

**VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2020 - 11**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, AMENDING
ORDINANCE 2019-29 TO REVISE CERTAIN
TRANSPORTATION CONDITIONS FOR THE ESTERO
CROSSING MIXED USE PLANNED DEVELOPMENT ON
PROPERTY LOCATED 1,000 FEET WEST OF
INTERSTATE 75 AND SOUTH OF CORKSCREW ROAD
CONSISTING OF APPROXIMATELY 43 ACRES;
PROVIDING FOR CONFLICTS; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, rezoning of the Estero Crossing property was approved by the Village Council on January 29, 2020 in Ordinance 2019-29 (the "Ordinance"); and

WHEREAS, certain zoning conditions were included in the Ordinance related to payment of a proportionate share of the cost of a proposed traffic signal at Corkscrew Road and Estero Town Commons Place/Puente Lane; and

WHEREAS, the applicant and owner, SD Estero Crossing LLC (the "Owner"), represented by Keith Gelder, Stock Development, desires to pay its proportionate share for the signal; and

WHEREAS, Condition 6 of the Ordinance states that the traffic signal must be operational prior to issuance of the first certificate of compliance for vertical development in the project; and

WHEREAS, the Owner does not control the construction schedule for the signalization, which is under the jurisdiction of Lee County; and

WHEREAS, the Owner wishes to proceed to obtain a development order for the project and pay the proportionate share, with the condition remaining that the reverse frontage road will be complete and operational prior to the first certificate of compliance for vertical development in the project; and

WHEREAS, an agreement with the Owner was approved by the Village on May 27, 2020 for payment of the proportionate share for design and permitting; and

WHEREAS, the Owner proposes that an agreement with the Village for the Owner's payment of the proportionate share for construction be approved simultaneously with this Ordinance; and

46
47 **WHEREAS**, the Planning and Zoning Board reviewed this Ordinance at its meeting
48 on December 15, 2020 and recommended approval; and
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50 **WHEREAS**, a first reading of this Ordinance was held by Village Council on January
51 6, 2021; and
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53 **WHEREAS**, a duly noticed second reading of this Ordinance was held by Village
54 Council on January 20, 2021, at which time the Council gave consideration to the evidence
55 presented by the applicant, the staff recommendation, the recommendation of the Planning and
56 Zoning Board and the comments of the public.
57

58 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
59 Florida:
60

61 **Section 1.** **Amendments to Rezoning Ordinance.**
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63 The Village Council approves the additional condition below. All other conditions of
64 Ordinance 2019-29 remain in full force and effect.
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66 **Section 2.** **Additional Condition.**
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68 The Village Manager may waive the requirement that the traffic light be operational
69 prior to the first certificate of compliance for vertical development within the planned
70 development, if the Village Manager determines that the light will be operational
71 within four months.
72

73 **Section 3.** **Conflicts.**
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75 All sections or part of Sections of the Code of Ordinances, all Ordinances or
76 Resolutions, or parts of Ordinances or Resolutions, granting prior approvals on the
77 Property which are and all Resolutions, or parts of resolutions, in conflict with this
78 Ordinance shall be repealed to the extent of such conflict upon the effective date of this
79 Ordinance.
80

81 **Section 4.** **Severability.**
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83 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance
84 subsequent to its effective date be declared by a court of competent jurisdiction to be
85 invalid, such decision shall not affect the validity of this Ordinance as a whole or any
86 portion thereof, other than the part so declared to be invalid.

Section 5. Effective Date.


This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this 6th day of January, 2021.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero,
Florida on second reading this 20th day of January, 2021.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: 
Steve Sarkozy, Acting Village Clerk

By: 
Bill Ribble, Mayor

Reviewed for legal sufficiency:

By: 
Derek Rooney, Assistant Village Attorney

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