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**VILLAGE OF ESTERO, FLORIDA**

**ORDINANCE NO. 2019 - 13**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF ESTERO, FLORIDA, REPEALING  
DEVELOPMENT DISTRICT PROVISIONS OF THE LEE  
COUNTY CODE PREVIOUSLY ADOPTED BY  
REFERENCE; AND PROVIDING AN EFFECTIVE  
DATE.**

**WHEREAS**, the Village of Estero was incorporated by referendum held on November 4, 2014; and

**WHEREAS**, the Charter of the Village of Estero ("Charter") at Section 11, "General Provisions," paragraph (5) "Transitional Ordinances and Resolutions," provides that all applicable lawful Lee County ordinances currently in place at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and

**WHEREAS**, the Village Council has determined that it is in the best interests and welfare of the Village and its residents to rescind certain provisions of the Lee County Code that fall into one of the following categories: non-ordinance provisions, provisions pre-empted to counties, provisions specifically related to county departments, officers, agencies or areas outside of Estero, provisions that would apply within Estero without the Village's adoption of same.

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

**Section 1. Lee County Code Sections repealed.**

The following community development districts were established and amended by ordinances adopted by the Lee County Board of County Commissioners, pursuant to the provisions of Chapter 190, Florida Statutes, the "Uniform Community Development District Act of 1980" (the "Act"). The creation, amendment to, or termination of these community development districts can only occur pursuant to the procedures outlined in the Act. The following sections were included in the Code of Laws and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code. To the extent authorized by law and without affecting the existence, charters or powers of the community development districts listed below and without affecting the ordinances adopted by the Lee County Board of County Commissioners that established or amended the community development districts listed below,

the following sections of the Code of Laws and Ordinances, of the Village of Estero, Florida are hereby rescinded and repealed as ordinances of the Village of Estero:

Lee County Code Sec. 11¼-21. Authority for article; Sec. 11¼-22. Establishment of the River Ridge Community Development District; Sec. 11¼-23. Governance; Sec. 11¼-24. Ordinance No. 98-07 amendment; Secs. 11¼-25—11¼-30. Reserved; Sec. 11¼-31. Authority for article; Sec. 11¼-32. Establishment of the Bay Creek Community Development District; Sec. 11¼-33. Authorization for the exercise of optional powers; Sec. 11¼-34. District name; Sec. 11¼-35. Statutory provisions governing district; Sec. 11¼-41. District name; Sec. 11¼-42. Authority for article; Sec. 11¼-43. Establishment of community development district; Sec. 11¼-44. Statutory provisions governing district; Sec. 11¼-51. District name; Sec. 11¼-52. Authority for article; Sec. 11¼-53. Establishment of community development district; Sec. 11¼-54. Statutory provisions governing district; Sec. 11¼-55. Authorization for exercise of optional powers; Sec. 11¼-61. District name; Sec. 11¼-62. Authority for article; Sec. 11¼-63. Establishment of community development district; Sec. 11¼-64. Designation of initial board members; Sec. 11¼-65. Statutory provisions governing district; Sec. 11¼-66. Authorization to modify boundaries; Sec. 11¼-71. District name and legal description; Sec. 11¼-72. Authority for article; Sec. 11¼-73. Establishment of community development district; Sec. 11¼-74. Designation of initial members of the board of supervisors; Sec. 11¼-75. Initial powers of the community development district; Sec. 11¼-76. Statutory provisions governing the community development district; Sec. 11¼-77. Additional conditions imposed on the community development district; Sec. 11¼-91. District name; Sec. 11¼-92. Authority for ordinance; Sec. 11¼-93. Establishment of community development district; Sec. 11¼-94. Designation of initial board members; Sec. 11¼-95. Statutory provisions governing district; Sec. 11¼-96. Notice to subsequent property owners; Sec. 11¼-97. Authorization for exercise of special powers; Sec. 11¼-111. District name and legal description; Sec. 11¼-112. Authority for ordinance; Sec. 11¼-113. Establishment of community development district; Sec. 11¼-114. Designation of initial members of the board of supervisors; Sec. 11¼-115. Initial powers of the community development district; Sec. 11¼-116. Statutory provisions governing the community development district; Sec. 11¼-117. Additional conditions imposed on the community development district; Sec. 11¼-121. District name and legal description; Sec. 11¼-122. Authority for article; Sec. 11¼-123. Establishment of community development district; Sec. 11¼-124. Designation of initial members of the board of supervisors; Sec. 11¼-125. Initial powers of the community development district; Sec. 11¼-126. Statutory provisions governing the community development district; Sec. 11¼-127. Additional conditions imposed on the community development district; Sec. 11¼-128. Authorization for exercise of optional (special) powers; Sec. 11¼-129. Authorization to modify boundaries; Sec. 11¼-131. District name; Sec. 11¼-132. Authority for article; Sec. 11¼-133. Establishment of community development district; Sec. 11¼-134. Designation of initial board members; Sec. 11¼-135. Statutory provisions governing district; Sec. 11¼-136. Notice to subsequent purchasers; Sec. 11¼-137. Authorization for exercise of optional powers; Sec. 11¼-141. District name; Sec. 11¼-142. Authority for article; Sec. 11¼-143. Establishment of community development district; Sec. 11¼-144. Designation of initial board members; Sec. 11¼-145. Statutory provisions governing district; Sec. 11¼-146. Notice to subsequent purchasers; Sec. 11¼-151.

88 District name; Sec. 11¼-152. Authority for article; Sec. 11¼-153. Establishment of community  
89 development district; Sec. 11¼-154. Designation of initial board members; Sec. 11¼-155.  
90 Statutory provisions governing district; Sec. 11¼-156. Notice to subsequent purchasers; Sec.  
91 11¼-171. District name; Sec. 11¼-172. Authority; Sec. 11¼-173. Establishment of community  
92 development district; Sec. 11¼-174. Designation of initial board members; Sec. 11¼-175.  
93 Statutory provisions governing district; Sec. 11¼-176. Authorization for exercise of special  
94 powers; Sec. 11¼-177. Notice to subsequent purchasers; Sec. 11¼-191. District name and legal  
95 description; Sec. 11¼-192. Authority; Sec. 11¼-193. Establishment of community  
96 development district; Sec. 11¼-194. Designation of initial members of the board of  
97 supervisors; Sec. 11¼-195. Initial powers of the community development district; Sec. 11¼-  
98 196. Statutory provisions governing the community development district; Sec. 11¼-197.  
99 Additional conditions imposed on the community development district; Sec. 11¼-201. District  
100 name and legal description; Sec. 11¼-202. Authority for article; Sec. 11¼-203. Establishment  
101 of community development district; Sec. 11¼-204. Designation of initial members of the board  
102 of supervisors; Sec. 11¼-205. Initial powers of the community development district; Sec. 11¼-  
103 206. Statutory provisions governing the community development district; Sec. 11¼-207.  
104 Additional conditions imposed on the community development district; Sec. 11¼-208.  
105 Authorization for exercise of optional (special) powers; Sec. 11¼-211. District name and legal  
106 description; Sec. 11¼-212. Authority for article; Sec. 11¼-213. Establishment of community  
107 development district; Sec. 11¼-214. Designation of initial members of the board of  
108 supervisors; Sec. 11¼-215. Initial powers of the community development district; Sec. 11¼-  
109 216. Statutory provisions governing the community development district; Sec. 11¼-217.  
110 Additional conditions imposed on the community development district; Sec. 11¼-231. District  
111 name; Sec. 11¼-232. Authority for article; Sec. 11¼-233. Establishment of community  
112 development district; Sec. 11¼-234. Designation of initial board members; Sec. 11¼-235.  
113 Statutory provisions governing district; Sec. 11¼-236. Notice to subsequent purchasers; Sec.  
114 11¼-251. District name; Sec. 11¼-252. Authority for article; Sec. 11¼-253. Establishment of  
115 community development district; Sec. 11¼-254. Designation of initial board members; Sec.  
116 11¼-255. Statutory provisions governing district; Sec. 11¼-256. Notice to subsequent  
117 purchasers; Sec. 11¼-261. District name; Sec. 11¼-262. Authority for article; Sec. 11¼-263.  
118 Establishment of community development district; Sec. 11¼-264. Designation of initial board  
119 members; Sec. 11¼-265. Statutory provisions governing district; Sec. 11¼-266. Notice to  
120 subsequent purchasers; Sec. 11¼-271. District name; Sec. 11¼-272. Authority for article; Sec.  
121 11¼-273. Establishment of community development district; Sec. 11¼-274. Designation of  
122 initial board members; Sec. 11¼-275. Statutory provisions governing district; Sec. 11¼-276.  
123 Notice to subsequent purchasers; Sec. 11¼-281. District name; Sec. 11¼-282. Authority for  
124 article; Sec. 11¼-283. Establishment of community development district; Sec. 11¼-284.  
125 Designation of initial board members; Sec. 11¼-285. Statutory provisions governing district;  
126 Sec. 11¼-286. Notice to subsequent purchasers; Sec. 11¼-291. District name; Sec. 11¼-292.  
127 Authority for article; Sec. 11¼-293. Establishment of community development district; Sec.  
128 11¼-294. Designation of initial board members; Sec. 11¼-295. Statutory provisions governing  
129 district; Sec. 11¼-296. Notice to subsequent purchasers; Sec. 11¼-301. District name; Sec.  
130 11¼-302. Authority for article; Sec. 11¼-303. Establishment of community development  
131 district; Sec. 11¼-304. Designation of initial board members; Sec. 11¼-305. Statutory

provisions governing district; Sec. 11¼-306. Notice to subsequent purchasers; Sec. 11¼-311. District name; Sec. 11¼-312. Authority for article; Sec. 11¼-313. Establishment of community development district; Sec. 11¼-314. Designation of initial board members; Sec. 11¼-315. Statutory provisions governing district; Sec. 11¼-316. Notice to subsequent purchasers; Sec. 11¼-321. District name; Sec. 11¼-322. Authority for article; Sec. 11¼-323. Authorization for exercise of special powers; Sec. 11¼-324. Establishment of community development district; Sec. 11¼-325. Designation of initial board members; Sec. 11¼-326. Statutory provisions governing district; Sec. 11¼-327. Notice to subsequent purchasers; Sec. 11¼-330. Short title; Sec. 11¼-332. Name; Sec. 11¼-333. Location; Sec. 11¼-334. Ownership; Sec. 11¼-335. General goals of development; Sec. 11¼-336. General plan of development; Sec. 11¼-337. Interpretation of community plan; Sec. 11¼-338. Permitted variations; Sec. 11¼-339. Reserve area; Sec. 11¼-340. Fractionalization of tracts; Sec. 11¼-341. General; Sec. 11¼-342. Specific definitions; Sec. 11¼-343. General conditions and procedures; Sec. 11¼-344. Procedures for area master plan approval; Sec. 11¼-345. Procedures for final plan and plat approvals; Sec. 11¼-346. Procedures for parcel plan approval; Sec. 11¼-347. Procedures for site plan approval; Sec. 11¼-348. Purpose; Sec. 11¼-349. Creation of a Uniform Community Development District; Sec. 11¼-350. Water system; Sec. 11¼-351. Sewer system; Sec. 11¼-352. Surface water management; Sec. 11¼-353. Utilities; Sec. 11¼-354. Energy; Sec. 11¼-355. Streets; Sec. 11¼-356. Purpose; Sec. 11¼-357. Agricultural uses; Sec. 11¼-358. Alcoholic beverages; Sec. 11¼-359. Animals in residential areas; Sec. 11¼-360. Cluster developments; Sec. 11¼-361. Essential infrastructure facilities; Sec. 11¼-362. Excavations; Sec. 11¼-363. Fences, walls and hedges; Sec. 11¼-364. Guest houses; Sec. 11¼-365. Major recreational equipment and commercial vehicles in residential areas; Sec. 11¼-366. Model units; Sec. 11¼-367. Oil and gas resources; Sec. 11¼-368. Setbacks; Sec. 11¼-368.1. Unaddressed uses; Sec. 11¼-368.2. Zero lot line development; Sec. 11¼-369. Purpose; Sec. 11¼-370. Designation of use; Sec. 11¼-371. Conservation Area District; Sec. 11¼-372. Golf Course District; Sec. 11¼-373. Residential districts (general); Sec. 11¼-374. Commercial districts (general); Sec. 11¼-374.1. Utility District and Park/Utility District; Sec. 11¼-375. Purpose; Sec. 11¼-376. Landscaping; Sec. 11¼-377. Signs; Sec. 11¼-378. Administration; Sec. 11¼-379. Appeals from decision of administrative official; Sec. 11¼-380. Fees; and Sec. 11¼-381. Civil and criminal enforcement.

The adoption of this Ordinance does not affect the validity or the establishment of any community development district or other special district, or the validity of these provisions within the Code of Laws and Ordinances of Lee County, Florida.

## **Section 2. Ratification.**

The Village hereby ratifies and confirms the establishment, creation and existence of all community development districts within the Village of Estero established by Lee County, including all amendments thereto and any consents provided by Lee County.

**Section 3. Effective Date.**

This Ordinance shall become effective immediately upon its adoption.

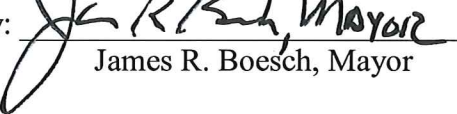
**PASSED** on first reading this 3<sup>rd</sup> day of October, 2018.

**PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
Florida this 9<sup>th</sup> day of January, 2019.


Attest:

**VILLAGE OF ESTERO, FLORIDA**

By:   
Kathy Hall, MMC, Village Clerk

By:   
James R. Boesch, Mayor

Reviewed for legal sufficiency:

By:   
Burt Saunders, Esq., Village Attorney

Vote:	AYE	NAY
Mayor Boesch	<u>✓</u>	_____
Vice Mayor Ribble	<u>✓</u>	_____
Councilmember Batos	<u>✓</u>	_____
Councilmember Errington	<u>✓</u>	_____
Councilmember Levitan	<u>✓</u>	_____
Councilmember McLain	<u>✓</u>	_____
Councilmember Wilson	<u>✓</u>	_____