

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND DEVELOPMENT CODE, ARTICLE 5, "DEVELOPMENT STANDARDS", CHAPTER 4, "MARINE IMPROVEMENTS", SECTION 5.4.7., "BOATHOUSES AND CANOPIES", AND 5.4.8., "BULKHEADS, SEAWALLS, AND RETAINING WALLS"; AND CREATING SECTIONS 5.4.9., "DECORATIVE HANDRAILS", AND 5.4.10., "CONSTRUCTION STANDARDS", PERTAINING TO MARINE IMPROVEMENTS; 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 5, Chapter 4, Section 5.4.7., is hereby amended to read as follows:

**Section. 5.4.7. ~~Boathouses and canopies~~**

- A. 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:
- ~~B~~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.
  - ~~C~~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.
  - ~~D~~3. The boat canopy shall not extend horizontally more than 30 inches over or beyond any dock to which the canopy is attached, except to the rear of a boat slip where it may extend up to 48 inches past the end of the structure. Canopies attached to marine improvements that are built to the maximum projection, may extend up to 30 inches beyond the structure.
  - ~~E~~4. No boat canopy shall exceed 40 feet in length or 18 feet in width.
  - ~~F~~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 structure.
  - ~~G~~6. Only one canopy may be permitted per parcel.
  - ~~H~~7. No boat canopy, when measured at its highest point, shall extend more than 14 feet above the seawall cap, or if no seawall exists, above the decking of the marine improvement.
  - 8. The boat canopy shall be attached to the boat canopy side supports or frames so that at least 75% of the area of each side of the boat canopy structure is left open and uncovered.

SECTION 2. The City of Cape Coral Land Development Code, Article 5, Chapter 4, Section 5.4.8., is hereby amended to read as follows:

#### **Section. 5.4.8. Bulkheads, seawalls, and retaining walls.**

- A. Mandatory seawalls required; saline or brackish water. 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 constructed on it, at the owner's expense, a seawall bulkheading the entire frontage exposed to contact with the water. Seawalls shall be structurally maintained at owner's expense so as not to cause a nuisance or hazard to safety.
- B. Seawalls; fresh or non-saline 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 constructed on it, at the owner's expense, 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 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.
- C. ~~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.~~

SECTION 3. The City of Cape Coral Land Development Code, Article 5, Chapter 4, Section 5.4.9., is hereby created to read as follows:

#### **Section. 5.4.9. Decorative handrails.**

- A. Handrails shall not exceed 42 inches in height (as measured from the deck of the structure). Pilings or posts used to support handrails may exceed 42 inches in height in accordance with § 3.16.8.G. 5.4.10.G. A minimum distance of 30 inches must be maintained between pilings or posts used to support handrails.
- B. Interior handrail members (pickets, balusters, and rungs) must be parallel to each other and may not intersect. A minimum of four inches of open space must be maintained between interior handrail members. The actual dimensions of any handrail member shall not exceed two inches by six inches. Alternative handrail designs may be approved at the discretion of the Building Official, upon finding the alternate design meets the intent of this section.

SECTION 4. The City of Cape Coral Land Development Code, Article 5, Chapter 4, Section 5.4.10., is hereby created to read as follows:

#### **Section. 5.4.10. Construction standards.**

- A. All wooden pilings used in connection with marine improvements subject to the terms of this section shall be made of pressure treated wood. Such pilings shall conform to the specifications contained in ASTM (American Society for Testing of Material) D25-88 and shall be treated with preservatives meeting standards of AWWPA (American Wood Preservers Association) Standard P-5. The minimum retention of preservative for such wooden pilings shall be two and one-half pounds per cubic foot (p.c.f.) of CCA in the zone zero to one and one-half inches from the surface of the piling and one and one-half pounds per cubic foot (p.c.f.) in the zone one and one-half to two inches from the surface of the piling.
- B. All pilings made of precast concrete and used in connection with marine improvements subject to the terms of this section shall have a minimum concrete strength of 3,000 pounds per square inch (psi) at 28 days and shall be at least eight inches square in cross section.
- C. All non-prestressed concrete pilings shall have at least four #5 epoxy-coated steel reinforcing bars the entire length of the piling and have at least two inches of concrete cover.

- D. All wooden pilings used for the support of a marine improvement or as framing for a marine improvement shall have a minimum classification of eight-inch butt diameter.
- E. All wooden pilings used for support of boat lifts or other structures supporting marine vessels shall conform to the specifications of the manufacturer of the boat lift or of such other structure supported by such wooden piling(s). However, in no event shall any wooden pilings used for support of boat lifts or other structures supporting marine vessels be less than eight inches in butt diameter.
- F. All wood that is located below mean high water or that is in contact with the water in any way shall be treated to two and one-half per cubic foot (p.c.f.) CCA. All wood that is located above mean high water shall be treated to four-tenths per cubic foot (p.c.f.) CCA, except that decking may be treated to a minimum of twenty-five-one-hundredths per cubic foot (p.c.f.) CCA.
- G. The elevation of pilings shall not exceed ten feet above the seawall cap or, if no seawall exists, 13 feet above mean water level.
- H. 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 located in the Caloosahatchee River, and for marine improvements, located 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.
- I. All pilings and/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.
- J. The minimum nominal dimensions of stringers and headers shall be two inches by eight inches. Stringers shall be supported by through bolts to pilings or by headers through-bolted to pilings with machine bolts or carriage bolts. Such machine bolts or carriage bolts shall have a diameter of not less than one-half inch. Machine bolts also shall have a suitable washer under both head and nut while carriage bolts shall have a suitable washer under the nut only. Headers shall be used below center stringers for support.
- K. Cross-bracing shall be either through-bolted with machine bolts or carriage bolts with a minimum diameter of one-half inch or fastened with lag bolts with a minimum diameter of one-half inch and a minimum length of six inches used in conjunction with a suitable washer under the head only.
- L. All fasteners shall be either stainless steel or hot dipped galvanized steel or of a substance which, in terms of corrosion-resistance, is at least equal to stainless steel or hot dipped galvanized steel. The Building Official shall determine whether a proposed fastener is equivalent to either stainless steel or hot dipped galvanized steel in terms of corrosion-resistance.
- M. All manufactured, re-manufactured, or modified boat lifting devices and associated material or structural supplements shall be certified by a Florida registered professional engineer. The capacity of the boat lift shall be affixed to the lift by the manufacturer and shall be affixed in a position located as close as practicable to the lift controls.
- N. Except as otherwise provided herein, all pilings within six feet of the seawall face shall be driven a minimum of four feet into the submerged bottom of the waterway. Except as otherwise provided herein, pilings more than six feet from the seawall face shall be driven a minimum of six feet into the submerged bottom of the waterway. If pilings cannot be set to the depth provided herein, then the use and installation of cross bracing and/or tie backs shall be required to ensure the structural integrity of the structure. All pilings, whether wooden or concrete, shall be installed using equipment that is suitable to accomplish the task effectively. However, all freestanding mooring posts or other pilings shall be driven a minimum of eight feet into the submerged bottom of the waterway.
- O. Pilings shall be spaced in relation to stringer lumber size. However, when a single stringer of nominal dimensions less than or equal to two inches by eight inches is used, the space between any two consecutive pilings shall not exceed ten feet and eight inches (or 128

inches) when measured from the center of one piling to the center of the next consecutive piling. Any stringer splices shall occur within three feet of pilings. Scabs shall be not less than six feet in length and shall overlap the splice by not less than three feet and, if possible, bolted to the piling. Scabs shall not be used past the next to last piling in a row of pilings. Scabs shall be fastened using not less than six 20 penny, hot dipped galvanized steel nails per side. Stringers used for decking shall be spaced not more than 30 inches apart when measured from the center of one stringer to the center of the next consecutive stringer.

- P. The minimum nominal thickness of all wooden decking shall be two inches. Decking shall be either nailed into place by means of not less than 12d nails or screwed into place by means of not less than three-inch screws. The fastener pattern for all wooden decking shall be arranged so as not to cause a continuous split in excess of 18 inches in length. Spacing between wooden decking shall not exceed one-half inch on docks projecting into canals or one inch on docks projecting into the Caloosahatchee River at the time of installation.
- Q. Crossbracing shall be provided on every two closest adjacent pilings where water depth is more than eight feet from mean high water. Such cross bracing shall be oriented between 30 degrees and 45 degrees to the vertical. The actual dimension of any crossbracing shall be not less than two inches by six inches.
- R. 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.
1. If one or more metal ladders are used in conjunction with a marine improvement, such ladders shall be made of stainless steel, anodized aluminum, or an equally corrosion-resistant material to be approved by the Building Official.
  2. If one or more plastic ladders are used in conjunction with a marine improvement, such ladders shall be constructed of a stabilized polymer plastic material resistant to degradation when exposed to the daily stress of sunlight, heat, and water.
  3. If a non-extendable ladder is used in conjunction with a marine improvement, such ladder shall be required to either be located so as to reach at least three feet under the surface of the water at low tide or to the bottom of the waterway, whichever is less.
  4. If an extendable ladder is used in conjunction with a marine improvement, such ladder shall be required to have the ability to extend to a point at least three feet under the surface of the water at low tide or so as to reach to the bottom of the waterway, whichever is less. Extendable ladders shall be of a type that is capable of being pulled down by a person in the water without the use of tools.
- S. Amber reflectors or amber reflective material with at least four square inches of reflective surface shall be placed on all freestanding mooring posts or other freestanding pilings as well as on the outside end pilings of all docks which project into a waterway. For purposes of this section, marine improvements which are "U"-shaped, "V"-shaped, "J"-shaped, or which otherwise have more than one section of the marine improvement projecting into the waterway shall have such reflectors or reflective material located on the outside end pilings of each section of the marine improvement which projects into the waterway. Such reflectors shall be located so as to be visible to vessels approaching in the waterway from any direction.
- T. This section shall control the regulation, construction, and maintenance of marine improvements within the City of Cape Coral. If any part of this section conflicts with any other codes adopted by the city, the most restrictive provision shall apply. Furthermore, all such marine improvements shall conform to all requirements of the National Fire Code, this section, and other applicable law.

SECTION 5. 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 6. 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 18<sup>th</sup> DAY OF November, 2019.


  
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JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

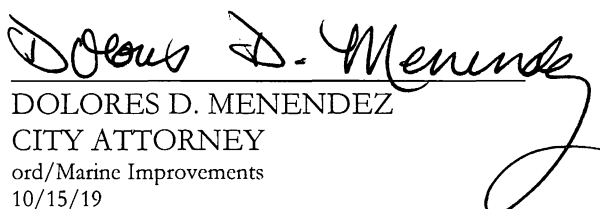
COVIELLO aye  
GUNTER aye  
CARIOSCIA aye  
STOUT aye

NELSON aye  
WELSH aye  
WILLIAMS aye  
COSDEN aye

ATTESTED TO AND FILED IN MY OFFICE THIS 2nd DAY OF December, 2019.

  
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KIMBERLY BRUNS  
CITY CLERK

APPROVED AS TO FORM:

  
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DOLORES D. MENENDEZ  
CITY ATTORNEY  
ord/Marine Improvements  
10/15/19