

Mayor

Joe Coviello

Council Members

District 1: John Gunter

District 2: John M. Carioscia Sr.

District 3: Marilyn Stout

District 4: Jennifer I. Nelson

District 5: Dave Stokes

District 6: Richard Williams

District 7: Jessica Cosden



1015 Cultural Park Blvd.
Cape Coral, FL

City Manager

John Szerlag

City Attorney

Dolores Menendez

City Auditor

Andrea R. Butola

Interim City Clerk

Kimberly Bruns

AGENDA
COMMITTEE OF THE WHOLE

November 26, 2018

1:30 PM

Council Chambers

PLEDGE OF CIVILITY

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

VIDEO

1. MEETING CALLED TO ORDER

A. MAYOR COVIELLO

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

A. MAYOR COVIELLO, COUNCIL MEMBERS CARIOSCIA, COSDEN, GUNTER, NELSON, STOKES, STOUT, WILLIAMS

4. BUSINESS:

A. CITIZENS INPUT TIME

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

B. DISCUSSION

(1) Land Development Code - Proposed Major Changes

5. ROUND TABLE DISCUSSION

6. TIME AND PLACE OF FUTURE MEETINGS

A. A Regular Meeting of the Cape Coral City Council is Scheduled for Monday, December 3, 2018 at 4:30 p.m. in Council Chambers

7. MOTION TO ADJOURN

GENERAL RULES AND PROCEDURES REGARDING THE CAPE CORAL CITY COUNCIL AGENDA

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

Persons wishing to address Council under Citizens Input or the Consent Agenda may do so during the designated times at each meeting. No prior scheduling is necessary. All speakers must have their presentations approved by the City Clerk's office no later than 3:00 PM the day of the meeting.

Any citizen may appear before the City Council at the scheduled PUBLIC HEARING/INPUT to comment on the specific agenda item being considered. No prior scheduling is necessary.

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

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

***PUBLIC HEARINGS DEPARTMENT OF COMMUNITY DEVELOPMENT CASES**

In all public hearings for which an applicant or applicants exist and which would affect a relatively limited land area, including but not limited to PDPs, appeals concerning variances or special exceptions, and small-scale rezonings, the following procedures shall be utilized in order to afford all parties or their representatives a full opportunity to be heard on matters relevant to the application:

1. The applicant, as well as witnesses offering testimony or presenting evidence, will be required to swear or affirm that the testimony they provide is the truth.
2. The order of presentation will begin with the City staff report, the presentation by the applicant and/or the applicant's representative; witnesses called by the applicant, and then members of the public.

3. Members of the City Council may question any witness on relevant issues, by the applicant and/or the applicant's representative, City staff, or by any member of the public.
4. The Mayor may impose reasonable limitations on the offer of testimony or evidence and refuse to hear testimony or evidence that is not relevant to the issue being heard. The Mayor may also impose reasonable limitations on the number of witnesses heard when such witnesses become repetitive or are introducing duplicate testimony or evidence. The Mayor may also call witnesses and introduce evidence on behalf of the City Council if it is felt that such witnesses and/or evidence are necessary for a thorough consideration of the subject.
5. After the introduction of all-relevant testimony and evidence, the applicant shall have the opportunity to present a closing statement.
6. If a person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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 to be based.

Item Number: B.(1)
Meeting Date: 11/26/2018
Item Type: DISCUSSION

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Land Development Code - Proposed Major Changes

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/Staff Recommendations:

SUMMARY EXPLANATION AND BACKGROUND:

LEGAL REVIEW:

EXHIBITS:

Memo
Staff Presentation
Updated Staff Presentation
Hand Outs Distributed at Meeting

PREPARED BY:

Division- Department-

SOURCE OF ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Memo	Backup Material
<input type="checkbox"/> Staff Presentation	Backup Material
<input type="checkbox"/> Updated staff presentation	Backup Material
<input type="checkbox"/> Hand Outs Distributed at meeting	Backup Material

MEMORANDUM

CITY OF CAPE CORAL COMMUNITY DEVELOPMENT DEPARTMENT

TO: Mayor Coviello and Council Members

FROM: John Szerlag, City Manager
Vincent A. Cautero, Community Development Director
Robert H. Pederson, Planning Manager

DATE: November 21, 2018

SUBJECT: Major Changes in the New Land Development Code (LDC)

I. Executive Summary

The attached materials highlight the major changes that will be made part of the new LDC. These code provisions represent a series of changes that have been discussed since 2015. At least four community workshops were conducted by our consultants, Calvin Giordano Associates, and staff followed by workshops with the Planning and Zoning Commission (P&Z).

The purpose of the November 26 COW meeting is to inform Council of the proposed major changes in the draft LDC and receive your input. Currently, the P&Z is conducting public hearings and their final hearing is scheduled for January 9, 2018. Following their final public hearing, P&Z and City management will make recommendations to Council.

II. Background

After staff and the consultants completed the code rewrite, a series of public workshops with the P&Z began in 2017 and the P&Z held their first public hearing on May 16, 2018.

The overall schedule for P&Z, Hearing Examiner, and Council action is attached.

III. Associated Comprehensive Plan and Map Amendments & Schedules

There are four basic elements to the code rewrite:

- a. Comprehensive Plan text amendments to coincide with the LDC

The Comprehensive Plan text amendments were transmitted to the state for review on November 5, 2018. The state had no comment. These amendments are scheduled for final Council adoption on January 7, 2019.

b. Comprehensive Plan Future Land Use Map (FLUM) amendments

P&Z held a public hearing on the first group of FLUM amendments on August 15, 2018. These amendments were then transmitted to the state on September 17. The Council approved the amendments on November 19.

The remaining FLUM amendments are scheduled for P&Z public hearing on January 9, 2019 with Council adoption scheduled for February 25, 2019.

c. The Text of the Land Development Code

The final P&Z hearing is scheduled for January 9, 2019. Council introduction and two public hearings scheduled for January 14, January 28, and February 11, respectively.

d. A new Zoning Map for the City

This map will be sent to P&Z for their information. The Hearing Examiner public hearing on the new zoning map is scheduled for January 8, 2019 with Council introduction and two public hearings scheduled for January 28, February 11, and February 25, respectively.

The new FLUM and zoning maps are intended to reflect the new Future Land Use Classifications and zoning. We have also attempted to address many long-standing inconsistencies between the FLUM and current zoning. We have not, however, made changes to the FLUM or zoning maps to respond to changes desired by individual property owners.

IV. Next Steps

Final adoption of the LDC is scheduled for February 25, 2019. Given the large scale and scope of this effort, we have committed to track issues that arise during implementation of the new LDC. We intend to bring back an ordinance after nine to 12 months to address any calibrations or other necessary changes.

We are available to discuss any aspect of the LDC update effort at your convenience.

VC/RP:eh (memo to council on ldc changes nov 26 cow 11-20-2018.docx)

C: Dolores Menendez, City Attorney
Brian R. Bartos, Assistant City Attorney

Cape Coral's New Land Development Code

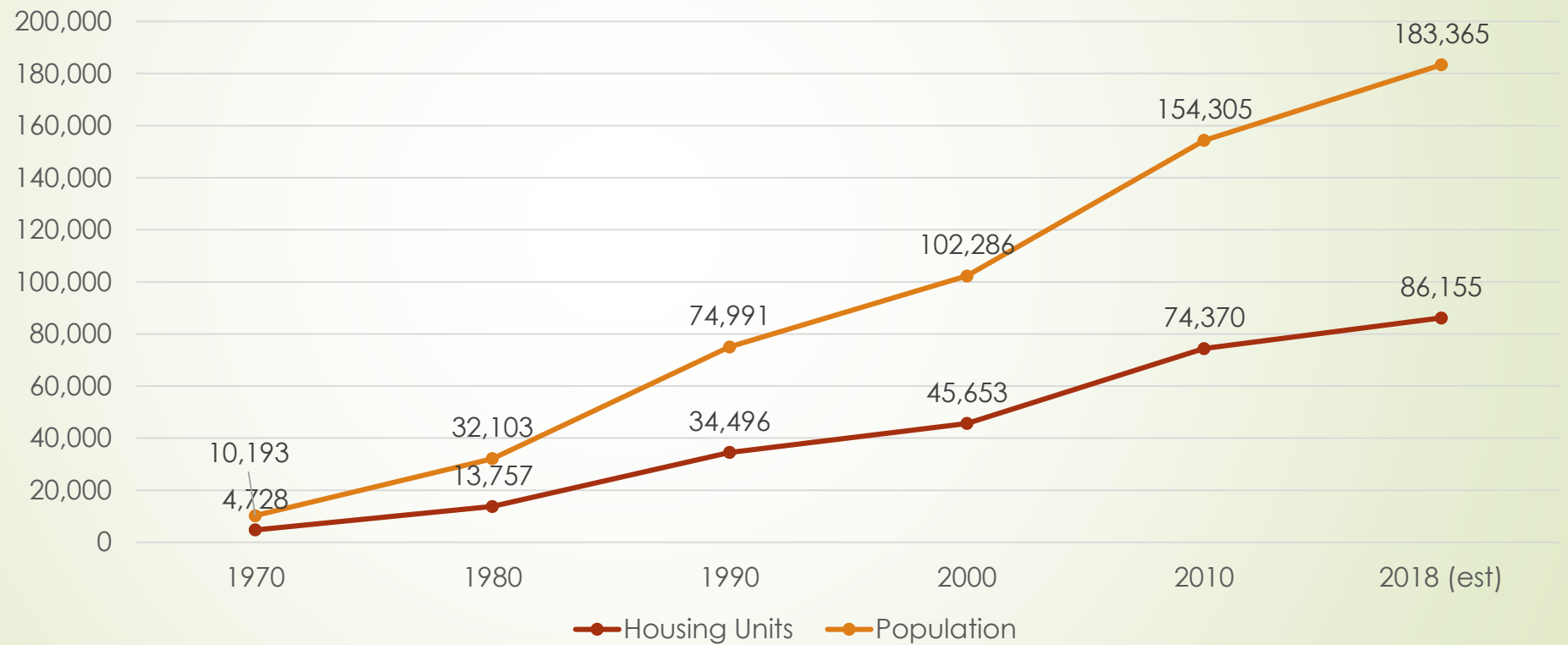
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**COW Meeting
November 26, 2018**

Outcomes

1. Expedite the Development Process
2. Encourage Development
3. Clarify Regulations
4. Allocation of Community Values

Population and Housing Units 1970-2018



Source: U.S. Census

Outcome 1- Expedite the Development Process via Administrative Approvals

- Current land uses or approvals requiring public hearings include:
 - Model Homes
 - Deviations for specifies marine improvements
 - Minor deviations for landscaping
 - Any dimensional variance
- The LDC will permit administrative approval of these and others – with standards
- Goal is fair and consistent decision making. Less time and cost to applicants without sacrificing community standards

Outcome 1 Expedite the Development Process - Subdivision Plat Approval Process

- **LUDRs require a PDP for any subdivision (plat or replat) in addition to planning and engineering review of the subdivision details**
- **This process not typical in other communities**
- **LDC draft has preliminary subdivision plans approved administratively – no PDP or PUD required**
- **Council approval of Final Plat required per statute**

Outcome 1 Expedite the Development Process - Planned Unit Developments (PUDs) to replace PDPs

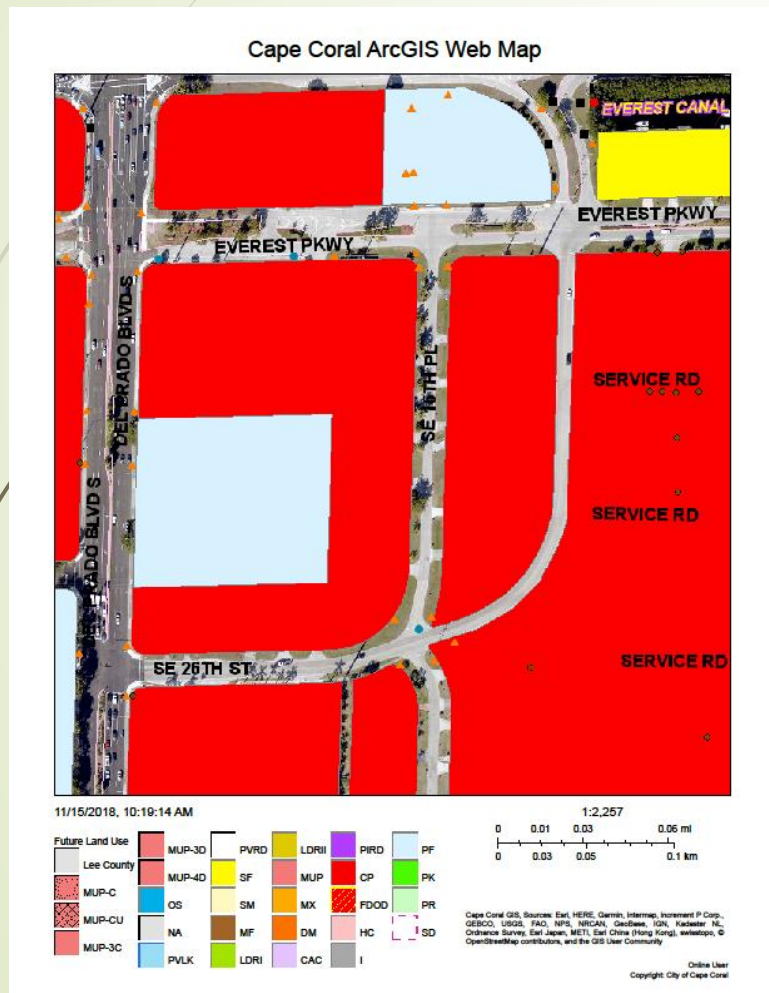
- **The LDC adds Planned Unit Developments (PUDs) to replace Planned Development Projects (PDPs) over time**
- **Many PDPs became a procedural requirement rather than a substantive review. Any change to a PDP requires a new public hearing process**
- **PUDs are a development entitlement; a zoning district tailored to a specific project**
- **A PUD includes a Mast Plan that identifies uses, access points, landscape buffers, building locations, height, etc. The PUD rezone is approved by Council. Subsequent approvals and minor changes are administrative**

Outcomes 1 Expedite the Development Process & Outcome 2 Encourage Development Remapping to reduce Future Land Use and Zoning inconsistencies

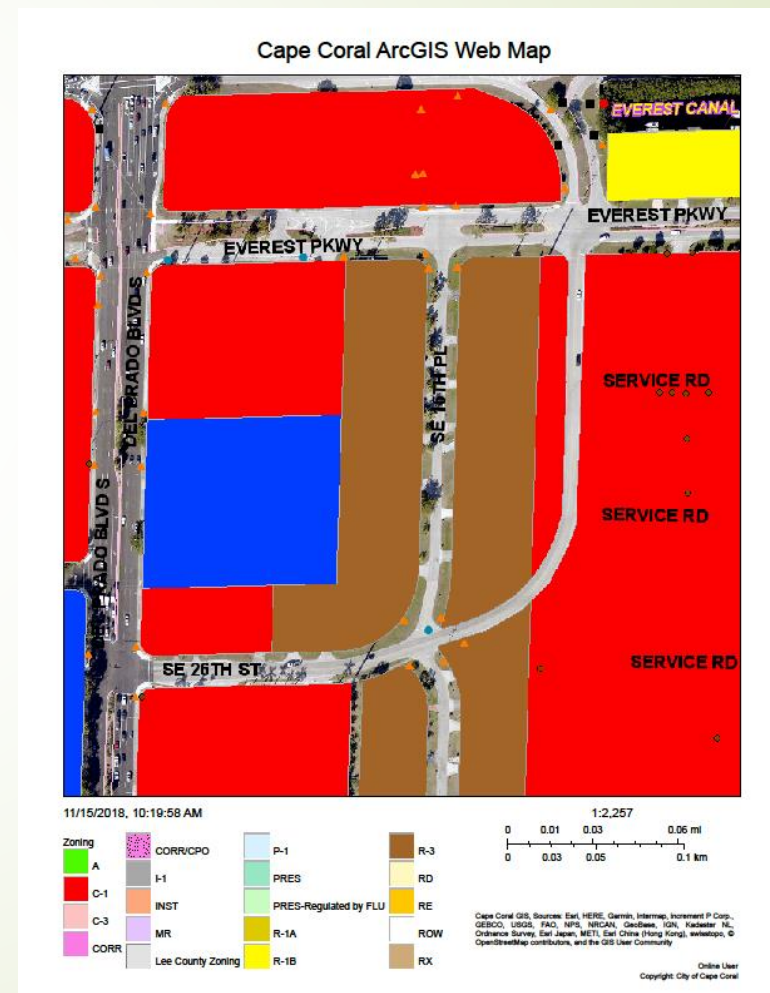
- **Many existing & long standing conflicts (e.g., C/P land use and R-3 zoning)**
- **Typically along major roadway corridors**
- **Many created by broad FLUM and zoning changes in 2004/5 and 2010**
- **No development is allowed when FLUC and zoning are in conflict**
- **Amortization of non-conforming uses has not occurred**

Example of Future Land Use & Zoning Conflicts

Future Land Use



Zoning



Outcomes 1 Expedite the Development Process & Outcome 3 Clarify Regulations Updating the Regulations

- More use of graphics and tables
- Refine and modernize parking regulations
- Nonconforming use & structure regulations – more flexibility for changes
- More approval processes are administrative
- Fewer Special Exceptions
- Outdoor display of merchandise – why is it special?

LUDR Uses Lists of Uses

- § 2.7 Cape Coral - Land Use and Development Regulations
3. Automotive parking establishment;
 4. Automotive parts store (see § 2.7.7.D11);
 5. Banks and financial establishments - Groups I and II (see § 2.7.7.D11);
 6. Bar or cocktail lounge (see § 2.7.7.D11);
 7. Boat parts store;
 8. Brewpub;
- (Ord. 31-14, § 1, 10-31-2014)
9. Building materials sales - Group I (see § 2.7.7.D11);
 10. Business offices - Groups I and II;
 11. Carry-out/delivery food service establishment (see § 2.7.7.D11);
 12. Child care facility
 13. Cleaning and maintenance services;
 14. Clothing store, general;
 15. Cube: fraternal and membership organization (see § 2.7.7.D11);
 16. Contractors and builders - Groups I and II (see § 2.7.7.D11 for Group II);
 17. Cultural facilities, private;
 18. Daycare center, adult;
 19. Department store (see § 2.7.7.D11);
 20. Drug store (see § 2.7.7.D11);
 21. Essential service;
 22. Essential service facilities - Group I (see special regulations for communications [wireless] towers);
- (Ord. 81-04, 6-2-2004; Ord. 69-10, 10-18-2010)
23. Essential service facilities - Group II - distribution electric substation only (see § 3.27);
 24. Florist shop;
 25. Flea market, indoor (see § 2.7.7.D11);
 26. Food stores - Groups I and II (see § 2.7.7.D11);
 27. Gatehouse (only within a planned development project);
- (Ord. 40-03, 5-12-2003)
28. Government uses - Groups I and II;
 29. Hardware store;
 30. Health care facilities - Groups I, II, III and IV (see § 2.7.7.D11 for Groups III and IV);
 31. Hobby, toy, game shops;
 32. Hotel/motel and resort;
- (Ord. 68-98, 11-30-1998)

LDC Uses Tables

[illegible]

NAICS categories

Lard Use Classifications	NAICS
Assisted living facility	
With on-site nursing care	623311
Without on-site nursing care	623312
Automatic teller machine (ATM)	532320
Automotive and equipment dealers; establishments primarily involved in the retail sale or storage of inventory items. Incidental servicing and repairs and the stocking of replacement parts is a normal ancillary function	
Group I - Auto/truck Establishments primarily engaged in the retail sale or storage of automobiles, small trucks and vans	44111/ 44112
Group II - Motorcycle/lawnmower dealers Establishments primarily engaged in the retail sale or storage of new or used lawnmowers, motorcycles, motor bikes, dune buggies, go carts, golf carts, and other similar type small vehicles	441221/ 44421
Group III - Boat/yacht dealers Establishments primarily engaged in the retail sale or storage of new or used motorboats, yachts, other watercraft, and boat trailers	441222
Group IV - Recreational vehicle/bus dealers Establishments primarily engaged in the retail sale or storage of new or used recreational vehicles, campers, or utility trailers	44121/441229
Group V - Construction equipment Establishments primarily engaged in the retail sale or storage of large trucks, bulldozers, cranes, semi-trailers, earthmovers and other similar large transportation, construction, or hauling equipment	44122
Automotive parking establishment	81293
Automotive parts store	44131
Automotive repair and service	
Group I	
Automobile towing establishment	488410
Automobile air conditioning equipment, sales and installation	441310
Automotive interior shops	81121
Automotive tops (canvas or plastic) installation or repair	81121
Automotive trim shops	81121
Brake linings sale and installation	81118
Brake repairing	81118
Carburetor repair	81118
Diagnostic centers	81118
Electrical service, automotive (battery and ignition repair)	81118

LDR2:8

LDC Tables

[illegible]

Graphics

Supplementary District Regulations

§ 3.9

- B. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that lot area, yards, width or other dimension and area regulations of this ordinance are not maintained. This provision shall not apply when a portion of a lot is acquired for public purpose.

(Ord. 66-91, 8-26-1991; Ord. 91-05, 11-14-2005; Ord. 102-08, 10-6-2008)

§ 3.9 Fences, shrubbery, walls.

.1 Residential Zoning Districts.

- A. A fence shall not be constructed on unimproved property.

- B. No fence shall be maintained at a height greater than six feet, and no wall or fence shall be erected or placed within the front setback lines of any residential lot, except as follows:

(Ord. 20-98, 4-6-1998; Ord. 48-98, 8-24-1998; Ord. 80-04, 7-19-2004)

1. A fence in a residential zone may be maintained at a height greater than otherwise allowed herein if a higher fence height is required by the city for the purpose of screening a special exception use.

(Ord. 1-97, 2-10-1997; Ord 20-98, 4-6-1998)

2. If a parcel located in a residential zone is used for residential purposes, and abuts a property which is used for commercial or professional purposes, a fence may be maintained at a height up to eight feet along the side(s) of the property which abut(s) the property or properties containing commercial or professional uses. For purposes of this section, a property shall be deemed to abut another property if the two properties are either immediately adjacent to each other or separated only by an alley. Properties which are separated by a street, canal, lake, or other body of water shall not be deemed to be abutting properties.

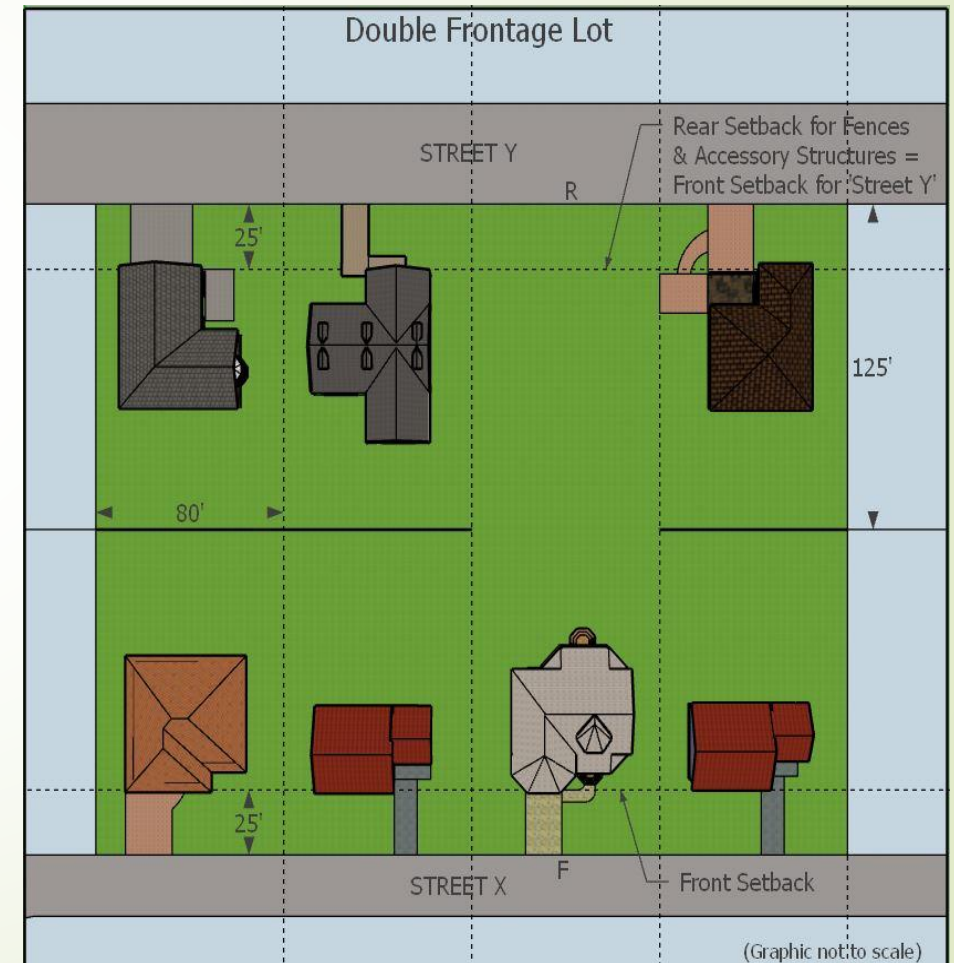
(Ord. 1-97, 2-10-1997)

3. 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. For sports other than diamond sports, backstops may be increased to a height of 12 feet. All fencing at recreational facilities must be constructed of at least nine gauge fence fabric and schedule 40 tubing.

4. Fencing for critical public utilities infrastructure, including but not limited to water and wastewater facilities and electric and natural gas facilities, which may enclose either an entire site or only an area containing equipment, may be maintained at a height of eight feet. Barbed wire, spire tips, or sharp objects are permitted on the top of fencing around critical infrastructure sites or equipment, however, the height of the fencing together with any barbed wire, spire tips, or sharp objects may not exceed eight feet, and only the top two feet may contain barbed wire, spire tips, or sharp objects. No other barbed wire, spire tips, or sharp objects shall be erected in residential zones. Further, no electrically charged fences shall be erected in residential zones.

Supp. No. 3

LDR3:39



Outcomes 2 Encourage Development & Outcome 3 – Clarify Regulations

Consolidation, elimination, and renaming of zoning districts

- Similar single-family districts (R-1A, R-1B, RD) combined in new R-1
- Two multi-family districts (RML & RMM) to replace R-3
- New zoning districts for Bimini Basin and Seven Islands
- Seldom used districts eliminated (C-3, P-2, RX, HICI, VILL)
- Districts renamed (e.g., C-1 to C) to distinguish old vs. new code

Outcome 2 Encourage Development - Outdoor Display of Merchandise

- Recent case spotlighted this code – Council approval req'd with no specifics as to process or standards of review
- Current code allows outdoor display of boats, cars, tires, garden and lawn equipment, and seasonal sales
- Outdoor display of fruit and vegetables, flowers, jewelry, books, and antiques allowed in South Cape
- Options
 - Administrative approval w/ standards and notification of surrounding residents
 - HEX approval as Special Exception
 - Council approval

Outcome 2 Encourage Development- Multi-family in the Pine Island Corridor

- **LUDRs require a 20 acre parcel size for any residential development**
- **Assemblage of 20 acres extremely difficult**
- **Pine Island Road is appropriate location for multi-family development – retail services and office uses nearby, served by transit, etc.**
- **LDC reduces minimum parcel size to four acres**
- **Requires a minimum density of 10 units per acre or 50 units**
- **Single-family and duplexes not permitted**

Outcome 4 Community Values - Outdoor Dining

- Permitted for restaurants, bars, hotels, fraternal groups
- Permitted on public rights-of-way (e.g., sidewalks) in front of existing businesses
- Clear pedestrian access must be maintained
- Cannot interfere with traffic sight distance
- Review by Fire and Public Works for safety
- Must be moved for special events, storm events, as req'd
- Regular cleaning by operators req'd

Outcome 4 Community Values - New Concepts

- New regulations are included to address modern trends in land development around the country
- Planning receives many inquiries and interest in these types of developments
- Examples include:
 - Accessory Dwelling Units
 - Guest houses
 - Micro Cottage Village Developments

Outcome 4 Community Values - Accessory Dwelling Units (ADU)

- ADUs provide variety and housing choice in residential neighborhoods
- ADUs can be an effective way to add affordable rental housing stock to existing neighborhoods.
- ADUs also provide options for residents to age in place or to live with or near family and caregivers, providing a flexible way to address family needs for additional housing.
- ADUs not currently allowed. LDC allows with standards to ameliorate impacts

Attached ADU Examples



Detached ADU Examples



Outcome 4 Community Values - Guest Houses

- A guest house is similar to an ADU in that living quarters (e.g., a bedroom, bath, and living area) may be in part of the residence or in a detached accessory structure
- Kitchens are not allowed
- Guest houses also provide options for many family living situations
- Guest houses not currently allowed. LDC will permit with standards

Detached Guest House



Outcome 4 Community Values - Micro Cottage Villages (MCVD)

LDC has regulations for MCVDs. Key points are:

- NOT permitted on individual lots – minimum project size is three acres
- Tiny houses transported on wheels are not allowed
- Perimeter of the site must have a screening buffer
- All structures must comply with Florida Building Code
- House sizes up to 1,100 sq. ft. are permitted
- Garages are not required

MCVD Examples



MCVD Examples



Outcomes 2 Encourage Development & Outcome 4 Community Values - New regulations

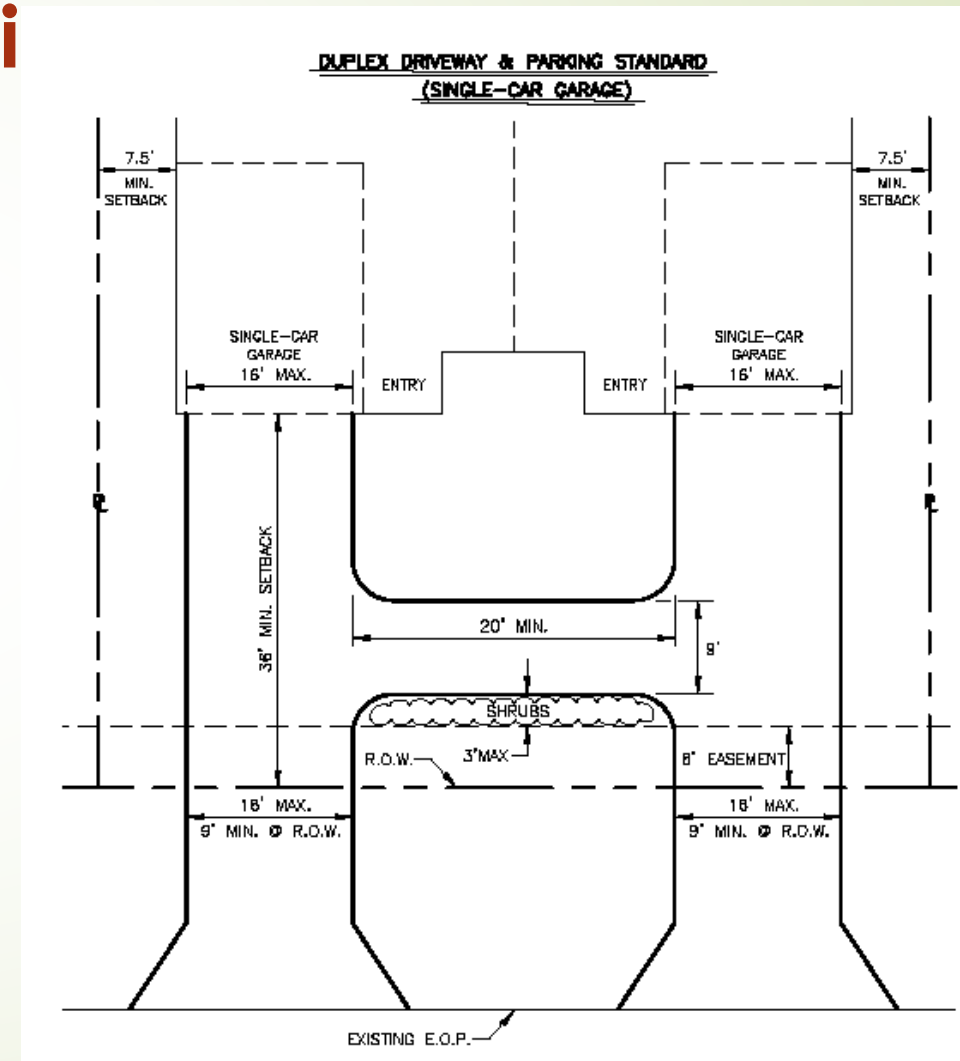
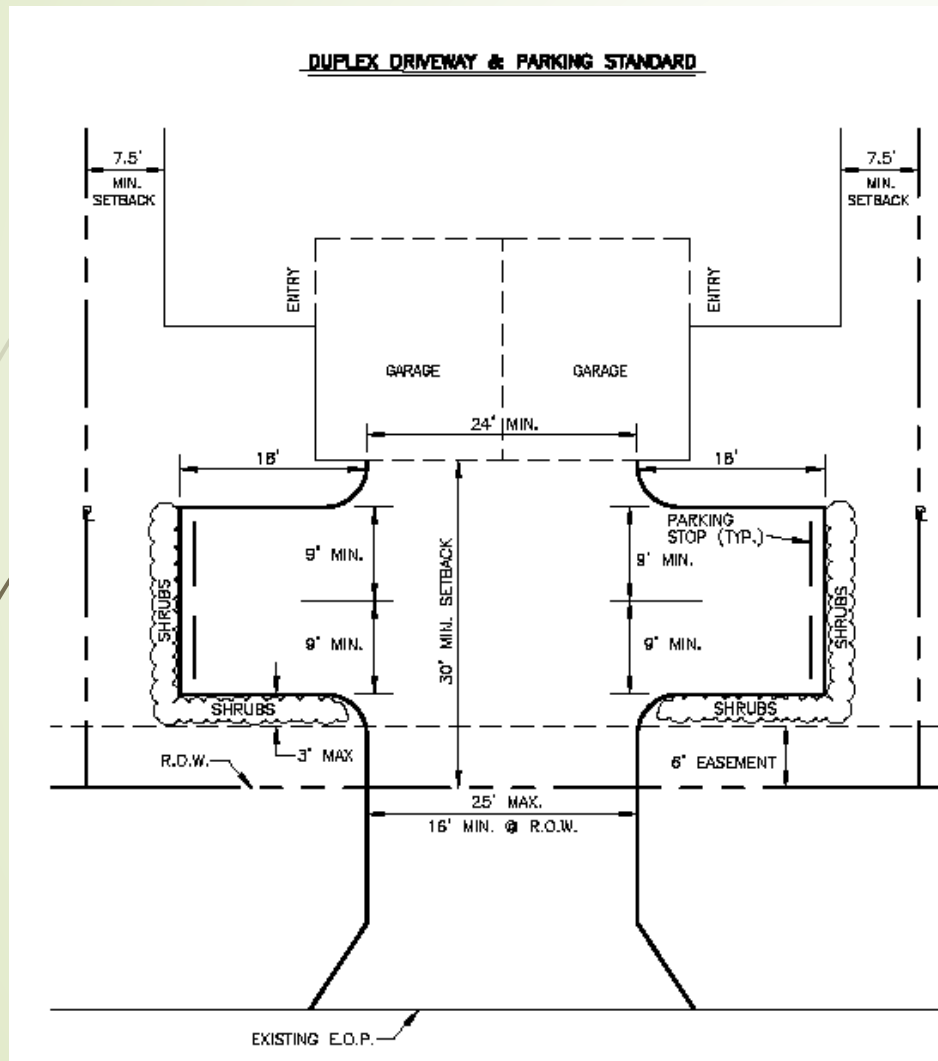
- ➡ **Mobile food vendors**
- ➡ **Duplex parking and site requirements to address haphazard parking and appearance**

Outcomes 2 Encourage Development & Outcome 4 Community Values - Mobile Food Vendors

- Not currently allowed in LUDRs but they do operate around the City.
- LDC to allow on private improved sites (not parked on the dirt or on-street). Owner must consent
- Permitted throughout the City; permit and site plan req.
- Zoning Compliance and BTR required
- Must comply with Health Dept. food service requirements
- Must be moved periodically to ensure mobility and for clean up

Outcomes 2 Encourage Development & Outcome 4 Community Values - Duplex Parking

Design



Outcome 4 Community Values - Residential Parking Requirements

- Reviewed at March and October COW meetings:
- Boats – Limit of two in back yard. Two Personal Watercraft = one boat. No change to other parking regs
- Pickups with graphics – revise code to allow. Empty racks acceptable
- Vans & other commercial vehicles – no change
- RVs – allow temp parking pre and post use. No change on current parking regs directed by Council
- Parking on grass - No final direction forthcoming

Q and A

Cape Coral's New Land Development Code

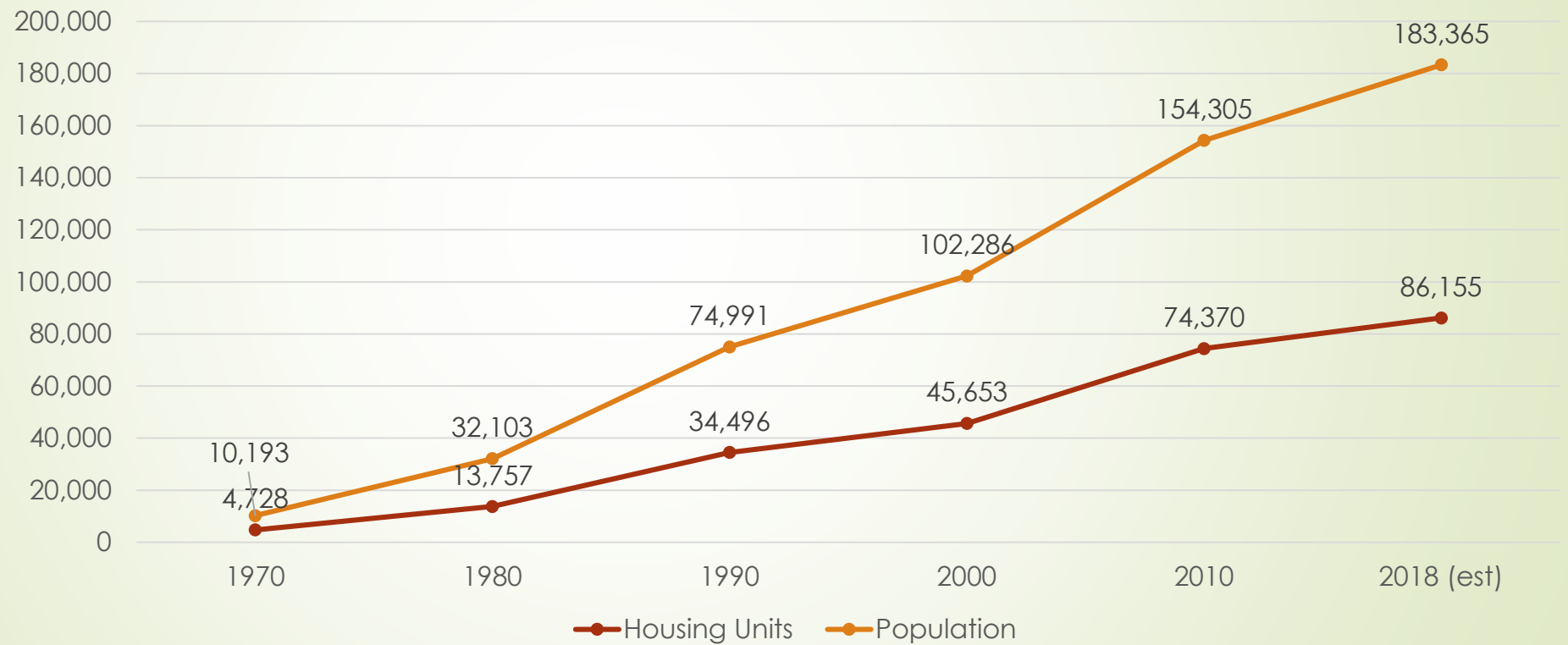
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**COW Meeting
November 26, 2018**

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Population and Housing Units 1970-2018



Source: U.S. Census

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- **LUDRs require a PDP for any subdivision (plat or replat) in addition to planning and engineering review of the subdivision details**
- **This process not typical in other communities**
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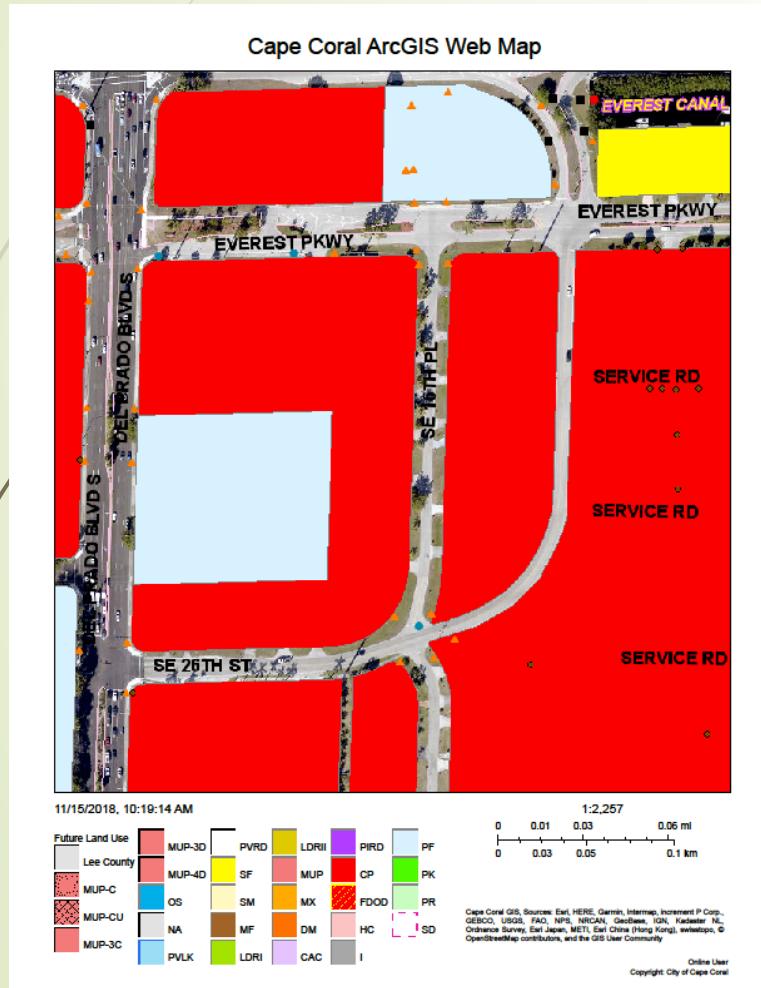
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- **A PUD includes a Master Concept Plan that identifies uses, access points, landscape buffers, building locations, height, etc. The PUD rezone is approved by Council. Subsequent approvals and minor changes are administrative**

Outcome 1 Expedite the Development Process & Outcome 2 Encourage Development: Remapping to reduce Future Land Use and Zoning inconsistencies

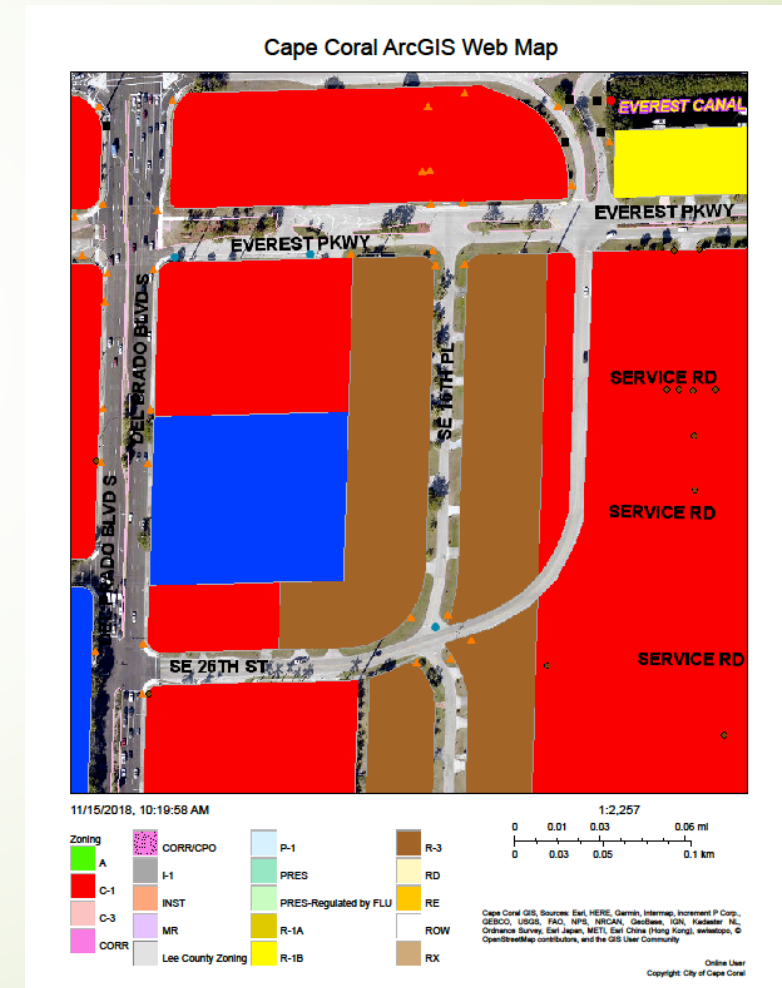
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Example of Future Land Use & Zoning Conflicts

Future Land Use



Zoning



Outcomes 1 Expedite the Development Process & Outcome 3 Clarify Regulations: Updating the Regulations

- More use of graphics and tables
- Refine and modernize parking regulations
- Nonconforming use & structure regulations – more flexibility for changes
- More approval processes are administrative
- Fewer Special Exceptions
- Outdoor display of merchandise – why is it special?

LDC Uses Tables

LDR2:90[illegible]

LDC Tables

LDR2:8

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

Graphics

Supplementary District Regulations

§ 3.9

- B. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that lot area, yards, width or other dimension and area regulations of this ordinance are not maintained. This provision shall not apply when a portion of a lot is acquired for public purpose.

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2. If a parcel located in a residential zone is used for residential purposes, and abuts a property which is used for commercial or professional purposes, a fence may be maintained at a height up to eight feet along the side(s) of the property which abut(s) the property or properties containing commercial or professional uses. For purposes of this section, a property shall be deemed to abut another property if the two properties are either immediately adjacent to each other or separated only by an alley. Properties which are separated by a street, canal, lake, or other body of water shall not be deemed to be abutting properties.

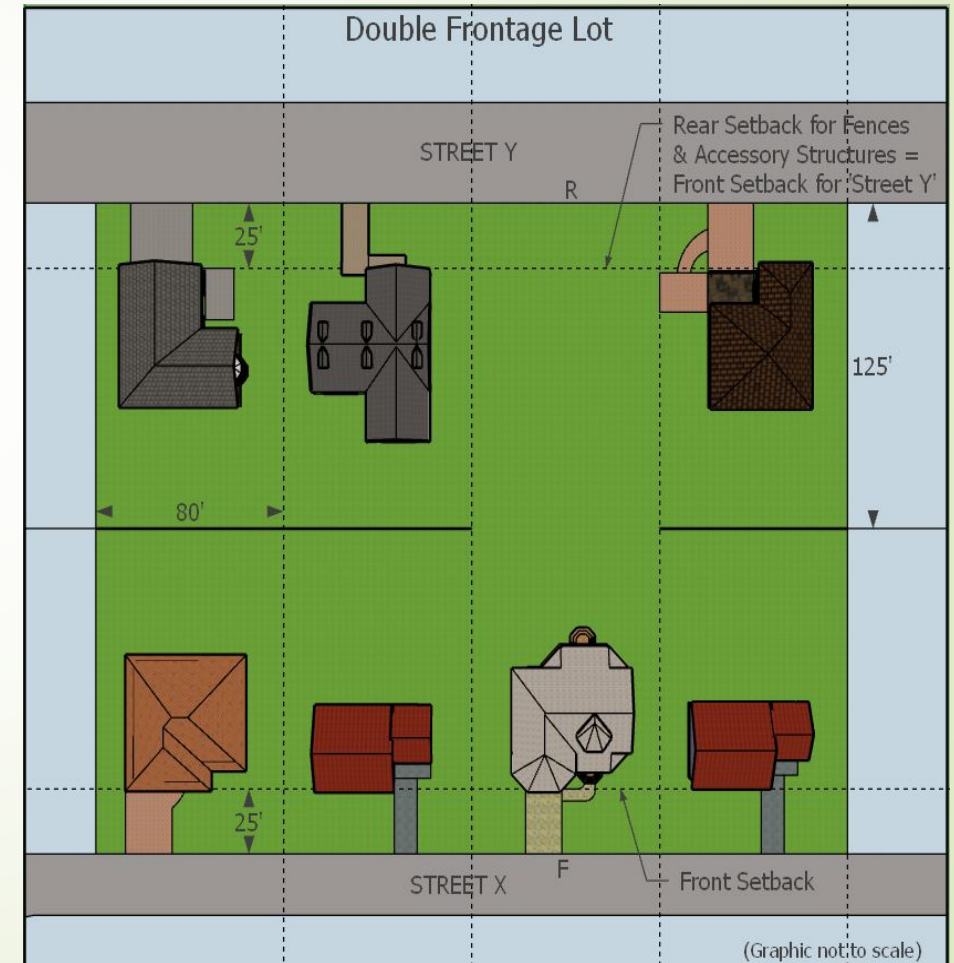
(Ord. 1-97, 2-10-1997)

3. 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. For sports other than diamond sports, backstops may be increased to a height of 12 feet. All fencing at recreational facilities must be constructed of at least nine gauge fence fabric and schedule 40 tubing.

4. Fencing for critical public utilities infrastructure, including but not limited to water and wastewater facilities and electric and natural gas facilities, which may enclose either an entire site or only an area containing equipment, may be maintained at a height of eight feet. Barbed wire, spire tips, or sharp objects are permitted on the top of fencing around critical infrastructure sites or equipment, however, the height of the fencing together with any barbed wire, spire tips, or sharp objects may not exceed eight feet, and only the top two feet may contain barbed wire, spire tips, or sharp objects. No other barbed wire, spire tips, or sharp objects shall be erected in residential zones. Further, no electrically charged fences shall be erected in residential zones.

Supp. No. 3

LDR3:39



Outcome 2 Encourage Development & Outcome 3 Clarify Regulations:

Consolidation, elimination, and renaming of zoning districts

- **Similar single-family districts (R-1A, R-1B, RD) combined in new R-1**
- **Two multi-family districts (RML & RMM) to replace R-3**
- **New zoning districts for Bimini Basin and Seven Islands**
- **Seldom used districts eliminated (C-3, P-2, RX, HICI, VILL)**
- **Districts renamed (e.g., C-1 to C) to distinguish old vs. new code**

Outcome 2 Encourage Development - Outdoor Display of Merchandise

- Recent case spotlighted this code – Council approval req'd with no specifics as to process or standards of review
- Current code allows outdoor display of boats, cars, tires, garden and lawn equipment, and seasonal sales
- Outdoor display of fruit and vegetables, flowers, jewelry, books, and antiques allowed in South Cape
- Options
 - Administrative approval w/standards and notification of surrounding residents
 - HEX approval as Special Exception
 - Council approval

Outcome 2 Encourage Development: Multi-family in the Pine Island Corridor

- **LUDRs require a 20 acre parcel size for any residential development**
- **Assemblage of 20 acres extremely difficult**
- **Pine Island Road is appropriate location for multi-family development – retail services and office uses nearby, served by transit, etc.**
- **LDC reduces minimum parcel size to four acres**
- **Requires a minimum density of 10 units per acre or 50 units**
- **Single-family and duplexes not permitted**

Outcome 4 Community Values - Outdoor Dining

- Permitted for restaurants, bars, hotels, fraternal groups
- Permitted on public rights-of-way (e.g., sidewalks) in front of existing businesses
- Clear pedestrian access must be maintained
- Cannot interfere with traffic sight distance
- Review by Fire and Public Works for safety
- Must be moved for special events, storm events, as req'd
- Regular cleaning by operators req'd

Outcome 4 Community Values - New Concepts

- New regulations are included to address modern trends in land development around the country
- Planning receives many inquiries and interest in these types of developments
- Examples include:
 - Accessory Dwelling Units
 - Guest houses
 - Micro Cottage Village Developments

Outcome 4 Community Values - Accessory Dwelling Units (ADU)

- ADUs provide variety and housing choice in residential neighborhoods
- ADUs can be an effective way to add affordable rental housing stock to existing neighborhoods.
- ADUs also provide options for residents to age in place or to live with or near family and caregivers, providing a flexible way to address family needs for additional housing.
- ADUs not currently allowed. LDC allows with standards to ameliorate impacts

Attached ADU Examples



Detached ADU Examples



Outcome 4 Community Values - Guest Houses

- A guest house is similar to an ADU in that living quarters (e.g., a bedroom, bath, and living area) may be in part of the residence or in a detached accessory structure
- Kitchens are not allowed
- Guest houses also provide options for many family living situations
- Guest houses not currently allowed. LDC will permit with standards

Detached Guest House



Outcome 4 Community Values - Micro Cottage Villages (MCVD)

LDC has regulations for MCVDs. Key points are:

- NOT permitted on individual lots – minimum project size is three acres
- Tiny houses transported on wheels are not allowed
- Perimeter of the site must have a screening buffer
- All structures must comply with Florida Building Code
- House sizes up to 1,100 sq. ft. are permitted
- Garages are not required

MCVD Examples



MCVD Examples

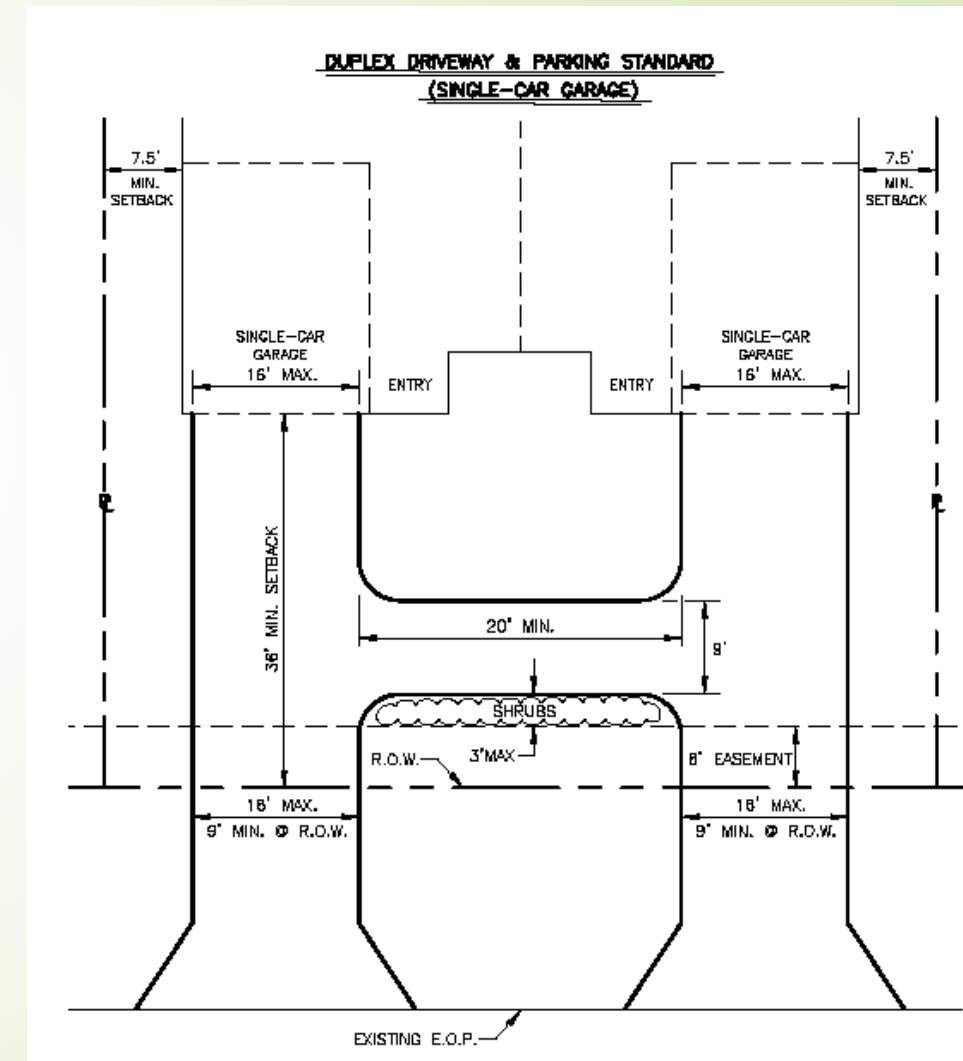


Outcomes 2 Encourage Development & Outcome 4 Community Values - New regulations

- ➡ **Mobile food vendors**
- ➡ **Duplex parking and site requirements to address haphazard parking and appearance**

Outcomes 2 Encourage Development & Outcome 4 Community Values - Mobile Food Vendors

- Not currently allowed in LUDRs but they do operate around the City.
- LDC to allow on private improved sites (not parked on the dirt or on-street). Owner must consent
- Permitted throughout the City; permit and site plan req.
- Zoning Compliance and BTR required
- Must comply with Health Dept. food service requirements
- Must be moved periodically to ensure mobility and for clean up



Outcome 4 Community Values - Residential Parking Requirements

- Reviewed at March and October COW meetings:
- Boats – Limit of two in back yard. Two Personal Watercraft = one boat. No change to other parking regs
- Pickups with graphics – revise code to allow. Empty racks acceptable
- Vans & other commercial vehicles – no change
- RVs – allow temp parking pre and post use. No change on current parking regs directed by Council
- Parking on grass - No final direction forthcoming

Q and A

Parking Regulations in Surrounding Communities

	Ft. Myers	Bonita Springs	Estero	North Port	Lee County
			Limit of 6 vehicles		
Parking on Grass	No	No	Yes	No	Yes
Trailer Parking	Yes - driveway, side, or rear yards allowed	Yes, anywhere	No	1 trailer in driveway OK. 2nd in side yard OK if under tarp and buffer req'd.	Yes, anywhere
RV Parking	Yes - driveway. Side and rear yards on a paved surface	Yes, anywhere	Yes, anywhere	1 RV in driveway OK. Side and rear ok on an improved surface with neighbor consent and screening	Yes, anywhere
Boat Parking	Yes if boat on trailer. Rear or side yard	Yes, anywhere	No	Yes. 1 boat on trailer in side or rear only	Yes, anywhere
Commerical Vehicles	Yes - Pickups and vans. Nothing larger	Yes under 12,000 GVW	No	Driveway OK up 6,000 lbs GVW	Yes under 15,000 GVW

Parking Regulations in Florida's Largest Cities

	Hialeah	Tallahassee	Port St. Lucie	Ft. Lauderdale
	(Max 1 commercial vehicle or trailer per site)			
Parking on Grass	Yes	No	No	No
Trailer Parking	Rear or side only on paved surface	No	Yes on driveway. Side or rear OK. Max 1 per site	Yes in side or rear. Screening req'd
RV Parking	Yes. Rear or side only on paved surface up to 33' length. < 24' OK in front driveway	No	Yes. On driveway or side or rear yard	Yes in side or rear. Screening req'd
Boat Parking	Yes. Rear or side only on paved surface up to 33' length. < 24' OK in front driveway if no side or rear yard	No	?	Yes in side or rear. Screening req'd
Commerical Vehicles	Side or rear yes. Front on driveway OK	No	No	Yes in side or rear. Screening req'd

Parking Regulations in Florida's Largest Cities

	Jacksonville	Miami	Tampa	Orlando	St. Pete
Parking on Grass	Yes		Yes	No	No
Trailer Parking	Yes, rear yard only		Yes, but only if proven to be recreational for personal use	Personal use trailers only – same requirements as RVs and boats	Yes, Thursday – Sunday only on driveway only
RV Parking	Yes, rear yard only		Yes, side or rear. If impossible, then driveway OK. 26' max length, 10" height	Yes, side and rear only; under 10'6" & 25' LOA height and screened. On approved surface	Yes, Thursday – Sunday only on driveway only
Boat Parking	Yes, rear yard only		Yes, side or rear. If impossible, then driveway OK. 26' max length, 10" height	Yes, side and rear only; under 10'6" & 25' LOA height and screened. On approved surface	Yes, Thursday – Sunday only on driveway only
Commerical Vehicles	No, except pickups and vans ok (graphics only – no racks)		No, for larger than pickup or vans. Graphics and rack OK	No. No graphics or racks allowed	No. 1 pickup or van with graphics OK in rear yard. Racks No