

## ORDINANCE 39 - 21

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND DEVELOPMENT CODE, BY AMENDING ARTICLE 4, "ZONING DISTRICTS," TABLE 4.1.3.B., "ZONING DISTRICT DIMENSIONAL STANDARDS," REGARDING MINIMUM LOT AREA FOR SINGLE FAMILY ATTACHED DWELLINGS AND MULTI-FAMILY DWELLINGS IN THE CC ZONING DISTRICT; AMENDING ARTICLE 4, "ZONING DISTRICTS," TABLE 4.1.6, "USE TABLE," REGARDING SINGLE FAMILY ATTACHED DWELLINGS AS A CONDITIONAL USE ON LOCAL ROADS IN THE SOUTH CAPE ZONING DISTRICT; AMENDING ARTICLE 5, "DEVELOPMENT STANDARDS," CHAPTER 11, "CONDITIONAL USES," SECTION 5.11.3., REGARDING SINGLE-FAMILY ATTACHED DWELLINGS; AMENDING ARTICLE 5, "DEVELOPMENT STANDARDS," CHAPTER 11, "CONDITIONAL USES," SECTION 5.11.4., REGARDING MULTI-FAMILY DWELLINGS; AND BY AMENDING ARTICLE 11, "DEFINITIONS," CHAPTER 1, "GENERAL PROVISIONS," SECTION 11.2., "DEFINITIONS," REGARDING MULTI-FAMILY DWELLINGS AND MIXED-USES; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

SECTION 1. The City of Cape Coral Land Development Code, Article 4, “Zoning Districts,” Table 4.1.3.B., “Zoning District Dimensional Standards,” is hereby amended as follows:

### Table 4.1.3.B. Zoning District Dimensional Standards

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

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

Table 4.1.6 Use Table

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

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

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

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

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

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

6. Offset of four feet where two garage doors are adjacent to each other; or
7. Projections and decorative elements, such as trellises, for visual interest.

D. In the SC zoning district, single-family attached dwellings are only permitted on sites with frontage along local streets, as identified in Section 4.2.15.B.1.

E. In the CC zoning district, single-family attached dwellings on sites with frontage along Pine Island Road shall meet the following criteria, in addition to the other requirements of this section:

1. Size. Developments must contain a minimum of 4 acres of land as shown in Table 4.1.3.B.

2. Density. Minimum density of 10 units per acre without exceeding 25 units per acre. Each project must have a minimum of 50 total units as shown in Table 4.1.3.A.

3. Pine Island Road Setback. On sites exceeding 200 ft in width as measured at the front property line on Pine Island Road, single-family attached dwellings must be set back at least 250 feet from the Pine Island Road right-of-way. Improvements associated with single-family attached dwellings in the setback area shall be limited to the following: driveways and drive isles, signs allowed under Article 7, and landscape buffers. Stormwater treatment areas shall be prohibited in the setback area unless the stormwater system is shared with a non-residential use located in the setback area.

- a. Reductions to the minimum setback requirement based on parcel configuration. Reductions to the minimum setback requirement of 250 feet for single-family attached dwellings may be approved by the Director. In determining whether a particular request should be approved, the Director shall consider the following:

- i. Whether an irregular or unusually shaped parcel creates a hardship in developing a single-family attached dwelling behind the minimum required setback.

- ii. Whether the presence of a public street or a platted alley to the rear of the site creates a parcel with insufficient depth to provide adequate room for buildings, stormwater, parking, and landscaped areas behind the minimum required setback.

- b. Requests to reduce the minimum setback requirement shall be made in writing to the Director. Materials submitted to the Director shall include a site plan and a letter of intent with a narrative explaining how the configuration of the site impedes or interferes with the development of a single-family attached dwelling behind the required setback line. The Director may request additional information necessary to adequately evaluate such requests.

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

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

#### **Section 5.11.4. - Multi-family dwellings.**

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

A. Building Modulation and Articulation. All multi-family ~~buildings~~ dwellings shall provide a combination of volumetric and massing modulation and articulations to prevent the construction of 'big boxes', but rather buildings that harmonize their architectural quality in a stylistically pleasant manner. All buildings shall incorporate the following combined elements from the articulation criteria identified below.

1. A minimum of three of the following volumetric elements shall be provided:
  - a. Pitched roof forms, minimum pitch of 4/12, whose sum covers greater than 30% of the overall roof area;
  - b. Architectural roof overhangs four feet or greater in depth or cornices 12 inches or greater in height;
  - c. ~~Arcades.~~ Architectural Arcades may be used as a means of sheltering pedestrian areas, ~~and where provided, shall connect to entrances;~~
  - d. Accent elements such as tower elements, porticos, cupolas, or domes; or
  - e. A building with frontage 90 feet or less in length shall provide the following minimum massing articulations:
    - i. A minimum of fifty percent (50%) of the cumulative frontage of each façade shall be setback a minimum of five feet from the primary façade and shall be distributed throughout the building frontage and shall not be provided as a single aggregated setback; and
    - ii. A minimum of twenty percent (20%) of each frontage of each façade shall be setback a minimum of eight feet from the primary façade.
2. A minimum of four of the following architectural elements shall be provided:
  - a. Stoops on the ground floor and balconies on all floors above the ground floor;
  - b. Porches on the ground floor;
  - c. Pilasters, string courses, character lines, or other such means of subdividing the facade;
  - d. Structural or ornamental details clearly distinct from the primary wall surface, e.g., lintels, sills, door and window surrounds, decorative panels, etc.;
  - e. Decorative planters or planting areas a minimum of five feet in width, integrated into the building design; or
  - f. Masonry in at least two contrasting tones or textures, accomplished by a change in material or coursing such as brick, natural stone, brick or stone veneer, glass, masonry stucco, decorative concrete block, decorative concrete panels, tile glazing and framing systems, split face or fluted concrete masonry, factory glazed concrete masonry units, or architectural pre-cast concrete.

B. In the CC zoning district, multi-family dwellings that are not part of a vertical mixed-use project on sites with frontage along Pine Island Road shall meet the following criteria, in addition to the other requirements of this section:

1. Size. Developments must contain a minimum of 4 acres of land as shown in Table 4.1.3.B.
2. Density. Minimum density of 10 units per acre without exceeding 25 units per acre. Each project must have a minimum of 50 total units as shown in Table 4.1.3.A.
3. Pine Island Road Setback. On sites exceeding 200 ft in width as measured at the front property line on Pine Island Road, multi-family dwellings must be set back at least 250 feet from the Pine Island Road right-of-way. Improvements associated with multi-

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

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

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

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

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

#### **Section 11.2. - Definitions.**

...

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

...

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

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

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

...

SECTION 6. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 7. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 16<sup>th</sup> DAY OF June, 2021.

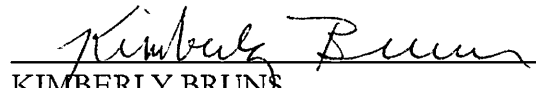
  
JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

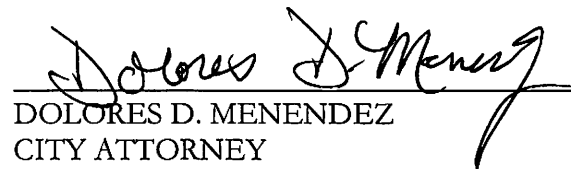
GUNTER aye  
TATE aye  
SHEPPARD aye  
HAYDEN aye

NELSON aye  
WELSH aye  
WILLIAMS excused  
COSDEN aye

ATTESTED TO AND FILED IN MY OFFICE THIS 21<sup>st</sup> DAY OF June, 2021.

  
KIMBERLY BRUNS  
CITY CLERK

APPROVED AS TO FORM:

  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
ord/Multi-Family in CC.FINAL