

ORDINANCE NO. 2025 - 03

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, REPEALING ARTICLE III OF CHAPTER 10 OF THE VILLAGE CODE REGARDING DISASTER RECOVERY; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, upon becoming incorporated as a municipality, the Village of Estero (the Village) largely adopted significant portions of the Lee County Code to ensure continuity and that it had some regulatory scheme for its operations; and

WHEREAS, one portion of the prior County code remaining in the Village Code is at Article III (Post-Disaster Recovery) of Chapter 10 (Emergency Management and Emergency Services); and

WHEREAS, these Code provisions address those topics at the large County level, referencing things such as water treatment plants that the Village does not operate; and

WHEREAS, these Code provisions also adopt a “substantial damage” formula and procedures (related to FEMA post-disaster reconstruction rules) different than the Village’s current rules; and

WHEREAS, in the years since incorporation, the Village has adopted its own codes and procedures related to emergency management, including adopting Ordinance 2018-08 (Local States of Emergency), and Resolution 2024-15 (adopting an Emergency Response Plan); and

WHEREAS, the Village has also adopted and regularly updates its floodplain rules, including its Substantial Damage regulations, in Village Code § 7-3, and has most recently worked with FEMA to develop Village-specific post-disaster plans related to ensuring compliance with the floodplain regulations; and

WHEREAS, the Village Attorney has conferred with the Village Manager and relevant Village Department heads and staff and has determined that the provisions of the County code are no longer consistent with actual Village operations, or other more recent enactments, and so has recommended the County codes be repealed; and

WHEREAS, the Village Council finds that the provisions in this Ordinance are in the best interests of the Village and its residents and business community by ensuring its Code is consistent with current FEMA-approved Village policies and procedures, and actual Village disaster response practices.

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

Section 1. Article III (Post-Disaster Recovery) of Chapter 10 (Emergency Management and Emergency Services) of the Village Code is hereby repealed in its entirety:

ARTICLE III. POST-DISASTER RECOVERY

~~Sec. 10-48. Purpose and intent.~~

- ~~(a) The provisions of this article may be cited as the "Post-Disaster Recovery Ordinance."~~
- ~~(b) It is the intent of the Village to establish, prior to a storm event or emergency constituting a major or catastrophic disaster, organizations that will oversee the recovery and reconstruction process and also serve to advise the Village Council on recovery and reconstruction issues. These organizations will also identify opportunities to mitigate future damages through the management of recovery and reconstruction. It is further the intent of the Village to allow rebuilding and reconstruction in an orderly manner by controlling the issuance of building permits, development orders and site plans in order to manage the location, timing, and sequence of reconstruction and repair. Although usual preservation procedures cannot be followed in the aftermath of a disaster, generally accepted standards for historic preservation will be followed in the post-disaster response. To further this intent, the Village will make every effort to develop its capacity to identify and coordinate various post-disaster recovery and reconstruction resources while at the same time ensuring maximum local control over the recovery and reconstruction process.~~
- ~~(c) Following a major or catastrophic disaster, sufficient time must be provided to conduct damage assessment, classify and categorize individual structure damage, evaluate the effectiveness and enforcement of the existing building code.~~
- ~~(d) In the event of a major or catastrophic disaster occurring in the Village, a public health and safety threat may result from the generation of widespread debris. Such debris constitutes a hazardous environment for all modes of movement and transportation of residents as well as emergency aid and relief services, endangerment to all properties of the Village, an environment conducive to breeding disease and vermin, and greatly increased risk of fire. Under these circumstances, it is in the public's interest to collect and remove disaster debris from properties whether public lands, public or private roads, and gated communities to eliminate an immediate threat to life, public health and safety, to reduce the threat of additional damage to improved property, and to promote economic recovery of the community at large.~~

~~Sec. 10-49. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Building value* means the latest total assessment of all improvements on a parcel of land recorded on the County Property Appraiser's file before the structure was damaged.~~

~~*Catastrophic disaster* means a disaster that will require massive state and federal assistance including immediate military involvement.~~

~~*Chief Building Official* means the Community Development Director who is hereby designated to implement, administer and enforce the building permit moratoria provisions of this article.~~

~~*Current regulatory standards for new construction* means the following:~~

~~(1) — Federal requirements for elevation above the 100-year flood level.~~

~~(2) — Building code requirements for floodproofing.~~

~~(3) — Repair work meets current building and life safety codes.~~

~~*Damage assessment* means a systematic procedure for evaluating damage to public and private property, based on current replacement cost. The assessment may be used to determine if the damaged area can qualify for federal or state disaster assistance.~~

~~*Destroyed structure* means a structure that is a total loss or damaged to such an extent that repairs are not technically or economically feasible. The indicator for this category is if the cost to repair exceeds 50 percent of the replacement value at the time of damage or destruction.~~

~~*Disaster Advisory Council* means a group of officials designated by this article for the effectuation of its purposes.~~

~~*Emergency Review Board* means a committee of three members from the post-disaster recovery task force established for the purposes of this article.~~

~~*Historic resource* means any prehistoric or historic district, site, building, structure, object or other real or personal property of historical, architectural or archaeological value. Historic resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government or culture of the Village, the State or the United States.~~

~~*Local damage assessment team* means a group of individuals designated by the local jurisdiction to perform damage assessment according to State and Federal requirements.~~

~~*Major damage structure* means a structure that can be made habitable with extensive repairs. Damage may include foundation, roof structure, and major structure components. The indicator for this category is if the cost to repair is greater than 25.01 percent and up to and including 50 percent of the replacement value at the time of damage.~~

~~*Major disaster* means a disaster that will likely exceed local capabilities and require a broad range of State and Federal assistance.~~

~~*Minor damage structure* means a structure that can be made habitable in a short period of time with minimal repairs. Damages may include doors, windows, floors, roofs, central air conditioners, and other minor structure damage. The indicator for this category is if the cost to repair is 25 percent or less than the replacement value at the time of damage.~~

~~*Minor disaster* means a disaster that is likely to be within the response capabilities of local government and to result in only a minimal need for State or Federal assistance.~~

~~*Post-disaster recovery task force* means a group of officials designated by and for the purposes of this article.~~

~~Replacement cost means the actual cost to repair, reconstruct, rebuild or replace a damaged structure. The term "replacement cost" will not include the following parts of a structure or items not considered a permanent part of the structure: building plans, surveys, permits, sidewalks, pools, screens, sheds, gazebos, fences, furniture and carpeting. For purposes of this article, the replacement cost will be compared to the structure's replacement value to determine the percent of the structure damaged.~~

~~Replacement value of a structure means the market building value contained in the County Property Appraiser's file multiplied by one of the following factors:~~

- ~~(1) 120 percent in a major disaster; or~~
- ~~(2) 150 percent in a catastrophic disaster.~~

~~The structure's owner may opt to establish replacement value by hiring a state-certified property appraiser rather than use the formula stated in this definition.~~

~~Structure means that building or accessory building which is built or constructed.~~

~~Sec. 10-50. Post-disaster redevelopment priorities.~~

~~The following priority sequence will govern community rebuilding and redevelopment efforts:~~

- ~~(1) Reestablishing services that meet the physical and safety needs of the community, to include water, food, ice; medical care; emergency access; continuity of governmental operations; emergency communications; security of residents and possessions from harm; health; and temporary housing.~~
- ~~(2) Reestablishing infrastructure necessary for community reconstruction (i.e., electrical distribution systems, potable water and sanitary sewer service, restoring medical and health care, rebuilding damaged transportation facilities, and housing facilities).~~
- ~~(3) Restoring the community's economic base, as defined by the Lee Plan or accepted econometric principles and practices.~~
- ~~(4) Improving the community's ability to withstand the effects of future major or catastrophic disasters.~~

~~Sec. 10-51. Essential service and facility restoration priorities.~~

~~(a) Generally. The following priorities will govern power and communication service restoration once damaged electrical transmission systems, substations and distribution systems are restored:~~

- ~~(1) Priority no. 1. Emergency response and recovery facilities having no emergency power or telephone service (community emergency operations or command centers, response/recovery centers); medical facilities having no emergency power; repairing emergency communication centers and facilities; and designated facilities providing emergency food, water and ice.~~

- ~~(2) *Priority no. 2.* Water treatment and pumping facilities, special care centers, nursing home facilities having no emergency power, law enforcement and fire stations having no emergency power, the Southwest Florida International Airport, Page Field, staging areas and distribution centers requiring emergency power, and County/State detention centers (the jail, stockade).~~
- ~~(3) *Priority no. 3.* Wastewater treatment plants and lift stations, general telephone service, solid waste facilities, medical facilities having emergency power, nursing homes having emergency power, law enforcement and fire stations having emergency power, public shelters still housing evacuees and the homeless, adult congregate living facilities, facilities serving as disaster application centers for federal disaster relief, and public and private facilities necessary for resource management and distribution activities (government facilities handling emergency purchasing, designated grocery store/restaurant outlets).~~
- ~~(4) *Priority no. 4.* Community areas receiving minor damage, and other government facilities.~~
- ~~(5) *Priority no. 5.* Community areas receiving major damage.~~
- ~~(6) *Priority no. 6.* Community areas receiving catastrophic damage.~~
- ~~(b) *Water service restoration procedures.* The following procedures will govern restoration of water service:~~
 - ~~(1) Valve off major leak areas.~~
 - ~~(2) Work with private franchises providing service to determine extent of damaged facilities and reestablish service.~~
 - ~~(3) Identify highly damaged areas.~~
 - ~~(4) Assess and provide service to meet critical customer needs (i.e., emergency response and recovery facilities, Southwest Florida International Airport, hospitals, nursing homes, emergency public shelters, kidney dialysis patient facilities, and other identified emergency response facilities).~~
 - ~~(5) Establish emergency water sites as necessary.~~
 - ~~(6) Establish priorities and repair damaged facilities in the following order: treatment plants, trunk mains, distribution mains, service connections.~~
 - ~~(7) Repressurize area water systems as necessary.~~
 - ~~(8) Establish area water potability.~~
- ~~(c) *Wastewater service restoration procedures.* The following procedures will govern wastewater service restoration:~~
 - ~~(1) Assess damages to system (wastewater treatment plants, lift stations, electrical support systems, to include evaluating the need to take lift stations off line in flooded evacuated areas to avoid damage to property when power is restored).~~
 - ~~(2) Work with private franchises providing service to determine extent of damaged facilities and reestablish service.~~

- ~~(3) Coordinate recovery operations in determining and repairing any damages to wastewater treatment plants within the Village.~~
- ~~(4) Determine need and provide emergency service to emergency response and recovery facilities, Southwest Florida International Airport and Page Field, and hospitals.~~
- ~~(5) Repair damaged facilities in the following sequence: treatment plants first, then lift stations starting with those closest to the treatment plants.~~
- ~~(6) Reestablish wastewater service to franchise areas as power and water service are restored.~~

~~Sec. 10-52. Post-disaster debris clearance and disposal strategies.~~

- ~~(a) The following policies will govern emergency debris clearance, removal and disposal strategies:~~
 - ~~(1) Emergency access to aid search and rescue operations;~~
 - ~~(2) Major arterial roadways linking the Village to intercounty traffic;~~
 - ~~(3) Major arterial roadways providing access to designated response/recovery centers (the Civic Center, the County Sports Complex), the Southwest Florida International Airport, public/private utility companies providing water service, and entry roads to the Village's designated solid waste disposal facilities;~~
 - ~~(4) Major arterial roadways providing access to roadways carrying intercounty traffic;~~
 - ~~(5) Roadways providing access to designated staging areas and distribution centers supporting disaster relief efforts;~~
 - ~~(6) Roadways providing access to major commercial activity centers;~~
 - ~~(7) Minor arterial roadways coming under Village maintenance responsibility;~~
 - ~~(8) Collector roadways under Village maintenance responsibility;~~
 - ~~(9) Other roadways under Village maintenance responsibility; and~~
 - ~~(10) Private roadways, including gated communities.~~
- ~~(b) Once road clearing operations supporting search and rescue operations, clearing intercounty roadways, and providing access to designated response/recovery centers are completed, debris clearance will be guided by the following priority sequence:~~
 - ~~(1) Area medical facilities with emergency rooms, areas designed for field medical sites, areas designated for staging and distributing disaster relief aid;~~
 - ~~(2) Facilities designed as centers for emergency response operations, fire district and law enforcement stations;~~
 - ~~(3) Areas with minor damage;~~
 - ~~(4) Areas with major damage;~~
 - ~~(5) Areas with catastrophic damage; and~~
 - ~~(6) Private roadways, including gated communities.~~

- ~~(c) Debris will be separated to avoid mixing hazardous materials and hazardous waste with other types of debris.~~
- ~~(d) Agencies or organizations contracted to clear, remove and dispose of debris will follow the following principles:~~
 - ~~(1) Debris collection and removal procedures from residential and commercial properties will adhere to the collection sequence priority established by the Village. Instructions will be provided to the public to separate debris. Notification will also be provided of the established schedule for picking up general debris classes.~~
 - ~~(2) Storage areas will be operational within seven to ten days after the disaster to separate debris that does not fall under the residential and commercial property programs.~~
- ~~(3) Open pit burning, burning by incineration, mulching or chipping horticultural debris, hauling mulched or chipped debris out of the Village, disposal of approved solid waste sites and debris reuse and recycling will be acceptable methods of debris disposal, provided these methods meet all applicable rules and regulations established for such operations.~~

~~Sec. 10-53. Determination of damage, build back policy, moratoria, emergency repairs and emergency permitting system.~~

- ~~(a) *Determination of damage.* The primary task of the local damage assessment team is to identify structures damaged as a result of the disaster. The Village damage assessment team will catalogue and report to the Chief Building Official those structures which have: been destroyed; received major damage; and received minor damage. The Chief Building Official will then inspect the damaged structures and place each structure in one of the damaged categories. The assessment will also serve as a basis for determining if a disaster declaration is warranted.~~
- ~~(b) *Village build back policy.* Structures which have been damaged by fire or other natural forces to the extent that the cost of their reconstruction or repair exceeds 50 percent may be reconstructed at (but not to exceed) the legally documented actual use, density, and intensity existing at the time of destruction, thereby allowing those structures to be rebuilt or replaced to the size, style, and type of their original construction, including original square footage; provided, however, that the affected structure, as rebuilt or replaced, complies with all federal and state regulations, local building and life safety regulations, and other local regulations, which do not preclude reconstruction otherwise intended by this policy. In accordance with this policy, this article provides:~~
 - ~~(1) Structures damaged up to and including 50 percent may be rebuilt to their original conditions, with repair work subject to current building and life safety codes, except that structures damaged by floodwaters in a disaster by more than 25 percent which have recorded one or more National Flood Insurance losses of \$1,000.00 or more since 1978, must be brought into compliance with current regulatory standards for new construction.~~
 - ~~(2) Structures damaged more than 50 percent may be rebuilt to their original square footage and density, provided they comply with:~~
 - ~~a. Federal requirements for evaluation above the 100-year flood level;~~

- b. — Building code requirements for floodproofing;
 - c. — Repair work meets current building and life safety codes;
 - d. — Coastal construction control lines regulations (if applicable);
 - e. — Disability access regulations; and
 - f. — Any required zoning and other development regulations (other than density or intensity), unless compliance with those regulations would preclude reconstruction otherwise intended by the build-back policy as may be determined by the Emergency Review Board set forth below.
- (3) — To minimize the need for individual variances or compliance determinations before reconstruction or redevelopment of structures damaged more than 50 percent, and in order to expedite the processing of the large number of anticipated applications for reconstruction, the development regulations affecting setback, parking, buffering and open space in any area declared a disaster may be modified by majority action of the Emergency Review Board as set forth below. Additionally, the listed development regulations will be evaluated for their applicability to allow reconstruction or redevelopment that will most closely comply with current regulations. These regulations will be prioritized as to their relative importance based upon, among other factors, the sites' use, location, size, and the condition of any remaining pre-existing structures. More specific guidelines will be established by administrative code.
- a. — For single family, two family and duplexes and their accessory structures, the Emergency Review Board is authorized to apply and modify development regulations for lot area and dimension, setbacks, lot coverage, height, handicapped access and open space.
 - b. — For multiple family, commercial and industrial buildings, the Emergency Review Board is authorized to modify development regulations for lot area and dimensions, setbacks, lot coverage, height, handicapped access, buffering, open space, loading space and parking.
 - c. — Any modifications granted will be the minimum necessary. No modifications will be granted that will totally eliminate buffering or open space, or that will allow buildings to exceed the special height limitations specified in the Land Development Code.
 - d. The Emergency Review Board is specifically authorized to modify street, rear side or waterbody setback requirements under the following circumstances:
 - 1. — Street, rear, side, or waterbody setbacks may be modified to permit the reconstruction of, or additions to, pre-existing structures that are nonconforming with regard to a specific setback as long as prior to approving any modification of street or street easement setbacks, a determination will be made through consultation with the Community Development Department regarding future road widening requirements.
 - 2. — The reconstruction will not result in a further diminution of the setback; however, the Emergency Review Board may approve bay windows;

~~chimneys and similar architectural features that encroach further into a setback, provided the encroachment does not protrude beyond the pre-existing overhang of the building; and~~

~~3. Setbacks may be modified to allow the replacement of stairs or decking that will provide access into a reconstructed dwelling unit.~~

~~e. The Emergency Review Board is specifically authorized to modify the parking requirements under the following circumstances:~~

~~1. To improve ingress and egress to the site.~~

~~2. To eliminate or reduce the instances where parked vehicles were required to back out onto thoroughfares to gain access to the roadway system.~~

~~3. To provide on-site handicapped parking.~~

~~f. The Emergency Review Board is specifically authorized to modify buffering requirements to accommodate modifications to parking or additional proposed parking.~~

~~g. The Emergency Review Board may also consider other modifications, conditions or variances necessary to reconstruct a pre-existing structure in a timely and expeditious manner, including requests for reconstruction not specifically set forth above.~~

~~h. The Emergency Review Board may require documentation as to the actual uses, densities and intensities in existence at the time of earlier construction through such means as photographs, diagrams, plans, affidavits, permits, etc., before authorizing modifications to the requirements referenced above.~~

~~(4) No provision is made to redevelop property containing damaged structures for a more intense use or at a density higher than which existed prior to a major or catastrophic disaster. No redevelopment at a higher density or more intense use will be permitted unless appropriate zoning, development review, building permit and other applicable land development approvals are granted.~~

~~(c) Moratoria. The following moratoria will apply for the purpose of prioritizing repair and reconstruction immediately needed for public health, safety and welfare purposes:~~

~~(1) Initial building moratorium.~~

~~a. Effective date. An initial building moratorium will become effective when one or more of the following actions or findings occur:~~

~~1. The Governor of the State or the President of the United States declares the Village a disaster area.~~

~~2. The Chief Building Official determines that 100 or more structures have received major damage or have been destroyed.~~

~~3. Upon a finding by the Village Council of the existence of a state of local emergency in accordance with F.S. ch. 252.~~

4. ~~The Village is unable to maintain acceptable levels of public service expected during non-emergency situations.~~
- b. ~~General duration.~~ The initial building moratorium will remain in effect for up to 72 hours. No building permits may be issued during this time period. After expiration of this initial building moratorium, the following moratoria will become immediately effective unless modified by the Board:
 1. ~~Destroyed structure moratorium.~~ No building permit may be issued within 30 days following the expiration of the initial building moratorium for the replacement of any structure which has been destroyed.
 2. ~~Major damaged structure moratorium.~~ No building permit for repairs of a major damaged structure may be issued for at least ten days following the expiration of the initial building moratorium.
 3. ~~Minor damaged structure moratorium.~~ No building permits for the repair of minor damaged structures may be issued for at least four days following the expiration of the initial building moratorium.
 4. ~~No development moratorium.~~ No building permit for new construction or reconstruction unrelated to rebuilding or repairing disaster-damaged structures may be issued for at least 30 days following the expiration of the initial building moratorium in order to allow an examination of existing building and life safety codes. The Disaster Advisory Committee or post-disaster recovery task force will determine and advise whether a new development moratorium is necessary, based upon the results of damage assessment and recommendations from the Chief Building Official and the recovery task force.
5. ~~Outstanding building permit inspection moratorium.~~
 - (i) ~~With the exception of inspections for certificates of occupancy, inspections for all building permits issued prior to the disaster will be suspended for a minimum period of 30 days following the expiration of the initial building moratorium, unless the Chief Building Official determines on an area-wide or case-by-case basis that sufficient inspection staff will be available to inspect the structures. Suspension of inspections of building permits process means that, except as allowed by the Chief Building Official, no building permit inspections by the Community Development Department will be performed during the moratorium period, and that no further building permit work is authorized beyond the point at which any inspection is otherwise required.~~
 - (ii) ~~The Village may re-inspect all building permit work in place prior to the disaster to verify that the work was not damaged during the disaster. If the Village determines the building permit work was damaged during the disaster or suspects damage occurred, the developer will be responsible for rework, removal, retesting, and~~

~~uncovering work to facilitate inspection to ensure compliance with the building permit documents and the building code.~~

- ~~(iii) Scheduled inspections and requests for building permit inspections suspended under this section will be adjusted to reflect the 30-day moratorium.~~

~~6. — *Outstanding development order moratorium.*~~

- ~~(i) All applications for development orders, inspections of development order work, and all development orders issued prior to a major or catastrophic disaster will be suspended for a minimum period of 30 days following the expiration of the initial building moratorium. Suspension of outstanding development order process means that no development order work is authorized beyond the point at which a development order inspection is required and that no development order inspections will be performed by the Community Development Department during this moratorium except as may be authorized by the Community Development Director on an area-wide or case-by-case basis.~~
- ~~(ii) The Village may re-inspect all development order work in place prior to the disaster to verify that the work was not damaged during the disaster. If the Village determines that such work was damaged during the disaster or suspects that damage occurred, the developer will be responsible for rework, removal, retesting, and uncovering work to facilitate inspection to ensure compliance with the development order documents and the Land Development Code.~~
- ~~(iii) All applications for development orders, inspections required for approval of development orders, and development orders that would otherwise expire, are suspended under this section and their corresponding dates will be adjusted to account for the effect of this moratorium period.~~

~~7. — *Moratorium on review of site plans, zoning requests and subdivision plats.*~~

- ~~(i) Site plans, zoning requests and subdivision plats submitted to the Village prior to the disaster will not be reviewed by the Village staff or considered by the Village Council for a period of 30 days following the expiration of the initial building moratorium.~~
- ~~(ii) No new site plans, zoning requests or subdivision plats will be accepted by the Village for a period of 30 days following the expiration on the initial building moratorium.~~
- ~~(iii) All submittal dates and review periods will be adjusted to reflect the 30-day moratorium.~~
- ~~(iv) Notwithstanding these restrictions, the director of community development may authorize review otherwise precluded by this moratorium, on a case-by-case basis.~~

- ~~(2) *Duration of other moratoria.* All moratoria other than the initial building moratorium will be in effect for the duration described above and may be repealed or extended upon resolution by the Village Council.~~

~~(d) *Emergency repairs.*~~

- ~~(1) No construction or reconstruction activity may be undertaken without a building permit while a building moratorium is in effect. Emergency repairs necessary to prevent injury, loss of life, imminent collapse or additional damage to the structure or its contents will be submitted to temporary moratoria. Examples of activities considered acceptable emergency repairs include the following:~~

- ~~a. Temporary roof repairs with plywood or plastic sheeting to make structures habitable or to prevent continuing damage due to rain and wind to building interiors and exteriors.~~
- ~~b. Covering exterior wall openings with plywood or plastic sheeting.~~
- ~~c. Repairs to interior ceilings to make buildings habitable or to drain accumulated water.~~
- ~~d. Repairs to steps.~~
- ~~e. Temporary shoring measures to avoid imminent building or structure collapse.~~

- ~~(2) Emergency repairs to buildings or infrastructure that house the following organizations or activities will not be subject to temporary moratoria because of their necessity to protect the public health and safety: electrical power, potable water, wastewater, power and communications facilities; emergency stabilization of roadways; police, fire and medical facilities; essential governmental facilities; response/recovery centers and distribution centers; debris removal; and stabilization or removal of structures about to collapse.~~

- ~~(3) Nothing in this article will be construed to exempt development from compliance with State and Federal permit regulations.~~

~~(e) *Emergency permitting system.* An emergency permitting system has been established by administrative code to ensure the quality of rebuilt or reconstructed buildings or structures, to implement the provisions of the Village's build back policy and to expedite the permit process for the placement of travel trailers. The provisions contained in the administrative code will take effect when a disaster designated as major or catastrophic has affected the Village, or when the Village Council requests the Governor to declare the Village a disaster area.~~

Sec. 10-54. Economic redevelopment policies.

- ~~(a) The following general policies will guide the use of resources employed toward rebuilding the community's economic base:~~

- ~~(1) Re-establish the tourist industry.~~
- ~~(2) Re-establish banking and financial institutions.~~
- ~~(3) Reopen the business community.~~

~~(4) Restore agriculture and industry.~~

- ~~(b) Damaged businesses and other economic enterprises necessary for the public health and safety and for restoring the community's economic base may use temporary structures (such as modular buildings, mobile homes or similar type structures) to carry out their activities until their damaged structure is rebuilt or replaced according to applicable development and redevelopment regulations.~~

Sec. 10-55. Authority.

~~Nothing in this article limits the authority of the Village Council to declare, repeal or extend a state of local emergency.~~

Sec. 10-56. Penalties.

- ~~(a) Any person, firm, company or corporation who fails to comply with this article or the emergency measures made effective pursuant to this article, is guilty of an offense.~~
- ~~(b) In addition, any construction licensee of the County or the State who violates any provision of this article, or the emergency measures which are effective as a result of this article, may be charged with a violation and the matter will be heard before the appropriate County Board, in a state administrative proceeding or a court of law.~~

Section 2. 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 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 Estero Village 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)(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 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 2nd day of April, 2025.

ADOPTED ON SECOND AND FINAL READING by the Village Council of the Village of Estero, Florida on the 16th day of April, 2025.

VILLAGE OF ESTERO, FLORIDA

Attest:

By: _____
Joanne Ribble, Mayor

By: _____
Carol Sacco, Village Clerk