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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2023 – 05

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, APPROVING UPDATES
TO THE CAPITAL IMPROVEMENTS ELEMENT TO
UPDATE THE CAPITAL IMPROVEMENTS SCHEDULE
FOR FISCAL YEAR 2022/2023 AND ADOPT THE MOST
RECENT LEE COUNTY SCHOOL DISTRICT CAPITAL
IMPROVEMENT PLAN; PROVIDING FOR CONFLICT;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.

WHEREAS, Florida Statute 163.3177(3)(a) requires Comprehensive Plans to contain
a Capital Improvements Element, and a schedule of capital improvements for a 5-year period;
and

WHEREAS, Florida Statutes Section 163.3177(3)(b) states that the Capital
Improvements Element must be reviewed on an annual basis, and further that modifications to
update the 5-year Capital Improvements Element schedule may be accomplished by ordinance
and may not be deemed an amendment to the Comprehensive Plan; and

WHEREAS, the Village of Estero adopted its first Capital Improvements Element,
including its 5-year Capital Improvements Element Schedule on June 13, 2018; and

WHEREAS, the Village of Estero, Lee County, Florida, held public hearings on its
Capital Improvement Program as required by the Village Charter Section 8(7)(b); and

WHEREAS, the Village reviewed and adopted its most recent Capital Improvement
Program by Resolution 2022-19 on July 20, 2022 pursuant to Village Charter Section
8(7)(b) and now desires to update the Capital Improvements Element Schedule pursuant to
Florida Statutes Section 163.3177(3)(b).

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

Section 1. Purpose.

The purpose of this Ordinance is to update the Capital Improvements Program schedule
that is now a part of the Comprehensive Plan. This amending ordinance may be referred to as
the “Capital Improvement Element Schedule Update 2022”.

**Section 2. Adoption of the Capital Improvements Element Schedule Update
2022.**

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47 The Village Council hereby amends its Capital Improvement Element Schedule to
48 reflect the latest adopted Capital Improvement Projects for the Village and incorporates the
49 latest adopted Lee County School District Work Plan, attached hereto as Exhibits A and B,
50 respectively.

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52 **Section 3. Conflict.**

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

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58 **Section 4. Severability.**

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60 If any provision of this Ordinance or its application to any person or circumstance is
61 held invalid, the invalidity does not affect other provisions or applications of this Ordinance
62 which can be given effect without the invalid provision or application, and to this end the
63 provisions of this Ordinance are severable.

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65 **Section 5. Effective Date.**

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67 This Ordinance shall take effect immediately upon adoption.

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69 **PASSED** on first reading this 3rd day of May 2023.

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71 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,
72 Florida this 17th day of May 2023.

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76 By: Carol Sacco
77 Carol Sacco, Village Clerk

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80 By: Jon McLain
Jon McLain, Mayor

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82
83 Reviewed for legal sufficiency:

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85 By: Nancy Stroud
86 Nancy Stroud, Esq., Village Land Use Attorney

87
88 Exhibit A: Village of Estero Capital Improvement Projects
89 Exhibit B: Lee County School District 2023-2027 Five Year Capital Improvement Plan

90

91	Vote:	AYE	NAY
92	Mayor McLain	<u>X</u>	_____
93	Vice Mayor Ribble	<u>X</u>	_____
94	Councilmember Fayhee	<u>X</u>	_____
95	Councilmember Fiesel	<u>X</u>	_____
96	Councilmember Lopez	<u>X</u>	_____
97	Councilmember Ward	<u>X</u>	_____
98	Councilmember Zalucki	<u>X</u>	_____
99			