

1 **VILLAGE OF ESTERO, FLORIDA**

2
3 **RESOLUTION NO. 2017 - 19**

4
5 **A RESOLUTION OF THE VILLAGE COUNCIL OF THE**
6 **VILLAGE OF ESTERO, FLORIDA, ADOPTING A FEE FOR**
7 **BONUS DENSITY FOR LAND ACQUISITION; AMENDING**
8 **RESOLUTION NO. 2015-68; AND PROVIDING AN**
9 **EFFECTIVE DATE.**
10

11 **WHEREAS**, the Village of Estero was incorporated by referendum held on November
12 4, 2014 and the Village Council was elected on March 3, 2015, pursuant to the Charter of the
13 Village of Estero ("Charter") created by Ch. 2014-249, Laws of Florida; and
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15 **WHEREAS**, the Charter provides that the Village Council shall have the broadest
16 exercise of home rule powers permitted under the state Constitution and the laws of the state;
17 and
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19 **WHEREAS**, the Village Council approved Ordinance No. 2017-03 on July 19, 2017
20 establishing a Bonus Density Program for Land Acquisition for certain properties (Ordinance
21 No. 2017-03); and
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23 **WHEREAS**, the Ordinance states in Section 5 that the Village Council shall establish
24 the fee contribution amount by Resolution for each bonus density unit; and
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26 **WHEREAS**, a fee of \$20,000 per unit had previously been established by Lee County
27 per bonus density unit in its Administrative Code AC 13-5, as amended, and the fee is
28 appropriate for general consideration for Estero's Bonus Density Program; and
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30 **WHEREAS**, the Village Council adopted a fee schedule by Resolution on October 7,
31 2015, establishing fees for permitting, planning, zoning, and other similar fees; and
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33 **WHEREAS**, changes to the fee schedule must be accomplished by Resolution of the
34 Village Council; and
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36 **WHEREAS**, the Village Council finds that it is in the interest of the public health,
37 safety and welfare to establish a fee of \$20,000 per bonus density unit for the program created
38 by Ordinance No. 2017-03, unless the landowner of property having received bonus density
39 approval from Lee County establishes a vested right to a different fee, as determined by the
40 Community Development Director.
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42

43 NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero,
44 Florida:

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

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51 **Section 2. Amendment to Fee Schedule.**
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53 Resolution No. 2015-68, adopted October 7, 2015, is hereby amended, to add the
54 following to the Community Development Fee Schedule, page 10, Planning Fees:

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56 Bonus Density for Land Acquisition.....the lesser of \$20,000 per dwelling unit or
57 the fee based on vested rights as determined by the Village Community Development Director.

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59 **Section 3. Effective Date.**
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61 This Resolution shall take effect immediately upon adoption.

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63 **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this
64 18th day of October, 2017.

65
66 Attest:

VILLAGE OF ESTERO, FLORIDA

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68
69 By: Kathy Hall
70 Kathy Hall, MMC, Village Clerk
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By: James R. Boesch Mayor
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73 Reviewed for legal sufficiency:

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76 By: Nancy Stroud
77 Nancy Stroud, Esq., Village Land Use Attorney