

ORDINANCE NO. 2023 - 03

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING § 4-302 OF THE VILLAGE LAND DEVELOPMENT CODE TO REVISE THE STANDARDS FOR DETACHED RESIDENTIAL GARAGES; 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, § 4-302 of the Code provides standards applicable to specific accessory uses and structures; and

WHEREAS, § 4-302(H) provides for standards for garages; and

WHEREAS, the changing nature of development patterns in the Village, along with the Village's ongoing efforts to reinforce size and scale regulations which comport with the Village's overall aesthetic, have caused the Village's planning staff to recommend revisions to the garage standards; 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 recommendations; and

WHEREAS, the Village Council has considered the recommendations of staff and the Planning, Zoning and Design Board and finds that the provisions in this Ordinance are in the best interests of the Village's residents.

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

Section 1. Section 4-302 of Chapter 4 (Use Specific Standards) of the Village Land Development Code is hereby amended as follows:

H. Garages.

1. The area of a garage as an accessory use to a dwelling may not exceed the area of the first floor of the dwelling, except that in properties in the RSF zoning district, an accessory use garage may not exceed two doors and two bays, may not exceed 500 square feet, and may be no higher than 15 feet at its highest exterior point.

2. A garage as an accessory use to a dwelling that is constructed with an exterior surface of corrugated or galvanized steel or similar materials (excluding aluminum lap or clapboard-style siding), larger than 240 square feet in total floor area or 12 feet in height above finished floor shall require a special exception for approval.

3. A garage in the RSF zoning district shall not have any paved, shelled, or other improved parking area (whether or not the area is actually used for parking) which abuts or is within ten feet of either side of the garage.

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 1st day of November, 2023.

ADOPTED ON SECOND AND FINAL READING by the Village Council of the Village of Estero, Florida on the 15th day of November, 2023.

VILLAGE OF ESTERO, FLORIDA

By: _____
Jon McLain, Mayor

Attest:

By: _____
Carol Sacco, Village Clerk