936.2400, 33-46-25-E2-U1937.2384, 33-46-25-E2-U1936-2375, 33-46-25-E2-U1941.2390, and 33-46-25-E2-U1948-2389. The properties are legally described in Exhibit A attached hereto; and

**WHEREAS**, the Application requests a rezoning from Mixed-Use Planned Development (MPD) and Agriculture (AG) to Parks and Community Facilities (PCF) (Case number REZ 2022-E001), as depicted on Exhibit “B”; and

**WHEREAS**, a public information meeting for the rezoning was held on May 10, 2022 at the Planning, Zoning, and Design Board; and

**WHEREAS**, at a duly noticed public hearing held on June 14, 2022 the Planning, Zoning, and Design Board recommended approval of the rezoning request; and

**WHEREAS**, a duly noticed first reading and public hearing was held before the Village Council on July 6, 2022; and

**WHEREAS**, a duly noticed second reading and public hearing was held before the Village Council on \_\_\_\_\_, 2022 at which time the Village Council gave consideration to the evidence presented by the Village staff, the recommendations of the Planning, Zoning, and Design Board and the comments of the public.

42           **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,  
43 Florida:

44  
45           **Section 1.**     **Rezoning.**

46  
47           The Village Council approves the rezoning from Mixed-Use Planned Development  
48 (MPD) and Agriculture (AG-2) to Parks and Community Facilities (PCF).

49  
50           **Section 2.**     **Findings and Conclusions.**

51  
52           Based upon an analysis of the application and the standards for approval in the Land  
53 Development Code, the Council finds and concludes the proposal:

- 54  
55           1. Is consistent with and furthers the goals, objective, and policies of the  
56           Comprehensive Plan and all other Village adopted plans.  
57  
58           2. Is not in conflict with any portion of the LDC.  
59  
60           3. Addresses a demonstrated community need.  
61  
62           4. Is compatible with existing and proposed uses surrounding the subject land and is  
63           the appropriate zoning district for the land.  
64  
65           5. Would result in a logical and orderly development pattern.  
66  
67           6. Would not adversely affect the property values in the area.  
68  
69           7. Would result in development that is adequately served by public facilities.  
70  
71           8. Would not result in significantly adverse impacts on the natural environment.  
72  
73           9. Is compatible with existing or planned uses in the surrounding area.

74           **Section 3.**     **Exhibits.**

75  
76           The following exhibits are attached to this Ordinance and incorporated by reference:

- 77  
78           Exhibit A    Legal Description and Sketch  
79           Exhibit B    Parks and Community Facilities Zoning

80  
81           **Section 4.**     **Severability.**

82  
83           Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance  
84           subsequent to its effective date be declared by a court of competent jurisdiction to be

85 invalid, such decision shall not affect the validity of this Ordinance as a whole or any  
86 portion thereof, other than the part so declared to be invalid.

87

88 **Section 5. Effective Date.**

89

90 This Ordinance shall take effect immediately upon adoption.

91

92 **PASSED** on first reading this 6<sup>th</sup> day of July, 2022.

93

94 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
95 Florida on second reading this \_\_\_\_ day of \_\_\_\_\_, 2022.

96

97

98 Attest: **VILLAGE OF ESTERO, FLORIDA**

99

100

101

102 By: \_\_\_\_\_  
103 Carol Sacco, Village Clerk

By: \_\_\_\_\_  
Katy Errington, Mayor

104

105 Reviewed for legal sufficiency:

106

107

108

109 By: \_\_\_\_\_  
110 Nancy E. Stroud, Village Land Use Attorney

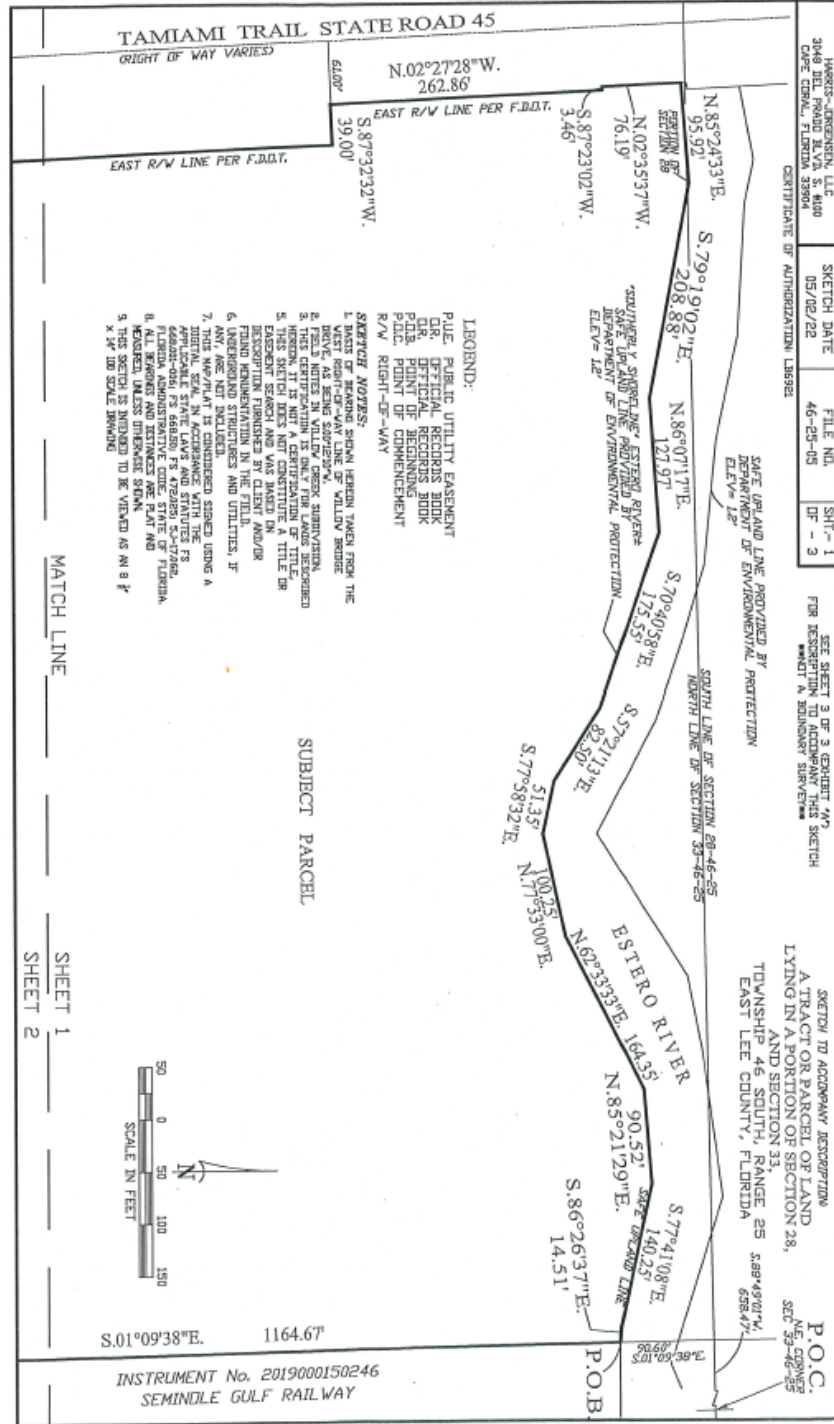
111

112

113	Vote:	AYE	NAY
114	Mayor Errington	_____	_____
115	Vice Mayor McLain	_____	_____
116	Councilmember Ribble	_____	_____
117	Councilmember Fiesel	_____	_____
118	Councilmember Boesch	_____	_____
119	Councilmember Ward	_____	_____
120	Councilmember Wilson	_____	_____

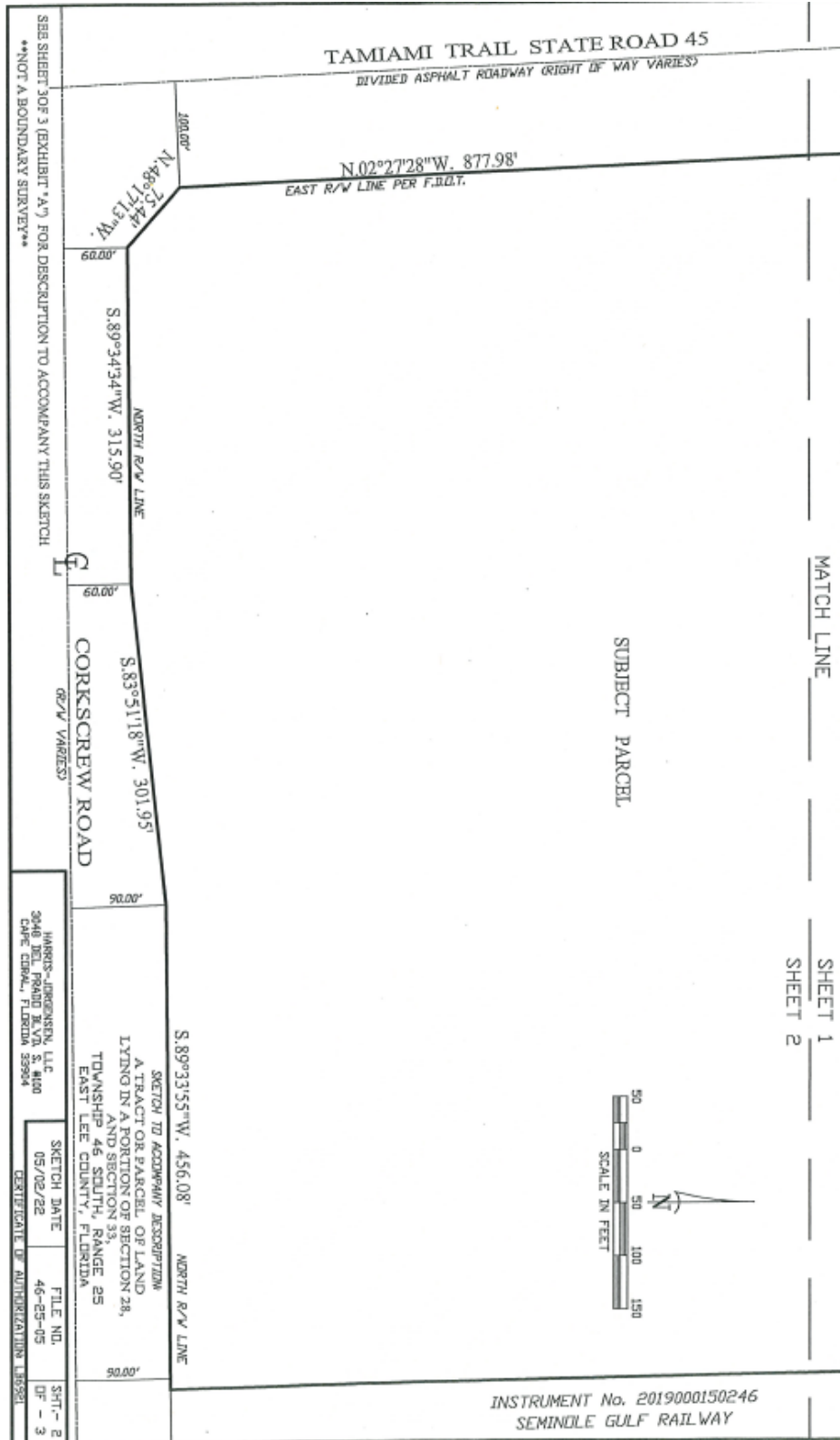
121

# EXHIBIT A LEGAL DESCRIPTION



122  
123  
124

125  
126



127  
128

# EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH

A TRACT OR PARCEL OF LAND  
LYING IN A PORTION OF SECTION 28,  
AND SECTION 33,  
TOWNSHIP 46 SOUTH, RANGE 25  
EAST LEE COUNTY, FLORIDA

SEE SHEETS 1 AND 2 OF 3 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

**\*\*NOT A BOUNDARY SURVEY\*\***

**DESCRIPTION:**

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTIONS 28 AND 33, TOWNSHIP 46 SOUTH RANGE 25 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHEAST CORNER OF SAID SECTION 33; THENCE RUN S.88°49'01"W. ALONG THE NORTH LINE OF SAID SECTION 33, FOR 658.47 FEET; THENCE RUN S.01°09'38"E. TO A POINT LYING ALONG THE THE SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 90.60 FEET; THENCE CONTINUE S.01°09'38"E. TO A POINT LYING ALONG THE NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD, FOR 1164.57 FEET; THENCE RUN ALONG SAID NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD THE FOLLOWING BEARINGS AND DISTANCES; S.89°33'55"W. FOR 456.08 FEET, S.835118"W. FOR 301.95 FEET, S.89°34'34"W. FOR 315.90 FEET; THENCE RUN N.48°17'13"W. TO A POINT ALONG THE EAST RIGHT OF WAY LINE TAMiami TRAIL (ALSO KNOWN AS S.R. No 45) FOR 75.44 FEET; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE, N.02°27'28"W. FOR 877.98 FEET; THENCE RUN S.87°32'32"W. FOR 39.00 FEET; THENCE RUN N.02°27'28"W. FOR 262.86 FEET; THENCE RUN S.87°23'02"W. FOR 3.46 FEET; THENCE RUN N.02°35'37"W. TO A POINT ALONG THE AFORESAID SOUTHERLY SHORELINE OF THE ESTERO RIVER, FOR 76.19 FEET; THENCE RUN ALONG THE SAID SOUTHERLY SHORELINE OF THE ESTERO RIVER THE FOLLOWING BEARING AND DISTANCES: N.85°24'33"E. FOR 95.92 FEET, S.79°19'02"E. FOR 208.88 FEET, N.86°07'17"E. FOR 127.97 FEET, S.70°40'58"E. FOR 175.55 FEET, S.57°21'13"E. FOR 82.50 FEET, N.77°33'00"E. FOR 100.25 FEET, N.62°33'33"E. FOR 164.35 FEET, N.85°21'29"E. FOR 90.52 FEET, S.77°41'08"E. FOR 140.25 FEET, S.86°28'37"E. FOR 14.51 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1,371,461.78 SQ. FT, OR 31.48 ACRES, MORE OR LESS.

Phillip M Mould, P.S.M.  
6515 State of Florida  
Digitally signed by Phillip M Mould, P.S.M. 6515 State of Florida  
Date: 2022.05.05 08:52:55 -04'00'

PHILLIP M. MOULD  
PROFESSIONAL SURVEYOR AND MAPPER  
LS6515 - STATE OF FLORIDA  
05/05/2022

CERTIFICATE OF AUTHORIZATION: LB6921

HARRIS-JORGENSEN, LLC  
3048 DEL PRADO BLVD. S.  
#100  
CAPE CORAL, FLORIDA 33904  
(239)-257-2624

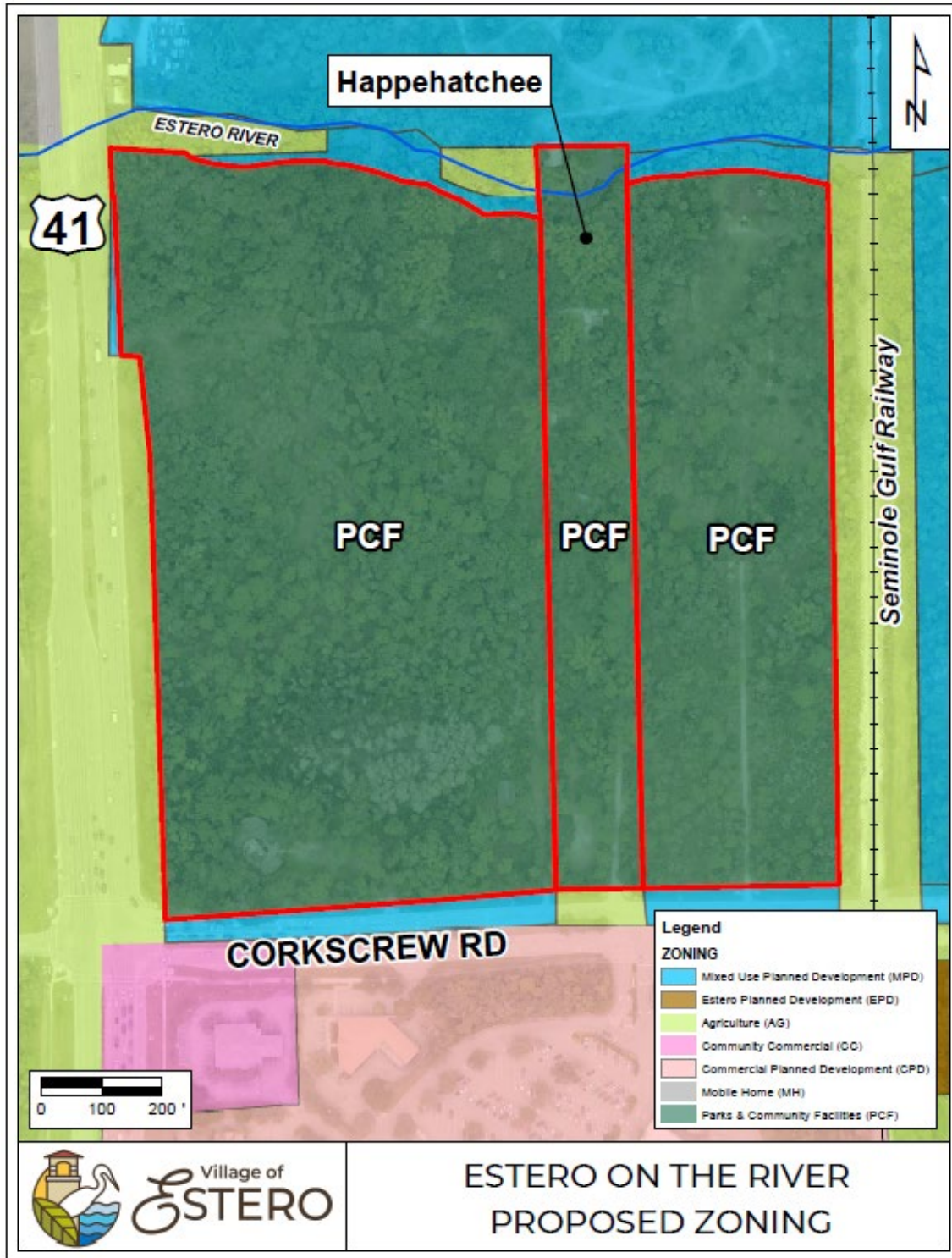
SHEET 3 OF 3

129  
130  
131



132  
133  
134

EXHIBIT B  
PARKS AND COMMUNITY FACILITIES ZONING



135