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**VILLAGE OF ESTERO, FLORIDA**

**ORDINANCE NO. 2022 - 09**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF ESTERO, FLORIDA, AMENDING  
SECTION 2-302C.2. OF THE VILLAGE LAND  
DEVELOPMENT CODE TO CHANGE MEMBERSHIP  
QUALIFICATIONS OF THE PLANNING ZONING  
AND DESIGN BOARD; PROVIDING A  
SEVERABILITY CLAUSE; AND PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, the Village of Estero adopted its Land Development Code on January 27, 2021 to establish the Village Planning Zoning and Design Review Board ("PZDB"); and

**WHEREAS**, the PZDB has recommended that the membership qualifications of the PZDB should be adjusted to provide certain designated seats for professionals to serve on the Board in the interest of encouraging service by volunteer professionals and thus the continued use of professional expertise for the benefit of the Village; and

**WHEREAS**, the PZDB also recommends that the Village and the PZDB have a strong public interest in balancing the ability of volunteer professionals to practice their profession in the Village with the reduction of potential conflicts of interest, real or perceived, on the part of such professionals; and

**WHEREAS**, the PZDB recommends that the adjustment of membership qualifications should also be accompanied by restrictions on the practice of professional members of the PZDB beyond what is required by Florida law; and

**WHEREAS**, the Village PZDB, as the Local Planning Agency and in a duly noticed public hearing on July 12, 2022, considered the proposed changes and recommended that the proposed changes are consistent with the Village of Estero Comprehensive Plan; and

**WHEREAS**, the Village Council on September 21, 2022 held a duly advertised first reading of the proposed changes; and

**WHEREAS**, the Village Council on October 19, 2022 at a duly advertised public hearing considered the proposed changes, the recommendations of the PZDB and the comments of the public.

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

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

49           **Section 2.   Amending Sec. 2-302C. Membership.**  
50

51           Section 2-302C of the Village Land Development Code is hereby amended in regard  
52 to the Planning Zoning and Design Board to state as follows:  
53

54           Sec. 2-302C. Membership.  
55

- 56           1. The PZDB shall have not less than seven nor more than nine members appointed  
57 by the Village Council by affirmative vote of a majority of the full Village Council  
58 membership. An additional non-voting, *ex officio* representative of the Lee County  
59 School Board may also serve on the PZDB in accordance with state law. The School  
60 Board shall notify the Village Clerk in writing within 10 days of the appointment  
61 or removal of any member.  
62           2. At least a majority of the members of the PZDB appointed by the Village Council  
63 shall be residents of the Village. All other members shall either (i) own a business  
64 in the Village, (ii) own property in the Village, or (iii) work in the Village. The  
65 members of the Board shall include at least one member (“designated member”)  
66 from the following Florida state-registered professions: (i) civil engineering, (ii)  
67 architecture, and (iii) landscape architecture. Other members shall have diverse  
68 backgrounds, and, wherever possible, prior experience in land use, planning,  
69 zoning, legal matters, environmental matters or building and development. Each  
70 member shall be sympathetic to municipal development consonant with the  
71 comprehensive plan and with the health, safety, and welfare of its residents. No  
72 Board member shall hold any other public office, appointive or elective. A  
73 designated member shall be permitted to represent a client at a Public Information  
74 Meeting, but shall not represent a client before the Board, participate in discussion  
75 or vote on the client’s application at any other meeting. Notwithstanding, other  
76 members of the designated member’s firm may represent the firm client before the  
77 Board at any meeting.  
78

79           **Section 3.   Severability.** If any section, subsection, clause or provision of this  
80 Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the  
81 remainder shall not be affected by such invalidity.  
82

83           **Section 4.   Effective Date.** This ordinance shall take effect immediately upon  
84 adoption.  
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86           **PASSED** on first reading this 21<sup>st</sup> day of September, 2022.  
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88           **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
89 Florida this 19th day of October, 2022.  
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Attest:

By:

  
Carol Sacco, Village Clerk


VILLAGE OF ESTERO, FLORIDA

By:

  
Katy Errington, Mayor

Reviewed for legal sufficiency:

By:

  
Nancy E. Stroud,  
Village Land Use Attorney

Vote:

AYE

NAY

Mayor Errington

X

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Vice Mayor McLain

X

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Councilmember Boesch

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X

Councilmember Fiesel

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Councilmember Ribble

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Councilmember Ward

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Councilmember Wilson

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