

ORDINANCE 49 - 22

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND DEVELOPMENT CODE, BY AMENDING ARTICLE 1, "GENERAL PROVISIONS," SECTION 1.15, "MEASUREMENTS," REGARDING THE CALCULATION OF MAXIMUM ALLOWABLE IMPERVIOUS SURFACES; AND BY AMENDING ARTICLE 4, "ZONING DISTRICTS," CHAPTER 1, "GENERAL PROVISIONS," TABLE 4.1.3.B, "ZONING DISTRICT DIMENSIONAL STANDARDS," REGARDING THE CALCULATION OF MAXIMUM ALLOWABLE IMPERVIOUS SURFACES; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council hereby finds that this ordinance is in the best interest of the public health, safety, and welfare.

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

SECTION 1. The City of Cape Coral Land Development Code, Article 1, Section 1.15., "Measurements," is hereby amended to read as follows:

**Section 1.15. Measurements.**

...

M. Impervious surfaces calculations. Calculations of the maximum allowable percentage of impervious surfaces in the R-1 and RML zoning districts for compliance with Table 4.1.3.B. of this Code shall be made in accordance with the following table:

**Table 1.15.A. Calculation of Impervious Surfaces**

<u>Calculation of 60% Maximum Impervious Surfaces</u>	
<u>Applicability: Development in R-1 and RML Zoning Districts Only</u>	
<u>Procedures and Methods of Calculation</u>	
<b>1</b>	<b><u>An Impervious Surface Calculation Sheet shall be submitted to the City for review and approval. If the 40% pervious requirement is not met the Contractor shall indicate on the Calculation Sheet the proposed methods to be used to reduce the percentage of impervious surfaces.</u></b>
<b>2</b>	<b><u>Impervious Surfaces - The following surfaces count towards the 60% maximum impervious surface area</u></b>
	<b><u>Building area under roof, excluding roof overhangs</u></b>
	<b><u>Driveways, walkways, etc.</u></b>
<b>3</b>	<b><u>Pervious Surfaces - The following surfaces do not count towards the 60% maximum impervious surface area</u></b>
	<b><u>Pool Decks</u></b>
	<b><u>Grass, landscaping beds, etc. (i.e., Green Space)</u></b>
	<b><u>The surface area of pools.</u></b>
	<b><u>The surface areas of pool decks that slope away from the pool with a drain system at the base of the wall which allows immediate percolation of the pool deck runoff.</u></b>
	<b><u>Pervious driveway pavers with pervious subgrade (A percentage reduction may be given for specified pavers) (see #7 below).</u></b>
<b><u>Walkways with pervious pavers, stone, shell, etc. with pervious subgrade.</u></b>	
<b><u>Roof areas where the gutter and downspouts discharge into an Aboveground Infiltration System or a Subsurface Exfiltration System (see #4, #5, and #6 below).</u></b>	

		<b><u>Site specific alternative drainage or pervious systems as approved by the City Public Works Department (see #6 and # 7 below).</u></b>
		<b><u>Lots in platted subdivisions where there is an approved Master Stormwater System.</u></b>
<b><u>4</u></b>	<b><u>Aboveground Infiltration System</u></b>	<b><u>An Aboveground Infiltration System (grass swale, stone, etc.) shall be designed for the stormwater runoff from a 3 inch per hour – 1-hour duration rain event before overflowing. To obtain a reduction for an impervious area, the Aboveground Infiltration System shall be designed to an assumed percolation rate of a maximum of 1 inch of runoff in one hour unless separate percolation testing is provided. The remaining 2 inches of runoff shall be stored prior to percolating.</u></b>
<b><u>5</u></b>	<b><u>Subsurface Exfiltration System</u></b>	<b><u>A Subsurface Exfiltration System (perforated pipe in stone, tank system, etc.) shall be designed for the stormwater runoff from a 3 inch per hour – 1-hour duration rain event before overflowing. To obtain a reduction for an impervious area, the Subsurface Exfiltration System shall be designed to an assumed percolation rate of a maximum of 1 inch of runoff in one hour unless separate percolation testing is provided. The remaining 2 inches of runoff shall be stored prior to percolating.</u></b>
<b><u>6</u></b>	<b><u>Contractors, developers, or owners shall provide the specifications and details for the Aboveground Infiltration Systems and Subsurface Exfiltration Systems to the City for review and approval with submittal of a building permit. Once a typical system design is approved by the City, the same design may be resubmitted with only the revised impervious area reduction calculation and the sizing requirements for the components of the system.</u></b>	
<b><u>7</u></b>	<b><u>The contractor, developer, or owner shall provide the specifications or details for alternative pervious products to the City Public Works Department for review and approval.</u></b>	

SECTION 2. The City of Cape Coral Land Development Code, Article 4, Chapter 1, Table 4.1.3.B. "Zoning District Dimensional Standards," is hereby amended to read as follows:

Table 4.1.3.B. Zoning District Dimensional Standards.

ZONE DISTRICT	ZONE DISTRICT DIMENSIONS								Maximum Height (feet)
	Lot and Structure		Minimum Setbacks (feet)						
	Minimum Lot Area (Square ft.)	Maximum Impervious Surfaces	Front	Front, Cul-de-Sac	Side	Rear	Double Frontage	Corner Lot Side	
RESIDENTIAL									
R-1 <sup>1</sup>	10,000 <sup>1</sup>	60 % <sup>2</sup>	25	18	7.5	20/10 <sup>2</sup>	25	10	38
RML <sup>1</sup>	10,000	60 % <sup>2</sup>	25	18	7.5	20/10 <sup>2</sup>	25	10	50
			Setbacks for duplexes						25
RMM <sup>1</sup>	43,560	None	25	18	6	26	25	10	60
RE	40,000	None	50	36	35	35	50	25	38
A <sup>3</sup>	None <sup>4</sup>	None	50	36	35	35	50	25	38

<sup>1</sup> Minimum width at setback line – Single-Family/Duplex 80', Single-Family Semi-detached 40', Single-Family Attached/Multi-family (3 units+) 120'  
<sup>2</sup> Primary structure/Pool cage  
<sup>3</sup> Front setback based on structure design per Section 5.10.3  
<sup>4</sup> Non-residential uses in the A zoning district require 4 acres  
<sup>5</sup> Methods and procedures for calculation of maximum impervious surfaces are set forth in LDC Article 1, Sec. 1.15.M.

SECTION 3. 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 4. 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 3<sup>rd</sup> DAY OF August, 2022.

  
JOHN GUNTER, MAYOR

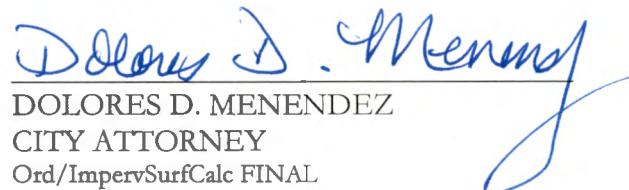
VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	<u>Aye</u>	NELSON	<u>Aye</u>
TATE	<u>Aye</u>	WELSH	<u>Aye</u>
SHEPPARD	<u>Excused</u>	LONG	<u>Aye</u>
HAYDEN	<u>Aye</u>	COSDEN	<u>Aye</u>

ATTESTED TO AND FILED IN MY OFFICE THIS 16<sup>th</sup> DAY OF August, 2022.

  
KIMBERLY BRUNS  
CITY CLERK

APPROVED AS TO FORM:

  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
Ord/ImpervSurfCalc FINAL