

RESOLUTION NO. 2025-20

A RESOLUTION OF THE VILLAGE OF ESTERO, FLORIDA, ESTABLISHING A NEW COMMUNITY DEVELOPMENT DEPARTMENT FEE SCHEDULE INCLUDING BUILDING, PLANNING, ZONING AND LAND USE; RESCINDING PRIOR FEE RESOLUTIONS; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes § 166.222 (*Building code inspection fees*) provides that the governing body of a municipality may provide a schedule of reasonable inspection fees in order to defer the costs of inspection and enforcement of the provisions of its building code; and

WHEREAS, that same statute provides that a governing body of a municipality that issues building permits may charge a person only one search fee, in an amount commensurate with the research and time costs incurred by the governing body, for identifying building permits for each unit or subunit assigned by the governing body to a particular tax parcel identification number; and

WHEREAS, Florida Statutes § 553.80(1)(g) provides that the governing body of a municipality may provide a schedule of fees, as authorized by Florida Statutes § 166.222 and this section, for the enforcement of the provisions of the Florida Building Code; and

WHEREAS, this statute provides further that such fees shall be used solely for carrying out the municipality's responsibilities in enforcing the Florida Building Code; and

WHEREAS, Florida Statutes § 553.80(7)(a) provides that the building department permitting, inspection and enforcement fees, along with any fines or investment earnings related to the fees, may only be used for carrying out the municipality's responsibilities in enforcing the Florida Building Code; and

WHEREAS, this statute further provides that when a municipality establishes its schedule of building fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities; and

WHEREAS, this statute further provides that any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the municipality, and that a municipality may not carry forward an amount exceeding the average of its operating budget (excluding reserve funds) for enforcing the Florida Building Code for the previous 4 fiscal years; and

WHEREAS, this statute further provides that the basis for a fee structure for allowable activities must relate to the level of service provided by the municipality, must include consideration for refunding fees due to reduced services based on "private provider" services provided to owners as authorized by Florida Statutes § 553.791, and that the fees charged must be consistently applied; and

WHEREAS, Florida Statutes § 553.80(7)(a)(4) requires a municipality to use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated from these sources are maintained and allocated or used solely for the purposes authorized by law; and

WHEREAS, Florida Statutes § 553.80(7)(a)(2) provides that a municipality must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees, to upgrade technology hardware and software systems to enhance service delivery, to pay for the construction of a building or structure that houses the municipality's building code enforcement agency (except that excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than 4 consecutive years), or for training programs for building officials, inspectors, or plans examiners associated with the enforcement of the Florida Building Code; and

WHEREAS, Florida Statutes § 553.80(7)(a)(1) defines "enforcing the Florida Building Code" to include the direct costs and reasonable indirect costs associated with review of building plans, building inspections, re-inspections, and building permit processing; building code enforcement; fire inspections associated with new construction; training costs associated with the enforcement of the Florida Building Code; and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees; and

WHEREAS, Florida Statutes § 553.80(7)(a)(3) provides that the following activities may not be funded with fees adopted for enforcing the Florida Building Code:

- a. Planning and zoning or other general government activities.
- b. Inspections of public buildings for a reduced fee or no fee.
- c. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.
- d. Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code;

and

WHEREAS, while a municipality's land use and planning functions cannot be financed with building fees, Florida Statutes § 163.3174(3) provides that the governing body of a municipality shall appropriate funds for salaries, fees, and expenses necessary in the conduct of the work of the municipality's local planning agency functions, and shall also establish a schedule of fees to be charged to accomplish the purposes and activities authorized by the Florida Community Planning Act; and

WHEREAS, the Village Council has adopted the following enactments related to building or planning fees since the Village's incorporation:

- Ordinance 2015-13 establishing a “cost recovery” system for complex planning/zoning applications,
- Resolution 2015-68 (the Village’s original fee schedule)
- Resolution 2017-11 (related to now outdated provisions related to incentives for under building parking)
- Resolution 2019-21 (creating electronic recording fees)
- Resolution 2019-22 (reduced fees for private providers)
- Resolution 2022-07 (increased the credit card convenience fee from 3 to 3.5%)

; and

WHEREAS, the Village Council adopted Resolution 2015-31 establishing a “clerk’s public records fee schedule” which the Village Attorney has advised is unnecessary and in part inconsistent with Florida’s Public Records Act’s fee provisions; and

WHEREAS, the Village Council, after having reviewed the statutory requirements set forth above, having been advised by the Village’s professional management staff, and having been advised by its counsel, finds that the fee schedules to be adopted by this Resolution comply with all statutory requirements and are necessary and reasonable to ensure the Village’s building department and community development functions are not subsidized by the Village’s general fund; and

WHEREAS, the Village Council further finds that the fee schedules adopted by this Resolution are in the best interests of the Village, its residents, property owners, and businesses.

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

Section 1. Establishment of Building Department Fee Schedule.

The Building Department Fee Schedule attached hereto as **Exhibit “A”** is hereby adopted as the Village of Estero’s Building Department Fee Schedule.

Section 2. Establishment of Planning, Zoning and Land Use Fee Schedule.

The Planning, Zoning and Land Use Fee Schedule attached hereto as **Exhibit “B”** is hereby adopted as the Village of Estero’s Planning, Zoning and Land Use Fee Schedule.

Section 3. Fee Schedule Effective Date.

The fee schedules adopted herein shall become effective at 12:01 a.m. on Wednesday, **October 1st, 2025**. Any applications either pending on that date or thereafter submitted shall be subject to the new fee schedule. If the Village’s contracted building department vendor cannot make the necessary adjustments to forms, websites and payment platforms to reflect the new fees adopted by this Resolution, the effective date will be determined by the Community Development Director as soon as the adjustments are completed.

Section 4. Annual Inspection Utilization Report.

Pursuant to Florida Statutes § 553.80(7)(b), the Village shall produce, annually update, and publish on its website an inspection utilization report. This report shall be prepared with content derived from relevant information available in the Village's most recently completed financial audit. The report shall be updated prior to making any adjustments to the fee schedule. The report shall include the detailed content set forth in Florida Statutes § 553.80(7)(b).

Section 5. Required Posting of Information.

As required by Florida Statutes § 166.222, the Village Manager shall ensure the permit and inspection fee schedules adopted by this Resolution, and the Village's building permit and utilization report required by Florida Statutes § 553.80(7), are posted on the Village's website.

Section 6. Recission of prior Resolutions.

The following Resolutions are hereby rescinded and, unless otherwise noted, are rescinded concurrent with the Fee Schedule Effective Date set forth in Section 3 of this Resolution:

- Resolution 2015-31 (rescinded effective immediately)
- Resolution 2015-68
- Resolution 2017-11
- Resolution 2019-21
- Resolution 2019-22
- Resolution 2022-07

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, provision or word of this Resolution is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision, as the Village Council would have adopted the Resolution even absent the invalid part.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

DULY ADOPTED with a quorum present and voting this 17th day of September 2025.

Attest:


Carol Sacco, Village Clerk

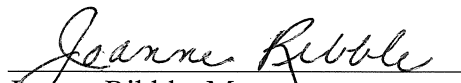

Joanne Ribble, Mayor

Exhibit "A"

Building Department Fee Schedule

Permit Type	Fee (\$)
Residential Fence	50
Residential Pre-Fab Accessory Bldg	75
Residential Accessory Structure	150
Residential Natural Gas Generator	275
Res HVAC Change Out	175
Residential Shutters With or Without Electric	300
Residential Interior Remodel /Alteration	175
Residential Reroof	200
Misc Residential Plumbing/Gas	225
Misc Residential Electric/Service Change	225
Pool With or Without Spa	600
Pool Renovation	275
Hot Tub/Spa (Stand Alone Not Part of Pool)	150
Garage Door Replacement	100
Pool Enclosure	125
Pool Heater	100
Water Heater Change Out	100
Photovoltaic	150
Concrete Restoration	250
Dumpster Slab and Enclosure	200
Pre-Fab Accessory Bldg	75
Window/Door Replacement	150
Residential Demolition of Complete Structure	150
Low Voltage Lighting	150
Commercial Fence or Wall	200
Hood	300
Commercial Natural Gas Lines / Tank / Generator	500
Commercial HVAC Change Out	375
HVAC Duct Work Only	125
Mobile/Manufactured Home	200
Commercial Walk-In Cooler	250
Commercial Shutters With or Without Electric	300
Commercial Interior Renovation/Alteration/Remodel	Declared Valuation plus plan review
Commercial Demolition Complete Structure	250
Commercial Reroof	200
Structure Moving	750
Pier/Boathouse/Davit	Declared Valuation plus plan review

Seawall Repair	Declared Valuation plus plan review
Re-inspection Fee	150
Foundation Only	20% of Plan Review and Permit Fees
Sign (Per Sign)	225
Construction Trailer/Office	400
Commercial Accessory / Awning / Canopy	Declared Valuation plus plan review

Miscellaneous Building Fees		Fee(\$)
Change of Contractor		75
Temporary Certificate of Occupancy		
1st TCO	Included in Permit	
Each Subsequent Request		500
Permit Extensions		
1st Extension	Included in Permit	
Each Subsequent Extension		250

New Construction Permit and Inspections Fee

Valuation (based on most current Building Valuation Data Compiled by the International Code Council)		Fee (\$)
\$1.00 to \$10,000		\$75.00
\$10,001 to \$50,000		\$75.00 for first \$10,000 plus \$10.50 for each additional \$1,000 or fraction thereof to and including \$50,000
\$50,001 to \$100,000		\$415 for the first \$50,000 plus \$6.75 for each additional \$1,000 or fraction thereof to and including \$100,000
\$100,001 to \$500,000		\$752.50 for the first \$100,000 plus \$6.50 for each additional \$1,000 or fraction thereof to and including \$500,000
\$500,001 to \$1,000,000		\$3,152.50 for the first \$500,000 plus \$5.00 for each additional \$1,000 or fraction thereof to and including \$1,000,000.00
\$1,000,001 to 10,000,000		\$5,652.50 for the first \$1,000,000 plus \$3.00 for each additional \$1,000 or fraction thereof to and including \$10,000,000
\$10,000,001 and Above		\$6,652.50 for the first \$10,000,000 plus \$2.75 for each additional \$1,000 or fraction thereof

Single Family and Multi-Family Residential Plan Review Fee

25% of permit and inspections fees

Commercial Plan Review Fee

50% of permit and inspections fees

Refunds

No refund on permits of \$50 or less unless issued in error

No refund on any permit shall be granted if work has commenced

Refund on all other permits shall be at 75% of the permit fee

There shall be no refund on any plan or zoning review fee

After the fact permits are charged two times (2x) permit and plan review fees in all instances

Electronic Recording Fees

While not mandatory, as a courtesy to the contracting community, the Community Development Department may offer to record any document for an applicant associated with a permit or development application. The applicant will be assessed the actual cost for the recording/filing by the Lee County County Clerk of Courts based on that office's current schedule of service charges and fees, along with the submission fee charged by Simplifile to permit the Village to use the Simplifile Electronic Recording System and the fee for using a credit card. No refunds of fees are permitted once a document is recorded. By offering this courtesy, the Village does not become the applicant's agent and bears no responsibility to ensure proper filing. The applicant will need to ensure any document has been correctly filed or recorded.

Private Provider Fee Reduction

Owners and contractors utilizing a private provider for plan review and/or building inspections pursuant to Florida Statutes § 553.791 will receive a 15% reduction in permitting fees conditioned on submission of the required notification and acknowledgment statement required by Florida Statutes § 553.791(4).

Additional Fees

ACH Fee	\$1.90
Returned Check Fee	\$50.00
Convenience Fee for Credit Card/Debit Card Use	3.50%

Exhibit "B"
Planning, Zoning and Land Use

Planning, Zoning, and Land Use Fee Schedule

Planning	Fee (\$)
Community Development District (CDD)	15,000
Amendments to CDD	1,500
Comprehensive Plan Text or Map Amendment	10,000
Development Agreements	8,000
Development of Regional Impact	
New DRI	18,000
DRI Amendment, Build-out or Abandonment	12,500

Zoning	Fee (\$)
Zoning Verification Letter	500
Minimum Use / Single Family Determination	800
Historic District	750
Consumption on Premises - Administrative	850
Administrative Variance	850
Community Gardens	100
Wireless Communication Tower	8,500
Planned Development Rezoning	12,500
Planned Development Amendment	10,000
Bonus Density	5,000
Rezoning	10,000
Special Exception	
Residential	2,500
Non-Residential	8,500
Variance	
Residential	1,500
Non-Residential	5,500
Use Permit	300
Temporary Use	300
Appeal	1,000
Property Records Request	50

Development Review	Fee (\$)
LDO Type A	400
LDO Type B, C, E	900

LDO Type D	2,500
LDO Resubmittal	150
LDO Amendment	400
Zoning Process or Development Review Extension Request	150
SB 2156 Extension	200
Development Order	12,500
DO Amendment	8,000
Minor Change	500
Reinspection LDO/ DO	150
Plat Review	5,000
Vacation of ROW, Plat, or Utility Easement	5,000
Lot Split or Recombination	1,500

Flood	Fee(\$)
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Letter of Map Revision (all types)	500
No Rise	300

Environmental	Fee (\$)
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Tree Removal (9 trees or less; LDO for 10 or more trees)	50
Tree Removal After the Fact (per tree)	250

Additional Fees

ACH Fee	\$1.90
Returned Check Fee	\$50.00
Convenience Fee for Credit Card/Debit Card Use	3.50%

Cost Recovery

Where the Village's Community Development Director determines that a comprehensive plan amendment, zoning, land use, development agreement, variance or other development application presents the need for specialized or extensive technical or legal analysis for which Village staff are unable to timely provide, the Director may require a Cost Recovery Deposit (CRD) to allow the Village to retain additional contracted consulting or legal services. In the event the Director determines a CRD is required, the Director will determine the amount of the initial deposit based on the Director's reasonable, good faith evaluation of the anticipated additional costs. In the event a CRD is determined to be required, the applicant shall pay the initial deposit upon being presented with the CRD estimate. If, as the review or processing work for the application proceeds, a supplemental CRD is determined to be required, the applicant shall pay this supplemental amount as well. The Community Development Director will coordinate with the Finance Director to ensure that all applicant funds paid into a CRD are used only to pay for the application review and processing costs. In the event CRD funds remain deposited with the Village when the Village's work on the application has been completed and all time for appeals has expired, the applicant may request the return of all such remaining funds. Applicants seeking such recovery shall contact the Director to make such request.
