

**VILLAGE OF ESTERO, FLORIDA  
ZONING  
ORDINANCE NO. 2017 - 09**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF ESTERO, FLORIDA, APPROVING WITH  
CONDITIONS AN AMENDMENT TO A RESIDENTIAL  
PLANNED DEVELOPMENT WITH DEVIATIONS TO  
ALLOW A RECONFIGURATION OF THE MASTER  
CONCEPT PLAN FOR PROPERTY LOCATED AT 9400  
BLOCK LANE CONSISTING OF APPROXIMATELY 5  
ACRES; PROVIDING FOR SEVERABILITY; AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Rick Losee (the "Applicant") filed an amendment to the Planned Development Zoning for a project known as **Park Place of Estero** to reconfigure the Master Concept Plan for a property located at 9400 Block Lane, Estero, FL, consisting of approximately 5 acres (the "Property"); and

**WHEREAS**, the Property is identified with STRAP number 34-46-25-E4-0100C.0230 and is legally described in Exhibit A attached hereto; and

**WHEREAS**, the property was rezoned by Lee County from Agricultural (AG-2) to Residential Planned Development by Resolution Z-08-032; and

**WHEREAS**, the rezoning included 26 residential single family lots and associated deviations; and

**WHEREAS**, the Applicant requested an amendment to the Residential Planned Development District; and

**WHEREAS**, the amendment reduces the total residential single family lots from 26 to 16; and

**WHEREAS**, a public informational meeting was held at the Planning and Zoning Board on December 13, 2015; and

**WHEREAS**, public informational meetings were held at the Design Review Board on December 14, 2015 and March 22, 2017; and

**WHEREAS**, a public hearing was held at the Planning and Zoning Board on August 15, 2017; and

**WHEREAS**, the Planning and Zoning Board recommended approval with conditions of the amendment, but denial of deviation 4; and

46           **WHEREAS**, a duly noticed first reading was held before the Village Council on  
47           October 4, 2017; and  
48

49           **WHEREAS**, a duly noticed second reading was held before the Village Council on  
50           October 25, 2017, at which time the Village Council gave consideration to the evidence  
51           presented by the Applicant and the Village staff, the recommendations of the Planning and  
52           Zoning Board, and the comments of the public.  
53

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

57           **Section 1.     Rezoning.**  
58

59           The Village Council approves the amendment to Resolution Z-08-032 Residential  
60           Planned Development, with the following conditions and deviations.  
61

62           **Section 2.     Conditions.**  
63

- 64           1.     The development of this project must be consistent with the one-page Master  
65                   Concept Plan entitled, "Park Place of Estero", Master Concept Plan stamped  
66                   received October 11, 2017. The development must comply with all of the  
67                   requirements of the Land Development Code at the time of development order  
68                   approval.  
69

70                   The project is approved for 16 single family residential lots with a maximum  
71                   height of 35 feet.  
72

- 73           2.     Uses and Development Regulations:  
74

75                   **Schedule of Uses**

76                   Accessory Uses, Buildings and Structures

77                   Dwelling Units – Single Family only

78                   Entrance Gates

79                   Essential Services

80                   Essential Services Facilities – Group I only

81                   Excavation, Water Retention – not to include the removal of excavated material  
82                   from the site

83                   Fences, Retaining Wall

84                   Home Occupation, with no outside help

85                   Model Home

86                   Signs in accordance with LDC Chapter 30 and 33

87                   Agricultural Uses are not a permitted use within the planned development  
88  
89



**Site Development Regulations**

Minimum Lot Size	6,500 square feet
Minimum Lot Width	40 feet
Minimum Lot Depth	75 feet
Maximum Height	35 feet
Maximum Lot Coverage	50 percent

Minimum Setbacks

Private Street

Internal Two-Way Road	20 feet
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Side	5 feet
------	--------

Rear	20 feet
------	---------

3. Buffers:

As part of the local development order approval, the development order plans must demonstrate buffering consistent with the Master Concept Plan and the Land Development Code. A Type A landscape buffer will be provided along the western perimeter of the property.

4. Open Space & Indigenous Preserve:

The Master Concept Plan must show an open space table demonstrating the required 40% open space.

5. Heritage Trees:

a. All preserved heritage trees must be protected during earthwork and building construction with appropriate barricading placed to the full crown spread for pine trees and at least two thirds the radius of the crown spread for oak trees. No fill or excavation may occur within this preserved heritage tree protection area at any time.

b. Prior to local development order approval, the landscape plans must include the preservation of the two heritage pines and one heritage live oak along with the planting of four 20-foot tall replacement south Florida slash pine trees and three 20-foot tall replacement live oak trees within common open space near the lake.

6. Pattern Book:

Development must comply with the design elements identified in the Park Place of Estero Pattern Book dated July 2017 and stamped received October 11, 2017.

- 133 7. Model Homes:  
134 Model homes must comply with all conditions listed in Section 34-1954 of the  
135 Land Development Code.  
136
- 137 8. Vehicular/Pedestrian Impacts:  
138 Approval of this zoning request does not address mitigation of the project's  
139 vehicular or pedestrian traffic impacts. Additional conditions consistent with  
140 the LDC may be required to obtain a local development order  
141
- 142 9. Deviations:  
143 a. Deviation (1) seeks relief from the LDC Section 34-1748(1) which  
144 requires a minimum distance of 100 feet from the existing or planned  
145 intersecting street right-of-way or easement for gates. The applicant  
146 requested to place the gate 54 feet from the access easement for Block  
147 Lane. The deviation is hereby APPROVED.  
148
- 149 b. Deviation (2) seeks relief from the LDC Section 10-296(i), which  
150 requires that roads provide a 20-foot wide pavement area with two, 2  
151 foot valley gutters, to allow a 2 foot curb and gutter on the section  
152 adjacent to the lake as shown on Exhibit D. The deviation is hereby  
153 APPROVED.  
154
- 155 c. Deviation (3) seeks relief from the LDC Section 10-329 (d) (1)a.3 which  
156 states that no excavations will be allowed within 50 feet of any private  
157 property line under separate ownership. The applicant requested a  
158 setback of 27 feet from the proposed lake. A four foot high chain link  
159 fence will be placed on the east property line for safety. The deviation  
160 is hereby APPROVED.  
161
- 162 d. Deviation (4) is withdrawn by the applicant.  
163
- 164 e. Deviation (5) seeks relief from LDC Section 34-695 which requires a  
165 maximum lot coverage of 45%. The applicant requested a maximum lot  
166 coverage of 55%. The deviation is hereby APPROVED for 50%. Lot  
167 coverage restriction must be included in the restrictive covenants for  
168 each lot.  
169
- 170 10. The perimeter berm shall be set at approximately 16.25 feet elevation and the  
171 25 year, 3 day storm event.  
172
- 173 11. The road elevations shall be set at the 25 year, 3 day storm event. The minimum  
174 first floor building elevation shall be set at the 100 year, 3 day storm event plus  
175 1 foot.  
176



- 177 12. Home Owner Association documents will provide for drainage maintenance by  
178 the Home Owner Association.  
179  
180 13. A sidewalk shall be provided along both sides of the street.  
181

182 **Section 3. Findings and Conclusions.**  
183

184 Based upon an analysis of the application and the standards for the approval in the Land  
185 Development Code, the following findings are made:  
186

- 187 1. The applicant has provided sufficient justification for the amendment by  
188 demonstrating compliance with the Land Development Code and  
189 Comprehensive Plan.  
190  
191 2. The density is consistent with the Comprehensive Plan and the application is  
192 generally compatible with the surrounding properties.  
193  
194 3. Urban services will be available and adequate to serve the proposed use.  
195  
196 4. The proposed use, as conditioned, is appropriate at the subject location.  
197  
198 5. The proposed subdivision would create less traffic than the previously approved  
199 sub-division.  
200  
201 6. The proposed conditions provide sufficient safeguards to the public interest and  
202 are reasonably related to impacts on the public's interest created by or expected  
203 from the proposed development.  
204  
205 7. The deviations recommended for approval  
206  
207 a. Enhance the planned development; and  
208 b. Preserve and promote the general intent of the LDC to protect the public  
209 health, safety and welfare.  
210

211 **Section 4. Exhibits.**  
212

213 The following exhibits are attached to this Ordinance and incorporated herein by  
214 reference:  
215

- 216 Exhibit A Legal Description  
217 Exhibit B Master Concept Plan stamped "Received" October 11, 2017  
218 Exhibit C Park Place of Estero Pattern Book; dated July 2017 stamped "Received"  
219 October 11, 2017  
220 Exhibit D Deviation 2 illustration

**Section 5. Conflicts.**

All sections or part of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance shall be repealed to the extent of such conflict upon the effective date of this Ordinance.

**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 be effective immediately upon adoption.

**PASSED** on first reading this 4<sup>th</sup> day of October, 2017.

**PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 25<sup>th</sup> day of October, 2017.

Attest:

**VILLAGE OF ESTERO, FLORIDA**

By: Kathy Hall  
Kathy Hall, MMC, Village Clerk

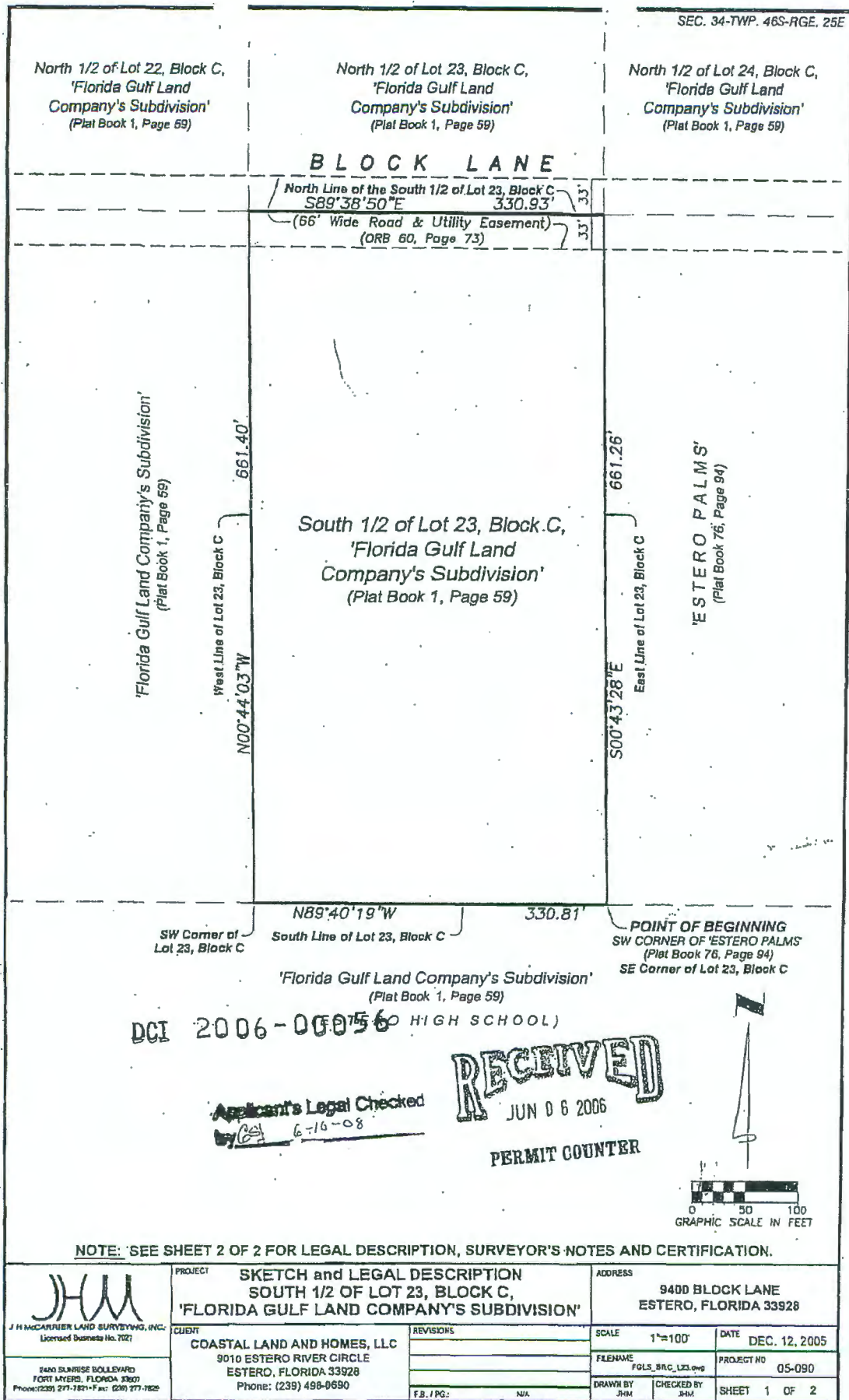
By: James R. Boesch, Mayor  
James R. Boesch, Mayor

Reviewed for legal sufficiency:

By: Nancy E. Stroud  
Nancy E. Stroud, Village Land Use Attorney

Vote:	AYE	NAY
Mayor Boesch	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Mayor Ribble	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Batos	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Errington	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Levitan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember McLain	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>

# EXHIBIT A





LEGAL DESCRIPTION

THE SOUTH ONE-HALF (1/2) OF LOT 23, BLOCK C, 'FLORIDA GULF COAST LAND COMPANY'S SUBDIVISION', ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 58, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

METES and BOUNDS LEGAL DESCRIPTION

BEGIN AT THE SOUTHEAST CORNER OF LOT 23, BLOCK C, 'FLORIDA GULF COAST LAND COMPANY'S SUBDIVISION', ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 59, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA (SAID POINT ALSO BEING THE SOUTHWEST CORNER OF 'ESTERO PALMS', ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 76, PAGE 94, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA); THENCE N89°40'19"W ALONG THE SOUTH LINE OF SAID LOT 23 FOR 330.81 FEET TO THE SOUTHWEST CORNER OF SAID LOT 23; THENCE N00°44'03"W ALONG THE WEST LINE OF SAID LOT 23 FOR 661.40 FEET TO THE NORTH LINE OF THE SOUTH ONE-HALF (1/2) OF SAID LOT 23; THENCE S89°38'50"E ALONG SAID NORTH LINE FOR 330.93 FEET TO A POINT ON THE EAST LINE OF SAID LOT 23; THENCE S00°43'28"E ALONG SAID EAST LINE AND ALONG THE WEST LINE OF SAID 'ESTERO PALMS', FOR 661.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.022 ACRES, MORE OR LESS.

TOGETHER WITH AN EASEMENT OVER THE FOLLOWING DESCRIBED PROPERTIES:PARCEL 1:

THE NORTH 33 FEET OF THE SOUTH 1/2 OF LOT C 17 TO AND INCLUDING LOT C 28; THE SOUTH 33 FEET OF THE NORTH 1/2 OF LOT C 17 TO AND INCLUDING LOT C 28; THE NORTH 33 FEET OF LOT C 30, ALL BEING IN THE FLORIDA GULF LAND COMPANY'S SUBDIVISION OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 58, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL 2:

COMMENCING 33 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, THE POINT OF BEGINNING; THENCE RUN EASTERLY TO A POINT 33 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 35; THENCE NORTH 66 FEET TO A POINT 33 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 35; THENCE WESTERLY TO A POINT 33 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 35; THENCE SOUTH 66 FEET TO A POINT 33 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 35 TO THE POINT OF BEGINNING.

PARCEL 3:

THE WEST 33 FEET OF LOTS NO. C 6 AND C 27 AND THE EAST 33 FEET OF LOTS C 31 AND C 7, LESS THAT PART OF LOTS C 26, C 27 AND C 31 PREVIOUSLY DEDICATED IN THE FLORIDA GULF LAND COMPANY'S SUBDIVISION AS PLATTED AND FILED IN PLAT BOOK 1, PAGE 59, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL 4:

COMMENCING AT A POINT 33 FEET EAST AND 33 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; BEING THE POINT OF BEGINNING; THENCE NORTH TO A POINT ON THE NORTH BOUNDARY OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 34; THENCE WEST ON THE NORTH BOUNDARY OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 34 FOR 66 FEET; THENCE SOUTH TO THE NORTH LINE OF LOT C 31 OF THE FLORIDA GULF LAND COMPANY'S SUBDIVISION AS PLATTED AND FILED IN PLAT 1, PAGE 59, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE EAST 33 FEET TO THE NORTHEAST CORNER OF THE AFORESAID LOT C 31; THENCE SOUTH ALONG THE EAST BOUNDARY OF LOT C 31 TO A POINT ON THE SOUTH BOUNDARY OF LOT C 31; THENCE EAST 33 FEET TO THE POINT OF BEGINNING.


SURVEYOR'S NOTES

- 1) BEARINGS SHOWN HEREON ARE BASED UPON FIXING THE MONUMENTED WEST LINE OF 'ESTERO PALM', ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 76, PAGE 94, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS S00°43'28"E.
- 2) THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 3) SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.
- 4) THE SUBJECT PROPERTY LIES IN ZONE B AS SHOWN ON FLOOD INSURANCE RATE MAP 125124, PANEL # 0475-B (NO MINIMUM BASE FLOOD ELEVATION / PANEL NOT PRINTED).
- 5) ORB DENOTES THE ORIGIN OF THE PROPERTY.

PGI 2006-00058 IN 06 2006

PERMIT COUNTER

NOTE: SEE SHEET 1 OF 2 FOR SKETCH.

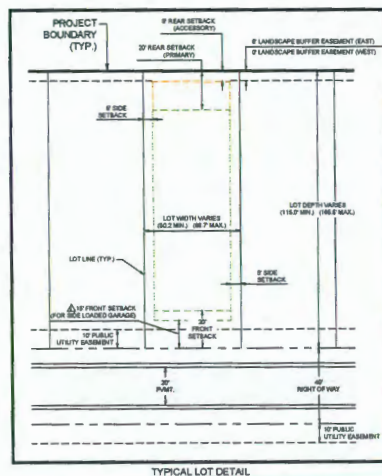
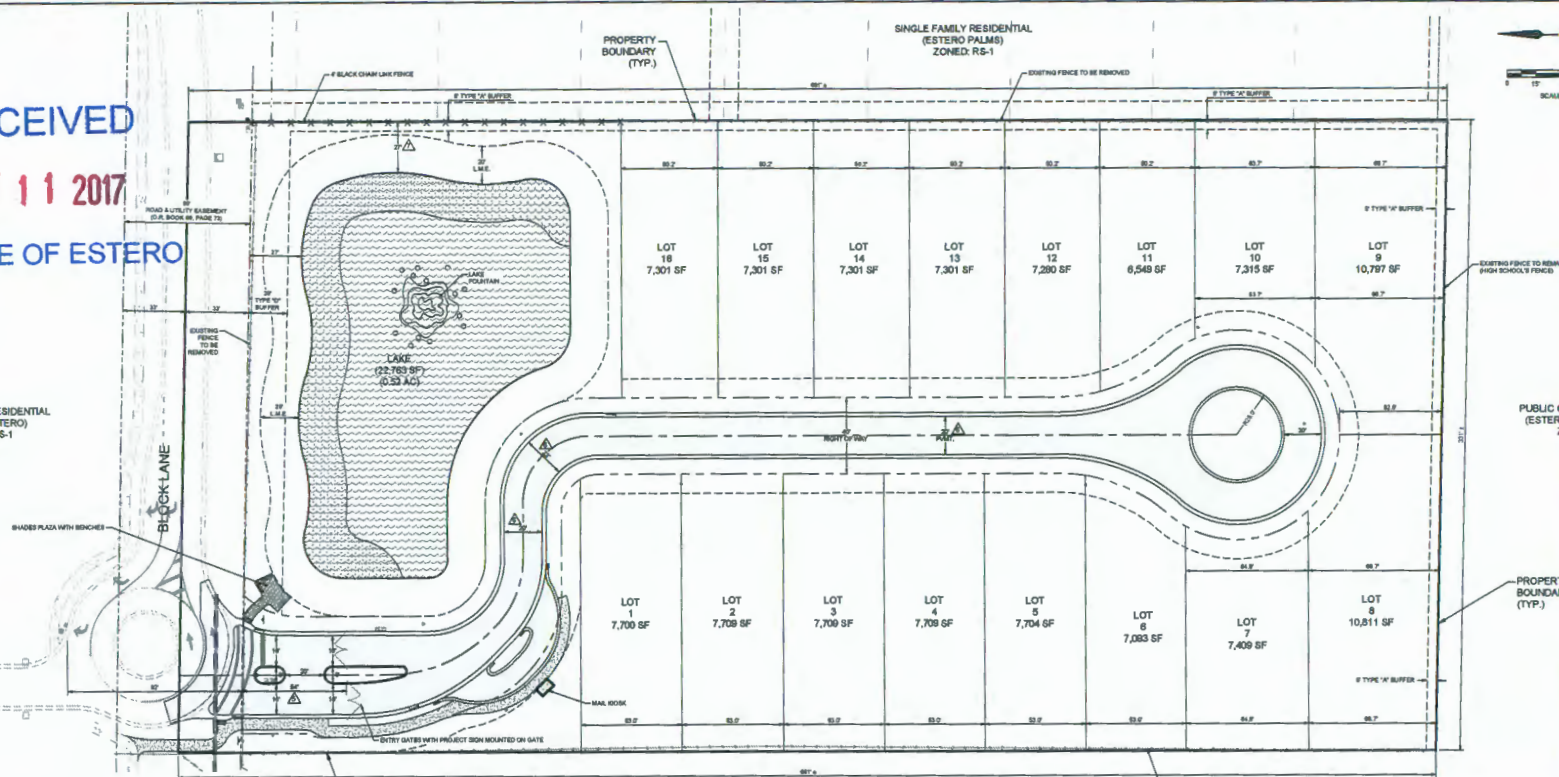
 J H MCCARRIER LAND SURVEYING, INC. Licensed Business No. 7027	PROJECT <b>SKETCH and LEGAL DESCRIPTION          SOUTH 1/2 OF LOT 23, BLOCK C,          'FLORIDA GULF LAND COMPANY'S SUBDIVISION'</b>	ADDRESS <b>9400 BLOOMINGDALE          ESTERO, FLORIDA 33928</b>	
	CLIENT <b>COASTAL LAND AND HOMES, LLC          9010 ESTERO RIVER CIRCLE          ESTERO, FLORIDA 33928          Phone: (239) 498-0690</b>	REVISIONS SCALE N/A DATE DEC. 12, 2005 FILENAME FGLS_BKC_L23.dwg PROJECT NO. 05-090 DRAWN BY JHM CHECKED BY JHM SHEET 2 OF 2	



RECEIVED  
OCT 11 2017  
VILLAGE OF ESTERO

SINGLE FAMILY RESIDENTIAL  
(OAKS OF ESTERO)  
ZONED: RS-1

PUBLIC FACILITIES  
(ESTERO COMMUNITY PARK)  
ZONED: CF-2



GRAZING LAND  
ZONED: AG-2

LAND USE SUMMARY		
CATEGORY	TOTAL ACRES	PERCENTAGE OF TOTAL ACRES
ON-SITE IMPROVEMENTS		
BUILDING	1.86 a	33.87%
PAVEMENT / CURB / SIDEWALK	1.23 a	30.52%
LAKE	0.52 a	10.36%
OPEN SPACE	1.57 a	31.27%
SUBTOTAL	4.77 a	96.02%
OFF-SITE IMPROVEMENTS		
PAVEMENT / CURB / SIDEWALK	0.12 a	2.39%
PERVIOUS	0.13 a	2.58%
SUBTOTAL	0.25 a	4.98%
TOTAL SITE AREA	5.02 a	100.00%

### OPEN SPACE CALCULATIONS

REQUIRED OPEN SPACE: 5.02 X 5.46 = 2.01 AC		
PROVIDED		
CATEGORY	ACERAGE	PERCENTAGE
OPEN SPACE IN BLOCK LANE ROW	0.13 a	2.99%
OPEN SPACE - COMMON	0.83 a	18.53%
OPEN SPACE - LOTS	0.76 a	14.74%
LAKE	0.82 a	9.88%
TOTAL PROVIDED	2.30 a	43.89%

LEGEND

D.E.	DRAINAGE EASEMENT
L.S.E.	LANDSCAPE BUFFER EASEMENT
L.M.E.	LAKE MAINTENANCE EASEMENT
P/V/T	PAVEMENT

#### LIST OF DEVIATIONS

- [illegible]

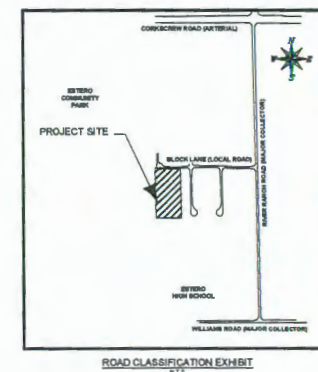
## SITE DEVELOPMENT SUMMARY

DEVELOPMENT STANDARDS	REQUIRED	PROVIDED
MINIMUM LOT AREA (S.F.)	2,750	6,125
MINIMUM LOT WIDTH (FT)	3	30.2
MINIMUM LOT DEPTH (FT)	75	115.0
MINIMUM SETBACKS, ALL STRUCTURES:		
FRONT YARD (FT)	15 OR 30	15 OR 30
REAR YARD (FT)	20	20
REAR YARD ACCESSORY (FT)	5	5
SIDE YARD (FT)	5	5
MAXIMUM BUILDING HEIGHT	36 (2 STORIES)	36 (2 STORIES)
MAXIMUM LOT COVERAGE (%)	55	55

1. FRONT YARD SETBACK MAY BE REDUCED TO 15' FOR SIDE LOADED GARAGE

## PARK PLACE OF ESTERO

MASTER CONCEPT PLAN



**J.R. EVANS**  
ENGINEERING

**J.R. EVANS ENGINEERING**  
9351 CORKSCREW ROAD, SUITE 102  
ESTERO, FLORIDA 33928  
PHONE: (239) 405-9148  
FAX: (239) 258-2537  
[WWW.JREVAENGINEERING.COM](http://WWW.JREVAENGINEERING.COM)

100

**EXHIBIT B**

EXHIBIT C

# PARK PLACE OF ESTERO



## PATTERN BOOK

ESTERO, FL  
JULY 2017

RECEIVED  
OCT 11 2017  
VILLAGE OF ESTERO



# TABLE OF CONTENTS | VILLAGE OF ESTERO \_\_\_\_\_

VICINITY MAP \_\_\_\_\_ PAGE 2

OVERALL SITE PLAN \_\_\_\_\_ PAGE 3

HERITAGE TREE PLAN \_\_\_\_\_ PAGE 4

CONNECTIVITY \_\_\_\_\_ PAGE 5

POINTS OF INTEREST \_\_\_\_\_ PAGE 6-8

CONSULTANT TEAM \_\_\_\_\_ PAGE 9

\*\*Disclaimer: The following images and renderings are conceptual and subject to change.

# VICINITY MAP | VILLAGE OF ESTERO

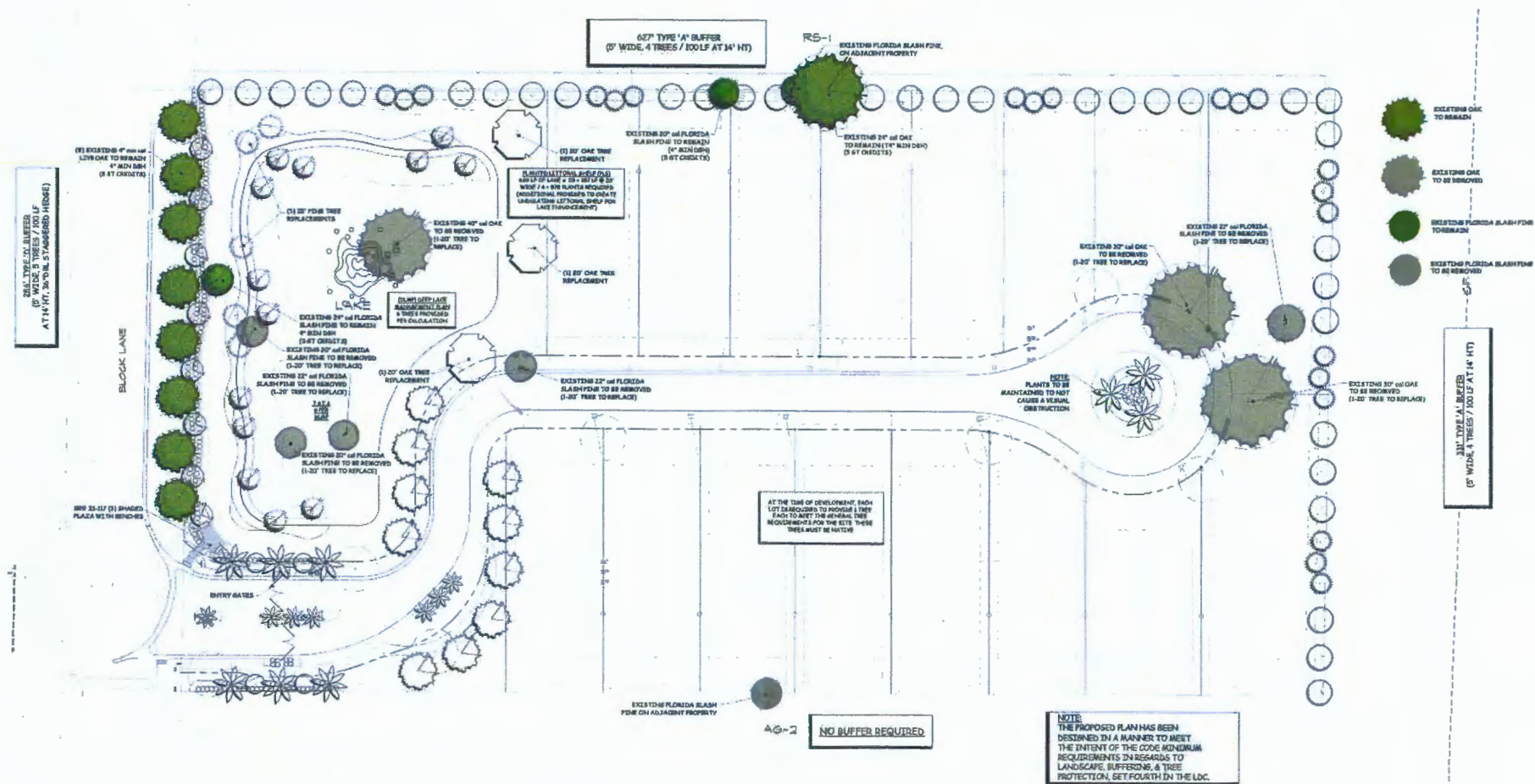




## OVERALL SITE PLAN | VILLAGE OF ESTERO







## HERITAGE TREE PLAN | VILLAGE OF ESTERO





# CONNECTIVITY | VILLAGE OF ESTERO

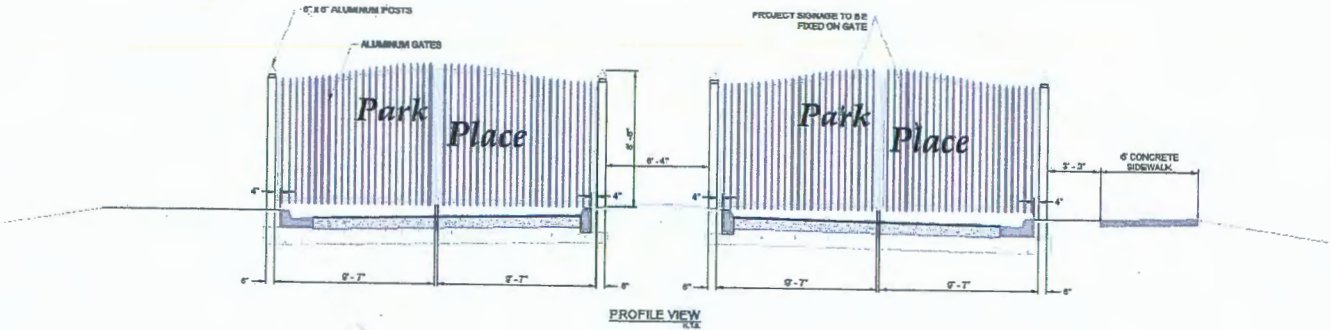


LEGEND	
	EXISTING PEDESTRIAN SIDEWALK
	PROPOSED SIDEWALK
	PROPOSED LAKE
	PROPOSED LOTS

POINTS OF INTEREST | VILLAGE OF ESTERO

PROJECT ENTRANCE

GATE DETAIL:



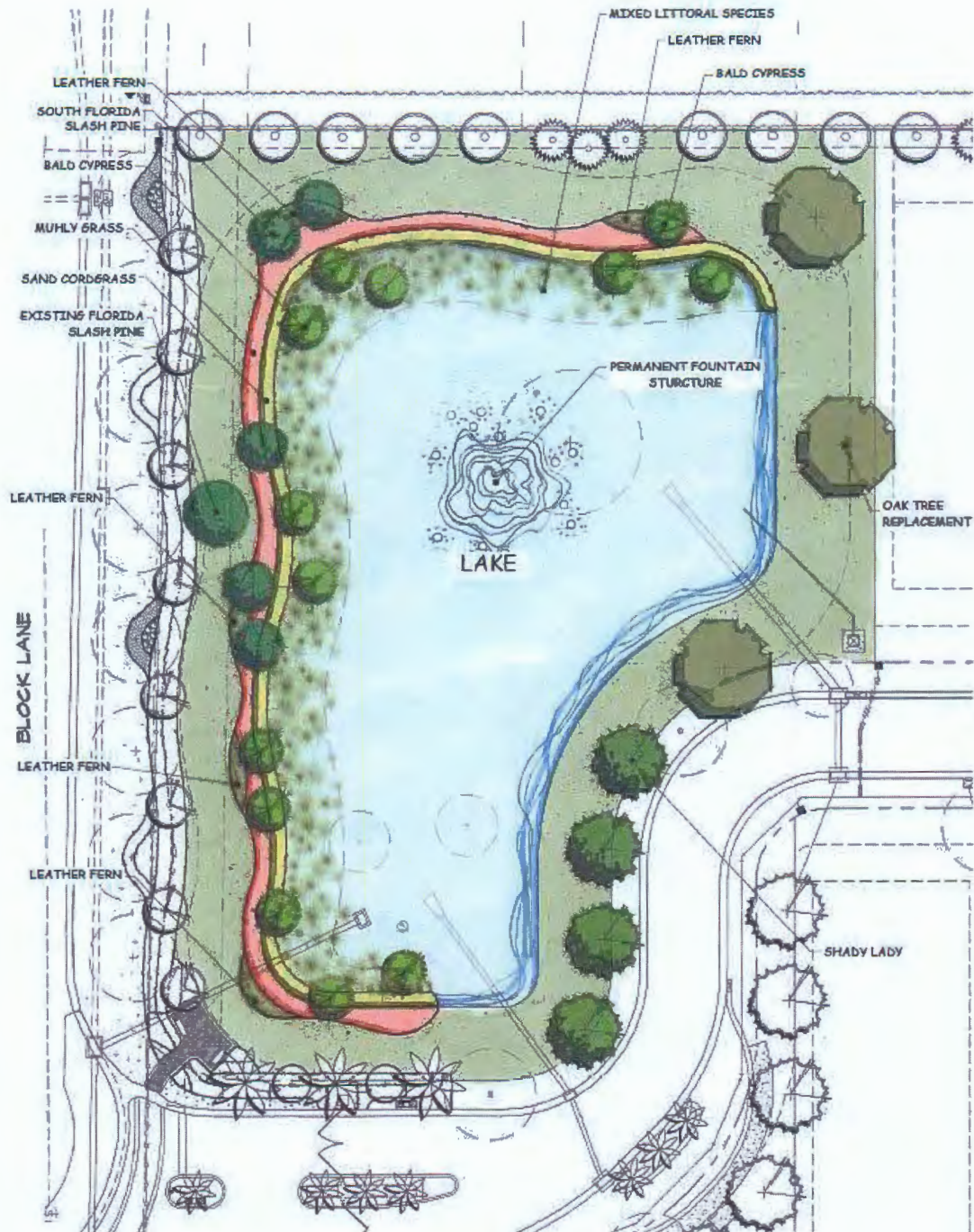
COLOR RENDERING:





# POINTS OF INTEREST | VILLAGE OF ESTERO

## LAKE FEATURES



## POINTS OF INTEREST | VILLAGE OF ESTERO

### PEDESTRIAN SEATING AREA

There will be a pedestrian seating area provided with site furnishings and shade trees to provide a simple, yet attractive and comfortable amenity.

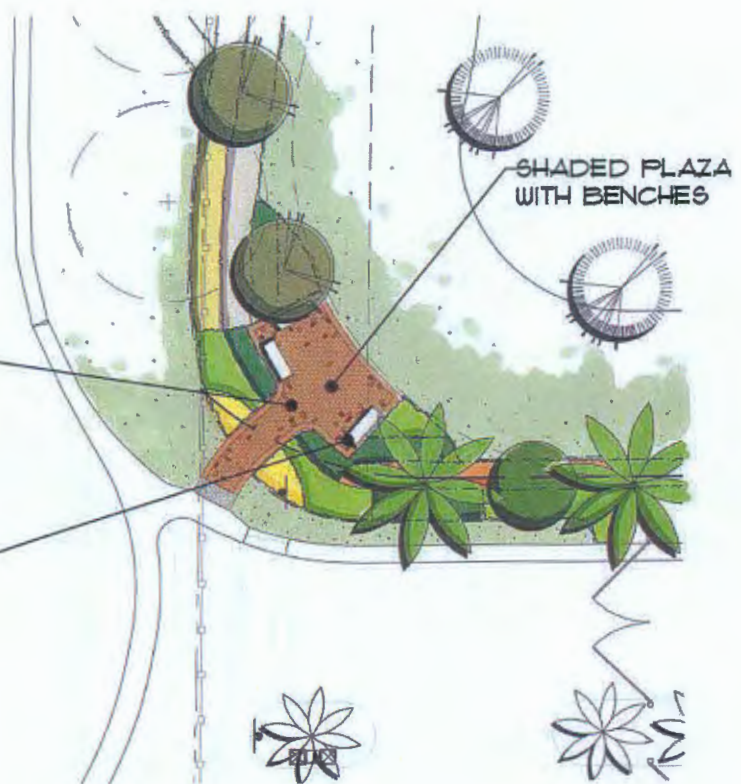
COLOR RENDERING:



HERRINGBONE  
PAVERS



BENCH





## CONSULTANT TEAM | VILLAGE OF ESTERO\_\_\_\_\_

LAI DESIGN ASSOCIATES, LLC – *DEVELOPER / ARCHITECT*



J.R. EVANS ENGINEERING, P.A. – *CIVIL ENGINEER*



WINDHAM STUDIO, INC – *LANDSCAPE ARCHITECT*



# DEVIATION 2

**ONLY REQUESTING DEVIATION FOR SECTION OF ROAD ADJACENT TO LAKE WHERE WE ARE PROPOSING A 2-FOOT CURB AND GUTTER.**

- ADDED BARRIER BETWEEN THE VEHICLES AND THE LAKE
- RECEIVED STAFF APPROVAL
- RECEIVED APPROVAL FROM ESTERO FIRE DISTRICT AS PART OF THE DEVELOPMENT ORDER REVIEW

