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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2021 - 07

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING AN AMENDMENT TO THE VILLAGE OF ESTERO COMPREHENSIVE PLAN TO AMEND POLICY PSF-1.5.10, POLICY FLU 1.37. AND POLICY FLU-1.2.3 TO CLARIFY PERMISSIBLE SCHOOL LOCATIONS AND TO AMEND THE FUTURE LAND USE MAP FOR A 68.5-ACRE PROPERTY DESCRIBED IN EXHIBIT “A” FROM WETLANDS AND VILLAGE NEIGHBORHOOD 2 TO PUBLIC FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Comprehensive Plan became effective on November 21, 2019; and

WHEREAS, the Applicant, School District of Lee County, provided a legal description “Exhibit A – Legal Description” of property subject to the requested Village Comprehensive Plan Map Amendment (Exhibit “A”); and

WHEREAS, the Applicant seeks to amend three Comprehensive Plan Policies to clarify text related to the location of public schools within the Village Land Use Categories, as shown on the proposed text entitled “Proposed Text Amendment” (Exhibit “B”); and

WHEREAS, the Applicant seeks to amend the Future Land Use Map from Wetlands and Village Neighborhood 2 to Public Facilities for a 68.5-acre property identified by STRAP Number 26-46-25-E4-U2186.2435 and located as shown on the proposed map entitled “Future Land Use Map Amendment” (Exhibit “C”); and

WHEREAS, the Village Planning and Zoning Board, sitting as the Local Planning Agency, held a duly noticed public hearing on December 15, 2020 at which time the Board continued the hearing, and requested additional information; and

WHEREAS, the Village Planning and Zoning Board, at a continued public hearing held on January 19, 2021 recommended approval of the Comprehensive Plan Text Amendment and Map Amendment; and

WHEREAS, the Village Council, at a duly noticed meeting, held a Public Hearing for Transmittal on May 26, 2021 and considered the Staff report, the recommendation of the

Words that have been added since first reading are underlined in red. Words that have been deleted are ~~stricken through in red~~.

45 Village Planning and Zoning Board and the comments of the public, and voted to approve the
46 transmittal of the Text Amendment and Map Amendment to the State Land Planning Agency
47 and other review agencies as provided in Section 163.3184, Florida Statutes; and
48

49 WHEREAS, the Village Council held a final public hearing on July 14, 2021 to consider
50 the comments of the State Land Planning Agency and the public.
51

52 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
53 Florida:
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55 **Section 1. Recitals.**

56 The foregoing “Whereas” clauses are hereby ratified and incorporated as a part of this
57 Ordinance.
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59 **Section 2. Adoption of the Comprehensive Plan Amendment.**

60 The Village Council adopts on second reading the Comprehensive Plan Text
61 Amendment and Amendment to the Future Land Use Map, incorporated and made a part of this
62 Ordinance as Exhibit “B”.
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65 **Section 3. Transmittal.**

66 The Village Manager or his designee shall transmit the adopted Comprehensive Plan
67 Amendment and other materials as required by statute to the State Land Planning Agency and
68 other reviewing agencies as provided by Section 163.3184, Florida Statutes.
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71 **Section 4. Severability.**

72 If any provision of this Ordinance or its application to any person or circumstance is
73 held invalid, the invalidity does not affect other provisions or applications of this Ordinance
74 which can be given effect without the invalid provision or application, and to this end the
75 provisions of this Ordinance are severable.
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78 **Section 5. Conflict.**

79 All ordinances, resolutions, official determinations or parts thereof previously adopted
80 or entered by the Village or any of its officials and in conflict with this Ordinance are hereby
81 repealed to the extent inconsistent herewith.
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84 **Section 6. Effective Date.**

85 This ordinance shall take effect upon adoption at second reading, except that the
86 effective date of the Comprehensive Plan Amendment shall be thirty-one (31) days after the
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deleted are ~~stricken through in red~~.

89 State Land Planning Agency notifies the Village that the plan amendment package is complete
90 or, if timely challenged, thirty-one (31) days after the state Land Planning Agency, or the
91 Administration Commission enters a final order determining the adopted Plan Amendment to
92 be in compliance.

93
94 **PASSED** on first reading this 26th day of May, 2021.

95 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
96 Florida this 14th day of July, 2021.

97
98 Attest: **VILLAGE OF ESTERO, FLORIDA**

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101 By: _____ By: _____
102 Carol Sacco, Village Clerk Katy Errington, Mayor

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105 Reviewed for legal sufficiency:

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108 By: _____
109 Nancy Stroud, Esq., Village Land Use Attorney

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114 Vote: AYE NAY
115 Mayor Errington _____
116 Vice Mayor McClain _____
117 Councilmember Ribble _____
118 Councilmember Fiesel _____
119 Councilmember Boesch _____
120 Councilmember Ward _____
121 Councilmember Wilson _____

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124 Exhibit A: Legal Description
125 Exhibit B: Text Amendment Language
126 Exhibit C: Future Land Use Map Amendment

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