

Cape Coral Planning & Zoning Commission



AGENDA

Wednesday, May 5, 2021

9:00 AM

Council Chambers

1. CALL TO ORDER

A. Chair Read

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

A. Bashaw, Bennie, Marker, O'Connor, Read, Slapper, and Alternates Long and Safranek

5. APPROVAL OF MINUTES

A. Meeting Minutes - April 7, 2021

6. BUSINESS

A. AHAC Position Discussion and Selection Recommendation

7. PLANNING AND ZONING COMMISSION PUBLIC HEARING

A. Ordinance 37-21 (LU20-0011)

An ordinance amending the City of Cape Coral Comprehensive Plan by amending the Future Land Use Map from Single-Family/Multi-Family (SM) to Commercial/Professional (CP) land use for a parcel of land lying in a portion of the east half of the southeast quarter of Section 7, Township 43 South, Range 23 East, Lee County, Florida; property located at 4450 Burnt Store Road North.

(Applicant: CC Land Development Company, LLC) (18.65 acres)

B. Ordinance 34-21

An ordinance amending Article 4, "Zoning Districts," Chapter 1, "General Provisions," Section 4.1.6., "Uses by Zoning District - Use Hierarchy," Table 4.1.6 Use Table, of the City of Cape Coral Land Development Code, regarding Storage Uses; and by amending Article 11, "Definitions," Chapter 1, "General Provisions," Section 11.2., "Definitions," of the City of Cape Coral Land Development Code, regarding Storage Uses.

C. Ordinance 38-21

An ordinance amending the City of Cape Coral Land Development Code, by amending Article 9, "Floodplain Management," Sections 9.1.9., 9.2.2., 9.2.5., 9.2.7., And 9.8.4., regarding updates to code cross references; amending Chapter 8, "Flood Resistant Development," Section 9.8.11., "Manufactured Homes," regarding elevation requirements for manufactured homes; and by amending Article 11, "Definitions," Chapter 1, "General Provisions," Section 11.2., "Definitions," regarding manufactured homes.

D. Ordinance 39-21

An ordinance amending the City of Cape Coral Land Development Code, by amending Article 4, "Zoning Districts," Table 4.1.3.B., "Zoning District Dimensional Standards," regarding minimum lot area for Single Family Attached Dwellings and Multi-Family Dwellings in the CC zoning district; amending Article 4, "Zoning Districts," Table 4.1.6, "Use Table," regarding Single Family Attached Dwellings as a conditional use on Local Roads in the South Cape Zoning District; amending Article 5, "Development Standards," Chapter 11, "Conditional Uses," Section 5.11.3., regarding Single-Family Attached Dwellings; amending Article 5, "Development Standards," Chapter 11, "Conditional Uses," Section 5.11.4., regarding Multi-Family Dwellings; and by Amending Article 11, "Definitions," Chapter 1, "General Provisions," Section 11.2., "Definitions," regarding Multi-Family Dwellings and Mixed-Uses.

E. Ordinance 42-21

An ordinance amending Article 5, Chapter 1, Section 5.1.9., "Work in the Public Right-of-Way and Public Utility Easements," and Article 5, Chapter 4, Section 5.4.8., "Bulkheads, Seawalls, and Retaining Walls," of the City of Cape Coral Land Development Code, regarding the placement, installation, or construction of seawalls and marine improvements into an unexcavated platted waterway right-of-way.

- F. Ordinance 43-21
An ordinance amending the City of Cape Coral Land Development Code, Article 7, "Signs," Chapter 2, "Administration," Section 7.2.1., "Prohibited Signs," regarding signs attached to fences; amending Chapter 3, "Temporary Signs," Section 7.3.1., "Temporary Signs," regarding A-frame signs and all other temporary signs; amending Chapter 4, "Permanent Signs," Section 7.4.1., "Permanent Signs – Residential," regarding permanent residential signs; and by amending Article 11, "Definitions," Chapter 1, "General Provisions," Section 11.2., "Definitions," regarding Public Art and Signs.

8. CITIZENS INPUT

9. STAFF UPDATES

- A. Evaluation and Appraisal Report Discussion - Future Land Use Elements

10. OTHER BUSINESS

11. MEMBER COMMENTS

12. DATE AND TIME OF NEXT MEETING

- A. Wednesday, June 2, 2021, 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.



**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL

Item Number:	5.A.
Meeting Date:	5/5/2021
Item Type:	APPROVAL OF MINUTES

TITLE:

Meeting Minutes - April 7, 2021

REQUESTED ACTION:

SUMMARY EXPLANATION AND BACKGROUND:

STRATEGIC PLAN ALIGNMENT:

1. 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?

RECOMMENDATIONS:

SOURCE OF ADDITIONAL INFORMATION:

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

1. Will this action result in a Budget Amendment?

PREPARED BY:

Division- Department-

ATTACHMENTS:

Description	Type
▢ Meeting Minutes - April 7, 2021	Backup Material

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

Wednesday, April 7, 2021

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

A moment of silence was observed.

Pledge of Allegiance.

ROLL CALL: Commissioners Bashaw, Bennie, Marker, O'Connor, Ranfranz, Read, Slapper, and Alternate Safranek were present. Alternate Commissioner Long arrived at 9:06 a.m.

ALSO PRESENT: Brian Bartos, Assistant City Attorney
John Naclerio, Assistant City Attorney
Robert Pederson, Planning Manager
Amy Yearsley, Housing Coordinator
Wyatt Daltry, Planning Team Coordinator
Dan Sheppard, Council Liaison

APPROVAL OF MINUTES

Meeting Minutes – March 3, 2021

Commissioner O'Connor moved, seconded by Commissioner Bashaw, to approve the minutes (of the regular meeting held on March 3, 2021, as presented.)

Commission polled as follows: Bashaw, Bennie, O'Connor, Ranfranz, Read, and Slapper, and Alternate Safranek voted "aye." Seven "ayes." Motion carried 7-0.

BUSINESS

PLANNING AND ZONING COMMISSION PUBLIC HEARING

Ordinance 25-21 Dogs in Food Establishments

WHAT THE ORDINANCE ACCOMPLISHES:

An Ordinance amending Article III, "Development Review," Chapter 6, "Other Approvals," of the City of Cape Coral Land Development Code, by creating Section 3.6.2, "Dogs in Food Service Establishments."

Assistant City Attorney Bartos read the title of the Ordinance.

Housing Coordinator Yearsley discussed the following slides:

- Background
- Ordinance 25-21 (2 slides)
- Thank you

Commissioner Long arrived at 9:06 a.m.

Public Hearing opened.

No speakers.

Public Hearing closed.

Commissioner O'Connor inquired if there was a designation between a service dog and a pet.

Housing Coordinator Yearsley further clarified the Ordinance applies to standard pets and emotional support animals. It is not meant to apply to a service animal that has approved credentials from the ADA.

Discussion held regarding:

- Registration Fee
- Permitting Fee
- Annual Renewal Fee
- Ordinance 25-21 in comparison to previous Ordinance

Commissioner Bashaw queried whether the revocation was meant for the permit or business license.

Housing Coordinator Yearsley clarified it was specific to the Outdoor Dining Permit.

Discussion held regarding:

- Potential Liability Issues
- Special Magistrate
- Facilitating implementation of the Ordinance to local establishments

Commissioner Bennie moved, seconded by Vice Chair Slapper, to recommend approval of Ordinance 25-21, as presented.

Commission polled as follows: Bashaw, Bennie, O'Connor, Ranfranz, Read, and Slapper, and Alternate Safranek voted "aye." Seven "ayes." Motion carried 7-0.

CITIZENS INPUT

No speakers.

STAFF UPDATES

Evaluation and Appraisal Report Update

Planning Team Coordinator Daltry discussed an update on the EAR (Evaluation and Appraisal Report). He discussed the following slides:

- EAR Update and Kickoff
- Purpose of EAR
- EAR Requirements
- Our EAR Requirements
- The LPA's Involvement
- Options
- Timeline

Chair Read recommended adding the EAR review as needed on the regular Planning and Zoning Commission meeting agenda.

Commissioner Bashaw requested clarification from Staff on expectations from the Commission.

Discussion held regarding:

- EAR review expectations from the Commission and the review process
- Future Land Use element to be presented in May
- Commissioners feedback process
- EAR based amendment process
- State review procedure

OTHER BUSINESS

None.

MEMBER COMMENTS

None.

DATE AND TIME OF NEXT MEETING

A Special Meeting was scheduled for Wednesday, April 14, 2021, at 9:00 a.m. in Council Chambers.

The next Regular Meeting was scheduled for Wednesday, May 5, 2021, at 9:00 a.m. in Council Chambers.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:28 a.m.

Submitted by,

Shana Sigler
Recording Secretary



AGENDA REQUEST FORM
CITY OF CAPE CORAL

Item Number:	6.A.
Meeting Date:	5/5/2021
Item Type:	BUSINESS

TITLE:

AHAC Position Discussion and Selection Recommendation

REQUESTED ACTION:

Appoint

SUMMARY EXPLANATION AND BACKGROUND:

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDATIONS:

Please take a look at Resolution 181-20 for details regarding the requested recommendation.

SOURCE OF ADDITIONAL INFORMATION:

Betty Castillo, Assistant City Clerk, 1-239-242-3243

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

N/A

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

PREPARED BY:

Betty Castillo Division- Managerial Department- City Clerk

ATTACHMENTS:

Description	Type
1. Ordinance 181-20	Backup Material

RESOLUTION 181 - 20

A RESOLUTION OF THE CITY OF CAPE CORAL AMENDING RESOLUTION 23-08, WHICH ESTABLISHED THE AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR PURPOSE AND CREATION; PROVIDING FOR COMPOSITION; PROVIDING FOR POWERS AND DUTIES; PROVIDING FOR VACANCIES; PROVIDING FOR MEETINGS; PROVIDING FOR QUORUM; PROVIDING COMPENSATION; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, section 420.9076, Florida Statutes, requires each municipality that participates in the State Housing Incentives Partnership Program (SHIP) to establish an affordable housing advisory committee to recommend monetary and non-monetary incentives for affordable housing; and

WHEREAS, on June 4, 2008, the City Council adopted Resolution 23-08, which established the Affordable Housing Advisory Committee in the City of Cape Coral; and

WHEREAS, the Cape Coral City Council desires to amend Resolution 23-08 to remain in compliance with recent amendments to Florida law.

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

SECTION 1. PURPOSE AND CREATION: The purpose of this Resolution is to comply with the State Housing Initiatives Partnership Program by establishing an Affordable Housing Advisory Committee, combining public and private resources, to recommend monetary and non-monetary incentives to provide affordable housing.

SECTION 2. COMPOSITION: The Affordable Housing Advisory Committee shall be composed of eleven (11) members. All members shall be residents of the City of Cape Coral and all will be appointed by a majority vote of the City Council. ~~The initial committee shall consist of four (4) members to be appointed for three (3) years, four (4) members to be appointed for two (2) years, and three (3) members to be appointed for one (1) year. The City Council shall utilize a random selection process to determine which of such members shall serve a term of one (1) year, two (2) years, or three (3) years as provided herein. Thereafter m~~Members shall serve for a period of three years from the date of their appointment. The Committee shall include one city council member and one representative from at least six of the categories below:

- (a) ~~One~~ A citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- (b) ~~One~~ A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- (c) ~~One~~ A citizen who is a representative of those areas of labor activity engaged in home building in connection with affordable housing.
- (d) ~~One~~ A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- (e) ~~One~~ A citizen who is actively engaged as a for-profit provider of affordable housing.
- (f) ~~One~~ A citizen who is actively engaged as a not-for-profit provider of affordable housing.
- (g) ~~One~~ A citizen who is engaged as a real estate professional in connection with affordable housing.

- (h) ~~One~~ A citizen who actively serves on the local planning agency/planning and zoning commission (pursuant to section 163.3174, Florida Statutes).
- (i) ~~One~~ A citizen who resides within the jurisdiction of the local governing body making the appointments (citizen at large).
- (j) ~~One~~ A citizen who represents employers within the City of Cape Coral.
- (k) ~~One~~ A citizen who represents essential services personnel, as defined in the local housing assistance plan.

~~If, due to the presence of a conflict of interest by prospective appointees, or other reasonable factors, the City is unable to appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed.~~

SECTION 3. POWERS AND DUTIES: At a minimum, the Committee shall submit an annual report to the City Council and to the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program that includes recommendations on, and ~~triennially thereafter~~ evaluates the implementation of, affordable housing incentives in the following areas:

- (a) The processing of approvals of development orders or permits, ~~as defined in section 163.3164 (7) and (8), Florida Statutes,~~ for affordable housing projects is expedited to a greater degree than other projects, as provided in Section 163.3177(6)(f)3, Florida Statutes.
- (b) ~~The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment~~ All allowable fee waivers provided for the development or construction of affordable housing.
- (c) The allowance of flexibility in densities for affordable housing.
- (d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.
- (e) ~~The allowance of a~~ Affordable accessory residential units ~~in residential zones.~~
- (f) The reduction of parking and setback requirements for affordable housing.
- (g) The allowance of flexible lot configuration, including zero-lot-line configurations for affordable housing.
- (h) The modification of street requirements for affordable housing.
- (i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- (k) The support of development near transportation hubs and major employment centers and mixed-use developments.

~~Triennially~~ Annually, the Committee shall review the established policies and procedures, ordinances, land development regulations, and the City's comprehensive plan, and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.

The Committee may recommend other affordable housing incentives identified by the Committee. The Committee may also perform other duties at the request of City Council.

The city council member serving on the Committee must attend biannual regional workshops convened and administered under the Affordable Housing Catalyst Program as provided in Section 420.531(2), Florida Statutes.

SECTION 4. VACANCIES: ~~Any member of the Committee may be removed, with or without cause, by a majority vote of the City Council. Committee members may be suspended or removed from office as provided in Section 112.501, Florida Statutes, as may be amended.~~ Whenever a vacancy occurs on the Committee, the Council shall fill the vacancy for the remainder of the term in the same manner as the original appointment as soon as practicable after the vacancy occurs. A vacancy in the office of Chairperson or Vice-Chairperson shall be filled at the earliest possible date by the Committee by the election of one of its members to fill the unexpired term.

SECTION 5. MEETINGS: The City of Cape Coral Affordable Housing Advisory Committee shall hold meetings on a quarterly basis, or more often when business requires. Special meetings may be called by the Chairperson when deemed imperative. The Committee shall appoint a Chairperson and Vice-Chairperson to serve for a term of one year. The Vice-Chairperson shall act in the absence of the Chairperson. The Committee may adopt its own rules and regulations as may be deemed necessary, providing such rules shall not be contrary to the spirit and intent of this resolution, the policies and Charter of the City, and Florida Statutes. The Chairman may appoint Ad Hoc Committees when deemed necessary. All meetings are open to the public.

SECTION 6. QUORUM: Six (6) members of the Committee present to conduct official business shall constitute a quorum. No official action shall be taken by the Committee without the concurring vote of a majority of all members present at such meeting.

SECTION 7. COMPENSATION: The members of the City of Cape Coral Affordable Housing Advisory Committee shall serve without compensation.

SECTION 8. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR COUNCIL SESSION THIS 31st DAY OF August, 2020.

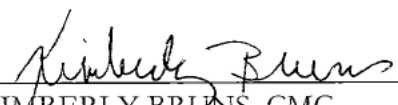


JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

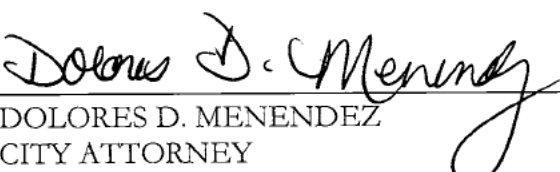
COVIELLO	<u>aye</u>	NELSON	<u>aye</u>
GUNTER	<u>aye</u>	WELSH	<u>aye</u>
CARIOSCIA	<u>aye</u>	WILLIAMS	<u>aye</u>
STOUT	<u>aye</u>	CODEN	<u>aye</u>

ATTESTED TO AND FILED IN MY OFFICE THIS 8th DAY OF September, 2020.



KIMBERLY BRUNS, CMC
CITY CLERK

APPROVED AS TO FORM:



DOLORES D. MENENDEZ
CITY ATTORNEY
res/AHAC members



**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.A.
Meeting Date:	5/5/2021
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 37-21 (LU20-0011)

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

The applicant requests a future land use map amendment from the Single-Family/Multi-Family (SM) future land use designation to the Commercial/Professional (CP) future land use designation. The site is one parcel consisting of 18.65 acres.

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision? Yes
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan? No

ELEMENT A: INCREASE ECONOMIC DEVELOPMENT AND REDEVELOPMENT IN THE CITY

RECOMMENDATIONS:

Planning Division staff recommends Approval

SOURCE OF ADDITIONAL INFORMATION:

Chad Boyko, Principal Planner, Ph: (239) 573-3162, Email: cboyko@capecoral.net

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

N/A

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

PREPARED BY:

Jessica Cruz Division- Planning Division Department- Community Development

ATTACHMENTS:

Description

Type

- ▣ 1. Ordinance 37-21 (LU20-0011)
- ▣ 2. Backup Materials

Ordinance
Backup Material

ORDINANCE 37 - 21

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM SINGLE FAMILY/MULTI-FAMILY (SM) TO COMMERCIAL/PROFESSIONAL (CP) LAND USE FOR A PARCEL OF LAND LYING IN A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 4450 BURNT STORE ROAD NORTH; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral on February 13, 1989, adopted a Comprehensive Plan pursuant to the Comprehensive Planning Act; and

WHEREAS, as part of the Comprehensive Plan the City of Cape Coral adopted therewith a future land use map designating land uses and proposed land uses throughout the City of Cape Coral consistent with the Comprehensive Plan and Comprehensive Planning Act; and

WHEREAS, the City of Cape Coral City Council has considered the testimony, evidence, and documentation for the Land Use Amendment initiated by CC LAND DEVELOPMENT COMPANY, LLC, regarding the below described property, and considered the recommendation of the Planning & Zoning Commission/Local Planning Agency and City staff.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION 1. That the below described real property located within the City of Cape Coral, Florida, is hereby amended consistent with the City of Cape Coral Comprehensive Plan as follows:

FROM SINGLE FAMILY/MULTI-FAMILY (SM) TO COMMERCIAL/PROFESSIONAL (CP)

A PARCEL OF LAND LYING IN A PORTION OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT "A", BLOCK 6114, CAPE CORAL UNIT 97, AS RECORDED IN PLAT BOOK 25, PAGES 85-97, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.01°39'51"E. ALONG THE WEST LINE OF SAID TRACT "A" AND THE WESTERLY LINE OF THE EAST 1/2 (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE AFORESAID SECTION 7, FOR 930.11 FEET TO THE POINT OF BEGINNING; THENCE RUN N.01°39'51"E. ALONG THE WESTERLY LINE OF THE EAST 1/2 (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE AFORESAID SECTION 7, FOR 660.11 FEET; THENCE RUN S.89°14'33"E. FOR 1232.73 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF BURNT STORE ROAD (200 FEET WIDE); THENCE RUN S.01°57'06"W. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 660.15 FEET; THENCE RUN N.89°14'37"W. TO A POINT ALONG SAID WESTERLY LINE OF THE EAST 1/2 (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE AFORESAID SECTION 7 FOR 1229.41 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS: 812,528.947 SQUARE FEET OR 18.65 ACRES, MORE OR LESS

BEARINGS ARE BASED ON THE NORTH RIGHT-OF-WAY LINE OF DURDEN PARKWAY WEST AS BEING N.89°14'37"W.

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 _____, 2021.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER _____
TATE _____
SHEPPARD _____
HAYDEN _____

NELSON _____
WELSH _____
WILLIAMS _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2021.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
ord/lu20-0011



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

For Internal Use Only

Case _____

Date _____

Tel. (239) 574-0776

Fax (239) 574-0591

P.O. Box 150027

Cape Coral, FL 33915-0027

FUTURE LAND USE MAP AMENDMENT (FLUMA) APPLICATION

NOTE TO APPLICANT: The completed application must be legible, and all items must be provided at the time of submission.

FLUMA APPLICATION REQUIREMENTS

1. ☐ Letter of intent stating the actual request and why the request is being made
2. ☐ Applicant's portion of request shall be typewritten, and signature notarized:
 - All forms (Application, Acknowledgement Form, Authorization to Represent) must be signed by the property owner or the applicant. If the Authorized Representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney and an Authorization to Represent Form is not required.
 - If there are any deed restrictions on the property, a copy of the restrictions will be required.
3. ☐ Certified survey done within past six (6) months MAY be required
4. ☐ If the subject property is within 500 feet of any County properties, the applicant must provide:
 - a typewritten list of all affected property owners within the area. The list must prepare in label format and contain the following information; name, address, city, and zip-code.
5. ☐ The applicant must provide a traffic projection of the number of trips that are anticipated to be generated by the revised Land Use including the distribution of these trips onto the roadway system. The applicant may also be required to perform a more detailed traffic impact analysis based on the City's traffic impact guidelines.
6. ☐ Chapter 163, Florida Statutes, requires that comprehensive plan map amendments be City Council must hold a submittal hearing (1st public hearing) prior to sending amendments to DEO. (Council may approve for submittal or deny proposed land use map amendments. Only approved amendments are submitted to DEO.) DEO then has ninety (90) days to review and respond to the proposed amendments. Upon receipt of DEO comments or objections, the local government has sixty (60) days to approve, deny, or approve with modifications the proposed land use map amendments.
7. ☐ Comprehensive Plan Amendments are reviewed by the Planning and Zoning Commission and City Council. Planning and Zoning Commission is an advisory body to City Council and makes recommendations on all amendments.
8. ☐ Please refer to the Future Land Use Map Amendment Section 3.5.2. for additional information.

NOTE: IF ANY OF THE ABOVE INFORMATION IS ON A SHEET LARGER THAN 11 X 17, THE APPLICANT MUST SUPPLY SEVENTEEN (17) COPIES TO BE USED FOR DISTRIBUTION. IN ADDITION TO THE APPLICATION FEE, ALL REQUIRED ADVERTISING COSTS ARE TO BE PAID BY THE APPLICANT (ORD 39-03, SECTION 3.5.2.). ADVERTISING COSTS WILL BE BILLED AND MUST BE PAID PRIOR TO HEARING.



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

Tel. (239) 574-0776
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

FUTURE LAND USE MAP AMENDMENT APPLICATION

FEES: \$1,225.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Section 3.5.2). Advertising costs will be billed and must be paid prior to hearing.

OWNER(S) OF PROPERTY INFORMATION

Owner	CC Land Development Company, LLC	Address	2222 Second Street
Phone	239-791-7950	City	Ft. Myers
Email	faloia@lawdefined.com	State	Florida Zip 33901
Owner		Address	
Phone		City	
Email		State	Zip

APPLICANT INFORMATION (If different from owner)

Applicant	Same as Owner	Address	
Phone		City	
Email		State	Zip

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative	Avalon Engineering, Inc.	Address	2503 Del Prado Boulevard South
Phone	239-573-2077/ Extension 216	City	Cape Coral
Email	linda@avaloneng.com (Linda Miller)	State	FL Zip 33904

PROPERTY INFORMATION

Unit	Block	Lot (s)	Subdivision
Property Address 4450 Burnt Store Road N, Cape Coral, Florida			
Plat Book	Page	Current Zoning	R1(Single Family Residential)
Strap Number	07-43-23-C3-00010.0000	Acreage	18.65+/-
Current Land Use	SM (Single Family and Multi-Family)	Proposed Land Use	CP (Commercial Professional)



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

Tel. (239) 574-0776
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

THIS APPLICATION SHALL ALSO HAVE ANY ADDITIONAL REQUIRED SUPPORTING DOCUMENTS
The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

CC Land Development Company, LLC
By: Frank J. Aloia, Jr. it's Manager

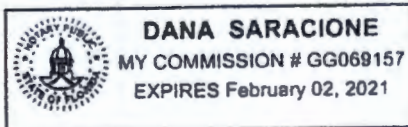
NAME (PLEASE TYPE OR PRINT)


AUTHORIZED SIGNATURE *Manager*

STATE OF FL COUNTY OF LEE

Sworn to (or affirmed) and subscribed by me this 5th day of November, 2020

by Frank J. Aloia, Jr. who is personally known or produce _____
as identification.

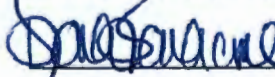


Exp Date: 2/2/2021

Signature of notary Public:

Printed Name of Notary Public:

Commission Number: GG069157



Dana Saracione



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

Tel. (239) 574-0776
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

ESTIMATED PEAK HOUR TRIP

Parcel Size: Width 660 Depth 1,230 Sq. Ft. 812,394 Acreage 18.65+/-

Soil Type: See Soil Map with types listed prepared by Dex Bender and Associates

Urban Services Area: (check one) Infill _____ Transition Reserve X

Natural Resources (state habitat type, e.g. high lands, wetlands, upland forest, oak hammocks, etc.):

See wetland map and environmental report prepared by Dex Bender and Associates

Animal Species: (list any endangered, threatened, or species of special concern on-site)

See protected species report and map prepared by Dex Bender and Associates

Estimated Development:

- Estimate total lot coverage 18 %
- Estimate total building floor area: 142,441 Sq. ft.
- Estimate type of future development and percentages:
(e.g. business offices, commercial retail, automotive repair, etc.)

Estimated peak hour trip ends:

If 300 or less peak hour trip ends are projected, the applicant must provide the source of the traffic projection.
If more than 300 peak hour trip ends are projected, a traffic impact study must be completed and submitted as part of the application (see attachments).

City Sewer: YES _____ NO _____

This development may have future access to City Utilities through an interlocal agreement with Charlotte County

City Water: YES _____ NO _____



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

Tel. (239) 574-0776
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner and City Council.

I will have the opportunity, at the hearing, to present verbal information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising and recording costs. All fees are to be submitted to the City of Cape Coral with the application or the item may be pulled from the agenda and continued to future date after fees are paid.

Please obtain all necessary permits prior to commencing any phase of construction.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the 5th Day
of November, 2020.

CC Land Development Company, LLC

CORPORATION/COMPANY NAME

Frank J. Aloia, Jr. its Manager

OWNER'S NAME (TYPE or PRINT)

OWNER'S SIGNATURE

STATE OF FL COUNTY OF LEE

Sworn to (or affirmed) and subscribed by me this 5th day of November, 2020

by Frank J. Aloia, Jr. who is personally known or produce _____
as identification.

Exp Date: 2/2/2021

Commission Number: GG069157

Signature of notary Public:

Printed Name of Notary Public:



Dana Saracione
Dana Saracione



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

Tel. (239) 574-0776
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Avalon Engineering, Inc
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST BEFORE THE HEARING
EXAMINER AND CITY COUNCIL FOR:
LUMA

(Type of Public Hearing, PUD, Rezone, Special Exception, Vacation of Plat, Variance, etc.)
Unsubdivided Parcels

UNIT _____ BLOCK _____ LOT(S) _____ SUBDIVISION _____

OR LEGAL DESCRIPTION _____

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

CC Land Development Company, LLC
By: Frank J. Aloia, Jr. it's Manager

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Please Print)

Frank J. Aloia, Jr., Manager
PROPERTY OWNER (Signature & Title)

PROPERTY OWNER (Signature & title)

STATE OF FL COUNTY OF LEE

Sworn to (or affirmed) and subscribed by me this 5th day of November, 2020

by Frank J. Aloia, Jr. who is personally known or produce _____

as identification.

Exp Date: 2/2/2021

Commission Number: GG069157



Signature of notary Public: Dana Saracione

Printed Name of Notary Public: Dana Saracione

Note: Please list all owners. If a corporation, please supply the Planning Division with a copy of corporation papers.



FUTURE LAND USE MAP AMENDMENTS

- A. Purpose of Amendments. Future Land Use Map amendments shall be considered for the following reasons:
1. The amendment implements the goals, objectives, and policies of the Comprehensive Plan.
 2. The amendment promotes compliance with changes to other city, state, or federal regulations.
 3. The amendment results in compatible land uses within a specific area.
 4. The amendment implements findings of reports, studies, or other documentation regarding functional requirements, contemporary planning practices, environmental requirements, or similar technical assessments.
 5. The amendment is consistent with the City's ability to provide adequate public facilities and services.
 6. The amendment prepares the City for future growth, such as reflecting changing development patterns, identifying demands for community services, reflecting changes necessary to accommodate current and planned growth in population, and facilitating community infrastructure and public services.
- B. Manner of Initiation. Applications for a Future Land Use Map Amendment (FLUMA) may be initiated in the following manner:
1. The City Council by its own motion;
 2. The Planning and Zoning Commission by its own motion;
 3. The City Manager for City initiated requests; or
 4. By a petition of one or more property owners of at least 51% of the property owners of an area proposed for amendment.
- C. Review Criteria. Proposed future land use map amendments shall be reviewed in accordance with the requirements of Chapter 163, Florida Statutes, and the following criteria:
1. Whether the proposed future land use amendment is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan;
 2. The amendment protects the health, safety, and welfare of the community;
 3. The proposed amendment and all of the consistent zoning districts, and the underlying permitted uses, are compatible with the physical and environmental features of the site;
 4. The range of zoning districts and all of the allowed uses in those districts are compatible with surrounding uses in terms of land suitability or density and that a change will not result in negative impacts on the community or traffic that cannot be mitigated through application of the development standards in this Code;



DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

Tel. (239) 574-0776
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

5. The site is capable of accommodating all of the allowed uses, whether by right or otherwise, considering existing or planned infrastructure for roads, sanitary and water supply systems, stormwater, parks, etc.; and
 6. Other factors deemed appropriate by the Commission and City Council.
- D. Effective date of approval. The effective date of a future land use map amendment shall be in accordance with Chapter 163, Florida Statutes.

**Property Data**

STRAP: 07-43-23-C3-00010.0000 Folio ID: 10600229

+ Owner Of Record - Sole Owner[\[Change Address \]](#)

CC LAND DEVELOPMENT COMPANY LL
c/o FRANK J ALOIA JR
2222 SECOND ST
FORT MYERS FL 33901

Site Address

Site Address maintained by E911 Program Addressing

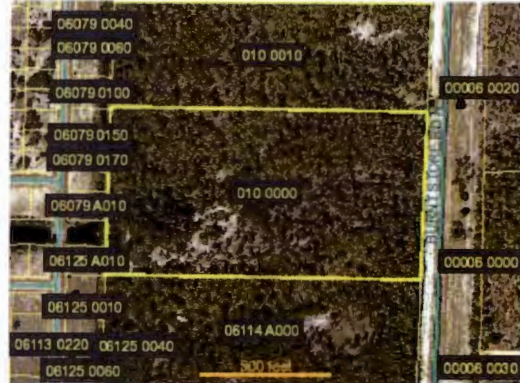
4450 BURNT STORE RD N
CAPE CORAL FL 33993

Property Description**Do not use for legal documents!**

N 660 FT OF S 1650 FT OF E 1/2 OF SE 1/4 LESS R/W SR 765

Classification / DOR Code

VACANT RESIDENTIAL / 00

[\[Tax Map Viewer \]](#) [\[View Comparables \]](#)[\[Pictometry Aerial Viewer \]](#)**Current Working Values****Just**

259,980

Attributes

Land Units Of Measure	AC
Units	18.57
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0
Total Living Area	0
1st Year Building on Tax Roll	N/A
Historic Designation	No

Image of Structure**Exemptions****Values (2020 Tax Roll)****Taxing Authorities****Sales / Transactions****Parcel Numbering History**

This parcel was recently involved in a split or combination.

**Location Information****Solid Waste (Garbage) Roll Data****Flood and Storm Information**

+**Address History****+****Appraisal Details (2020 Tax Roll)****+****Appraisal Details (Current Working Values)**



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
CC LAND DEVELOPMENT COMPANY, LLC.

Filing Information

Document Number	L17000145343
FEI/EIN Number	82-2092466
Date Filed	07/06/2017
Effective Date	07/06/2017
State	FL
Status	ACTIVE

Principal Address

2222 Second Street
Fort Myers, FL 33901

Changed: 03/09/2020

Mailing Address

2222 Second Street
Fort Myers, FL 33901

Changed: 03/09/2020

Registered Agent Name & Address

ALOIA, FRANK J, JR.,ESQ
2222 Second Street
Fort Myers, FL 33901

Address Changed: 03/09/2020

Authorized Person(s) Detail

Name & Address

Title MGR

ALOIA, FRANK J, JR.,ESQ
2222 Second Street
Fort Myers, FL 33901

Annual Reports

Report Year	Filed Date
2018	03/06/2018
2019	04/23/2019
2020	03/09/2020

Document Images

03/09/2020 – ANNUAL REPORT	View image in PDF format
04/23/2019 – ANNUAL REPORT	View image in PDF format
03/06/2018 – ANNUAL REPORT	View image in PDF format
07/06/2017 – Florida Limited Liability	View image in PDF format

PLANNING DIVISION STAFF REPORT
LU20-0011

PROPERTY ADDRESSES 4450 Burnt Store Road	APPLICANTS/PROPERTY OWNERS CC Land Development Company, LLC
--	---

<p>SUMMARY OF REQUEST</p> <p>The applicant requests a future land use map amendment from the Single-Family/Multi-Family (SM) future land use designation to the Commercial/Professional (CP) future land use designation. The site is one parcel consisting of 18.65 acres.</p>	 <p>MAP SOURCE</p>
--	---

STAFF RECOMMENDATION: Approval

Positive Aspects of Application:	The amendment would increase the amount of commercial land within the City. The site has frontage from a principal arterial and very low amount of nearby residential development.
Negative Aspects of Application:	The site has a pocket of wetlands near a historical floodway. The site may not have adequate utility capacity depending on scale of development.
Mitigating Factors:	The wetland area is relatively small size. CP amendment does not guarantee utility availability.

SITE INFORMATION

Location: 4450 Burnt Store Road
Northwestern quadrant of Cape Coral – Unplatted tract
Near the Northwest corner of Burnt Store Road and Durden Parkway intersection

STRAP Number: 07-43-23-C3-00010.0000

Site Area: 18.65 acres (808,657 sq. ft.)

Site:	Future Land Use	Zoning
Current:	Single-Family/Multi-Family (SM)	Single-Family Residential (R-1)
Proposed:	Commercial/Professional (CP)	N/A
	Surrounding Future Land Use	Surrounding Zoning
North:	Commercial/Professional (CP)	Single-Family Residential
South:	Commercial/Professional (CP)	Commercial (C)
East:	Lee County Designation	Lee County Designation
West:	Single-Family/Multi-Family (SM)	Single-Family Residential (R1)

Urban Service Area: Reserve

City Water/Sewer: No

Type of Access Road: The site has frontage on Burnt Store Road, a principal arterial.

Soil Types and Limitations for Development:

Map Unit		Limitations	
		Dwellings without basements	Small commercial buildings
28	Immokalee Sand	Moderate (wetness)	Moderate (wetness)
26	Pineda Fine Sand	Moderate (wetness)	Moderate (wetness)
11	Myakka Fine Sand	Moderate (wetness)	Moderate (wetness)

The soil in the area presents moderate limitations for dwellings and small commercial buildings. These limitations are typically overcome by using various engineering solutions, such as importing fill. The soil type, therefore, may not present an obstacle to any proposed amendment. However, special feasibility studies may be required at the development stage of the property.

Drainage: Must comply with South Florida Water Management District and the City of Cape Coral Engineering Design Standards.

Natural Resources: The site consists of undeveloped land. The applicant has submitted a map that shows approximately three acres of potential wetlands or hydric soil. The

potential wetland area is near the frontage along Burnt Store Road. Future development would likely impact these wetlands and would require permitting through the Army Corp of Engineers (ACOE) and the South Florida Water Management District (SFWMD).

Flora & Fauna Habitat: Prior to any permit for development being issued, an environmental survey must be undertaken, and mitigation performed to minimize the impacts of development, if any, on the protected species habitat.

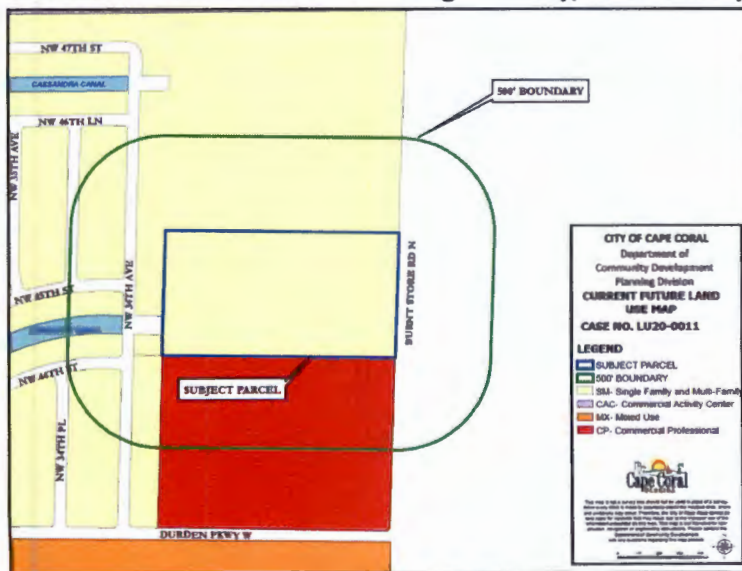
FINDINGS OF FACT

The site is a 18.65 acre undeveloped parcel in northwestern Cape Coral. The site is unplatted and is near the intersection of Burnt Store Road Durden Parkway. The site is surrounded by undeveloped parcels to the north, east, and west. South of the Durden Parkway and Burnt Store Road intersection is the Myriad RV Resort, which is currently under construction. Municipal water, sewer, and irrigation are not available to the site, however, water and sewer lines that are serviced by Charlotte County have been extended from the northern City of Cape Coral boundary to the Myriad RV Resort. These water and sewer lines run along the front of the site along Burnt Store Road.

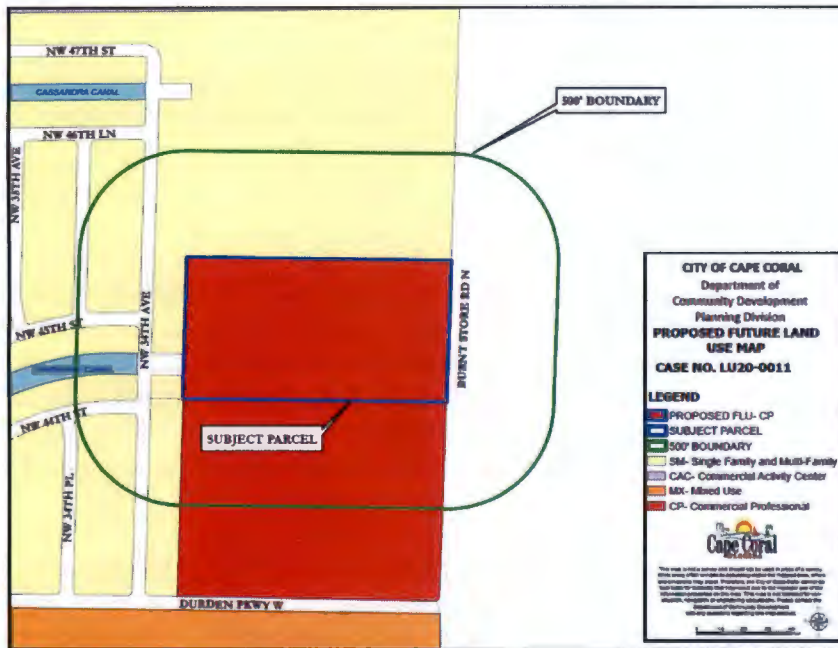
Upon adoption of the Comprehensive Plan in 1989, the site was given a future land use designation of Single-Family/Multi-Family (SM) and zoning designation of Single-Family Residential (R-1B). Parcels to the north and south have recently had their future land use designations amended to Commercial/Professional (CP). Parcels to the west have Parcel to the east of the site are within unincorporated Lee County and have a Lee County future land use and zoning designation.

The applicant is seeking the future land amendment from Single-Family/Multi-Family (SM) to Commercial/Professional (CP) to construct a commercial development on the site. The applicant states in their Letter of Intent that the site's frontage and size make it an ideal site for a future commercial development.

CURRENT FUTURE LAND USE – Single-Family/Multi-Family (SM)



PROPOSED FUTURE LAND USE – Commercial/Professional (CP)



CURRENT ZONING DESIGNATION – Single-Family Residential (R1)



ANALYSIS

Cape Coral Comprehensive Plan – Chapter 4, Future Land Use Element

Below are the descriptions of the existing and proposed future land use designations for the site. Staffs analysis will also focus on whether or not the site is still appropriate for the existing land use based upon various policies in the Future Land Use element.

Policy 1.15

Single-Family/Multi-Family Residential (MF) Future Land Use Designation

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.

Staff Response: The site is a little over 18 acres in size and would be allowed a maximum density of 298 multi-family units. The site would require a rezone to Multi-Family Residential Medium (RMM) to achieve the maximum number of residential dwelling units.

Commercial/Professional (CP) Future Land Use Designation

Intensities of use in the CP land use classification shall not exceed a floor to lot area ratio (FAR) of 1.0. Zoning districts compatible with the 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.

Staff Response: The maximum Floor Area Ratio in the CP future land use designation is 1.0. The site is 808,657 sq. ft., therefore, the maximum commercial intensity allowed on the site is 808,657 sq. ft. Staff notes that the majority of commercial developments in Cape Coral have developed at an FAR of 0.25 or less. If the site develops at an FAR of 0.25, the development would be 202,164 sq. ft.

Policy 1.13

This policy aims to promote commercial future land use designations and commercial development along commercial nodes. Commercial nodes are defined as “a compact concentration of commercial land within a relatively small area”. Ideal commercial nodes are located around or in the vicinity of intersection of four or six-lane divided parkways or boulevards. The policy also provides further details on the shape and size of parcels at commercial nodes.

Response: The site is near the Durden Parkway and Burnt Store Road intersection. Burnt Store Road is a four-lane principal arterial (maintained by Lee County Department of Transportation) and Durden Parkway is a collector road (maintained by the City of Cape Coral), however, Durden Parkway is only two lanes. A site that is adjacent to the south had its future land use designation amended from Single-Family/Multi-Family Residential (SM) to Commercial/Professional (CP) in 2020. Additionally, a site that is on the southern side of the intersection has Mixed Use (MX) future land use designation. Policy 1.13 states a site can be considered to be at a commercial node if non-residential future land uses extend from the node to the site in a linear fashion. The site, in addition to the parcel to the south, would be considered an extension of the commercial node at Burnt Store Road and Durden Parkway. Staff finds that the site while the site is not at the intersection of two four-lane streets, the site is still an extension of a commercial 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:

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” commercial property (a commercial property not abutting any existing commercial properties) 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 (see below: Integration).

Response: As discussed previously, the site is near the northwest corner of the Durden Parkway and Burnt Store Road intersection. While the intersection, may not be a commercial node per Policy 1.13, the site still qualifies as a major intersection per this guideline. According to the guideline above, the site is at a “major intersection” because Burnt Store Road is an arterial street, while Durden Parkway is a collector street. Staff also finds that the site would be the third parcel with a non-residential future land use at this intersection. Planning staff finds that the site is at a major intersection and the proposed future land use designation is consistent with this commercial siting guideline.

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. Ideally, then, adequate depth is achieved if any number of contiguous properties, owned by the same landowner (see Ownership Pattern, below) occupy the entire 250 feet of depth. Adequate depth would not be achieved if the subject properties have different owners or if the contiguous properties are not reasonably compact (see below).

Response: The site is along an arterial roadway and has an approximate depth of 1,200 feet. This depth is more than adequate to accommodate parking, buffering, water retention and other features that would be required for commercial development. Planning staff finds that the site exceeds the preferred depth of 250 feet, therefore, the proposed future land use designation is consistent with this commercial siting guideline.

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.

Response: The site is one parcel that is rectangular in shape and is compact. The site is 620 feet wide and 1,200 feet deep. This compact, rectangular shape should allow for orderly development that would reduce adverse visual, noise, or aesthetic impacts to the surrounding neighborhood. Planning staff finds that the proposed future land use designation is consistent with this commercial siting guideline.

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.

Response: This area of Cape Coral is fairly undeveloped and there is no existing and operational commercial development near the site. The closest commercial development is several miles to the south along Burnt Store Road. A site to the south has CP future land use. The guideline states that integration is possible for adjacent properties, so the site to the south would be considered for future integration. Planning staff finds that has potential for future integration, therefore, staff finds the proposed future land use is consistent with this commercial siting guideline.

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.

Response: The site is one, 18.65 acre parcel which exceeds the preferred threshold of three acres. The size of the site provides ample width and depth to accommodate commercial development. Planning staff finds that while the site is not an assemblage of parcels, the site exceeds the preferred size threshold of three acres, therefore, the proposed future land use designation is consistent with this commercial siting guideline.

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.

Response: As discussed previously, there is no commercial development adjacent or in close proximity to the site. Planning staff also notes that the surrounding area is sparsely developed with any type of use. There is not development to the north, south, or west of the site, however, there are three single-family homes that are approximately 350 feet to the west across a two-lane local street. This level of development is well below the 25% threshold stated in the commercial siting guideline. The intrusion standard states that lack of nearby residential development can mitigate the effects of commercial intrusion. The lack of nearby surrounding residential development in close proximity to the site should reduce or limit the effects of new commercial development on the site. Planning staff finds that while the proposed future land use designation would introduce commercial development into a residential area, the lack of existing homes should lessen the intrusion of future development, therefore the sites proposed future land use designation is partially consistent with this commercial siting guideline.

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 Use and Development Regulations 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.

Response: As stated previously, the site has frontage on Burnt Store Road, which is classified as a principal arterial. There are no city parking lots in close proximity to the site and Burnt Store is under the authority of Lee County Department of Transportation (LCDOT). LCDOT does have an access management plan for Burnt Store that limits driveway connections along Burnt Store Road to increase traffic flow and facilitate mobility. Planning staff finds that the site has the preferred ideal access from an arterial street with an access management plan, therefore, the proposed future land use designation is partially consistent with this commercial siting guideline.

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 (see Policy 1.13, above). 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.

Response: There is no pattern of cohesive property ownership in the nearby area. The parcels to the north and south are unplatted tracts each owned by different individuals or groups. Planning staff finds that a mitigating factor to the lack of common owners is that the areas to the north and south are all large parcels that if developed would likely not result in strip development due to their width and depth. Planning staff finds that the sites future land use designation is partially consistent with this commercial siting guideline.

Summary

Policy 1.14 contains eight commercial siting guidelines. Overall, the site is consistent with four guidelines (adequate depth, major intersection, assembly, compactness); partially consistent with three guidelines (access, intrusion, ownership pattern, and integration). Policy 1.14 does not require a proposed amendment to meet a certain threshold of guidelines for approval or denial, rather the guidelines are meant to provide a compatibility analysis.

Appropriateness of Commercial/Professional

The applicant has requested a future land use amendment to CP to allow the site to develop with commercial uses. The site has many ideal characteristics of an ideal commercially entitled site – large size, frontage on a principal arterial, compact shape, very low amounts of nearby residential. These factors would allow for a high-quality commercial development that is not a typical strip commercial development. Staff also notes that there is very little commercial development in this area and the site could develop with needed services such as grocery stores, restaurants, and various retail operations. There are some factors that do require consideration and may require additional actions or monitoring from the owner. The site does contain several acres of wetlands that are on the outer edge of a flow way

that runs through some state preservation land to the east. These wetlands are near the front of the property near the Burnt Store Road frontage. Future development of the site will likely require mitigation for these wetlands through the permitting process. Another consideration is that municipal utilities are not available to the site. Utility lines from Charlotte County – which were constructed for the Myriad Lakes RV Resort to the south – run along the Burnt Store Road frontage. Other users are allowed to utilize some of the capacity in the Charlotte County lines, however, capacity is limited. The Charlotte County lines have approximately 100,000 gallons per day of water and wastewater available. The Myriad Lakes RV Resort is projected to use around 40,000-50,000 gallons per day of that capacity. Depending on the type of development that occurs on the site, there may not be enough water and sewer capacity to support the uses on the site. Further analysis of available water and sewer capacity will be conducted during any future Site Development Plan application.

ECONOMIC DEVELOPMENT MASTER PLAN ANALYSIS

The amendment is not directly supported or in conflict with the City Economic Development Master Plan. The site is not within an Economic Opportunity Area nor will the amendment result in addition or deletion of potential multi-family housing.

REGIONAL PLAN ANALYSIS

Southwest Florida Regional Planning Council's (SWFRPC) Strategic Regional Policy Plan (SRPP):

This proposed CP Future Land Use designation is partially consistent with the SRPP Strategy that prioritizes locating commercial development along transportation corridors.

Lee County Metropolitan Planning Organization's (MPO) 2040 Long Range Transportation Plan:

Portions of Burnt Store Road have recently been widened to four lanes while other portions of Burnt Store Road are undergoing lane widening at this time.

IMPACT ASSESSMENT SUMMARY

The following calculations summarize approximate conditions for each municipal service analyzed. A more complete analysis of each service is included in the text that follows the calculations. To determine the impact assessment, staff utilized the adopted future land use and zoning designations to determine the existing impacts. Therefore, the impacts discussed in this assessment do not necessarily reflect the actual number of dwelling units, population, etc.

The adopted land use classification for these parcels is SM and the zoning designation governing the subject parcels is Single-Family Residential (R1). The R1 district allows a maximum density of 4.4 units per acre. This density would allow a maximum of 82 single-family homes to be developed on the site. The SM future land use designation is also consistent with the Residential Multi-Family Low (RML) and the Residential Multi-Family Medium (RMM) zoning districts. The RMM district permits a maximum residential density of 25 dwelling units per acre. If the site develops at a density of 25 units per acre, the site could be developed with 466 multi-family units. The applicant has requested an amendment to Commercial/Professional (CP). In order for the site to develop with commercial use, a rezone to a commercial district such as Commercial (C) or Professional Office (P) would be required. The applicant could also request a rezone to a Planned Unit Development (PUD). The maximum intensity permitted

under the CP future land use classification is a floor-to-area ratio (FAR) of 1.0, but based on historical development in the City it is more likely that development would occur at a FAR of 0.25. An FAR of 1.0 would result in a development of 808,657 sq. ft. An FAR of 0.25 would result in the site developing with approximately 202,164 sq. ft. of commercial space. This impact assessment summary will provide impacts based upon maximum possible intensity (FAR of 1.0) and a more realistic intensity (0.25).

Commercial Square Footage

Existing:	0 sq. ft.
Proposed:	202,164 sq. ft. (FAR of 0.25) / 808,657 sq. ft. (FAR of 1.0)
Net Change:	+202,164 sq. ft. / 808,657 sq. ft.

Dwelling Units

Existing:	82 single-family units or 466 multi-family units
Proposed:	0
Net Change:	-82 single-family units or 466 multi-family units

Population*

Existing:	208 – 1,183 residents
Proposed:	0
Net Change:	-208 – 1,183 residents

* 2.54 persons/household = avg. household size; 2010 Census

Water Use

Existing:	16,400 gpd at 200 gal per dwelling unit per day / 93,200 gpd at 200 gal per dwelling unit per day
Proposed:	60,649 gpd at 0.3 gal per sq. ft. per day / 242,597 gpd at 0.3 gal per sq. ft. per day
Net Change:	+46,162 gpd / 149,397 gpd
Facility Capacity:	100,000 gpd (not including water service dedicated to Myriad RV Resort)
Permitted Usage:	Unknown – no agreement with Charlotte County Utilities for this site

Sewage

Existing:	16,400 gpd at 200 gal per dwelling unit per day / 93,200 gpd at 200 gal per dwelling unit per day
Proposed:	60,649 gpd at 0.3 gal per sq. ft. per day / 242,597 gpd at 0.3 gal per sq. ft. per day
Net Change:	+46,162 gpd / 149,397 gpd
Facility Capacity:	100,000 gpd (not including sewer service dedicated to Myriad RV Resort)
Permitted Usage:	Unknown – no agreement with Charlotte County Utilities for this site

Solid Waste

Existing Generation: 985 lbs. per day at 4.74 lbs per person per day / 5,607 lbs. per day at 4.7 lbs per day
Proposed: 27,494 lbs. per day at 0.136 lbs per sq ft. per day / 109,977 lbs. per day
Net Change: +26,509 lbs. per day / 104,370 lbs. per day
Facility Capacity: 1,836 tons per day
Existing Demand: 1,384 tons per day
Capacity Available: Yes

Traffic/Daily Trips

Existing Generation: 89 AM trips per hour and 117 PM trips per hour
Proposed: 294 AM trips per hour and 1,070 PM trips per hour / 1,175 AM trips per hour and 4,278 trips per hour¹
Net Change: +205 / 953 AM hour trips and 427 / 1,860 PM hour trips
Facility Capacity: Access from one principal arterial street
Capacity Available: Final determination upon Traffic Impact Study. Burnt Store Road is maintained by Lee County Department of Transportation (LCDOT).

Hurricane Evacuation

The site is in the Storm Surge A/Evacuation Zone A and the site is not in the Coastal High Hazard Area. This amendment would decrease residential dwelling units in this area and could reduce hurricane evacuation times.

Park Lands

The levels of service standard (LOS) for parkland and facilities are based on permanent population. The proposed amendment would eliminate residential dwelling units and would not impact the LOS.

Protected Species

The City requires an environmental survey prior to the issuance of any land clearing/site clearing or development permits. Any future land alteration activities will be preceded by the completion of an environmental survey identifying the presence of protected flora and fauna. Based on the results of the environmental survey, City, State or Federal protective or mitigation may be required.

School Impacts

The proposed amendment to CP would eliminate the potential for residential construction and would not have an impact on the school children population.

PUBLIC NOTIFICATION

¹ Based upon shopping center classification within ITE Trip Generation Manual

Publication: A display ad will be prepared and sent to the *News-Press* announcing the intent of the petitioners to amend the land use of the property described within this report. The ad will appear in the *News-Press* a minimum of 10 days prior to the public hearing scheduled before the Planning and Zoning Commission. Following the public hearing before the Commission, the display ad announcing the final public hearing before the City Council will appear once in the *News-Press*. The ad will appear in the newspaper not less than 10 days prior to the date of the final public hearing before the City Council. The display ads will not be published in the legal section of the *News-Press*.

Written notice: Property owners located within 500 feet from the property line of the land which the petitioners request to vacate will receive written notification of the scheduled public hearing. These letters will be mailed to the aforementioned parties a minimum of 10 days prior to the public hearing scheduled before the Planning and Zoning Commission.

Posting of a Sign: A large sign identifying the case and providing salient information will be posted on the property, as another means of providing notice of the land use amendment request.

RECOMMENDATION

Through the analysis of the Cape Coral Comprehensive Plan and specifically the Future Land Use Element, the proposed amendment to Commercial/Professional is consistent with the Comprehensive Plan and compatible with the surrounding area, therefore, Planning Division staff recommends approval of the proposed large-scale Future Land Use Map amendment request.



Avalon Engineering, Inc.
2503 Del Prado Boulevard South, Suite 200
Cape Coral, Florida 33904
Phone: (239) 573-2077 Fax: (239) 573-2076
#AA C001936 #EB 0003128

December 9, 2020

Mr. Vince Cautero, Director
Department of Community Development
City of Cape Coral
1015 Cultural Park Boulevard
Cape Coral, Florida 33990

PROJECT: CC LAND DEVELOPMENT COMPANY LLC, STRAP # 07-43-23-C3-00010.0000

SUBJECT: LARGE SCALE LAND USE MAP AMENDMENT LETTER OF INTENT

Dear Mr. Cautero:

As provided for in Section 3.5.2 of the City of Cape Coral's Land Development Code, and on behalf of the property owner CC Land Development Company LLC, we respectfully request an amendment to the City of Cape Coral's Future Land Use Map to change the designation of the subject 18.65 acres from SM (Single Family and Multi-family) to CP (Commercial Professional).

The subject parcel is located at 4450 Burnt Store Road North, just north of the Durden 28 LLC parcel that recently went through a Land Use Map Amendment and Rezoning to establish a Commercial Professional Land Use and Commercial Zoning on their site.

The Myriad Motor Coach project has installed utility service lines to provide City Utilities (water, sewer and reuse water) to the Motor Coach project from Charlotte County. These utility lines will also serve a future commercial shopping center on the subject parcel.

MANNER OF INITIATION

Applications for a Future Land Use Map Amendment (FLUMA) may be initiated in the following manner:

By a petition of one or more property owners of at least 51% of the property owners of an area proposed for amendment.

The property owner submitting this petition has 100% ownership in the parcel requesting approval of a Land Use Map Amendment to Commercial Professional.

REVIEW CRITERIA

Proposed future land use map amendments shall be reviewed in accordance with the requirements of Chapter 163, Florida Statutes, and the following criteria:

1. Whether the proposed future land use amendment is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan;

The applicant finds that the following City Comprehensive Plan Policies are consistent with this application:

Policy 1.13

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. The ideal pattern can be characterized by a 1:1 ratio of width to depth of the parcels. Ideal commercial nodes provide limited access to the arterial roadway while providing interconnections between the various commercial uses within the node.

The subject parcel is located on Burnt Store Road and adjacent to the 28 acres south of the subject parcel that is on the corner of Durden Parkway and Burnt Store Road. The subject parcel has approx. 660 linear feet of frontage (width) on Burnt Store Road and shares approx. 1226 feet of frontage (deep) with the adjacent commercial parcel to the south.

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 and shall be based upon the following commercial siting guidelines:

Commercial Siting Guidelines

Major Intersection

New commercial properties should preferably be located within the vicinity of major intersections (i.e., intersections of two or more arterial and/or collector roadways) 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.

The subject parcel is located on Burnt Store Road (Lee County Collector) and is adjacent to a commercial parcel that has access to Durden Parkway a (City of Cape Coral Minor Arterial).

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

The subject parcel has approx. 660 linear feet of frontage (width) on Burnt Store Road and approx. 1226 feet of deep.

Compactness

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.

The subject parcel is a rectangle, with a little more depth than width. The additional depth will provide more green space along the rear of the subject parcel to properly screen from the adjacent residential lots.

Integration

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.

The parcels adjacent to the subject parcel have recently obtained a commercial Land Use and Zoning or are in the process of obtaining approval of a rezoning to the City Commercial Zoning District. In addition, south of the subject parcel containing 188 acres, is planned for an RV Resort (commercial use).

Assembly

For commercial areas to provide the most benefit to the surrounding community, they must be of relatively large size. Therefore, it is important for the City to encourage commercial applicants to assemble relatively large parcels (properties comprising 3 acres or more).

The subject parcel is not an assembly of pre-platted lots but is of a relatively large size (18.65 acres).

Intrusion

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.

Within 500 feet west of the subject parcel there are 3 homesites, that are developed. The area west of the subject parcel is approx. 11% developed with residential homes.

Access

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.

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.

The subject parcel is located on a Lee County Access Management Roadway (Burnt Store Road).

Ownership Pattern

The City of Cape Coral encourages landowners and developers to assemble the properties involved in a commercial future land use request under common ownership.

The subject parcel is 18.65 acres and is under a common ownership.

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.

This site will provide efficient use of the City's infrastructure, the impacts are minimized, and it is located where the community will have access to products, services, and employment opportunities.

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.

The site is located on Burnt Store Road within a transportation node.

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.

The site is larger enough to provide a variety of commercial products and services. The site is conveniently located within the northern area of Burnt Store Road where there is a limited number of commercial uses available.

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.

Burnt Store Road is planned to support a total of 295 acres of commercial Land Use area. Currently only 30+/- acres of commercial land has been developed with commercial uses. This amendment will support the City's policy to provide commercial land uses along Burnt Store Road.

2. The amendment protects the health, safety, and welfare of the community;

This amendment will provide commercial services and products that are currently not available within this area of the City and will assist in reducing traffic trips in order for the residents in this area to obtain these services.

3. The proposed amendment and all the consistent zoning districts, and the underlying permitted uses, are compatible with the physical and environmental features of the site;

The site has the appropriate depth and width to provide a variety of commercial products and services that would be consistent with the compatible zoning districts for the proposed CP (Commercial Professional) Land Use.

4. The range of zoning districts and all of the allowed uses in those districts are compatible with surrounding uses in terms of land suitability or density and that a change will not result in negative impacts on the community or traffic that cannot be mitigated through application of the development standards in this Code;

The site is suitable for a variety of commercial products and services, due to the size, depth and width of the site. The site is larger enough to provide an appropriate buffer and will have direct access from Burnt Store Road and connect to both commercial developments to the north and south in the future.

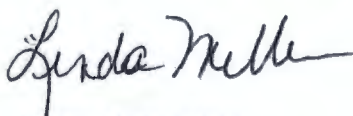
5. The site can accommodate all the allowed uses, whether by right or otherwise, considering existing or planned infrastructure for roads, sanitary and water supply systems, stormwater, parks, etc.; and

The site is suitable for a variety of commercial products and services, due to the size, depth and width of the site. The site is larger enough to provide an appropriate buffer and will have direct access from Burnt Store Road. The future commercial use of this parcel could obtain access to City Water, Wastewater, and Reuse water through an interlocal agreement with the City of Cape Coral and Charlotte County. The development of this site will provide a sidewalk along Burnt Store Road and cross access for pedestrians and vehicles to the future commercial developments to the north and south of the site.

Should you or your staff have questions or require additional information, please let us know.

Sincerely,

AVALON ENGINEERING, INC.



Linda Miller, AICP
Senior Planner

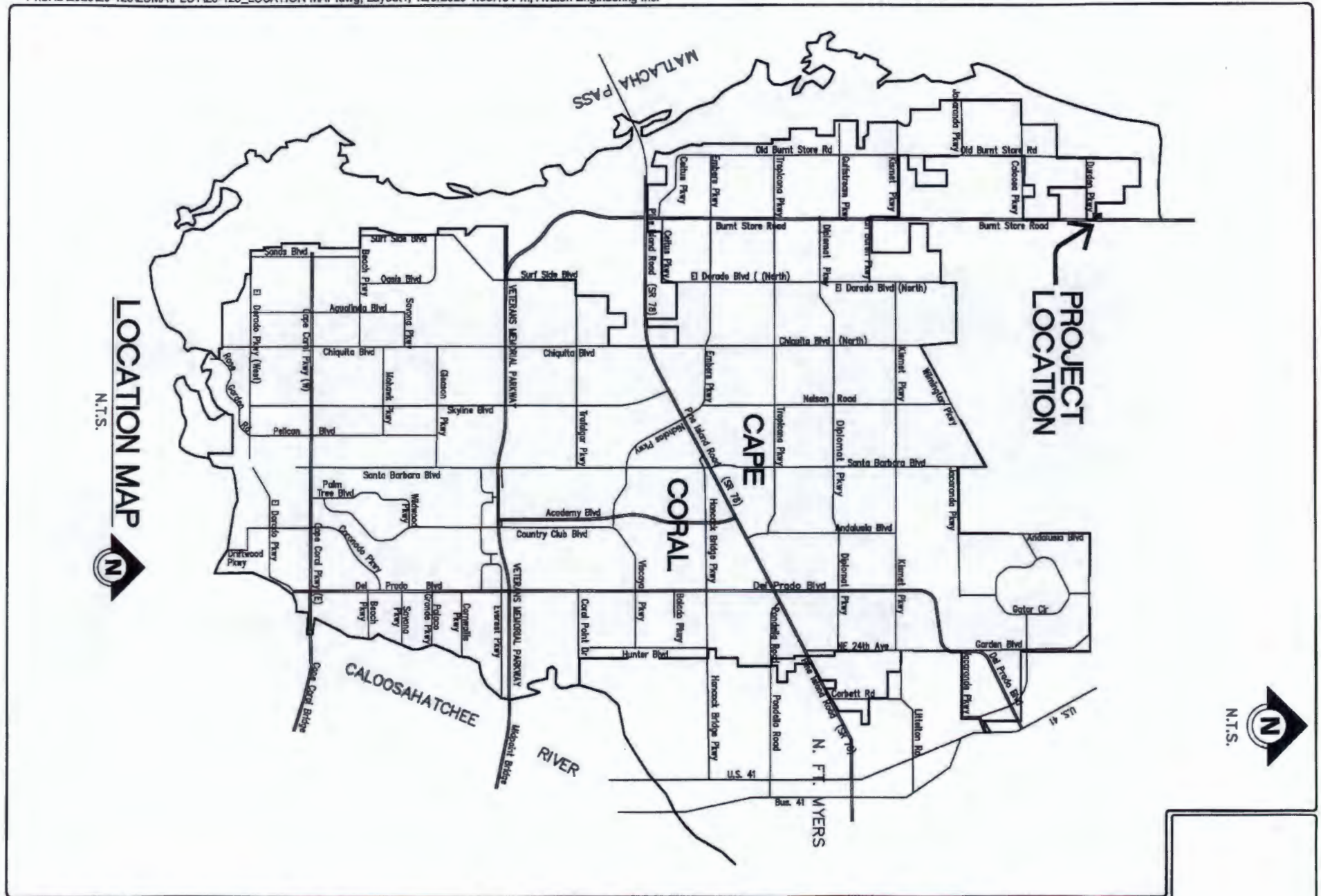


OC Land Development
Company LLC
Frank Alois, Eng./Soil Surveyor
1121 SW 20th Terrace
Daye Coral, FL 32904
Frank Alois 239-791-7707

AVALON ENGINEERING, INC.
 2503 DEL PRADO BLVD. #200
 CAPE CORAL, FLORIDA 33904
 F81PE#3126 (239) 573-2077

DATE	BY	REVISION DESCRIPTION
12/09/20	LM	LIANA

THIS PLAN IS INTENDED FOR CONCEPTUAL PLANNING PURPOSES ONLY. SITE LAYOUT MAY CHANGE SIGNIFICANTLY BASED UPON SURVEY, ENVIRONMENTAL AND REGULATOR CONSTRAINTS. "NOT FOR CONSTRUCTION"



LOCATION MAP
N.T.S.



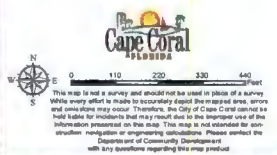


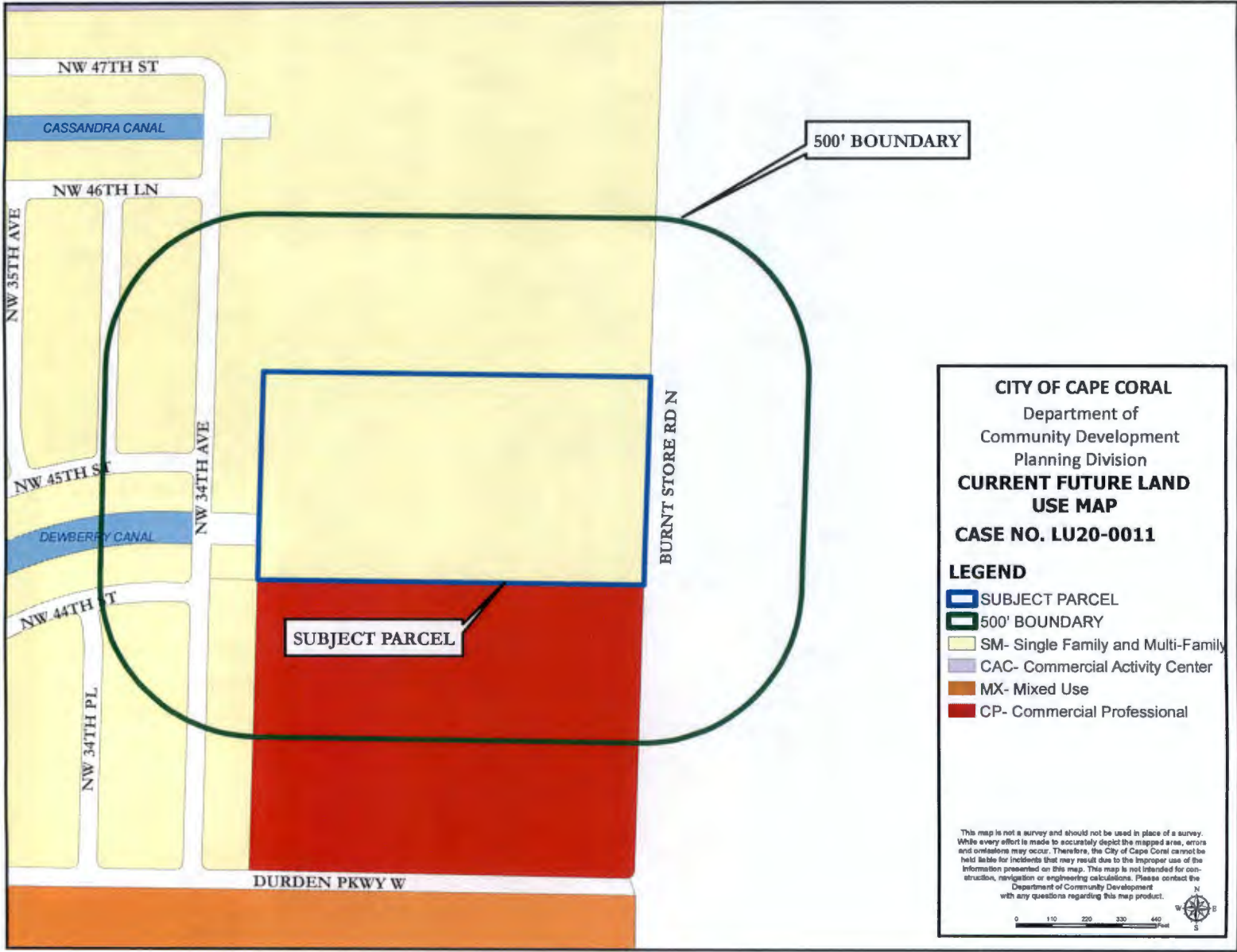
CITY OF CAPE CORAL
Department of
Community Development
Planning Division
AERIAL MAP

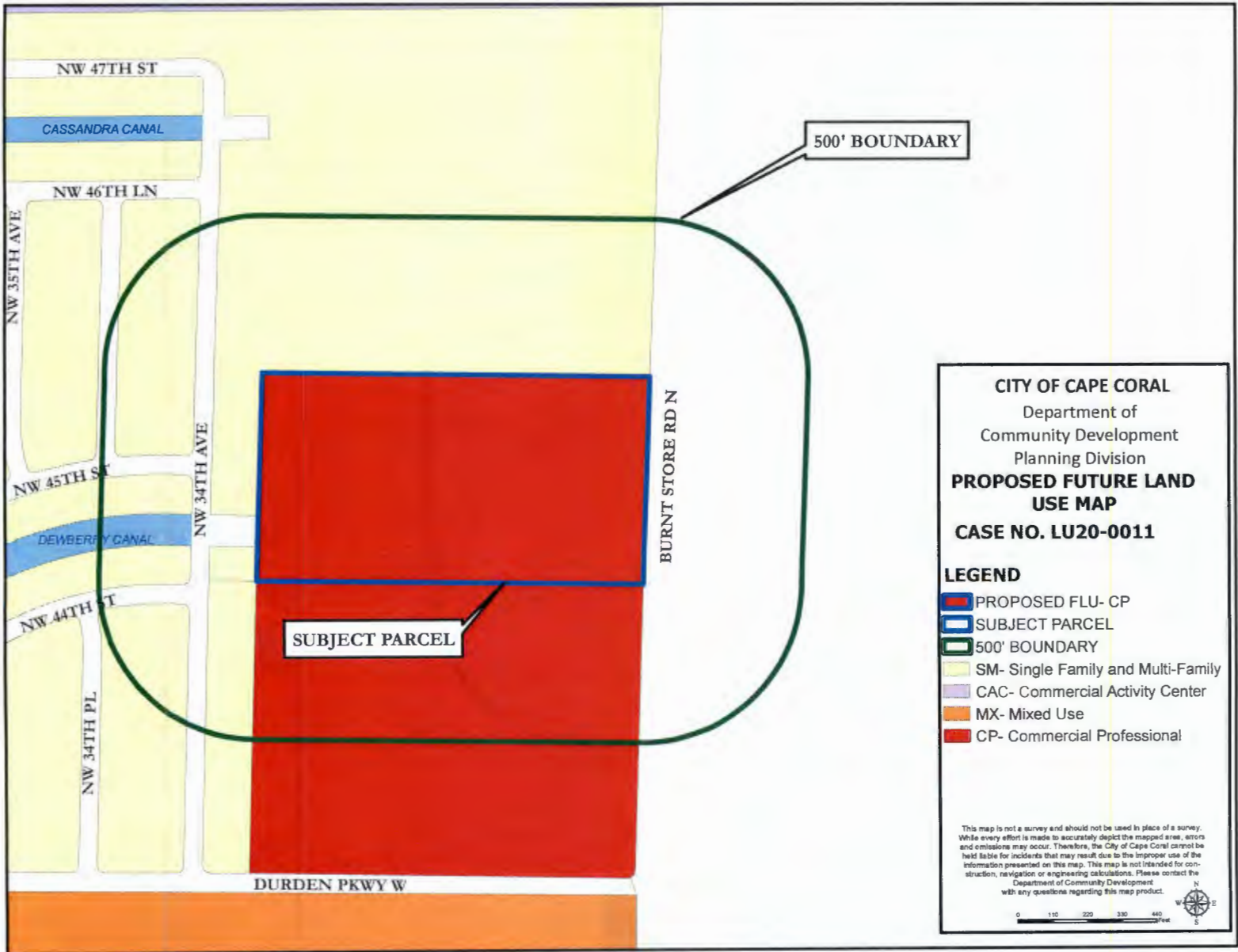
CASE NO. LU20-0011

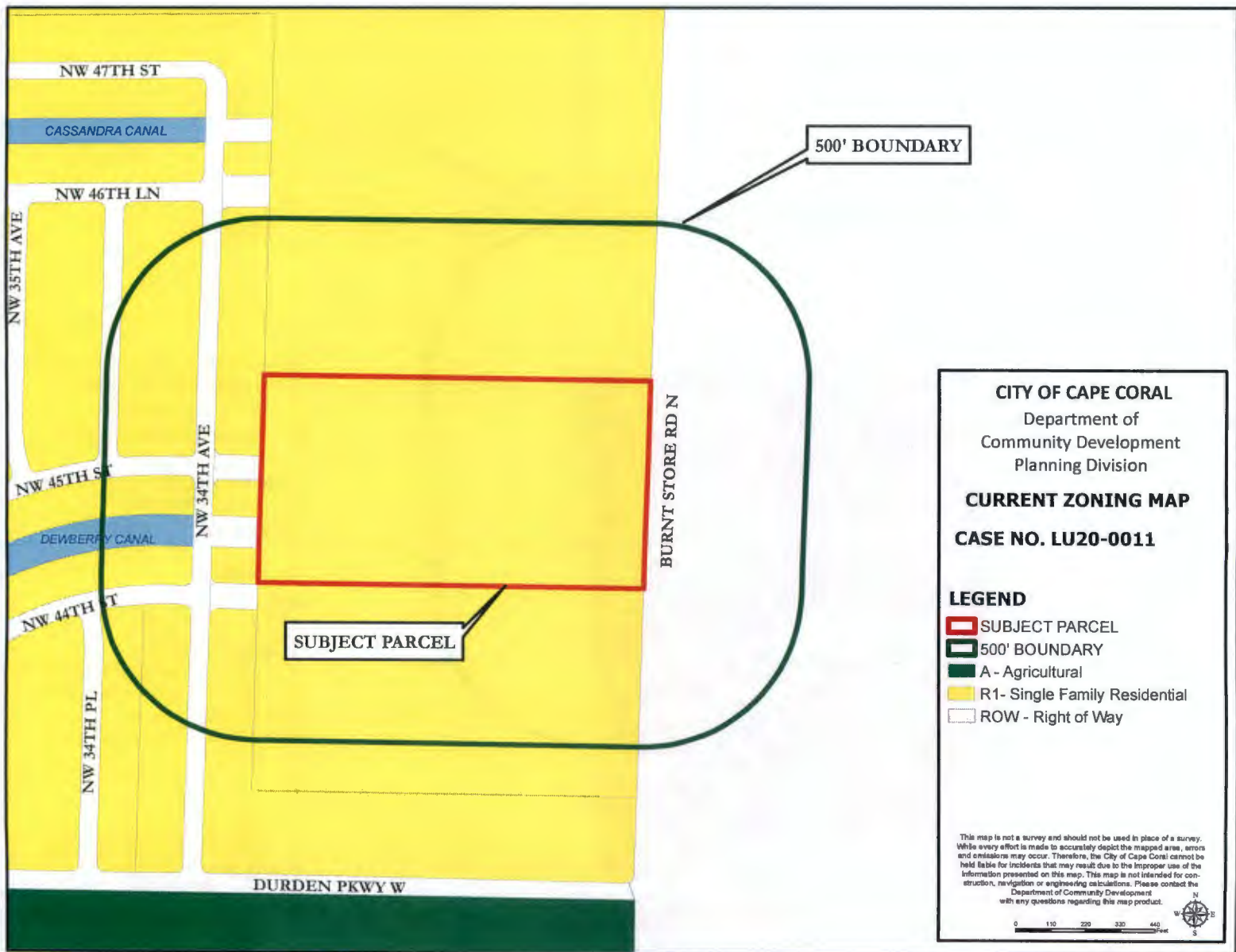
LEGEND

 **SUBJECT PARCEL**









ORDINANCE 37 - 21

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP FROM SINGLE FAMILY/MULTI-FAMILY (SM) TO COMMERCIAL/PROFESSIONAL (CP) LAND USE FOR A PARCEL OF LAND LYING IN A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED AT 4450 BURNT STORE ROAD NORTH; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral on February 13, 1989, adopted a Comprehensive Plan pursuant to the Comprehensive Planning Act; and

WHEREAS, as part of the Comprehensive Plan the City of Cape Coral adopted therewith a future land use map designating land uses and proposed land uses throughout the City of Cape Coral consistent with the Comprehensive Plan and Comprehensive Planning Act; and

WHEREAS, the City of Cape Coral City Council has considered the testimony, evidence, and documentation for the Land Use Amendment initiated by CC LAND DEVELOPMENT COMPANY, LLC, regarding the below described property, and considered the recommendation of the Planning & Zoning Commission/Local Planning Agency and City staff.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS PURSUANT TO THE LAWS OF FLORIDA, AND OTHER APPLICABLE LAWS, THIS ORDINANCE:

SECTION 1. That the below described real property located within the City of Cape Coral, Florida, is hereby amended consistent with the City of Cape Coral Comprehensive Plan as follows:

FROM SINGLE FAMILY/MULTI-FAMILY (SM) TO COMMERCIAL/PROFESSIONAL (CP)

A PARCEL OF LAND LYING IN A PORTION OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT "A", BLOCK 6114, CAPE CORAL UNIT 97, AS RECORDED IN PLAT BOOK 25, PAGES 85-97, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.01°39'51"E. ALONG THE WEST LINE OF SAID TRACT "A" AND THE WESTERLY LINE OF THE EAST 1/2 (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE AFORESAID SECTION 7, FOR 930.11 FEET TO THE POINT OF BEGINNING; THENCE RUN N.01°39'51"E. ALONG THE WESTERLY LINE OF THE EAST 1/2 (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE AFORESAID SECTION 7, FOR 660.11 FEET; THENCE RUN S.89°14'33"E. FOR 1232.73 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF BURNT STORE ROAD (200 FEET WIDE); THENCE RUN S.01°57'06"W. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 660.15 FEET; THENCE RUN N.89°14'37"W. TO A POINT ALONG SAID WESTERLY LINE OF THE EAST 1/2 (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE AFORESAID SECTION 7 FOR 1229.41 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS: 812,528.947 SQUARE FEET OR 18.65 ACRES, MORE OR LESS

BEARINGS ARE BASED ON THE NORTH RIGHT-OF-WAY LINE OF DURDEN PARKWAY WEST AS BEING N.89°14'37"W.

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 _____, 2021.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER _____
TATE _____
SHEPPARD _____
HAYDEN _____

NELSON _____
WELSH _____
WILLIAMS _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2021.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
ord/lu20-0011



**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.B.
Meeting Date:	5/5/2021
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 34-21

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

This ordinance proposes to prohibit storage uses on sites zoned Agriculture. Changes to several other storage-related definitions are proposed to provide better clarity in distinguishing among these different uses.

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision?

Yes

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

ELEMENT A: INCREASE ECONOMIC DEVELOPMENT AND REDEVELOPMENT IN THE CITY

ELEMENT D: IMPROVE THE CITY'S IMAGE WITH THE PURPOSE OF BUILDING LASTING RELATIONSHIPS WITH OUR RESIDENTS AND VALUABLE PARTNERSHIPS WITH OTHER ORGANIZATIONS, AND CONTINUALLY PROVIDE A WELL-BALANCED AND POSITIVE WORKPLACE FOR OUR INTERNAL STAKEHOLDERS.

RECOMMENDATIONS:

Planning Division recommends Approval.

SOURCE OF ADDITIONAL INFORMATION:

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator, (239) 242-3255; mstruve@capecoral.net

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

N/A

1. Will this action result in a Budget Amendment?

No

PREPARED BY:

Jessica
Cruz

Division- Planning

Department- Community
Development

ATTACHMENTS:

Description	Type
▣ 1. Ordinance 34-21	Ordinance
▣ 2. Ordinance 34-21 Memo	Backup Material

ORDINANCE 34 - 21

AN ORDINANCE AMENDING ARTICLE 4, "ZONING DISTRICTS," CHAPTER 1, "GENERAL PROVISIONS," SECTION 4.1.6., "USES BY ZONING DISTRICT – USE HIERARCHY," TABLE 4.1.6 USE TABLE, OF THE CITY OF CAPE CORAL LAND DEVELOPMENT CODE, REGARDING STORAGE USES; AND BY AMENDING ARTICLE 11, "DEFINITIONS," CHAPTER 1, "GENERAL PROVISIONS," SECTION 11.2., "DEFINITIONS," OF THE CITY OF CAPE CORAL LAND DEVELOPMENT CODE, REGARDING STORAGE USES; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

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

SECTION 1. The City of Cape Coral Land Development Code, Article 4, Chapter 1, Section 4.1.6., Table 4.1.6 Use Table, is hereby amended as follows:

Section 4.1.6. – Uses by zoning district – Use hierarchy.

Table 4.1.6 Use Table

The following table of permitted uses, when read together with the definitions set forth in Article 11 shall be used to determine the zoning district in which a given use may be established.

[illegible]

<div> <div>Use Table</div> <div> P= Permitted P*= Permitted with Standards CU= Conditional Use SE= Special Exception Empty= Not Permitted PUD zoning allows all uses consistent with the Future Land Use Classification </div> </div>																		
	Use Type	Residential Districts					Non-Residential Districts					Mixed Use Districts						
		R 1	RML	RM M	RE	A	P	C	I	INST	PV	CC	NC	MX7	MXB	SC		
																PRI	SEC	LOC
	Model Home	P*	P*		P*													
	Home Business	CU	CU		CU	P												
	Home Occupation	P*	P*	P*	P*	P*							P*	P*	P*	P*	P*	P*
Public and Institutional Uses	Animal Shelter					P			SE	SE								
	Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Educational Facilities - Primary and Secondary	P	P	P	P	P				P			P			P		
	Educational Facilities - Vocational Schools			SE				P	P	P		P				P		
	Educational Facilities - Colleges and universities								P	P		P						
	Essential Service Facilities - Major	SE	SE	SE	SE	SE	SE	P	P	P	SE	P	SE	SE	SE	SE	SE	SE
	Essential Service Facilities - Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Government Office Facilities					P	P	P		P		P	P	P	P	P	P	P
	Hospital							P		P		P	P					
	Police and Fire	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Public Parks and Recreational Facilities	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P
Recreation and Entertainment	Sexually Oriented Business								P									
	Commercial Recreation, Indoor							P				P	P		P	P	P	P
	Commercial Recreation, Outdoor					P		P				P						
	Golf Course w/ Ancillary activities	P	P	P	P	P												
	Golf, Driving Range					P												
	Golf, Miniature					P		P				P	P				P	P
	Marina							P					P	P	P	P		

Use Table																		
P= Permitted P*= Permitted with Standards CU= Conditional Use SE= Special Exception Empty= Not Permitted PUD zoning allows all uses consistent with the Future Land Use Classification																		
	Use Type	Residential Districts				Non-Residential Districts						Mixed Use Districts						
		R 1	RML	RM M	RE	A	P	C	I	INST	PV	CC	NC	MX7	MXB	SC		
																PRI	SEC	LOC
	Shooting Range/Archery - Indoor						P				P							
	Shooting Range/Archery - Outdoor					SE												
Vehicle-related Commercial	Boat Sales						P	P			P					CU	CU	
	Car Wash						P				P							
	Commercial Parking lot or Garage						P							P	P	P	P	
	Heavy Vehicle, Sales & Rental							P			P							
	Light Vehicle, Rental						P				P	P				P	P	
	Light Vehicle, Sales										P*							
	Vehicle Repair, Major							P			SE							
	Vehicle Repair, Minor						CU	P			P							
	Vehicle Fueling Station						CU	P			P	CU				CU		
	Vehicle <u>and Boat</u> Storage					P		P										
	Accessory Parking Lot		P*				P*	P*			P*							
Food and Beverage	Bar						P				P	P	P	P	P	P	P	
	Brewpub						P				P	P	P	CU	P	P	P	
	Craft Brewery, Distillery, Winery						P*				P*	P*	P*	P*	P*	P*	P*	
	Mobile Food Vendor																	
	Restaurant, no drive-thru						SE	P			P	P	P	P	P	P	P	
	Restaurant, drive-thru						P	P			P						P	
Lodging	Bed and Breakfast	SE	SE	SE	SE	SE												
	Campground					SE												
	Hotel/Motel						P				P	P	P	P	P	P	P	
	Resort	P*	P*	P*			P											

Use Table																		
P= Permitted P*= Permitted with Standards CU= Conditional Use SE= Special Exception Empty= Not Permitted PUD zoning allows all uses consistent with the Future Land Use Classification																		
	Use Type	Residential Districts				Non-Residential Districts						Mixed Use Districts						
		R 1	RML	RM M	RE	A	P	C	I	INST	PV	CC	NC	MX7	MXB	SC		
																PRI	SEC	LOC
	RV Resort					SE ±												
Commercial and Professional Services	Animal Kennel, Indoor				P	P		P				P					P	P
	Animal Kennel, Outdoor					P												
	Day Care Facilities - Adult or Child		P	P		P	P	P		P		P	P		P		P	P
	Banks and Finance - no drive thru						P	P				P	P			P	P	P
	Banks and Finance w/drive thru						P	P				P						P
	Building and Construction w/o outdoor storage/display						P	P	P			P	P			P	P	P
	Building and Construction w/outdoor storage/display							P*	P*			P*						
	Landscaping Services w/o outdoor storage/display						P	P	P			P	P			P	P	P
	Landscaping Services w/outdoor storage/display							P*	P*			P*						
	Self-Storage Facilities							P*	P*			P*						
	Personal Services						P	P				P	P	P	P	P	P	P
	Pharmacy - no drive through						P	P				P	P	P	P	P	P	P
	Pet Services						P	P				P	P			P	P	P
	Pharmacy with drive through							P				P						P
	Professional Offices						P	P				P	P	P	P	P	P	P
	Professional Services						P	P				P	P		P		P	P
	Radio and TV Station								P	P		P	P				P	P
	Repair Shops							P	P			P	P				P	P
	Retail ≤30,000 sq. ft. per tenant							P				P	P	P	P	P	P	P
	Retail >30,000 sq. ft. per tenant							P				P	SE			SE	SE	SE

Use Table																		
P= Permitted P*= Permitted with Standards CU= Conditional Use SE= Special Exception Empty= Not Permitted PUD zoning allows all uses consistent with the Future Land Use Classification																		
	Use Type	Residential Districts					Non-Residential Districts					Mixed Use Districts						
		R 1	RML	RM M	RE	A	P	C	I	INST	PV	CC	NC	MX7	MXB	SC		
																PRI	SEC	LOC
Agriculture	Non-Domestic Animal Boarding					P												
	Community Garden					P				P								
	Farms - Produce & Livestock					P												
	Greenhouse/Nursery					P						P						
	Outdoor storage-- Agricultural					P												
	Stable				P	P												
	Roadside Food and Vegetable Stand					P*												
Industrial	Dry Cleaning/Laundry Plant								P									
	Extraction w/ancillary use					SE			P									
	Industrial, Heavy								P									
	Industrial, Light								P			SE						
	Laboratory - medical, research, testing							SE	P	SE		SE						
	Energy Resource Generation					SE				P								
	<u>Storage, Heavy Equipment</u>								P	<u>SE</u>								
	Storage, Outdoor Screened					P			P	SE		CU						
	Storage, Outdoor					P			P									
	Solid Waste Transfer					SE				SE								
	Warehouse								P			P*						
Places of Assembly	Amphitheaters/ Arenas					SE				SE						SE	SE	SE
	Banquet Hall							P				P	P			P	P	P
	Clubs, Private and Fraternal							P				P	P				P	P
	Community Centers									P				P	P	P	P	P
	Cultural and Civic Facilities							P		P	SE			P		P	P	
	Movie Theaters							P				P	P	P	P	P	P	P

Use Table																		
P= Permitted P*= Permitted with Standards CU= Conditional Use SE= Special Exception Empty= Not Permitted																		
PUD zoning allows all uses consistent with the Future Land Use Classification																		
	Use Type	Residential Districts				Non-Residential Districts							Mixed Use Districts					
		R 1	RML	RM M	RE	A	P	C	I	INST	PV	CC	NC	MX7	MXB	SC		
																PRI	SEC	LOC
	Religious Institution	CU	CU	CU	CU	P	P	P		P		P	P			P	P	P
Other	Cemetery/Mausoleum					P				P								
	Crematory								P			P						
	Funeral Homes							P	P			P	P				P	P
	Wireless Communication Facilities					p*	p*	p*	p*	p*		p*	p*				p*	p*
	Solar Arrays					p*			p*	p*								
	Mixed-use Building											P	P	P	P	P	P	P
	Wildlife Rehabilitation Center					P				P								

SECTION 2. The City of Cape Coral Land Development Code, Article 11, Chapter 1, Section 11.2., “Definitions,” is hereby amended as follows:

Section 11.2. – Definitions.

...

Outdoor Storage, means the storage, in an unenclosed, uncovered area, of any materials or products, including but not limited to items for sale, lease, processing, or repair, but excluding vehicles, boats, and boat trailers, for a period greater than 48 hours, ~~including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.~~

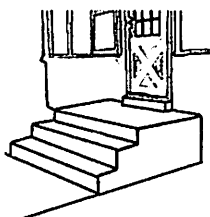
Outdoor Screened Storage, ~~means the keeping the storage~~ of any materials goods or products, including but not limited to items for sale, lease, processing, or repair, but excluding vehicles, boats, and boat trailers, for a period greater than 48 hours. All items being stored are to be completely enclosed by a free-standing wall, an opaque fence, a wall of a building, or any combination thereof. Any free-standing wall or fence used for screening shall be the maximum height allowed by the applicable zoning district, within a structure not defined as a building, or within a completely fenced or walled in area. The goods shall be screened by the structure, wall or fence so as not to be seen from any other property.

...

Screened, means obscured from public view.

...

Stoop, means a small staircase ending in a platform and leading to the entrance of a building.



Storage, Heavy Equipment, means the outdoor, screened storage of construction equipment including, but not limited to, bulldozers, excavators, cement trucks or earth movers, or the storage of any other motorized vehicle weighing over 10,000 pounds gross vehicle weight that is not used for the transportation of 10 or fewer persons from one location to the next. This definition includes semi-trucks used for delivery of goods, trucks used to transport two or more automobiles, and other similar vehicles or equipment, school buses or other commercial buses.

Stormwater, is means the flow of water or the water itself which results from precipitation.

...

Vehicle Sign, is means any sign that is attached to or painted on a vehicle or trailer, parked to be visible from and to clearly provide advertising visible from the public right-of-way or parked on public property to clearly provide a commercial message close to the public right-of-way, unless the vehicle is used by a proprietor or employee of the business for commuting between the business location and home or is used in the usual course or operation of a business. Factors to be considered in determining whether a vehicle is used in the usual course or operation of a business shall include whether the vehicle is operable, whether the vehicle has a current registration in the State of Florida, the role the vehicle plays in the business, and the frequency with which the vehicle is used in the course or the operation of the business. In addition, any sign that is composed of fabric, paper, or other lightweight material, or wood (unless the wood is an integral part of the vehicle itself), or that is physically supported by a motor vehicle, but not applied directly to the surface of the motor vehicle, or that is attached to the vehicle in such a manner as to constitute a safety hazard if the vehicle were to be driven with the sign in place, such as signs located so as to impair the vision of the driver of the vehicle or insecurely mounted so as to present a danger of falling off the vehicles while it is being driven, shall be presumed to be a vehicle sign. Further, any sign bearing a commercial message that is attached to or painted on a vehicle or trailer which is routinely parked or otherwise located on a site or sites other than that at which the firm, product, or services advertised on such sign is offered shall be presumed to be a vehicle sign.

Vehicle and Boat Storage, means a commercial enterprise the purpose of which is the storage outside a building of operable and licensed vehicles, boats, or boat trailers, and not the sale or lease of such vehicles, boats, or boat trailers.

Vested Property Rights, means the right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan for a specified time, regardless of changes in this ordinance.

...

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

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

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2021.

JOHN GUNTER, MAYOR

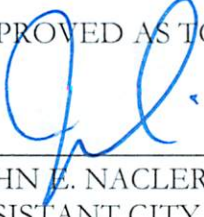
VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	NELSON	_____
TATE	_____	WELSH	_____
SHEPPARD	_____	WILLIAMS	_____
HAYDEN	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____,
2021.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



JOHN E. NACLERIO III
ASSISTANT CITY ATTORNEY
Ord/StorageADistrict.FINAL

MEMORANDUM

CITY OF CAPE CORAL DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Chairman Read and Planning and Zoning Commission Members

FROM: Mike Struve, Planning Team Coordinator *MS*
Robert H. Pederson, Planning Manager *RHP*

DATE: April 22, 2021

SUBJECT: Ordinance 34-21 – Proposed Changes to Prohibit Storage Uses in the Agriculture Zoning District

Summary

This ordinance was developed at the request of the Economic Development Office. This ordinance was initiated to prohibit storage uses on Agriculture (A) zoned sites. Changes to several other storage-related definitions are proposed to provide better clarity in distinguishing among these different uses.

Purpose

A large concentration of A-zoned sites occurs in northwest Cape Coral. These sites tend to be large (over five acres) and most are undeveloped. Many of these sites have frontage along Burnt Store Road or Old Burnt Store Road. Because of the area and location of these sites, these properties represent important economic development opportunities, particularly as centralized utilities continue to be extended northward in the City.

Agricultural outdoor storage currently allows the storage of any material for a period of greater than 48 hours not in an enclosed building. These uses typically have few employees but have the potential to occupy large sites. To better protect the long-term economic development potential of these sites, staff recommends that this use be eliminated from the A District.

This ordinance also includes changes to several related storage uses. These changes involve providing definitions to previously undefined terms or amending existing definitions. These new definitions will provide more clarity in distinguishing among the various storage uses allowed in the Land Development Code.

Recommendation

Staff recommends approval of this amendment.

Staff Contact Information

Please contact Mike Struve, Planning Team Coordinator (mstruve@capecoral.net or ph. 242-3255) should you have questions about these amendments.

MS/ms (P:\Planning_Division_2009\Mike\LDC\Storage Definitions\P&Z Storage Memo 04222021.doc)

C: Ricardo Noguera, Economic Development Manager



**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.C.
Meeting Date:	5/5/2021
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 38-21

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

Ordinance 38-21 would amend Article 11 of the Land Development Code, which contains floodplain regulations. These amendments would clarify a discrepancy regarding the required minimum elevation for manufactured homes, which is needed to ensure that the City remains in good standing with the Community Rating System (CRS) program. Additional amendments revise the manufactured home definition in Article 11.

STRATEGIC PLAN ALIGNMENT:

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

ELEMENT B: ENHANCE FINANCIAL SUSTAINABILITY DURING ALL ECONOMIC TIMES

ELEMENT C: INVEST IN COMMUNITY INFRASTRUCTURE INCLUDING UTILITIES EXPANSION IMPROVEMENTS TO ENHANCE THE CITY'S ABILITY TO MEET THE NEEDS OF ITS CURRENT AND FUTURE RESIDENTS AND BUSINESSES

ELEMENT D: IMPROVE THE CITY'S IMAGE WITH THE PURPOSE OF BUILDING LASTING RELATIONSHIPS WITH OUR RESIDENTS AND VALUABLE PARTNERSHIPS WITH OTHER ORGANIZATIONS, AND CONTINUALLY PROVIDE A WELL-BALANCED AND POSITIVE WORKPLACE FOR OUR INTERNAL STAKEHOLDERS.

RECOMMENDATIONS:

Community Development staff recommends Approval.

SOURCE OF ADDITIONAL INFORMATION:

Wyatt Daltry, AICP, CFM, Planning Team Coordinator, (239) 573-3160; wdaltry@capecoral.net

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

N/A

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

PREPARED BY:

Jessica Cruz Division- Planning Department- Community Development

ATTACHMENTS:

	Description	Type
▣	1. Ordinance 38-21	Ordinance

ORDINANCE 38 - 21

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND DEVELOPMENT CODE, BY AMENDING ARTICLE 9, "FLOODPLAIN MANAGEMENT," SECTIONS 9.1.9., 9.2.2., 9.2.5., 9.2.7., AND 9.8.4., REGARDING UPDATES TO CODE CROSS REFERENCES; AMENDING CHAPTER 8, "FLOOD RESISTANT DEVELOPMENT," SECTION 9.8.11., "MANUFACTURED HOMES," REGARDING ELEVATION REQUIREMENTS FOR MANUFACTURED HOMES; AND BY AMENDING ARTICLE 11, "DEFINITIONS," CHAPTER 1, "GENERAL PROVISIONS," SECTION 11.2., "DEFINITIONS," REGARDING MANUFACTURED HOMES; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the National Flood Insurance Program Community Rating System ("CRS") is a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the National Flood Insurance Program; and

WHEREAS, properties within the City of Cape Coral currently receive a CRS flood insurance discount because City regulations provide for more than the minimum required floodplain management practices; and

WHEREAS, the CRS has amended the minimum elevation requirements for manufactured homes; and

WHEREAS, the City Council desires to maintain the City's CRS rating and amend regulations regarding elevation requirements for manufactured homes; and

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

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

SECTION 1. The City of Cape Coral Land Development Code, Article 9, Chapter 1, Section 9.1.9., is hereby amended as follows:

Section 9.1.9. - Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations pursuant to ~~§ 9.1.8~~ Chapter 4 of this Article, the Floodplain Administrator may require submission of additional data. Additional data may be required where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the city indicates that ground elevations:

...

SECTION 2. The City of Cape Coral Land Development Code, Article 9, Chapter 2, Section 9.2.2., is hereby amended as follows:

Section 9.2.2. - General.

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this Article. The Floodplain Administrator shall have the authority to render interpretations of this Article consistent with the intent and purpose of this Article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this Article without the granting of a variance pursuant to ~~§ 9.6.1.~~ Chapter 6 of this Article.

SECTION 3. The City of Cape Coral Land Development Code, Article 9, Chapter 2, Section 9.2.5., is hereby amended as follows:

Section 9.2.5. - Modifications of the strict application of the requirements of the Florida Building Code.

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to ~~§ 9.6.4, Chapter 6~~ of this Article.

SECTION 4. The City of Cape Coral Land Development Code, Article 9, Chapter 2, Section 9.2.7., is hereby amended as follows:

Section 9.2.7. - Inspections.

The Floodplain Administrator shall make the required inspections as specified in Chapter 5 of this Article for development that is not subject to the Florida Building Code, including buildings, structures, and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

SECTION 5. The City of Cape Coral Land Development Code, Article 9, Chapter 8, Section 9.8.4., is hereby amended as follows:

Section 9.8.4. - Subdivision plats.

Where any portion of proposed subdivisions lies within a flood hazard area, the following shall be required:

- A. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- B. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with § 9.4.2.A. of this Article; and

...

SECTION 6. The City of Cape Coral Land Development Code, Article 9, Chapter 8, Section 9.8.11., is hereby amended as follows:

Section 9.8.11. - Manufactured homes.

A. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this Article. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

...

D. Elevation. All manufactured homes that are placed, replaced, or substantially improved shall comply with one of the following requirements, as applicable: in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone).

- 1. ~~General elevation requirement. Unless subject to the requirements of § 9.8.11.D.2. of this Article, all manufactured homes that are placed, replaced, or substantially improved on sites: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred substantial damage as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V);~~

2. ~~Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to § 9.8.11.D.1. of this Article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~
 - a. ~~Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~
 - b. ~~Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~

...

SECTION 7. The City of Cape Coral Land Development Code, Article 11, Chapter 1, Section 11.2., "Definitions", is hereby amended as follows:

Section 11.2. – Definitions.

...

~~Existing Manufactured Home Park or Subdivision, is a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 17, 1981.~~

~~Expansion to an Existing Manufactured Home Park or Subdivision, is the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

...

Manufactured Home, is a structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term Manufactured Home does not include a "recreational vehicle" or "park trailer." ~~The term Manufactured Home shall also include the term "mobile home" as provided in Article 11. Definitions.~~

...

~~New Manufactured Home Park or Subdivision, is a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 17, 1981.~~

...

SECTION 8. 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 9. 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 _____, 2021.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER _____
TATE _____
SHEPPARD _____
HAYDEN _____

NELSON _____
WELSH _____
WILLIAMS _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____,
2021.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:


JOHN E. NACLERIO III
ASSISTANT CITY ATTORNEY
Ord/FloodplainManufHomes.FINAL



**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.D.
Meeting Date:	5/5/2021
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 39-21

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

This ordinance seeks to protect large sites (over 200 feet in width) with Commercial Corridor zoning with frontage along Pine Island Road for commercial uses by requiring new multi-family development to be setback 250 feet or more from the front property line.

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision? Yes
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan? No

ELEMENT A: INCREASE ECONOMIC DEVELOPMENT AND REDEVELOPMENT IN THE CITY

ELEMENT C: INVEST IN COMMUNITY INFRASTRUCTURE INCLUDING UTILITIES EXPANSION IMPROVEMENTS TO ENHANCE THE CITY'S ABILITY TO MEET THE NEEDS OF ITS CURRENT AND FUTURE RESIDENTS AND BUSINESSES

ELEMENT D: IMPROVE THE CITY'S IMAGE WITH THE PURPOSE OF BUILDING LASTING RELATIONSHIPS WITH OUR RESIDENTS AND VALUABLE PARTNERSHIPS WITH OTHER ORGANIZATIONS, AND CONTINUALLY PROVIDE A WELL-BALANCED AND POSITIVE WORKPLACE FOR OUR INTERNAL STAKEHOLDERS.

RECOMMENDATIONS:

Planning Division staff recommends Approval

SOURCE OF ADDITIONAL INFORMATION:

Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator,
(239) 242-3255, Email: mstruve@capecoral.net

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

N/A

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

PREPARED BY:

Jessica
Cruz

Division- Planning

Department- Community
Development

ATTACHMENTS:

	Description	Type
▣	1. Ordinance 39-21	Ordinance
▣	2. Ordinance 39-21 Memo	Backup Material

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND DEVELOPMENT CODE, BY AMENDING ARTICLE 4, "ZONING DISTRICTS," TABLE 4.1.3.B., "ZONING DISTRICT DIMENSIONAL STANDARDS," REGARDING MINIMUM LOT AREA FOR SINGLE FAMILY ATTACHED DWELLINGS AND MULTI-FAMILY DWELLINGS IN THE CC ZONING DISTRICT; AMENDING ARTICLE 4, "ZONING DISTRICTS," TABLE 4.1.6, "USE TABLE," REGARDING SINGLE FAMILY ATTACHED DWELLINGS AS A CONDITIONAL USE ON LOCAL ROADS IN THE SOUTH CAPE ZONING DISTRICT; AMENDING ARTICLE 5, "DEVELOPMENT STANDARDS," CHAPTER 11, "CONDITIONAL USES," SECTION 5.11.3., REGARDING SINGLE-FAMILY ATTACHED DWELLINGS; AMENDING ARTICLE 5, "DEVELOPMENT STANDARDS," CHAPTER 11, "CONDITIONAL USES," SECTION 5.11.4., REGARDING MULTI-FAMILY DWELLINGS; AND BY AMENDING ARTICLE 11, "DEFINITIONS," CHAPTER 1, "GENERAL PROVISIONS," SECTION 11.2., "DEFINITIONS," REGARDING MULTI-FAMILY DWELLINGS AND MIXED-USES; 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 Development Code, Article 4, “Zoning Districts,” Table 4.1.3.B., “Zoning District Dimensional Standards,” is hereby amended as follows:

Table 4.1.3.B. Zoning District Dimensional Standards

ZONE DISTRICT DIMENSIONS									
ZONE DISTRICT	Lot and Structure		Minimum Setbacks (feet)						Maximum Height (feet)
	Minimum Lot Area (Square ft.)	Maximum Impervious Surfaces	Front	Front, Cul-de-Sac	Side	Rear	Double Frontage	Corner Lot Side	
...									
MIXED USE									
	Minimum Lot Area (Square ft.)	FAR	Front	Front, Cul-de-Sac	Side	Rear	Double Frontage	Corner Lot Side	Maximum Height (feet)
NC	See Table 4.2.12								
CC	None	1.25	15	None	0 or 6	15	15	10	None
	<u>MF use Single-family attached and Multi-family dwellings: 4 Acres</u>								
MXB	None	4	8-12	None	0 or 5	0 or 5 (alley) or 15 (waterfront)	8-12	8-12	160 (or 12 stories)
MX7	None	1	15	None	0 or 6	15	15	10	115 (or 8 stories)
SC	None	4	See Section 4.2.15.B.2						120 (or 10 stories)

SECTION 2. The City of Cape Coral Land Development Code, Article 4, “Zoning Districts,” Table 4.1.6, “Use Table,” is hereby amended as follows:

Table 4.1.6 Use Table

The following table of permitted uses, when read together with the definitions set forth in Article 11 shall be used to determine the zoning district in which a given use may be established.

Use Table																	
P= Permitted P*= Permitted with Standards CU= Conditional Use SE= Special Exception Empty= Not Permitted																	
PUD zoning allows all uses consistent with the Future Land Use Classification																	
Use Type	Residential Districts					Non-Residential Districts					Mixed Use Districts						
	R 1	RML	RMM	RE	A	P	C	I	INST	PV	CC	NC	MX7	MXB	SC		
															PRI	SEC	LOC
Single-family	P	P		P	P												
Duplex		P*															
Multi-family		CU	CU								CU	CU	CU	CU	CU	CU	CU
Single-family Semi-detached		P*	P*														
Single-family Attached - 3 or more		CU	P								CU	CU	CU	CU			CU
...																	

SECTION 3. The City of Cape Coral Land Development Code, Article 5, “Development Standards,” Chapter 11, “Conditional Uses,” Section 5.11.3., “Attached Residential of Three Units or More,” is hereby amended as follows:

Section 5.11.3. - Single-family Attached residential of three units or more dwellings.

Single-family Attached residential structures dwellings of three units or more in the RML, CC, NC, MX7, MXB, or SC zoning districts must meet the following conditions:

- A. The number of linearly attached units must be between three and nine.
- B. Landscaping shall be provided at a rate of two trees and six shrubs per 2,500 square feet of lot, rounding up to the next full number.
- C. Attached residential developments shall incorporate ~~Three of the following design elements shall be incorporated~~ into each dwelling unit:
 - 1. Dwelling entry as the primary façade feature;
 - 2. Garage door recessed from the front façade, a preferred minimum of four feet;
 - 3. Horizontal eaves broken up with gables, projection, and articulation;
 - 4. Projecting eaves and gables, related to building massing;
 - 5. Building massing and roof form which articulate individual unit definition;

6. Offset of four feet where two garage doors are adjacent to each other; or
 7. Projections and decorative elements, such as trellises, for visual interest.
- D. In the SC zoning district, single-family attached dwellings are only permitted on sites with frontage along local streets, as identified in Section 4.2.15.B.1.
- E. In the CC zoning district, single-family attached dwellings on sites with frontage along Pine Island Road shall meet the following criteria, in addition to the other requirements of this section:
1. Size. Developments must contain a minimum of 4 acres of land as shown in Table 4.1.3.B.
 2. Density. Minimum density of 10 units per acre without exceeding 25 units per acre. Each project must have a minimum of 50 total units as shown in Table 4.1.3.A.
 3. Pine Island Road Setback. On sites exceeding 200 ft in width as measured at the front property line on Pine Island Road, single-family attached dwellings must be set back at least 250 feet from the Pine Island Road right-of-way. Improvements associated with single-family attached dwellings in the setback area shall be limited to the following: driveways and drive isles, signs allowed under Article 7, and landscape buffers. Stormwater treatment areas shall be prohibited in the setback area unless the stormwater system is shared with a non-residential use located in the setback area.
 - a. Reductions to the minimum setback requirement based on parcel configuration. Reductions to the minimum setback requirement of 250 feet for single-family attached dwellings may be approved by the Director. In determining whether a particular request should be approved, the Director shall consider the following:
 - i. Whether an irregular or unusually shaped parcel creates a hardship in developing a single-family attached dwelling behind the minimum required setback.
 - ii. Whether the presence of a public street or a platted alley to the rear of the site creates a parcel with insufficient depth to provide adequate room for buildings, stormwater, parking, and landscaped areas behind the minimum required setback.
 - b. Requests to reduce the minimum setback requirement shall be made in writing to the Director. Materials submitted to the Director shall include a site plan and a letter of intent with a narrative explaining how the configuration of the site impedes or interferes with the development of a single-family attached dwelling behind the required setback line. The Director may request additional information necessary to adequately evaluate such requests.

In determining whether to approve a request to reduce the minimum setback requirement, the Director shall consider whether the request would serve the intent of this section to protect the health, safety, and welfare of the public. In approving such requests, the Director shall approve only the minimum setback relief necessary. The Director may impose reasonable conditions on the project including landscaping for buffering the site from Pine Island Road. Special consideration may be given to projects with a minimum of 10% of the units dedicated to affordable housing.

SECTION 4. The City of Cape Coral Land Development Code, Article 5, "Development Standards," Chapter 11, "Conditional Uses," Section 5.11.4., "Multi-family Dwellings," is hereby amended as follows:

Section 5.11.4. - Multi-family dwellings.

Multi-family dwellings in the RML, RMM, CC, NC, MXB, MX7, or SC zoning districts must meet the following conditions:

- A. Building Modulation and Articulation. All multi-family ~~buildings~~ dwellings shall provide a combination of volumetric and massing modulation and articulations to prevent the construction of 'big boxes', but rather buildings that harmonize their architectural quality in a stylistically pleasant manner. All buildings shall incorporate the following combined elements from the articulation criteria identified below.
1. A minimum of three of the following volumetric elements shall be provided:
 - a. Pitched roof forms, minimum pitch of 4/12, whose sum covers greater than 30% of the overall roof area;
 - b. Architectural roof overhangs four feet or greater in depth or cornices 12 inches or greater in height;
 - c. ~~Arcades.~~ Architectural Arcades may be used as a means of sheltering pedestrian areas, ~~and where provided, shall connect to entrances;~~
 - d. Accent elements such as tower elements, porticos, cupolas, or domes; or
 - e. A building with frontage 90 feet or less in length shall provide the following minimum massing articulations:
 - i. A minimum of fifty percent (50%) of the cumulative frontage of each façade shall be setback a minimum of five feet from the primary façade and shall be distributed throughout the building frontage and shall not be provided as a single aggregated setback; and
 - ii. A minimum of twenty percent (20%) of each frontage of each façade shall be setback a minimum of eight feet from the primary façade.
 2. A minimum of four of the following architectural elements shall be provided:
 - a. Stoops on the ground floor and balconies on all floors above the ground floor;
 - b. Porches on the ground floor;
 - c. Pilasters, string courses, character lines, or other such means of subdividing the facade;
 - d. Structural or ornamental details clearly distinct from the primary wall surface, e.g., lintels, sills, door and window surrounds, decorative panels, etc.;
 - e. Decorative planters or planting areas a minimum of five feet in width, integrated into the building design; or
 - f. Masonry in at least two contrasting tones or textures, accomplished by a change in material or coursing such as brick, natural stone, brick or stone veneer, glass, masonry stucco, decorative concrete block, decorative concrete panels, tile glazing and framing systems, split face or fluted concrete masonry, factory glazed concrete masonry units, or architectural pre-cast concrete.
- B. In the CC zoning district, multi-family dwellings that are not part of a vertical mixed-use project on sites with frontage along Pine Island Road shall meet the following criteria, in addition to the other requirements of this section:
1. Size. Developments must contain a minimum of 4 acres of land as shown in Table 4.1.3.B.
 2. Density. Minimum density of 10 units per acre without exceeding 25 units per acre. Each project must have a minimum of 50 total units as shown in Table 4.1.3.A.
 3. Pine Island Road Setback. On sites exceeding 200 ft in width as measured at the front property line on Pine Island Road, multi-family dwellings must be set back at least 250 feet from the Pine Island Road right-of-way. Improvements associated with multi-

family dwellings within this setback area shall be limited to the following: driveways and drive isles, signs allowed under Article 7, and landscape buffers. Stormwater treatment areas shall be prohibited in the setback area unless the stormwater system is shared with a nonresidential use located in the setback area.

- a. Reductions to the minimum setback requirement based on parcel configuration. Reductions to the minimum setback requirement of 250 feet for a multi-family dwelling may be approved by the Director. In determining whether a particular request should be approved, the Director shall consider the following:
 - i. Whether an irregular or unusually shaped parcel creates a hardship in developing a multi-family dwelling behind the minimum required setback.
 - ii. Whether the presence of a public street or a platted alley to the rear of the site creates a parcel with insufficient depth to provide adequate room for buildings, stormwater, parking, and landscaped areas behind the minimum required setback.
- b. Requests to reduce the minimum setback requirement shall be made in writing to the Director. Materials submitted to the Director shall include a site plan and a letter of intent with a narrative explaining how the configuration of the site impedes or interferes with the development of a multi-family dwelling behind the required setback line. The Director may request additional information necessary to adequately evaluate such requests.

In determining whether to approve a request to reduce the minimum setback requirement, the Director shall consider whether the request would serve the intent of this section to protect the health, safety, and welfare of the public. In approving such requests, the Director shall approve only the minimum setback relief necessary. The Director may impose reasonable conditions on the project including landscaping for buffering the site from Pine Island Road. Special consideration may be given to projects with a minimum of 10% of the units dedicated to affordable housing.

- 4. Mixed-Use Project. In a mixed-use project, any mixed-use building that is vertically integrated with multi-family dwelling units and a non-residential use does not require additional setbacks per Section 5.11.4.B.3. above. Multi-family dwellings in a horizontal mixed-use project must meet the required setbacks. Multi-family dwellings that are part of a horizontal mixed-use project are eligible for setback relief as outlined in Section 5.11.4.B.3.a-b.

SECTION 5. The City of Cape Coral Land Development Code, Article 11, "Definitions," Chapter 1, "General Provisions," Section 11.2., "Definitions," is hereby amended as follows:

Section 11.2. - Definitions.

...

Dwelling, Multifamily Multi-family, is a ~~building containing three or more individual dwellings with separate cooking and toilet facilities for each dwelling.~~ group of three or more dwelling units within a structure, attached side by side, one above another, or both; wherein the land on which the building is located is under common or single ownership. In addition, any dwelling unit or dwelling units, regardless of number, located in a lawfully existing mixed-use building shall be deemed to be multi-family dwelling unit(s).

...

Mixed-Use Building, is a building containing residential and non-residential uses permitted in the zoning district.

Mixed-Use, Horizontal, is a mixture of residential and non-residential buildings located next to each other as part of a single development.

Mixed-Use Zoning Districts, includes the following zoning districts: Commercial Corridor (CC), Neighborhood Commercial (NC), Mixed Use (MX), Mixed Use Seven Islands (MX7), Mixed Use Bimini (MXB), South Cape (SC), and Planned Unit Developments (PUD).

...

SECTION 6. 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 7. 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 _____, 2021.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:


GUNTER _____
TATE _____
SHEPPARD _____
HAYDEN _____

NELSON _____
WELSH _____
WILLIAMS _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2021.

KIMBERLY BRUNS
CITY CLERK



APPROVED AS TO FORM:



JOHN E. NACLERIO III
ASSISTANT CITY ATTORNEY
ord/Multi-Family in CC.FINAL

CITY OF CAPE CORAL
DEPARTMENT OF COMMUNITY DEVELOPMENT
MEMORANDUM

TO: Chairman Read and Planning and Zoning Commission Members

FROM: Mike Struve, Planning Team Coordinator 
Robert H. Pederson, Planning Manager 

DATE: April 22, 2021

SUBJECT: ORD 39-21 – Changes to Single-Family Attached and Multi-Family Uses

Summary

This ordinance was developed at the request of the Economic Development Office. This ordinance includes several changes to the Land Development Code (LDC) involving single-family attached residential structures and multi-family dwellings in the Commercial Corridor (CC) Zoning District.

A key change requires new developments involving these two uses to be setback 250 feet or more from the front property line of CC-zoned sites with frontage on Pine Island Road, when the site(s) in question exceed 200 feet in width.

Background

Pine Island Road is a major corridor centrally located in the City. Most sites with frontage along Pine Island Road have CC Zoning. This district allows a variety of commercial, office, multi-family, and industrial uses. Historically, this corridor has included sites with larger areas that are more suitable for shopping centers and office parks than smaller, platted sites that exist elsewhere in the City. As these larger sites along Pine Island Road have diminished in number, changes to the LDC are proposed that would better protect the front portions of these sites for new commercial development.

Responding to a documented deficiency in multi-family housing, changes to the LDC were made in 2019 to reduce the area required for multi-family developments in the CC District (4 acres) compared to the former Corridor District (20 acres). Likewise, the CC District now allows for greater density (25 dwelling units/acre) compared to the former Corridor District (20 dwelling units/acre).

While additional multi-family units are needed, it is also recognized by staff that multi-family housing does not generally require sites with high visibility as do many commercial establishments. People traveling to residential communities do so with these destinations in mind, while consumers seeking goods and services often base decisions on impulse and convenience, hence the importance of visibility.

This amendment will require a 250-foot setback for new multi-family development on sites with 200 feet of frontage or greater with CC Zoning along Pine Island Road. Sites with less than 200 feet of frontage may be developed at the conventional front setback.

A similar ordinance (ORD 21-20) was presented to the Board in 2020. The ordinance was tabled for further consideration following feedback received after this hearing. This new ordinance clarifies what specific improvements are allowed within the 250-foot setback associated with a residential use. This ordinance also provides a mechanism for administrative relief for unusual-shaped parcels.

Recommendation

Staff recommends approval of this amendment.

Staff contact information

Please contact Mike Struve, Planning Team Coordinator (ph. 242-3255) should you have questions about these proposed changes.

MS:ms (P:\Planning_Division_2009\Mike\Memo\ SF Attached and MF Dwellings Memo 04222021)

C: Ricardo Noguera, Economic Development Manager



**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.E.
Meeting Date:	5/5/2021
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 42-21

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

- The City has 159 bridges that are all approximately 50 years old and that will require bridge maintenance, bridge rehabilitation, bridge replacement, or widening of the canal.
- Staff recommends the City to retain full control of the upland areas of canal Rights-of-Way (ROWs) adjacent to bridges as an alternative to vacating these ROWs.
- This amendment to the Land Development Code establishes an administrative process for adjacent landowners to access the upland canal right-of-way for the purpose of building a seawall and other marine improvements.

STRATEGIC PLAN ALIGNMENT:

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

RECOMMENDATIONS:

Approval

SOURCE OF ADDITIONAL INFORMATION:

Paul Clinghan, Public Works Director, 1-239-574-0464

Persides Zambrano, Permitting & Planning Manager, 1-239-574-0733

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

N/A

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

PREPARED BY:

Division- PW/Transportation

Department- Public
Works

ATTACHMENTS:

Description	Type
1. Ordinance 42-21	Ordinance

AN ORDINANCE AMENDING ARTICLE 5, CHAPTER 1, SECTION 5.1.9., "WORK IN THE PUBLIC RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENTS," AND ARTICLE 5, CHAPTER 4, SECTION 5.4.8., "BULKHEADS, SEAWALLS, AND RETAINING WALLS," OF THE CITY OF CAPE CORAL LAND DEVELOPMENT CODE, REGARDING THE PLACEMENT, INSTALLATION, OR CONSTRUCTION OF SEAWALLS AND MARINE IMPROVEMENTS INTO AN UNEXCAVATED PLATTED WATERWAY RIGHT-OF-WAY; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the original developer of Cape Coral, and its successors and assigns, dedicated the waterways as rights-of-way on the recorded Plats of the Cape Coral Subdivision; and

WHEREAS, when the original developer of Cape Coral, and its successors and assigns, excavated the platted waterways, certain waterways were not excavated as indicated on the Plat resulting in dry land existing between a platted lot line and the water; and

WHEREAS, the City of Cape Coral has determined that having another option available in lieu of a vacation of the platted waterway right-of-way will facilitate the construction by a property owner of seawalls, alternatives to vertical bulkheads, or marine improvements; and

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

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

SECTION 1. The City of Cape Coral Land Development Code, Article 5, Chapter 1, Section 5.1.9., "Work in the public right-of-way and public utility easements," is hereby amended as follows:

Section 5.1.9. - Work in the public right-of-way and public utility easements.

...

C. Permit required. The following work or activities shall be allowed in the public right-of-way or roadway easement areas provided that the property owner first obtains a permit from the city:

...

8. Installation of marine improvements and appurtenant work, as provided in Chapter 4 of this article.
9. Installation of seawalls, alternatives to vertical bulkheads, and appurtenant work, as provided in Section 5.4.8. of this article.

SECTION 2. The City of Cape Coral Land Development Code, Article 5, Chapter 4, Section 5.4.8., "Bulkheads, seawalls, and retaining walls," is hereby amended as follows:

Section 5.4.8. – Bulkheads, seawalls, and retaining walls.

- A. ~~Mandatory seawalls required; saline or brackish water~~ Saline or brackish water; mandatory seawalls.

All parcels having frontage or direct and immediate access to frontage on any saline, brackish, or tidally influenced canal or other body of water within or bordering the boundaries of the city is required to have constructed on it, at the owner's expense, a seawall bulkheading the entire frontage exposed to contact with the water. Seawalls shall be structurally maintained at owner's expense so as not to cause a nuisance or hazard to safety.

- B. ~~Seawalls; fresh or non-saline water~~ Fresh or non-saline water; mandatory seawalls or alternatives to vertical bulkheads.

All parcels having frontage or direct and immediate access to frontage on any freshwater or non-tidal canal or other body of water within or bordering the boundaries of the city are

required to have constructed on it, at the owner's expense, a seawall bulkheading the entire frontage exposed to contact with the water or alternatives to vertical bulkheads as specified in the City of Cape Coral Engineering Design Standards. Seawalls or their alternative shall be structurally maintained at owner's expense so as not to cause a nuisance or hazard to safety. The provisions of this Section shall not apply to any parcels adjacent to or contiguous with any drainage ditch, canal, pond, or lake within any public or private golf course or public park.

C. Unexcavated platted waterway right-of-way.

1. The original developer of Cape Coral dedicated waterways on the Plat but did not excavate certain waterways to the full width indicated on the Plat, resulting in dry land existing between a platted lot line and the water. For purposes of this Section, "unexcavated platted waterway right-of-way" shall mean land lying between a platted lot line and the actual water part of any platted waterway. In the event that a person desires to place, install, or construct a seawall, alternative to vertical bulkhead, marine improvement, or any combination thereof, upon any unexcavated platted waterway right-of-way, such person may apply for and, subject to the approval of the City, receive an approval for a vacation of the unexcavated platted waterway right-of-way pursuant to Section 3.4.5, or alternatively, enter into an agreement with the City as provided in this section.
2. Written agreement required. It shall be unlawful for any person to place, install, or construct a seawall, alternative to vertical bulkhead, marine improvement, or any combination thereof, upon an unexcavated platted waterway right-of-way, without first entering into a written agreement with the City authorizing such work. The agreement to encroach into an unexcavated platted waterway right-of-way is intended as an alternative to the vacation of the subject right-of-way. Notwithstanding the foregoing, said agreement requirement is not intended to apply to seawalls, alternatives to vertical bulkheads, and marine improvements placed, installed, or constructed on or projecting from a platted lot line, directly into a platted waterway.
3. Application. An abutting property owner may submit an application to enter into an agreement with the City to authorize the placement, installation, or construction of a seawall, alternative to vertical bulkhead, marine improvement, or any combination thereof upon an unexcavated platted waterway right-of-way on a form provided by the City, and shall include all required information as specified in the application, including, but not limited to:
 - a) The legal description of the property that abuts the subject right-of-way, prepared by a professional surveyor licensed in the state of Florida within 1 year of the date of the application hereunder;
 - b) A survey showing the boundaries and features of the subject right-of-way to be subject to encroachment(s), prepared by a professional surveyor licensed in the state of Florida within 1 year of the date of the application hereunder;
 - c) A site plan drawn to scale and showing the location and dimensions of the proposed seawall, alternative to vertical bulkhead, and any marine improvements to be placed in the subject right-of-way;
 - d) Proof of ownership of the subject property abutting the platted waterway right-of-way;
 - e) Any additional information reasonably required by the City; and
 - f) A non-refundable application fee, as may be established by resolution of the City Council.
4. Review criteria. In determining whether an abutting property owner may place, install, or construct a seawall, alternative to vertical bulkhead, and marine improvements upon an unexcavated platted waterway right-of-way, the City shall consider factors that include, but are not limited to, the following:
 - a) Effect on navigational safety;
 - b) Effect on existing and proposed public utilities, powerlines, and other right-of-way improvements;

- c) Effect on surface waters and drainage patterns;
 - d) Whether the proposed seawall, alternative to vertical bulkhead, and marine improvements would interfere with any infrastructure or maintenance use by the City or any utility company; and
 - e) Whether the proposed marine improvements meet the requirements set forth in Chapter 4 of this article.
5. Approval. The City Manager, or the City Manager's designee, is authorized to approve an application to encroach into an unexcavated platted waterway right-of-way and enter into a written agreement with the abutting property owner upon a determination that the proposed improvements will not have an unreasonably negative impact on the review criteria identified in Section 5.4.8.C.4., or the proposed marine improvements do not meet the requirements of Chapter 4. The form of said agreement shall be approved by the City Attorney's Office.
- a) Unless expressly prohibited by an approved agreement with the City pursuant to this Subsection C., a property owner abutting an unexcavated platted waterway right-of-way may use such area to place, install, construct, maintain, and operate any surface improvements, including, but not limited to, sidewalks, walkways, curbing, landscaping and fencing, but excluding buildings, pools or any structures with a foundation.
 - b) Any approval to encroach into the platted waterway right-of-way shall not negate the requirement to obtain all other permits required by applicable governmental agencies, including, but not limited to, the City of Cape Coral and the U.S. Army Corps of Engineers.
 - c) Any approval granted by the City is to be deemed solely as a right to encroach into the platted waterway right-of-way, and no other property interest is acquired by the property owner.
 - d) Any approval granted by the City to the abutting property owner is made with the express condition that neither the owner or the owner's heirs, successors, assignees or any person claiming under or through them shall acquire any right superior to the City's right in such platted waterway right-of-way, whether by lapse of time or otherwise.
 - e) The City shall record the agreement, at the abutting property owner's expense, in the public records of Lee County, Florida. The agreement shall run with the land and be binding upon the parties thereto, their heirs, successors, and assignees, and it shall provide that it may not be rescinded or amended in any manner without the written consent of the City.
6. Denial. An application shall be denied by the City Manager, or the City Manager's designee, if the proposed improvements will have an unreasonably negative impact on the criteria in Section 5.4.8.C.4. or the proposed marine improvements do not meet the requirements of Chapter 4. If the City Manager, or the City Manager's designee, denies the application to encroach into a platted waterway right-of-way, the applicant shall have ten (10) calendar days from the date of the notice of denial to appeal the decision to the City Council. Such appeal to the City Council shall be treated as an Administrative Appeal and follow the procedures provided in Section 3.1.14.B. of this Code.
7. Maintenance and removal. The person who owns the property abutting the unexcavated platted waterway right-of-way in which a seawall, alternative to vertical bulkhead, marine improvements, or surface improvements are located or installed, shall be responsible for repairing any damage to approved encroachments in the right-of-way. Such person shall also be solely responsible to maintain the seawall, alternative to vertical bulkhead, marine improvements, surface improvements, and the subject unexcavated platted waterway right-of-way area in good condition so as to present a healthy, neat, and orderly appearance. Maintenance of the unexcavated platted waterway right-of-way area shall include, but not be limited to, grass mowing and erosion control. The failure to maintain the seawall, alternative to vertical bulkhead, marine improvements, and surface improvements shall constitute a violation of this section and may be grounds for removal by the City of such

improvements from the right-of-way, at such abutting property owner's sole expense. The failure to maintain the unexcavated platted waterway right-of-way area shall constitute a violation of this section.

In the event that the City, during the course of exercising its rights over an unexcavated platted waterway right-of-way, damages a seawall or alternative to vertical bulkhead built by the abutting property owner pursuant to an agreement hereunder, the City shall repair or replace such seawall or alternative to vertical bulkhead at the City's sole cost and expense. The repair or replacement of any marine improvements and surface improvements shall not be the responsibility of the City. The abutting property owner assumes all liability and responsibility to repair or replace marine improvements and surface improvements built on an unexcavated platted waterway right-of-way, as permitted in the agreement with the City.

Any seawall, alternative to vertical bulkhead, marine improvement, or surface improvement placed, installed, or constructed upon an unexcavated platted waterway right-of-way without the express written permission of the City shall be subject to removal by the City in its sole discretion. The City may also, in its sole discretion, require the removal of any seawall, alternative to vertical bulkhead, marine improvements, or surface improvements located or installed in an unexcavated platted waterway right-of-way, for utility maintenance, safety, or any other reason. In such instance, the City Manager, or the City Manager's designee, shall give sixty (60) days written notice to the abutting property owner that the agreement is canceled. Mailing of such notice by U.S. Mail to the current owner, at the address shown in the records of the Lee County Property Appraiser or such other address provided to the City, shall constitute prima facie evidence of sufficient notice in accordance with this section. Upon such notice of cancellation, the owner shall, within ninety (90) days, remove from the right-of-way all items placed in it at such owner's sole expense. The failure to timely remove the seawall, alternative to vertical bulkhead, marine improvements, and surface improvements upon such notice by the City shall constitute a violation of this section. If the property owner fails to remove such items and if the City deems it to be in the best interest of the public health, safety, and welfare, the City may remove the items and seek reimbursement from the abutting property owner for the cost of removal. The authorization in this section for the removal of items from the right-of-way shall be construed as supplementary to any other means of enforcement available to the City and shall not be construed so as to negate the authority of the Code Compliance Special Magistrate to hear and adjudicate appropriate cases.

Alternatively, and in the City's sole discretion, the City may elect to remove such items at the City's expense.

In the event that the Agreement is cancelled or otherwise terminated by the City, the City shall record a Release of Agreement in the public records of Lee County, Florida.

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

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

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2021.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER _____
TATE _____
SHEPPARD _____
HAYDEN _____

NELSON _____
WELSH _____
WILLIAMS _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____,
2021.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



JOHN E. NACLERIO III
ASSISTANT CITY ATTORNEY
Ord/BridgeTriangleSeawallsROW.FINAL



**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.F.
Meeting Date:	5/5/2021
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 43-21

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

This is an amendment to Article 7 of the Land Development Code - Signs. This amendment was brought forth at the request of Mayor Gunter and City Council.

STRATEGIC PLAN ALIGNMENT:

- | | |
|--|----|
| 1. Is this a Strategic Decision? | No |
| If Yes, Priority Goals Supported are listed below. | |
| If No, will it harm the intent or success of the Strategic Plan? | No |

RECOMMENDATIONS:

Staff recommends approval of Ordinance 43-21.

SOURCE OF ADDITIONAL INFORMATION:

Amy Yearsley, 1-239-573-3182, ayearsle@capecoral.net

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

N/A

- | | |
|---|----|
| 1. Will this action result in a Budget Amendment? | No |
|---|----|

PREPARED BY:

Amy Yearsley	Division- Planning	Department- Community Development
-----------------	--------------------	--------------------------------------

ATTACHMENTS:

Description	Type
1. Ordinance 43-21	Ordinance

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND DEVELOPMENT CODE, ARTICLE 7, "SIGNS," CHAPTER 2, "ADMINISTRATION," SECTION 7.2.1., "PROHIBITED SIGNS," REGARDING SIGNS ATTACHED TO FENCES; AMENDING CHAPTER 3, "TEMPORARY SIGNS," SECTION 7.3.1., "TEMPORARY SIGNS," REGARDING A-FRAME SIGNS AND ALL OTHER TEMPORARY SIGNS; AMENDING CHAPTER 4, "PERMANENT SIGNS," SECTION 7.4.1., "PERMANENT SIGNS – RESIDENTIAL," REGARDING PERMANENT RESIDENTIAL SIGNS; AND BY AMENDING ARTICLE 11, "DEFINITIONS," CHAPTER 1, "GENERAL PROVISIONS," SECTION 11.2., "DEFINITIONS," REGARDING PUBLIC ART AND SIGNS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

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

SECTION 1. The City of Cape Coral Land Development Code, Article 7, Chapter 2, Section 7.2.1., is hereby amended as follows:

Section 7.2.1. – Prohibited signs.

The following signs are prohibited:

- A. Abandoned signs:
...
- G. Signs attached to fences on improved, ~~non-residential~~ property; however, this prohibition shall not extend to signs attached to recreational fences around activity fields, playgrounds, or playing fields (such as football fields, baseball diamonds, etc.) in public parks owned and operated by one or more governmental entities and where the signs:
 - 1. Are only visible from inside the park, or
 - 2. If visible from outside the park, face the inside of the park;...

SECTION 2. The City of Cape Coral Land Development Code, Article 7, Chapter 3, Section 7.3.1., is hereby amended as follows:

Section 7.3.1. – Temporary signs.

...

B. A-Frame Signs	
...	...
Location	No A-frame sign shall block accessibility or be placed in any public right-of-way, exit, loading zone, bicycle rack, wheelchair ramp, sidewalk ramp, in designated parking spaces, in landscape areas, traffic triangles, or sidewalks. <u>A-frame signs shall be allowed within the visibility triangle provided such sign meets the requirements of Section 5.1.7.A. A-Frame signs may be located in or on grass or mulched areas of approved landscaping, but shall not be located within one (1) foot of any shrubs or trees when measured from the closest point of the shrub or tree.</u>
...	...

...

F. All Other Temporary Signs				
Applicable District/Use	Zoning	Single-Family Residential Zoning Districts (R-1, RE, AG)	Multi-Family Residential Zoning Districts (RML, RMM)	All Non-Residential Districts
Sign Permit Required		No	No	No
Number of signs/site		3	<div>2-6 Units</div> <div>1 per Street Frontage not to exceed 2</div> <div>7+ Units</div> <div>1 per Street Frontage not to exceed 2</div>	2
Maximum Sign Area/sign		4 sq. ft.	<div>2-6 Units</div> <div>16 sq. ft. per sign</div> <div>7+ Units</div> <div>24 sq. ft. per sign</div>	16 sq. ft.
Maximum Sign Height for a Temporary Freestanding Sign		6 ft.	<div>2-6 Units</div> <div>6 ft</div> <div>7+ Units</div> <div>6 ft</div>	6 ft.
Maximum Sign Height for a Temporary Wall Sign		15 ft.	<div>2-6 Units</div> <div>15</div> <div>7+ Units</div> <div>15</div>	15 ft.
Minimum Sign Setback from any property line		10 ft.	10 Ft	10 ft.
Minimum Spacing between Temporary Ground Signs		5 ft.	5 ft.	5 ft.
Temporary Sign Allowed on Public Right of Way		No	No	No
Temporary Sign Allowed on Property without Property Owners Approval		No	No	No
Temporary Sign Allowed in the Sight Visibility Triangle		No	No	No
Direct/Indirect Illumination of Surface of Temporary Sign Allowed		No	No	No
Duration		<p>Event – the temporary sign shall be removed within and by no later than three days after the event is concluded.</p> <p>Non-Event – 30 Days and no more than four non-events in one year on the same site. Minimum 30 days between each non-event. Temporary signs placed in accordance with this Subsection F. shall not exceed 30 consecutive days.</p> <p><u>Notwithstanding the foregoing, temporary signs placed in accordance with this Subsection F. shall be allowed for the 90 calendar days prior to and 7 calendar days following any Federal, State of Florida, Lee County, or City of Cape Coral elections, including primaries.</u></p> <p><u>Temporary Signs exceeding the durational time limitations provided herein shall be considered permanent signs and subject to Section 7.4.1. or Section 7.4.2., as applicable</u></p>		

SECTION 3. The City of Cape Coral Land Development Code, Article 7, Chapter 4, Section 7.4.1., is hereby amended as follows:

Section 7.4.1. - Permanent signs - Residential

A. Sign Type	Regulations		Other Requirements
Residential Signs			
Single Family	Maximum Number	1	If the permanent sign has a foundation and/or electric a sign permit is required.
	Area (Max Sq. Ft.)	4	
	Height	5	
	Permit Required	No (See other requirements)	
Multi-Family 2-6 Units in RMM and RML	Maximum Number	1 per Street Frontage not to exceed 2	If the permanent sign has a foundation and/or electric a sign permit is required.
	Area (Max Sq. Ft.)	16 sq. ft. per sign	
	Height	10	
	Permit Required	No (See other requirements)	
Multi-Family Greater Than 7 Units in RMM and RML	Maximum Number	1 per Street Frontage not to exceed 2	If the permanent sign has a foundation and/or electric a sign permit is required.
	Area (Max Sq. Ft.)	24 sq. ft. per sign	
	Height	10	
	Permit Required	No (See other requirements)	
Development Identification Signs	Maximum Number	1 (See other requirements)	<p>Boulevard entrances. At residential subdivision or residential development entrances which contain a median strip separating the entrance and exit lanes, either one freestanding sign may be in the median strip of the entrance or two single-faced signs equal in size may be located on each side of the entrance.</p> <p>Non-boulevard entrances. At residential subdivision or residential development entrances which do not contain a median strip separating the entrance and exit lanes, either one double-faced sign facing perpendicular to the street or two single-faced signs equal in size and located on each side of the entrance may be erected or located.</p> <p>Location. Except when allowed in the entrance median strip, development identification signs on private or commonly owned property shall be set back a minimum of 15 feet from the edge of the entranceway pavement. A</p>
	Area (Max Sq. Ft.)	32 sq. ft.	
	Height	10 ft.	
	Permit Required	Yes	

			<u>development identification sign may incorporate or be incorporated into landscaping, or into accessory entrance structural features including fountains or walls.</u> <u>Development identification signs may be illuminated only by means of exterior lights which are shielded so that light does not interfere with vehicular or pedestrian traffic.</u>
--	--	--	---

...

SECTION 4. The City of Cape Coral Land Development Code, Article 11, Section 11.2., "Definitions", is hereby amended as follows:

Section 11.2. – Definitions.

...

~~Art, Public, is any visual work of art displayed open to the public view on public or private property which does not contain characteristics of an advertisement for a business.~~

...

Development Identification Sign, is a permanent sign, either ~~ground~~ freestanding sign or located on a subdivision entry feature or perimeter wall, at a main entrance to a subdivision or ~~residential~~ development identifying the name of the development or subdivision.

...

Multiple Business or Entity Sites, is any development containing two or more tenants on one ownership parcel that ~~is zoned professional, commercial, industrial, mixed use, institutional, downtown, or agricultural~~ has a non-residential or mixed use zoning designation. In addition, this term shall include all properties approved under any planned development project that ~~are zoned commercial, professional, industrial, mixed use, institutional, downtown, or agricultural~~ has a non-residential or mixed use zoning designation. MULTIPLE BUSINESS OR ENTITY SITES, for purposes of this article, shall be deemed to also include developed properties located within 25 feet of an improved public parking lot or area, and for which such public parking lot or area provides the minimum parking needs required for such developed properties as well as the public parking lot or area itself.

...

~~Public Art, or Sculpture, is any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, within any city-owned facility in areas designated as public area, lobbies, or public assembly areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.~~ is any visual work of art displayed open to the public view on public or private property which does not contain characteristics of an advertisement for a business. Public Art shall not be considered to be a Sign.

...

Sign, is any character, letter, figure, symbol, design, model, or device, or combination thereof, and all parts composing the same, together with the frame, background, or support, which is used to attract attention or to convey a message, regardless of the type of surface upon which the message appears and regardless of whether it is permanently affixed, portable, hand held, or worn as part of a costume or item of clothing. Notwithstanding the foregoing, Public Art shall not be considered to be a Sign.

...

Window/Door Sign, any sign, picture, symbol, or combination thereof that is placed upon a window or door and that is visible from the exterior of the window or door. The term WINDOW/DOOR SIGN shall not include interior signs and/or product displays that are located

inside a business unit and that are visible from outside the business unit. Furthermore, ~~murals~~
Public Art on windows or doors shall not be deemed to be WINDOW/DOOR SIGNS.

...

SECTION 5. 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 6. 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 _____, 2021.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER _____
TATE _____
SHEPPARD _____
HAYDEN _____

NELSON _____
WELSH _____
WILLIAMS _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2021.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



JOHN E. NACLERIO III
ASSISTANT CITY ATTORNEY
ord/Signs.FINAL



AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number: 9.A.

Meeting Date: 5/5/2021

Item Type: STAFF UPDATES

TITLE:

Evaluation and Appraisal Report Discussion - Future Land Use Elements

REQUESTED ACTION:

Informational

SUMMARY EXPLANATION AND BACKGROUND:

This is a discussion item as part of the City's Evaluation and Appraisal review of the Comprehensive Plan. Discussion items include goals, objectives, and policies of the Future Land Use Element (FLUE). Feedback will be obtained by the Planning and Zoning Commissioners and the public, while staff shares some concerns and issues they have identified within the FLUE. The overall Evaluation and Appraisal of the Comprehensive Plan is an 18-month long process due in October 2022.

STRATEGIC PLAN ALIGNMENT:

1. Is this a Strategic Decision? Yes
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan? No

ELEMENT A: INCREASE ECONOMIC DEVELOPMENT AND REDEVELOPMENT IN THE CITY

ELEMENT B: ENHANCE FINANCIAL SUSTAINABILITY DURING ALL ECONOMIC TIMES

ELEMENT C: INVEST IN COMMUNITY INFRASTRUCTURE INCLUDING UTILITIES EXPANSION IMPROVEMENTS TO ENHANCE THE CITY'S ABILITY TO MEET THE NEEDS OF ITS CURRENT AND FUTURE RESIDENTS AND BUSINESSES

ELEMENT D: IMPROVE THE CITY'S IMAGE WITH THE PURPOSE OF BUILDING LASTING RELATIONSHIPS WITH OUR RESIDENTS AND VALUABLE PARTNERSHIPS WITH OTHER ORGANIZATIONS, AND CONTINUALLY PROVIDE A WELL-BALANCED AND POSITIVE WORKPLACE FOR OUR INTERNAL STAKEHOLDERS.

ELEMENT E: INCREASE QUALITY OF LIFE FOR OUR CITIZENS BY DELIVERING PROGRAMS AND SERVICES THAT FOSTER A SAFE COMMUNITY

ELEMENT F: ENHANCE THE QUALITY OF LIFE THROUGH ARTS AND CULTURE TO CREATE AND PROMOTE A VIBRANT, CULTURALLY DIVERSE COMMUNITY.

ELEMENT G: WORK TOWARD EFFICIENT AND COST-EFFECTIVE SOLUTIONS TO PROTECT AND CONSERVE NATURAL RESOURCES, WHILE PROMOTING ENVIRONMENTAL AWARENESS AND SUSTAINABILITY IN THE COMMUNITY.

RECOMMENDATIONS:

N/A; discussion only.

SOURCE OF ADDITIONAL INFORMATION:

Wyatt Daltry, AICP, CFM, Planning Team Coordinator, Ph: (239) 573-3160,
Email: wdaltry@capecoral.net.

FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:

N/A

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

PREPARED BY:

Jessica Cruz Division- Planning Department- Community Development

ATTACHMENTS:

	Description	Type
<input type="checkbox"/>	1. Future Land Use Element to P&Z_EAR	Backup Material
<input type="checkbox"/>	2. Chapter 4 Future Land Use Element GOP 060320propEARchangesstaff	Backup Material

MEMORANDUM

CITY OF CAPE CORAL COMMUNITY DEVELOPMENT DEPARTMENT

TO: Planning and Zoning Commission

FROM: Wyatt Daltry, AICP, Planning Team Coordinator

DATE: April 14, 2021

SUBJECT: Future Land Use Element for EAR Review

Background

Please find attached the current version of the Future Land Use Element, with some proposed edits included, for your review. The purpose of this review is to determine the following:

Which policies are helpful?
Which policies prevent the City from achieving their goals?
Which policies are obsolete?
Which policies are unnecessary?
Which policies need strengthening?
Are new policies needed?

Transmittal of Future Land Use Element

Most of the edits proposed by staff at this point are housekeeping matters, such as the proposed deletion of the Paradise Preserve Sub-District, though others discuss potential changes such as the combination of the Urban Services Infill and Transition Areas.

Staff will continue to review this document and will present a list of proposed changes/edits at the May 5, 2020 Planning and Zoning Commission meeting. At this meeting, we will discuss any questions, comments, and proposed policy changes.

Next Step

All comments and questions, including grammar, policy direction, or historical, are welcome. If you have questions regarding the policies, or the purpose behind the policies, feel free to either ask them at the public hearing on May 5th, or feel free to contact me at (239) 573-3160 or wdaltry@capecoral.net.

As for the next element for discussion, at the June P&Z, I suggest that the Transportation Element be the next item. If you agree, I will reach out to Public Works to invite their

P&Z – Future Land Use Element for EAR Review
April 14, 2021
Page 2 of 2

Transportation staff to this meeting in case there are transportation-specific questions that are beyond Planning's knowledge base.

Thanks again for your interest in this effort.

WAD/wad (Future Land Use Element to P&Z_EAR)

Attachment

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 $\frac{1}{4}$ 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 $\frac{1}{4}$ 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.

- 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.

- 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.
- 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 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.

1. 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), 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 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.

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 the Pine Island Road District, 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 PIRD

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 PIRD 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.

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 16 d.u./acre	25%-80% 12 d.u./acre or 75 units 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 16 d.u./acre 2.0	0-100% 12 d.u./acre or 75 units 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.

- 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.~~

Commented [WAD2]: Conservation 2020 has acquired the area; worthwhile to delete this from Plan, make subsequent amendment to Future Land Use Map.

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.

Commented [WAD3]: The table below may need to be updated or revised to include commercial acreage changes to determine whether demand has been met.

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.

Commented [WAD4]: This has not been done since 2001. Since development rights in the Infill and Transition Areas are similar if not identical, perhaps both Urban Service Areas should be combined?

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.