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**VILLAGE OF ESTERO, FLORIDA**

**ORDINANCE NO. 2018 - 01**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING THE VILLAGE OF ESTERO COMPREHENSIVE PLAN AS PROVIDED ON ATTACHMENT “A” MADE A PART HEREOF; PROVIDING FOR REPEAL OF THE VILLAGE TRANSITIONAL COMPREHENSIVE PLAN; PROVIDING FOR TRANSMITTAL OF THE COMPREHENSIVE PLAN TO THE STATE OF FLORIDA AND OTHER COMMENTING AGENCIES AS REQUIRED BY STATUTE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village of Estero was incorporated by referendum held on November 4, 2014 and the Village Council was elected on March 3, 2015, pursuant to the Charter of the Village of Estero (“Charter”) created by Ch. 2014-249, Laws of Florida; and

**WHEREAS**, the Village of Estero pursuant to its Charter has operated under a Transitional Comprehensive Plan, as amended, and pursuant to the Charter and the Florida Community Planning Act, now desires to adopt a Comprehensive Plan to replace the Transitional Comprehensive Plan; and

**WHEREAS**, the Village has undertaken the requisite studies and held more than twenty (20) workshops and public hearings in an extensive and ongoing public participation program during the development of the Comprehensive Plan; and

**WHEREAS**, the Village Planning and Zoning Board, at a duly noticed public hearing held on December 19, 2017, recommended that the Comprehensive Plan, with certain modifications, be adopted by the Village Council on first reading for transmittal pursuant to Section 163.3184 of the Community Planning Act; and

**WHEREAS**, the Village Council, at a duly noticed meeting held a first reading on this ordinance on January 10, 2018, considered the recommendations of the Village Planning and Zoning Board and the comments of the public and adopted the Comprehensive Plan on first reading for transmittal to the State Land Planning Agency and other reviewing agencies as provided in Section 163.3184, Florida Statutes; and

**WHEREAS**, Comprehensive Plan was transmitted to the State Land Planning Agency and other reviewing agencies for review, and the State Land Planning Agency provided its Objections, Recommendations and Comments Report on March 16, 2018; and

46           **WHEREAS**, the Village Council, at a duly notice public hearing held June 13, 2018,  
47 considered changes to the Comprehensive Plan recommended by the Village staff, reviewing  
48 agencies, and comments of the public and adopted a modified Comprehensive Plan on second  
49 reading; and

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51           **WHEREAS**, pursuant to Section 163.3184(4)(e), Florida Statutes, the adopted  
52 Comprehensive Plan shall be transmitted to the State Land Planning Agency and other  
53 commenting agencies for a determination of compliance by the State Land Planning Agency.  
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55           **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,  
56 Florida:

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58           **Section 1. Recitals.**

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60           The foregoing “Whereas” clauses are hereby ratified and incorporated as a part of this  
61 Ordinance.  
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63           **Section 2. Adoption of the Comprehensive Plan for transmittal.**

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65           The Village Council adopts on second reading the Comprehensive Plan as proposed in  
66 Attachment “A”, incorporated and made a part of this Ordinance, for purposes of transmittal  
67 to the State Land Planning Agency and other commenting agencies as provided by Section  
68 163.3184(4)(e), Florida Statutes.  
69

70           **Section 3. Repeal.**

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72           The Transitional Comprehensive Plan shall be repealed upon final adoption of the  
73 Comprehensive Plan.  
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75           **Section 4. Transmittal.**

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77           The Village Manager or his designee shall transmit the Comprehensive Plan, the  
78 associated data and analysis, and other materials as required by statute to the State Land  
79 Planning Agency and commenting agencies as provided by Section 163.3184, Florida Statutes.  
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81           **Section 5. Severability.**

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83           If any provision of this ordinance or its application to any person or circumstance is  
84 held invalid, the invalidity does not affect other provisions or applications of this ordinance  
85 which can be given effect without the invalid provision or application, and to this end the  
86 provisions of this ordinance are severable.  
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**Section 6. 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 7. Effective Date.**

This ordinance shall take effect upon adoption at second reading, except that the effective date of the Comprehensive Plan shall be thirty-one (31) days after the State Land Planning Agency or the Administration Commission enters a final order determining the adopted Comprehensive Plan to be in compliance.

**PASSED** on first reading this 10<sup>th</sup> day of January, 2018.

**PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 13<sup>th</sup> day of June, 2018.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: \_\_\_\_\_  
Kathy Hall, MMC, Village Clerk

By: \_\_\_\_\_  
James R. Boesch, Mayor

Reviewed for legal sufficiency:

By: \_\_\_\_\_  
Nancy Stroud, Esq., Village Land Use Attorney

Vote:	AYE	NAY
Mayor Boesch	_____	_____
Vice Mayor Ribble	_____	_____
Councilmember Batos	_____	_____
Councilmember Errington	_____	_____
Councilmember Levitan	_____	_____
Councilmember McLain	_____	_____
Councilmember Wilson	_____	_____

Attachment "A": Village of Estero Comprehensive Plan