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**VILLAGE OF ESTERO, FLORIDA**

**ORDINANCE NO. 2020 - 02**

**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; 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 government to provide certain services within its jurisdiction; and

**WHEREAS**, Policy TRA 1.8-8 of the Village of Estero Comprehensive Plan provides that the Village shall maintain an effective and fair system of impact fees to ensure that development pays an appropriate and fair share of the cost to mitigate its impact on the surrounding community; 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**, the Village’s Comprehensive Plan promotes walkability and multi-modal transportation; and

**WHEREAS**, the Village has prioritized bicycle and pedestrian access through development of a Bicycle and Pedestrian Master Plan, and development of a Parks and Recreation Master Plan; and

**WHEREAS**, this amendment clarifies that road impact fee funds can be used to make standalone bicycle and pedestrian improvements along roadways apart from widening projects.

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

45 **Section 1. Amendment to Sec. 2-264. – Definitions and Rules of Construction.**  
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47 Section 2-264 is hereby amended as follows:  
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49 Capital improvements means preliminary engineering, engineering design studies, land  
50 surveys, right-of-way acquisition, engineering, permitting and construction of all the  
51 necessary features for any non-site related road construction project, including but not  
52 limited to:  
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- 54 (1) Constructing new through lanes;
- 55 (2) Constructing new turn lanes;
- 56 (3) Constructing new frontage or access roads;
- 57 (4) Constructing new bridges;
- 58 (5) Constructing new drainage facilities in conjunction with roadway construction;
- 59 (6) Purchasing and installing traffic signalization (including both new installations  
60 and upgrading signalization);
- 61 (7) Constructing curbs, medians, sidewalks, bicycle paths, shoulders, or other  
62 customary or required improvements made in conjunction with roadway  
63 construction;
- 64 (8) Relocating utilities to accommodate new roadway construction; and
- 65 (9) Constructing on-street and off-street parking when such parking is intended for  
66 and designed to protect or enhance the vehicular capacity of the existing network  
67 of approved roads.
- 68 (10) Alternative roadway capacity improvements that accommodate vehicle trips by  
69 providing alternative travel modes and by taking pedestrians, bicyclists, and  
70 buses out of travel lanes including, but not limited to, sidewalks and other  
71 pedestrian improvements, bikeways, and bus pull-out lanes along arterial and  
72 collector roads.

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74 **Section 2. Conflicts of Law.**  
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76 Whenever the requirements or provisions of this Ordinance are in conflict with the  
77 requirements or provisions of any other lawfully adopted Village ordinance or State  
78 statute, the most restrictive requirements will apply.  
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80 **Section 3. Severability.**  
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82 If any section, subsection, clause or provision of this Ordinance is deemed invalid or  
83 unconstitutional by a court of competent jurisdiction, the remainder shall not be  
84 affected by such invalidity.  
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**Section 4. Effective Date.**

This ordinance will take effect immediately upon adoption.

**PASSED** on first reading this 19<sup>th</sup> day of February, 2020.

**PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 4<sup>th</sup> day of March, 2020.

Attest:

**VILLAGE OF ESTERO, FLORIDA**

By: *Kathy Hall*  
Kathy Hall, MMC, Village Clerk

By: *Wm. Ribble*  
William Ribble, Mayor

Reviewed for legal sufficiency:

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

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