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VILLAGE OF ESTERO

ORDINANCE 2019 - 30

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, ANNEXING PROPERTY LOCATED AT 4528 COCONUT ROAD AND 4406/4410 COCONUT ROAD, LEE COUNTY, FLORIDA, INTO THE CORPORATE LIMITS OF THE VILLAGE IN ACCORDANCE WITH THE ANNEXATION PROVISIONS OF CHAPTER 171, PART II, FLORIDA STATUTES; REDEFINING THE BOUNDARY LINES OF SAID VILLAGE IN CONFORMANCE THEREWITH; AMENDING THE OFFICIAL BOUNDARY MAP OF THE VILLAGE OF ESTERO, FLORIDA, PROVIDING THAT EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS REMAIN UNTIL CHANGED BY THE VILLAGE ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Headwaters Coconut Road General Partnership (“Property Owner”) has initiated a voluntary annexation of real property, located at 4528 Coconut Road and 4406/4410 Coconut Road, Lee County, Florida (“the Properties”) as described and depicted in Exhibit “A” and Exhibit “B”, attached hereto; and,

WHEREAS, the Village has identified certain lands that are logical for annexation into the Village, the appropriate land uses and infrastructure needs for said areas, and the provider of services and infrastructure for said areas; and,

WHEREAS, the Property Owner, before seeking annexation into the Village, was proceeding with its development plans before Lee County and, though desirous of annexation into the Village, the Property Owner does not wish to restart the development review process, or add complexity or delay to its plans; and

WHEREAS, in recognition of the foregoing, the Village has agreed to expeditiously process the Property Owner’s application; and

WHEREAS, in order to accommodate the Property Owner and in recognition of its existing rights under the Comprehensive Plan and Land Development Regulations of Lee County for a period of 24 months or until otherwise superseded by inclusion into Village Comprehensive Plan; and

WHEREAS, for the foregoing transition period, the Lee County Comprehensive Plan and Land Development Regulations, along with Lee County impact and permit fees, shall continue to apply; and

46 **WHEREAS**, with the exception of the Village’s Design Review Board, all Village
47 procedural requirements will apply during the transition period; and
48

49 **WHEREAS**, the properties to be annexed shall retain the Comprehensive Plan Future Land
50 Use and Zoning classifications existing at the time this Ordinance is approved subject to the
51 aforementioned time limits; unless otherwise requested by the Property Owner, the properties will
52 become subject to the Village Comprehensive Plan Future Land Use and Zoning classifications
53 most consistent with the retained classifications upon subsequent action by the Village.
54

55 **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero, Florida:
56

57 **Section 1.** The foregoing recitals are true and correct and are incorporated herein by
58 reference.
59

60 **Section 2.** The Village Council, after first reading on _____, 2019 and duly
61 advertised public hearing on _____, 2019, hereby adopts Ordinance 2019-30, annexing
62 the properties into the Village of Estero municipal boundary.
63

64 **Section 3.** The Property Owner’s exclusive remedy to address any Village obligation
65 contained in this Ordinance shall be through a petition for contraction pursuant to Chapter 171,
66 Florida Statutes.
67

68 **Section 4. Conflict.**
69 The provisions of this article shall supersede any provisions of existing ordinances in conflict
70 herewith to the extent of said conflict.
71

72 **Section 5. Severability.**
73 In the event that any portion of this Ordinance is for any reason held invalid or
74 unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate,
75 distinct and independent provision, and such holding shall not affect the validity of the remaining
76 portions of this Ordinance.
77

78 **Section 6. Effective Date.**
79 This Ordinance shall become effective immediately upon its adoption.
80

81 **PASSED** on first reading this 4th day of December, 2019.
82

83 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
84 Florida on second reading this ____ day _____, 2019.
85

86 Attest:

VILLAGE OF ESTERO, FLORIDA

87
88
89 By: _____
90 Kathy Hall, MMC, Village Clerk

By: _____
Bill Ribble, Mayor

