



1015 Cultural Park Blvd.  
Cape Coral, FL

## **AGENDA**

### **AFFORDABLE HOUSING ADVISORY COMMITTEE**

<b>October 23, 2018</b>	<b>5:30 PM</b>	<b>Conference Room 220A</b>
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- 1. Meeting called to order**
  - A. Vice Chair Neuhausel
- 2. ROLL CALL**
  - A. Cheney, Contreras, Jenkins, McBrearty, Neuhausel, Peppe, Ranfranz, Schnell, Stefanik, and Urban
- 3. CITIZENS INPUT TIME**
- 4. BUSINESS**
  - A. Election of Chair and Vice Chair
  - B. Approval of meeting minutes - May 11, 2017 meeting
  - C. Approval of meeting minutes - September 26, 2018 meeting
  - D. Approval of meeting minutes - October 9, 2018 meeting
  - E. Discussion/Recommendation Incentive Plan and Individual Incentives (continued from October 9, 2018 meeting)
- 5. Time and Place of Next Meeting**
  - A. The next meeting will be held on Tuesday, October 30, 2018, at 5:30 p.m. in Conference Room 220A.
- 6. Motion to Adjourn**

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.

If a person decides to appeal any decision made by the Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

<b>Item Number:</b>	<b>4.B.</b>
<b>Meeting Date:</b>	<b>10/23/2018</b>
<b>Item Type:</b>	<b>BUSINESS</b>

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Approval of meeting minutes - May 11, 2017 meeting

**SUMMARY:**

**ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▫ May 11, 2017 meeting minutes	Backup Material

**MINUTES FROM THE  
AFFORDABLE HOUSING ADVISORY COMMITTEE**

**Thursday, May 11, 2017**

**CONFERENCE ROOM 220A**

**5:30 p.m.**

Chair Perry called the meeting to order at 5:35 p.m.

**Roll Call:** Altidor, McBrearty, Mohr, Neuhausel, Peppe, and Perry were present. Cheney, Ramos, Ranfranz, and Schnell were excused.

**ALSO PRESENT:** Amy Yearsley, Housing Coordinator  
Millie Babic, Planner III

**ELECTION OF CHAIR AND VICE CHAIR**

Chair Perry asked if there were any nominations for Chair and Vice Chair.

Discussion held regarding keeping the current Chair and Vice Chair.

***Board Member Mohr nominated Rebecca Perry as Chair and Courtney Neuhausel as Vice Chair, seconded by Board Member Peppe.***

***Committee polled as follows: Altidor, McBrearty, Mohr, Neuhausel, Peppe, and Perry voted "aye." 6 "ayes." Motion carried.***

**APPROVAL OF MINUTES**

The minutes from the regular meetings of the Affordable Housing Advisory Committee of November 15, 2015 were presented for approval.

***Board Member Altidor moved, seconded by Board Member Neuhausel, to approve the minutes of the regular meeting dated November 18, 2015. as presented.***

***Committee polled as follows: Altidor, McBrearty, Mohr, Neuhausel, Peppe, and Perry voted "aye." 6 "ayes." Motion carried.***

**Affordable Housing Advisory Committee Responsibilities**

Housing Coordinator Yearsley discussed the responsibilities of the Affordable Housing Advisory Committee, noting that the Board is responsible for doing the Local Housing Incentive Plan. State Statute lists who can be on the AHAC. The City's AHAC was started in 2007 and had specific industries that needed representation. We still maintain those categories even though during at the last legislative session it was

compressed; there are less members required by State Law now and more flexibility on who can be on the Board. A decision was made internally that since we have almost a full board, we are going to keep it where it is. She explained the Local Housing Incentive Plan which needs to be done every three years prior to doing our Local Housing Assistance Plan (LHAP) that looks at the City's development process, its rules and its regulations and see if they make it more difficult to do affordable housing. How can we incentivize the development of affordable housing? We finished that in 2015/2016 so we don't have that task to do for another three years. At the current time there is a lot of interest in the City to pursue discussion on affordable housing. She stated if anyone wanted a copy of the last LHAP, she would email it to them.

### **Affordable Housing Initiatives**

Housing Coordinator Yearsley presented a power point entitled "Attainable Housing". The slides included the following:

- Local Government Obligations – State Law Chapter 163 F.S., Federal Fair Housing Law, State of Florida Fair Housing Law Section 760.26
- City of Cape Coral Programs: Community Development Block Grant (CDBG), HUD, State Housing Initiatives Partnership (SHIP), FHFC
- Current Initiatives Reducing the Cost of Development – Impact Fee Deferral/Waiver; Pilot Impact Fee Deferral with SynTIF Buy Down (pending) and Pilot Single Family Impact Fee Deferral (pending)
- Multi-Family Impact Fee Impact Fee Deferral with SynTIF Buy Down
- Current Initiatives Regulatory Changes – Comprehensive Plan, Land Development Regulations
- Current Initiatives Preservation of Long Term Affordability, Limited Equity Mortgages with First Right of Refusal, Community Land Trusts
- Questions
- Backslides
- Terminology
- Paycheck Analysis
- Needs Rental
- Rental Study
- Rental Study (continued)

Discussion held regarding the following:

- impact fee deferral
- pilot programs
- big developments coming online
- looking for ways to create multi-family developments
- rewriting the zoning categories
- proposed tax credit project in the CRA

**Time and Place of Next Meeting**

Chair Perry stated the Board will be notified when the next meeting will be held.

Discussion held regarding that this Board will be more active now since affordable housing has become an interesting topic.

Discussion held regarding considering teleconferencing for future informational meetings.

Housing Coordinator Yearsley stated all we can do is ask the City Clerk on whether this could be done.

Discussion held regarding City residents who live in poverty and need affordable housing.

**Adjournment**

There being no further business, the meeting adjourned at 6:13 p.m.

Submitted by,

Barbara Kerr  
Recording Secretary

<b>Item Number:</b>	<b>4.C.</b>
<b>Meeting Date:</b>	<b>10/23/2018</b>
<b>Item Type:</b>	<b>BUSINESS</b>

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Approval of meeting minutes - September 26, 2018 meeting

**SUMMARY:**

**ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▫ September 26, 2018 meeting minutes	Backup Material

**MINUTES FROM THE  
AFFORDABLE HOUSING ADVISORY COMMITTEE**

**Wednesday, September 26, 2018**

**CONFERENCE ROOM 220A**

**5:30 p.m.**

Recording Secretary Sorrels called the meeting to order at 5:30 p.m.

**Roll Call:** Ranfranz, Schnell, Jenkins, and Contreras were present. Neuhausel and Peppe were excused. Altidor, Cheney, McBrearty, and Urban were absent.

**ALSO PRESENT:** Amy Yearsley, Housing Coordinator

**Citizens Input Time**

No speakers.

**Election of Chair**

Recording Secretary Sorrels stated there was no quorum for today's meeting, and no voting could be held.

Housing Coordinator Yearsley stated currently there is a vacancy for the Chair and the Vice Chair. This will have to go on to the next meeting agenda, and voting can occur if a quorum is present.

**Approval of Minutes – May 11, 2017 meeting**

No action could be taken due to lack of quorum.

**Review of Local Housing Incentive Plan**

Housing Coordinator Yearsley noted that the Affordable Housing Advisory Committee (AHAC) is used by the City to conduct the Local Housing Incentive Plan (LHIP) which is done once every three years. She noted the LHIP is due by December 31<sup>st</sup>, the year before your local housing assistance is due. Ours is due in May of this year which means by December 31<sup>st</sup> we have to have our LHIP done. If it is not done, it impacts our funding for the following fiscal year and will not get our funding from the State. Based on the schedule moving forward, this will be going to Council on December 3<sup>rd</sup>. Currently we are evaluating the requirement incentives to see if we still want to go with the recommendations that the Board made prior or to not use some of the incentives that were looked at previously. A lot of the work has already been done. she stated she will go through each topic and the status of each incentive.



## Review of Incentives

Housing Coordinator Yearsley stated some of the incentives do not change. This program has been in place since 2009. The review requirements have not changed. She discussed the following:

- Expedited permitting and ongoing review (two required strategies)
- Landscaping change that AHAC proposed a few years ago
- The City is currently rewriting the entire zoning code.
- The City has two partner agencies: 1) Cape Coral Housing and 2) Habitat for Humanity.
- Florida Housing Finance Corporation
- Tax credit projects
- Transfer of development rights – this one will need to be changed because we eliminated our TDR Program as part of the new Code. AHAC will get information on this before the next meeting.
- Density Flexibility – current – will keep and will be easier under the new Code
- Reduction in street requirements
- Zero lot line configuration
- Preparation of our inventory of locally owned public lands, make it available for the provision of affordable housing, either by donating or selling it
- The City is going through the process of reviewing all of its land holdings and will surplus a good amount of its land. When the list becomes available, AHAC will go through the list and pick lots that we want to reserve for affordable housing.
- The land that has water and sewer is good for low income housing.
- The impact of the new Code will be discussed at a future meeting.

Housing Coordinator Yearsley stated the AHAC will review all recommendations. Once the Committee decides on what they want to recommend to Council to implement, keep, or eliminate, that will be put into a format where there will be a staff recommendation, AHAC recommendation, and City Council action. If something requires further action, staff has a certain amount of time to make and implement those changes. The new Code is scheduled for adoption at the end of this year. Planning and Zoning Commission has been reviewing it since June.

Housing Coordinator Yearsley noted an email was sent out to the AHAC regarding availability. Wednesdays at 5:30 was set up years ago with a different group of people on this Committee.

Discussion held regarding the meeting schedule and what would work for the members.

Housing Coordinator Yearsley suggested meeting on Tuesdays. She would have a proposed meeting schedule next week. She hoped all could be accomplished with two full meetings.

Discussion held regarding recent applications that were received for the AHAC, as well as the vacancies that exist.

Discussion held regarding the booklet on Parliamentary Procedure.

Housing Coordinator Yearsley discussed another item that was in the packet concerning an Attainable Housing Report. She noted she was on the Attainable Housing Steering Committee for this project. It was funded partially by the Gulf Coast Realtors and Affordable Housing Commission.

Discussion held regarding:

- Nothing for rent in Cape Coral
- Tiny Homes
- Micro Cottages

### **Time and Place of Next Meeting**

The next meeting was scheduled for Wednesday October 17, 2018, at 5:30 p.m., in Conference Room 220A.

### **Adjournment**

There being no further business, the meeting adjourned at 6:03 p.m.

Submitted by,

Patricia Sorrels  
Recording Secretary

Transcribed by Barbara Kerr 10/11/18

<b>Item Number:</b>	<b>4.D.</b>
<b>Meeting Date:</b>	<b>10/23/2018</b>
<b>Item Type:</b>	<b>BUSINESS</b>

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Approval of meeting minutes - October 9, 2018 meeting

**SUMMARY:**

**ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▫ October 9, 2018 meeting minutes	Backup Material

**MINUTES FROM THE  
AFFORDABLE HOUSING ADVISORY COMMITTEE**

**Tuesday, October 9, 2018**

**CONFERENCE ROOM 220A**

**5:30 p.m.**

Vice Chair Neuhausel called the meeting to order at 5:38 p.m.

**Roll Call:** Neuhausel, Peppe, Schnell, Contreras, and Jenkins were present. McBrearty was excused. Cheney, Ranfranz, and Urban were absent.

**ALSO PRESENT:** Amy Yearsley, Housing Coordinator  
Millie Babic, Senior Planner

**CITIZENS INPUT TIME**

None.

**BUSINESS**

**ELECTION OF CHAIR AND VICE CHAIR**

Discussion held to move this item to the next meeting.

**APPROVAL OF MINUTES – May 11, 2017 meeting**

No action was taken due to lack of quorum.

**Discussion/Recommendation Incentive Plan and Individual Incentives**

Housing Coordinator Yearsley stated the purpose of this Board is to complete the Affordable Housing Incentive Plan which is to be done every three years. This is required to be done prior to December 30<sup>th</sup> in order to receive the State Housing Initiative Partnership (SHIP) Fund. She discussed the Local Housing Incentive Plan (LHIP) which is required by Statute. There are 11 incentive strategies that the City has to review. She distributed a handout to the AHAC. This is the third time that we have done the LHIP. She discussed a schedule on the process. She noted there would be a staff recommendation followed by the Board's recommendation which will go to Council. The final report was scheduled to go to Council on December 3, 2018.

**Discussion held regarding 2018 Review of Incentives**

**Required Incentive: Expedited processing of approvals for development orders or permits for affordable housing projects over other housing projects**

Housing Coordinator Yearsley explained there was a process in place for expediting these permits for our partner agencies and any projects that are funded with State and Federal funds.

Senior Planner Babic distributed a handout to the Board Members.

**Recommendation to create a deferral program for the impact fees for our projects that are funded through our State and Federal dollars**

Housing Coordinator Yearsley explained how the City's impact fees are a barrier to get people into housing. She discussed waiving impact fees versus deferral. In 2008 they had to come up with a funding source to do so. It was created out of the SHIP dollars that would be used to pay impact fees. The market fell out in 2008, and no one was building new homes. In 2012, we kept it but it was unfunded. After 2015 we eliminated that strategy in our Local Housing Assistance Plan. Last year we were approached to buy our partner agencies, Habitat for Humanity and Cape Coral Housing Development Corporation. They asked if City management would consider doing an Impact Fee Deferral Pilot Program for their agencies. The City Manager agreed to look into it. City Council agreed unanimously, and Ordinance 36-18 was passed. She explained this Ordinance defers impact fees for our partner agencies up to 100 units over a period of five years.

Discussion held regarding:

- Currently we have 9 homes requesting this deferral program.
- This was not done to reduce the cost of the house.
- Interest is capped.
- This is something different from the last report that will need to be added.

**Flexible Density for the Provision of Affordable Housing**

Housing Coordinator Yearsley stated this item will be discussed at the next meeting.

**Reservation of Infrastructure Capacity**

Housing Coordinator Yearsley explained this item related to the utility system. We are not fully developed, and our infrastructure is planned out far in advance, so there is no reason to hold any capacity back for affordable housing.

**Accessory Dwelling Units  
Reduced Parking  
Flexible Lot Configurations**

Housing Coordinator Yearsley stated these items will be discussed at the next meeting. There are some changes, but not a lot. She will have more information for follow up.

### **Modification of Street Requirements for Affordable Housing**

Housing Coordinator Yearsley discussed subdivisions. There are Engineering Design Standards to administratively shrink road sizes and make them smaller. There are not a lot of unplatted tracts that are going to get subdivided. This would stick with our original recommendation as far as the modification.

### **Process for looking at local policies and ordinances that increase the cost of housing**

Housing Coordinator Yearsley discussed the process for reviewing policies, procedures, ordinances, and regulations. Any time there are changes to the Land Use Regulations it will increase the cost of the development of housing. She cited an example was changing the size of a garage. Something that was put into the requirements by the building industry is the need to send a report annually to the State showing the amount of the increase in housing based on ordinances passed by the City. She mentioned the rewriting of the zoning code being a work in progress for the past three years. Landscaping will be increasing which will have to be reported. She discussed garage requirements, and the only place in the new Code it would not be required would be in the micro cottage subdivisions.

### **Preparing of a printed inventory of locally owned public lands suitable for affordable housing**

Housing Coordinator Yearsley explained that every three years we sit down with our Real Estate Division and go through properties owned by the City of Cape Coral that are not currently being used and would be suitable for affordable housing. Anything that we identify as appropriate can be offered for sale, and we can use the proceeds to purchase land for affordable housing or put it in our local housing trust fund. We can sell it with the restriction that it has to be developed for affordable housing or donate it to a non-profit housing organization for the construction of permitted affordable housing. There is a list of criteria that we go through listed on page 2 of the power point. There are some properties that will be beneficial for our partner agencies. Staff will be reviewing the new list and hopefully identify a few more that our agencies can use. The properties that Cape Coral Housing owns currently are predominantly north of Pine Island Road. She noted there is a very low foreclosure rate with our clients.

Housing Coordinator Yearsley stated at the next meeting we will go through some other topics where you will see some changes; specifically we will talk about Accessory Dwelling Units which is in the new Code moving forward. The Recommendation is coming as part of the new zoning Code. She noted that AHAC has always recommended against it. The Board can make recommendations at the next meeting if they are comfortable, if not, at the next scheduled meeting.

**Time and Place of Next Meeting**

The next meeting will be held on Tuesday, October 23, 2018, at 5:30 p.m., in Conference Room 220A.

**Adjournment**

There being no further business, the meeting adjourned at 6:20 p.m.

Submitted by,

Patricia Sorrels  
Recording Secretary

Transcribed by Barbara Kerr 10/12/18

<b>Item Number:</b>	<b>4.E.</b>
<b>Meeting Date:</b>	<b>10/23/2018</b>
<b>Item Type:</b>	<b>BUSINESS</b>

**AGENDA REQUEST FORM**  
CITY OF CAPE CORAL



**TITLE:**

Discussion/Recommendation Incentive Plan and Individual Incentives (continued from October 9, 2018 meeting)

**SUMMARY:**

**ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ Recommendation Incentive Plan and Individual Incentives	Backup Material
▣ AHAC Meeting handouts	Backup Material





**CITY OF CAPE CORAL  
AFFORDABLE HOUSING INCENTIVE PLAN  
2015 INCENTIVE REVIEW AND RECOMMENDATION REPORT**

**FINAL**

**CITY OF CAPE CORAL  
CITY COUNCIL MEMBERS**

Marni L. Sawicki, Mayor  
Jim Burch, Councilmember, District 1  
John Carioscia, Councilmember, District 2  
Marilyn Stout, Councilmember, District 3  
Richard Leon, Councilmember, District 4  
Rana Erbrick, Councilmember, District 5  
Rick Williams, Councilmember, District 6  
Jessica Cosden, Councilmember, District 7

**CITY OF CAPE CORAL  
AFFORDABLE HOUSING ADVISORY COMMITTEE MEMBERS**

Ed Ramos, Chair  
Richard Peppe  
Bonnie Schnell  
Courtney Neuhausel  
Jim Ranfranz  
Nassar Altidor  
John McBrearty  
Rebecca Perry

**CITY OF CAPE CORAL  
STAFF**

A. John Szerlag, City Manager  
Vincent A. Cautero, AICP, Community Development Director  
Derek C.S. Burr, AICP, Planning Manager  
Amy L. Yearsley, AICP, Housing Coordinator  
Milica Babic, AICP, Planner III  
Barbara Kerr, Recording Secretary

**City of Cape Coral/County of Lee  
Affordable Housing Incentive Plan  
2015 Incentive Review and Recommendation Report**

**I. Background Information:**

The Sadowski Affordable Housing Act, as approved by the Florida Legislature and codified as Chapter 420 of the Florida Statutes, requires the development of an Affordable Housing Incentive Plan by all local governments electing to participate in the housing production and preservation initiatives authorized by the Act. Section 420.9076 of the Florida Statutes, effective July 1, 2007, requires cities and counties receiving State Housing Initiatives Partnership (SHIP) funds to establish an Affordable Housing Advisory Committee (AHAC). The City of Cape Coral approved the establishment of an AHAC, pursuant to Section 420.9076 Florida Statutes, by Resolution 23-08. All recommendations should encourage or facilitate the development of affordable housing in the City of Cape Coral. The Plan encompasses the specific recommendations of the AHAC, and the subsequent approval or denial of these recommendations by the City Council by official action December 7, 2015.

The Affordable Housing Advisory Committee (AHAC) met to review the current Local Housing Incentive Plan and to discuss potential revisions to this plan. It is important to note that the Committee's recommendations were considered in the context of current (2015) economic conditions. Given this, the recommendations related to certain incentives could potentially change when the Committee reexamines the Local Housing Incentive Plan in 2018.

The City of Cape Coral currently has eight (8) incentive strategies adopted through the Local Housing Assistance Plan. Excerpts from the plan detailing the incentives are provided below:

***Name of Strategy: Expedited Permitting***

Permits as defined in s.163.3164 (7) and (8) for affordable housing projects are expedited to a greater degree than other projects. The City developed and implemented a system of identifying and expediting affordable housing permits, plan reviews and related actions. The expedited permitting process continues to work well and provides a valuable service to contractors developing affordable housing projects within the City. Expedited permitting has been also expanded to include permits associated with Lee County Department of Human Services affordable housing programs that are being implemented in the City of Cape Coral.

***Name of Strategy: Ongoing Review Process***

The impact of City policy and actions on affordable housing is addressed in the Comprehensive Plan's Housing Element, the Consolidated Plan and in City procedures. The Housing Element of the Comprehensive Plan provides for the review of all development, codes, regulations, policy and ordinances. The City

through its annual reporting requirements to the Florida Housing Finance Corporation includes a certification for implementation of regulatory reform activities in accordance with s. 163.3164(7) and (8) of the Florida Statutes. Proposed actions of the City Council are reviewed in this context.

***Name of Strategy: Provisions for Transfer of Development Rights***

The transfer of development rights provisions was established through the adoption of the Land Use Development Regulations on February 12, 1990. This remains a viable option for affordable housing although, to date, they have not been utilized.

***Name of Strategy: Flexible Density for the Provision of Affordable Housing***

The City of Cape Coral currently offers a density incentive program (DIP) for specific zoning districts. In these districts, the Downtown Community Redevelopment Area (CRA) zoning districts and the Market Place Residential zoning district, developers will be eligible for increased density by utilizing choices from a number of categories, including affordable housing. Currently, affordable housing is one of nine (9) categories, of four (4) required, that developers may choose to increase density within projects.

***Name of Strategy: Reduction in Street Width Requirements for affordable single family subdivisions***

Affordable single-family subdivisions shall be eligible for an administrative deviation to the minimum street width requirements in the City's Engineering Design Standards to the applicable State of Florida minimum street width.

***Name of Strategy: Zero-lot Line Configuration***

The City currently allows zero-lot line development for affordable and market rate housing through the Planned Development Process. Policy 1.2 of the Housing Element of the City's Comprehensive Plan states the City will maintain criteria for implementation of the City's Land Use and Development Regulations, pursuant to S.163.3202, F.S., for activities such as, zero lot line development, townhouse development, and transfer of development rights to encourage residential developments to include a wide mix of housing types and designs at a variety of allowable housing densities and intensities.

***Name of Strategy: The preparation of a printed inventory of locally owned public lands suitable for affordable housing.***

Description of policies and procedures: Section 166.0451, Florida Statutes states the following related to the disposition of municipal property for affordable housing: by July 1, 2007 and every 3 years thereafter, each county and municipality must prepare an inventory list of all real property within its jurisdiction to which the county or municipality holds fee simple title that is appropriate for use as affordable housing. The City of Cape Coral Affordable Housing Advisory Committee will review all city owned surplus property on a triennial basis and make recommendations to the City Council of which

properties would be suitable for affordable housing in accordance with Section 166.0451.

**II. Public Hearing:**

The document itself was presented for public hearing to the Cape Coral City Council on December 7th, 2015. The availability of this draft document was published in the Fort Myers News-Press on Sunday, October 25, 2015.

**III. Statutory Incentives & Recommendations:**

This section examines the eleven (11) incentives that the Affordable Housing Advisory Committee (AHAC) must consider under Section 420.9076 Florida Statutes. For each incentive an analysis, recommendation and implementation schedule is provided.

**Incentive A:**

The processing of approvals of development orders or permits, as defined in Section 163.3164 (7) and (8), Florida Statutes, for affordable housing projects are expedited to a greater degree than other projects.

**Review Synopsis:**

Delays during any stage in the development process add to the final costs of new housing. Reducing the costs incurred by developers during the development review process makes affordable housing projects more attractive. Expedited permitting is a cost efficient and very effective way of reducing developer costs. Fast track review and permitting of affordable housing projects reduces developer costs at no cost to local government.

As a State Housing Initiatives Partnership (SHIP) program recipient, the City of Cape Coral provides expedited permitting services for affordable housing as required by Florida Statutes. A formalized process was put in place as a result of the 2008 Local Housing Incentive Plan. Any expediting is done at the request of a State/Federal subrecipient or the Lee County Department of Human Services and processed by Planning Division Staff with the assistance of the permit expeditor and the Building Official within the Department of Community Development Building Division. Expedited permitting is adopted by City Council within the City's Local Housing Assistance Plan (LHAP).

**Staff Recommendation:** Staff is recommending maintaining the expedited permitting process.

**AHAC Recommendation:** Concurs with staff recommendation.

**City Council Action:** Concurs with AHAC recommendation.

**Incentive B:**

The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

**Review Synopsis:**

Impact fees are charges assessed by local government to cover the infrastructure costs associated with new development. These one-time expenses are typically levied upon issuance of building permits to ensure that public facilities and services have adequate capacity and infrastructure to meet the demands of a growing population. While impact fees are initially charged to the developers, the cost is often time passed on to the purchaser. The City of Cape Coral currently charges **\$7,758.65** in impact fees for a single family home. This does not include capital expansion fees for water and sewer which add an additional price when water and sewer is extended to a property.

Eliminating, reducing, or deferring development fees is an incentive cities can offer to housing developers to encourage them to build lower cost housing. Impact fee deferral can reduce the cost of housing when the savings are passed on to the buyers or renters.

**Staff Recommendation:**

In 2008, the Affordable Housing Advisory Committee recommended the implementation of an impact fee deferral program as an incentive for providing affordable housing. The impact fee deferral program was proposed to be initially implemented utilizing State Housing Initiative Partnership Program (SHIP) funds as the funding source. City Staff amended the City's Local Housing Assistance Plan to include an impact fee payment program strategy and this was approved by both the City Council and Florida Housing Finance Corporation. At the present time, this strategy is unfunded and is anticipated to remain unfunded until such time that SHIP funds are reestablished in their entirety by the Florida legislature. At that time, the funding of the program will be considered. Staff is recommending maintaining this incentive recognizing that it is unfunded at this time.

**AHAC Recommendation:** Concurs with staff recommendation.

**City Council Action:** Concurs with AHAC recommendation.

**Incentive C:**

The allowance of flexibility in density for affordable housing.

**Review Synopsis:**

The City of Cape Coral currently has a density incentive program (DIP) for specific zoning districts. In these districts, the Downtown Community Redevelopment Area (CRA) zoning district and the Market Place Residential (MR) zoning district, developers will be eligible for increased density by utilizing choices from a number of categories, including affordable housing. Currently, affordable housing is one of nine (9) categories, of four (4) required, that developers may choose to increase density within projects.

This type of ordinance allows increased density as quid pro quo for the provision of low and moderate income housing. A density bonus allows a developer to build more units within a project than would otherwise be permitted under normal density limits. Key to a density incentive based program is a strong residential real estate market, where a developer desires to obtain additional market rate unit entitlements and is confident that each additional unit will be marketable and contribute the expected profit to the project. In many strong residential markets, land costs also tend to rise – the option of providing affordable units in exchange for additional market rate units at zero additional land cost can therefore be especially attractive in these cases.

In some jurisdictions around the country, incentive programs allow for a variation of paying an “in-lieu” fee, rather than actually constructing the affordable units within the project. This option is allowed, and sometimes encouraged, in order to provide the developer with the option of paying money rather than impacting the perceived marketability of the project by including mixed household incomes within it. The “in-lieu” fee is often set at a level necessary to serve as equity in an off-site affordable project on a per unit basis, not the entire development cost of that unit. This approach is followed because affordable housing developers can utilize the equity amount to leverage debt on the units, thereby minimizing the payments collected from the market rate developer, and maximizing the number of affordable units built elsewhere. Incentive based zoning programs do not always have to rely on additional density as the incentive.

**Staff Recommendation:**

In 2008, the Affordable Housing Advisory Committee recommended a standalone affordable housing density incentive program that would be applicable over the entire city as an incentive. During the 2012 review, this recommendation was removed due to changing market conditions. Staff is recommending maintaining the density incentive in the CRA and Marketplace Residential zoning districts and revisiting the issue at the next triennial review.

**AHAC Recommendation:** Concurs with staff recommendation.

**City Council Action:** Concurs with AHAC recommendation.

**Incentive D:**

The reservation of infrastructure capacity for housing for very-low, low and moderate-income persons.

**Review Synopsis:**

The City of Cape Coral currently does not have this program as an incentive. There is no reservation of capacity for affordable housing or any other type of development.

The City of Cape Coral is a pre-platted antiquated subdivision, with over 200,000 lots. The streets are constructed and electric and telephone service is available. In addition in areas where water and/or sewer service is not available the Health Department will

permit the installation of an on-lot sewage treatment system and an individual water supply well for residential development.

The Growth Management Act (Florida Statute 163) requires that public facilities and service i.e. infrastructure be in place concurrent with development. In Cape Coral this means primarily water and sewer and to a somewhat lesser degree park facilities and streets. Since Cape Coral is a Platted Lands community as long as water and sewer service is available (City or on lot) and the applicable Land use Regulations are met, land can be developed to minimum densities. Currently single family building sites (80' X 125') can be developed throughout the City without city water and sewer as previously explained. Regarding streets most of the platted building lots have access to public streets. When the City was originally developed the streets were constructed providing access to all the lots.

**Staff Recommendation:**

Staff is recommending against the reservation of infrastructure capacity for housing for very-low, low and moderate- income persons as an incentive. Because infrastructure as defined by statute is not a factor in housing development there is not a need to reserve capacity for affordable housing. There would be no advantage in adopting this incentive since affordable housing could be developed within the City's existing capacity. The Affordable Housing Advisory Committee will consider this incentive in its triennial evaluation of the LHIP.

**AHAC Recommendation:** Concurs with staff recommendation.

**City Council Action:** Concurs with AHAC recommendation.

**Incentive E:**

The allowance of affordable accessory residential units in residential zones.

**Review Synopsis:**

The City of Cape Coral currently permits what are called "guest/staff" quarters in two zoning designations Residential Estate (RE) and Residential Development (RD).

**Residential Development (RD)**

Guest Staff Quarters are permitted as a special exceptions use subject to the following conditions: must be within a Planned Development Project (PDP), must be located on a site not less than 15,000 square feet, and shall not exceed 600 square feet in living area.

**Residential Estate (RE)**

Guest Staff Quarters are permitted by right. The minimum lot size in the RE zoning designation is 40,000 square feet.

Accessory Dwelling Units (ADU's) are defined by Florida Statutes as an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area existing either within the same structure, or on the same lot, as the primary dwelling unit. They



are also referred to as granny flats, garage apartments, carriage houses, and ancillary units. ADU's provide a unique opportunity to provide additional affordable units in a community.

Recognizing the shortage of affordable rentals within the state of Florida, the Legislature encouraged local governments to adopt ordinances to authorize the construction of accessory dwelling units within zoning districts that allow single family residential use. Further, these ordinances would require that the building permit application for an accessory dwelling unit be accompanied by an affidavit from the applicant attesting that the unit will be rented at a rate affordable to the targeted populations. Additionally, accessory dwelling units allowed by such an ordinance would apply toward satisfying the affordable housing component for the housing element in the local government's comprehensive plan.

**Staff Recommendation:**

Staff is not recommending the implementation of Accessory Dwelling Units in single family residential areas in Cape Coral as an incentive. The primary concern regarding accessory dwelling units was the standard lot size, as well as the fact that no mandatory enforcement program currently exists regarding rental registration. The Affordable Housing Advisory Committee will consider this incentive again in its triennial evaluation of the LHIP.

**AHAC Recommendation:** Concurs with staff recommendation.

**City Council Action:** Concurs with AHAC recommendation.

**Incentive F:**

The reduction of parking and setback requirements for affordable housing.

**Review Synopsis:**

Parking standards not only affect cost but also the ability to achieve designated densities. They often fail to take into account real vehicle ownership rates and use patterns of the developments prospective residents resulting in excessive on site parking. Excessive parking reduce the number of units that can be provided in the development, add to the per unit costs, encourage automobile use, reduce the potential for additional amenities and add additional impermeable surfaces. The Institute for Transportation Engineers (ITE) and the American Planning Association recommend 2 spaces per single family unit, 1 space for efficiency apartments, 1.5 spaces for a one and two bedroom apartment, 2 spaces for a three bedroom apartment and 1.4 spaces for condominiums. While the single family requirement is consistent with this recommendation, the City of Cape Coral, like many other communities, require higher than this standard for multi-family dwelling units. There are a number of factors programs/actions that can be considered related to parking requirements: a reduction in the requirements for affordable/special needs housing, reduction in parking for mixed use or projects adjacent to transit lines, increasing on street parking allowances, and using multipliers for certain situations (i.e. tenure, density, car sharing). The advantages

of reducing parking requirements include reduction in construction costs, especially when spread out over many units and support of community design goals by reducing the perceived density of housing developments and minimizing the site area devoted to parking areas, which are generally considered unattractive.

Bulk requirements refer to zoning regulations that govern building height, location, and size. Bulk requirements often limit the variety of housing types that are available in a community. Reducing minimum lot sizes and minimum living area promote smaller more affordable units. Additionally, reduction in lot frontage reduces costs for utility installation, services lines, site clearance and landscaping. The City of Cape Coral generally requires a seven and a half foot side yard setback, twenty five foot front setback and twenty foot rear setback.

**Staff Recommendation:**

In 2008, the Committee recommended a reduction in parking requirements as an incentive to provide affordable housing. Applicants now have the ability to deviate from required parking based on ITE minimums. Staff recommends maintaining this incentive.

Staff is not recommending any changes to the minimum setbacks.

**AHAC Recommendation:** Concurs with staff recommendation.

**City Council Action:** Concurs with AHAC recommendation.

**Incentive G:**

The allowance of flexible lot configuration, including zero-lot-line configurations for affordable housing.

**Review Synopsis:**

The City of Cape Coral currently does not have a formal incentive program for the allowance of flexible lot configuration. The City currently allows zero-lot line configurations in residential zoning districts through a Planned Development Process (PDP).

**Recommendation:**

Staff is recommending maintaining the allowance for zero-lot-line configuration as an incentive. No action necessary at this time.

**AHAC Recommendation:** Concurs with staff recommendation.

**City Council Action:** Concurs with AHAC recommendation.

**Incentive H:**

The modification of street requirements for affordable housing.

**Review Synopsis:**

The City of Cape Coral currently does not have an incentive program for the modification of street requirements. The City of Cape Coral was developed as a pre-platted subdivision with streets completed by the developer. Therefore most all of the residential streets are already constructed. The City does maintain Engineering Design Standards that provide for a minimum local road width of fifteen (15) feet for new roads. The Engineering Design Standards do allow for an administrative deviation process.

Excessive street widths and sidewalk requirements can increase the cost of construction for a housing developer which is often times passed on to the consumer. The same development standards are applied to both large and small developments rather than being tailored to fit the developments use or intensity. Streets comprise about half of the improvement costs of the typical single family detached house. A street servicing a minor subdivision can be narrower than one planned for a more intense use. By tailoring standards to the size, use and intensity of a project the cost for all infrastructures can be reduced.

**Staff Recommendation:**

Staff feels that because of the pre-platted nature of the community this is rarely an issue. Staff is recommending that the modification of street width requirements for new affordable housing developments or projects including affordable housing should be an allowable deviation justification for the administrative deviation process from the engineering design standards. No action necessary at this time.

**AHAC Recommendation:** Concurs with staff recommendation.

**City Council Action:** Concurs with AHAC recommendation.

**Incentive I:**

The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

**Review Synopsis:**

State statute requires that local governments review all proposed policy and procedure for impact of affordable housing. This deals with all aspect of policy from fees to ordinance changes. Beginning in 2003, all local governments were required to provide a monetary figure to the state relative to policy and procedure reviews in their SHIP annual report. The primary increases in the City of Cape Coral since 2003 have been impact fee increases, a new fee schedule and changes to the landscaping code.

The advantage of this incentive is providing decision makers an indication of the effect of such actions on the cost of affordable housing and housing in general. It provides a cost side of the proposed action versus the benefit side of the impacts of the proposed action.

There currently is no formal process in place regarding this review. Staff is aware that all potential legislation should be reviewed by the Planning Division. The burden is now on the Planning Division to be aware of all proposed changes coming from any department within the City before public hearing.

**Staff Recommendation:**

Staff is recommending that the reviews of all proposed actions on affordable housing continue.

**AHAC Recommendation:** Concurs with staff recommendation.

**City Council Action:** Concurs with AHAC recommendation.

**Incentive J:**

The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

**Review Synopsis:**

Section 166.0451, Florida Statutes states the following related to the disposition of municipal property for affordable housing: by July 1, 2007 and every 3 years thereafter, each county and municipality must prepare an inventory list of all real property within its jurisdiction to which the county or municipality holds fee simple title that is appropriate for use as affordable housing.

- The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved.
- The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing.
- Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such property.
- The properties identified as appropriate for use as affordable housing on the inventory list adopted by the municipality may be offered for sale and the proceeds:
  - may be used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing;
  - may be sold with a restriction that requires the development of the property as permanent affordable housing; and/or
  - may be donated to a nonprofit housing organization for the construction of permanent affordable housing.

Alternatively, the municipality may otherwise make the property available for use for the production and preservation of permanent affordable housing.

**Recommendation:**

Staff recommends that the City maintains its current incentive program to monitor municipally owned surplus land for use as affordable housing. No action necessary at this time.

**AHAC Recommendation:** Concurs with staff recommendation.

**City Council Action:** Concurs with AHAC recommendation.

**Incentive K:**

The support of development near transportation hubs, major employment centers and mixed use developments.

**Review Synopsis:**

Lack of affordable housing often times lead households to locate far from their places of work, dramatically increasing commute time and transportation cost. This phenomenon is often referred to as “drive until you qualify” in affordable housing circles. This impacts the households through transportation costs and lost time spent with family and the community through increased congestion and wear on infrastructure. For this reason, transportation, employment, and housing should be considered together when examining policy.

Currently, the City of Cape Coral’s Comprehensive Plan includes the following language within the Housing Element relative to the siting of affordable housing:

Policy 4.1: During the review of all housing plans the City shall address the housing needs of the elderly and handicapped to ensure that provisions for accessibility, transportation, affordability and locational needs are addressed to the fullest extent possibly.

Policy 4.4: The City shall incorporate in the provisions for the location of affordable housing, mobile homes, and foster care facilities requirements that such facilities are encouraged to have access to transit routes, arterial roads, shopping areas, schools, parks and community service facilities, medical centers

Given the pre-platted nature of the City, the bedroom community characteristics and lack of public transportation, the mandating of a policy such as this would be difficult. However, the City should seek to encourage this policy as it is consistent with solid planning policy and smart growth principles especially in areas such as Commercial Activity Center Land Use and the Downtown Community Redevelopment Area.

**Recommendation:**

Staff is not recommending the implementation of this incentive in the City of Cape Coral. The Committee believes that with the City's lack of public transportation and its pre-platted nature this incentive is difficult to mandate. This being said, staff is recommending that this be encouraged for affordable housing projects. No action necessary at this time. The policy will be examined by the Affordable Housing Advisory Committee on a triennial basis.

**AHAC Recommendation:** Concurs with staff recommendation.

**City Council Action:** Concurs with AHAC recommendation.

V. **Board/Council Consideration:**

The City of Cape Coral Local Housing Incentive Plan (LHIP) was reviewed by the City of Cape Coral City Council on December 7, 2015.

VI. **Attachments:**

Public Hearing Advertisement

Resolution to adopt Incentives

Implementation Matrix

Incentive	Currently Implemented			Recommendation	Implementation Date	Council Approval	
	Yes	No	Partial			Yes	No
The processing of approvals of development orders or permits, as defined in Section 163.3164 (7) and (8), Florida Statutes, for affordable housing projects are expedited to a greater degree than other projects.	✓			Maintain.		✓	
The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.			✓	Maintain. Currently unfunded.		✓	
The allowance of flexibility in density for affordable housing.			✓	Maintain		✓	
The reservation of infrastructure capacity for housing for very-low, low and moderate- income persons.		✓		Do Not Implement	N/A	✓	
The allowance of affordable accessory residential units in residential zones.		✓		Do Not Implement	N/A	✓	
The allowance of flexible lot configuration, including zero-lot-line configurations for affordable housing.	✓			Maintain	N/A	✓	
The reduction of parking and setback requirements for affordable housing.	✓			Maintain. Parking only.		✓	
The modification of street requirements for affordable housing.	✓			Maintain		✓	
The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.	✓			Maintain		✓	
The preparation of a printed inventory of locally owned public lands suitable for affordable housing.	✓			Maintain.		✓	
The support of development near transportation hubs, major employment centers and mixed use developments.		✓		Do Not Implement. Encourage the location of affordable housing in these locations.		✓	

**THE NEWS-PRESS**  
*Published every morning*  
*Daily and Sunday*  
*Fort Myers, Florida*  
**Affidavit of Publication**

RCVD NOV 16 '15

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared **Shari Terrell** who on oath says that he/she is the **Legal Assistant** of the News-Press, a daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a

**DISPLAY**

In the matter of:

**City of Cape Coral – Affordable  
Housing Incentive Plan**

In the court was published in said newspaper  
in the issues of  
**October 25, 2015**

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Shari Terrell*

Sworn to and subscribed before me this 11<sup>th</sup> day of November, 2015.

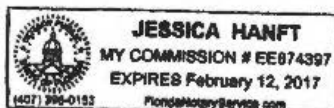
by **Shari Terrell**  
personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public

*Jessica Hanft*

Print Name: **Jessica Hanft**  
My commission Expires: **February 12, 2017**



**PUBLIC NOTICE OF AVAILABILITY  
CITY OF CAPE CORAL  
AFFORDABLE HOUSING INCENTIVE PLAN**

In accordance with Section 420.9076 Florida Statutes and Chapter 67-37.010 of the Administrative Code, the City of Cape Coral Affordable Housing Advisory Committee prepared the required Affordable Housing Incentive Plan. This document contains recommendations related to eleven (11) incentives that may be utilized to encourage the development of affordable housing in the City of Cape Coral. A draft of the plan is available for public inspection and comment at the Department of Community Development Planning Division, located at 1015 Cultural Park Boulevard, Cape Coral, Florida 33994, or the City of Cape Coral website ([www.capecoral.net](http://www.capecoral.net)).

Those interested persons and/or parties wishing to review and make comment regarding the Affordable Housing Incentive Plan, may do so during normal business hours Monday through Friday 8:00AM to 3:30PM. The draft plan will be made available for public comment inspection beginning Monday, October 26, 2015. All written comments must be received no later than 3:30 PM, November 25, 2015 to be included in the plan submittal to the Florida Housing Finance Corporation. Comments may be submitted to the City of Cape Coral Department of Community Development, Planning Division P.O. Box 150027, Cape Coral, Florida 33915, attention Amy Yearsley Thomas, AICP, Housing Coordinator or by electronic mail at [Ayearsle@capecoral.net](mailto:Ayearsle@capecoral.net). All public comments and the City's response will be provided to the Florida Housing Finance Corporation with the submission of the Plan.

The draft Affordable Housing Incentive Plan will be heard by the City's Affordable Housing Advisory Committee (AHAC) at their November 18, 2015 meeting. Public comment will be accepted at this meeting, to be held at 5:30 PM in Conference Room 2006 located behind City Council Chambers. The final public hearing will be held during the regular City Council meeting on December 7, 2015 at 4:30 PM in City Council Chambers.

For further information regarding the Affordable Housing Incentive Plan and/or the program, please contact Amy Yearsley Thomas, AICP, Housing Coordinator at (239) 571-1111.

Publication date: Oct 26, 2015



RESOLUTION 204 – 15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA APPROVING THE LOCAL HOUSING INCENTIVE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SECTION 420.9076, FLORIDA STATUTES, AND RULE CHAPTER 67-37.010, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING INCENTIVE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; AUTHORIZING AND DIRECTING STAFF TO PREPARE THE REQUIRED AMENDMENTS TO THE LOCAL HOUSING ASSISTANCE PLAN IN ACCORDANCE WITH THE LOCAL HOUSING INCENTIVE PLAN BY THE REQUIRED SUBMISSION DEADLINES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida enacted the William E. Sadowski Affordable Housing Act, Chapter 92-317 of Florida Sessions Laws, allocating a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing; and

WHEREAS, the Legislature amended Section 420.9072, Florida Statutes, to state that affordable housing is most effectively provided by combining available public and private resources, and that local governments achieve this combination of resources by encouraging active partnerships between government, lenders, builders and developers, real estate professionals, advocates for low income persons, and community groups to produce affordable housing; and

WHEREAS, Section 420.9076, Florida Statutes, and Rule Chapter 67-37.010, Florida Administrative Code, require each municipality that participates in the State Housing Incentives Partnership Program (SHIP) to establish an Affordable Housing Advisory Committee to recommend monetary and non-monetary incentives for affordable housing; and

WHEREAS, the Affordable Housing Advisory Committee has prepared a Local Housing Incentive Plan for submission to the Florida Housing Finance Corporation; and

WHEREAS, the City Council finds that it is in the best interest of the public for the City of Cape Coral to submit the Local Housing Incentive Plan for review and approval.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA that:

Section 1: The City Council of the City of Cape Coral hereby approves the Local Housing Incentive Plan, as attached and incorporated hereto for submission to the Florida Housing Finance Corporation as required by Section 420.9076, Florida Statutes, and Rule Chapter 67-37.010, Florida Administrative Code.

Section 2: Authorized employees of the City of Cape Coral are hereby authorized and directed to amend the City of Cape Coral Local Housing Assistance Plan in accordance with the Local Housing Incentive Plan by the required submission deadline.

Section 3: Effective Date. This resolution shall take effect immediately upon its adoption.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 1<sup>st</sup> DAY OF December, 2015.

  
MARJIL L. SAWICKI, MAYOR


VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI	<u>Aye</u>	LEON	<u>Aye</u>
BURCH	<u>Aye</u>	ERBRICK	<u>Aye</u>
CARIOSCIA	<u>Aye</u>	WILLIAMS	<u>Aye</u>
STOUT	<u>Aye</u>	COSDEN	<u>Aye</u>

ATTESTED TO AND FILED IN MY OFFICE THIS 10<sup>th</sup> DAY OF December,  
2015.

  
REBECCA VAN DEUTEKOM  
CITY CLERK

APPROVED AS TO FORM:

  
DOLORES MENENDEZ  
CITY ATTORNEY  
LHIP Resolution 2015



Incentive	Currently Implemented			Recommendation	Implementation Date	AHAC		Council Approval	
	Yes	No	Partial			Yes	No	Yes	No
The processing of approvals of development orders or permits, as defined in Section 163.3164 (7) and (8), Florida Statutes, for affordable housing projects are expedited to a greater degree than other projects.	✓			Maintain.					
The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.	✓			Maintain.					
The allowance of flexibility in density for affordable housing.			✓	Maintain. Adopt in New Code.					
The reservation of infrastructure capacity for housing for very-low, low and moderate- income persons.		✓		Do Not Implement					
The allowance of affordable accessory residential units in residential zones.		✓		Consider in New Code.					
The allowance of flexible lot configuration, including zero-lot-line configurations for affordable housing.		✓		Maintain. Adopt in New Code. PUD.					
The reduction of parking and setback requirements for affordable housing.			✓	Maintain existing. Adopt Reduced in New Code.					
The modification of street requirements for affordable housing.	✓			Maintain.					
The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.	✓			Maintain.					
The preparation of a printed inventory of locally owned public lands suitable for affordable housing.	✓			Maintain.					
The support of development near transportation hubs, major employment centers and mixed use developments.		✓		Do Not Implement. Encourage the location of affordable housing in these locations.					

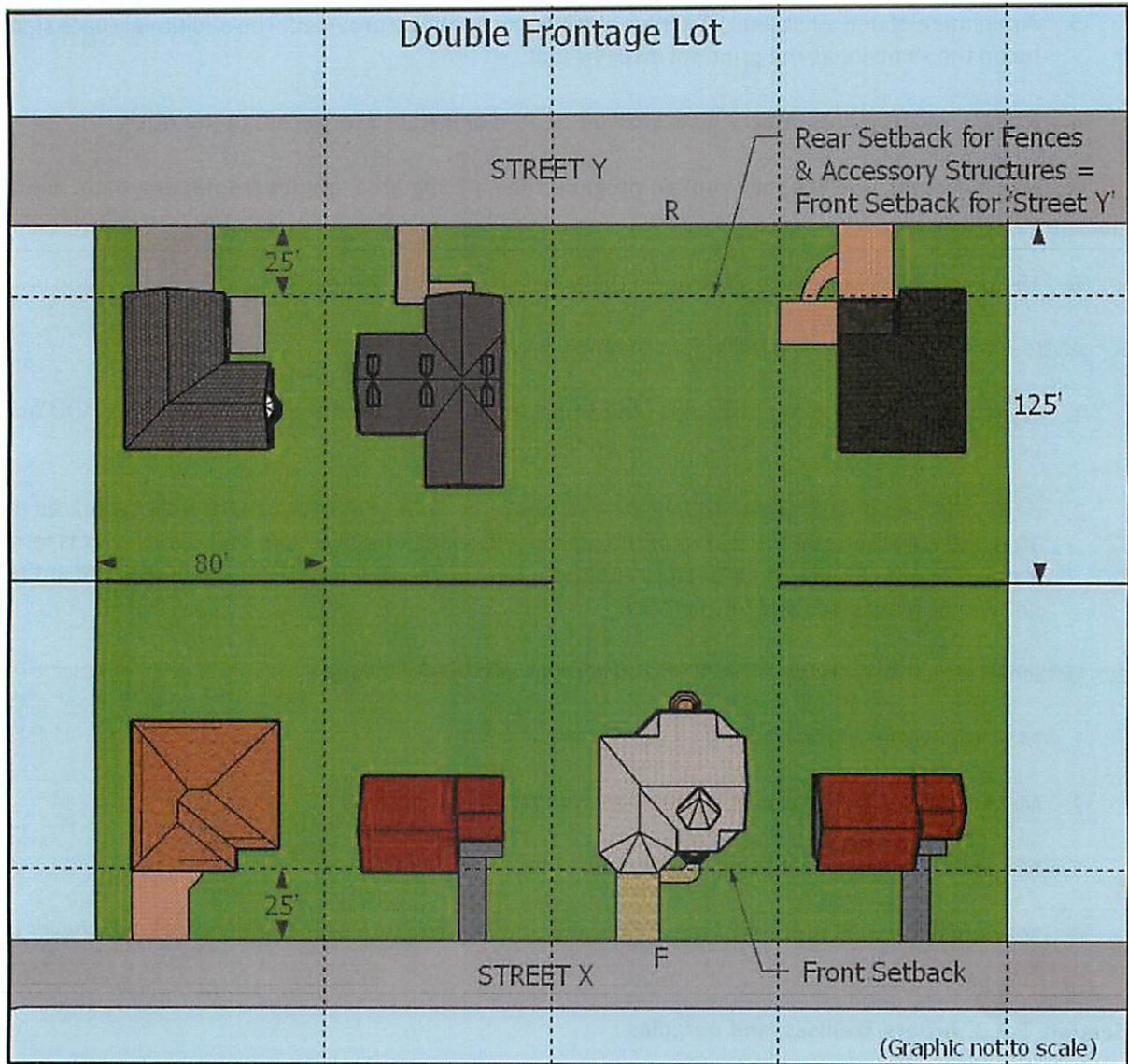
**CITY OF CAPE CORAL, FLORIDA  
LAND DEVELOPMENT CODE  
ARTICLE 5 – DEVELOPMENT STANDARDS**

- 727 3. A minimum of one additional off-street parking space shall be provided. The additional space shall  
728 be on the same lot as the principal dwelling unit.  
729
- 730 4. No new access points or driveways shall be created or installed for access to the ADU.  
731
- 732 5. The accessory dwelling may contain no more than a living area, one bedroom, one bath, and a  
733 kitchen.  
734
- 735 6. The owner of the property shall live in the principal dwelling or the ADU.  
736
- 737 B. ADUs within a single-family dwelling shall comply with the following:  
738
- 739 1. There shall only be one entrance to the front of the house. Separate entrances to an ADU are  
740 permitted at the side or the rear of the principal dwelling unit.  
741
- 742 2. If the ADU and the principal residence are on the same floor or story, the ADU shall be limited to  
743 30 percent of the total living area of the principal dwelling or 800 square feet, whichever is less.  
744 If the ADU is on a single floor or story and there is no increase in the size of the house, the entire  
745 floor or story may be used for the ADU.  
746
- 747 C. Detached structures serving as an ADU shall comply with the following:  
748
- 749 1. May not exceed one story.  
750
- 751 2. Must comply with the zoning district dimensional regulations.  
752
- 753 3. Maximum building height shall not exceed 14 ft.  
754
- 755 4. May not exceed 30 percent of the area of the primary structure or 800 square feet, whichever is  
756 less.  
757

758 **Section. 5.2.3. Arbors, trellises, and pergolas.**  
759

- 760 A. Arbors, trellises, and pergolas shall be allowed as freestanding or attached structures. There is no limit  
761 on the number of attached pergolas, arbors, and trellises per primary structure.  
762
- 763 B. Freestanding pergolas and arbors are limited to 200 square feet of coverage per single-family  
764 detached residential property. Freestanding pergolas and arbors are limited to 100 square feet per  
765 unit of a duplex property.  
766
- 767 C. The amount of freestanding square footage coverage for multi-family residential developments may  
768 be determined by the Community Development Director. The criteria for this determination include:  
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- 770 1. Design, size, location, and number of proposed arbors, trellises, and pergolas;  
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CITY OF CAPE CORAL, FLORIDA  
LAND DEVELOPMENT CODE  
ARTICLE 5 – DEVELOPMENT STANDARDS



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**Section 5.2.2. Accessory Dwelling Units (ADUs)**

A. All ADUs shall comply with the following:

1. An ADU may be within a single-family detached dwelling or a detached accessory building on the same lot as a principal dwelling.
2. The accessory dwelling unit must have a bathroom and shall share the same sewage disposal and water supply systems as the principal dwelling unit unless separate sewer and water connections are required by the City of Cape Coral.

**CITY OF CAPE CORAL, FLORIDA  
LAND DEVELOPMENT CODE  
ARTICLE 5 – DEVELOPMENT STANDARDS**

- 5262 4. The parking of a recreational vehicle, automobile, or truck in an area not designated for parking  
5263 is prohibited.  
5264  
5265 5. Drive-thru facilities for restaurants are prohibited.  
5266  
5267 6. Fuel pumps for retail sales of fuel are prohibited.  
5268  
5269 R. Evacuation plan. Prior to issuance of a certificate of use for a recreational vehicle park, the  
5270 developer shall provide an emergency response plan, approved by the Fire Chief that requires the  
5271 removal of all recreational vehicles in the event of a hurricane. At a minimum, all recreational  
5272 vehicles and occupants shall evacuate when notified of a "Hurricane Watch" being issued for the  
5273 city. Any amendment by the developer to an approved evacuation plan requires approval by the  
5274 Fire Chief.  
5275

**Section. 5.10.6. Micro cottage Village Development (MCVD).**

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5277  
5278 Micro cottage Village Developments (MCVDs) provide a location for City residents who wish to reside on  
5279 lots which are much smaller than the typical Cape Coral property. This housing type encourages efficient  
5280 use of land, affordability, and energy conservation. Micro cottage housing allows for a higher density  
5281 single family development than is normally allowed. This is made possible by smaller home sizes, clustered  
5282 home sites, and parking and design standards. These villages shall be developed to ensure that they  
5283 provide an attractive, clean option for these residents which also will not have a deleterious effect on  
5284 nearby properties.  
5285

- 5286 A. Minimum area and density requirements. The minimum allowable area for a MCVD shall be three  
5287 acres and the maximum density of micro cottages shall not exceed 8.8 dwelling units per acre. The  
5288 minimum lot size for individual lots shall be 5,000 square feet.  
5289  
5290 B. Buffering. Sites adjacent to single family zoning and land use shall provide a 25' buffer along each  
5291 abutting perimeter.  
5292  
5293 C. Availability of infrastructure. MCVDs shall be serviced by city utilities.  
5294  
5295 D. Clustering. A MCVD is composed of clusters of micro cottages.  
5296  
5297 1. Minimum units per cluster: 4.  
5298  
5299 2. Maximum units per cluster: 12.  
5300  
5301 E. Common open space. Each cluster of micro cottages shall have common open space and provide a  
5302 sense of openness and community for residents. Open space requirements are as follows:  
5303  
5304 1. Each cluster of micro cottages shall have common open space to provide a sense of openness and  
5305 community for residents;  
5306  
5307 2. At least 400 square feet per micro cottage of common open space is required for each cluster.

**CITY OF CAPE CORAL, FLORIDA  
LAND DEVELOPMENT CODE  
ARTICLE 5 – DEVELOPMENT STANDARDS**

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3. Each area of common open space shall be in one contiguous and useable piece.
  4. To be considered as part of the minimum open space requirement, an area of common open space must have a minimum dimension of 20 feet on all sides.
  5. The common open space shall be at least 3,000 square feet in area, regardless of the number of units in the cluster.
  6. Required common open space may be divided into no more than two separate areas per cluster.
  7. At least two sides of the common open area shall have micro cottages along its perimeter.
  8. Parking areas, yard setbacks, private open space, and driveways do not qualify as common open space.
- F. Community Buildings. Community buildings are permitted in MCVDs. Community buildings shall be clearly incidental in use and size to dwelling unit and shall be no more than one story.
- G. Ownership. Community buildings, parking areas and common open space shall be owned and maintained commonly by the MCVD residents, through a condominium association, a homeowners' association, or a similar mechanism, and shall not be dedicated to the City.
- H. Size. Micro cottages shall meet the following requirements:
1. The gross floor area of each micro cottage shall not exceed 1,100 square feet.
  2. At least 25% of the micro cottages in each cluster shall have gross floor area less than 1,000 square feet.
  3. Micro cottage areas that do not count toward the gross floor area or footprint calculations are:
    - a. Interior spaces with a ceiling height of six feet or less, such as in a second floor are under the slope of the roof;
    - b. Architectural projections—such as bay windows, fireplaces, or utility closets—no greater than 24 inches in depth and six feet in width;
    - c. Attached unenclosed porches;
    - d. Garages or carports;
  4. The footprint of each micro cottage shall not exceed 850 square feet.
- I. Unit Height. The maximum height of a micro cottage shall be 25 feet.





