



1015 Cultural Park Blvd.  
Cape Coral, FL

## **AGENDA FOR THE REGULAR MEETING OF THE CAPE CORAL YOUTH COUNCIL**

December 14, 2018

3:00 PM

Council Chambers

### **PLEDGE OF CIVILITY**

We will be respectful of each other even when we disagree.  
We will direct all comments to the issues. We will avoid personal attacks.

#### **1. MEETING CALLED TO ORDER**

A. Chair Baxter

#### **2. PLEDGE OF ALLEGIANCE**

A. Chair Baxter

#### **3. ROLL CALL**

A. Chair Baxter, Members Benitez, Bernau, Bevan, Curulli, Dunkle, Gorbanovski, Ico, Molfino, Nguyen, Orozco, Rodriguez, Saunders, and Zivkovic

#### **4. CHANGES TO AGENDA/ADOPTION OF AGENDA**

#### **5. APPROVAL OF MINUTES**

A. November 30, 2018 meeting minutes

#### **6. ADVISOR PRESENTATION (30 MINUTES MAXIMUM)**

A. City Council Meeting Agenda Report - Advisor Mazurkiewicz

#### **7. CITIZENS INPUT TIME**

Input of citizens on matters concerning City Government; 3 minutes per individual.

#### **8. RECOMMENDATIONS TO COUNCIL**

## **9. BUSINESS**

- A. Land Use Changes - Robert Pederson, Department of Community Development Planning Manager
- B. Puppy Mill Ordinance Discussion
- C. Tiny Houses - Robert Pederson, Department of Community Development Planning Manager
- D. Continued Group Discussion of Blue Green Algae and Red Tide
- E. Junior Project Discussion

## **10. NEXT MEETING AGENDA TOPICS**

## **11. REPORTS**

## **12. REPORTS OF THE COUNCIL LIAISON AND ADVISORS**

## **13. TIME AND PLACE OF FUTURE MEETINGS**

- A. A regular meeting of the Cape Coral Youth Council is scheduled for Friday, January 11, 2019, at 3:00 p.m. in Council Chambers.

## **14. MOTION TO ADJOURN**

### **GENERAL RULES AND PROCEDURES REGARDING THE CAPE CORAL CITY COUNCIL AGENDA**

In accordance with the Americans with Disabilities Act and Section of 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Office of the City Clerk at least forty-eight (48) hours prior to the meeting. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

Persons wishing to address the Youth Council under Citizens Input may do so during the designated times at each meeting. No prior scheduling is necessary. All speakers must have their presentations approved by the City Clerk's office no later than 11:00 AM the day of the meeting. Members of the audience who address the Youth Council shall step up to the speaker's lectern and give his or her full name, address, and whom he or she represents. Proper decorum shall be maintained at all times. Any audience member who is boisterous or disruptive in any manner to the conduct of this meeting shall be asked to leave or be escorted from the meeting room.

Copies of the agenda are available in the main lobby of Cape Coral City Hall and in the City Council Office, 1015 Cultural Park Boulevard. Copies of all back-up documentation are also available for review in the lobby of Council Chambers. You are asked to refrain from removing any documentation. If you desire copies, please request they be made for you. Copies are 15 cents per page. Agendas and back-up documentation are also available on-line on the City website (capecoral.net) after 4:00 PM on the Wednesday prior to the Youth Council Meeting.

<b>Item Number:</b>	<b>5.A.</b>
<b>Meeting Date:</b>	<b>12/14/2018</b>
<b>Item Type:</b>	<b>APPROVAL OF MINUTES</b>

**AGENDA REQUEST  
FORM**  
CITY OF CAPE CORAL



**TITLE:**

November 30, 2018 meeting minutes

**REQUESTED ACTION:**

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?
2. Is this a Strategic Decision?
  - If Yes, Priority Goals Supported are listed below.
  - If No, will it harm the intent or success of the Strategic Plan?

**Planning & Zoning/Staff Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

**LEGAL REVIEW:**

**EXHIBITS:**

**PREPARED BY:**

Division- Department-

**SOURCE OF ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
<input type="checkbox"/> November 30, 2018 meeting minutes	Backup Material

**MINUTES FOR THE MEETING  
OF THE CAPE CORAL YOUTH COUNCIL**

**Friday, November 30, 2018**

Chair Baxter called the meeting to order at 3:02 p.m.

Pledge of Allegiance – Chair Baxter

Roll Call: Chair Baxter, Members Benitez, Bevan, Gorbanovski, Ico, Nguyen, Orozco, and Saunders were present. Curulli and Zivkovic were excused. Bernau, Dunkle, Molfino, and Rodriguez were absent.

Also in attendance: Rick Williams, Council Liaison  
Cole DeLong, Communications Director  
Connie Griglin, Youth Council Administrative Contact  
Jeff Pearson, Utilities Director  
Maya Robert, Public Works Environmental Resources Manager

**CHANGES TO AGENDA/ADOPTION OF AGENDA**

Chair Baxter asked for a motion to approve the agenda, as presented.

***Member Benitez moved, seconded by Member Ico, to adopt the agenda for the November 30<sup>th</sup> meeting, as presented.***

***The Youth Council voted unanimously to adopt the agenda, as presented.***

**APPROVAL OF MINUTES**

***Member Bevan moved, seconded by Member Orozco to approve the Regular Meeting Minutes from November 9, 2018, as presented. Voice Poll: All “ayes.” Motion carried.***

**ADVISOR PRESENTATIONS**

**City Council Meeting Agenda Report  
Advisor Mazurkiewicz**

Council Liaison Williams provided the following City Council Meeting Agenda Report on behalf of Advisor Mazurkiewicz:

- Puppy Mill Ordinance withdrawn from this Monday’s meeting but will be returning at a future date
- Last COW (Committee of the Whole) meeting - Update on Land Use Changes was

discussed

- Micro Cottages may be a topic the Youth Council may want to pursue. He offered to arrange for someone to come in to talk about this. This was withdrawn from the Land Use Changes pending some further work on it.
- Parking on the grass was also withdrawn for further work.
- December 10<sup>th</sup> Council meeting – one of the Councilmembers has put forth an Ordinance to change our election dates. He stated he would forward the Ordinance to the Youth Council.
- Charter Review Commission mentioned the possibility of changing the election dates because of low turnout in odd numbered years.

Council Liaison Williams encouraged the Youth Council to discuss these issues at today's meeting. If they want to get involved, he will make arrangements to get some support.

Member Benitez stated she was passionate about changing the election dates and this was something the Youth Council can get involved in. She inquired about how they can find the resources for research.

Council Liaison Williams stated the best way was for him to get the actual Ordinance to the Youth Council so that they can review it. This Ordinance would extend the terms of some of the Councilmembers. Since you are not going to meet as a group until December 14<sup>th</sup>, the Youth Council cannot come forth as a group with a position, unless you have a special meeting to discuss it. Members can express their opinions as individuals at the Council meeting.

Chair Baxter inquired if this item will be coming to Council on December 10<sup>th</sup>.

Council Liaison Williams stated there would be a discussion on December 10<sup>th</sup> and at that point Council will be voting as to whether or not to move the dates. If Council votes no, the Charter Review Commission (CRC) will follow their process. He explained how the CRC's recommendations would come to Council, and Council would approve which recommendations they want to have on the ballot.

Chair Baxter asked when the other Ordinances would be coming back such as the Puppy Mill Ordinance and the Tiny House Ordinance.

Council Liaison Williams stated most likely this will be coming back after the Hiatus which is from December 11<sup>th</sup> to the middle of January.

### **CITIZENS INPUT TIME**

No speakers.

### **RECOMMENDATIONS TO COUNCIL**

None

## **BUSINESS**

### ***Blue Green Algae and Red Tide – Jeff Pearson, Utilities Director***

Utilities Director Pearson displayed the following slides:

- Bubble Curtain Pilot Test
- Goals and Objectives – to observe the performance of the equipment in mitigating blue-green algae and any other harmful materials from entering the Mandolin Canal; create a bubble barrier to block floating and submerged material from entering the mouth of the Mandolin Canal located just north of the Cape Coral Bridge; protect the Mandolin Canal without impeding recreational navigation.
- Efforts Being Performed – The bubble curtain was installed on 10/23/2018; no algae was present after installation, staff contacted the vendor regarding what materials could be used to simulate the presence of algae. Vendor recommended the use of saw dust. City staff recommended the use of Stormwater tracer dye. A pilot test using saw dust and tracer dye was conducted on November 2, 2018 and November 16, 2018 during various tidal events to observe the effectiveness of the equipment at keeping floating material from entering the Mandolin Canal.
- Dye Test – video shown about changes that occur when the dye is put into the water
- Sawdust Test – also displayed by video, simulated the small algae cells, not clear how effective it will be throughout the water column, all the way to the bottom to the surface; this vendor's product works well with floating material such as large mats of possible algae coming down the river. Not sure how well it will keep the algae and the nutrients out of the canal. Visually on the surface it was keeping material back.
- Conclusions – Vertex Bubble Curtain appeared to do a good job at keeping floating material (saw dust/tracer dye) from entering the canal at the water surface. Staff is unclear on how well the Bubble Curtain will perform with submerged material including algae and nutrients throughout the water column since no visible algae was present. Cost to purchase the Mandolin Canal Bubble Curtain is \$46,152.15 and the estimated energy cost to run for six months per year during the rainy season is \$800. Future operating and maintenance costs beyond any manufacturer's warranty period are to be determined. No blue-green algae have been observed or confirmed by water quality sample in the immediate vicinity of Cape Coral. This is most likely because of increasing salinity and lower temperatures during the annual dry season. Staff does not anticipate any near-term issues with continued blue-green algal blooms in the City's canal system. The bubble curtain pilot test ceased on November 20, 2018.

Director Pearson stated there was still an ongoing pilot test with the Eco Lab product in the Cabot Canal near Everest Parkway and the Everest Water Reclamation Water Facility. That pilot test will be continued until February 2019. At that time staff will look at all the lab sampling data and determine how effective it was and contact the DEP.

Public Works Environmental Resources Manager Robert stated since the last time we met two months ago there have not been any reports of fish kill or observation of red tide within the City of Cape Coral. She noted that red tide is an extremely rare occurrence on the East Coast of Florida; besides this year, the last was ten years ago. She presented the following slides:

- Update Water Quality Issues: Red Tide
- October 13 True colors satellite, October 13 Chlorophyll satellite, November 16 True colors satellite upwelling, November 16 Chlorophyll satellite
- Cape Coral: no report of fish kill or Red Tide Observation, 36 dead dolphins washed onto Lee and Collier counties beaches the past week and hundreds of dead mullets were reported at Cayo Costa State Park Beach, all shellfish harvest areas from Gasparilla Sound to Ten Thousand Islands are closed due to Red Tide, Statewide *Karenia brevis* concentrations 11/20/18 to 11/27/18
- Recent public information about Red Tide in Florida available on You Tube - Today's Webinar, Harmful Algal Blooms, Kate Hubbard, Florida Fish and Wildlife Conservation Commission, co-hosted by the Gulf of Mexico Alliance and National Water Quality Monitoring Council
- Water Quality Issues: What the City of Cape Coral is doing to combat Red Tide and Blue Green Algae
- *Karenia brevis* Florida Red Tide Produces brevetoxins, mostly saltwater >24 PSU, *Microcystis aeruginosa*, one species of Cyanobacteria, aka blue green algae produces cyanotoxins called microcystins, mostly freshwater <17 PSU
- What is the City doing to combat Red Tide (and Blue Green Algae)?
- Mitigation and Control Strategies to combat Red Tide
- Realistic solution?

Chair Baxter inquired if the City has done any research in how we are going to clean up what is being kept out of the canals.

Director Pearson discussed the following:

- The City joined Lee County in obtaining a grant for approximately \$2 million from the State.
- When the Governor declared a State of Emergency, it freed up money available for cleanup including some of the Red Tide issues, mainly cleaning up the fish out. It did not include any proactive measures for eliminating Red Tide.
- The City's program is proactive in removing these thick algae mats that contain large amounts of nutrients and toxins.
- Lee County engaged AECOM to come in with an environmental contractor where we vacuumed it out and transported it in 5,000-gallon tanker trucks to Lee County's North RO Plant.
- They had a temporary treatment plant set up where we could remove all of the algae out of the water, chlorinate it, and then put it into a holding pond.
- It was injected down a deep injection well to be environmentally safe.

- This has been a huge learning curve as to how to remove the algae.
- The Eco Labs product may be promising when we have a small outbreak by putting up a turbidity boom and block off the rest of the canals to treat that small area.

Member Ico questioned what other cities were doing to combat Red Tide.

Manager Robert stated other cities such as Sanibel and Fort Myers Beach have been picking up the dead wildlife on the beaches. In her last presentation she mentioned studies and some action taken by Sarasota where they have been treating it with ozonation and clay. All efforts have been focused on improving prediction and information to the public. Studies on Red Tide are updated bi-weekly. She had a link for a one-hour presentation if anyone was interested.

Director Pearson noted one of the ways to reduce nutrients in local waterways is picking up dog waste so that it does not end up in the canals. Another way is not using a lot of fertilizer. Lee County has an aggressive program: Don't feed the monster. Cape Coral participates in it as well. Be good stewards with the environment.

Member Benitez inquired what process was in place to prevent this from happening next year.

Director Pearson stated they would continue the pursuit of information and research. The more experience we get, the better we will be prepared in the future. If it happens again, we will utilize some of the technologies that had reasonable success.

Chair Baxter asked if the City bought the vertex bubble curtain, would that be something that could be implemented next season?

Director Pearson stated we need to make sure that we are good stewards with limited dollars. Before going to Council to ask them to purchase it, he would need to justify that this was the best product. The vendor offered to leave it in place. The DEP stated a permit would be necessary. What we can do next year is bring the generator out and hook it back up to their compressors.

Member Benitez questioned how we can inform the public on preventing those nutrients from entering the water.

Council Liaison Williams stated the Youth Council can spread the word within their schools.

Chair Baxter noted the Ecology Club and World Studies Club do a lot of presentations and projects regarding issues on Blue Green Algae and Red Tide.



### ***Approval of the Trifold Informational Literature***

Chair Baxter turned the floor over to Member Benitez who has been working on this item.

Member Benitez stated she could not get the actual brochure laid out but made the corrections from the last meeting. She would need Council's help with this to be able to move forward. She stated that Communications Director DeLong had some pictures of the City and youth in our City. She asked if anyone else had more pictures. She noted that past actions will be kept to a minimum and would be more focused on updates. She noted demographics would be subject to change.

Member Ico stated she could provide some pictures.

Chair Baxter encouraged all members to help provide pictures as well. Some demographics can be found from the School District. She agreed that past actions such as the FLC Award and the Blessings in a Backpack were good, but it was important to keep it up to date.

Member Benitez noted the desire to add a picture or collage of the Youth Council.

Chair Baxter stated it would be nice to have the current Councilmembers.

Member Bevan agreed to highlight the Blessings in a Backpack fundraiser partnership.

Member Orozco stated he could supply some pictures of the City. He recently saw a website that had to do with the Lee County demographics and would research it further.

Member Nguyen asked if the brochure would be updated in the future or would it be kept the same?

Member Benitez understood that the brochure would be kept the same for at least this term and may be updated if future Councils agree.

Chair Baxter stated maybe a vote could be taken at the next meeting to approve the brochure.

### **NEXT MEETING AGENDA TOPICS**

Chair Baxter stated Council Liaison Williams brought up a few good points today. One possibility would be discussion of the Puppy Mill Ordinance, as well as the Tiny House Ordinance. She stated the juniors should start looking into this and any other topics they may be passionate about. She would like to add both topics to the next meeting agenda.

***Member Benitez moved, seconded by Member Gorbanovski, to add the topic of the***

***Puppy Mill Ordinance to the December 14, 2018 meeting agenda.***

***Council polled as follows: Baxter, Benitez, Bevan, Gorbanovski, Ico, Nguyen, Orozco, and Saunders voted “aye.” All “ayes.” Motion carried 8-0.***

***Member Bevan moved, seconded by Member Saunders, to add the topic of Tiny Houses to the December 14, 2018 meeting agenda.***

***Council polled as follows: Baxter, Benitez, Gorbanovski, Ico, Saunders, Nguyen, Orozco, and Bevan voted “aye.” All “ayes.” Motion carried 8-0.***

***Member Benitez moved, seconded by Member Orozco, to add the topic of Blue Green Algae and Red Tide to the December 14, 2018 meeting.***

***Council polled as follows: Baxter, Benitez, Bevan, Gorbanovski, Ico, Nguyen, Orozco, and Saunders voted “aye.” All “ayes.” Motion carried 8-0.***

***Member Ico moved, seconded by Member Orozco, to add the topic of Junior Project Discussion to the December 14, 2018 meeting.***

***Council polled as follows: Baxter, Benitez, Bevan, Gorbanovski, Ico, Nguyen, Orozco, and Saunders voted “aye.” All “ayes.” Motion carried 8-0.***

Chair Baxter encouraged the juniors to choose something they are passionate about whether it be the Puppy Mill topic or Commercial Recycling Ordinance which she worked on with the former Chair.

Member Ico inquired if the juniors were looking to do something similar to Blessings in a Backpack.

Chair Baxter noted that the Youth Council works with Parks and Recreation on their Movie Night in a Park to promote their Blessings in a Backpack. The next Movie Night will not be until February, but we will start working on this in January. The February date may be questionable, so we will hold off to see what the plans are from Parks and Rec.

## **REPORTS**

<u>Member Benitez:</u>	Topic: No Report
<u>Vice Chair Bernau:</u>	Topic: Absent
<u>Member Bevan:</u>	Topic: She noted the trophy will be displayed at Oasis High.
<u>Member Curulli:</u>	Topic: Excused
<u>Member Dunkle:</u>	Topic: Absent
<u>Member Gorbanovski:</u>	Topic: No Report
<u>Member Ico:</u>	Topic: The Transportation Advisory Commission meeting was

moved from December 19<sup>th</sup> to January 16<sup>th</sup>. She will be presenting at that one.

Member Molfino: Topic: Absent

Member Nguyen: Topic: No Report

Member Orozco: Topic: He has not been receiving emails from the City.

Chair Baxter noted that if a member is locked out of their email, please contact the Help Desk.

Member Rodriguez: Topic: Absent

Member Saunders: Topic: She will not be present at the next meeting due to a Math Competition.

Member Zivkovic: Topic: Excused

Chair Baxter: Topic: No Report

### **REPORTS OF COUNCIL LIAISON AND ADVISORS**

Council Liaison Williams noted as far as the items voted on for the December 14<sup>th</sup> meeting agenda, he will arrange for someone to provide the pros and cons of the Puppy Mill Ordinance. He will arrange for someone to come in from DCD (Department of Community Development) to discuss Tiny Houses. He inquired if the Youth Council wanted anyone to come in to discuss the Blue Green Algae and Red Tide topic.

Chair Baxter stated there will just be a discussion amongst the Councilmembers on the Blue Green Algae and Red Tide topic; no staff member was necessary to present.

Ms. Griglin thanked everyone who attended the Veterans Day Parade. She would like to get letters out to the people that allowed them to ride in the Veterans Day Parade. She inquired about any feedback on the Trophy being displayed.

Member Nguyen noted it was displayed in the Front Office, everyone was excited about it, the Trophy looked beautiful, and it was nice to have it displayed in our school. The Principal expressed her thanks for the display.

Communications Director DeLong expressed the need to have more information out to put this project forward and any actions that can be taken.

Member Benitez stated besides the brochure and the distribution of the pens, we could invite members to events that we host so they can see what we do.

Director DeLong noted that Freshmen Open Houses will be held soon. At his school they get a booth for a club or activity. He suggested that the members talk to the Athletic Director to get started.

Member Saunders shared her concern about getting more involved in the Community

such as the Veterans Day Parade. She noted the stand we took on the Golf Course is an example but is not relative to our generation.

Member Benitez inquired if there was any activity that the City Council does to be able to close the gap between them and the citizens.

Council Liaison Williams noted as a group we do not have activities because of the Sunshine Law. He noted the comment about the Golf Course. This is just as important to you as it is to everyone else because this will impact you and your future. He noted how City Councilmembers are battered with invitations to events. He asked Ms. Griglin to include the Youth Council when City Councilmembers receive invites.

Chair Baxter asked if it was too late for the Youth Council to attend the Tree Lighting ceremony as a group.

Ms. Griglin stated she planned on attending the ceremony. She noted the Chamber of Commerce is running the event. She stated to text her, and she will let everyone know where to meet.

#### **TIME AND PLACE OF FUTURE MEETINGS**

A regular meeting of the Cape Coral Youth Council was scheduled for Friday, December 14, 2018, at 3:00 p.m. in Council Chambers.

#### **MOTION TO ADJOURN**

There being no further business, the meeting adjourned at 4:18 p.m.

Submitted by,

Barbara Kerr  
Recording Secretary

<b>Item Number:</b>	<b>9.A.</b>
<b>Meeting Date:</b>	<b>12/14/2018</b>
<b>Item Type:</b>	<b>BUSINESS</b>

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Land Use Changes - Robert Pederson, Department of Community Development Planning Manager

**REQUESTED ACTION:**

**STRATEGIC PLAN INFO:**

1. Will this action result in a Budget Amendment?
2. Is this a Strategic Decision?
  - If Yes, Priority Goals Supported are listed below.
  - If No, will it harm the intent or success of the Strategic Plan?

**Planning & Zoning/Staff Recommendations:**

**SUMMARY EXPLANATION AND BACKGROUND:**

**LEGAL REVIEW:**

**EXHIBITS:**

**PREPARED BY:**

Division- Department-

**SOURCE OF ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
□ Cape Coral's New Land Development Code	Backup Material

# **Cape Coral's New Land Development Code**

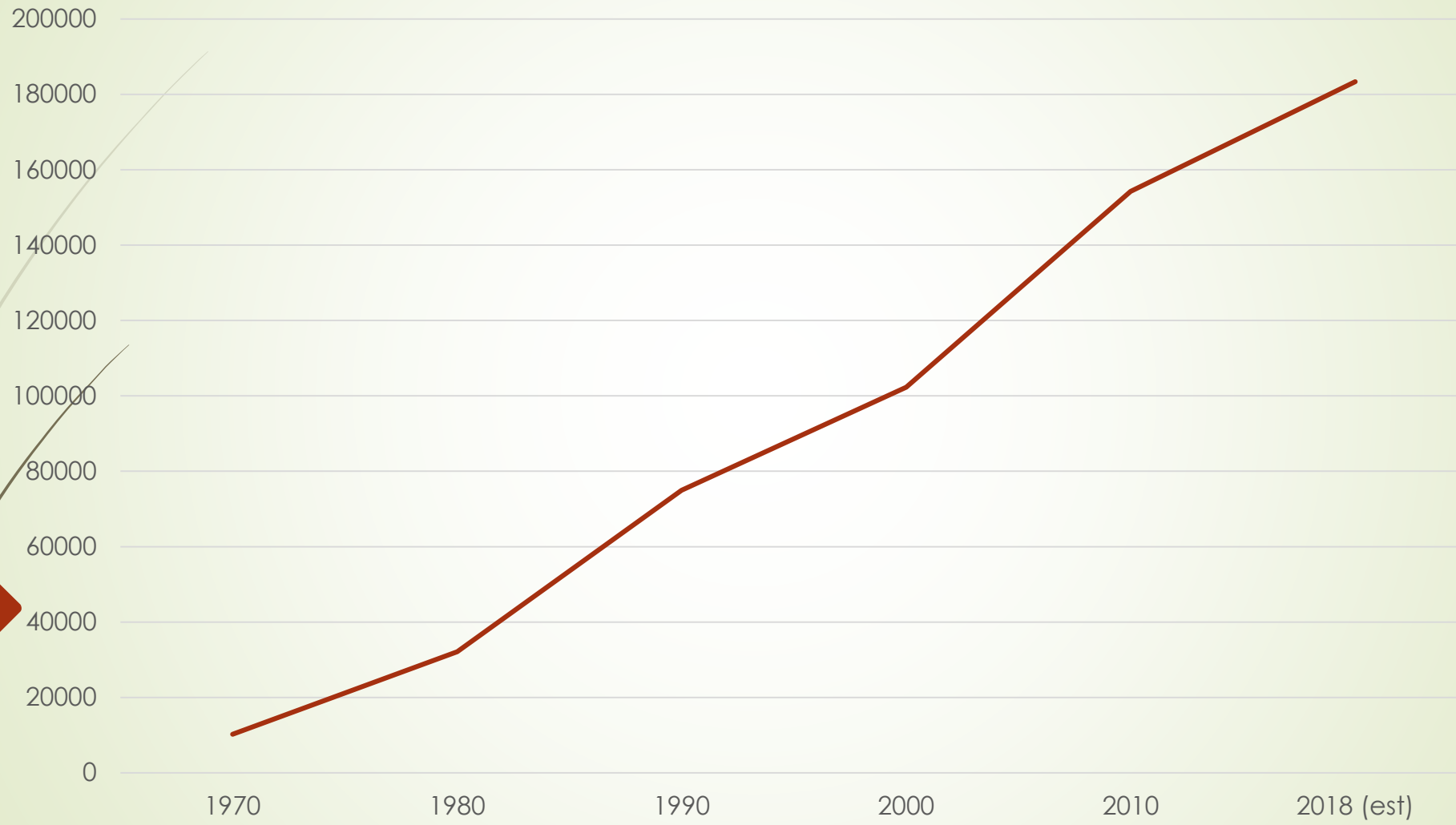
1

**Council for Progress & Youth Council  
December 14, 2018**

## Outcomes

1. Streamline Development Process
2. Encourage Development
3. Clarify Regulations
4. Shift in Community Values

## Cape Coral Population, 1970-2018 Population



3



# Outcome 1 – More Administrative Approvals

- Current land uses or approvals requiring public hearings include:
  - Model Homes
  - Deviations for specifies marine improvements
  - Minor deviations for landscaping
  - Any dimensional variance
- The LDC will permit administrative approval of these and others – with standards
- Goal is fair and consistent decision making. Less time and cost to applicants without sacrificing community standards

## Outcome 1 - Subdivision Plat Approval Process

- LUDRs require a PDP for any subdivision (plat or replat) in addition to planning and engineering review of the subdivision details
- This process not typical in other communities
- LDC draft has preliminary subdivision plans approved administratively – no PDP or PUD required
- Council approval of Final Plat required per statute

## Outcome 1 - Planned Unit Developments (PUDs) to replace PDPs

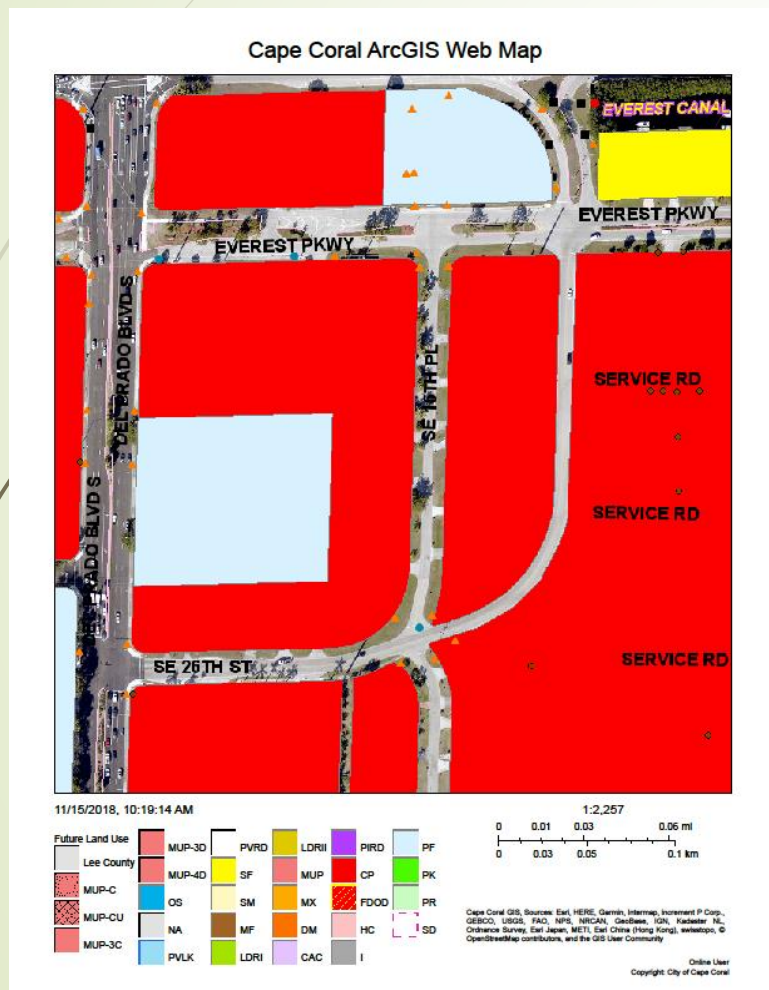
- The LDC adds Planned Unit Developments (PUDs) to replace Planned Development Projects (PDPs) over time
- Many PDPs became a procedural requirement rather than a substantive review. Any change to a PDP requires a new public hearing process
- PUDs are a development entitlement; a zoning district tailored to a specific project
- A PUD includes a Mast Plan that identifies uses, access points, landscape buffers, building locations, height, etc. The PUD rezone is approved by Council. Subsequent approvals and minor changes are administrative

## **Outcomes 1 & 2 - Remapping to reduce Future Land Use and Zoning inconsistencies**

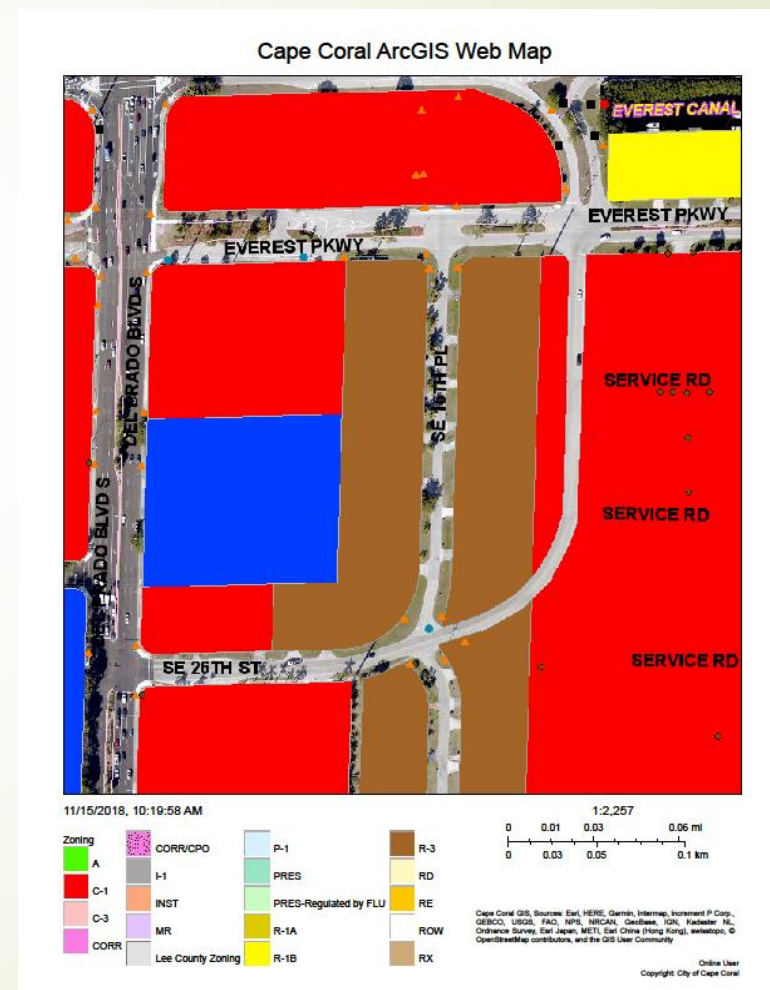
- **Many existing & long standing conflicts (e.g., C/P land use and R-3 zoning)**
- **Typically along major roadway corridors**
- **Many created by broad FLUM and zoning changes in 2004/5 and 2010**
- **No development is allowed when FLUC and zoning are in conflict**
- **Amortization of non-conforming uses has not occurred**

# Example of Future Land Use & Zoning Conflicts

## Future Land Use



## Zoning





## Outcomes 1 & 3 - Updating the Regulations

- More use of graphics and tables
- Refine and modernize parking regulations
- Nonconforming use & structure regulations – more flexibility for changes
- More approval processes are administrative
- Fewer Special Exceptions
- Outdoor display of merchandise – why is it special?

## LUDR Uses Lists of Uses

LDR2:90

## LDC Uses Tables

[illegible]

## A More User Friendly Code

# NAICS categories

## § 2.5 Cape Coral - Land Use and Development Regulations

<b>Lard Use Classifications</b>	<b>NAICS</b>
Assisted living facility	
With on-site nursing care	623311
Without on-site nursing care	623312
Automatic teller machine (ATM)	532320
Automotive and equipment dealers; establishments primarily involved in the retail sale or storage of inventory items incidental servicing and repairs and the stocking of replacement parts is a normal ancillary function	
<b>Group I - Auto/truck</b> Establishments primarily engaged in the retail sale or storage of automobiles, small trucks and vans	44111/ 44112
<b>Group II - Motorcycle/lawnmower dealers</b> Establishments primarily engaged in the retail sale or storage of new or used lawnmowers, motorcycles, motor bikes, dune buggies, go carts, golf carts, and other similar type small vehicles	441221/ 44421
<b>Group III - Boat/yacht dealers</b> Establishments primarily engaged in the retail sale or storage of new or used motorboats, yachts, other watercraft, and boat trailers	441222
<b>Group IV - Recreational vehicle/bus dealers</b> Establishments primarily engaged in the retail sale or storage of new or used recreational vehicles, campers, or utility trailers	44121/441225
<b>Group V - Construction equipment</b> Establishments primarily engaged in the retail sale or storage of large trucks, bulldozers, cranes, semi-trailers, earthmovers and other similar large transportation, construction, or hauling equipment	44122
Automotive parking establishment	81293
Automotive parts store	44131
Automotive repair and service	
<b>Group I</b>	
Automobile towing establishment	488410
Automobile air conditioning equipment, sales and installation	441310
Automotive interior shops	81121
Automotive tops (canvas or plastic) installation or repair	81121
Automotive trim shops	81121
Brake linings sale and installation	81118
Brake repairing	81118
Carburetor repair	81118
Diagnostic centers	81118
Electrical service, automotive (battery and ignition repair)	81118

# LDC Tables

[illegible]



## Supplementary District Regulations

## § 3.9

- B. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that lot area, yards, width or other dimension and area regulations of this ordinance are not maintained. This provision shall not apply when a portion of a lot is acquired for public purpose.

(Ord. 66-91, 8-26-1991; Ord. 91-05, 11-14-2005; Ord. 102-08, 10-6-2008)

### § 3.9 Fences, shrubbery, walls.

#### .1 Residential Zoning Districts.

- A. A fence shall not be constructed on unimproved property.

- B. No fence shall be maintained at a height greater than six feet, and no wall or fence shall be erected or placed within the front setback lines of any residential lot, except as follows:

(Ord. 20-98, 4-6-1998; Ord. 48-98, 8-24-1998; Ord. 80-04, 7-19-2004)

1. A fence in a residential zone may be maintained at a height greater than otherwise allowed herein if a higher fence height is required by the city for the purpose of screening a special exception use.

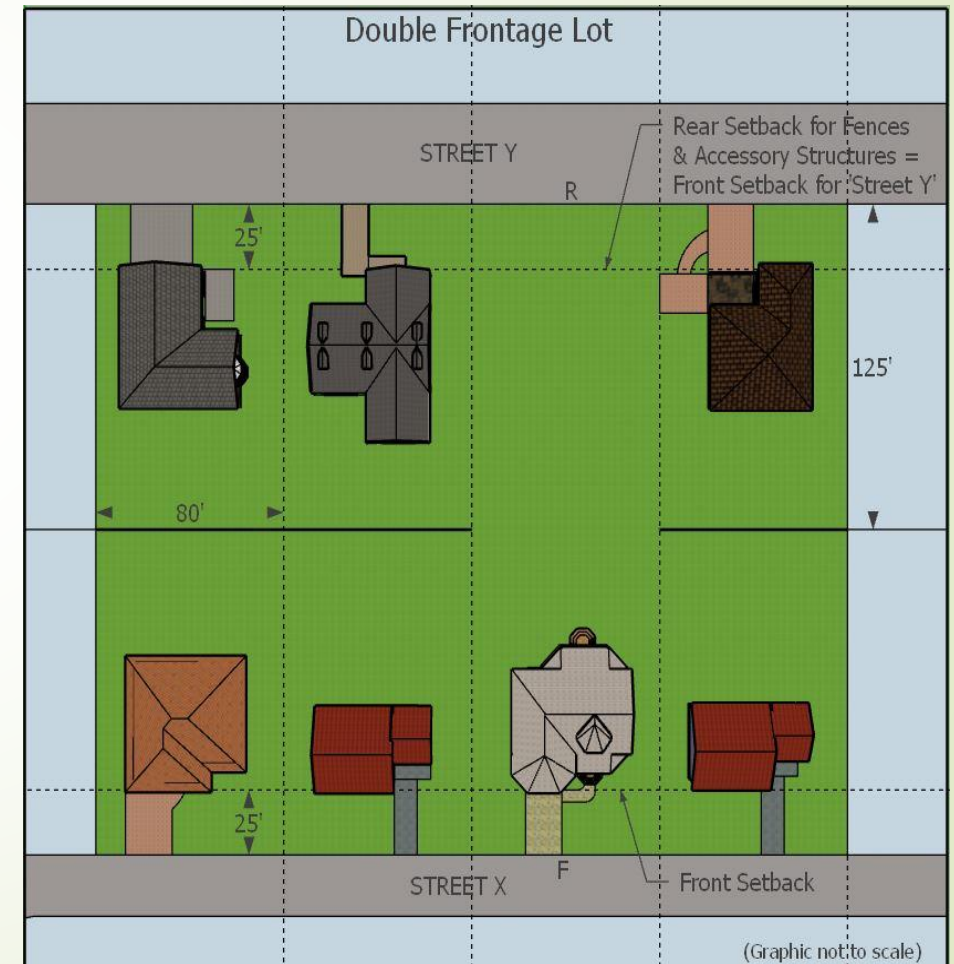
(Ord. 1-97, 2-10-1997; Ord 20-98, 4-6-1998)

2. If a parcel located in a residential zone is used for residential purposes, and abuts a property which is used for commercial or professional purposes, a fence may be maintained at a height up to eight feet along the side(s) of the property which abut(s) the property or properties containing commercial or professional uses. For purposes of this section, a property shall be deemed to abut another property if the two properties are either immediately adjacent to each other or separated only by an alley. Properties which are separated by a street, canal, lake, or other body of water shall not be deemed to be abutting properties.

(Ord. 1-97, 2-10-1997)

3. Fencing for recreational facilities may be increased in height to ten feet. Such fencing must immediately enclose the recreational facility. Hooded backstops for diamond sports may be increased to a maximum height of 28 feet. For sports other than diamond sports, backstops may be increased to a height of 12 feet. All fencing at recreational facilities must be constructed of at least nine gauge fence fabric and schedule 40 tubing.

4. Fencing for critical public utilities infrastructure, including but not limited to water and wastewater facilities and electric and natural gas facilities, which may enclose either an entire site or only an area containing equipment, may be maintained at a height of eight feet. Barbed wire, spire tips, or sharp objects are permitted on the top of fencing around critical infrastructure sites or equipment, however, the height of the fencing together with any barbed wire, spire tips, or sharp objects may not exceed eight feet, and only the top two feet may contain barbed wire, spire tips, or sharp objects. No other barbed wire, spire tips, or sharp objects shall be erected in residential zones. Further, no electrically charged fences shall be erected in residential zones.



## Outcomes 2 & 3 - Consolidation, elimination, and renaming of zoning districts

- Similar single-family districts (R-1A, R-1B, RD) combined in new R-1
- Two multi-family districts (RML & RMM) to replace R-3
- New zoning districts for Bimini Basin and Seven Islands
- Seldom used districts eliminated (C-3, P-2, RX, HICI, VILL)
- Districts renamed (e.g., C-1 to C) to distinguish old vs. new code

## Outcome 2 - Outdoor Display of Merchandise

- Recent case spotlighted this code – Council approval req'd with no specifics as to process or standards of review
- Current code allows outdoor display of boats, cars, tires, garden and lawn equipment, and seasonal sales
- Outdoor display of fruit and vegetables, flowers, jewelry, books, and antiques allowed in South Cape
- Council direction at 11/26 is to allow subject to Council approval and w/ notice to surrounding owners

## Outcome 2 - Multi-family in the Pine Island Corridor

- LUDRs require a 20 acre parcel size for any residential development
- Assemblage of 20 acres extremely difficult
- Pine Island Road is appropriate location for multi-family development – retail services and office uses nearby, served by transit, etc.
- LDC reduces minimum parcel size to four acres
- Requires a minimum density of 10 units per acre or 50 units
- Single-family and duplexes not permitted

## Outcome 2 - Outdoor Dining

- Permitted for restaurants, bars, hotels, fraternal groups
- Permitted on public rights-of-way (e.g., sidewalks) in front of existing businesses
- Clear pedestrian access must be maintained
- Cannot interfere with traffic sight distance
- Review by Fire and Public Works for safety
- Must be moved for special events, storm events, as req'd
- Regular cleaning by operators req'd



## Outcome 2 - New Concepts

- New regulations are included to address modern trends in land development around the country
- Planning receives many inquiries and interest in these types of developments
- Examples include:
  - Accessory Dwelling Units
  - Guest houses
  - Micro Cottage Village Developments
  - These concepts pulled for further review

## Outcome 2 - Accessory Dwelling Units (ADU)

- ADUs provide variety and housing choice in residential neighborhoods
- ADUs can be an effective way to add affordable rental housing stock to existing neighborhoods.
- ADUs also provide options for residents to age in place or to live with or near family and caregivers, providing a flexible way to address family needs for additional housing.
- ADUs not currently allowed. LDC allows with standards to ameliorate impacts

# Attached ADU Examples





# Detached ADU Examples



## Outcome 2 - Guest Houses

- A guest house is similar to an ADU in that living quarters (e.g., a bedroom, bath, and living area) may be in part of the residence or in a detached accessory structure
- Kitchens are not allowed
- Guest houses also provide options for many family living situations
- Guest houses not currently allowed.



# Detached Guest House



## Outcome 2 - Micro Cottage Villages (MCVD)

Draft rules contained the following standards

- NOT permitted on individual lots – minimum project size is three acres
- Tiny houses transported on wheels are not allowed
- Perimeter of the site must have a screening buffer
- All structures must comply with Florida Building Code
- House sizes up to 1,100 sq. ft. are permitted
- Garages are not required
- Pulled for further consideration



# MCVD Examples





# MCVD Examples



## Outcomes 2 & 4 - New regulations

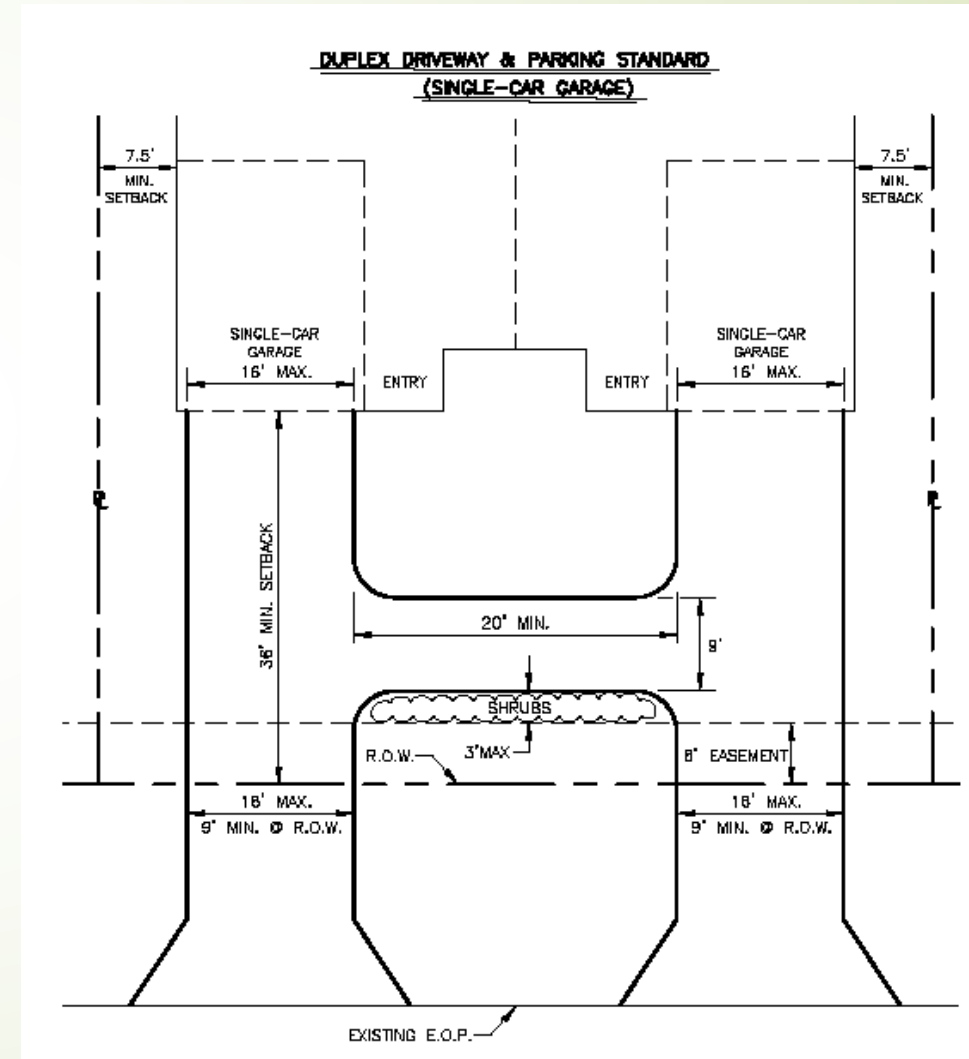
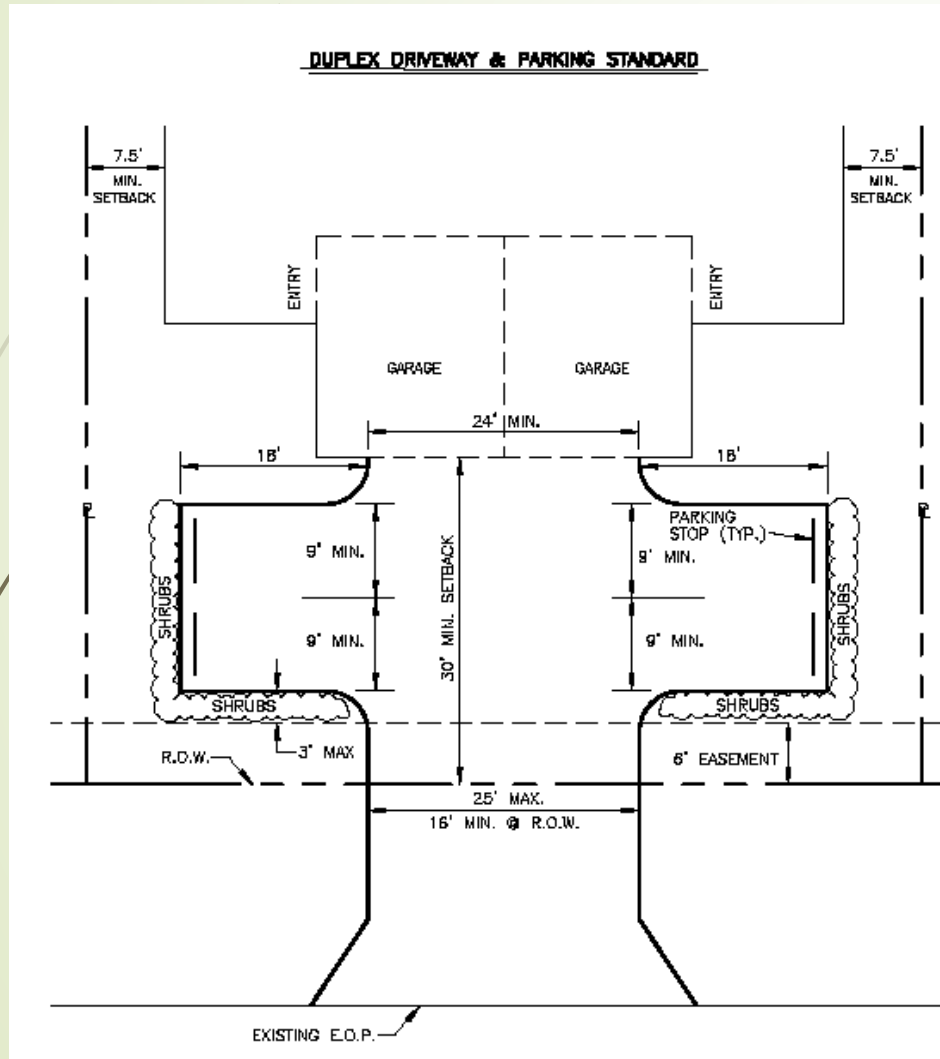
- **Mobile food vendors and outdoor dining**
- **Mobile Food vendors pulled for further study**
- **Duplex parking and site requirements to address haphazard parking and appearance**

## Outcomes 2 & 4 - Mobile Food Vendors

- Not currently allowed in LUDRs but they do operate around the City.
- LDC to allow on private improved sites (not parked on the dirt or on-street). Owner must consent
- Permitted throughout the City; permit and site plan req.
- Zoning Compliance and BTR required
- Must comply with Health Dept. food service requirements
- Must be moved periodically to ensure mobility and for clean up



# Outcomes 2 & 4 - Duplex Parking Designs



## **Outcome 4 - Residential Parking Requirements**

**Reviewed at March, October, & November COW meetings:**

- ➡ **Boats – Limit of two in back yard. Two Personal Watercraft = one boat. Must be on a trailer and valid registration**
- ➡ **RVs – allow temp parking pre and post use. No change to current parking regs**
- ➡ **Large vans & other commercial vehicles – no change**

**To be studied further:**

- ➡ **Pickups with graphics or racks**
- ➡ **Parking on grass - No final direction forthcoming**

# Q and A