Attachment E

VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2026-XX

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING WITH CONDITIONS AN AMENDMENT TO THE MIXED USE PLANNED DEVELOPMENT ZONING WITH A DEVIATION FOR A 5.37-ACRE PROPERTY LOCATED IN COCONUT POINT; AND APPROVING DRI DEVELOPMENT ORDER AMENDMENTS FOR PROPERTY BOUNDED BY US 41 ON THE WEST, WILLIAMS ROAD ON THE NORTH, SEMINOLE GULF RAILROAD RIGHT-OF-WAY ON THE EAST AND THE SOUTHERN BOUNDARY FOR THE VILLAGE OF ESTERO LIMITS, ALL IN THE VILLAGE OF ESTERO, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Waypoint Residential, (the "Applicant"), as authorized by the property owner, Coconut Point Developers, LLC filed an application to amend the Mixed Use Planned Development zoning and DRI Development Order for property located within **Coconut Point**, consisting of approximately 5.37 acres (the "Property") for a 355-unit multiple family development to replace an existing movie theater on the property within Tract 2A of the 482.4-acre DRI, along with a decrease of 10,300 square feet of commercial retail floor area in Development Area 2; and

WHEREAS, the Coconut Point Development of Regional Impact (DRI) and the Coconut Point Mixed Planned Development (MPD) were approved by the Lee County Board of County Commissioners on October 21, 2002; and

WHEREAS, the zoning and DRI have been amended numerous times over the years by Lee County; and

WHEREAS, the Coconut Point DRI and Coconut Point MPD are now under the jurisdiction of the Village of Estero; and

WHEREAS, the Village of Estero adopted Ordinance 2025-02 which approved zoning amendments and the Tenth Development Order Amendment and Restatement for Coconut Point DRI on July 2, 2025; and

WHEREAS, numerous time extensions provided for by law have been submitted and accepted by Lee County and the Village of Estero; and

WHEREAS, the zoning case number is DCI2026-E002 and the DRI Case number is DRI2026-E001; and

WHEREAS, the Applicant proposes a 4-story, 355-unit multiple family building with a Master Concept Plan, Pattern Book, and one deviation; and

WHEREAS, a noticed Public Information Meeting was held on January 13, 2026 at the Planning Zoning and Design Board; and

WHEREAS, a duly noticed public hearing was held at the Planning Zoning and Design Board on _____; and

WHEREAS, a duly noticed first reading was held before the Village Council on _____; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on _____, at which time the Village Council gave consideration to the evidence presented by the Applicant and the Village staff, the recommendations of the Planning Zoning and Design Board, and the comments of the public.

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

Section 1. DRI and Zoning Amendments.

The Village Council _____ the amendment to the zoning subject to the following conditions and deviation. The Eleventh Development Order Amendment for Coconut Point DRI is also _____ and incorporated herein as Exhibit E.

Section 2. Conditions.

1. Previous Resolutions and Ordinances

   The terms and conditions contained in previous Resolutions and Ordinances that have not been deleted or amended remain in effect except as modified by the conditions in this approval.

2. Master Concept Plan and Site Plan

   Development of this project for the proposed multiple family building on 5.37 acres must be consistent with the Coconut Point Waypoint Residential Master Concept Plan dated "Revised 8/26" (Exhibit A), and the Coconut Point M.P.D. Master Concept Plan for the entire site stamped "Received September 4, 2026" (revision 27 highlighted in yellow) (Exhibit B).

3. Approved Uses for 5.37-Acre Parcel

Development is permitted at a maximum as follows:

Dwelling units, multiple family – 355
Accessory Uses
Signs in accordance with the Land Development Code
Utilities, Minor

4. Development Intensity

The approved development intensity for the DRI and MPD is as follows:

1,624 Multiple Family Dwelling Units
200 Assisted Living Units
1,426,310 sq. ft. Regional Retail
106,100 sq. ft. Community Retail
835,777 sq. ft. Office (of which 234,000 sq. ft. for medical office max)
8,000 sq. ft Bank with Drive-Thru
453 Hotel Rooms

The intensity of development in each Development Area and each individual tract is limited as provided for on the approved zoning Master Concept Plan for the entire Coconut Point. (Exhibit B)

5. DRI

Development must be consistent with the Eleventh Development Order Amendment for Coconut Point DRI attached hereto as Exhibit E and the Map H Master Concept Plan attached to said Development Order.

6. Maximum Building Height and Property Development Regulations (5.37-Acre Tract)

Height: 45 feet to the main parapet (4-story maximum) and 53 feet to the top of the architectural tower elements.

Minimum Building Setbacks:

Front (Via Coconut Point):	20 feet
Side (Internal to MPD):	0 feet
Rear (Internal to MPD):	0 feet
Accessory:	20 feet

Open Space Requirements: 30%

Property Development Regulations for other tracts in the DRI are not amended and remain as per prior Ordinances.

7. No Blasting

   No land development blasting is permitted as part of this project.

8. Utilities

   This development must connect to water and sanitary sewer service at time of local development order. Underground electric utilities will be provided per the Land Development Code.

9. Pattern Book (5.37-Acre Tract)

   The development must be substantially consistent with the 14-page Pattern Book "Coconut Point Apartments Supplemental Pattern Book" submitted date September 16, 2026.

10. Construction

    Construction of the exterior walls of the building will be concrete masonry (concrete block), and all load-bearing elements will be of concrete with reinforcing steel as required by relevant codes and engineering standards.

11. Buffers and Landscape

    As part of local development order approval, applicant will provide detailed landscape plans. The buffer on Via Coconut will retain the existing trees and will be supplemented with a solid hedgerow to be maintained at 48 inches. Additional trees at least 12'-14' clear trunk will be installed adjacent to the building to soften the building mass along Via Coconut and other areas as reviewed and approved by the Planning Zoning and Design Board.

12. Via Coconut Point Median Landscaping

    The applicant will install and maintain median landscaping, including irrigation, in the median east of the property. The applicant will coordinate with Village of Estero Public Works staff to develop the palette of landscaping. The specific plantings will be determined at the time of local development order.

13. Concurrency

    Approval of this rezoning does not constitute a finding that the proposed project meets the mandatory concurrency requirements set forth in the Land Development Code and the Comprehensive Plan. The developer is required to demonstrate compliance with all mandatory concurrency requirements prior to issuance of a local development order.

14. Lighting

    Lighting will be reviewed at the time of local development order.

15. Hurricane Preparedness

    Hurricane impacts and the required mitigation will be evaluated during the review of the local development order. The evaluation will be in accordance with Sections 7-501 through 7-505, Land Development Code.

16. Replat

    Prior to a local development order for the multifamily building being issued, a replat of the subject property must be submitted, reviewed, and approved.

17. Other Permits

    Issuance of a development permit by the Village of Estero does not in any way create any rights on the part of the Applicant to obtain a permit from a State or Federal agency and does not create any liability on the part of the Village for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a State or Federal agency or undertake actions that result in a violation of State or Federal law.

18. Land Development Code (LDC)

    Where the Village LDC is referenced in these conditions of approval for implementation of the condition at the time of development order issuance, the LDC in effect at the time of the local development order shall be applicable.

Section 3. Deviations.

Deviation 1 requests to deviate from the Land Development Code (LDC) Section 5-204.B.1., Minimum Off Street Parking, which requires a minimum of 2 spaces per dwelling unit plus 10% visitor spaces, to allow parking at 1.8 spaces per unit including visitor parking.

Deviation 1 is approved.

Section 4. Findings and Conclusions.

Based upon an analysis of the application and the standards for approval in the Land Development Code, and the conditions of approval, the Council finds and concludes as follows:

1. The Planned Development Amendment as conditioned will be consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. The Planned Development Amendment as conditioned will not conflict with any portion of the Land Development Code except for the one deviation for parking.

3. The Planned Development Amendment will address a community need.

4. The Planned Development Amendment as conditioned will be compatible with existing and planned uses surrounding the subject land.

5. The Planned Development Amendment will result in a logical and orderly development pattern.

6. The Planned Development Amendment will not adversely affect the property values in the area.

7. The Planned Development Amendment will result in development that is adequately served by public facilities (roads, potable water, wastewater, solid waste, storm water, schools, parks, police, and fire and emergency medical facilities.)

8. The Planned Development Amendment as conditioned will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

9. The Planned Development Amendment is compatible with existing or planned uses in the surrounding area.

Section 5. Exhibits.

The following exhibits are attached to this Ordinance and incorporated by reference:

Exhibit A Coconut Point Waypoint Residential Master Concept Plan dated "Revised 8/26"

Exhibit B Coconut Point M.P.D. Master Concept Plan (for entire site) stamped "September 4 2026"

Exhibit C Legal Description

Exhibit D Pattern Book titled "Coconut Point Apartments Supplemental Pattern Book" submittal date September 16, 2026

Exhibit E Eleventh Development Order Amendment for Coconut Point DRI and attached Map H Master Concept Plan (plan dated June 26, 2026)

Section 6. Severability.

Should any section, paragraph, sentence, clause, phrase, or other part of this Ordinance subsequent to its effective date be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading the ____ day of _____.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on second reading this _____ day of _____, 202_.

Attest:

By: _____
Carol Sacco, Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: _____
Joanne Ribble, Mayor