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**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING AN AMENDMENT TO THE VILLAGE OF ESTERO COMPREHENSIVE PLAN TO ADD A PROPERTY RIGHTS ELEMENT TO THE TEXT AS PROVIDED IN EXHIBIT “A” AND MADE A PART HEREOF; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND OTHERS AS REQUIRED BY STATE STATUTE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3167, Florida Statutes, requires the Village to maintain a comprehensive plan to guide its future development and growth; and

**WHEREAS**, the Village respects and acknowledges constitutionally protected private property rights, and

**WHEREAS**, this ordinance will amend the comprehensive plan by adding a property rights element (the “Comprehensive Plan Amendment”);

**WHEREAS**, the Village Council, at a duly noticed meeting, held a first reading and public hearing on this Ordinance on July 6, 2022, considered the recommendation of the Village Planning, Zoning, and Design Board and the comments of the public, and voted to transmit the Comprehensive Plan Amendment to the State Land Planning Agency and other review agencies as provided in Section 163.3184, Florida Statutes; and

44           **WHEREAS**, the Village transmitted the Comprehensive Plan Amendment to State  
45 Planning Agency and other state agencies which completed their reviews pursuant to Section  
46 163.3184, Florida Statutes; and  
47

48           **WHEREAS**, the Village Council, at a duly noticed meeting, held a second reading and  
49 public hearing on this Ordinance on September 21, 2022, considered the comments of the  
50 public and the review agencies.  
51

52           **NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero,  
53 Florida:  
54

55           **Section 1. Recitals.**  
56

57           The foregoing “Whereas” clauses are hereby ratified and incorporated as a part of this  
58 Ordinance.  
59

60           **Section 2. Adoption of the Comprehensive Plan Amendment for Transmittal.**  
61

62           The Village Council adopts the Comprehensive Plan Amendment, which is Exhibit  
63 “A” and incorporated and made a part of this Ordinance.  
64

65           **Section 3. Transmittal.**  
66

67           The Village Manager or his designee shall transmit the adopted Comprehensive Plan  
68 Amendment as required by statute to the State Land Planning Agency and any reviewing  
69 agencies that provided timely comments as provided by Section 163.3184, Florida Statutes.  
70

71           **Section 4. Severability.**  
72

73           If any provision of this Ordinance or its application to any person or circumstance is  
74 held invalid, the invalidity does not affect other provisions or applications of this Ordinance  
75 which can be given effect without the invalid provision or application, and to this end the  
76 provisions of this Ordinance are severable.  
77

78           **Section 5. Conflict.**  
79

80           All ordinances, resolutions, official determinations or parts thereof previously adopted  
81 or entered by the Village or any of its officials and in conflict with this Ordinance are hereby  
82 repealed to the extent inconsistent herewith.  
83

84           **Section 6. Effective Date.**  
85

86           This ordinance shall take effect upon adoption at second reading, except that the  
87 effective date of the Comprehensive Plan Amendment shall be effective thirty-one (31) days  
88

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

93  
94 **PASSED** on first reading this 6th day of July, 2022.

95  
96 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
97 Florida this 21<sup>st</sup> day of September, 2022.

98  
99 Attest:

**VILLAGE OF ESTERO, FLORIDA**

100  
101  
102 By:

103 Carol Sacco  
104 Carol Sacco, Village Clerk

By: Katy Errington

Katy Errington, Mayor

105  
106 Reviewed for legal sufficiency:

107  
108  
109 By:

110 Nancy Stroud  
111 Nancy Stroud, Esq., Village Land Use Attorney

112	113	114	115	Vote:	AYE	NAY
116	Mayor Errington				<u>X</u>	_____
117	Vice Mayor McLain				<u>X</u>	_____
118	Councilmember Ribble				<u>X</u>	_____
119	Councilmember Fiesel				<u>X</u>	_____
120	Councilmember Boesch				<u>X</u>	_____
121	Councilmember Ward				<u>X</u>	_____
122	Councilmember Wilson				<u>X</u>	_____

123  
124  
125 Exhibit A: Property Rights Element



EXHIBIT A

PROPERTY RIGHTS ELEMENT

PROPERTY RIGHTS ELEMENT (PRE - 1)

PRE – 1.1

Goal: In accordance with §163.3177(6)(i), Florida Statutes, property rights will be considered in local decision making.

Policies PRE – 1.1.1

- A. The right of property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- B. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person.
- C. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property, subject to State law and local ordinances.
- D. The right of property owner to dispose of his or her property through sale or gift.

PRE - 1.2

Goal: Respect people's rights to participate in decisions that affect their lives and property.

Policies PRE - 1.2.1

- A. The right of property owners to be notified of land development applications that may impact their property.
- B. The right of affected persons to participate in the public hearing process on land development applications.