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**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2022 - 15**

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AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING THE PELICAN SOUND RESIDENTIAL PLANNED DEVELOPMENT (RPD) ZONING TO ALLOW RECREATION USES, INCLUDING PICKLEBALL, IN THE GOLF MAINTENANCE AND STORAGE AREA ON A 150.23-ACRE PROPERTY ON THE SOUTH SIDE OF THE ESTERO RIVER, NORTH OF WILLIAMS ROAD AND WEST OF US 41; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, Pelican Sound Golf and River Club represented by Eric Long, and Kenrick Gallander of RWA, Inc. (the “Applicant”) filed an application for a zoning amendment to the Pelican Sound Residential Planned Development (RPD) for a 150.23-acre property (the “Property”); and

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WHEREAS, the property STRAP number is 32-46-25-E2-00003.10CE and is legally described in Exhibit A; and

WHEREAS, at a duly noticed public hearing held on September 13, 2022, the Planning, Zoning, and Design Board continued the public hearing; and

WHEREAS, at a continued public hearing held on October 25, 2022, the Planning, Zoning, and Design Board recommended _____; and

WHEREAS, a duly noticed first reading was held before the Village Council on October 19, 2022; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on November 2, 2022 for adoption of the Ordinance; and

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

Section 1. Zoning Amendment.

The Village Council approves the zoning amendment of the Residential Planned Development to allow for recreation uses, including pickleball, on the Golf Maintenance and Storage Area, subject to the following conditions.

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Section 2. Conditions

1. Master Concept Plan

Development of this project must be consistent with the Pelican Sound Golf & River Club, Inc. Master Concept Plan, received April 6, 2022.

2. Resolution Z-13-003 Amendments

Zoning Resolution Z-13-003 remains in effect except as amended by this approval for Pickleball Facilities in the Golf Maintenance and Storage Area.

The following conditions of approval are amended by ~~striketrough~~ for deletions and underline for additions:

- Condition 4. Schedule of Uses
Accessory Uses, buildings & structures:
 - Pickleball Facilities

Condition 15.f.
Recreational facilities, Private on-site to include Pickleball facilities, shall be allowed within the designated Golf Maintenance and Storage Area tract as depicted on the approved MCP. Specific to the Pickleball facility, specialized acoustic material shall be provided on the north and south sides of the fencing, and players shall utilize equipment designated as “quiet” or “Green Zone” approved.

3. Noise Mitigation

The Pickleball Courts within the Golf Maintenance and Storage Area shall have an eight-foot tall fence and gates installed with 1/8 inch thick sound deadening black Acoustifence material to ensure that the sound generated by the pickleball facility does not exceed the maximum of 66 dBA. The black Acoustifence material will be made to meet the dimensional standards of the eight-foot fence associated with the pickleball courts. Each sound deadening curtain must be made of Industrial, UV resistant Acoustifence material.

4. Hours of Operation

Hours of operation for the pickleball courts within the Golf Maintenance and Storage Area are limited to 8 a.m. to dusk.

91 5. Approved Equipment

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93 The pickleball paddles approved for use are on a “Green Zone” approved list and
94 use of these paddles will be administered by the Pelican Sound Golf & River Club.
95 Use of paddles that are not on the “Green Zone” approved list are prohibited.

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97 The approved balls for pickleball play are limited to “Onix Fuze 2”, or similar, to
98 reduce noise.

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100 6. Noise Complaints

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102 Within 30 days of approval of the Zoning Amendment, the property owner
103 (currently identified as Pelican Sound Golf & River Club, Inc.) must send a letter
104 to every owner of record within 750 feet of the Pickleball Facility area. This letter
105 must include a designated phone number to be used to register a complaint in the
106 event they are disturbed by noise related to the pickleball play. If the contact
107 information changes in the future, a new letter must be sent out in accordance with
108 this condition. A copy of said letter will be provided to the Village of Estero
109 Director of Community Development for inclusion in the official file for this case.

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111 If excessive noise complaints are received regarding noise from pickleball play, the
112 applicant shall have 30 days to submit a noise mitigation plan to the Village staff
113 for review.

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115 7. Lighting

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117 No lighting of the Pickleball Facilities in the Golf Maintenance and Storage Area
118 is permitted.

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120 **Section 3. Deviation**

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122 Deviation from LDC Section 5-205.C.3 is approved to allow 16 paved golf cart spaces,
123 with one space being handicap accessible, and a bicycle rack installed with a minimum
124 of 16 bike spaces in lieu of vehicular parking at the pickleball facilities.

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126 **Section 4. Findings and Conclusions**

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128 Based upon an analysis of the application and the standards for approval in the Land
129 Development Code, and the conditions of approval, the Council finds and concludes
130 the application:

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132 1. Is consistent with and furthers the goals, objective, and policies of the
133 Comprehensive Plan and all other Village adopted plans.
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135 2. Is not in conflict with any portion of the LDC.

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3. Addresses a demonstrated community need
4. Is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.
5. Would result in a logical and orderly development pattern.
6. Would not adversely affect the property values in the area.
7. Would result in development that is adequately served by public facilities (road, potable water, wastewater, solid, waster, storm water, schools, parks, police, and fire and emergency medical facilities.
8. Would not result in significantly adverse impacts on the natural environment – including, but not limited to water air, noise, storm water management, wildlife, vegetation, wetlands, environmentally critical area, and the natural functioning of the environment.
9. Is compatible with existing or planned uses in the surrounding area.
10. The deviation approved:
 - a) Will improve the quality of the proposed RPD;
 - b) Will preserve and promote the general intent of the Land Development Code to protect the public health, safety, and welfare;
 - c) Will be compatible with uses on surrounding property;
 - d) Will not create an undue burden on essential public facilities.

Section 6. Exhibits

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

- Exhibit A Legal Description
- Exhibit B Master Concept Plan, received and date stamped April 6, 2022.

Section 7. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance subsequent to its effective date be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 8. Effective Date.

This ordinance shall take effect upon adoption at second reading.

181 PASSED on first reading this 19th day of October, 2022.

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183 PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero,

184 Florida this ____ day of _____ 2022.

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187 Attest:

VILLAGE OF ESTERO, FLORIDA

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190 By: _____

By: _____

191 Carol Sacco, Village Clerk

Katy Errington, Mayor

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194 Reviewed for legal sufficiency:

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197 By: _____

198 Nancy Stroud, Esq., Village Land Use Attorney

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201 Vote: AYE NAY

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203 Mayor Errington _____

204 Vice Mayor McLain _____

205 Councilmember Ribble _____

206 Councilmember Fiesel _____

207 Councilmember Boesch _____

208 Councilmember Ward _____

209 Councilmember Wilson _____

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EXHIBIT A
LEGAL DESCRIPTION

PELICAN SOUND GOLF AND RIVER CLUB LEGAL
DESCRIPTION:

IN SECTIONS 29, 32 AND 33, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA:
BEGIN AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 32;
THENCE RUN N00°55'53"W ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE1/4) FOR 1,226.64 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF A FLORIDA POWER AND LIGHT TRANSMISSION LINE (100 FEET WIDE);
THENCE RUN N20°51'33"W ALONG SAID SOUTHWESTERLY LINE FOR 125.36 FEET TO A POINT ON THE SOUTH LINE OF LOT A56 OF "FLORIDA GULF LAND COMPANY'S SUBDIVISION," AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY;
THENCE RUN S88°27'02"W ALONG THE SOUTH LINES OF LOTS A56, A55, A54 AND A53, SAID SUBDIVISION, FOR 1257.39 FEET TO THE SOUTHWEST CORNER OF SAID LOT A53, OF SAID SUBDIVISION;
THENCE RUN N00°43'04"W ALONG THE WEST LINE OF SAID LOT A53 FOR 1,180 FEET MORE OR LESS TO THE WATERS OF THE ESTERO RIVER;
THENCE RUN NORTHEASTERLY, NORTHERLY, NORTHEASTERLY, EASTERLY, SOUTHEASTERLY AND EASTERLY ALONG SAID WATERS FOR 5,396 FEET MORE OR LESS TO AN INTERSECTION WITH THE WEST LINE OF THE EAST HALF (E1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 29;
THENCE RUN S00°11'00"E ALONG SAID WEST LINE FOR 990 FEET MORE OR LESS TO THE NORTH LINE OF SAID SECTION 32;
THENCE RUN N89°49'47"E ALONG SAID NORTH LINE OF SAID SECTION 32 FOR 671.22 FEET TO THE NORTHEAST CORNER OF SAID SECTION 32;
THENCE RUN N89°15'27"E ALONG THE NORTH LINE OF SAID SECTION 33 FOR 395.00 FEET;
THENCE RUN S00°30'33"E FOR 2,647.83 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 33;
THENCE RUN N88°52'56"E ALONG SAID NORTH LINE FOR 987.18 FEET;
THENCE RUN S00°31'21"E FOR 578.29 FEET;
THENCE RUN N88°50'29"E FOR 1,739.60 FEET TO THE WEST RIGHT-OF-WAY LINE OF TAMiami TRAIL [US 41/SR 45 (200 FEET WIDE)];
THENCE RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE S05°19'58"W FOR 201.29 FEET;
THENCE RUN S88°50'28"W FOR 1,719.07 FEET;
THENCE RUN S00°31'21"E FOR 1,840.23 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WILLIAMS ROAD (60 FEET WIDE);
THENCE RUN S89°00'54"W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 1,382.17 FEET TO THE WEST LINE OF SAID SECTION 33;
THENCE RUN S89°00'18"W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 2,644.88 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 32;
THENCE RUN N0°56'02"W ALONG SAID WEST LINE FOR 2,614.20 FEET TO THE POINT OF BEGINNING.
CONTAINING 561.8 ACRES OF LAND, MORE OR LESS.

THIS LEGAL DESCRIPTION IS INCLUSIVE OF THE FORMERLY LESSED OUT CEMETERY PARCEL, AND THE FORMERLY EXCLUDED TRIANGLE PARCEL.