

Article III - ZONING DISTRICTS

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Sec. 6.11. - Paint standards and requirements.

6.11.1. **Painting and Maintenance Required.** Within a residential zoning district, all building exterior wall surfaces, including detached garage, other walled structures, perimeter walls and fences, shall be painted, shall be kept free of faded or chipped paint, and shall be maintained in good repair and good condition to prevent deterioration, and shall be repainted, recovered, or cleaned when twenty-five (25) percent or more of any exposed surface becomes discolored or is peeling. This subsection shall not apply to chain link fences.

6.11.2. Residential Painting Guidelines. ~~Subject to Maintenance Association. Where, on the adoption date of this section, a building, structure, wall or fence or any combination of the above are subject to an existing Homeowner's, Condominium, or Maintenance Association with a recorded Declaration of Covenants and Restrictions, Declaration of Condominiums or other similar document that specifies the exterior color of buildings, structures, walls and fences, the exterior of such building, structure, wall and fence shall be painted consistent with the colors specified in such documents.~~

6.11.3. ~~Not Subject to a Homeowners, Condominium or Maintenance Association. Where, on the adoption date of this section, a building, structure, wall or fence or any combination of the above are not subject to a Homeowner's, Condominium, or Maintenance Association with an existing recorded Declaration of Covenants and Restrictions, Declaration of Condominiums or similar document that specifies the exterior color of such building, structure, walls and fences, the following additional standards and requirements shall apply.~~

A. Three (3) colors allowed. A residential building, structure, wall and fence exterior colors shall not exceed three (3), consisting of one (1) base color and not more than two (2) trim or accent colors for such areas as fascia boards, doors, door casings, window casings, shutters, columns, coining (corner treatments), and architectural relief. Perimeter walls, fences and other structures on the property shall be painted the same colors as the building, with the main body of the wall, fence or structure the same as the building, and any structure, wall or fence trim the same trim as the building. Stone and brick exteriors may be left unpainted and shall not be considered as one (1) of the three (3) colors.

B. ~~Color palette guidelines.~~ All colors schemes shall be selected from the paint guidelines palette approved by resolution of the City Commission, upon a recommendation of the Planning and Zoning Board.

C. Permit required.

1. A paint permit shall not be required to paint or repaint a building, structure, wall or fence provided that the base color is neutral and no more than one (1) non-neutral accent color is selected, as illustrated on the city's color guidelines.

2. In order to participate in the free recycled paint program to ensure compliance with these provisions, before a residential building, structure, wall or fence is painted, a paint permit shall be obtained from the City. The Planning & Zoning Division Inspector shall not issue a paint

permit unless the color of the building, structure, wall and fence is consistent with the approved color guidelines palette. A permit fee shall not be imposed for this permit. ~~A paint permit shall not be required to paint a building, structure, wall or fence the same color as it is currently, provided such building, structure, wall or fence is in compliance with the color palette. Moreover, a paint permit shall not be required when the color white is the base color.~~

D. Relief. If the ~~Zoning Inspector denies a paint permit, the permittee property owner may seeks relief to deviate from the Paint Guidelines by requesting two or more non-neutral colors they may, by filing, with and on forms~~ provided by the Planning and Zoning Division Department, either for discretionary relief or for an appeal by the Community Appearance Committee.

1. Discretionary relief. If a person desires to paint their residential building, structure, wall or fence ~~a with two or more non-neutral colors other than authorized in paragraph 6.11.3.B. above,~~ a person may file for discretionary relief. Discretionary relief requires the permittee obtain from all property owners abutting the subject property ~~or within a three hundred (300) feet radius of the subject property, whichever is greater,~~ a signed, written statement expressing their approval or consent for the paint colors filed with the paint permit. An abutting property includes the property on ~~either any~~ side of the subject property, the properties directly across any dedicated right-of-way from the subject property, and the properties on either side of the properties directly across any dedicated right-of-way. The Planning & Zoning Division Zoning Inspector shall deny the discretionary relief if the permittee fails to obtain all the required signatures of all such property owners. If all such signatures are obtained and verified, the Planning & Zoning Division Zoning Inspector may reconsider the previous denial and place the proposal on a Community Appearance Committee agenda for consideration grant the permit, provided the Zoning Inspector concludes the colors are compatible with other colors in the neighborhood.

2. Appeal. If a person believes the Planning & Zoning Division Zoning Inspector has erroneously denied a paint permit, the homeowner or lessee may appeal such decision to a panel comprised of the Planning and Zoning Director, and the City Manager ~~and the Chief Building Official~~, or their designated staff representative. The panel may confirm or overrule the decision of the Planning & Zoning Division Zoning Inspector.

6.11.3. Multi-Family & Non-Residential Painting and Maintenance Required. All building exterior wall surfaces shall be painted, shall be kept free of faded or chipped paint, and shall be maintained in good repair and good condition to prevent deterioration, and shall be repainted, recovered, or cleaned when twenty-five (25) percent or more of any exposed surface becomes discolored or is peeling. A paint permit shall not be required to re-paint a building, structure, wall or fence the same color as it is currently, provided such building, structure, wall or fence is in compliance with the color palette. A paint permit shall be required for any other alterations to the exterior appearance, and subject to the review and approval of the Community Appearance Committee.

6.11.4. Gateway Road Walls and Fences. Walls and fences along gateway roads designated elsewhere in these Land Development Regulations shall be painted uniformly.

6.11.5. Roof Surfaces. Roof surfaces are not subject to these regulations unless the roofing material is to be painted or repainted. Roof surfaces comprised of shingles, tile or aggregate material with a factory-installed color finish are not subject to these regulations. In the event that a roof surface is to be painted

or repainted, only one (1) color shall be allowed, and such color used must match a color used on the building.

6.11.6. Windows. Window frames and muntins are not subject to these regulations unless the window frame and muntin is to be painted or repainted. Window frames and muntins with a factory-installed color finish are not subject to these regulations. In the event that a window frame or muntin is to be painted or repainted, only one (1) color shall be allowed, and such color used must match a color used on the building.

6.11.7. Enforcement and Penalties. The owner of any residential building, structure, wall or fence that is not in compliance with the above-described provisions shall be in violation of these Land Development Regulations. A Code Enforcement Officer shall issue a citation for such violation and, upon conviction, the owner shall be subject to a fine as provided in Part II., Chapter 1, General Provisions, Section 1-8 of the Code of Ordinances. Further, this penalty provision is in addition to such other remedies as may be provided by law or ordinance.

6.11.8. Amortization Compliance Date. The owner of residential property affected by these regulations shall bring their buildings, structures, walls and fences into compliance with these regulations by January 1, 2007. If the owner of the residential property can demonstrate extenuating circumstances or a hardship to the satisfaction of the Zoning Inspector as to why the property cannot be brought into compliance by January 1, 2007, then the Zoning Inspector may grant the owner an extension of up to two (2) years within which to come into compliance. If the owner believes the Zoning Inspector has erroneously denied an extension of time, the owner may appeal such decision to a panel comprised of the Planning and Zoning Director, the City Manager and the Chief Building Official, or their designated staff representative. The panel may confirm or overrule the decision of the Zoning Inspector.

(Ord. No. 03O-08-175, §§ 1—13, 11-24-03)

7.0. ZONING INSPECTIONS [4]