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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.**
58

59 That each of the above stated recitals is hereby adopted and confirmed as being true,
60 and the same are hereby incorporated as a part of this Ordinance.
61

62 **Section 2. Amendment to Sec. 2-264. – Definitions and Rules of Construction.**

63 The following definitions are added to Section 2-264(b):
64

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

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

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

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

87 Restaurant, Standard means an establishment whose principal business is the sale
88 of food or beverages to customers in a ready-to-consume state, and principal method
89 of operation includes one or both of the following characteristics: (1) Customers are
90 served 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:

- (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		
Single-family residence (Detached)	Dwelling Unit	\$9,996
Multi-Family, Low Rise including duplex, two-family attached and townhome 1-2 story)	Dwelling Unit	\$7,750
Multi-Family, Mid-Rise (3-10 stories)	Dwelling Unit	\$5,760
Multi-Family, High-Rise (11+ stories)	Dwelling Unit	\$4,700
Mobile home /RV park	Pad/Park site	\$5,293
Assisted Living Facility (ALF)	Dwelling Unit	\$2,138
Continuing Care Retirement Community	Dwelling Unit	\$2,540

Hotel/Motel or timeshare	Room/unit	\$4,947
Retail Commercial		
Shopping Center	1,000 sq. ft.	\$11,476
Bank	1,000 sq. ft.	\$25,579
Car wash, Self-service	Stall	\$6,112
Convenience store with gas sales (<10 fuel positions)	Fuel positions	\$18,979
Convenience store with gas sales (10+ fuel positions)	Fuel positions	\$13,565
Golf course (open to public)	Acre	\$2,277
Movie theater	1,000 sq. ft.	\$26,985
Restaurant, Standard	1,000 sq. ft.	\$22,019
Restaurant, Fast Casual	1,000 sq. ft.	\$39,277
Restaurant, Fast Food	1,000 sq. ft.	\$48,912
Office/Institutional		
Office	1,000 sq. ft.	\$7,614
Hospital	1,000 sq. ft.	\$7,920
Nursing Home	1,000 sq. ft.	\$4,907
Place of Worship	1,000 sq. ft.	\$4,712
Day Care Center	1,000 sq. ft.	\$10,345
Elementary/Secondary School (private)	1,000 sq. ft.	\$3,893
Industrial		
Industrial park or general industrial	1,000 sq. ft.	\$3,380
Warehouse	1,000 sq. ft.	\$1,749
Warehouse/High-Cube	1,000 sq. ft.	\$1,409
Mini-Warehouse (Self-Storage)	1,000 sq. ft.	\$1,085
Mine	Cubic Yard	\$0.040

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

Section 4. Amendment to Sec.2-268. – Benefit District Established. Section 2-268 is hereby amended as follows:

- (a) There is hereby established one benefit district.
- (b) Subdistricts may be created by interlocal agreement or further legislation.

Section 5. Permit Submittal and Issuance.

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

Section 6. Conflicts of Law.

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

Section 7. Severability.

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

Section 8. Effective Date.

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

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

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 11th day of July, 2018.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: Kathy Hall
Kathy Hall, MMC, Village Clerk

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

Reviewed for legal sufficiency:

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

175	Vote:	AYE	NAY
176	Mayor Boesch	<u>✓</u>	<u> </u>
177	Vice Mayor Ribble	<u>✓</u>	<u> </u>
178	Councilmember Batos	<u>✓</u>	<u> </u>
179	Councilmember Errington	<u>✓</u>	<u> </u>
180	Councilmember Levitan	<u>✓</u>	<u> </u>
181	Councilmember McLain	<u>✓</u>	<u> </u>
182	Councilmember Wilson	<u>✓</u>	<u> </u>