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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2024 - 09

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING AN AMENDMENT TO THE VILLAGE OF ESTERO COMPREHENSIVE PLAN TO CHANGE THE TEXT TO REFERENCE THE VILLAGE'S 10-YEAR WATER SUPPLY FACILITIES WORK PLAN AND LANDSCAPE IRRIGATION CONSERVATION MEASURES AS PROVIDED ON ATTACHMENT "A" AND MADE A PART HEREOF; PROVIDING FOR TRANSMITTAL OF THE AMENDMENT TO THE STATE OF FLORIDA AND OTHER REVIEWING AGENCIES AS REQUIRED BY STATUTE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 163.3177(5)(c)3., Florida Statutes, the Comprehensive Plan shall, within 18 months after the applicable water management district approval of its updated regional water supply plan, be amended to reference a 10-year water plan for water supply projects; and

WHEREAS, the Plan was amended in 2020 to reflect the South Florida Water Management District regional water supply plan; and

WHEREAS, the South Florida Water Management District approved an updated regional water supply plan on December 19, 2022; and

WHEREAS, the Village must amend the Comprehensive Plan again to reflect the most recent water supply plan; and

WHEREAS, the Village engaged Kimley-Horn and Associates, Inc. to prepare its work plan, entitled "The Village of Estero 10-Year Water Supply Facilities Work Plan" dated October 2024 ("Work Plan") (Attachment "A"); and

WHEREAS, the Work Plan addresses water supply and conservation programs necessary to serve existing and new development in the Village for a minimum 10-year period; and

44 **WHEREAS**, the Village does not own or operate its own water supply facilities, but
45 the two providers (Lee County Utilities and Bonita Springs Utilities) both have adequate
46 capacity and allocation to serve Estero through the 10-year planning period; and
47

48 **WHEREAS**, the Village Planning Zoning and Design Board, at a duly noticed public
49 hearing held on June 11, 2024 recommended that the Comprehensive Plan Amendment be
50 adopted by the Village Council on first reading for transmittal pursuant to Section 163.3184 of
51 the Community Planning Act; and
52

53 **WHEREAS**, the Village Council, at a duly noticed meeting, held a first reading on this
54 Ordinance on June 19, 2024, considered the recommendation of the Village Planning Zoning
55 and Design Board and the comments of the public, and voted to transmit the Amendment to
56 the State Land Planning Agency and other review agencies as provided in Section 163.3184,
57 Florida Statutes; and
58

59 **WHEREAS**, advisory comments were received from the South Florida Water
60 Management District on July 24, 2024; and
61

62 **WHEREAS**, the staff has considered the comments and made revisions where
63 appropriate.
64

65 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,
66 Florida:
67

68 **Section 1. Recitals.**
69

70 The foregoing “Whereas” clauses are hereby ratified and incorporated as a part of this
71 Ordinance.
72

73 **Section 2. Adoption of the Comprehensive Plan Amendment.**
74

75 The Village Council adopts the Comprehensive Plan Amendment as proposed below,
76 incorporated and made a part of this Ordinance. ~~Strikethrough text~~ denotes deletions and
77 underlined text denotes additions.
78

79 Policy INF- 1.3.2. The Village has developed a Water supply Facilities Work
80 Plan within 18 months after the South Florida Water Management District
81 approved an update to the required water supply plan (titled the ~~2017~~ 2022
82 *Lower West Coast Water Supply Plan Update*). The Village’s Plan (*The*
83 *Village of Estero 10-year Water Supply Facilities Work Plan October, 2024*
84 ~~*June 2019*~~) incorporated by reference herein, addresses issues that pertain to
85 water supply for utilities and requirements needed to serve current and future
86 development in the Village. The Work Plan indicates that the Village does
87 not own or operate its own water supply facilities, and because the water
88 suppliers (Lee County Utilities and Bonita Springs Utilities) have adequate

89 capacity and allocation to serve Estero through the planning period, Estero
90 does not need to undertake any capital improvement projects.

91
92 Policy CCM-1.10.2 Comply with the Mandatory Year Round Landscape
93 Irrigation Conservation Measures as detailed in ~~the Florida Administrative~~
94 ~~Code~~ Village Ordinance No. 2021-05 and cooperate with emergency water
95 conservation measures of the South Florida Water Management District.

96
97 **Section 3. Transmittal.**

98
99 The Village Manager or his designee shall transmit the adopted Comprehensive Plan
100 Amendment and other materials as required by statute to the State Land Planning Agency and
101 other reviewing agencies as provided by Section 163.3184, Florida Statutes.

102
103 **Section 4. Severability.**

104
105 If any provision of this Ordinance or its application to any person or circumstance is
106 held invalid, the invalidity does not affect other provisions or applications of this Ordinance
107 which can be given effect without the invalid provision or application, and to this end the
108 provisions of this Ordinance are severable.

109
110 **Section 5. Conflict.**

111
112 All ordinances, resolutions, official determinations or parts thereof previously adopted
113 or entered by the Village or any of its officials and in conflict with this Ordinance are hereby
114 repealed to the extent inconsistent herewith.

115
116 **Section 6. Effective Date.**

117
118 This ordinance shall take effect upon adoption at second reading, except that the
119 effective date of the Comprehensive Plan Amendment shall be thirty-one (31) days after the
120 State Land Planning Agency notifies the Village that the plan amendment package is complete
121 or, if timely challenged, thirty-one (31) days after the state Land Planning Agency, or the
122 Administration Commission enters a final order determining the adopted Plan Amendment to
123 be in compliance.

124
125 **PASSED** on first reading this 19th day of June, 2024.

126
127 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
128 Florida this 6th day of November, 2024.

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Attest:

VILLAGE OF ESTERO, FLORIDA

By: _____
Carol Sacco, MMC, Village Clerk

By: _____
Jon McLain, Mayor

Reviewed for legal sufficiency:

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

Attachment "A": The Village of Estero 10-Year Water Supply Facilities Work Plan October,
2024