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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018-09

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING THE TRANSITIONAL LAND DEVELOPMENT CODE, CHAPTER 2, ARTICLE VI, IMPACT FEES, DIVISION 2, ROADS IMPACT FEES, BY AMENDING SECTION 2-264(b) DEFINITIONS, SECTION 2-266, COMPUTATION OF AMOUNT, AND REVISING THE ROADS IMPACT FEE SCHEDULE TO UPDATE THE CALCULATIONS OF THE FULL COSTS; AMENDING SECTION 2-258 BENEFIT DISTRICT ESTABLISHED; PROVIDING FOR PERMIT SUBMITTAL AND ISSUANCE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.31801, Florida Statutes, “The Florida Impact Fee Act” (the “Act”) finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth and further finds that impact fees are an outgrowth of the home rule power of local governments to provide certain services within its jurisdiction ; and

WHEREAS, Policy 2.3.2. of the Village of Estero Transitional Comprehensive Plan (“Comprehensive Plan”) provides that the cost for the provision and expansion of services and facilities that benefit new development will be borne primarily by those who benefit and that such funding may include impact fees; and

WHEREAS, Comprehensive Plan Policy 95.3.1. states that impact fees will be set to capture a substantial portion of the full and real cost of the designated facility, and will be reviewed and updated regularly; and

WHEREAS, the Village of Estero Transitional Land Development Code (“LDC”), Chapter 2, Article VI, establishes impact fee base rates and regulations applicable to new development for Roads, Parks, Fire and Emergency Medical Services, and Schools; and

WHEREAS, Florida Statutes Section 163.31801 provides that the calculation of the impact fee shall be based on the most recent and localized data; and

WHEREAS, the study provided by Duncan Associates, entitled “Road Impact Fee Study for Lee County, Florida”, dated February 2018, which includes data from Estero and other relevant recent county data, forms the basis of the proposed amendments herein and the findings of such report are hereby adopted by the Council; and

46 **WHEREAS**, the Duncan Associates study findings and revised fee schedule relies on
47 the use of a sophisticated methodology to determine the impacts of development in an effort
48 to establish an appropriate level of impact fees based on most recent localized data; and
49

50 **WHEREAS**, the Planning and Zoning Board, acting as the Local Planning Agency,
51 reviewed the proposed amendments on June 19, 2018 and found them consistent with the
52 Comprehensive Plan.
53

54 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
55 Florida:
56

57 **Section 1.** **Recitals Adopted.** That each of the above stated recitals is hereby adopted
58 and confirmed as being true, and the same are hereby incorporated as a part of this Ordinance.
59

60
61 **Amendment to LDC Chapter 2 , Article VI,**
62

63 **Sec. 2-264. – Definitions and Rules of Construction.** The following definitions are added
64 to Section 2-264(b) as identified by underlined text:
65

66 Continuing care retirement community (CCRC) means a land use that provides
67 multiple elements of senior adult living. CCRCs combine aspects of independent living
68 with increased care, as lifestyle needs change with time. Housing options may include
69 various combinations of senior adult (detached), senior adult (attached), congregate care,
70 assisted living, and skilled nursing care – aimed at allowing the residents to live in one
71 community as their medical needs change. The communities may also contain special
72 services such as medical, dining, recreational, and some limited, supporting retail facilities.
73 CCRCs are usually self-contained villages.
74

75 Convenience Store with gas sales (<10 fuel positions) means an establishment offering
76 the sale of motor fuels and convenience items to motorists and has fewer than ten vehicle
77 fueling positions.
78

79 Restaurants, Fast Casual means a sit down restaurant with no wait staff or table service.
80 Customers typically order of a menu board, pay for food before the food is prepared and
81 seat themselves. The menu generally contains higher quality made to order food items with
82 fewer frozen or processed ingredients than fast food restaurants.
83

84 Restaurant, Fast Food means an establishment whose principal business is the sale of
85 food or beverages in a ready-to-consume state primarily for off-site consumption, and that
86 may contain drive-through facilities.
87

88 Restaurant, Standard means an establishment whose principal business is the sale of
89 food or beverages to customers in a ready-to-consume state, and principal method of
90 operation includes one or both of the following characteristics: (1) Customers are served
91 their food and beverages by a restaurant employee at the same table or counter where food

and beverages are consumed, and (2) A cafeteria-type operation is conducted where food and beverages generally are consumed within the restaurant building.

Senior Adult Housing consists of detached or attached independent living developments, including retirement communities, age-restricted housing, and active adult communities. These developments may include amenities such as golf courses, swimming pools, 24-hour security, transportation, and common recreational facilities. However, they generally lack centralized dining and on-site health facilities. Detached senior adult housing communities may or may not be gated. Residents in these communities are typically active (requiring little to no medical supervision) and will be treated as single-family detached or multi-family for purposes of the land use type.

Super Convenience Store with Gas Sales (10+ fuel positions) means an establishment offering the sale of motor fuels and convenience items to motorists and has ten or more fueling positions.

Section 3. Amendment to Sec. 2-266. – Computation of Amount. Section 2-266(a) is hereby amended as follows, with strike through identifying deleted text and underline identifying new text.

- (a) At the option of the feepayer, the amount of the roads impact fee may be determined by the schedule set forth in this subsection. The reference in the schedule to square feet refers to the gross square footage of each floor of a building measured to the exterior walls, and not usable, interior, rentable, non-common or other forms of net square footage. The reference in the schedule to mobile home/RV park site refers to the number of mobile home or recreational vehicle sites permitted by the applicable final development order. The reference in the schedule to mine refers to the number of cubic yards excavated.

ROADS IMPACT FEE SCHEDULE

Land Use Type	Unit	Roads Impact Fee Due at 100% of Actual Full Cost	
Residential		Local Roads	
Single-family residence (<u>Detached</u>)	Dwelling Unit	\$6,458	<u>\$9,996</u>
Multiple family building, duplex, townhouse, two family attached	Dwelling Unit		
<u>Multi-Family, Low Rise including duplex, two-family attached and townhome 1-2 story</u>	<u>Dwelling Unit</u>		<u>\$7,750</u>
<u>Multi-Family, Mid-Rise (3-10 stories)</u>	<u>Dwelling Unit</u>		<u>\$5,760</u>
<u>Multi-Family, High-Rise (11+ stories)</u>	<u>Dwelling Unit</u>		<u>\$4,700</u>
Mobile home /RV park	Pad/Park site	\$3,391	<u>\$5,293</u>
Elderly/disabled housing	Dwelling Unit		
<u>Assisted Living Facility (ALF)</u>	<u>Dwelling Unit</u>	\$1,369	<u>\$2,138</u>

<u>Continuing Care Retirement Community</u>	<u>Dwelling Unit</u>		<u>\$2,540</u>
Hotel/Motel or timeshare	Room/unit	\$3,745	<u>\$4,947</u>
Retail Commercial			
Shopping Center	1,000 sq. ft.	\$7,648	<u>\$11,476</u>
Bank	1,000 sq. ft.	\$16,665	<u>\$25,579</u>
Car wash, Self-service	Stall	\$3,685	<u>\$6,112</u>
Convenience store w/gas sales	1,000 sq. ft.	\$28,228	
<u>Convenience store with gas sales (<10 fuel positions)</u>	<u>Fuel positions</u>		<u>\$18,979</u>
<u>Convenience store with gas sales (10+ fuel positions)</u>	<u>Fuel positions</u>		<u>\$13,565</u>
Golf course (open to public)	Acre	\$1,850	<u>\$2,277</u>
Movie theater	1,000 sq. ft.	\$16,259	<u>\$26,985</u>
Restaurant, Standard	1,000 sq. ft.	\$14,240	<u>\$22,019</u>
<u>Restaurant, Fast Casual</u>	<u>1,000 sq. ft.</u>		<u>\$39,277</u>
Restaurant, Fast Food	1,000 sq. ft.	\$31,053	<u>\$48,912</u>
Office/Institutional			
Office	1,000 sq. ft.	\$5,191	<u>\$7,614</u>
Hospital	1,000 sq. ft.	\$5,887	<u>\$7,920</u>
Nursing Home	1,000 sq. ft.	\$3,384	<u>\$4,907</u>
Church <u>Place of Worship</u>	1,000 sq. ft.	\$3,733	<u>\$4,712</u>
Day Care Center	1,000 sq. ft.	\$9,699	<u>\$10,345</u>
Elementary/Secondary School (private)	1,000 sq. ft.	\$1,838	<u>\$3,893</u>
Industrial			
Industrial park or general industrial	1,000 sq. ft.	\$4,407	<u>\$3,380</u>
Warehouse	1,000 sq. ft.	\$2,294	<u>\$1,749</u>
Warehouse/High-Cube	1,000 sq. ft.	\$1,083	<u>\$1,409</u>
Mini-Warehouse <u>(Self-Storage)</u>	1,000 sq. ft.	\$1,090	<u>\$1,085</u>
Mine	Cubic Yard	\$0.026	<u>\$0.040</u>

Note: Mobile home not in mobile home park is assessed the same as a single-family home

120 **Section 4. Amendment to Sec.2-268. – Benefit Districts Established.** Section 2-268 is
121 hereby amended as follows, with strike through identifying deleted text and underline
122 identifying new text.

123

124 (a) There ~~are~~ is hereby established ~~five~~ one benefit districts ~~as shown in Appendix K—~~
125 ~~Map 1.~~

126 (b) Subdistricts may be created by interlocal agreement or further legislation.

127

128 **Section 5. Permit Submittal and Issuance.**

129 Permits submitted on or before the close of business on October 8, 2018 must be
130 issued within 3 months in order to realize the rate in effect at the time of submittal. Permits not
131 issued within 3 months shall be assessed impact fees at the time of permit issuance.
132

133 **Section 6. Conflicts of Law.**

134 Whenever the requirements or provisions of this Ordinance are in conflict with the
135 requirements or provisions of any other lawfully adopted Village ordinance or state statute, the
136 most restrictive requirements will apply.
137

138 **Section 7. Severability.**

139 If any section, subsection, clause or provision of this ordinance is deemed invalid or
140 unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by
141 such invalidity.
142

143 **Section 8. Effective Date.**

144 This ordinance will take effect immediately upon adoption. All increases in impact fee
145 rates will become effective 90 days after adoption of this Ordinance (October 9, 2018).
146 Reductions in impact fee rates will become effective on the effective date of this Ordinance.
147

148 **PASSED** on first reading this 27th day of June, 2018.
149

150 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
151 Florida this ___ day of _____, 2018.
152

153 Attest: **VILLAGE OF ESTERO, FLORIDA**
154

155
156 By: _____ By: _____
157 Kathy Hall, MMC, Village Clerk James R. Boesch, Mayor
158

159 Reviewed for legal sufficiency:
160

161
162 By: _____
163 Nancy Stroud, Esq., Village Land Use Attorney
164

166	Vote:	AYE	NAY
167	Mayor Boesch	_____	_____
168	Vice Mayor Ribble	_____	_____
169	Councilmember Batos	_____	_____
170	Councilmember Errington	_____	_____
171	Councilmember Levitan	_____	_____
172	Councilmember McLain	_____	_____
173	Councilmember Wilson	_____	_____

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