

1 VILLAGE OF ESTERO, FLORIDA

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3 RESOLUTION NO. 15- \_\_\_\_\_

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5 A RESOLUTION OF THE VILLAGE COUNCIL OF THE  
6 VILLAGE OF ESTERO, FLORIDA; RELATING TO  
7 TRANSITIONAL COUNTY SERVICES; REQUESTING LEE  
8 COUNTY TO CONTINUE TO PROVIDE ALL COUNTY  
9 SERVICES TO THE INCORPORATED AREA OF THE  
10 VILLAGE OF ESTERO FOR A PERIOD OF 90 DAYS;  
11 REQUESTING THAT LEE COUNTY CONTINUE TO  
12 PROCESS PERMIT APPLICATIONS UNDER THE  
13 APPLICABLE LAND DEVELOPMENT AND FLORIDA  
14 BUILDING CODES; TO ENFORCE CODES; REQUESTING  
15 THAT PENDING APPLICATIONS REQUIRING HEARINGS  
16 BEFORE THE LEE COUNTY HEARING EXAMINER OR  
17 THE LEE COUNTY BOARD OF COUNTY  
18 COMMISSIONERS BE REFERRED TO THE VILLAGE OF  
19 ESTERO; AND PROVIDING FOR AN EFFECTIVE DATE.  
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21 **WHEREAS**, the Village of Estero was incorporated by referendum held on  
22 November 4, 2014 and the Village Council was elected on March 3, 2015,  
23 pursuant to the Charter of the Village of Estero (“Charter”) created by Ch. 2014-  
24 249, Laws of Florida; and  
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26 **WHEREAS**, the Charter provides that the Village Council shall have the  
27 broadest exercise of home rule powers permitted under the state Constitution  
28 and the laws of the state; and  
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30 **WHEREAS**, the Charter further provides at Section 11, “General  
31 Provisions”, paragraph (5) “Transitional Ordinances and Resolutions”, that all  
32 applicable county ordinances currently in place at the time of passage of the  
33 referendum, unless specifically referenced in the Charter, shall remain in place  
34 unless rescinded by the Village Council or unless they are in conflict with an  
35 ordinance, rule or regulation of the Village; and  
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37 **WHEREAS**, the Charter further provides at Section 11, paragraph 5(b)  
38 that the Village Council shall adopt ordinances and resolutions required to effect  
39 the transition; and  
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41 **WHEREAS**, the Village Council needs to assess the permitting processes  
42 in effect in Lee County, especially with respect to planning and zoning; and  
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44 **WHEREAS**, the Village Council has determined that there is no need to  
45 unduly delay the day to day issuance of building permits, and development  
46 orders consistent with the Lee County and Estero Land Development Code; and

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48           **WHEREAS**, the Village Council has determined that code enforcement  
49 services should similarly continue in effect without interruption;

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51           **NOW THEREFORE**, be it resolved by the Village Council of the Village of  
52 Estero, Florida:

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54           **Section 1. Recitals Adopted.** That each of the above stated recitals is  
55 hereby adopted and confirmed as being true, and the same are hereby  
56 incorporated as a part of this Resolution.

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58           **Section 2. Request to Lee County.** The Village Council of the Village  
59 of Estero hereby requests that Lee County continue to provide all county  
60 services, including but not limited to those services specifically identified in this  
61 Resolution, to the Village of Estero for a period of no less than 90 days. The  
62 Village Council also requests that the Board of County Commissioners authorize  
63 their staff to negotiate in good faith such instruments necessary to effectuate said  
64 request.

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66           **Section 3. Permit Applications and Development Orders.** The  
67 Village Council of the Village of Estero hereby requests that Lee County continue  
68 to process permit and development order applications under the Florida Building  
69 Codes and applicable land development codes, except as otherwise provided in  
70 this Resolution. All requests for administrative interpretation or decision, including  
71 all requests for projects to receive vesting under the Lee Plan and Lee County  
72 Land Development Code or which require a local development order, limited  
73 development order, plat, or require site plan approval shall be referred to the  
74 Village of Estero for final action.

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76           **Section 4. Code Enforcement.** The Village Council of the Village of  
77 Estero hereby requests that Lee County continue to enforce county and Village  
78 of Estero ordinances and codes through the Lee County code enforcement  
79 process.

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81           **Section 5. Pending Applications.** The Village Council of the Village of  
82 Estero hereby requests that all pending applications requiring hearings before  
83 the Lee County Hearing Examiner or the Lee County Board of County  
84 Commissioners, or for which hearings have been held, but decisions are  
85 pending, be referred to the Village of Estero for future action; and that all pending  
86 requests for administrative interpretation or decision including all requests for  
87 projects to receive vesting under the Lee Plan and Lee County Land  
88 Development Code or which require a local development order, limited  
89 development order, plat, or require site plan approval shall be referred to the  
90 Village of Estero for final action. It is further requested that a report of pending  
91 applications and active development orders be transmitted to the Village of  
92 Estero as soon as possible.

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**Section 6. Effective Date.** This resolution shall take effect immediately upon adoption.

**ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this \_\_\_\_\_ day of March, 2015.

Attest: **VILLAGE OF ESTERO, FLORIDA**

By: _____	By: _____
_____	_____
Interim Village Clerk	Mayor

Reviewed for legal sufficiency:

By: \_\_\_\_\_  
\_\_\_\_\_  
Interim Village Attorney