

ORDINANCE NO. 2023 - 02

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, CREATING § 5-15 OF THE VILLAGE LAND DEVELOPMENT CODE TO ADD STANDARDS FOR DEVELOPMENT OF ELEVATED SINGLE-FAMILY HOMES; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Village Council adopted the Village Land Development Code on January 27th 2021, which established the land development regulations; and

WHEREAS, the Code does not address elevated single-family homes; and

WHEREAS, structures in flood zones now need to meet the specified flood zone elevation delineated in the FEMA maps which became effective on November 17, 2022; and

WHEREAS, elevated single-family homes, which may be conventional or modular homes, may be incongruous with the neighborhood; and

WHEREAS, minimum standards are needed to preserve the aesthetic characteristics of residential neighborhoods in which these structures may be constructed; and

WHEREAS, pursuant to §2-302(B)(2)(B), the Planning Zoning and Design Board, sitting as the Local Planning Agency, reviewed this Ordinance at a duly noticed public hearing and has made its recommendation which is incorporated in this Ordinance.

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

Section 1. Section 5-15 of Chapter 5 (Site Development Standards) of the Village Land Development Code is hereby created to read as follows:

SECTION 5-15. – Elevated Single-Family Homes

5-1501 – Purpose and Intent.

The purpose and intent of this section is to establish regulations uniquely related to the development of elevated single-family homes to address safety, aesthetic and consistency interests where such structures are constructed in traditional single-family residential neighborhoods.

5-1502. – Elevated Single-Family Homes Standards.

Single-family homes, including conventional and modular homes, which are constructed to be elevated above the ground (commonly referred to as stilt homes) shall, whether elevated by metal beams, brick, piers or other structural support approved by the Florida Building Code, comply with the following standards:

- A. ~~Maintain an architectural design consistent with the neighborhood.~~
Be aesthetically consistent with the neighborhood.
- B. The open space between the ground level and the base of the residential structure must be enclosed with walls on the side(s) facing the street so as to obscure the view of the open area under the structure from surrounding properties.
- C. Provide doors, windows, garages, porches and/or landscaping to break up the appearance of the blank walls.

Section 2. For purposes of codification of any existing section of the Village of Estero Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable, and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Village Council would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 4. The Codifier shall codify the substantive amendments to the Village of Estero Code contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 5. Pursuant to Florida Statutes §166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING by the Village Council of the Village of Estero, Florida on the 15th day of February, 2023.

ADOPTED ON SECOND AND FINAL READING by the Village Council of the Village of Estero, Florida on the ___ day of _____, 2023.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Carol Sacco, Village Clerk

By: _____
Katy Errington, Mayor

Reviewed for legal sufficiency:

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

Vote:	AYE	NAY
Mayor Errington	_____	_____
Vice Mayor McLain	_____	_____
Councilmember Ribble	_____	_____
Councilmember Fiesel	_____	_____
Councilmember Boesch	_____	_____
Councilmember Ward	_____	_____
Councilmember Wilson	_____	_____