ORDINANCE NO. 2026–01

AN ORDINANCE OF THE VILLAGE OF ESTERO, FLORIDA, CREATING A NEW CHAPTER 7 OF THE VILLAGE CODE REGARDING BUILDING AND CONSTRUCTION; RELOCATING CERTAIN PROVISIONS OF VILLAGE LAND DEVELOPMENT CODE § 1-9; AND CREATING § 7-6 OF THE VILLAGE CODE REQUIRING CONCRETE EXTERIOR CONSTRUCTION FOR CERTAIN STRUCTURES; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Village's regulations related to the building code and construction were originally codified within § 1-9 of the Village's Land Development Code; and

WHEREAS, such regulations are not commonly codified in that separate body of law and most local governments have a separate codification of building regulations outside of their land development codes; and

WHEREAS, the Village desires to create a new chapter of its Code of Ordinances to address building code and construction matters and to relocate appropriate portions of LDC § 1-9 to this new chapter; and

WHEREAS, the Village has historically required, through individual development orders, that hotels, motels, commercial buildings, and multi-family buildings be constructed of concrete; and

WHEREAS, use of concrete to construct exterior walls of a structure is superior for durability, fire resistance, storm safety, lower long-term maintenance costs, retention of property value, and pest resistance; and

WHEREAS, changes in Florida law whereby development orders may not in the future be required for construction of hotels, motels, commercial buildings, and multi-family buildings, thus requiring the Village to codify this historical requirement; and

WHEREAS, the Village has reviewed local conditions and, as confirmed by evidence and data, and in light of the Village's proximity to the state's gulf coast, its exposure to severe hurricanes, its experience with pre-incorporation structures not constructed of concrete, and its unique architectural aesthetic, the Village Council determines that there is a need to strengthen construction requirements in the code which the provisions of new Code § 7-6 addresses; and

WHEREAS, the provisions of new Code § 7-6 are no more stringent than necessary to address the Village's local need; and

WHEREAS, § 1-905 of the Village Land Development Code addresses property maintenance, which topic is better located at Chapter 23 of the Village Code (concerning property maintenance); and

WHEREAS, the provisions of this Ordinance address the foregoing issues with the current Village Code; and

WHEREAS, the Village Council finds that it is in the best interests of the Village of Estero, its citizens, visitors, businesses, and property owners, to adopt this Ordinance.

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

Section 1. A new Chapter 7 of the Village Code (BUILDING CODE AND CONSTRUCTION) is hereby created as follows:

Chapter 7 – BUILDING CODE AND CONSTRUCTION

Sec. 7-1. – Florida Building Code adopted.

The village hereby adopts and incorporates by reference the statewide Florida Building Code (FBC), as created under authority of Florida Statutes Chapter 553.

Sec. 7-2. – Local technical amendments. [reserved]

Sec. 7-3. – Permit fees.

Permit fees for construction regulated by this article or the Florida Building Code shall be established under the standards set forth in Florida Statutes § 553.80, and shall be adopted and periodically updated by the council by resolution

Sec. 7-4. – Conflicts between building and fire codes.

Any conflict between the applicable minimum building code and the applicable fire safety code will be resolved by agreement between the building official and the fire marshal in favor of the requirement of the code which provides for the greatest degree of life safety or alternative which would provide an equivalent degree of life safety and an equivalent method of construction.

Sec. 7-5. – Management and removal of construction site trash and debris.

A. *Unlawful to Bury.* It is unlawful to bury construction site trash or debris on the construction site or on any other public or private property not specifically approved for such use.

B. *Trash Containers and Collection Service.* A suitable trash container and adequate collection service must be provided for each construction site. For purposes of this requirement, a "suitable container" means a structure, device, receptacle, or other container approved by the County, which holds and contains construction debris on the construction site in a central location long enough for it to be removed from the site by

means of whatever collection service the contractor chooses to use or may be required to use pursuant to other applicable laws, before such debris is:

1. Washed or blown offsite;
2. Contaminates subsurface elements;
3. Becomes volatile or malodorous;
4. Makes an attractive nuisance; or
5. Otherwise becomes a threat to the public health, safety or welfare.

Sec. 7-6 – Exterior wall construction required on certain structures.

The exterior walls of all newly-constructed hotels, motels, commercial buildings, and multi-family buildings must be constructed of concrete, with appropriate steel or other reinforcement materials specified by the project engineer or required by the FBC. Use of wood framing for exterior walls (even if covered in stucco or other siding) are prohibited for all new construction of such structures.

Section 2. Section 1-905 of the Village Land Development Code (Maintenance) is hereby relocated to become Section 23-1 of the Village Code.

Section 3. Sections 1-901 (conflicting building ordinances), 1-902 (statewide effectiveness of building code), and 1-904 (removal of construction debris) of the Village Land Development Code are hereby repealed in their entirety.

Section 4. Section 1-9 of the Village Land Development Code (BUILDINGS AND BUILDING REGULATIONS) is hereby retitled as MISCELLANEOUS PROVISIONS.

Section 5. Section 1-903 (Wind Borne Debris Region and Basic Wind Speed Map) and Section 1-906 (Improvements or Repairs Not Requiring a Permit) of the Village Land Development Code are hereby renumbered as Sections 1-901 and 1-902 respectively.

Section 6. 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 7. 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 8. The Codifier shall codify the substantive amendments to the Estero Village Code and Village Land Development Code contained in Sections 1 through 5 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 9. 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 10. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the **18th day of March, 2026**, by the Village Council of the Village of Estero, Florida.

ADOPTED ON SECOND AND FINAL READING on the **1st day of April, 2026**, by the Village Council of the Village of Estero, Florida.

VILLAGE OF ESTERO, FLORIDA

Attest:

By: _____
Carol Sacco, CMC, Village Clerk

By: _____
Joanne Ribble, Mayor