

Cape Coral Planning & Zoning Commission Workshop

1015 Cultural Park Blvd.
Cape Coral, FL
www.capecoral.net



AGENDA

Wednesday, April 4, 2018
9:00 AM
Council Chambers

1. CALL TO ORDER

A. Chair Read

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

A. Bennie, Marmo, Peterson, Ranfranz, Read, Schneider, Slapper, and Alternate Stevens

5. BUSINESS

- A. Land Use Development Code (LUDR)
- B. Article 4
- C. Article 10
- D. Article 5 Development Standards 2
- E. Article 11 Definitions

6. DATE AND TIME OF NEXT MEETING

A. Workshop Wednesday April 18, 2018, at 9:00 a.m. in Council Chambers

7. 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 Human Resources Department whose office is located at Cape Coral City Hall, 1015 Cultural Park Boulevard, Cape Coral, Florida; telephone 1-239-574-0530 for assistance, if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8700 (v) for assistance.

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

Item Number: 1.A.
Meeting Date: 4/4/2018
Item Type: CALL TO ORDER

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Chair Read

REQUESTED ACTION:

STRATEGIC PLAN INFO:

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

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:
WHAT THE ORDINANCE ACCOMPLISHES:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Division- Department-

SOURCE OF ADDITIONAL INFORMATION:

Item Number:	4.A.
Meeting Date:	4/4/2018
Item Type:	ROLL CALL

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Bennie, Marmo, Peterson, Ranfranz, Read, Schneider, Slapper, and Alternate Stevens

REQUESTED ACTION:

STRATEGIC PLAN INFO:

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

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

WHAT THE ORDINANCE ACCOMPLISHES:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Division- Department-

SOURCE OF ADDITIONAL INFORMATION:

Item Number:	5.A.
Meeting Date:	4/4/2018
Item Type:	BUSINESS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Land Use Development Code (LUDR)

REQUESTED ACTION:

Informational

STRATEGIC PLAN INFO:

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

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Wyatt	Division-	Department of Community	
Daltry		Development	Department- (DCD)

SOURCE OF ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▢ TRANSMIT LDC (4) TO P&Z	Backup Material

MEMORANDUM

CITY OF CAPE CORAL COMMUNITY DEVELOPMENT DEPARTMENT

TO: Planning and Zoning Commission

FROM: Robert H. Pederson, Planning Manager

DATE: March 19, 2018

SUBJECT: Continuing P&Z review of the new Land Development Code

Transmittal of Article 4

Attached is Article 4 – Zoning Districts for your review. Staff will present and overview this article at the April 4th meeting.

It is important to note that the attached articles are drafts and will undoubtedly change through the course of P&Z review, City Attorney's office review, further staff review, and public comment. This process will continue until final review and hearings by City Council.

Update

Staff continues to work on finalizing the entire LDC draft for your review. As previously stated, a complete rewrite of land development regulations is a complex task, with many interrelationships to be considered. Our work since the August meeting has resulted in further reorganization of the draft LDC, as shown below:

Article	LUDR	LDC*
1	General Provisions	General Provisions
2	District Regulations	Decision Making and Administrative Bodies
3	Supplementary District Regulations	Development Review
4	Land Development Regulations	Zoning Districts
5	Supplementary Development Regulations	Development Standards
6	Floodplain Management	Signs
7	Signs	Nonconformities
8	Administration	Floodplain Management
9	Boards, Commissions, and Committees	Subdivisions
10	Violations and Penalties	Concurrency
11	Definitions	Governmental Dispute Resolution, Vested Rights

12	Building Codes and City Engineering Standards	Building Codes and City Engineering Standards
13		Definitions

*Numbering of Articles may change

P&Z Review

Article 4 Development Standards

Attached is a draft of Article 4. This article provides information for the new zoning districts used in Cape Coral. Along with Article 5, which was discussed in February and March, this section is considered to be one of the two largest, and as a result, Staff is developing a presentation to assist in our discussion on April 4th.

As always, should you have any questions about a particular code requirement or issue, please feel free to contact me.

Item Number:	5.B.
Meeting Date:	4/4/2018
Item Type:	BUSINESS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Article 4

REQUESTED ACTION:

STRATEGIC PLAN INFO:

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

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Wyatt	Division-	Department of Community	
Daltry		Development	Department- (DCD)

SOURCE OF ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▣ ARTICLE 4 Zoning District	Backup Material

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

CHAPTER 1 – GENERAL PROVISIONS, ZONING DISTRICTS ESTABLISHED, ZONING USE TABLES

- Section 4.1.** Purpose and Intent
- Section 4.2.** Establishment of Zoning Districts
- Section 4.3.** Zoning District Development Standards
- Section 4.4.** Uses by Zoning District

CHAPTER 2 – SPECIFIC REGULATIONS BY DISTRICT

- Section 4.5.1.** Single-Family Residential (R1)
- Section 4.5.2** Residential Multi-Family Low (RML)
- Section 4.5.3.** Residential Multi-Family Medium (RMM)
- Section 4.5.4.** Residential Estate (RE)
- Section 4.5.5.** Agricultural (A)
- Section 4.5.6.** Commercial (C)
- Section 4.5.7.** Professional Office (P)
- Section 4.5.8.** Industrial (I)
- Section 4.5.9.** Institutional (INST)
- Section 4.5.10.** Preservation (PV)
- Section 4.5.11.** Commercial Corridor (CC)
- Section 4.5.12.** Neighborhood Commercial (NC)
- Section 4.5.13.** Mixed-Use Bimini District (MXB)
- Section 4.5.14.** Mixed-Use Seven Islands District (MX7)
- Section 4.5.15.** South Cape Downtown District (SC)

CHAPTER 1 – GENERAL PROVISIONS

Section 4.1. Purpose and Intent.

- A. The purpose of this article is to encourage and promote the safety, health, and general welfare of the citizens of Cape Coral, Florida by providing for:
 - 1. Efficiency and economy in the process of development;
 - 2. Appropriate and best use of land;
 - 3. Convenience of traffic and circulation of people and goods;
 - 4. Adequate public utilities and facilities;
 - 5. Promotion of the civic amenities of beauty and visual interest;
 - 6. Development in accord with the comprehensive plan by establishing zoning districts;
 - 7. Regulation of the location and use of buildings, structures, and land; and

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

8. Regulation of:

- a. Height, bulk, and access to light and air of buildings and structures;
- b. The area of yards and other open spaces; and
- c. The density or intensity of development on a given site.

- B. To accomplish these objectives, the regulations and districts and accompanying zoning map have been designed with reasonable consideration, among other things, to reflect the character of the districts and their suitability for particular uses.

Section 4.2. Establishment of Zoning Districts

For regulating and restricting the use of land and the erection, construction, reconstruction, altering, moving, or use of buildings and structures, the City of Cape Coral is divided into zoning districts. The City zoning districts are classified as follows:

A. Residential Zoning Districts

- 1. Residential Single Family (R-1). This district is established to encourage and protect single-family development and to permit other uses generally compatible with single-family residential uses.
- 2. Residential Multi-Family Low (RML). This district is to accommodate multi-family housing to meet the needs of a diverse community, while ensuring that there is a transition to single-family neighborhoods which protects the integrity of those neighborhoods. The RML district acts as a transition zone from lower density residential to higher density residential or non-residential uses or zoning districts.
- 3. Residential Multi-Family Medium (RMM). This zoning district is to accommodate multi-family housing at a higher density than RML to meet the needs of a diverse community. The RMM district also acts as a transition zone from lower density residential areas to non-residential land uses or zoning districts.
- 4. Residential Estate (RE). This district is established to provide areas for single-family dwellings on parcels of 40,000 square feet or more in areas of the city that are rural in character and served by private water and sanitary sewer systems. The RE district permits the keeping of some domesticated livestock for use by the occupants.
- 5. Agriculture (A). This district is to accommodate agricultural activities and operations which may include crop cultivation; the breeding, raising, or keeping of livestock or fur bearing animals; dairy farming; apiculture; and to allow all accessory uses and structures customarily incidental to those activities.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS

B. Non-Residential Zoning Districts

1. Commercial (C). This district is designed to encourage and facilitate commercial activities intended to serve a relatively large trade area, appropriate commercial locations on major thoroughfares in developed areas, and is intended to meet the needs of motorists and other consumers through the provision of automobile-oriented commercial activities to meet the needs of several types and varieties of general commercial activities.
2. Professional Office (P). This district is designed to encourage the compatible development of major professional and related office complexes in areas which are suitable for such activities. The P District may serve as a transition between commercial corridors and nearby residential uses.
3. Industrial (I). This district is to accommodate manufacturing, fabrication, warehousing, and other related activities that typically utilize large work forces, generate semi-tractor trailer traffic, and may produce external impacts such as noxious smells, smoke, or noise.
4. Institutional (INST). This district is to allow for development of nonprofit or quasi-public uses such as religious institutions, libraries, public or private schools, hospitals, or government owned or operated structures. Many of these uses provide meeting places for the citizens of Cape Coral and valuable civic engagement opportunities.
5. Preservation (PV). This district is to identify environmental resources or natural features as areas intended to remain in a predominately natural or undeveloped state to provide resource protection and opportunities for passive recreation and environmental education for present and future generations.

C. Mixed Use Zoning Districts

1. Commercial Corridor (CC). This district is established to implement the recommendations of the Pine Island Road Master Plan and to promote such uses as retail, office, limited warehouse and light manufacturing, multi-family residential and large-scale commercial retail uses.
2. Neighborhood Commercial (NC). This district is intended to create a variety of dynamic walkable, mixed-use environments; provide a range and mix of commercial and housing choices near each other; and to create quality usable public spaces. The NC District utilizes form-based design standards and provides development options based on parcel size.
3. Mixed Use Seven Islands (MX7). This district is intended to implement master plan recommendations for the Seven Islands Area consistent with the Seven Islands Vision Plan. A further objective is to foster a sense of place and create a destination environment in northwestern Cape Coral. To achieve these objectives, the MX7 district allows a more flexible approach to comprehensive design and coordinated development of a multi-use neighborhood than is possible under other zoning classifications.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS

- 141 4. Mixed Use Bimini (MXB). This district is intended to implement master plan recommendations for
142 the Bimini Basin Area. A further objective is to foster a sense of place and create a destination
143 environment in southeastern Cape Coral. To achieve these objectives, the MXB district allows a
144 more flexible approach to comprehensive design and coordinated development of a multi-use
145 neighborhood than is possible under other zoning classifications.
146

- 147 5. South Cape (SC). This district is to promote redevelopment and enhancement of the traditional
148 commercial center of Cape Coral into a more compact and walkable form growth and to create a
149 destination for residents and visitors. This district encourages mixed-use development. Existing
150 commercial and professional buildings will be supplemented with entertainment activities and a
151 wide diversity of housing types to create a vibrant work, live, shop, and play district that serves
152 the entire city and region.
153

154 It is intended that the South Cape regulations act as a stimulus to development through provisions
155 that permit a flexible approach to infill development on various lot sizes, as well as special
156 provisions related to particular locations within the district. Therefore, many of the provisions
157 contained herein, including uses and dimensional regulations, are regulated by lot size, or the
158 extent of roadway frontage or a combination thereof.
159

- 160 6. Planned Unit Development (PUD). This district is designed for development as a cohesive unit,
161 where uses and innovations in design and layout of the development provide public benefits when
162 compared to standard zoning or uniform lot and block subdivision patterns and design features.
163

164 **Section 4.3. Zoning District Development Dimensional Standards**
165

166 The purpose of this section is to identify the bulk, area, and dimensional standards for construction in
167 each zoning district.
168

169 **Table 4.3.1. Zoning District Dimensional Standards**
170

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

		ZONE DISTRICT DIMENSIONS							
ZONE DISTRICT	Lot and Structure		Setbacks (feet)						Height (feet)
	Minimum Lot Area (Square ft.)	Maximum FAR	Front	Front, Cul-de-Sac	Side	Rear	Double Frontage	Corner Lot Side	
		RESIDENTIAL							
R-1	10,000*	None	25	18	7.5	20/10	25	10	38
RML	10,000	None	25	18	7.5	20/10	25	10	38
RMM	43,560	None	25	18	6	26	25	10	50
RE	40,000	None	50	36	35	35	50	25	38
A	None	None	50	36	35	35	50	25	38
		NON-RESIDENTIAL							
C	None	1	6	None	0/6	10	6	10	None
CC	None / MF 5 ac	1	15	None	0/6	15	15	10	None
P	None	1	6	None	6/6	10	6	10	None
I	None	1	20	None	0/6	10	20	10	None
INST	None	1	25	None	15	25	25	10	60
PV	None	None	50	None	50	50	50	10	38

* See Section (Micro cottage standards)

Section 4.3.2 Projections and Encroachments into Setbacks

Encroachments into required setbacks. Every part of the required setbacks on a parcel shall be open and unobstructed from 30 inches above the ground, as measured from the average elevation of the crown of road along the property frontage, except as provided below or as shown in Table 4.3.2, below.

- A. Structures less than 30 inches in height are not considered encroachments into minimum required setbacks.
- B. Bermed earth, plant materials, sidewalks, and driveways are not considered encroachments.
- C. Encroachments into required setbacks:
 1. Cornices, overhangs, decorative awnings with no ground support installed over windows and at entrances, eaves and gutters, chimneys, balconies, and means of egress may project a maximum of three feet into required setbacks.
 2. Awnings requiring pole supports to be placed in a setback area, or those without pole supports which encroach more than 3 feet into required setbacks, may be approved, in districts other than RE or R1, at the discretion of the Director of Community Development. Such awnings must function as decorative architectural elements as opposed to garage, carport, or other similar storage facilities.
 3. Air conditioning, pool equipment, and generators permitted and installed prior to the effective date of this ordinance may be maintained and replaced provided the new equipment does not encroach more than three feet into any required setback. All air conditioners and pool equipment

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

installed after the effective date of this ordinance must comply with all setback requirements and be out of easements.

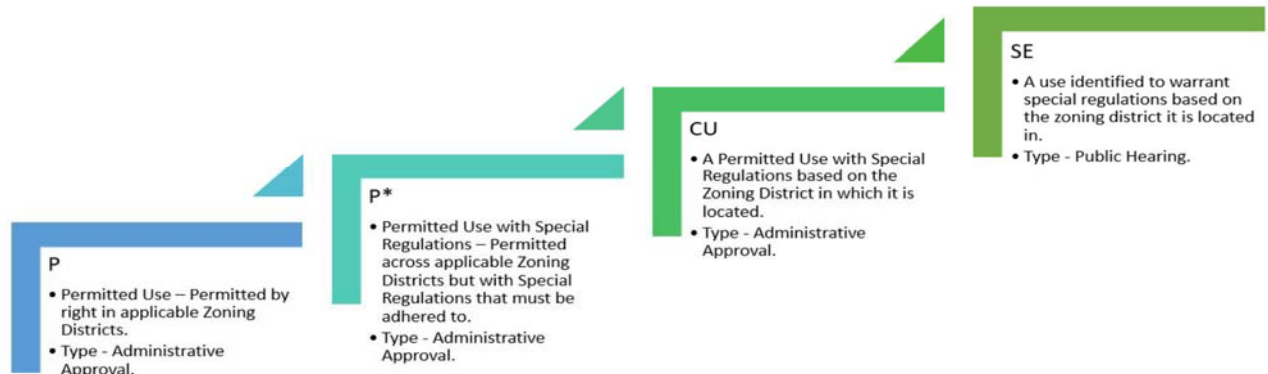
4. Permitted encroachments into required setbacks are not allowed to encroach into utility easements (See Article 5, Section 5.1.6).

Table 4.3.2 Permitted Setback Encroachments

Projection or Feature	Encroachment (measured from primary structure envelope)			Max Height
	Front Yard	Side Yard	Rear Yard	
Architectural features	2 ft.	2 ft.	2 ft.	N/A
Awnings and canopies	3 ft.	3 ft.	3 ft.	N/A
Balconies	3 ft.	3 ft.	3 ft.	N/A
Chimneys	N/A	2 ft.	2 ft.	per Building Code
Eaves, gutters, and overhangs	3 ft.	3 ft.	3 ft.	N/A
Porches	5 ft.	3 ft.	3 ft.	N/A
Solar Photovoltaic (PV) Arrays, attached to primary structure	N/A	3 ft.	3 ft.	3 ft. above a peaked roof, 10 ft. above a flat roof
Mechanical equipment: AC, generator, pool equipment	N/A	5 ft. but out of any easement	5 ft. but out of any easement	N/A
Stairways	5 ft.	3 ft.	5 ft.	N/A
Ornamental Walls	5 ft.	1.5	5 ft.	30 inches

Section 4.4. Uses by Zoning District – Use Hierarchy.

USE HIERARCHY



**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

- 210
- 211 A. Permitted Uses. Uses that are allowed by right. These uses are shown in the table with a “P”.
- 212
- 213 B. Permitted Uses with Specific Regulations. Uses that are permitted with specific regulations that apply
- 214 in all zoning districts where permitted. The specific regulations are provided in Article 5, Chapter 11.
- 215 These uses are shown in the table with a “P*”.
- 216
- 217 C. Conditional Uses. Uses which are generally appropriate in a Zoning district. Conditional uses are
- 218 permitted uses which, because of potential impacts, may require reasonable special limitations or
- 219 conditions of approval peculiar to the use for the protection of the public health, safety, or welfare
- 220 and the integrity of the Comprehensive Plan. The specific requirements for conditional uses are
- 221 provided in Article 5, Chapter 12. These uses are shown in the table with a “CU”.
- 222
- 223 D. Special Exception Uses. Those uses or structures that may not be appropriate generally or without
- 224 restriction throughout a district but which, if controlled as to number, area, location, or their
- 225 relationship and potential impacts to nearby residences or neighborhoods, would be acceptable.
- 226 These uses are shown in the table with an “SE”.
- 227
- 228 E. Prohibited Uses. Any use not specifically listed as a permitted use, a conditional use, a special
- 229 exception use, or a permitted accessory use, shall be considered expressly prohibited.
- 230
- 231 F. Accessory Uses. Accessory uses are customarily associated with and are incidental and subordinate to
- 232 such principal uses. An accessory use shall be subject to the same regulations that apply to the
- 233 principal use in each district, except as otherwise provided.
- 234
- 235 G. Temporary Uses. Uses that are deemed temporary in nature regulated by separate ordinance, shall
- 236 not be subject to the standards and requirements as set forth in this article, except that the City may
- 237 impose conditions which may include limiting the period of approval, imposing hours of operations,
- 238 operational standards to minimize impacts on surrounding properties, and any other conditions
- 239 deemed necessary to minimize detrimental impacts to the welfare of the community.
- 240
- 241 H. Similar Use Determinations. See Article 3.3.
- 242

Table 4.4 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.

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

Use Table

P= Permitted P*= Permitted with Standards CU= Conditional Use SE= Special Exception Empty= Not Permitted

	Use Type	Residential Districts					Non-Residential Districts					Mixed Use Districts						
		R	RML	RMM	RE	A	P1	C	I	INST	PV	CC	NC	MX7	MXB	SC		
																PK	PR	SEC
Residential	Single-family	P	P		P	P												
	Duplex		P*															
	Multi-family		CU	P								CU	CU	CU	CU	CU	CU	CU
	Single-family Attached - 3 or more		CU	P								CU	CU	CU	CU			
	Micro-Cottage	P*																
	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 Business	CU	CU		CU	P												
	Home Occupation	P*	P*	P*	P*	P*							P*	P*	P*	P*	P*	P*
Public and Institutional Uses	Animal Shelter					P			SE	SE								
	Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Educational Facilities – Primary and Secondary	P	P	P	P	P				P			P			P		
	Educational Facilities – Vocational Schools			SE				P	P	P		P				P		
	Educational Facilities – Colleges and universities								P	P								
	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						
	Public Parks and Recreational Facilities	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P
	Public Safety – Police/Fire	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

Use Table

P= Permitted P*= Permitted with Standards CU= Conditional Use SE= Special Exception Empty= Not Permitted

Use Category	Use Type	Residential Districts					Non-Residential Districts					Mixed Use Districts						
		R1	RML	RMM	RE	A	P1	C	I	INST	PV	CC	NC	MX7	MXB	SC		
																PK	PR	SEC
Recreation and Entertainment	Adult Entertainment								P									
	Commercial Recreation, Indoor							P				P	P			P	P	P
	Commercial Recreation, Outdoor					P		P				P						
	Golf Course w/ Ancillary activities	P	P	P	P	P												
	Golf, Driving Range					P												
	Golf, Miniature					P		P				P	P				P	P
	Marina							P					P	P	P	P		
	Shooting Range/Archery - Indoor							P				P						
	Shooting Range/Archery - Outdoor					SE												259
Vehicle-related Commercial	Boat Sales							P	P			P					P	P
	Car Wash							P				P						
	Commercial Parking lot or Garage							P							P	P	P	P
	Heavy Vehicle, Sales & Rental								P			P						
	Light Vehicle, Rental							P				P	P				P	P
	Light Vehicle, Sales											P*						
	Vehicle Repair, Major								P			SE						
	Vehicle Repair, Minor							CU	P			P						
	Vehicle Fueling Station							CU	P			P	CU				CU	
	Vehicle Storage					P			P									
	Accessory Parking Lot		P*															

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

Use Table

P= Permitted P*= Permitted with Standards CU= Conditional Use SE= Special Exception Empty= Not Permitted

Use Category	Use Type	Residential Districts					Non-Residential Districts					Mixed Use Districts						
		R1	RML	RMM	RE	A	P1	C	I	INST	PV	CC	NC	MX7	MXB	SC		
																PK	PR	SEC
Food and Beverage	Bar							P				P	P	P	P	P	P	P
	Brewpub							P				P	P	P	CU	P	P	P
	Craft Brewery, Distillery, Winery							P*				P*	P*	P*	P*	P*	P*	P*
	Mobile Food Trucks						P*	P*	P*	P*		P*	P*	P*	P*	P*	P*	P*
	Restaurant, no drive-thru						SE	P				P	P	P	P	P	P	P
	Restaurant, drive-thru							P	P			P						P
Lodging	Bed and Breakfast	SE	SE	SE	SE	SE												
	Campground					P												
	Hotel/Motel							P								P	P	P
	Resort	P*	P*	P*				P										
	RV Park					P*												

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

Use Table

P= Permitted P*= Permitted with Standards CU= Conditional Use SE= Special Exception Empty= Not Permitted

Use Category	Use Type	Residential Districts					Non-Residential Districts					Mixed Use Districts						
		R1	RML	RMM	RE	A	P1	C	I	INST	PV	CC	NC	MX7	MXB	SC		
																PK	PR	SEC
Commercial and Professional Services	Animal Kennel, Indoor				P	P		P				P			P		P	P
	Animal Kennel, Outdoor					P												
	Day Care Facilities – Adult or Child		CU	CU	CU	CU	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							CU				CU						
	Self-Storage							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
	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
	Radio and TV Station								P	P		P	P				P	P
	Repair Shops DEFINITION							P	P			P	P				P	P
	Retail							P				P	P	P	P	P	P	P
	Retail >50,000 sq. ft. per tenant							P				P	SE			SE	SE	SE

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

Use Table

P= Permitted P*= Permitted with Standards CU= Conditional Use SE= Special Exception Empty= Not Permitted

Use Category	Use Type	Residential Districts					Non-Residential Districts					Mixed Use Districts						
		R1	RML	RMM	RE	A	P1	C	I	INST	PV	CC	NC	MX7	MXB	SC		
																PK	PR	SEC
Agriculture	Animal Boarding					P												
	Community Garden	CU	CU	CU	CU	P				P								
	Farms – Produce & Livestock					P												
	Greenhouse / Nursery					P						P						
	Outdoor storage – Agricultural					P												
	Stable				P	P												
	Roadside Food and Vegetable Stand					P*												
Industrial	Dry Cleaning/Laundry Plant								P									
	Extraction w/ancillary use								P									
	Industrial, Heavy								P									
	Industrial, Light								P			SE						
	Laboratory – medical, research, testing						SE		P	SE		SE						
	Energy Resource Generation					SE				P								
	Storage, Outdoor Screened					P			P	SE		CU						
	Storage, Outdoor					P			P									
	Solid Waste Transfer					SE				SE								

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

Use Table

P= Permitted P*= Permitted with Standards CU= Conditional Use SE= Special Exception Empty= Not Permitted

Use Category	Use Type	Residential Districts					Non-Residential Districts					Mixed Use Districts						
		R1	RML	RMM	RE	A	P1	C	I	INST	PV	CC	NC	MXB	MX7	SC		
																PK	PR	SEC
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	VP	P	P	P
	Religious Institution	CU	CU	CU	CU	CU	P	P		P								
Other	Cemetery / Mausoleum					P				P								
	Crematory								P			P						
	Funeral Homes							P	P			P	P				P	P
	Wireless Antennas					p*	p*	p*	p*	p*		p*	p*				p*	p*
	Solar Arrays					p*			p*	p*								

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

CHAPTER 2. SPECIFIC REGULATIONS BY DISTRICT

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

Section 4.5.1. Single-Family Residential (R1)

Specific regulations for micro-cottages, model homes, childcare facilities, and home occupations are in Article 5, Chapter 11.

Specific conditions for home-based businesses and religious institutions are in Article 5, Chapter 12.

Section 4.5.2. Residential Multi-Family Low (RML)

Specific regulations for duplexes, model homes, and home occupations are in Article 5, Chapter 11.

Specific conditions for multi-family residences, single-family attached, home-based businesses, day care facilities and religious institutions are in Article 5, Chapter 12.

Section 4.5.3. Residential Multi-Family Medium (RMM)

Specific regulations for home occupations are in Article 5, Chapter 11.

Specific conditions for day care facilities and religious institutions are in Article 5, Chapter 12.

Section 4.5.4. Residential Estate (RE)

A. Specific regulations for model homes and home occupations are in Article 5, Chapter 11 and 12.

Specific conditions for home-based businesses, day care facilities and religious institutions are in Article 5, Chapter 12.

B. Non-domestic animals.

1. Non-domestic animals regulated in this section are considered to be a pet or for household consumption, and shall not be used for any commercial purposes.
2. Non-domestic animals are only allowed in the Residential Estate zoning district for sites with a Low Density Residential II Future Land Use Map classification pursuant to the regulations below and the requirements of the City Code of Ordinances.
3. Horses. The keeping of horses, including foals and yearlings, is permitted in the Residential Estate zoning district regardless of the Future Land Use Map classification. Any roofed structure for shelter of such animals shall be setback at least 100 feet from any property line.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS

4. Cattle, mules, goats, sheep, swine, and poultry. The keeping, raising, and breeding of non-domestic animals, including cattle, mules, goats, sheep, swine, and poultry may be permitted in the Residential Estate as follows:

- a. Lot size. The minimum lot area required for the keeping, raising, and breeding of non-domestic animals, as identified in this section, is 100,000 square feet.
- b. Animals within this subsection may not be kept or allowed to run within 100 feet of any zoning district other than the Residential Estate (RE) within the Low Density Residential II Future Land Use Map classification and Agricultural zoning districts.
- c. Buildings or other roofed structures or enclosures for the keeping of animals within this subsection must be set back a minimum of 150 feet from any zoning district other than Residential Estate (RE) or Agricultural (A) zoning districts, under separate ownership.
- d. The keeping and raising of non-domestic animals within this subsection is permitted in the Residential Estate zoning district for personal use only, or for youth or farm-education programs such as 4-H or The National FFA Organization.

C. Accessory structures. Accessory structures in the Residential Estate zoning district shall not have a maximum size.

Section 4.5.5. Agricultural (A)

A. Specific regulations for commercial recreation with outdoor uses, RV parks, wireless antennas, and home occupations are in Article 5, Chapter 11 and 12.

Specific conditions for day care facilities and religious institutions are in Article 5, Chapter 12.

B. Carports, garages or other buildings not used as a dwelling and customarily incidental to the principal permitted use of the premises.

Section 4.5.6. Commercial (C)

Specific regulations for commercial parking lots and parking garages as a standalone use, craft brewery, distillery, and wineries, mobile food trucks; and storage, neighborhood storage, and wireless antennas are found in Article 5, Chapter 11 and 12.

Specific conditions for vehicle repair, minor, vehicle fueling stations, and building and construction with outdoor display are in Article 5, Chapter 12.

Section 4.5.7. Professional Office (P)

Specific regulations for mobile food trucks and wireless antennas are found in Article 5, Chapter 11.

Section 4.5.8. Industrial (I)

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

Specific regulations for mobile food trucks and wireless antennas are found in Article 5, Chapter 11.

Section 4.5.9. Institutional (INST)

A. Specific regulations for mobile food trucks and wireless antennas are found in Article 5, Chapter 12.

B. 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 4.5.10. Preservation (PV)

Reserved.

Section 4.5.11. Commercial Corridor (CC)

Table 4.5.11.

Commercial Corridor Development Parameters		
	Development Area	
	0 – 3.99 acres	4 acres or greater
Free-standing Commercial Development Area Maximum FAR		100% 1.0
Free-standing Residential Minimum Density Maximum Density	Not allowed Not allowed	12 du/acre 25 du/acre
Mixed-Use Minimum Density Maximum Density Maximum FAR	3 du/acre 12 du/acre 1.0	12 du/acre 25 du/acre 2.0
Minimum Front Setback	20 ft.	20 ft.
Minimum Side Setback	6 ft.	6 ft.
Min. Rear Setback	10 ft.	10 ft.

Specific regulations for commercial parking lots and parking garages as a standalone use; craft brewery, distilleries, and wineries, mobile food trucks, neighborhood storage, and wireless antennas are found in Article 5, Chapter 11 and 12.

Specific conditions for multi-family residential, single-family attached with 3 units or greater, building and construction with outdoor storage, and screened outdoor storage are in Article 5, Chapter 12.

Section 4.5.12. Neighborhood Commercial (NC)

A. Specific regulations for multi-family residences; single family attached 3 units or greater; commercial parking lots and parking garages as a standalone use; vehicle fueling stations; craft

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS

brewery, distilleries, and wineries; mobile food trucks; wireless antennas; and home occupations are found in Article 5, Chapter 11 and 12.

Specific conditions for multi-family residential, single-family attached with 3 units or greater, and vehicle fueling stations are in Article 5, Chapter 12.

- B. Mix of uses. Development in the NC district is encouraged to have a mix of residential and non-residential uses, however, a mix of uses is not required.
- C. Use areas. All land areas within developments in the NC District shall be categorized as one of the three following use areas:
 - 1. Free-standing non-residential. Free-standing non-residential areas include the footprint and land areas associated with buildings that contain no residential units.
 - 2. Free-standing residential. Free-standing residential areas include the footprint and land areas associated with buildings that contain residential units and buildings that contain non-residential floor area usage that is less than 30% of the building's floor area. In calculating the floor area of the building, the total floor area of the building is the floor area of the building remaining after the area of any structured parking is excluded. Also, any pre-existing single-family residences do not necessarily constitute free-standing residential development, unless such residences otherwise meet the criteria for such development.
 - 3. Mixed-Use. Mixed-use areas include the footprint and land areas associated with compound use buildings that shall mean buildings with at least 30% of their floor areas allocated to non-residential uses.
- D. Density, intensity, and use area allocations.
 - 1. The allowable densities, intensities, and use area allocations within the NC District may vary with the land area allocated to each use in a development project.
 - 2. A development can consist of one or more properties that are the subject of a single application for development.
 - 3. If an application includes properties that are not contiguous, the application must demonstrate that the properties function as a unified development.
 - 4. The land area that may be allocated to any of the three use area allocations varies with the size of the development project, with generally increasing flexibility as a function of the total land area of the development. Densities and intensities associated with any of the three use area categories apply only to the land area of the project that is allocated to that specific use. In determining the land area within any of the three use area allocations, the area of any common areas for surface water management, parking, landscaping, and circulation shall be apportioned among the three use area allocations in the same proportion as the non-common areas relate to the area of the development, excluding common areas.

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

Table 4.5.12.

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

- E. Limitations on density and intensity within the NC District. In the Urban Services Reserve Area, residential uses are restricted to 4.4 dwelling units per acre and non-residential development is limited to uses that do not generate an estimated flow of more than 880 gallons of sewage per acre per day.
- F. Use area allocations. All developments in the NC District shall be categorized as one of the three following use areas:
1. Free-standing non-residential. Free-standing non-residential areas contain no residential units.
 2. Free-standing residential. Free-standing residential areas include the footprint and land areas associated with buildings that contain residential units and buildings that contain non-residential floor area usage that is less than 50% of the building's ground floor area.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS

3. Pre-existing single-family residences do not constitute free-standing residential development.
4. Mixed-Use. Mixed-use areas include the footprint and land areas associated with mixed-use buildings with at least 50% of the ground floor areas allocated to non-residential uses.

G. Use Area Calculations

1. The uses of a building (residential, non-residential, mixed-use) shall be calculated by the floor area occupied by a use excluding any structured parking areas.
2. Developments that incorporate non-residential and residential uses shall clearly indicate the land areas (square footage, percentage of development site, and locations) to be used for non-residential, residential, and mixed-use, as well as the uses proposed within each of the designated areas.
3. In determining land area within any of the three use area allocations common areas, including surface water management, parking, landscaping, and circulation shall be distributed among the three use area allocations in the same proportion as the non-common areas.

H. Development Standards

1. Drive-thru facilities are prohibited.
2. Loading Docks and Service Areas.

I. All loading docks and building service areas containing air handling equipment, generators, meters, etc., shall be screened by a masonry wall from a pedestrian-level view from any adjacent residential future land use category, public sidewalk, or public street, excluding alleys.

J. Such walls shall be designed to appear as an architectural extension of the principal building and incorporate architectural trim and features consistent with the adjacent facade.

K. Walls required for screening loading docks or building service areas shall not exceed the height limitations provided in Article 5 of this code unless approved by the DCD Director.

L. On sites greater than one acre the following shall apply:

1. The first story of the building frontage shall be at least 75% of the parcel width as measured along the front property line. For adjoining parcels that are being developed simultaneously as one site with one or more buildings, this percentage applies to the combination of lots and building frontages.
2. At least 40% of the building frontage shall be built at the minimum front setback line.
3. Off-street parking spaces shall not be within the front yard.
4. Outdoor display of cars, boats, motorcycles, and vehicles is prohibited.

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

- 551
552 5. Deviations from the requirements of this section may be approved pursuant to Article 3 of this
553 code.

554
555 **Section 4.5.13. Mixed-Use Bimini (MXB)**
556

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

- 561
562 B. Maximum Height and Density.

- 563
564 1. The maximum shall be 50 dwelling units per acre.
565
566 2. The maximum height shall be 8 stories or 115 feet.
567
568 3. Developments that include at least 20% of the total units as affordable or workforce
569 housing shall permit a maximum density of 75 dwelling units an acre and a maximum
570 height of 12 stories or 150 feet.

- 571
572 C. Compatibility and design standards. All uses must conform to the guidelines of the Bimini Basin
573 Revitalization and Implementation Plan. Uses must be compatible with existing or planned
574 development on or adjacent to the site.

- 575
576 1. Orientation, and Design.

- 577
578 a. A building facing public streets must provide a public entrance.
579
580 b. The first story of all buildings within the MXB shall provide shade via awnings,
581 canopies, or similar features for no less than 50% of the building length.
582
583 c. No less than 25% of building wall frontage on major streets must have transparent
584 doors and windows.
585
586 d. Office uses may only be 20% of the ground floor public street facing building façade.
587
588 e. For properties with frontages on more than one street, storefronts shall be located on a
589 minimum of two public streets.
590
591 f. No less than 30% of all upper floor street facing building facades shall be fenestrated.
592
593 g. No mirror-type, dark-tinted, or colored glass is permitted for windows and doors in the MXB
594 district.
595
596 h. Window signs are prohibited.
597

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS

- 598 i. Ground floor window sills shall be no more than 24 inches above grade.
599
600 j. No wall-in or window-in air conditioning units are permitted.
601
602 k. All HVAC, mechanical and electrical equipment shall not be visible from the street.
603
604 2. External access and internal circulation.
605
606 a. Drive-thru facilities are prohibited.
607
608 b. The internal vehicular circulation system must follow a pattern of intersecting streets that
609 provide alternative routes.
610
611 c. Points of external access and alignments of internal roadways must facilitate use of public
612 transit. This includes dedication of rights-of-way sufficient for bus pull-outs and bus shelters,
613 as well as transit easements on private streets.
614
615 d. A comprehensive pedestrian and bicycle circulation system must link all uses, with the intent
616 of minimizing walking distances and reducing dependence on the private automobile for
617 internal travel and external access; and include:
618
619 i. Pedestrian sidewalks within the rights-of-way of Cape Coral Parkway;
620 ii. Pedestrian pathways and bikeways within open space areas, in addition to the sidewalks;
621 and
622 iii. Safe and convenient access to retail and service uses, community and public facilities, and
623 public transit, carpool, or vanpool services.
624
625 3. Public facilities and utilities.
626
627 a. All utility lines must be placed underground.
628
629 b. Street lighting must be provided.
630
631 D. Green area and public use space requirements. The minimum amount of green area is 10 percent of
632 the gross area of the site. This green area must include the following:
633
634 1. Within the nonresidential area, a plaza for public use;
635
636 2. Within the residential area, a public park or common open space suitable for active or passive
637 recreation within a reasonable walking distance of any area devoted to multi-family or single-
638 family attached dwelling units; and
639
640 3. Street trees are required on public streets. Street trees shall be placed at a maximum of 30' on
641 center.
642
643 E. Outdoor sound amplification. In addition to the requirements found in Section 5.10.3, the following
644 regulations shall apply:

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

1. Sound amplification devices shall be oriented toward the use hosting the device, and shall not be oriented toward surrounding residential uses.
2. A proposal to establish an outdoor venue in the MXB district is required to submit a site plan amendment. All proposed outdoor venues associated with a new business shall submit a site plan application to the City which shall be subject to review and approval by the HEX. The site plan amendment shall be reviewed in accordance with the following:
 - a. For waterfront properties, no site plan amendment shall be approved unless the information provided by the applicant indicates that the outdoor sound amplification equipment will be oriented and located in a way that sound will not be projected directly towards the water, unless, the information provided shows that sound barriers or other means of noise attenuation shall be placed so as to substantially reduce the amplified sound that would otherwise impact adjacent properties or adjacent street right-of-way.
 - b. For all other properties, no outdoor amplified sound plans shall be approved unless the information provided by the applicant indicates that the outdoor sound amplification equipment will be oriented toward the interior of the property, unless the information provided shows that sound barriers or other means of noise attenuation shall be placed to substantially reduce the amplified sound that would otherwise impact adjacent properties or adjacent street right-of-way.
 - i. The outdoor amplified sound equipment and any sound barriers or other attenuation devices approved as part of the plan shall comply with any applicable requirements of the Florida Building Code, including any local amendments.
 - ii. No amplified sound equipment shall be operated in a manner which violates Cape Coral Code of Ordinances Chapter 23, Protected species; and
 - iii. Amplified sound equipment shall be placed no higher than six feet above grade.
- F. Specific regulations for multi-family residences; single family attached 3 units or greater; commercial parking lots and parking garages as a standalone use; bars; craft brewery, distilleries, and wineries; mobile food trucks; arenas and amphitheaters; and home occupations are found in Article 5, Chapter 12 and 13.

Section 4.5.14. 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:
 1. To provide for an integrated mix of uses that includes:
 - a. A diversity of housing options;
 - b. A diversity of commercial, office, research and development, and institutional uses providing employment as well as goods and services; and

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS

- 692
- 693 c. Adequate open space for active and passive recreation that encourages public interaction.
- 694
- 695 2. To provide for access via a circulation system and pattern that encourages travel on foot and by
- 696 bicycle within the neighborhood and the use of public transit for external travel, augmented by
- 697 locations for automobile parking that do not inhibit such circulation.
- 698
- 699 3. To provide, where appropriate, for integration and compatibility of residential uses with
- 700 commercial, office, research and development, or institutional uses.
- 701
- 702 4. To establish land use and design standards that will ensure compatibility with surrounding uses.
- 703
- 704 5. To establish standards and procedures through which the land use objectives and guidelines of
- 705 an approved and adopted master or area plan serve as the basis for evaluating an individual multi-
- 706 use neighborhood proposal.
- 707
- 708 6. To authorize development that is consistent or may be shown to be consistent with applicable
- 709 laws, regulations, and restrictions addressing environmental protection.
- 710
- 711 B. Where applicable. Land classified MX7 must be in an area for which an approved and adopted Use
- 712 same language as above master or area plan recommends mixed use development at an appropriate
- 713 scale.
- 714
- 715 C. Location. The location of properties identified as MX7 are limited to those identified in the Seven
- 716 Islands Master Plan. Properties identified as MX7 are limited to Tracts A-G, and I, and Blocks 6400-
- 717 6408, Unit 76, Cape Coral Subdivision.
- 718
- 719 D. Residential. Any type of dwelling unit as well as any accessory use is allowed, so long as the location
- 720 and mix of types must be consistent with the Seven Islands Master Plan. A residential use may be
- 721 intermixed with a nonresidential use or uses in the same block, lot, or building.
- 722
- 723 E. Maximum residential dwelling units and non-residential square footage. The maximum number of
- 724 residential dwelling units is 995 dwelling units, and non-residential square footage is 110,000 square
- 725 feet, no less than 40,000 of which is a community center. The mix of residential dwelling units and
- 726 non-residential square footage shall be in accordance with the Seven Islands Master Plan, concept D1.
- 727
- 728 F. Compatibility and design standards. All uses must conform to the guidelines of the Seven Islands
- 729 Master Plan. Uses must be compatible with existing or planned development on or adjacent to the
- 730 site.
- 731
- 732 1. Height and Orientation.
- 733
- 734 a. No building may be constructed to a height greater than 8 stories/115 feet, or as indicated in
- 735 the Seven Islands Master Plan, Concept D1.
- 736

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS

- b. A building primarily used for retail or office use must be oriented toward the street on which it fronts. Off-street parking shall be kept to a minimum between the building and the front lot line.

2. External access and internal circulation.

- a. The internal vehicular circulation system must follow a pattern of intersecting streets that provide alternative routes.
- b. Points of external access and alignments of internal roadways must facilitate use of public transit. This includes providing sufficient rights-of-way for bus pull-outs and bus shelters, as well as transit easements on private streets.
- c. A comprehensive pedestrian and bicycle circulation system must link all uses, with the intent of minimizing walking distances and reducing dependence on the private automobile for internal travel and external access; and include:
- i. Pedestrian sidewalks within the rights-of-way of Old Burnt Store Road and Tropicana Parkway;
 - ii. Pedestrian pathways and bikeways within open space areas, in addition to the sidewalks, when environmental factors do not prohibit the construction of paths and bikeways; and
 - iii. Safe and convenient access to retail and service uses, community and public facilities, and public transit, carpool, or vanpool services.

3. Public facilities and utilities.

- a. All utility lines must be placed underground.
- b. Street lighting must be provided in accordance with the site plan.

G. Green area and public use space requirements. The minimum amount of green area is 30 percent of the gross area of the site. This green area must include the following:

1. Within the nonresidential area, a plaza for public use;
2. Within the residential area, a public park or common open space suitable for active or passive recreation within a reasonable walking distance of any area devoted to multi-family or single-family attached dwelling units; and
3. Integration of active and passive spaces to encourage joint use by employees and residents, subject to the following criteria:
 - a. Active open spaces include large, open play fields, local parks, and small recreation areas;
 - b. Passive open space areas and preserve natural features such as trees and wetlands; and
 - c. Active and passive open spaces will not be isolated from the Seven Islands development.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS

H. Surface parking. The form, arrangement, and landscaping of off-street surface parking for multi-family dwellings and commercial uses are designed to avoid large expanses of paved area. Parking shall be away from the street frontage and in the interior of the lot, unless the City Council makes a finding that parking between the building and front lot line will serve the purposes of the district more effectively than an interior location.

I. Drive-thru lanes prohibited. To encourage pedestrian-friendliness, no use may utilize drive-thru lanes in the MX7 district.

J. Specific regulations for multi-family residences; single family attached 3 units or greater; commercial parking lots and parking garages as a standalone use; movie theaters; craft brewery, distilleries, and wineries; mobile food trucks; and home occupations are found in Article 5, Chapter 12 and 13.

Section 4.5.15. 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. Developments providing affordable housing are incentivized by providing greater residential density, and building height than that permitted by right.

Specific conditions for multi-family residential and vehicle fueling stations are in Article 5, Chapter 12.

A. Maximum Density and Height

Table 4.5.15. Maximum Density and Height

	Maximum Height (stories/feet, whichever is less)	Maximum Density (du/acre)
Baseline	6/95	50
Minimum 20% of Units Affordable	10/120	70

1. All buildings or portions of buildings within 200 feet of the R1 zoning district shall be limited to six stories or 95 feet, whichever is less.

2. Maximum building height shall not apply to the following building components: elevator and stair bulkheads; solar energy systems; shade devices associated with parking structures or recreational amenities; skylights or similar components associated with daylighting; and mechanical equipment, provided that such equipment is architecturally screened on all sides.

B. Standards for site design. Sites shall be designed to incorporate safe and convenient vehicular use areas and pedestrian ways, with landscape, lighting, and signage treatments intended to result in a comprehensive design.

1. Streets. Streets in the South Cape zoning district are classified as follows:

a. Primary streets

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS**

- i. Cape Coral Parkway
 - ii. Coronado Parkway
 - iii. SE 47th Terrace
 - b. Secondary streets. All streets other than those included as a primary street within the boundaries of the SC district.
 - i. Del Prado Boulevard
 - ii. Miramar Street
 - iii. Lafayette Street
 - iv. SE 46th Lane, Street
 - v. SE 10th Lane
 - vi. Leonard Street
 - c. Local streets. All streets other than those included as a primary or secondary.
2. Building setbacks.
- a. Front. The following front setbacks are established based upon the established street types:
 - i. Primary: minimum, 8 feet; maximum 12 feet
 - ii. Secondary: minimum 8 feet; maximum None
 - b. Side.
 - i. If adjacent to an alley, a 5-foot setback is required; otherwise, 0.
 - ii. If adjacent to single family property, a minimum ten-foot setback, is required inclusive of a five-foot landscaped strip.
 - iii. If adjacent to existing ROW, see subsection (a) above.
 - iv. If adjacent to a navigable waterway, fifteen feet.
 - v. If adjacent to a public utility easement, a minimum 6-foot setback is required.
 - c. Rear.
 - i. If adjacent to an alley, a 5-foot setback is required.
 - ii. If adjacent to single family property, a minimum ten-foot setback, is required inclusive of a five-foot landscaped strip; otherwise 0.
 - iii. If adjacent to existing ROW, see subsection (a) above.
 - iv. If adjacent to a navigable waterway, fifteen feet
 - d. Variations in required in setbacks may be approved by the DCD Director to accommodate pedestrian amenities, such as public plazas, pedestrian entries, outdoor dining areas and similar public use areas, or landscaping.
3. Street Frontage Standards:
- a. Parking structures or buildings elevated over surface parking lots shall have an occupied ground floor space for a minimum depth of 20 feet from the frontage lines.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS

- b. Properties with a frontage along a primary street, residential 1st floors are permitted beyond a depth of 50 feet from the building setback. Buildings shall have a principal pedestrian entrance on a primary frontage line.
- c. Properties with a frontage along a primary that abut an alley, vehicular egress shall be provided from the alley rather than a frontage line.
- d. No loading docks and service areas shall be on primary street frontage lines.
- e. Outdoor storage areas are not permitted on primary street frontages.

C. Parking Requirements. Parking requirements for the South Cape district can be found in Article 6.

D. Affordable Housing Density Incentive. Density incentives are opportunities offered to property owners and applicants to meet specific development goals while providing benefits to the community at large. Developers who dedicate a minimum of 20% of the total units as affordable will be eligible for increased density in accordance with Table 4.7.4.a Maximum Density and Height.

1. Location of Units. Affordable units must be provided on-site.
2. Maximum Number of Units. Developers shall not dedicate more than 50% of the total units as affordable.
3. Criteria for affordable housing. The affordable housing development incentive shall be available to a development only when an affordable housing incentive development agreement has been entered into by the applicant and the City of Cape Coral and such agreement has been approved by the City Attorney and the City of Cape Coral prior to execution. Amendments to such agreement shall be executed in the same manner as the original agreement. The affordable housing incentive development agreement shall include, at a minimum, the following provisions:
 - a. Legal description of the land subject to the agreement and the names of its legal and equitable owners;
 - b. Total number of residential dwelling units in the development;
 - c. Minimum number of affordable housing units, categorized by level of household income, type of unit (condominium or rental), and number of bedrooms, required in the development;
 - d. Total number of affordable housing dwelling units permitted in the development;
 - e. Gross residential density of the development;
 - f. Amount of monthly rent for rental units, or the price and conditions under which a condominium unit will be sold, for each affordable housing unit;

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS

- g. The price of affordable housing units offered for rent or sale shall be based on the number of bedrooms in the unit and shall not exceed low income limits established annually by the United States Department of Housing and Urban Development for the Metropolitan Statistical Area which includes the Cape Coral downtown CRA;
- h. No affordable housing unit in the development shall be rented or sold to a tenant whose household income has not been verified as an income qualified family. Such verification shall be the responsibility of the owner and shall be submitted to the City for approval.
- i. No affordable housing unit that is to be sold, leased with option to purchase, or otherwise conveyed by the development shall be sold, leased with option to purchase, or otherwise conveyed to a buyer whose household income has not been verified and certified in accordance with this subsection as low-income family. Such verification and certification shall be the responsibility of the applicant and shall be submitted to the City for approval. It is the intent of this subsection to keep housing affordable; therefore, any person who buys an affordable housing unit must agree, in a lien instrument to be recorded with the Clerk of the Circuit Court of Lee County, Florida, that if he or she sells the property (including the land, the unit, or any combination thereof) within 15 years after his or her original purchase at a sales price in excess of 5% per year of his original purchase price that he or she will pay to the City of Cape Coral an amount equal to the sales price in excess of 5% increase per year. The lien instrument may be subordinated to a qualifying first mortgage at the option of the city. For example, a person originally buys a designated affordable housing unit for \$100,000 and sells it after five years for \$150,000. A 5% increase per year for five years will give a value of \$127,628. Deducting this amount from the sales price of \$150,000 gives a difference of \$22,372. The seller would then owe the City of Cape Coral \$22,372. Payment of this amount would release the first owner from the recorded lien against the property. Such payment shall be maintained in a segregated fund, established by the city solely for affordable housing purposes, and such money shall be used solely to encourage, provide for, or promote affordable housing in the City of Cape Coral;
- j. No affordable housing unit for which credit is awarded shall be occupied by the applicant, any person related to or affiliated with the applicant, or a resident manager;
- k. The applicant shall advertise, rent, sell, and maintain the affordable housing unit in a nondiscriminatory manner and make available all relevant information to any person who is interested in renting or purchasing such affordable housing unit. The applicant shall agree to be responsible for payment of any real estate commissions and fees. The affordable housing units in the development shall be identified on all building plans submitted to the city and described in the application for affordable housing development incentive;
- l. Except as required in this subsection, the applicant shall not disclose to persons, other than the potential tenant, buyer or lender of the particular affordable housing unit or units, which units in the development are designated as affordable housing units;
- m. The square footage, construction and design of the affordable housing units shall be the same as market rate dwelling units in the development;

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 4 – ZONING DISTRICTS

- 965 n. The affordable housing units shall be integrated with, and not segregated from, the market
966 rate dwelling units in the development. The conditions contained in the affordable housing
967 incentive development agreement shall constitute covenants, restrictions, and conditions
968 which shall run with the land and shall be binding upon the property and every person
969 having any interest therein at anytime and from time to time. The affordable housing
970 incentive development agreement shall be recorded in the official records of Lee County,
971 Florida, subsequent to the recording of the deed pursuant to which the applicant acquired
972 fee simple title to the property;
973
- 974 o. In the case where a development will occur in more than one phase, the percentage of
975 affordable housing units to which the applicant has committed for the total development
976 shall be maintained in each phase and shall be constructed as part of each phase of the
977 development on the property. For example, if the total development's affordable housing
978 development incentive is based on the provision of 10% of the total dwelling units as
979 affordable housing rental units for low income households with two bedrooms per unit,
980 then each phase shall maintain that same percentage (10% in this case) cumulatively.
981
- 982 p. Each affordable housing unit shall be restricted to remain and be maintained as an
983 affordable housing unit designated in accordance with the affordable housing incentive
984 development agreement for at least 15 years from the issuance of a certificate of occupancy
985 for such unit; and
986
- 987 q. The applicant and owner of the development shall provide on-site management to assure
988 appropriate security, maintenance and appearance of the development and the dwelling
989 units where these issues are a factor.
990
- 991 3. Certificate of Occupancy. A certificate of occupancy shall not be issued to any affordable unit
992 until all affordable housing requirements applicable to that unit are satisfied. If, after the
993 issuance of the first certificate of occupancy, the city determines any requirement in this
994 subsection has not been met, then the city may revoke the certificate of occupancy and would
995 subject the applicant or owner to any penalty imposed by law.
996
- 997 E. Specific regulations for multi-family residences; commercial parking lots and parking garages as a
998 standalone use; vehicle fueling stations; craft brewery, distilleries, and wineries; mobile food trucks;
999 wireless antennas; and home occupations are found in Article 5, Chapter 12 and 13.

1000

Item Number:	5.C.
Meeting Date:	4/4/2018
Item Type:	BUSINESS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:
Article 10

REQUESTED ACTION:

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?
2. Is this a Strategic Decision?
If Yes, Priority Goals Supported are listed below.
If No, will it harm the intent or success of the Strategic Plan?

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Wyatt	Division-	Department of Community	
Daltry		Development	Department- (DCD)

SOURCE OF ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Article 10 Subdivison	Backup Material

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 10 - SUBDIVISIONS**

CHAPTER 1. SUBDIVISIONS

- Section 10.1.1.** Purpose and intent
- Section 10.1.2.** Applicability and Process
- Section 10.1.3.** General Requirements
- Section 10.1.4.** Preliminary Subdivision Approval
- Section 10.1.5.** Construction Plans
- Section 10.1.6.** Final Plats

Chapter 1. Subdivisions

Section 10.1.1. Purpose and Intent

The purpose and intent of this Article is to establish the procedures for the subdivision and re-subdivision (replats) of land in accordance with Chapter XXX>XXX Florida Statutes and this Code.

Section 10.1.2 Applicability and Process.

A. Applicability. This Section shall apply to any subdivision or re-subdivision of land in the City.

1. No subdivision shall be platted or recorded, no lot shall be sold, and no building or development permit be issued unless the subdivision meets all applicable laws of the state, this code, and has been approved by the City in accordance with the requirements of this Article.
2. This section shall not apply to any land forming part of a subdivision created and recorded prior to effective date of the ordinance from which this article is derived, but it shall apply to any re-subdividing (replats) of previously approved subdivisions and all new subdivisions.
3. It is not intended by the provisions of these regulations to repeal, abrogate, annul or in any way, impair or interfere with private restrictions placed upon property by deed, covenant, or private agreement except that where this article imposes higher standards than imposed by such deeds, covenants, or private agreements then the provisions of this article shall apply. The City shall not be responsible for enforcement of such deeds, covenants, or agreements.

B. Unless otherwise exempt from this Section or approved as a lot split, all subdivision of land is subject to a three-step review process consisting of:

1. Preliminary subdivision approval;
2. Construction plan approval; and
3. Final Plat approval and recording.

Section 10.1.3 General Requirements.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 10 - SUBDIVISIONS

- 47 A. All division of land in the City shall occur only as a subdivision, a replat, or a lot split. The requirements
48 for lot splits are set forth in Article 3, Chapter X, Section Y.
49
- 50 B. No lot split shall be recognized by the City, no lot that is part of a lot split shall be sold, and no building
51 permit shall be issued unless the lot split has been approved by the City prior to recording in
52 accordance with the requirements of Article 3, Chapter X, Section Y.
53
- 54 C. A Preliminary Subdivision depicts the design of the proposed subdivision and the extent and location
55 of any required improvements. The Preliminary Subdivision review and approval process follows the
56 same requirements for an Administrative Permit as set forth in Article 3 of this Code. Following
57 Preliminary Subdivision approval, applicants may then seek construction plan and Final Plat approval.
58 A Final Plat is approval and recording of the legal subdivision of land subject to Florida Statutes
59 177.011—177.151.
60
- 61 D. Construction plans depict the detailed engineering and construction plans to develop a subdivision
62 and all required improvement, in accordance with the approved preliminary subdivision.
63
- 64 E. No final plat of any subdivision shall be recorded in the office of the Lee County Clerk until the
65 subdivision or replat has been duly approved by the City in the manner prescribed herein.
66
- 67 F. All final plats shall be recorded by the Lee County Clerk according to the standards and legal form
68 required by Florida Statutes 177.
69
- 70 G. It shall be unlawful for the owner or agent of the owner of any land in the City to transfer, sell, or
71 convey land by reference to, exhibition of, or other use of a plat of a subdivision of such land without
72 having recorded an approved final plat with the Lee County Clerk as required herein. If such unlawful
73 use is made of a plat before it is properly approved and recorded, the owner or agent shall be guilty
74 of a misdemeanor of the first degree, punishable as provided in Florida Statutes 665.083 or Florida
75 Statutes 775.082.
76

77 **Section 10.1.4 Preliminary Subdivision Approval.**
78

- 79 A. Purpose and intent. The purpose of the Preliminary Subdivision is to present the proposed subdivision
80 design and proposed improvements in sufficient detail in order that it may be evaluated pursuant to
81 this Code.
82
- 83 B. Preliminary Subdivision procedures.
84
- 85 1. Community Development Department Review. Applications for a preliminary subdivision are filed
86 with the Community Development Department and reviewed in the same manner as
87 administrative approvals, in accordance with Article 3, Chapter 1 of this Code.
88
- 89 2. Specific preliminary plat submittal requirements. All Preliminary Subdivisions must comply with
90 the City of Cape Coral Technical Guidelines for Subdivision Approval, which are hereby
91 incorporated by reference.
92

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 10 - SUBDIVISIONS

3. Staff review and recommendation. When the Development Services Manager determines that the Preliminary Subdivision and required data meet the provisions of this section and the City Engineering Administrative Rules, a written recommendation shall be submitted to the applicant and the Director.

4. Decision. Upon receipt of the recommendations of the Development Services Manager, the Community Development Director shall determine if additional information or review is determined necessary to make a decision or shall either approve, approve with conditions, or disapprove the preliminary subdivision. When an application is disapproved, the Director shall state the reasons for disapproval and indicate what further actions, if any, by the applicant may be undertaken to bring the proposed Preliminary Subdivision into compliance with the City comprehensive plan or this Land Development Code.

C. Applications for construction plan approval and Final Plats. Following Preliminary Subdivision approval, the applicant may proceed with applications for:

1. Construction Plan review approval (see X); and
2. Final Plat review and approval (see X).

D. Expiration. The Preliminary Subdivision approval shall expire and be of no further force and effect if a completed application for a final plat or construction plans is not filed within one year of Preliminary Plat approval. After expiration of one year, the applicant will be required to re-submit the Preliminary Subdivision for review and approval as set forth in this Article.

Section 10.1.5 Construction Plans

A. Application required. The applicant shall submit construction plans for required improvements for a subdivision. No construction shall be initiated until the applicant has received requisite design approvals and complied with applicable provisions of this article, including the following:

1. Timing. Applications for construction plan approval must be submitted within twelve (12) months of approval of the Preliminary Subdivision by the City. Applications for approval of subsequent phases, if any, shall occur within twelve (12) months of the issuance of a certification of completion of the previous phase. Failure to submit for construction plan approval within a specified amount of time shall require reapplication under the Preliminary Subdivision requirements of this Article. Applicants may not apply for construction plan approval for any portion of the Preliminary Subdivision that is not to be constructed within the following twelve (12) months. Failure to make application for construction plan approval within required time periods may result in revocation of a Preliminary Subdivision, unless the applicant has applied for an extension from the Community Development Director prior to the lapse. The request for the extension must be made in writing and filed with the Community Development Director a minimum of ninety (90) days prior to the expiration date. The applicant shall demonstrate good cause for the extension. The Community Development Director may extend the prescribed time period up to twelve (12) months if the applicant has progressed in good faith toward the implementation of the Preliminary Subdivision.

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 10 - SUBDIVISIONS**

- 139
- 140 2. Approval. The Development Services Manager must find that the proposed construction is in
- 141 compliance with the approved Preliminary Subdivision and the requirements of this Article. The
- 142 Development Services Manager may approve, conditionally approve, or deny the application for
- 143 construction plan approval. Upon approval, the applicant may proceed with construction of the
- 144 required improvements. Any departures from the Preliminary Subdivision approval must be
- 145 approved by the Community Development Director.
- 146
- 147 B. Administration of construction. After approval of the construction plans, the applicant may construct
- 148 the required improvements, subject to obtaining all required permits. The Development Services
- 149 Manager shall be notified in advance of the date of commencement of such construction and the
- 150 applicant shall schedule a preconstruction meeting where representatives of the developer, the City,
- 151 contractors, and franchise utilities shall discuss the construction of the subdivision improvements. The
- 152 Development Services Manager may waive the preconstruction meeting if the improvements
- 153 associated with subdivision do not warrant such detailed review and discussion.
- 154
- 155 C. Supervision and inspection by the Development Services Manager. Construction shall be performed
- 156 under the supervision of, and shall at all times be subject to review by the Development Services
- 157 Manager or other representative designated by the City. However, this in no way shall relieve the
- 158 applicant and his engineer of the responsibility for close field coordination and final compliance with
- 159 the approved plans, specifications, and the requirements of this article.
- 160
- 161 D. Construction administration by state registered engineer. The applicant shall employ a Florida
- 162 registered engineer for complete administration of the construction of the required improvements.
- 163 The applicant shall require progress reports and final certification of the construction of the required
- 164 improvements from such engineer be filed with the Development Services Manager.
- 165
- 166 E. Right to enter. The Development Services Manager or duly authorized representative shall have the
- 167 right to enter upon the property for the purpose of inspecting the quality of materials and
- 168 workmanship and reviewing the construction of required improvements during the progress of such
- 169 construction.
- 170
- 171 F. Stop work orders. The Development Services Manager shall have authority to stop work upon failure
- 172 of the applicant or his engineer to coordinate the construction of the required improvements
- 173 prescribed by this article.
- 174
- 175 G. Final inspections. Upon completion of the required improvements, the applicant's engineer shall give
- 176 the Development Services Manager not less than three (3) working days' notice to make the final
- 177 inspection of the required improvements, landscaping, and sign installations. The Development
- 178 Services Manager shall have the authority to withhold or deny approval of certificates of occupancy
- 179 relative to buildings or structures of a subdivision until the construction and installation of required
- 180 improvements of that subdivision have been satisfactorily completed pursuant to the provisions of
- 181 this Land Development Code.
- 182
- 183 H. Electronic file. The applicant of a Preliminary Subdivision Plat or a final plat shall submit to the
- 184 Development Services Manager an electronic file of all approved illustrations, including Preliminary

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 10 - SUBDIVISIONS

Subdivision Plat, final plat, and construction plans, in a format acceptable to the City. The Development Services Manager may waive this requirement if the applicant demonstrates that creation of such electronic files is a hardship. The final plat shall not be recorded and the Development Services Manager shall not issue a certificate of completion until any required electronic file is submitted to the Development Services Manager.

I. Acceptance and maintenance of required improvements.

1. The City shall not release or allow development of a subdivision until the required dedications and public improvements are in place and comply with the requirements of this Land Development Code. Required improvements shall not be considered complete until a completion certificate, along with the final project records, including three (3) sets of as-built drawings certified by an appropriate professional registered in the state, have been furnished to, reviewed, and approved by the Development Services Manager. The certificate shall be certified by the applicant's engineer stating that the required improvements were installed under his responsible direction and that the improvements conform to the approved construction plans and this article. The engineer shall also furnish a copy of each of the construction plans on a high quality, durable reproducible material acceptable to the Development Services Manager, showing the original design in comparison to the actual finished work and a copy of the measurements, tests, and reports made on the work and material during the progress of the construction.
2. The applicant's engineer shall furnish to the Development Services Manager in writing a sealed and signed certificate stating that the required improvements have been completed in accordance with the approved plan and comply with this article and all other applicable codes. Any recommendations for acceptance of the dedication shall be subject to the inspection and approval of the Development Services Manager. The Development Services Manager shall accept the subject dedications at such time as all improvements meet or exceed the standards set forth by this article. The Development Services Manager may require laboratory or field tests as well as staged inspections at the expense of the applicant when appropriate. Any failure of work or materials to conform to the plans and specifications or failure to notify the City in time for indicated inspections shall be cause for the City Council to reject the facilities.
3. Where a final plat is recorded prior to completion of required improvements, pursuant to subsection **D (3)**, the City shall not accept maintenance or liability responsibilities until such time as the Development Services Manager determines that all improvements and dedications comply with the technical and procedural standards of this LDC. The applicant shall retain maintenance and liability responsibility until the City accepts the improvement.

J. Applicant's failure to complete required improvements.

1. Premature recording of plats or failure of applicant to complete required improvements. When a plat has been recorded and the applicant fails to complete the required improvements as required by this article, the City shall require the completion of the required improvements under the guarantees provided by the applicant. In such case, the City shall call upon the guarantees to secure satisfactory completion of the required improvements. Legal notice of such action shall be deemed to have been duly served upon posting via certified mail return receipt requested. Upon

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 10 - SUBDIVISIONS

the completion of construction of the required improvements, the Development Services Manager shall report to the City Council and the City Council shall accept by resolution the dedications and maintenance responsibility as indicated on the plat. In such cases, the remaining guarantees posted by the applicant shall be retained for a period of one (1) year after completion in lieu of the agreement. Any defects occurring during this period shall be repaired using funds remaining in the guarantee.

2. In cases where plat has not been recorded. Where an applicant has elected to install the required improvements prior to approval of, and prior to recording of the plat and fails to complete such improvements within the time limitations of this article, all approvals of the subdivision shall be null and void and the land shall revert to its original state. No reference shall be made to the plat with respect to the sale of lots or issuance of building permits, unless and until the plat has been resubmitted with all of the supplementary material and approvals as herein prescribed have been granted.

Section 10.1.6 Final Plats.

- A. Final plat approval procedures. The Final Plat shall incorporate all changes or modifications required in the Preliminary Subdivision approval. To the extent that any such modifications have not been made, the applicant shall indicate in writing as part of the application the grounds for any such departure.
- B. Staff review. Upon receipt of the final plat, the City shall review the plat for completeness and adherence to the approved preliminary subdivision and attached conditions, if any. If the final plat is substantially in accord with the approved preliminary subdivision and all previous requirements, fulfills all attached special conditions, is complete, and reflects all required certifications and dedications, the Community Development Director shall approve the final plat. The final plat is then scheduled for City Council approval.
- C. Revisions after final plat approval and prior to recordation.
 2. Any changes, erasures, modifications, or revisions to an approved plat prior to recordation may only be made by the Community Development Director to correct scrivener's errors, reflect accurate legal descriptions, or to locate right-of-way dedications, drainage ways, and easements. However, no such request shall be considered unless the application is made by the preparer of the final plat.
 3. No other changes, erasures, modifications, or revisions may be made to an approved final plat prior to recordation unless a new application and fee are submitted for review and approval.
- D. After the final plat has been approved and certified by the Community Development Director that it complies with all applicable requirements of this Code, the Mayor and City Clerk shall indicate such approval on the final plat by signing the certificate of approval for recording.
- E. Recording. The final plat shall then be recorded by the applicant within twenty (20) days of certificate of approval in the public records of Lee County. After recordation of the final plat, the

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 10 - SUBDIVISIONS**

Community Development Director shall obtain from the applicant a full size certified copy of the recorded final plat.

- F. Building permits. No building permits for residential or residential accessory structures shall be issued until the final plat has been recorded and all subdivision improvements required in Cape Coral Engineering and Design Standards (e.g., monuments, streets, sidewalks, parks, fire hydrants) have either been completed or sufficiently bonded on a form to be reviewed and approved by the City Attorney.
- G. Withholding of public improvements. The City shall withhold all public improvements including the maintenance of streets, the furnishing of sewage facilities and water service from all subdivisions that have not been approved, and from all areas dedicated to the public which have not been accepted in the manner set forth herein.
- H. Schedule of development phases. The applicant may schedule proposed development phases within any proposed subdivision. The scheduled development phases shall have been specified on the approved Preliminary Subdivision and shall be of such a size and design and be scheduled so that all portions completed at any time can exist independently as a subdivision in complete conformity with the requirements of this article. Any change in the schedule of phases must receive prior approval by the Development Services Manager. If phased, the applicant shall have the option of requesting either final plat approval or issuance of a certificate of completion on one (1) or more of the development phases in conformity with all the procedures and requirements of this article.

Item Number:	5.D.
Meeting Date:	4/4/2018
Item Type:	BUSINESS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Article 5 Development Standards 2

REQUESTED ACTION:

STRATEGIC PLAN INFO:

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

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Wyatt	Division-	Department of Community	
Daltry		Development	Department- (DCD)

SOURCE OF ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Article 5 Development Standards2	Backup Material

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

CHAPTER 1. GENERAL REQUIREMENTS FOR ALL DEVELOPMENT

- Section 5.1.1. Purpose and Intent
- Section 5.1.2. Connection to utilities.
- Section. 5.1.3. Requirements for underground utilities.
- Section 5.1.4. Access required.
- Section 5.1.5. Protection of underground pipelines and utilities.
- Section 5.1.6. Protection of easements.
- Section. 5.1.7. Required visibility triangles.
- Section 5.1.8. Sidewalks and alleys.
- Section 5.1.10. Maintenance of city rights-of-way.
- Section 5.1.11. Building numbers and addresses.
- Section 5.1.12. General regulations for lots, yards, and setbacks.
- Section 5.1.13. Single-family residential standards
- Section 5.1.14. Multi-family residential.
- Section 5.1.15. Dumpster Enclosures.
- Section 5.1.16. Outdoor seating.

CHAPTER 2 ACCESSORY STRUCTURES

- Section. 5.2.1. General Requirements.
- Section 5.2.2. Accessory Dwelling Units (ADUs)
- Section. 5.2.3. Arbors, trellises, and pergolas.
- Section. 5.2.4. Attached and detached garages.
- Section. 5.2.5. Courts and playing surfaces.
- Section. 5.2.6. Decks.
- Section. 5.2.7. Fences and walls.
- Section.5.2.8. Flags and Flagpoles.
- Section. 5.2.9. Fountains, reflecting pools, and sculptures.
- Section. 5.2.10. Gazebos, sun shelters, and similar structures.
- Section. 5.2.11. Guest houses.
- Section. 5.2.12. Play or recreation equipment.
- Section. 5.2.13. Sheds and greenhouses.
- Section. 5.2.14. Solar Photovoltaic (PV) Arrays.
- Section. 5.2.15. Swimming Pools.

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

CHAPTER 3. Land Clearing, Filling, Excavation, and Construction Sites.

Section 5.3.1. Borrow pits; regulation of removal or extraction of dirt, soil, sand, rock, oil, gas, etc.; procedures.

Section. 5.3.2. Land Clearing, Filling, and, Excavation.

Section. 5.3.3. Construction Site Maintenance.

CHAPTER 4. MARINE IMPROVEMENTS.

Section. 5.4.1. Purpose and Intent

Section. 5.4.2. General Requirements.

Section. 5.4.3. Dimensional Standards

Section 5.4.5. Joint Marine Improvements.

Section. 5.4.6. Quays and mooring piles.

Section. 5.4.7. Davits, watercraft lifts, and floating docks.

Section. 5.4.8. Boathouses and canopies.

Section. 5.4.9. Bulkheads, seawalls, and retaining walls.

CHAPTER 5. LANDSCAPING

Section 5.5.1. Purpose and intent.

Section 5.5.2. Florida-Friendly Landscaping Program principles.

Section 5.5.3. Applicability.

Section 5.5.4. Exemption.

Section 5.5.5. Conflicts.

Section 5.5.6. Landscape plans.

Section 5.5.7. Planting near utility infrastructure.

Section 5.5.8. Existing trees.

Section 5.5.9. Prohibited vegetation.

Section 5.5.10. Quality, size, spacing, and species mix.

Section 5.5.11. Planting in public drainage or utility easements.

Section 5.5.12. Single-family homes and duplexes.

Section 5.5.13. Landscaping for all development other than single-family homes and duplexes.

Section 5.5.14. Irrigation.

Section 5.5.15. Tree credits.

Section 5.5.16. Landscape maintenance.

Section 5.5.17. Planting in medians.

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

65 Section 5.5.18. Cul-de-sac or roundabout landscaping.

66 Section 5.5.19. Lateral right-of-way planting.

67 Section 5.5.20. Deviations.

68 **CHAPTER 6. LIGHTING.**

69 Section. 5.6.1. Purpose and applicability.

70 Section. 5.6.2. Outdoor lighting standards.

71 **CHAPTER 7. SCREENING**

72 Section. 5.7.1. Screening of rooftop equipment.

73 Section. 5.7.2. Screening of storage areas.

74 Section. 5.7.3. Air conditioning units and mechanical equipment.

75 Section. 5.7.4. Permanently installed stand-by generators.

76 **CHAPTER 8. NON-RESIDENTIAL DESIGN STANDARDS.**

77 Section 5.8.1. Purpose and Intent.

78 Section 5.8.2. Applicability.

79 Section 5.8.3. Exemptions.

80 Section 5.8.4. Conflicts.

81 Section 5.8.5. Appearance, Building Mass, and Design Treatments.

82 Section 5.8.6. Wall Height Transition.

83 Section 5.8.7. Building Materials.

84 Section 5.8.8. Roofs.

85 Section 5.8.9. Building Design Standards in the SC District.

86 Section 5.8.10. Equipment and Loading Areas

87 Section 5.8.11. Deviations.

88 **CHAPTER 9. NOISE.**

89 Section. 5.9.1. Generally.

90 Section. 5.9.2. Permit required.

91 Section. 5.9.3. Operation of outdoor sound amplification devices.

92 **CHAPTER 10. TEMPORARY USES.**

93 Section. 5.10.1. Purpose and applicability.

94 Section. 5.10.2. Firework, pumpkin, and Christmas tree sales.

95 Section. 5.10.3. Outdoor display of merchandise.

96 Section. 5.10.4. Garage sales.

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

- 97 Section. 5.10.5. Temporary construction or field office.
- 98 Section 5.10.6. Construction staging areas and post disaster debris staging
- 99 Section. 5.10.7. Temporary sales office.
- 100 Section. 5.10.8. Temporary Storage Containers.
- 101 Section 5.10.9. Temporary Habitable Structures
- 102 Section. 5.10.10. Special events.
- 103 Section 5.10.11. Temporary Off-Site Vehicle Sales.
- 104 Section. 5.10.12. Tents, for other than Special Events.
- 105 Section. 5.10.13. Other events not named.
- 106 **Chapter 11. - SPECIFIC USE REGULATIONS**
- 107 Section. 5.11.1. Purpose and applicability.
- 108 Section. 5.11.2. Craft breweries, distilleries, and wineries.
- 109 Section. 5.11.3. Duplex.
- 110 Section. 5.11.4. - Home occupations.
- 111 Section. 5.11.5. RV resorts
- 112 Section. 5.11.6. Micro cottage Village Development (MCVD)
- 113 Section 5.11.7. Roadside Food and Vegetable Stand.
- 114 Section 5.11.8. Accessory Parking Lots.
- 115 Section. 5.11.9. Solar Arrays.
- 116 Section 5.11.10. Vehicle Sales, Light
- 117 Section 5.11.11. Wireless Communication Facilities
- 118 Section. 5.11.12. Wireless Facility Design standards.
- 119 Section. 5.11.13. Mobile food vendor.
- 120 Section. 5.11.14. Model homes.
- 121 **Chapter 12. - CONDITIONAL USES**
- 122 Section. 5.12.1. Purpose and applicability.
- 123 Section. 5.12.2. Brewpubs.
- 124 Section. 5.12.3. Attached residential of three-units or more.
- 125 Section. 5.12.4. Multi-family dwellings
- 126 Section. 5.12.5. Vehicle Repair, Minor
- 127 Section. 5.12.5. Outdoor Screened Storage
- 128 Section. 5.12.6. Laboratory – Medical, Research, Testing, and Development.

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

Section. 5.12.7. Sporting Facilities, Indoor and Outdoor.

Section. 5.12.8. Boat Sales

Section 5.12.9. Home based businesses

Section. 5.12.10. Self-Storage Facility.

Section. 5.12.11. Vehicle fueling stations.

CHAPTER 1. GENERAL REQUIREMENTS FOR ALL DEVELOPMENT

Section 5.1.1. Purpose and Intent

The purpose of this article is to provide standards for all development in the City of Cape Coral.

Section 5.1.2. Connection to utilities.

All development is required to connect to public or private utilities, as required as by the City of Cape Coral Code of Ordinances, Chapter 19 Water and Sewer Utilities.

Section. 5.1.3. Requirements for underground utilities.

In new residential subdivisions, all utility lines (including electrical power distribution, telephone, communication, street lighting, and cable television signal service) shall be installed underground. This Section shall apply to all cable, conduits, or wires forming part of an electrical distribution system, including service lines to individual properties.

However, this Section shall not apply to wires, conductors, or associated apparatus and supporting structures whose exclusive function is in transmission of electrical energy between generating stations, substations, transmission lines of other utility systems, and main distribution feeder electric lines delivering power to local distribution systems. Appurtenances such as transformer boxes, pedestal-mounted terminal boxes, and meter cabinets may be placed above ground and in such a manner as to minimize noise effects upon the surrounding residential properties.

The developer shall provide for the necessary costs and other arrangements for such underground utility installation.

For all new buildings in the Corridor, South Cape, and PUD zoning districts, all onsite utilities including, but not limited to, telephone, electricity, cable television, and other wires of all kinds shall be placed underground. However, appurtenances to these systems that require aboveground installation including, but not limited to, utility panel boxes are exempt from this requirement if the appurtenances are not placed in front yards. When such appurtenances are located in utility easements abutting a platted alley, they shall be located at least ten and one-half feet from the centerline of the platted alley. These underground requirements also apply to those improvements to non-conforming structures that exceed the 50% thresholds as described in Article y, Nonconformities. All utility infrastructures, including electric utility poles and power lines, shall be concealed from public view wherever possible and shall not be located on any property that abuts streets or sidewalks wherever possible. All new

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

electric distribution lines shall be located in utility easements abutting platted alleys and their utility poles shall be positioned so that a minimum clearance of ten and one-half feet from the centerline of any platted alley is maintained. For properties that do not have a rear platted alley, the electric distribution lines and utility poles shall be located in the rear utility easement wherever possible.

On blocks in the South Cape District, where overhead or underground utility lines have been placed in the six-foot PUE, a property owner shall choose one of the following options:

Relocate the utility lines to the alley or other acceptable location, at the property owner's sole expense and subject to approval by the affected utility provider(s) and the City of Cape Coral; or

Place a concrete sidewalk, or architectural elements, on the front six-foot property setback. If overhead electric lines are in place, no awnings, canopies, balconies, colonnades, arcades, or front porches may be constructed forward of this line even if otherwise required by this code. If underground lines of any type are in place, the property owner is solely responsible for repairing any damage to lawful encroachments into the six-foot easement resulting from maintenance or improvements to utility lines.

Section 5.1.4. Access required.

Except as otherwise provided, all building sites shall have access on a street or a road shown on an approved and recorded final plat. One or more buildings may have no direct access to a street provided that the approving authority finds that such building site(s) have adequate indirect access to a street such as a recorded easement or right-of-way through or over another parcel. The city may prohibit direct access from a parcel or building site to a street when the approving authority finds that prohibition of direct access would promote the public health, safety, and welfare based on factors including traffic or transportation safety and when the parcel or building site could be afforded indirect access to a street or other road via another parcel or building site.

Section 5.1.5. Protection of underground pipelines and utilities.

A. Intent. It is the intent of the City Council to protect underground pipelines and utilities from destruction or damage to prevent:

1. Death or injury to persons;
2. Property damage to private and public property; and
3. Loss of essential pipeline or utility services to the general public.

B. Notice requirements for excavation. No excavator shall make or begin any excavation on public property or dedicated easements without first obtaining information concerning the possible location of utility lines in the area of the proposed excavation. The excavator may obtain such information by contacting each entity who may have utility facilities in the area of the proposed excavation. Such contact may be made by telephone, written correspondence, e-mail, messenger, or in person.

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

- 219 C. Notice requirements when marking of lines is necessary. If marking of utility lines is necessary, the
220 excavator shall notify that entity so that the entity receives notification at least 48 hours (excluding
221 Saturdays, Sundays and legal holidays) prior to the commencement of the excavation. When
222 marking is necessary the utility line concerned shall be marked by the entity. Marking of a utility
223 line is necessary when:
224
- 225 1. A proposed excavation, except blasting, is planned with five feet of a utility line located on
226 public property or a dedicated easement.
 - 227
 - 228 2. A proposed excavation, by blasting, is planned in such proximity to a utility line that the utility
229 line will be destroyed, damaged, or disturbed.
 - 230
- 231 D. Penalties for violation. Any person violating this section shall be punished as provided in the Code
232 of Ordinances of the City of Cape Coral.

233
234 **Section 5.1.6. Protection of easements.**
235

- 236 A. In the R-1, RML, RE, and A zoning districts, the six-foot easement around the perimeter of sites shall
237 be preserved and nothing shall be placed or constructed on such easements other than a paved
238 driveway, walkway, sidewalk, fences or well. In addition, for non-residential uses lawfully located
239 in residential zoning districts, paved off-street parking areas may be placed or constructed on the
240 six-foot easement around the perimeter of the site.
241
- 242 B. In the RMM zoning district, where lot depth is greater than 131 feet, the six-foot easement around
243 the perimeter of the sites shall be preserved and nothing shall be placed or constructed on such
244 easement other than a paved driveway, walkway, sidewalk, paved off-street parking areas, or a well
245 when site conditions make it impractical to locate elsewhere. On sites with a depth of less than 131
246 feet, paving of the front easement for parking purposes shall be permitted.
247
- 248 C. Lawn sprinkler systems and landscaping may be placed in the 6' PUE easements as permitted by the
249 Code of Ordinances or the Land Development Code.
250
- 251 D. In the C, CC, I, INST, MX, MXB, MX7, NC, P, and SC zoning districts, paved off-street parking areas,
252 paved driveways, sidewalks, wells, walkways at ground level, lawn sprinkler systems, or landscaping
253 may be placed in an easement provided that all other requirements of the Code of Ordinances or
254 the Land Development Code are met.
255
- 256 E. Nothing in this section shall prohibit the construction of seawalls, davits, docks, or other structures
257 as permitted by the Cape Coral Code of Ordinances.
258
- 259 F. If a utility removes, damages, or disturbs the construction or other material within an easement as
260 allowed by this section, the property owner shall be responsible for the cost of its removal,
261 relocation, repair, or replacement. If any plant material in an easement required by Chapter 5 of
262 this Article of the Land Development Code is removed or damaged, the property owner shall replace
263 all such material within 30 days of the completion of the utility work. In addition, prior to issuing a
264 permit to locate, place, construct, or install any structure, construction, driveway, or other material

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

in an easement, the city may require the property owner to agree to indemnify and to hold the city harmless from any or all costs or expenses incurred as a result of such location, placement, construction, or installation in the easement.

- G. The city may deny applications to place wells, fences, walls, or other materials in an easement if such would conflict with existing or proposed utilities or drainage functions.

Section. 5.1.7. Required visibility triangles.

As an aid to allow for safe operation of vehicles, pedestrians, and cyclists in the proximity of intersecting streets, driveways, alleys, and bicycle paths, there shall be limitations on the height of fences, walls, gateways, ornamental structures, signs, hedges, shrubbery, and other fixtures as visually depicted in the Cape Coral Engineering and Design Standards and as follows:

- A. All landscaping and signs within the visibility triangle shall provide unobstructed visibility between 30 inches and eight feet, with the exception of tree trunks that do not create a traffic hazard.
- B. The property owner shall be responsible for maintaining all landscaping within the visibility triangle.
- C. Landscaping, except required turf and ground cover, shall not be closer than five feet from the edge of any roadway and three feet from the edge of any alley or pavement.
- D. It shall be unlawful for any person to plant or cause to be planted any tree or shrub or to place any structure in the public right-of-way without the necessary permit.
- E. The elevation grades of the public right-of-way adjacent to private property shall not be altered.
- F. The Community Development Director shall make the final determination regarding visibility triangles.

Section 5.1.8. Sidewalks and alleys.

- A. Non-Residential Zoning Districts. As part of construction of each building erected in non-residential zoning districts (C, CC, I, INST, MX, MXB, MX7, NC, P, and SC) sidewalks shall be installed prior to the issuance of a certificate of occupancy pursuant to the standards and specifications set forth in the City of Cape Coral Engineering Design Standards.
- B. All sidewalk, curbs, and gutters shall be constructed to the widths shown in the City of Cape Coral Engineering Design Standards, except where a sidewalk has been installed and the established width is less than five feet, the minimum width of the sidewalk to be installed shall be the width of the existing sidewalk.
- C. All improvements in the public right of way such as curbing, street paving, and gutters shall be constructed according to the City of Cape Coral Engineering and Design Standards.

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

- 310 D. Lot owners who erect buildings or change the use on only a portion of a lot must provide the curbs,
311 sidewalks, and gutters for the entirety of the property, as required by this subsection, which shall
312 be at the expense of the lot owner.
313
- 314 E. As part of the construction of each building erected in the C, CC, I, INST, MX, MXB, MX7, NC, P, and
315 SC zoning districts adjacent to a platted alley the alley shall be improved prior to the issuance of a
316 certificate of occupancy. Such alley portion shall be constructed in accordance with the Engineering
317 Design Standards along the length of the property line of the site lying adjacent to the platted alley.
318 In addition to new construction in the C, CC, I, INST, MX, MXB, MX7, NC, P, and SC zoning districts,
319 alterations to existing sites lying adjacent to a platted alley shall be required to make the alley
320 improvements required by this section if the value of such alterations exceeds 50% of the
321 replacement value of the site improvements. These improvements include parking areas, internal
322 curbing, and retention areas but exclude internal, previously existing modifications to the building.
323
- 324 F. Payment in Lieu of Construction. At the discretion of the City, the City may accept payment in lieu of
325 construction for all or part of the off-site improvements required by the City. For projects where
326 payment in lieu of construction will be employed, the developer shall submit to the City 110% of the
327 estimated cost of the improvements as prepared by a professional engineer licensed in the state of
328 Florida, which shall be reviewed and approved by the City. The developer shall provide the City with
329 payment for all construction costs prior to the issuance of a development permit for the site.
330
- 331 G. Residential. As part of the construction of each building erected in the R1, RML, RMM, RE, and A
332 zoning districts, sidewalks shall be required adjacent to streets designated for sidewalks by the
333 Comprehensive Plan Traffic Circulation Element and Bicycle Pedestrian Plan. This does not apply to
334 existing structures that are being remodeled or repaired.
335

336 **Section 5.1.9. Work in the Public Right-of-Way and Public Utility Easements**
337

- 338 A. General. Except as provided below, no construction, change, modification, or alteration of any
339 type or nature whatsoever, including, but not limited to, the addition or removal of fill,
340 vegetation, or other materials, and/or the placement, installation or erection of any object or
341 vegetation, shall be allowed within a city-owned right-of-way or swale, except as provided in
342 Chapter 1 of this Article.
343
- 344 B. No permit required. The following work and/or activities shall be allowed in the public right-of-
345 way or roadway easement areas without the necessity of a city permit:
346
- 347 1. Trimming, cutting, and/or maintenance of trees, shrubs, and other vegetation existing as of
348 the effective date of this ordinance in the public rights-of-way or swales;
349
- 350 2. Markers, commonly known as buttons, turtles, or half-moons, may be placed 18 inches from
351 the edge of the pavement in residential zoning districts provided that such markers shall not
352 exceed a height of four inches. However, no markers shall be placed within any public right-
353 of-way which is adjacent to a roadway with four or more lanes;
354

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

3. Mailboxes may be placed in the public rights-of-way or swales so long as they are in accordance with the City of Cape Coral Engineering Design Standards. The mailbox may be immediately surrounded by a small bed consisting of landscape edging materials or concrete curbing, bedding plants and/or groundcover, and mulch or decorative rock provided that such decorative rock shall not exceed four inches when measured in any direction, pursuant to Chapter 5 of this Article. In no event shall the diameter of the plant bed exceed two feet when measured from the outer-most edges of any landscape edging material or concrete curbing utilized;

- C. Permit required. The following work and/or activities shall be allowed in the public right-of-way or roadway easement areas provided that the property owner first obtains a permit from the city:
1. Culvert installation and appurtenant work;
 2. Sod installation and appurtenant work;
 3. Driveway installation and appurtenant work;
 4. Curb, gutter, sidewalk, sod, and paving without alley improvements;
 5. Curb, gutter, sidewalk, sod, and paving, with alley improvements;
 6. Installation of sprinkler systems. However, if the sprinkler system is disturbed, damaged, or destroyed by the City performing work in the public right-of-way, the owner shall be solely responsible for any cost resulting from such disturbance, damage to, or destruction of the sprinkler system in the right-of-way; and
 7. Median landscaping as permitted in Chapter 5 of this Article.
- D. Under no circumstances shall any of the activities permitted above result in any change, modification, or alteration of any type whatsoever, to the established grade, slope, or contour of the public swale or right-of-way not specifically addressed by the *City of Cape Coral Engineering Design Standards* .
- E. None of the prohibitions contained in this ordinance shall apply to any construction, change, modification, or alteration within a public right-of-way or swale which is performed by or required by a governmental entity or public utility.
- F. Public Utilities. No public utility including electric, phone, cable tv, internet, cellular, or gas company will be allowed to install or maintain facilities, begin construction, change, modify, or alter in any way whatsoever the public right-of-way, swale, or adjacent public utility easements, including the addition or removal of fill, vegetation, or other materials, without a permit.

Section 5.1.10. Maintenance of city rights-of-way.

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

All property owners shall be responsible to either maintain or construct the city-owned right-of-way lying between their property boundaries and the city pavement, to include the following standards.

- A. Prior to preparation of a building lot for construction, the building permit holder shall obtain the correct swale flow line elevations from the Engineering Department and proceed immediately to create the required swale needed to allow continuous uninterrupted flow of stormwater throughout the construction process.
- B. During construction or reconstruction straw bales or other approved erosion control devices shall be placed in the swale adjacent to both property lines to impede all foreign matter from entering the stormwater system. The erosion control devices shall remain in place until placement of final sod in the right-of-way.
- C. No excavated material or construction material shall restrict stormwater flow within the swale area.
- D. Upon issuance of the certificate of occupancy, the owner shall maintain the swale indefinitely to the same standard that is applied to privately-owned property.
- E. All pavement cuts must be repaired to meet or exceed engineering design standards.

Section 5.1.11. Building numbers and addresses.

All buildings in the City of Cape Coral shall display a proper building number at least four feet from the ground level. All building numbers shall be visible from the public right-of-way which the front of the building faces. Building numbers of sufficient size which are affixed to both sides of mail boxes on such right-of-way or building numbers which are affixed to lawful signs not attached to the building may be substituted for number affixed to buildings.

Section 5.1.12. General regulations for lots, yards, and setbacks.

- A. Double frontage other than corner lots. Double frontage other than corner lots shall meet front setback regulations on all adjacent streets.
- B. Corner lots. In the SC and MXB zoning district(s), corner lots shall be deemed to have front lot lines abutting all street right-of-way lines. For corner lots in all other zoning districts, the following shall apply:
 - 1. The front of any building site shall be determined by the lesser dimension of a single lot (not building site). This frontage shall have the established setback for the particular zoning district, but in no instance be less than 25 feet.
 - 2. The remaining street frontage shall have a setback of no less than ten feet in all zoning districts. The remaining street frontage shall be maintained as a front yard and the regulations for fences, shrubbery, and walls of this ordinance shall apply.

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

3. On sites bounded by three streets, one lot line shall be designated by the Director as the rear and maintained as the rear setback of that zoning district. For purposes of this section, all but the rear yard shall be maintained as a front yard and the regulations for fences, shrubbery, and walls of this ordinance shall apply.

4. The front of a single-family residential building shall not be offset from the front property line by an angle greater than 45 degrees.

- C. No parcel shall be reduced below the minimum dimensional requirements in the zoning district.

Section 5.1.13. Single-family residential standards

In addition to all other provisions of this Code, single-family residential uses shall be subject to the following requirements.

- A. In the R1 and RE zoning districts only one single family residence shall be permitted per parcel.
- B. Ornamental walls. Ornamental walls attached to the principal building shall have the following requirements
1. Ornamental walls shall not be higher than four feet at any point where they extend beyond the roof overhang and into the side setback.
 2. Ornamental walls may extend into the side setback but shall not extend into the six-foot perimeter easements.
 3. An ornamental wall not to exceed 30 inches in height may be installed in the front yard.
 4. Ornamental walls may be in the form of a planter.
 4. A planter may be incorporated into the construction of a wingwall.
- C. Water discharge. All gutter downspouts or similar water discharge devices shall direct the discharge to the front or rear property lines.

Section 5.1.14. Multi-family residential.

In addition to other provisions of this ordinance, single-family attached structures, duplexes, and multi-family residential uses shall be subject to the following requirements.

- A. Distance between buildings.
1. Clustered buildings. Buildings may be constructed on proper building sites in cluster style providing a minimum of 20 feet is maintained between the buildings up to a height of 38 feet.

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

a. One foot shall be added to the 20-foot distance for every foot of height increase over 38 feet.

b. Carports will not be considered in determining the 20-foot distance between buildings.

B. Water discharge.

1. Water discharge. All gutter downspouts or similar water discharge devices shall direct the discharge to the front or rear property lines.

2. This provision shall be applicable only to duplexes in multi-family residential uses.

Section 5.1.15. Dumpster Enclosures.

Except where noted below, all sites with uses other than single-family residences and duplexes, shall provide commercial trash receptacles in accordance with the regulations in this section.

A. Screening.

1. Except for the SC and MXB Districts, when commercial trash receptacles are in a rear yard that abuts an alley, all commercial trash receptacles shall be enclosed from view on at least three sides by an opaque visual barrier.

2. When a commercial trash receptacle is visible from an adjacent property or an adjacent street, at ground level, then the commercial trash receptacle shall be enclosed on the fourth side by an opaque gate that shall be the same height as the opaque visual barrier on the other three sides.

3. The principal structure may be used as the opaque visual barrier on one or more sides provided the commercial trash receptacle is completely concealed from view.

B. Materials.

1. The following materials, either singly or in any combination, are the only materials that may be used for the opaque visual barrier and gate:

a. Wood fencing;

b. Plastic or vinyl fencing;

c. Concrete block and stucco wall;

d. Brick wall; or

e. Formed, decorative, or precast concrete.

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

2. Chain link fencing, whether singly, or combination with other materials, including plastic slats, shall be prohibited.

3. Gates shall be constructed of a durable, opaque material, consistent or complimentary in color with the enclosure and of a height to screen the container.

C. Location.

1. Commercial trash receptacles shall not be located on unimproved sites.

2. Commercial trash receptacles and accompanying visual barriers, are subject to the following minimum setbacks:

a. Six feet from the front property lines in the SC and MXB Districts.

b. Three feet from alley rights-of-way.

3. When located in a public utility or drainage easement, the property owner shall be solely responsible for removal of the commercial trash receptacle as well as for any cost resulting from disturbance, damage, destruction, or restoration of the receptacle resulting from work associated with utilities in such easement. Prior to issuing a permit, the City may require the property owner to agree, in writing, to indemnify and to hold the city harmless from any costs or expenses resulting from placing a commercial trash receptacle in an easement.

4. A commercial trash receptacle may be placed on an adjoining property provided that the premises are adjacent to or directly behind the development and written consent of the adjoining property owner is submitted to and approved by the Director. The adjoining property owner may revoke this consent upon written notice to the development and the Director. The development shall have 30 days from revocation to relocate the commercial trash receptacle and to comply with all requirements of this section.

5. Developments within 25 feet of a City-owned parking lot may, upon approval by the Director, locate enclosures on the City-owned parking lot. Approval may be revoked at any time, upon reasonable notification, by the City.

D. Dimensions. The dumpster enclosure shall have a minimum interior dimension of ten feet by ten feet and a height at least six inches higher than the enclosed commercial trash receptacle. Neither the dumpster enclosure or the gate providing access to the commercial trash receptacle shall be considered a fence or a wall pursuant to the City Code of Ordinances or Land Development Code.

E. All dumpster enclosures shall be located so that a sanitation vehicle has physical access to the commercial trash receptacle that is adequate for safely servicing the facility.

F. Each commercial trash receptacle shall be located on a concrete pad.

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

- G. All solid waste or other refuse, including recycling materials stored in commercial trash receptacles, shall be concealed by a lid attached that shall remain in the closed position unless materials are being placed into the receptacle or the receptacle is being serviced. No material shall be permitted to overflow the receptacle.
- H. In the event a commercial trash receptacle is in a dumpster enclosure that includes a gate, regardless of whether such a gate would have been required pursuant to this section, the gate shall be of a type that opens sufficiently to allow unimpeded access to the trash receptacle by the sanitation vehicle and shall have drop pins, hooks, or other devices installed to hold the gate open while the receptacle is being serviced. All gates shall remain closed unless the receptacle is being serviced.
- I. Deviations. In the event an owner is unable to comply with the requirements of this section, the owner may request an administrative deviation from the Director. In determining whether to approve an administrative deviation, the Director shall consider factors such as dimensions of the property, site constraints such as existing development, or other location factors that may make compliance with this section impossible or impractical. The determination to approve an administrative deviation shall be at the sole discretion of the Director.
- J. Maintenance. Commercial trash containers shall be maintained in a manner which is not a nuisance to surrounding uses.
1. The receptacle shall be stored in the enclosure and the gate(s) to the enclosure shall remain closed at all times unless it is being accessed at that time.
 2. Refuse may not be left outside of the enclosure or on the ground within the enclosure.

Section 5.1.16. Outdoor seating.

Outdoor seating may be permitted as an accessory use to a restaurant, hotel, bar, or fraternal organization provided the following conditions are met:

- A. All outdoor seating:
1. Music may be permitted to be performed or amplified in outdoor seating areas, in accordance with Section 12-22 of the City's Code of Ordinances, or in accordance with a permit per Chapter 9 of this Article.
 2. Parking shall be provided at a rate of 1 parking space per 200 square feet of outdoor seating area.
- B. Outdoor seating in public areas.
1. The number of outdoor seats and tables shall be limited to that number that can be reasonably accommodated according to the available widths of the associated storefront and sidewalk or patio area. Adjacent sidewalk bulb-out areas, even if not directly in front of the associated storefront, may be considered on an individual basis, when the affected storefront owner does not object.

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

2. Clear pedestrian access shall be maintained at all times, and no seating or tables shall interfere with ingress and egress to buildings or create an unsafe situation with street traffic.
3. The sidewalk café owner or operator shall remove any seating or tables when the business is closed, or when an authorized agent of the city makes such a request.
4. Public sidewalks adjacent to any approved sidewalk café shall be properly maintained for safety and cleanliness by the sidewalk café owner or operator on a daily basis. Litter, dirt, grime, grease, and food shall not be permitted to accumulate at any time.
5. An indemnity agreement, provided by the director of Community Development shall be signed and provided by the sidewalk café owner or operator, along with proof of public liability insurance as approved by the city attorney.

CHAPTER 2 ACCESSORY STRUCTURES

Section. 5.2.1. General Requirements.

- A. This chapter shall pertain to residential properties unless otherwise specifically stated herein. Accessory structures on non-residential properties shall be reviewed per the standards of that zoning district. Agriculturally zoned properties shall not be considered residential for purposes of this section.
- B. Accessory buildings shall be constructed to conform to the minimum building requirements and shall meet all other regulations applicable to the district.
- C. Residential accessory buildings shall be in the rear yard, other than those listed in Section 5.2.1, and shall comply with all of the requirements found in this Section.
- D. Accessory structures, such as pergolas, arbors, trellises, and flag poles may be in the rear, side, or front yard of the primary structure. Fences and sheds may be permitted in the rear or side yard of the primary structure.
- E. No accessory structure, including fences, shall be constructed on any residential parcel not containing a primary structure.
- F. Accessory buildings shall be elevated above the base flood elevation (BFE) or provide hydrostatic vents consistent with FEMA regulations.
- G. All nonconforming accessory structures shall be subject to the requirements of Article 8 Nonconformities.
- H. Any accessory structure not listed in this chapter may be reviewed and considered for approval through a similar use determination process.

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

- I. In non-residential districts, all accessory structures shall be reviewed and held to the same standard as a non-residential structure.
- J. Setbacks shall be measured from the property line and must be considered in addition to all other locational requirements.

Table 5.2.1.A. Setback Requirements for Accessory Structures.

Residential Accessory	Setback – measured from property line			Maximum Building Height	Separation Distance
	Front Yard	Side Yard	Rear Yard		
Arbors, trellises, pergolas	Sec 5.17	7.5 ft.	10 ft.	14 ft.	N/A
Courts and Playing Surfaces	X	7.5 ft.	10 ft.	N/A	N/A
Decks, unenclosed	X	7.5 ft.	10 ft.	30 inches	N/A
Detached Garage	X	SAP	10 ft.	14 ft.	5 ft.
Fences and Walls	Per Sec 5.1.12				N/A
Flagpoles	15 ft.	7.5 ft.	10 ft.	35 ft.	N/A
Fountains and Sculptures	15 ft.	10 ft.	10 ft.	Per sec 5.1.15	N/A
Gazebo	X	7.5 ft.	10 ft.	10 ft.	5 ft.
Greenhouse	X	SAP	SAP	15 ft.	5 ft.
Detached guesthouse/ADU's	X	SAP	SAP	14 ft.	5 ft.
Swing sets and similar play structures	X	7.5 ft.	6 ft.	8 ft.	N/A
Solar Photovoltaic (PV) Arrays, at grade	X	7.5 ft.	10 ft.	9 ft.	N/A
Sheds	X	7.5 ft.	10 ft.	14 ft.	5 ft.
Sunshelter	X	7.5 ft.	6 ft. or over a dock	14 ft.	5 ft.
Swimming pools and reflecting pools	X, RE≥3 acres SAP	7.5 ft., RE≥3 acres SAP	10 ft., RE≥3 acres SAP	30 inches	N/A
Swimming Pool Screen enclosure	X, RE≥3 acres SAP	7.5 ft., RE≥3 acres SAP	10 ft., RE≥3 acres SAP	SAP	N/A

X Not permitted
SAP Same as Principle Structure
N/A Not Applicable

Section 5.2.2. Accessory Dwelling Units (ADUs)

- A. All ADUs shall comply with the following:
1. An ADU may be within a single-family detached dwelling or a detached accessory building on the same lot as a principal dwelling.
 2. The accessory dwelling unit must have a bathroom and shall share the same sewage disposal and water supply systems as the principal dwelling unit unless separate sewer and water connections are required by the City of Cape Coral.
 3. A minimum of one additional off-street parking space shall be provided. The additional space shall be on the same lot as the principal dwelling unit.

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

- 694
- 695 4. No new access points or driveways shall be created or installed for access to the ADU.
- 696
- 697 5. The accessory dwelling may contain no more than a living area, one bedroom, one bath, and a
- 698 kitchen.
- 699
- 700 6. The owner of the property shall live in the principal dwelling or the ADU.
- 701
- 702 B. ADUs within a single-family dwelling shall comply with the following:
- 703
- 704 1. There shall only be one entrance to the front of the house. Separate entrances to an ADU are
- 705 permitted at the side or the rear of the principal dwelling unit.
- 706
- 707 2. If the ADU and the principal residence are on the same floor or story, the ADU shall be limited to
- 708 30 percent of the total living area of the principal dwelling or 800 square feet, whichever is less.
- 709 If the ADU is on a single floor or story and there is no increase in the size of the house, the entire
- 710 floor or story may be used for the ADU.
- 711
- 712 C. Detached structures serving as an ADU shall comply with the following:
- 713
- 714 1. May not exceed one story.
- 715
- 716 2. Must comply with the zoning district dimensional regulations.
- 717
- 718 3. Maximum building height shall not exceed 14 ft.
- 719
- 720 4. May not exceed 30 percent of the area of the primary structure or 800 square feet, whichever is
- 721 less.
- 722
- 723 **Section. 5.2.3. Arbors, trellises, and pergolas.**
- 724
- 725 A. Arbors, trellises, and pergolas shall be allowed as freestanding or attached structures. There is no limit
- 726 on the number of attached pergolas, arbors, and trellises per primary structure.
- 727
- 728 B. Freestanding pergolas and arbors are limited to 200 square feet of coverage per single-family
- 729 detached residential property. Freestanding pergolas and arbors are limited to 100 square feet per
- 730 unit of a duplex property.
- 731
- 732 C. The amount of freestanding square footage coverage for multi-family residential developments may
- 733 be determined by the Community Development Director. The criteria for this determination include:
- 734
- 735 1. Design, size, location, and number of proposed arbors, trellises, and pergolas;
- 736
- 737 2. Design, size of property, location, and number of units of the multi-family residential
- 738 development; and
- 739

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

- 740 3. Whether the structure will be contrary to the public interest.

741
742 D. Attached pergolas.

- 743
744 1. Attached pergolas may be placed over the front entrance or walkway into a residence, and must
745 not extend beyond the most forward portion of the primary structure.
746
747 2. A pergola is considered attached if a minimum of 20% of the pergola's perimeter is attached to
748 the primary structure.
749
750 3. A pergola that is attached to a previously-attached pergola is considered to be an extension of
751 the original attached pergola; the enlarged pergola must abide by the setback requirements listed
752 in Table 5.2.1.A.
753

754 E. Pergolas, generally.

- 755
756 1. Pergolas must conform to all zoning requirements in terms of height and setbacks.
757
758 2. The only exception to the prohibition of the placement of a pergola in the rear setback is for
759 pergolas on docks.
760
761 3. If placed in the rear yard of a waterfront property, or on a dock, pergolas must not unreasonably
762 restrict or block the view of the canal or waterway of an adjoining lot.
763

764 **Section. 5.2.4. Attached and detached garages.**

- 765
766 A. All single-family detached and each unit of a duplex structures shall include a garage with minimum
767 dimensions of 14 feet by 20 feet. Carports are prohibited on single-family detached and duplex
768 residential properties requiring a garage.
769

770 B. For attached garages, the following shall apply:

- 771
772 1. A garage shall be considered attached if it shares at least a four-foot length of common wall with
773 the principal structure. Attachment through a roof structure only shall not be adequate to
774 consider the garage attached.
775
776 2. For purposes of this LDC, an attached garage shall be considered to be a part of the principal
777 structure and shall comply with all district regulations for the zoning district in which it is located.
778
779 3. An operable garage door capable of providing access to the garage by a motor vehicle is required.
780
781 4. A driveway providing vehicular access to the garage is required and shall be constructed and
782 maintained in a condition that is safe and free of potholes, and in accordance with the City of
783 Cape Coral Engineering Design Standards.
784
785 5. The garage shall not be included in determining the living area.

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

- 786
787 6. No garage or storage area shall be used as living quarters unless another garage is constructed
788 prior to conversion.
789

790 C. For detached garages, the following shall apply:
791

- 792 1. A detached garage shall meet all of the setback requirements of the principal structure.
793
794 2. A detached garage shall be on the same parcel as the principal structure.
795
796 3. A detached garage shall not exceed 800 square feet in area.
797
798 4. The height of a detached garage shall not exceed 14 feet in height when measured according to
799 the definition of "building height" in the Land Development Code.
800
801 5. An operable garage door capable of providing access to the garage by a motor vehicle is required.
802
803 6. The maximum size and height restrictions shall not apply in the RE district.
804
805 7. No plumbing shall be allowed in a detached garage except that a single one-compartment sink
806 shall be allowed.
807
808 8. The exterior building materials of a detached garage shall conform to the exterior building
809 materials of the principal structure.
810
811 9. A parcel may contain both an attached and detached garage, but only one detached garage shall
812 be permitted.
813

814 **Section. 5.2.5. Courts and playing surfaces.**
815

816 A. Requirements in the R1, RE, RML, and A districts.
817

- 818 1. Lighting is prohibited on all outdoor recreation facilities on all properties containing single-family
819 detached and duplex dwellings.
820
821 2. An opaque landscape hedge shall be planted between a recreational facility and a side or rear
822 property line of different ownership. The landscaping shall be maintained at a minimum of four
823 feet in height and shall be provided along the entire length of the recreational facility.
824

825 B. Requirements in the RMM or other districts with permitted multi-family uses.
826

- 827 1. Lighting may be installed to allow evening use of the facility. All outdoor lighting shall be installed
828 and maintained in such a manner that the light falls substantially within the perimeter of the
829 property through the use of shielding and limitations on intensity. In no instance shall the facility
830 lighting create glare off of the property exceeding 0.3 footcandles which impacts any roadway.
831 Directional lighting may not be installed which shines directly into any dwelling unit.

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

- 832
- 833 2. An opaque landscape buffer, a minimum of four feet in height, shall be installed which shields the
- 834 recreational facility from any adjacent right-of-way. Fencing may be installed to a maximum
- 835 height of ten feet.
- 836

837 **Section. 5.2.6. Decks.**

838

- 839 A. Decks extending into rear or side yard may not exceed a height of 30 inches above grade. Decks over
- 840 30 inches in height shall meet all setbacks.
- 841
- 842 B. Deck height shall be measured from the walking surface of the deck, not the railing.
- 843
- 844 C. Railing shall be spaced in such a way as to allow air and light to pass through.
- 845

846 **Section. 5.2.7. Fences and walls.**

847

848 A. General Requirements.

849

- 850 1. All fences shall be of sound construction and not detract from the surrounding area.
- 851
- 852 2. No barbed wire, spire tips, sharp objects, or electrically charged fences shall be erected, except
- 853 as otherwise provided herein. This shall not be interpreted to mean that bona fide agricultural
- 854 users cannot use barbed wire or electrically charged fences to control livestock when located in
- 855 districts permitting the raising, keeping, or breeding of livestock.
- 856
- 857 3. No fences shall be placed within the visibility triangle.
- 858
- 859 4. If a fence or wall is located in a public utility or drainage easement, the property owner shall be
- 860 solely responsible for removal of the fence or wall as well as for any cost resulting from
- 861 disturbance, damage, or destruction of the fence or wall resulting from work associated with
- 862 utilities or drainage facilities, including those related to alley improvements within such
- 863 easement.
- 864
- 865 5. No fence shall enclose any utility meter, including water and electric service meters. The
- 866 location of any utility meters shall be shown in the permit application. This restriction shall not
- 867 apply to city maintained or constructed facilities.
- 868
- 869 6. Unless the posts or other supports used in connection with the fence or wall are visible from
- 870 and identical in appearance from both sides of the fence, all posts or other supports used in
- 871 connection with the fence or wall shall be on the side of the fence or wall that faces the property
- 872 on which it is to be erected. If a fence or wall is constructed in such a way that only one side of
- 873 the fence is "finished", then the "finished" side of the fence shall face outward toward the street
- 874 or adjoining property (facing away from the property on which it is erected). The "finished" side
- 875 of the fence shall be the side that is painted, coated, or smoothed so as to be more decorative
- 876 in appearance.
- 877

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

- 878 7. Fencing for critical public utilities infrastructure, including water and wastewater facilities and
879 electric and natural gas facilities, which may enclose either an entire site or only an area
880 containing equipment, may be maintained at a height of eight feet. Barbed wire, spire tips,
881 sharp objects, or electrically charged fencing are permitted on the top of fencing around critical
882 infrastructure sites or equipment, however, the height of the fencing together with any barbed
883 wire, spire tips, sharp objects, or electrically charged fencing may not exceed eight feet, and
884 only the top two feet may contain barbed wire, spire tips, sharp objects, or electrically charged
885 fencing.
- 886
- 887 8. A fence shall not be constructed on unimproved property.
- 888
- 889 9. No wall or fence of any kind whatsoever shall be constructed on any lot until after the height,
890 type, design, and location has been approved in writing and proper permit issued by the
891 Director.
- 892
- 893 10. Fencing for recreational facilities may be increased in height to ten feet. Such fencing must
894 immediately enclose the recreational facility. Hooded backstops for diamond sports may be
895 increased to a maximum height of 28 feet. For sports other than diamond sports, backstops
896 may be increased to a height of 12 feet. All fencing at recreational facilities must be constructed
897 of at least nine-gauge fence fabric and schedule 40 tubing.
- 898
- 899 11. A may be maintained at a height greater than otherwise allowed herein if a higher fence height
900 is required by the city for the purpose of screening a special exception use.
- 901
- 902 12. A fence or wall shall be constructed of one or more of the following materials:
- 903
- 904 1. Wood (decay resistant or pressure treated only), shall be painted or stained;
- 905
- 906 2. Concrete block with stucco (CBS);
- 907
- 908 3. Reinforced concrete with stucco;
- 909
- 910 4. Stone or brick, including cast (simulated) stone or brick;
- 911
- 912 5. Concrete;
- 913
- 914 6. Wrought iron;
- 915
- 916 7. Aluminum; or
- 917
- 918 8. Plastic or vinyl.

919
920 For fences or walls located in a public utility or drainage easement, only the following materials
921 are permitted:

- 922
- 923 1. Wood (decay resistant or pressure treated only);

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

- 924
- 925 2. Aluminum;
- 926
- 927 3. Chain-link without slats; or
- 928
- 929 4. Plastic or vinyl.
- 930
- 931 B. Residential Zoning Districts.
- 932
- 933 1. A No fence shall be maintained at a height greater than six feet, and no wall or fence shall be
- 934 erected or placed within the front setback lines of any residential lot, except if a residential use
- 935 abuts property used for commercial or professional purposes, a fence may be maintained at a
- 936 height up to eight feet along the side(s) of the property which abut(s) the property or properties
- 937 containing commercial or professional uses. For purposes of this section, a property shall be
- 938 deemed to abut another property if the two properties are either immediately adjacent to each
- 939 other or separated only by an alley. Properties separated by a street, canal, lake, or other body
- 940 of water shall not be deemed to be abutting properties.
- 941
- 942 2. Any fencing within 20 feet of the rear property line on waterfront sites must be open mesh
- 943 above a height of three feet. The Director may, in his or her discretion, approve minor
- 944 projections above the restricted heights for architectural features.
- 945
- 946 3. No part of a fence shall be located forward of the forward-most part of the side of the principal
- 947 structure to which the fence is closest. In no instance shall a fence enclose any portion of the
- 948 front facade of the principal structure.
- 949
- 950 4. No fence, hedge, or other growth shall be erected on any residential property within the city
- 951 which shall unreasonably restrict or block the view of a canal or other waterway from an
- 952 adjoining lot, or except as required to screen a special exception use. No fence or hedge or
- 953 other growth shall be erected on property which would obstruct the view of either a pedestrian
- 954 or driver of a moving vehicle so as to create a hazard to the health and welfare of its citizens.
- 955
- 956 5. Multi-family developments over 1 acre in size may construct a fence or wall around the entire
- 957 perimeter of the property or in a location not otherwise allowed by this subsection.
- 958
- 959 C. Non-Residential and Mixed-Use Zoning Districts.
- 960
- 961 1. Construction of fences must meet the following restrictions:
- 962
- 963 a. Maximum height: six feet (except that property in a commercial, professional, or mixed-use
- 964 zoning district, which contains a non-residential use, and which abuts a a residential use,
- 965 whether such use is in a residential zoning district or mixed-use zoning district, may erect a
- 966 fence up to eight feet in height along the side(s) of the property which abut(s) a residential
- 967 use. A property shall be deemed to abut another property if the two properties are
- 968 immediately adjacent to each other or separated by only an alley. Properties separated by
- 969 a street, canal, lake, or other body of water shall not be deemed to be abutting properties.

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

b. Required setbacks:

Front	No part of a fence shall be located forward of the forward-most part of the side of the principal structure to which the fence is closest. In no instance shall a fence enclose any portion of the front facade of the principal structure.
Side (not on a corner site)	None
Side (corner site)	None for free-standing residential uses in mixed-use zoning districts; 7 feet for non-residential and compound uses in Marketplace Residential zoning district; 10 feet for non-residential and compound uses in all other commercial, professional, and mixed-use zoning districts
Rear (not on alley)	None
Rear (on alley)	10 feet

D. Multi-family developments over 1 acre in size may construct a fence or wall around the entire perimeter of the property or in a location not otherwise allowed by this subsection.

E. Industrial zoning district:

1. Maximum height: eight feet.
2. Required setbacks: none, except that fences shall be setback 10' from alleys.
3. Fencing shall provide an opaque visual barrier, constructed of materials which conform to applicable codes, to conceal storage areas.

F. Agricultural zoning district:

1. Maximum height: eight feet.
2. Required setbacks: none.

G. Institutional zoning district:

1. Maximum height: eight feet.
2. Required setbacks: none, except that fences shall be setback 10' from alleys.
3. Fencing shall provide an opaque visual barrier, constructed of materials which conform to applicable codes, to conceal storage areas.

H. Preservation zoning district:

1. Maximum height: eight feet.
2. Required setbacks: none.

I. South Cape and MXB zoning district(s):

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

1. Maximum height.

a. When placed in front yards, 42 inches.

b. When not placed in front yards, six feet (except that a property which contains a non-residential use, and which abuts a property containing a residential use, whether such use is in a residential zoning district or mixed-use zoning district, may erect a fence up to eight feet in height along the side(s) of the property which abut(s) a property containing a residential use). For purposes of this subsection, a property shall be deemed to abut another property if the two properties are either immediately adjacent to each other or separated by only an alley. Properties which are separated by a street, canal, lake, or other body of water shall not be deemed to be abutting properties.

c. Fences, walls, and hedges may be maintained at a height greater than otherwise allowed herein if a higher height is required by the city for the purpose of screening a special exception use.

d. Fencing for recreational facilities may be increased in height to ten feet. Such fencing must immediately enclose the recreational facility. Hooded backstops for diamond sports may be increased to a maximum height of 28 feet.

e. Required setbacks:

Front	None
Side or rear (not on alley)	None
Side or rear (on an alley)	15 feet from the alley centerline
Abutting a navigable waterway	10 feet

Section.5.2.8. Flags and Flagpoles.

A. Residential zoning districts or sites with residential uses shall be limited to no more than two flagpoles.

B. In non-residential zoning districts, in mixed use zoning districts, and on sites containing non-residential uses in residential zoning districts, no more than three flagpoles are allowed on a site.

C. Flagpoles shall not exceed 35 feet in height other than those on non-residential properties abutting Pine Island Road which shall not exceed 80 feet in height.

D. The installation of a flag standard on a site does not require a permit. The number of flags that may be displayed on a flagpole or on a single flag standard is not limited.

E. For the purposes of this article, flags on non-residential, private property which contain a symbol other than that of a nation, government, political subdivision, or other entity shall be presumed commercial; however, it shall be considered a rebuttable presumption, which may be overturned by the Director if the evidence contradicting it is true or if a reasonable person of average intelligence could logically conclude from the evidence that the presumption is not valid.

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

Section. 5.2.9. Fountains, reflecting pools, and sculptures.

- A. Fountains and sculptures shall not to exceed 12 feet in height.
- B. Reflecting pools greater than 24 inches in depth deep shall be fenced for safety.

Section. 5.2.10. Gazebos, sun shelters, and similar structures.

- A. All structures on residential single-family detached or duplex parcels may not exceed 150 square feet in roof coverage. The total area of all such structures shall not exceed 300 square feet.
- B. All structures in all other zoning districts may not exceed 300 square feet.
- C. The maximum height shall not exceed 14 feet above grade from the lowest point of the grade under the shelter, including overhangs.
- C. These structures shall not be constructed within six feet of any rear lot line except on waterfront lots where sun shelters are permitted to be constructed on docks. These structures shall not overhang the edges of the dock or be constructed over an easement.

Section. 5.2.11. Guest houses.

- A. Detached structures serving as a guest house shall comply with the following:
 - 1. Guest Houses shall only be on constructed on sites with a principal residential dwelling unit.
 - 2. May not exceed one story.
 - 3. Maximum building height shall not exceed 14 ft.
 - 4. May not exceed 30% of the area of the primary structure or 800 square feet, whichever is less.
- B. A guest house is not a dwelling unit to be rented, it provides only guest accommodations and shall meet the following requirements:
 - 1. A guesthouse may not contain more than two bedrooms.
 - 2. A guesthouse may not contain a kitchen or the electrical or gas connections to install a stove or oven.
 - 3. An additional parking space must be provided for a guesthouse.

Section. 5.2.12. Play or recreation equipment.

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

A. On residential single-family detached and duplex properties, the City shall not be responsible for permitting and inspection of play equipment.

B. Play equipment for other than single-family detached and duplex properties must be permitted and inspected prior to any use.

Section. 5.2.13. Sheds and greenhouses.

A. The maximum height of a shed or greenhouse shall not exceed 15 feet in overall height.

B. The maximum floor area shall not exceed 200 square feet.

C. Sheds and greenhouses are allowed in the R1, RML, RE, and A districts.

D. A lot may contain no more than one shed and one greenhouse.

E. Sheds and greenhouses may be within the side yard of a parcel so long as the shed or greenhouse is screened. Screening is required for that portion of the wall of the shed or greenhouse that is visible from the right-of-way and the nearest adjoining residential property. A wall, fence, shrubs, or a combination thereof may be used to meet screening requirements as follows:

1. If an opaque wall or fence is used for screening, the wall or fence shall be six-feet in height. The wall or fence may be constructed of wood, vinyl, or a material that has the appearance of wood or vinyl, or the wall may be masonry, but not be unfinished concrete block. All other materials are prohibited. A screening wall with a continuous foundation may not encroach into any easement.

2. Alternatively, sheds or greenhouses may be screened with shrubs that meet the following requirements:

a. A row of shrubs planted along both sides of the shed and extend at least five feet beyond the walls of the shed or greenhouse.

b. All shrubs required for screening within this subsection shall be a minimum of 32 inches in height and be in at least a seven-gallon container size at the time of planting. All shrubs shall be planted no more three feet apart as measured on center.

c. All shrubs shall be maintained at a minimum height of six feet at maturity and shall be maintained in good condition as long as the shed requires screening pursuant to this subsection.

3. A shed or greenhouse that would be visible from the right-of-way or from the nearest adjoining property, but for an existing fence, wall, or landscaping that shields the shed or greenhouse is exempt from additional screening requirements. In the event the screening is removed or altered to cause the shed or greenhouse to be visible from the right-of-way or nearest adjoining property, the shed or greenhouse shall be screened in accordance with those requirements outlined above or moved to fully comply with this Section.

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

- 1142
- 1143 4. On a double frontage lot, sheds or greenhouses shall be screened from view from rights-of-way
- 1144 and adjoining properties. **See Diagram 5.1.12. Double frontage lot fence and shed/greenhouses.**
- 1145
- 1146 5. On double frontage lots, sheds or greenhouses in the rear yard shall be setback to a distance
- 1147 equivalent to the front setback of any adjacent lots that are not double frontage lots.
- 1148

1149 **Section. 5.2.14. Solar Photovoltaic (PV) Arrays.**

1150

1151 A. General requirements.

1152

- 1153 1. Permitted accessory equipment. Rooftop photovoltaic solar systems shall be deemed permitted
- 1154 accessory equipment for all buildings in all zoning categories. Nothing contained in this chapter
- 1155 shall be deemed to prohibit the installation of rooftop photovoltaic solar systems on buildings
- 1156 containing legally nonconforming uses.
- 1157
- 1158 2. Maintenance. The photovoltaic system shall be properly maintained and be kept free from
- 1159 hazards, including faulty wiring, loose fastenings, or being maintained in a condition that is unsafe
- 1160 or detrimental to public health, safety, or general welfare.
- 1161
- 1162 3. Abandonment. Abandoned or unused freestanding solar energy systems not in use for a period
- 1163 of 18 months shall be removed at the owner's expense.
- 1164

1165 B. Building-mounted PV systems.

1166

- 1167 1. Roof mounted:
- 1168
- 1169 a. Notwithstanding the height limitations of the zoning district, building mounted solar energy
- 1170 systems shall not extend higher than three feet above the ridge level of a roof, for structures
- 1171 with gable, hip, or gambrel roofs and shall not extend higher than 10 feet above the surface
- 1172 of the roof when installed on flat or shed roof.
- 1173
- 1174 b. The solar collector surface and mounting devices shall be set back not less than one foot from
- 1175 the exterior perimeter of a roof for every one foot that the system extends above the roof
- 1176 surface on which the system is mounted. Solar energy systems that extend less than one foot
- 1177 above the roof surface shall be exempt from this provision.
- 1178
- 1179 2. Wall mounted or flush to a building or structure:
- 1180
- 1181 a. PV arrays are allowed on the walls or sides of any building or structure but shall not encroach
- 1182 into the required front yard setback and may not encroach into side and rear yard setback by
- 1183 more than three feet and shall not extend into or over an easement.
- 1184
- 1185 b. A minimum of nine feet vertical distance shall be maintained under the PV array where
- 1186 needed to provide adequate clearance for pedestrians.
- 1187

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

- c. To the maximum extent possible, wall mounted PV arrays shall be designed as compatible to the structure and surface to which it is attached.

C. At-grade PV systems.

1. Applicability. The following regulations apply to any PV array that is erected or installed at-grade (ground level).
2. Exemptions. The restrictions of this Subsection with respect to height, location, and setbacks are not applicable to any accessory component to a freestanding outdoor lighting fixture, telephone pole, parking meter, or any other similar structure, as determined by the city.
3. Height. The maximum height of any at-grade PV array shall not exceed twelve feet.
4. Residential location. For PV arrays in or abutting residential zoning districts, the minimum setbacks are as follows:
 - a. PV arrays up to nine feet in height shall be setback at least seven and one-half feet from the rear and interior side property lines;
 - b. Arrays greater than nine feet in height shall be setback at least 10 feet from such property lines.
 - c. PV arrays are not allowed within the front setback of a residentially zoned property.
 - d. The area of the solar collector surface of freestanding solar energy systems shall not exceed five percent of the lot area.
5. Commercial location. For PV arrays in non-residential zoning districts and not adjacent to residentially zoned property, at-grade PV systems must meet all setback requirements for a structure within the zoning district.
6. The supporting framework for freestanding solar energy systems shall not include unfinished lumber.

Section. 5.2.15. Swimming Pools.

- A. The construction of portable or permanent swimming pools or hot tubs is prohibited in the front yard of any residential lot, other than RE zoned parcels greater than 3 acres.
- B. Pools, hot tubs, and pool decks in rear or side yards may not exceed a height of 30 inches above grade.
- C. All swimming pools and enclosures constructed or erected on any parcel, other than accessory to a single-family detached or duplex residence, shall meet the minimum yard requirements specified for buildings or structures in the zoning district the construction occurs.

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

- D. Portable swimming pools. Portable swimming pools are prohibited in the front or the side of any residential lot. Portable swimming pools capable of holding 24 inches in depth or more of water shall be anchored into the ground sufficiently to prohibit movement during a hurricane. Portable pools shall be enclosed by a fence or other protective material, or otherwise shall be covered, when not in use, by a protective cover so that a child cannot accidentally enter the pool. Drainage of pools so as to permit the water to run onto property of other people is prohibited. Wading or splash pools not capable of holding 12 inches or more of water are exempt from the provisions of this subsection.

Section. 5.2.16. Unattended donation bins.

Commercial developments may place a donation bin in the parking lot if the parking lot contains a minimum of 125 parking spaces. All donation bins must meet the following requirements:

- A. Bins may not be in a required parking space or a drive aisle;
- B. Bins may not be placed in required landscape buffers and trees may not be removed in order to locate a bin;
- C. Bins shall be maintained in good condition and appearance with no structural damage, holes, or visible rust and shall be free of graffiti;
- D. Bins shall be locked or otherwise secured;
- E. Bins shall contain the following contact information in two-inch type visible from the front of each unattended donation box: the name, address, email, and phone number of the permittee and operator; and
- F. Bins shall be serviced and emptied as needed, but at least once per month, or within five business days of a request by the City. Boxes, garbage, and donation goods shall not be permitted to accumulate around unattended donation bins.

CHAPTER 3. Land Clearing, Filling, Excavation, and Construction Sites.

Section 5.3.1. Borrow pits; regulation of removal or extraction of dirt, soil, sand, rock, oil, gas, etc.; procedures.

- A. Removal or extraction of dirt, soil, and sand.
1. All borrow pits from which dirt, sand or soil has been removed shall be completely enclosed by a fence or earth berm at least six feet in height.
 2. Prior to any such removal or excavation, the following shall be submitted to the Department of Community Development: drainage plans, aerial photo of the site, a plan for development of the total site when the removal is completed, the estimated costs of restoring the site to a safe and developable condition, and a deposit of funds or other financial instruments payable to the City of Cape Coral is required equal to the estimated cost of restoring the site. The estimated

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

cost for restoring the site shall include fence or berm removal, lake bank sloping and stabilization, site grading, seeding or mulching, drainage, and any other items that the Department, Hearing Examiner, or Council deems appropriate to ensure that the site is restored to a safe and usable condition. The plans shall be reviewed by the Hearing Examiner and written recommendation made to the Council prior to application for an excavation permit.

3. Determination of the size of buffer strip necessary shall be made by the Hearing Examiner subject to final approval of the City Council.

B. Removal or extraction of rock, gravel, shell, aggregate, or marl.

1. All such excavations shall be sealed by fencing or grading or other device from general public access. All entrances to said excavation shall be fenced and locked during nonbusiness hours.
2. Prior to any such removal or excavation the following shall be submitted to the Department of Community Development: drainage plans, aerial photograph of the site, a plan for development of the total site when the removal is completed, the estimated costs of restoring the site to a safe and developable condition, and a deposit of funds or other financial instruments payable to the City of Cape Coral is required equal to the estimated cost of restoring the site. The estimated cost for restoring the site shall include fence or berm removal, lake, bank sloping and stabilization, site grading, seeding or mulching, drainage, and any other items that the Department, HEX, or Council deems appropriate to ensure that the site is restored to a safe and usable condition. The plans shall be reviewed by the HEX and written recommendation made to the Council prior to application for an excavation permit.
3. Determination of the size of buffer strip necessary shall be made by the Hearing Examiner subject to final approval by the City Council.
4. No excavation or extraction may be made with explosives without express permission of the Council. Excavation or borrow pit permits involving explosives must be renewed every 90 days.

C. Excavations, removal, or extraction for purposes of oil or gas exploration or production.

1. All such excavations, removals, or extractions shall be sealed by fencing or grading or other device from general public access. All entrances shall be fenced and locked during nonbusiness hours.
2. Prior to any such excavation, removal, or extraction the following shall be submitted to the Department of Community Development: drainage plans, aerial photograph of the site, a plan for development of the total site when the removal is completed, the estimated costs of restoring the site to a safe and developable condition, and a deposit of funds or other financial instruments payable to the City of Cape Coral is required equal to the estimated cost of restoring the site. The estimated cost for restoring the site shall include fence or berm removal, lake, bank sloping and stabilization, site grading, seeding or mulching, drainage, and any other items that the Department, Hearing Examiner, or Council deems appropriate to ensure that the site is restored to a safe and usable condition. The plans shall be reviewed by the HEX and

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

written recommendation made to the Council prior to application for an excavation permit. No permit to drill a gas or oil well shall be issued unless City Council approves the application for such permit by resolution.

3. Determination of the size of buffer strip necessary shall be made by the Hearing Examiner subject to final approval by the City Council.
4. No excavation or extraction may be made with explosives without express permission of the Council. Excavation permits involving explosives must be renewed every 90 days.
5. No person or entity may engage in any oil and gas exploration or production that utilizes well stimulation within the corporate boundaries of the City of Cape Coral or, consistent with F.S. §377.24(6), within the tidal waters of the state abutting or immediately adjacent to the corporate limits of the municipality, or within three miles of the City's corporate limits extending from the line of the mean high tide. As used in this section, the term "well stimulation" shall mean a well intervention, exploration, operation, or maintenance procedure performed by injecting fluid into a rock formation in order to increase production at an oil or gas well by improving the flow of hydrocarbons from the formation into the wellbore. Well stimulation does not include routine well cleaning that does not affect the integrity of the well or the formation.

D. Procedures.

1. The applicant shall meet with the Director and other city staff deemed appropriate by the Director prior to a public hearing with the Hearing Examiner to review staff concerns and to establish the basis for determining cost estimates as required.
2. All excavation or borrow pit requests shall be reviewed by the city staff, the Lee County Health Department, and the Hearing Examiner. After their review and recommendation, the City Council shall call for a public hearing on the application and shall determine whether or not said application shall be granted.
3. If the conceptual plan as presented by the applicant will require a zoning amendment for development, the applicant must prepare and submit a planned development project for the entire project prior to approval of the excavation.
4. If the excavation or borrow pit application is approved, the applicant may then apply for an excavation or borrow pit permit.

Section. 5.3.2. Land Clearing, Filling, and, Excavation.

- A. Proposed alterations to ground elevation or vegetative cover not associated with an approved Site Development Plan, Final Subdivision Plan, or building permit shall be submitted to the Director with an application for a permit for Land Clearing and Fill containing the required plans and documentation. The director may require certification by a registered professional engineer that site improvements

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

have been made in accordance with permits issued pursuant to this Section. The following activities shall require a site improvement permit:

1. Clearing of trees and vegetation without disturbing the soil surface;
2. Clearing including stump removal and grubbing of top soils; and
3. Filling.

B. Maintenance:

1. The applicant shall be responsible for the maintenance, repair, and replacement of all existing vegetation as may be required by the provisions of Chapter 8.
2. In buffer areas and areas outside the impervious cover, plant material shall be tended and maintained in a healthy growing condition and free from refuse and debris. Plant materials required by Chapter 8 of this article which is unhealthy, dying, or dead shall be replaced during the next planting season.

C. Excavation involving more than surface contouring for erosion control is only permitted with approval of a Site Development Plan or Final Subdivision Plan.

D. In all districts, other than agriculture zoning, the city shall not permit any new borrow pits or mining activities, however, reshaping or restoration of existing borrow pits may only be permitted incidental to an approved Site Development Plan or Final Subdivision. Agriculturally zoned lands may propose new borrow pits as a Special Exception.

E. The following land clearing activities shall not require a permit:

1. Removal of invasive plants without disturbance of the soil; or
2. Land clearing for agricultural uses.

Section. 5.3.3. Construction Site Maintenance.

Construction sites shall be maintained in a manner which is non-deleterious to nearby properties. The requirements of this Section set minimum standards for the operation of the project site to eliminate or minimize impacts to the site and to the neighborhood to include vehicle parking and loading area, traffic control, fencing, placement of materials, safety, neatness, and cleanliness.

A. Construction site management plan required. All development and building permit applications must be accompanied by a construction site management plan, unless waived by the building official or development services manager.

1. Parking plan shall include:

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

- 1417 a. Location of on-site and adjacent unpaved portion of the right-of-way parking and the
1418 maximum number of vehicles that will be parked along the unpaved portion of the right-of-
1419 way.
- 1420
- 1421 b. Parking plan for worker vehicles and machinery on the site.
- 1422
- 1423 c. A single access with dimensions.
- 1424
- 1425 2. A temporary fence location, height, and type shall comply with the following:
- 1426
- 1427 a. For the purposes of construction site screening only, chain link fencing is permitted and shall
1428 be faced with a screen mesh.
- 1429
- 1430 b. A maximum height of six feet in residential zoned properties and eight feet in commercially
1431 zoned properties.
- 1432
- 1433 c. Fencing may not be required in agriculture or preservation zoned properties, upon a
1434 determination by the Director.
- 1435
- 1436 3. Construction trailers, loading and unloading areas, and material storage areas shall not be stored
1437 in areas intended for stormwater retention or rain gardens.
- 1438
- 1439 4. Traffic control plans shall include:
- 1440
- 1441 a. Access points with dimensions;
- 1442
- 1443 b. Area to be stabilized and a written plan on staging of construction related traffic including
1444 adequate parking (both on and off-site); and
- 1445
- 1446 c. Plan for delivery of materials.
- 1447
- 1448 B. Approval of plan and waivers. The building official or development services manager shall review,
1449 approve, or deny the construction site management plan and is authorized to grant waivers from
1450 submittal requirements:
- 1451
- 1452 1. If the requirement is unrelated to proposed development;
- 1453
- 1454 2. If the impact of the proposed development is negligible in that submittal requirement area; or
- 1455
- 1456 3. If unusual site conditions do not allow full compliance with this Section.
- 1457

CHAPTER 4. MARINE IMPROVEMENTS.

(Note: Graphics for this Chapter are under construction)

Section. 5.4.1. Purpose and Intent

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

In order to allow all waterfront property the same ability to utilize and access adjacent waterways, the development of docks, wharves, mooring piles, and watercraft moorings must be accomplished in a standard and unified manner. Boat slips and docks may be constructed by the owner of a waterfront lot, with adequate water frontage, where a principal building exists.

Section. 5.4.2. General Requirements.

- A. An applicant who disagrees with the measurement of the calculated waterway width by the city's Geographic Information System (GIS) may submit a survey of the waterway width, prepared by a professional surveyor licensed in the state of Florida, to support the applicant's contention that the calculated waterway width is inaccurate.
- B. No dock or piling shall be permitted that interferes with the right to navigate safely within the waterways of the city. In no event shall the navigable area be reduced to less than 50% of the calculated waterway width.
- C. The elevation of pilings shall not exceed 10 feet above the seawall cap or, if no seawall exists, 13 feet above mean water level.
- D. The elevation of the decking of a marine improvement shall not exceed two feet above the seawall cap, or if no seawall exists, five feet above mean water level. For marine improvements in the Caloosahatchee River, and for marine improvements in canals within 300 feet of the platted shoreline of the Caloosahatchee River, the elevation of the decking shall not exceed four feet above the seawall cap, or if no seawall exists, seven feet above mean water level.
- E. All pilings or mooring posts shall be offset a minimum of two and one-half feet from any storm drain outfall pipe. Such measurement shall be made from the outside edge of the outfall pipe to the center of the piling or mooring post.
- F. All docks permitted under this Section that project from a parcel with a seawall shall have a ladder extending from the dock into the waterway. No ladder extending from a dock into a waterway shall be made of wood.
- G. The property owner shall be solely responsible for compliance with all applicable provisions of the Lee County Manatee Protection Plan.
- H. Prior to the final inspection by the City, the owner shall submit a final signed and sealed survey showing that all construction is in compliance with the requirements of this Code.

Section. 5.4.3. Dimensional Standards

- A. Protrusions into waterway.

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

1. Marine improvements may extend 25% of the calculated waterway width or 40 feet, whichever is less, as measured from the water frontage line, provided the marine improvements are setback 12 feet from each extended side property line.
2. Marine improvements which extend six feet or less into a waterway such as captains' walks, as measured from the water frontage line, may extend the full length of the water frontage of the parcel.
3. Marine improvements in the Caloosahatchee River shall be subject to state and federal regulations.
4. Marine improvements for outside corner parcels, excluding a "T" intersection, of two canals, may extend into the waterways as follows:
 - a. Extend the two waterfrontage lines (Diagram 5.5.4.A.) of the property to a point equal to 25% of the canal width or 40 feet, whichever is less.
 - b. Then, in each intersecting canal, the extended waterfrontage lines shall run parallel to the waterfrontage lines and shall be setback 12 feet from the extended side property line.
 - c. The area formed by the aforesaid lines and area of intersection, shall be the area permitted for marine improvements.
5. Marine improvements for end parcels. Parcels at or adjacent to canal ends or parcels on lakes and basins (excluding outside corner parcels) are subject to the following:
 - a. Except for parcels governed by Section 5.4.4.A, end parcels shall be permitted to have marine improvements projecting into the waterway up to a maximum of 30 feet. Adjacent parcels shall be permitted to have marine improvements projecting into the waterway up to a maximum of 30 feet or 25% of the calculated canal width, whichever is less.
 - b. With respect to end parcels with at least 80 feet of water frontage line, no part of a marine improvement which extends more than six feet in to a canal shall be located less than 12 feet from the ends of the water frontage line of the parcel.
 - c. With respect to end parcels with more than 40 feet, but less than 80 feet, of water frontage line, any part of a marine improvement which extends more than six feet into a canal shall be set back from the ends of the water frontage line of the parcel in accordance with the following formula: $(\text{Parcel Waterfrontage} - 40 \text{ feet}) \times 0.3$.
 - d. The foregoing restrictions shall apply to marine improvements projecting from adjacent parcels (based on the length of their waterfrontage lines) in the same manner as end parcels, except that on the side of the adjacent parcel that abuts an end parcel, a marine improvement may be built up to the side boundary of the adjacent parcel's marine improvement area, as determined pursuant to paragraph vi. Below (See **Diagram 5.5.4.E. and F.**

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

- e. With respect to end and adjacent parcels with 40 feet or less of water frontage, no marine improvement shall extend more than six feet into the canal except in accordance with the following: (Parcel Waterfrontage - 40 feet) x 0.3. The foregoing restrictions shall apply to marine improvements projecting from adjacent parcels (based on the length of their waterfrontage lines) in the same manner as end parcels, except that on the side of the adjacent parcel that abuts an end parcel, a marine improvement may be built up to the side boundary of the adjacent parcel's marine improvement area, as determined pursuant to paragraph v. below.
- f. With respect to end and adjacent parcels with 40 feet or less of water frontage, no marine improvement shall extend more than six feet into the canal except in accordance with the following:
- i. Such a parcel may have either a platform dock not more than ten feet wide and extending not more than 16 feet into the canal or not more than two finger piers (with or without a boat lift) that together total no more than six feet in deck width and that extend not more than 30 feet into the canal.
 - ii. No marine improvement that projects more than six feet into the canal shall extend more than ten feet either side of the center point of the water frontage line of the parcel. Furthermore, no marine improvement shall extend beyond the ends of the water frontage line of the parcel. All marine improvements shall be centered on the centerline of the waterfront parcel's marine improvement area.
7. When a parcel is at the corner of a waterway so as to include water frontage (all under the same ownership) on both the side and end of a waterway, the property owner may install or erect a marine improvement that extends from the side of the waterway to a maximum distance of 25% of the calculated width of the waterway or 30 feet, whichever is less, and from the end of the waterway a distance of 30 feet into the waterway.
8. Except as otherwise provided herein for joint marine improvements, no marine vessel (or any part thereof) when secured in any way to a marine improvement projecting from an end parcel, an adjacent parcel, or a parcel on a lake or basin (excluding outside corner parcels) shall extend beyond the boundaries of the marine improvement area of the parcel as determined pursuant to paragraph vi. below, unless prior written consent of the affected property owner is obtained. Such consent shall be revocable by the affected property owner and shall automatically terminate in the event the ownership of the affected property changes. In the event ownership changes, the written consent of the new owner must be obtained if the marine vessel is to continue to extend beyond the ends of the water frontage of the parcel.
9. Marine improvements that do not project more than six feet into a waterway as measured from the water frontage line may extend the full length of the water frontage of the parcel. However, where the end of a parcel water frontage line abuts the water frontage line of another parcel, the angle at which such two water frontage line ends meet shall be bisected and apportioned equally between the two waterfront parcels. In that event, no marine improvement shall extend beyond the bisector of the angle.

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

10. No marine improvement that projects more than six feet from the water frontage line of the property shall be permitted to be outside of the marine improvement area for a waterfront parcel. The boundaries and dimensions of the marine improvement area shall be determined as follows:
- a. End parcels.
 - i. The access width of the waterway shall be calculated by subtracting from the calculated waterway width twice the maximum distance that a marine improvement along one side of the waterway could lawfully project as determined pursuant to **Section 5.4.4.A.1.**
 - ii. The waterway access ratio shall be calculated by dividing the waterway access width by the calculated width of the waterway.
 - iii. The waterway center point (WCP) shall be located. The WCP is a point on the centerline of the canal 30 feet from the water's end. All marine improvement area lines and intersections are calculated and plotted from the WCP. See **Diagram 5.4.4.B.**
 - iv. Locate on the water frontage line the offset points for the parcel as follows: If the parcel has 80 feet or more of water frontage line, then the offset points shall be located 12 feet from each end of the water frontage line of the parcel. If the parcel has more than 40 feet, but less than 80 feet of water frontage line, then the offset points shall be located in from the ends of the water frontage line the distance (in feet) resulting from the following formula: $(\text{Feet of Water Frontage Line} - 40) \times 0.3$. If the parcel has 40 feet or less of water frontage line, then the ends of the parcel's water frontage line shall be the offset points. See **Diagram 5.4.4.C.**
 - v. From the WCP, plot a line having the same relationship to the WCP as the water frontage line has to the center of the canal end, but with all distances reduced in size by the waterway access ratio. This line is the offset line for the parcel. See **Diagram 5.4.4.D.**
 - vi. The marine improvement area is that area enclosed by the water frontage line, the offset line, and lines connecting the ends of the offset line to corresponding offset points. See **Diagram 5.4.4.E. and F.**
 - b. Adjacent parcels. The marine improvement area for an adjacent parcel shall be calculated in the same manner as that for an end parcel except as follows:
 - i. Adjacent parcel that abuts an end parcel with 40 feet or less of water frontage line. On the side of the adjacent parcel that abuts an end parcel with 40 feet or less of water frontage line, the side boundary of the marine improvement area shall constitute the side boundary of such adjacent parcel's marine improvement area.
 - ii. Adjacent parcel that abuts an end parcel with more than 40 feet of water frontage line. On the side of the adjacent parcel that abuts an end parcel with more than 40 feet of water frontage line, the side boundary of the adjacent parcel's marine improvement area shall be determined by drawing a line from the end of the subject adjacent parcel's water frontage line (on the same side as the subject end parcel) to the nearest terminus point of the subject end parcel's offset line and passing through the adjacent parcel's offset line. The side boundary shall be that portion of the aforesaid line between the end of the adjacent parcel water frontage line and the parcel's offset line. However, in no event shall the side boundary extend beyond the bisector of the angle formed where the adjacent parcel's water frontage line abuts the end parcel's water frontage line. The bisector shall

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

be extended into the waterway the maximum distance a marine improvement could lawfully project within the marine improvement area.

- c. Parcels on lakes and basins (excluding outside corner parcels). A waterfront parcel shall be deemed to be on a lake or a basin if the parcel abuts a body of water identified as a lake or a basin on the officially adopted Future Land Use Map of the City of Cape Coral. Except for outside corner parcels, all waterfront parcels on lakes or basins shall be categorized as corner parcels, adjacent parcels, or end parcels. A corner lake or basin parcel shall be a parcel that either touches or is on both sides of an interior corner of a lake or basin. In other words, a corner lake or basin parcel may be one with a water frontage line that is V-shaped because it physically runs along the edge of the lake or basin, turns at the corner, and continues along the edge of the lake or basin, or it may be a parcel the water frontage line of which ends at a corner of the lake or basin where another side of the lake or basin begins, or it may be a parcel that is angled in such a way that each end of its water frontage line touches a different side of the lake or basin. Also, an adjacent lake or basin parcel shall be a parcel that is on a lake or basin and that abuts at least one corner parcel. All other parcels on lakes or basins and that are neither corner parcels or adjacent parcels shall be treated as end parcels.
- d. The marine improvement area for parcels on lakes or basins shall be calculated as follows:
- i. For an end parcel, the side of the lake or basin upon which the parcel is physically located shall be deemed to be the end of the lake or basin and the sides of the lake or basin shall be deemed to be the sides of the lake or basin running roughly perpendicular to the end of the lake or basin and to the left and to the right of the parcel (when facing the lake or basin). For purposes of this Section, the waterway access ratio for all end lake and basin parcels shall be one. In addition, the WCP for end lake or basin parcels shall be 40 feet into the lake or basin as measured perpendicularly to the lake or basin end from the center of the lake or basin end. All marine improvement area lines and intersections are calculated and plotted from the WCP. The remainder of the marine improvement area boundary calculations for end lake or basin parcels shall be the same as those performed with respect to canal end parcels. **See Diagram 5.4.4.K.**
- ii. For corner lake or basin parcels, the configuration of the marine improvement area shall be determined by the physical configuration of the particular corner parcel. With respect to a corner parcel the water frontage line of which lies entirely on one side or end of a lake or basin, but terminates at the corner of the lake or basin where the other side of the lake or basin begins, the marine improvement area shall be calculated in the same manner as for end lake or basin parcels except that the side boundary of such marine improvement area (on the side where the corner of the lake or basin is located) shall be formed by a line bisecting the angle of such corner and extending to the offset line of the marine improvement area. **See Diagram 5.4.4.L.**
- iii. With respect to a corner parcel that is angled so that each end of its water frontage line is on a different side of the lake or basin or for a corner parcel with a V-shaped water frontage line, the marine improvement area configuration shall be determined as follows: First, calculate the waterway access ratio for each side of the lake or basin in the same manner as the waterway access ratio for a canal is determined. Then measure the distance from the center of each side of the lake or basin touched by the corner property

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

to the end of the water frontage line, or to the offset point, if any, on such side of the lake or basin. Multiply each of the aforesaid distances by the waterway access ratio for the relative side of the lake or basin to obtain the length of the waterway line for each side of the lake or basin. Plot the waterway line from the center of the side of the lake or basin for which it was calculated to a point that is 30 feet waterward from the water frontage line. The offset line for a corner parcel marine improvement area is formed by connecting the two foregoing points. The marine improvement area for the corner parcel is that area enclosed by the parcel water frontage line, the offset line, and lines connecting the ends of the offset line to the corresponding offset points for the parcel, if any, or to the ends of the water frontage line. See **Diagram 5.4.4.M.**

- iv. For adjacent lake or basin parcels, the marine improvement area shall be calculated in the same manner as that for end lake or basin parcels except as follows: With respect to an adjacent lake or basin parcel that abuts a corner parcel with 40 feet or less of water frontage line, the side boundary of the corner parcel marine improvement area (on the side where it abuts the adjacent parcel) shall form the side boundary of the adjacent parcel marine improvement area. With respect to an adjacent lake or basin parcel that abuts a corner parcel with more than 40 feet of water frontage line, the side boundary of the adjacent parcel (on the same side as the subject corner parcel) shall be determined by drawing a line from the end of the adjacent parcel water frontage line to the nearest terminus point of the subject corner parcel offset line and passing through the adjacent parcel offset line. The side boundary of the adjacent parcel shall be that portion of the aforesaid line between the end of the adjacent parcel waterfrontage line and such parcel's offset line. See **Diagram 5.4.4.K.**
 - v. Owners of waterfront parcels on a lake or basin aggrieved by the interpretation or application of this Section to such parcel due to the physical configuration of the particular lake or basin, then the Director may interpret and apply the provisions of this Section so as to alleviate the hardship resulting from the configuration of the lake or basin and so as to enable the waterfront parcel a reasonable marine improvement area.
6. In the event a significant portion of a waterway is not developable on one side due to ecological or other constraints, a marine improvement on the opposite side of the unnavigable portion shall be permitted to project into the waterway up to 50% of the calculated waterway width or 40 feet, whichever is less, as measured from the waterfrontage line.
7. No marine vessel (or any part thereof) when secured in any way to a marine improvement shall extend beyond the ends of the water frontage of the parcel from which the marine improvement projects.
8. All properties adjacent to bridges shall be reviewed individually by the city to determine what, if any, marine improvement may project from that property. Factors to be considered in making this determination include, but are not limited to, public safety and the impact of a planned marine improvement on navigability.
- B. Maximum dock surface area.

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

1. For parcels with a marine improvement extending six feet or less, 85% of the marine improvement area.
2. For parcels with marine improvement extending greater than six feet:
 - a. For parcels with 40 feet or less of waterfrontage, 50% of the marine improvement area.
 - b. For parcels with a waterfrontage greater than 40 feet, 80% of the marine improvement area.

Section 5.4.5. Joint Marine Improvements.

Owners of adjoining waterfront parcels may adjust their abutting marine improvement area boundaries and offset requirements by entering into a written joint use agreement. All limitations regarding the maximum area of marine improvements shall apply to each property and the maximum marine improvement area allowed for each parcel shall not be combined or modified in any way so as to increase the maximum marine improvement area allowed for either parcel. Marine vessels or boat canopies when secured in any way to a joint marine improvement may extend beyond the end of one of the waterfront parcels involved at the point where such parcel abuts the other parcel sharing the marine improvement. However, no marine vessel (or any part thereof) shall extend beyond the outer ends of the water frontage of the two waterfront parcels except as provided in § 5.4.4.A.5.a.iii. The joint use agreement shall, at a minimum, comply with the following requirements.

- A. The agreement shall contain the name(s) and current home address(es) of both property owners.
- B. The agreement shall identify the waterway upon which the subject parcels are located and shall identify the waterfront parcels involved by legal description and by STRAP number. The agreement shall also include a signed and sealed survey of the subject adjoining parcels.
- C. The agreement shall include a drawing of the proposed marine improvement(s) to be constructed, showing the design and dimensions of the marine improvement(s), and where the marine improvements will project from the parcels.
- D. The agreement shall identify those areas that would be subject to access (ingress and egress) easements in conjunction with the joint marine improvement. Such easement(s) shall identify by legal description the property to which the easement attaches and shall be irrevocable except with the written consent of the city. The rights of each party with respect to such easement(s) shall run with the title to the respective parcels. A drawing identifying the easements shall also be included with the agreement.
- E. The agreement shall identify the responsibilities of each of the parties for the construction and maintenance of the facilities. However, identification or division of responsibilities between parties in the agreement shall not affect the ability of the city to enforce any and all provisions of its Code of Ordinances or Land Development Codes against the property owner(s) of the joint marine improvement, jointly and severally.

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

- 1781 F. The agreement shall state that the parties understand and agree to abide by all applicable federal,
1782 state, and local regulations pertaining to the construction, maintenance, and use of the facilities.
1783
- 1784 G. The agreement shall run with the land and be binding upon the parties, their successors, heirs, and
1785 assignees and it shall provide that it may not be rescinded or amended without the written consent
1786 of the city.
1787
- 1788 H. The parties to the agreement shall record the agreement, at their own expense, in the public records
1789 of Lee County. The agreement shall satisfy all requirements for recording, including those contained
1790 in the Florida Statutes. No permit for the construction of a joint marine improvement or for the
1791 erection or installation of a boat canopy on a joint marine improvement shall be issued by the city
1792 until the parties have first provided to the city a copy of the fully executed agreement and evidence
1793 of recording that is satisfactory to the city, in its sole discretion.
1794
- 1795 I. Prior to execution and recording of the agreement, the parties shall submit a draft of the proposed
1796 agreement to the Community Development Director for review and comment.
1797

1798 **Section. 5.4.6. Quays and mooring piles.**
1799

- 1800 A. A seawall may be altered to accommodate the mooring of a vessel if it is determined that the seawall
1801 is structurally sufficient for that purpose.
1802
- 1803 B. Mooring piles may be installed directly adjacent to the seawall to allow for the mooring of watercrafts
1804 without a dock.
1805
- 1806 C. Pilings shall not be higher than eight feet above mean high water.
1807
- 1808 D. Any watercraft moored at a quay or a pile may not be any closer than 10 feet to the adjacent property
1809 line.
1810

1811 **Section. 5.4.7. Davits, watercraft lifts, and floating docks.**
1812

- 1813 A. Lifts: An electrical permit is required to install a lift within an existing u-shaped dock.
1814
- 1815 B. Davits:
1816
- 1817 1. The minimum side setback for davit installation shall be five feet from the side lot line to the
1818 center of the davit base.
1819
- 1820 2. Davits, including swinging lifts when extended over the water, may not extend further than 25%
1821 into the waterway or 30 feet whichever is less.
1822
- 1823 3. Overhead hoists, davits, or machinery shall not exceed eight feet above mean high water when
1824 not in use.
1825
- 1826 C. Floating docks and lifts:

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

1. For dimensional requirements refer to Section 5.4.4. above.
2. A floating dock or lift must be anchored in place so as not to impede the use of neighboring waterfront property.

Section. 5.4.8. Boathouses and canopies.

- A. Boathouses are prohibited.
- B. 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. 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. 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 beyond 30 inches of any dock to which the canopy is attached.
 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 appurtenances.
 6. Only one canopy may be permitted per parcel.

Section. 5.4.9. Bulkheads, seawalls, and retaining walls.

- A. Mandatory seawalls. All parcels having frontage or direct and immediate access to frontage on any saline, brackish, or tidally influenced canal or other body of water within or bordering the boundaries of the city is required to have a seawall bulkheading the entire frontage exposed to contact with the water. All parcels having frontage or direct and immediate access to frontage on any freshwater or non-tidal canal or other body of water within or bordering the boundaries of the city are required to have a seawall bulkheading the entire frontage exposed to contact with the water or alternatives to vertical bulkheads as specified in the City of Cape Coral Engineering Design Standards. Seawalls or

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

their alternative shall be structurally maintained at owner's expense so as not to cause a nuisance or hazard to safety. The provisions of this Section shall not apply to any parcels adjacent to or contiguous with any drainage ditch, canal, pond, or lake within any public or private golf course or public park.

- B. Bulkheads under SFWMD jurisdiction. The construction of bulkheads, in association with water management system lake construction under jurisdiction of SFWMD, shall be in compliance with SFWMD criteria.

Single-family residential and duplex parcels. Parcels bounded by bulkheads shall construct an infiltration trench adjacent to and along the entire length of the bulkhead.

CHAPTER 5. LANDSCAPING

Section 5.5.1. Purpose and intent.

This section is established to provide general landscape regulations, to improve the appearance of certain setback and yard areas, including off-street vehicular parking, open lot sales and service areas, and to protect and preserve the appearance, character, and value of the surrounding neighborhoods. The principles of the Florida-Friendly Landscaping Program with regard to planning and design, soil improvement, efficient irrigation, limited turf areas, mulches, drought tolerant plants, and appropriate maintenance are the basis for the principles in this section and should be used as guidance in all new construction and landscape renovations so as to provide the most green with the least water and create a landscape that can survive largely undamaged in case of short term water restrictions.

Section 5.5.2. Florida-Friendly Landscaping Program principles.

The city strongly encourages adherence to the Florida-Friendly Landscaping Program that includes the following principles:

- A. Right plant, right place. Plants selected to suit a specific site will require minimal amounts of water, fertilizer and pesticides.
- B. Water efficiently. Irrigate only when lawn and landscape need water.
- C. Fertilize appropriately. Less is often better. Over-use of fertilizer can be hazardous to your yard and the environment.
- D. Mulch. Maintaining a layer of mulch will help retain soil moisture, prevent erosion and suppress weeds.
- E. Attract wildlife. Plants in private yards that provide food, water and shelter can conserve Florida's diverse wildlife.
- F. Manage yard pests responsibly. Unwise use of pesticides can harm people, pets, beneficial organisms, and the environment.

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

- G. Recycle yard waste. Grass clippings, leaves, and yard trimmings recycled onsite provide nutrients to the soil and reduce waste disposal.
- H. Reduce stormwater runoff. Water running off from private yards can carry pollutants such as soil, debris, fertilizer, and pesticides that can adversely impact water quality.
- I. Protect the waterfront. Waterfront property is very fragile and should be carefully protected to maintain freshwater and marine ecosystems.

Section 5.5.3. Applicability.

Except as provided under Section 5.5.4, Exemption, the landscape standards of this section shall apply to all new construction of single-family homes and duplexes, and to all other new construction requiring site plan review per under Article 3. Additionally, all landscape standards of this section shall apply to amendments to a site plan that would have the effect of:

- A. Increasing the total square footage of any one building or the total square footage of all buildings on a site by more than 20%;
- B. Increasing the number of buildings; or
- C. Adding any new or expanding any existing off-street parking area.
- D. No certificate of occupancy or certificate of completion shall be issued until the Department of Community Development (DCD) has determined that the applicant has complied with all the provisions of this section and has approved the finished landscape product.

Section 5.5.4. Exemption.

These regulations do not apply to projects located where the City Council has established specific landscape standards for a unique area of the city; unless the specific landscape standards otherwise expressly state their applicability.

Section 5.5.5. Conflicts.

If any of the landscape standards of this section conflict with any other provision of the City of Cape Coral Code of Ordinances or the LDC the provision that establishes the more specific standard governs. If neither conflicting provision establishes a more specific standard, then the more stringent provision governs unless otherwise expressly provided.

Section 5.5.6. Landscape plans.

- A. Landscape plan required. A landscape plan that meets the requirements below shall be provided as required by Article 3.

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

- 1964 B. Landscape plan standards. Landscape plans for all projects that require a landscape plan, including
1965 Site Development Plans and Subdivision Construction Plans shall be signed and sealed by a landscape
1966 architect, or other licensed professional authorized pursuant to F.S. Chapter 481, Part II, as amended.
1967 All landscape plans shall meet the following requirements and contain the following information:
1968
1969 1. Scale of not less than one-inch equals 30 feet. This requirement shall not preclude the inclusion
1970 of a smaller-scaled drawing such as a key map for the purpose of establishing the orientation of
1971 landscape plans for large sites that, because of their size, cannot be displayed on a single sheet.
1972
1973 2. Zoning district and future land use classification for the subject parcel and all abutting parcels.
1974
1975 3. The approximate location, quantity, diameter/caliper, botanical and common name, and native
1976 status of all heritage trees and other existing trees with a caliper of two inches or greater, and
1977 whether they are proposed to be preserved or removed. Trees to be removed, if any, shall be
1978 indicated on a separate sheet.
1979
1980 4. Location, quantity, spacing, diameter/caliper, overall height (at time of planting) of proposed
1981 trees, palm trees, botanical and common name, and native status. Any existing trees located
1982 within the street right-of-way, between the closest outside edge of pavement and the subject
1983 property shall be shown.
1984
1985 5. Location, quantity, spacing, container size, overall height (at time of planting) of proposed shrubs
1986 and groundcover, botanical and common name, and native status.
1987
1988 6. Types, amounts, and placement of other hardscape materials such as berms and walls required
1989 by this section or Section 5.5.13, or both.
1990
1991 7. A statement or plan describing compliance with the irrigation standards of these regulations.
1992
1993 8. Location and type of existing and proposed utility lines, easements, electrical transformer boxes,
1994 fire hydrants or fire appliances, sidewalks, parking spaces, light poles, and stop signs.
1995
1996 9. Indication of existing and proposed grades if existing vegetation is to be retained on site.
1997
1998 10. Existing or proposed onsite curbing.
1999
2000 11. Calculations, notes, and installation details indicating how the proposed landscaping will be in
2001 compliance with requirements of this section.
2002
2003 12. Vegetation protection barricades to be used during construction, for all trees to be preserved.
2004
2005 13. Safe sight distance triangles.
2006
2007 14. Locations of proposed and existing off-street parking area lighting, if applicable.
2008

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

15. A note that all existing prohibited vegetation shall be removed.

Section 5.5.7. Planting near utility infrastructure.

Landscaping shall not interfere with or obstruct any existing or proposed pad-mounted transformer, overhead or underground utility line, utility service, fire hydrant, or fire appurtenance.

- A. Overhead power lines. Canopy tree branches or palm tree fronds within ten feet of existing overhead transmission or distribution lines, measured radially from the line, shall be subject to trimming or removal by the power company as necessary to maintain public overhead utilities in accordance with the National Electric Safety Code (NESC). No canopy trees or palm trees shall be planted closer to an overhead transmission or distribution line than as specified by the Minimum Separation Distance Between Center of Trees and Overhead Transmission or Distribution Lines indicated in Table 1. In order to avoid conflicts with power lines and avoid the need for removal or pruning that would harm or distort their natural shape, it is recommended that no canopy trees or palm trees should be planted closer to an overhead transmission or distribution line than as specified by the Recommended Separation Distance Between Trees and Overhead Transmission or Distribution Lines indicated in Table 1. The separation between a tree and an overhead transmission or distribution line shall be the distance from the center of the tree at ground level to the closest point on the ground that is within the vertical plane of an overhead transmission or distribution line at rest. A species of canopy tree or palm tree that is not listed in Tables 5.5.7.A and 5.5.7.B shall not be planted within 20 feet of existing overhead transmission or distribution lines without the prior written consent of the Department of Community Development Director.

Table 5.5.7.A: Minimum Separation Distance Between Palm Trees and Overhead Transmission or Distribution Lines			
PALMS			
Common Name	Botanical Name	Minimum Separation Distance (in feet) Between Center of Trees and Overhead Transmission or Distribution Lines	Recommended Separation Distance (in feet) Between Center of Trees and Overhead Transmission and Distribution Lines
Allexandra Palm	Archontophoenix alexandrae	10	13
Areca Palm	Chrysalidocarpus lutescens (Dypsis lutescens)	No minimum distance	No minimum distance
Bamboo Palm	Chamedorea spp.	No minimum distance	No minimum distance
Cabbage Palm (Sabal Palm)	Sabal palmetto	8	13
Canary Island Date Palm	Phoenix canariensis	15	21

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

Chinese Fan Palm	<i>Livistonia chinensis</i>	8	13
Christmas Palm	<i>Adonidia merrillii</i> (Veitchii merrillii)	No minimum distance	No minimum distance
Coconut Palm	<i>Cocos nucifera</i>	10	21
Date Palm	<i>Phoenix dactylifera</i>	10	21
Dwarf Palmetto	<i>Sabal minor</i>	No minimum distance	No minimum distance
European Fan Palm	<i>Chamaerops humilis</i>	No minimum distance	No minimum distance
Fishtale Palm	<i>Caryota mitis</i>	8	14
Foxtail Palm	<i>Wodyetia bifurcata</i>	8	15
Lady Palm	<i>Rhapis excelsa</i>	No minimum distance	No minimum distance
Macarthur Palm	<i>Ptychosperma macarthuri</i>	8	14
Majesty Palm	<i>Ravenea glauca</i>	No minimum distance	No minimum distance
Needle Palm	<i>Rhapidophyllum hystrix</i>	No minimum distance	No minimum distance
Paurotis Palm (Everglades Palm) (may grow to 25 feet)	<i>Acoelorrhaphe wrightii</i>	No minimum distance	13
Pindo Palm	<i>Butia capitata</i>	No minimum distance	No minimum distance
Pygmy Date Palm	<i>Phoenix roebellini</i>	No minimum distance	No minimum distance
Queen Palm	<i>Syagrus romanzoffianum</i>	9	18
Royal Palm	<i>Roystonea</i> spp.	10	21
Saw Palmetto	<i>Serenoa repens</i>	No minimum distance	No minimum distance
Senegal Island Date Palm (Reclinata Palm)	<i>Phoenix redinata</i>	8	16
Silver Palm	<i>Coccothrinax argentata</i>	No minimum distance	No minimum distance
Solitaire (Alexander) Palm	<i>Ptychosperma elegans</i>	8	14

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

Thatch Palm	Thrinax spp.	No minimum distance	No minimum distance
Washingtonia Palm (Mexican Washington Palm)	Washingtonia robusta	8	13

2033

Table 5.5.7.B: Minimum Separation Distance Between Canopy Trees and Overhead Transmission or Distribution Lines			
CANOPY			
Common Name	Botanical Name	Minimum Separation Distance (in feet) Between Center of Trees and Overhead Transmission or Distribution Lines	Recommended Separation Distance (in feet) Between Center of Trees and Overhead Transmission and Distribution Lines
Bald Cypress	Taxodium distichum	15	30
Black Olive (also see Shady Lady Black Olive)	Bucida buceras	20	30
Cassia fistula	Cassia fistula	15	30
Gumbo Limbo	Bursera simaruba	15	30
Jacaranda	Jacaranda mimosfolia	20	30
Laurel Oak	Quercus laurifolia	15	30
Live Oak	Quercus virginiana	20	30
Mahogany	Swietenia macrophylla	15	30
Pigeon Plum	Coccoloba diversifolia	8	10
Slash Pine	Pinus elliottii	15	30
Southern Magnolia	Magnolia grandiflora	15	30
Wild Tamarind	Lysiloma bahamensis	25	35
Yellow Poinciana	Peltophorum pterocarpum	15	20

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

Drake Elm	Ulmus parvifolia	15	
Red Maple	Acer rubrum	15	30
Satin Leaf	Chrysophyllum oliviforme	12	15
Shady Lady Black Olive	Bucida buceras "Shady Lady"	No minimum distance	15
Tabebuia, pink or yellow	Tabebuia spp.	10	15

- B. Visibility triangles. All landscaping and buffers shall conform to the design limitations established by Article 5, Section 5.1.7, Visibility Triangles.

Section 5.5.8. Existing trees.

- A. Generally. Except for trees on the Florida Exotic Pest Plant Council's list of Category I invasive exotics, existing trees may be used to meet the minimum tree requirements for the site if they are indicated on the landscape plan (when a landscape plan is required), have a minimum diameter at breast height (DBH) of two inches, and are properly protected during any clearing or construction on the property.

Developers are encouraged to preserve existing heritage trees. For any site other than a single-family or duplex site, if during development or any time throughout the life of the development, regardless of change in ownership or use(s), any heritage tree is removed or damaged, it shall be replaced with a Florida native tree that meets the quality of materials standards in this article, with a minimum caliper of six inches measured at a height of 12 inches above the ground, with a height not less than 20 feet; however, this requirement shall not increase the total number of trees otherwise required for the site by more than 10%.

- B. Protection of trees during development activities. Prior to any land preparation or other development activities, a protective barrier shall be established around all trees that are not to be removed, as follows:
1. The protective barrier shall enclose at least that area within a radius of one foot for every inch of caliper DBH around the tree.
 2. The protective barrier may encompass more than one tree, and shall be established with a barrier as follows:
 - a. Posts shall be implanted in the ground deep enough to be stable and with at least three feet visible above ground.

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

b. The protective posts shall be placed not more than six feet apart and shall be linked together at a height of at least three feet by rope, chain, silt fence fabric, or orange safety fence at least three feet in height, or any combination thereof.

3. Required protective barriers and perimeter lines shall remain in place until all construction activity, except landscaping within the protected area, is terminated.

C. Construction activity limitations.

1. No attachment, wires (other than supportive wires), signs or permits may be fastened to any tree that is not to be removed.

2. Landscaping activities within the area of the protective barrier (before and after it is removed) shall be accomplished with manual labor or light machinery that, if self-propelled, is not designed to bear the weight of the operator. Such light machinery may include string trimmers, walk-behind lawn mowers, or chainsaws. Except as necessary to perform landscaping activities as described above, no construction personnel shall enter the area within the protective barrier. Further, no equipment, tools, construction materials, debris of any kind, or more than six inches of soil shall be placed within the protective barrier.

3. If fill is deposited adjacent to a protective barrier, a suitable temporary or permanent retaining structure shall be constructed to prevent siltation within the area of the protective barrier.

4. If it can be reasonably accomplished, water, sewer, and other utility lines should be routed around the protective barrier of trees that are not to be removed. If a line cannot reasonably be routed around the protective barrier, the line shall be tunneled beneath the area and shall be offset to one side of the trunk to prevent damage to the main tap roots.

D. Exempt trees. This subsection shall not apply to trees grown at commercial nurseries, as part of their stock.

Section 5.5.9. Prohibited vegetation.

A. The following invasive exotic plants are prohibited and shall be removed from the development site, in its entirety. For projects developed in phases, all invasive exotic plants shall be removed from areas to be developed under future phases at the time the first or any subsequent phase is developed. Methods to remove and control invasive exotic plants must be included on required landscape plans, for projects that require a landscape plan. Methods of removal and control that would damage native vegetation to be preserved are prohibited. The development sites shall be maintained free from invasive exotic plants in perpetuity. For purposes of this subsection, invasive exotic plants include the following:

Table 5.5.9: PROHIBITED INVASIVE EXOTICS	
Common Name	Scientific Name

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

Earleaf Acacia	acacia auriculiformis
Woman's Tongue	Albizia lebbeck
Bishopwood	Bischofia javanica
Austrailian Pines	All Casuarina species
Carrotwood	Cupianopsis anacardioide
Rosewood	Dalbergia sissoo
Air Potato	Dioscorea alata
Murray Red Gum	Eucalyptus camaldulensis
Cuban Laurel Fig	Ficus microcarpa
Japanese Climbing Fern	Lygodium japonicum
Old World Climbing Fern	Lygodium microphyllum
Melaleuca, Paper Tree	Melaleuca quinquenervia
Downy Rose Myrtle	Rhodomyrtus tomentosus
Chinese Tallow	Sapium sebiferum
Brazilian Pepper, Florida Holly	Schirus terebinthifolius
Tropical Soda Apple	Solanum viarum
Java Plum	Syzygium viarum
Rose Apple	Syzygium jambos
Cork Tree	Thespesia populnea
Wedelia	Wedelia trilobata

2109
2110
2111
2112
2113
2114
2115
2116
2117

- B. The Weeping Fig (*Ficus benjamina*) is prohibited due to aggressive root systems unless it is maintained as a hedge with a maximum height of eight feet.
- C. City of Cape Coral and state-prohibited vegetation shall be removed from all sites prior to issuance of certificate of occupancy or certificate of completion.

Section 5.5.10. Quality, size, spacing, and species mix.

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

All plant materials required by this section shall conform to the following at the time of planting:

- A. Plant installation standards. Plant materials shall be installed in soil conditions that are conducive to the proper growth of the plant material. Soil in planting areas shall be loose, permeable, friable, and free of limestone and other construction materials, off-street parking area base material, rocks, noxious weeds, grasses, hard pan, clay, or other debris. For purposes of this section, noxious weeds are those plants listed in Section 5B-57.007, F.A.C, State Noxious Weed List, by the Florida Department of Agriculture and Consumer Services. It is recommended that such materials be removed to a depth of two and one-half feet for the well-being of plant materials. Required canopy trees, accent trees, palm trees, and shrubs shall be planted on grades not exceeding 3:1.
- B. Plant species and grade. A minimum of 50% of all required canopy trees and accent trees and a minimum of 30% of all required shrubs and groundcovers, excluding turf grass areas, shall be Florida native as defined by this section. Any plant material on the Florida Exotic Pest Plant Council's list of Category I invasive exotics, as may be amended, shall not be counted toward the required plantings in this section. The City of Cape Coral prohibits the use of any plant material on the Florida Exotic Pest Plant Council's list of Category II invasive exotics, which are not expressly prohibited by Section 5.5.9. Plant materials used in conformance with the provisions of this section shall meet or exceed the Standards for Florida No. 1, as set forth in the latest edition of "Grades and Standards for Nursery Plants" published by the State Department of Agriculture and Consumer Services, including minimum crown spread diameter, root-ball sizes, and container volumes.
- C. Tree standards.
 1. Canopy tree size. Except in the South Cape Downtown District, all canopy trees required to meet minimum requirements shall have a minimum height of ten feet, and shall have a minimum caliper of two inches measured at a height of 12 inches above the ground. In the South Cape Downtown District, all canopy trees required to meet minimum requirements shall have a minimum height of 12 feet and a minimum caliper of three inches measured at a height of 12 inches above the ground.
 2. Palm tree size. Palm trees required to meet minimum requirements shall have a minimum size of 16 feet overall, unless located within ten feet of a walkway, in which case they shall have a minimum of ten feet of clear trunk at planting.
 3. Accent tree size. Accent trees required to meet minimum requirements shall have a minimum height of eight feet, have a minimum caliper of one and one-half inches measured at a height of six inches above the ground.
 4. Tree species mix. A mix of species shall be provided according to the overall number of trees required to be planted. Species shall be planted in proportion to the required mix. The minimum number of species to be planted is indicated in Table 2.

Table 5.5.10: Required Species Mix

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

Required Number of Trees	Minimum Number of Species
1 - 4	1
5 - 10	2
11 - 20	3
21 - 30	4
31+	5

- 2161
- 2162
- 2163
- 2164
- 2165
- 2166
- 2167
- 2168
- 2169
- 2170
- 2171
- 2172
- 2173
- 2174
- 2175
- 2176
- 2177
- 2178
- 2179
- 2180
- 2181
- 2182
- 2183
- 2184
- 2185
- 2186
- 2187
- 2188
- 2189
- 2190
- 2191
- 2192
- 2193
5. Shrub standards. Except as otherwise provided herein, shrubs planted in residential development shall be a minimum of 18 inches in height and be in at least a three-gallon container size at time of planting. Shrubs planted in all non-residential and mixed-use development must be a minimum of 24 inches in height and be in at least a seven-gallon container size at time of planting. Shrubs required for buffer yard plantings must be a minimum of 32 inches in height and be in at least a seven-gallon container size at time of planting. Ornamental grasses may be used in lieu of 30% of shrubs required. Saw palmettos (*Serenoa repens*) and coonties (*Zamia floridana*) may be used as shrubs, provided they are 12 inches in height at time of planting.
6. Groundcovers and sod.
- a. Groundcovers shall be planted no more than 24 inches apart for one-gallon pots or 12 inches apart for four-inch pots.
- b. Wherever used, sod shall be installed with no gaps or overlaps, so as to present a finished appearance and prohibit erosion of the planted area.
7. Firewise landscaping. Landscaping within areas subject to wildfire hazard and should incorporate firewise landscaping techniques promulgated by the Florida Department of Economic Opportunity and the Department of Agriculture and Consumer Services.

Section 5.5.11. Planting in public drainage or utility easements.

No canopy trees, accent trees, palm trees, or shrubs required by this section shall be planted within a public drainage or utility easement without approval of the city. The city may deny approval to place landscaping materials in an easement if such would conflict with existing or proposed utilities or drainage functions. If the city approves the placement of any plant material installed to meet the requirements of this section within a public drainage or utility easement and the landscape material is removed or damaged by construction or maintenance of drainage facilities or utilities, the property owner shall replace all such plant material within 30 days of the completion of the drainage or utility work, in accordance with the following criteria:

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

A. Canopy trees.

1. If planted back in the public drainage or utility easement, the property owner shall replace the canopy tree with a tree having a minimum caliper as the removed or damaged tree; however, if the removed or damaged tree is greater than four inches in caliper (measured at a height of 12 inches above the ground), the replacement tree shall be required to be a minimum of four inches in caliper.
2. If planted in an alternate location that is not within a public drainage or utility easement, the property owner shall replace the canopy tree with one meeting the minimum size required within this Chapter and that is subject to all other requirements of this section. For sites required to have a site plan, such alternate plant location shall be indicated on a revised landscape plan and is subject to approval by the city.

B. Palm trees.

1. If planted back in the public drainage or utility easement, the property owner shall replace the palm tree with a palm tree having a minimum caliper as the removed or damaged palm tree; however, if the removed or damaged palm tree is greater than nine inches in caliper (measured at a height of 12 inches above the ground), the replacement palm tree shall be required to be a minimum of nine inches in caliper.
2. If planted in an alternate location that is not within a public drainage or utility easement, the property owner shall replace the palm tree with one meeting the minimum size required within this Chapter and that is subject to all other requirements of this section. For sites required to have a site plan, such alternate plant location shall be indicated on a revised landscape plan and is subject to approval by the city.

C. Shrubs. Regardless of whether the shrub is located in a public drainage or utility easement, the property owner shall replace the shrub with a shrub meeting the minimum size required within this chapter.

The property owner shall notify the city when the replacement planting required by this subsection have been installed and are ready for re-inspection.

Section 5.5.12. Single-family homes and duplexes.

The following landscape requirements shall be met for all single-family and duplex units.

- A. Trees required for single-family homes. All newly constructed single-family homes shall have a minimum number of trees per building site in accordance with Table 5.5.12.A: Trees Required for Single-Family Homes. Where a home site includes a septic tank between the structure and the street, trees shall be planted a minimum of six feet from the septic tank or its drain field.

Table 5.5.12.A: Trees Required for Single-Family Homes

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

	Canopy Trees	Accent Trees	Palm Trees
Option A:	3	—	—
Option B:	2	—	3
Option C:	2	2	—
Option D:	1	2	3

- B. Trees required for Duplexes. All newly constructed duplexes shall have a minimum number of trees per side in accordance with Table 5.5.12.B Trees Required for Duplexes. Where a site includes a septic tank between the structure and the street, trees shall be planted a minimum of six feet from the septic tank or its drain field.

Table 5.5.12.B: Trees Required for Duplexes (PER SIDE)			
	Canopy Trees	Accent Trees	Palm Trees
Option A:	3	—	—
Option B:	2	—	3
Option C:	2	2	—
Option D:	1	2	3

- C. Credit for larger, canopy trees. The required number of canopy trees may be reduced by one tree if an existing or proposed canopy tree is at least two inches of increased caliper above the minimum planting size specified in this Chapter. Single-family homes and duplexes are not eligible for the Tree Credit Program provided by Section 5.5.15.
- D. Shrubs required. Each single-family home and duplex shall be landscaped with a minimum of 20 three-gallon shrubs of which a minimum of ten shall be planted at any location in the front yard.
- E. Mulch, groundcover, and planting beds.
- The soil surface of the land area not covered by structures or hardscape features shall be covered with sod or planting beds containing canopy trees, accent trees, palm trees, shrubs, groundcover, or any combination thereof. When shrubs are used in planting beds, shall be planted not more than 48 inches apart. Permeable synthetic turf may be used in lieu of sod, so long as it is not used to cover more than 20% of the total land area not covered by structures or hardscape features and is not within a front yard or right-of-way.

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

2. A two-inch minimum layer of organic mulch, measured after watering-in, shall be placed and maintained around all newly installed canopy trees, accent trees, palm trees, and shrubs. A two-inch minimum layer of organic mulch, measured after watering-in, shall be placed around all newly installed groundcover plants so that bare areas of sod are not exposed; however, the mulch around groundcover plants is not required to be maintained after the groundcover becomes established. Except as otherwise provided in these regulations, each canopy tree, accent tree, and palm tree shall have organic mulch no less than 36 inches beyond its trunk in all directions; however, the mulch shall be kept away from the trunks and stems of plants so as to avoid conditions that may be conducive to collar rot, basal canker, or other fungi. The use of cypress or cedar mulch is strongly discouraged.
3. The use of any inorganic mulch, including pebbles or shells to cover the soil surface is not recommended. Inorganic mulch should only be used to frame the outside of beds or to control erosion and should not be used to cover the root ball of newly planted trees or shrubs. Inorganic mulch shall not exceed 10% of the total land area not covered by hardscape features.
4. The right-of-way from the edge of the street pavement to the property line shall be planted with sod or other approved groundcovers, except as otherwise provided in the City of Cape Coral Code of Ordinances or Land Use and Development Regulations.

F. Irrigation systems. Irrigation systems are encouraged but not required; however, where they are installed, they shall meet the standards of Section 5.5.14.

Section 5.5.13. Landscaping for all development other than single-family homes and duplexes.

The provisions of this section shall not apply to single-family homes and duplexes unless otherwise specifically stated herein. The soil surface of the land area not covered by structures or hardscape features shall be covered with sod or planting beds containing canopy trees, accent trees, palm trees, shrubs, groundcover, or any combination thereof. Shrubs in planting beds shall be planted not more than 48 inches apart. Permeable synthetic turf may be used in lieu of sod, so long as it is not used to cover more than 20% of the total land area not covered by structures or hardscape features and is not within a front yard or right-of-way. The right-of-way from the edge of the street pavement to the property line shall be planted in accordance with the requirements of subsection B. below.

A. Tree planting requirements.

1. Except in the South Cape District, all sites, exclusive of buffer areas, shall have at least one canopy tree for each 1,000 square feet of gross land area, except that accent trees or palm trees may be substituted for a required canopy tree as indicated below. Trees required for buffers shall not be used for meeting the minimum number of trees required for a site. In the South Cape District, all sites shall have at least one canopy tree for each 3,500 square feet of gross land area, except that accent trees or palm trees may be substituted for a required canopy tree as indicated below. For all districts, in the event the calculation of required number of canopy trees yields a fractional number, that number shall be rounded up to the next highest whole number prior to any calculation of the quantity of substituted accent trees or palm trees. Trees planted to meet the other requirements of this section can be included in the calculation of total number of trees

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

required by this section. Such trees may be planted singularly or grouped together. Required canopy trees shall not be spaced less than 20 feet on center. Except in the South Cape District, each canopy tree shall be planted in a minimum planting area of 100 square feet with a minimum dimension of seven feet in width unless an alternative minimum planting area or dimensions are approved by the Director, based on planting details that ensure reasonable soil surface and planting medium volumes.

2. In the South Cape District, each canopy tree shall be planted a minimum planting area of 24 square feet with a minimum dimension of four feet in width unless an alternative minimum planting area or dimensions are approved by the Director, based on planting details that ensure reasonable soil surface and planting medium volumes. Except in the South Cape District not more than 50% of the required canopy trees may be substituted with accent trees or palm trees in accordance with Section 5.5.13. In the South Cape District, not more than 25% of the required canopy trees may be substituted with accent trees or palm trees, in accordance with Section 5.5.13., as follows:

- a. Accent trees may be substituted for required canopy trees at a rate of two accent trees for each canopy tree required; however, no canopy tree required for a landscape buffer yard shall be substituted with an accent tree, unless the minimum width of available buffer yard options would preclude compliance with the minimum separation distance between trees and overhead power lines.

- b. The following palms shall not be substituted for required canopy trees:

Table 5.5.13.A: PROHIBITED SUBSTITUTIONS FOR CANOPY TREES	
Common Name	Botanical Name
Areca Palm	Chrysalidocarpus lutescens (Dypsis lutescens)
Bamboo Palm	Chamedorea spp.
Christmas Palm	Adonidia merrillii (Veitchii merriillii)
Dwarf Palmetto	Sabal minor
European Fan Palm	Chamaerops humilis
Lady Palm	Rhapis excelsa
Majesty Palm	Ravenea glauca
Needle Palm	Rhapidophyllum hystrix
Pygmy Date Palm	Phoenix roebellini
Saw Palmetto	Serenoa repens

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

Silver Palm	<i>Coccothrinax argentata</i>
Thatch Palm	<i>Thrinax</i> spp.

To meet tree planting requirements in a landscape buffer yard or in off-street parking and vehicle use areas, palm trees, other than those listed above, may be substituted for canopy trees at a rate of three palm trees per each canopy tree substituted, regardless of the palm tree species. Except in the South Cape Downtown District, to meet tree planting requirements for areas other than a landscape buffer or off-street parking and vehicle use areas, palm trees may be substituted for required canopy trees at a rate of one palm tree per each canopy tree substituted. In the South Cape Downtown District, to meet tree planting requirements for areas other than a landscape buffer yard, palm trees may be substituted for required canopy trees at a rate of two palm trees per each canopy tree substituted.

- c. Except for plantings in or near surface water management areas, a two-inch minimum layer of organic mulch, measured after watering-in, shall be placed and maintained around all newly installed canopy trees, accent trees, palm trees, and shrubs. Except in the South Cape District, each tree shall have organic mulch no less than 36 inches beyond its trunk in all directions. In the South Cape District, each tree shall have organic mulch no less than 18 inches beyond its trunk in all directions. All mulch shall be kept away from the trunks and stems of plants so as to avoid conditions that may be conducive to collar rot, basal canker, or other fungi.

The use of cypress or cedar mulch is strongly discouraged.

- d. The use of any inorganic mulch, including pebbles or shells to cover the soil surface shall only be used to frame the outside of beds or to control erosion. Inorganic mulch shall not exceed 10% of the total land area not covered by structures, pools, accent boulders, driveways, sidewalks, or other paving. It be used to cover the root ball of newly planted trees or shrubs. The balance of the soil surface shall be covered with planting beds with a two-inch minimum layer of organic mulch.
- e. Canopy trees shall not be planted within seven feet of any roadway, sidewalk, or public utility unless an acceptable root barrier material is installed between the tree and the roadway, sidewalk, or public utility. Acceptable root barrier material shall consist of one of the following: a manufactured root barrier material, installed in accordance with manufacturer's directions, reinforced concrete with a minimum depth of 16 inches, or a continuous sheet of aluminum with a minimum depth of 16 inches and a minimum thickness of 0.024 inches. Where a root barrier is required, it shall be installed for a minimum distance of 20 linear feet.
- f. In the event a property owner installs a public sidewalk closer than seven feet to any extant canopy tree, the property owner shall install an acceptable root barrier material in accordance with manufacturer's directions, such as herbicide impregnated materials or reinforced concrete of sufficient width and length, which will prevent the encroachment or undermining by the tree's root system, prior to the installation of the sidewalk.

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

g. In the South Cape District, in the event that the tree requirements in this section cannot be met due to site constraints, the property owner may pay an in lieu of fee to the Downtown CRA Tree Fund. Such site constraints shall include size of site, access or circulation requirement making trees impracticable, or extant site layout. The City Council shall establish a fee based on the average cost of the aforementioned trees. The city will use the funds in the Downtown CRA Tree Fund to provide or enhance the landscaping and vegetation in public areas of the Downtown CRA. To qualify to pay an in lieu of tree fee, a property owner must apply for approval by the Director of the Department of Community Development. If the Director approves the application, then the property owner may pay an in lieu of tree fee meeting planting requirements. This provision does not preclude applicants from applying for deviations in accordance with Section 5.5.20.

B. Right-of-way. The right-of-way from the edge of the street pavement to the property line shall be planted with sod or other approved groundcovers, except as otherwise provided in the City of Cape Coral Code of Ordinances or Land Development Code.

C. Landscape design features. Six types of landscaping may be required on a site, depending on the site location and the specific elements of the development: foundation landscaping, landscaping adjacent to roads, off-street parking and vehicle use areas, retention/detention areas, and buffers. Trees planted to meet the requirements of these landscape design features can be included in the calculation of total number of trees required by this section under tree planting requirements.

1. Foundation Landscaping. To provide aesthetic relief between a building and off-street parking or vehicular use areas, all new development, except development in the Industrial District and South Cape District, must provide foundation landscaped areas equal to 10% of the proposed building gross ground level floor area. These foundation landscaped areas must be between the off-street parking area and the building, between public streets and the building, or between vehicular access ways and the building, or any combination thereof, with emphasis on the side(s) most visible to the public. Foundation landscaping may consist of surface level landscaped areas, raised planters, planter boxes, or any combination thereof. The width of the foundation landscaped areas shall be five feet, except for sites less than one acre with an average depth less than or equal to 135 feet, in which case the width shall be three feet. Foundation landscaped areas may be planted with trees, but must be planted with shrubs spaced a maximum of three feet on centers.

2. Landscaping Adjacent to Roads. Where a development site abuts a public right-of-way, excluding a dedicated alley, the following shall apply except within Mixed-Use Districts:

a. Except as otherwise provided herein, a strip of land, a minimum of ten feet in width, shall be provided between the abutting right-of-way and any structure or off-street parking area. For sites or portions of sites that are 135 feet or less in depth, the width may be reduced to five feet.

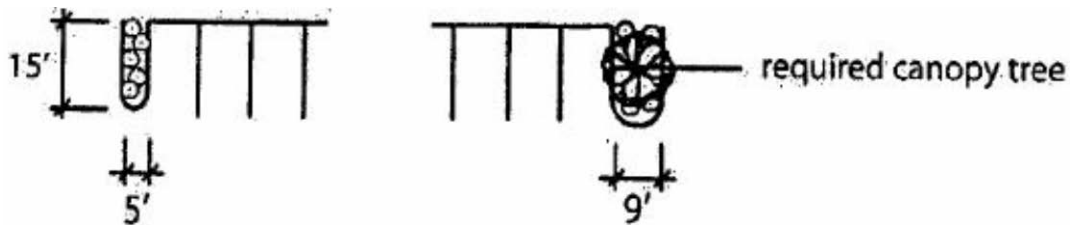
b. At a minimum, perimeter landscaping in this area shall consist of the following:

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

- 2418 i. One shrub for every three linear feet of landscaped area, planted separately or grouped,
2419 except where a carport or an off-street parking or vehicular use area abuts the strip of
2420 land that is required adjacent to roads. Where a carport or an off-street parking or
2421 vehicular use area abuts the strip of land required adjacent to roads, a continuous hedge,
2422 consisting of shrubs spaced no greater than three feet on center is required.
2423
- 2424 ii. The requirement for canopy trees or accent trees depends on the presence of overhead
2425 electric distribution or transmission lines. Shade or accent trees shall be provided as
2426 follows:
2427
- 2428 (a) Except as provided below, one canopy tree for each 30 linear feet of frontage is
2429 required. If the calculations yield a fractional number, that number shall be rounded
2430 up to the next highest whole number. Trees may be placed in any arrangement within
2431 the landscape strip provided that the spacing between tree trunks is no greater than
2432 60 feet.
2433
- 2434 (b) In locations where an adequate separation distance from overhead distribution or
2435 transmission lines, as specified in Table 1, § 5.2.7., is not available, two accent trees
2436 may be substituted for any shade tree required for each 30 linear feet of frontage.
- 2437 c. Ingress and egress from the public right-of-way through all such landscaping to off-street
2438 parking or other vehicular use areas shall be permitted and may be subtracted from the linear
2439 dimension used to determine the number of trees and shrubs required.
2440
- 2441 d. Landscaping required under this section shall not supersede visibility requirements at the
2442 intersection of roads, and ingress/egress lanes as required in Article III, § 3.7., Visibility
2443 Triangles.
2444
- 2445 3. Off-street parking and vehicle use areas. The provisions of this section apply to all new off-street
2446 parking or other vehicular use areas not situated directly beneath a building containing habitable
2447 space.
2448
- 2449 a. Protection of landscaped areas from vehicular encroachment. When a landscaped area abuts
2450 or is within an off-street parking or vehicular use area, wheel stops or curbing shall be used
2451 to protect landscaped areas from encroachment. The placement of shrubs and trees shall be
2452 in accordance with the Parking Lot Standards of the City of Cape Coral Engineering Design
2453 Standards.
2454
- 2455 b. Except in the South Cape District, landscaping for sites with both of the following: 1) an average
2456 depth less than or equal to 135 feet and 2) an area less than or equal to one acre. All off-street
2457 parking areas shall be landscaped to provide visual relief and cooling effects and to define
2458 logical areas for pedestrian and vehicular circulation, as follows:
2459
- 2460 i. Minimum landscaped area. Landscaped areas including, but not limited to, landscaped
2461 islands, foundation landscaping, and landscaping within divider medians shall equal or
2462 exceed a minimum of 5% of the total off-street parking and vehicle use areas.

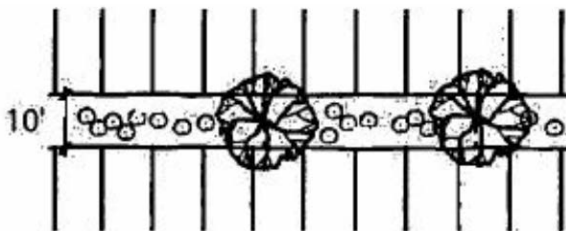
**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 5 – DEVELOPMENT STANDARDS**

- ii. Tree planting. At least one canopy tree shall be provided for every 150 square feet of required planting area. Palm trees may be substituted for canopy trees in accordance with this Chapter.
- iii. Divider medians. Where canopy trees are planted in divider medians, the minimum width of the divider median shall be nine feet.
- iv. Landscaping at the end of a row of parking spaces. Each row of parking spaces containing ten or more parking spaces shall be terminated by a landscaped area at each end that measures not less than five feet in width and not less than 15 feet in length. No trees shall be planted in landscaped islands less than nine feet in width.



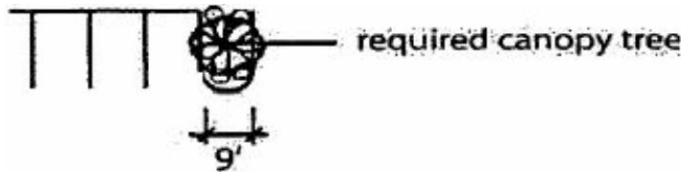
- c. Except in the South Cape District, landscaping for sites with either of the following: 1) an average depth greater than 135 feet; or 2) an area greater than one acre. All off-street parking areas shall be landscaped to provide visual relief and cooling effects and to define logical areas for pedestrian and vehicular circulation, as follows:

- i. Minimum landscaped area. Landscaped areas including landscaped islands, foundation landscaping, and landscaping within divider medians shall equal or exceed a minimum of 10% of the total paved surface area. Landscaped areas reserved for future parking spaces may not be included in this calculation.
- ii. Tree planting.
 - (1) At least one canopy tree shall be provided for every 150 square feet of required planting area. Palm trees may be substituted for canopy trees in accordance with this Chapter.
 - (2) No parking space may be more than 100 feet from a tree.
- iii. Divider medians. If a divider median is used to meet the landscaping requirements, it shall be a minimum width of nine feet.



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

- iv. Landscaping at the end of a row of parking spaces. Each row of parking spaces containing ten or more parking spaces shall be terminated by a landscaped area that measures not less than nine feet in width and not less than 15 feet in length. Each such landscaped area shall be planted with at least one canopy tree. Palm trees may be substituted for canopy trees in accordance with this Chapter.



- v. Landscape materials. All interior landscaped areas not dedicated to trees or to preservation of existing vegetation shall be landscaped with grass, groundcover, shrubs or other approved landscaping materials and this shall be noted on the landscape plans.
- d. Landscaping for sites in the South Cape District. Except within city dedicated parking areas, all off-street parking areas and applicable off-street parking area setbacks shall be landscaped to provide visual relief and cooling effects and to define logical areas for pedestrian and vehicular circulation, as follows:
- i. Minimum landscaped area.
- (1) Unless otherwise provided herein, all required landscape areas shall be planted with trees, shrubs, groundcover, sod, or any combination thereof. At a minimum, the landscape area(s) shall include low-lying shrubs or ground cover plants with a minimum 50% coverage of the landscape area at time of planting. When utilized, shrubs shall be planted at no more than three feet on center.
- (2) All applicable minimum off-street parking area setbacks required by Article 4, Chapter 5, except rear when abutting an alley, shall be landscaped unless otherwise provided herein. This provision shall not apply to portions of setbacks areas utilized for shared curb cuts, joint driveways and shared off-street parking areas across lot lines.
- (3) Ingress and egress from the right-of-way through any setback area is permitted and the width of the ingress and egress may be subtracted from required landscape areas.
- ii. Landscaping for lots with a lot frontage greater than or equal to 125 feet. Off-street parking areas containing 24 or more parking spaces shall provide a landscaped area that measures not less than nine feet in width and not less than 15 feet in length for every 12 parking spaces. Such landscaped area(s) shall be located as intermediate within or terminal islands to parking space rows. Each such landscaped area shall be planted with at least one canopy tree and groundcovers or sod.
4. Retention/detention areas.
- a. Planting of trees, palm trees, shrubs, and groundcovers in retention/detention areas is encouraged, provided that the placement does not conflict with the volume of storage

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

required for the retention/detention areas and does not significantly interfere with or impede the flow of runoff in the retention/detention area.

- b. All retention/detention areas shall be stabilized with sod or other groundcover capable of stabilizing the soil. Organic mulch is not allowed.

5. Buffers.

- a. Determination of required buffer. Landscape buffer and screening shall be required to separate uses of differing zoning districts from each other. The type and width of buffer required shall be determined by using Table 5.5.13.B: Table of Minimum Buffer Requirements. If the developing property contains a non-residential use in a Residential District, the buffer shall be as indicated along the row labeled "Non-Residential Uses in Residential Districts"; otherwise, the buffer required shall be as indicated along the row of the developing property's zoning district under the applicable column. The buffer that is required along any segment of property line, if any, is dependent on the zoning of the abutting property and property separated by only a street containing not more than two lanes for motor vehicle traffic. A bicycle "lane" shall not be considered to be a lane for motor vehicle traffic. The specifications for each type of buffer are provided in Table 5.5.13.B.

TABLE 5.5.13.B MINIMUM BUFFER WIDTH										
With wall/Without wall										
DEVELOPING PROPERTY	ZONING	ABUTTING PROPERTY								SC, MXB
		R1, RE	RML	RMM	C	CC	P	I	INST	
	R-1, RE	X	X	X	X	X	X	X	X	X
	RML	5	X	X	X	X	X	X	X	X
	RMM	10 / 20	5	X	X	X	X	X	X	X
	C	10 / 20	10 / 15	10 / 15	X	X	X	X	X	X
	CC	10 / 20	10 / 15	10 / 15	X	X	X	X	X	X
	P	5	5	5	X	X	X	X	X	X
	I	40 wall	40	40	10 / 20	10 / 20	30	X	X	X
	INST	10 / 20	10 / 20	10 / 20	X	X	X	X	X	X
	SC, MXB	5	5	5	X	X	X	X	X	X

- b. Buffer specifications.

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

- i. The standards for minimum width, plant types and quantities, and opaque features shall be in accordance with Table 5.5.13.B: Minimum Buffer Width and Table 5.5.13 C, Buffer Plantings. All plants provided within a buffer are specific to, and must be located within the buffer area. The buffer landscaping is in addition to other landscaping required by this Chapter and this landscaping must be within the buffer area. For buffer options that include a wall, the wall must conform to the standards of Article 5, Chapter 2, including the setback requirements.
- ii. The buffer width shall be measured along a line perpendicular or radial to the property line.
- iii. The number of each type of plant required shall be determined by dividing the length of each side of the property requiring a given type of buffer by 100 and multiplied by the number of plants per 100 feet indicated for a selected option. If the calculations yield a fractional number, that number shall be rounded up to the next highest whole number.
- iv. If a wall is required, the wall shall extend the entire length of the property line, or until it connects to another wall.
- v. Ingress and egress from the right-of-way through any buffer shall be avoided; however, where it is determined by the city that avoidance is impractical or not preferable due to traffic flow or safety considerations, penetration through a buffer to ingress and egress from the right-of-way may be permitted and the width of the ingress and egress can be subtracted from the length of the buffer for the calculation of the number of plants required.
- vi. Plants, berms, or walls required for buffers within required sight triangles shall be in accordance with standards provided in Article 5, Section 1. Further, no fence, wall, or plant material shall be placed within a buffer that would impede the movement of or obstruct the view of either a pedestrian or driver of a vehicle that would create a potential safety hazard.

TABLE 5.5.13 C: - BUFFER PLANTINGS										
Plants per 100 Linear Feet - Canopy/Accent/Shrub										
DEVELOPING PROPERTY	ZONING	ABUTTING PROPERTY								
		R-1, RE	RML	RMM	C	CC	P	INST	I	SC, MXB
	R-1, RE	X	X	X	X	X	X		X	
	RML	4/0/33	X	X	X	X	X		X	
	RMM	5/5/66	4/0/33	X	X	X	X		X	
		5/3/33 w/ wall								
		5/5/66	5/5/66	5/5/66	X	X	X		X	

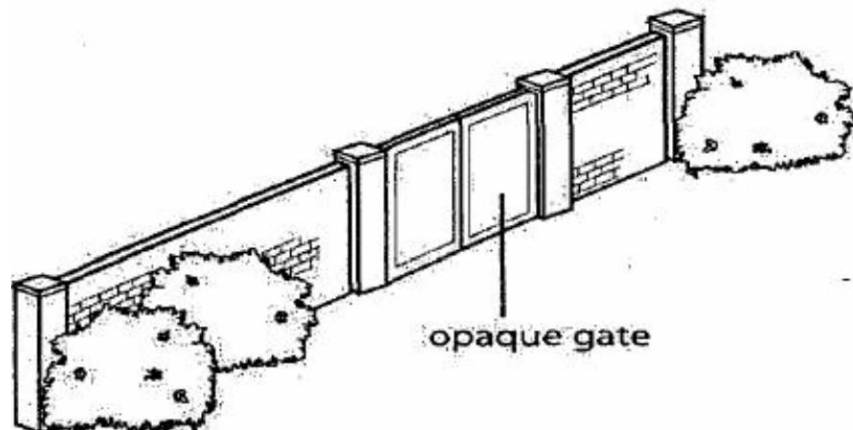
CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 5 – DEVELOPMENT STANDARDS

C	5/3/33 w/ wall	3/2/33 w/ wall	3/2/33 w/ wall						
CC	5/5/66	5/4/33	5/2/66						
	5/3/33 w/ wall	3/2/66 w/ wall	5/4/32	X	X	X		X	
P	3/2/33	4/0/33	4/0/33	X	X	X		X	
I	9/4/80 w/ wall	8/6/48	8/6/48	5/5/66	5/5/66	10/8/6 4		X	
		5/3/66 w/ wall	5/3/66 w/ wall	5/3/33 w/ wall	5/3/33 w/ wall				
INST	5/5/66	5/5/66	5/5/66	X	X	X		X	
	5/3/33	5/3/33	5/3/33						
SC, MX	4/0/33	4/0/33	4/0/33						

- c. Buffer requirements. No development within required buffer. Required buffer shall not contain any development other than drainage facilities, sidewalks, plants, walls, or berms. Driveways shall only be allowed in the required buffer if the buffer runs along a street. No grading, development, or land-disturbing activities shall occur within the buffer unless as part of an approved development or landscape plan.
- d. Buffer maintenance.
- i. Any landscape buffer required pursuant to this section shall be maintained in order to preserve such buffer.
 - ii. The plantings, walls, and berms that constitute screening for any buffer required pursuant to this section shall be maintained for the life of the development. Such maintenance shall include all actions necessary to keep the buffer free of litter and debris, and to keep plantings, walls, and berms in good repair and neat appearance.
 - iii. In the event that any buffer screening or any element thereof, is damaged or fails to live so that it no longer furthers the purpose and intent of this section, it shall be replanted or replaced, whichever is applicable, with the type and size of material specified on the landscape plan.
- e. Plant and tree arrangement. Required plants and trees shall be distributed in a manner to meet the intent of screening incompatible uses. In the event that plant materials are prohibited in a public drainage or utility easement which abuts or is coincident with a buffer, no new plant materials shall be centered closer than two feet from such easement.
- f. Existing vegetation.

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

- 2616 i. Retaining existing Florida native trees and other vegetation within a buffer is strongly
2617 encouraged.
- 2618 ii. If existing plants do not fully meet the standards for the type of buffer required, additional
2619 plant materials shall be installed.
- 2620
- 2621 g. Buffer walls and berms.
- 2622
- 2623 i. Whenever a wall is required within a buffer, it is shown in Table 5.5.13.B.
- 2624 ii. Where the buffer requires a berm, the berm shall be graded to appear smooth, rounded,
2625 and natural. Slopes shall not exceed a 3:1 grade.
- 2626 iii. Whenever a wall is required within a buffer, the wall shall conform to all requirements of
2627 Article 5 Section 2, and the requirements herein, and all other requirements for a wall.
2628 The wall may be placed anywhere in the buffer, provided at least 75% of the required
2629 trees and 100% of the required shrubs are on the side facing outward toward the right-
2630 of-way or abutting property (facing away from the property on which the wall is erected).
2631 Bare concrete block, even if painted, is prohibited. The following materials, either singly
2632 or in any combination, are the only materials that may be used to form the wall:
- 2633
- 2634 (a) Concrete block coated with stucco;
- 2635 (b) Textured concrete block;
- 2636 (c) Stone;
- 2637 (d) Brick; or
- 2638 (e) Formed, decorative, or precast concrete.
- 2639
- 2640 iv. Whenever a wall is required within a buffer, it shall be 100% opaque and shall be the
2641 maximum height allowed for the use and the location of the wall.
- 2642
- 2643 h. Gates. A gate may be allowed in a buffer wall, provided such gate is opaque, unless spanning
2644 a vehicular entrance, and meets the intent and purpose of this section. Gates shall be
2645 maintained in accordance with the maintenance standards for screening contained in this
2646 section.

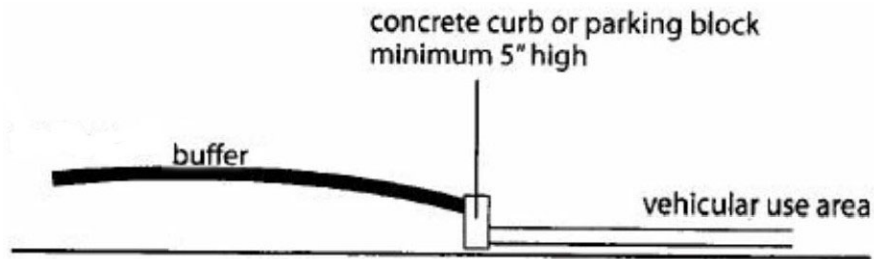


- 2647 i. Staggered walls. Whenever a wall is required within a buffer, it may be divided along the
2648 length of a buffer so that a wall consists of a series of wall segments instead of a continuous
2649
2650

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

line. Such a divided wall shall be allowed only if it meets the intent and purpose of this section and if the wall segments overlap by a minimum of one-half of the distance between the two wall segments.

- j. Vehicular use areas. Concrete curbs or wheel stops at least five inches high shall be provided between vehicular use areas and buffer areas.



3. Location of buffer.

- a. The landscape buffer required by this section shall be located along the perimeter of a property except at approved entrances or exits to the parcel.
- b. Buffers shall extend to the lot line or right-of-way line, except where easements, covenants, visibility triangles, or natural features require the buffer to be set back from the property line. The presence of an easement, covenant, or natural feature does not necessarily preclude the placement of a buffer, unless due to the nature of the easement, covenant, or natural feature the placement of a buffer would be precluded.
- c. Nothing other than open landscaped areas shall be located between the required buffer and the site perimeter unless the presence of an easement, covenant, or natural feature, which due to its nature, would preclude open landscaped areas.
- d. Buffers may not be located on any portion of an existing or dedicated street right-of-way or roadway easement.

Section 5.5.14. Irrigation.

All landscaping shall contain an automatic irrigation system. All required irrigation systems shall be designed to minimize the application of water to impervious areas, including roads, drives, and other vehicle areas. Required irrigation shall also be designed to avoid damage to existing native vegetation from over watering or from physical conflicts with plant roots. The following standards shall apply to the design, installation, and maintenance of irrigation systems:

- A. The irrigation system shall be properly maintained and operated consistent with watering schedules established by the South Florida Water Management District or the City of Cape Coral, whichever is more restrictive.
- B. Existing native plants are exempt from this requirement.

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

- C. Automatic control systems shall be equipped with an operable rain sensor or other devices, such as soil moisture sensors, to prevent unnecessary irrigation.

Section 5.5.15. Tree credits.

- A. Tree credits for all development other than single-family homes and duplexes are available, to encourage the planting of larger trees than are otherwise required and to preserve trees existing on development sites. Based on the gross square feet of land area, each tree credit earned can count toward the number of trees required, subject to limitations indicated below. If tree credits are used, the credits shall be shown in the calculations on the landscape plan. Single-family homes and duplexes are not eligible for the tree credit program provided by this subsection. In no event, shall the number of trees required in a buffer be reduced.
- B. Credit for planting larger canopy trees. One tree credit shall be applied to the overall tree count for each two inches of increased caliper above the minimum planting size specified in this Chapter. In no event, however, shall the actual number of trees be less than one-half of the total number required.
- C. Credit for preserving existing canopy trees. Existing canopy trees in good health and meeting the minimum standards provided in this Chapter that are preserved on a site, and that are properly protected prior to and during the course of development activities, may be used to meet the requirements of this section for the site where the existing trees are located. For purposes of this subsection, development activities include land clearing, construction, grading, or placement of fill. Canopy trees that exceed the minimum size required by Article 5, Section 15 are credited at the following ratios for existing canopy trees:

TABLE 5.5.13.D: CREDIT FOR PRESERVING EXISTING CANOPY TREES	
CREDITS	
1.	6" up to 12" caliper = credit for 2 trees
2.	12" up to 18" caliper = credit for 3 trees
3.	18" up to 24" caliper = credit for 4 trees
4.	24" or greater caliper = credit for 5 trees

No credit shall be given to canopy trees on the Florida Exotic Pest Plant Council list of Category I or Category II invasive exotics.

- D. Credit for preserving existing palms. Existing palm trees in good health and having a minimum of ten feet of clear trunk that are preserved on a site and properly protected prior to and during the course of development activities, may be used to meet the requirements of this section for the site where the existing palm trees are located. This credit shall be available for palms preserved in place or transplanted within a site, using accepted horticultural procedures.

Section 5.5.16. Landscape maintenance.

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

- A. General maintenance required. The property owner shall maintain all landscaping in accordance with the approved landscape plan, if any, and with the standards contained in this section, including:
1. Trees, palm trees, shrubs, and other vegetation shall be trimmed so as to not be an obstruction to pedestrian or vehicular traffic or traffic visibility;
 2. Trees, palm trees, shrubs, and tree bed(s) shall be kept free of refuse, debris, and disease;
 3. Nonliving materials shall be maintained in good condition at all times.; and
 4. Shrubs planted in non-residential and mixed-use developments shall grow and be maintained at all times according to the minimum size specified on the approved landscape plan or to a minimum height of 36 inches, if not specified on the approved landscape plan. Shrubs that do not meet the minimum height specified or the alternate minimum height of 36 inches shall be replaced with like kind species and be maintained at a height of 36 inches.
- This requirement shall not preclude the placement of additional plant materials or other landscape features that comply with other requirements of these regulations.
- B. Compliance required. For any development for which a landscape plan was submitted, the city shall not issue a certificate of occupancy or certificate of completion until the landscape architect or other licensed professional authorized pursuant to F.S. Chapter 481, Part II, who prepared, signed, and sealed the plan certifies to the city that all elements of the landscape plan have been installed in accordance with the approved plan. Each development will be inspected by the City of Cape Coral within two years after the certificate of occupancy or certificate of completion is issued, and from time to time thereafter to ensure compliance with the applicable landscape standards and with the approved landscape plan, if any. Any dead or missing plant, or plant that appears to be dying or unable to sustain healthy future growth shall be replaced by one that conforms to the requirements of this section and approved landscape plan, if any. Failure to comply with this requirement shall constitute a violation of the City of Cape Coral Code of Ordinances, subject to any penalty imposed by law.
- C. Changes subsequent to landscape plan approval. The replacement of plants indicated on an approved landscape plan with plants of the same species, or the placement of hardscape features that comply with other requirements of these regulations shall not require the submission of an amended landscape plan. The substitution of plants indicated on an approved landscape plan with plants of an alternative species of the same size and plant category (canopy tree, accent tree, palm tree, shrub) shall not require the submission of an amended landscape plan, unless a specific species has been prescribed as a condition of approval by the Hearing Examiner or City Council; however, any such substitution shall meet all other landscape requirements, including the minimum separation distance between trees and overhead power lines, the Florida native plant percentage, the tree species mix, and species specific palm tree substitution requirements. Except as described above, after a landscape plan has been approved, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the landscape plan without first obtaining written approval of an amendment to the landscape plan. The approval of an amendment to a landscape plan does not constitute an amendment to the site plan. Modifications that require approval of an amended landscape plan include:

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

- 2775
- 2776 1. Replacement of any plant indicated on an approved landscape plan with a plant of a different
- 2777 species; or
- 2778
- 2779 2. The reduction of any quantity or size of plants below the size that was indicated on the most
- 2780 recently approved landscape plan.
- 2781

2782 The city may impose a reasonable fee for the review and approval of an application for an amendment

2783 to a landscape plan. An application for an amendment to a landscape plan shall be reviewed in

2784 accordance with the standards herein, unless the landscaped area is a legal nonconformity. An

2785 application for an amendment to a nonconforming landscaped area shall be reviewed in accordance

2786 with Article 5, Section 6.

2787

2788 D. Nonconforming landscaped areas.

2789

- 2790 1. Legal nonconforming landscaped areas established. All landscaped areas which were lawful prior
- 2791 to the adoption of this Code but which fail by reason of adoption of such amendment to comply
- 2792 therewith, are hereby declared to be nonconforming. Such nonconforming landscaped areas are
- 2793 hereby declared to be lawful and shall not be required to be altered to conform with such
- 2794 regulations as adopted by the City of Cape Coral; provided, however, that such nonconforming
- 2795 landscaped areas are restricted and subject to the requirements of this section.
- 2796
- 2797 2. Requirements for nonconforming landscaped areas.
- 2798
- 2799 a. For sites with an approved landscape plan, nonconforming landscaped areas, including
- 2800 buffers, shall be maintained in accordance with approved landscape plans, as modified by
- 2801 requirements of any approval for PUD, PDP, special exception, or variance, if any. If the
- 2802 minimum requirements for landscaping are reduced subsequent to the most recently
- 2803 approved landscape plan, the property owner may request approval of an amended
- 2804 landscape plan meeting the minimum requirements pursuant to Article 5, Section 6.
- 2805
- 2806 b. For single-family and duplex sites, nonconforming landscaped areas shall be maintained in
- 2807 accordance with landscape regulations in effect at the time of issuance of the original building
- 2808 permit for the primary structure.
- 2809
- 2810 c. For sites without an approved landscape plan, other than single-family and duplex sites,
- 2811 nonconforming landscaped areas shall be maintained in accordance with landscape
- 2812 regulations in effect at the time of the most recent site plan approval.
- 2813

2814 E. Canopy tree pruning.

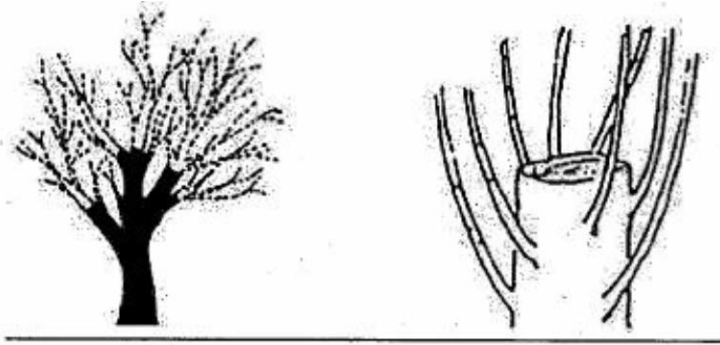
2815

- 2816 1. Except as otherwise provided herein, trees required by regulations in effect at the time of site
- 2817 development shall only be pruned to promote healthy, uniform, natural growth, to keep trees
- 2818 trimmed back from doors, windows, and public sidewalks or where necessary to promote health,
- 2819 safety, and welfare. Pruning shall be in accordance with "American National Standard for Tree
- 2820 Care Operations - Tree, Shrub, and Other Woody Plant Maintenance - Standard Practices (Pruning)

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

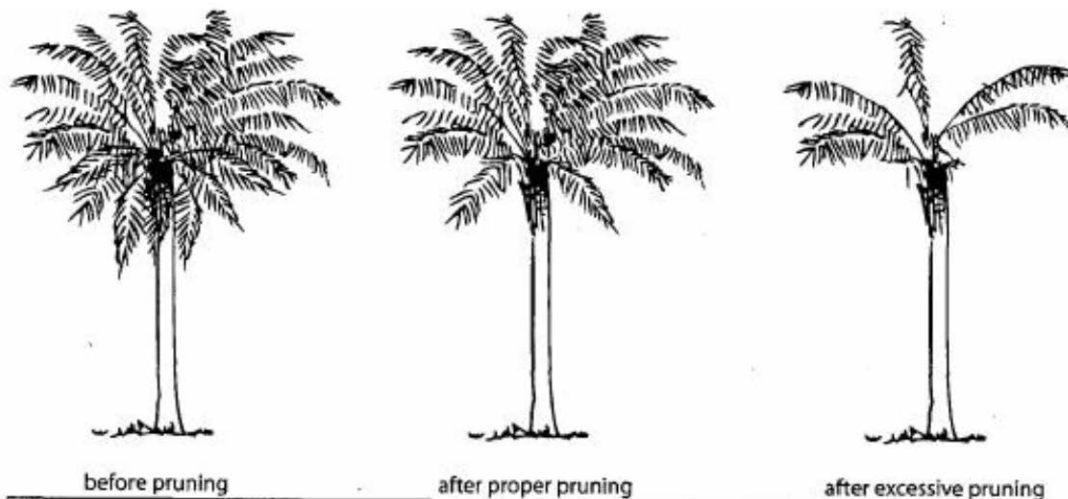
(A300, Part 1)" by the American National Standard Institute and "Best Management Practices: Tree Pruning" by the International Society of Arboriculture (ISA). Pruning of trees on any site over one acre should be supervised by a certified arborist. Pruning necessary to maintain public overhead utilities shall be in accordance with the National Electric Safety Code (NESC).

2. Trees required by regulations in effect at the time of site development shall not be pruned so as to include topping of trees through removal of crown material or the central leader, or any other similar procedure to permanently limit growth to a reduced height or spread or that cause irreparable harm to the natural form of the tree, except where such procedures are necessary to maintain public overhead utilities. Severely pruned trees required by regulations in effect at the time of site development must be replaced by the property owner. Replacement trees must meet the tree size requirements of this Chapter. A tree's growth habit shall be considered in advance of conflicts that might arise (e.g., signs, power lines, sidewalks, buildings, and similar conflicts).



Excessively pruned trees.

3. Palm maintenance and pruning. Palms shall only be pruned in such a manner that removal of fronds does not exceed a 9:00 to 3:00 pattern and no more than one-half of the fronds are removed at a single time. This limitation shall not apply to flower stalks or fronds that are yellow or dead.



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

Section 5.5.17. Planting in medians.

A. Permits.

1. Required. It shall be unlawful for any person to place any landscape material, including plant materials and hardscape materials other than mulch, in any median under the control of the city, without first obtaining a permit for such work from the City.

2. Application. An application for a permit shall be submitted on a form provided by the city and include all required information as specified in the permit application forms.

B. Median design. Landscaping in medians shall be in accordance with the City of Cape Coral Engineering Design Standards.

C. Prohibited vegetation. The prohibited vegetation standards of section 9 of this article shall apply in medians.

D. Review criteria. In determining whether a permit will be issued, the city shall consider factors that include, but are not limited to, the following:

1. Relationship to traffic and pedestrian safety;
2. Location of existing and proposed public utilities, power lines, and other right-of-way improvements;
3. Effect on surface waters and drainage patterns;
4. Aesthetic effect of the proposed landscaping, including whether the resultant theme would be consistent throughout the specific median, and whether the proposed landscaping would coordinate with the landscape theme, if any, established in the vicinity;
5. Type, size, and location of any extant plant materials and hardscape materials, if any;
6. Type, size, and location of proposed plant materials and hardscape materials on the median;
7. Method of removal of existing plant materials and hardscape materials;
8. Adequacy of proposed irrigation, its expense to the city, and availability of water supply; and
9. The city's ability to maintain the landscaping in the event that the permittee fails to do so including economic ability, manpower, and location of the median.

E. Approval.

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

- 2890 1. In its approval of any permit request, the city may impose conditions, which may include one or
2891 more of the following:
2892
- 2893 a. Modifications to the planting plan, including but not limited to the design to ensure
2894 integration with the aesthetic character of the neighborhood, the requirement that the entire
2895 median be included in the design, as well as to plant sizes, species, location, and nature
2896 placement of hardscape materials;
2897
- 2898 b. Modification of plant installation or removal methods or specifications;
2899
- 2900 c. Regulation of the commencement and completion date, work hours, or phasing of installation
2901 or removal;
2902
- 2903 d. Modification to the proposed maintenance schedule;
2904
- 2905 e. Requirement of a financial instrument to ensure maintenance or removal of the landscaping;
2906
- 2907 f. Requirement that all or part of the landscaping be installed and maintained by a licensed
2908 landscape contractor or certified arborist;
2909
- 2910 g. Requirement that temporary traffic control measures be implemented by a barricade
2911 company with certification by the American Traffic Safety Services Association (ATSSA) or the
2912 International Municipal Signal Association (IMSA);
2913
- 2914 h. Requirement that curbing be installed;
2915
- 2916 i. Requirement that erosion control measures be implemented; and
2917
- 2918 j. Submission of a hold harmless agreement acceptable to the city.
2919
- 2920 2. The permittee shall be responsible for compliance with the permit and any associated conditions,
2921 along with the maintenance of the landscaping. The limitation on the time period for installing
2922 landscape materials shall not apply to replacement of materials as part of maintenance.
2923
- 2924 3. Approval of a permit to install landscape materials in a median shall not obviate the requirement
2925 to obtain all other necessary permits, including permits for irrigation and signs.
2926
- 2927 F. Changes subsequent to approval. After a planting plan has been approved, it shall be unlawful to
2928 change, modify, alter, or otherwise deviate from the terms or conditions of the planting plan without
2929 first obtaining written approval of an amendment to the planting plan. Modifications that require
2930 approval of an amended landscape plan include the following:
2931
- 2932 1. Replacement of any plant indicated on an approved planting plan with a plant of a different
2933 species; or
2934
- 2935 2. Modification of the location of any plants or other landscape materials.

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

The city may impose a reasonable fee for the review and approval of an application for an amendment to a planting plan. An application for an amendment shall be reviewed in accordance with the standards herein. The replacement of plants indicated on an approved landscape plan with plants of the same species shall not require the submission of an amended landscape plan.

G. Permit expiration and extension. A permit for installing landscape materials in any median under the control of the city shall be valid for a one-year period from the date of issuance, except as otherwise provided within the permit approval. The permittee is solely responsible for submitting an application for renewal of the. In determining whether the permit should be renewed, the city shall consider all of the factors listed in subsection D. above, as well as the condition in which any materials planted pursuant to the permit have been maintained.

H. Maintenance. Once any landscape materials are installed in a median, the materials are the property of the city. Except when the city determines that it is in its best interest to maintain portions of landscaping in medians permitted in accordance with this subsection, the permittee shall be responsible for maintaining any and all landscaping permitted by this subsection in accordance with Section 16 of this chapter. Should any plant material or other landscape material or portion thereof become a safety hazard, unsightly, or die or become diseased, or if it is installed or maintained in a manner inconsistent with the permitting requirements herein, the city shall have the option of performing maintenance, replacing, or removing it. The City will determine compliance with this subsection.

I. Removal.

1. The authorization in this section for the removal of landscaping in medians shall be construed as supplementary to any other means of enforcement available to the city and shall not be construed so as to negate the authority of the Code Enforcement Special Magistrate to hear and adjudicate appropriate cases.

2. The city may also, in its sole discretion, remove any landscape materials placed in any median under the city's control, for utility maintenance, safety, or any other reason.

J. Revocation. If any condition of approval is not satisfied, the city may revoke or stop work on any permit issued pursuant to this subsection.

Section 5.5.18. Cul-de-sac or roundabout landscaping.

A. Permit required. It shall be unlawful for any person to place any landscape materials in any cul-de-sac or roundabout under the control of the city, without first obtaining a permit for such work from the City.

B. Planting design and materials. Permits shall be issued only for the planting of approved trees or shrubs on cul-de-sac or roundabout. Such plantings on cul-de-sac or roundabout shall be in accordance with the City of Cape Coral Engineering Design Standards.

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

1. Trees. All trees to be planted in a cul-de-sac or roundabout shall be of at least ten-gallon size at the time of planting. The following trees are: Mahogany, Wild Tamarind, Yellow or Pink Tabebuia, Buttonwood, Crepe Myrtle, Gumbo Limbo, Southern Magnolia, Paradise tree, Pigeon Plum, Sago Palm, or Pygmy Date Palm. However, other types of trees may be permitted providing the criteria established in this section are met. The prohibited vegetation standards of this Chapter shall apply in cul-de-sac and roundabout.
 2. Shrubs. Shrubs to be planted should be durable in harsh conditions with slow, unobtrusive growth habits. All shrubs shall be of at least three-gallon size at the time of planting. The following shrubs are recommended for planting: Carissa, Cocoplum, Yaupon Holly, Myrsine, Necklace Pod, Podocarpus, and Wax Myrtle. However, other types of shrubs may be permitted providing the criteria established in this section are met.
 3. Other vegetation. The planting of flowers or any vegetation (other than approved trees or shrubs) by any private person or entity on cul-de-sac or roundabout owned by the city is prohibited. In addition, cul-de-sac or roundabout shall be left in sod. However, a small bed immediately surrounding a tree or shrub may be mulched.
- C. Plan submittal. Prior to the issuance of a permit for planting and prior to the planting of any tree or shrub on any cul-de-sac or roundabout, a planting plan shall be submitted for review to the City. The planting plan shall include all pertinent dimensions, source of water supply to landscape materials, and the proposed location of the trees or shrubs, with the species of tree or shrub by name.
- D. Approval criteria. In determining whether a permit will be issued, the city shall consider the following criteria:
1. The location of existing and proposed public utilities and power lines;
 2. Vehicular use areas and intersecting streets;
 3. Diversion of surface waters or drainage patterns;
 4. Relationship to and effects on traffic safety;
 5. Type and location of trees or shrubs to be planted; and
 6. Type and location of any extant trees, palm trees, shrubs, or other vegetation on the cul-de-sac or roundabout.
- E. Permit expiration and renewal. A permit for planting trees or shrubs on a cul-de-sac or roundabout shall be valid for a period of one year from the date of issuance. At the expiration of such one-year period, the permit shall automatically expire unless renewed in accordance with the provisions of this section. The permittee shall be solely responsible for submitting an application for renewal of the permit. In determining whether the permit should be renewed, the city shall consider all of the criteria listed above as well as the existing condition of the trees or shrubs planted.

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

- F. Maintenance. Once any landscape materials are installed, the materials are the property of the city. The person or entity to which the permit for planting is issued shall be responsible for maintaining any and all trees or shrubs in good condition so as to present a healthy, neat, and orderly appearance for keeping such trees or shrubs free of refuse, debris, and disease. Failure to maintain such trees or shrubs in accordance with this provision shall be grounds not only for denial of a renewal or revocation of the planting permit, but also shall be grounds for removal by the city of the trees or shrubs planted.
- G. Removal. Any landscape materials planted or installed without the express written permission of the city shall be subject to removal by the city in its sole discretion. Except for the city and persons with a permit or other written authorization from the city, no person shall remove landscape materials from a cul-de-sac or roundabout.

Section 5.5.19. Lateral right-of-way planting.

- A. No permit required. Except in the South Cape Downtown district, no permit shall be required for a private person or entity who owns the property abutting the city-owned lateral right-of-way to plant trees and shrubs in the city-owned lateral right-of-way.
- B. Placement of planting material. In the South Cape Downtown District, in order to provide a cohesive urban streetscape, applicants may enter into an agreement with the city for placement of planting material in the lateral right-of-way. In all other districts, the planting of trees, palm trees, and shrubs, and the placement of the tree bed(s) shall be allowed in the city-owned lateral right-of-way subject to the following restrictions:
1. Planting near utility infrastructure shall be in accordance with the requirements of Section 7 of this article;
 2. One or more trees may be immediately surrounded by a bed consisting of landscape edging materials, bedding plants or groundcover, and mulch or decorative rock so long as the size of the bed is reasonably related to the size and number of trees contained therein. Groundcover or annual bedding plants shall be permitted within the tree bed. Unless otherwise permitted, no other landscape edging material, concrete curbing, bedding plant or groundcover, mulch, or decorative rock shall be allowed in the city-owned lateral right-of-way;
 3. The property owner abutting the portion of the lateral right-of-way in which the plantings and the tree bed(s) are placed shall be responsible for any and all costs incurred by the city for damage sustained to any underground utility facilities as a result of said plantings or placement of the tree bed(s), and shall indemnify and hold the city, its officers, employees, and agents, harmless from any and all claims for injuries and damages to persons and property, both real and personal resulting from said plantings or placement of the tree bed(s);
 4. No tree, shrub, landscape edging material, concrete curbing, bedding plant, groundcover, mulch, or decorative rock shall be placed in the city-owned lateral right-of-way within five feet of the roadway. Canopy trees shall not be planted within seven feet of any roadway, sidewalk or public utility, unless an acceptable root barrier material, installed in accordance with this Chapter.

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

5. No tree, shrub, landscape edging material, concrete curbing, bedding plant, groundcover, mulch, or decorative rock shall be placed in the city-owned lateral right-of-way:
- i. Within five feet of either side property boundaries, as measured perpendicular from the side property line;
 - ii. Within three feet of the bottom on the swale in either direction;
 - iii. Within three feet of a public sidewalk; or
 - iv. So as to be an obstruction to pedestrian or vehicular traffic or traffic visibility and each shall be maintained accordingly.

C. Maintenance. Once any landscape materials are installed in a lateral right-of-way, the materials are the property of the city. The person or entity who owns the property abutting a portion of the lateral right-of-way along a city street in which the trees, palm trees, shrubs, landscape edging material, concrete curbing, bedding plants, or groundcover, mulch, or decorative rock have been placed shall be responsible for the following:

1. Maintaining all plantings and tree bed(s) in good condition so as to present a healthy, neat, and orderly appearance;
2. Trimming such trees, palm trees, shrubs, and tree bed(s) so as to not be an obstruction to pedestrian or vehicular traffic or traffic visibility; and
3. Keeping such trees, palm trees, shrubs, and tree bed(s) free of refuse, debris, and disease.

Failure to maintain such trees, palm trees, shrubs, and tree bed(s) in accordance with this provision shall constitute a violation of this section and shall be grounds for removal by the city of the trees, palm trees, shrubs, and tree bed(s) in the right-of-way.

D. Removal.

1. The authorization in this section for the removal of trees, palm trees, shrubs, and tree bed(s) shall be construed as supplementary to any other means of enforcement available to the city and shall not be construed so as to negate the authority of the Code Enforcement Special Magistrate to hear and adjudicate appropriate cases.
2. The city may also, in its sole discretion, remove any trees, palm trees, shrubs, and tree bed(s) placed in a city-owned lateral right-of-way for utility maintenance, safety, or any other reasonable cause. Except for the city, persons with written authorization from the city, and the property owner abutting the portion of the lateral right-of-way in which landscape materials have been placed, no person shall remove landscape materials from a lateral right-of-way.
3. All expenses incurred by the city for removal trees, palm trees, shrubs, and tree bed(s), for any reason, shall be the responsibility of the property owner.
4. If, for any reason, such trees, palm trees, shrubs, and tree bed(s) are removed, the adjoining owner shall be responsible for returning the right-of-way to its original condition prior to the placement of the plantings and tree bed(s) and any expenses related thereto regardless of

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

whether the removal of the trees, palm trees, shrubs, and tree bed(s) was performed by the property owner or the city pursuant to this section.

Section 5.5.20. Deviations.

- A. Deviations from the provisions of this section may be approved by the Director and as further provided herein) provided that the deviation will not be contrary to the public interest and will be in harmony with the general intent and purpose of this section and where either of the following applies:
1. Conditions exist that are not the result of the applicant and which are such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship; or
 2. Literal conformity with the regulations would inhibit innovation or creativity in design.
- B. In determining whether a particular deviation request should be approved as the result of unnecessary or undue hardship, factors the Director shall consider include, but are not limited to, the following: site constraints such as shape, topography, dimensions, and area of the property, the effect other regulations would have on the proposed development, or other locational factors that may make compliance with this section impossible or impracticable, and the effect the requested deviation would have on the community appearance. Additionally, the Director shall find that the approval of the deviation(s) would serve the intent of this section to protect the health, safety, and welfare of the public while ensuring a high level of overall aesthetic appeal and visual interest in the city.
- C. In determining whether a particular deviation request should be approved because literal conformity with the regulations would inhibit innovation or creativity in design, the Director may approve the request for deviation(s) if the applicant demonstrates that the design of the landscaping for which one or more deviations is sought is unique and innovative and, further, that the approval of the deviation(s) would enhance such unique and innovative design. Additionally, the Director shall find that the approval of the deviation(s) would serve the intent of this section to protect the health, safety, and welfare of the public while ensuring a high level of overall aesthetic appeal and visual interest in the city. For purposes of this section, indicia of unique and innovative design may include, but are not limited to, the following:
1. Landscape details that are unique or that are exceptional in quality by virtue of artistic composition, quality of materials, dimensional attributes, or any combination thereof;
 2. Plant massing that evokes exceptional expression through use of angularity, curvature, or other means;
 3. Design elements or other forms that achieve dynamic or symmetric aesthetic balance; or
 4. Other details or forms that preclude visual monotony and are pleasing in aesthetic character.
- D. Requests for deviations and the reasons therefore shall be set forth by the applicant in the application for deviation and shall be accompanied by documentation including, a narrative that clearly defines the section(s) of the regulations of the requested deviation, a narrative explanation as to the reason

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

for the requested deviation and why it should be approved, sample detail drawings, elevations, and perspectives which shall graphically demonstrate the proposed deviation(s) and illustrate how each deviation would operate to the benefit, or at least not to the detriment, of the public interest.

- E. For deviations to avoid unnecessary or undue hardship, the Director subject to these standards and criteria, shall approve only the minimum deviation from the provisions of this section. For deviations to avoid the inhibition of innovation or creativity in design, the Director shall approve deviations necessary to enhance the unique and innovative design. The Director may impose reasonable conditions of approval in conformity with this section. Violation of such conditions and safeguards, when made a part of the terms under which a deviation is granted, shall be deemed a violation of this section and shall be enforceable not only by revocation of the deviation, but also by all other remedies available to the city, including all code enforcement procedures.

CHAPTER 6. LIGHTING.

Section. 5.6.1. Purpose and applicability.

The purpose and intent of this Section is to create outdoor lighting standards that promote the health, safety, and welfare of the residents and decrease the impacts of ambient lighting on the natural sky by establishing maximum intensities of lighting and controlling glare from lighting fixtures. The provisions of this article shall apply to all permanent outdoor lighting from any light source in nonresidential development.

Section. 5.6.2. Outdoor lighting standards.

- A. Outdoor lighting fixtures. All outdoor lighting fixtures shall be installed in such a manner that the source of each individual light is shielded, positioned, and maintained so as not to be visible off the premises.
- B. Light shielding for parking lot illumination. All parking lot lighting shall have no light emitted above 90 degrees.
- C. Outdoor lighting fixtures adjacent to residential. Any outdoor lighting fixture providing light to any parcel adjacent to a residentially zoned parcel, whether adjoining or not, shall emit no more than 0.1 foot-candles of light, as measured from the property line of the adjacent residential parcel, using a standard light meter, the cell of which is directed towards the source of the light.
- D. All areas designed for use after daylight hours shall be adequately lit, in accordance with Table 5.6.2. below.

Table 5.6.2. Lighting levels for commercial and industrial developments

Outdoor Lighting Area	Lighting Level minimum - maximum (foot-candles)
Entrance of commercial or industrial building	1 - 5

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

Sidewalk or walkway from parking area to entrance	.5 - 2
Parking lot	.5 - 3
Gas station canopy	10 - 15
Loading and unloading areas	15 - 20

E. Illumination ratio. Luminaire fixtures in parking lots shall be arranged in order to provide uniform illumination throughout the parking lot area of not more than a 4:1 ratio of average to minimum illumination, and not more than 12:1 ratio of maximum to minimum illumination.

F. Automatic Switching Requirements. Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch, or equivalent functions from a programmable lighting controller, building automation system, or lighting energy management system, all with battery or similar backup power or device.

F. Modifications. Additions, modifications, or replacement of more than 25 percent of outdoor lighting fixtures existing as of the effective date of this ordinance shall require the submission of a complete inventory and photometric plan detailing all existing and any proposed new outdoor lighting. Any new lighting shall meet the requirements of this ordinance.

G. Exempt lighting. The provisions above shall not apply to streetlights, single-family residences, duplexes, or governmental facilities.

CHAPTER 7. SCREENING

This Chapter shall not apply to single-family detached or duplex residential development.

Section. 5.7.1. Screening of rooftop equipment.

All rooftop equipment shall be screened from view from the right-of-way or adjacent properties by the use of a parapet wall or other architectural feature to screen the equipment or shall be set back adequately from the building edge to conceal the equipment from adjacent properties at ground level.

Section. 5.7.2. Screening of storage areas.

A. All permitted storage areas shall be screened from adjacent properties and the right-of-way. Permissible screening materials include:

B. A six-foot high wall of concrete or similar approved material, Section. 5.2.7 on walls;

C. A six-foot high opaque fence of an approved material, Section. 5.2.7 fences; or

D. A vegetative buffer, consisting of two staggered rows of shrubs a minimum of three feet tall at planting. The buffer shall create a dense barrier, at 80% opacity, within two years.

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

Section. 5.7.3. Air conditioning units and mechanical equipment.

A. All mechanical equipment at ground level shall be screened from adjacent property and the right-of-way. When possible, sound deadening materials shall be used. Permissible screening materials include:

1. A wall or opaque fence of adequate height to screen the view of the equipment, see Section. 5.2.7 for approved materials.
2. A vegetative buffer, which meets the specifications in Section 5.6 for a four-foot tall buffer.

Section. 5.7.4. Permanently installed stand-by generators.

Permanently installed stand-by generators serving all properties other than single-family and duplex residences where life and safety does not depend on the performance of the system.

- A. The generator may only be used in emergency situations when there is a power outage.
- B. Repairs and testing may only occur during daylight hours a maximum of once per week.
- C. Installation of a generator shall comply with the following restrictions:
 1. The generator shall not encroach more than three feet into any required setback, and in no case shall be any closer than two and one-half feet from any property line. The generator shall not be installed in an easement.
 2. The generator shall be screened from public view by:
 - a. A vegetative buffer which meets the specifications in Section 5.6 for a five-foot high hedge; or
 - b. A wall or opaque fence, of an adequate height to screen the equipment, which meets the specifications of Section 5.2.7.
 3. Permanent signs shall be placed at the electrical service indicating the type and location of the generator.

CHAPTER 8. NON-RESIDENTIAL DESIGN STANDARDS.

Section 5.8.1. Purpose and Intent.

The appearance of non-residential and mixed-use development affects the visual image and attractiveness of the City of Cape Coral. Utilitarian design and developments with minimal architectural features detract from the city's image and character. The purpose and intent of the non-residential design standards is to promote the City as an attractive destination for tourists and residents, and to support economic vitality while protecting the public health, safety, and welfare. These regulations intend to:

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

3295
3296
3297
3298
3299
3300
3301
3302
3303
3304
3305
3306
3307
3308
3309
3310
3311
3312
3313
3314
3315
3316
3317
3318
3319
3320
3321
3322
3323
3324
3325
3326
3327
3328
3329
3330
3331
3332
3333
3334
3335
3336
3337
3338
3339
3340

- A. Enhance the visual image and attractiveness of the City;
- B. Establish reasonable standards that offer flexible and diverse design options;
- C. Ensure development in Cape Coral is of consistent high quality and character; and
- D. Regulate site layout and architectural features to ensure aesthetic and visual interest.

Section 5.8.2. Applicability.

- A. The standards of this section shall apply to all non-residential and mixed-use development for which application for site plan approval, or a building permit is made.
- B. These design standards shall apply to existing development if a building's gross floor area is increased by 50% or more.
- C. Development on Industrial zoned sites shall be exempt from these standards.
- D. The design standards of this section do not apply when the City Council has established specific design standards for a unique area of the city unless the specific design standards otherwise expressly state their applicability.

Section 5.8.3. Exemptions.

The following types of buildings shall be exempt from the non-residential design standards.

- A. Any building that has received a temporary use permit.
- B. Any accessory structure.
- C. Bona fide agricultural buildings in the Agricultural District like barns and stables.
- D. Guard houses.
- E. Government facilities that are screened or not visible from a public street.
- F. Model homes.
- G. Municipal pump station buildings.
- H. Neighborhood storage and mini-storage buildings provided the buildings are enclosed with a wall with a minimum height of six feet.
- I. Pavilions, carports, gas canopies, and similar buildings that have support posts or columns but no sides.

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

J. Buildings similar to those listed above as determined by the Director.

Section 5.8.4. Conflicts.

If any of the non-residential and mixed-use design standards of this section conflict with any other provision of the City of Cape Coral Code of Ordinances or Land Development Code, the provision that establishes the more specific standard or architectural theme governs. If neither conflicting provision establishes a specific standard or architectural theme, then the more restrictive provision governs unless otherwise expressly provided.

Section 5.8.5. Appearance, Building Mass, and Design Treatments.

A. Consistency Within a Development. Except for buildings on outparcels that contain only one unit, designed and constructed to be occupied by a single end user, regardless of the number of business operations conducted within the single unit, buildings within a development shall be designed with color schemes, building materials, finishes, roof types, roof lines, and exterior roof finishing consistent with or that resemble those of the principal building or structure on the main parcel(s).

B. Consistency and Integrity of Building Components. All portions of any exterior side of a building, extending from finished grade to the top of the parapet wall or eaves, extending the entire width of the side of a building, must be designed with consistent architectural style, detail and trim features. All architectural features other than parapet walls, including towers or cupolas, shall be designed so as to have an equivalent character from any ground-level angle from which they can be viewed. Although perfectly symmetrical or uniform treatments are not required, architectural features that appear to enclose a spatial volume when viewed from one angle but not from all angles, or that incorporate gratuitous treatments that are not intended to be viewed from all ground-level angles, are prohibited.

C. Transparency of Building Walls. Windows and doors used to meet the transparency requirements identified below shall have a visible transmittance of at least 50% and an exterior reflectance no greater than 20%.

1. For buildings abutting and facing a public street, transparent windows, doors, or any combination thereof, shall cover at least 25% of the first story building wall area between two feet and 10 feet above grade.

2. For buildings with walls abutting but not facing a public street, transparent windows, doors, or any combination thereof, shall cover at least 15% of the first story building wall area between two feet and 10 feet above grade.

3. For lots abutting dedicated city parking areas or portions of alleys abutting dedicated city parking areas, transparent windows, doors, or any combination thereof, shall cover at least 25% of the first story building wall area between two feet and 10 feet above grade.

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

D. Sides of a building. For buildings located on outparcels, all exterior sides of a building shall comply with this section. Additionally, except for a side of a building built flush with a side lot line, a side of a building that faces a rear lot line of an abutting property, and a side of a building that faces a property line that abuts an alley, all sides of a building shall comply with the standards of this section.

1. All exterior sides of a building subject to this subsection shall include a repeating or varying pattern and shall comply with both design elements listed below. At least one of the three design elements shall repeat horizontally. All elements shall repeat or alternate at intervals of no more than 50 feet, either horizontally or vertically.

a. Each wall shall provide visual differentiation of wall surfaces through variations in a minimum of one of the following:

- i. Building materials;
- ii. Finish textures; or
- iii. Color.

b. Each wall shall provide a minimum of two of the following architectural features:

- i. Columns;
- ii. Pilasters;
- iii. Awnings;
- iv. Canopies;
- v. Reveals (if provided shall have a minimum depth of ½ inch);
- vi. Corbels;
- vii. Quoins ;
- viii. Keystones;
- ix. Cornices (if provided shall have a minimum height of four inches); or
- x. Other features as determined by the DCD Director that provide articulation or reduce building massing.

2. All exterior sides of a shall provide design elements in accordance with the gross square footage of a building, as provided herein. Required design elements may be located on an exterior wall of a building, on the roof of the building, or on both the wall(s) and the roof of a building, as applicable. If located on a roof, the design element shall be located on a portion of the roof that faces in the same direction as the exterior wall. It is not the intent of this section, however, to require the design elements to be on both the exterior wall(s) and the roof.

Building Gross Floor Area (sq. ft.)	Minimum number of Design Elements Required
10,000 sq. ft. or less	3
10,001 to 49,999 sq. ft.	4
50,000 sq. ft. or greater	5

a. Architectural features and detailing that create a frame and definition to the primary public entrance;

b. One or more canopies or awnings that extend a total length of at least 30% of the length of any side of a building subject to this subsection;

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

- 3428
- 3429 c. One or more attached porticos;
- 3430
- 3431 d. Peaked or arched roof form;
- 3432
- 3433 e. Overhanging eaves a minimum of 18 inches wide on all portions of a building with a pitched
- 3434 roof;
- 3435
- 3436 f. Arcade;
- 3437
- 3438 g. Colonnade;
- 3439
- 3440 h. Arches or arched forms other than roof forms or an arcade;
- 3441
- 3442 i. Windows or glazing that exceed the minimum glazing requirements of Subsection 5.8.5.C. by
- 3443 a minimum of 10% for a wall;
- 3444
- 3445 j. Ornamental or structural details, including, banding or moldings used throughout the exterior
- 3446 building walls that add decoration and detail to a building roofline, building openings, or
- 3447 windows;
- 3448
- 3449 k. Two or more ornamental or structural details that are horizontally continuous (except for
- 3450 interruptions for doors and windows), which may include belt courses or any type of three-
- 3451 dimensional molding, banding, projections, recesses, or niches that help to define a base,
- 3452 body, and cap to the proposed building;
- 3453
- 3454 l. A tower such as a clock tower or bell tower;
- 3455
- 3456 m. A cupola;
- 3457
- 3458 n. Sculptured artwork (excluding corporate logos or advertising);
- 3459
- 3460 o. Vertical articulation of walls, including pilasters, columns, or other relief with maximum
- 3461 separation of one third of the wall on which they are located, not to exceed a separation of
- 3462 100 feet;
- 3463
- 3464 p. Planter boxes that are integrated into the building architecture or wing walls that incorporate
- 3465 landscaped areas or places for sitting; or
- 3466
- 3467 q. Curved wall containing an uninterrupted curve along at least 10% of the length of any side of
- 3468 a building subject to this subsection.
- 3469
- 3470 3. For buildings with a gross floor area of greater than 50,000 square feet, no exterior wall shall
- 3471 exceed 100 linear feet in a horizontal direction within a single, continuous wall plane, nor shall
- 3472 any single, continuous wall plane constitute more than 60% of the building's total length. A wall
- 3473 shall be deemed to be in a single, continuous wall plane unless it is offset (recessed or projected)

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

by at least 36 inches from any adjacent wall plane or contains a pilaster that projects at least 36 inches from the wall.

Section 5.8.6. Wall Height Transition.

A. Buildings that are more than twice the height of the height of extant buildings on abutting property shall incorporate one or more transitional height elements to segue the height of the new building to the height of the closest existing building. The transitional height element shall be incorporated on the new building at the approximate cornice or roof line of the nearest existing building, if any. Where there is no extant building on adjacent property, the requirements of this sub-section will not apply. Where no single building is "nearest" to the new building, but instead two or more buildings are located an equidistance from the new building, the property owner may select the approximate cornice or roof line of any of such equidistant buildings at which to incorporate the transitional height element on the new building.

B. Transitional height elements may include:

1. Cornices or other decorative elements that run the length and width of the building and project a minimum of six inches from the wall;
2. Upper story setbacks and offsets at the approximate cornice or roof line of the nearest existing building as provided above;
3. Variations in roof planes.

Section 5.8.7. Building Materials.

Only the following finish materials for exterior walls are permitted. All other finish materials are prohibited.

A. Concrete block with stucco finish (CBS), synthetic stucco (an exterior cladding system with a stucco-like outer finish applied over insulating boards or composite materials), or other exterior coating that is the visual equivalent of stucco. Non-textured concrete block with visible mortar joints, even if painted, is not an acceptable finished material.

B. Textured or ribbed concrete block, e.g. "split-face block".

C. Reinforced concrete of any finish.

D. Glass or other glazing, whether transparent, translucent, or applied as a veneer. For purposes of this subsection, glazing consists of glass or any material that resembles glass including, but not limited to, Plexiglass or polycarbonate.

E. Stone or brick, including simulated stone or brick.

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

- F. Wood, other than plywood or T1-11 type paneling, if termite-resistant species, pressure-treated, painted, or stained.
- G. Fiber-reinforced cement panels or boards.
- H. Tile.
- I. Architectural metal panels, provided that corrugated metal panels shall not exceed 30% of the surface of any wall.
- J. Vinyl siding, provided that vinyl siding shall not exceed 30% of the surface of any wall.

Section 5.8.8. Roofs.

- A. All non-residential and mixed-use buildings shall have variations in rooflines and roof features that are consistent with the building's mass and scale. In addition, roofs shall include features from at least two of the following five categories below. Flat, unadorned roofs are prohibited.
1. Parapet wall provided the parapet extends completely around the building on all sides. However, this requirement shall not prohibit the substitution of a pitched roof in lieu of a parapet for part of a building.
 2. A three-dimensional cornice treatment, a minimum of four inches high (not applicable along any portion of a wall that is built flush to the side lot line). Flashing at the top of a parapet shall not qualify as a cornice. Cornices shall return a minimum of eight feet around corners that transition from a building wall that requires a cornice to a building wall that does not require a cornice.
 3. Varied roof lines with different roof heights and or separate or distinct roof segments that fall at different horizontal planes above the cornice line;
 4. Overhanging eaves that extend at least 18 inches beyond the supporting walls, with a minimum fascia of six inches in height (not applicable along any portion of a wall that is built flush to the side lot line);
 5. Vertical variation in the roof line with a minimum change in elevation of two feet.
- B. Pitched roofs such as gable, hip, shed or mansard roofs shall be clad with highly durable materials such as standing seam metal, slate, ceramic, or fireproof composite tiles. Fiberglass and asphalt shingles are prohibited except for dimensional grade or better.
1. Allowed slope. Pitched roofs shall have a minimum slope of three feet vertical rise for every 12 feet of horizontal run. The maximum slope of a pitched roof shall not exceed a one-foot vertical rise for every on foot of horizontal run.
- C. Roofs covering pavilions, carports, gas canopies, and similar structures with support posts or columns but no sides. Buildings with roofs that lack walls, whether free-standing or attached to another

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

building, shall have a minimum slope of three feet vertical rise for every 12 feet of horizontal run. Unless a roof with an alternative design is approved by the DCD Director, all roofs are required to possess a pitched roof with a minimum slope of three feet vertical rise for every 12 feet of horizontal run. The DCD Director shall consider the following two criteria in determining whether to approve a roof with an alternative design:

1. Whether the design of the roof evokes exceptional expression through the use of angularity, curvature, or other means; or
2. Whether the design of the roof precludes visual monotony and enhances the aesthetic character.

Flat and parapet roofs are prohibited for buildings covered by this subsection.

Section 5.8.9. Building Design Standards in the SC District.

A. All buildings, whether residential, nonresidential or compound use, shall conform to the design standards provided herein., except as superseded by the following requirements.

B. Public entrances. Public entrances shall be provided as follows:

1. Any building facade that faces a street (excluding alleys) shall provide a public entrance oriented toward such street. In the case of a corner lot where more than one building facade faces a street, a corner entrance may serve to meet the requirements for the two streets that intersect and create the corner. All public entrances shall have convenient pedestrian access providing a direct connection from the street to the entrance via a walkway a minimum of four feet in width and not traversing any portion of an off-street parking area. In the event the City determines that this provision cannot be met due to site constraints, such walkway may traverse the off-street parking area but shall be clearly delineated by a change in paving material, pavement markings, or similar treatment.
2. Any building facade that faces a dedicated city parking area shall provide a public entrance oriented toward such dedicated city parking area with convenient pedestrian access providing a direct connection via a walkway a minimum of four feet in width.
3. It is not the intent of these provisions to require more than two public entrances to any use intended to be occupied by a single tenant. In the event that the provisions above cumulatively require more than two public entrances, then the requirements may be reduced such that two public entrances shall be required. In determining the orientation of such public entrances. Parkway street designations and dedicated city parking areas shall have priority.

C. Transparency of building walls. Except for parking structures, building walls shall contain transparent windows, doors, or any combination thereof, meeting the following standards:

1. For lots abutting parkway or primary street designations, transparent windows, doors, or any combination thereof, shall cover at least 50% of the first story building wall area that faces the parkway or primary street designation. Above the first story, non-residential uses, except hotels,

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

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

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

- b. Liner buildings shall contain active uses with at least one public entrance provided for every 75 feet of liner building frontage. Such liner buildings shall comply with all applicable building setbacks and building frontages.
- c. Liner buildings shall have an interior depth of at least 15 feet.
- d. Liner buildings may be detached from, attached to, or integrated into the principal building.
- E. Architectural elements design standards: awnings, canopies, colonnades, arcades, balconies, front porches, stoops/landings, and cupolas. A first story facade facing a street or dedicated city parking area shall provide shade with awnings, canopies, colonnades, arcades, balconies, or any combination thereof, for at least 50% of its length or width, unless prohibited by Article 4, Chapter 5. Architectural elements, or any combination of architectural elements, may occur forward of the minimum setback, as applicable, but shall not extend forward of a lot line. Architectural elements, or any combination of architectural elements shall not encroach into an easement unless approved by the City. The city may require the property the property owner to enter into a formal easement agreement in a form acceptable to the City Attorney. The property owner is solely responsible for repairing any damage to encroachments in the easement that result from maintenance or public infrastructure improvements.
1. The City shall consider the following criteria in determining whether to approve an architectural element, or any combination of architectural elements, that would encroach into the easement:
- a. The extent to which the architectural element would encroach into the easement;
- b. The effect of such encroachment on any utilities that are either currently located in the easement or that may be located in the easement in the future; and
- c. The effect of such placement on any abutting properties or streetscape.
2. Awnings and canopies. Awnings and canopies extending from the first story, facing a street or dedicated city parking area, and serving to meet the 50% length/width requirement of Article 4, Chapter 5 shall conform to the following:
- a. Depth shall be a five-foot minimum projection from the building facade.
- b. Height shall be an eight-foot minimum clearance, including suspended signs.
3. Colonnades and arcades. Colonnades and arcades facing a street or dedicated city parking area shall conform to the following:
- a. Depth shall be a minimum of five feet from the building wall to the inside column face.
- b. Height shall be an eight-foot minimum clearance, including suspended signs. The lowest point on arches shall not extend below seven feet.

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

c. Openings between piers, columns, or similar supporting elements shall be at least 50% of the colonnade or arcade facade area.

d. Open multi-story verandas, awnings, balconies, and enclosed habitable space shall be permitted above the colonnade or arcade.

4. Balconies. Balconies shall be open and un-air-conditioned. Balconies may have roofs. Roofed balconies may be enclosed with screen and may contain privacy partitions. Balconies shall not project beyond the rear building setback requirement, as applicable. Balconies shall be located no closer than six feet from the abutting side lot line. Balconies facing a street or dedicated city parking area shall have a height clearance of ten feet minimum from grade; their decorative or supporting elements that project from building walls shall have a clearance of seven feet from grade.

5. Front porches. Front porches shall be un-air-conditioned. may be screened, and shall conform to the following:

a. Front porches facing a street or dedicated city parking area and serving to meet the minimum building frontage requirements of Article 4, Chapter 5 shall be a minimum of eight feet in depth.

b. Open multi-story verandas, awnings, balconies, and enclosed habitable space shall be permitted above front porches.

6. Stoops and landings. Stoops and landings may be roofed or unroofed, and shall maintain the required minimum building setback, as applicable. However, access to a stoop, whether by stairs, ramp, or other means, may extend forward of the minimum building setback as applicable, if approved by the Director but shall not be located less than three feet from the front lot line.

7. Cupolas. When provided, cupola(s) shall have a maximum of 400 square feet in horizontal dimension and shall be limited to two per building.

8. Garage doors associated with residential uses, when facing the front of the lot, shall be set back at least 20 feet behind the building line.

Section 5.8.10. Equipment and Loading Areas

A. For all non-residential and mixed-use developments, air conditioning, heating, and similar equipment shall be placed on the roof or the ground.

1. Air conditioning and heating equipment shall be prohibited from being mounted on the side of a building.

2. Rooftop equipment shall be screened on all sides in a manner consistent with the architectural design of the building. Such screening shall be at least as high as the highest portion of the equipment or apparatus being screened.

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

3. Equipment located on the ground shall be located or screened so as not to be visible from any property line abutting a public street other than an alley when viewed along a line perpendicular or radial to such property line. Screening shall consist of a wall, fence, plant material, or any combination thereof. Fences used for screening shall not be constructed of chain link with or without slats and are encouraged to be designed to appear to be constructed of material the same as the building, and to incorporate architectural trim features consistent with the building.
4. Electric meters and similar panels may be wall-mounted and are subject to the same screening requirements outlined in subsection c. above.
5. Attic vents and solar panels are exempt from the requirements of this subsection.
- B. Loading areas that are visible from an abutting property with a residential future land use classification or that is separated from a property with a residential future land classification by an alley or a two-lane street shall be screened by a wall that is at least six feet in height, which is constructed of the same material as the building or is designed to appear to be constructed of material the same as the building, and that incorporates architectural trim features consistent with the building, by an earthen berm that is at least six feet in height, or by a combination of wall and berm that is at least six feet in height.

Section 5.8.11. Deviations.

- A. Deviations from the provisions of this section may be approved by the Director provided that the deviation will not be contrary to the public interest and will be in harmony with the general intent and purpose of this section and where either of the following applies:
1. Conditions exist that are not the result of the applicant and which are such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship; or
 2. Literal conformity with the regulations would inhibit innovation or creativity in design.
- B. In determining whether a particular deviation request should be approved as the result of unnecessary or undue hardship, factors the Director shall consider include, but are not limited to, the following: site constraints such as shape, topography, dimensions, and area of the property, the effect other regulations would have on the proposed development, or other locational factors that may make compliance with this section impossible or impracticable, the effect the requested deviation would have on the community appearance including, but not limited to, consideration of the mass, scale, and other characteristics of a proposed building relative to the characteristics of existing and approved surrounding buildings whether on the same or nearby sites, and the relative visibility and character of equipment or loading areas which are otherwise required to be screened along with constraints on alternative location of such equipment or loading areas. Additionally, the Director shall find that the approval of the deviation(s) would serve the intent of this section to protect the health, safety, and welfare of the public while ensuring a high level of overall aesthetic appeal and visual interest in the city.

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

- C. In determining whether a particular deviation request should be approved because compliance with the regulations would inhibit innovation or creativity in design, the Director approve the request for deviation(s) if the applicant demonstrates that the design of the building or development for which one or more deviations is sought is unique and innovative and further, that the approval of the deviation(s) would enhance such unique and innovative design. Additionally, the Director shall find that the approval of the deviation(s) would serve the intent of this section to protect the health, safety, and welfare of the public while ensuring a high level of overall aesthetic appeal and visual interest in the city. For purposes of this section, indicators of unique and innovative design may include, but are not limited to, the following:
1. Architectural details that are unique or that are exceptional in quality by virtue of artistic composition, quality of materials, dimensional attributes, or any combination thereof;
 2. Building forms that evoke exceptional expression through use of angularity, curvature, or other means;
 3. Design elements or other forms that achieve dynamic or symmetric aesthetic balance; or
 4. Other details or forms that preclude visual monotony and are pleasing in aesthetic character.
- D. Requests for deviations and the reasons therefor shall be set forth by the applicant in the application for deviation and shall be accompanied by documentation including sample detail drawings, schematic architectural drawings, site plans, floor plans, elevations, and perspectives which shall graphically demonstrate the proposed deviation(s) and illustrate how each deviation would operate to the benefit or at least not to the detriment, of the public interest.
- E. Subject to these standards and criteria, the Director shall approve only the minimum deviation from the provisions of this section necessary to avoid either the unnecessary or undue hardship or the inhibition of innovation or creativity in design. The Director may impose reasonable conditions of approval in conformity with this section. Violation of such conditions and safeguards, when made a part of the terms under which a deviation is granted, shall be deemed a violation of this section and shall be enforceable not only by revocation of the deviation, but also by all other remedies available to the city, including, but not limited to, all code enforcement procedures.

CHAPTER 9. NOISE.

Section. 5.9.1. Generally.

- A. Certain activities and uses increase the likelihood of creating excessive noise. These uses should be located and designed in such a manner as to decrease the audible impacts on adjacent uses which may be negatively impacted. Outdoor venues with live performances or sports arenas are uses where noise may be associated with evenings and weekends whereas truck terminals and industrial uses with large machinery are associated with loud noise on a regular basis.
- B. Please refer to Chapter 12-2 of the Cape Coral Code of Ordinances for allowable noise levels.

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

C. Please refer to Section 5.10.10 for Special Events.

D. Exemptions.

1. Exemptions to the noise regulations above are made for the area bounded by SE 47th Street, Del Prado Boulevard, Lafayette Street, and Coronado Boulevard.
2. Within the area identified above, noise sound amplification regulations shall be suspended and sound levels shall be capped at 75 decibels.

Section. 5.9.2. Permit required.

No person shall stage, promote, conduct, or operate any outdoor entertainment event or outdoor venue in the City without first obtaining a permit from the Community Development Department.

Table 5.9.2.A Outdoor Venue, Outdoor Entertainment Event, and Temporary Use and Special Event Permits.

Plan Contents	Outdoor Venue Permit	Outdoor Entertainment Event	Temporary Uses and Special Events
Scaled plan showing location of existing structures	X	X	X
Scaled plan showing location of all equipment, stages, tables, tents, rides, etc.	X	X	X
Type of amplified sound equipment	X	X	
Property owner and contact information	X	X	X
Applicant and contact information	X	X	X
Sound amplifying equipment operator and contact information	X	X	
Location of sanitary, refuse, and medical facilities provided			X
Parking area and traffic plan			X
Notarized letter of permission for use of the property (if not owned by applicant) and release and indemnification agreement		X	X
Location of refuse collection			X
Detailed list of events the applicant has sponsored in Lee County in the past three years			X
Sound study for proposed equipment and site design	X		
Location and design of sound attenuation structures	X	X	
List of additionally required inspections or permits from other departments			X

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

Location of ingress and egress points			X
Location of any environmentally sensitive areas or species of special interest (eagles, burrowing owls, gopher turtles, ospreys, etc.)			X
Traffic route, if people are to be transported to the event			X

3857

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

Table 5.9.2.B Sound Levels by Receiving Use

SOUND LEVELS BY RECEIVING USE		
RECEIVING LAND USE CATEGORY	TIME	SOUND LEVEL LIMIT DBA
Residential, public space, agricultural or institutional	7:00 a.m.—10:00 p.m.	66
	10:00 p.m.—7:00 a.m.	60
Commercial or business	7:00 a.m.—10:00 p.m.	72
	10:00 p.m.—7:00 a.m.	65
Manufacturing or industrial	At all times	75

Section. 5.9.3. Operation of outdoor sound amplification devices.

A. Outdoor sound amplification.

1. It is unlawful to play, use, or operate any outdoor sound amplification machine or device between the hours of 11:00 p.m. and 7:00 a.m., except as may be otherwise approved.
2. All sounds emanating from an outdoor amplification machine or device shall be limited in volume and tone so as not to exceed the regulations established in Chapter 12-2 of the Code of Ordinances.
3. Outside live musical performances or outside amplified sound associated with a non-residential establishment shall be required to meet either the outdoor venue regulations in Subsection B below or regulations for an outdoor entertainment event in Subsection C below.

B. Outdoor venue.

1. An outdoor venue may be approved to operate outdoor sound amplification devices with extended hours up to 12:00 a.m., if all of the following requirements are met:
 - a. Meet exterior sound level standards of Section 12-22, Table 1 of the Cape Coral Code of Ordinances;
 - b. The stage, sound attenuation, and speakers are situated on the property to minimize the projection of amplified sound projecting beyond the property lines of the proposed outdoor venue;
 - c. Sound attenuation shall be of adequate height, length, and density such as perimeter walls, berming, or other adequate soundproofing barrier around the outdoor stage or perimeter

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

- of the property as may be required to minimize the sound levels from outdoor venues which exceed the allowable sound levels, listed in Table 1 of Section 12-22 Code of Ordinances, on adjacent properties.
- d. Specifications and details of the sound system demonstrate the outdoor sound being amplified is being transmitted only through the professional sound system;
 - e. The proposed professional sound system includes the installation of a tamper resistant sound limiter and volume control with the volume set and locked at or below the maximum allowable level; and
 - f. The applicant shall submit and receive approval of a sound study for the proposed equipment and site design which demonstrates adherence to the preceding requirements.
 - g. Extended hours may only apply to Friday and Saturday evenings.
2. The applicant must allow an inspection of the sound data recordings from the sound system and sound limiter and access to the sound system shall be provided upon the request of a City police, code compliance officer, or sound engineer contracted by the City. Failure to provide the sound data report, or the refusal to permit the City with reasonable access to the sound volume control limiter on a sound system, provided upon request for a sound complaint, shall be prima facie evidence of a violation of this Section.
3. A proposal to establish an outdoor venue on a developed site is required to submit a site plan amendment. All proposed outdoor venues associated with a new business shall submit a site plan application to the City which shall be subject to review and approval by the Hearing Examiner.
- C. Outdoor amplified sound for an outdoor entertainment event.
- 1. An outdoor amplified sound plan shall be submitted for each outdoor entertainment event and shall expire upon conclusion of that outdoor entertainment event.
 - 2. Application for an outdoor amplified sound permit shall accompany an application for a temporary special event, in accordance with Section 5.14.9, if sound amplification equipment will be used at that special event.
 - 3. The outdoor amplified sound plan shall be reviewed in accordance with the following:
 - a. For waterfront properties, no outdoor amplified sound plans shall be approved unless the information provided by the applicant indicates that the outdoor sound amplification equipment will be oriented and located in a way that sound will not be projected directly towards the water, unless, the information provided shows that sound barriers or other means of noise attenuation shall be placed so as to substantially reduce the amplified sound that would otherwise impact adjacent properties or adjacent street right-of-way.

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

- b. For all other properties, no outdoor amplified sound plans shall be approved unless the information provided by the applicant indicates that the outdoor sound amplification equipment will be oriented toward the interior of the property, unless the information provided shows that sound barriers or other means of noise attenuation shall be placed so as to substantially reduce the amplified sound that would otherwise impact adjacent properties or adjacent street right-of-way.

4. All outdoor amplified sound equipment shall comply with each of the following conditions:

- a. The outdoor amplified sound equipment and any sound barriers or other attenuation barriers included in the plan, shall at all times be located and oriented in accordance with this Section;
- b. The outdoor amplified sound equipment and any sound barriers or other attenuation devices approved as part of the plan shall comply with any applicable requirements of the Florida Building Code, including any local amendments.
- c. No amplified sound equipment shall be operated in a manner which violates Cape Coral Code of Ordinances Chapter 23, Protected species; and
- d. Outside amplified sound must remain at a level that is acceptable to the community standard. This operational level shall be reduced at 10:00 PM, and completely shut down at 11:00 PM. If an extension is granted in accordance with this Section then the operational level shall be reduced at 10:00 PM, lowered further at 11:00 PM, and completely shut down by 12:00 AM.

CHAPTER 10. TEMPORARY USES.

Section. 5.10.1. Purpose and applicability.

- A. The purpose of this Section is to ensure all temporary events and activities are located and coordinated in harmony with the surrounding community. Temporary uses are authorized in this article as temporary accessory or principal uses for time periods proportionate and appropriate to the nature of the temporary use. Temporary uses permitted by this article may not be listed as a use in a particular zoning district. Temporary uses not listed in this article may be permitted through a temporary use agreement approved by the Director of Community Development
- B. All temporary uses and special events approved subject to the standards and requirements set forth under this article are deemed to be a privilege and not a right, which may be revoked by the city for failure to comply with any of the provisions of this article or any other local, state, or federal law governing the event. Approved temporary uses and special events may also be revoked if such revocation is in the best interest of the city based on emergency, disorder, or other unforeseen conditions. Private events held on private property shall not require a temporary use permit. Signs shall be limited to the signs permitted in Section 5.10.10 of this article and shall not be allowed within the right-of-way.

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

C. Application for a temporary permit.

1. Temporary use permits shall be coordinated by the Community Development department who may request reviews from the Fire, Police, Building, and Public Works departments as necessary to ensure safety.
2. If a temporary use or event is proposed at a public park property, an application must be submitted to the Parks and Recreation Department along with any applicable fees and proof of insurance.
3. Private events held on private property shall not require a temporary use permit.

Section. 5.10.2. Firework, pumpkin, and Christmas tree sales.

Temporary outdoor sales are prohibited, except as provided here in. Excepted seasonal events involving outdoor sales of merchandise shall meet all appropriate requirements of the Building Code, Electrical Code, Fire (Life Safety) Code, and Plumbing Code, particularly regarding temporary sanitary facilities. Temporary outdoor sales are prohibited unless they have applied for and received all required permits in compliance with this Subsection. Firework, pumpkin, and Christmas tree sales may be in all nonresidential zoning districts except the Preservation and Public Zoning Districts subject to the following:

A. Application. A complete application must be submitted to the Department of Community Development, along with a conceptual site plan.

B. Dates and hours of operation:

1. Firework sales may be operated from December 15 through January 1 and from June 1 through July 10;
2. Pumpkin sales may be operated from October 1 through November 5;
3. Christmas tree sales may be operated from November 15 to January 1; and
4. Lots may be open from 8 AM to 10 PM.

C. Parking and facilities.

1. Temporary sales lots must provide five parking spaces per half acre. A paved parking lot shall not be required.
2. Permission to place one or more tents (up to a total of 425 square feet in size) on the site, provided that the applicant provides proof of fire-retardancy and adequate tie-down measures with the application. Tents larger than 425 square feet shall require a separate tent permit. The location and setback of the tent(s) shall be shown on the conceptual site plan. If a sales trailer is being used in lieu of a sales tent, the sales trailer shall be handicap-equipped and accessible in

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

accordance with the Florida Accessibility Code for Building Construction and ADA requirements and shall be anchored in accordance with all applicable building code standards.

3. Permission to utilize an electric generator on site. A temporary electric pole shall not, however, be authorized by the temporary sale permit. A temporary electric pole shall require a separate permit to be applied for and issued to a licensed electrical contractor.

- D. The Director may approve temporary outdoor seasonal sales in the RML zoning district, if it is determined that such sale would not result in adverse impacts on the surrounding neighborhood. Approval of a season sale in the RML district may include conditions to protect the surrounding neighborhood from adverse impacts.
- E. The applicant shall request inspection by the city of the items authorized pursuant to this Section and shall receive approval thereof prior to beginning the sale activity. Inspection of items authorized pursuant to this Section shall be made by the Community Development and Fire Departments.

Section. 5.10.3. Outdoor display of merchandise.

Unless otherwise permitted, outdoor display of merchandise is prohibited, except on improved property in accordance with the following conditions:

- A. All outdoor display of merchandise for sale, in non-residential districts is permitted with the following conditions:
 1. Except in the downtown zoning district, such displays may be no closer than 10 feet to the front or rear property lines and five feet to side property lines or 15 feet to the side property line on corner lots.
 2. Displays may not be in required parking. If such displays are placed on a public sidewalk, the display shall comply with the following regulations:
 - a. Displays may be placed on the public sidewalk only directly in front of the lawfully existing business which retails the items being displayed.
 - b. Displays shall be placed on tables, shelves, or racks that are moved indoors during any hours the business is not open and that do not exceed six feet in height and do not extend more than two feet onto the public sidewalk.
- B. Outdoor display of merchandise for sale on vacant property is prohibited, except as permitted for seasonal events in accordance with Section 5.10.2. or special events in accordance with Section 5.10.10.

Section. 5.10.4. Garage sales.

Garage sales may be permitted on a private property in accordance with the following regulations:

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

- 4073 A. Garage sales are permitted to be held for a period not to exceed three days, on the basis of three such
4074 activities per residence per year, not to be held closer than 30 days apart.
4075
- 4076 B. Prior to conducting a garage sale, the person conducting such sale is required to obtain a permit online
4077 from the city website or at the Code Enforcement Division. Such permit shall be posted or otherwise
4078 displayed on the property where the sale is being held to be visible from the street. In the event a
4079 garage sale is conducted without a permit, such sale shall be closed by the Police Department or the
4080 Code Enforcement Division, and shall remain closed until a valid garage sale permit is received from
4081 the city. Garage sale permits shall include authorization for on-site signs and off-site signs in
4082 accordance with applicable portions of the City of Cape Coral Land Development Code. On-site or off-
4083 site garage sale signs shall not be attached to any utility pole, street sign, tree, or other landscaping.
4084
- 4085 C. The purchase of items for resale at a residence, which in essence establishes a residence as a second-
4086 hand store, is hereby prohibited.
4087
- 4088 D. A violation of this Section shall be punishable by a fine of not less than \$75 and not more than \$250.
4089 Each day any violation of any provision of this Section occurs or continues shall constitute a separate
4090 offense. As an alternative, violators may be cited by a Code Enforcement Officer to appear before the
4091 Code Enforcement Special Master. In such event, violators shall be subject to fine(s) not to exceed
4092 \$250 per day for first time violations or not to exceed \$500 per day for repeat violations, as imposed
4093 by the Code Enforcement Special Master pursuant to the City of Cape Coral Code of Ordinances or the
4094 Florida Statutes. A person is subject to arrest if he or she refuses to close down a garage sale for which
4095 no valid permit is in effect.
4096

4097 **Section. 5.10.5. Temporary construction or field office.**
4098

- 4099 A. Construction trailers in residential zoning districts are subject to the following requirements.
4100
- 4101 1. Construction trailers shall not be connected to potable water and sewer facilities. If the
4102 construction trailer is wired for electricity, the wiring must conform to all applicable city
4103 electric codes.
4104
 - 4105 2. The construction trailer must be removed from the site prior to issuance of a certificate of
4106 occupancy.
4107
 - 4108 3. No overnight residential use shall be permitted in a construction trailer.
4109
 - 4110 4. Construction trailers must comply with the setback requirements of the zoning district or the
4111 site.
4112
 - 4113 5. Construction trailers shall not be larger than 200 square feet.
4114
- 4115 B. Construction trailers in non-residential zoning districts are subject to the following
4116 requirements.
4117

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

1. When a construction trailer is used as a temporary office, the trailer must be wired for electricity and must be connected to potable water and sewer facilities, if available. Wiring and plumbing must conform to applicable Electric and Plumbing Codes.
2. The construction trailer must be located at the construction site or an abutting site with the property owner's written permission.
3. The construction trailer must be removed from the site prior to issuance of a certificate of occupancy.
4. No overnight residential use shall be permitted in a construction trailer.
5. Construction trailers must comply with the setback requirements of the zoning district or the site.

Section 5.10.6. Construction staging areas and post disaster debris staging

- A. Contractor staging for essential public facilities. Contractor staging areas for materials used in construction of essential public facilities are permitted in all zoning districts, subject to the following requirements:
 1. The temporary staging area shall serve a project being carried out in the vicinity of the construction staging area;
 2. No land clearing, removal of vegetation, or fill shall occur to accommodate the staging area;
 3. All activities at the staging area shall occur between 7:00 a.m. to 7:00 p.m. Monday through Saturday only;
 4. Fencing required;
 5. No structures other than a permitted construction trailer may be placed on the property; and
 6. No outdoor lighting is permitted for any staging area in a residential zoning district
- B. Construction staging areas. Construction staging areas are a permitted activity in all zoning districts, provided the staging area is on the same parcel where construction activity is authorized by a valid building permit. Construction staging areas on vacant, adjoining, or nearby parcels is prohibited.
- C. Post disaster debris staging areas. Post disaster debris staging areas are allowed in all zoning districts on sites designated by the City for such activity.

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

- D. Post disaster construction staging. Staging areas for post disaster reconstruction efforts are allowed in all non-residential zoning districts. Post disaster construction staging is allowed in residential zoning districts as a (special exception/conditional) use.

Section. 5.10.7. Temporary sales office.

- A. Temporary sales offices are mobile structures used only for the sale or lease of units within that development. For the purpose of this section, units to be located within the development shall mean residential, non-residential, or mixed use habitable space or leasable floor area, whether occupying all of a building or individual area within a building including residential units, residential or non-residential units, individual units in a multi-unit non-residential development, or freestanding residential or non-residential structures.
- B. Requirements for a temporary sales office. The following requirements must be met prior to the approval of a temporary sales office:
1. Connection to sewer and water is required. If sanitary sewer and potable water are unavailable to the site, bottled water and portable sanitary facilities may be utilized until such time as sanitary sewer and potable water are available. A temporary sales office shall be connected to such facilities within 90 days of availability or within 90 days of the permitted temporary sales office, whichever is less.
 2. The temporary sales office shall meet the setbacks of the zoning district in which it is located.
 3. A temporary sales office shall not be used as a place of habitation or abode by any person(s), and shall not be used or occupied for business, office, or other purpose(s) at any time except between the hours of 7:00 a.m. and 9:00 p.m.
 4. A minimum of three paved off-street parking spaces shall be provided for the temporary sales office.
 5. The entrance to the site on which the temporary sales office is located shall consist of a city approved driveway or construction entrance. Any impervious area added for the temporary sales office shall be subject to review and approval by the city.
 6. The base of any temporary sales office shall be fully obscured by landscaping and skirting. Shrubs must be planted on 30-inch centers and have a minimum planted height of two feet. The type of irrigation, if applicable, must also be provided on the plan. Erosion shall be minimized and prevented to the extent practicable around any disturbed area.
 7. The maximum duration of the permit shall not exceed one year. The Director may extend permits for up to six months each, based upon factors that include:
 - a. Size of the project.

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

- 4204
- 4205 b. Number of lots or units in the development remaining to be sold or leased.
- 4206
- 4207 c. Effect that the extension would have on the surrounding properties.
- 4208
- 4209 d. Developer's need for an extension and efforts, if any, the developer has put forward
- 4210 toward completion of the development (e.g., effort to complete construction in a timely
- 4211 manner, delays beyond the reasonable control of the developer, etc.).
- 4212
- 4213 8. A temporary sales office shall be removed no later than the date the development is completed
- 4214 or within 30 days after notice by the city that the application for development has been denied,
- 4215 whichever is applicable.
- 4216
- 4217 C. Permit application and submittal requirements. A permit shall be required for a temporary sales
- 4218 office. In order to obtain a permit for the use of a structure for a temporary sales office, the
- 4219 applicant shall submit the following to the Department of Community Development:
- 4220
- 4221 1. A scaled drawing of the site, identifying the location of the temporary sales office with
- 4222 dimensions. Construction plans shall also be submitted.
- 4223
- 4224 2. The names of the property owner and the operator of the temporary sales officer. In the
- 4225 event the operator is different from the property owner, written and notarized consent from
- 4226 the property owner must be submitted. Such written consent shall be revocable. In the event
- 4227 such consent is revoked, the temporary sales office shall be removed within 30 days.
- 4228
- 4229 3. The length of time the temporary mobile sales office is proposed for the site.
- 4230
- 4231 4. The description of potable water and sanitary facilities that will be available for the
- 4232 temporary office.
- 4233
- 4234 D. Inspection by city officials. To ensure compliance with all applicable laws and regulations, the
- 4235 temporary sales office shall be held open for reasonable inspection, without court order, by
- 4236 employees or agents of the City of Cape Coral or any other duly authorized governmental agency.
- 4237
- 4238 **Section. 5.10.8. Temporary Storage Containers.**
- 4239
- 4240 A. Temporary storage containers are prohibited in any zoning district of the city, except as follows:
- 4241
- 4242 1. Residential zoning districts. No more than one temporary storage container per dwelling unit is
- 4243 permitted in residential zoning districts.
- 4244
- 4245 2. Non-residential zoning districts. No more than two temporary storage containers are permitted
- 4246 in non-residential zoning districts. In the case of multi-tenant non-residential properties, each
- 4247 business or tenant may have a temporary storage container.

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

- 4248
- 4249 3. This section is not intended to restrict the storage or location of temporary storage
- 4250 containers on the premises of a business which is lawfully engaged in the sale, rental, or
- 4251 distribution of such containers so long as the containers are on the property of such business
- 4252 as "merchandise" and not for temporary storage of items or goods.
- 4253

- 4254 4. The provisions of this section shall not apply to prohibit or restrict the location of temporary
- 4255 storage containers on any property for which a valid City of Cape Coral building permit has
- 4256 been issued and is in effect provided that the construction on the property has not been
- 4257 abandoned or allowed to lie idle in violation of Article 5-2 of the City of Cape Coral Code of
- 4258 Ordinances.
- 4259

4260 B. General Requirements:

4261

- 4262 1. No temporary storage container may be placed in one or more parking spaces if the required
- 4263 number of parking spaces is reduced below the minimum number of spaces required for the
- 4264 site.
- 4265
- 4266 2. No temporary storage container shall block or reduce access to fire lane(s), handicapped
- 4267 parking area(s), or drainage facilities or structures, including swales and catch basins.
- 4268
- 4269 3. Temporary storage containers shall not be placed in an easement or in any area designated
- 4270 as a buffer.
- 4271
- 4272 4. The maximum size of temporary storage containers shall not exceed ten feet in width, ten
- 4273 feet in height, or 40 feet in length.
- 4274
- 4275 5. Non-residential zoning districts. Temporary storage container permits are valid for 30 days.
- 4276 A maximum of two temporary storage container permits may be issued for a property or, in
- 4277 the case of multi-use or multi-unit properties, for each business or commercial enterprise
- 4278 located on the property in any calendar year. Temporary container permits may run
- 4279 consecutively without any minimum period required to elapse between the issuance of
- 4280 permits.
- 4281
- 4282 6. Residential zoning districts. Temporary storage container permits are valid for seven days. A
- 4283 maximum of two temporary storage container permits may be issued in any calendar year.
- 4284 Temporary container permits may run consecutively without any minimum period required
- 4285 to elapse between the issuance of permits. No dwelling unit shall utilize a temporary storage
- 4286 container for more than 14 days in any 12-month period.
- 4287

4288 **Section 5.10.9. Temporary Habitable Structures**

4289

- 4290 A. Purpose and intent. The purpose of this ordinance is to provide a means by which residents,
- 4291 business owners, governmental agencies, and medical facilities are able to live and conduct
- 4292 business on the same site as their damaged structure using temporary housing and temporary

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

business structures. When disasters result in significant destruction rendering homes and businesses uninhabitable, temporary housing and temporary business structures will provide residents and businesses with the ability to quickly resume normal activities during the restoration of their permanent structures.

B. Definitions. Terms used in this subsection shall have the meanings as defined in Article 11, Definitions, unless the context clearly indicates or requires a different meaning.

C. Declaration of habitable structure emergency. Following a disaster, the city shall evaluate the effect of the disaster on the public health, safety, and welfare. If the City Council finds that the disaster has negatively affected residential housing or business structures in the city by a significant degree, the City Council may, by a majority vote, declare the existence of a habitable structure emergency. Upon the declaration of a habitable structure emergency by vote of the City Council, the provisions of this subsection shall become effective. The habitable structure emergency shall identify the disaster which created the emergency situation, and may be declared for either a specified period of time or an indefinite period of time. If the emergency is for an indefinite period of time, the emergency shall continue until City Council, by a majority vote, terminates the habitable structure emergency.

D. Habitable structure emergencies. During a habitable structure emergency, the city will allow, in accordance with the provisions set forth herein, the use of temporary structures. Temporary residential structures and temporary business structures must be approved by the city with a temporary placement permit. Application and issuance criteria for a temporary placement permit are as set forth below.

E. Temporary business structures may be used for business owners to provide a means for a business to remain open during the time the permanent business structure is being repaired or replaced. Temporary business structures may be used to provide temporary facilities for governmental uses, critical public facilities, charitable, religious, or educational institutions that have been rendered uninhabitable. The regulations for temporary business structures shall apply to temporary business structures used for governmental uses, critical public facilities, charitable, religious, or educational institutions. For these institutions, the habitable structure regulations shall apply; however, the Building Official may waive any regulations when strict enforcement may preclude them from carrying out their normal or emergency functions. Critical facilities shall be limited to the following:

1. Federal, state, regional, or local government facilities;
2. State, county, or local emergency operations centers;
3. Police, fire, and emergency medical facilities;
4. Radio and television stations;
5. Public, semi-public, and privately-owned utilities;

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

6. Hospitals, emergency medical care facilities, infusion centers, dialysis centers, physician's offices; and

7. Nursing homes and assisted living facilities.

F. Temporary placement permit. Following the declaration of a habitable structure emergency, a property owner may apply for a temporary placement permit (TPP) to locate onsite while the permanent structure is being repaired or rebuilt. A temporary placement permit (TPP) may be considered by the Building Official when the following criteria are met:

1. The existing permanent habitable structure has been determined to be uninhabitable as the result of a disaster by inspection of the city Building Official;

2. The property owner or occupant of a damaged structure desires to locate in a temporary residential or business structure; and

3. A habitable structure emergency must be in effect at the time of application.

G. Applications for temporary placement permits.

1. Application forms and required fees.

2. The following permits are required prior to application for a TPP:

a. City permits for hook-up to electric, potable water, and wastewater utilities; and

b. A State Department of Health or State Department of Environmental Protection permit authorizing the connection of the temporary residence to an onsite or small domestic wastewater treatment system.

H. Time limits. Temporary structures may be located for a period not to exceed 30 days. At the end of that 30-day period, if no application has been filed, the temporary habitable structure must be immediately removed from the site. If an application has been filed within the 30-day time period, the temporary habitable structure may remain in place until the TPP is either approved or denied. Once approved, the temporary habitable structure may remain in accordance with the TPP. If denied, the temporary structure shall be removed within five days from the date of denial.

I. Terms of use of temporary habitable structures. Applicants for a temporary habitable structure shall be subject to the following:

1. Except as otherwise provided herein, temporary structures shall not be occupied until such time as a valid TPP has been issued and is in effect for the site.

2. Connection to sanitary sewer and potable water, or onsite water and wastewater facilities, and an external electrical system are required within 20 days of issuance of the TPP. Inspections for such connections shall be called into the city within two days of completion

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

of each connection. Electrical and plumbing connections must be done by electricians or plumbers licensed to do business in the City of Cape Coral.

If there is no electricity to the site due to a power outage, a generator may be used. Upon restoration of electricity to the property, connection to the local power grid must be made within 24 hours of power restoration.

3. An application for a building permit is required within three months from the date of issuance of the TPP for temporary residential structures or within six months for temporary business structures. Failure to apply for a building permit within the required time shall deem the TPP revoked pursuant.

4. If a building permit application has not been submitted within the required time-frames, an applicant may petition City Council for relief from the time restrictions of this subsection. City Council shall determine whether the failure to apply for a building permit is due to good cause shown by the applicant. If City Council denies the request for relief, the temporary structure shall be removed from the site within ten days from the date of denial, or at the end of the initial three-month period for temporary residential structures, or at the end of the initial six-month period for temporary business structures, whichever is later.

5. Temporary habitable structures with a TPP may be used until the earlier of: 1) completion of the rehabilitation or reconstruction of the damaged structure; or 2) until such time as the owner or occupants of the damaged structure are established in a permanent structure at another location.

6. Occupants must comply with all mandatory hurricane evacuation requirements.

J. Temporary structures. Temporary habitable structures must comply with the following:

1. Temporary residential structures may consist of a recreational vehicle or a travel trailer. Temporary business structures may consist of recreational vehicles, travel trailers, or mobile offices. At the discretion of the Building Official, additional types of temporary business structures may be allowed, consistent with applicable federal, state, and local regulations and the provisions of this ordinance.

2. Must meet all applicable National Fire Protection Association and Life Safety codes and regulations as well as all applicable state and local requirements for tie-downs.

3. Shall contain plumbing (both water and wastewater) and electrical connections and shall be capable of being hooked up or attached to external plumbing and electrical systems. Temporary residential structures shall contain a kitchen capable of being hooked up or attached to external plumbing and electrical systems. Requirements for temporary business structures shall be based upon the proposed use.

4. Shall meet the Florida Accessibility Code for building construction amenities.

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

- L. Placement of temporary habitable structures. The following site considerations are required for placement of a temporary habitable structure:
1. Temporary residential structures may be anywhere on the site of the existing permanent residence; however, no a temporary residence is allowed within road rights-of-way or drainage or utility easements. The city may waive any development regulations regarding lot areas, dimensions, setbacks, lot coverage, height, and open space to accommodate temporary residential structures.
 2. Where more than one existing permanent residence has been rendered uninhabitable, the Building Official may allow up to the number of damaged permanent residences or residential units on the site. Such determination shall be based upon consideration of life, health, and safety requirements.
 3. For temporary business structures:
 - a. Temporary business structures may be anywhere on the parcel of the existing business; however, temporary business structures are not allowed within road rights-of-way or drainage or utility easements. The city may waive any development regulations regarding lot areas, dimensions, setbacks, lot coverage, height, and open space to accommodate temporary business structures.
 - b. Temporary business structures may be on property adjacent to the permanent business structure if a notarized, written consent from the property owner is submitted at the time of application for a TPP.
 - c. The establishment of an emergency response team center on a parcel containing a business does not necessarily preclude the placement of one or more temporary business structures on the same parcel.
 - d. Parking for a temporary business structure shall be provided based upon the square footage of the temporary business structure, including handicapped parking. However, a minimum of two handicapped parking spaces must be provided.
 - e. The entrance to the site shall have a city approved driveway or construction entrance. Any impervious area added for the temporary business structure shall be subject to review and approval by the city.
 - f. Additional conditions or restrictions may be placed on a temporary business structure as a condition of issuance in areas including, but not limited to, the following:
 - i. Hours of operation;
 - ii. Traffic control and access;
 - iii. Lighting; and
 - iv. Noise control.

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

M. Issuance and revocation. The Building Official may revoke a TPP upon finding that any of the following has occurred:

1. Failure to connect to water, sewer, and electrical within 20 days of the receipt of the TPP.
2. If an application for a building permit has not been submitted within required time from the date of receipt of the TPP, or relocation has not occurred before the time of expiration of the TPP, or, if a building permit later expires.
3. If, upon inspection by the Building Official, a temporary residence is not in compliance with the requirements of this subsection.
4. Failure to evacuate temporary residence during mandatory evacuation orders.
5. Upon revocation of a TPP, the temporary residence must be vacated and the temporary residence removed within five days of revocation. Failure to vacate or remove the temporary residence constitutes a violation subject to the penalty imposed herein.

N. Extensions and expiration of temporary placement permits.

1. Residential TPPs shall be valid for six months from the date of issuance. The Building Official may, for good cause shown, issue up to two extensions for six months each, for an 18-month maximum period of validity from the date of issuance.
2. Non-residential TPPs shall be valid for nine months from the date of issuance. The Building Official may, for good cause shown, issue up to two extensions for six months each, for a 21-month maximum period of validity from the date of issuance.
3. All applications for extensions of time must be submitted prior to the date of expiration of the current TPP.
4. Any further extensions after the second extension and maximum time period may not be issued by the Building Official; however, applicants may submit a request to City Council for their approval of any further extension of time for the TPP.
5. Factors to be considered by the Building Official or the City Council in determining whether to grant an extension of time of the TPP shall include:
 - a. The ability of the property owner or occupant of the temporary residential or business structure to secure permanent quarters; and
 - b. Any hardship that, in the opinion of the Building Official or City Council, as applicable, would warrant a further extension of the TPP.

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

6. Upon the, expiration of a TPP, a temporary residence or business structure must be removed or placed in proper storage on the property within 30 days. Failure to remove or properly store the temporary residence or business structure constitutes a violation subject to the penalty imposed herein.

7. Termination of temporary habitable structure. Once an uninhabitable structure has been issued a certificate of occupancy or certificate of use for a new or rehabilitated residence, business, or institutional facility, the TPP shall be deemed to be terminated. A temporary residential or business structure must then be removed or placed in proper storage on the property within 30 days. Failure to remove or properly store the temporary residence or business structure constitutes a violation subject to the penalty imposed herein.

8. Penalty. Any violation of the provisions of this subsection shall be subject to a \$500 fine. Each day of violation shall constitute a separate offense and shall be punishable as such.

Section. 5.10.10. Special events.

- A. Permit required. The following types of events shall require a permit:

1. An event expected to draw 500 or more persons at any session, as participants or spectators, which is proposed to be held on public property; or
2. An event expected to draw less than 500 persons at any session as participants or spectators, which is proposed to be held on public property, if a street closing is required; or
3. An event expected to draw 500 or more persons at any session as participants or spectators, which is proposed to be held on private property; if said participants or spectators will occupy adjacent public streets or public property during the event.

- B. An applicant may apply for a permit to sponsor a special event in the city by submitting the following documents to the Department of Parks and Recreation:

1. A completed, signed, and notarized application shall be submitted no less than 60 days prior to the opening of the event. Exceptions to the 60-day requirement may be approved by the Director of Parks and Recreation, based upon the size, duration, and nature of the event. The city reserves the right to verify the applicant's previous history of sponsoring special events with other jurisdictions.
2. A non-refundable application and processing fee of \$40.
3. A \$250 refundable clean-up deposit in the form of either cash or certified check payable to the City of Cape Coral. The property shall be cleaned within 48 hours of the close of the event and returned to substantially the same condition as just prior to the start of the event, or better. The clean-up deposit will be refunded to applicant upon satisfactory inspection of the property, by the city, after the event closes. If, within 48 hours after the close of the event, the property is not

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

4563 returned to substantially the same condition as prior to the start of the event, or better, the city,
4564 in its sole discretion, may utilize the clean-up deposit to do so and refund the remainder, if any,
4565 to the applicant.
4566

- 4567 C. A tent may be erected for a special event for a maximum of five days. Any tent over 900 square feet
4568 will require a fire inspection.
4569

- 4570 D. Insurance requirements.
4571

- 4572 1. Certificates of insurance for all properties used for the event must be submitted to the Parks and
4573 Recreation Department for approval by the City Risk Manager no less than 21 days prior to the
4574 event.
4575

- 4576 2. Applicants and vendors shall have commercial or general liability insurance, including coverage
4577 for independent contractors, premises and operations, contractual liability, products and
4578 completed operations, personal injury, and property damage. Insurance coverage shall be no less
4579 than \$1,000,000 combined single limit for bodily injury and property damage and no less than
4580 \$1,000,000 for liquor liability, if applicable.
4581

- 4582 3. Vendors shall also have motor vehicle liability insurance for any motor vehicle of no less than
4583 \$1,000,000 and workers' compensation coverage, as required by statute.
4584

- 4585 4. The City of Cape Coral shall be named as additional insured. Certificates of insurance shall show
4586 the City of Cape Coral as the certificate holder.
4587

- 4588 E. In determining whether a permit shall be issued, the Director of Parks and Recreation, shall consider
4589 certain criteria including:
4590

- 4591 1. The size, duration, and nature of the event;
4592
4593 2. Previous history, if any, of organizing events within Lee County and whether said events created
4594 hazards or safety situations;
4595
4596 3. Other events previously scheduled during the same time period within the city;
4597
4598 4. If the applicant has been adjudicated guilty of violating any provision of this Section, said
4599 adjudication may constitute grounds for denial of future special events permits by the city; and
4600
4601 5. The Director of Parks and Recreation, may, in his or her sole discretion, deny the applicant a
4602 permit for the special event within the City of Cape Coral.
4603

- 4604 F. Special events shall be held in accordance with the following:
4605

- 4606 1. All applicable city ordinances and building, fire, and electrical codes shall be complied with.
4607

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

2. Most events shall require off-duty City of Cape Coral police officers to be hired for the duration of any event to include one hour before opening and one hour after closing. The Police Chief, shall determine the number of officers required, if any, based upon the size and nature of the event and past experience with similar events. The cost for the off-duty detail shall be set using the present rate charged by the Police Department which shall be paid by the applicant prior to the issuance of the permit. All applicants must comply with any rules or regulations imposed by the Police Chief, which are consistent with this Section.
3. Most events shall require off-duty City of Cape Coral firefighters or paramedics, to be hired for the duration of any event to include one hour before opening and one hour after closing. The Fire Chief, shall determine the number of firefighters or paramedics required, if any, based upon the size and nature of the event and past experience with similar events. The cost for the off-duty detail shall be set using the present rate charged by the Fire Department which shall be paid by the applicant prior to the issuance of the permit. All applicants must comply with any rules or regulations imposed by the Fire Chief, which are consistent with this Section. In the event the Fire Chief determines that special equipment such as all-terrain vehicles, trailers, fireboats, or fire and rescue assets, and appropriate personnel for the special equipment are necessary, the city reserves the right to request reimbursement for all or part of the discretionary cost from the applicant.
4. No open flame or other device emitting flames or fire shall be used in any tent or air supported structure while open to the public.
5. All equipment including, but not limited to, tents, stages, amusement rides, utility areas, ingress and egress locations, and cooking areas shall be inspected and approved by city fire inspectors or state officials, if applicable, prior to the opening of the event. If applicable, inspection certificates and annual permits, as required by the State of Florida, shall be submitted to the city prior to the opening of the event. All equipment and amusement rides, other than those which are patron-operated or controlled, shall only be operated by persons over 18 years of age who are employed by the applicant and who are thoroughly familiar with the operation of said equipment and amusement rides. The operator of such equipment and amusement rides shall be in the immediate vicinity of the operating controls at all times during the operation of the equipment and amusement rides and no unauthorized person shall be permitted to handle the controls during said operation.
6. Special event signs shall be permitted in accordance with the Land Development Code, Article 7.
7. Any person, entity, group, or organization engaging in speech, expression, or assembly, which is protected by the First Amendment of the United States Constitution or by Article I, Section 4 of the State of Florida Constitution, may do so during a Special Event, subject to the following reasonable time, place, and manner regulations.
 - a. The Director of Parks and Recreation shall have the authority to designate one or more areas during any special event for specific activities and to prohibit other activities within designated areas. The Director of Parks and Recreation shall post designated areas when such posting is appropriate.

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

- b. If sound amplifying equipment is present, it shall be in accordance with a permit issued per Section 5.9.3 Outdoor Entertainment Event. The Director of Parks and Recreation shall establish one or more designated areas on public property within the area of the special event where such amplified sound may occur. If sound amplifying equipment is present on private property at the special event, the Director of Parks and Recreation may establish one or more designated areas on public property within the area of the special event where other amplified sound may occur. If amplified sound is not present on public or private property during the special event, all amplified sound shall be prohibited; however, nothing in this regulation shall serve to prohibit protected speech, expression, or assembly utilizing non-amplified, reasonable sound.
- c. The Director of Parks and Recreation shall be responsible for the provisions of this Section, department rules and regulations, and city ordinances. No action shall be taken to enforce this Section until a warning to cease such a violation has been issued by a person authorized to enforce this Section and the violator continues such violation.
8. No person shall be permitted into, or remain on, private property covered by any special event permit for an event open to the public without the consent of the permittee.
9. If a special event is open to the public only upon a payment of an entry fee or charge, no person shall be permitted into the special event without first paying the entry fee or charge.
10. No person shall unreasonably hamper, obstruct, impede, or interfere with any person, entity, group, or organization hosting a permitted special event.
- G. Order to cease operation. If the Director of the City of Cape Coral Parks and Recreation Department, determines that proper provisions have not been made for the protection of the public health, safety, or welfare, he or she may issue an order to cease operating the special event until satisfactory corrective action has been taken.
- H. All requirements of this Section are subject to modification or waiver by the City Council based upon the size, duration, nature of the event, and the city's involvement.
- I. Intentional underestimation of the expected number of persons attending the event or failure to comply with any provision of this Section, shall constitute a violation of this Section, and shall subject the applicant to the code enforcement provisions and procedures of the City of Cape Coral Code of Ordinances including any and all provisions that allow the city to seek relief as otherwise provided by law.
- J. Penalty. A violation of this Section shall be punishable by a minimum fine of \$100 and a maximum fine of \$500, in addition to the taxation of any court costs, or imprisonment for a term not to exceed 60 days, or by both a fine and imprisonment.

Section 5.10.11. Temporary Off-Site Vehicle Sales.

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

The display of vehicles, including, but not limited to, automobiles, trucks, vans, recreational vehicles such as camping trailers, motorcycles and recreational terrain vehicles, and water craft such as boats, jet skis and wave runners, displayed for the purpose of sale, lease, trade or rental, shall be permitted at an off-site location (that is, on an improved property that is not the approved location of the business).

A. Temporary Off-Site Vehicle Sales shall adhere to the following requirements:

1. The commercial establishment seeking the temporary sale permit must have the written permission of the owner, or an authorized representative of the owner, of the property on which the temporary sale will be conducted. The written permission shall state that, as a condition of the city's issuance of a permit for the temporary sale, the property owner agrees to be responsible for any damage to the city's right-of-way or utility systems as a result of the sale and that any such damage shall be repaired at the expense of the property owner. In addition, such written permission shall also state that, in consideration of the city's issuance of the permit, the property owner shall hold the city harmless from any claim, loss, damage, or cause of action that arises because of the temporary sale or the issuance of the permit therefore, including any loss or damage to the owner's property or improvements thereon. Such written permission shall have a notarized signature and shall be filed with the Department of Community Development.
2. The duration of any such temporary sale shall not exceed five consecutive days.
3. The property on which the off-site sale is conducted shall not have been used for temporary off-site sales for more than six occasions in the preceding one-year period.
4. Temporary sales shall only be conducted between the hours of 8:00 a.m. to 9:00 p.m.
5. The display of vehicles and the operation of the temporary sale shall not interfere with the normal parking and traffic circulation of the business(es) located on the site.
6. The temporary off-site vehicle sales permit shall, at all times during the permitted time period authorized for the sales, be displayed on the site upon which such sales are being conducted.
7. No temporary sale shall begin until a permit therefore has been approved and issued by the city and all fees are paid in accordance with the city's adopted fee schedule. Prior to the issuance of a temporary sale permit, a complete application must be submitted to the Department of Community Development, along with a conceptual site plan. In addition to the proposed site layout and setbacks, the conceptual site plan shall address vehicular traffic and parking measures, fire protection measures, sanitary facilities and lighting and areas of electric needs. The temporary sale permit shall include, as applicable:
 - a. The right to erect one sign or banner, a maximum of 32 square feet in size, or two such signs or banners for properties having frontage on more than one street. In lieu of such sign(s) or banner(s), the applicant may display an inflatable object in accordance with Article 7 of this code. The applicant shall include with the application sign details such as the placement of

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

the sign and anchoring or tie-down measures. The placement and anchoring of the means of advertisement shall not interfere with the visual safety of motoring traffic.

- b. Permission to place one or more tents (up to a total of 425 square feet in size) on the site, provided that the applicant provides proof of fire-retardancy and adequate tie-down measures with the application. Tents larger than 425 square feet shall require a separate tent permit. The location and setback of the tent(s) shall be shown on the conceptual site plan. If a sales trailer is being used in lieu of a sales tent, the sales trailer shall be handicap-equipped and accessible in accordance with the Florida Accessibility Code for Building Construction and ADA requirements and shall be anchored in accordance with all applicable building code standards.
- c. Permission to utilize an electric generator on site. A temporary electric pole shall not, however, be authorized by the temporary sale permit. A temporary electric pole shall require a separate permit to be applied for and issued to a licensed electrical contractor.
- d. d. The applicant shall request inspection by the city of the items authorized under this section and shall receive approval thereof prior to beginning the off-site sale activity. Inspection of items authorized pursuant to subparagraphs a. through c. shall be made by the Department of Community Development. Items authorized pursuant to subparagraphs b. and c. shall also be made by the Fire Department.

- B. Any other outdoor display on improved property must be approved by City Council and is subject to review annually at the discretion of Council, except that the City Manager may approve requests for temporary displays of no longer than five days duration no more than two times per calendar year for any location or applicant when he or she is satisfied that the request would be in keeping with the harmony of the zoning district and that it would violate none of the ordinances of the City of Cape Coral.

Section. 5.10.12. Tents, for other than Special Events.

A tent may be permitted to be erected for a for a maximum of five days for an event. Any tent over 900 square feet will require a fire inspection.

Section. 5.10.13. Other events not named.

A person desiring to hold any temporary event, not listed herein, shall contact the Community Development department regarding the necessity of a permit and any additional permissions that may be required.

Chapter 11. - SPECIFIC USE REGULATIONS

Section. 5.11.1. Purpose and applicability.

The uses listed in this chapter are deemed to be appropriate uses when developed and operated in accordance with the requirements listed within each Section. Approval may be granted administratively

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

as long as the requirements are met and maintained. The applicant shall provide all documents necessary to prove that the requirements are met prior to receiving approval to operate and on an ongoing basis as required for the specific use.

Section. 5.11.2. Craft breweries, distilleries, and wineries.

A. Requirements. All craft breweries, distilleries, or wineries which produces alcoholic beverages for consumption on premise or provide retail sales, shall comply with the following requirements:

1. The business owner shall submit semi-annual production records to the Department of Community Development for all alcohol and nonalcohol products produced within the establishment.
2. All mechanical equipment used in the alcohol production process shall be behind a wall or fence that separates the equipment from any property line abutting a public street other than an alley when viewed along a line perpendicular or radial to such property line. The wall or fence shall be opaque and have a minimum height of six feet.
3. Loading and unloading areas shall be provided to the side or rear of the building. Loading and unloading areas shall not be along the front of the building.
4. Spent or used grain or similar wastes may be placed outdoors for a period not to exceed 24 hours. The temporary stockpiling for spent or used grain shall be:
 - a. Clearly shown on a detailed dimensional and labeled drawing that depicts the location of the stockpiled spent grains on the property and the distance of the stockpiled grains from the property lines and the building containing the artisan brewery, distillery, or winery;
 - b. Located only along the side or rear of the building; and
 - c. Fully enclosed in containers that are behind an opaque wall or fence. The wall or fence shall have a minimum height of six feet. Cargo containers and tractor trailers shall not be utilized for the temporary stockpiling of spent or used grains even if the cargo containers and tractor trailers are behind an opaque wall or fence.

B. Waiver of requirements.

1. Permitted and Conditional Uses.

To encourage the repurposing of existing buildings in the NC or SC districts, any craft brewery, distillery, or winery that is approved as a permitted use, the provisions of this Section may be waived in part or in their entirety by the Director for the purpose of spurring economic development based on the criteria contained in Subsection 2.

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

2. Criteria. In determining whether to waive one or more of these standards the Community Development Director shall utilize the following criteria:
- a. The visibility of the mechanical equipment and loading areas from any public street(s).
 - b. The proximity and visibility of the mechanical equipment and loading areas from existing residential development.
 - c. The existence of site conditions that are not the result of the applicant and which are such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship.
 - d. The effect other regulations would have on the proposed development or other locational factors that may make compliance with this Section impossible or impracticable.
 - e. The annual production of alcohol anticipated to be produced by the establishment.
 - f. The size and extent of the equipment requiring screening.

Section. 5.11.3. Duplex.

In RML zoning districts a duplex must meet the following conditions:

- A. Both units must be served by a single, circular driveway to avoid residents backing into streets.
- B. Landscaping shall be provided at a rate of two trees and six shrubs per each 2,500 square feet of the lot.
- C. Attached residential developments shall incorporate three of the following design elements into each dwelling unit:
 1. Dwelling entry as the primary façade feature;
 2. Garage door recessed from the front façade, a preferred minimum of four feet;
 3. Horizontal eaves broken up with gables, projection, and articulation;
 4. Projecting eaves and gables, related to building massing;
 5. Building massing and roof form which articulate individual unit definition;
 6. Offset of four feet where two garage doors are adjacent to each other; or
 7. Projections and decorative elements, such as trellises, for visual interest.

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

Section. 5.11.4. - Home occupations.

Home occupations shall only be allowed as an accessory use to a residential use, provided the following conditions are met:

- A. All home occupations operated in or from a residence shall comply with federal, state, and county rules and regulations, city license regulations specified herein, and any other applicable ordinances of the City of Cape Coral.
- B. No person other than members of the immediate family may be employed for a salary, commission or upon any other remunerative basis.
- C. No condition shall be permitted which tends to cause or increase the fire hazard to the residence, such as storage of paints or other flammable materials in excess of normal family use.
- D. No storage of materials or supplies shall be allowed outside the structure nor shall any indoor display of materials be visible from the outside of the structure.
- E. No home occupation shall occupy an area greater than 10% of the living area of the structure.
- F. The home occupation shall not generate pedestrian or vehicular traffic beyond that which is reasonable to the district in which it is located and it shall not involve the use of commercial vehicles for delivery of materials to or from the residence.
- G. The appearance of the structure shall in no way be altered for the conduct of the home occupation within the structure nor shall the conduct be such that the structure may be recognized as serving a non-residential use either by color, materials, construction, lighting, signs, sounds, noises, vibrations, audible or visible interference in any radio or television receiver off the premises, or cause fluctuations in the electric voltage line off the premises.
- H. No business operated under a fictitious name shall be issued a license to operate under this Section.

Section. 5.11.5. RV resorts

- A. General provisions. Within a recreational vehicle park, recreational vehicles that meet the requirements herein, whether self-propelled or pulled by a towing vehicle, and camping cabins, as regulated herein, may be used for temporary lodging. Facilities to accommodate administration, maintenance, recreation, dining, and personal care may be included within a recreational vehicle park. Recreational vehicle parks shall be deemed to be nonresidential uses, and any transient guest site occupied by a registered guest of a recreational vehicle park shall not be deemed to be a "residence", "dwelling," or "residential premises" within the meaning of other provisions of the City of Cape Coral regulations. The management of all transient guest sites and camping cabins must be performed by a single on-site management company or entity, regardless of whether the transient guest sites, camping cabins, or both are owned by more than one person or entity.

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

- 4928 B. Lodging unit characteristics. Lodging shall only be allowed within recreational vehicles and camping
4929 cabins that have all of the following characteristics:
4930
4931 1. Recreational vehicles:
4932
4933 a. Shall be no more than eight and one-half feet in body width, exclusive of safety devices
4934 when slide outs are retracted;
4935
4936 b. Shall have water and wastewater systems designed for continuous connection to water and
4937 wastewater service facilities while parked at a transient guest site; and
4938
4939 c. Shall not be constructed with collapsible partial sidewalls that fold for towing in such a way
4940 as to be unusable for occupancy.
4941
4942 2. Camping cabins shall comply with all of the following criteria:
4943
4944 a. Cabins shall be constructed in compliance with the Florida Building Code;
4945
4946 b. The square footage of interior space shall be a minimum of 200 square feet and a maximum
4947 of 600 square feet;
4948
4949 c. Cabins shall be equipped with electric service and a full bathroom;
4950
4951 d. Cabins are exempt from non-residential design standards, however when there is more than
4952 one cabin in a development, the color scheme, exterior materials on walls, exterior roof
4953 finishing, and roof type must be consistent among all cabins;
4954
4955 e. Corrugated metal is prohibited for exterior walls; and
4956
4957 f. Roofs shall consist of pitched roofs, including but not limited to, gable, hip, or mansard
4958 roofs; however, mansard roofs with flat decks and shed style roofs are prohibited.
4959
4960 C. Location. Recreational vehicle parks are permitted only on property with a Mixed-Use future land
4961 use designation. No new recreational vehicle park shall be developed and no existing recreational
4962 vehicle park shall be expanded within a coastal high hazard area, as depicted in the Comprehensive
4963 Plan.
4964
4965 D. Minimum interior road standards. All interior roads shall be privately owned and maintained, and
4966 shall be constructed in accordance with the structural requirements within the City of Cape Coral
4967 Engineering Design standards.
4968
4969 E. Overall recreational vehicle park area and density. The following requirements shall apply to the
4970 recreational vehicle park net area:
4971
4972 1. Minimum recreational vehicle park net area: 25 acres;
4973

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

2. Maximum net density: 10 transient guest sites per acre, based on net area; and

3. Minimum net density: For recreational vehicle parks with a net area of less than 50 acres, the minimum quantity of transient guest sites shall be 50; for recreational vehicle parks with a net area of 50 or more acres, there shall be no less than one transient guest site per acre, rounded to the nearest whole number.

For purposes of this section, the net area shall mean the area of the recreational vehicle park minus extant wetland areas and water areas (e.g. streams, waterways, lakes, estuaries). If an extant wetland or water area is expanded or contracted, the net area shall be based on the resultant wetland and water areas.

F. Transient guest sites. Transient guest sites can be designed with either: 1) a pad for parking one recreational vehicle; 2) one camping cabin; or 3) a pad for parking one recreational vehicle and one camping cabin. The following standards shall apply to transient guest sites within a recreational vehicle park:

1. Each transient guest site shall be clearly defined by a permanent marker, constructed of a durable material such as masonry or metal, placed at all corners;

2. No transient guest site shall include any space used for common areas, such as roadways, sidewalks, or community recreation areas;

3. No more than 25% of the total transient guest sites shall be developed with a camping cabin. Transient guest sites with a pad for parking one recreational vehicle and one camping cabin shall not be factored into the 25% limitation to the number of camping cabins;

4. All transient guest sites shall be designed to provide runoff of surface water to a drainage system or basin external to the transient guest site;

5. Impervious area shall not exceed 65% of any transient guest site. Pervious areas of each transient guest site shall be covered in turf, groundcover, shrubs, trees, or any combination thereof;

6. Each transient guest site shall have direct vehicular access to an interior road. No transient guest site shall have direct vehicular access to a public street;

7. No transient guest site shall be located closer than 40 feet to any public street right-of-way;

8. Separation: Each transient guest site shall be designed to ensure minimum separation between units. When measuring the distance from a recreational vehicle pad, paved areas that project more than four and one-half feet from the centerline of the pad, e.g., driveway apron flares, walkways, and patio areas, may be excluded. Distances of separation shall be as follows:

a. Between camping cabins: 15 feet;

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

- 5020 b. Between a camping cabin and a recreational vehicle pad on the same transient guest site:
5021 15 feet;
5022
- 5023 c. Between a camping cabin and a recreational vehicle pad on a separate transient guest site:
5024 20 feet;
5025
- 5026 d. Between a transient guest site boundary line and a camping cabin: 7½ feet; and
5027
- 5028 e. Between transient guest site boundary line and a recreational vehicle pad: 7½ feet.
5029
- 5030 9. Each transient guest site designed with a pad for parking a recreational vehicle shall have the
5031 following standards:
5032
- 5033 a. Maximum number of recreational vehicles: 1;
5034
- 5035 b. Minimum site area: 2,000 square feet;
5036
- 5037 c. Maximum site area: 1 acre;
5038
- 5039 d. Minimum site width: 35 feet, measured at right angles to and between the designated side
5040 boundary lines; and
5041
- 5042 e. Pad and driveway materials: Each pad for a recreational vehicle and associated driveway
5043 shall be paved with concrete or pavers, or as otherwise approved by the city. The use of
5044 asphalt as a paving material for vehicle pads and driveways is prohibited.
5045
- 5046 10. Each transient guest site developed with a camping cabin shall have the following standards:
5047
- 5048 a. Maximum number of camping cabins: 1;
5049
- 5050 b. Minimum site: 2,500 square feet; and
5051
- 5052 c. Parking space: Each site developed with a camping cabin shall include a minimum of one
5053 automobile vehicle parking space, paved with concrete or pavers, or as otherwise approved
5054 by the city, with minimum dimensions of 9 feet by 18 feet. This limitation shall not apply to
5055 transient guest sites with a pad for parking one recreational vehicle and one camping cabin.
5056 The use of asphalt as a paving material for vehicle parking spaces is prohibited.
5057
- 5058 11. Each transient guest site developed with both a pad for parking a recreational vehicle and with
5059 a camping cabin shall have the following standards:
5060
- 5061 a. Maximum number of units: one camping cabin and a pad for parking no more than one
5062 recreational vehicle;
5063
- 5064 b. Minimum site area: 5,000 square feet;
5065

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

c. Maximum site area: 1 acre;

d. Minimum site width: 35 feet, measured at right angles to and between the designated side boundary lines; and

e. Pad and driveway materials: Each pad for a recreational vehicle and associated driveway shall be paved with concrete or pavers, or as otherwise approved by the city. The use of asphalt as a paving material for vehicle pads and driveways is prohibited.

12. Each transient guest site may also include accessory structures for outdoor living, including, but not limited to, an outdoor kitchen, fire pit, spa, hot tub, gazebo, shade shelter, marine improvements, and other hardscape features.

G. Utilities. Each transient guest site shall have direct connections to central potable water, central wastewater, and electric services. All water and wastewater utility infrastructure within a recreational vehicle park shall be privately owned and maintained, except as otherwise approved by the City Council. Within the recreational vehicle park, all telephone, electric, television cable service, or other wires of all kinds must be underground, provided, however, that appurtenances to these systems which require aboveground installation may be exempted from these requirements and primary facilities providing service to the site of the development or necessary to service areas outside the planned development project may be exempted from this requirement.

H. Lighting. All roads, walkways and parking areas shall be provided with lighting adequate to ensure the safety of vehicular and pedestrian traffic. All lighting shall be designed so that it is not directed toward neighboring properties.

I. Parking. In addition to parking spaces on transient guest sites, a minimum of one parking space per ten recreational vehicle sites within the park shall be provided for visitors.

J. Designated storage. Except for boats at a rental facility or moored at a marine improvement, boats and utility trailers (tow dollies, "toy haulers", etc.) shall be stored in a designated storage area that shall occupy no more than 5% of the gross area of the park. Such storage area shall be for the exclusive use of registered guests. only during the period the guest is a registered occupant of a transient guest site. Designated storage areas shall be enclosed by an opaque visual barrier that is a minimum of eight feet in height. The following materials, either singly or in any combination, are the only materials that may be used to form the opaque visual barrier:

1. Wood, plastic, vinyl, or metal fencing;
2. Concrete block and stucco wall;
3. Brick wall; or
4. Formed, decorative, or precast concrete.

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

No storage area shall be located closer than 40 feet to any exterior property line of the recreational vehicle park. No repair or maintenance other than cleaning shall be conducted within such storage area.

- K. Recreation area. At least one recreation area shall be provided within the park, designed and improved to serve the recreational needs of the park users. The recreation area(s) shall be a minimum of 500 square feet per transient guest site. All recreation areas shall be accessible to all occupants of the park. If more than one recreation area is provided, no recreation area shall be less than 10,000 square feet. A minimum of 50% of the total required recreation area shall be comprised of recreation within a building, or outdoor facilities for active recreation, including, but not limited to, swimming pools, ball fields, tennis courts, or play lots with facilities. No portion of any transient guest site, perimeter buffer yard, internal road or road easement, or stormwater management area, except as provided below, shall be counted as required recreation area. Bodies of water may be counted toward required recreation area if recreational use is not otherwise prohibited on or in the body of water and if recreational amenities, including, but not limited to, a beach, boat rental or launching facilities, are provided. In no event, however, shall bodies of water comprise more than 50% of the required recreation area.
- L. Landscaping plan. Requests for special exception approval for a recreational vehicle park shall be accompanied by a landscaping plan that provides, at a minimum, compliance with Section 5.5.
- M. Phasing. The Director shall not issue a certificate of use for a recreational vehicle park prior to completion of construction of all of the transient guest sites, internal roads, drainage system, potable water and wastewater utilities, landscaping and buffering, and accessory structures approved for the park, unless the Hearing Examiner and Appeals (or the City Council, when applicable) approves a phasing plan that identifies size, location, sequence, and timing of the various phases of the development. If a phasing plan is approved, the Director shall not issue a certificate of use for any phase that has not been completed in its entirety.
- N. Operation generally.
1. Responsibilities of management. The owner of a recreational vehicle park shall, at all times, maintain the park and its facilities in a clean, orderly and sanitary condition. The park management shall inform all registered occupants of transient guest sites of the provisions of this section and other related ordinances and statutes, and of their responsibilities thereunder.
 2. Certificate of use required. No lodging within recreational vehicles or camping cabins shall occur prior to the issuance of a certificate of use for the recreational vehicle park.
 3. Length of occupancy. No owner of any recreational vehicle park shall allow or permit any transient guest sites in a recreational vehicle park to be rented to or occupied by any person or recreational vehicle for any period of time that would permit or allow any person or recreational vehicle to remain at such recreational vehicle park for more than 180 days in any 365-day period.

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

4. Register of occupants. The owner or operator of any recreational vehicle park shall file a report with the Director showing the guest names and addresses, recreational vehicle license numbers, dates of arrival and departure, and the transient guest site occupied by each guest at the recreational vehicle park during the preceding calendar quarter. Such reports shall be filed not later than April 15th, July 15th, October 15th and January 15th for the immediately preceding calendar quarter.

O. Inspections authorized. The Director is hereby authorized to make periodic inspections of the recreational vehicle park and transient guest sites for the purpose of determining satisfactory compliance with the regulations of this section pertaining to the health, safety and welfare of the community.

P. Incidental facilities and amenities. Various facilities and amenities incidental to a recreational vehicle park are permissible, however, all facilities and amenities must meet all requirements stated herein together with any additional conditions of approval.

1. The following facilities may be approved as incidental to a recreational vehicle park:

- a. Administrative offices;
- b. Caretaker or watchperson residence (no more than one);
- c. Car wash (Recreational vehicle washing facilities only);
- d. Clubhouses;
- e. Gatehouses;
- f. Grounds maintenance facilities;
- g. Laundry facilities;
- h. Marine improvements;
- i. Restrooms and community showers; and
- j. Sanitary dump stations.

2. The following amenities are permitted as amenities incidental to the recreational vehicle park even though they are typically land use classifications identified as individual "uses" within other zoning districts.

- a. Banquet halls;
- b. Bars;

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

c. Commercial Recreation – indoor and outdoor;

d. Cultural and civic facilities;

e. Personal services;

f. Professional Offices;

g. Restaurant, no drive-thru; and

h. Retail.

3. For recreational vehicle parks with no frontage on any type of arterial or collector street, food stores, personal services, and restaurants shall be limited as follows:

a. Vehicular ingress/egress for parking lots supporting an amenity shall not be directly accessible from any public street, but shall only be accessible from a road within the park;

b. No signs shall be visible from outside the recreational vehicle park; and

c. The cumulative gross leasable floor area occupied by food stores, personal services, and restaurants shall not exceed 3% of the net area of the recreational vehicle park. For purposes of this section, the net area shall mean the area of the recreational vehicle park minus extant wetland areas and water areas (e.g. streams, waterways, lakes, estuaries). If an extant wetland or water area is expanded or contracted, the net area shall be based on the resultant wetland and water areas. Food stores shall not occupy more than 25,000 square feet of contiguous gross leasable floor area.

4. For recreational vehicle parks with frontage on any type of arterial or collector street, food stores, personal services, and restaurants shall be limited as follows:

a. Vehicular ingress and egress for parking lots supporting food stores, personal services, and restaurants may be directly accessible from a public street. Visible evidence of the commercial character of food stores, personal services, and restaurants may be observable from a street outside the park. For food stores, personal services, and restaurants that have vehicular ingress/egress directly accessible from a public street, or present visible evidence, observable from a street outside the park, of their commercial character, no certificate of use shall be issued until a minimum of 20% of the total transient guest sites for the entire recreational vehicle park have been constructed or installed; and

b. The cumulative gross leasable floor area of food stores, personal services, and restaurants shall not occupy more than 3% of the net area of the park. Not more than 25,000 square feet of contiguous gross leasable floor area shall be devoted to food stores.

5. In the event that a recreational vehicle park fails to meet the minimum required number of transient guest sites as a result of removal of transient guest sites or conversion to another use,

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

or if the offering of lodging at transient guest sites is discontinued for one year or more, any activity that had previously been approved as an amenity incidental to the recreational vehicle park use shall lose its status as an amenity and shall be treated in the same manner as a nonconforming use.

Q. Prohibitions. The following uses, activities or improvements listed below are prohibited within a recreational vehicle park:

1. Permanent residential use is prohibited, except in an approved caretaker/watchperson residence.
2. Lodging within any structure other than an approved recreational vehicle, camping cabin, caretaker, or watchperson residence (e.g., tent, mobile home, garage, shed, or agricultural building) is prohibited within a recreational vehicle park.
3. The storage of a recreational vehicle, boat, or accessory trailer during any period when the owner or lessee of the vehicle is not a registered occupant of a transient guest site is prohibited. Storage of boats and accessory trailers is prohibited on individual transient guest sites or on internal roads.
4. The parking of a recreational vehicle, automobile, or truck in an area not designated for parking is prohibited.
5. Drive-thru facilities for restaurants are prohibited.
6. Fuel pumps for retail sales of fuel are prohibited.

R. Evacuation plan. Prior to issuance of a certificate of use for a recreational vehicle park, the developer shall provide an emergency response plan, approved by the Fire Chief that requires the removal of all recreational vehicles in the event of a hurricane. At a minimum, all recreational vehicles and occupants shall evacuate when notified of a "Hurricane Watch" being issued for the city. Any amendment by the developer to an approved evacuation plan requires approval by the Fire Chief.

Section. 5.11.6. Micro cottage Village Development (MCVD)

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

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

- 5292 A. Minimum area and density requirements. The minimum allowable area for a MCVD shall be three
5293 acres and the maximum density of micro cottages shall not exceed 8.8 dwelling units per acre. The
5294 minimum lot size for individual lots shall be 5,000 square feet.
5295
- 5296 B. Buffering. Sites adjacent to single family zoning and land use shall provide a 25' buffer along each
5297 abutting perimeter.
5298
- 5299 C. Availability of infrastructure. MCVDs shall be serviced by city utilities.
5300
- 5301 D. Clustering. A MCVD is composed of clusters of micro cottages.
5302
- 5303 1. Minimum units per cluster: 4.
5304
- 5305 2. Maximum units per cluster: 12.
5306
- 5307 E. Common open space. Each cluster of micro cottages shall have common open space and provide a
5308 sense of openness and community for residents. Open space requirements are as follows:
5309
- 5310 1. Each cluster of micro cottages shall have common open space to provide a sense of openness and
5311 community for residents;
5312
- 5313 2. At least 400 square feet per micro cottage of common open space is required for each cluster.
5314
- 5315 3. Each area of common open space shall be in one contiguous and useable piece.
5316
- 5317 4. To be considered as part of the minimum open space requirement, an area of common open
5318 space must have a minimum dimension of 20 feet on all sides.
5319
- 5320 5. The common open space shall be at least 3,000 square feet in area, regardless of the number of
5321 units in the cluster.
5322
- 5323 6. Required common open space may be divided into no more than two separate areas per cluster.
5324
- 5325 7. At least two sides of the common open area shall have micro cottages along its perimeter.
5326
- 5327 8. Parking areas, yard setbacks, private open space, and driveways do not qualify as common open
5328 space.
5329
- 5330 F. Community Buildings. Community buildings are permitted in MCVDs. Community buildings shall be
5331 clearly incidental in use and size to dwelling unit and shall be no more than one story.
5332
- 5333 G. Ownership. Community buildings, parking areas and common open space shall be owned and
5334 maintained commonly by the MCVD residents, through a condominium association, a homeowners'
5335 association, or a similar mechanism, and shall not be dedicated to the City.
5336
- 5337 H. Size. Micro cottages shall meet the following requirements:

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

- 5338
- 5339 1. The gross floor area of each micro cottage shall not exceed 1,100 square feet.
- 5340
- 5341 2. At least 25% of the micro cottages in each cluster shall have gross floor area less than 1,000 square
- 5342 feet.
- 5343
- 5344 3. Micro cottage areas that do not count toward the gross floor area or footprint calculations are:
- 5345
- 5346 a. Interior spaces with a ceiling height of six feet or less, such as in a second floor are under the
- 5347 slope of the roof;
- 5348
- 5349 b. Architectural projections—such as bay windows, fireplaces, or utility closets—no greater than
- 5350 24 inches in depth and six feet in width;
- 5351
- 5352 c. Attached unenclosed porches;
- 5353
- 5354 d. Garages or carports;
- 5355
- 5356 4. The footprint of each micro cottage shall not exceed 850 square feet.
- 5357
- 5358 I. Unit Height. The maximum height of a micro cottage shall be 25 feet.
- 5359
- 5360 J. Orientation of micro cottages.
- 5361
- 5362 1. Each dwelling unit shall be clustered around a common open space. Each unit shall have a primary
- 5363 entry and covered porch oriented to the common open space.
- 5364
- 5365 2. Lots in a MCVD can abut either a street or an alley.
- 5366
- 5367 3. Each unit abutting a public street (not including alleys) shall have a façade, secondary entrance,
- 5368 porch, bay window or other architectural enhancement oriented to the public street.
- 5369
- 5370 K. Micro cottage Setbacks. The minimum setbacks for all structures (including micro cottages, parking
- 5371 structures, and community buildings) in a MCVD are:
- 5372
- 5373 1. Ten feet from any public right-of-way.
- 5374
- 5375 2. Ten feet from any other structure.
- 5376
- 5377 3. Micro cottages shall be no more than 25 feet from the common open area, measured from the
- 5378 façade of the micro cottage to the nearest delineation of the common open area.
- 5379
- 5380 4. No part of any structure in the MCVD (including o micro cottages, parking structures, and
- 5381 community buildings) shall be more than 150 feet, as measured by the shortest clear path on the
- 5382 ground, from fire department vehicle access.
- 5383

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

L. Porches. Micro cottage units shall have covered front porches. The front porch shall be oriented toward the common open space. Covered porches shall have at least 60 square feet in area.

M. Garages. Garages are not required or encouraged in MCVDs.

N. Parking.

1. Minimum Number of Off-Street Parking Spaces:

Micro cottage	Required Parking
600-800 square feet	1.00 space
800-1000 square feet	1.5 spaces
1000-1100 square feet	2.00 spaces

2. The MCVD shall include additional guest parking. A minimum of .5 guest parking spaces per dwelling unit, rounded up to the next whole number, shall be provided for each Micro cottage cluster. Guest parking may be clustered with resident parking; however, the spaces shall include signs identifying them as reserved for visitors.

3. Parking shall be separated from the common area and public streets by landscaping or architectural screening. Solid board fencing shall not be allowed as an architectural screen.

4. Parking areas shall be accessed only by a private driveway or a public alley.

5. The design of garages and carports, including roof lines, shall be similar to and compatible with that of the dwelling units within the MCVD.

6. Parking areas shall be limited to no more than five contiguous spaces.

O. Walkways.

1. A MCVD shall have sidewalks along all public streets.

2. A system of interior walkways shall connect each micro cottage to each other and to the parking area, and to the sidewalks abutting any public streets bordering the MCVD.

3. Walkways and sidewalks shall be at least four feet in width.

Section 5.11.7. Roadside Food and Vegetable Stand.

Roadside food and vegetable stands shall be subject to the following requirements:

A. Must meet the minimum building setback requirements for the district;

B. May be in operation during daylight hours only;

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

- C. Shall provide a designated parking area at the side or rear of the roadside food and vegetable stand sufficient to accommodate ten vehicles;
- D. Shall be no larger than eight feet by 32 feet in dimensions, and must be structurally sound;
- E. Must meet state, county, or local access requirements;
- F. May sell fruits, plants, and vegetables only;
- G. Must be built with tie downs capable of withstanding 110 mph winds; and
- H. Must contain adequate toilet facilities.

Section 5.11.8. Accessory Parking Lots.

Accessory parking lots shall meet the following requirements:

- A. The proposed parking on RML property shall be used only in connection with an existing use or structure in the C, CC, and P zoning districts.
- B. The parcel shall meet minimum dimensional requirements.
- C. The area within the RML zoning district proposed for commercial parking shall be composed of contiguous lots within that district and owned by the commercial or professional property owner or corporation served by the parking site.
- D. A minimum of 40% of the required parking spaces shall be located within a Commercial or Professional zoning district. The number of required parking spaces shall be determined by Article 6.
- E. The location of RML areas proposed for parking shall be immediately to the rear, or across any service alley, and within the extended side yard lot lines of the property that the parking is intended to serve.
- F. Driveways from the accessory parking in RML areas to residential streets shall not be permitted. However, commercial property fronting on Del Prado Boulevard or Santa Barbara Boulevard on one side and on a single-family residential district, as designated on the adopted Future Land Use Map, on the opposite side, shall be permitted access for the commercial property to the single-family residential street in accordance with the City of Cape Coral Engineering Design Standards.
- G. The driveway shall be included in any traffic impact study for the property to determine the driveway's impact on the local street and its intersections and if improvements are needed.
- H. Where necessary for safe and efficient turn movements, the city may restrict certain turn movements at the driveway accessing the single-family residential street.

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

- I. For a commercial property fronting on Del Prado Boulevard on one side and on a single-family residential district, as designated on the adopted Future Land Use Map, on the opposite side, access for the commercial property shall be permitted to the single-family residential street only on those streets which provide access to existing and planned signalized intersections on Del Prado Boulevard.
- J. The parking area shall be classified as part of the entire non-residential building site.
- K. A landscape plan for the commercial parking area proposed in an R-3 district shall be submitted with the application for a special exception use. Landscape plans shall be drawn to scale, including dimensions and distances, and shall clearly delineate.
1. Existing and proposed parking spaces, or other vehicular use areas, access aisles, driveways, and ingress and egress points;
 2. The location and floor area of existing building to be served;
 3. The source of water supply for plantings and materials to be installed or, if existing, to be used in accordance with the requirements hereof.
 4. All parking areas shall be landscaped in accordance with the requirements of Section 5.5.13 of this Article.
 5. There shall be a minimum of seven feet of green area in side setbacks and ten feet of green area in setbacks from street lot lines which face residential areas.
 6. There shall be a continuous undulating 18 inch to three feet high by five feet deep berm of earth extending along the property facing streets.
- I. Lighting. If any parking areas are artificially lighted, they shall be so designed and arranged that lighting is primarily directed on-site. Such areas shall not be lighted at any time other than during the same hours that the use to which the parking is appurtenant is open for business, except for necessary security lighting.
- J. Stormwater Management. All parking areas shall incorporate appropriate stormwater quality design features to be reviewed with the SDP application.

Section. 5.11.9. Solar Arrays.

Solar Arrays shall meet the following requirements:

- A. These facilities may only be permitted in the Agriculture, Institutional, or Industrial zoning districts.
- B. Solar Arrays may only be permitted on lots over one acre in size.
- C. Must maintain appropriate security fencing and signs for protection.

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

- D. Solar Arrays shall be effectively screened with a fence, landscape material, or a combination thereof, where visible from an abutting property or right-of-way as determined by the Director.
1. The structures may be screened with an opaque wall or fence, up to the height allowed in that zoning district.
 2. Alternatively, the structures may be screened with shrubs that meet the following requirements:
 - a. A row of shrubs shall be planted along all sides of the facility for which screening is required.
 - b. All shrubs required for screening shall be a minimum of 32 inches in height and be in at least a seven-gallon container size at the time of planting. All shrubs shall be planted at a spacing of three feet apart as measured on center.
 - c. All shrubs shall be maintained at a minimum height of six feet at maturity and shall be maintained in good condition as long as the structures requiring screening remain.
 - d. An adequate combination of the two screening options may be permitted.

Section 5.11.10. Vehicle Sales, Light

Vehicle Sales, Light must meet the following requirements:

- A. The minimum parcel size shall be 2 acres.
- B. Vehicle Sales, Light shall be a standalone use only.
- C. All display areas must be on a impervious surface such as asphalt or concrete.
- D. All repairs must be ancillary and must be conducted within a building.
- E. Other than vehicles, no outdoor display of any other items shall be permitted.

Section 5.11.11. Wireless Communication Facilities

Wireless Communication Facilities are permitted with the following requirements:

1. Adequate documentation that co-location on an existing approved tower or on an existing building or structure, has been attempted and is not feasible. Such documentation shall include:
2. The results of a designed service study demonstrating to the satisfaction of the city that the equipment planned for a proposed communication tower cannot be accommodated on an existing or approved and un-built structure.

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

3. The designed service study analysis shall be based upon a search area radius of three-quarters of a mile minimum distance from the location of the intended WCF or tower, including areas outside the City of Cape Coral. At the discretion of the city, based on the city's knowledge of existing co-location opportunities, the city may allow an applicant to provide an affidavit from a professional radio frequency engineer which establishes the search area diameter for the proposed WCF or tower location and identifies all other alternatives in the area. Further information may be required by the city on the ability of the WCF or tower to be accommodated on specific sites within three-quarters of a mile of the proposed WCF or tower.
4. When co-location is determined by staff to be infeasible, the determination shall be based upon the results of the designed service study and other evidence provided by the applicant documenting one or more of the following reasons:
- a. Structural limitation. The proposed equipment would exceed the structural capacity of the existing or approved structure, as documented by a licensed professional engineer, and the existing or approved structure cannot be reinforced, modified, or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
 - b. Interference. The proposed equipment would cause interference or obstruction materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified professional and the interference or obstruction cannot be prevented at a reasonable cost.
 - c. Insufficient height. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed, if applicable, professional.
 - d. Lack of space. Evidence from the applicant, verified by a licensed professional, of the lack of space on existing towers or other structures within the search radius to accommodate the proposed facility.
 - e. Other factors. Other reasons that make it unfeasible to locate the planned equipment upon an existing or approved tower or building as documented by a qualified and licensed, if applicable, professional.
 - f. Technical consultants. The city shall have the right to retain independent technical consultants and experts that it deems necessary to properly evaluate applications for wireless telecommunications facilities or towers and to charge reasonable fees as necessary to offset the cost of such evaluations.

Section. 5.11.12. Wireless Facility Design standards.

In addition to any other applicable requirements provided elsewhere in the Land Development Code, an application for a communication tower shall include the following:

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

- A. Fall zone. In the event of a catastrophic failure or collapse, towers shall be designed to collapse within an engineered fall zone lying wholly within the lot lines of the parcel containing the tower. Such fall zone shall be certified by a professional engineer, licensed in the State of Florida.
- B. Tower design for co-location. A proposed tower shall be designed to allow for future rearrangement of antennas, to provide space for antennas to be mounted at varying elevations, and to accommodate co-location.
- C. Monopoles or stealth. All towers shall be monopoles or stealth design.
- D. Illumination. A tower shall not be artificially lighted except as may be required by federal or state regulations.
- E. Surface or finish color. All towers shall be painted or have a non-contrasting finish that minimizes the visibility of the facility from public view, except where contrasting color is required by federal or state regulation. In addition, the exterior of support facilities shall be designed to be compatible with the architectural design prevailing among the structures in the surrounding developed area.
- F. Sign. The main access gate in the tower shall have affixed to it a sign not to exceed two feet by three feet in size which displays the owner's or permittee's name and an emergency telephone number.
- G. Maximum height. The maximum height of towers shall be 100 feet if the tower is designed for one service provider, 120 feet if the tower is designed to accommodate two service providers, or 140 feet if the tower is designed to accommodate three or more service providers.
- H. Landscape screening. The accessory components to the tower shall be screened from view by shrubs maintained at a height of six feet, immediately adjacent to the fence surrounding the facility and minimum of eight trees planted outside of the shrub buffer

Section. 5.11.13. Mobile food vendor.

Mobile food vendors may include vehicles, carts, or trailers, hereafter referred to as food trucks, may be permitted on public or private property subject to the following requirements:

- A. Mobile operations may only be conducted from 7:00 a.m. to 10:00 p.m. on weekdays and from 7:00 a.m. to 11:00 p.m. on weekends.
- B. For purposes of these requirements, the vending area includes the space taken up by: a portable stand, vehicle, or trailer, any signs, equipment, merchandise, and any tents, tarpaulins, canopies, or awnings. Mobile vending areas shall not be in:
1. Driveway aisles, no parking zones, landscaped area, loading areas, or fire lanes; mobile operations shall not impede the on-site circulation of motor vehicles.
 2. Food trucks shall not be in required parking spaces unless the number of spaces on the site exceeds the minimum amount required for uses on the property. The utilization of an off-street

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

parking space for the operation of a mobile operation must not cause the site to become deficient in required off-street parking.

3. Food trucks shall not operate on the public right-of-way.

C. Food trucks may operate on vacant, unimproved property only when approved as a special event pursuant to Section 5.10.10 of this Article.

D. The total space dedicated to the mobile operation and vending area shall not exceed an area of 600 square feet.

E. Food trucks shall be a minimum of 20 feet from the property line of an existing residential use, except that a mobile food unit may be a minimum of 10 feet from the property line if the residential use is separated by a six-foot high masonry wall.

F. Alcoholic beverage sales and use of sound amplification devices are prohibited.

G. Electric service connection to an on-site approved outlet is permitted, provided that no wiring or cables are run beyond the vending area or pose any danger to the patrons.

H. Prior to permitting a food truck to operate on a site, the vendor must submit an application for operation and the following documents:

1. A site plan or survey indicating the following:

a. Location of the individual mobile food unit and associated vending area. Mobile operations shall be located so as to minimize the impacts on adjacent residential uses.

b. Location of improvements on the site.

c. Location of on-site parking areas,

d. Rights-of-way, internal circulation, and ingress and egress.

e. A letter from the owner of the property indicating that the mobile food vendor has permission to operate from his or her property.

I. Signs associated with the operation shall be confined to the vehicle, trailer, or cart and one ground sign within 10 feet of the vending area. The ground sign shall be in compliance with the size requirements listed Article 7 and may not be within a right-of-way.

J. When multiple food trucks plan to be together for an event, a special event permit will be required if the event meets the thresholds listed in Section 5.10.10. of this Article.

K. Except as otherwise provided in this Code, it is unlawful to conduct mobile vending in any outdoor location without first obtaining a permit in accordance with the provisions of this Section.

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

L. The vendor must be able to produce for inspection: a copy of a letter or other written communication from the property owner or representative that authorizes the mobile operation and, for mobile food service operators, a copy of the applicant's mobile food dispensing license issued by the Department of Business and Professional Regulations.

M. Mobile operations at City or County parks, sports stadiums, or similar venue during events shall be exempt from the requirements of this Section but must comply with all other applicable requirements in this code.

Mobile vendors, other than food trucks, shall be permitted only in conjunction with a special event or a farmer's market.

Section. 5.11.14. Model homes.

Model Homes shall be subject to the following requirements.

A. Model homes are intended to facilitate the sale of the model design, or products similar in design to the model and is not intended to allow the full scope of real estate activities and shall be restricted primarily to the sale and marketing of the model, or products similar to the model. Model homes shall be permitted as a temporary, conditional use, not to exceed 10 years, in residential zoning districts (R1, RE, RML) or within a Planned Development.

B. A model home must meet all of the zoning and building requirements for a residence in that zoning district as well as the following:

1. Parking. Three off-street vehicular parking spaces, including the garage, shall be provided on the model site or on an adjacent vacant property.

2. On-site parking. A parking space may be provided in the garage. A handicap parking space is required and shall count as one of the three required spaces.

3. Off-site parking. Adjacent vacant single-family lot(s) may be used for model home parking. A plan to provide parking on an adjacent parcel shall require ownership by the same or an affidavit of authorization from the property owner as well as a surety deposit payable to the City of Cape Coral to convert the property back to a residential or other permitted use when the structure is converted or sold. The deposit shall cover the costs associated with the conversion of the parking lot. The deposit shall be based on no less than 110% of the estimated cost by a professional engineer licensed in the State of Florida which shall be signed and sealed by the engineer, and found to be acceptable to the City. Funds and resulting interest shall be returned upon conversion of the site to a residential or other permitted use, the entire amount if the work is completed by the applicant, or the remaining funds if the City completes the work.

4. A hedge row of at least 36 inches in height shall be planted and maintained around the vehicular parking area.

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

- 5744 5. On-site or off-site parking shall be a paved or pavered surface with appropriate signs and
5745 markings, including handicap parking.
5746
- 5747 6. Treatment of stormwater runoff will be required for the first inch of runoff from the paved area
5748 associated with the parking lot area only.
5749
- 5750 7. Model home parking lots require a Limited Site Development Plan approval prior to construction.
5751
- 5752 B. Handicapped standards shall be met throughout the home, including access per the Florida Building
5753 Code and handrail and grab bar requirements.
5754
- 5755 C. Garage office. For any garage being used as an office for a model home the applicant must submit the
5756 following:
5757
- 5758 1. Plan of garage-office facility, including false walls, temporary electrical and plumbing.
5759
- 5760 2. Plan showing how garage will be returned to its original use.
5761
- 5762 3. \$10,000.00 refundable surety to ensure that the garage is converted back to the FEMA standards
5763 for single-family home usage.
5764
- 5765 D. Sign standards as defined in Article 7 of this code.
5766
- 5767 F. Upon completion of the construction and approval of the unit as a model home, a "temporary
5768 certificate of occupancy" will be issued to the owner of the model home to remain open for a period
5769 of five years. Extensions beyond this five-year temporary certificate of occupancy may be granted for
5770 the structure in the event an extension is approved for the model's permit by the Director of
5771 Community Development. The initial approval and maximum extension will allow the use of an
5772 individual model home to exist for a cumulative 10 years. The decision to extend the initial permit
5773 shall be pursuant to the following considerations:
5774
- 5775 1. The number of existing model homes within the immediate area of the extension request and
5776 impacts of those on the neighborhood.
5777
- 5778 2. The adequacy of the right(s)-of-way upon which the model home fronts.
5779
- 5780 3. The character or makeup of the area surrounding the model home.
5781
- 5782 4. The potential effect of the model home on adjacent and surrounding properties.
5783
- 5784 5. The existence of complaints relating to that model home.
5785
- 5786 6. A demonstration of good cause from the applicant why the extension request is needed.
5787
- 5788 7. Approval as a model home shall be recorded against the title.
5789

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

Chapter 12. - CONDITIONAL USES

Section. 5.12.1. Purpose and applicability.

A. Purpose and Intent

1. To provide standards and criteria for review and approval of specified conditional uses for a specific site.
2. To provide reasonable limitations or special conditions for conditional uses, in order to address, minimize, or ameliorate potential impacts of the use on surrounding property and for the protection of the public health, safety, and welfare.

B. General Requirements. Proposed conditional uses must meet the following requirements:

1. The conditional use standards identified in Article 4 for the specific zoning district use and conditional use in question.
2. The proposed conditional use will not result in development that is inconsistent with the intended character of the applicable zoning district.
3. A listed conditional use that does not meet the applicable conditional use standards may apply for approval as a Special Exception.

C. Review Criteria. A Conditional Use may be approved by the Director based on criteria identified in Article 4. These criteria are specific to each conditional use.

Section. 5.12.2. Brewpubs.

Brewpubs in the MXB district must meet the following conditions:

- A. The area used for brewing, bottling, and kegging of all beverages produced by the establishment shall not exceed 40 percent of the total floor area of the restaurant, bar, or nightclub, or exceed a total floor area of 2,500 square feet devoted for brewing, bottling, and kegging, whichever is less.**
- B. An interior floor plan shall be submitted that clearly shows the area of the building that will be devoted to the brewing, bottling, and kegging component of the establishment.**
- C. No outdoor storage shall be allowed including the use of portable storage units, cargo containers, and tractor trailers, except as follows: spent or used grain may be placed outdoors for a period not to exceed 24 hours. The temporary stockpiling for spent or used grain shall be:**
 1. Clearly shown on a detailed dimensional and labeled drawing that depicts the location of the stockpiled spent grains and the distance of the stockpiled grains from property lines and the building containing the brewpub;

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

2. Placed only along the side or rear of the building; and

3. Fully enclosed in containers that are screened behind an opaque wall or fence. The wall or fence shall have a minimum height of six feet.

Section. 5.12.3. Attached residential of three-units or more.

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

A. The number of linearly attached units must be between three and nine.

B. Landscaping shall be provided at a rate of two trees and six shrubs per 2,500 square feet of lot, rounding up to the next full number.

C. Attached residential developments shall incorporate three of the following design elements into each dwelling unit:

1. Dwelling entry as the primary façade feature;

2. Garage door recessed from the front façade, a preferred minimum of four feet;

3. Horizontal eaves broken up with gables, projection, and articulation;

4. Projecting eaves and gables, related to building massing;

5. Building massing and roof form which articulate individual unit definition;

6. Offset of four feet where two garage doors are adjacent to each other; or

7. Projections and decorative elements, such as trellises, for visual interest.

Section. 5.12.4. Multi-family dwellings

Multi-family dwellings in the RML, CC, NC, MXB, MX7 and SC districts must meet the following conditions

A. Multi-family units in RML, CC, NC, MX, and SC require 700 square feet for a one bedroom and 200 square feet for each additional bedroom.

B. Building Modulation and Articulation. All multi-family buildings shall provide a combination of volumetric and massing modulation and articulations to prevent the construction of ‘big boxes’, but rather buildings that harmonize their architectural quality in a stylistically pleasant manner. All buildings shall incorporate the following combined elements from the articulation criteria identified below.

1. A minimum of three of the following volumetric elements shall be provided:

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

- 5882
- 5883 a. Pitched roof forms, minimum pitch of 4/12, whose sum covers greater than 30% of the
- 5884 overall roof area;
- 5885
- 5886 b. Architectural roof overhangs four feet or greater in depth or cornices 12 inches or greater in
- 5887 height;
- 5888
- 5889 c. Arcades. Arcades may be used as a means of sheltering pedestrian areas, and where
- 5890 provided, shall connect to entrances;
- 5891
- 5892 d. Accent elements such as tower elements, porticos, cupolas, or domes; or
- 5893
- 5894 e. A building with frontage 90 feet or less in length shall provide the following minimum
- 5895 massing articulations:
- 5896 i. A minimum of fifty percent (50%) of the cumulative frontage of each façade shall be
- 5897 setback a minimum of five feet from the primary façade and shall be distributed
- 5898 throughout the building frontage and shall not be provided as a single aggregated
- 5899 setback; and
- 5900 ii. A minimum of twenty percent (20%) of each frontage of each facade shall be setback
- 5901 a minimum of eight feet from the primary façade.
- 5902
- 5903 2. A minimum of four of the following architectural elements shall be provided:
- 5904
- 5905 a. Stoops on the ground floor and balconies on all floors above the ground floor;
- 5906
- 5907 b. Porches on the ground floor;
- 5908
- 5909 c. Pilasters, string courses, character lines, or other such means of subdividing the facade;
- 5910
- 5911 d. Structural or ornamental details clearly distinct from the primary wall surface, e.g., lintels,
- 5912 sills, door and window surrounds, decorative panels, etc.;
- 5913
- 5914 e. Decorative planters or planting areas a minimum of five feet in width, integrated into the
- 5915 building design; or
- 5916
- 5917 f. Masonry in at least two contrasting tones or textures, accomplished by a change in material
- 5918 or coursing such as brick, natural stone, brick or stone veneer, glass, masonry stucco,
- 5919 decorative concrete block, decorative concrete panels, tile glazing and framing systems, split
- 5920 face or fluted concrete masonry, factory glazed concrete masonry units, or architectural pre-
- 5921 cast concrete.
- 5922

Section. 5.12.5. Vehicle Repair, Minor

Vehicle Repair, Minor in the C and CC districts must meet the following conditions:

- A. The number of cars being kept on site, not in a garage bay, shall be limited to three.

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

- 5928
- 5929 B. All cars kept on site for repairs must be visually screened from the right-of-way and adjacent
- 5930 properties.
- 5931
- 5932 C. All repair work shall be performed within the garage.
- 5933
- 5934 D. No outside storage of materials or chemicals, all installation to occur within garage.
- 5935
- 5936 E. Hours of operation for repair work shall be limited from 7 a.m. to 8 p.m. when adjacent to any
- 5937 residential development.
- 5938
- 5939

5940 **Section. 5.12.5. Outdoor Screened Storage**

5941

5942 Outdoor Screened Storage in the CC district must meet the following conditions:

5943

- 5944 A. The screening must consist of opaque fence or wall. Chain-link fencing (with or without slats) is
- 5945 prohibited for screening.
- 5946
- 5947 B. The minimum height of the screening shall be 6 feet.
- 5948
- 5949 C. The height of the screening shall be tall enough to screen items being stored.
- 5950
- 5951 D. All perimeter landscaping shall be on the outside of the screening.
- 5952
- 5953 E. The screened area must be used in conjunction with principal use.
- 5954
- 5955 F. The area used for storage must be an improved impervious surface such as asphalt or concrete.
- 5956
- 5957 G. No vehicular access to the storage area shall be allowed from a local street.
- 5958

5959 **Section. 5.12.6. Laboratory – Medical, Research, Testing, and Development.**

5960

5961 Medical, Research, Testing or Development Laboratory Facilities in the NC district must meet the following

5962 conditions:

5963

- 5964 A. The laboratory shall not produce any exterior impacts such as sound, smoke, or odor.
- 5965
- 5966 B. No outside storage of materials shall be permitted.
- 5967

5968 **Section. 5.12.7. Sporting Facilities, Indoor and Outdoor.**

5969

5970 Sporting Facilities, Indoor and Outdoor in the A district must be in conjunction with an agricultural use

5971 such as riding stadiums etc.

5972

5973 **Section. 5.12.8. Boat Sales**

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

Boat Sales in the SC district may only be permitted on sites with water frontage and direct access to Caloosahatchee River.

Section 5.12.9. Home based businesses

Home occupations shall only be allowed as an accessory use to a single-family residential use and must meet the following conditions:

- A. All home occupations operated in or from a residence shall comply with federal, state, and county rules and regulations, city license regulations specified herein and any other applicable ordinances of the City of Cape Coral.
- B. No condition shall be permitted which tends to cause or increase the fire hazard to the residence, such as storage of paints or other flammable materials in excess of normal family use.
- C. No storage of materials or supplies shall be allowed outside the structure nor shall any indoor display of materials be visible from the outside of the structure.
- D. The appearance of the structure shall in no way be altered for the conduct of the home occupation within the structure nor shall the conduct be such that the structure may be recognized as serving a non-residential use either by color, materials, construction, lighting, signs, sounds, noises, vibrations, audible or visible interference in any radio or television receiver off the premises, or cause fluctuations in the electric voltage line off the premises.
- E. No business operated under a fictitious name shall be issued a license to operate under this Section.
- F. Frontage and access shall be from arterial street.
- G. No driveway with ingress or egress to a local street shall be utilized.
- H. Hours of operation shall be 7:00 A.M. until 7:00 p.m.
- I. Employees and customers shall be allowed as long as adequate parking is provided on-site.
- J. No parking shall be allowed on any surrounding parcels.

Section. 5.12.10. Self-Storage Facility.

Self-storage facilities in the I, C, and CC districts must meet the following conditions:

- A. The facility must be designed so as to screen the interior of the development from all property lines. Screening features may consist of a free-standing wall, wall of a building, or a combination of the two. Free-standing walls used for screening shall be eight feet in height measured from grade.
 - 1. The following materials, either singly or in any combination, are the only materials that may be used to form the wall:

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

- a. Concrete block coated with stucco;
- b. Textured concrete block;
- c. Stone;
- d. Brick; or
- e. Formed, decorative, or precast concrete.

- 2. If the wall of a building is used to meet the opaque feature requirement, such wall shall be surfaced with stucco, brick, stone, textured concrete masonry units, or other concrete surface. Untreated concrete block is not an acceptable finished material. Building walls used as a screening feature shall not have doors or windows.

- B. A landscaped area with a minimum width of 10 feet shall be provided around the perimeter of the site. Perimeter landscaping shall consist of a minimum of three canopy trees per 100 feet, three accent trees per 100 feet, and 33 shrubs per 100 feet. Palms trees cannot be used to meet the minimum planting requirement of this section. All shrubs shall be installed at a minimum height of 32 inches and be in a minimum seven-gallon container at the time of planting.

Section. 5.12.11. Vehicle fueling stations.

Vehicle fueling stations in the C, N, and SC (along primary streets) districts must meet the following conditions:

A. General:

- 1. All buildings, including pump islands, shall have a 25' setback from all property lines.
- 2. In no case shall a lot have less than 100 feet of street frontage.
- 3. Underground storage is required for all receptacles for combustible materials in excess of 55 gallons. Such storage shall comply with all building and fire codes and Environmental Protection Agency standards.
- 4. The accumulation and storage of waste petroleum products is forbidden, unless in compliance with Environmental Protection Agency standards.
- 5. Primary services and sales permissible include fueling stations and electric charging stations, and include only the following accessory uses:
 - a. Car wash services;
 - b. Sale of convenience goods; and

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

- 6066
- 6067 c. Accessory fast food services without a drive-through.
- 6068
- 6069 6. Uses permissible at a gas station do not include body work, straightening of body parts, painting,
- 6070 welding (other than minor repairs), or other work involving noise, glare, fumes, smoke, or other
- 6071 characteristics to an extent greater than normally found in vehicle fueling stations. A vehicle
- 6072 fueling station is not a body shop.
- 6073
- 6074 7. Outside materials storage is not permissible.
- 6075
- 6076 8. Lighting at a gas station shall be designed and installed so as to prevent glare or excessive light
- 6077 above 0.1 foot-candles on adjacent property. No source of illumination shall be allowed if such
- 6078 source of illumination, unshielded, would be visible from a residentially-zoned district to the
- 6079 extent that it interferes with the residential use of that area.
- 6080
- 6081 9. The minimum size parcel shall be 1.25 acres.
- 6082
- 6083 10. An eight-foot tall opaque wall constructed of concrete block coated with stucco, textured
- 6084 concrete block, stone, brick, or concrete (formed, decorative or precast) shall be constructed
- 6085 between any residential properties and a gas station. The wall shall be constructed within the gas
- 6086 station property, seven and one-half feet from the property line shared by the gas station and any
- 6087 adjacent residential property. The wall shall not be within a sight triangle.
- 6088
- 6089 a. The residential side of the wall shall be landscaped with shrubs (seven-gallon and 32 inches
- 6090 at planting) which shall be maintained at a mature height between six and eight feet and 80
- 6091 percent opacity.
- 6092
- 6093 11. Stormwater runoff from the fueling and storage tank loading areas shall be directed to an
- 6094 oil/gas/water separator prior to entering the surface water treatment area for the project.
- 6095
- 6096 B. Appearance:
- 6097
- 6098 1. All structures on the site shall have a unified architectural theme.
- 6099
- 6100 2. Gas station roofs shall be pitched a minimum of 4:12.
- 6101
- 6102 3. A minimum of 12-inch overhangs shall be provided
- 6103
- 6104 4. Roof and exterior wall surfaces, with the exception of glass areas, shall be nonreflective. Any glass
- 6105 coating shall not reflect outward.
- 6106
- 6107 5. The use of flat steel or metal panels for the exterior walls of the gas station shall be prohibited.
- 6108
- 6109 6. The rear and sides of buildings shall be finished with material that in texture and color resembles
- 6110 the front of the building.
- 6111

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

- 6112 7. Glass windows and doors must make up at least 25 percent of the front elevation and 15 percent
6113 of the side elevations at eye level.
6114
- 6115 8. Any canopy shall be restricted to a clearance of 14 feet in height and shall be consistent with the
6116 primary structure design. The canopy columns and roof shall be architecturally finished to match
6117 the building.
6118
- 6119 9. The commercial advertising on the canopy shall be limited to 10 percent of the exterior area of
6120 the canopy and backlighting shall not be permitted on the canopy.
6121
- 6122 10. Perimeter walls, if utilized, shall be architecturally compatible with the principal structure.
6123

6124 C. Landscaping:
6125

- 6126 1. Front yard buffer. An enhanced front yard buffer shall be required for automobile service
6127 stations to limit the visual impact of the use. The following requirements shall be utilized:
6128
- 6129 2. Area to be landscaped. A strip of land at least 10 feet in depth, abutting the right-of-way and
6130 extending the length of the property except the entrance and exit drives, shall be landscaped.
6131
- 6132 3. Minimum tree requirements. Palm clusters on the ends of landscape buffers parallel to the gas
6133 pump canopy. The palm clusters shall consist of three palms with a minimum of 13 feet of gray
6134 wood, at planting. One cluster shall be provided for every 30 feet of road frontage;
6135
- 6136 4. Landscape accents. The use of landscape accents, such as planters and window boxes, shall be
6137 incorporated into the overall landscape design of the building and the site;
6138
- 6139 5. Other materials. The remainder of the required landscaped area shall be landscaped with grass,
6140 ground cover, or other approved landscaping treatment.
6141

6142 D. Vehicle Fueling Stations in the SC zoning district shall only be allowed with frontage along Del Prado
6143 Boulevard.
6144
6145
6146

Item Number:	5.E.
Meeting Date:	4/4/2018
Item Type:	BUSINESS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Article 11 Definitions

REQUESTED ACTION:

STRATEGIC PLAN INFO:

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

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Wyatt	Division-	Department of Community	
Daltry		Development	Department- (DCD)

SOURCE OF ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Article 11 Definitions	Backup Material

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS**

CHAPTER 1. GENERAL PROVISIONS

Section 11.1. Purpose and Intent

- A. This chapter is intended to define terms used in the Land Development Code (LDC) and provide clarity in the LDC.
- B. Unless the context clearly indicates a different meaning, the following definitions shall be used to interpret the provisions of the LDC.
- C. Words whose meanings are self-evident as used in this Code are not defined here. Undefined terms that are commonly used may be defined using a dictionary. Words used in the present tense shall include the future; the singular includes the plural, and vice versa.
- D. Certain definitions may not be in alphabetical order and may be organized according to a common term or subject heading.
- E. The definitions in the Article may be different from the definitions used in the City of Cape Coral Code of Ordinances.

CHAPTER 2. GENERAL DEFINITIONS

Abandoned Structure, is any structure which has ceased to be used for its designed and intended purpose.

Abandonment, is the relinquishment or cessation of the use of property by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property. Often in reference to an easement or a right-of-way.

Acre, is a land area of 43,560 square feet.

Access, is the place, means, or way by which vehicles or pedestrians obtain ingress and egress to a property or use.

Access Drive, is a driving surface leading from a right-of-way to a parking area.

Accessory Dwelling Unit (ADU), is a separate housekeeping unit from the with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.

Accessory Building or Structure, a subordinate building or structure, the use of which is customarily incidental the main building or to the main use of the land and which is on the same site as the main building or use.

Accessory Use, is a use that is incidental to and subordinate to the main building or use of land and that is on the same lot and under the same ownership in all respects.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

47
48 Addition, any construction that increases the size of a building in terms of site coverage, height, length,
49 width, or gross floor area.
50

51 Adjoining or Abutting, means two properties share at least one common point or property line.
52

53 Adjacent, means two properties that are separated by a public right of way, canal, or alley.
54

55 Adult Day Care Center means any building or buildings, operated for profit or not, which provides
56 daytime, basic care services to three or more persons who are 18 years of age or older, who are not
57 related to the owner or operator by blood or marriage, and who require such services.
58

59 Adult Entertainment Establishment or Use, is a use which is distinguished or characterized by an
60 emphasis on materials depicting, describing or relating to specified sexual activities or specified
61 anatomical areas either by observation or participation by the patrons or employees of that use.
62 Specified uses are found in F.S. Ch. 847.001 and include, adult bookstores, adult theaters, unlicensed
63 massage establishments, and adult special cabarets.
64

65 Affordable Housing, is housing with a sale or rental cost, including taxes and utilities, of 30 percent or
66 less of the total monthly household income of low income households.
67

68 Agricultural Building, Structures intended primarily or exclusively for support of an agricultural
69 function, including barns, silos, water towers, windmills, and greenhouses.
70

71 Agricultural Land, land used actively for the production of food, fiber, or livestock.
72

73 Agricultural Uses, means farming, including plowing, tillage, cropping, seeding, cultivating, or harvesting
74 for the production of food and fiber products (except commercial logging and timber harvesting
75 operations); the grazing or raising of livestock (except in feed yards); aquaculture; sod production;
76 orchards or groves; Christmas trees; nurseries; and the cultivation of products as part of a recognized
77 commercial enterprise.
78

79 Alley, a right-of-way that affords a secondary means of vehicular access to abutting properties.
80

81 Alteration, means any enlargement, addition, relocation, remodel, change in number of units,
82 development, or change to a facility, other than painting and other changes to finishes.
83

84 Ambient, is the surrounding level of light, noise, air, or odor.
85

86 Amplified Sound, means sound augmented by any electronic or other means that increases the sound
87 level or volume. Public background sound or amplified sound caused by the police or fire departments
88 of the city in the performance of their official duties shall not be considered amplified sound.
89

90 Animal Kennel, An establishment where more than four dogs or cats (except litters of animals of not
91 more than six months of age) are kept, raised, cared for or boarded, for a fee.
92

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS**

Animal Shelter, any place so designed to provide for the temporary accommodation of five or more stray common household pets until appropriate disposition of such animals can be made.

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

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



Architectural Feature, any prominent or characteristic part of a building, including windows, columns, awnings, marquee, façade, or fascia.

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

Assisted Living Facility (ALF) or Nursing Home, means any building, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

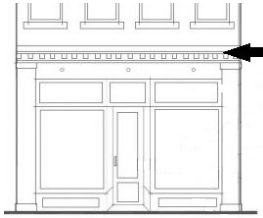
Auditorium or Assembly Hall, a building with facilities to accommodate groups of people.

Awning, 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.



Banding, means a projection of masonry or similar material around a building or part of a building, which is attached to the building.

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS**



Bar, is an area or establishment primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

Basement, the portion of a building having its floor subgrade (below ground level) on all sides.

Bathroom, is a room in a building containing, at a minimum, a toilet and a sink.

Bed and Breakfast, means a transient lodging establishment, generally in a single-family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

Berm, A mound or earthen ridge placed above natural or existing grade for the purpose of shielding, screening, mitigating impacts from or otherwise separating areas of dissimilar use, to provide visual interest, accommodate landscape improvements, or control the direction and flow of water.

Best Management Practices (BMP), is the combination of conservation measures, structures, or management practices that reduces or avoids adverse impacts of development on adjoining site's land, water or waterways, and waterbodies.

Bike Lane, is a corridor expressly reserved for bicycles.

Bio-Retention Area, A shallow planted depression designed to retain or detain stormwater before infiltration or discharge. Plants used in bio-retention areas must be able to survive without fertilizer or other artificial means.

Block, is land typically surrounded by streets or other transportation or utility rights-of-way, or by physical barriers such as bodies of water or public open spaces. Block may also mean a group of parcels within a geographic area.

Boat, is a vessel designed for operation as a watercraft propelled by oars, sails, or internal combustion engine(s). A boat shall not be considered as a recreational vehicle even though may have facilities for temporary living quarters.

Borrow Pit, are excavations created by the surface mining of rock, unconsolidated geologic deposits, or soil to provide material (borrow) for fill elsewhere.

Brewery, is a facility with a capacity to manufacture more than 5,000 barrels of beer or other similar beverages a year.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Brewpub, A restaurant or bar with facilities that produces beer or wine for on-site consumption and retail sale to restaurant, bar, or nightclub patrons. Nonalcoholic beverages may also be produced for on-site consumption and retail sale. A brewpub differs from an artisan brewery in that a greater percentage of beer or wine produced at a brewpub is generally consumed on the premises.

Buffer, means open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically and visually separate one use or property from another.

Build-to Line, locations where a proposed development shall locate the linear footage of the building's edge, thus ensuring a uniform (or more or less even) building façade line on the street. Build-to lines may correspond to the property line or may be offset from the property line.

Buildable Area, is that portion of a lot exclusive of the required setbacks or open spaces upon which improvements are permitted.

Building, Attached, is a building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

Building Rear, means a building wall that does not face a public street, a private access way, or a common open space. A building may have more than one building rear.

Building Front, means a building wall that faces a public street, a private street, or a common open space. A building may have more than one building front.

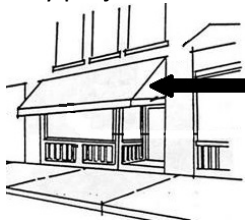
Building, Primary or Principal, is a building in which the primary use of the lot, on which the building is located, is conducted.

Bulkhead, means a shoreline stabilization structure including riprap or a seawall.

Business Front Foot, means the lineal distance of the building space occupied by the particular business measured on a straight-line parallel to the street. If a building fronts on two (2) or more streets, the property owner shall be given the option of selecting one (1) street frontage for the purpose of computing allowable sign area. Where a business does not parallel a street, the front foot shall be measured along the exterior of the building space occupied by the particular business.

By-right, refers to uses that are permitted without special conditions or a public hearing.

Canopy, a roof-like structure serving the purpose of protecting pedestrians from rain and sun, which may project from a building or be free standing.



CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Caliper – Palm, the diameter of the palm trunk taken at the widest portion, measured between one foot and three feet from the ground.

Caliper – Tree, the measurement of the average of the largest diameter of a tree, and that perpendicular to it, measured 12 inches above the ground.

Cemetery, is land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

Certificate of Completion. Documentation that a structure, system(what kind of system?), site development or subdivision infrastructure is complete and for certain types of permits is released for use and may be connected to a utility system.

Certificate of Occupancy, is the official certification that a premises may be used or occupied pursuant to the State Building Codes.

Childcare Facility, includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether operated for profit.

Civic Building, is a building specifically designed for a civic function. Buildings and structures for public or private assembly, including places of worship and schools, shall be considered civic buildings.

Clearing of Vegetation, means removal of plants and or topsoil and vegetative materials in preparation for development, but not including mowing and cutting of brush for maintenance, the removal of dead or diseased plants or the removal of a single tree on a developed parcel.

Clear Trunk – Palm, A measurement from the soil line to a point on the trunk where the trunk caliper begins to taper abruptly, as per "Grades and Standards for Nursery Plants" published by the State Department of Agriculture and Consumer Services, Part 2.

Colonnade, a series of columns that are set at regular intervals and that support the base of an overhead structure.

Community Center, 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 Garden, is a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

Community Residential Home, means a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Concurrency, necessary public facilities and services to main the adopted level of service standards are available when the impacts of a development occur.

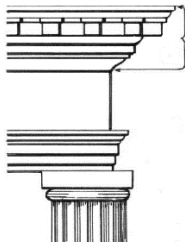
Conditional Use, are uses which are generally appropriate in a zoning district but have certain additional requirements to ensure the use is compatible. Conditional uses may be approved administratively as long as the required conditions are met and maintained.

Continuing Care Facility, is a center which provides independent household units as well as assisted living units to allow a resident to age within one facility or community.

Construction Staging Area, An area used on a temporary basis for the storage of materials and supplies used in the construction of a project for a limited period of time.

Convenience Store, is any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood, with or without sale of fuel.

Cornice, means a horizontal, ornamental molding that crowns a building or element of a building such as a window or doorway.



Corrugated Metal,

Craft Brewery, Distillery, or Winery, is a use that brews beer, distills spirituous beverages, or produces wine and similar beverages on a small scale and whose annual production of beer is capped by the City of Cape Coral in contrast to a full-fledged brewery that may produce an unlimited volume of beer. These establishments may include a tasting room and retail space to sell beer produced on the premises, as well as beer, spirits and wine produced elsewhere, along with related retail items and food.

Crime Prevention Through Environmental Design (CPTED), is a multi-disciplinary approach to deterring criminal behavior through the design of the built environment. Specifically, altering the physical design of the communities in which humans reside and congregate in order to deter criminal activity is the main goal of CPTED.

Cul-de-sac, is a dead-end street terminated at the closed end by a circular vehicular turn-around.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Cultural and Civic Facilities, Facilities of historic educational or cultural interest such as botanical gardens, aquariums, libraries, art galleries, or museums.

Cupola, an ornamental structure placed above a larger roof.



Deck, is an open and roofless platform that adjoins a house and is supported by a means other than the principal structure.

Density, the number of dwelling units permitted per acre of land.

Developer, is the person who is improving a parcel of land and who may or may not be the owner of that property.

Development, is any human-caused change to improved or unimproved real estate that requires a permit or approval from any agency of the city or county, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of materials.

Development Approval, is any written authorization from the city which authorizes the commencement of a development.

Diameter at Breast Height (DBH), Diameter of the tree when measured four and one-half feet above the ground.

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

Divider Median, A landscaped strip between abutting rows of parking spaces.

Dock, any structure, otherwise known as a pier, wharf, or loading platform, extending into the water from a seawall or bank and which may provide berthing for marine vessels.

Dormitory, is a building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions.

Dumpster Enclosure, the covered containers supplied by the city refuse collection franchisee that are designed and intended to be mechanically dumped into a packer-type sanitation vehicle, regardless of whether such containers are used for the collection and/or disposal of solid waste or other refuse or for the collection and/or disposal of recycling materials, as well as covered containers that are designed and intended to be used for compaction of materials such as cardboard boxes

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Dwelling Unit, one or more rooms constituting all or part of a dwelling which are used as living quarters for one family and contain a bathroom and kitchen facilities.

Dwelling, Duplex, is a structure designed to accommodate two dwelling units, each of which has direct access to the outside.

Dwelling, Multifamily, is a building containing three or more individual dwellings with separate cooking and toilet facilities for each dwelling.

Dwelling, Single-Family Detached, is a dwelling unit owned in fee simple and on an individual lot which is not attached to any other dwelling unit by any means.

Dwelling, Single-Family Attached, means a single structure consisting of three or more dwelling units having one or more walls abutting with another dwelling and designed to have all exits open directly to the outside. Each dwelling unit is on a lot with individual ownership.

Easement, a grant by a property owner to the use of land by the public, a corporation, or persons for specific purposes as the construction of utilities, drainage ways, and roadways.

Eave, is the projecting lower edges of a roof overhanging the wall of a building.

Encroachment, is where a structure exists within a required setback, or an area that is designated to have no structures.

Entertainment, Indoor, means active or passive uses conducted within an enclosed building, these include but are not limited to: motion picture theaters, concert or music halls, billiards, arcades, and bowling.

Entertainment, Outdoor, means active or passive uses conducted in open or partially enclosed or screened entertainment complex. Typical uses include but are not limited to: sports arenas, motor vehicle or animal racing facilities, and outdoor amusement parks.

Erosion, is the removal of soil through water or wind action.

Essential Services, the erection, construction, alteration or maintenance (by a public or private utility company for the purpose of furnishing adequate services for the public health, safety, or general welfare) of electrical and communication cables, poles and wires, water and sewer collection, transmission, or distribution mains, drains and pipes, including fire hydrants. This definition shall not be interpreted to include buildings, structures, or uses listed as essential service facilities.

Essential Service Facilities, buildings or above ground structures (exceeding 27 cubic feet in volume) required to provide essential services including electricity; telephone, cable TV, gas, water, sewage, solid waste, and resource recovery.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Excavating or Filling, defined as the removal or placement of more than 100 cubic yards of earth or the alteration of the elevation of more than 1,250 square feet of land area more than two feet.

Excavation, An operation utilizing any tools, equipment or explosives for the purpose of moving, removing or otherwise displacing or distributing earth, rock or other materials in or on the ground or wrecking, razing, rending, moving or removing any structure or mass of material.

Exotic, means a species introduced to Florida, purposefully or accidentally, from a natural range outside of Florida.

Façade, is the exterior elevation of a structure or building as viewed from a single vantage point.
Family, any number of persons living together as a single housekeeping unit.

Family Day Care Home, an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home.

Farmer's Market, is an occasional or periodic outdoor market where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages.

Fence, a structure used for enclosing land areas constructed of pickets, boards, rails, chain link, or concrete products which are generally supported by posts and provide privacy, land separation, containment of domestic animals, and restriction of passage.

Fence, Decorative, means an open mesh fence no higher than two feet, other than chain link or barbed wire, intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line, or frame a driveway, walkway, or planting bed.
Filling, see Excavating or Filling.

Flea Market, the sale of used merchandise customarily involving tables or space lease or rented to vendors.

Flex Space, is commercial space, typically office, workshop, and loading bay area that allows businesses to utilize the space in the manner necessary for their work, most typically light industrial uses. Uses not allowed in flex space include self-storage or general retail stores.

Floor, is the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor Area Ratio (FAR), is the ratio of the proposed amount of commercial or industrial floor area to the total land area shown for non-residential uses on the site.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Floor Area, Gross, the total area of a building measured by taking the outside dimensions of the building each floor level intended for occupancy and storage.

Florida Building Code, the family of codes adopted by the Florida Building Commission.

Florida Friendly Landscaping, is a program developed through the University of Florida which encourages the use of low-maintenance plants and environmentally sustainable practices. A list of Florida Friendly plants can be found in Appendix 5.6.1.B.

Florida Native, Any plant recognized as occurring naturally in the State of Florida prior to the 1500s, as identified in **Atlas of Florida Vascular Plants by Wunderlin**, R.P., and B. F. Hansen. 2008. (<http://www.plantatlas.usf.edu/>). Institute for Systematic Botany, University of South Florida, Tampa, or other scientific documentation recognized by the city.

Food Truck, is a temporary food service establishment that is vehicle mounted and/or designed to be readily movable.

Footcandle, is the unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.

Frontage, is the face of a building most nearly parallel with the public right-of-way line.

Frontage Road, is a residential or nonresidential street parallel and adjacent to a major thoroughfare and which provides access to abutting properties with protection from through traffic.

Garage, an enclosed area that is accessory to the primary residential structure and is designed primarily for the parking and storage of motor vehicles.

Garage Sale, means the noncommercial sale of privately owned items from residential premises.

Gazebo, a freestanding, roofed structure usually open on the sides.

Glare, is lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Grade, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Greenhouse, is a building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other plants.

Green Roof, a building roof that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Groundcover, any low growing plant, 24 inches in height or less, that can be used to cover areas where sod or turf is not desired or will not grow.

Group Home, a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Habitat, means the physical location or type of environment in which an organism or biological population lives or occurs.

Hardscape, tangible objects and features other than plant materials, including, but not limited to, steps and ramps, fountains and pools, fences, screens, dividers and walls, overhead structures (i.e. trellis), decks, retaining walls, play equipment, benches and planters, drainage structures, lighting, pavement, curbs, and site furnishings.

Hearing Examiner, is a person appointed to conduct public hearings and take action in action proceedings as specified by this code.

Hedge, is any group of shrubs planted in line or in groups that form a compact, dense, living barrier that protects, shields, separates, or demarcates an area from view; any similar plant material, or similar plant material in conjunction with a structure.

Height, the vertical distance measured from the lowest finished floor elevation to the lowest point of the highest horizontal eave or to the highest point of the highest parapet wall, whichever is higher.

Helistop, A heliport, but without ancillary facilities such as parking, waiting room, fueling and maintenance equipment.

Heritage Tree, is a Florida native canopy tree with a 20-inch caliper DBH or larger.

Home Occupation, is an occupation for monetary gain or support conducted by members of a family residing on residential premises, and conducted entirely within the dwelling, provided that no article is sold or offered for sale except such as may be produced or acquired by members of the immediate family residing on the premises. Home occupations shall not be construed to include barbershops, beauty shops, tearooms, restaurants, dress shops, commercial kennels, real estate offices, dance studios, astrologists/palmists and the like, band instrument instructors, photographic studios, and child care facility for more than five children.

Hospital, is an institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Hotel, is an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars, and recreational facilities.

Household, is the person or persons occupying a dwelling unit.

Impervious Surface, is any material that substantially reduces or prevents the infiltration of stormwater into the ground. This shall include graveled driveways and parking areas.

Industry, Heavy, is manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

Industry, Light, includes research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semi-finished products may be temporarily stored outdoors pending shipment.

Infrastructure, means facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

Intensity, is the number of square feet of development per acre, or floor area ratio, by land use type with respect to non-residential land uses.

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.

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.

Laboratory, Research, is a building or group of buildings in which facilities for scientific research, investigation, testing, or experimentation are. This does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Land Development Regulations, means the city's zoning, subdivision, building, and other regulations controlling the development of land.

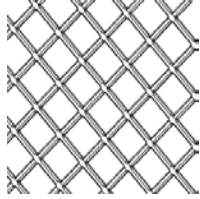
Landscape Plan, is a plan associated with a subdivision master concept plan, or site development plan, indicating the placement of landscape materials, including specifications, species, quantities, and method of installation.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Landscaped Area, is an area set aside from structures and parking which is developed with natural materials (i.e. grass, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences, and outdoor furniture.

Landscaping, is the finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs, and flowers. This treatment may also include the use of logs, rocks, fountains, water features, and contouring of the earth.

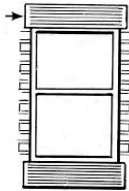
Lattice, is an ornamental criss-crossed framework, an arrangement of crossing laths or other thin strips of material which allows light and air to pass between the openings.



Light Pollution, means any adverse effect of artificial light including, but not limited to, glare, light trespass, skyglow, energy waste, and impacts on the nocturnal environment.

Lighting, Fully Shielded/Cutoff, means any outdoor light fixture shielded in such a manner that all light emitted by the fixture is projected below the horizontal as determined by a photometric test or certified by the manufacturer.

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



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.

Local Planning Agency, is the City of Cape Coral Planning and Zoning Commission when reviewing matters related to the Comprehensive Land Use Plan as specified in F.S. Chapter 160.

Lot or Lot of Record, is a lot or tract that is part of a recorded subdivision that has been recorded with the county clerk of courts office containing property tax records.

Lot Coverage, refer to Section 1-112 of the Land Development Code.

Lot, Corner, A lot which abuts on two or more intersecting streets at their intersection, but is not to include wing streets at cul-de-sac locations; wing streets at locations where road angles or turns and the wing street is less than 120 feet in length.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

598 Lot Depth, refer to Section 1-112 of the Land Development Code.
599

600 Lot, Double Frontage, is a lot having frontage on two nonintersecting streets, as distinguished from a
601 corner lot.
602

603 Lot, Flag, is a lot not meeting minimum lot frontage requirements at the street and where access to a
604 right-of-way is provided by means of a long, narrow driveway between abutting lots.
605

606 Lot Lines, are the property lines bounding the lot.
607

608 Lot Width, refer to Section 1-112 of the Land Development Code.
609

610 Low Impact Development (LID), refers to systems and practices that use or mimic natural processes that
611 result in the infiltration, evapotranspiration, or use of stormwater in order to protect water quality and
612 associated aquatic habitat.
613

614 Lowest Floor, the lowest floor of the lowest enclosed area of a building or structure, including
615 basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable
616 solely for vehicle parking, building access or limited storage provided that such enclosure is not built so
617 as to render the structure in violation of the non-elevation requirements of the Florida Building Code
618 or ASCE 24.
619

620 Lumen, is the unit of measure used to quantify the amount of light produced by a lamp or emitted from
621 a luminaire. One footcandle is equal to one lumen per square foot.
622

623 Maintain, means in a condition or state of equivalent quality to that which was approved or required by
624 the city.
625

626 Manufacturing, Heavy, is the manufacturing of products from raw or unprocessed materials, where the
627 finished product may be combustible or explosive. This category shall also include any establishment or
628 facility using large unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes,
629 storage silos, or similar equipment, that cannot be integrated into the building design, or engaging in
630 largescale outdoor storage. Any industrial use that generates noise, odor, vibration, illumination, or
631 particulate that may be offensive or obnoxious adjacent land uses, or requires a significant amount of
632 on-site hazardous chemical storage shall be classified under this land use. This use shall include any
633 packaging of the product being manufactured on-site.
634

635 Manufacturing, Light, is the indoor processing or fabrication of certain materials or products where no
636 process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will
637 disturb or endanger neighboring properties.
638

639 Marine Improvement, means a whole, constructed marine structure including, but not limited to,
640 dock, boat lift, mooring posts, walkways, and other interconnecting parts. A boat canopy, its supports,
641 and its frame shall not be considered to be a part of the marine improvement to which they are
642 attached.
643

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Master Concept Plan, is a general graphic depiction of the layout and/or design of a land development project, which shall include written and quantitative information as required by the city, including a phasing plan, but to be distinguished from a "site development plan," as defined herein.

Medical Marijuana Dispensary, is a facility where marijuana is made available for sale for medical purposes. This also includes establishments from which marijuana is delivered to patients who cannot obtain it from a dispensary, due to physical or mental disability, for medical purposes.

Mixed-Use Development, is a project which integrates residential and non-residential uses.

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

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

Model Home, is an unoccupied dwelling constructed upon a model home lot zoned for residential use and on one of four contiguous lots from the arterial or collector roadway, with each lot under the ownership of one or more builders intending to use the lots as model home sites or ancillary parking, for display purposes, price quoting and consummation of sales contracts.

Modular Structure, is a structure not built on-site but may be assembled on-site, which is placed on a permanent foundation and meets the state building code standards.

Mulch, is any material such as wood chips, leaves, bark, straw, or other materials left loose and applied to the soil surface to reduce evaporation.

Native Species, A plant or animal that originally occurred in an area.

Natural Area, is land and water that has substantially retained its natural character or land and water that, although altered in character, is important as habitats for plant, animal, or marine life, for the study of its natural, historical, scientific, or paleontological features, or for the enjoyment of its natural features.

Nonconforming, is when an existing lot, structure, building, sign, development, or use of an existing lot or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, structure, building, sign, development, or use is located.

Non-domestic animals, farm animals including, but not limited to, horses, cattle, mules, goats, sheep, swine and poultry.

Nonresidential Use, means a use that does not include dwelling units. Nonresidential uses include: commercial, industrial, public, park, institutional, agricultural uses without a residence, and parts of mixed-use developments not containing residential dwelling units. This includes hotels, motels, RV parks, and campgrounds.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Nonresidential zoning districts, includes the following zoning districts: Commercial (C), Professional Office (P), Industrial (I), Institutional (INST), and Preservation (PV).

Nuisance, is a thing, condition, or conduct that endangers health and safety, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

Occupancy, means the residing of an individual overnight in a dwelling unit or the installation, storage, or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

Occupancy, Change of, means the discontinuance of an existing use and the substitution of a use of a different kind or class in that same space.

On-Site Sewage System, is a sewage-treatment system that includes a settling tank through which liquid sewage flows and in which solid sewage settles and is decomposed by bacteria in the absence of oxygen.

Open Space, Land and water areas retained for use as an active or passive recreation areas or for resource protection in an essentially undeveloped state.

Ornamental Grass, A self-supporting, non-woody, perennial species of the plant family, Poaceae, Juncaceae, or Cyperaceae, that is not mowed but is allowed to grow to its full potential and is used in the landscape in the same way as a shrub.

Ornamental Wall, a wall that that is not used in the support of a building.

Outdoor Lighting, means lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.

Outdoor Storage, means the storage of any material for a period greater than 48 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

Outdoor Screened Storage, the keeping of any goods or products within a structure not defined as a building, or within a completely fenced or walled in area. The goods shall be screened by the structure, wall or fence so as not to be seen from any other property.

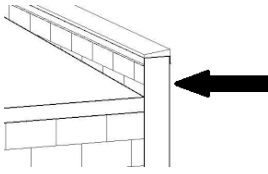
Outdoor Venue, means a commercial establishment which offers entertainment outside of a building, including music.

Outdoor Entertainment Event, means a temporary, outdoor event utilizing amplified sound equipment, not associated with an established outdoor venue.

Owner-occupied, means a vacation rental that is the primary and permanent residence of the owner of the property.

Parapet, is that portion of the facade which extends above the roof immediately adjacent thereto.

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS**



Parcel, means a contiguous land under one ownership.

Parking, Off-Street, is space designed for the parking of automobiles on premises other than streets.

Parking, On-Street, is the storage space for an automobile that is within the street right-of-way.

Parking, Satellite, is off-street parking spaces that are not on the same lot as the principal use.

Parking, Shared, means joint use of a parking area by more than one use.

Paved, means ground covered with stone, brick, concrete, asphalt, or other substantial matter making a firm, smooth, and level surface.

Paver, is a grid block designed for use as a driving or parking surface, installed with cavities (either the kind in which grass can be planted or between the blocks) to minimize impervious surface and reduce runoff.

Pedestrian-Friendly/Oriented, means the density, layout, and infrastructure that encourages walking and biking within a subdivision or development, including limited setbacks, front porches, sidewalks, and bikepaths.

Pergola, is a structure, either freestanding or attached to a façade, usually consisting of parallel colonnades supporting an open roof of girders and cross rafters built as an outdoor element for partial shade.

Permit, Conditional Use, a use that is permitted if all specified conditions have been adhered to.

Person, means individuals, partnerships, associations, and corporations.

Personal Services Establishment, is an establishment which offers specialized services purchased frequently by the consumer. Included are barbershops, beauty shops, chiropractic, dance studios, and massage clinics, garment repair, tailoring, shoe repair, pet grooming, indoor pet sitting, and beauty clinics, fitness centers, laundromats, drycleaners, photography and instructional studios, tattoo and piercing studio, martial arts studios, and other similar establishments. These uses may include accessory retail sales of products related to the services provided.

Pervious Surface, is any surface which allows a minimum of 80 percent precipitation from any source to infiltrate directly into the ground.

Pilaster, a rectangular column, especially one projecting from a wall.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS



Place of Religious Assembly, a use within a permanent building that provides regular organized worship and related incidental activities, except primary or secondary schools and day care facilities.

Planned Unit Development (PUD), is an area of land zoned and improved as a development for which the otherwise applicable use and development requirements to allow for more flexible planning in conformance with the development approval process and developed in accordance with the provisions of this ordinance.

Point of Intersection, the point where two rights-of-way would meet if they were extended straight rather than curving to create a rounded corner at an intersection.

Porch, is a covered but unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes and is not used for livable space.



Portico, means a structure consisting of a roof supported by columns at regular intervals, typically attached as a porch to a building.



Premises, is a distinct unit or parcel of land including the appurtenances thereon.

Primary Frontage, is any portion of a property that faces any public Right-of-Way defined as a Boulevard, a Parkway, or fronting Pine Island Road.

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

Professional Services,

Public Art or Sculpture, Any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, within any city-owned facility in areas designated as public

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

area, lobbies, or public assembly areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.

Public Notice, means notice to the public of a public hearing or opportunity for the public to present their views to an official representative or board of a public agency concerning an official action pending before the agency as required by state law.

Public Parks and Recreational Facilities, means natural or landscaped areas, buildings, or structures, provided by a government, to meet the active or passive recreational needs of people.

Public Safety Facility, is a government facility for public safety and emergency services, including facilities that provides police or fire protection and related administrative facilities and training facilities.

Rain Sensor, A calibrated device that is designed to measure rainfall and override the irrigation cycle of the irrigation system when a pre-determined amount of rainfall has occurred.

Redevelopment, is any proposed expansion, addition, or major facade change to an existing building, structure, or parking facility.

Reflecting Pool, is a shallow (less than 18" deep) pool designed as a feature of a garden, often associated with seating and/or statues

Religious Institution, A religious assembly that may also include related facilities such as a rectory, convent, private school, licensed child or adult daycare, recreational facilities, or any combination thereof.

Residential Use, means a structure or part of a structure containing dwelling units, including single-family, duplexes, multi-family dwellings, boarding or rooming houses. Residences do not include transient accommodations such as transient hotels, motels, tourist cabins, RV parks, or, in a mixed-use structure, that part of the structure used for any nonresidential uses.

Residential Zoning Districts, includes the following districts: Single-Family Residential (R-1), Multi-Family Low Residential (RML), Multi-Family Residential Medium (RMM), Residential Estate (RE), and Agriculture (A).

Resort, is a facility principally for the accommodation or short-term residence of transient guests or vacationers, but where the primary attraction is generally recreational features or activities.

Retail Sales Establishment, is an establishment selling goods directly to the consumer. Retaining Wall, is a man-made barrier constructed for the purpose of stabilizing soil, slowing erosion, or terracing a parcel or site.

Right-of-way, is a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, parking strips, sidewalks, lighting, drainage facilities, and canals.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Riparian Buffer, is a vegetated buffer strip along a watercourse that filters stormwater and provides wildlife habitat.

Roadside Fruit and Vegetable Stand, A temporary building or structure, built in accordance with all applicable Building Code requirements, which is designed, used or intended to be used for the purpose of display and retail sales of farm products, such as fruits, vegetables, food products and flowers.

Roof Line (Deck Line), means the highest continuous horizontal line of a roof on a sloping roof, the roof line is the principal ridge line or the highest line common to one (1) or more principal slopes of the roof. On a flat roof, the roof line is the highest continuous line of a roof or parapet, whichever is higher.

Photovoltaic Solar System: A system which uses one (1) or more photovoltaic panel(s) installed on the surface of a roof, parallel to a sloped roof or surface or rack-mounted on a flat roof, to convert sunlight into electricity.

Runoff, is stormwater leaving a site due to the force of gravity.

School, is an institution for the teaching of children or adults including primary and secondary schools, colleges, professional, dance, business, trade, art, and similar facilities.

Screened, means obscured from public view.

Seating Capacity, is the actual number of seats available for use based upon the number of seats or one seat per 24 inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the Florida Building Code.

Seawall, a wall built along a shoreline.

Self-Service Storage Facility, is a building used for the storage of personal property where individual owners control individual storage spaces.

Septic Tank, see on-site sewage system.

Setback, is the minimum horizontal distance between a structure and a property line.

Shed, an accessory structure, attached or detached from the primary structure, which is used primarily for storage and not intended for human occupancy. A shed shall not include storage containers or shipping containers.

Shopping Center, A group of retail and other commercial businesses that are within a development.

Shrub, a woody plant that produces multiples stems or trunks rather than a single tree-like stem.
Sidewalk, is an improved pedestrian surface that is typically in a right-of-way.

Sill, means a shelf or slab of stone, wood, or metal at the foot of a window or doorway.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Site Development Plan, is the 100% detailed set of construction plans for installation of land development improvements for a site which must be approved prior to the release of a site development permit.

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

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

Sound Amplification Device, means equipment designed to increase the volume of sound created by a separate source such as a musical instrument or a human voice. The term does not include a standard radio, DVD player or similar device, but does include "stand alone" amplified microphone systems.

Special Event, a preplanned single gathering, event or series of related consecutive gatherings or events of an entertainment, cultural, recreational, educational, political, religious, or sporting nature, or any nature, that is sponsored by an individual or entity and is open to the public in general.

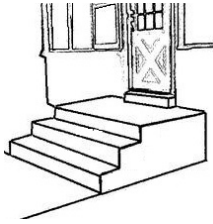
Special Exception, A use which is essential to or would promote the public health, safety, or welfare in one or more districts, but which would impair the integrity and character of the district in which it is located, or in adjoining districts unless restrictions or conditions on location, size, extent and character of performance are imposed in addition to those imposed in this ordinance.

Commercial Recreation, Indoor, is an indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual, organized, or franchised sports, including basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide other regular organized or franchised events, health and fitness club facilities, swimming pool, snack bar, restaurant, retail sales of related sports, health or fitness items, and other support facilities.

Commercial Recreation, Outdoor, means a recreational land use conducted outside of a building, including athletic fields; skateboard park; swimming, tennis, handball, basketball courts; batting cages.

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

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS



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

Streetscape, is the visual image of a street, including the combination of buildings, parking, signs, and other hardscape and street furniture

Structure, anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including but not limited to fences, signs, kiosks, or similar uses.

Subdivision, is the division of land into two or more lots or a development consisting of multiple subdivided lots.

Subdivision Construction Plan, is the 100% detailed set of construction plans for installation of land development improvements of a subdivision which must be approved prior to the release of a subdivision infrastructure permit.

Subdivision Plat, is the schematic representation of land divided or to be divided.

Subdivision Plat, Final, is the plat to be given final approval which includes all changes, additional information, and requirements imposed by the city. The final plat is recorded in the county clerk of courts.

Substantial Renovation, means repair or changes worth 50%, or more, of the fair market value of the structure and improvements, not including the land.

Swimming Pool, is a structure, whether above or below grade level, designed to hold water more than 30 inches deep to be used for recreational purposes.

Temporary Storage Container, is a standardized, reusable vessel that is designed and constructed for the primary purpose of packing, shipping, and transportation of goods or freight and are designed or capable of being mounted or moved on a truck, train, or ship.

Temporary Use, is a use of land, buildings or structures that are established for a fixed period of time with the intent to discontinue the use upon the expiration of such time.

Tower, is a structure which is designed for the purpose of supporting one or more antennas or wireless telecommunication facilities. The term "Tower" shall not include amateur radio antennas, structure-mounted and pole-mounted wireless telecommunication facilities.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Transient Occupants, means any person, or guest or invitee of such person, who occupies or is in actual or apparent control or possession of residential property registered as a vacation rental. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the vacation rental is a transient occupant.

Tree, is a self-supporting plant having at least one well-defined woody stem or trunk and normally attaining a mature height of at least 15 feet, with an average mature spread of at least 15 feet.

Tree, Accent, is a smaller tree whose mature height can be expected to range between 15 feet and 30 feet and which has an expected crown spread range between 15 feet and 25 feet.

Tree, Canopy, is a larger tree species that normally achieves an overall height and spread at maturity of 30 feet or more.

Tree, Palm, is an unbranched, evergreen tree that grows in tropical regions and has a straight, tall trunk and many large leaves at the top of the trunk.

Trellis, a vertical panel of lattice designed to support vine plants.

Utility Line, an underground conduit and related facilities, including pipe or cable, by which a person furnishes material or service.

Utilities, Incidental Activities or Facilities, means the construction or placement of public utilities or other infrastructure on a permanent or temporary basis. Examples of "incidental utility activities" include drainage improvements, stormwater retention or detention features, valves, hydrants, street improvements, temporary boat launches for water quality sampling, extension of water and sewer lines, and small-scale lift stations that are not enclosed in a structure (125 cubic feet or less).

Utilities, Major Public Facilities, is any public service improvement or structure developed by or for a public agency that is not defined as an incidental public facility, including but not limited to electrical substations, sewer and water treatment plants, water reservoirs, trunk lines, regional stormwater detention facilities, new or expanded public buildings designed for human occupancy that increase traffic within a neighborhood, and active park improvements such as ball fields or restroom facilities.

Utilities, Private, means utilities that are not subject to city acceptance for operation or maintenance. For purposes of this code, private utilities include natural gas lines, power lines, telephone lines, cable television lines, and other communication lines, their appurtenances and any component part(s) thereof, and the utility companies' operation, maintenance, repair, and replacement of same.

Vacation Rental, means any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is rented to transient occupants more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to transient occupants, and also a transient public lodging establishment and non-transient lodging establishment as defined in F.S. § 509.013, but that is not a timeshare project.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Variable Message Board, means a portable electronic device which may be used for providing information to motorists about construction schedules, alternate routes, expected delays, detours, and any other public message for the health, safety, or welfare of the traveling public and residents. Use limited to government agencies.

Variance, a departure from the terms of this ordinance pertaining to height, width, depth, or area of structures, sizes of yards, parking space, or sign requirements where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property because of its size, shape, or topography, and not as a result of the actions of the applicant, the literal enforcement of this ordinance would result in unnecessary and undue hardship.

Vehicle Fueling Station, means any place where motor vehicle fuel is sold and dispensed, accessory activities may include the retail sale of convenience items or a car wash.

Vehicle Repair Service Establishment, is a building or structure used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles.

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

Vehicle Sales,

Vicinity Map, is a drawing or diagram, to the appropriate scale to show the location of the proposed development in relation to abutting properties, major streets, and other known landmarks.

Visibility Triangle, is a triangular area at the intersection of two streets, or a street and a driveway; two sides of which are measured from the point of intersection for a distance specified. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides.

Wall, is an upright structure, with a continuous footer, constructed of building material, such as masonry, wood, or plaster serving to enclose, divide, or protect an area.

Wetlands, are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes: (a) have a predominance of hydric soils; (b) are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and (c) under normal circumstances support a prevalence of such vegetation.

Yard, 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.

CHAPTER 3. FLOODPLAIN MANAGEMENT DEFINITIONS

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

This section defines terms that are related to the Article 8 “Floodplain Management”.

Alteration of a Watercourse, a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard, or change the direction or velocity of the riverine flow of water during conditions of the base flood.

ASCE 24, a standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. **ASCE 24** is developed and published by the American Society of Civil Engineers, Reston, VA.

Base Flood, a flood having a 1% chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "1%-annual chance flood."

Base Flood Elevation, the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

Best Management Practices (BMP), is the combination of conservation measures, structures, or management practices that reduces or avoids adverse impacts of development on adjoining sites land, water or waterways, and waterbodies.

Coastal Construction Control Line, the line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the city, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal High Hazard Area, a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal High Hazard Areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1 V30, VE, or V.

Design Flood, the flood associated with the greater of the following two areas; an area with a floodplain subject to a 1% or greater chance of flooding in any year, or an area designated as a flood hazard area on the City flood hazard map or otherwise legally designated.

Design Flood Elevation, the elevation of the "design flood," including wave height, relative to the datum specified on the city's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet.

Existing Building and Existing Structure, any buildings and structures for which the "start of construction" commenced before August 17, 1981.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

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

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

Federal Emergency Management Agency (FEMA), the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or Flooding, a general and temporary condition of partial or complete inundation of normally dry land from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Damage Resistant Materials, any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

Floodplain, is the land area susceptible to inundation by water as a result of a flood.

Floodway Encroachment, is any fill, structure, building, accessory use, use, or development in the floodway.

Flood Hazard Area, The greater of the following two areas; the area within a floodplain subject to a 1% or greater chance of flooding in any year, or the area designated as a flood hazard area on the city's flood hazard map, or otherwise legally designated.

Floodplain Administrator, the office or position designated and charged with the administration and enforcement of this Article (may be referred to as the Floodplain Manager).

Floodplain Development or Approval, an official document or certificate issued by the city or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this Article.

Floodway, the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Encroachment Analysis, an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Functionally Dependent Use, A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long term storage or related manufacturing facilities.

Highest Adjacent Grade, The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic Structure, Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.

Letter of Map Change, (LOMC) An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the City floodplain management regulations.

Letter of Map Revision, Conditional (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Lowest Floor, The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24.

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

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

term Manufactured Home shall also include the term "mobile home" as provided in Article 11. Definitions.

Manufactured Home Park or Subdivision, A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value, the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this Article, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

New Construction, For the purposes of administration of this Article and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after August 17, 1981 and includes any subsequent improvements to such structures.

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

Park Trailer, A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.

Recreational Vehicle, A vehicle, including a park trailer, which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand Dunes, Naturally, occurring accumulations of sand in ridges or mounds landward of the beach.

Special Flood Hazard Area, An area in the floodplain subject to a 1% or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1 A30, AE, A99, AH, V1 V30, VE or V.

Start of Construction, the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation,

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual Start of Construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial Damage, Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50% of the market value of the building or structure before the damage occurred.

Substantial Improvement, Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50% of the market value of the building or structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to August 17, 1981. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; and
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

CHAPTER 4. MARINE IMPROVEMENT DEFINITIONS

This section defines terms that are related to the Article 5, Chapter 5 "Marine Improvements".

Adjacent Parcel, is any waterfront parcel that is not an end parcel, but that abuts an end parcel or a corner parcel.

Boat Canopy, a removable protective cover installed to cover a boat located in the principal mooring area of a dock or over a boat lift; a boat canopy designed and intended for the purpose of protecting a marine vessel from damage from the elements and is fastened to, erected on, or installed on a marine improvement. Covers that protect marine vessels from the elements, but that fasten only to the marine vessel and not, in any way, to a marine improvement shall not be deemed to be boat canopies.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Boat slip, is a space designed for the mooring of a single watercraft. Such spaces may extend from a dock or shoreline or be created from a cut-in.

Boathouse, is an accessory structure either wholly or partially over a body of water and designed to provide shelter for water craft or for marine-related equipment.

Canal End Line, is a line or lines drawn from the farthest point where the canal meets land perpendicular to the sides of the canal, or to the sides of the canal as extended if necessary. If the side of a canal curves near its end point, such canal side shall be extended from the point immediately preceding where it begins to curve. See Diagram 5.5.4.A.

Canal Width, the width of the canal measured from seawall to seawall using the City's Geographic Information Systems (GIS).

Centerline of the Marine Improvement Area, means a line extended from the center of the parcel's water frontage line to the center of the offset line of the parcel's marine improvement area. See Diagram 5.5.4.F.

Channel or Canal, is an open conduit, either naturally or artificially created, which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.

Corner Parcel, is a parcel that either touches or is on both sides of an interior corner of a lake, basin, or canal.

Corner, Waterway, is the meeting of two sides which create an angle less than 180 degrees.

Cut-In Boat Slip, is a place for a boat to moor, created within a parcel through excavation or removal of soil and rock material and construction of a seawall around that area.

End Parcel, a waterfront parcel where any part of the parcel abuts or includes within its boundaries any part of the canal end line or any part of an extension of a side line between the side line and the canal end line.

Fender Post, is a post inserted into the canal bottom and fastened to the dock or seawall to prevent damage to the vessel when tied alongside the dock or seawall.

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.

Marine Improvement Area, is that area enclosed by the water frontage line, the offset line, and lines connecting the ends of the offset line to corresponding offset points.. See Diagram 5.5.4.E.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Mean Water Level, in regard to fresh water waterways, the elevation established at the downstream weir, and, in regard to saltwater waterways, the mean high water of +013 feet National Geodetic Vertical Datum of 1929 (NGVD-29).

Mooring Piles, posts, meant for tethering a watercraft to, which are anchored into the floor of a waterbody.

Navigable Channel, means that portion of the waterway width in which no marine improvement may lawfully be constructed. The access width of the waterway shall be calculated by subtracting from the calculated waterway width twice the maximum distance that a marine improvement located along one side of the waterway could lawfully project.

Offset Point, means the distance from the property line where a marine improvement may be built. See Diagram 5.5.4.C.

Outside Corner parcel, means a parcel of land which projects into one or more waterways so as to have two or more sides abutting such waterway(s).

Quay, a modified seawall where a boat can dock parallel to the shore.

Water Frontage Line, means the line at which a waterfront parcel abuts the waterway. If the waterfront parcel has a seawall, the seawall face shall be deemed the water frontage line for the parcel. For waterfront parcels that have a property line, but no seawall, abutting the waterway, such property line shall be deemed the water frontage line. See Diagram 5.5.4.A.

Waterfront Parcel, means a parcel which abuts a waterbody.

Waterway, is any man-made or natural body of water, including, canals, lakes, and basins, within the City of Cape Coral.

Waterway Access Ratio, means shall be calculated by dividing the waterway access width by the calculated width of the waterway. See 5.5.4.B.

Waterway Center Point (WCP), is a point on the centerline of the canal 40 feet from the water's end. See Diagram 5.5.4.B.

Watercourse, is a channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.

Watercraft, is a boat, houseboat, canoe, raft, surfboard, or other apparatus designed for use on water, including motors or engines designed to propel such craft or apparatus.

Watercraft, Personal, is a recreational watercraft that a rider sits or stands on rather than inside, as one would a boat.

CHAPTER 5. TRUCK AND VEHICLE PARKING DEFINITIONS

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

This chapter defines terms that are used in Article xx – Truck and Vehicle Parking.

Single-Family Residential, property zoned R-1 and RE, and AI, RML or RMM when used for single-family residential purposes.

Multi-Family Residential, property zoned RML and RMM when used for multi-family residential purposes.

Industrial and Agricultural, include property zoned I and A when not used for single-family residential purposes.

Commercial and Professional, shall include property zoned C, CC, INST, P-1, NC, MX, MXB, MX SI, and SC.

Commercial Lettering, letters, numbers, symbols, or combinations thereof which advertise a trade, business, industry, or other activity for profit or a product, commodity, or service. The term shall not include bumper stickers affixed to bumpers only or the decal or plate commonly applied to a motor vehicle by a motor vehicle dealer.

Commercial Rack, any frame, device, or other apparatus that is designed and constructed for the primary purpose of carrying tools, building materials, or merchandise. Racks designed and constructed for carrying luggage or sporting equipment, such as kayaks, canoes, or bicycles, shall not be considered to be Commercial Racks so long as they are used for the purpose of carrying the aforesaid items. Furthermore, a rack designed and constructed for carrying a ladder (a "ladder rack") that is attached to a motor vehicle shall not be considered to be a Commercial Rack, provided the ladder rack is not wider than the vehicle to which it is attached and no part of such ladder rack extends more than 16 inches above the cab of the vehicle or extends beyond the tailgate of the vehicle.

Commercial Vehicle, an agricultural, construction, or industrial motor vehicle or any bus, step van, truck, or truck tractor. The term shall include any motor vehicle (including automobiles) upon which commercial lettering, as defined herein, has been affixed. The term shall also include a pickup truck from which the cargo box has been removed. Any motor vehicle with one or more tools (including a ladder), building materials, or merchandise visible from the street or abutting residential property, or a "commercial rack" that is visible from the street or abutting residential property shall be deemed a commercial vehicle. A passenger automobile or sports utility vehicle (SUV) containing commercial lettering shall not be considered a commercial vehicle for purposes of this section so long as the commercial lettering on the vehicle does not contain any reference to the residential address at which the automobile is parked.

Light Van, any motor vehicle having a generally rectangular bulk, which is licensed and registered for operation upon public highways and which has a carrying capacity of no more than one ton or no more than nine passengers.

Owner, when used in relation to a motor vehicle or trailer, any person to whom a motor vehicle or trailer is registered according to the certificate of title for the motor vehicle or trailer and, if the motor

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

vehicle or trailer is under lease, rental agreement, or on loan under any type of arrangement, gratuitous or otherwise, shall include the person having possession or control of the vehicle. When used in relation to privately real property in a residential zoning district, the term shall mean the owner according to the latest ad valorem tax records of the county and, if the privately property is under lease, rental agreement, agreement for deed, or similar land contract shall include the person in possession and control of the property.

Pickup Truck, any motor vehicle designed primarily for the transportation of property within a permanently attached open cargo box and having a gross motor vehicle weight of no more than 17,500 pounds, a height of no more than 82 inches (measured from the ground to the vehicle's highest point excluding antennae), no more than six wheels, and no more than two sides.

Screening, a visual barrier consisting of permanent, dense vegetation, or other permitted structure at least equal in height to the recreational vehicle, boat, or boat trailer but which does not violate any height limitation for barriers in the applicable zoning district.

Trailer, any vehicle without motive power designed for carrying persons or property on its own structure and to be drawn by a motor vehicle regardless of hitch type.

Trailer, Boat, a trailer that is designed and constructed by the manufacturer for the primary purpose of carrying and launching a boat.

Truck, any motor vehicle, other than a pickup truck or light van, designed primarily for the transportation of property or cargo.

Vehicle for Human Habitation, a house car, camp car, camper, house trailer, or any vehicle by whatever name known, school bus, or other bus designed or adaptable for human habitation, whether such vehicle moves by its own power or by power supplied by a separate vehicle.

CHAPTER 6. SIGN DEFINITIONS

This chapter defines terms that are used in Article 7 - Signs.

Banner, is any sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, or fabric of any kind with only such material for foundation. The word "banner" shall also include pennant or any animated, rotating, or fluttering device, with or without lettering or design, and manufactured and placed for the purpose of attracting attention.

Feather Flag, is a vertical flag used for identifying a secondary model home contiguous to the primary model home site.

Flag, is a piece of fabric with a color or pattern that represents some country, state, county, city, party, organization, or business activity.

Flashing Sign, is any sign with a light or lights which flash, blink, operating on and off intermittently, change in intensity, or otherwise create the illusion of flashing or movement.

**CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS**

Flat or Wall Sign, is any sign erected parallel to the facade or on the outside wall of any building and supported throughout its length by the wall of the building or incorporated into the structure or architecture.

Mural, is any picture, scene, or diagram painted on any exterior wall or fence not interpreted by the Director to be advertising. Murals determined to be advertising shall be considered a sign and shall be included in the calculations of allowable sign area.

Sign, is any display of banners and flags, characters, letters, illustrations or any ornamentations, or the complete structure on which any such characters, letters, illustrations, or ornamentations are stated or applied (except buildings to which the sign may be attached); used for identification, directional purposes, advertising, or promotional purposes.

Sign, A-Frame, is a moveable sign not secured or attached to the ground as required by this Code. Menu boards are permitted on sidewalks within commercial shopping centers and in front of the business it applies to, and which do not obstruct the walkway and are not placed in the landscaping.

Sign, Abandoned, is a sign which advertises a business that is no longer licensed or is no longer doing business at that location.

Sign, Add-on, is any additional sign area added to a previously permitted and/or conforming sign.

Sign, Advertising, is any form of printed message intended to aid, directly or indirectly, in the sale, use, or promotion of a product, commodity, service, activity, or entertainment.

Sign, Animated, is a sign with action or motion using electrical energy, electronic or manufactured sources of supply, or wind actuated elements, including rotating, revolving, or flashing signs against which it is placed, excluding the necessary supports or uprights on which such sign is placed.

Sign Area, is the height multiplied by the length. Height shall be measured from the top of the highest letter to the bottom of the lowest and length shall be measured from the point of the lettering furthest to the left to the point of the lettering furthest to the right. Any logo shall be measured in the same fashion and will count as part of the sign face area. When the lettering and logo are contained within a frame or outline, the sign area shall be the area inside the frame or outline. For double-faced signs, only one side shall be measured for the area.

Sign, Bench, is a sign on any part of the surface of a bench or seat placed adjacent to a public street.

Sign, Building Identification, is a sign on a building with a main entry that depicts only the name of the building. Building identification signs on the exterior of a building or behind a glass enclosure, window, glass facade, or any other transparent surface material, and visible from the outside of the building are considered signs.

Sign, Changeable Copy, means a sign which has message characters that are not permanently attached to the sign, but which are attached to permit numerous changes of the message.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

1530
1531 Sign, Construction, is a temporary sign erected on the premises on which construction is taking place,
1532 during the period of such construction, identifying those engaged in construction on any building site. This
1533 includes the builder, contractor, developer, architect, engineer, financing entity, or other persons or
1534 artisans involved in construction.
1535
1536 Sign, Development, is a temporary sign advertising the sale or rental of structures under construction
1537 upon land which is under development.
1538
1539 Sign, Directional, a sign whose message is exclusively limited to guiding the circulation of motorists or
1540 pedestrians on the site.
1541
1542 Sign, Directory, is a sign which lists only the names of individuals or businesses within a building, or
1543 contiguous buildings on one premises.
1544
1545 Sign, Double-Faced, is a sign with two identical display areas against each other or where the interior
1546 angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one
1547 direction and the other side from another direction.
1548
1549 Sign, Façade, see "wall sign".
1550
1551 Sign Face, is that portion of the sign, excluding the supporting structure, where copy, font, visual
1552 depictions, or otherwise can be placed.
1553
1554 Sign, Free Standing, includes ground signs, pole signs, and monument signs which are supported by one
1555 or more columns, uprights, or braces anchored into the ground independent of support from any building.
1556
1557 Sign, Fuel Pump Valance, is any permanent sign attached to the top of a fuel pump.
1558
1559 Sign, Garage Sale, is any sign pertaining to the sale of personal property in, at or upon any residentially
1560 zoned property located in the City, to include yard sales, moving sales, and the like. Garage sales shall
1561 include all such sales and include the advertising of the holding of any such sale, of the offering to make
1562 any sale, whether made under any other name such as lawn sale, yard sale, moving sale, front yard sale,
1563 back yard sale, home sale, attic sale, rummage sale, patio sale, flea market sale, or any similar designation.
1564 Limited to five square feet in area. See "Residential Transitory Sign".
1565
1566 Sign, Ground, see Sign, Monument.
1567
1568 Sign Height, means the vertical distance to the highest point of a sign. Freestanding signs shall be
1569 measured from the crown of the nearest abutting street or sidewalk.
1570
1571 Sign, Identification, is a sign which contains no advertising and the message of which is limited to
1572 conveying street numbers, the name, address, and numbers of the premises, or the name of the owner
1573 or occupant of the premises.
1574

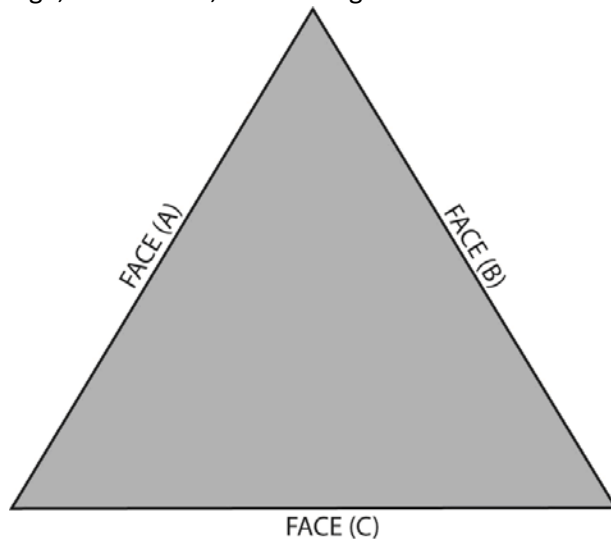
CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Sign, Illuminated, is a sign in which a source of light is used to make the message readable. This shall include internally and externally lighted signs.

Sign, Instructional, is a sign conveying instructions with respect to the premises on which it is maintained, such as, but not limited to, "exit," "entrance," "parking," or similar instructions.

Sign, Monument, is a freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

Sign, Multi-faced, means a sign with more than two (2) faces.



$$\text{TOTAL SIGN AREA} = \text{FACE (A)} + \text{FACE (B)} + \text{FACE (C)}$$

Sign, Neighborhood, means signs designating separate and distinct neighborhoods which may be part of a larger subdivision or have distinct characteristics which are unlike those in adjoining areas.

Sign, Nonconforming, is any sign which does not comply with the regulations of this sign code, or subsequent amendments.

Sign, Off-Premises, is a sign identifying, advertising or directing the public to a business, merchandise, service institution, residential area, entertainment, or activity which is located, sold, rented, based, produced, manufactured, furnished, or taking place at a location other than on the property on which the sign is located.

Sign, On-Premises, is any structure, device, display board, screen, surface, or wall, characters, letters, or illustrations placed thereto, thereon, or there under by any method or means whatsoever where the matter displayed is used for advertising on the premises, a product or service, actually or actively offered for sale or rent thereon or therein.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Sign, Painted, is any sign painted on any surface, including the roof of any building, visible from any public right-of-way.

Sign, Pole, is a freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.

Sign, Political, means any temporary sign announcing or supporting political candidates or issues in connection with any local, county, state, or national election.

Sign, Portable, is any sign that is designed to be transported, including but not limited to signs: with wheels removed; with chassis or support constructed without wheels; designed to be transported by trailer or wheels; attached temporarily or permanently to the ground, structure, or other signs; menu and sandwich boards, searchlight stands; and tethered inflatable signs.

Sign, Projecting Blade, is any sign hung or projecting perpendicular to the building. Maximum allowable area is four square feet.

Sign, Projecting, is a sign projecting at an angle from the outside wall or walls of any building which is supported by only one rigid support, irrespective of the number of guy wires used in connection therewith.

Sign, Public, is a sign placed under the authority of duly authorized government officials, including traffic signs, legal notices, public safety signs, or signs placed by such authorized official for the public health, safety, welfare, or convenience.

Sign, Real Estate, is any sign installed by the owner or his agent on a temporary basis, advertising the real property upon which the sign is located for rent, sale, or lease.

Sign, Residential Transitory, means specific types of temporary signs which may be displayed for three consecutive days only. These signs are intended to facilitate garage sales, estate sales, moving sales, yard sales, neighborhood meetings, HOA meetings and the like. See "Garage Sale Sign" and "Estate Sale Sign".

Sign, Revolving, see Animated Sign

Sign, Roof, is any outdoor advertising display sign, installed, constructed, or maintained above the roof line of any building.

Sign, Sandwich, see A-Frame Sign

Sign, Rotating, see Animated Sign

Sign, Snipe, is any sign of any size, made of any material, including but not limited to paper, cardboard, wood, and metal, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Sign, Special Event, is any temporary sign announcing special events.

Sign, Swinging, is any sign that swings freely from or on supports regardless of the guy wires used in connection therewith.

Sign, Temporary, is a sign that advertises for a specific limited period of time, political candidates, parties, or issues, a building under construction, business grand opening, other special events and model homes.
Sign, Time and Temperature, is a display containing illuminated numerals flashing alternatively to show the time and temperature.

Sign, Trailer, is any sign installed on a frame or structure with wheels other than a motor vehicle.

Sign, Under Canopy, is any sign hung under a canopy perpendicular to the building. No permit required. Maximum area is four square feet.

Sign, V-Shaped, is any sign which has two faces which are not parallel. The area of each of the two faces will be added together to calculate the allowable area for the sign face dimension. A V-shaped sign is not a double-faced sign.

Sign, Vehicle, is a sign affixed to or painted on a transportation vehicle or trailer for the purpose of identification or advertisement. Vehicle signs shall not include political signs, bumper stickers, or signs required by law, ordinance, or regulations.

Sign, Wall (Facade Sign), is any sign installed parallel to or flush against the outside facade of a building. Such signs, and logos located on the exterior of a building or behind a glass enclosure, window, glass facade, or any other transparent surface material, and visible from the outside of the building, are considered wall signs and are calculated as part of the total facade signage permitted. Such signs must conform to the Sign Code. See Building Identification signs.

Sign, Window, is any sign which is attached or painted, either permanently or temporarily, on the interior or exterior of a window, glass door, glass wall, or which is placed within 12 inches of the window, glass door, or glass wall and is intended to be viewed from the outside.

Chapter 7. Wireless Telecommunications Definitions

This chapter defines terms related to requirements in Article 5, Chapter 12. Wireless Telecommunication.

Alternate Tower Structure, means man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna, means any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.

CITY OF CAPE CORAL, FLORIDA
LAND DEVELOPMENT CODE
ARTICLE 11 – DEFINITIONS

Antenna Support Structure, is any building or other structure, other than a tower, which may be used for location of wireless telecommunications facilities.

Camouflaged, means any wireless communications facility which is designed to blend into the surrounding environment or that camouflages or conceals the presence of the tower or wireless telecommunication facility to the extent that the average person would be unaware of its nature as a tower, antenna, or wireless telecommunications facility. Examples of camouflaged facilities include, but are not limited to, man-made trees, clock towers, bell steeples, flag poles, light poles, and similar alternative-design mounting structures. Examples of camouflaged antennas include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, and antennas integrated into architectural elements.

Co-location, is the act of erecting antenna(s) of a wireless service provider on a tower or an existing antenna support structure already supporting an antenna.

Designed Service Study, is a study of the configuration and manner of deployment of wireless services the wireless provider has designed for an area as part of its network that demonstrates whether or not existing towers or tall structures in the search can be utilized for co-location.

FAA, means the Federal Aviation Administration.

FCC, means the Federal Communications Commission

Monopole, is a style of free-standing tower that is composed of a single shaft, usually composed of two or more hollow sections that are in turn attached to a foundation, with external antennas. This type of tower is designed to support itself without use of guy wires or other stabilization devices.

Pole-Mounted, means an antenna attached to or upon an electric transmission or distribution pole, a streetlight, a traffic signal or similar facility within the public right-of-way or a utility easement. A utility pole-mounted facility shall not be considered a wireless telecommunication facility.

Structure-Mounted, means a wireless telecommunications facility, tower or antenna which is mounted to an existing building or structure not otherwise meant to support a wireless telecommunication facility, tower or antenna.

Wireless Communication, is the transmission and reception of voice, data or video transmission via radio frequency (RF) signals through electromagnetic energy.

Wireless Communication Facility (WCF), is any cables, wires, lines, wave guides, antennas, and other equipment associated with the transmission or reception of telecommunications installed upon a tower or antenna support structure, including ground-based equipment in direct support of such transmission or reception. However, the term "Wireless communication facility" shall not include amateur radio antennas.

Item Number:	6.A.
Meeting Date:	4/4/2018
Item Type:	DATE AND TIME OF NEXT MEETING

**AGENDA REQUEST
FORM**
CITY OF CAPE CORAL



TITLE:

Workshop Wednesday April 18, 2018, at 9:00 a.m. in Council Chambers

REQUESTED ACTION:

STRATEGIC PLAN INFO:

1. Will this action result in a Budget Amendment?
2. Is this a Strategic Decision?

If Yes, Priority Goals Supported are listed below.

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

Planning & Zoning Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

PREPARED BY:

Division- Department-

SOURCE OF ADDITIONAL INFORMATION: