

ORDINANCE NO. 2025 – 09

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING § 2-301, § 2-303, AND § 2-502 OF THE VILLAGE LAND DEVELOPMENT CODE REGARDING PLAT APPROVALS; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, a plat is a detailed survey of a parcel of land showing the boundaries, dimensions, and other features of the land, and including individual lots, streets, and easements granted to government entities; and

WHEREAS, the process of platting land in Florida is regulated by Chapter 177 of the Florida Statutes; and

WHEREAS, historically, plats have finally been approved by the local government's governing board prior to being recorded; and

WHEREAS, the Florida Legislature has passed SB 784, which the Governor has signed into law, thus creating Chapter Law 2025-164, which alters how plats are to be approved by local governments; and

WHEREAS, the new version of Florida Statutes § 177.071(1)(a) provides:

A plat or replat submitted under this part must be administratively approved and no further action or approval by the governing body of a county or municipality is required if the plat or replat complies with the requirements of s. 177.091. The governing body of the county or municipality shall designate, by ordinance or resolution, an administrative authority to receive, review, and process the plat or replat submittal, including designating an administrative official responsible for approving, approving with conditions, or denying the proposed plat or replat.

and

WHEREAS, this new statutory language necessitates revisions to several provisions in the Village's Land Development Code.

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

Section 1. Section 2-301(A) of the Village Land Development Code is hereby amended as follows:

2-301. Village Council.

A. Powers and Duties. In addition to other authority granted to the Village Council by the Florida Constitution and state law, the Village Council has the following powers and duties under this LDC:

1. To review and decide the following:
 - 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 thereto (Sec. 2-501.D, Planned Development);
 - E. Special exceptions (as part of a rezoning) (Sec. 2-501.E, Special Exception);
 - F. Zoning variances (as part of a rezoning) (Sec. 2-506.A, Zoning Variance);
 - G. Flood variances (Sec. 2-506.B; Flood Variance);
 - H. ~~Plats (reserved Sec. 2-502.C, Plat Review);~~
 - I. Vacation of easements, rights-of-way, or plats (Sec. 2-502.D, Vacation of Easement, Right-of-Way, or Plat);
 - J. Vested rights (Sec. 2-506.E, Vested Rights);
 - K. Final plan approvals (Sec. 2-501.F, Final Plan Approval);
 - L. Development agreements; and
 - M. Bar special permits (Sec. 2-501.G, Bar Special Permit).

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); ~~and~~
 - H. Administrative interpretations (Sec. 2-507, Administrative Interpretation);
 - I. Other administrative permits (Sec. 2-508, Other Administrative Permits); ~~and~~
 - J. Approval of plats (Florida Statutes § 177.071(1)(b)).
- 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 (reservedSec. 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.

Section 3. Section 2-502(C) of the Village Land Development Code (Site Development) is hereby amended as follows:

C. Plat Review.

1. *Generally.* This subsection supplements the procedural requirements of F.S. ch. 177 for review and decisions regarding plats and replats. It applies to all subdivisions~~s~~ of land, except the following:
 - A. A development platted or approved by Lee County prior to January 28, 1983, provided that all required improvements have been made or that a security for the performance of the improvements has been posted and is current.
 - B. The division of land for the conveyance of land to a federal, state, County or Village entity, or a public utility.
 - C. The division of land by judicial decree.
 - D. A division of land of two or fewer lots out of a parent parcel approved as a limited development order (Sec. 2-502.B.2, Limited Development Order Procedure).
2. *Plat Procedure.*
 - A. Within 7 business days after receipt of a plat or replat submittal, the Community Development Director shall provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal for compliance with Florida Statutes § 177.091. The written notice must also provide information regarding the plat or replat approval process, including requirements regarding the completeness of the process and applicable timeframes for reviewing, approving, and otherwise processing the plat or replat submittal.

~~Figure 2-502.C.2 identifies key steps in the plat and replat procedure, with noted modifications from the general procedures.~~

Figure 2-502.C.2: Plat Procedure Flowchart

- B. Plats shall be prepared in compliance with F.S. ch. 177 and shall contain all of the elements specified in the statute, this LDC (including Section 5-9, Plat Standards), and the Administrative Manual.
- C. Unless the applicant requests an extension of time, the director shall approve, approve with conditions, or deny the plat or replat submittal within the timeframe identified in the written notice provided to the applicant under subsection (2)(A) above. If the director does not approve the plat or replat, it must notify the applicant in writing of the reasons for declining to approve the submittal. The written notice must identify all areas of noncompliance and include specific citations to each requirement the plat or replat submittal fails to meet. The director, or an official, an employee, an agent, or a designee of the governing body, may not request or require the applicant to file a written extension of time.
- ~~DE~~. The Director may permit the combination or recombination of platted lots of record created through a plat recorded in the Official Records of Lee County, in accordance with Sec. 5-906, Lot Recombination, provided the density established through the original plat is not increased and the resulting lots comply with all other applicable requirements of this LDC.
- ~~ED~~. A development order for the subject property shall be approved prior to approval of a plat.
- 3. *Post Decision-Making Actions*. All plats and replats shall be recorded by the applicant in the Official Records of Lee County.
- 4. *Plat Standards*. The Village Council acts in its ministerial capacity when reviewing and deciding plats and replats. Approval shall be granted if the plat meets the platting requirements of this LDC (see, Section 5-9, Plat Standards, and any technical requirements provided in the Administrative Manual, statutory plat requirements, and other applicable LDC requirements).

Section 4. 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 5. 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 6. The Codifier shall codify the substantive amendments to the Estero Village Code contained in Sections 1 through 3 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 7. 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 8. 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 July, 2025.

ADOPTED ON SECOND AND FINAL READING by the Village Council of the Village of Estero, Florida on the 10th day of September, 2025.

VILLAGE OF ESTERO, FLORIDA

Attest:

By: _____

Joanne Ribble, Mayor

By: _____
Carol Sacco, Village Clerk