

ORDINANCE NO. 2024 - 10

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING § 1-402 AND § 2-303 OF THE VILLAGE LAND DEVELOPMENT CODE REGARDING DEVELOPMENT OF VILLAGE OWNED OR CONTROLLED PARCELS; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Village of Estero (the Village) from time to time acquires ownership or long-term control over lands within the Village’s boundaries; and

WHEREAS, the Village may, from time to time, determine that the development of such lands for recreational, public works, public safety, economic development, environmental protection, stormwater management, or similar public purposes is in the Village’s best interests; and

WHEREAS, once the Village Council approves the development of Village owned or controlled land, either directly by the Village or under a public-private partnership arrangement, the Village Council finds that expediting such development projects is in the Village’s best interests; and

WHEREAS, the amendments to the Village’s Land Development Code (LDC) set forth herein achieve an appropriate balance between ensuring the goals and objectives of the Village’s Comprehensive Plan and LDC are achieved while eliminating the cost and logistical constraints associated with standard development approval procedures; and

WHEREAS, the provisions in this Ordinance are in the best interests of the Village and its residents and business community.

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

Section 1. Section 1-402 of the Village Land Development Code is hereby amended as follows:

1-402. - Application to Governmental Units.

- A. Except as to the alternative approval provisions provided for in § 2-303(C), the provisions of this LDC apply to development by the Village or its departments, and to land owned by the Village.

- B. To the extent allowed by law, the provisions of this LDC also apply to development by any county, the State of Florida or its agencies, and the federal government or its agencies or departments.

Section 2. Section 2-303 of the Village Land Development Code is hereby amended as follows:

2-303. - Community Development Director (Director).

- A. **General.** The Village Council has established the Community Development Department as the Village department responsible for the planning functions of the Village, and for administering this LDC. The Community Development Director (Director) serves as the head of the Community Development Department and serves at the direction of the Village Manager.
- B. **Powers and Duties Under LDC.** The Community Development Department, through the Director, has the following general powers and duties under this LDC:
 - 1. To make decisions on the following:
 - A. Limited development orders and amendments (Sec. 2-502.B, Limited Development Order);
 - B. Minor changes to development orders (Sec. 2-502.A, Development Order);
 - C. Certificates of concurrency (Sec. 2-503, Certificate of Concurrency);
 - D. Sign permits (except for monument signs) (Sec. 2-505.B, Monument Sign Permit);
 - E. Temporary use permits (Sec. 2-505.C, Temporary Use Permit);
 - F. Tree removal/vegetation permits (Sec. 2-505.D, Tree Removal/Vegetation Permit);
 - G. Administrative deviations (Sec. 2-506.C.2, Administrative Deviation);
 - H. Administrative interpretations (Sec. 2-507, Administrative Interpretation); and
 - I. Other administrative permits (Sec. 2-508, Other Administrative Permits).
 - 2. To compile and maintain an Administrative Manual;

3. To conduct pre-application conferences in accordance with Sec. 2-402, Pre-application Conference;
4. To conduct public information meetings (Sec. 2-401, Public Information Meeting);
5. To prepare a staff report to the Village Council or PZDB, as applicable, for the following applications for development permit:
 - A. Comprehensive plan amendments (Sec. 2-501.A, Comprehensive Plan Amendments);
 - B. LDC Text amendments (Sec. 2-501.B, LDC Text Amendments);
 - C. Rezoning (zoning map amendments) (Sec. 2-501.C, Rezoning (Zoning Map Amendment));
 - D. Planned developments and amendments (Sec. 2-501.D, Planned Development);
 - E. Special exceptions (as part of a map amendment) (Sec. 2-501.E, Special Exception);
 - F. Plats (Sec. 2-502.C, Plat Review);
 - G. Vacation of easements, rights-of-way, or plats (Sec. 2-502.D, Vacation of Easement, Right-of-Way, or Plat);
 - H. Vested rights (Sec. 2-506.E, Vested Rights);
 - I. Final plan approvals (Sec. 2-501.F, Final Plan Approval);
 - J. Bar special permits (Sec. 2-501.G, Bar Special Permit);
 - K. Development orders (Sec. 2-502.A, Development Order);
 - L. Certificates of appropriateness (Sec. 2-504, Historic Preservation Certificate of Appropriateness);
 - M. Floodplain variances (Sec. 2-506.B, Flood Variance);
 - N. Zoning variances (Sec. 2-506.A, Zoning Variance);
 - O. Deviations (Sec. 2-506.C.1, Deviation);
6. To serve as professional staff liaison to the Village Council, the Planning Zoning and Design Board, and to provide technical assistance, as needed;

7. To enforce this LDC in accordance with adopted code enforcement procedures (Ordinance 2015-14); and
 8. To provide such assistance in the conduct of the Village land development regulations and planning programs as directed by the Village Manager.
- C. **Village Development Projects.** Unless a different approval method is required by state law, notwithstanding § 2-301 and § 2-302 of this code, the community development director is authorized to grant special exceptions, zoning variances, flood variances, planned development minor amendments, certificates of appropriateness, development orders, monument sign permits, permits to alter the exterior of commercial and multifamily buildings, and final plan approvals for any village development project. For purposes of this subsection, the term village development project shall mean any application to develop or redevelop any parcel of land within the village which is parcel is either owned or controlled by the village under a lease the term of which is at least twenty years, and where the development project has first been approved by the village council and is to be performed by the village directly, or through a public-private partnership where the parcel is, at the time of application, owned or controlled by the village.

Section 3. For purposes of codification of any existing section of the Estero Village 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 Estero Village Code contained in Sections 1 and 2 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)(a), prior to the date the public notice of the public hearing for this Ordinance was published, the Village prepared and posted on its website a business impact estimate which included: a) a summary of the Ordinance, a statement of the public purpose to be served by the Ordinance, b) an estimate of the direct economic impact of the Ordinance on private, for-profit businesses in the Village, c) an estimate of direct compliance costs that businesses may reasonably incur due to the Ordinance, d) identification of any new charge or fee on businesses created by the Ordinance or for which businesses will be financially responsible, e) an estimate of the Village’s regulatory costs and of revenues from any new charges or fees imposed on businesses to cover such costs, and f) a good faith estimate of the number of businesses likely to be impacted by the Ordinance.

Section 7. 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 ___ day of _____, 2024.

ADOPTED ON SECOND AND FINAL READING by the Village Council of the Village of Estero, Florida on the ___ day of _____, 2024.

VILLAGE OF ESTERO, FLORIDA

Attest:

By: _____
Jon McLain, Mayor

By: _____
Carol Sacco, Village Clerk