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**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2022 - 16**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, AMENDING
THE ESTERO PLANNED DEVELOPMENT ZONING
ADOPTED BY ORDINANCE 2016-08 FOR
“GENOVA”, FOR A 3.6-ACRE PROPERTY PARCEL
WITHIN THE GENOVA EPD AT THE SOUTHEAST
CORNER OF CORKSCREW ROAD AND VIA
COCONUT; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CONFLICTS; AND PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, Genova Partners LLC represented by Pavese Law Firm (the “Applicant”) filed an application for an amendment to the Estero Planned Development zoning for “Genova” which was adopted by Ordinance 2016-08, as amended, for the unbuilt portion of the Genova EPD; and

WHEREAS, the property STRAP numbers for the unbuilt property (“Project”) are 34-46-25-E1-23000.0010 and 34-46-25-E1-23000.0020 and the unbuilt property 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 recommended approval with conditions of the zoning amendment; and

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

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

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

Section 1. Rezoning.

The Village Council approves the zoning amendment to the Genova EPD for the Property, subject to the following conditions.

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Section 2. Conditions.

1. Master Concept Plan
Development of this Project (Final Phase of Genova) must be consistent with the Master Concept Plan for “Genova” by Peninsula Engineering, stamped Received August 18, 2022, and incorporated as Exhibit B.

2. Project Maximum Units and Building Height
The Project is approved for 31 residential units (20 single family villas and 11 townhomes) with a maximum height of 35 feet and two stories.

3. Uses and Site Development Regulations
The approved uses and site development regulations for the Project are listed on the attached Exhibit D.

4. Pattern Book
Condition 12 of Ordinance 2016-08 is supplemented by the following condition: Notwithstanding, development of the Final Phase of Genova must be in substantial compliance with the “Genova Supplemental Pattern Book” dated July 15, 2022, and incorporated as Exhibit C.

Buffers for the Final Phase of Genova are as shown on the Master Concept Plan stamped received August 18, 2022 and in the Genova Supplemental Pattern Book. The hedge along Corkscrew Road will be 5 feet tall at time of planting and will be planted in front of the fence. The buffer will be enhanced with 11 Shady Ladies that are 18 feet tall at time of planting.

Details of the linear park will be provided at time of development order.

5. Prior Conditions of Ordinance 2016-08
The conditions and deviations of Ordinance 2016-08 remain in full force and effect except as modified herein by the conditions for the Final Phase of Genova.

6. The following items will be reviewed at time of development order:
 - A. Solid waste
 - B. Fire hydrants, auto turn analysis
 - C. Electric gate, emergency exit, transit
 - D. Final gate design
 - E. Construction Traffic Plan and Staging Area Plan

7. The pocket park/bus stop area shown in the original Pattern Book shall be deleted and must be replaced by an area of equivalent size and amenities, subject to staff and PZDB approval.

- 91 8. There must be active pursuit of the Project, and significant construction of this
92 Final Phase of Genova must be completed no later than 5 years of the date of
93 approval of the development order. Significant construction will include the
94 linear park and amenities, as well as 50% of the Final Phase residential
95 buildings.
96

97 **Section 3. Findings and Conclusions**
98

99 Based upon an analysis of the application and the standards for approval in the Land
100 Development Code, and the conditions of approval, the Council finds and concludes
101 the application is consistent with the general criteria of the Estero Planned
102 Development Zoning District as follows:
103

- 104 a. Goals: Different housing types will create variety which is a goal of the
105 Village Center.
106
107 b. Reasonable Standards: The applicant has used physical form and the
108 relationship of the building with the landscaping and public space to
109 meet the Village Center goals.
110
111 c. Accessibility: The linear park/sidewalk area will provide an improved
112 and accessible public space.
113
114 d. Streets: There is a connection to the existing street network and
115 Corkscrew Road.
116
117 e. Street Design: Pedestrian connection is provided to Corkscrew Road to
118 improve connectivity and walkability.
119
120 f. Lots and Blocks: The linear site does not allow for a standard grid lot
121 and block layout but does provide hidden parking.
122
123 g. The Visual Edge: A visual edge is created by the landscaping and linear
124 park/sidewalk along Corkscrew Road.
125
126 h. Architecture: The building design and colors are consistent with the
127 Village architectural standards, and similar to the colors of existing
128 Genova buildings. The architecture, while not the same as the existing
129 buildings, is complementary to the design and of high quality.
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131 i. Quality of Buildings: Concrete block construction is proposed.
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Section 4. Exhibits

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

- Exhibit A Legal Description
- Exhibit B Master Concept Plan, dated August 18, 2022
- Exhibit C Genova Supplemental Pattern Book, dated July 15, 2022
- Exhibit D Schedule of Uses and Property Development Regulations

Section 5. 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 6. Effective Date.

This Ordinance shall take effect upon adoption at second reading.

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

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 2nd day of November, 2022.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____ By: _____
Carol Sacco, Village Clerk Katy Errington, Mayor

Reviewed for legal sufficiency:

By: _____
Nancy Stroud, Esq., Village Land Use Attorney

181	Vote:	AYE	NAY
182			
183	Mayor Errington	_____	_____
184	Vice Mayor McLain	_____	_____
185	Councilmember Ribble	_____	_____
186	Councilmember Fiesel	_____	_____
187	Councilmember Boesch	_____	_____
188	Councilmember Ward	_____	_____
189	Councilmember Wilson	_____	_____