

1
2
3
4
5
6
7
8
9
10
11
12
13
14
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
42
43
44

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2022 - 09

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, AMENDING
SECTION 2-302C.2. OF THE VILLAGE LAND
DEVELOPMENT CODE TO CHANGE MEMBERSHIP
QUALIFICATIONS OF THE PLANNING ZONING
AND DESIGN BOARD; PROVIDING A
SEVERABILITY CLAUSE; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the Village of Estero adopted its Land Development Code on January 27, 2021 to establish the Village Planning Zoning and Design Review Board (“PZDB”); and

WHEREAS, the PZDB has recommended that the membership qualifications of the PZDB should be adjusted to provide certain designated seats for professionals to serve on the Board in the interest of encouraging service by volunteer professionals and thus the continued use of professional expertise for the benefit of the Village; and

WHEREAS, the PZDB also recommends that the Village and the PZDB have a strong public interest in balancing the ability of volunteer professionals to practice their profession in the Village with the reduction of potential conflicts of interest, real or perceived, on the part of such professionals; and

WHEREAS, the PZDB recommends that the adjustment of membership qualifications should also be accompanied by restrictions on the practice of professional members of the PZDB beyond what is required by Florida law; and

WHEREAS, the Village PZDB, as the Local Planning Agency and in a duly noticed public hearing on July 12, 2022, considered the proposed changes and recommended that the proposed changes are consistent with the Village of Estero Comprehensive Plan; and

WHEREAS, the Village Council on September 21, 2022 held a duly advertised first reading of the proposed changes; and

WHEREAS, the Village Council on October 5, 2022 at a duly advertised public hearing considered the proposed changes, the recommendations of the PZDB and the comments of the public.

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

~~Strike-through~~ and underline show changes from the existing Land Development Code. Ellipses (* * *) show that adopted text is omitted for brevity.
Ordinance No. 2022-09

45 **Section 1. Recitals Adopted.** That each of the above stated recitals is hereby
46 adopted and confirmed as being true, and the same are hereby incorporated as a part of this
47 Ordinance.

48
49 **Section 2. Amending Sec. 2-302C. Membership.**

50
51 Section 2-302C of the Village Land Development Code is hereby amended in regard
52 to the Planning Zoning and Design Board to state as follows:

53
54 Sec. 2-302C. Membership.

- 55
56 1. The PZDB shall have not less than seven nor more than nine members appointed
57 by the Village Council by affirmative vote of a majority of the full Village Council
58 membership. An additional non-voting, *ex officio* representative of the Lee County
59 School Board may also serve on the PZDB in accordance with state law. The School
60 Board shall notify the Village Clerk in writing within 10 days of the appointment
61 or removal of any member.
- 62 2. At least a majority of the members of the PZDB appointed by the Village Council
63 shall be residents of the Village. All other members shall either (i) own a business
64 in the Village, (ii) own property in the Village, or (iii) work in the Village. The
65 members of the Board shall include at least one member (“designated member”)
66 from the following Florida state-registered professions: (i) civil engineering, (ii)
67 architecture, and (iii) landscape architecture. Other members shall have diverse
68 backgrounds, and, wherever possible, prior experience in land use, planning,
69 zoning, legal matters, environmental matters, ~~engineering, architecture, landscape~~
70 ~~architecture,~~ or building and development. Each member shall be sympathetic to
71 municipal development consonant with the comprehensive plan and with the
72 health, safety, and welfare of its residents. No Board member shall hold any other
73 public office, appointive or elective. A designated member shall be permitted to
74 represent a client at a Public Information Meeting, but shall not represent a client
75 before the Board, participate in discussion or vote on the client’s application at any
76 other meeting. Notwithstanding, other members of the designated member’s firm
77 may represent the firm client before the Board at any meeting.

78
79 **Section 3. Severability.** If any section, subsection, clause or provision of this
80 Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the
81 remainder shall not be affected by such invalidity.

82
83 **Section 4. Effective Date.** This ordinance shall take effect immediately upon
84 adoption.

85
86 **PASSED** on first reading this _____ day of _____, 2022.

87
88 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
89 Florida this _____ day of _____, 2022.

90
~~Strike through~~ and underline show changes from the existing Land Development Code.
Ellipses (* * *) show that adopted text is omitted for brevity.
Ordinance No. 2022-09

91
92
93
94
95
96
97
98
99

Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Carol Sacco, Village Clerk

By: _____
Katy Errington, Mayor

100 Reviewed for legal sufficiency:

101
102

103 By: _____
104 Nancy E. Stroud,
105 Village Land Use Attorney

106
107

108 Vote: AYE NAY

109
110

Mayor Errington _____ _____

111

Vice Mayor McLain _____ _____

112

Councilmember Boesch _____ _____

113

Councilmember Fiesel _____ _____

114

Councilmember Ribble _____ _____

115

Councilmember Ward _____ _____

116

Councilmember Wilson _____ _____