

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 15- 14

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA; RELATING TO TRANSITIONAL COUNTY SERVICES; REQUESTING LEE COUNTY TO CONTINUE TO PROVIDE ALL COUNTY SERVICES TO THE INCORPORATED AREA OF THE VILLAGE OF ESTERO FOR A PERIOD OF 90 DAYS; REQUESTING THAT LEE COUNTY CONTINUE TO PROCESS PERMIT APPLICATIONS UNDER THE APPLICABLE LAND DEVELOPMENT AND FLORIDA BUILDING CODES; TO ENFORCE CODES; REQUESTING THAT PENDING APPLICATIONS REQUIRING HEARINGS BEFORE THE LEE COUNTY HEARING EXAMINER OR THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS BE REFERRED TO THE VILLAGE OF ESTERO; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Estero was incorporated by referendum held on November 4, 2014 and the Village Council was elected on March 3, 2015, pursuant to the Charter of the Village of Estero ("Charter") created by Ch. 2014-249, Laws of Florida; and

WHEREAS, the Charter provides that the Village Council shall have the broadest exercise of home rule powers permitted under the state Constitution and the laws of the state; and

WHEREAS, the Charter further provides at Section 11, "General Provisions", paragraph (5) "Transitional Ordinances and Resolutions", that all applicable county ordinances currently in place at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and

WHEREAS, the Charter further provides at Section 11, paragraph 5(b) that the Village Council shall adopt ordinances and resolutions required to effect the transition; and

WHEREAS, the Village Council needs to assess the permitting processes in effect in Lee County, especially with respect to planning and zoning; and

WHEREAS, the Village Council has determined that there is no need to unduly delay the day to day issuance of building permits, and development orders consistent with the Lee County and Estero Land Development Code; and

47
48 **WHEREAS**, the Village Council has determined that code enforcement
49 services should similarly continue in effect without interruption;

50
51 **NOW THEREFORE**, be it resolved by the Village Council of the Village of
52 Estero, Florida:

53
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.

57
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.

65
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.

75
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.

80
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.

93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117

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

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 27th day of March, 2015.

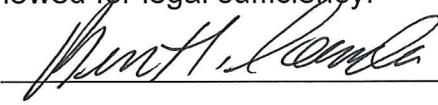
Attest: **VILLAGE OF ESTERO, FLORIDA**

By: 

Interim Village Clerk

By: 

Mayor

Reviewed for legal sufficiency:
By: 

Interim Village Attorney