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**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2023 - 04**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF
THE VILLAGE OF ESTERO, FLORIDA, REZONING
21± ACRES OF PROPERTY OWNED BY THE
VILLAGE OF ESTERO FROM COMMERCIAL
PLANNED DEVELOPMENT AND AGRICULTURE
TO ESTERO PLANNED DEVELOPMENT (EPD)
ZONING TO ALLOW FOR VARIOUS SPORTS-
RELATED AND RECREATION USES; PROVIDING
FOR SEVERABILITY; PROVIDING FOR
CONFLICTS; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, the Village of Estero filed an application for a rezoning for property at 9000 Williams Road (the “Property”); and

WHEREAS, the property STRAP numbers are 34-46-25-E4-0100C.0150 and 34-46-25-E4-0100C.0160 and is legally described as:

See Exhibit B.

WHEREAS, the property is zoned Agriculture and Commercial Planned Development (CPD). The Agriculture portion is vacant land and the Commercial portion contains an existing driving range; and

WHEREAS, the Village desires to expand the recreational potential of the site to provide sports-related indoor and outdoor recreation for the public and consistent with the Village Center land use designation; and

WHEREAS, at a duly noticed public hearing held on April 11, 2023, the Planning, Zoning, and Design Board recommended approval with conditions of the rezoning; and

WHEREAS, a duly noticed first reading was held before the Village Council on June 7, 2023; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on June 21, 2023 for adoption of the Ordinance; and

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

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Section 1. Rezoning.

The Village Council approves with conditions the rezoning to Estero Planned Development, subject to the following conditions.

Section 2. Conditions

1. Master Concept Plan
Development of this project must be consistent with the Master Concept Plan (MCP) titled “9000 Williams Road EPD” date stamped _____. Zoning Resolution Z-98-051 is superseded by adoption of this Ordinance and is null and void.

2. Development Intensity and Height
Development is limited to a maximum of 190,000 square feet of building area. Maximum height is 45 feet.

3. Schedule of Uses
Recreational Facility, indoor and outdoor (such as pickleball, golf driving range, etc.)
Park
Retail (ancillary to sports and recreational operations)
Restaurant, all groups (including Food Trucks)
Office (ancillary)
Consumption on Premises, outdoor seating (see Condition 6)
Bar, outdoor seating (see Condition 6)
Parking Lot or Garage
Utility, minor
Signs in accordance with Land Development Code
Entrance Gate or Gatehouse
Excavation, Water Retention
Temporary Uses
Similar uses as determined by the Director

Maximum Height: 45 feet for all uses

4. Property Development Regulations
The property development regulations are as follows:

Setbacks -
Street: 25 feet (Williams Road and Via Coconut)
Side: 10 feet
Rear: 15 feet
Water Body: 10 feet

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Maximum Lot Coverage: 40 percent
Maximum Building Height: 45 feet above grade

5. Access
Access points shown on the Master Concept Plan are approximate and may be shifted or relocated at time of development order.
6. Outdoor Consumption on Premises or Live Music
Any outdoor consumption on premises or live music or bar outdoor seating within 500 feet of existing homes will require a public hearing at Planning Zoning and Design Board. This does not prohibit owner from obtaining a temporary use permit or special event permit.
7. Buffers
As part of the local development order approval, landscape buffers must be consistent with the Master Concept Plan and Land Development Code except as approved by deviation. All required buffer plantings must be 100% native vegetation.
8. Lighting
Lighting must be in compliance with the Land Development Code.
9. Deviations
Deviation 1 to allow a submittal of the Pattern Book at time of development order in lieu of rezoning, is approved.

Deviation 2 is approved to omit the Type C/F buffer requirement where the proposed EPD abuts the Estero Community Park.

Deviation 3 is approved to reduce the intersection separation along Williams Road to 200 feet in lieu of 330 feet.

Deviation 4 is approved to reduce the intersection separation along Via Coconut Point to 200 feet in lieu of 330 feet.

Section 3. Findings and Conclusions

The proposal, as conditioned, is consistent with the general criteria of the Estero Planned Development zoning district as follows:

- a. Goals: This property is complementary to the surrounding uses and will help create a socially vital center for the community with a mix of recreation, sports-related uses and civic space.

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- b. Reasonable Standards: This request will create high quality public and civic spaces.
- c. Accessibility: The public spaces will be accessible, interconnected, and walkable.
- d. Streets: There will be connections to the existing street network and interconnection to adjacent property to provide walkability and traffic dispersion.
- e. Street Design: Pedestrian connections and linkages will be provided to improve connectivity and walkability.
- f. Lots and Blocks: The linear site does not allow for a standard grid lot and block layout but does provide interconnections.
- g. The Visual Edge: The architectural features will be designed to integrate with the public space and streetscape to create a unique destination for the Village.
- h. Architecture: The building design and colors will be consistent with the Village architectural standards.
- i. Quality of Buildings: The buildings will be high quality and sustainable.

Section 4. Exhibits

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

- Exhibit A Master Concept Plan
- Exhibit B Legal Descriptions

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 7th day of June, 2023.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 21st day of June, 2023.

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Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Carol Sacco, Village Clerk

By: _____
Jon McLain, Mayor

Reviewed for legal sufficiency:

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

Vote:	AYE	NAY
Mayor McLain	_____	_____
Vice Mayor Ribble	_____	_____
Councilmember Fiesel	_____	_____
Councilmember Fayhee	_____	_____
Councilmember Lopez	_____	_____
Councilmember Ward	_____	_____
Councilmember Zalucki	_____	_____