

Mayor

John Gunter

Council Members

District 1: Bill Steinke

District 2: Dan Sheppard

District 3: Tom Hayden

District 4: Richard Carr

District 5: Robert M. Welsh

District 6: Keith E. Long

District 7: Jessica Cosden



City Manager

Michael Ilczyszyn

City Attorney

Aleksandr Boksner

City Auditor

Andrea R. Russell

City Clerk

Kimberly Bruns

1015 Cultural Park Blvd.
Cape Coral, FL

**AGENDA FOR THE SPECIAL MEETING OF THE
CAPE CORAL CITY COUNCIL**

November 13, 2024	9:30 AM	Council Chambers
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PLEDGE OF CIVILITY

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

1. MEETING CALLED TO ORDER

A. MAYOR GUNTER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

A. MAYOR GUNTER, COUNCIL MEMBERS CARR, COSDEN,
HAYDEN, LONG, SHEPPARD, STEINKE, WELSH

4. ORDINANCES/RESOLUTIONS - PUBLIC HEARINGS - Legislative Hearings (Note: Input to be received as follows: 1. City Staff presentations are limited to five (5) minutes; 2. Applicant(s) presentations are limited to five (5) minutes; and 3. Resident input is limited to three (3) minutes per individual with a maximum of sixty (60) minutes total. All three are subject to the following statement: Unless otherwise extended by City Council.)

A. Ordinance 56-24 Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending Article 5, Development Standards, Chapter 4, Marine Improvements, Section 5.4.7., Boat Canopies and Sun Shelters, of the Land Development Code of the City of Cape Coral, Florida, regarding boat canopies. (Brought forward by Councilmember Steinke)

City Planning Staff Recommendation: Approval
Planning and Zoning Recommendation: Approval

5. CITIZENS INPUT TIME

A maximum of 60 minutes is set for input of citizens on matters concerning the City Government; 3 minutes per individual.

6. TIME AND PLACE OF FUTURE MEETINGS

- A. A Regular Meeting of the Cape Coral City Council is Scheduled for Wednesday, November 20, 2024, beginning at 4:30 p.m. in Council Chambers

7. MOTION TO ADJOURN

This agenda should not be viewed as containing definitive information on matters of law with respect to ordinance and resolution summaries.

GENERAL RULES AND PROCEDURES REGARDING THE CAPE CORAL CITY COUNCIL AGENDA

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

Persons wishing to address Council under Citizens Input or the Consent Agenda may do so during the designated times at each meeting. No prior scheduling is necessary. Any citizen may appear before the City Council at the scheduled PUBLIC HEARING/INPUT to comment on the specific agenda item being considered. No prior scheduling is necessary.

When recognized by the presiding officer, a speaker shall address the City Council from the designated speaker's lectern, and shall state his or her name and whom, if anyone, he or she represents. An address shall only be required if necessary to comply with a federal, state or local law.

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



**AGENDA
REQUEST
FORM**
CITY OF
CAPE
CORAL

Item Number:	4.A.
Meeting Date:	11/13/2024
Item Type:	ORDINANCES/RESOLUTIONS - PUBLIC HEARINGS - Legislative Hearings (Note: Input to be received as follows: 1. City Staff presentations are limited to five (5) minutes; 2. Applicant(s) presentations are limited to five (5) minutes; and 3. Resident input is limited to three (3) minutes per individual with a maximum of sixty (60) minutes total. All three are subject to the following statement: Unless otherwise extended by City Council.)

TITLE:

Ordinance 56-24 Public Hearing

ORDINANCES AND RESOLUTIONS:

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending Article 5, Development Standards, Chapter 4, Marine Improvements, Section 5.4.7., Boat Canopies and Sun Shelters, of the Land Development Code of the City of Cape Coral, Florida, regarding boat canopies. (Brought forward by Councilmember Steinke)

City Planning Staff Recommendation: Approval

Planning and Zoning Recommendation: Approval

REQUESTED ACTION:

SUMMARY EXPLANATION AND BACKGROUND:

An ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending Article 5, Development Standards, Chapter 4, Marine Improvements, Section 5.4.7., Boat Canopies and Sun Shelters, of the Land Development Code of the City of Cape Coral, Florida, regarding boat canopies.

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:

City Planning Staff Recommendation: Approval

Planning and Zoning Recommendation: Approval

SOURCE OF ADDITIONAL INFORMATION:

Matt Grambow, Interim Development Services Director
(239) 574-0600

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

- 1. Will this action result in a Budget Amendment?

PREPARED BY:

Division- Planning
Division

Department- Development Services
Department

ATTACHMENTS:

	Description	Type
▣	1. Ordinance 56-24	Ordinance
▣	2. Business Impact Estimate	Backup Material
▣	3. Revision discussed at the 10/23/2024 COW - Section 5.4.7 of the Code	Backup Material
▣	4. Documentation distributed at meeting	Backup Material

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING ARTICLE 5, DEVELOPMENT STANDARDS, CHAPTER 4, MARINE IMPROVEMENTS, SECTION 5.4.7., BOAT CANOPIES AND SUN SHELTERS, OF THE LAND DEVELOPMENT CODE OF THE CITY OF CAPE CORAL, FLORIDA, REGARDING BOAT CANOPIES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

SECTION 1. The City of Cape Coral, Florida, Land Development Code, Article 5, Chapter 4, Section 5.4.7., is hereby amended as follows:

Section 5.4.7. Boat canopies and sun shelters.

- A. No overhead structure shall be constructed on any dock other than an approved boat canopy or sun shelter. Sun shelters shall be erected or installed on docks only in accordance with Section 5.2.10. of this article.
- B. Boat canopies are permitted to be erected or installed on marine improvements for the purpose of protecting a vessel from the elements only in accordance with the following:
 - 1. The support(s) and frame(s) of a boat canopy shall be constructed of a corrosion-resistant material, with a diameter or width of not less than one and one-quarter inches. Boat canopy supports shall be arranged in an open design so as to allow visibility through the sides with openings no smaller than four feet in any dimension. No boat canopy support or frame shall be of a solid or opaque design so as to create a wall. No boat canopy shall have wooden framing or supports. No shutter roll-up design shall be permitted.
 - 2. The canopy shall be fabric or a material which can be rolled and folded without damage. The canopy shall be attached to the boat canopy supports or frames in such a manner that it detaches in a wind load of 70 mph or greater.
 - 3. The boat canopy shall not extend horizontally more than 30 inches over any dock or seawall to which the canopy is attached. Canopies attached to marine improvements that are built to the maximum projection, may extend up to 30 inches beyond the structure.
 - 4. No boat canopy shall exceed 40 feet in length or 18 feet in width.
 - 5. Boat canopies, their supports, and frames shall be maintained in good repair at all times. No canopy, canopy support, or frame shall be allowed to fall into disrepair or to become dilapidated, structurally dangerous, or unsafe. In the event a boat canopy, canopy support, or frame falls into disrepair, it shall be the responsibility of the owner of the waterfront parcel to remove the offending structure.
 - 6. Only one canopy may be permitted per parcel. On single-family residential properties which have a water frontage length greater than 80'-0", a second boat canopy is permitted provided that the maximum combined area of all boat canopies permitted on the property does not exceed nine times the length of the property's water frontage, or 1,500 square feet, whichever is less.
 - 7. No boat canopy, when measured at its highest point, shall extend more than 20'-0" from the Mean High Water Line of the waterway or 16'-0" above the grade of the decking of the attached marine improvement, whichever is less. 14 feet above the seawall cap, or if no seawall exists, above the decking of the marine improvement.
 - 8. The boat canopy shall be attached to the boat canopy side supports or frames so that at least 75% of the area of each side of the boat canopy structure is left open and uncovered.

9. Except as otherwise provided herein for boat canopies attached to joint marine improvements, no part of any boat canopy shall be located less than 12 feet from the ends of the water frontage line unless the prior written consent of the affected abutting property owner(s) is obtained. Such consent shall be recorded in the public records of Lee County, at the expense of the property owner(s), shall be irrevocable by the affected abutting property owner, and shall be binding on the heirs, tenants, successors in interest and/or assigns of the affected property owner unless the owner of the property with the boat canopy that is located less than 12 feet from the ends of the water frontage line consents in writing to the revocation and removes or relocates the boat canopy so as to comply with all applicable requirements of this section. The owner of the parcel containing the marine improvement to which the boat canopy is attached shall be responsible for providing the aforesaid written consent to the city prior to obtaining a permit for the construction or erection of a boat canopy.
10. Second boat canopies on single-family residential properties that obtained a deviation prior to April 2, 2015, to lawfully construct a second boat canopy, shall be deemed legal and conforming and, if damaged or removed, may be repaired or replaced.
11. No boat canopy shall be located in or over a public waterway unless it is attached to a marine improvement or seawall.
12. With respect to properties on which multi-family residential uses are located, no more than one boat canopy for each residential unit lawfully existing on the property shall be permitted.

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 MAYOR AND COUNCIL OF THE CITY OF CAPE CORAL AT THEIR 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/Boat Canopies LDC Change 102324

Business Impact Estimate

Proposed ordinance's title/reference: ***Ordinance 56-24 AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING ARTICLE 5, DEVELOPMENT STANDARDS, CHAPTER 4, MARINE IMPROVEMENTS, SECTION 5.4.7., BOAT CANOPIES AND SUN SHELTERS, OF THE LAND DEVELOPMENT CODE FO THE CITY OF CAPE CORAL, FLORIDA, REGARDING BOAT CANOPIES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.***

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Cape Coral hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): ***An ordinance amending Article 5, Section 5.4.7, Boat Canopies and Sun shelters, increasing the general height of allowed canopies and increasing total number of canopies for oversized single-family residential lots.***

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Cape Coral, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;
No direct economic impact incurred.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
Not Applicable, no new charges or fees.

(c) An estimate of the City of Cape Coral's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
Not Applicable

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: ***Not Applicable.***

4. Additional information the governing body deems useful (if any):

The proposed ordinance is a small-scale code change modifying Section 5.4.7.B.6 & Section 5.4.7.B.7 for Boat Canopies. The proposed change is a less restrictive measure and will allow for greater canopy height and an additional canopy allotment for waterfront properties which are oversized or have more frontage than the typical lot width. As this is a less restrictive modification, the economic impact on any business is non-existent, as the currently designed and provided systems, may still be utilized (as they will still meet code, and any existing structures do not need to be upfitted as they still meet code requirements.

Section 5.4.7. Boat canopies and sun shelters.

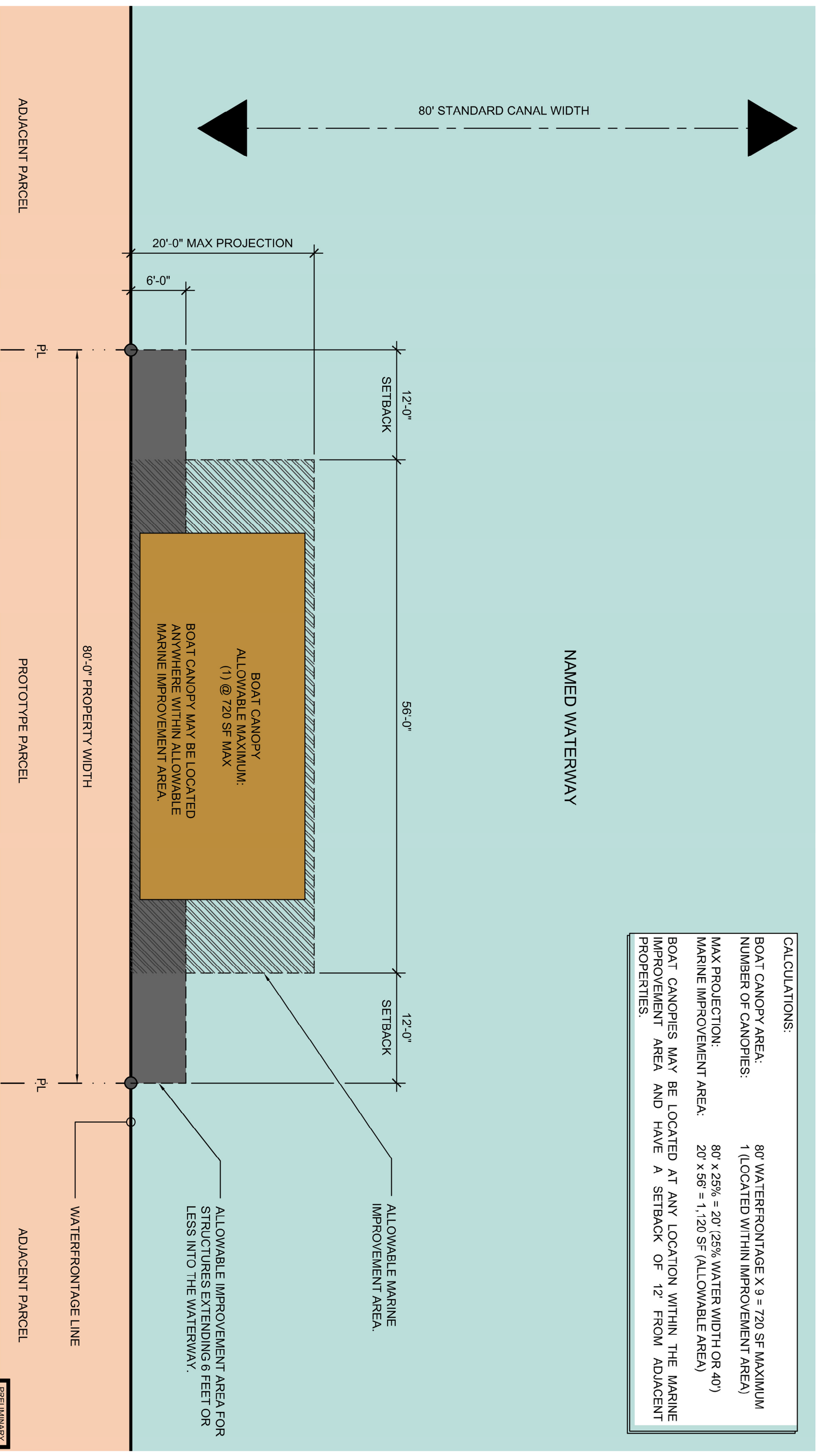
- A. No overhead structure shall be constructed on any dock other than an approved boat canopy or sun shelter. Sun shelters shall be erected or installed on docks only in accordance with Section 5.2.10. of this article.
- B. Boat canopies are permitted to be erected or installed on marine improvements for the purpose of protecting a vessel from the elements only in accordance with the following:
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 - 5. Boat canopies, their supports, and frames shall be maintained in good repair at all times. No canopy, canopy support, or frame shall be allowed to fall into disrepair or to become dilapidated, structurally dangerous, or unsafe. In the event a boat canopy, canopy support, or frame falls into disrepair, it shall be the responsibility of the owner of the waterfront parcel to remove the offending structure.
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 - 7. No boat canopy, when measured at its highest point, shall extend more than 20'-0" from the Mean High Water Line of the waterway or 16'-0" above the grade of the decking of the attached marine improvement, whichever is less. ~~14 feet above the seawall cap, or if no seawall exists, above the decking of the marine improvement.~~
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10. Second boat canopies on single-family residential properties that obtained a deviation prior to April 2, 2015, to lawfully construct a second boat canopy, shall be deemed legal and conforming and, if damaged or removed, may be repaired or replaced.
 11. No boat canopy shall be located in or over a public waterway unless it is attached to a marine improvement or seawall.
 12. With respect to properties on which multi-family residential uses are located, no more than one boat canopy for each residential unit lawfully existing on the property shall be permitted.

(Ord. 51-19, § 1, 11-18-2019; Ord. 80-21, § 4, 11-3-2021)

CALCULATIONS:

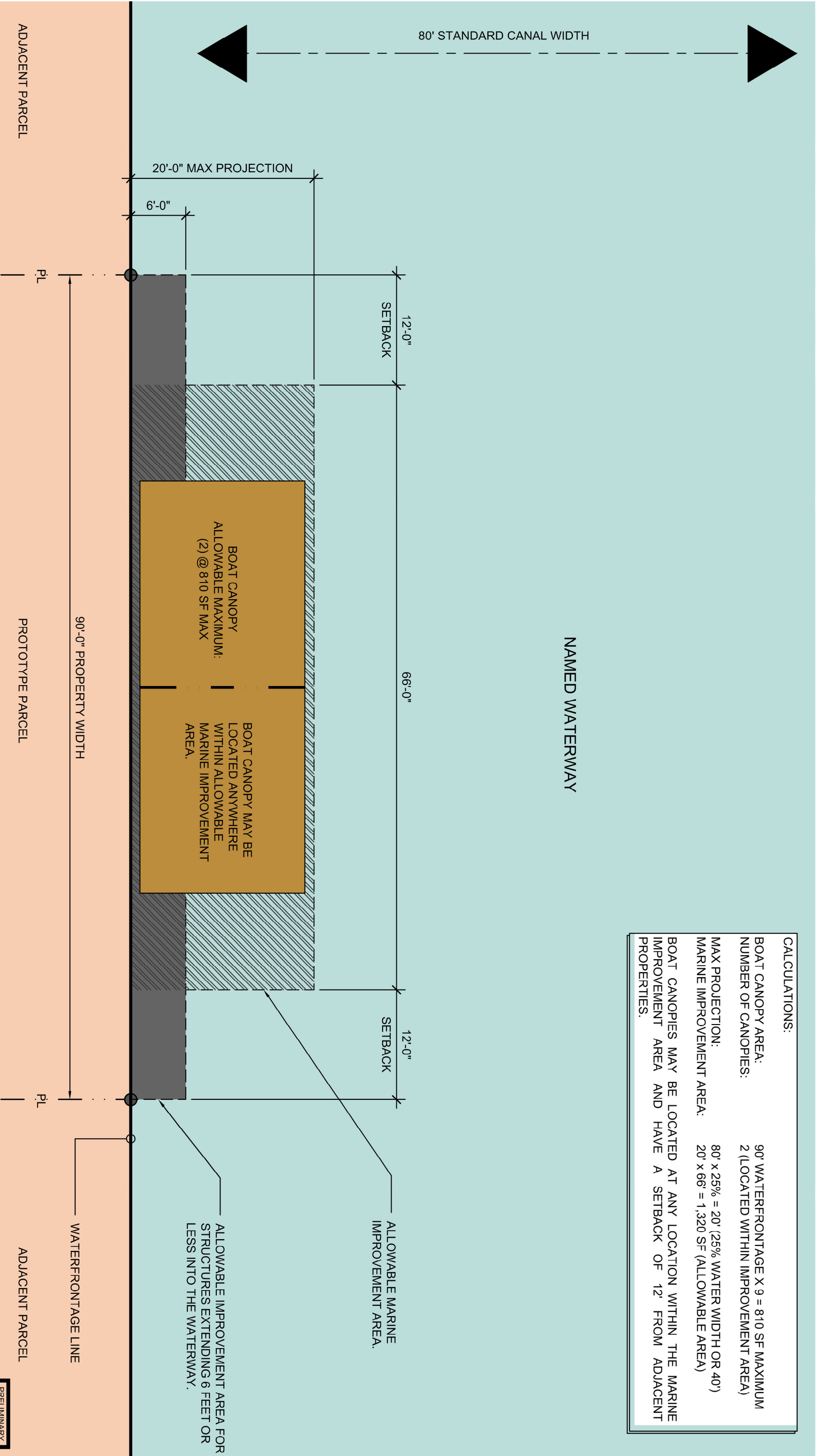
BOAT CANOPY AREA: NUMBER OF CANOPIES:	80' WATERFRONTAGE X 9 = 720 SF MAXIMUM 1 (LOCATED WITHIN IMPROVEMENT AREA)
MAX PROJECTION: MARINE IMPROVEMENT AREA:	80' x 25% = 20' (25% WATER WIDTH OR 40') 20' x 56' = 1,120 SF (ALLOWABLE AREA)
BOAT CANOPIES MAY BE LOCATED AT ANY LOCATION WITHIN THE MARINE IMPROVEMENT AREA AND HAVE A SETBACK OF 12' FROM ADJACENT PROPERTIES.	



CALCULATIONS:

BOAT CANOPY AREA:	90' WATERFRONTAGE X 9 = 810 SF MAXIMUM
NUMBER OF CANOPIES:	2 (LOCATED WITHIN IMPROVEMENT AREA)
MAX PROJECTION:	80' x 25% = 20' (25% WATER WIDTH OR 40')
MARINE IMPROVEMENT AREA:	20' x 66' = 1,320 SF (ALLOWABLE AREA)

BOAT CANOPIES MAY BE LOCATED AT ANY LOCATION WITHIN THE MARINE IMPROVEMENT AREA AND HAVE A SETBACK OF 12' FROM ADJACENT PROPERTIES.



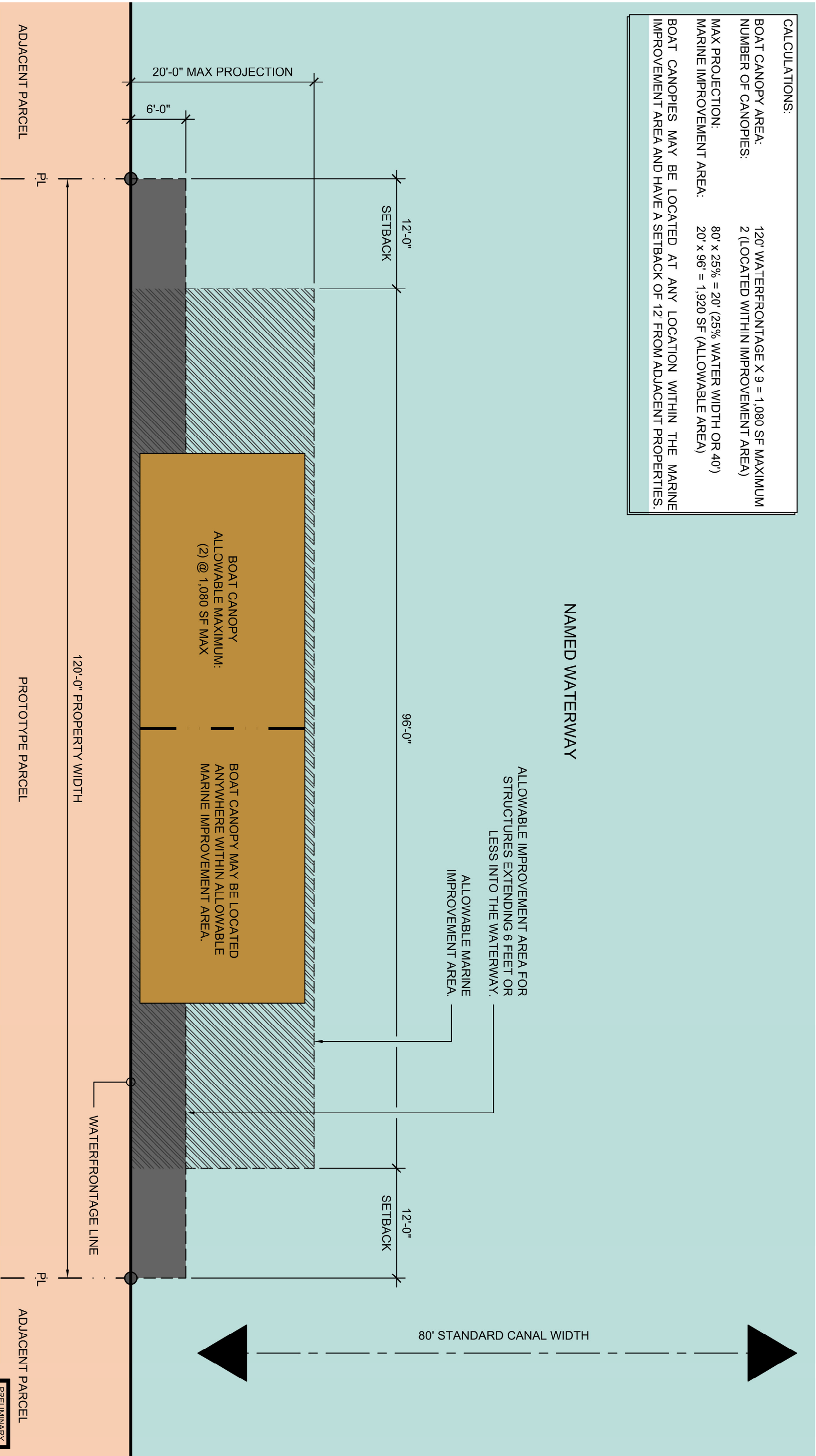
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CALCULATIONS:

BOAT CANOPY AREA: 120' WATERFRONTAGE X 9 = 1,080 SF MAXIMUM
 NUMBER OF CANOPIES: 2 (LOCATED WITHIN IMPROVEMENT AREA)

MAX PROJECTION: 80' x 25% = 20' (25% WATER WIDTH OR 40')
 MARINE IMPROVEMENT AREA: 20' x 96' = 1,920 SF (ALLOWABLE AREA)

BOAT CANOPIES MAY BE LOCATED AT ANY LOCATION WITHIN THE MARINE IMPROVEMENT AREA AND HAVE A SETBACK OF 12' FROM ADJACENT PROPERTIES.



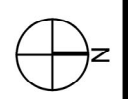
NAMED WATERWAY

ALLOWABLE IMPROVEMENT AREA FOR STRUCTURES EXTENDING 6 FEET OR LESS INTO THE WATERWAY.

ALLOWABLE MARINE IMPROVEMENT AREA.

BOAT CANOPY ALLOWABLE MAXIMUM: (2) @ 1,080 SF MAX

BOAT CANOPY MAY BE LOCATED ANYWHERE WITHIN ALLOWABLE MARINE IMPROVEMENT AREA.



PRELIMINARY
 NOT FOR CONSTRUCTION

sk-3

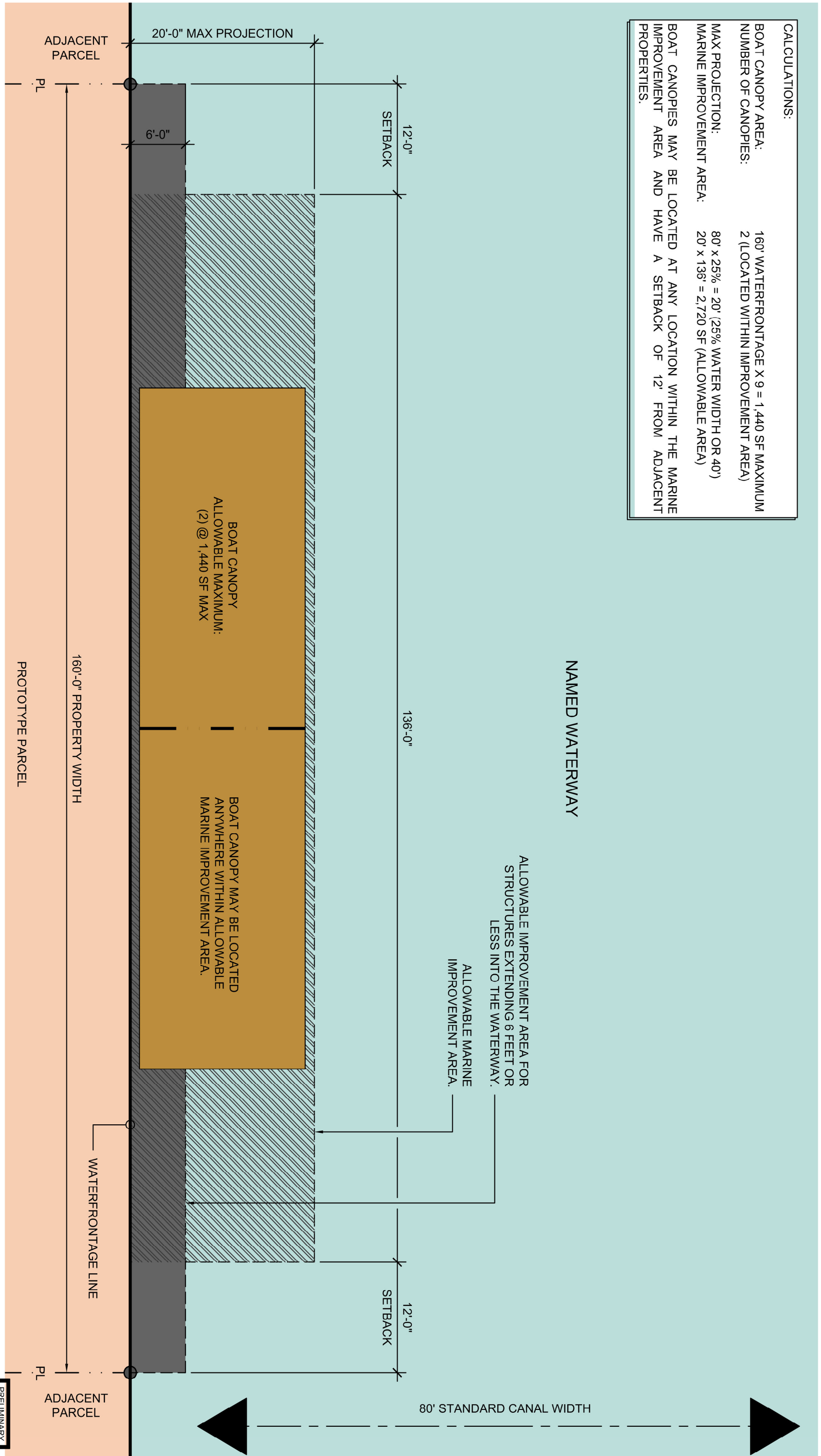
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CALCULATIONS:

BOAT CANOPY AREA: 160' WATERFRONTAGE X 9 = 1,440 SF MAXIMUM
 NUMBER OF CANOPIES: 2 (LOCATED WITHIN IMPROVEMENT AREA)

MAX PROJECTION: 80' x 25% = 20' (25% WATER WIDTH OR 40')
 MARINE IMPROVEMENT AREA: 20' x 136' = 2,720 SF (ALLOWABLE AREA)

BOAT CANOPIES MAY BE LOCATED AT ANY LOCATION WITHIN THE MARINE IMPROVEMENT AREA AND HAVE A SETBACK OF 12' FROM ADJACENT PROPERTIES.





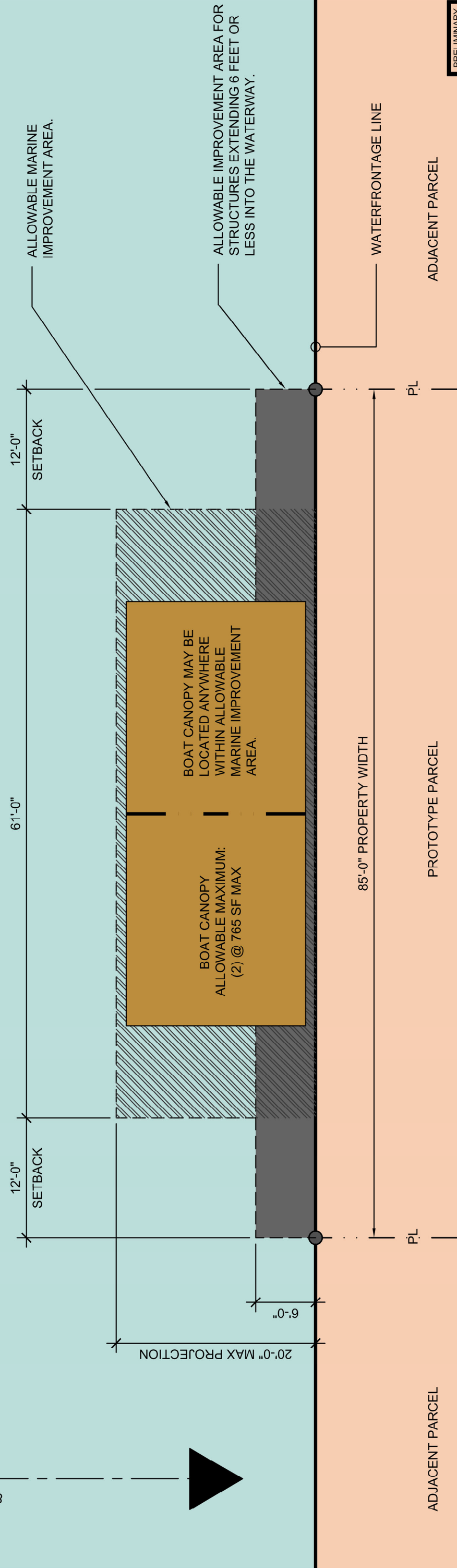
CALCULATIONS:

BOAT CANOPY AREA: 85' WATERFRONTAGE X 9 = 765 SF MAXIMUM
 NUMBER OF CANOPIES: 2 (LOCATED WITHIN IMPROVEMENT AREA)

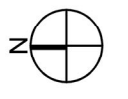
MAX PROJECTION: 80' x 25% = 20' (25% WATER WIDTH OR 40')
 MARINE IMPROVEMENT AREA: 20' x 61' = 1,220 SF (ALLOWABLE AREA)

BOAT CANOPIES MAY BE LOCATED AT ANY LOCATION WITHIN THE MARINE IMPROVEMENT AREA AND HAVE A SETBACK OF 12' FROM ADJACENT PROPERTIES.

NAMED WATERWAY



PRELIMINARY
NOT FOR CONSTRUCTION



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ADJACENT CANALWAY PROPERTIES

CALCULATIONS:

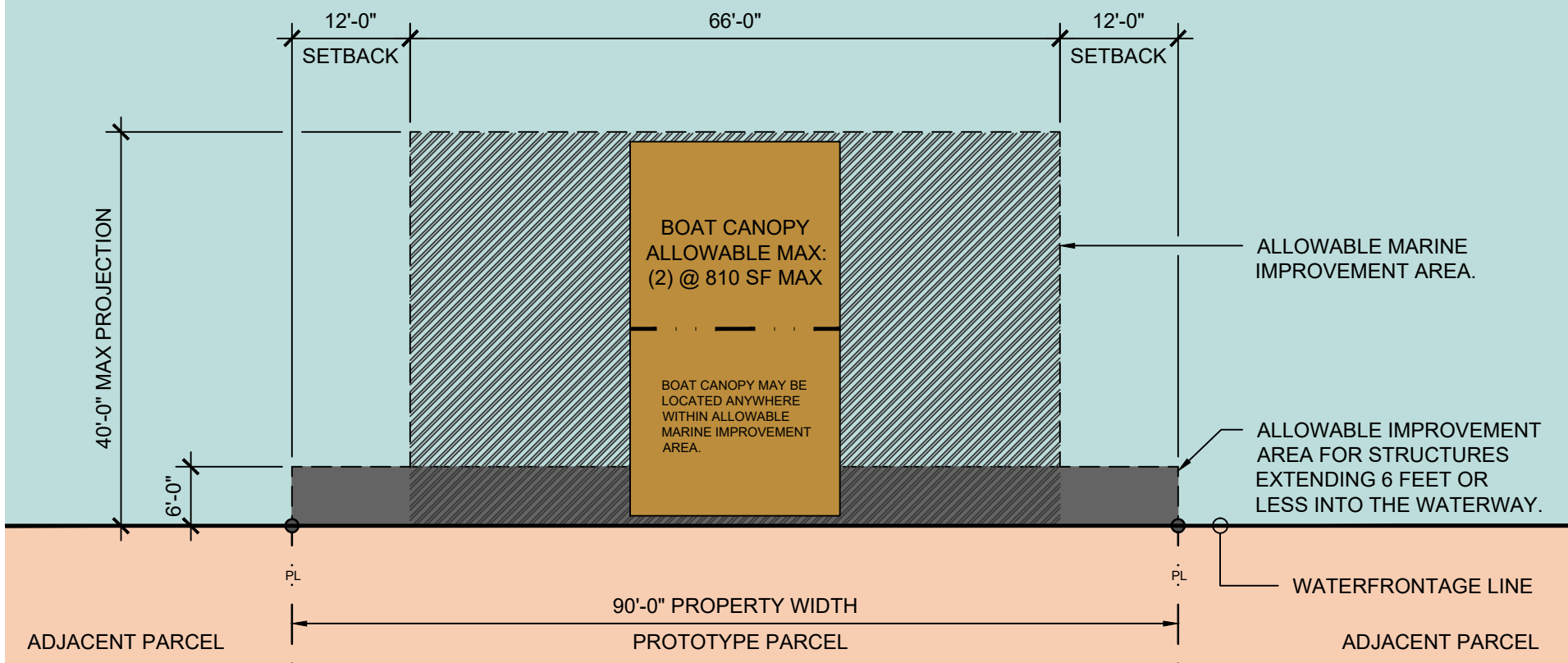
BOAT CANOPY AREA: 90' WATERFRONTAGE X 9 = 810 SF MAXIMUM
 NUMBER OF CANOPIES: 2 (LOCATED WITHIN IMPROVEMENT AREA)

MAX PROJECTION: 200' x 25% = 50' -> 40' (25% WATER WIDTH OR 40')
 MARINE IMPROVEMENT AREA: 40' x 66' = 2,640 SF (ALLOWABLE AREA)

BOAT CANOPIES MAY BE LOCATED AT ANY LOCATION WITHIN THE MARINE IMPROVEMENT AREA AND HAVE A SETBACK OF 12' FROM ADJACENT PROPERTIES.

NAMED WATERWAY

200' CANAL WIDTH



BOAT CANOPY AREA STUDY
 SCALE: 1/16" = 1'-0"

PRELIMINARY
 NOT FOR CONSTRUCTION



Cape Coral City Planning
 Development Services Division
 1015 Cultural Park BLVD, Cape Coral, FL. 33990
 PH: 239-574-0553 | EM: Planning@capecoral.gov

BOAT CANOPY AREA STUDY
 CAPE CORAL, FL. 33990

PROTOTYPICAL LOT: 90' WIDTH (200' CANAL WIDTH)

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sk-6