

SOURCE OF ADDITIONAL INFORMATION:

Wyatt Daltry, Planning Team Coordinator

ATTACHMENTS:

Description	Type
▣ Ordinance 39-15	Ordinance
▣ Application for ORD 39-15	Backup Material

ORDINANCE 39 - 15

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN; BY AMENDING THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT, THE FUTURE LAND USE ELEMENT, THE INFRASTRUCTURE ELEMENT, THE INTERGOVERNMENTAL COORDINATION ELEMENT, AND THE TRANSPORTATION ELEMENT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section 1. The City of Cape Coral hereby adopts Comprehensive Plan amendments necessary to update the Comprehensive Plan as follows:

- A. The amendment to the Conservation and Coastal Management Element provides that an affidavit shall be signed by applicants for a planned development project stating whether protected species are located on or adjacent to the project. The Conservation and Coastal Management Element is described in Exhibit A, attached hereto and incorporated herein by reference.
- B. The amendment to the Future Land Use Element removes Policies 1.1, 1.6, 1.7 and eliminates the Burnt Store North Sub-District, and provides that wellheads may be placed in medians if necessary. The amendment to the Future Land Use Element is described in Exhibit B, attached hereto and incorporated herein by reference.
- C. The amendment to the Intergovernmental Coordination Element provides for a dispute resolution process with other governmental agencies pursuant to Florida Statutes. The amendment to the Intergovernmental Coordination Element is described in Exhibit C, attached hereto and incorporated herein by reference.
- D. The amendment to the Transportation Element updates the element to reflect the current status of transportation projects and provide revised dates for various plans and target dates. The amendment to the Intergovernmental Coordination Element is described in Exhibit D, attached hereto and incorporated herein by reference.
- E. The amendment to the Infrastructure Element updates the element to reflect the current status of sewer and water projects and provide revised dates for various plans and target dates. The amendment to the Infrastructure Element is described in Exhibit E, attached hereto and incorporated herein by reference.

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. The effective date of this plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete, or if timely challenged, the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184(3)(c)4., F.S., whichever is applicable.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2015.

MARNI L. SAWICKI, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

SAWICKI _____
BURCH _____
CARIOSCIA _____
NESTA _____
LEON _____
ERBRICK _____
WILLIAMS _____
DONNELL _____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____,
2015.

REBECCA VAN DEUTEKOM
CITY CLERK

APPROVED AS TO FORM:



BRIAN R. BARTOS
ASSISTANT CITY ATTORNEY
Comprehensive Plan Admendments
7/15/15

EXHIBIT A

CONSERVATION AND COASTAL MANAGEMENT

GOALS, OBJECTIVES, POLICIES

GOAL 1: Protecting Environmental Resources.

The natural and historic resources of Cape Coral will be preserved, protected, and enhanced. These resources will be managed to ensure the highest environmental quality possible. Development activities will be managed, in accordance with this goal. The scientific and resource management activities outlined under this goal will be coordinated by the City's Environmental Resources Section.

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Policy 1.1.6: The City has completed and will maintain a comprehensive stormwater management plan, the primary purpose of which is to minimize the impact of stormwater runoff on estuarine water quality. As part of the comprehensive stormwater management plan, the City will continue to conduct the following activities to minimize the impact of stormwater runoff on estuarine water quality:

- The City will incorporate an acceptable level of stormwater treatment in all newly designed stormwater systems.
- The City will perform maintenance activities in accordance with an annual work plan. The work plan will include but not be limited to the following activities:

The City will conduct street sweeping at major intersections, along bike paths, paved alleys, curbed roads, and within all City owned paved parking lots. In the Viscaya industrial zoned area, the City will provide street sweeping once every month and will clean catch basins four times per year.

The City will replace deteriorated stormwater drainage pipe and stormwater inlets on an as-needed basis.

The City will periodically clean and inspect catch basins and stormwater pipes.

- The City will maintain Engineering Design Standards for paved alleys and roadways.
- The City will require all property development to stabilize all areas not covered with structures, pavement, or landscape beds.

- The City will require all non-paved areas of street right-of-ways and areas within fifteen feet of seawalls to be permanently vegetated.
- The City will require the placement of silt screens on all construction sites to eliminate adverse impacts associated with erosion.
- The City will continue to participate with Lee County and other co-permittees in the NPDES process.
- The City will require applicants for clearing and development permits to provide a letter addressing NPDES standards, if applicable, prior to ~~issuance of City permits~~inspections.

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Policy 1.2.2:

~~The City will assure that activities that require state and/or federal wetland permits obtain such permits prior to the issuance of City permits. The City will notify state and/or federal agencies if activities suspected to be in violation of state and/or federal regulations, are known to have been conducted.~~

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Policy 1.2.20: In order to support the City's continued protected species coordination efforts with the Florida Fish and Wildlife Conservation Commission and the United States Fish and Wildlife Service, the City of Cape Coral shall require a protected species affidavit to be signed by the applicant prior to receipt of a development order application. This affidavit will identify whether gopher tortoises, burrowing owls, or bald eagles are located on-site, or on adjacent property(s), and determine whether federal or state permits will need to be obtained for the protection of these species during construction activities.

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Policy 1.4.3: The City will require industries to take appropriate measures to ensure that state and federal standards for air pollution are met as established by EPA by requiring that applicants for Planned Development Projects obtain necessary state and federal permits to be obtained prior to City approval. If state and/or federal standards are not met by an existing business proposing expansion or additional facilities, the City will deny further inspections ~~Planned Development Project approval, building permits or certificates of use,~~ to a violating business until such business is brought into compliance. This shall not limit any inspections for permits needed for activities ~~specifically necessary~~ for the purpose of correcting a violation.

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Policy 1.9.2: The City will ~~require that before~~ inform every applicant for a planned development project for any mining activities, including, but not limited to borrow pits, is approved, the applicant must provide evidence that necessary ~~that state and/or federal permits are approved~~ may be required.

EXHIBIT B

FUTURE LAND USE ELEMENT

GOAL

TO PROTECT THE PUBLIC INVESTMENT BY ENCOURAGING THE EFFICIENT USE OF COMMUNITY INFRASTRUCTURE AND NATURAL RESOURCES; ASSURE THE ORDERLY, EFFICIENT GROWTH OF THE CITY BY ENCOURAGING DEVELOPMENT IN THOSE AREAS WHICH ARE BEST SERVED BY INFRASTRUCTURE AND COMMUNITY SERVICES; PROMOTE NEW LAND USES WHICH CREATE THE LEAST POSSIBLE DISRUPTION TO EXISTING USES; CREATE A STRATEGY WHICH ANTICIPATES FUTURE COMMUNITY NEEDS BY ACQUIRING AND ASSEMBLING PLATTED LANDS; AND PROTECT THE RIGHTS OF INDIVIDUAL PROPERTY OWNERSHIP, CONSISTENT WITH PUBLIC NEEDS.

OBJECTIVE 1: Managing Future Growth and Development: The City of Cape Coral will manage future growth and land development by adopting, implementing, and enforcing new regulatory vehicles; ~~by enforcing and strengthening existing regulations; and by eliminating superfluous or confusing regulations.~~ All land development regulations called for in this Plan shall be adopted and implemented in accordance with the provisions of S. 163.3202, Florida Statutes. The short-term planning timeframe shall be established as up to the year ~~2013~~2020, while the long-term planning horizon shall be the year ~~2030~~2035.

Policy 1.1: ~~The subdivision of land within the City of Cape Coral shall be granted only within Developments of Regional Impact (DRIs) or in Planned Development Projects (PDPs), except for instances of approving small-scale subdivisions of fewer than 10 lots involving fewer than 10 acres.~~Reserved.

Policy 1.2: The City will regulate the use of land and water to protect State-owned preservation lands, the City's system of fresh and salt-water canals, and the outlying waters of the Caloosahatchee River and Charlotte Harbor.

Policy 1.3: The City will adopt measures to regulate areas subject to seasonal and periodic flooding and will provide for drainage and stormwater management.

Policy 1.4: The City will continue to protect potable water wellfields through the placement of the wellheads in a manner which uses street rights-of-way as buffers. The wellheads will continue to be protected from physical damage by using construction techniques appropriate for their location. ~~Considering that current regulations prevent locating such uses in the median, the City will locate, such as locating~~ future wellheads adjacent to street rights-of-way. However, due to population densities, it may be necessary to place wellheads in the median in isolated circumstances. Buffering for such locations will be evaluated on an individual site basis to prevent contamination via the wellhead itself.

Policy 1.5: The City will continue to regulate signage to prevent visual blight.

~~Policy 1.6: The City shall develop regulations that establish enhanced landscaping, buffering and signage standards and develop architectural design guidelines for non-residential development.~~Reserved.

~~Policy 1.7: By 2010, the City will conduct a study of its future open space policies and needs related to future residential, commercial, and industrial developments and planned development projects.~~Reserved.

Policy 1.8: The City will maintain regulations ensuring safe and convenient on-site traffic flow and vehicle parking needs for all developed lands.

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Paradise Preserve Sub-District

Within the Paradise Preserve Sub-District, development shall be limited to a maximum of 420 dwelling units. All property within the Paradise Preserve Sub-District shall be entitled to a proportional share of the 420 dwelling units; however, the development rights may be transferred among any properties within the Paradise Preserve Sub-District through mutual agreement of the affected property owners, as long as the density is consistent with all Land Use and Development Regulations and other provisions of this Plan.

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Burnt Store North Sub-District

~~Within the Burnt Store North Sub-District, residential development shall be limited to a total of 92 units. Residential unit types shall be categorized as follows: 1) Within the portion of the Sub-District having a Low-Density Residential 1 (LDR-1) future land use classification there shall be a limit of 76 dwelling units constructed. 2) Within the portion of the Sub-District having a Commercial Activity Center (CAC) future land use classification there shall be a limit of 16 dwelling units. Such dwelling units may be constructed either as Free-Standing Residential units or as residential units within one or more Compound Use Buildings. The terms "Free-Standing Residential" and "Compound Use" shall have the meanings indicated within Policy 1.15.n, which describes the Commercial Activity Center (CAC) Future Land Use Classification.~~

~~All lands within the Burnt Store North Sub-District having a future land use map classification of Commercial Activity Center (CAC) shall be entitled to a proportional share of the maximum non-residential building floor area of 217,000 square feet for the CAC area. Non-residential development rights may be transferred among any properties located within the CAC portion of the Burnt Store North Sub-District through mutual agreement of the affected property owners, as long as the overall intensity of non-residential development is consistent with all Land Use and Development Regulations and other provisions of this Plan. Evidence of such transfer shall be provided in a form acceptable to City staff and shall be duly recorded within the Lee County Public Records.~~

~~All lands within the Burnt Store North Sub-District having a future land use map classification of Commercial/Professional (CP) shall be entitled to a proportional share of the maximum non-residential building floor area of 225,000 square feet within the Commercial/Professional area. Non-residential development rights may be transferred among any properties located within the CP portion of the Burnt Store North Sub-District through mutual agreement of the affected property owners, as long as the overall intensity of non-residential development is consistent with all Land Use and Development Regulations and other provisions of this Plan. Evidence of such transfer shall be provided in a form acceptable to City staff and shall be duly recorded within the Lee County Public Records.~~

~~Development within the CAC and CP areas of the subdistrict shall not generate in excess of 1,320 gallons per day per acre of wastewater until such time as the development within these areas is connected to City utilities, at which time all on-site wastewater treatment devices must be taken out of service.~~

~~The Burnt Store North Subdistrict also includes approximately 87 acres of property classified as Open Space (OS) and approximately 66.39 acres of property classified as Natural Resources/Preservation (PRES). However, the Subdistrict does not modify or restrict the regulations concerning these future land classifications.~~

Policy 1.16: Land development regulations, whether adopted or revised subsequent to the adoption of this plan, will address the location and extent of both residential and non-residential land uses in accordance with the Future Land Use Map and the policies and description of types, sizes, densities, and intensities of land use contained in the "Future Land Use Map" section of this Element.

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~~OBJECTIVE 7: Development in the Urban Services Reserve Area: The City will discourage premature "leap-frog" development within the Urban Services Reserve Area by requiring that individual builders and developers, and not the City, will bear the costs of extending infrastructure.~~

Policy 7.1: The City will amend the Future Land Use Map through the plan amendment process to annex Urban Services Reserve Area lands into the Urban Services Transition Area as a prerequisite to the extension of infrastructure and community services. Amendments of this type may take place only after the Urban Services Infill and Transition Areas are reevaluated as a whole and the City determines that the additional land is appropriate in size and location to meet the needs of the projected population. Per Policy 2.3.3 of the Infrastructure Element, extension of centralized potable water and wastewater infrastructure services beyond the Urban Services Infill and Transition Areas may be undertaken if such services are provided by a developer, independent utility franchise, or through the developer-financed extension of City utilities.

Policy 7.2: The City will concentrate its long-range land acquisition and assembly efforts within the Urban Services Reserve Area.

Policy 7.3: The City will provide incentives to individual property owners, builders, and developers to assemble parcels of land for future private uses, and will encourage the use of zero lot line (ZLL) and cluster type of development to improve lot layout, drainage, and stormwater retention.

~~Policy 7.4: Developers of lands within the Urban Services Reserve Area shall bear the costs of extending water and wastewater infrastructure if onsite systems are impracticable. Except as provided in Policy 7.5, development shall be permitted only by Developments of Regional Impact (DRIs) or by Planned Development Projects (PDPs).~~

~~Policy 7.5: The City will make exceptions to Policy 7.4 for single family uses, for distribution electric substations and for the development of parcels smaller than the minimum development threshold but only in cases where the assembly of a minimum threshold sized parcel is impossible. Reserved.~~

Policy 7.6: Notwithstanding any provisions in this element which may be interpreted to the contrary, the right to a development order to build one (1) single family dwelling unit in the Urban Services Reserve Area on a property of 10,000 square feet or more, or to build no more than 4.4 single family dwelling units per developable acre, shall not be abridged if classified as Park and Recreation Facilities or Public Facilities on the Future Land Use Map.

Policy 7.7: As an incentive to the assembly, holding, and planned development of sizable tracts of land in the Urban Services Reserve Area, tracts of the following sizes may be developed at the following residential densities, subject to (i) adopted performance standards capable of allowing residential development at such densities; (ii) any applicable concurrency requirements; (iii) applicable standards of other governmental agencies; and (iv) any other applicable goals, objectives and policies in the Cape Coral Comprehensive Plan:

ACREAGE	DU/ACRE
3-4.99	8
5-9.99	10
10-14.99	12
15-19.99	14
20	16

Policy 7.8: Platted lots in the Urban Services Reserve Area zoned for Commercial or Professional use prior to the February 13, 1989 Cape Coral Comprehensive Plan that are now designated for Residential use, if they (i) are below the minimum size for Residential use, and (ii) adjoin City-owned property, may be conveyed to the City for an impact fee credit that may be lawfully granted by the City equal to their fair market value at the time of conveyance, based on their Commercial or Professional zoning prior to the adoption of the February 13, 1989 Cape Coral Comprehensive Plan.

Policy 7.9: Development of properties or projects that have access to city utilities and are divided by or adjacent to the Urban Services boundary may be developed, ~~through the Planned Development Project process~~, at the density or intensity of land use as designated on the Future Land Use Map. Such development must proceed as one compact, and unified and contiguous development and shall be governed by the rules for development in the Urban Services Infill and Transition Areas and be subject to the intensities and densities of policy 1.16.

Policy 7.10: The City shall discourage illogical and inefficient leapfrog development, by encouraging and directing development to areas adjacent to section of the City served by existing centralized utilities, and that the extension of centralized utilities will abide by Policy 1.1.6 of the Infrastructure Element.

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OBJECTIVE 10: Charlotte Harbor Management Plan: The City will coordinate its planning efforts with the provisions of the Charlotte Harbor Management Plan.

Policy 10.1: Requests for development orders and building permits will be coordinated with governmental agencies including, but not necessarily limited to, Lee County, Charlotte County, the Regional Planning Council, the South Florida Water Management District, and other State and Federal agencies. ~~Development orders and building permits will not be issued until permits are obtained from those agencies with regulatory authority relative to the Charlotte Harbor Management Plan.~~

EXHIBIT C

INTERGOVERNMENTAL COORDINATION GOALS, OBJECTIVES, AND POLICIES

GOAL:

The City of Cape Coral shall strive to achieve maximum coordination with other governmental jurisdictions, agencies, and entities.

Objective 1:

The City of Cape Coral shall coordinate planning activities mandated by the Comprehensive Plan with the plans of the Lee County School Board and adjacent local governments using existing formal and informal coordination mechanisms, or by establishing new formal mechanisms to ensure coordination. As the plans are amended and growth occurs, coordination methods may be subject to change. However, these methods are expected to include, but not necessarily be limited to, staff interaction, interlocal agreements, written communications and public meetings.

Policy 1.1:

Cape Coral will coordinate planning activities mandated by the Comprehensive Plan with other affected local governments and the school board. Coordination activities may include, but not necessarily be limited to, interlocal agreements, public meetings, staff interaction, written notifications, and joint committees.

Policy 1.2:

~~Cape Coral may utilize the informal mediation process of the Southwest Florida Regional Planning Council to resolve conflicts with other local governments.~~ The City of Cape Coral shall utilize the mandatory dispute resolution process with other governments and agencies, as described in §186.509, Florida Statutes.

Policy 1.3:

Development proposed in the comprehensive plan will be reviewed for impacts on the comprehensive plans of other appropriate local governments, regional agencies, and the State of Florida. This will be accomplished in part through the DRI, PDP and Plan amendment processes, and interlocal agreements (Policy 2.4).

Policy 1.4:

The management of bays, estuaries, and harbors that cross Cape Coral's borders will be coordinated with other jurisdictions, including, but not necessarily limited to, Lee County, Fort Myers, the U.S. Coast Guard, the Charlotte Harbor National Estuary Program, and DEP. Coordination may include, but not necessarily be limited to, notification of development activities and future land use changes affecting those bays, estuaries and harbors, and withholding ~~development permits~~ inspections until permits are obtained from the regulatory agencies with jurisdiction.

Policy 1.5:

The City of Cape Coral will continue to:

- Utilize the Metropolitan Planning Organization (MPO) for all matters of coordination in transportation planning and implementation;
- Utilize the MPO Technical Advisory Committee (TAC) in matters requiring communication, cooperation, and coordination between Cape Coral and other jurisdictions.

Policy 1.6:

City staff will continue to coordinate school and related facility siting and development processes with staff of the Lee County School Board.

Policy 1.7:

City staff will be made available as needed to participate in intergovernmental coordination activities with other governmental, public and private entities.

Policy 1.8:

The City will coordinate the designation of any future dredge spoil sites with neighboring jurisdictions with dredge spoil disposal responsibilities, in accordance with Policy 12.2 of the Future Land Use Element of this Plan.

Objective 2:

EFFECTS OF NEW DEVELOPMENT

The City will coordinate the impacts of planned development on neighboring jurisdictions, regional agencies, and the State of Florida using existing formal or informal coordination mechanisms, or establishing new mechanisms as needed to ensure coordination. These mechanisms may include, but are not necessarily limited to, interlocal agreements, public meetings, staff interaction, written notifications, and joint committees.

Policy 2.1:

Cape Coral will coordinate planning activities mandated by the Comprehensive Plan with other local governments, regional agencies, and the State of Florida, including, but not necessarily limited to, Lee County, Charlotte County, the City of Fort Myers, the Southwest Florida Regional Planning Council, and the Florida Department of ~~Community Affairs~~ Economic Opportunity.

Policy 2.2:

Development proposed within the City of Cape Coral will be reviewed for impacts on the comprehensive plans of adjacent local governments, regional agencies, and the State of Florida. This may be accomplished in part through the Development of Regional Impact (DRI) and Comprehensive Plan amendment processes, and interlocal agreements.

Policy 2.3:

The City of Cape Coral may enter into interlocal agreements with adjacent local governments for the notification and exchange of information regarding changes of future land use and/or zoning within one (1) mile of its corporate limits.

Policy 2.4:

The City of Cape Coral will communicate with Lee County to discuss the effects of new development upon major roadways, such as County roads, that serve both communities.

Objective 3:

LEVEL-OF-SERVICE STANDARDS

Ensure that the Level-of-Service (LOS) standards specified in the Comprehensive Plan are consistent with the LOS standards for public facilities of other governmental entities having operational and maintenance responsibility for those facilities.

Policy 3.1:

The City of Cape Coral will coordinate planning activities mandated by the Comprehensive Plan with other local entities, regional agencies, and the State of Florida, with particular attention to ensuring consistency of level-of-service standards.

Policy 3.2:

Development proposed within the City of Cape Coral will be reviewed for its impact on the level of service standards of adjacent local government. This will be accomplished in part through the DRI and plan amendment processes, the PDP process, the MPO, and through interlocal agreements.

Policy 3.3:

The City of Cape Coral will ensure coordination of level-of-service standards by entering into interlocal agreements, serving on MPO committees, reviewing activities, and actively participating in interagency policy-making and goal-setting activities.

Objective 4:

The City of Cape Coral shall support voluntary annexation of unincorporated lands adjacent to City boundaries for the purpose of maintaining cost-effective delivery of public services, eliminating enclaves, preserving natural resources, increasing the City's supply of commercial space, and increasing affordable housing opportunities within the City.

Policy 4.1:

The City shall seek to implement a joint planning area (or areas) with Lee County, in order to resolve issues regarding proposed annexations.

Policy 4.2:

In the event that the City of Cape Coral and Lee County are unable to resolve issues of concern relative to the proposed voluntary annexation area(s) the City shall first seek informal mediation, ~~as per Policy 1.1.2 of this element. If the City requests informal mediation with the County, the City will allow ninety (90) days for the County to respond to such request, after which the City of Cape Coral will consider itself under no further obligation to the County in this matter. Upon the lapse of the ninety days, or if Lee County refuses to participate in such informal mediation, or such mediation is unsuccessful, the City shall consider itself free to pursue State Administrative and/or Judicial proceedings to resolve the interlocal dispute.~~

Policy 4.3:

The City will prioritize voluntary annexation requests that involve properties meeting the criteria for 'enclaves', as defined in Chapter 171, Florida Statutes.

EXHIBIT D

TRANSPORTATION ELEMENT

GOALS, OBJECTIVES, AND POLICIES

GOAL 1: The City of Cape Coral shall provide its residents with an efficient, balanced and safe motorized and non-motorized transportation system, which is both economical and in accord with future land use and environmental goals.

Objective 1.1: All of the City's road network within the Urban Services Infill, Transition and Reserve Areas will meet level of service standards as adopted by the City in Policy 1.1.1.

Policy 1.1.1: The City shall review professionally accepted studies and current traffic counts to determine levels of service standards within Cape Coral. The City hereby adopts the following peak hour, peak season Level of Service Standards for the following facilities:

- a) Del Prado Boulevard (Cape Coral Parkway to SR 78) - LOS E
Del Prado Boulevard (SR 78 to US 41) - LOS D
- b) State Road 78 (Pine Island Road) West of Del Prado Boulevard - LOS C
State Road 78 (Pine Island Road) East of Del Prado Boulevard - LOS D
- c) Pondella Road - LOS E
- d) Hancock Bridge Parkway (City Limits to Del Prado Boulevard) - LOS E
- e) Cape Coral Parkway (Cape Coral Bridge to Pelican Boulevard) - LOS E
- f) Burnt Store Road/ Veterans Parkway Corridor - LOS E
- g) All other local, collector, and arterial roadways - LOS D
- h) All other limited access facilities - LOS D
- i) All other roads within City jurisdictions - LOS D

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Policy 1.1.7: New development, redevelopment and infill development projects located within the City of Cape Coral Downtown CRA Transportation Concurrency Exception Area (TCEA) may be exempt from transportation concurrency requirements, so long as said new development, redevelopment or infill development opts to mitigate impacts to transportation levels of service through the strategies described Policy 14.5 of the Future Land Use Element of this comprehensive

plan. New development, redevelopment and infill development projects that do not choose to mitigate transportation concurrency impacts in such manner shall be subject to all applicable transportation concurrency requirements. Whether or not a project agrees to mitigate its transportation impacts through the strategies identified in Future Land Use Policy 14.5, or opts to be subject to standard transportation concurrency requirements, all projects shall be subject to concurrency review for the purpose of assessing the transportation impacts of the proposed development.

Policy 1.1.8: If a proposed development is determined not concurrent for transportation, the applicant may choose to satisfy the transportation concurrency requirement(s) by making a proportionate fair-share contribution pursuant to the Proportionate Fair-Share ~~Ordinance~~ Regulation(s) adopted by the City. This provision does not apply to Developments of Regional Impact (DRIs) or developments exempted by law from meeting transportation concurrency requirements. The City shall maintain the Proportionate Fair-Share Regulation(s), or otherwise develop a basis upon which the landowners will be assessed a proportionate share of the cost addressing the transportation impacts resulting from a proposed development.

Policy 1.1.9: For the purposes of issuing a development order or building permit, a proposed urban redevelopment project located within the Urban Services Infill Area, as identified on the Future Land Use Map, shall not be subject to concurrency requirements of Policy 1.1.6 for up to one hundred ten (110) percent of the transportation impact generated by the previously existing development. A previously existing development is the actual previous built use which was occupied and active within one (1) year of the date of application for a development order or building permit for the proposed redevelopment project.

Policy 1.1.10: For the purpose of issuing a development order or building permit, a proposed development may be deemed to have a de minimis impact and not subject to concurrency requirements of Policy 1.1.6 only if all of the following conditions are met:

- a) Development proposal is for an increase in density or intensity less than or equal to two (2) times the density or intensity of the existing development, or for the development of a vacant parcel of land, residential development proposal is for a density of less than four (4) dwelling units per acre, or for non-residential uses the proposal is for an intensity of less than 0.1 floor area ratio; and
- b) The Transportation impact of the proposed development does not exceed 0.1 percent of the maximum service volume at the adopted level-of- service standard for the peak hour of the affected transportation facility; and
- c) If the affected transportation facility does not meet adopted level-of- service standards, the cumulative total transportation impact from the de minimis exemption does not exceed three (3) percent of the maximum service volume of the adopted level-of-service standard.
- d) The proposed development does not exceed the adopted level-of-service standard of a designated hurricane evacuation route.

Policy 1.1.11: Notwithstanding Policy 1.1.8 and Policy 1.1.9, all new development proposals that generate three hundred (300) or more cumulative trips in the peak hour shall submit a traffic impact study (TIS) in accordance with the City of Cape Coral Engineering Design Standards.

Policy 1.1.12: If deemed necessary to meet concurrency requirements for transportation facilities, the City shall revise the Comprehensive Plan to implement any or all of the following programs in accordance with s. 163.3180, Florida Statutes and ~~Rule 9J-5.0055~~:

- a) Transportation Concurrency Management System
- b) Transportation Concurrency Management Areas
- c) Transportation Concurrency Exception Areas

Policy 1.1.13: The City will set priorities annually to make efficient use of existing capacity of transportation facilities before investing in additional facilities, by implementing the City's annual budget.

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Policy 1.1.18: The long range traffic circulation map, Figure 22, shall be derived primarily through the use of the Lee County Metropolitan Planning Organization's (MPO) travel demand forecast models and shall reflect the MPO's ~~2030~~2040 Financially Feasible Plan, roadways identified in the Florida Department of Transportation's ~~2025~~2040 Florida Transportation Plan, and other locally designated needs.

Policy 1.1.19: The City shall assure through the annual budgeting process that adequate funds are dedicated for the operation and maintenance of the City's existing transportation network.

Policy 1.1.20: The City shall provide adequate funding for operation and maintenance of Cape Coral's transportation network to provide for a safe and efficient transportation system.

Policy 1.1.21: The City of Cape Coral's transportation planning and improvement programs shall be based upon two planning horizons: (1) a short term planning horizon, based upon the Five-year Schedule of Capital Improvements; and, (2) a long term planning horizon, based upon the Future Land Use Element's long term horizon year (~~2030~~2035).

Objective 1.2: The City shall ensure the availability of rights-of-way for the construction of arterial and collector roadways and transportation projects to meet the projected travel demand by 2030.

Policy 1.2.1: The City will, by ~~2040~~2020, adopt an "Official Thoroughfare Map" identifying future rights-of-way (at buildout) based upon the Transportation Element and the Future Land Use Element of the Comprehensive Plan.

Policy 1.2.2: As indicated in the City's Engineering and Design standards, the City adopts the following minimum right of way requirements for new roadway construction. Right-of-way width reductions may be justified in specific instances as stated in the Uniform Manual of Minimum Standards.

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Policy 1.3.6: As a means of implementing access management controls such as rear access roads, frontage roads, or parallel access road systems, the City shall investigate the feasibility of establishing Municipal Services Benefit or Taxing Units (MSBU or MSTU).

Objective 1.4: Ground transportation times between Cape Coral and the Southwest Florida International Airport shall be maintained or improved beyond their ~~2006~~2014 levels, both by ensuring that roads within the City's jurisdiction and control maintain the level of service standards specified in the Transportation Element; and by working with the Lee County Metropolitan Planning Organization and neighboring jurisdictions to support road improvements that would act to reduce travel times between the City and the airport.

Policy 1.4.1: Road improvements within the City of Cape Coral will be made, in accordance with the Transportation and Capital Improvements Elements, to maintain access routes to the Southwest Florida International Airport.

Policy 1.4.2: The City will monitor the implementation of the Transit Element developed as part of the ~~2030~~2040 Lee County MPO Long Range Transportation Plan that includes expansion of existing transit routes and future consideration of a express service to the Southwest Florida International Airport.

Objective 1.5: Continue to implement and improve a program of mass transit and paratransit services, in coordination with Lee County Transit (Lee Tran), based upon existing and proposed major trip generators and attractors, safe and convenient mass transit terminals, and accommodation of the special needs of the transportation disadvantaged within the Urban Services Infill, Transition and Reserve Areas as recommended in the Transit Element developed as part of the ~~2030~~2040 Lee County MPO Long Range Transportation Plan.

Policy 1.5.1: The City will support, the transit program included in the adopted Lee County MPO ~~2030~~2040 Long Range Transportation Plan and future versions as amended, and will also request that, at a minimum, present levels of County transit service to and from Cape Coral be maintained by Lee County Transit (Lee Tran).

Policy 1.5.2: The Transit Element of the Lee County MPO's ~~2030~~2040 Long Range Transportation Plan contains plans for both improved and additional transit service for the residents of the City of Cape Coral. The City will review such planned service and, within one (1) year of the adoption of the City of Cape Coral ~~2030~~2035 Comprehensive Plan, will determine whether to request further service expansions and/or improvements, and if necessary, will investigate the feasibility of reimbursing the County for its share of the subsidy associated with that improved or expanded service.

...

Policy 2.1.1: The City will continue to implement, in conjunction with other local governments and the private sector, a network of sidewalks, exercise trails and bikeways connecting residential,

commercial and industrial areas, in a manner that provides safe circulation of recreational traffic within the Urban Services Infill and Transition Areas.

...

Policy 2.2.7: The City shall discourage new strip style commercial development through efforts to promote the concentration of commercial development at the nodes of major intersections.

Policy 2.2.8: By ~~2010~~2020 or earlier, the City shall adopt a neighborhood traffic calming program. This program shall identify guidelines for roadway design, traffic operations, land use decisions, and site design to encourage a safe mix of automobiles, bicycles, and pedestrians.

...

GOAL 3: The City shall assure the availability of transportation services to all citizens of Cape Coral with a special consideration for the elderly and handicapped.

Objective 3.1: Transportation services for the transportation disadvantaged shall be maintained at, or improved beyond, ~~2006~~2014 levels.

Policy 3.1.1: To facilitate use of transit by the elderly and handicapped persons, the City will:

- 1) Provide sidewalks with curb cuts and accessible transit stops or shelters.
- 2) Support the Transportation Disadvantaged Service provided by Lee County.
- 3) Continue to subsidize the City's mini-bus service.

...

Policy 4.2.1: The City will provide, or support the provision of, adequate roadway capacity for emergency evacuation through its road improvement, concurrency management and development review programs.

Policy 4.2.2: By ~~2010~~2020, the City will have worked toward improving its emergency evacuation clearance times through ~~the widening of Pine Island Road (SR 78), the four-laned extension of DeNavarra Parkway to U.S. 41, and the connection of Jacaranda Parkway and Averill Boulevard to North Del Prado Boulevard.~~

...

GOAL 5: The City's transportation system will be an integrated and coordinated part of the county, regional, and state transportation system.

Objective 5.1: All planning for traffic circulation, mass transit and paratransit systems, as well as planning for any potential seaport or airport facilities, will be coordinated with the City of Cape Coral Future Land Use Map, the Florida Department of Transportation (FDOT) ~~2025~~2040 Florida

Transportation Plan, the Lee County Metropolitan Planning Organization ~~2030~~2040 Long Range Transportation Plan and future versions as amended, and the plans of neighboring jurisdictions.

Policy 5.1.1: The City Public Works Department in conjunction with the Department of Community Development will annually review the FDOT Five Year Work Program in order to update the Comprehensive Plan if necessary.

...

Policy 5.1.9: Any future mass transit or mini-bus service plans for the City of Cape Coral shall be consistent with the goals, objectives and policies set forth in the other elements of the Comprehensive Plan, specifically the Future Land Use and Conservation and Coastal Management Elements. These plans shall also be consistent and coordinated with the Lee County Metropolitan Planning Organization ~~2030~~2040 Long Range Transportation Plan and future versions as amended, the Lee County Transit Development Plan and Transportation Disadvantaged Program, and the Florida Department of Transportation ~~2025~~2040 Florida Transportation Plan.

GOAL 6: The transportation network shall promote and encourage positive economic development throughout the City.

Objective 6.1: The City's industrial, commercial and professional job opportunities and tax base shall increase over ~~2006~~2014 levels.

Policy 6.1.1: The City shall continue to support and promote the construction of the Burnt Store Road/Veterans Parkway Corridor, ~~the widening of SR 78 (Pine Island Road) from Chiquita Boulevard to Burnt Store Road~~, the DeNavarra Boulevard Extension to US 41, and the extension of Del Prado Boulevard from US 41 to an interchange with I-75 to promote efficient movement of vehicles and goods throughout the region, and to promote economic growth and development within Cape Coral.

Policy 6.1.2: The City's transportation network shall be designed and implemented to enhance economic development opportunities without jeopardizing land use and environmental goals contained within the Comprehensive Plan.

EXHIBIT E

INFRASTRUCTURE ELEMENT

GOALS, OBJECTIVES, AND POLICIES

GOAL 1: Consistency with the 5-Year Capital Improvements Program and the adopted levels of service - required public facilities will be provided in a manner that promotes orderly, compact, and efficient urban growth.

Objective 1.1: The City will ensure that the public facilities needed through ~~2013~~2020 are in place in accordance with the adopted 5-Year Capital Improvements schedule, and ensure that when building permits are issued, adequate facility capacity is available, or will be available to serve the development at the time required. The long-term planning window shall be the period from the ~~2007~~ 2015 update of this document to ~~2030~~2035. Long-term infrastructure planning needs to build-out are and will be implemented as identified in the Montgomery Watson Harza Facilities Planning Report (2005 ed.).

Policy 1.1.1. The following levels of service are hereby adopted by the City as a means of determining the availability of facility capacity and the demand created by new development:

Sanitary Sewer Facilities

200 gallons per day/dwelling unit for dwelling units located in the Urban Services Infill and Transition Areas that are serviced by the City's sanitary sewer utility.

The Level of service standard will be equivalent to the Department of Environmental Protection requirements for package treatment plants as identified in Rule 62-555.348 FAC located in Planned Development Projects and Developments of Regional Impact within the Urban Services Reserve Area.

The City Level of service standard for onsite septic systems will be equivalent to the County Department of Health requirements for septic systems in Planned Development Projects and Developments of Regional Impact within the Urban Services Reserve Area.

No level of service standard exists for individual private homes within the Urban Services Reserve Area.

Solid Waste Facilities

Average Solid Waste Generation Rate
Citywide 4.74 lbs per capita per day

Drainage Facilities

Citywide

Based on, Basis of Review for Surface Water Management Permit Applications, South Florida Water Management District (See Appendices I and II).

Drainage Facilities Quantity:

Design Storm (3 day duration, 25 year return frequency)

Drainage Facilities Quality:

The City adopts Chapter 17-25, F.A.C. as standards for water quality.

Potable Water Facilities

200 gallons per day/dwelling unit for areas serviced by municipal utilities.

No level of service standard exists for private self serve wells within the Urban Services Reserve Area.

200 gallons per day/dwelling unit for potable water in areas serviced by the Greater Pine Island Water Association.

Policy 1.1.2. All improvements for replacement, expansion, or increase in capacity of public facilities will be compatible with adopted levels of service.

Policy 1.1.3. All new facilities, as well as improvements to existing facilities will be designed to meet or be expandable to meet buildout system requirements.

Policy 1.1.4. ~~The Public Works Department, Utilities Division~~City will maintain procedures to ~~assure~~ ensure adequate facility capacity exists before building permits are issued.

Policy 1.1.5. ~~The Public Works Department, Utilities Division~~City will prepare annual summaries of capacity and demand information for each facility to coincide with the annual update to the Capital Improvement Program (CIP).

Policy 1.1.6. Provision by the City of centralized sanitary sewer and potable water service will be limited to the urban services infill and transition areas, as outlined in the adopted future land use map and amended annually via the plan amendment process, and to those areas where the City has a legal commitment to provide services and facilities, including, but not limited to the North Spreader Ecological Management Agreement. The City hereby designates, when feasible, a dual water system which consists of both the irrigation and domestic water supply for the extension of public water service to those portions of the Urban Services Transition Area per the future land use map as amended not currently served by both public water and sewer. ~~Consistent with this Plan, public water and/or sewer service is scheduled to be extended to these areas by the year 2013.~~ In accordance with this, the extension of public water and sewer service to these areas will include the extension of dual water service, when feasible, using non-potable sources for irrigation purposes.

Policy 1.1.7: New City of Cape Coral potable water, wastewater, and public irrigation water facilities, except for water distribution or wastewater collection facilities, shall not be located within the Coastal High-Hazard Area.

Objective 1.2: The City will maintain a five year schedule of capital improvements, to be updated annually to conform to the annual review process for the Capital Improvements Element of this plan.

Policy 1.2.1. Capital Improvements projects proposed for inclusion in the five year schedule of capital improvement needs will be evaluated by City Council or its designee. Council will, at least annually, update this schedule to ensure that public facilities and improvements are provided at adopted levels of service concurrent with growth.

Objective 1.3: The City will continue its cooperation with other local and state agencies for the inspection of on-site wastewater treatment systems.

Policy 1.3.1. Issuance of development permits will continue to be conditioned upon demonstration of compliance with all applicable federal, state, and local permit requirements for on-site wastewater treatment systems.

Policy 1.3.2. The City will coordinate with appropriate federal and state agencies to require that issuance of permits for replacement or expansion of on-site wastewater services is conditioned upon compliance with current regulatory requirements and water quality standards.

Objective 1.4: The City will make maximum use of its existing treatment/processing facilities (in each respective service area) but will construct additional facilities, in accordance with thresholds identified in the Florida Administrative Code.

Policy 1.4.1. Existing septic tanks and package treatment plants may remain in service until such time as centralized service is made available unless the continued operation of the facility poses a threat to public health, safety, or welfare.

GOAL 2: Provision of Sanitary Sewer, Drainage, Potable Water, and Solid Waste Services - the City of Cape Coral will provide sanitary sewer, drainage, and potable water facilities, and will coordinate with private and County sources for provision of solid waste facilities to meet the existing and projected needs identified in this plan.

Objective 2.1: Existing deficiencies will be corrected by undertaking the following projects:

- a) Sanitary Sewer and Potable Water
Implement Utility Expansion Program
- b) Drainage
Implement recommendations of the Master Storm Water Management Plan

Policy 2.1.1. All projects will be undertaken in accordance with the Five Year Schedule of Capital Improvements adopted as part of the Capital Improvements Element.

Policy 2.1.2. Projects needed to correct existing deficiencies will be given priority in the formation and implementation of the Capital Improvements Plan.

Objective 2.2: Projected demands through the year 2018 will be met.

Policy 2.2.1.

The City will meet projected demands by undertaking the following projects within the short-term planning timeframe:

- a. Sewer and Water Projects
 - 1. Continue to provide planning and studies necessary for orderly expansion
 - 2. North 1 Utility Expansion Program
 - 3. North 2 Utility Expansion Program
 - 4. ~~Southwest 6 Utility Expansion Program~~
 - 5. ~~Southwest 7 Utility Expansion Program~~
 - 6. 4. Construct North Cape Water Reclamation Facility
 - 7. 5. Upgrade Lift Stations
 - 8. 6. Rehab/~~Repair~~Replace Raw Water Production Wells
 - 9. 7. Southwest Bio-Solids Centrifuges
 - 10. 8. Palm Tree Water Main Extension Phase I
 - 11. 9. Palm Tree Water Main Extension Phase II
 - 12. 10. Galvanized Pipe Replacement
 - 13. 11. UCD Administration Building
 - 14. 12. Manhole Rehabilitation
 - 15. 13. Infiltration/Inflow
 - 16. 14. Weir# 4 Construction
 - 17. 15. Force main Interconnect
 - 18. 16. Fire Sprinkler Conversion (Irr to PW)
 - 19. 17. Weir# 16 and # 17 Construction
 - 20. 18. Reuse Water Main-River Crossing
 - 21. 19. ASR/Irrigation Supply Improvement

- ~~22.~~ 20. North RO Deep Injection Well
- ~~23.~~ 21. Potable Water Infrastructure Replacement
- ~~24.~~ 22. Reuse Utilities Main Extension-FGUA
- ~~25.~~ 23. SWRO Deep Injection Well
- ~~26.~~ 24. Southwest Operations Building
- ~~27.~~ 25. Analyzer Building
- ~~28.~~ 26. Retro SWRO Well Field Control/Communication
- ~~29.~~ 27. SWRO Control Systems Upgrade
- ~~30.~~ 28. Distribution System Automation

b. Solid Waste Projects

- ~~to be coordinated with Lee County~~ Future solid waste projects will be coordinated with Lee County

c. Drainage Projects

- 1. Continue to construct city-wide drainage improvements, including modification to weirs, based on the recommendation of the Master Storm Water Management Plan.
- 2. Continue to dredge the canals to provide required conveyance of storm water.

Policy 2.2.2. Projects generally will be undertaken in accordance with the schedule provided in the Capital Improvements Element of this plan and its amendments.

...

GOAL 3: Stormwater drainage provision - adequate stormwater drainage will be provided to afford reasonable protection from flooding and to prevent degradation of quality of receiving waters.

Objective 3.1: By ~~2014~~2020, the stormwater drainage regulations contained in the City's Land Use and Development regulations will be reviewed and amended to ensure that future development utilizes stormwater management systems compatible with an adopted comprehensive stormwater management plan.

CASE # TXT15-0001

CITY OF CAPE CORAL
REQUEST FOR TEXT AMENDMENT TO COMPREHENSIVE PLAN

APPLICANT

Address P.O Box 150027

City of Cape Coral

Cape Coral, Florida

Department of Community Development

Zip Code 33915-0027

Phone (239) 574-0566

AUTHORIZED REPRESENTATIVE

Wyatt Daltry, AICP, Planner IV Phone (239) 573-3160

Derek C.S. Burr, AICP, Planning Manager

This application shall include a Letter of Intent stating the nature and rationale of the proposed request, a notarized authorization from the applicant for representation at the Public Hearings, if other than the applicant and/or his/her attorney, and any and all applicable supporting documents necessary to present and clarify the proposal.

The applicant, or his/her authorized representative, agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County Laws, and certifies that all information supplied is accurate and relevant in nature to this request to the best of their knowledge.

A. John Szerlag, City Manager
Applicant's Signature

STATE OF _____

COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____ 20____, and who is personally known _ or has produced identification_____, (type of I.D. produced:_____), and who did/did not take an oath.

Notary Public

My Commission Expires:_____

CITY OF CAPE CORAL

AUTHORIZATION TO REPRESENT PROPERTY OWNER(s)

PLEASE BE ADVISED THAT Derek Burr, Planning Manager and Wyatt Daltry, Planner IV, Department of Community Development (Name of person giving presentation)

ARE AUTHORIZED TO REPRESENT ME IN THE APPEAL TO THE PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY, BOARD OF ZONING ADJUSTMENTS AND APPEALS AND/OR CITY COUNCIL FOR

Comprehensive Plan Text Amendment—EAR-based amendments
(Type of Public Hearing – i.e. PDP, Zoning, Special Exception, Variance, etc.)

BLOCK NA LOTS NA UNIT NA SUBDIVISION NA

OR LEGAL DESCRIPTION NA

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

A. John Szerlag, City Manager
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature)

PROPERTY OWNER (Signature)

State of _____
County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by an individual who is personally known _____ or has produced identification _____, (type of I.D. produced _____), and who did/did not take an oath.

Notary Public

My Commission Expires: _____

Note: Please list all owners, if a corporation, please supply the Planning Division with a copy of corporation papers.

MEMORANDUM

CITY OF CAPE CORAL
DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: John Szerlag, City Manager

FROM: Vincent A. Cautero, Community Development Director
Derek C.S. Burr, Planning Manager

DATE: July 27, 2015

SUBJECT: Comprehensive Plan Amendment – Evaluation and Appraisal letter-based amendments

The primary purpose of the proposed amendments is to update the City's Comprehensive Plan, consistent with the Evaluation and Appraisal letter that was submitted to the Department of Economic Opportunity (DEO) dated August 19, 2014. The letter determined that amendments to Cape Coral's comprehensive plan were necessary to reflect changes in state requirements, in accordance with s.163.3191(2), Florida Statutes. The list of required changes are attached to this memo; per state statute, amendments to the Plan consistent with the changes identified in the Evaluation and Appraisal letter shall be prepared and transmitted for review within one year of the submittal date of the letter.

The proposed amendments involve changes to parts of five elements in the Comprehensive Plan; the Conservation and Coastal Management Element, the Future Land Use Element, the Infrastructure Element, the Intergovernmental Coordination Element, and the Transportation Element. The transmittal of these amendments to our Comprehensive Plan will fulfill the City's obligation to amend the Comprehensive Plan in accordance with s.163.3191(2), Florida Statutes.

We are requesting your authorization in order to proceed with the proposed amendments to the Comprehensive Plan. Please review the application and the attached documents which identify the draft proposed amendments in strike-thru/underlined format. Feel free to contact Wyatt Daltry, Planning Team Coordinator, if you have any questions. Thank you for your consideration of these amendments.

DCSB/WD:wd (TXT15-0001Application)
Attachments

C: Wyatt Daltry, Planning Team Coordinator
Planning Team Coordinator