AGENDA

PLANNING AND ZONING BOARD MEETING

9401 Corkscrew Palms Circle, Estero, Florida

February 18, 2020

5:30 P.M.

Planning & Zoning Board: Chairman - Scotty Wood; Vice Chairman – Marlene Naratil; Tim Allen; Anthony Gargano; James Tatooles; John Yarbrough

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. BUSINESS

   Items on the agenda are generally treated in sequential order, and due to the length of the agenda any or all of the items listed for discussion may be rescheduled to a later date for consideration. The public will have an opportunity to speak during each agenda item; each individual has one opportunity to speak for five minutes per agenda item.

   (a) Public Hearing

      (1) Impact Fee Ordinance
           Ordinance amending the Transitional Land Development Code Division 2, Section 2-264(b) - Road Impact Fees

           - The Planning and Zoning Board will make a recommendation to Council

   (b) Update on Land Development Code

6. PUBLIC INPUT (Each individual will be given five minutes to speak)

7. BOARD COMMUNICATIONS

   (a) Next meeting March 17, 2020

8. ADJOURN
If you desire to address the Council, please complete a Public Comment Card located on the table in the lobby and return it to the Clerk. Citizens desiring to speak must step up to the podium, state their full name and address and/or whom he or she represents.

ADA Assistance – Anyone needing special assistance at the Board meeting due to a disability or physical impairment should contact Village Clerk Kathy Hall, 239-221-5033, at least 48 hours prior to the meeting.

Pursuant to Section 286.0105, Florida Statutes:
“If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a recording of the proceeding, and that, for such purpose, he or she may need to ensure that a verbatim recording of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”
Agenda Item:

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, Road Impact Fees, by amending Section 2-264(b) Definitions; Providing for Conflict; Providing for Severability; and Providing an Effective Date

Description:

A minor amendment is proposed to the Land Development Code pertaining to the use of impact fees, to clarify that road impact fees can be used for “multimodal” projects, which would include sidewalks, bikeways and similar pedestrian improvements, including stand alone projects.

The proposed ordinance language is the same as the City of Bonita Springs and Lee County’s Land Development Codes, based on recommendations of the City and County impact fee consultant.

This amendment was requested by Council members some time ago and will be incorporated into the new Land Development Code but is being brought forward now to coincide with planning and budgeting for capital improvement projects.

Action Requested:

The Planning and Zoning Board makes a recommendation to the Village Council on ordinances. The Council’s first reading is scheduled for February 19, 2020 and a second reading will tentatively be March 4, 2020.

Financial Impacts:

Approximately $200 for publication of second reading/public hearing.

Attachment:

1. Ordinance No. 2020-02
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:
Section 1. Amendment to Sec. 2-264. – Definitions and Rules of Construction.

Section 2-264 is hereby amended as follows:

Capital improvements means preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any non-site related road construction project, including but not limited to:

1. Constructing new through lanes;
2. Constructing new turn lanes;
3. Constructing new frontage or access roads;
4. Constructing new bridges;
5. Constructing new drainage facilities in conjunction with roadway construction;
6. Purchasing and installing traffic signalization (including both new installations and upgrading signalization);
7. Constructing curbs, medians, sidewalks, bicycle paths, and shoulders, or other customary or required improvements made in conjunction with roadway construction;
8. Relocating utilities to accommodate new roadway construction; and
9. Constructing on-street and off-street parking when such parking is intended for and designed to protect or enhance the vehicular capacity of the existing network of approved roads.
10. Alternative roadway capacity improvements that accommodate vehicle trips by providing alternative travel modes and by taking pedestrians, bicyclists, and buses out of travel lanes including, but not limited to, sidewalks and other pedestrian improvements, bikeways, and bus pull-out lanes along arterial and collector roads.

Section 2. 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 3. 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 4. Effective Date.

This ordinance will take effect immediately upon adoption.

PASSED on first reading this ____ day of February, 2020.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this ____ day of March, 2020.

Attest: VILLAGE OF ESTERO, FLORIDA

By: ___________________________ By: ______________________________
    Kathy Hall, MMC, Village Clerk William Ribble, Mayor

Reviewed for legal sufficiency:

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

Vote: AYE NAY

Mayor Ribble ________ ________
Vice Mayor Errington ________ ________
Councilmember Batos ________ ________
Councilmember Boesch ________ ________
Councilmember Levitan ________ ________
Councilmember McLain ________ ________
Councilmember Wilson ________ ________