

**ORDINANCE NO. 2023 - 08**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING § 5-204 OF THE VILLAGE LAND DEVELOPMENT CODE TO REVISE THE STANDARDS FOR HOTEL PARKING; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

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

**WHEREAS**, § 5-204 of the Code provides standards applicable to off-street parking; and

**WHEREAS**, § 5-204.B.1. provides standards for the minimum number of off-street parking spaces; and

**WHEREAS**, staff review discovered that the parking calculation for hotel/motel had been incorrectly transposed from the Transitional Land Development Code and was not correct; 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**, notwithstanding that the revision to the Land Development Code set forth in this Ordinance is to correct an unintended error in drafting the initial ratio, since § 14 of Chapter Law 2023-304 prohibits a local government from adopting a more restrictive or burdensome amendment to its land development regulations before October 1<sup>st</sup> 2026, the effective date of the change created by this Ordinance will become effective as of that date; 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 5-204.B.1. (Off-Street Parking Standards) of the Village Land Development Code is hereby amended as follows:

<b><u>Use Type</u></b>	<b><u>Minimum Number of Vehicular Parking Spaces</u></b>
Hotels/Motels	<del>1 per 1.2 guest rooms</del> <u>1.2 per guest room</u>

**Section 2.** Pursuant to § 14 of Chapter Law 2023-304, the revision to the Village Code set forth in Section 1 of this Ordinance shall become effective on October 1<sup>st</sup> 2026.

**Section 3.** 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 4.** 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 5.** 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 6.** 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 15<sup>th</sup> day of November, 2023.

**ADOPTED ON SECOND AND FINAL READING** by the Village Council of the Village of Estero, Florida on the 6<sup>th</sup> day of December, 2023.

**VILLAGE OF ESTERO, FLORIDA**

By: \_\_\_\_\_  
Jon McLain, Mayor

Attest:

By: \_\_\_\_\_  
Carol Sacco, Village Clerk