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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2018-10

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, AMENDING THE TRANSITIONAL LAND DEVELOPMENT CODE, CHAPTER 2, ARTICLE VI, IMPACT FEES, DIVISIONS 3 AND 4, REGIONAL AND COMMUNITY PARKS IMPACT FEES, BY AMENDING SECTIONS 2-306 AND 2-346 COMPUTATION OF AMOUNT, AND REVISING THE PARKS IMPACT FEE SCHEDULE TO UPDATE THE CALCULATIONS OF THE FULL COSTS; COMBINING REGIONAL AND COMMUNITY PARKS INTO A UNIFIED PARKS IMPACT FEE; AMENDING SECTIONS 2-308 AND 2-348 BENEFIT DISTRICT ESTABLISHED; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

20 **WHEREAS**, Section 163.31801, Florida Statutes “The Florida Impact Fee Act” (the
21 “Act”) finds that impact fees are an important source of revenue for a local government to use
22 in funding the infrastructure necessitated by new growth and further finds that impact fees are
23 an outgrowth of the home rule power of local governments to provide certain services within
24 its jurisdiction; and
25

26 **WHEREAS**, Policy 2.3.2. of the Village of Estero Transitional Comprehensive Plan
27 (“Comprehensive Plan”) provides that the cost for the provision and expansion of services and
28 facilities that benefit new development will be borne primarily by those who benefit and that
29 such funding may include impact fees; and
30

31 **WHEREAS**, Comprehensive Plan Policy 95.3.1. states that impact fees will be set to
32 capture a substantial portion of the full and real cost of the designated facility, and will be
33 reviewed and updated regularly; and
34

35 **WHEREAS**, LDC Chapter 2, Article VI, establishes impact fee base rates and
36 regulations applicable to new development for Roads, Parks, Fire and Emergency Medical
37 Services and Schools; and
38

39 **WHEREAS**, Florida Statutes Section 163.31801 provides that the calculation of the
40 impact fee shall be based on the most recent and localized data; and
41

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

46
47 **WHEREAS**, the Duncan Associates study findings and revised fee schedule relies on
48 the use of a sophisticated methodology to determine the impacts of development in an effort
49 to establish an appropriate level of impact fees based on most recent localized data; and
50

51 **WHEREAS**, the Planning and Zoning Board, acting as the Local Planning Agency,
52 reviewed the proposed amendments on June 19, 2018 and found them consistent with the
53 Comprehensive Plan.
54

55 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
56 Florida:
57

58 **Section 1. Recitals Adopted.** That each of the above stated recitals is hereby adopted and
59 confirmed as being true, and the same are hereby incorporated as a part of this Ordinance.
60

61 **Amendment to LDC Chapter 2, Article IV.**

62
63 **Sec. 2-306. – Computation of Amount.**

64
65 (a) At the option of the feepayer, the amount of the parks impact fee may be determined
66 by the schedule set forth in this subsection. The reference in the schedule to mobile
67 home/RV park site refers to the number of mobile home or recreational vehicle sites
68 permitted by the applicable final development order.

————— **REGIONAL PARK IMPACT FEE SCHEDULE** —————

Land Use Type	Unit	Regional Parks Impact Fee
Residential		
Single-family residence	Dwelling Unit	\$683
Multiple-family building, duplex, townhouse, two-family attached	Dwelling Unit	\$508
Mobile home/not in mobile home park		\$683
Timeshare	Dwelling Unit	\$508
Hotel/Motel	Room/unit	\$318
Mobile home/RV park site	Pad/Park site	\$474

69 **Sec. 2-308 – Benefit district established.**

70
71 For purposes of this division, there is hereby established a single countywide regional
72 Villagewide parks impact fee benefit district.
73
74

75 **Sec. 2-346 – Computation of Amount.**

76

77 (a) At the option of the feepayer, the amount of the parks impact fee may be determined
 78 by the schedule set forth in this subsection. The reference in the schedule to mobile
 79 home/RV park site refers to the number of mobile home or recreational vehicle sites
 80 permitted by the applicable final development order.

COMMUNITY PARK IMPACT FEE SCHEDULE

Land Use Type	Unit	Community Parks Impact Fee
Residential		
Single-family residence	Dwelling Unit	\$780
Multiple-family building, duplex, townhouse, two-family attached	Dwelling Unit	\$581
Mobile home/not in mobile home park		\$780
Timeshare	Dwelling Unit	\$581
Hotel/Motel	Room/unit	\$363
Mobile Home/RV Park site	Pad/park site	\$541

PARK IMPACT FEES

Land Use Type	Unit	Impact Fee (Sum of Regional and Community Parks)
Single-family residence	Dwelling Unit	\$1,535
Multiple-family building, duplex, townhouse, two-family attached, timeshare	Dwelling Unit	\$1,162
Hotel/Motel	Room/unit	\$734
Mobile Home/RV Park site	Pad/park site	\$1,125

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

81 **Sec 2-348 – Benefit districts established**

82

83 There are hereby established five community parks impact fee benefit districts as
 84 shown in Appendix L. Subdistricts may be created by interlocal agreement.

85

86

87 **Section 2. Permit Submittal and Issuance.**

88 Permits submitted on or before the close of business on October 8, 2018 must be issued
89 within 3 months in order to realize the rate in effect at the time of the submittal. Permits not
90 issued within 3 months shall be assessed impact fees applicable at the time of permit issuance.
91

92 **Section 3. Conflicts of Law.**

93 Whenever the requirements or provisions of this Ordinance are in conflict with the
94 requirements or provisions of any other lawfully adopted Village ordinance or state statute, the
95 most restrictive requirements will apply.
96

97 **Section 4. Severability.**

98 If any section, subsection, clause or provision of this ordinance is deemed invalid or
99 unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by
100 such invalidity.
101

102 **Section 5. Effective Date.**

103 This ordinance will take effect immediately upon adoption. All increases in impact fee
104 rates will become effective 90 days after adoption of this Ordinance (October 9, 2018).
105 Reductions in impact fee rates will become effective on the effective date of this Ordinance.
106

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

108
109 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
110 Florida this ___ day of _____, 2018.

111
112 Attest:

VILLAGE OF ESTERO, FLORIDA

113
114 By: _____
115 Kathy Hall, MMC, Village Clerk

By: _____
James R. Boesch, Mayor

116
117
118 Reviewed for legal sufficiency:

119
120
121 By: _____
122 Nancy Stroud, Esq., Village Land Use Attorney

124	Vote:	AYE	NAY
125	Mayor Boesch	_____	_____
126	Vice Mayor Ribble	_____	_____
127	Councilmember Batos	_____	_____
128	Councilmember Errington	_____	_____
129	Councilmember Levitan	_____	_____
130	Councilmember McLain	_____	_____
131	Councilmember Wilson	_____	_____