

Cape Coral Planning & Zoning Commission



AGENDA

Wednesday, May 1, 2019

9:00 AM

Council Chambers

1. CALL TO ORDER

A. Chair Read

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

A. Bennie, Marker, Marmo, Peterson, Ranfranz, Read, Slapper, and Alternates Bashaw and O'Connor

5. APPROVAL OF MINUTES

A. Meeting Minutes - April 3, 2019

6. BUSINESS

7. PLANNING AND ZONING COMMISSION PUBLIC HEARING

A. Ordinance 22-19

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.7, District Regulations, Subsection .15, South Cape Downtown District (SC), by eliminating the South Cape Redevelopment Incentive Program (SCRIP), amending the maximum floor area ratio, maximum residential density, and maximum building height in the South Cape Downtown District, establishing regulations to allow certain architectural

elements in City easements and rights-of-way in the South Cape Downtown District, and establishing regulations to allow outdoor dining on public rights-of-way and City-owned parking lots in the South Cape Downtown District.

B. Ordinance 23-19

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by Amending Policy 1.15 of the Future Land Use Element. This amendment removes language doubling the allowable density for multi-family residential developments with a significant affordable housing component, provides additional flexibility for development in the Downtown Mixed and Pine Island Road District Future Land Use Classifications, and decreases the maximum density within Neighborhood Commercial Development Parameters for the Commercial Activity Center Future Land Use Classification.

C. Ordinance 24-19

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.7, District Regulations, Subsection .13, Corridor District (CORR), to remove the maximum building height regulations for non-residential buildings in the Corridor District.

8. CITIZENS INPUT

9. STAFF UPDATES

10. OTHER BUSINESS

11. MEMBER COMMENTS

12. DATE AND TIME OF NEXT MEETING

A. Wednesday, June 5, 2019, at 9:00 a.m. in Council Chambers

13. ADJOURNMENT

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons needing a special accommodation to participate in this proceeding should contact the City Clerk's Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance, if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8700 (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.

Item Number:	5.A.
Meeting Date:	5/1/2019
Item Type:	APPROVAL OF MINUTES

**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL



TITLE:

Meeting Minutes - April 3, 2019

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 Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Division- Department-

SOURCE OF ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Meeting Minutes - April 3, 2019	Backup Material

**MINUTES OF THE REGULAR MEETING OF
THE CITY OF CAPE CORAL
PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY**

WEDNESDAY, APRIL 3, 2019

COUNCIL CHAMBERS

9:00 A.M.

Chair Read called the meeting to order at 9:00 a.m.

A moment of silence was observed.

Pledge of Allegiance.

ROLL CALL: Bennie, Marker, Marmo, Peterson, Ranfranz, Read, Slapper, and Alternates Bashaw and O'Connor were present.

ALSO PRESENT: Robert Pederson, Planning Manager
Brian Bartos, Assistant City Attorney
John Naclerio, Assistant City Attorney

Chair Read welcomed the new Alternate Commissioner Bashaw.

APPROVAL OF MINUTES

March 6, 2019 Regular Meeting Minutes

Vice Chair Peterson moved, seconded by Commissioner Slapper to approve the minutes of the regular meeting held on March 6, 2019 as presented. Voice Poll: All "ayes." Motion carried.

BUSINESS

Ordinance 18-19

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.1, Establishment of Zoning Districts, and Section 2.7, District Regulations, to establish the Seven Islands (MX7) Zoning District.

Planning Team Coordinator Daltry presented a power point titled Ordinance 18-19.

- Purpose: This is the new Section 2.7.22, Land Use and Development Regulations
- Ordinance includes minor change to Section 2.1, LUDR
- Purpose of ordinance is to establish the Mixed Use Seven Islands zoning district

- When adopted, it will provide development guidance within the MX7 zoning district
- Dimensional Regulations
- Analysis: MX7 is to be placed solely on the Seven Islands site (50.72 acres), which is City-owned
- Development parameters permitted in district include 995 dwelling units, 115' of height (8 stories), and a maximum FAR of 1.0.
- Twenty-six uses designed to complement a mixed-use development are proposed.
- Analysis: Zoning District is consistent with Mixed-Use future land use for the Seven Islands area, which limits development to 995 dwelling units and 110,000 square feet of non-residential
- The MX7 rezone (Ordinance 18-19) is to be adopted parallel to this effort; when complete, site will be ready for development
- Conclusion staff recommends approval

Public hearing opened.

No Speakers.

Public hearing closed.

Vice Chair Peterson expressed his concern that no one in that neighborhood is attending this meeting. He questioned the location of the rezone request. Will the current Utility Expansion Project (UEP) in that area extend out to Seven Islands?

Mr. Daltry stated the rezone is for the Islands as well as the frontage properties. The City made changes to include the additional three Islands, including the Bonefish Canal into the Utility Expansion Project (UEP). He noted the height requirement had been discussed at Council back in 2015.

Mr. Pederson stated that is limited to three buildings that were 115 feet in height.

Commissioner Bashaw questioned the 115 feet height of the building. Does that include parking? He questioned the design of the building. Related to single family attached dwelling in MX7, what is the minimum square footage of each story? Is there any allowance for single family detached dwelling?

Mr. Daltry noted parking would be included.

Mr. Pederson stated we regulate the height of the structure. There is a minimum unit size for a dwelling. He noted there is no allowance for single family detached dwelling. This is not part of the plan.

Commissioner Bashaw asked if Mr. Pederson can explain the difference between

MX7 and MXB.

Mr. Pederson stated they are specific to each plan. MXB is for Bimini Basin and MX7 relates to Seven Islands, different standards, uses, heights and density.

Discussion held regarding the following:

- Code adoption process
- Bimini Basin
- Seven Islands
- Planning Department LUDR rewrite
- Four Corners
- New zoning code
- 6 feet between buildings, nothing is going to grow there

Vice Chair Peterson moved, seconded by Commissioner Marmo, to recommend Transmittal of Ordinance 18-19.

Commission polled as follows: Bennie, Marker, Marmo, Peterson, Ranfranz, Read, and Slapper voted "aye." Seven "ayes." Motion carried 7-0.

STAFF UPDATES

Mr. Pederson introduced the new Planner, Katherine Woellner, and provided a brief background of her work history. He distributed to the Commissioners a schedule (Comp Plan and LDC changes). They are targeting the complete adoption of the LDC, Code, and the City-wide rezone on August 5, 2019.

Commissioner O'Connor asked for more information about the density on RML and RMM.

Mr. Pederson shared the upcoming changes to the density which was not well received in some neighborhoods. The RMM zoning will be retained, and property owners can request this density.

Commissioner O'Connor asked about putting duplexes on this type of density.

Mr. Pederson stated ideally this is for larger parcels. Someone could seek their property to be rezoned when the new code is adopted. This is to build multifamily and not duplexes.

Commissioner Bashaw questioned whether this would generate enough tax revenue.

Mr. Pederson responded that the pre-platted residential in Cape Coral has made this challenging regarding the tax base. We have for years tried to get more Multifamily, Commercial, or Industrial as this would help with the tax base.

OTHER BUSINESS

None.

LPA MEMBER COMMENTS

None.

DATE AND TIME OF NEXT MEETING

Regular meeting scheduled for Wednesday, May 1, 2019 at 9:00 a.m. in Council Chambers.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:30 a.m.

Submitted by,

Patricia Sorrels
Recording Secretary

Item Number:	7.A.
Meeting Date:	5/1/2019
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL



TITLE:

Ordinance 22-19

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
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 Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.7, District Regulations, Subsection .15, South Cape Downtown District (SC), by eliminating the South Cape Redevelopment Incentive Program (SCRIP), amending the maximum floor area ratio, maximum residential density, and maximum building height in the South Cape Downtown District, establishing regulations to allow certain architectural elements in City easements and rights-of-way in the South Cape Downtown District, and establishing regulations to allow outdoor dining on public rights-of-way and City-owned parking lots in the South Cape Downtown District.

LEGAL REVIEW:

Brian R. Bartos, Assistant City Attorney

EXHIBITS:

Ordinance 22-19

PREPARED BY:

City
Division- Department-

Attorney

SOURCE OF ADDITIONAL INFORMATION:

Vince Cautero, DCD Director

ATTACHMENTS:

Description	Type
▫ Ordinance 22-19	Ordinance

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2.7, DISTRICT REGULATIONS, SUBSECTION .15, SOUTH CAPE DOWNTOWN DISTRICT (SC), BY ELIMINATING THE SOUTH CAPE REDEVELOPMENT INCENTIVE PROGRAM (SCRIP), AMENDING THE MAXIMUM FLOOR AREA RATIO, MAXIMUM RESIDENTIAL DENSITY, AND MAXIMUM BUILDING HEIGHT IN THE SOUTH CAPE DOWNTOWN DISTRICT, ESTABLISHING REGULATIONS TO ALLOW CERTAIN ARCHITECTURAL ELEMENTS IN CITY EASEMENTS AND RIGHTS-OF-WAY IN THE SOUTH CAPE DOWNTOWN DISTRICT, AND ESTABLISHING REGULATIONS TO ALLOW OUTDOOR DINING ON PUBLIC RIGHTS-OF-WAY AND CITY-OWNED PARKING LOTS IN THE SOUTH CAPE DOWNTOWN DISTRICT; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

SECTION 1. The City of Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.7, District Regulations, Subsection .15, South Cape Downtown District, is hereby amended as follows:

.15 - South Cape Downtown District (SC).

- A. *Purpose and intent.* The purpose and intent of the South Cape Downtown District is to promote and enhance the traditional commercial center of Cape Coral, otherwise known as South Cape, as a viable location for development, redevelopment and economic growth and to create a destination for both residents and visitors with daytime and nighttime activities that will serve the entire city and region. The provisions contained herein provide for the development of a wide range of uses in a compact and walkable form and encourage compound and mixed-use development. It is intended that these regulations act as a stimulus to development through provisions that permit a flexible approach to infill development on various lot sizes, as well as special provisions related to particular locations within the district. Therefore, many of the provisions contained herein, including uses and dimensional regulations, are regulated by lot size, street designation, or a combination thereof. ~~It is further intended that these provisions incentivize compound use developments of significant size and character to serve as catalyzing forces to economic development through the South Cape Redevelopment Incentive Program (SCRIP), which provides for greater floor area ratio, residential density, and building height than that permitted by right.~~

For the purposes of this district, when the term *LOT*, or phrases including the term *LOT* are used, such terms or phrases shall mean and include, but not be limited to, single lots, sites or parcels, as well as adjoining, combined, or amalgamated lots, sites or parcels that are being developed simultaneously.

...

- D. *Special regulations.* The following are special regulations for the South Cape Downtown District:
1. *Maximum floor area ratio.* Maximum floor area ratio (FAR) is regulated by lot frontage/lot area and shall be as provided in Table SC-2. ~~The South Cape Redevelopment Incentive Program (SCRIP) (§ 2.7.15.D.12.) may be utilized to achieve a higher FAR as provided in Table SC-2.~~

The FAR calculation for a compound use building shall not be affected by floor area in those portions of a building(s) dedicated to residential uses. For the purposes of this provision, residential uses shall include dwelling units and accessory uses to dwelling units intended solely for the use of residential use occupants and guests, such as, but not limited to, lobbies, common circulation areas, fitness and recreational facilities, and other amenities.

<p>TABLE SC-2 MAXIMUM FLOOR AREA RATIO SOUTH CAPE DOWNTOWN DISTRICT</p>				
Applicable Lots	Lot Frontage/Lot Area			Lot Area
	≤75'(a)	>75' but <125'	≥125' but <60,000 s.f.	≥60,000 s.f.
	Maximum Floor Area Ratio			
All lots (b)	0.75	0.75 <u>1.00</u>	1.00 <u>2.00</u>	2.00 <u>4.00</u>
Parking area sites (c)	2.00	2.00	2.00	2.00
Lots with participation in the SCRIP or PILOP (d)	2.00	2.00	4.00	4.00
(a) When satellite parking is provided in accordance with § 2.7.15.D.13.b., lots with lot frontage less than or equal to 50 feet may have a maximum floor area ratio of 2.0.				
(b) Except for parking area sites and lots participating in the SCRIP or PILOP programs.				
(c) Parking area sites as identified in § 2.7.15.D.13.a.				
(d) Participation in the South Cape Redevelopment Incentive Program (SCRIP) shall be pursuant to § 2.7.15.D.12. Contributions to the Payment in Lieu of Parking (PILOP) Fund shall be pursuant to § 2.7.15.D.5.				

2. *Maximum residential density.* The maximum density of residential dwelling units shall be as provided in Table SC-3. ~~As provided in the table, the South Cape Redevelopment Incentive Program (SCRIP) (§ 2.7.15.D.12.) may be utilized to achieve a higher density.~~

The number of residential dwelling units within the South Cape Downtown District shall be limited to those allowed within Downtown Mixed future land use classification in the Future Land Use Element (FLUE) of the Comprehensive Plan.

The following calculation shall be used to determine the maximum number of dwelling units (DU) permitted on a given parcel, with the result rounded to the nearest whole unit:

$$\left(\frac{\text{Parcel Area in Square Feet}}{43,500}\right) \text{ Allowable Density} = \text{Maximum Number of DU}$$

<p>TABLE SC-3 MAXIMUM RESIDENTIAL DENSITY SOUTH CAPE DOWNTOWN DISTRICT</p>	
Applicable Lots	Maximum Density (dwelling units per acre)
All lots (a)	20 <u>75</u>
Lots with participation in the SCRIP (b)	40
(a) Except for lots participating in the SCRIP programs.	
(b) Participation in the South Cape Redevelopment Incentive Program (SCRIP) shall be pursuant to § 2.7.15.D.12.	

3. *Minimum size of dwelling units.* Every dwelling unit shall have at least the following floor area:
- a. Efficiency: 500 square feet.
 - b. One bedroom units: 650 square feet.

- c. For each additional bedroom: 150 square feet.
 - d. At least 50% of the dwelling units in any development of more than 20 dwelling units shall be 650 square feet or more in floor area.
4. *Maximum building height.* Maximum building heights are regulated by lot frontage/lot area and shall be as provided in Table SC-4. ~~As provided in the table, the South Cape Redevelopment Incentive Program (SCRIP) (§ 2.7.15.D.12.) may be utilized to achieve a greater building height, except as specified in § 2.7.15.D.4.e.~~ Building heights are based on a maximum height or a maximum number of stories, whichever is less. For purposes of this subsection, stories used exclusively for parking vehicles count the same as habitable stories.
- a. For non-residential buildings or non-residential portions of compound use buildings, the floor of the first story shall not be located any higher than one foot above that required by § 6.5.B.2.
 - b. For residential buildings or residential portions of compound use buildings, the floor of dwelling units on the first story shall not be located any lower than 18 inches above the elevation of the public sidewalk or otherwise required by § 6.5.B.1.
 - c. Except for off-street parking areas, any area under the floor of the first story shall not be counted as a story, shall not be habitable, and shall be enclosed by building walls.
 - d. Unless otherwise restricted within the South Cape Downtown District, maximum building height shall not apply to the following building components: elevator and stair bulkheads; solar energy systems; shade devices associated with parking structures or recreational amenities; skylights or similar components associated with daylighting; and mechanical equipment, provided that such equipment is architecturally screened on all sides.
 - e. Buildings or portions of buildings within 200 feet of any residential zoning district shall be limited to six stories or 95 feet, whichever is less, ~~notwithstanding participation in the South Cape Redevelopment Incentive Program (SCRIP).~~

TABLE SC-4 MAXIMUM BUILDING HEIGHT SOUTH CAPE DOWNTOWN DISTRICT				
Applicable Lots	Lot Frontage/Lot Area			Lot Area
	≤75'	>75' but <125'	≥125' but <60,000 s.f.	≥60,000 s.f.
	<i>Maximum Height (stories/feet, whichever is less)</i>			
All lots (a)	6/95	6/95	6/95	6/95 12/160
Lots with participation in the SCRIP(b)	6/95	6/95	12/180(e)	12/180(e)
(a) Except for lots participating in the SCRIP programs.				
(b) Participation in the South Cape Redevelopment Incentive Program (SCRIP) shall be pursuant to § 2.7.15.D.12.				
(ae) Buildings on lots within 200 feet of any residential zoning district are subject to the limitations of § 2.7.15.D.4.e.				

...

6. *Building and off-street parking area placement.* Building and off-street parking area placement shall be in accordance with the following standards:
 - a. *Minimum building and off-street parking area setbacks.* Minimum building and off-street parking area setbacks shall be as provided in Table SC-6. For the purpose of this provision, a parking structure shall be considered a building(s); and surface parking lots and similar facilities shall be considered off-street parking areas. Minimum off-street parking area setbacks shall apply to on-site and satellite parking areas, commercial parking lots/automotive parking establishments, and similar facilities.
 - (1) Exceptions from building and off-street parking area placement provisions are permitted to protect non-exotic extant trees with diameters greater than eight inches as measured four feet up from grade. Such provisions shall only be modified to the extent necessary to protect the tree(s) as determined by a certified arborist or licensed landscape architect.
 - (2) Minimum building and off-street parking area setbacks shall not apply to commercial type trash receptacles and enclosures. Commercial type trash receptacles and enclosures shall be subject to § 2.7.15.D.11.
 - (3) The following elements are not subject to the minimum building setbacks, but shall not extend forward of a lot line, except in accordance with these regulations. Notwithstanding § 3.14 and § 3.24 of the Land Use and Development Regulations, awnings, canopies, colonnades, arcades, and balconies and may encroach into an easement or a public right-of-way if approved by the City Manager, or City Manager's designee, pursuant to the criteria provided in § 2.7.15.D.8.b.(1). If elements encroach, the city may require the property owner to enter into a formal easement agreement or right-of-way agreement in a form acceptable to the City Attorney. The property owner of the structure containing the elements encroaching into the easement or right-of-way is solely responsible for repairing any damage to encroachments in the easement or public right-of-way that result from maintenance or public infrastructure improvements.
 - (a) Architectural elements as provided in § 2.7.15.D.8.b.
 - (b) Elements lower than 42 inches in height above grade, including but limited to, retaining, landscape, and planter walls, and street furniture.
 - (c) Patios or plazas no higher than 12 inches in height above grade.
 - (d) Railings and any elements associated with ADA accessibility, regardless of height.
 - (e) Heating, air conditioning, pool, or similar equipment located in rear yards.

TABLE SC-6 MINIMUM BUILDING AND OFF-STREET PARKING AREA SETBACKS SOUTH CAPE DOWNTOWN DISTRICT	
Applicable Location	Minimum Building Setbacks (feet) (a)
Front	7
Side	0 or 6
Side when abutting an alley(ba)	17

Rear	7
Rear when abutting an alley (<u>b</u> a)	17
Navigable waterway	15
<i>Minimum Off-Street Parking Area Setbacks (feet) (<u>c</u>b)</i>	
Front	7
Side	4(<u>d</u> e)
Side when abutting an alley(<u>b</u> a)	13
Rear	5
Rear when abutting an alley (<u>b</u> a)	13
Navigable waterway	10
<u>(a)</u> See Section 2.7.15.D.6.a.(3) for exceptions to the aforementioned setbacks.	
<u>(b</u> a) Measured from abutting alley centerline.	
<u>(c</u> b) Measured from the face of curb abutting the vehicular use area.	
<u>(d</u> e) Except for shared curb cuts, joint driveways and shared off-street parking areas across lot lines.	

- b. *Maximum building setbacks, minimum building frontages, and off-street parking area location.* Maximum building setbacks, minimum building frontages, and off-street parking area locations are regulated by lot frontage/lot area and by street designations and shall be as provided in Table SC-7 and the Street Designation Map, respectively. Portions of parking structures not concealed by liner buildings shall not serve to meet the provisions for maximum building setbacks and minimum building frontages.
- (1) On lots at the corner of two streets or at the corner of a street and an alley, visibility triangles shall be maintained in accordance with § 3.7. In the event that requirements for visibility triangles impact the placement of a building(s) or portion of a building(s) such that the requirements for maximum building setbacks and minimum building frontages cannot be met, those portions of the building(s) impacted by the visibility triangle shall be deemed to be in compliance with and may be counted toward maximum building setback and minimum building frontage requirements.
 - (2) Exceptions from building and off-street parking area placement provisions are permitted to protect non-exotic extant trees with diameters greater than eight inches as measured four feet above grade. The building and off-street parking area placement provisions shall only be modified to the extent necessary to protect the tree(s) as determined by a certified arborist or licensed landscape architect.
 - (3) For lots abutting three or more street designations, only two street designations shall apply for maximum building setbacks, minimum building frontages, and parking locations. When determining the applicable street designations, the highest applicable street designation shall take priority. However, the frontage designations of "parkway" and "primary" shall apply and shall not be disregarded under any circumstances.

<p style="text-align: center;">TABLE SC-7 MAXIMUM BUILDING SETBACKS, MINIMUM BUILDING FRONTAGES, AND PERMISSIBLE OFF-STREET PARKING AREA LOCATION SOUTH CAPE DOWNTOWN DISTRICT</p>				
Street Designation (a)	All Lot Frontages/Lot Area			Lot Area
	≤75'	>75' but <125'	≥125' but <60,000 s.f.	≥60,000 s.f.
	Maximum Building Setbacks (feet) (b)(c)			
Parkway	20	20	20	20
Primary	20	20	20	20
Secondary	Not Applicable	Not Applicable	Not Applicable	20
Tertiary	Not Applicable	Not Applicable	Not Applicable	20
	Minimum Building Frontage (% of lot frontage) (c)			
Parkway	60	40	60	60
Primary	40	40	50	60
Secondary	0	0	0	50
Tertiary	0	0	0	40
	Permissible Off-Street Parking Area Location (d)(e)			
Parkway	Rear/side(f)	Rear/side(f)	Rear/side	Rear/side
Primary	Rear/side(f)	Rear/side(f)	Rear/side	Rear/side
Secondary	Rear/side/front	Rear/side/front	Rear/side/front	Rear/side(g)
Tertiary	Rear/side/front	Rear/side/front	Rear/side/front	Rear/side(g)

(a) As provided on the Street Designation Map.
(b) Shall apply only to first story portions of building(s) meeting minimum building frontage requirements.
(c) Lots abutting three or more street designations shall be pursuant to § 2.7.15.D.6.b.(3).
(d) Not applicable to lots utilized solely for satellite parking.
(e) For the purposes of this provision, the terms rear, side and front shall refer to the placement of off-street parking areas between the principal building(s) and the rear, side and front lot line. The terms rear and side shall not be construed to mean rear yard, side yard, or front yard as defined in § 11.1. When rear and side parking are required, no parking spaces/stalls shall be located between the principal building(s) and front lot line.
(f) For lots with a width of 100 feet or less, the abutting alley in its condition at the time of application must be approved by the city for vehicular access. If not approved, this requirement must be waived administratively.
(g) Shall not apply to lots abutting a navigable waterway.

7. *Vehicular ingress/egress.* Vehicular ingress and egress to parking or other vehicular circulation areas shall comply with the City of Cape Coral Engineering Design Standards and the following standards;
- a. Curb cuts along Cape Coral Parkway are prohibited unless one of the following conditions is applicable:
- (1) The lot frontage is 150 feet or greater and 100% of the required residential parking and 50% of the non-residential is provided on-site;
- (2) A shared curb cut between adjacent lots is provided with a combined lot frontage of 150 feet and with a signed agreement by all property owners;

- (3) No other ingress/egress can adequately serve the lot as determined by the City Manager or the City Manager's designee.
 - b. Joint driveways and vehicular access between adjacent off-street parking areas across lot lines is encouraged in order to reduce the number of curb cuts along streets.
 - c. *Drive-thru facilities.* Drive-thru service windows are prohibited on facades that face a street, except for lots abutting more than one street designation, where drive-thru windows may be on the facade that faces the lowest applicable street designation in accordance with the Street Designation Map.
8. *Building and off-street parking area design standards.* Every building and off-street parking area shall conform to the following requirements:
- a. *Building design standards.* All buildings, whether residential, nonresidential or compound use, shall conform to the design standards provided in § 5.6., except as superseded by the following requirements. This provision shall not apply to parking structures, which shall conform to § 2.7.15.D.8.d.
 - (1) *Public entrances.* Public entrances shall be provided as follows:
 - (a) Any building facade that faces a street (excluding alleys) shall provide a public entrance oriented toward such street. In the case of a corner lot where more than one building facade faces a street, a corner entrance may serve to meet the requirements for the two streets that intersect and create the corner. All public entrances shall have convenient pedestrian access providing a direct connection from the street to the entrance via a walkway a minimum of four feet in width and not traversing any portion of an off-street parking area. In the event the City Manager, or the City Manager's designee determines that this provision cannot be met due to site constraints, such walkway may traverse the off-street parking area but shall be clearly delineated by a change in paving material, pavement markings, or similar treatment.
 - (b) Any building facade that faces a dedicated city parking area shall provide a public entrance oriented toward such dedicated city parking area with convenient pedestrian access providing a direct connection via a walkway a minimum of four feet in width.
 - (c) It is not the intent of these provisions to require more than two public entrances to any use intended to be occupied by a single tenant. In the event that the provisions above cumulatively require more than two public entrances, then the requirements may be reduced such that two public entrances shall be required. In determining the orientation of such public entrances. Parkway street designations and dedicated city parking areas shall have priority.
 - (2) *Transparency of building walls.* Except for parking structures, building walls shall contain transparent windows, doors, or any combination thereof, meeting the following standards:
 - (a) For lots abutting parkway or primary street designations, transparent windows, doors, or any combination thereof, shall cover at least 50% of the first story building wall area that faces the parkway or primary street designation. Above the first story, non-residential uses, except hotels, shall provide transparent windows, doors, or any combination

thereof, covering at least 25% of the entire building wall area; residential and hotel uses shall provide at least 15%.

- (b) For lots abutting secondary or tertiary street designations, non-residential uses, except hotels, shall provide transparent windows, doors, or any combination thereof, covering at least 25% of the entire building wall area that faces the secondary or tertiary street designations; residential and hotel uses shall provide at least 15%.
 - (c) For lots abutting dedicated city parking areas or portions of alleys abutting dedicated city parking areas, non-residential uses, except hotels, shall provide transparent windows, doors, or any combination thereof, covering at least 25% of the entire building wall area that faces the dedicated city parking area; residential and hotel uses shall provide at least 15%.
 - (d) Non-residential use building walls facing navigable waterways shall provide transparent windows, doors, or any combination thereof, covering at least 25% of the entire building wall area.
 - (e) For lots abutting parkway, primary, or secondary street designations, all window and door glass that faces such designations, shall have a visible transmittance of at least 50% and an exterior reflectance no greater than 20%. The bottom of such windows shall be no higher than 36 inches above grade, or six inches above the floor of the lowest habitable story, whichever is higher. However, if the building is designed with floodproofing panels or barriers, the bottom of such windows shall be located no higher than six inches above the top of the floodproofing panel or barrier.
 - (f) The exterior of windows and doors shall remain unshuttered at all times of the day. This provision shall not apply to the following:
 - (i) Un-walled areas such as, but not limited to, dining and seating areas associated with restaurants and bars.
 - (ii) Hurricane shutters or flood-proofing panels during the time period in which a flood watch or warning, a tropical storm watch or warning, or a hurricane watch or warning is in effect for any portion of Lee County. Such shutters or panels shall be removed within a week from the time they are put up, unless a hurricane, tropical storm, or flood has impacted the area, in which case the shutters may remain up for not more than three months from the date of the incident, except for good cause shown to the City Manager or the City Manager's designee.
- (3) Non-residential buildings with a first story consisting of more than 35,000 square feet of floor area and consisting of a single use shall meet the following requirements:
- (a) One public entrance shall be provided for every 75 feet of overall building frontage; or
 - (b) Liner buildings meeting the following requirements shall be provided:

- (i) Liner buildings shall be provided along at least 50% of the overall building frontage.
 - (ii) Liner buildings shall contain active uses with at least one public entrance provided for every 75 feet of liner building frontage. Such liner buildings shall comply with all applicable building setbacks and building frontages.
 - (iii) Liner buildings shall have an interior depth of at least 15 feet.
 - (iv) Liner buildings may be detached from, attached to, or integrated into the principal building.
 - (4) Garage doors associated with residential uses, when facing the front of the lot, shall be set back at least 20 feet behind the building line.
- b. *Architectural elements design standards: awnings, canopies, colonnades, arcades, balconies, front porches, stoops/landings, and cupolas.* A first story facade facing a street or dedicated city parking area shall provide shade with awnings, canopies, colonnades, arcades, balconies, or any combination thereof, for at least 50% of its length/width, unless prohibited by § 2.7.15.D.9.b.(2). Architectural elements, or any combination of architectural elements, may occur forward of the minimum setback, as applicable, but shall not extend forward of a lot line, except as provided herein. Notwithstanding § 3.14 of the Land Use and Development Regulations, Architectural elements, or any combination of architectural elements shall not encroach into an easement unless approved by the City Manager or the City Manager's designee. Notwithstanding § 3.24 of the Land Use and Development Regulations, awnings, canopies, colonnades, arcades, and balconies may extend forward of a lot line into the public right-of-way with the approval of the City Manager or the City Manager's designee. The city may require ~~the property~~ the property owner to enter into a formal easement agreement or formal right-of-way agreement in a form acceptable to the City Attorney. The ~~property~~ owner of the structure containing the architectural elements encroaching into the easement or right-of-way is solely responsible for repairing any damage to encroachments in the easement or public right-of-way that result from maintenance or public infrastructure improvements. The property owner must comply with the provisions of § 2.7.15.D.9, Utilities, below.
- (1) The City Manager, or the City Manager's designee, shall consider the following criteria in determining whether to approve an architectural element, or any combination of architectural elements, that would encroach into the easement or right-of-way:
 - (a) The extent to which the architectural element would encroach into the easement or right-of-way;
 - (b) The effect of such encroachment on any utilities that are either currently located in the easement or right-of-way or that may be located in the easement or right-of-way in the future; and
 - (c) The effect of such placement on any abutting properties or streetscape and on the navigability of the public right-of-way.
 - (2) *Awnings and canopies.* Awnings and canopies extending from the first story, facing a street or dedicated city parking area, and serving to meet the 50% length/width requirement of § 2.7.15.D.8.b. shall conform to the following:

- (a) Depth shall be a five foot minimum projection from the building facade.
 - (b) Height shall be an eight foot minimum clearance, including suspended signs.
- (3) *Colonnades and arcades.* Colonnades and arcades facing a street or dedicated city parking area shall conform to the following:
 - (a) Depth shall be a minimum of five feet from the building wall to the inside column face.
 - (b) Height shall be an eight foot minimum clearance, including suspended signs. The lowest point on arches shall not extend below seven feet.
 - (c) Openings between piers, columns, or similar supporting elements shall be at least 50% of the colonnade or arcade facade area.
 - (d) Open multi-story verandas, awnings, balconies, and enclosed habitable space shall be permitted above the colonnade or arcade.
- (4) *Balconies.* Balconies shall be open and un-air-conditioned. Balconies may have roofs. Roofed balconies may be enclosed with screen and may contain privacy partitions. Balconies shall not project beyond the rear building setback requirement, as applicable. Balconies shall be located no closer than six feet from the abutting side lot line. Balconies facing a street or dedicated city parking area shall have a height clearance of ten feet minimum from grade; their decorative or supporting elements that project from building walls shall have a clearance of seven feet from grade.
- (5) *Front porches.* Front porches shall be un-air-conditioned. may be screened, and shall conform to the following:
 - (a) Front porches facing a street or dedicated city parking area and serving to meet the minimum building frontage requirements of § 2.7.15.D.8.b. shall be a minimum of eight feet in depth.
 - (b) Open multi-story verandas, awnings, balconies, and enclosed habitable space shall be permitted above front porches.
- (6) *Stoops and landings.* Stoops and landings may be roofed or unroofed, and shall maintain the required minimum building setback, as applicable. However, access to a stoop, whether by stairs, ramp, or other means, may extend forward of the minimum building setback as applicable, if approved by the City Manager, or the City Manager's designee, but shall not be located less than three feet from the front lot line.
- (7) *Cupolas.* When provided, cupola(s) shall have a maximum of 400 square feet in horizontal dimension and shall be limited to two per building.
- c. *Off-street parking area design standards.* All off-street parking areas, except dedicated city parking areas, shall comply with the following standards:
 - (1) All off-street parking areas shall comply with the City of Cape Coral Engineering Design Standards.
 - (2) Where parking spaces/stalls abut landscape areas or sidewalks, the alternate stall layout provided in the City of Cape Coral Engineering Design Standards shall be utilized.
 - (3) Off-street parking areas shall not abut building walls on front and side facades. A minimum of four feet shall be provided between off-street parking areas and such building walls and

improved as a pedestrian walkway or landscaped in accordance with § 5.2.

- d. *Parking structure design standards.* For the purposes of this subsection, parking structures shall be deemed to include external vehicular or pedestrian ramps, elevator shafts, stairwells, and any associated mechanical equipment, chases, or rooms. The design and placement of parking structures, except for portions of parking structures located below grade, shall comply with the following standards:
 - (1) *Liner buildings.* When parking structures have facades facing parkway and primary street designations, as provided on the Street Designation Map, the first story facade of the parking structure facing such street designations, except for portions of facades dedicated to pedestrian and vehicular access, shall be concealed by liner buildings complying with the following standards:
 - (a) Liner buildings shall contain active uses with at least one public entrance provided for every 75 feet of liner building frontage. Such liner buildings shall comply with all applicable building setbacks and building frontages.
 - (b) Liner buildings shall have an interior depth of at least 15 feet.
 - (c) Liner buildings may be detached from, attached to, or integrated into the parking structure.
 - (2) *Architectural treatment.* For the purpose of this provision, architectural treatment shall mean the use of architectural or landscape elements on the parking structure facade that serve to visually screen or obscure the parking use(s) from adjacent streets or public areas. Parking structure facades, or portions thereof, without liner buildings and facing streets (except alleys), shall employ architectural treatments complying with the following standards:
 - (a) Architectural treatment includes, but is not limited to, the use of arbors and trellises; architectural screens, louvers and shading devices; cornices and pilasters; parapets; planter boxes and vegetated wall systems; fenestration and frames; structural components; material changes; and architectural elements that comply with § 2.7.15.D.8.b.
 - (b) Architectural treatment shall be provided to 70% of the facade area, including building walls and openings. This provision shall not be construed to mandate an enclosed parking garage or the mechanical ventilation of the parking structure. In the event that the Building Official determines that this provision has caused a parking structure to be classified as an enclosed parking garage, the required architectural treatment may be reduced to a point where the parking structure may be classified as an open garage.
- c. *Streetscape design standards.* Lots with applicable maximum building setbacks as provided in § 2.7.15.D.6.b., shall comply with the following standards:
 - (1) Front setback areas shall be improved with landscaping planters and appropriate sidewalk materials such as, but not limited to, concrete, architectural pavers, and stone. Developments are further encouraged to place sidewalk amenities such as benches, fountains, and outdoor dining tables within this area.

- (2) In the event that improvements are placed within the public utility easement, the city may require the property owner to enter into a formal easement agreement in a form acceptable to the City Attorney. The property owner is solely responsible for repairing any damage to encroachments within the aforesaid easement that result from maintenance of public infrastructure improvements.

- d. *Administrative deviation.* In the event a property owner is unable to comply with the requirements of this subsection, the owner may request an administrative deviation, in writing, from the City Manager, or the City Manager's designee. In determining whether to approve a request for an administrative deviation, the City Manager, or the City Manager's designee shall consider factors including, but not limited to, dimensions of the lot, site constraints such as existing development, impact on surrounding properties, or other location factors that may make compliance with this subsection impossible or impracticable. The determination to approve an administrative deviation shall be at the sole discretion of the City Manager or the City Manager's designee.

9. *Utilities.*

- a. For new buildings, all onsite utilities including, but not limited to, telephone, electric service, cable television, and other wires of all kinds shall be placed underground. However, appurtenances to these systems that require above ground installation including, but not limited to, utility panel boxes are exempt from this requirement if the appurtenances are not placed in front yards. When such appurtenances are located in utility easements abutting a platted alley, they shall be located at least ten and one-half feet from the centerline of the platted alley. These underground requirements also apply to those improvements to non-conforming structures that exceed the 50% thresholds as described in § 2.6.2. and 2.6.5. All utility infrastructure, including electric utility poles and power lines, shall be concealed from public view to the extent practicable and shall not be located on any yard area that abuts streets or sidewalks, to the extent practicable. All new electric primary and secondary distribution lines shall be located in utility easements abutting platted alleys and their utility poles shall be positioned so that a minimum clearance of ten and one-half feet from the centerline of any platted alley is maintained. For properties that do not have a rear platted alley, the electric distribution lines and utility poles shall be located in the rear utility easement wherever practicable.
- b. On certain blocks where overhead or underground utility lines have been placed in any public right-of-way or the front public utility easement beyond the edge of the street right-of-way (where improvements might otherwise be placed in accordance with these regulations) a property owner may choose one of the following options for the permitted construction in any public right-of-way or the front public utility easement:
 - (1) Relocate the utility lines to the alley or other acceptable location, at the property owner's sole expense and subject to approval by the affected utility provider(s) and the City of Cape Coral; or
 - (2) Place a concrete sidewalk, or architectural elements, on the front public utility easement. If overhead electric lines are in place, no awnings, canopies, balconies, colonnades, arcades, or front porches may be constructed in this area. If underground utilities of any type are in place, the property owner is solely responsible for repairing any damage to lawful encroachments into the front public utility easement resulting from maintenance or improvements to utility lines.

...

12. Outdoor dining on public rights-of-way and City-owned parking lots.

a. Generally. Outdoor dining on public rights-of-way and City-owned parking lots may be permitted subject to the approval of an outdoor dining permit.

b. Application. An application for an outdoor dining permit shall be submitted, on a form furnished by the City, to the Director of the Department of Community Development, or the Director's designee. In the application, the applicant shall provide information to show compliance with the requirements of this Section. The Director of the Department of Community Development, or the Director's designee, may require the applicant to supplement the information initially provided, if such additional information is deemed necessary to determine whether the requirements of Section 2.7.15.D.12. are met. City Council may establish a reasonable fee to cover the cost of the permit application and annual renewals by resolution. Applications for an outdoor dining permit shall, at a minimum, contain the following information:

- (1) The name, location, and mailing address of the food service establishment.
- (2) The name, mailing address, and telephone contact information for the permit applicant.
- (3) A diagram and description of the outdoor area to be designated as available for outdoor dining, including dimensions of the designated area. The diagram shall be accurate and drawn to scale but need not be prepared by a licensed design professional.

c. Approval. The Director of the Department of Community Development, or the Director's designee, may approve an application for an outdoor dining permit upon the determination that the subject application complies with the requirements of Section 2.7.15.D.12. The City may impose reasonable conditions on the requested permit in order to protect the health, safety, and welfare of the community.

d. Denial. An application which fails to comply with the requirements of Section 2.7.15.D.12. shall be denied. If the Director of the Department of Community Development, or the Director's designee, denies the application, the applicant shall have 30 days from the date of the notice of denial to appeal the decision to the City Council pursuant to the appeal procedure in Section 8.9, Appeals.

e. Standards. In order to protect the health, safety and general welfare of the public, each approved establishment shall abide by the following requirements:

- (1) Stanchions, planters, or other features approved by the City may be used to delineate outdoor dining areas.
- (2) The number of outdoor seats and tables shall be limited to that number that can be reasonably accommodated according to the available widths of the associated storefront and sidewalk or patio area. Only the area(s) abutting the associated storefront may be used for outdoor dining. No fixtures or furniture may be attached to the right-of-way or public property.
- (3) Clear pedestrian access shall be maintained at all times, and no seating or tables shall interfere with ingress and egress to buildings or create an unsafe situation with street traffic. Public sidewalks shall be free of obstructions that prevent safe

passage of pedestrians. All ADA-requirements must be adhered to.

- (4) In City-owned parking lots, outdoor dining may not restrict traffic and cannot be placed in travel lanes or parking spaces.
 - (5) The permit holder for the outdoor dining area shall remove any seating or tables when necessary for special events, inclement weather, or when an authorized agent of the City makes such a request.
 - (6) The permit holder shall properly maintain public sidewalks adjacent to any approved outdoor dining area for safety and cleanliness on a daily basis. Litter, dirt, grime, grease, and food shall not be permitted to accumulate at any time. The sidewalk must be cleaned by pressure washing no less than every 30 days or when an authorized agent of the City makes such a request. The Public Works Department must approve the method and equipment used for pressure washing.
 - (7) Portable lighting may be used in the outdoor dining area. Extension cords may not be run from any nearby buildings. The use of generators is prohibited. City light poles may not be used for electrical connections. Portable heaters may be used if approved by the Fire Department.
 - (8) The permit holder shall sign an indemnity agreement provided by the City and shall provide proof of public liability insurance as approved by the City Attorney.
 - (9) The use of furniture with glass components is prohibited. The use of plastic or PVC furniture, wooden picnic tables, or couches and chairs designed and constructed by the manufacturer for outdoor use is prohibited. All furniture and fixtures to be used shall be specified in the outdoor dining permit and approved by the City.
- f. Revocation. The City Manager, or the City Manager's designee, may revoke an outdoor dining permit if, after notice and reasonable time in which the grounds may be corrected, the applicant fails to comply with any of the standards of Section 2.7.15.D.12., any condition of approval, or any approved diagrams or plans. If the City Manager revokes an outdoor dining permit, the permit holder shall have 30 days from the date of the notice of revocation to appeal the decision to the City Council pursuant to the appeal procedure in Section 8.9, Appeals.

~~South Cape Redevelopment Incentive Program (SCRIP). Development incentives are opportunities offered to property owners and applicants as a means to meet specific development goals while increasing the quality of development and providing benefits to the community at large. Such incentives shall not be considered an inherent right, but a potential opportunity if certain requirements are met. Lot and area wide constraints, overall residential density limitations of the Downtown Mixed Future Land Use Classification, public facility capacity limitations, regulatory controls, as well as other factors may limit the achievement and availability of densities, intensities, and heights offered under this program on any particular lot.~~

- a. ~~In addition to the baseline allowances as permitted in § 2.7.15.D.1., 2., and 4., respectively, increases in floor area ratio, residential density, building height, or any combination thereof, may be available through participation in the South Cape Redevelopment Incentive Program (SCRIP).~~

~~b. *Categories of SCRIP improvement and amenity requirements.* A variety of improvements and amenities in several different categories are eligible for consideration in the SCRIP. Although some improvements and amenities may fall within more than one category, such improvements and amenities shall be considered as within only one category for purposes of satisfying this requirement, unless otherwise specified. Improvements or amenities required by any other applicable regulation are not eligible to satisfy this requirement. Improvements, amenities, or any combination thereof, shall be provided as specified in § 2.7.15.D.12.b.(1) and § 2.7.15.D.12.b.(2):~~

~~(1) A participant in the SCRIP shall provide improvements, amenities, or any combination thereof, from at least one of the following three categories: connectivity and orientation, uses, and public parking, in order to be eligible for increased floor area ratio, residential density, building height, or any combination thereof.~~

~~(a) *Connectivity and orientation.* The physical layout, orientation, and design of a proposed development greatly affects on-site activities, connectivity to off-site uses and activities, and overall downtown character. Therefore, the placement and orientation of uses, off-street parking areas, and pedestrian circulation areas shall be oriented to maximize on-site activities and enhance the connection and access to off-site uses and activities, public open spaces, and adjacent streets. For consideration in this category, developments shall provide three of the following six requirements:~~

~~(i) *Off-street parking area location.* A development on lots abutting secondary or tertiary street designations as provided in the Street Designation Map, shall place off-street parking areas in the side or rear of the lot in accordance with § 2.7.15.D.6.b. For lots which abut three or more street designations, off-street parking areas may be located between the principal building and the front lot line, provided that such off-street parking area locations abut the lowest applicable street designation in accordance with the Street Designation Map.~~

~~(ii) *Vehicular ingress/egress.* Access to off-street parking areas shall be provided only via the abutting alley. Should the abutting alley not be adequate to provide suitable vehicular access, alleys or portions of alleys shall be improved pursuant to § 2.7.15.D.12.b.(2)(c)(i) to allow for such access.~~

~~(iii) *Joint driveways.* In order to reduce the number of curb cuts along streets, the development shall provide a joint driveway or vehicular access between adjacent off-street parking areas across lot lines, or any combination thereof. A signed agreement by all affected properly owners shall be provided.~~

~~(iv) *Pedestrian walkways.* Developments shall provide pedestrian walkways providing a direct connection from the primary building entrance to abutting side lots. Pedestrian walkways shall extend to the lot line and, if practicable, shall connect to existing similar walkways on abutting side lots. Such walkways shall be at least four feet in width and shall not be~~

permitted to traverse any portion of any off-street parking area.

- (v) ~~Additional building frontage.~~ Developments shall exceed the minimum building frontage requirement as provided in § 2.7.15.D.6.b. by an additional 10%. For example, if the required building frontage according to § 2.7.15.D.6.b. is 40%, then the development shall provide at least 50% building frontage.
- (vi) ~~Connection to public open spaces and parks.~~ Developments on lots abutting existing public open spaces or parks or that provide public open spaces pursuant to § 2.7.15.D.12.b.(2)(a) shall provide first story active uses that face such open spaces in a manner that enhances views and pedestrian connections to the public open space or park. Pedestrian walkways shall be provided both between the active use and the public open space or park (which may count towards meeting the requirements of § 2.7.15.D.12.b.(1)(a)(iv) above) and between the active use and the nearest street abutting the lot on which the active use is located. Building facades of such active uses shall provide at least one entrance and transparency complying with § 2.7.15.D.8.a.(2).
- (b) ~~Uses.~~ The development shall incorporate uses that support a thriving urban center and would be beneficial to the vitality of the South Cape Downtown District. The development shall provide at least one of the following uses:
 - (i) ~~Class A office.~~ Developments shall provide 70,000 square feet (total net floor area) of Class A office space. In order to be counted towards the minimum area requirement, no single story on which such Class A office space is located shall measure less than 15,000 square feet (net floor area). For the purposes of this requirement, **NET FLOOR AREA** shall mean the area of a story of a single building, excluding areas associated with stairwells and elevator shafts, equipment rooms, and interior vehicular parking or loading. **TOTAL NET FLOOR AREA** shall mean the total of all net floor areas of a building or buildings within a development. Further, such Class A office space shall be serviced by no fewer than two passenger elevators, not including freight elevators. For the purposes of this requirement, Class A office shall be deemed to be office space(s) that can be characterized as having excellent location and access; high quality building materials and amenities. High quality and significant convenient amenities such as, but not limited to, banks, lobbies on the second floor or above, covered parking, restaurants, coffee shops, and health clubs typically differentiate this office type from Class B and C office types.
 - (ii) ~~Full service hotel.~~ Developments shall incorporate a full service hotel with at least 200

rooms with an average floor area of at least 350 square feet per room and a standard restaurant of at least 5,000 square feet. Such standard restaurant area shall be dedicated solely to the restaurant use and shall include full kitchen facilities and food preparation areas.

(iii) ~~Waterfront restaurants.~~ Developments on lots abutting a navigable waterway shall incorporate a standard restaurant of at least 3,500 square feet, of which no more than 30% may be dedicated to bar or cocktail lounge uses. Such restaurant shall be adjacent to the navigable waterway and shall provide views and pedestrian access to and from the waterfront.

(iv) ~~Motion picture theaters.~~ Developments shall incorporate a first-run motion picture theater that runs primarily mainstream film from the major film companies and distributors, during the initial release period.

(e) ~~Public parking.~~ To improve the vitality of the South Cape Downtown District, promote a pedestrian friendly environment and encourage entertainment uses and special events, developments shall make at least 50% of the total non-residential off-street parking requirement available for public parking, whether or not fees are charged for parking. Such parking spaces shall be available between the hours of 6:00 p.m. and 3:00 a.m. on weekdays and 8:00 a.m. to 3:00 a.m. on weekends and shall be clearly marked and reserved as such. Public parking availability and applicable rates shall be publicly posted at the entrance of the off-street parking area. If fees are charged for parking, rates shall be generally consistent with pay-to-park rates charged by other private publically accessible off-street parking areas, lots and garages in the Cape Coral-Fort Myers, Florida Metropolitan Statistical Area at similar times of day and for special events. The design of off-street parking areas and parking structures shall comply with § 2.7.15.D.8.c. and § 2.7.15.D.8.d., respectively.

(2) In addition to the requirements listed above, a participant in the SCRIP shall provide improvements, amenities, or any combination thereof, from at least three of the eight following categories in order to be eligible for increased floor area ratio, residential density, building height, or any combination thereof pursuant to § 2.7.15.D.1, .2, and .4.

(a) ~~Public open space.~~ The development shall improve at least 5% of the total lot area as on-site public open space. For the purposes of this subsection, **PUBLIC OPEN SPACE** shall be outdoor area open to the sky; shall be located at grade; shall abut a street (excluding alleys) on at least one side; and shall provide pedestrian access from the sidewalk for the general public. This requirement may be satisfied by providing more than one public open space; however, all such public open spaces shall have an area of at least 900 square feet and an average depth of at least 15 feet. Minimum public open space areas may incorporate portions of setback areas but shall not be solely comprised of setback areas pursuant to § 2.7.15.D.6.a. For lots abutting more than one street designation, public open spaces shall abut the highest applicable street designation in accordance

~~with the Street Designation Map, except for good cause shown. Public open spaces shall be improved to include landscape, hardscape, or any combination thereof in accordance with § 5.2. Where possible, public open spaces should connect to existing public parks, recreational areas, and navigable waterways and contribute to the achievement of target areas and facilities identified in the city's Master Park Plan within the South Cape Downtown District.~~

- ~~(b) — *Community facilities.* The development shall provide at least one community facility that supports a thriving urban center and is beneficial to the vitality of the South Cape Downtown District, as determined by the City Manager or the City Manager's designee. Community facilities that would be eligible for consideration in this category may be public, private, or a combination of public and private in nature; and may include, but shall not be limited to: government and public facilities; schools; non-profit, private, public or parochial; hurricane shelters; civic centers; performing arts centers; museums; libraries; opera and drama houses; and theaters. Community facilities serving to meet this requirement may be located off-site provided that such facilities are located within the South Cape Downtown District. Further, such off-site community facilities must receive a certificate of occupancy prior to the issuance of the certificate of occupancy for the development for which the increase in floor area ratio, residential density, building height, or any combination thereof, is being requested.~~
- ~~(c) — *Right-of-way improvements.* The development shall provide right-of-way improvements that exceed in quality, quantity, or any combination thereof, those required under the city's Land Use and Development Regulations, Engineering Design Standards, or any other applicable regulations. Developments shall provide three of the following five right-of-way improvements for consideration in this category:~~

 - ~~(i) — *Alley improvements.* Developments on lots abutting alleys shall improve at least the abutting portions of alleys in accordance with the city's design standards. Developments which vacate an alley or abutting portions of an alley shall be deemed to meet this provision.~~
 - ~~(ii) — *On-street parking improvements.* When permitted by the City Manager, or the City Manager's designee, developments shall improve existing on-street parking that is located within the lot's projected frontage in accordance with the city's design standards; or when on-street parking is not present, developments shall provide on-street parking for the portion of the lot's projected frontage in accordance with the city's design standards.~~
 - ~~(iii) — *Underground utilities.* When determined by the City Manager, or the City Manager's designee, to be both beneficial to the city and practicable, developments shall place utilities located within the right-of-way underground to enhance the aesthetic value of the community and so as to provide additional protection of~~

~~the utilities from the effects of the elements, including but not limited to, hurricanes, fires, etc.~~

~~(iv) *Streetscape improvements.* Developments shall provide the following streetscape improvements within rights-of-way abutting the lot frontage, excluding alleys:~~

~~(aa) Canopy trees shall be provided at a maximum of 30 feet on center. In the event that the provision of canopy trees is impracticable, palm trees shall be provided at a maximum of 20 feet on center.~~

~~(bb) Benches shall be provided at a maximum of 60 feet on center.~~

~~(cc) At least one decorative trash receptacle to be maintained by the owner shall be provided.~~

~~The city has the ability to require certain types of landscape and tree species, and designate where they must be planted. The city can also require certain materials and styles, as well as type of installation and location, of benches, trash receptacles, and other street furniture offered by the developer. To qualify under this category, the City Manager, or the City Manager's designee must determine that the city has a need for the streetscape improvement and that the streetscape improvement would benefit the city.~~

~~(v) *Public amenities.* To improve the quality of the public realm, developments shall provide public amenities including, but not limited to, public art, sculptures, shade structures, fountains, streetscape improvements for non-abutting portions of rights of way and otherwise meeting the provisions of § 2.7.15.D.12.b.(2)(c)(iv), or a combination thereof with a value equal to at least 1% of the total estimated construction costs for the development. To qualify under this category, the City Manager, or the City Manager's designee must determine that the City has a need for the amenity and that the amenity would benefit the city.~~

~~(d) *Enhanced waterfront access and use.* Developments on lots abutting navigable waterways shall provide the following:~~

~~(i) Developments shall improve the navigable waterway setback areas required by § 2.7.15.D.6.a. to provide new or enhanced public access to, and for the use of, waterfront resources such as: the provision of land, facilities, or any combination thereof, that expand existing public parks and facilities; the provision of waterfront boardwalks, esplanades, pathways, or any combination thereof; the provision of sitting areas and other passive-related improvements; the provision of piers or docks; or any combination thereof; and~~

- (ii) ~~Developments shall provide outdoor, public access providing a direct connection from the abutting street to the waterway. Such walkway shall be at least eight feet in width and shall not be permitted to traverse any portion of any off-street parking area. Pathways should be designed to enhance the visual connection to the water from the street.~~
- (c) ~~Land assemblage. The development shall require an assemblage of not less than 60,000 square feet of land. In order to be considered an assemblage of land within this category, the minimum land area must have been attained after December 1, 2005, as the result of an amalgamation of smaller lots. For purposes of this requirement, lots shall be considered to have been "assembled" even if they are separated by an alley, so long as they are to be incorporated into a single development project and would be adjacent to each other if not separated by an alley. Areas of rights-of-way that are vacated in accordance with § 2.7.15.B. shall count towards the minimum area requirement.~~
- (f) ~~Non-residential use percentage. The development shall provide non-residential uses in at least 15% of the total net floor area of the development, 50% of which shall be located on the first story and be comprised of restaurants, retail uses, or any combination thereof. For the purposes of this requirement, net floor area shall be deemed to be the total of all floor areas of a building or buildings within a development, excluding areas associated with stairwells and elevator shafts, equipment rooms, and interior vehicular parking or loading. Non-residential amenities associated with Class A office uses, as required in § 2.7.15.D.12.b.(1)(b)(i) may count towards this requirement. Non-residential uses shall be located on the highest applicable abutting street designation in accordance with the Street Designation Map.~~
- (g) ~~Sustainability. The development shall incorporate four of the following six green building features:~~
 - (i) ~~Bicycles racks. To reduce pollution and land development impacts from automobile use and to encourage bicycle use, non-residential and compound use developments shall provide secure bicycle racks, storage, or both, at a ratio of one rack per every 20 required parking spaces. Such racks or storage shall be provided within the building or within 200 feet of the building entrance.~~
 - (ii) ~~Fuel efficient vehicles. To reduce pollution and land development impacts from automobile use, developments shall provide preferred parking for low-emitting and fuel-efficient vehicles for at least 5% of the total off-street parking requirement or ten parking spaces, whichever is less. For the purposes of this requirement, "preferred parking" refers to the parking spaces that are closest to the main entrance of the project (exclusive of spaces designated for handicapped persons) and includes the provision of special signage which indicates that the use of the preferred parking~~

is limited to low-emitting and fuel-efficient vehicles. For the purposes of this requirement, ~~LOW-EMITTING AND FUEL-EFFICIENT VEHICLES~~ are defined as vehicles that are either classified as Zero Emission Vehicles (ZEV) by the California Air Resources Board or have achieved a minimum green score of 40 on the American Council for an Energy Efficient Economy (ACEEE) annual vehicle rating guide, as amended from time to time.

- ~~(iii) Daylighting.~~ To reduce energy consumption and to provide building occupants with a connection between indoor spaces and the outdoors, daylighting shall be provided in accordance with the LEED NC Reference Guide in effect at the time of permit submittal. Developments shall provide area calculations that define the daylight zone and provide prediction calculations or daylight simulations.
- ~~(iv) Storage and collection of recyclables.~~ To facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills, developments shall provide an easily-accessible dedicated area or areas for the collection and storage of recyclable materials for the entire building, and recycling of those materials. Materials must include, at a minimum, paper, corrugated cardboard, glass, plastics and metals.
- ~~(v) Heat island effect, roof.~~ To aid in the reduction of the urban heat index and to improve rooftop views from neighboring buildings, developments shall install a vegetated roof that covers at least 25% of the total roof area of the development.
- ~~(vi) Landscaping.~~ To aid in the reduction of the urban heat index, improve stormwater runoff, and to improve the overall quality and character of open spaces in the South Cape Downtown District, developments shall provide at least an additional 25% of the quantity of trees otherwise required in the Land Use Development Regulations.
- ~~(h) Affordable housing.~~ The development shall provide affordable housing opportunities either on-site or off-site. The minimum number of affordable housing units that shall be provided by a development pursuant to this subsection shall be at least 5% of the total number of units in the development.
- ~~(i) Off-site affordable housing units.~~ Affordable housing units serving to meet this requirement may be located off-site provided that such affordable housing units are located within the jurisdictional boundary of the Cape Coral Community Redevelopment Agency (CRA). Further, such off-site affordable housing units must receive a certificate of occupancy prior to the issuance of the certificate of occupancy for the development for which the increase in floor-area ratio, residential density, building

~~height, or any combination thereof, is being requested.~~

- ~~(ii) *Criteria for affordable housing.* The affordable housing development incentive shall be available to a development only when an affordable housing incentive development agreement has been entered into by the applicant and the City of Cape Coral and such agreement has been approved by the City Attorney and the City of Cape Coral prior to execution. Amendments to such agreement shall be executed in the same manner as the original agreement. The affordable housing incentive development agreement shall include, at a minimum, the following provisions:~~
- ~~(aa) Legal description of the land subject to the agreement and the names of its legal and equitable owners;~~
 - ~~(bb) Total number of residential dwelling units in the development;~~
 - ~~(cc) Minimum number of affordable housing units, categorized by level of household income, type of unit (condominium or rental), and number of bedrooms, required in the development;~~
 - ~~(dd) Total number of affordable housing dwelling units permitted in the development;~~
 - ~~(ee) Gross residential density of the development;~~
 - ~~(ff) Amount of monthly rent for rental units, or the price and conditions under which a condominium unit will be sold, for each affordable housing unit;~~
 - ~~(gg) The price of affordable housing units offered for rent or sale shall be based on the number of bedrooms in the unit and shall not exceed low income limits established annually by the United States Department of Housing and Urban Development for the Metropolitan Statistical Area which includes the Cape Coral downtown CRA;~~
 - ~~(hh) No affordable housing unit in the development shall be rented or sold to a tenant whose household income has not been verified as low income family. Such verification shall be the responsibility of the owner and shall be submitted to the City Manager, or the City Manager's designee, for approval. Tenant income verification and certification shall be repeated annually to assure continued eligibility;~~
 - ~~(ii) No affordable housing unit that is to be sold, leased with option to purchase, or otherwise conveyed by the~~

~~development shall be sold, leased with option to purchase, or otherwise conveyed to a buyer whose household income has not been verified and certified in accordance with this subsection as low income family. Such verification and certification shall be the responsibility of the applicant and shall be submitted to the City Manager, or the City Manager's designee, for approval. It is the intent of this subsection to keep housing affordable; therefore, any person who buys an affordable housing unit must agree, in a lien instrument to be recorded with the Clerk of the Circuit Court of Lee County, Florida, that if he or she sells the property (including the land, the unit, or any combination thereof) within 15 years after his or her original purchase at a sales price in excess of 5% per year of his original purchase price that he or she will pay to the City of Cape Coral an amount equal to the sales price in excess of 5% increase per year. The lien instrument may be subordinated to a qualifying first mortgage at the option of the city. For example, a person originally buys a designated affordable housing unit for \$100,000 and sells it after five years for \$150,000. A 5% increase per year for five years will give a value of \$127,628. Deducting this amount from the sales price of \$150,000 gives a difference of \$22,372. The seller would then owe the City of Cape Coral \$22,372. Payment of this amount would release the first owner from the recorded lien against the property. Such payment shall be maintained in a segregated fund, established by the city solely for affordable housing purposes, and such money shall be used solely to encourage, provide for, or promote affordable housing in the City of Cape Coral;~~

- ~~(jj) — No affordable housing unit for which credit is awarded shall be occupied by the applicant, any person related to or affiliated with the applicant, or a resident manager;~~
- ~~(kk) — The applicant shall advertise, rent, sell, and maintain the affordable housing unit in a nondiscriminatory manner and make available all relevant information to any person who is interested in renting or purchasing such affordable housing unit. The applicant shall agree to be responsible for payment of any real estate commissions and fees. The affordable housing units in the development shall~~

~~be identified on all building plans submitted to the city and described in the application for affordable housing development incentive;~~

- ~~(ll) Except as required in this subsection, the applicant shall not disclose to persons, other than the potential tenant, buyer or lender of the particular affordable housing unit or units, which units in the development are designated as affordable housing units;~~
- ~~(mm) The square footage, construction and design of the affordable housing units shall be the same as market rate dwelling units in the development;~~
- ~~(nn) The affordable housing units shall be integrated with, and not segregated from, the market rate dwelling units in the development. The conditions contained in the affordable housing incentive development agreement shall constitute covenants, restrictions, and conditions which shall run with the land and shall be binding upon the property and every person having any interest therein at anytime and from time to time. The affordable housing incentive development agreement shall be recorded in the official records of Lee County, Florida, subsequent to the recording of the deed pursuant to which the applicant acquired fee simple title to the property;~~
- ~~(oo) In the case where a development will occur in more than one phase, the percentage of affordable housing units to which the applicant has committed for the total development shall be maintained in each phase and shall be constructed as part of each phase of the development on the property. For example, if the total development's affordable housing development incentive is based on the provision of 10% of the total dwelling units as affordable housing rental units for low income households with two bedrooms per unit, then each phase shall maintain that same percentage (10% in this case) cumulatively.~~
- ~~(pp) Each affordable housing unit shall be restricted to remain and be maintained as an affordable housing unit designated in accordance with the affordable housing incentive development agreement for at least 15 years from the issuance of a certificate of occupancy for such unit; and~~
- ~~(qq) The applicant and owner of the development shall provide on-site~~

~~management to assure appropriate security, maintenance and appearance of the development and the dwelling units where these issues are a factor.~~

- ~~(iii) — A certificate of occupancy shall not be issued to any affordable unit until all affordable housing requirements applicable to that unit are satisfied. If, after the issuance of the first certificate of occupancy, the city determines any requirement in this subsection has not been met, then the city may revoke the certificate of occupancy and would subject the applicant or owner to any penalty imposed by law.~~

~~c. — *Applications for development incentives.* To apply for an increase in floor area ratio, residential density, building height, or any combination thereof, through the SCRIP, a property owner shall submit an application to the City's Department of Community Development. The application shall be accompanied by a fee that will be set by the City Council and that shall be an amount that is adequate and reasonable for the administrative expenses incurred by the city in the review of the application. The application shall contain the following information:~~

- ~~(1) — The application shall be on a form supplied by the Department of Community Development and shall be accompanied by all applicable supporting information and attachments including, but not limited to, all applicable site plan, planned development project documents, schematic architectural drawings, floor plans, elevations and perspectives, public benefits assessment(s), or any combination thereof, related to the proposed development.~~
- ~~(2) — The documentation must clearly indicate baseline floor area ratios, residential density, building height, and the proposed increase of those items.~~
- ~~(3) — Proof of ownership of the land for the development together with proof of ownership or other control of any property for which off-site improvements within the Cape Coral Community Redevelopment Area are sought for consideration under the SCRIP.~~

~~d. — Requests for increased floor area ratio, residential density, building height, or any combination thereof, shall only be considered with respect to a specific proposed development. If granted by the city, an increase in floor area ratio, residential density, building height, or any combination thereof, shall be applied only to the development with respect to which such increase(s) were sought. Excess floor area ratio, residential density, height, or any combination thereof, awarded under the SCRIP are not transferable.~~

~~e. — Except as otherwise provided herein, all improvements and amenities used as the basis of approval for increased floor area ratio, residential density, building height, or any combination thereof, shall remain in place throughout the life of the development, unless such basis of approval is rescinded or amended by the city or the city determines that good cause has been shown by the applicant. Except as otherwise provided herein, the owner of the property which has benefitted from the SCRIP shall be responsible for maintaining any such improvements or amenities in good condition and in accordance with any conditions of approval throughout the life of the development. Such maintenance responsibility of said owner shall not apply for improvements or amenities which are donated or dedicated to the city or for which the city has approved alternative responsibility provisions. Failure to comply with this requirement shall constitute a violation of~~

the City of Cape Coral's Code of Ordinances, and would subject the
aforementioned party to any penalty imposed by law.

- f. ~~Standards for approval of an increase in floor area ratio, residential density, building height, or any combination thereof pursuant to the SCRIP. For any development project applying for an increase in floor area ratio, residential density, building height, or any combination thereof, the development incentive proposals and the issuance of any increased floor area ratio, residential density, building height, or any combination thereof, shall be determined by the City Manager, or the City Manager's designee. A request pursuant to the SCRIP shall be submitted to the Department of Community Development, reviewed by all applicable department(s), and the Community Redevelopment Agency. In the event the City Manager, or the City Manager's designee approves the request pursuant to the SCRIP for a project that is proposed to be a planned development project (PDP), such approval shall be made prior to consideration of the PDP, and shall be contingent on the approval of a PDP for the subject development by either the City Council or the Hearing Examiner.~~
- g. ~~The City Manager or the City Manager's designee shall prepare and submit to the City Council an annual report identifying and describing all projects and public benefits achieved through the SCRIP.~~

...

SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2019.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	_____	NELSON	_____
GUNTER	_____	STOKES	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	CODEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2019.

KIMBERLY BRUNS
INTERIM CITY CLERK

APPROVED AS TO FORM:


BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
ord\South Cape Downtown District Amendments

Item Number:	7.B.
Meeting Date:	5/1/2019
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL



TITLE:

Ordinance 23-19

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
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 Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Comprehensive Plan by Amending Policy 1.15 of the Future Land Use Element. This amendment removes language doubling the allowable density for multi-family residential developments with a significant affordable housing component, provides additional flexibility for development in the Downtown Mixed and Pine Island Road District Future Land Use Classifications, and decreases the maximum density within Neighborhood Commercial Development Parameters for the Commercial Activity Center Future Land Use Classification.

LEGAL REVIEW:

Brian R. Bartos, Assistant City Attorney

EXHIBITS:

Ordinance 23-19

PREPARED BY:

Division- Department- City
Attorney

SOURCE OF ADDITIONAL INFORMATION:

Vince Cautero, DCD Director

ATTACHMENTS:

Description	Type
▯ Ordinance 23-19	Ordinance

ORDINANCE 23 - 19

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING POLICY 1.15 OF THE FUTURE LAND USE ELEMENT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section 1. The City of Cape Coral hereby adopts Comprehensive Plan amendments necessary to update the Comprehensive Plan as follows:

The amendment to Policy 1.15 of the Future Land Use Element removes language doubling the allowable density for multi-family residential developments with a significant affordable housing component, provides additional flexibility for development in the Downtown Mixed and Pine Island Road District Future Land Use Classifications, and decreases the maximum density within Neighborhood Commercial Development Parameters for the Commercial Activity Center Future Land Use Classification. The amendment to the Future Land Use Element is described in Exhibit A, attached hereto and incorporated herein by reference.

Section 2. Severability. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. The effective date of this plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete, or if timely challenged, the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184(3)(c)4., F.S., whichever is applicable.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2019.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	_____	NELSON	_____
GUNTER	_____	STOKES	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2019.

KIMBERLY BRUNS
INTERIM CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
Comp Plan Amendment-Future Land Use Element-Bimini Density

FUTURE LAND USE ELEMENT

GOAL: TO PROTECT THE PUBLIC INVESTMENT BY ENCOURAGING THE EFFICIENT USE OF COMMUNITY INFRASTRUCTURE AND NATURAL RESOURCES; ASSURE THE ORDERLY, EFFICIENT GROWTH OF THE CITY BY ENCOURAGING DEVELOPMENT IN THOSE AREAS WHICH ARE BEST SERVED BY INFRASTRUCTURE AND COMMUNITY SERVICES; PROMOTE NEW LAND USES WHICH CREATE THE LEAST POSSIBLE DISRUPTION TO EXISTING USES; CREATE A STRATEGY WHICH ANTICIPATES FUTURE COMMUNITY NEEDS BY ACQUIRING AND ASSEMBLING PLATTED LANDS; AND PROTECT THE RIGHTS OF INDIVIDUAL PROPERTY OWNERSHIP, CONSISTENT WITH PUBLIC NEEDS.

OBJECTIVE 1: Managing Future Growth and Development: The City of Cape Coral will manage future growth and land development by adopting, implementing, and enforcing new regulatory vehicles. All land development regulations called for in this Plan shall be adopted and implemented in accordance with the provisions of S. 163.3202, Florida Statutes. The short-term planning timeframe shall be established as up to the year 2025, while the long-term planning horizon shall be the year 2035.

Policy 1.1: The City will consider the impacts of climate change and sea level rise when determining the appropriate future land use map classification for property within the City of Cape Coral.

Policy 1.2: The City will regulate the use of land and water to protect State-owned preservation lands, the City's system of fresh and salt-water canals, and the outlying waters of the Caloosahatchee River and Charlotte Harbor.

Policy 1.3: The City will adopt measures to regulate areas subject to seasonal and periodic flooding and will provide for drainage and stormwater management.

Policy 1.4: The City will continue to protect potable water wellfields through the placement of the wellheads in a manner which uses street rights-of-way as buffers. The wellheads will continue to be protected from physical damage by using construction techniques appropriate for their location, such as locating future wellheads adjacent to street rights-of-way. However, due to population densities, it may be necessary to place wellheads in the median in isolated circumstances. Buffering for such locations will be evaluated on an individual site basis to prevent contamination via the wellhead itself.

Policy 1.5: The City will continue to regulate signage to prevent visual blight.

Policy 1.6: The City will continue to promote healthy communities and a diverse housing stock so that all persons may have an opportunity to reside in this community. To accomplish this goal, the City supports efforts to balance single-family and multi-family residential stock.

Policy 1.7: The City has identified a shortfall of multi-family residential housing stock in the community. To provide better guidance in identifying properties which are appropriate for multi-family residential development, to reduce this shortfall, locational guidelines have been developed. The following locational guidelines are as follows:

1.) Proximity to major roadways.

To prevent the establishment of multi-family residential development far in the middle of predominantly single-family neighborhoods, an appropriate location for multi-family residential development is adjacent to or within ¼ mile of major roadways such as arterial and collector roadways, as identified by *Figure 7 City Roadway Classifications*.

2.) Proximity to non-residential land uses.

An important consideration for siting multi-family residential development is the need for multi-family residential uses to be in proximity to major employment centers. Providing housing near commercial uses can result in shorter trips, lessened traffic generation by workers, and providing multiple transportation mode options (walking, bicycling, automobile, bus) for employees.

An appropriate location for multi-family residential development is adjacent to or within ¼ mile of non-residential land uses such as the Commercial/Professional, Light Industrial, Mixed Use, Downtown Mixed, Pine Island Road District, or Commercial Activity Center future land use classifications.

3.) Transitioning from commercial uses to less intense uses.

Multi-family residential uses have traditionally provided a role in buffering single-family uses or neighborhoods from nearby commercial development. Multi-family residential development is often self-contained with parking lots which provide a physical barrier visually separating commercial uses, particularly the lighting and loading areas, from single-family residential uses, which is a benefit to the community.

Therefore, an appropriate location for Multi-family residential development is physically between single-family development and non-residential land uses such as the Commercial/Professional, Light Industrial, Mixed Use, Downtown Mixed, Pine Island Road District, or Commercial Activity Center future land use classifications.

4.) Assemblage opportunities and adjacency to existing multi-family residential.

Single, isolated pre-platted parcels provide little opportunity for larger-scale multi-family residential development, and contribute to the same ills that strip center commercial developments offer; a proliferation of driveways onto major roadways.

Therefore, an appropriate location for multi-family residential development is a collection of properties of 3-acres or greater which provide multi-family assemblage opportunities, or for properties which alone are 3-acres or greater in size. Furthermore, consideration will be

given to logical extensions from existing multi-family residential designated properties.

Policy 1.8: The City will maintain regulations ensuring safe and convenient on-site traffic flow and vehicle parking needs for all developed lands.

Policy 1.9: The City will issue no development orders or construction permits, which result in a reduction in the level of service for any affected public facility below the level of service standard adopted in this comprehensive plan.

Policy 1.10: The City will periodically develop a buildout analysis to assist long-range planning activities. This analysis shall be conducted no less than once per five years and will be available to the public on the City website.

Policy 1.11: The City will continue to conduct studies to ascertain the feasibility of implementing alternative mechanisms to aid and encourage the de-platting of platted lands, and to encourage the acquisition and assembly of land for public uses.

Policy 1.12: The City will continue to conduct commercial land needs studies to identify potential areas of the City, which could accommodate commercially designated land, and then amend the Future Land Use Map, consistent with the studies, findings, and recommendations, and other provisions of the Comprehensive Plan.

Policy 1.13: In establishing commercial siting guidelines, it is the intent of the City of Cape Coral to discourage new “strip commercial” development. Strip commercial development, for the purpose of this policy, is often, but not always, linear in orientation, typically generates high volumes of traffic that is often associated with separate vehicular entrances and exits for each property on the primary street, may have poor or undefined pedestrian path systems that create conflicts between pedestrian and vehicular movements, and generally lacks sufficient onsite space to accommodate normal parking and loading activities. In discouraging new strip commercial development, the City shall also seek to limit or reduce traffic conflict points along arterial and collector roadways, to promote pedestrian-friendly development, and to create synergistic, compact patterns of commercial development.

To achieve this intent, the City will utilize commercial siting guidelines as a basis for considering the appropriateness of placing the Commercial/Professional Mixed Use, Commercial Activity Center future land use classifications at various locations. “Commercial siting guidelines,” in the sense used herein, refers to guidelines for evaluating potential locations for non-residential (except industrial) development within the above-referenced future land use classifications. The City will also complement its consideration of potential commercial lands; by utilizing the policies contained in Future Land Use Objectives 2 and 3 and Policy 1.12 of this comprehensive plan. Finally, the City of Cape Coral’s commercial siting guidelines shall be based on the ideal concept of a commercial node.

Commercial nodes may be defined as a compact concentration of commercial land within a relatively small area. Ideally, such nodes are located around or in the vicinity of intersections of major city roadways (typically, 4 or more lane divided parkways and boulevards). The City recognizes that commercial areas may periodically develop distant

from a major intersection, as some intersections may have insufficient undeveloped property in the vicinity of the intersection to allow for development of larger commercial centers. Such outlying commercial development can be useful in providing neighborhood commercial centers, professional buildings or office parks to serve a variety of local needs.

Preferably, however, commercial nodes should begin as a concentration of commercial properties adjacent to a major intersection. Once the node is established, it is difficult to define how far from the intersection subsequent commercial expansion should reach. It is also difficult to define the types of future land uses that should exist between nodes. The application of hard and fast rules is not appropriate as each area of the City is unique and has specific conditions and limitations that must be addressed.

The ideal commercial node development pattern thus would consist of commercial land located at the intersection of arterial and/or collector streets in a relatively compact manner. For purposes of this policy, “compact,” relates to the form and interrelatedness of the commercial land uses within the commercial node. The commercial node should not only extend along the roadway but should also incorporate property to the rear of the road frontage. Such a pattern is referred to as “depth.” The ideal pattern can be characterized by a 1:1 ratio of width to depth of the parcels (e.g., 100 feet of width per 100 feet of depth). Thus, the shape of the node can increase or decrease the potential for interrelatedness of uses. Increased depth also enables the development to accommodate adequate parking, buffering, retention, and open area for commercial development. Ideal commercial nodes provide limited access to the arterial roadway while providing interconnections between the various commercial uses within the node.

Policy 1.14: The City of Cape Coral’s commercial siting guidelines are based upon comparison of the locational characteristics of a property proposed for conversion to a commercial future land use classification with the ideal commercial node concept, as described in Policy 1.13, above. The guidelines are also based upon the need to maintain compatibility between commercial development and adjacent or nearby residential future land use classifications. Additional guidance for consideration of such properties is contained in Future Land Use Objectives 2 and 3 and Policy 1.12 of this comprehensive plan. Within this broad, general context, consideration of properties proposed for conversion to a commercial future land use shall be based upon the following commercial siting guidelines:

Commercial Siting Guidelines

Major Intersection

Preferred locations for commercial properties are in the vicinity of major intersections (i.e., intersections of two or more arterial and/or collector roadways). Development of a commercial node at such an intersection may involve multiple parcels and, sometimes, multiple quadrants of the intersection. The benefits derived by having commercial properties located in the vicinity of the intersection diminish with distance, but the distance at which a property ceases to derive benefit from proximity to the intersection varies, based upon whether the subject property would represent a new, separate commercial property or an expansion of an existing commercial area. New commercial properties should preferably be located adjacent to the intersection, while commercial properties that clearly

represent an expansion of an existing commercial area can be any distance from the intersection, provided that such properties are integrated with existing properties.

Adequate Depth

Ideally, a commercial property should extend not only along the adjacent collector or arterial roadway, but also should extend inward with adequate depth to accommodate the necessary parking, buffering, retention, and open area for the future commercial development. In Cape Coral, most City blocks are rows of back-to-back lots approximately 250 feet deep. Therefore, adequate depth is achieved if any number of contiguous properties, occupy the entire 250 feet of depth.

Compactness

Compactness measures the ability of a property proposed for a commercial future land use to take advantage of economies of scale. The shape of an ideal compact commercial property approaches that of a square or rectangle. This quality allows for an orderly arrangement of development on the subject property and acts to reduce adverse visual, noise or aesthetic impacts to neighboring properties.

Integration

Integration, for the purposes of these guidelines, refers to the interrelatedness of development within a commercial node or area. The presence of features, such as internal access roads, shared parking, courtyards, walkways, or other features, binds the various commercial properties within the node together. This pattern of development reduces the traffic impacts associated with commercial development and often promotes a pedestrian-friendly environment. Integration of neighboring commercial properties should always be encouraged. Therefore, properties proposed for conversion to a commercial future land use should be evaluated for the likelihood that such properties would or could be integrated with adjacent existing commercial properties.

Assembly

For commercial areas to provide the most benefit to the surrounding community, they must be of relatively large size. The majority of buildable lots within the City of Cape Coral are approximately 10,000 square feet (0.23 acre) in size. These lots were designed primarily for single family residential development and do not typically have adequate width or depth for larger commercial developments that might serve the City as shopping and/or employment centers. Therefore, it is important for the City to encourage commercial applicants to assemble relatively large parcels (properties comprising 3 acres or more). Assembly of pre-platted parcels into tracts of 3 acres or more will promote the development of commercial properties that do not express the indicators of strip commercial development. Assembly of larger parcels also allows the developer to provide a greater variety of commercial land uses, and to provide architectural and landscape features that result in a more attractive end-product.

Properties proposed for conversion to a commercial future land use, where such properties

would represent an expansion of an existing commercial area may be considered “assembled,” for the purposes of these guidelines if the proposed expansion properties are either owned by the landowner of one or more adjacent commercial properties, or if the expansion property is likely to be integrated with (see above) adjacent commercial properties.

Intrusion

“Intrusion,” as defined for the purpose of these guidelines, is a measure of the objectionable qualities of the proposed commercial development. This guideline applies primarily to new commercial property (a property proposed for conversion to a commercial future land use in an area where it would not abut existing commercial properties). Intrusion evaluates the potential adverse impacts on surrounding properties that could be caused by converting a property from its existing future land use to a commercial use. There are no hard and fast guidelines for determining when a proposed commercial use would be intrusive to surrounding development. However, expansions of existing commercial areas are generally considered less intrusive than the establishment of new commercial areas. Commercial areas may be considered less intrusive to adjacent multi-family development than to adjacent single-family development. Commercial development that is separated from a residential area by a street, canal, a vegetative buffer, or other geographic features, may be considered less intrusive than commercial development that directly abuts a residential area. The degree of compactness (see above) of a commercial property can also reduce or increase its intrusion upon adjacent or nearby properties.

Typically, new commercial properties (properties proposed for conversion to a commercial future land use classification, which do not abut existing commercial properties) are less likely to be considered intrusive if the surrounding or adjacent residential areas are sparsely developed. While intrusion is subjective and depends on many factors, a rule of thumb is that the proposed commercial property would not likely be intrusive if adjacent residential areas are 25% or less developed. The area analyzed to determine the percentage of adjacent residential development may vary from 300 feet to 1,000 feet from the subject property, depending upon the degree to which streets, canals, landscaping or other geographic features separate the subject property from nearby residential areas.

Access

In the City of Cape Coral there are two ideal access provisions for a commercial property. If a subject property would meet the requirements for one or more of these provisions, the creation of a commercial future land use at the proposed location should be encouraged. These provisions are as follows:

- a) Access via a platted City parking area. The City of Cape Coral contains a number of dedicated commercial parking areas; some created by plat, and some deeded to the City by landowners. The Comprehensive Plan and City Land Development Code refer to these as “dedicated City parking areas.” These parking areas are often surrounded by smaller platted lots originally intended for commercial development with access to these lots only, or primarily, from the dedicated City parking area. In implementing this provision, it may sometimes be in the City’s interest to promote

conversion of a dedicated City parking area to a fully functional commercial development (i.e., a portion of the dedicated parking area would become a commercial building site) in return for the applicant's agreement to own and manage the site.

- b) Direct access onto an arterial or collector roadway having an adopted City access management plan. The City has adopted access management plans for certain arterial and collector roadways. Access management plans serve to facilitate mobility of the traveling public; therefore, such roadways more readily accommodate the impacts of commercial development than roadways without such access management plans.

Ownership Pattern

An ideal commercial node is a cohesive, compact, interrelated network of commercial properties. Properties proposed for conversion to a commercial future land use, which properties consist of multiple parcels, or groups of parcels, under multiple ownership are unlikely to develop as a true "commercial node." Instead, these properties are more likely to develop as separate, small commercial developments with multiple access points, leading to adverse, unsafe traffic conditions. Each small development may also have its own stormwater management pond, dumpster, and an appearance and/or landscaping design that is inconsistent with surrounding development. This pattern is a characteristic of strip commercial development. Therefore, the City of Cape Coral encourages land owners and developers to assemble the properties involved in a commercial future land use request under common ownership. Multiple, small properties under separate ownership, even if such properties are included in a single future land use amendment request, may not be appropriate for the full array of commercial uses.

APPLICATION OF GUIDELINES:

Dual purpose

The dual purpose of the above guidelines is to direct commercial development to appropriate locations (commercial nodes) and to prevent the propagation of new strip commercial centers. The development of new strip commercial centers and the expansion of existing strip commercial centers should be discouraged.

Comparison to Ideal Commercial Node

In utilizing the above guidelines to evaluate a proposed commercial property, the City is, in effect, comparing each proposed commercial future land use location to the concept of an ideal "commercial node." While one of the above guidelines may sometimes be the primary factor in evaluating a potential commercial location, it is in most instances the combination of various factors that is important. It is the evaluation of this combination of factors, in order to develop an overall assessment of the subject property, which will enable Staff, the Planning and Zoning Commission and the City Council to determine whether or not the siting of a proposed commercial future land use on the subject property is consistent with the intent of the City's Comprehensive Plan.

In context with the remainder of the Comprehensive Plan

It is also important to note that consideration of the commercial siting guidelines is in addition to all other analyses required by Florida Statutes and the Florida Administrative Code for future land use map amendments. In addition to evaluating a property's consistency with the above guidelines, the City will continue to provide, or request applicants to provide, environmental and protected species analysis, transportation impact analysis and public facility capacity (concurrency) review for all future land use map amendments.

The commercial siting guidelines should be considered in light of all other factors typically evaluated within a future land use amendment request. Thus, a request, which results in an unfavorable evaluation of the commercial siting guidelines, may receive a favorable recommendation from staff, based upon other factors not considered by the guidelines. Likewise, staff may recommend denial of a project that receives a favorable evaluation of the guidelines, if other factors (again, not considered by the guidelines) appear not to be favorable.

Policy 1.15: Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. Table 1 shows the zoning districts which are consistent with and implement the respective future land use map classifications. In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.

Table 1:

Future Land Use	Consistent Zoning Districts
Single-Family (SF)	R-1, RE
Single-Family and Multi-Family (SM)	R-1, RML, RMM, RE, A
Multi-Family (MF)	RML, RMM
Low Density Residential (LDR)	RE, A
Commercial/Professional (CP)	C, P
Mixed Use (MX)	ALL except MXB
Downtown Mixed (DM)	SC, MXB
Pine Island Road District (PIRD)	CC
Commercial Activity Center (CAC)	NC
Light Industrial (I)	I
Natural Resources/Preservation (PRES)	PV
Public Facilities (PF)	ALL
Parks and Recreation (PK)	ALL except MX7 and MXB
Open Space (OS)	PV

Planned Unit Developments are considered to be consistent in all future land use map classifications except Natural Resources/Preservation and Open Space.

- a. Single-Family Residential: Densities not to exceed 4.4 units per acre, except for micro-cottage communities. Densities in micro-cottage communities are restricted to 8.8 units per acre, for sites with a minimum of 3 acres.

The Single Family (R-1) District is proposed to permit a variety of single-family residential products including traditional single-family residences and micro-cottages.

- b. Multi-Family Residential: Densities up to 25 units per acre are permitted in this future land use map classification. For properties less than one acre in size, densities shall be calculated as a product of the size of the property divided by 43,560, multiplied by 25, rounded down. The development of multi-family projects in the Urban Services Reserve Area is also subject to the terms of Policies 7.7 and 7.8, below.

The Residential Multi-Family Low (RML) District is designed to permit multi-family residential development. Single-family attached projects (three or more units only), single-family residences, and duplexes are also permitted in this zoning district.

The Residential Multi-Family Medium (RMM) District is designed to permit higher-density multi-family residential development. Lower-density, multi-family residential projects such as duplexes or single-family residences are not permitted in this zoning district.

~~Multi-family residential developments in this future land use map classification that consist of 25-50% workforce or affordable housing, as determined by staff, may have their allowable densities doubled.~~

- c. Commercial/Professional: Intensities of use in the Commercial/Professional (CP) land use classification shall not exceed a floor to lot area ratio (FAR) of 1.0. Zoning districts compatible with this classification may also be used in conjunction with the Mixed Use (MX) future land use classification. When used in conjunction with the MX Classification, densities, intensities and other parameters, as described for these districts may differ from those described for the CP Classification. Permitted uses will ultimately depend upon the zoning district of the subject parcel. Generally, two zoning districts are consistent with the Commercial/Professional future land use classification, identified below. However, the City may develop additional zoning districts, compatible with the CP future land use classification, in the future.

The Professional (P) District is designed to provide professional office and other compatible development in areas that are suitable for such activities. The P District is appropriate for development of both small-scale and large-scale office or professional development projects, or projects containing uses compatible with such development. The intensity of development within this district is based upon the size (including width, depth, and compactness) and location of the property, as well as on compatibility with adjacent future land use classifications and zoning districts.

The Commercial (C) District is designed to facilitate a broad variety of large or small commercial uses. Uses allowed in the C District range from a variety of small or

neighborhood-based commercial uses to larger retail or service uses, which may serve a relatively large trade area and, which may be developed as major shopping facilities. As many commercial uses have the potential to generate relatively high levels of vehicular trips from customers and sometimes delivery vehicles, preferred locations for the C District have direct access onto arterial or collector roads and adequate depth (a minimum of 250 feet) for larger- scale development.

In certain locations, fragmented ownership of relatively small properties, or other factors, may preclude the creation of larger properties with access onto a collector or arterial roadway. Under such circumstances, it may be appropriate for the C Zoning District to place additional limits on the intensities of commercial development on these properties. It may also be appropriate, under certain circumstances to place restrictions on some commercial uses, such as those with high trip generation rates, adverse aesthetic attributes, and generation of disturbing noises or odors. Factors to consider when establishing such limits on intensities or uses include the following: the depth of the property, whether the property is adjacent to a waterway, whether the property is adjacent to or proximate to future land use classifications or zoning districts that allow residential uses, or the functional classification of street(s) available for street access. The placement of limitations upon the types and intensities of uses allowed within the C Zoning District, in accordance with the factors described above, is intended to reduce conflicts between the C District and adjacent or nearby residential zoning districts.

- d. Light Industrial: Shall not exceed a floor to lot area ratio of 1.0.
- e. Mixed-Use: The mixed-use designation is intended to encourage the development of planned projects that include more than one type of use. The maximum permitted densities/intensities of various uses within the mixed-use designation will be 25 dwelling units per acre for a residential component and 1.0 FAR (Floor Area Ratio) for nonresidential uses. For example, a project combining multi-family and commercial uses would be subject to Policies 1.15.b. and/or 7.7 for the multi-family portion, and Policy 1.15.c. for the commercial portion.

The following will control the mix of uses allowed in the Mixed-Use Land Use category.

Properties less than one (1) acre: The designation of smaller properties as Mixed-Use is desired to encourage the accumulation of land into large properties. However, in some cases assemblage is difficult due to existing development. In these situations, a property with a Mixed-Use future land use classification may be developed with one use, which is also consistent with its underlying zoning district.

Properties one (1) acre and greater: Larger properties are prime candidates for mixed use developments. These properties shall include more than one type of use. The mix of uses may include residential, retail, office, services, light industrial or public facilities. Such uses may be mixed horizontally on a site or may be within a compound use building, (i.e. differing uses within one building or structure) consisting of residential and retail office, or services. For Mixed-Use developments

adopted after October 23, 2010, retail, office, services, light industrial, or public facilities uses may be developed up to 100% of building floor area within a Mixed-Use property; this will have the intended effect of not requiring a mix of non-residential uses for properties one (1) acre or greater in size. Stand-alone residential uses may comprise up to 20% of site area of a Mixed-Use property one (1) acre or greater in size. Compound use residences are permitted.

Notwithstanding any provisions that may be interpreted to the contrary, Mixed-Use developments approved prior to October 23, 2010 may continue to abide by the development requests granted within their respective adopted development orders or approved site plans. Furthermore, Mixed-Use properties located in the Urban Services Reserve Area require three (3) acres in order to develop a mixed-use project. Mixed Use designated property in the Urban Reserve Services Area less than three acres is limited to a single use that does not generate an estimated flow of more than 880 gallons of sewage per acre per day. Estimated flows shall be based on 64E-6.008 Florida Administrative Code, as may be amended.

~~Multi-family residential developments within this future land use map classification that consist of 25-50% workforce or affordable housing, as determined by staff, may have their allowable densities doubled.~~

- f. Single Family and Multi-Family: The densities and intensities of use for this category, which is exclusively within the Urban Services Reserve Area, are 4.4 dwelling units per acre for single-family residential uses, 6 units per acre for multi-family residential uses on sites less than 3 acres. Multi-family residential uses for properties between 3 and 19.99 acres have a maximum density of 16 units per acre. Multi-family residential uses for properties greater or equal to 20 acres have a density of 25 dwelling units per acre.

~~Multi-family residential developments within this future land use map classification that consist of 25-50% workforce or affordable housing, as determined by staff, may have their allowable densities doubled.~~

- g. Natural Resources/Preservation: The areas designated on the Comprehensive Plan's Future Land Use Map for Natural Resources/Preservation primarily consist of State-owned and/or regulated land. Development in these areas is limited to activities to make them accessible to the public for research and/or recreational purposes. Such activities would include accessways, nature trails, informational signs or displays, restroom facilities, picnic tables/shelters, beaches and boat ramps.

Privately-owned properties with this future land use map classification may develop at a density of one dwelling per 20 acres.

- h. Public Facilities: The majority of the public facilities category consists of schools, public safety buildings, and religious establishments. Government offices must conform to the Commercial/Professional densities/intensities of use.
- i. Parks & Recreation: The densities/intensities of use for various parks and recreational facilities are those established in the Recreation and Open Space

Element of this Comprehensive Plan, under the Section entitled "The Plan for Recreation and Open Space in Cape Coral" and the Parks Master Plan.

- j. Historical Resources: As noted in the Comprehensive Plan, most identified historic resources are located within the Natural Resources/ Preservation land use designation, and are therefore subject to the densities/intensities of use specified in Future Land Use Element Policy 1.13g.
- k. Downtown Mixed: Intended primarily for the Downtown Community Redevelopment Area, to provide, a vibrant, walkable, mixed-use district in the historical heart of Cape Coral, mixed-use projects containing commercial and professional uses in conjunction with multi-family housing opportunities where practical and feasible are encouraged. To this end, commercial/professional uses may develop at a maximum Floor Area ratio of four (4) with an average area-wide FAR of two and twenty-three one hundredths (2.23) with commercial/professional uses developed at a ratio of sixty-five (65) percent commercial and thirty-five (35) percent professional, on an area-wide basis. Residential development may develop at a density of ~~seventy-five (75)~~ one hundred twenty-five (125) dwelling units per acre, not to exceed an aggregate of eleven thousand one hundred forty-six (11,146) dwelling units. In order to maintain these development limits, the City shall track residential and non- residential development within this future land use map classification. No further residential development will be permitted in this future land use classification should dwelling unit limits be reached. If the average area-wide FAR of two and twenty-three hundredths (2.23) is reached, the City will permit only that nonresidential development with a FAR of 2.23 or below. Development at these intensities and densities are contingent on the availability of centralized city utility services and transportation network at sufficient capacities to accommodate the development at the appropriate level of service, the availability of sufficient and convenient parking to service the project, the availability of multimodal transportation opportunities, and compatibility with adjacent existing and future land use. Special zoning designations may be established to implement this future land use classification, designed to result in a compact urban form.

Zoning districts consistent with the Downtown Mixed future land use map classification are the South Cape Downtown District and the Mixed-Use Bimini Basin zoning district.

- l. Pine Island Road District: This Land Use designation will encourage mixed-use development at key intersections with major North-South streets along Pine Island Road.

Corridor: Includes such uses as retail, office, office/warehouse, light manufacturing, institutional (schools, colleges), single-family residential, multi-family residential, larger scale commercial retail (big box stores over 50,000 square-feet) and government uses such as parks and public facilities. Multi-family residential uses may be developed at a density of ~~twenty-five-fifty~~ units per acre, for sites of four acres or more. Multi-family residential uses may consist of no less than fifty units or have a density no less than ten or more units per acre. No duplexes are permitted. Commercial and light manufacturing uses shall not exceed

a floor to lot area ratio (FAR) of 1.25 in accordance with City design standards. Public facilities shall be subject to Policy 1.15.h., of the Future Land Use Element and parks and recreation shall be subject to Policy 1.15.i. of the Future Land Use Element.

~~Multi-family residential developments within this future land use map classification that consist of 25-50% workforce or affordable housing, as determined by staff, may have their allowable densities doubled.~~

At build-out, the mix of uses along the Pine Island Road District shall be under the following ranges:

Pine Island Road District. Build-Out Mixed-Use Ranges

RANGE			
Use	Units	From	To
Retail	SF	3,583,500	4,379,700
Office/warehouse/ light manufacturing	SF	1,144,800	1,582,500
Hotels	Rooms	700	790
Residential	Units	3,720	5,030

The criteria to be used for evaluating proposed Commercial Corridor zonings in relation to the intent of the City Comprehensive Plan, the Pine Island Road Master Plan and other planning principles are contained in the following tables:

Commercial Corridor Criteria

CRITERIA	PERFORMANCE
1. Does the property abut an existing and developed corridor zoned area?	If yes, good candidate for Corridor zoning.
2. Does the property abut corridor-zoned area on two sides or more?	If yes, good candidate for Corridor zoning.
3. Is the property part of a larger tract, a portion of which is already zoned Corridor?	If yes, good candidate for Corridor zoning.
4. Is the parcel a large-lot assemblage of three or more acres?	If yes, good candidate for Corridor zoning.
5. Does the property front Pine Island Road on at least 180 feet?	If yes, good candidate for Corridor zoning.

- m. Commercial Activity Center (CAC): The purpose of this future land use classification is to promote non-residential and mixed-use development at key locations, within close proximity to major corridors throughout the City of Cape Coral in areas where a mix of uses may be developed. The Commercial Activity Center classification is a mixed-use classification designed to minimize the need for vehicle trips through the development of both residential and non-residential uses in a single project. Furthermore, the purpose of the Commercial Activity Center is to integrate all uses through landscape, site, and architectural design standards. In addition, the Commercial Activity Center land use classification is intended to provide locations that offer employment opportunities and daily goods and services to the local community and, in some instances, attract patrons from the region. Commercial Activity Centers are intended to be pedestrian friendly and interconnected with adjacent projects – whether residential or non-residential.

Pre-Existing Single-Family Residences Allowed

It is the desire of the City of Cape Coral to protect the rights of owners of single-family homes located within a Commercial Activity Center (CAC), which homes had either:

- a) Been lawfully constructed, or had applied for or received a building permit at their current locations prior to the designation of the subject as part of a CAC future land use classification; or,
- b) Been lawfully constructed, or had applied for or received a building permit at their current locations under a former CAC future land use classification.

In this classification single family residences that meet the criteria stated above may continue to be maintained, remodeled, expanded, or rebuilt, and that the owners of

such properties may continue to enjoy all of the rights, privileges and responsibilities of home ownership, including the ability to sell or rent their homes to other parties. In and of themselves, pre-existing single-family residences do not necessarily constitute **Free-Standing Residential** development, unless they otherwise meet the criteria for such development, as discussed under **Use Area Allocations**, below. If pre-existing single-family residences, as defined in this section, are included as part of a larger approved development project, the pre-existing status of the residences is lost, and such residences become subject to the City Land Development Code regarding non-conforming structures.

The City has adopted the Neighborhood Commercial (NC) zoning district as consistent with the Commercial Activity Center Future Land Use Classification. Development standards in accordance with the Neighborhood Commercial zoning district are as follows:

Neighborhood Commercial Development Parameters			
	Land Area of Development Project		
	1 acre or less	1 acre – 19.99 acres	20 acres or greater
Free-standing Commercial Development Area Maximum FAR	0-100% 1.0	15%-100% 1.0	20%-75% 1.0
Free-standing Residential Development Area Minimum Density Maximum Density	N/A N/A N/A	15%-85% 12 d.u./acre or 50 units 25-16 d.u./acre	25%-80% 12 d.u./acre or 75 units 25-16 d.u./acre
Mixed-Use Development Area Minimum Density Maximum Density Maximum FAR	0-100% 3 d.u./acre 12 du/acre 1.0	0-100% 12 d.u./acre or 50 units 25-16 d.u./acre 2.0	0-100% 12 d.u./acre or 75 units 25-16 d.u./acre 2.0
Build-to / Front Setback	6 ft. – 10ft.	10 ft.	10 ft.
Minimum Side Setback	0 or 6	0 or 6	0 or 6
Min. Rear Setback	6	6	6

Additional zoning districts may be developed in the future to implement this land use initiative.

~~Multi-family residential developments within this future land use map classification that consist of 25-50% workforce or affordable housing, as determined by staff, may have their allowable densities doubled.~~

- n. Low Density Residential: This land use classification allows for a maximum density of one (1) dwelling unit per 40,000 square feet, excluding right-of-way.

- o. **OPEN SPACE (OS):** The Open Space Future Land Use Classification is designed to designate, with the consent of the property owner, areas for purposes or activities having no dwelling units, non-residential floor area or demand for public facilities. Areas suitable for designation under this classification include, but are not limited to, the following: lakes or other waterways not platted as rights-of-way, which may be used for recreational purposes; stormwater treatment facilities; buffer areas; preserves or conservation areas; or recreation areas having no access except by owners, guests or employees of the surrounding development project. Areas included within this future land use classification used for recreation may have amenities, including, but not limited to, boat ramps, piers, docks, open-sided picnic shelters, gazebos or pavilions. Floor areas of any such structures shall not be considered as non-residential floor area, and may not be used to support the sale or rental of any items; nor may such structures be used for office or administrative purposes. No commercial use shall be made for any recreational facilities located within the Open Space Future Land Use Classification.

Paving of areas within this future land use classification shall be limited to the construction of foot paths and floors for open-sided shelters or pavilions, basketball, tennis or other recreational courts (however, no such courts shall have associated spectator seating or administrative/maintenance structures), as well as paving associated with minimal parking areas, boat ramps, piers, docks, open-sided picnic shelters, gazebos or pavilions. Lands or areas within this future land use classification shall not be used as parking for residential, commercial or industrial areas, although minimal onsite parking, including an access drive, may be allowed to facilitate recreational use of lands under this future land use classification, or to serve as parking for nearby properties that are within the Natural Resources/Preservation Future Land Use Classification.

All zoning districts are considered compatible with this future land use classification. However, this future land use classification allows only those activities that are consistent with this classification, as delineated above, and, which have no associated density, intensity, or demand for public facilities.

- p. **Sub-Districts:** In addition to the regulations listed above, the City of Cape Coral also has sub-districts, as a means to efficiently regulate development in particular areas of interest. These sub-districts include:

Tyson Shores Sub-District

Within the Tyson Shores Sub-District, development shall be limited to a maximum of 115 dwelling units. All property within the Tyson Shores Sub-District shall be entitled to a proportional share of the 115 dwelling units; however, the development rights may be transferred among any properties within the Tyson Shores Sub-District through mutual agreement of the affected property owners, as long as the density is consistent with all Land Development Code and other provisions of this Plan. This limitation may be amended when central water and sewer service is available to serve the site.

Judd Creek Sub-District

Within the Judd Creek Sub-District, development shall not exceed 16 dwelling units per acre on lands with a future land use map designation of Multi-Family. The number of residential dwelling units cannot exceed 1,170 units. Non-residential intensity on lands with a future land use map designation of Pine Island Road District shall not exceed 250,000 square feet of gross leasable floor area. All lands within the Judd Creek Sub-District with a future land use map designation of Pine Island Road District shall be entitled to a proportional share of the 250,000 square feet of gross leasable floor area; however, the development rights may be transferred among any properties within the Judd Creek Sub-District with a future land use map designation of Pine Island Road District through mutual agreement of the affected property owners, as long as the intensity is consistent with all Land Development Code and other provisions of this Plan. These limitations may be amended in the event that roadway network improvements are made that would allow development beyond these limitations without degradation of roadway level of service below the adopted level of service.

Paradise Preserve Sub-District

Within the Paradise Preserve Sub-District, development shall be limited to a maximum of 420 dwelling units. All property within the Paradise Preserve Sub-District shall be entitled to a proportional share of the 420 dwelling units; however, the development rights may be transferred among any properties within the Paradise Preserve Sub-District through mutual agreement of the affected property owners, as long as the density is consistent with all Land Development Code and other provisions of this Plan.

Seven Islands Sub-District

Within the Seven Islands Sub-District, development shall be limited to a maximum of 995 dwelling units and 110,000 square feet of non-residential development. A hotel of no more than 240 rooms is also permitted in addition to the aforementioned non-residential square footage. Development rights within the Sub-District may be transferred among any properties within the Seven Islands Sub-District through mutual agreement of the property owners.

This Sub-District shall be placed within the Mixed-Use future land use map classification but is not subject to Mixed-Use future land use map classification baseline densities and intensities found within Policy 1.15.e and Policy 1.23. Mixed use development is required within the Seven Islands Sub-District. Development within the Seven Islands Sub-District shall not require a PDP.

The location of the Sub-District is legally described as:

Parcels of land lying in Sections 12 and 13, Section 44 South, Range 22 East, Lee County, Florida; and being more particularly described as follows:

All of Lots 12 through 17, Block 6400;
All of Tract "G" and all of Lots 1 through 5, Block 6401;
All of Tract "F" and all of Lots 1 through 7, Block 6402;
All of Tract "E" and all of Lots 1 through 4, Block 6403;
All of Tract "D" and all of Lots 1 through 3, Block 6404;
All of Tract "C" and all of Lots 1 and 2, Block 6405;
All of Tract "B" and all of Lots 1 through 7, Block 6406;
All of Tract "A" and all of Lots 1 through 8, Block 6407;
All of Tract "I" and all of Lots 1 through 4, Block 6408;

All as shown on the Plat of Cape Coral, Unit 76, The Islands, recorded in Plat Book 35 at Pages 121 through 129 of the Public Records of Lee County, Florida. Subject to Easements, Reservations, and Restrictions of record.

q. Council-adopted Vision Plans

Exemptions to the development requirements are permitted for master plan or vision planning efforts that meet the following criteria:

1. The master or vision planning effort must be adopted by resolution or ordinance by the City Council.
2. Property in question is city-owned at the time of the master or vision planning effort. Transfers of property or public-private partnerships occurring after the planning effort must contain a clause requiring the future property owner(s) or developer(s) to abide by the adopted master or vision planning effort.
3. The master or vision planning effort must have had no fewer than two (2) public hearings discussing the provisions of the plan. Residents living within 500 feet of a property considered for a master or vision planning effort shall receive notice of these public hearings in the same manner as a rezoning for future land use map amendment.
4. The minimum size of the area subject to the master or vision planning effort is twenty (20) acres.
5. At a minimum, the master or vision planning effort must address the following impacts of the planning effort on the property and surrounding area.
 - a.) Transportation Impacts
 - b.) Environmental Impacts
 - c.) Utility Capacity Availability
 - d.) Public Safety Availability
6. Development options approved by Council through a master or vision planning effort may result in densities and intensities greater than those permitted elsewhere in Policy 1.15. In such instances, staff will establish a Sub-District on the Future Land Use Map and depict specific development limits for the site in the Future Land Use Element.

7. Changes to the adopted master or vision planning effort shall occur through a public hearing process identical to s.166.041(3)(c)2, F.S.

Policy 1.16: Land development regulations, whether adopted or revised subsequent to the adoption of this plan, will address the location and extent of both residential and non-residential land uses in accordance with the Future Land Use Map and the policies and description of types, sizes, densities, and intensities of land use contained in the "Future Land Use Map" section of this Element.

Policy 1.17: Land development regulations, whether adopted or revised subsequent to the adoption of this plan, will address buffering and open space requirements, and will protect existing residential land uses from incompatible land uses.

Policy 1.18: Vested Rights. In circumstances in which constitutionally protected property rights or valid development expectations conflict with the City of Cape Coral Comprehensive Plan and judicially defined principles of equitable estoppel may override otherwise valid limitations imposed by the Plan, such property rights or expectations may be recognized by the Cape Coral City Council, acting by resolution after review and recommendation by the Cape Coral Planning & Zoning Commission/Local Planning Agency, on a case-by-case basis.

Such development expectations are exclusive to the following:

1. A development order issued prior to adoption of the Cape Coral Comprehensive Plan including Planned Unit Development, Planned Development Project, special exception, and site plan approvals which have been expressly approved by the City Council in writing and where construction has been or is being diligently pursued pursuant to such approval.
2. A development or project that has been issued a valid building permit prior to adoption of the Cape Coral Comprehensive Plan (February 13, 1989) which has commenced construction and is continuing in good faith.

Nothing in the Cape Coral Comprehensive Plan shall limit or modify the rights of any person to complete any development that has been authorized as a Development of Regional Impact pursuant to Chapter 380, Florida Statutes.

Policy 1.19: The City will adopt urban corridor design guidelines and special land use regulations along the City's roadways, which serve as entry points to the City. These guidelines and regulations will identify specific signage and setback requirements, and other regulations, which will serve to prevent visual and physical blight along specified roadways. The City has adopted guidelines within the Community Redevelopment Area, which may serve as an example for future corridor design guidelines.

Policy 1.20: The City will promote the development of identifiable residential neighborhoods and commercial districts through the encouragement of more compact development patterns, the use of shared design and landscaping characteristics, and the development of landmarks and gateways.

Policy 1.21: The need for additional educational facilities and programs in the City of Cape Coral will be met through cooperation between the City and the Lee County School Board. Prospective sites shall first be evaluated on projections of residential growth in the area, the ability to serve the current school age population, and transportation needs for use of the site. The City of Cape Coral will then coordinate with the Lee County School Board to evaluate the list of prospective sites to avoid impacts on unique or regionally significant natural systems, to avoid the placement of new public facilities within the Coastal High-Hazard Area, and to ensure compatibility with adjacent land uses and concurrency with other necessary urban services.

Policy 1.22: The City of Cape Coral shall continue to coordinate land use policies with hazard mitigation reports generated in the aftermath of a natural or manmade disaster. Furthermore, the City will continue to coordinate with other local agencies in the placement of public buildings, such as schools, in order to ensure that such buildings are not placed within the Coastal High-Hazard Area. Finally, the City may also consider measures designed to reduce potential hazards to life and property within the Coastal High-Hazard Area. Such measures may include reduction of densities in the Coastal High-Hazard Area, public acquisition of land, increased building requirements, or any other appropriate policies recommended in future hazard mitigation reports, or otherwise determined by the City Council to be warranted.

Policy 1.23: Based upon increased awareness of the difficulties associated with pesticides, herbicides, water quality, and habitat loss, the City has determined that all new golf courses should be developed in a manner that is sensitive to environmental and ecological quality. New golf courses throughout the City will be developed as Planned Unit Developments in accordance with the City of Cape Coral Land Development Code. Additionally, new golf courses will be developed following the Florida Department of Environmental Protection's Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses, January 2007, and be designed, constructed, certified, and then managed in accordance with the Audubon International Signature Program. Exempted from these regulations are former and existing golf course facilities in Cape Coral, otherwise known as the Coral Oaks Golf Course, Executive Golf Course, and the Palmetto Pine Golf Course. The term "golf course facilities" refers to all properties used in the operation and maintenance of golf courses, including, but not limited to, fairways, greens, bunkers, driving ranges, pathways, parking lots, clubhouses, and pro shops. The foregoing exemption from Policy 1.24 shall apply in perpetuity and run with the land.

To further ensure a high standard of golf course development in Cape Coral, natural waterways shall be left in a natural, unaltered condition and shall not be channelized, provided:

- i. If a crossing for a natural waterway, water body, or flow way is proposed, it must be designed, to the greatest extent practicable, to minimize the removal of trees and other shading vegetation;
- ii. Golf cart crossings must be designed to be permeable, be no wider than eight feet, and placed on pilings from edge of floodplain to edge of floodplain;
- iii. Created or restored flow ways and water bodies may be crossed by

bridges or culverts, or a combination thereof, if approved by the South Florida Water Management District;

iv. An existing natural waterway may not be excavated for new lakes or ponds;

v. Upland ponds must not expose stream channels to an increase in either the rate or duration of floodwater, unless otherwise required by the South Florida Water Management District in order to further regional water management objectives.

All fairways, greens, and tees are elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the development's water management system.

Further, to ensure water conservation, golf course irrigation systems must utilize computerized irrigation programs based on weather station information and moisture sensing systems to determine existing soil moisture and evapotranspiration rates so as to provide water efficient zone control. Where re-use water is available, new golf courses will, to the greatest extent practicable, utilize such re-use water for irrigation purposes.

Design of new golf courses will protect wildlife by: 1.) maintaining natural wildlife habitat in at least 50% of all minimally used portions of the property; 2.) connect natural areas as much as possible to improve wildlife movement throughout the golf course and from the course to neighboring natural areas; 3.) maintain a water source for wildlife with aquatic plants and shrubbery or native landscaping along the shoreline; 4.) naturalize at least 50% of out-of-play shorelines with emergent aquatic and shoreline plants; and 5.) maintain nesting boxes or other structures, when appropriate, to enhance nesting sites for birds or bats.

A Construction Management Plan will be required prior to new golf course development in accordance with the Florida Department of Environmental Protection's Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses.

New golf courses shall be monitored annually in the following areas:

- a. Surface and groundwater monitoring requirements
- b. Construction monitoring: Annual reports detailing construction activities, permitting, compliance with Audubon International Signature Standards and percent of project completed.
- c. Land management activities: Including those used on the golf course, as well as natural and preserve areas.
- d. Wildlife monitoring: An inventory of wildlife, wildlife activity, and wildlife management activities.
- e. Irrigation monitoring: A summary of the monthly irrigation withdrawal and irrigation sources.
- f. Mitigation/vegetation monitoring: Status reports on the viability of any mitigation or landscaping conducted on-site and an inventory of all fertilizers used for golf course and non-golf course areas maintained during the year.
- g. Integrated pest management monitoring: Provide a discussion on

the pest management techniques, and any pest problems that have occurred on the project.

h. If surface and/or groundwater monitoring shows degradation of water quality the City will notify the property owner that a plan, to correct the identified problem(s), must be submitted. The property owner must submit a plan of action within 30 days after receipt of written notice from the City. The plan must identify actions that will correct the problem(s) within the shortest possible time frame. This plan will be reviewed and must be found to be acceptable by the City. If the plan is not submitted as required, or is found to be unacceptable by the City, the City will require that all activities on the property cease until a plan is submitted and approved. The approved plan must be implemented by the property owner. If the City determines that the approved plan is not being implemented properly, the City can require that all activities on the property cease until the property owner comes back into compliance.

OBJECTIVE 2: Location of New Commercial Development: New commercial development shall be so located to provide minimal vehicle trip lengths, at or near transportation nodes, and compatible with neighboring residential uses.

Policy 2.1: The City shall encourage commercial development where it can efficiently use infrastructure, where their adverse impacts on adjacent uses are minimized and where they will effectively provide the community with desired products, services and employment opportunities.

OBJECTIVE 3: Development of Quality Commercial Centers: The City encourages development of quality commercial (retail, office, and/or services) centers on property that meets the recommended land configuration for such commercial centers and that is located proximate to an adequate trade area, relative to the size and character of the center, and necessary to ensure economic viability.

Policy 3.1: The City of Cape Coral will encourage the development of future commercial (retail, office and/or services) areas at or near transportation nodes by assigning appropriate future land use designations.

Policy 3.2: The size, location and function of commercial areas shall be related and central to the population, market area and the transportation network system. The distribution and size of commercial areas shall be spatially located to meet neighborhood, community and regional needs and to reduce vehicle trip lengths.

Policy 3.3: Application of the commercial areas along and proximate to commercial corridors at key locations is intended to address the projected demand for commercial development as summarized in the Table below, or other subsequent analysis.

Commercial Centers by Corridor					
<u>Corridor Name</u>	Total Projected Demand For Commercial Acres of Land	Neighborhood Shopping Center	Community Shopping Center	Power Center	Regional Shopping Center
Burnt Store Road	295	2	2*		
Del Prado Boulevard North	307	1	2*		
Del Prado Boulevard South	243	2	2*		
Chiquita Boulevard South	129	0			
Chiquita Boulevard North	129	2			
Cape Coral Parkway (east of Palm Tree)	144	1			
Cape Coral Parkway (west of Palm Tree)	94	1	1*		
Santa Barbara North	120	2	2*		
Santa Barbara South	56	0			
Santa Barbara (Formerly Juanita Boulevard)	79	1	1*		
Veterans Parkway	189	2	1*	1	
Kismet Parkway	151	1			
Skyline Boulevard	148	2			
Diplomat Parkway	136	2			
Tropicana Parkway	117	1			
Cultural Park Boulevard	109	0			
Hancock Bridge Parkway	85	0			
Andalusia Boulevard	75	0			
Embers Parkway	73	0			
Nicholas Parkway	50	0			
Viscaya Parkway	27	0			
Pine Island Road	399(1) 299	3			2
Source: Based on information from the Commercial Corridor Study, dated April 30, 2003, City of Cape Coral, Planning Division (2003)					
(*) Asterisk indicates that the center has a dual function as a community commercial center and neighborhood commercial center.					
There may be more than one Super Community/Power Center in the City of Cape Coral.					
(1) Adjusted on pro rata basis for incorporation of a regional commercial center on Pine Island Road					

Policy 3.4: The City shall initiate and/or consider privately initiated future land use map amendments necessary to provide an adequate supply of lands designated for retail, office, and services uses in quantities and locations appropriate for such uses, generally consistent with the findings of the Commercial Corridor Study (City of Cape Coral, 2003), or other subsequent analysis.

Policy 3.5: Commercial development shall include bicycle parking areas, and when appropriate, bus bays and bus shelters in order to encourage alternative transportation modes.

Policy 3.6: The City will adhere to the Pine Island Road Corridor Master Plan to provide guidance, standards, and to direct growth and development along the Pine Island Road Corridor.

Policy 3.7: The City may consider the vacation of rights-of-way to facilitate land assembly and the development of a unified, contiguous commercial project.

Policy 3.8: The City of Cape Coral may develop other zoning districts that are compatible with the Commercial/Professional future land use classification.

OBJECTIVE 4: Location of Future Development: Future private development requiring public water and wastewater will be directed into the Urban Services Infill Area and the Urban Services Transition Area illustrated on the Future Land Use Map, unless specifically accepted by the provisions of this plan.

Policy 4.1: Future development requiring access or connection to public water and sewer facilities will be located within either the Urban Services Infill or Transition areas.

Policy 4.2: Exemption from the provisions of Policy 4.1 will be made only in extraordinary cases where the physical size, potentially disruptive nature, or geographic needs of the project would make strict adherence unreasonable. These projects include developments of regional impact, utilities plants, airports, public schools, technical schools, community colleges, parks and other government facilities.

Policy 4.3: The City will continue to periodically review its Economic Development Master Plan to identify emerging trends and encourage large-scale commercial, professional, and industrial types of development within the City.

Policy 4.4: Completed and city-accepted private initiatives to utility service, such as on-site sewage treatment plants and developer-extended utilities, shall be considered as extensions to the Urban Services Transition Area.

OBJECTIVE 5: Extension of Infrastructure and Services in the Urban Services Infill Area: Infrastructure and community services will be extended to serve 100 percent of the anticipated functional population of the Urban Services Infill Area.

Policy 5.1: Land use regulations, whether adopted or revised pursuant to this plan, shall provide incentives to encourage infill of residential, commercial, and other appropriate uses within the Urban Services Infill Area and Transition Area.

Policy 5.2: The City will amend the Future Land Use Map using the plan amendment process, to annex Urban Services Transition Area lands into the Urban Services Infill Area as soon as those lands are found to be served with the adopted level of infrastructure and community services.

Policy 5.3: New commercial development shall meet all of the requirements for adequate facilities based on the level of service standards adopted for roads, potable water and sanitary sewer, solid waste, storm water facilities and other services in this plan.

Policy 5.4: In addition to the facilities for which level of service standards are adopted as part of the concurrency management system of this plan; other services that should be considered to serve new commercial and mixed-use development include fire, police and emergency medical protection.

OBJECTIVE 6: Extension of Infrastructure and Services in the Urban Services Transition Area: Infrastructure and community services will be extended to serve 100 percent of the anticipated functional population of the Urban Services Transition Area at the same level of service standards available within the Urban Services Infill Area.

Policy 6.1: Future extension of utilities will be located and timed to attain a reasonable balance between the following factors:

Protection of public health, safety, and welfare.

Protection of the environment from contamination.

Protection of potable water aquifers from excessive withdrawal and/or saline-water intrusion.

Projected population increases.

Enhancement of economic development resulting from the provision of services.

Continuity with the future plans for utilities within the extension area and adjacent areas.

Collection and distribution facilities will only be extended with consideration given to the capacities of the aquifers, water wells, treatment plants, or disposal facilities capacities to provide the adopted levels of service.

Property value and financial impacts on property owners.

Financial feasibility of the utility expansion.

Policy 6.2: The City will continue to identify a portion of the Urban Services Transition Area for future land banking opportunities.

OBJECTIVE 7: Development in the Urban Services Reserve Area: The City will discourage premature "leap-frog" development within the Urban Services Reserve Area.

Policy 7.1: The City will amend the Future Land Use Map through the plan amendment process to annex Urban Services Reserve Area lands into the Urban Services Transition Area as a prerequisite to the extension of infrastructure and community services. Amendments of this type may take place only after the Urban Services Infill and Transition Areas are reevaluated as a whole and the City determines that the additional land is appropriate in size and location to meet the needs of the projected population. Per Policy 2.3.3 of the Infrastructure Element, extension of centralized potable water and wastewater infrastructure services beyond the Urban Services Infill and Transition Areas may be undertaken if such services are provided by a developer, independent utility franchise, or through the developer-financed extension of City utilities.

Policy 7.2: The City will concentrate its long-range land acquisition and assembly efforts within the Urban Services Reserve Area.

Policy 7.3: The City will provide incentives to individual property owners, builders, and developers to assemble parcels of land for future private uses, and will encourage the use of zero lot line (ZLL) and cluster type of development to improve lot layout, drainage, and stormwater retention.

Policy 7.4: Developers of lands within the Urban Services Reserve Area, shall bear the costs of extending water and wastewater infrastructure if onsite systems are impracticable.

Policy 7.5: Reserved.

Policy 7.6: Notwithstanding any provisions in this element which may be interpreted to the contrary, the right to a development order to build one (1) single family dwelling unit in the Urban Services Reserve Area on a property of 10,000 square feet or more, or to build no more than 4.4 single family dwelling units per developable acre, shall be permitted for privately-owned lands if classified as Park and Recreation Facilities or Public Facilities on the Future Land Use Map.

Policy 7.7: As an incentive to the assembly, holding, and development of sizable tracts of land in the Urban Services Reserve Area, tracts of the following sizes may be developed at the following residential densities, subject to (i) adopted performance standards capable of allowing residential development at such densities; (ii) any applicable concurrency requirements; (iii) applicable standards of other governmental agencies; and (iv) any other applicable goals, objectives and policies in the Cape Coral Comprehensive Plan:

ACREAGE	DU/ACRE
3-4.99	8
5-9.99	10
10-14.99	12
15-19.99	14
20	16

Policy 7.8: Platted lots in the Urban Services Reserve Area zoned for Commercial or

Professional use prior to the February 13, 1989 Cape Coral Comprehensive Plan that are now designated for Residential use, if they (i) are below the minimum size for Residential use, and (ii) adjoin City-owned property, may be conveyed to the City for an impact fee credit that may be lawfully granted by the City equal to their fair market value at the time of conveyance, based on their Commercial or Professional zoning prior to the adoption of the February 13, 1989 Cape Coral Comprehensive Plan.

Policy 7.9: Development of properties or projects that have access to city utilities and are divided by or adjacent to the Urban Services boundary may be developed, at the density or intensity of land use as designated on the Future Land Use Map. Such development must proceed as one compact and unified development and shall be governed by the rules for development in the Urban Services Infill and Transition Areas and be subject to the intensities and densities of policy 1.16.

Policy 7.10: The City shall discourage illogical and inefficient leapfrog development, by encouraging and directing development to areas adjacent to section of the City served by existing centralized utilities, and that the extension of centralized utilities will abide by Policy 1.1.6 of the Infrastructure Element.

OBJECTIVE 8: Restrictions upon Incompatible Land Uses: The City will prohibit land uses which are incompatible or inconsistent with the Future Land Use Map.

Policy 8.1: The City will prohibit the expansion or replacement of land uses which are inconsistent with the Future Land Use Element.

Policy 8.2: Land development regulations, adopted pursuant to s.163.3202, F.S., will require the buffering of incompatible land uses.

Policy 8.3: Commercial developments shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses. The design should ensure adequate screening of unsightly views of commercial developments (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas and exterior storage) through the extensive use of landscaping, berms, fencing, concealment, architectural features, open space, setbacks, and/or building orientation. Ensure that the placement of any noise generating activities such as ingress/egress, parking, deliveries, air conditioning equipment and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety and overall maintenance of commercial properties should be carefully monitored.

Policy 8.4: The City shall encourage transitions from commercial uses to less intensive land uses and site design that considers the following preferred characteristics to attain compatibility with adjacent residential uses:

- a. Site Orientation
 - i. Vehicular access should be from a collector, arterial, access street, or an alley if the subject uses are located within the Downtown Community Redevelopment Area.

- ii. Pedestrian access should be designed to provide internal and external circulation from adjacent neighborhoods.
 - iii. Streets should be designed with elements to provide visual or physical buffering may serve as boundaries between different intensities of land uses.
 - iv. Site improvements within commercial areas such as lighting, signage and landscaping should be designed and coordinated in order to create a positive identity and visual image throughout the development area.
- b. Site design should promote the preservation and integration of mature trees, natural vegetation, natural and environmentally sensitive areas whenever feasible.
- c. Screening and landscaping
 - i. Creative and extensive use of landscaping and berming techniques for natural transitions between differing intensities of land uses is encouraged.
 - ii. Fences should not be used as a sole method of providing screening and buffering between differing intensities of land uses.
 - iii. The City shall review and revise landscaping and signage standards for commercial development to enhance the visual and physical environment to foster its integration of other land uses.
- d. Lighting used to illuminate parking areas, signs or structures should be placed and designed to deflect light away from adjoining property or public streets through fixture type, height, orientation and location.

Policy 8.5: The City encourages the use of multi-family residential, compound buildings, professional offices, and parks as transitional uses between commercial development and low-density residential neighborhood. Such development should include:

- a. Design elements such as: height and scale compatible with the surrounding residential uses; _
- b. Site design that is compatible with surrounding residential neighborhoods with consideration given to extensive screening, architectural features, building and parking orientation, and preservation of natural features; and
- c. Primary site access provided from arterials, collectors or access streets in order to discourage traffic from directly entering residential areas.

Policy 8.6: Commercial developments and compound buildings shall be encouraged to preserve substantial areas of natural vegetation.

OBJECTIVE 9: Coastal Development: The City will coordinate coastal area population densities with the Southwest Florida Comprehensive Hurricane Evacuation Plan.

Policy 9.1: The City will encourage the development of infrastructure in the northeastern portion of the community to take advantage of high elevations and opportunities for rapid evacuation.

Policy 9.2: The City will utilize the 2017 Climate Change Resiliency Strategy, and other strategies as updated, for the placement of public infrastructure in order to better prepare for sea level rise.

OBJECTIVE 10: Charlotte Harbor Management Plan: The City will coordinate its planning efforts with the provisions of the Charlotte Harbor Management Plan.

Policy 10.1: Requests for development orders and building permits will be coordinated with governmental agencies including, but not necessarily limited to, Lee County, Charlotte County, the Regional Planning Council, the South Florida Water Management District, and other State and Federal agencies.

OBJECTIVE 11: Protection of Marine, Estuarine, and Upland Environments: Cape Coral will continue to protect marine and estuarine communities and will continue its protection to include the ownership and maintenance of a significant example of an upland ecological community.

Policy 11.1: The City will own and maintain a minimum of 200-acre tract of upland for use as a major park emphasizing passive recreation and nature study.

Policy 11.2: The City will continue to use inland sites for dredge spoil to protect marine and estuarine communities. The identification of subsequent spoil sites will begin within two years of the existing site reaching capacity.

OBJECTIVE 12: Protection of Historic Resources: The City will continue to identify all historic resources within the City's jurisdiction, and will adopt regulations to preserve and protect those resources for future enjoyment.

Policy 12.1: The Department of Community Development will be the designated body responsible for preserving the City's historic resources and the identification of historic homes and structures within the City's jurisdictional boundaries.

Policy 12.2: Cape Coral will continue to cooperate with State and Federal agencies to protect identified historical and archaeological resources from vandalism and desecration, and will preserve these resources in a manner which promotes an understanding of historic peoples and their times.

OBJECTIVE 13: Renewal of Blighted Areas: The City will pursue the redevelopment and renewal of blighted areas in the downtown area consistent with the provisions of the Community Redevelopment Area (CRA) plan.

Policy 13.1: The City will continue the redevelopment of the Community Redevelopment Area (CRA) in downtown Cape Coral according to the schedule of the CRA plan as adopted by Council.

Policy 13.2: The City will, as part of its CRA planning process, investigate innovative market opportunities to property owners in blighted areas to remodel, rebuild and replat their buildings and properties.

Policy 13.3: In order to encourage and facilitate development and redevelopment and the provision of housing, employment, service and shopping opportunities in a compact area currently served by public facilities, mixed-use development shall be allowed in the Downtown Community Redevelopment Area. Such mixed-use development shall conform to the Community Redevelopment Area Plan, as same may be amended, and shall be reviewed in accordance with the City's Land Development Code.

Objective 14: In order to promote the economic viability of Downtown Cape Coral, the City of Cape Coral shall establish the Downtown Transportation Concurrency Exception Area (Downtown TCEA). Establishment of the TCEA will enhance the ability of the City to undertake the following activities:

Urban redevelopment;

Urban infill development;

Increasing retail and commercial services, as well as employment opportunities within the downtown area, thereby reducing the City's reliance on travel across bridges to reach such land uses;

Providing residents of, and visitors to, the downtown area with a variety of transportation choices and opportunities including automotive, pedestrian, bicycle and transit;

The creation and implementation of desirable urban design and form in the downtown area;

The creation of a broader mix of residential and non-residential uses in the downtown area;

Implementing streetscaping and landscaping improvements in the downtown area; and

Increasing comfort, safety and convenience for pedestrian, bicycle and transit users in the downtown area.

Policy 14.1: The City of Cape Coral hereby establishes the Downtown CRA Transportation Concurrency Exception Area (Downtown TCEA) to aid in the revitalization and redevelopment of the properties within the Community Redevelopment Agency (CRA) area. The purpose of the TCEA shall be to provide incentives for revitalization, infill development and redevelopment by eliminating or minimizing transportation concurrency requirements, in exchange for the implementation of sound land use and transportation planning techniques, which enhance mobility within the downtown area.

Policy 14.2: The City of Cape Coral Downtown CRA TCEA shall have boundaries as depicted on the Future Land Use Map. The general boundaries of the area are as follows: SE 44th Street and SE 46th Lane on the North, SE 17th Place, Waikiki Avenue, and the Caloosahatchee River on the East, Miramar Street, Bimini Basin Canal, and Norfolk Canal on the South, and Tudor Canal, Palm Tree Boulevard, Coronado Parkway and the alley in Block 396 on the West.

Policy 14.3: New development, redevelopment and infill development projects located within the City of Cape Coral Downtown Transportation Concurrency Exception Area (Downtown TCEA) may elect to be exempt from transportation concurrency requirements through implementation of the mitigation strategies described in Policy 14.5 of this Element. New development, redevelopment and infill development projects that do not choose to mitigate transportation concurrency impacts in such manner shall be subject to all applicable transportation concurrency requirements. Whether or not a project elects to mitigate its transportation impacts through the strategies identified in Future Land Use Policy 14.5, or elects to be subject to standard transportation concurrency requirements, all projects shall be subject to concurrency review for the purpose of assessing the transportation impacts of the proposed development.

Policy 14.4: The City of Cape Coral and the Cape Coral Community Redevelopment Agency (CRA) will work with Lee County Transit (LeeTran), or other local transit provider, and the Lee County Metropolitan Planning Organization (MPO) to expand and/or otherwise improve the public transportation system within the Downtown TCEA in an effort to reduce the demand on the existing transportation network by reducing the number of trips on the roadways within the Downtown TCEA.

Policy 14.5: In order to be exempt from link specific concurrency and to support mobility enhancement within the Downtown TCEA, all new development, redevelopment, or infill development projects may opt to incorporate any five of the following provisions:

Preferential parking for carpools, vanpools, and/or multiple occupancy vehicles with the object of increasing the average vehicle occupancy for trips generated by the development.

Parking price structures favoring carpools, vanpools, and/or multiple occupancy vehicles, with the object of increasing either the average vehicle occupancy for trips generated by the development, or increasing transit ridership.

Flexible work schedules for employees of the development, with the object of decreasing peak hour automobile trips generated by the development.

Payment of a subsidy to LeeTran to support an increased level of transit service within the TCEA.

Payment into one or more funds, to be established by the City or the CRA. Monies collected by such fund(s) shall be used to support programs and/or capital projects designed to provide additional parking and/or to enhance bicycle, pedestrian, and transit mobility within the TCEA.

The provision of transit shelters, built to City of Cape Coral specifications, within the development.

The provision of a safe and convenient internal pedestrian and bicycle circulation system within the development, including the placement of bicycle racks or bike lockers.

The provision of transit turn out lanes on heavily traveled roadways.

The provision of structured parking for use by residents, patrons and employees of the development.

Clustering buildings within the development, or otherwise designing the development to achieve maximum residential density or non-residential intensity at the development site in a manner, which preserves open space, enhances multi-modal opportunities and provides transit oriented densities or intensities.

Where feasible, the construction of new roadway or alleyway facilities to reduce congestion on major roadways and to provide alternate access to the development.

Any other innovative transportation related modifications or standards submitted by the developer and acceptable to and approved by the City of Cape Coral.

Objective 15: Downtown TCEA Administration: The City shall develop and implement strategies and programs designed to achieve the purposes of the City of Cape Coral Downtown CRA Transportation Concurrency Exception Area (TCEA).

Policy 15.1: The Community Redevelopment Plan for the Community Redevelopment Area (CRA) provides information regarding funding of redevelopment within the CRA. As provided for by Florida's Community Redevelopment Act, the principal source of funding for the Community Redevelopment Agency will be through the Tax Increment Trust Fund. Other sources of funding may include the sale or lease of acquired property, Enterprise Fund Revenue Bonds, one or more funds for mobility enhancement, as described in Policy 14.5, above, and Federal, State and Regional Grants.

Policy 15.2: In order to promote new development, redevelopment and infill development within the Downtown TCEA, funding for multimodal transportation modifications and identified improvements (not otherwise provided by the developer, as per Policy 14.5, above) will be provided to the maximum extent feasible by the City, the CRA, Lee County, state and/or federal governments, developers and other outside sources such as grant funds.

Policy 15.3: Within the Downtown TCEA, the City of Cape Coral and the Community Redevelopment Agency will continuously work to improve other forms of mobility such as pedestrian, bicycle and transit service and to implement connectivity between all modes so as to promote lower vehicular traffic.

Policy 15.4: The City of Cape Coral and the Community Redevelopment Agency will

implement sidewalk, or other pedestrian, and bicycle improvements to increase the Level of Service of these facilities within the downtown area. Pedestrian projects designed to increase the pedestrian level of service may include but shall not be limited to:

Construction of new or expanded sidewalk facilities to service streets or portions of streets not currently served by sidewalks;

A reduction in the number of physical obstructions within the sidewalk network;

Improvements to pedestrian crosswalk signalization;

The designation of one or more local streets as pedestrian only areas; and/or

The provision of shading, sitting areas and other streetscape amenities.

Policy 15.5: The City and the CRA will cooperate with Lee County Transit (LeeTran) to maintain/improve the transit facilities and transit level of service within the Downtown TCEA. In addition to developer-implemented strategies, as described in Policy 14.5 of this Element, strategies that may be implemented include, but may not necessarily be limited to, improving the density, intensity and mix of development in the downtown area, improving route headways, improving service time spans, and reducing the interval distance between stops.

Objective 16: The Cape Coral Downtown CRA Transportation Concurrency Exception Area (Downtown TCEA) will be administered in a manner that supports the Community Redevelopment Agency's goals concerning urban design, the preservation of open spaces, streetscaping and the removal of blighting factors.

Policy 16.1: With regard to open space and street layout within the Community Redevelopment Area, the intent of the City, in implementing the Downtown TCEA, is to create a high-intensity, yet pedestrian friendly, urban area that is served by multi-modal circulation systems, which are designed to ensure that visitors, employees, and residents can easily find their way, park, and enjoy their walk to their destinations.

Policy 16.2: Within the Downtown TCEA, the City shall utilize regulatory controls and incentives to provide appropriate limitations on the type, size, height and use of buildings in order to stimulate and attract private investment in real property and property improvements in the redevelopment area. Such investment and improvements will be directed toward the elimination of blighting factors, the improvement of the economic health of the City and the County, increasing employment opportunities within the downtown area, providing better services to residents, businesses, and tourists, and improving the tax base.

Policy 16.3: In regulating residential development (including, but not necessarily limited to, affordable housing) within the Downtown TCEA, the City will continuously seek to increase the number of people that both live and work downtown in order to promote the creation of pedestrian-friendly shopping areas, provide employment opportunities for downtown residents, and decrease automobile use in the downtown area.

Policy 16.4: In order to enhance the visual characteristics of roadways within the Downtown

TCEA, and to create an appealing environment that supports multi-modal transit opportunities, the City and the CRA will develop streetscaping guidelines and/or plans for roadways within the downtown area.

Policy 16.5: The City will include right of way and median landscaping as part of any major roadway modification program carried out within the Downtown TCEA.

Policy 16.6: The City of Cape Coral shall coordinate with the CRA, Lee County, and the Lee County Metropolitan Planning Organization to balance the need for and design of roadway improvements within the Downtown TCEA with the CRA's need for quality urban design concepts for all revitalization, redevelopment and infill development.

Policy 16.7: Land use intensities and densities within the Downtown TCEA shall be consistent with the goals objectives and policies of the City's Comprehensive Plan. In particular, Policy 1.15 (k) of this Element, describing the Downtown Mixed Future Land Use Classification, defines the allowable intensities and densities within the Downtown TCEA.

Objective 17: Downtown TCEA Network Connectivity: In implementing various mobility strategies and infrastructure projects within the Downtown TCEA, the City of Cape Coral and the Community Redevelopment Agency will seek to establish network connectivity within and between all modes of transportation within the downtown area.

Policy 17.1: In reviewing requests for vacation of streets within the downtown area, the City of Cape Coral shall consider the following:

Whether the loss of the street will adversely impact current or future bicycle/pedestrian mobility;

Whether the loss of the street will prevent access to adjacent land uses or transit stops; and,

Whether the loss of the street is necessary for the construction of high density, mixed use projects containing both residential and non-residential uses or projects that permit residential and non-residential uses to be constructed in close proximity to each other.

Policy 17.2: Within the Downtown TCEA, development plans for the placement of new parking structures and/or surface parking lots as a principal or accessory use shall:

Minimize conflicts between pedestrian, motor vehicle, and bicycle travel routes; and,

Utilize locations and designs, which discourage commercial vehicle access through residential streets.

Item Number:	7.C.
Meeting Date:	5/1/2019
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL



TITLE:

Ordinance 24-19

REQUESTED ACTION:

Approve or Deny

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment? No
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 Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.7, District Regulations, Subsection .13, Corridor District (CORR), to remove the maximum building height regulations for non-residential buildings in the Corridor District.

LEGAL REVIEW:

Brian R. Bartos, Assistant City Attorney

EXHIBITS:

Ordinance 24-19

PREPARED BY:

Division- Department- City
Attorney

SOURCE OF ADDITIONAL INFORMATION:

Vince Cautero, DCD Director

ATTACHMENTS:

Description	Type
📎 Ordinance 24-19	Ordinance

ORDINANCE 24 - 19

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2.7, DISTRICT REGULATIONS, SUBSECTION .13, CORRIDOR DISTRICT (CORR), TO REMOVE THE MAXIMUM BUILDING HEIGHT REGULATIONS FOR NON-RESIDENTIAL BUILDINGS IN THE CORRIDOR DISTRICT; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

SECTION 1. The City of Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.7, District Regulations, Subsection .13, Corridor District (CORR), is hereby amended as follows:

.13 - Corridor District (Corr).

A. Purpose and intent. This district is established to:

- 1. Implement the recommendations of the Pine Island Road Master Plan;
- 2. To promote such uses as retail, office, office/warehouse, light manufacturing, institutional (schools, colleges), residential, golf courses, larger scale commercial retail (big box stores over 50,000 square-feet) and government uses such as parks and public facilities;
- 3. To provide design guidelines for large scale retail; and
- 4. Otherwise implement this ordinance.

The nature of the development(s) that can be built within the Corridor district is determined by the size of the land to be developed. As the property size increases, so do the options for development.

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E. Dimensional regulations. All development within the Corridor District shall be limited to the following:

Tract Size	
Less than 45,000	Non-residential uses only
45,000 s.f. and greater	Non-residential
	Residential: (minimum 20 acres)
	Single family
	Duplex multi-family
	Conjoined residential structure
	Multi-use (minimum 30 acres)

The dimensional regulations by type of development are as follows:

1. Dimensional Regulations (Corr District) Residential				
	Single-Family	Duplex	Multi-Family	Conjoined Residential Structure
Minimum area of the entire tract under development (a)	20 acres	20 acres	20 acres	20 acres
Minimum lot area within the tract under development	6,500 s.f.	8,000 s.f.	12,000	An average of 4,000 s.f. per unit

Maximum density	5.5 DU/Acre	8 DU/Acre	(b)	8 DU/Acre
Minimum yards for the entire tract	(c)	(c)	(c)	(c)
Minimum yards within the tract under development				
Front	20	20	20	20
Side	5	5	7.5	(d)
Rear	15	15	20	15
Minimum width at building line (e)	180	180	180	180
Minimum depth (e)	125	125	125	125
Maximum building height	30	38(f)	45(f)(g)	38(f)
Minimum living area	1,000 s.f. (h)	1,000 s.f. (h)	750 s.f. (i)	1,000 s.f. (h)
Each additional bedroom	100 s.f.	100 s.f.	150 s.f.	100 s.f.

(a) Minimum area of the entire tract under development is for the entire residential component of the development which may consist of single-family, duplex, multi-family, or conjoined residential structure or a combination of different residential products.	
(b) The following table shall be used to determine the maximum number of dwelling units based on the parcel size:	
Acreage	D.U./Acre
Less than 9.99	16
10 - 14.99	18
15+	20
(c) A minimum yard of 25 feet shall be provided around the perimeter of the entire residential development. If a masonry wall is provided the minimum yard in the side/front and/or rear of the property, where the wall is provided, can be reduced to 15 feet.	
(d) For conjoined residential structures, zero-lot line between units and/or clustering of a group of structures providing side yard only between the structures located at the ends, are permitted provided that the structures meet all requirements and standards of the building code.	
(e) Minimum lot width and depth apply to the entire tract to be developed. Within the development there is no minimum lot width or depth required for each dwelling unit.	
(f) Up to 15 feet of additional height will be allowed when under-unit parking or garage with a minimum capacity of at least 60% of the required parking spaces are provided within the area to be developed.	
(g) One additional foot in height is permitted when one additional foot is added to the minimum required front, side and rear yards. This condition only applies when the building subject to the additional height allowance is not closer to any other vertical structure than the minimum total yards required to permit the additional height.	
(h) Minimum living area shall apply for up to two bedrooms units.	
(i) Minimum living area shall apply for efficiency and one bedroom units.	

2. Dimensional Regulations (Corr District) Non-Residential		
Minimum area of the entire tract under development	Less than 45,000 s.f. (h)	45,000 s.f. and more (h)
Maximum floor area ratio	1.00	1.00
Minimum yards (a)		
Front	25 ft. (h) (i)	25 ft. (h) (i)
Side	None (b) (c) (e) (f)	15 ft. (b) (d) (f)
Rear	10 ft. (g) (c)	25 ft (g) (c)
Minimum width at building line	50 ft. (h)	150 ft (h)
Minimum depth	None (h)	None (h)
Maximum building Height	45 ft. None (k j)	45 ft. None (j) (k)

(a) Minimum yards are for separation between abutting developments.
(b) See Article III, §§ 3.7 and 3.8 for corner lot yards.

- (c) All non-residential uses on parcels less than 45,000 s.f. which are located on lots abutting a residential future land use classification or to a property with Pine Island Road future land use classification not zoned Village or Corridor, shall maintain a minimum yard requirement for all structures of 25 feet in the side or rear yard abutting the residential future land use classification or to a property with Pine Island Road future land use classification not zoned Village or Corridor. All non-residential uses shall be permanently buffered from abutting and adjacent Residential future land use classification or to a property with Pine Island Road future land use classification not zoned Village or Corridor, with a properly maintained landscaped buffer yard on the rear or side(s) of the use which actually abuts or is adjacent to the Residential future land use classification or to a property with Pine Island Road future land use classification not zoned Village or Corridor. In addition, non-residential uses which are separated at the front, side or rear lines from a residential future land use classification or to a property with Pine Island Road future land use classification not zoned Village or Corridor, by only a street containing not more than two lanes for motor vehicle traffic also shall be permanently buffered with a properly maintained landscaped buffer yard on such front, side and rear lot lines. For purposes of this subsection, a bicycle "lane" shall not be considered to be a lane for motor vehicle traffic. (See Article V, § 5.2. for landscaping requirements.)
- (d) All non-residential uses on parcels 45,000 s.f. or greater which are located on lots abutting a residential future land use classification or to a property with Pine Island Road future land use classification not zoned Village or Corridor, shall maintain a minimum yard requirement for all structures of 35 feet in the side or rear yard abutting the residential future land use classification or to a property with Pine Island Road future land use classification not zoned Village or Corridor. All non-residential uses shall be permanently buffered from abutting and adjacent Residential future land use classification or to a property with Pine Island Road future land use classification not zoned Village or Corridor, with a properly maintained landscaped buffer yard on the rear or side(s) of the use which actually abuts or is adjacent to the Residential future land use classification or to a property with Pine Island Road future land use classification not zoned Village or Corridor. In addition, non-residential uses which are separated at the front, side or rear lines from a residential future land use classification or to a property with Pine Island Road future land use classification not zoned Village or Corridor, by only a street containing not more than two lanes for motor vehicle traffic also shall be permanently buffered with a properly maintained landscaped buffer yard on such front, side and rear lot lines. For purposes of this subsection, a bicycle "lane" shall not be considered to be a lane for motor vehicle traffic. (See Article V, § 5.2, for landscaping requirements.)
- (e) A structure built on the lot line shall be designed to the following standards:
1. Water runoff shall be diverted to an approved retention area;
 2. The structure shall be built so that there shall be no open compartments or cavities between structures on the property line; and
 3. The roof shall be designed and built in such a manner as to prohibit water runoff to the adjacent site.
- (f) For properties abutting an alley, a ten-foot side yard from such alley shall be provided. A single row of parallel parking spaces may be permitted adjacent to the side alley.
- (g) If a property owner opts to provide a minimum of 30-foot rear a single row of parking may be allowed in the yard, providing, however, that the parking placed directly to the rear of the structure.
- (h) Within the Deer Run Commercial Park subdivision, the minimum lot area, the minimum lot depth, and the minimum lot frontage shall be as approved and recorded in the subdivision plat dated May 27, 1988, Plat Book 40, Pages 71 and 72.
- (i) Within the Deer Run Commercial Park subdivision, the minimum front yard shall be 50 feet.
- ~~(j) Up to 15 feet of additional height will be allowed when under-unit parking or garage with a minimum capacity of at least 60% of the required parking spaces are provided within the area to be developed.~~
- ~~(k)~~ The maximum height of a communication tower shall be 140 feet as stated hereinabove.

3. Dimensional Regulations (Corr District) Multi-Use	
Minimum area of the tract under unified control	30 acres
Residential use maximum density	(a)
Non-residential use floor area ratio	1.00
Minimum yards	none within the development (b)
Maximum building height	45 ft. (c) (d) (e)

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SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2019.

JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO _____
GUNTER _____
CARIOSCIA _____
STOUT _____

NELSON _____
STOKES _____
WILLIAMS _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2019.

KIMBERLY BRUNS
INTERIM CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
ord\Corridor Maximum Building Height