

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND DEVELOPMENT CODE, ARTICLE 5, DEVELOPMENT STANDARDS, CHAPTER 2, ACCESSORY STRUCTURES, SECTION 5.2.7., FENCES AND WALLS, REGARDING CONCRETE FENCES AND WALLS LOCATED IN A PUBLIC UTILITY OR DRAINAGE EASEMENT; 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 5, Development Standards, Chapter 2, Accessory Structures, Section 5.2.7., Fences and Walls, is hereby amended as follows:

Section 5.2.7. Fences and walls.

A. General Requirements.

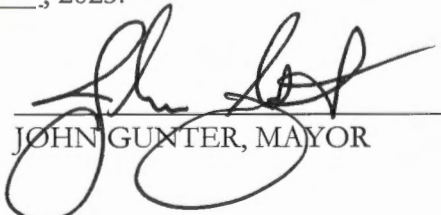
- 1. All fences shall be of sound construction and not detract from the surrounding area.
- ...
- 14. For fences or walls located in a public utility or drainage easement, only the following materials or finishes are permitted:
 - a. Wood (decay resistant or pressure treated only);
 - b. Aluminum;
 - c. Chain-link without slats;
 - d. Plastic or vinyl; or
 - e. Galvanized steel privacy panels painted with alkali-resistant coatings. Alkali-resistant coatings include heavy-bodied bituminous paint or methacrylate lacquer; ;
 - f. Engineered reinforced concrete with stucco; or
 - g. Engineered concrete block (CBS) with stucco.

If a fence or wall is located within a public utility or drainage easement, the property owner shall be solely responsible for the removal of any fence or wall as may be required by the City or a utility provider, at such entity's sole discretion. The property owner shall be responsible for all costs resulting from the disturbance, damage, destruction, removal, and replacement of any fence or wall resulting from any work associated with the utility or drainage infrastructure, including those related to alley improvements within such easement.

SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

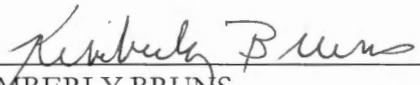
ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 26th DAY OF July, 2023.


JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:


GUNTER	<u>aye</u>	CUMMINGS	<u>aye</u>
STEINKE	<u>aye</u>	WELSH	<u>aye</u>
SHEPPARD	<u>aye</u>	LONG	<u>aye</u>
HAYDEN	<u>aye</u>	COSDEN	<u>Excused</u>

ATTESTED TO AND FILED IN MY OFFICE THIS 31st DAY OF July,
2023.



KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS
DEPUTY CITY ATTORNEY
Ord/Concrete Fences in Public Utility-Drainage Easements