

Cape Coral Planning & Zoning Commission

VIDEO



Wednesday, April 3, 2024
9:00 AM
Council Chambers

1. CALL TO ORDER

A. Chair Marker

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

A. Apking, Botana, King, Marker, Schwartz, Severson, York, and Alternate Sommers

4. MOMENT OF SILENCE

5. APPROVAL OF MINUTES

A. Meeting Minutes - January 10, 2024

6. BUSINESS

A. Applicant Interviews - 1 Alternate Position

7. PLANNING AND ZONING COMMISSION PUBLIC HEARING

A. Ordinance 20-24

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 4, Zoning Districts, Chapter 1, General Provisions, Table 4.1.6., Use Table, regarding social services; arcade; commercial recreation, indoor; commercial recreation, outdoor; commercial parking lot or garage; marine fuel pump; craft brewery, distillery, winery; restaurant, no drive-thru; restaurant, drive-thru; distribution center; automotive towing establishment; heliport; helistop; and

live/workspace uses; by Amending Article 4, Zoning Districts, Chapter 2, Specific Regulations by District, regarding marine fuel pump; and craft brewery, distillery, winery uses; amending Article 5, Development Standards, Chapter 10, Specific Use Regulations (P* uses in Table 4.4) regarding marine fuel pumps; and by amending Article 11, Definitions, Chapter 1, General Provisions, Section 11.2., Definitions, regarding amusement games or machines, arcades, automotive towing establishments, community centers, distribution centers, junkyards, live/workspaces, marine fuel pumps, professional services, social services, solid waste transfer stations, and yards.

B. Ordinance 21-24

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 6, Parking, Chapter 1, Parking, Loading, and Driveway Requirements, Section 6.1.8., Miscellaneous Parking Requirements, regarding supplemental parking requirements within the South Cape District.

C. Ordinance 27-24 (TXT24-000001)

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the Comprehensive Plan of the City of Cape Coral, Florida, by amending Policy 1.15. of the Future Land Use Element by creating the Mixed Use Ten (MUX) Future Land Use Map classification.

8. CITIZENS INPUT

A maximum of 30 minutes is set for input of citizens on matters concerning the Planning and Zoning Commission; 3 minutes per individual

9. STAFF UPDATES

10. OTHER BUSINESS

11. MEMBER COMMENTS

12. DATE AND TIME OF NEXT MEETING

- A. A Regular Meeting of the Cape Coral Planning & Zoning Commission was scheduled for Wednesday, May 1, 2024.

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 Office of the City Clerk whose office is located at City Hall, 1015 Cultural Park Boulevard, Florida; telephone number is 1-239-574-0411, at least forty-eight (48) hours prior to the meeting 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:	4/3/2024
Item Type:	APPROVAL OF MINUTES

TITLE:

Meeting Minutes - January 10, 2024

REQUESTED ACTION:

SUMMARY EXPLANATION AND BACKGROUND:

Meeting Minutes - January 10, 2024

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:

SOURCE OF ADDITIONAL INFORMATION:

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

1. Will this action result in a Budget Amendment?

PREPARED BY:

Stacey Pasek, Recording
Secretary

Division-

Department- City
Clerk

ATTACHMENTS:

- | Description | Type |
|---------------------------------------|-----------------|
| 1. Meeting Minutes - January 10, 2024 | Backup Material |

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

WEDNESDAY, JANUARY 10, 2024

Recording Secretary Pasek called the meeting to order at 9:00 a.m.

Pledge of Allegiance.

A moment of silence was observed.

ROLL CALL: Apking, Botana, King, Marker, Schwartz, Severson, York, and Alternate Sommers were present.

ALSO PRESENT: Bill Steinke, Council Liaison
Brian Bartos, Deputy City Attorney
Chad Boyko, Principal Planner
Wyatt Daltry, Planning Team Coordinator

Election of Chair and Vice Chair

Recording Secretary Pasek opened the floor for nominations for Chair.

Commissioner Botana nominated Commissioner Apking for Chair.

Commissioner Schwartz nominated Commissioner Marker for Chair.

There were no other nominations.

Commission polled and majority tallied for Commissioner Marker to serve as Chair.

Commissioner Botana moved, seconded by Commissioner Schwartz, to appoint Marker (to serve) as Chair.

Commission polled as follows: Apking, Botana, King, Marker, Schwartz, Severson, and York. Seven "ayes," motion carried.

Recording Secretary Pasek opened the floor for nominations for Vice Chair.

Commissioner Botana nominated Commissioner Apking to serve as Vice Chair.

There were no other nominations.

Commissioner Marker moved, seconded by Commissioner Botana, to appoint Commissioner Apking to serve as Vice Chair.

Commission polled as follows: Apking, Botana, King, Marker, Schwartz, Severson, and York. Seven “ayes,” motion carried.

Recording Secretary Pasek handed the gavel over to Chair Marker.

APPROVAL OF MINUTES

Meeting Minutes – November 1, 2023

Vice Chair Apking moved, seconded by Commissioner Botana, to approve (meeting minutes from the Regular Meeting of November 1, 2023, as presented).

Commission polled as follows: Apking, Botana, King, Marker, Schwartz, Severson, and York. Seven “ayes,” motion carried.

Meeting Minutes – November 15, 2023

Vice Chair Apking moved, seconded by Commissioner Botana, to approve the November 15, 2023, minutes as presented.

Commission polled as follows: Apking, Botana, King, Marker, Schwartz, Severson, and York. Seven “ayes,” motion carried.

BUSINESS

None

PLANNING AND ZONING COMMISSION PUBLIC HEARING

Ordinance 5 – 24 (FLUM23-000006)

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Comprehensive Plan by amending the Future Land Use Map from Intensive Development (a Lee County designation) to Pine Island Road District (PIRD) land use for property described as a parcel of land situated in the State of Florida, County of Lee, lying south of Pine Island Road in Section 4, Township 44 South, Range 24 East, Lee County, Florida, as more particularly described herein; property located at 2700 & 2750 NE Pine Island Road.

Applicant: DD Pine Island LLC

Acreage: 8.87 acres

Principal Planner Boyko presented the following slides at the meeting:

- Ord 5-24 / FLUM23-000006 – Applicant and site information
- Ord 5-24 / FLUM23-000006 – Existing and Proposed FLU
- Analysis – Comp Plan – Future Land Use Element (3 Slides)
- Recommendation: Approve

Public hearing opened.

Veronica Martin, Senior Planner with TDM Consulting, who represented the applicant, DD Pine Island LLC, displayed a slide showing the Area Location Map and discussed:

- Background for this project that may not have been included in the packet include property size is 8.87 acres and urban services are served by the City of Cape Coral for potable water and sanitary sewer

Public hearing closed.

Discussion held regarding:

- If there are specific plans regarding this property
- Current intent is to develop the property for a medical facility

Vice-Chair Apking moved, seconded by Commissioner Severson, to recommend approval of Ordinance 5-24 (DS Case # FLUM23-000006; DD Pine Island, LLC, as presented).

Commission polled as follows: Apking, Botana, King, Marker, Schwartz, Severson, and York. Seven "ayes," motion carried.

Ordinance 6-24 (FLUM23-000009)

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Comprehensive Plan by amending the Future Land Use Map from Single-Family/Multi-Family (SM) to Commercial/Professional (CP) land use for property described as Lots 9-18, Block 5614, Unit 84, Cape Coral Subdivision; property located at 3303-3307 NE 16th Avenue and 3302-3306 Averill Boulevard.

Applicants: Joella Consolazio and Richard & Linda Ricciani

Acreage: 1.23 acres

Planning Team Coordinator Wyatt Daltry presented the following displayed slides:

- FLUM23-000009 – Proposal
- Aerial and Existing Future Land Use
- Proposed Future Land Use
- Background/History
- Comprehensive Plan
- Conclusion: Staff recommended Adoption of the proposed amendment

Joe Mazukiewicz, President of BJM Consulting, Inc., represented owners Joella M. Consolazio and Richard and Linda M. Ricciani, explained the following:

- Fire station is planned for this area
- This would bring neighborhood commercial activity to the Gator Circle area
- Applicant is trying to obtain additional property to meet assemblage requirement

Public hearing opened.

No speakers

Public hearing closed.

Discussion held regarding:

- Concern about commercial in a residential neighborhood and impact
- If approved, the property will need to be rezoned
- There are three potential zoning options for this area
- It will be up to the Hearing Examiner to decide future zoning
- Weekdays and minimal traffic associated with medical offices
- If commercial, there are regulations, restrictions, and requirements
- Resident response to the application included Land Use Amendment 9 concerns as this is the first potential commercial land use in this area
- Utilities are a key factor before further growth

Chair Marker reopened public comment.

Richard Sandle voiced traffic concerns and opposition to commercial development.

Patrick Castor voiced traffic concerns and opposition to commercial development.

Public input closed.

Discussion held regarding:

- If a dollar store would be permitted at this location
- Final determination has yet to be determined as to future land use
- This would be the first of three stages involved (Land use, zoning, and site planning)
- Traffic is the main concern of the residents and commercial could benefit the homeowners

Commissioner Apking left dais at 9:34 a.m. and returned at 9:36 a.m.

Joe Mazukiewicz, President of BJM Consulting, Inc., explained the area is about 1/3 developed and further development will not happen until utilities are in place

- Doing this now lets future residents know what is planned for the area

Commissioner York moved, seconded by Commissioner King, to approve Ordinance 6-24 (DS Case #_FLUM23-000009; Consolazio & Ricciani, as presented).

Commission polled as follows: Apking, King, Marker, Severson, and York voted "aye." Botana and Schwartz voted "nay." Five "ayes." Two "nays." Motion carried 5-2.

Ordinance 7-24 FLUM23-000010; City of Cape Coral

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance amending the City of Cape Coral, Florida, Comprehensive Plan by amending the Future Land Use Map from Public Facilities (PF) to Single-Family Residential (SF) land use for property described as Lots 8-11 and 20-23, Block 689, Unit 21, Cape Coral Subdivision; property located at 916-920 SE 22nd Terrace and 915-919 SE 23rd Street.

Applicant: City of Cape Coral

Acreage: .94 acres

Planning Team Coordinator Wyatt Daltry explained the following displayed slides:

- FLUM23-000010 – Proposal
- Aerial and Existing Future Land Use
- Proposed Future Land Use
- Background/History
- Comprehensive Plan
- Conclusion: Staff recommended Adoption of the proposed amendment

Public hearing opened.

No speakers

Public hearing closed.

Discussion held regarding:

- The City of Cape Coral being the applicant
- Lack of commercial and changing to residential land use
- This area is clearly single family established

Commissioner Apking moved, seconded by Commissioner Schwartz, to approve Ordinance 7-24 (FLUM23-000010; City of Cape Coral, as presented).

Commission polled as follows: Apking, Botana, King, Marker, Severson, Schwartz, and York. Seven "ayes," motion carried.

CITIZENS INPUT

No speakers

STAFF UPDATES

None

OTHER BUSINESS

None

MEMBER COMMENTS

None

DATE AND TIME OF NEXT MEETING

A Regular Meeting was scheduled for Wednesday, February 7, 2024, at 9:00 a.m. in Council Chambers.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:51 a.m.

Submitted by,

Stacey Pasek
Recording Secretary



AGENDA REQUEST FORM

CITY OF CAPE CORAL

Item Number:	6.A.
Meeting Date:	4/3/2024
Item Type:	BUSINESS

TITLE:

Applicant Interviews - 1 Alternate Position

REQUESTED ACTION:**SUMMARY EXPLANATION AND BACKGROUND:**

Vacancy: 1 Alternate Member - Term expires 11/30/2024

Applications received:

1. Estes, Edwin
2. Martin, John (Jack)

Vacancy was advertised 12/15/2023, 1/3/2024, 1/24/2024, 2/7/2024, and 2/21/2024 in the Breeze and posted on the City's website and social media outlets.

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:

Action Item: Planning and Zoning commission to conduct interviews with Alternate applicants. Should they choose, a recommendation vote could be taken and shared with City Council at the Council appointment meeting.

SOURCE OF ADDITIONAL INFORMATION:

Kimberly Bruns, City Clerk 1-239-574-0417

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

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

PREPARED BY:

Stacey Pasek, Recording
Secretary

Division- Administration

Department- City
Clerk

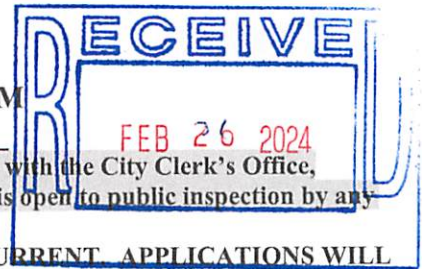
ATTACHMENTS:

Description	Type
▣ 1. Estes, Edwin	Backup Material
▣ 2. Martin, John (Jack)	Backup Material

**CITY OF CAPE CORAL
APPOINTMENT INFORMATION FORM**

Initials: EW

This Appointment Information Form, when completed, signed and filed with the City Clerk's Office, is a PUBLIC RECORD under Chapter 119, Florida Statutes, and, therefore, is open to public inspection by any person.



YOU ARE RESPONSIBLE TO KEEP THE INFORMATION ON THIS FORM CURRENT. APPLICATIONS WILL BE RETAINED IN THE CLERK'S OFFICE IN ACCORDANCE WITH STATE RECORDS RETENTION LAWS.

Please Type, if possible (or print clearly)

Date: February 24, 2024

Name: Estes Edwin Wilson
(Last) (First) (Middle)

E-mail address: edestesjr@gmail.com

Address: (H) 5334 SW 22nd Pl., Cape Coral, FL Zip Code 33914
(O) _____ Zip Code _____

Phone: (H) _____ (O) _____ (C) 760-809-9332

Occupation: Retired

Employer: N/A Position: N/A How Long: N/A

Education: Highest education level achieved and institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Degrees Earned</u>
Pepperdine University, Malibu, CA	1980-1983	Juris Doctor
University of Southern California, Los Angeles, CA	1978-1980	Bachelor of Arts
Palomar College, San Marcos, CA	1976-1978	Transfer/None

Have you ever held a professional or business license or certificate? Yes X No _____

If "Yes", please provide the title, issue date and issuing authority.

<u>License/Certificate Title</u>	<u>Issue Date</u>	<u>Issuing Authority</u>
Law	12-13-1983	State Bar of California
Real Estate Broker	3-30-1984	California Dept. of Real Estate
Instructor	8-14-1987	Bd. of Governors, Cal. Comm. Colleges

Board(s) /Commission(s) for which you are applying:

Planning and Zoning Commission (Alternate)

1. Are you a U.S. Citizen? Yes X No _____
2. Are you a Cape Coral Resident? Yes X No _____
3. Are you currently serving on a City Board(s)? Yes _____ No X

If yes, which Board(s) and since when?

4. Have you ever served on a City Board(s)? Yes X No _____

If yes, which Board(s) and when?

Mayor/City Council, City of Vista (California): 1994-2002

5. Are you currently serving on a Board, Authority, or Commission for another governmental agency?

Yes _____ No X If yes, what Board, etc. and since when?

Work Experience:

College Professor, Author and Department Chair, Mt. San Antonio College: 2008-2024

Attorney at Law: 1983-2022

Real Estate Broker: 1984-2024

Community Involvement:

President, Vista Chamber of Commerce: 1992

Chairman, Vista Economic Development Association: 1991

President, Vista Boys and Girls Club: 1987

Interests/Activities:

Boating: I serve as Assistant Secretary and on the Executive Committee for the Cape Coral Sail and Power Squadron. I enjoy Bicycling, Swimming, Walking and Weight Training.

My wife and I like to travel and enjoy dining at new and favorite local restaurants.

Why do you desire to serve on this/these Board(s)?

My previous practice included land use law, I enjoy the planning process and helping to create a vision for the future of our city. During my tenure as a Councilmember, we redeveloped our central business district as well as a couple of major arterial roadways to improve traffic circulation.

How did you learn about the vacancy? ☒ Cape Coral Website ☐ Newspaper ☐ Facebook ☐ Word of Mouth

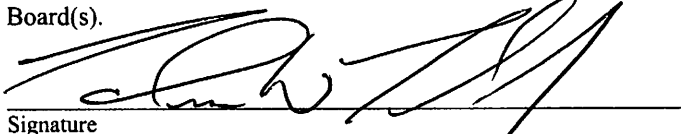
A resume or separate sheet with additional information may be included.

Florida law requires that members of certain Boards file a financial disclosure form. Would you be willing to file a financial disclosure form? Yes ☒ No ☐

The City of Cape Coral Code of Ordinances, Section 2-60 has a limitation on offices held; however, this can be waived by a two-thirds (2/3) vote of City Council. If you are already serving on a Board, Authority, or Commission for the City of Cape Coral or for another governmental agency, you would have to be approved by a two-thirds (2/3) vote.

The City of Cape Coral Code of Ordinances, Section 2-57 states that an applicant for membership on a board, committee, or commission or a sitting member of those bodies shall not have any delinquent accounts with the City of Cape Coral at the time of appointment.

I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).


Signature

02/24/2024

Date

If you have any questions, please call the office of the City Clerk at (239) 574-0411. Return this form to:

City of Cape Coral, City Clerk's Office, P.O. Box 150027, Cape Coral, Florida 33915-0027

FOR OFFICIAL USE ONLY

Interviewed: Date: _____

Yes ☐ No ☐

Council Action: Date: _____

Edwin W. Estes, Jr.

5334 SW 22nd Place
Cape Coral, FL 33914

Telephone: 760-809-9332
E-mail: edestesjr@gmail.com

Instruction: Professor, lecturer and author on real property law and real estate brokerage issues since 1988 for the *California Association of REALTORS®* (SRES and Zip Forms Instructor), *Arkansas REALTOR® Association*, *San Diego Association of REALTORS®*, *North San Diego County Association of REALTORS®*, *National University School of Law*, *University of California San Diego*, *University of Phoenix*, *Palomar College*, *MiraCosta College*, *Professional Realty Institute* (GRI Master Instructor) and *Tarbell, REALTORS® Licensing School*

Mt. San Antonio College: 2008-2024

- Professor and Real Estate Program Coordinator
- Department Chair, Business Administration (2012 – 2018, 2021-2023)
- Activities: Academic Senate, Distance Learning Committee, Campus Police & Public Safety Advisory Committee, Student Grievance Hearing Panel and Faculty Association
- Courses taught: Real Estate Principles, Real Estate Practice, Legal Aspects of Real Estate, Real Estate Finance, Real Estate Investing, Property Law, Business Law, Advanced Business Law, Tort Law and Contract Law

Profession: Member of the California State Bar (currently inactive) since 1983 (BV Rated, Martindale Hubbell) whose practice emphasized general business, real property and land use law, with particular attention directed to risk management administration and alternative dispute resolution; Licensed Real Estate Broker since 1984 (Salesperson License – 1976), active in real estate consulting, development, investment and residential brokerage management

Richardson, Harman & Ober: 2011-2013

Of Counsel to a Los Angeles County law firm specializing in real property and land-use issues; primary client: The Inland Valley Association of REALTORS (TIGAR)

Galuppo & Blechschmidt: 2007- 2011

Of Counsel to a San Diego County law firm specializing in real property and land use issues.

RE/MAX Associates: 2007 - 2008

Branch Manager for two San Diego real estate offices in Mission Valley and Mission Hills (San Diego County); duties include supervising and training sales associates as well as recruiting new agents.

One Source Realty – GMAC: 2003-2006

Director of Sales & Education of a 350 agent, full-service brokerage firm in San Diego, California; responsible for all education and training activities, supervision of 150 licensees in the Mission Valley branch as well as Associate Legal Counsel to the company

First Advantage Financial: 2004-2006

Assistant Manager of a mortgage brokerage firm consisting of 20 loan officers, affiliated with One Source Realty – GMAC

Edwin Estes & Associates: 1983-2003

Partner in a family real estate development company focusing on commercial and multi-family residential properties.

Education:

Pepperdine University School of Law

Juris Doctor Degree May 1983

University of Southern California

Bachelor of Arts Degree in Political Science, June 1980

Credentials:

California Community College Lifetime Teaching Credential

Issued in both Law and Real Estate

Designations:

Accredited Buyer Representative (ABR)

Awarded by the Real Estate Buyer's Agent Council for real estate agents specializing in buyer broker representation.

Accredited Buyer Representative Manager (ABRM)

Awarded by the Real Estate Buyer's Agent Council for real estate brokers who incorporate buyer broker representation into their company's service operations.

Certified Commercial Investment Member (CCIM)

Conferred by the CCIM Institute, a Certified Commercial Investment Member is a recognized expert in the disciplines of commercial and investment real estate

Certified Real Estate Brokerage Manager (CRB)

Awarded by the Council of Real Estate Brokerage Managers, the CRB designation is the oldest and most respected designations offered in real estate business management.

E-PRO Certified (e-PRO)

Sponsored by the National Association of REALTORS®, the e-PRO designation is specifically designed to help real estate professionals thrive in the competitive world of online real estate

Graduate, REALTORS Institute (GRI)

Awarded by the California Association of REALTORS®, the GRI designation was bestowed after successful completion of a series of 14 full day courses covering a variety of real estate topics.

Senior Real Estate Specialist (SRES)

Awarded by the Real Estate Buyer's Agent Council, the SRES designation is given after successful completion of a 13-hour course instilling the expertise to provide seniors with professional consultation about real estate.

Authorships:

California Real Estate Principles, 11.1 Ed., CE Shop Publishing, 2022

California Real Estate Practice, 4.1 Ed., CE Shop Publishing, 2022

Know Your Disclosures, 6 hr. Continuing Education Course, 2008

Risk Management, 3 hr. Continuing Education Course, 2006

Contract Essentials, 8 hr. Continuing Education Course, 2006

Understanding Risk Management, San Diego REALTOR®, September, 2006

Challenges with Tenant-Occupied Listings, San Diego REALTOR®, March, 2007

How to Pass the California Real Estate Exam, 2nd Ed., Learning Press, 2004

Activities:

Mayor, City of Vista: 2002

Elected to the City Council in 1994 and re-elected in 1998, appointed Mayor in 2002 of a city of 92,000 in San Diego County, California

Judge Pro Tempore, Superior Court of San Diego County: 1994-2000

Appointed to adjudicate Small Claims cases.

Arbitrator, American Arbitration Association: 1992-1994
 Served as an arbitrator for business and real property issues

President, Vista Chamber of Commerce: 1991-1992
 Led a 600-member business association in Vista, California

Chairman, Vista Economic Development Association: 1992-1993
 Chaired a joint effort between the City of Vista and the Vista Chamber of Commerce to attract new businesses to the City of Vista

Treasurer, Vista Board of REALTORS®: 1984
 Oversaw the budget and reviewed financial reports for a 2,000-member association.

Board of Directors, San Diego Association of REALTORS®: 2008-2009
 Elected to a 20-member board serving 12,000 REALTORS®

Board of Directors, San Diego Commercial Association of REALTORS®: 1992
 Served on a board designed to promote the professionalism of commercial REALTORS®

Special Deputy Trial Counsel, State Bar of California: 1996-98
 Appointed to investigate and prosecute cases in which the State Bar Office of Trial Counsel has a conflict of interest.

Probation Monitor, State Bar of California: 1993-96
 Appointed by the State Bar Board of Governors to monitor disciplined lawyers during the term of their probation.

Member, Palomar College Real Estate Advisory Committee: 1994-2007
 Coordinated committee activities to better serve the real estate industry in the Palomar Community College District

Asst. Secretary / Executive Committee, Cape Coral Sail & Power Squadron: 2024
 Assist with minutes and staffing office at an organization dedicated to boating education.

President, Boys and Girls Club of Vista: 1998
 Led a 40-member volunteer board of an organization serving over 2000 disadvantaged youth in the community of Vista.

Chairman, Education Committee – Citrus Valley Association of REALTORS®: 2009-2010
 Active in educational programs for a local real estate association

Chairman, Education Committee – San Diego Association of REALTORS®: 2006
 Active in educational programs for a local real estate association

Member, Education Committee, Arcadia Association of REALTORS®: 2019-2023
 Active in educational programs for a local real estate association

Member, California Real Estate Education Association, 1989-2023
 Participant in a nonprofit organization committed to promoting and enhancing educational and professional standards of competence among real estate practitioners.

Member, Eastern Bar Association of Los Angeles County: 2009 – 2021
 Active in the local bar association for the eastern San Gabriel Valley.

Member, Bar Association of Northern San Diego County: 1984-2009
 Participant in the Real Property and the Alternative Dispute Resolution subsections as well as serving on the Attorney Fee Dispute Arbitration Panel

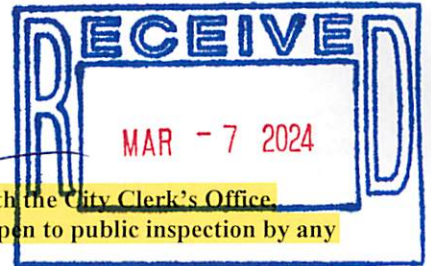
Member, Rotary Club of Vista: 1994-2008
 Active in a world-wide service organization from 1983-2008

Lifeline Community Services Volunteer Attorney: 1984-1986
 Volunteered in a free legal clinic during the evenings to provide legal advice to low income and disadvantaged individuals.

CITY OF CAPE CORAL
APPOINTMENT INFORMATION FORM

Initials: JM

This Appointment Information Form, when completed, signed and filed with the City Clerk's Office, is a PUBLIC RECORD under Chapter 119, Florida Statutes, and, therefore, is open to public inspection by any person.



YOU ARE RESPONSIBLE TO KEEP THE INFORMATION ON THIS FORM CURRENT. APPLICATIONS WILL BE RETAINED IN THE CLERK'S OFFICE IN ACCORDANCE WITH STATE RECORDS RETENTION LAWS.

Please Type, if possible (or print clearly)

Date: 3-5-24

Name: Martin John (Jack) Paul
(Last) (First) (Middle)

E-mail address: jack.martin@att.net

Address: (H) 912 SE 24th St, Cape Coral, FL Zip Code 33990
(O) 3409 Del Prado Blvd S, Cape Coral, FL Zip Code 33904

Phone: (H) _____ (O) 239-422-5777 (C) 239-707-9015

Occupation: Real Estate Broker

Employer: Century 21 Selling Paradise Position: Broker Associate How Long: 13

Education: Highest education level achieved and institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Degrees Earned</u>
<u>Auburn Community College, Auburn, NY</u>	<u>1973-1975</u>	<u>Associates</u>

Have you ever held a professional or business license or certificate? Yes X No _____

If "Yes", please provide the title, issue date and issuing authority.

<u>License/Certificate Title</u>	<u>Issue Date</u>	<u>Issuing Authority</u>
<u>Real Estate Sales</u>	<u>1989</u>	<u>Dept. Business & Professional Regulation</u>

Board(s) /Commission(s) for which you are applying:

Planning and Zoning

1. Are you a U.S. Citizen? Yes X No _____

2. Are you a Cape Coral Resident? Yes X No _____

3. Are you currently serving on a City Board(s)? Yes _____ No X

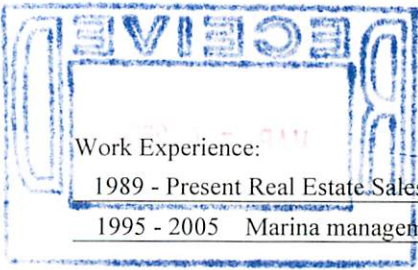
If yes, which Board(s) and since when?

4. Have you ever served on a City Board(s)? Yes _____ No X

If yes, which Board(s) and when?

5. Are you currently serving on a Board, Authority, or Commission for another governmental agency?

Yes _____ No X If yes, what Board, etc. and since when?



Work Experience:

1989 - Present Real Estate Sales and Brokerage

1995 - 2005 Marina management and sales

Community Involvement:

Rotary Club of Cape Coral 2008 - present, Past President 2012-2013

Knights of Columbus Council 7131 2005 - present, Past Grand Knight

Interests/Activities:

Boating, fishing, scuba diving, snow skiing, classic cars

Why do you desire to serve on this/these Board(s)?

I feel that it is a good opportunity to give back to the community utilizing my past experience and talent.

How did you learn about the vacancy? ☐ Cape Coral Website ☒ Newspaper ☐ Facebook ☐ Word of Mouth

A resume or separate sheet with additional information may be included.

Florida law requires that members of certain Boards file a financial disclosure form. Would you be willing to file a financial disclosure form? Yes ☒ No ☐

The City of Cape Coral Code of Ordinances, Section 2-60 has a limitation on offices held; however, this can be waived by a two-thirds (2/3) vote of City Council. If you are already serving on a Board, Authority, or Commission for the City of Cape Coral or for another governmental agency, you would have to be approved by a two-thirds (2/3) vote.

The City of Cape Coral Code of Ordinances, Section 2-57 states that an applicant for membership on a board, committee, or commission or a sitting member of those bodies shall not have any delinquent accounts with the City of Cape Coral at the time of appointment.

I understand the responsibilities associated with being a Board member, and I have adequate time to serve on the above Board(s).

Signature

Date

3/5/24

If you have any questions, please call the office of the City Clerk at (239) 574-0411. Return this form to:

City of Cape Coral, City Clerk's Office, P.O. Box 150027, Cape Coral, Florida 33915-0027

FOR OFFICIAL USE ONLY

Interviewed: Date: _____

Yes ☐ No ☐

Council Action: Date: _____



**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.A.
Meeting Date:	4/3/2024
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 20-24

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

Ordinance 20-24 amends Articles 4, 5, and 11 of the Land Development Code (LDC). In summary, the proposed amendment will add new uses to the LDC, expand existing uses to one or more new zoning districts, and eliminate one existing use from the use table. This amendment also includes formatting changes to Table 4.2.11. that pertains to the Commercial Corridor District and proposes both new and amended definitions to Article 11. The proposed uses will provide new businesses opportunities for property owners and have the potential to increase the mix of goods and services added to the local economy. The majority of these uses are recommended for zoning districts where related uses already exist, and thus compatibility concerns with neighboring zoning districts is expected to be minimal. In limited instances, concerns with incompatible land uses will be further addressed by classifying the use as a special exception or through the adoption of new special regulations. This amendment will provide property owners with greater flexibility, reduce ambiguity and provide needed clarify to the LDC, while promoting the health, safety, and welfare of the community.

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

ECONOMY, EDUCATION, AND WORKFORCE: CREATE A COMMUNITY OF PROSPEROUS RESIDENTS, THRIVING NEIGHBORHOODS, AND SUCCESSFUL BUSINESSES

RECOMMENDATIONS:

City Planning Staff Recommendation: Approval

SOURCE OF ADDITIONAL INFORMATION:

Matt Grambow, Development Services Director - interim
(239) 574-0446

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

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

PREPARED BY:

Vanessa Sberna,
Planning Technician

Division- Planning
Division

Department- Development Services
Department

ATTACHMENTS:

Description	Type
▣ 1. Ordinance 20-24	Ordinance
▣ 2. Staff Report	Backup Material
▣ 3. Ord 20-24 P&Z Presentation - Displayed at meeting	Backup Material

ORDINANCE 20 - 24

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL, FLORIDA, LAND DEVELOPMENT CODE, ARTICLE 4, ZONING DISTRICTS, CHAPTER 1, GENERAL PROVISIONS, TABLE 4.1.6., USE TABLE, REGARDING SOCIAL SERVICES; ARCADE; COMMERCIAL RECREATION, INDOOR; COMMERCIAL RECREATION, OUTDOOR; COMMERCIAL PARKING LOT OR GARAGE; MARINE FUEL PUMP; CRAFT BREWERY, DISTILLERY, WINERY; RESTAURANT, NO DRIVE-THRU; RESTAURANT, DRIVE-THRU; DISTRIBUTION CENTER; AUTOMOTIVE TOWING ESTABLISHMENT; HELIPORT; HELISTOP; AND LIVE/WORKSPACE USES; BY AMENDING ARTICLE 4, ZONING DISTRICTS, CHAPTER 2, SPECIFIC REGULATIONS BY DISTRICT, REGARDING MARINE FUEL PUMP; AND CRAFT BREWERY, DISTILLERY, WINERY USES; AMENDING ARTICLE 5, DEVELOPMENT STANDARDS, CHAPTER 10, SPECIFIC USE REGULATIONS (P* USES IN TABLE 4.4) REGARDING MARINE FUEL PUMPS; AND BY AMENDING ARTICLE 11, DEFINITIONS, CHAPTER 1, GENERAL PROVISIONS, SECTION 11.2., DEFINITIONS, REGARDING AMUSEMENT GAMES OR MACHINES, ARCADES, AUTOMOTIVE TOWING ESTABLISHMENTS, COMMUNITY CENTERS, DISTRIBUTION CENTERS, JUNKYARDS, LIVE/WORKSPACES, MARINE FUEL PUMPS, PROFESSIONAL SERVICES, SOCIAL SERVICES, SOLID WASTE TRANSFER STATIONS, AND YARDS; 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, "Zoning Districts," Chapter 1, "General Provisions," 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	LO C
Residential	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
	Micro-Cottage																	
	Assisted Living Facility		SE	P			P	P				P	P			P		
	Family Day Care Home -5 or fewer	P	P	P	P	P												
	Community Residential Home - up to 6 res	P	P	P	P	P												
	Community Residential Home - 7 to 14 residents		P	P														
	Model Home	P*	P*		P*													
	Home-Based Business	CU	CU	CU	CU	CU						CU	CU	CU	CU	CU	CU	CU

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
	Social Services							<u>P</u>		<u>P</u>		<u>P</u>					<u>P</u>	<u>P</u>
Recreation and Entertainment	Sexually Oriented Business								P									
	Arcade							<u>P</u>				<u>P</u>						
	Commercial Recreation, Indoor							P	<u>P</u>			P	P		P	P	P	P
	Commercial Recreation, Outdoor					P		P				P		<u>P</u>				
	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		
	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				<u>P</u>		<u>P</u>	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	
	Marine Fuel Pump							<u>P*</u>	<u>P*</u>	<u>P*</u>		<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>
	Vehicle and Boat Storage								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*	<u>P*</u>			P*	P*	P*	P*	P*	P*	P*
	Mobile Food Courts (MFC)						CU	CU		CU		CU	CU	CU	CU	CU	CU	CU
	Mobile Food Vendor (MFV)						CU	CU	CU	CU		CU	CU	CU	CU	CU	CU	CU
	Restaurant, no drive-thru						SE	P	<u>P</u>			P	P	P	P	P	P	P
	Restaurant, drive-thru							P	<u>P</u>			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										
	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
Agriculture	Non-Domestic Animal Boarding					P												
	Community Garden					P			P									
	Farms - Produce & Livestock					P												

	Greenhouse/ Nursery					P						P						
	Stable				P	P												
	Roadside Food and Vegetable Stand					P*												
	<u>Distribution Center</u>								P			P						
Industrial	<u>Automotive Towing Establishment</u>								P									
	Dry Cleaning/ Laundry Plant								P									
	Extraction w/ancillary use					SE			P									
	Industrial, Heavy								P									
	Industrial, Light								P			SE						
	Industrial Business Centers								P			CU						
	Laboratory - medical, research, testing							SE	P	SE		SE						
	Energy Resource Generation					SE				P								
	Storage, Heavy Equipment								P	SE								
	Storage, Outdoor Screened								P	SE		CU						
	Storage, Outdoor								P									
	Solid Waste Transfer Station					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
	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
	<u>Heliport</u>								SE		SE		SE					
	<u>Helistop</u>					SE		SE		SE		SE						
	<u>Live/ Workspace</u>												P	P	P		P	P
	Wireless Communica- tion Facilities					P*	P*	P*	P*	P*		P*	P*				P*	P*
	Solar Arrays					P*				P*	P*							
	Mixed-use Building												P	P	P	P	P	P
	Wildlife Rehabilitation Center					P				P								

SECTION 2. The City of Cape Coral Land Development Code, Article 4, “Zoning Districts,” Chapter 2, “Specific Regulations by District,” is hereby amended as follows:

CHAPTER 2. SPECIFIC REGULATIONS BY DISTRICT

This chapter establishes specific regulations for uses, activities, or structures within a zoning district.
...

Section 4.2.6. Commercial (C).

- A. Specific regulations for accessory parking lots; craft brewery, distillery, and wineries; building and construction with outdoor display or storage; self-storage facilities; ~~and~~ wireless communication facilities; and marine fuel pumps are found in Article 5, Chapter 10.
- B. Specific conditions for vehicle repair, minor; vehicle fueling stations; mobile food courts; and mobile food vendors are established in Article 5, Chapter 11.

...

Section 4.2.8. Industrial (I).

- A. Specific regulations for craft brewery, distillery, and wineries; building and construction with outdoor display or storage; self-storage facilities; solar arrays; ~~and~~ wireless communication facilities; and marine fuel pumps are found in Article 5, Chapter 10.
- B. Specific conditions for mobile food courts and mobile food vendors are established in Article 5, Chapter 11.

Section 4.2.9. Institutional (INST).

- A. Specific regulations for solar arrays, ~~and~~ wireless communication facilities, and marine fuel pumps are found in Article 5, Chapter ~~44~~ 10.
- B. Specific conditions for mobile food courts and mobile food vendors are established in Article 5, Chapter 11.
- C. Outdoor storage that is accessory to a principal use shall be screened from view from all rights-of-way by an opaque fence or wall.

...

Section 4.2.11. Commercial corridor (CC).

Table 4.2.11

Commercial Corridor Development Parameters		
	Development Area	
	0—3.99 acres	4 acres or greater
Free-standing Commercial Development Area	Up to 100% 4.0	
Maximum FAR	<u>Up to 100%</u> <u>1.25</u>	
Free-standing Residential Minimum Density	Not allowed	10 du/acre or 50 units
Maximum Density	Not allowed	<u>25 du/acre</u> 10 du/acre or 50 units
Mixed-Use Minimum Density	3 du/acre <u>3</u> 42 du/acre	10 du/acre or 50 units <u>25 du/acre</u> 10 du/acre or 50 units
Maximum Density	4.0 <u>12 du/acre</u>	2.0 <u>25 du/acre</u>
Maximum FAR	<u>1.25</u>	<u>2.0</u>
Minimum Front Setback	20 ft.	20 ft.
Minimum Side Setback	6 ft.	6 ft.
Min. Rear Setback	10 ft.	10 ft.

- A. Specific regulations for light vehicle, sales; accessory parking lots; craft brewery, distilleries, and wineries; building and construction with outdoor display or storage; self-storage facilities; ~~and~~ wireless communication facilities; and marine fuel pumps are found in Article 5, Chapter 10.
- B. Specific conditions for multi-family residential; single-family attached with 3 units or greater; vehicle repair, minor; industrial business centers; outdoor screened storage; mobile food courts; mobile food vendors; and home-based businesses are established in Article 5, Chapter 11.

Section 4.2.12. Neighborhood commercial (NC).

- A. Specific regulations or conditions for multi-family residences; single family attached 3 units or greater; vehicle fueling stations; craft brewery, distilleries, and wineries; wireless communication facilities; marine fuel pumps; mobile food courts; mobile food vendors; laboratory - medical, research, testing, and development; and home-based businesses are found in Article 5, Chapters 10 and 11.

...

Section 4.2.13. Mixed-use bimini (MXB).

- A. Mix of Uses Allowed. Any type of dwelling unit as well as any accessory use is allowed, so long as the location and mix of types is consistent with the Bimini Basin Revitalization and Implementation Plans. A residential use may be intermixed with a nonresidential use or uses in the same block, lot, or building.

...

- F. Specific regulations or conditions for multi-family residences; single family attached 3 units or greater; brewpubs; craft brewery, distilleries, and wineries; marine fuel pumps; mobile food courts; mobile food vendors; and home-based businesses are found in Article 5, Chapters 10 and 11.

Section 4.2.14. Mixed-use seven islands district (MX7).

- A. Intent and purpose. It is the intent of this district to implement City Council adopted plans to create a comprehensively planned, mixed-use development for the Seven Islands area. The specific purposes of the Mixed-Use Seven Islands District are:

...

- J. Specific regulations or conditions for multi-family residences; single family attached 3 units or greater; craft brewery, distilleries, and wineries; marine fuel pumps; mobile food courts; mobile food vendors; and home-based businesses are found in Article 5, Chapters 10 and 11.

Section 4.2.15. South cape district.

The South Cape District special regulations are intended to act as a stimulus to development through provisions that permit a flexible approach to infill development within the City's Community Redevelopment Area.

...

- F. Specific regulations or conditions for multi-family residences; boat sales; vehicle fueling stations; craft brewery, distilleries, and wineries; wireless communication facilities; marine fuel pumps; mobile food courts; mobile food vendors; and home-based businesses are found in Article 5, Chapters 10 and 11.

...

SECTION 3. The City of Cape Coral Land Development Code, Article 5, "Development Standards," Chapter 10, "Specific Use Regulations (P* Uses in Table 4.4)," Section 5.10.17., "Marine Fuel Pump," is hereby established as follows:

Section 5.10.17. – Marine fuel pump.

Marine fuel pump uses in the C, I, INST, CC, NC, MX7, MXB, or SC Districts shall meet the following requirements. Properties that are owned by the City of Cape Coral shall be exempt from these requirements.

- A. The minimum parcel area shall be two acres.
- B. The site shall abut a waterway with a minimum width of 150 feet.
- C. The site shall have a minimum of 200 feet of continuous water frontage.

- D. A marine fuel pump use shall be an accessory use to a commercial establishment on the site.
- E. Except for a use classified as a marina, a marine fuel pump use shall not be used in conjunction with boat repair or boat storage.

SECTION 4. 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.

...

Amplified Sound, means sound augmented by any electronic or other means that increases the sound level or volume. Public background sound or amplified sound caused by the police or fire departments of the city in the performance of their official duties shall not be considered amplified sound.

Amusement game or machine. As defined by Florida Statute 546.10 and as may be amended hereafter.

Animal Kennel, is an establishment where more than four dogs or cats (except litters of animals of not more than six months of age) are kept, raised, cared for or boarded, for a fee.

...

Arbor, is a structure on which plants and vines can grow.

Arcade. An establishment having amusement games or machines on premises which is operated for the entertainment of the general public as a bona fide amusement facility as its primary use. See definition of amusement game or machine.

Arcade, Architectural, means a success of arche supported by columns or piers, or a covered walkway enclosed by a line of arches on one or both sides.

...

Auditorium or Assembly Hall, is a building with facilities to accommodate groups of people.

Automotive Towing Establishment. A premises or portion of a premises occupied by an establishment in which a person, or persons, practice a vocation or occupation that performs a type of labor, act, or work off the premises that result in the towing of motor vehicles. Tow trucks or wreckers may be stored on the premises, but no towed vehicles shall be stored on the premises. This use does not include the disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles. This use shall not include vehicle repair establishments that have a tow truck and that repair vehicles on-site.

Awning, is a roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door.

...

~~**Community Center**, is a building to be used as a place of meeting or social recreation that is open to the public. Community centers may also include areas of outdoor recreation such as playgrounds or athletic courts.~~

Community Center. A development consisting of a building or group of buildings that may include areas of outdoor recreation or open space which are used as a place of meeting or social recreation. Community Centers may be publicly or privately owned; however, Community Centers shall remain open to the public. Community Centers must include a building or group of buildings that is a minimum of 15% of the overall Community Center site.

...

Directional Sign, is a sign denoting the business names, location, addresses (real or virtual), and/or occupations of those tenants located upon a subject site or which provides information as to the location of a parking lot, building entrance, or other destination, activity, or facility and contains no commercial message.

Distribution center. An establishment involving one or more buildings specifically designed to receive, store, and redistribute goods and designed for rapid turnaround for e-commerce business product deliveries.

Distribution Line, are the electric lines that deliver medium voltage electricity from the substation to an overhead or underground transformer that ultimately serves the consumer.

...

Invasive Species, means a species that is non-native to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

Junkyard. Any use on private property involving the parking, storage or disassembly of junked vehicles, or wrecked or nonoperable vehicles, storage, baling, or otherwise dealing in wastepaper, rags, scrap metal, used building materials, old household appliances and other similar matter. Such uses shall be considered junkyards whether or not all or part of such operations are conducted within a building or in conjunction with, in addition to, or accessory to, other uses of the premises. This definition shall not include pawn shops and establishments for the sale, purchase, or storage of usable second-hand cars, used furniture or similar household goods and appliances.

Kitchen, an indoor portion of a structure specifically designed and equipped for the preparation, service and storage of food. The kitchen shall be provided with, at a minimum, a functioning sink, range, oven, and refrigerator.

...

Lintel, means a horizontal support of timber, stone, concrete, or steel across the top of a door or window.

Live/Workspace. An area within a nonresidential building that is used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Loading Space, is an off-street space, having a minimum width of 10 feet, length of 30 feet, and height clearance of 14 feet, on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

...

Marina, is a waterfront establishment whose business is offering the rental or lease of slips for boats, the sale or rental of boats and marine sporting equipment, and the servicing, repair, or storage of similar items. Such establishments may also provide gasoline, sanitary pump-out service, and food and drink.

Marine fuel pump. Fuel dispensing pumps providing an accessory use to a commercial establishment in which, except for a marina, no boat repair or boat storage is provided.

Marine Improvement, means a whole, constructed marine structure including, but not limited to, dock, boat lift, mooring posts, walkways, and other interconnecting parts. A boat canopy, its supports, and its frame shall not be considered to be a part of the marine improvement to which they are attached.

...

Private Property, is property that is owned, leased, operated, maintained or controlled by one or more individuals or entities other than the city.

Professional services. Work performed for others by someone trained and engaged in such work for a career. By way of example, and without limiting the generality of this definition, professional services include services rendered by architects, attorneys, dentists, engineers, financial planners, life insurance agents, physical therapists, and physicians.

Projected Image Sign, is a sign that uses technology to project an image, logo, or other graphic on buildings, structures, sidewalks, or surfaces. The image itself has no physical structure but is still considered a sign.

...

Slope, is the degree of deviation of a surface from the horizontal, usually expressed in percent, degrees, or rise over run.

Social services. An establishment that provides a variety of community-based services, including but not limited to training, counseling, therapy, or the distribution of food or clothing but for which medical care is not a major element. A social service use shall not include overnight or custodial care facilities which provide living quarters for recipients of the service or staff.

Socially-Active Open Space, is open space with a minimum width of 30 feet that is created and designed for year-round active use by the public in the form of active lawn areas, plazas, squares, courtyards, and gardens. Amenities are logically arranged and typically include paths, formal or informal planting areas, and furnishings.

Sod, is the grass-covered surface of the ground and the soil below the surface only to the depth of the roots of the grass.

Solar Photovoltaic (PV) Arrays, is a device or combination of devices or structures that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply

Solid Waste Transfer Station. A facility where received solid waste may undergo one or more of the following: processing, sorting, or storing, before such materials are reused or repurposed, or are sent to a landfill, waste to energy plant, a recycling center, or similar facility.

Snipe Sign, is a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to or placed on public property such as but not limited to a public utility pole, a public street sign, a public utility box, a public fire hydrant, a public right-of way, public street furniture, or other public property; except for A-frame signs that are temporarily placed on public property under such limitations and constraints as may be set forth in the Land Development Code.

...

Yard, is the open space surrounding the principal building on any lot, unoccupied and unobstructed by a portion of that building from the ground to the sky except where specifically permitted by this ordinance. Yards are further defined as follows:

- (a) **Front yard.** That portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the principal building, which line shall be designated as the front yard line.
- (b) **Rear yard.** That portion of the yard extending the full width of the lot and measured between the rear lot line and parallel line tangent to the nearest part of the principal building, which line shall be designated as the rear yard line.
- (c) **Side yards.** Those portions of the yard extending from the front yard to the rear yard as measured perpendicular from the side lot line to the nearest parts of the principal building.

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 _____, 2024.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

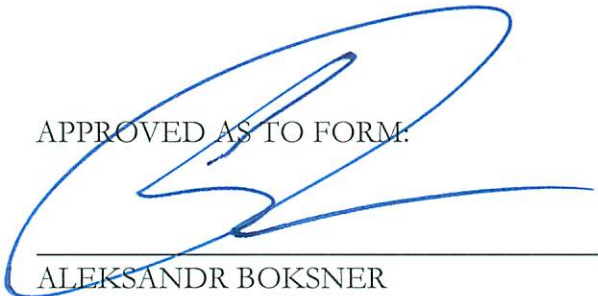
GUNTER _____
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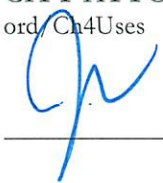
CARR _____
WELSH _____
LONG _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2024.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



ALEKSANDR BOKSNER
CITY ATTORNEY
ord/Ch4Uses


Review Date:	March 25, 2024
Prepared by:	Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator
Approved by:	Amy Yearsley, AICP, Planning Manager
Recommendation:	Approval
Request:	Amend LDC, Articles 4 (Zoning Districts), 5 (Development Standards), and 11 (Definitions). In summary, the proposed amendment will add new uses to the Land Development Code (LDC), expand existing uses to one or more new zoning districts, and eliminate one existing use from the use table. One table in Article 4 will be reformatted to provide greater clarity. New definitions, along with several revised definitions, in Article 11 are proposed.

BACKGROUND

In 2019 the City repealed the existing Land Use and Development Regulations (LUDRs) and adopted the current Land Development Code (LDC). In so doing, the way in which the City classifies uses changed. Under the LUDRs, the City used a classification system based on the North American Industry Classification System (NAICS). This system while traditionally used by some local governments for the basis of classifying uses, was originally developed to collect, analyze, and publish data on economic development activity at the federal level. NAICS was not developed for zoning purposes, and this classification scheme was not always intuitive or easy to understand. Furthermore, NAICS tended to splinter or “over classify” specific categories of land use activities. For example, the former LUDRs identified at least nine separate retail uses in the Pedestrian Commercial (C-1) District that were later combined into two separate or distinct uses for the Commercial (C) District in the LDC.

This current amendment represents the most comprehensive update of the use table appearing in Article 4 since the adoption of the LDC. However, since the amending of local zoning regulations is a legislative action that reflects community preferences, similar amendments in the future will be required in response to shifts in local values, technological change, and state and federal preemptions and mandates.

SUMMARY OF THE PROPOSED CHANGES

Most changes involving Ordinance 20-24 fall into one of four different categories:

1. Adding new uses to the use table.
2. Expanding or eliminating existing uses from one or more zoning districts.
3. Formatting changes to Table 4.2.11 – Commercial Corridor District
4. Adding new definitions or amending existing definitions to Article 11.

New Uses to the Use Table.

The following terms below identify new uses that are proposed to be added to the LDC. In several instances, uses that were previously permitted in the LUDRs, are now proposed for incorporation into the LDC. Besides expanding business opportunities, the addition of these “new” uses may have the added benefit of eliminating several legal, nonconforming uses in the City, and thus allow for the future expansion of these existing businesses.

Arcade. Arcades were allowed as a permitted use and classified broadly as a commercial recreation-group 1 use in the LUDRs. New arcades have not been permitted by the City since the adoption of the LDC. The re-establishment of this use will eliminate an undetermined number of legal, nonconforming uses. Arcades are proposed as a permitted use in both the C and Commercial Corridor (CC) Districts.

Automotive Towing Establishment. Towing establishments were allowed and broadly classified in the LUDRs as an automotive repair and service, group 1 use. This use, that includes an accompanying definition, is proposed as a permitted use in the Industrial (I) District.

Distribution Center. Distribution centers represent a new use that is tailored for an emerging industry involving the storage and redistribution of e-commerce products. Distribution centers are proposed as a permitted use in the I and CC Districts.

Heliport. This use was allowed as a special exception in several zoning districts in the LUDRs. Heliports are proposed as a special exception in the C, Institutional (INST), and CC Districts.

Helistop. Similar to heliports, but that does not involve fueling, this use was also allowed as a special exception in several zoning districts in the LUDRs. Helistops are proposed as a special exception use in the Agriculture (A), C, INST, and CC Districts

Live/Workspace. Live/workspace is a new use that will allow nonresidential buildings to be used jointly for commercial and residential uses where the residential use of the area is secondary or accessory to the business use. This use is proposed for several mixed-use zoning districts including the CC, Neighborhood Commercial (NC), Mixed-Use Bimini (MXB), and the South Cape (SC).

Marine Fuel Pump. Marine fuel pumps represent a new use that would be restricted to larger waterfront sites with substantial water frontage. A related, but less restrictive use, self-service fuel pumps, existed in the LUDRs that allowed fuel pumps to be permitted as an accessory use in conjunction with a retail trade establishment. Marine fuel pumps are proposed as a permitted use, subject to special regulations proposed for Article 5, in the C, I, INST, CC, NC, Mixed-Use Seven Islands (MX7), MXB, and the SC.

Social Service. Social Services is a newly proposed use that was unintentionally omitted from the use table of the LDC. While the term “social services” encompass a broad array of different uses, the proposed definition excludes shelters or transitional housing. Social service uses are proposed as a permitted use in the C, INST, and CC Districts, and on sites along secondary and local streets in the SC.

Changes to the Use Table Involving Existing Uses.

Changes are summarized below that involve several existing uses appearing in the use table in Article 4.

Add commercial recreation, indoor, to the I District. Staff proposes adding this use in the I District to allow underutilized and vacant buildings to be repurposed as athletic training facilities and to support a variety of indoor recreational uses.

Add commercial parking lot or garage to the CC and MX7 Districts. This use is currently restricted to the C, MXB, and the SC Districts. Staff is currently reviewing two projects in the CC District that include parking garages. Staff anticipates one or more parking garages may be needed for the eventual Seven Islands project. This amendment will add this use to both mixed-use zoning districts.

Add craft brewery, distillery, and winery to the I District. This use is currently allowed in the C, CC, NC, MX7, MXB, and the SC Districts. One craft brewery exists in the I District that was approved in 2014. Small-scale alcohol production uses are appropriate for the I District where similar manufacturing uses are allowed, including full-fledged breweries, distilleries, and wineries.

Add restaurant, no drive-thru to the I District and remove restaurant, drive-thru from the I District. These revisions correct an inadvertent error that dates back to the passage of Ordinance 17-19 that adopted the LDC. Staff had intended to allow restaurants without drive-thru facilities and prohibit restaurants with drive-thru facilities in the I District. These changes will amend these two uses to that which staff had originally intended.

Formatting changes to Table 4.2.11.

Two changes are proposed to Table 4.2.11. This table provides minimum and maximum development parameters for the CC District. One general change involves re-formatting information in the table so specific development parameters are better aligned within the columns of this table and thus are easier to read. Most development parameters, with one exception, remain unchanged. The second revision involves a change to one specific development parameter, floor area ratio (FAR). The maximum FAR is proposed to be increased from 1.0 to 1.25 to bring this parameter into alignment with the maximum FAR of 1.25 that is established for the Pine Island Road District in the Comprehensive Plan.

New and Revised Definitions

New definitions are proposed for Article 11. These terms include amusement game or machine, arcade, automotive towing establishment, distribution center, junkyard, live/workspace, marine fuel pump, professional services, social services, solid waste transfer station, and front, rear, and side yards. Definitions for automotive towing establishment, junkyard, and front, rear, and side yards appeared previously in the LUDRs and definitions for these terms proposed for the LDC are largely unchanged. Two existing definitions in the LDC are proposed to be amended, community center and yard.

COMPREHENSIVE PLAN ANALYSIS

The proposed amendment is consistent with applicable policies appearing below in the Future Land Use and Property Rights Elements.

Future Land Use Element

Policy 1.15.I.: 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 single-family residences and 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...

Staff analysis. The CC District is the only zoning district consistent with the Pine Island Road District Future Land Use Classification (FLUC). The Pine Island Road District FLUC allows a maximum FAR of 1.25. Changes proposed by staff that include increasing the maximum FAR to 1.25 in Table 4.2.11. for the CC District are consistent with this policy.

Property Rights Element

Policy 1.1.: The following rights shall be considered in local decision-making:

2. The right of a property owner to use, maintain, develop and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Staff analysis. By adding several new uses to the LDC and expanding the number of zoning districts in which several existing uses will be allowed, this amendment will provide more opportunities for owners to develop and redevelop their properties consistent with Policy 1.1.

RATIONALE FOR LDC TEXT AMENDMENTS

LDC, Section 3.5.4. states text amendments shall be considered for the following eight reasons. Each of these reasons along with those applicable to this particular amendment are discussed below.

1. The amendment clarifies the intent of the LDC.

Staff analysis. This reason is not applicable.

2. The amendment corrects an error in the LDC.

Staff analysis. This amendment includes correcting or clarifying several items. These adjustments include eliminating restaurant, with drive-thru, as a permitted use in the I District and adding restaurant, no drive-thru, as a permitted use in the I District. Formatting changes are proposed to Table 4.2.11., and the name of one use is clarified (solid waste transfer is renamed as solid waste transfer station).

3. The amendment addresses changes to state legislation, recent case law, or opinions from the Attorney General of the State of Florida.

Staff analysis. This reason is not applicable.

4. The amendment implements the LDC or the Comprehensive Plan.

Staff analysis. This reason is not applicable.

5. The amendment promotes compliance with changes to other city, state, or federal regulations.
Staff analysis. This reason is not applicable.
6. The amendment adds district uses that are consistent with the character of the current range of allowed uses.
Staff analysis. New uses are proposed that are consistent with the character of the applicable zoning districts. In some instances, either special regulations are recommended, or the uses proposed will only be allowed as a special exception to promote uses that will be compatible with surrounding properties.
7. The amendment results in providing compatible land uses within Cape Coral.
Staff analysis. This reason is not applicable.
8. The amendment implements findings of reports, studies, or other documentation regarding functional requirements, contemporary planning practices, environmental requirements, or similar technical assistance.
Staff analysis. One use, distribution center, is a relatively new use that has been incorporated into local government codes in response to the emerging e-commerce industry. While bearing some similarities to warehouses, this use is deserving of its own classification.

REVIEW CRITERIA FOR PROPOSED LDC TEXT AMENDMENTS

LDC, Section 3.5.4. identifies four review criteria for proposed text amendments to the LDC. Each criterion is evaluated below.

1. Whether the proposed LDC text amendment is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan.
Staff analysis. The amendment is consistent with two policies appearing in the Comprehensive Plan as outlined earlier within this report.
2. The amendment results in compatible land uses within a zoning designation.
Staff analysis. New uses as well as the expansion of existing uses to new zoning districts will be compatible or appropriate for those respective zoning districts proposed by staff. In most cases, these new or expanded uses will not require special regulations to ensure compatibility for the zoning districts proposed. In some instances, however, the proposed use will be allowed only by special exception (for example, heliports and helistops) that will require a public hearing before the Hearing Examiner, or in conjunction with special regulations (for example, marine fuel pumps) to promote compatibility.
3. The amendment protects the health, safety, and welfare of the community.
Staff analysis. New projects involving uses appearing in the use table are evaluated for compliance with applicable LDC and Florida Building Code provisions. These provisions are administered to protect the health, safety, and welfare of the community. Furthermore, the welfare of the community will be promoted by expanding the number of new uses allowed in several zoning districts, where appropriate. The incorporation of these new uses will provide owners with greater freedom in developing their respective properties and may increase the types of goods and services to City residents over time.
4. Other factors deemed appropriate by the Planning and Zoning Commission and City Council.

Staff analysis. This criterion is not applicable as this amendment was not initiated by either the Planning and Zoning Commission or the City Council.

RECOMMENDATION

The proposed amendment will add several new uses to the use table in Article 4. Collectively, these uses will provide new businesses opportunities for property owners and have the potential to increase the mix of goods and services added to the local economy. The majority of these uses are recommended for zoning districts where related uses already exist, and thus compatibility concerns with neighboring zoning districts is expected to be minimal. In limited instances, concerns with incompatible land uses will be further addressed by classifying the use as a special exception or through the adoption of special regulations. In short, the recommended amendments will provide property owners with greater flexibility, reduce ambiguity and provide needed clarify to the LDC, and promote the health, safety, and welfare of the community. Staff recommends **approval** of Ordinance 20-24.

Staff contact information:

Mike Struve, AICP, LEED Green Associate
PH 239-242-3255
mstruve@capecoral.gov



**ORD 20-24: LDC Amendments
to Articles 4, 5, and 11.
Planning and Zoning Commission Meeting
April 3, 2024**

Overview

- 1) The main purpose of this amendment is to add several new uses to the Use Table along with related changes.**
- 2) Since the adoption of the LDC in 2019, major revisions to the Use Table have not been made.**
- 3) Changes include:**
 - a) Article 4 - Tables 4.1.6. and 4.2.11.**
 - b) Article 5 - Special requirements for a Marine fuel pump.**
 - c) Article 11 - Definitions.**

New Proposed Uses

- 1) Social services**
- 2) Arcade**
- 3) Marine fuel pump**
- 4) Distribution center**
- 5) Automotive towing establishment**
- 6) Heliport**
- 7) Helistop**
- 8) Live/workspace**

New Proposed Uses

- 1) Social Services - allowed in the LUDRs
- 2) Arcade - allowed in the LUDRs
- 3) Marine fuel pump**
- 4) Distribution center**
- 5) Automotive towing establishment - allowed in the LUDRs
- 6) Heliport - allowed in the LUDRs
- 7) Helistop - allowed in the LUDRs
- 8) Live/workspace**

Marine Fuel Pump

MFP DEFINITION: Fuel dispensing pumps providing an accessory use to a commercial establishment in which, except for a marina, no boat repair or boat storage is provided.

Permitted use in the C, I, INST, CC, NC, MX7, MXB, and SC Districts.

Special requirements

- 1) Min. of 2 acres.
- 2) Located on sites w/ waterways with a min. width of 150 feet.
- 3) Min. of 200 feet of continuous water frontage.
- 4) Must be accessory to a commercial establishment.

Other Changes to the Use Table

Use	Recommendation
Indoor commercial recreation	Add the use to the I District
Commercial parking lot or garage	Add to the CC and MX7 Districts
Craft brewery, distillery, and winery	Add to the I District
Restaurants w/o drive thru facilities	Add to the I District
Restaurants w/ drive thru facilities	Remove from the I District

Table 4.2.11 - Commercial Corridor

- 1) Formatting changes to the table to improve readability.**
- 2) Increase the maximum FAR from 1.0 to 1.25. The Comprehensive Plan allows a maximum FAR of 1.25 for the PIRD.**

Definitions for New Uses

Changes to Article 11 includes:

- 1) Definitions for new uses. (Social services, Arcade, Marine fuel pump, Distribution center, Towing establishment, Heliport, Helistop, Live/workspace, Junkyard)
- 2) Definitions for existing uses previously undefined. (Professional services, Solid waste transfer station)
- 3) Revisions to existing definitions. (Community center)
- 4) New definitions for front, side, and rear yards.

Summary

- 1) Uses proposed will provide new business opportunities and have the potential to increase the mix of goods and services.**
- 2) Most uses will appear in zoning districts where similar uses exist reducing compatibility concerns.**
- 3) In some instances, specific uses will be allowed only by SE or with special regulations.**
- 4) The proposed changes will:**
 - a) Provide owners with more opportunities;**
 - b) Reduce ambiguity and provide clarity to the LDC;**
 - c) Promote the health, safety, and welfare of the community.**

Recommendation

Staff recommends approval.

Correspondence

None.

Schedule

Introduction: April 17

First PH: May 1

Final PH: May 15

Definitions

Arcade. An establishment having amusement games or machines on premises which is operated for the entertainment of the general public as a bona fide amusement facility as its primary use. See definition of amusement game.

Automotive towing establishment. A premises or portion of a premises occupied by an establishment in which a person, or persons, practice a vocation or occupation that performs a type of labor, act, or work off the premises that result in the towing of motor vehicles. Tow trucks or wreckers may be stored on the premises, but no towed vehicles shall be stored on the premises. This use does not include the disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles. This use shall not include vehicle repair establishments that have a tow truck and that repair vehicles on-site.

Distribution center. An establishment involving one or more buildings specifically designed to receive, store, and redistribute goods and designed for rapid turnaround for e-commerce business product deliveries.

Definitions (continued)

Live/workspace. An area within a nonresidential building that is used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Social services. An establishment that provides a variety of community-based services, including but not limited to training, counseling, therapy, or the distribution of food or clothing but for which medical care is not a major element. A social service use shall not include overnight or custodial care facilities which provide living quarters for recipients of the service or staff.

Thank you





**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.B.
Meeting Date:	4/3/2024
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 21-24

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

Ordinance 21-24 amends Section 6.1.8.J.1. of the Land Development Code (LDC) to allow development to count on-street parking, parking in City parking areas, and sites owned or operated by the City or CRA towards meeting minimum parking requirements in the South Cape (SC) District. This ordinance represents the latest in a series of measured steps towards providing parking relief for property owners in the SC. This ordinance will eliminate minimum parking requirements for a sizeable number of SC sites. However, in situations where parking is not required for a site, this ordinance does not prohibit an owner from providing parking at the owner's discretion. This LDC amendment is consistent with applicable policies appearing in the SC Downtown CRA Plan and the Comprehensive Plan. This amendment is also consistent with two of the four review criteria appearing in LDC, Section 3.5.4. for text amendments.

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

ECONOMY, EDUCATION, AND WORKFORCE: CREATE A COMMUNITY OF PROSPEROUS RESIDENTS, THRIVING NEIGHBORHOODS, AND SUCCESSFUL BUSINESSES

RECOMMENDATIONS:

City Planning Staff Recommendation: Approval

SOURCE OF ADDITIONAL INFORMATION:

Matt Grambow, Development Services Director - interim
(239) 574-0446

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

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

PREPARED BY:

Vanessa Sberna,
Planning Technician

Division- Planning
Division

Department- Development Services
Department

ATTACHMENTS:

Description	Type
▣ 1. Ordinance 21-24	Ordinance
▣ 2. Staff Report	Backup Material
▣ 3. Ord 21-24 P&Z Presentation - Displayed at meeting	Backup Material

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL, FLORIDA, LAND DEVELOPMENT CODE, ARTICLE 6, PARKING, CHAPTER 1, PARKING, LOADING, AND DRIVEWAY REQUIREMENTS, SECTION 6.1.8., MISCELLANEOUS PARKING REQUIREMENTS, REGARDING SUPPLEMENTAL PARKING REQUIREMENTS WITHIN THE SOUTH CAPE DISTRICT; 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 6, Parking, Chapter 1, Parking, Loading, and Driveway Requirements, Section 6.1.8., Miscellaneous parking requirements, is hereby amended as follows:

6.1.8. Miscellaneous parking requirements.

...

J. Supplemental parking requirements within the South Cape District.

1. For sites with parking requirements, development may count on-street parking, parking in city parking areas identified in Table 6.1.8.A. below, and sites owned or operated by the City or CRA that are developed for public parking within 500 660 feet of the subject property to meet the minimum required off-street parking spaces.

...

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

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

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2024.

JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER _____
STEINKE _____
SHEPPARD _____
HAYDEN _____

CARR _____
WELSH _____
LONG _____
COSDEN _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2024.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:

ALEKSANDR BOKSNER
CITY ATTORNEY
ord/SCSuppParkingReq

Planning Division Staff Report

Ordinance 21-24

Review Date:	March 25, 2024
Prepared by:	Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator
Approved by:	Amy Yearsley, AICP, Planning Manager
Recommendation:	Approval
Request:	Amend LDC, Section 6.1.8.J.1. to allow development to count on-street parking, parking in city parking areas, and sites owned or operated by the City or CRA towards meeting minimum parking requirements in the South Cape District.

BACKGROUND

Since 2012, the City has taken several steps to reduce parking requirements for development and redevelopment in the South Cape (SC) District. These initiatives have focused on the SC for the following reasons: the urban nature of this district, existing parking infrastructure that includes City parking areas and striped, on-street parking, and the availability of multiple transportation options. Ordinances that relaxed parking standards in the SC are summarized below:

- Ordinance 15-12. This ordinance established land use regulations for the SC District. These regulations relaxed parking standards for multi-family and most nonresidential uses.
- Ordinance 17-19. This ordinance adopted the Land Development Code (LDC). Parking standards for the SC were largely unchanged. For the first time, however, development in the SC within 500 feet of striped, on-street parking could count these spaces towards their minimum parking requirements.
- Ordinance 66-23. This ordinance eliminated minimum parking requirements for all parking lot sites. Parking lot sites are those properties within 25 feet, excluding a platted alley or walkway, of one of six City parking areas that includes Club Square and Big John's Plaza.

RATIONALE FOR THE AMENDMENT

A 2023 report co-authored by DDEC and NUE Urban Concepts entitled "*South Cape Parking Management Plan*" collected data on private and public parking infrastructure for much of the SC area. Based on a survey of the community, 79% of respondents reported that they would walk up to two blocks from parking their vehicle to their eventual destination. Following discussions with Public Works, a distance of 660 feet was selected as a representative distance of two short, blocks in the SC.

PROPOSED ORDINANCE

Ordinance 21-24 will allow sites to count on-street parking, parking in City parking areas, and sites owned or operated by the City or CRA developed for public parking to meet minimum parking requirements provided the site is within 660 feet of such facilities. This ordinance will eliminate minimum parking requirements for a sizeable number of SC sites. However, in situations where parking is not required for a site, this ordinance does not prohibit an owner from providing parking at the owner's discretion. For any owner that provides parking, whether required or voluntarily offered, all

relevant LDC provisions will require compliance, including parking lot design, landscaping, and stormwater treatment.

This ordinance does not affect the current use of the existing six City parking areas, public on-street parking, or other City or CRA parking facilities. All such facilities are open to the public on a first-come basis. While the public can use any of these parking spaces when available, business owners, however, cannot designate or reserve these parking spaces exclusively for their respective businesses.

ANALYSIS

Reducing parking requirements is part of broader strategy about managing parking infrastructure more intentionally. The 2023 “SC Parking Management Plan” revealed that over 50% of the land in the SC Parking Zone is improved with parking.¹ Several benefits of parking reform are not expected to be immediate, but instead will be realized over time. The most obvious benefit of relaxing parking standards is that development costs will be reduced for affected owners. Over time, indirect benefits may include increasing land available for development, improving urban form, reducing vehicle miles traveled by encouraging walking, and enhancing pedestrian safety. Collectively, these factors may contribute to a more vibrant downtown area and therefore have a stimulatory effect on the economy.

A perception exists that a parking shortage in the SC exists. The “South Cape Parking Management Plan” reported that 66% of survey respondents experienced trouble finding parking. Measures intended to further deregulate parking absent a more holistic strategy to manage parking in the SC may be met with confusion and skepticism among some of the public. In the short-term, the inventory of public parking will increase with the completion of a parking garage at the Cove at 47th, a new mixed-use project. The City has an agreement with this developer for reserving over 100 spaces for public use.

CONSISTENCY WITH THE SOUTH CAPE DOWNTOWN CRA PLAN

This ordinance is consistent with Policy 3.2.12. below.

Policy 3.2.12. Evaluate and work with the City to update regulatory measures as needed in order to provide the flexibility required to encourage mixed use and planned development projects that incorporate quality design standards consistent with the Redevelopment Plan.

Staff analysis. The relaxation of parking standards in the SC will provide owners with greater flexibility in developing and redeveloping these sites, the preponderance of which are relatively small.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Ordinance 21-24 is consistent with applicable policies in the Future Land Use and Economic Development Elements described below.

Future Land Use Element

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.

¹ The South Cape Parking Zone is bound by SE 46th Lane to the north, Miramar Street to the south, Del Prado Boulevard to the east, and Coronado Parkway to the west.

Staff analysis. *The parking reform proposed in this ordinance may have a stimulatory effect on development in the SC for reasons outlined earlier in this report. This ordinance may also encourage infill development on small vacant lots by releasing land currently used for parking to instead be utilized for commercial and residential building area.*

Economic Development Element

Objective 4: The City shall review and, where possible, streamline land development regulations and permitting processes to shorten the review cycle time such that Cape Coral becomes measurably more efficient location for creating commercial development.

Staff analysis. *This ordinance will reduce or eliminate parking altogether for a sizable number of sites in the SC. For owners that are relieved of providing parking on their site, and choose not to do so voluntarily, this amendment will simplify project design by removing parking from the list of variables that would otherwise require consideration. Review times, theoretically, should be shortened as staff will not need to review parking for such projects.*

RATIONALE FOR LDC TEXT AMENDMENTS

LDC, Section 3.5.4. states text amendments shall be considered for one or more of eight separate reasons. This ordinance is consistent with Criterion #8 identified and discussed below.

8. The amendment implements findings of reports, studies, or other documentation regarding functional requirements, contemporary planning practices, environmental requirements, or similar technical assistance.

Staff analysis. *This proposed amendment is based on findings from the 2023 "South Cape Parking Management Plan." Plan recommendations include eliminating minimum parking requirements for the SC Parking Zone. This amendment does not propose to eliminate all minimum parking standards but takes another incremental step that further relaxes parking standards in this area of the City. The proposed amendment is also consistent with parking reform that is increasingly recognized as an acceptable planning practice. While a limited number of local governments in the U.S. have eliminated minimum parking standards throughout their jurisdictions, a more common approach has been to incrementally relax parking standards. Parking reform measures can vary and include relaxing parking standards for particular geographic areas, zoning districts, near transit, or for specific uses.*

REVIEW CRITERIA FOR PROPOSED LDC TEXT AMENDMENTS

LDC, Section 3.5.4. identifies four review criteria for proposed text amendments to the LDC. Each criterion is evaluated below.

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

Staff analysis. *This amendment is consistent with one policy in the Future Land Use Element and one goal in the Economic Development Element as described earlier in this report. The amendment is also consistent with one policy found in the SC Downtown CRA Plan.*

2. The amendment results in compatible land uses within a zoning designation.

Staff analysis. *This amendment does not propose any new uses.*

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

Staff analysis. The amendment will protect the health, safety, and welfare of the community by encouraging a more walkable environment in the SC and by encouraging less reliance on automobiles. With time, this amendment may promote safety by reducing the number of automobile trips, eliminating driveways, facilitating the flow of traffic, and reducing conflict points between motorists and pedestrians.

4. Other factors deemed appropriate by the Planning and Zoning Commission and City Council.

Staff analysis. This criterion is not applicable as this amendment was not initiated by either the Planning and Zoning Commission or the City Council.

RECOMMENDATION

Ordinance 21-24 represents the latest in a series of steps that have relaxed parking requirements in the SC District. This ordinance represents a measured, logical next step towards providing additional parking relief for property owners in the SC. This proposed LDC amendment is consistent with applicable policies appearing in the SC Downtown CRA Plan and the Comprehensive Plan. This amendment is also consistent with two of the four review criteria appearing in LDC, Section 3.5.4. for LDC text amendments. Staff recommends **approval** of Ordinance 21-24.

Staff contact information:

Mike Struve, AICP, LEED Green Associate
PH 239-242-3255
mstruve@capecoral.gov



ORD 21-24
LDC Amendment to Article 6 - Parking
Planning and Zoning Commission Meeting
April 3, 2024

Overview

- 1) This ordinance seeks to further relax parking standards for applicable areas of the South Cape District.**
- 2) This amendment is being brought forward at the request of the City Manager.**

Background

The City has taken several steps since 2012 to relax parking standards in the SC.

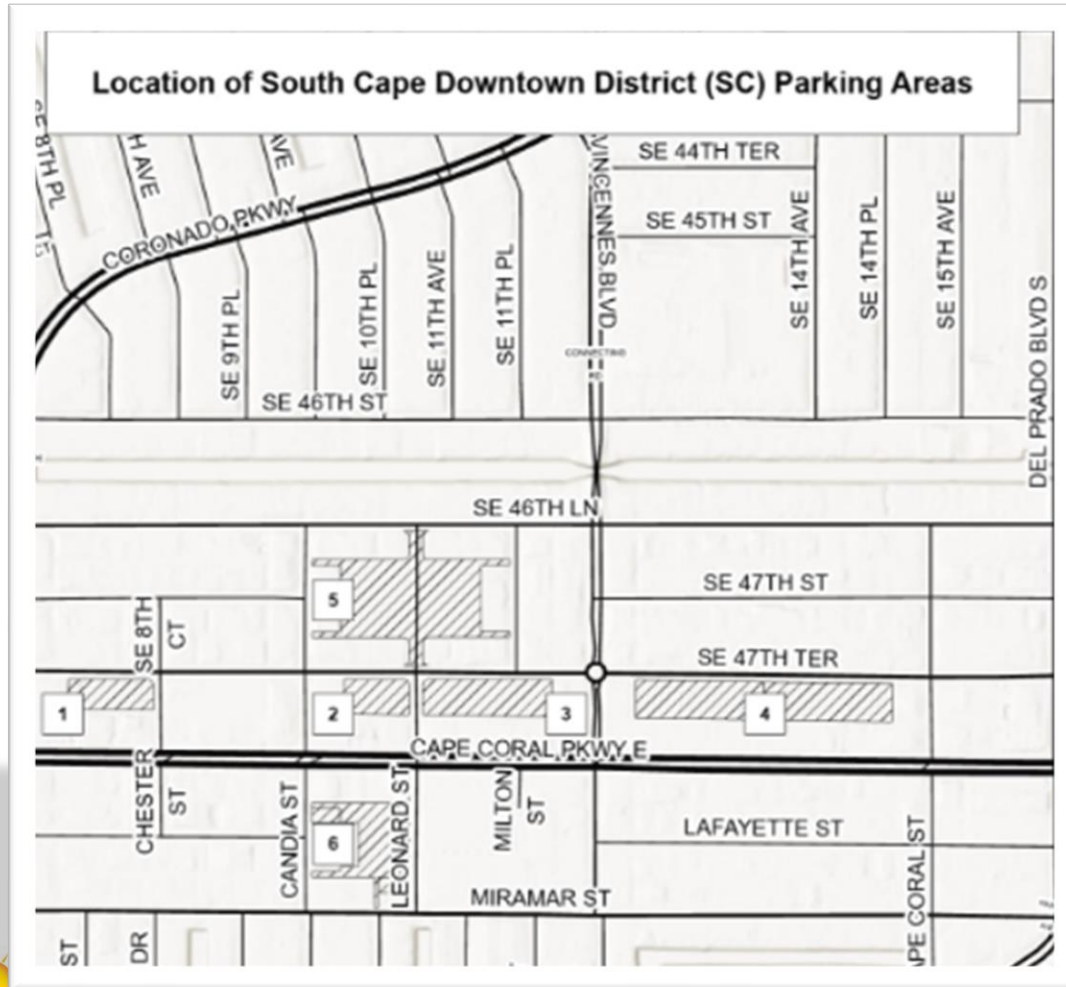
- 1) ORD 15-12. Established regulations for the SC that relaxed parking for MF development and most commercial uses based on lot area and amount of street frontage.**
- 2) ORD 17-19. Allowed development w/in 500 ft. of areas with on-street parking to utilize spaces to meet min. parking standards for the site.**
- 3) ORD 66-23. Eliminated min. parking standards for all parking lot sites.**

Rationale - SC Parking Management Plan



- 1) 79% of survey respondents indicated they would walk up to two blocks.
- 2) 660 ft. was recommended as a reasonable two-block distance after consulting PW staff.

Proposal



- 1) Allow development to count existing public parking spaces within 660 ft. of the site.
 - a) On-street parking
 - b) City parking areas
 - c) City or CRA sites developed for public parking

Recommendation

Staff recommends approval.

Correspondence

None.

Schedule

Introduction: April 17

PH: May 1

Thank you





**AGENDA
REQUEST
FORM**
CITY OF CAPE
CORAL

Item Number:	7.C.
Meeting Date:	4/3/2024
Item Type:	PLANNING AND ZONING COMMISSION / LOCAL PLANNING AGENCY PUBLIC HEARING

TITLE:

Ordinance 27-24 (TXT24-000001)

REQUESTED ACTION:

Approve or Deny

SUMMARY EXPLANATION AND BACKGROUND:

The ordinance is a city-initiated comprehensive plan text amendment to Policy 1.15 of the Future Land Use Element and establishes Policy 1.15.s, the Mixed Use Ten (MUX) future land use map classification within the Comprehensive Plan.

The purpose of the MUX is to encourage planned unit developments that include more than one type of use. Uses permitted include residential, retail, office, service, light manufacturing, institutional, residential within mixed-use buildings, larger scale commercial retail, and public facilities. Residential densities are up to 50 units/acre, while non-residential intensities are permitted up to a floor-area-ratio of 3.0. Development is required to undergo the Planned Unit Development (PUD) process and the minimum development size is 10 acres. Development may consist of 100% non-residential uses. Standalone residential uses are limited to 50% of a development in the MUX, as measured by development acreage. Properties that would be mapped with the MUX future land use must have utilities on-site, must be in an area scheduled to receive utilities within 3 years of application, or must be in an area subject to a utility agreement between the developer and the City to provide centralized utilities to the site.

This ordinance does not affect the Future Land Use Map or Zoning Map. If approved, there may be future land use map amendment and rezone amendments that will be initiated by the City or by private applicants. The proposed amendment addresses mixed-use development for larger, unplatted tracts. Providing guidance that balances residential opportunities with non-residential needs of the community is the purpose of the amendment.

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

**ECONOMY, EDUCATION, AND WORKFORCE: CREATE A COMMUNITY OF
PROSPEROUS RESIDENTS, THRIVING NEIGHBORHOODS, AND SUCCESSFUL
BUSINESSES**

INFRASTRUCTURE: INVEST IN A RESILIENT INFRASTRUCTURE

RECOMMENDATIONS:

City Planning Staff Recommendation: Approval

SOURCE OF ADDITIONAL INFORMATION:

Matt Grambow, Development Services Director- interim (239) 574-0446

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

N/A

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

PREPARED BY:

Vanessa Sberna,
Planning Technician

Division- Planning
Division

Department- Development Services
Department

ATTACHMENTS:

Description		Type
▣	1. Ordinance 27-24 (TXT24-000001)	Ordinance
	2. Novus Packet	Backup Material
	3. Ord 27-24 (TXT24-000001) Presentation displayed at meeting	Backup Material

ORDINANCE 27 - 24

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF CAPE CORAL, FLORIDA, BY AMENDING POLICY 1.15. OF THE FUTURE LAND USE ELEMENT BY CREATING THE MIXED USE TEN (MUX) FUTURE LAND USE MAP CLASSIFICATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section 1. The City of Cape Coral, Florida (the “City”) hereby adopts a Comprehensive Plan amendment that is necessary in order to update the Comprehensive Plan as follows:

The amendment to Policy 1.15. of the Future Land Use Element creates the Mixed Use Ten (MUX) future land use map classification. The amendment to the Future Land Use Element is described in Exhibit A, attached hereto and incorporated herein by reference.

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

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

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2024.

JOHN GUNTER, MAYOR


VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	CARR	_____
STEINKE	_____	WELSH	_____
SHEPPARD	_____	LONG	_____
HAYDEN	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2024.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



ALEKSANDR BOKSNER
CITY ATTORNEY
ord/Comp Plan Amendment-Mixed Use Ten (MUX) FLUC



Exhibit A
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 2028, while the long-term planning horizon shall be the year 2050.

...

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, BSOD
Mixed Use (MX)	ALL except MXB
Downtown Mixed (DM)	SC, MXB
Pine Island Road District (PIRD)	CC
Commercial Activity Center (CAC)	NC, BSOD
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
Burnt Store Road District (BURST)	BSC
Mixed Use Ten (MUX)	Planned Unit Development (PUD)-only

*(E/O): Existing Only, no new rezones to zoning district permitted

...

s. Mixed Use Ten. This mixed-use designation’s purpose is to encourage planned unit developments that include more than one type of use. The maximum permitted densities/intensities of various uses within the mixed-use designation will be 50 dwelling units per acre for residential components and 3.0 FAR (Floor Area Ratio) for non-residential components. Development within the Mixed Use Ten is permitted only through the Planned Unit Development (PUD) process. Given the

intensities and densities permitted within this classification, Master Concept Plans are required as part of the PUD submittal within the Mixed Use Ten future land use map classification.

Given the intense development permitted in the Mixed Use Ten, this future land use map classification may only be designated in areas served by centralized sanitary sewer, irrigation, and potable water services, areas identified as receiving centralized utilities through the City's Utility Expansion Program in the next three (3) years, or areas subject to a utility agreement to provide centralized utilities between the developer and the City.

The minimum development size within the Mixed Use Ten future land use map classification is 10 acres, and PUDs within the MUX also have a minimum size of 10 acres.

In the pursuit of encouraging more than one type of use, the mix of uses permitted may include residential, retail, office, services, industrial, or public facilities uses. Such uses may be mixed horizontally on a site or may be within a mixed-use building, as defined by the Land Development Code.

The mix of uses may include a development consisting of 100% non-residential uses. Stand-alone residential uses may comprise up to 50% of a development, as measured by acreage set aside for the component of the development.

Planning Division Staff Report

TXT24-000001

Review Date: March 12, 2024

Prepared by: Wyatt Daltry, AICP, Planning Team Coordinator

Request: Amends Policy 1.15. of the Future Land Use Element and creates Policy 1.15.s of the Future Land Use Element to create the Mixed Use Ten (MUX) future land use map classification.

STAFF RECOMMENDATION: APPROVAL

Positive Aspects of Application	<ul style="list-style-type: none">• Ensures continued compliance between development in the PIRD and the Comprehensive Plan.• Removes other development caps, ensures continued non-residential and mixed-use development, strengthens the City's primary east-west commercial arterial roadway.
Negative Aspect of Application	<ul style="list-style-type: none">• None.
Mitigating Factors	<ul style="list-style-type: none">• None.

Background

In 1989, the City of Cape Coral adopted the Mixed-Use future land use map classification (FLUC) as part of the Comprehensive Plan adoption process.

Over the years, this Mixed-Use FLUC had been revised to provide more emphasis on non-residential development after larger developments (Entrada, Coral Lakes) developed primarily as residential communities (90-100%) in the 2000's.

However, currently there are no FLUC which addresses mixed-use development for larger, unplatted tracts. Creating Comprehensive Plan guidance for such properties is the purpose of this proposed amendment.

Staff proposes the following changes:

- Creating a new future land use map classification, the Mixed-Use Ten.
- Minimum development size within the FLUC is ten (10) acres.
- Residential densities for the Mixed-Use Ten is 50 dwelling units to the acre, with a maximum floor-area-ratio intensity of 3.0.
- Such high densities and intensities require centralized utilities, and therefore, this designation will only be approved in areas where such utilities are available, are imminently available, or for areas subject to utility agreements between the developer and City to provide centralized utilities.
- No zoning designation is proposed for the FLUC; instead all development within the Mixed-Use Ten is to be undertaken through the Planned Unit Development (PUD) process.

- Non-residential and mixed-use development may comprise 100% of development within the Mixed-Use Ten. Residential development may comprise a maximum of 50% of development within the Mixed-Use Ten.

To accomplish this, the City initiated this text amendment to amend Policy 1.15 of the Future Land Use Element (FLUE) of the Comprehensive Plan and create Policy 1.15.s of the FLUE, as shown below.

Summary and Analysis of the Proposed Changes

Note: Additions are indicated in underline format, while deletions are indicated by ~~strikethrough~~.

FUTURE LAND USE ELEMENT

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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 2028, while the long-term planning horizon shall be the year 2050.

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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.

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Given the intense development permitted in the Mixed Use Ten, this future land use map classification may only be designated in areas served by centralized sanitary sewer, irrigation, and potable water services, areas identified as receiving centralized utilities through the City's Utility Expansion Program in the next three (3) years, or areas subject to a utility agreement to provide centralized utilities between the developer and the City.

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The mix of uses may include a development consisting of 100% non-residential uses.

Stand-alone residential uses may comprise up to 50% of a development, as measured by acreage set aside for the component of the development.

Comprehensive Plan Analysis

Staff analyzed the Comprehensive Plan to determine what policies apply to the proposed future land use map amendment.

Comprehensive Plan

The Comprehensive Plan recognizes that the original platting of the City was prepared with the primary purpose of creating a readily marketable commodity of residential lots. This resulted in an imbalance between residential and commercial lands, leading to an insufficient amount of commercial or multi-family residential land. In 1989, the City of Cape Coral adopted the Comprehensive Plan and Future Land Use Map to identify appropriate locations for future commercial, multi-family residential, and mixed-use properties.

Development of Corridor Standards

Staff evaluated the proposed amendment with regard to Policies 1.19 and 3.3 of the Future Land Use Element.

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 guidelines.

This proposed text amendment is directly supported by this policy.

Overall, the Comprehensive Plan text amendment is consistent with the Comprehensive Plan.

Conclusion and Recommendation

Staff recommends adoption of the proposed text amendment.

ORDINANCE 27 - 24

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ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2024.

JOHN GUNTER, MAYOR


VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	CARR	_____
STEINKE	_____	WELSH	_____
SHEPPARD	_____	LONG	_____
HAYDEN	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2024.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



ALEKSANDR BOKSNER
CITY ATTORNEY
ord/Comp Plan Amendment-Mixed Use Ten (MUX) FLUC



Exhibit A
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intensities and densities permitted within this classification, Master Concept Plans are required as part of the PUD submittal within the Mixed Use Ten future land use map classification.

Given the intense development permitted in the Mixed Use Ten, this future land use map classification may only be designated in areas served by centralized sanitary sewer, irrigation, and potable water services, areas identified as receiving centralized utilities through the City's Utility Expansion Program in the next three (3) years, or areas subject to a utility agreement to provide centralized utilities between the developer and the City.

The minimum development size within the Mixed Use Ten future land use map classification is 10 acres, and PUDs within the MUX also have a minimum size of 10 acres.

In the pursuit of encouraging more than one type of use, the mix of uses permitted may include residential, retail, office, services, industrial, or public facilities uses. Such uses may be mixed horizontally on a site or may be within a mixed-use building, as defined by the Land Development Code.

The mix of uses may include a development consisting of 100% non-residential uses. Stand-alone residential uses may comprise up to 50% of a development, as measured by acreage set aside for the component of the development.



Ordinance 27-24/TXT24-000001

CITY OF CAPE CORAL
PLANNING AND ZONING COMMISSION
APRIL 3, 2024

Mixed Use Ten Future Land Use Classification

- 1.) This is a proposed text amendment
- 2.) Request is to amend Policy 1.15 and create Policy 1.15.s of the Future Land Use Element which will create the Mixed Use Ten (MUX) future land use map classification; this is a change to the City's policy "rulebook."
- 3.) No specific properties or projects are the focus of the amendment.
- 4.) Like a large-scale FLUMA, text amendments are presented to P&Z and Council then transmitted to State and Regional agencies for their review. Upon review, the amendment will be presented a final time to Council for adoption.

Background

- In 1989, the City of Cape Coral adopted the Mixed-Use future land use map classification (FLUC) as part of the Comprehensive Plan adoption process.
- Over the years, this Mixed-Use FLUC had been revised to provide more emphasis on non-residential development after larger developments (Entrada, Coral Lakes) developed primarily as residential communities (90-100%) in the 2000's.
- However, currently there are no FLUC which addresses mixed-use development for larger, unplatted tracts. Creating Comprehensive Plan guidance for such properties is the purpose of this proposed amendment.

Proposed Development Parameters within MUX

- Minimum development size within the FLUC is ten (10) acres.
- Residential densities for the Mixed-Use Ten is 50 dwelling units to the acre, with a maximum floor-area-ratio intensity of 3.0.
- Such high densities and intensities require centralized utilities, and therefore, this designation will only be approved in areas where such utilities are available, are imminently available, or for areas subject to utility agreements between the developer and City to provide centralized utilities.

Proposed Development Parameters within MUX

- PUD-only: No zoning designation is proposed for the FLUC; instead all development within the Mixed-Use Ten is to be undertaken through the Planned Unit Development (PUD) process.
- Non-residential and mixed-use development may comprise 100% of development within the Mixed-Use Ten. Residential development may comprise a maximum of 50% of development within the Mixed-Use Ten.

Conclusion

- 1.) Proposed language is consistent with Policy 1.19, Future Land Use Element, which adopts urban corridor guidelines. The proposed amendment may be placed along large properties near major commercial corridors; particularly near the eastern end of Pine Island Road.
- 2.) The proposed language is consistent with Policy 3.3, Future Land Use Element, which refers to the City's need to initiate amendments to the Comprehensive Plan to ensure an adequate supply of non-residential uses.
- 3.) If adopted, staff will identify appropriate areas for this future land use map classification for Council review and discussion.
- 4.) Staff recommends Transmittal of the proposed amendment.

Discussion