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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.

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, 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 “Park Impact Fee 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.**
59

60 That each of the above stated recitals is hereby adopted and confirmed as being true,
61 and the same are hereby incorporated as a part of this Ordinance.
62

63 **Section 2. Amendments to Sections 2-306, 2-308, 2-346 and 2-348.** Sections 2-
64 306, 2-308, 2-346 and 2-348 are amended as follows:
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66 **Sec. 2-306. Computation of Amount.**
67

68 (a) At the option of the feepayer, the amount of the parks impact fee may be determined
69 by the schedule set forth in this subsection. The reference in the schedule to mobile
70 home/RV park site refers to the number of mobile home or recreational vehicle sites
71 permitted by the applicable final development order.
72

73 **Sec. 2-308. Benefit District Established.**
74

75 For purposes of this division, there is hereby established a single ~~countywide regional~~
76 Villagewide parks impact fee benefit district.
77

78 **Sec. 2-346. Computation of Amount.**
79

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

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

Section 3. 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 the submittal. Permits not issued within 3 months shall be assessed impact fees applicable at the time of permit issuance.

Section 4. 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 5. 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 6. 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.

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

112
113 PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of
114 Estero, Florida this 11th day of July, 2018.

115
116 Attest:

VILLAGE OF ESTERO, FLORIDA

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118
119 By: Kathy Hall
120 Kathy Hall, MMC, Village Clerk

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

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122
123 Reviewed for legal sufficiency:

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125
126 By: Nancy Stroud
127 Nancy Stroud, Esq., Village Land Use Attorney

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129
130 Vote: AYE NAY
131 Mayor Boesch ☒ ☐
132 Vice Mayor Ribble ☒ ☐
133 Councilmember Batos ☒ ☐
134 Councilmember Errington ☒ ☐
135 Councilmember Levitan ☒ ☐
136 Councilmember McLain ☒ ☐
137 Councilmember Wilson ☒ ☐