

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL, FLORIDA, LAND DEVELOPMENT CODE, ARTICLE 5, "DEVELOPMENT STANDARDS," CHAPTER 2, "ACCESSORY STRUCTURES," BY AMENDING SECTION 5.2.1., "GENERAL REQUIREMENTS," REGARDING MARINE IMPROVEMENTS AND BOAT CANOPIES; AND ARTICLE 5, "DEVELOPMENT STANDARDS," CHAPTER 4, "MARINE IMPROVEMENTS," BY AMENDING SECTION 5.4.1., "PURPOSE AND INTENT," REGARDING THE CONSTRUCTION OF MARINE IMPROVEMENTS AND BOAT CANOPIES; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council hereby finds that this Ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral Land Development Code, Article 5, Chapter 2, Section 5.2.1., General requirements, is hereby amended as follows:

5.2.1. General requirements.

- A. This chapter shall pertain to residential properties unless otherwise specifically stated herein. Accessory structures on non-residential properties shall be reviewed per the standards of that zoning district. Agriculturally zoned properties shall not be considered residential for purposes of this section.
- B. Accessory buildings shall be constructed to conform to the minimum building requirements and shall meet all other regulations applicable to the district.
- C. Residential accessory buildings shall be in the rear yard, other than those listed in Section 5.2.1, and shall comply with all of the requirements found in this Section.
- D. Accessory structures, such as pergolas, arbors, trellises, and flag poles may be in the rear, side, or front yard of the primary structure. Fences and sheds may be permitted in the rear or side yard of the primary structure.
- E. With the exception of marine improvements and boat canopies lawfully permitted under Chapter 4 of this article, ~~No~~ accessory structure, including fences, shall be constructed on any residential parcel not containing a primary structure.

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SECTION 2. The City of Cape Coral Land Development Code, Article 5, Chapter 4, Section 5.4.1., Purpose and intent, is hereby amended as follows:

5.4.1. Purpose and intent.

In order to allow all waterfront property the same ability to utilize and access adjacent waterways, the development of docks, wharves, mooring piles, and watercraft moorings must be accomplished in a standard and unified manner. ~~Boat slips and docks~~ Marine improvements and boat canopies may be constructed by the owner of a waterfront lot, ~~with adequate water frontage, where a principal building exists after complying with the provisions of Chapter 4 of this article and receiving a building permit from the City.~~

SECTION 3. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 4. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2023.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:


GUNTER _____
STEINKE _____
SHEPPARD _____
HAYDEN _____

CUMMINGS _____
WELSH _____
LONG _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2023.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



ALEKSANDR BOKSNER
CITY ATTORNEY
ord/MarineImpBoatCanopies
