

VILLAGE OF ESTERO, FLORIDA

COMPREHENSIVE PLAN AMENDMENT

ORDINANCE NO. 2017 - 04

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING AN AMENDMENT TO THE VILLAGE TRANSITIONAL COMPREHENSIVE PLAN TO AMEND POLICY 1.3.2 TO ALLOW RESIDENTIAL USES AT THE SOUTHWEST QUADRANT OF THE CORKSCREW ROAD INTERCHANGE IF REZONED TO A MIXED-USE PLANNED DEVELOPMENT WITH CERTAIN CONDITIONS AND ALLOWING DENSITY UP TO A MAXIMUM OF 10 UNITS PER ACRE; PROVIDING FOR TRANSMITTAL PURSUANT TO STATE STATUTE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Estero Charter provides that the Lee County Comprehensive Plan existing as of the date of the Village incorporation shall be the Village of Estero Transitional Comprehensive Plan (“Comprehensive Plan”); and

WHEREAS, the General Interchange Future Land Use designation currently does not allow residential uses; and

WHEREAS, at the Corkscrew Interchange under certain conditions it may be advisable for the Village Council in its discretion to allow residential uses where those residential uses are part of a unified and integrated Mixed-Use Planned Development, at no more than a density of ten (10) units per acres; and

WHEREAS, the Village of Estero Planning and Zoning Board conducted a workshop on June 16, 2015, to consider an amendment to the Comprehensive Plan for this purpose; and

WHEREAS, the Village of Estero Planning and Zoning Board, sitting as the Local Planning Agency, held a duly advertised public hearing on February 21, 2017, which was continued to March 21, 2017, and made a recommendation to the Village Council regarding the proposed Comprehensive Plan amendment; and

WHEREAS, the Village Council conducted a duly advertised public hearing and first reading on May 24, 2017, and considered the recommendations of the Village of Estero

44 Planning and Zoning Board, the recommendations of the Village staff, and comments of the
45 public; and
46

47 **WHEREAS**, the Village Council finds that it is in the best interest and welfare of the
48 Village that the proposed amendment to the Comprehensive Plan, as contained on Attachment
49 A and made a part hereof, be passed on first reading and thereafter transmitted to the Florida
50 Land Planning Agency and other reviewing agencies as provided in Section 163.3184, Florida
51 Statutes.
52

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

56 **Section 1. Recitals**
57

58 The foregoing “Whereas” clauses are hereby ratified and incorporated as a part of this
59 Ordinance.
60

61 **Section 2. Amendment of the Village of Estero Transitional Comprehensive**
62 **Plan**
63

64 The amendment to the Village of Estero Transitional Comprehensive Plan as proposed
65 in Attachment A is hereby passed on first reading. Attachment A is incorporated and made a
66 part of this Ordinance.
67

68 **Section 3. Transmittal**
69

70 The Village Manager or his designee shall transmit the amendment and other materials
71 as required by statute (“the plan amendment transmittal package”) to the State Land Planning
72 Agency and review agencies as provided by Section 163.3184, Florida Statutes.
73

74 **Section 4. Conflict**
75

76 All sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of
77 Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance shall
78 be repealed to the extent of such conflict upon the effective date of this Ordinance.
79

80 **Section 5. Severability**
81

82 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance
83 subsequent to its effective date be declared by a court of competent jurisdiction to be invalid,
84 such decision shall not affect the validity of this Ordinance as a whole or any portion thereof,
85 other than the part so declared to be invalid.
86
87

88 **Section 6. Effective Date**

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90 This Ordinance shall be effective upon the completion of the transmittal review
91 pursuant to state statute and adoption by the Village Council at second reading, except that the
92 effective date of the amendment to the Village of Estero Comprehensive Plan (Attachment A)
93 shall be thirty-one (31) days after the State Land Planning Agency notifies the Village that the
94 plan amendment package is complete. If timely challenged, the amendment becomes effective
95 when the State Land Planning Agency or the Administration Commission enters a final order
96 determining the adopted amendment to be in compliance.

97
98 **FAILED** on first reading May 24, 2017.

99
100 Attest:

VILLAGE OF ESTERO, FLORIDA

101
102
103 By: Kathy Hall
104 Kathy Hall, MMC, Village Clerk

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

105
106
107 Approved as to form and legal sufficiency:

108
109
110 By: Nancy Stroud
111 Nancy Stroud, Esq., Village Land Use Attorney

112	113	114	115	116	117	118	119	120
		Vote:	AYE	NAY				
		Mayor Boesch	<u>✓</u>	_____				
		Vice Mayor Ribble	<u>✓</u>	_____				
		Councilmember Levitan	<u>✓</u>	_____				
		Councilmember Errington	<u>✓</u>	_____				
		Councilmember Batos	_____	<u>✓</u>				
		Councilmember Wilson	<u>✓</u>	_____				

ATTACHMENT A

ESTERO CROSSING

STAFF REVISION TO PROPOSED TEXT AMENDMENT (new language underlined)

March 13, 2017

POLICY 1.3.2: The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial.

Residential uses may be considered in the southwest quadrant of the Corkscrew Road interchange if rezoned as a unified and integrated Mixed-Use Planned Development (MPD) with complementary commercial uses. Residential density may be considered up to a maximum of 10 units per acre (calculated using the residential acreage) and will be evaluated by Village Council as part of the rezoning.