

1 **VILLAGE OF ESTERO, FLORIDA**

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3 **ORDINANCE NO. 2023 – 05**

4
5 AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
6 VILLAGE OF ESTERO, FLORIDA, APPROVING UPDATES
7 TO THE CAPITAL IMPROVEMENTS ELEMENT TO
8 UPDATE THE CAPITAL IMPROVEMENTS SCHEDULE
9 FOR FISCAL YEAR 2022/2023 AND ADOPT THE MOST
10 RECENT LEE COUNTY SCHOOL DISTRICT CAPITAL
11 IMPROVEMENT PLAN; PROVIDING FOR CONFLICT;
12 PROVIDING FOR SEVERABILITY; AND PROVIDING AN
13 EFFECTIVE DATE.

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15 **WHEREAS**, Florida Statute 163.3177(3)(a) requires Comprehensive Plans to contain
16 a Capital Improvements Element, and a schedule of capital improvements for a 5-year period;
17 and

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19 **WHEREAS**, Florida Statutes Section 163.3177(3)(b) states that the Capital
20 Improvements Element must be reviewed on an annual basis, and further that modifications to
21 update the 5-year Capital Improvements Element schedule may be accomplished by ordinance
22 and may not be deemed an amendment to the Comprehensive Plan; and

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24 **WHEREAS**, the Village of Estero adopted its first Capital Improvements Element,
25 including its 5-year Capital Improvements Element Schedule on June 13, 2018; and

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27 **WHEREAS**, the Village of Estero, Lee County, Florida, held public hearings on its
28 Capital Improvement Program as required by the Village Charter Section 8(7)(b); and

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30 **WHEREAS**, the Village reviewed and adopted its most recent Capital Improvement
31 Program by Resolution 2022-19 on July 20, 2022 pursuant to Village Charter Section
32 8(7)(b) and now desires to update the Capital Improvements Element Schedule pursuant to
33 Florida Statutes Section 163.3177(3)(b).

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

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38 **Section 1. Purpose.**

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40 The purpose of this Ordinance is to update the Capital Improvements Program schedule
41 that is now a part of the Comprehensive Plan. This amending ordinance may be referred to as
42 the “Capital Improvement Element Schedule Update 2022”.

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44 **Section 2. Adoption of the Capital Improvements Element Schedule Update**
45 **2022.**

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The Village Council hereby amends its Capital Improvement Element Schedule to reflect the latest adopted Capital Improvement Projects for the Village and incorporates the latest adopted Lee County School District Work Plan, attached hereto as Exhibits A and B, respectively.

Section 3. Conflict.

All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the Village or any of its officials and in conflict with this Ordinance are hereby repealed to the extent inconsistent herewith.

Section 4. Severability.

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this X day of MONTH, 2023.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this X day of MONTH, 2023.

By: _____
Carol Sacco, Village Clerk

By: _____
Jon McLain, Mayor

Reviewed for legal sufficiency:

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

Exhibit A: Village of Estero Capital Improvement Projects
Exhibit B: Lee County School District 2023-2027 Five Year Capital Improvement Plan

91	Vote:	AYE	NAY
92	Mayor McLain	_____	_____
93	Vice Mayor Ribble	_____	_____
94	Councilmember Fayhee	_____	_____
95	Councilmember Fiesel	_____	_____
96	Councilmember Lopez	_____	_____
97	Councilmember Ward	_____	_____
98	Councilmember Zalucki	_____	_____
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