

1 **VILLAGE OF ESTERO, FLORIDA**

2
3 **ORDINANCE NO. 2020 - 10**

4
5 **AN ORDINANCE OF THE VILLAGE COUNCIL OF THE**
6 **VILLAGE OF ESTERO, FLORIDA, ADOPTING THE**
7 **VILLAGE LAND DEVELOPMENT CODE AND**
8 **OFFICIAL ZONING MAP; REPEALING THE**
9 **TRANSITIONAL LAND DEVELOPMENT CODE;**
10 **PROVIDING A SAVINGS CLAUSE, A GENERAL**
11 **REPEALER CLAUSE, AND AN EFFECTIVE DATE.**

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13 **WHEREAS**, Section 6(3) of the Charter of the Village of Estero provides that the
14 Village shall adopt a Comprehensive Plan and zoning and development regulations to
15 implement its Comprehensive Plan, and;

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17 **WHEREAS**, the Village adopted its Comprehensive Plan, which was found by the
18 Florida state land planning agency to be in compliance with the Florida Community Planning
19 Act, which plan was effective November 21, 2019, and;

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21 **WHEREAS**, Section 12(5) of the Charter of the Village of Estero provides that until
22 the Village adopts its zoning and development regulations, the Lee County land use
23 regulations, as they exist on the date that the village commences corporate existence, shall
24 remain in effect as the village's transitional land use development regulations, and;

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26 **WHEREAS**, Section 163.3202, Florida Statutes, provides that each municipality in the
27 state shall adopt and enforce land development regulations in a single land development code
28 that are consistent with and implement its adopted comprehensive plan and further, the statute
29 encourages the use of innovative land development regulations, and;

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31 **WHEREAS**, the Village has engaged in the conduct of numerous public workshops
32 before the Village Council, the Village Planning and Zoning Board, and the Village Design
33 Review Board, to review proposed land development regulations known as the Village Land
34 Development Code, and;

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36 **WHEREAS**, the Village Planning and Zoning Board, as the Village local planning
37 agency, on December 15, 2020, conducted a duly noticed public hearing on the Village Land
38 Development Code and determined that it is consistent with the Village Comprehensive Plan
39 and recommended its approval; and

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41 **WHEREAS**, the Village Council conducted a duly noticed public hearing and first
42 reading of the ordinance to adopt the Village Land Development Code on December 9, 2020;
43 and

45 **WHEREAS**, the Village Council conducted a duly noticed public hearing and second
46 reading of the ordinance on January 27, 2021 to adopt the Village Land Development Code,
47 and;

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49 **WHEREAS**, the Village has determined it is in the interest of the health, safety and
50 welfare of its citizens to adopt this Ordinance.

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

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55 **Section 1. Adoption of the Land Development Code.**

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57 The Village of Estero Land Development Code, attached hereto as Exhibit A and
58 incorporated herein, is hereby adopted. It is the intention of the Village Council that
59 the Land Development Code shall become and be made a part of the Village Code of
60 Ordinances, and the Acting Village Clerk is directed to take the necessary steps to effect
61 codification in to the Code. Typographical errors which do not affect intent may be
62 authorized by the Mayor, without need of public hearing, by filing a corrected copy of
63 same with the Village Clerk.

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65 **Section 2. Adoption of the Official Zoning Map.**

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67 The Official Zoning Map, referenced in Section 1-7 of the Land Development Code
68 and incorporated therein, is hereby adopted. A certified copy of the Official
69 Zoning Map is attached as Exhibit B hereto, and the original Official Zoning Map is
70 on file in the office of the Director of Community Development.

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72 **Section 3. Transitional Land Development Code Repealed.**

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74 The Village transitional land use development regulations, known as the Transitional
75 Land Development Code, and all amendments thereto, is hereby repealed and replaced
76 by the Village Land Development Code.

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78 **Section 4. Severability.**

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

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85 **Section 5. Repeal.**

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

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Section 6. Effective Date.

This ordinance shall take effect immediately upon adoption.

PASSED on first reading this 9th day of December, 2020.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 27th day of January, 2021.

Attest:

VILLAGE OF ESTERO, FLORIDA

By: 
Carol Sacco, Village Clerk

By: 
William Ribble, Mayor

Reviewed for legal sufficiency:

By: 
Nancy E. Stroud, Village Land Use Attorney

Vote:	AYE	NAY
Mayor Ribble	<u>X</u>	_____
Vice Mayor Errington	<u>X</u>	_____
Councilmember Batos	<u>X</u>	_____
Councilmember Boesch	<u>X</u>	_____
Councilmember Levitan	<u>X</u>	_____
Councilmember McLain	<u>X</u>	_____
Councilmember Wilson	_____	<u>X</u>