



**AGENDA  
REQUEST  
FORM  
CITY OF  
CAPE  
CORAL**

<b>Item Number:</b>	<b>B.(8)</b>
<b>Meeting Date:</b>	<b>4/17/2024</b>
<b>Item Type:</b>	<b>Public Hearings - Legislative Hearings (Note: Input received as follows: 1. City Staff presentations are limited to five (5) minutes; 2. Applicant(s) presentations are limited to five (5) minutes; and 3. Resident input is limited to three (3) minutes per individual with a maximum of sixty (60) minutes total. All three are subject to the following statement: Unless otherwise extended by City Council.)</b>

**TITLE:**

Ordinance 29-24 Public Hearing

**ORDINANCES AND RESOLUTIONS:**

**WHAT THE ORDINANCE ACCOMPLISHES:**

The ordinance amends Ordinance 46-23 to accelerate and revise the effective date of Ordinance 46-23 from December 1, 2024, to June 1, 2024, regarding irrigation systems, and amends the City of Cape Coral, Florida, Code of Ordinances, Chapter 19 "Water and Sewer Utilities," Article VII, "Water Management," by amending Section 19-90.6, "Completion of installation or substantial modification," Section 19-90.8, "Alternative Compliance," and Section 19-94, "Penalties," regarding irrigation systems and penalties for violations. (Brought forward by City Council)

**REQUESTED ACTION:**

Approve or Deny

**SUMMARY EXPLANATION AND BACKGROUND:**

City Council adopted Ordinance 46-23 on June 7, 2023, with an effective date of December 1, 2024. During the February 14, 2024, Committee of the Whole meeting, City Council directed Staff to accelerate the 2023 Conservation Ordinance and increase fines for water violations.

**STRATEGIC PLAN ALIGNMENT:**

1. Is this a Strategic Decision?

Yes

If Yes, Priority Goals Supported are listed below.

If No, will it harm the intent or success of the Strategic Plan?

**ENVIRONMENTAL SUSTAINABILITY: PRESERVE CAPE CORAL'S NATURAL RESOURCES FOR CURRENT AND FUTURE GENERATIONS**

**RECOMMENDATIONS:**

**SOURCE OF ADDITIONAL INFORMATION:**

Jeff Pearson, Utilities Director, 1-239-574-0709

**FISCAL IMPACT/FUNDING SOURCES(S)/BUDGET CONSIDERATIONS:**

1. Will this action result in a Budget Amendment?

**PREPARED BY:**

Division- Department- Utilities

**ATTACHMENTS:**

<b>Description</b>	<b>Type</b>
▣ 1. Ordinance 29-24 - updated	Backup Material
▣ 2. Business Impact Estimate	Backup Material

ORDINANCE 29 - 24

AN ORDINANCE OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING ORDINANCE 46-23 TO ACCELERATE AND REVISE THE EFFECTIVE DATE OF ORDINANCE 46-23 FROM DECEMBER 1, 2024, TO JUNE 1, 2024, REGARDING IRRIGATION SYSTEMS; AND BY AMENDING THE CITY OF CAPE CORAL, FLORIDA, CODE OF ORDINANCES, CHAPTER 19, "WATER AND SEWER UTILITIES," ARTICLE VII, "WATER MANAGEMENT," BY AMENDING SECTION 19-90.6, "COMPLETION OF INSTALLATION OR SUBSTANTIAL MODIFICATION," SECTION 19-90.8, "ALTERNATIVE COMPLIANCE," AND SECTION 19-94, "PENALTIES," REGARDING IRRIGATION SYSTEMS AND PENALTIES FOR VIOLATIONS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council adopted Ordinance 46-23 on June 7, 2023, with an effective date of December 1, 2024, regarding irrigation systems in the City; and

WHEREAS, City staff has recommended that the effective date of Ordinance 46-23 be accelerated and amended to reflect an effective date of June 1, 2024; and

WHEREAS, the Mayor and City Council hereby find 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 effective date of Ordinance 46-23 is hereby accelerated and revised to reflect June 1, 2024, for the specific geographic area that is delineated in the sketch attached hereto as Exhibit 1.

SECTION 2. The City of Cape Coral, Florida Code of Ordinances, Chapter 19, Section 19-90.6, "Completion of Installation or Substantial Modification," is hereby amended to read as follows:

**§ 19-90.6 - Completion of Installation or Substantial Modification.**

...

Property owners that install a smart irrigation system verified by the City Building Department, which meets the  $\geq 70\%$  water conservation efficiency and have smart controllers and soil sensors installed, shall receive a \$500 cash rebate from the City.

SECTION 3. The City of Cape Coral, Florida Code of Ordinances, Chapter 19, Section 19-90.8, "Alternative compliance," is hereby amended to read as follows:

**§ 19-90.8 - Alternative compliance.**

- (a) The provisions of this section shall be liberally construed to effectively carry out the purpose and intent of the City of Cape Coral Comprehensive Plan and of this Article in the interest of the health, safety, and welfare of the residents of the City.
- (b) An applicant may submit a proposal that varies from the strict application of the requirements of §§ 19-90 through 19.90.9 (also known as "alternative compliance") to accommodate unique site features or characteristics, utilize innovative design, prevent extraordinary hardship, or to promote the overriding public interest or general public welfare. The ~~Utilities Director~~ Development Services Director, or their designee, may approve an alternative compliance plan upon finding that the alternative compliance plan fulfills the purpose and intent of §§ 19-90 through 19.90.9 at least as well as a plan that strictly adheres to the requirements of §§ 19-90 through 19.90.9. When evaluating proposed alternative compliance plans, consideration shall be given to proposals which preserve native vegetation and other low water use landscape design principles and where the design ensures the maximum preservation of existing vegetation on the site. Diminished value of property or inconvenience is not an extraordinary hardship.
- (c) An applicant seeking authorization for alternative compliance shall have the burden of demonstrating to the ~~Utilities Director~~ Development Services Director, or their

designee, the reasons why the strict application of the requirements of §§ 19-90 through 19.90.9 should not apply.

- (d) Requests for alternative compliance shall be submitted as part of the Irrigation System Approval Process.
- (e) The ~~Utilities Director~~ Development Services Director, or their designee, may require a site inspection and corresponding site inspection fee for systems which are installed according to a City approved alternative compliance plan. City Council shall establish, by resolution, an alternative compliance site inspection fee.

SECTION 4. The City of Cape Coral Code of Ordinances, Chapter 19, Section 19-94, "Penalties," is hereby amended to read as follows:

**§ 19 -94 - Penalties.**

Violation of any provision of this article within a consecutive 12-month period shall result in the following penalties:

- (a) First violation: no fine.
- (b) Second violation: ~~\$100~~ 200 fine.
- (c) Third violation: ~~\$200~~ 350 fine.
- (d) Fourth and subsequent violations: ~~\$400~~ 500 fine. An irrigation dual water customer may also be disconnected and subject to a reconnection fee ~~of \$80~~. Reconnection of service shall be at the sole discretion of the City Manager or his or her designee.

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 June 1, 2024.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
JOHN GUNTER, MAYOR

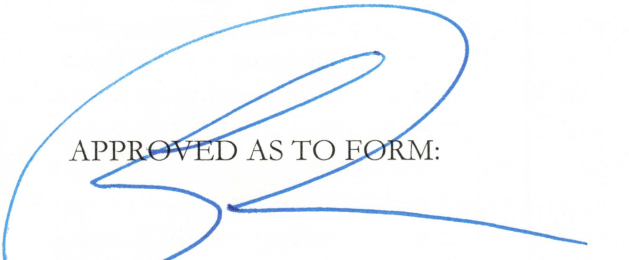
VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	CARR	_____
STEINKE	_____	WELSH	_____
SHEPPARD	_____	LONG	_____
HAYDEN	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

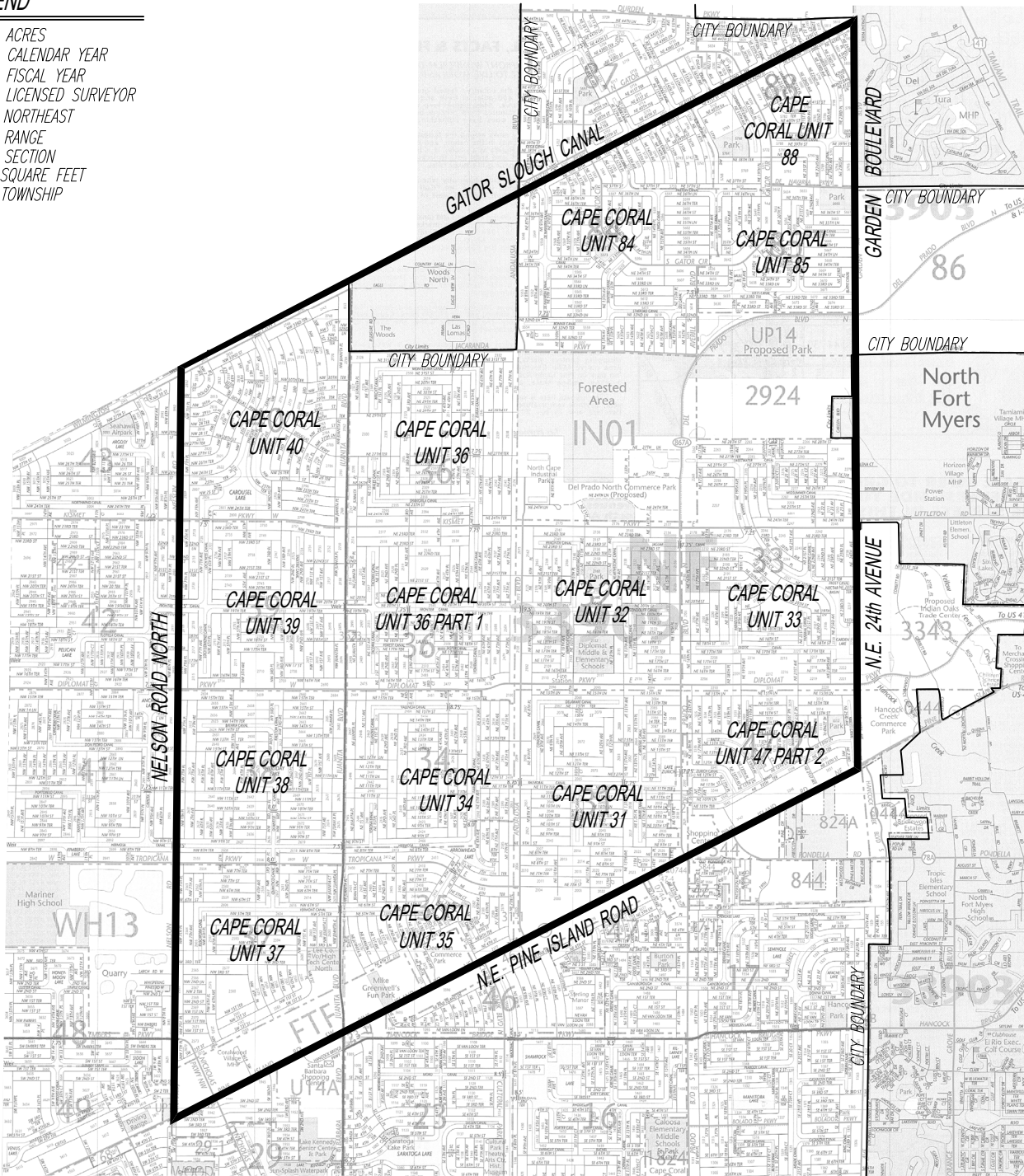
\_\_\_\_\_  
KIMBERLY BRUNS  
CITY CLERK

APPROVED AS TO FORM:

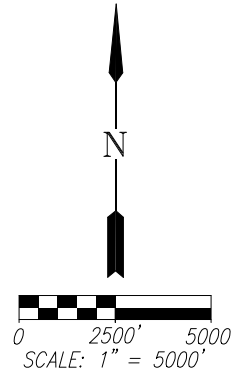
  
\_\_\_\_\_  
ALEKSANDR BOKSNER  
CITY ATTORNEY  
\_\_\_\_\_  
Ord/Irrigation Conservation

**LEGEND**

- AC. ACRES
- CY CALENDAR YEAR
- FY FISCAL YEAR
- LS LICENSED SURVEYOR
- N.E. NORTHEAST
- RNG. RANGE
- SEC. SECTION
- S.F. SQUARE FEET
- TWP. TOWNSHIP



# EXHIBIT 1



**DESCRIPTION**

LANDS WITHIN THE CITY OF CAPE CORAL, BOUNDED ON THE WEST BY NELSON ROAD NORTH; ON THE NORTH BY GATOR SLOUGH CANAL; ON THE EAST BY GARDEN BOULEVARD AND N.E. 24th AVENUE; AND ON THE SOUTH BY PINE ISLAND ROAD. SAID LANDS INCLUDE ALL OF THE PLATTED CAPE CORAL UNITS 31, 32, 33, 34, 35, 36, 36 PART 1, 37, 38, 39, 40, 47 PART 2, 84, 85, AND 88; DEL PRADO NORTH COMMERCE PARK, AND UN-PLATTED LANDS.

**SURVEYORS NOTES:**

- 1) THIS IS AN EXHIBIT, THE PURPOSE OF THIS EXHIBIT IS TO DEPICT THE VISUAL REPRESENTATION OF THE PROPERTIES SHOWN HEREON.
- 2) THIS IS NOT A SURVEY.
- 3) APPROXIMATE TOTAL AREA = 11,643 ACRES +/-

SHEET 1 OF 1

MID-HAWTHORN AQUIFER EXHIBIT  
 LANDS IN TOWNSHIPS 43 S. & 44 S.,  
 RANGES 24 E. & 25 E.  
 CITY OF CAPE CORAL, LEE COUNTY, FLORIDA  
 FIELD BOOK(S) / PAGE(S): SURVEY JOB: DRAWING NUMBER:  
 F.B. XX, P.S. XX-XX 2024-0038 CC-24-0038.DWG

PUBLIC WORKS DEPARTMENT  
 815 NICHOLAS PARKWAY EAST, CAPE CORAL, FL 33990  
 PHONE: (239) 574-0701

CY - PROJECT NUMBER:	IC
2024-0038	KA
FY - SURVEY WORK ORDER NUMBER:	IC
24-038	NEW
	SCALE: 1"=5000'

# Business Impact Estimate

Proposed ordinance's title/reference:

Ordinance 29-23 (amending 46-23) AN ORDINANCE OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING ORDINANCE 46-23 TO ACCELERATE AND REVISE THE EFFECTIVE DATE OF ORDINANCE 46-23 FROM DECEMBER 1, 2024, TO JUNE 1, 2024, REGARDING IRRIGATION SYSTEMS; AND BY AMENDING THE CITY OF CAPE CORAL, FLORIDA, CODE OF ORDINANCES, CHAPTER 19, "WATER AND SEWER UTILITIES," ARTICLE VII, "WATER MANAGEMENT," BY AMENDING SECTION 19-90.6, "COMPLETION OF INSTALLATION OR SUBSTANTIAL MODIFICATION," SECTION 19-90.8, "ALTERNATIVE COMPLIANCE," AND SECTION 19-94, "PENALTIES," REGARDING IRRIGATION SYSTEMS AND PENALTIES FOR VIOLATIONS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Cape Coral hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance seeks to amend the City of Cape Coral Code of Ordinances, specifically Chapter 19 concerning Water and Sewer Utilities, Article VII focusing on Water Management. The overarching aim of these amendments is to enhance water conservation efforts and promote the efficient use of water resources within the city.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Cape Coral, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur.

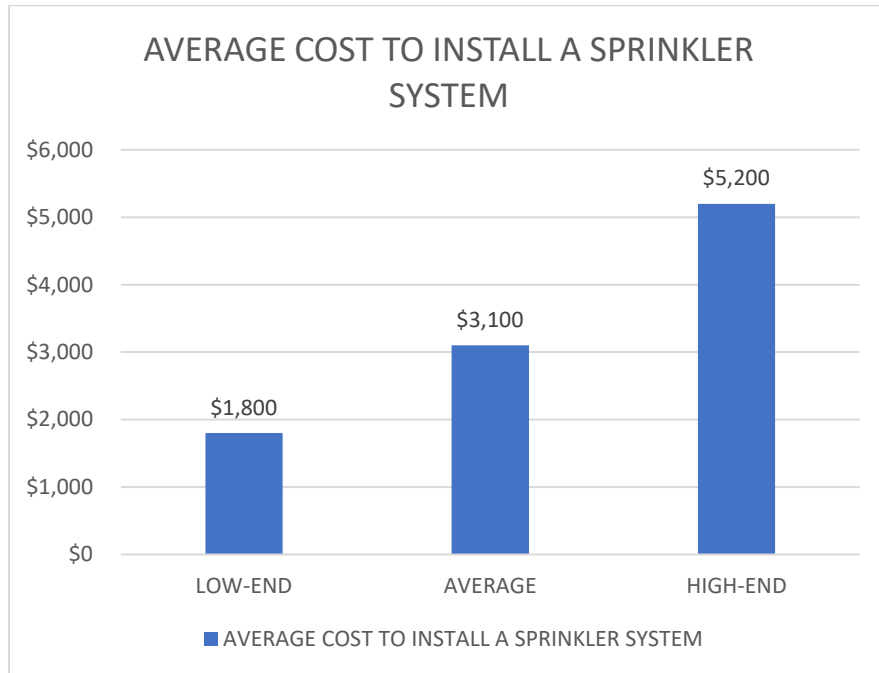
The cost implications of irrigation projects are significantly influenced by the choice between standard or custom-built structures, as well as the selection of materials ranging from high-end to low-end options. Standard installation methods and materials often offer a cost-effective solution with readily available components and simplified installation processes.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible, **No changes to the fees.**

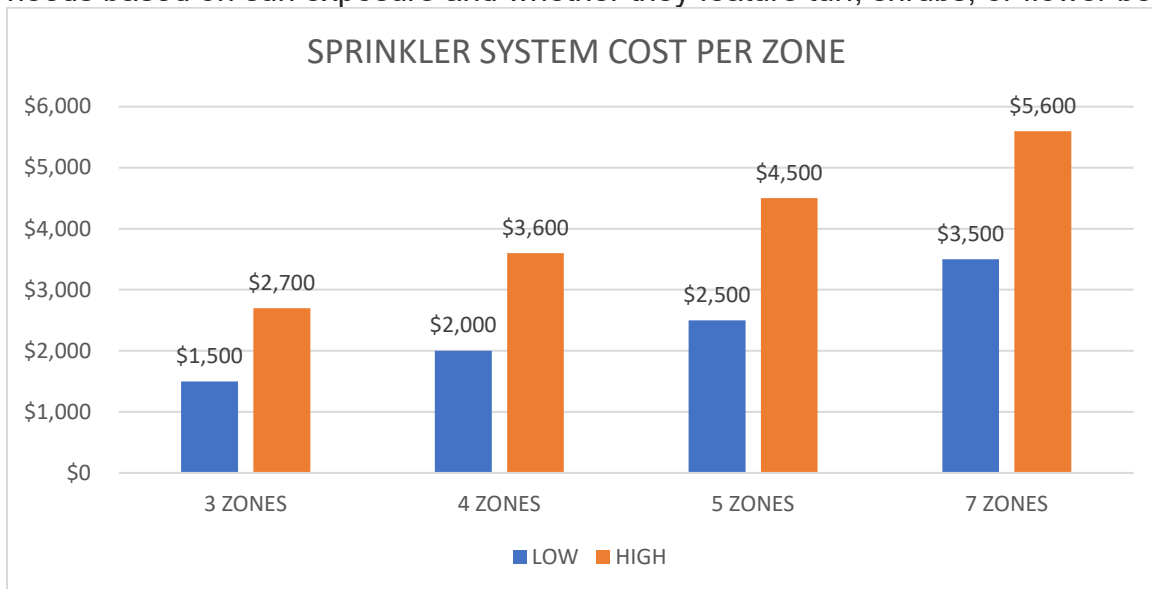
(c) An estimate of the City of Cape Coral's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

**No changes in revenues.**

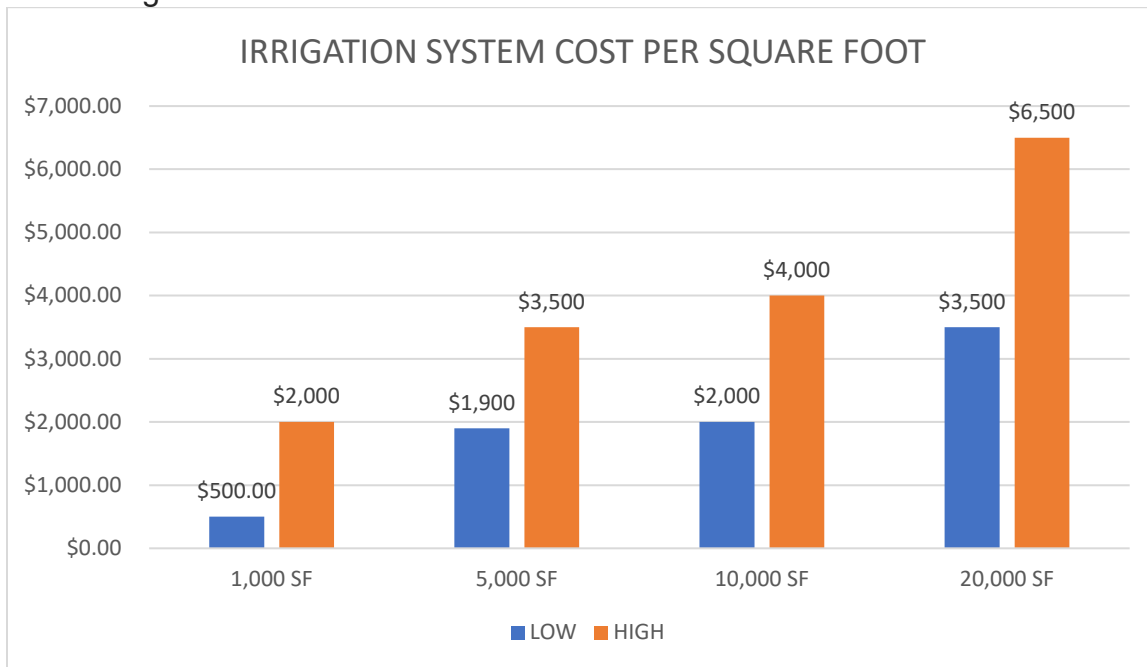
The average cost to install a sprinkler system is **\$1,800 to \$5,200**. New in-ground sprinkler systems cost **\$500 to \$1,000 per zone**. Lawn irrigation systems cost **\$6,000 to \$10,000 per acre** to install.



Sprinkler systems cost **\$500 to \$1,000 per zone** with installation. The average yard requires at least **3 to 5 zones**. Irrigation zones are areas of the yard with different watering needs based on sun exposure and whether they feature turf, shrubs, or flower beds.

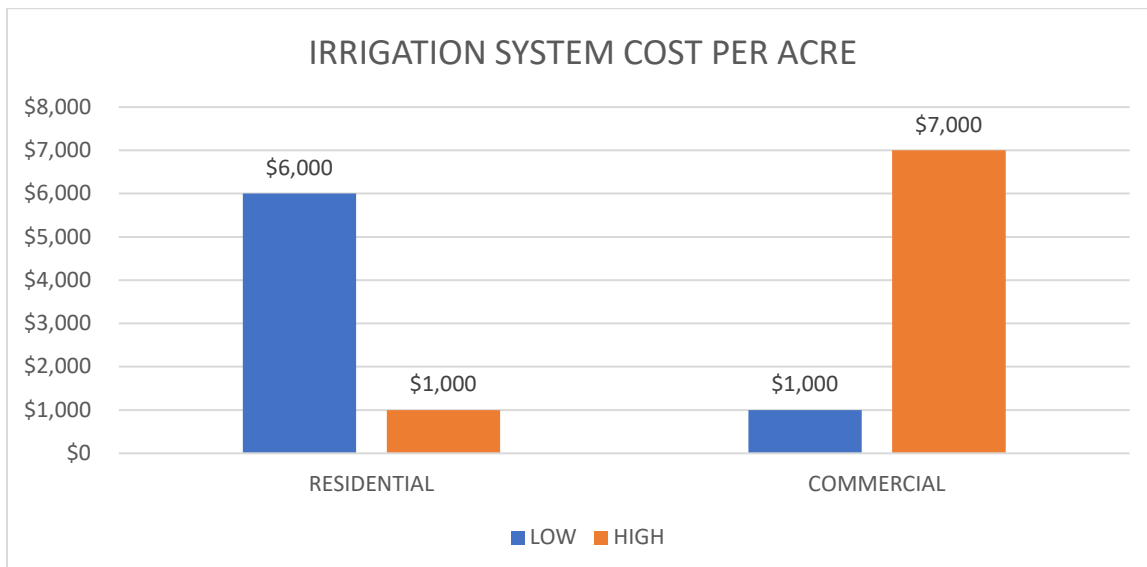


Home sprinkler systems cost **\$0.50 to \$2.00 per square foot** or **\$2,000 to \$4,000** for an average **10,000 square foot** lawn. Prices per square foot decrease as the yard size increases. Yards with multiple zones or complex installations are priced at the higher end of the range.



**Commercial vs. residential irrigation system prices.**

Commercial irrigation systems cost **\$1,000 to \$7,000 per acre** to install and typically include a combination of furrow, drip, and pivot irrigation. Commercial irrigation systems cost less per acre than residential irrigation systems because the price per acre drops for large-acreage projects.





## Cost of irrigation accessories

Irrigation accessories like smart controllers, rain or soil sensors, and irrigation filters improve a sprinkler system's performance and efficiency.

ACCESORY	AVERAGE COST	DESCRIPTION
CONTROLLER	\$30-\$100	Automates individual zones.
SMART CONTROLLER	\$60-\$300	Uses data from sensors.
RAIN SENSOR	\$20-\$90	Detects rainfall.
SOIL MOISTURE SENSOR	\$90-\$140	Detects moisture in the ground.
IRRIGATION FILTER	\$35-\$80	Keeps sprinkler free of contaminants.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Considering the scale of new construction growth in Cape Coral, it's reasonable to estimate that a considerable number of residential homes and or businesses could be impacted by the proposed irrigation ordinance.

Single Family home permits issued:

FY22 – 5,139

FY23 – 3,586

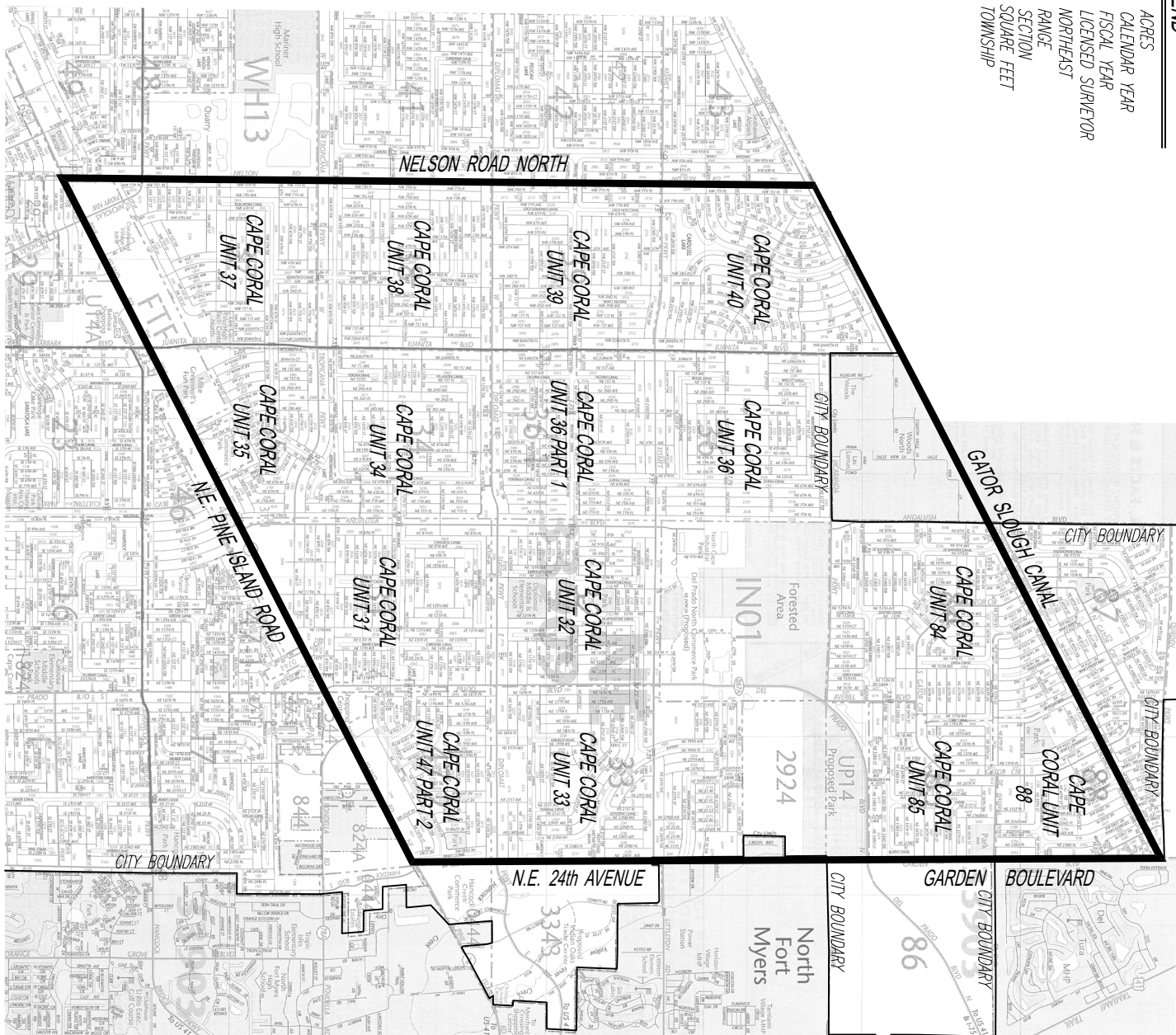
FY24 – 1,423 /to date/

4. Additional information the governing body deems useful (if any):

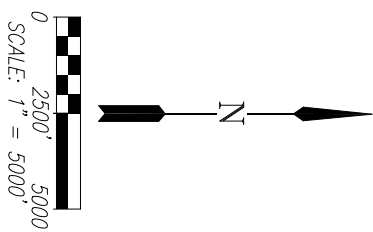
n/a

Data provided by homeguide.com.

AC.	ACRES
CY	CALENDAR YEAR
FY	FISCAL YEAR
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SHEET 1 OF 1

CY - PROJECT NUMBER:	CALCULATED BY:	KC
2024-0038	CHECKED BY:	KA
FY - SURVEY WORK ORDER NUMBER:	DRAWN BY:	KC
24-038	APPROVED:	WEN
	SCALE:	1"=5000'

FLORIDA  
PUBLIC WORKS DEPARTMENT  
815 NICHOLAS PARKWAY EAST, CAPE CORAL, FL. 33990  
PHONE: (239) 574-0701

MID-HAWTHORN AQUIFER EXHIBIT  
LANDS IN TOWNSHIPS 43 S. & 44 S.,  
RANGES 24 E. & 25 E.

CITY OF CAPE CORAL, LEE COUNTY, FLORIDA

FIELD BOOK(S) / PAGE(S):  
F.B. XX, PGS XX-XX

SURVEY JOB:  
2024-0038

DRAWING NUMBER:  
CC-24-0038.DWG



**AGENDA  
REQUEST FORM**  
CITY OF CAPE  
CORAL

<b>Item Number:</b>	<b>C.(1)</b>
<b>Meeting Date:</b>	<b>4/17/2024</b>
<b>Item Type:</b>	<b>ORDINANCES/RESOLUTIONS - Introductions</b>

**TITLE:**

Ordinance 20-24 Set First Public Hearing for May 1, 2024

**ORDINANCES AND RESOLUTIONS:**

**WHAT THE ORDINANCE ACCOMPLISHES:**

An ordinance amending the City of Cape Coral, Florida, Land Development Code, Article 4, Zoning Districts, Chapter 1, General Provisions, Table 4.1.6., Use Table, regarding social services; arcade; commercial recreation, indoor; commercial recreation, outdoor; commercial parking lot or garage; marine fuel pump; craft brewery, distillery, winery; restaurant, no drive-thru; restaurant, drive-thru; distribution center; automotive towing establishment; heliport; helistop; and live/workspace uses; by Amending Article 4, Zoning Districts, Chapter 2, Specific Regulations by District, regarding marine fuel pump; and craft brewery, distillery, winery uses; amending Article 5, Development Standards, Chapter 10, Specific Use Regulations (P\* uses in Table 4.4) regarding marine fuel pumps; and by amending Article 11, Definitions, Chapter 1, General Provisions, Section 11.2., Definitions, regarding amusement games or machines, arcades, automotive towing establishments, community centers, distribution centers, junkyards, live/workspaces, marine fuel pumps, professional services, social services, solid waste transfer stations, and yards. (Brought forward by City Management)

City Planning Staff Recommendation: Approval

Planning and Zoning Commission Recommendation: Approval

**REQUESTED ACTION:**

Introduction

**SUMMARY EXPLANATION AND BACKGROUND:**

Ordinance 20-24 amends Articles 4, 5, and 11 of the Land Development Code (LDC). In summary, the proposed amendment will add new uses to the LDC, expand existing uses to one or more new zoning districts, and eliminate one existing use from the use table. This amendment also includes formatting changes to Table 4.2.11. that pertains to the Commercial Corridor District and proposes both new and amended definitions to Article 11. The proposed uses will provide new businesses opportunities for property owners and have the potential to increase the mix of goods and services added to the local economy. The majority of these uses are recommended for zoning districts where related uses already exist, and thus compatibility concerns with neighboring zoning districts is expected to be minimal. In limited instances, concerns with incompatible land uses will be further addressed by classifying the use as a special exception or through the adoption of new special regulations. This amendment will provide property owners with greater flexibility, reduce ambiguity and provide needed clarify to the LDC, while promoting the health, safety, and welfare of the community.