ORDINANCE NO. 2026-07

AN ORDINANCE OF THE VILLAGE OF ESTERO, FLORIDA, CREATING A NEW § 7-7 OF THE VILLAGE CODE RELATED TO PAINTING PERMITS; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 7 of the Village Code addresses building and construction related regulations; and

WHEREAS, the Village's Land Development Code (LDC) and individual development orders authorizing various developments within the Village have both long addressed external colors and color palettes of certain buildings and developments; and

WHEREAS, to ensure owners are and remain compliant with these exterior color regulations, the Village has historically required an exterior painting application for certain non-residential structures; and

WHEREAS, the Village Attorney has advised that making express provision for a permit requirement and associated fee within the Village Code would make this permitting requirement and the associated fee more defensible; and

WHEREAS, the Village Council of the Village of Estero finds that it is in the Village's best interests to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Estero, Florida, that:

Section 1. Section 7-7 of the Village Code is hereby created to read as follows:

7-7. Exterior Painting Permit Required.

A. Any contractor or owner seeking to paint or re-paint any structure within the village, except any primary or accessory single family or duplex structure, must first submit a painting application to the village's community development department.

B. The application form shall be promulgated by the community development director, and shall, at a minimum, require the owner or contractor to:

1. Confirm the applicant has reviewed the paint color and palette requirements of the land development code, including but not limited to LDC § 5-706, and any paint color and palette requirements set forth in any development order or development agreement associated with the development of the property,

2. Provide a rendering or description of the paint colors (by manufacturer name, color name, and color number) to be applied to the structure and where on the structure each color is to be applied, and

3. Contain a statement attesting that the paint colors proposed satisfy all village land development code requirements and the requirements of any applicable development orders and development agreements which authorized the construction or redevelopment of the property.

C. The community development director shall recommend to the village council a permit application fee which is designed to offset the staff and overhead costs associated with reviews of exterior painting permit applications. The village council may from time to time adopt an associated permit fee by resolution, either standing alone or as part of its periodic adoption of building permit fees.

Section 2. For purposes of codification of any existing section of the Estero Village Code herein amended, words **underlined** represent additions to original text, words ~~**stricken**~~ are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Village Council would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 4. The Codifier shall codify the substantive amendments to the Estero Village Land Development Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 5. Pursuant to Florida Statutes § 166.041(4)(a), prior to the date the public notice of the public hearing for this Ordinance was published, the Village prepared and posted on its website a business impact estimate which included: a) a summary of the Ordinance, a statement of the public purpose to be served by the Ordinance, b) an estimate of the direct economic impact

of the Ordinance on private, for-profit businesses in the Village, c) an estimate of direct compliance costs that businesses may reasonably incur due to the Ordinance, d) identification of any new charge or fee on businesses created by the Ordinance or for which businesses will be financially responsible, e) an estimate of the Village's regulatory costs and of revenues from any new charges or fees imposed on businesses to cover such costs, and f) a good faith estimate of the number of businesses likely to be impacted by the Ordinance.

Section 6. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the **2nd day of July, 2026**, by the Village Council of the Village of Estero, Florida.

ADOPTED ON SECOND AND FINAL READING on the **9th day of September, 2026**, by the Village Council of the Village of Estero, Florida.

VILLAGE OF ESTERO, FLORIDA

Attest:

By: _____
Joanne Ribble, Mayor

By: _____
Carol Sacco, CMC, Village Clerk