
SPIKOWSKI PLANNING ASSOCIATES

1617 Hendry Street, Suite 416
Fort Myers, Florida 33901-2947

telephone: (941) 334-8866
fax: (941) 334-8878

e-mail: bill@spikowski.com
web site: www.spikowski.com

MEMORANDUM

TO: Chet Hunt, Executive Director, Cape Coral CRA
FROM: Bill Spikowski
DATE: December __, 2002
SUBJECT: Cape Coral Downtown Code Revisions — Final Submittal

On behalf of Dover, Kohl & Partners and Spikowski Planning Associates, this memorandum transmits the final versions of the revised land development regulations for the Cape Coral Community Redevelopment Agency. These documents are now ready to formally submit to the City of Cape Coral. Copies of these documents are also available in electronic format from <http://www.spikowski.com/capecoral.htm>

Included in this package are the following documents:

- < The complete text of the proposed code, including graphics, in final ordinance format.
- < A map showing the proposed application of the three new Downtown zoning districts to land within the existing and proposed CRA boundaries.
- < The complete text of the proposed code, including graphics, in the original format (matching the first two drafts of this code); the original formats contain some text from the existing code that places the new language in more context than the ordinance format.
- < A poster that can be displayed at city offices to explain to the public how the color palette is used for selecting paint colors.

We have carefully reviewed all of the written and verbal comments that were received on the second draft of this code (dated September 27, 2002), including the discussions of your board on October 23 and later discussions with city staff and landowners. The chart on the following pages summarizes all significant changes that were made to the second draft; the section references apply to both versions of the code, and the page references refer to the original format.

<u>PAGE</u>	<u>SECTION</u>	<u>PROPOSED CHANGE IN FINAL DRAFT</u>
Map	Legend	<ul style="list-style-type: none">■ Added a footnote to the “Existing Zoning to Remain” legend item that reads as follows: “Regulations of the new Downtown zoning districts will not affect properties where the existing zoning remains, even where the property is included within the CRA boundary.”■ Changed the name of the “Downtown General” zoning district to “Downtown Edge.” (This same change has been made throughout this code.)■ Corrected a mapping error on the existing CRA boundary near _____.
3	2.7.12.A	Revised purpose and intent language of the Downtown Core district to match the new format being used for all other zoning districts in the Cape Coral land development regulations.
3	2.7.12.B	Modified the list of permitted uses in the Downtown Core district as follows: <ul style="list-style-type: none">■ Restricted <i>Animal Kennel</i> to indoors only.■ Moved <i>Automobile Parts Store</i> to Downtown General only.■ Deleted <i>Dwelling Unit, Duplex</i> and modified other dwelling unit terminology to more closely match the remainder of the Cape Coral code.■ Eliminated <i>Crematory</i> from <i>Mortuary & Funeral Home</i> listing.
4	2.7.12.C	Modified the list of special exception uses in Downtown Core as follows: <ul style="list-style-type: none">■ Limited <i>Storage, Indoor</i> to 20,000 square feet■ Changed the parenthetical language after “Drive-Thru Facility” to eliminate redundancy by referencing Section 2.7.15.A.2.
5	2.7.12.D	For the Downtown Core district: <ul style="list-style-type: none">■ Under “Build-to zone / Built-to line,” moved and expanded the exception language into Section 2.7.15.A.3 so that it applies to the other two Downtown zoning districts as well.■ Under “Rear setback,” added a reference to new alley standards in Section 5.1.8.D.■ Under “Building frontage,” clarified that the minimum widths are measured at the building frontage within the build-to zone.■ Under “Parking location,” reworded the text to make it clearer that the requirements for concealing parking structures are found in Section 5.1.8.C.■ Under “Building Height,” lowered the minimum building height from 3 to 2 stories, except for buildings along Cape Coral Parkway.
6	2.7.13.A	Revised purpose and intent language of the Downtown Gateway district to match new format.

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6	2.7.13.D	<p>For the Downtown Gateway district:</p> <ul style="list-style-type: none">■ Under “Build-to zone / Built-to line,” added a reference to exceptions now contained in Section 2.7.15.A.3.■ Under “Rear setback,” reduced the rear setback to 10 feet along bodies of water and added a reference to new alley standards in Section 5.1.8.D.■ Under “Building frontage,” clarified that the minimum widths are measured at the building frontage within the build-to zone and reduced the building frontage requirements for canalfront lots from 50% to 30%.■ Under “Building Height,” added a reference to single-story “large footprint buildings” in Section 2.7.15.A.4.■ Under “Parking location,” reduced the minimum spacing of parking spaces from 30 feet to 20 feet; clarified that parking may occur forward of accessory buildings but not principal buildings; and reworded the text to make it clearer that the requirements for concealing parking structures are found in Section 5.1.8.C; and■ Eliminated the term “small-footprint tower.”
7	2.7.14.A	<p>Revised purpose and intent language for the Downtown Edge district to match the new format.</p>
7	2.7.14.C	<p>Modified the list of special exception uses in Downtown Edge as follows:</p> <ul style="list-style-type: none">■ Eliminated <i>Mini-Warehouse</i>.■ Limited <i>Storage, Enclosed</i> to fenced storage space that is not visible from the street.
8	2.7.14.D	<p>For the Downtown Edge district:</p> <ul style="list-style-type: none">■ Under “Build-to zone / Built-to line,” added a reference to exceptions now contained in Section 2.7.15.A.3.■ Under “Rear setback,” added a reference to new alley standards in Section 5.1.8.D.■ Under “Building frontage,” clarified that the minimum widths are measured at the building frontage within the build-to zone.■ Under “Parking location,” reworded the text to make it clearer that the requirements for concealing parking structures are found in Section 5.1.8.C.■ Under “Building Height,” added a reference to single-story “large footprint buildings” in Section 2.7.15.A.4.■ Under “Architectural Elements,” added a note that the minimum length/width percentages do not apply in the Downtown Edge district.

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8	2.7.15.A.1	<ul style="list-style-type: none">■ Replaced the term “civic sites” with “civic buildings.”■ Reworded the examples of civic buildings to clarify the intent of this provision (also see the new definition of “civic building” in Article XI).■ Eliminated daycare centers from the list of civic buildings.
9	2.7.15.A.3	Add language to “Exceptions From Build-To Lines” that was moved here from the Downtown Core district and expanded the exceptions to allow more flexibility in building frontages, with special provisions for those blocks where utility lines adjoin the right-of-way rather than having been placed in alleys.
9	2.7.15.A.4	Reworded the narrative for large-footprint buildings for clarity.
10	2.7.15.B.1.d	Added language that requires awnings to be one of the colors that is acceptable for paint.
12	2.7.15.B.3.	<ul style="list-style-type: none">■ Changed the spacing between the curblineline and the outside face of colonnades/arcades to 24" minimum, 40" maximum.■ Reworded narrative for clarity.■ Eliminated redundant language and modified terminology for pre-construction agreements for buildings that will extend over the sidewalk.
16	2.7.15.C.1	Revised purpose and intent language to match the new format.
16	2.7.15.C.2.a	Add a new subsection 2.a. to provide regulatory language for building heights (formerly in the definitions in Article XI).
16	2.7.15.C.2.b	Allowed chain link fencing when it will not be visible from a public street (for instance, behind buildings and along alleys).
17	2.7.15.C.3.b	Allowed synthetic stucco (EIFS) on second floors and above.
17	2.7.15.C.4.b	Added aluminum as an acceptable material for railings.
18	2.7.15.C.5.b	Clarified standards that the director would use to evaluate requests to modify the spacing of entrance doors.
18	2.7.15.C.6	Subsection 6 on paint colors has been extensively revised. It now includes more specificity as to which colors on the color palette are acceptable and which are not, and provides a method for replacing the color palette through time as paint names and numbers evolve. It also states that these color regulations also apply to awning colors.
19	2.7.15.C.7.b	Deleted cedar shakes as an acceptable roofing material.

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20	2.7.15.C.8.b	Modified “Garden Walls, Fences & Hedges” as follows: <ul style="list-style-type: none">■ Reworded narrative for clarity.■ Added a maximum height of 8' for fences in side and rear yards.■ Improved the diagram to remove ambiguities.
20	2.7.15.C.8.c	Added aluminum as an acceptable material for fences.
20	2.7.15.C.9	Added a new subsection 9 that refers the reader to the new dry-floodproofing requirements for commercial buildings that are found in Section 6.5.B.2.b.
20-21	2.7.15.C.10	Added a new section on swimming pools that is substantially the same as proposed in the interim CRA ordinance.
21	2.7.15.D.1	Revised purpose and intent language to match the new format.
21	2.7.15.D.2.a	Clarified that the size of these signs will be limited by the size restrictions in the existing sign code (Article VII).
21	2.7.15.D.2.b	Clarified that the size of these signs will be limited by the size restrictions in the existing sign code (Article VII).
21	2.7.15.D.2.c	Clarified that the size of these signs will be limited by the size restrictions in the existing sign code for building-mounted signs (Section 7.10.2.A).
29	3.22.5.B	Space is provided here for city officials to insert language on utility-owned power lines.
30	4.1.2.A	<ul style="list-style-type: none">■ Added language to subsection 1 to clarify that plat approvals must comply with all requirements of Chapter 177, Florida Statutes.■ Reworded subsection 3 to clarify that the PDP process is only mandatory on certain properties in the C-1, C-3, and P-1 zoning districts; this requirement does not apply to land in any other zoning districts (such as any of the three new Downtown zoning districts).
36	4.4.4.I	Following consultation with SFWMD staff on surface water management issues, the following changes have been made: <ul style="list-style-type: none">■ The alternate language for <i>mandatory</i> underground drainage has been dropped.■ If a landowner chooses to use a surface impoundment instead of underground drainage, those impoundments can only be placed in rear yards.■ Language throughout this subsection has been clarified.
39	5.1.8.C.2	Added new language regarding any exposed facades of parking structures.

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39	5.1.8.D	Expanded Figure 5-2 and added new requirements to the text regarding maneuverability in alleys and potential widening of narrow alleys.
	6.5.B.7.v	After consultation with city staff regarding their plans to propose other modifications to Cape Coral's floodplain regulations, the new draft contains the following changes that combine the CRA changes and city-wide changes into this ordinance:
42		■ Regarding the proposed language for determining market value of existing buildings, the language previously on page 44 (Section 6.5.7.v.C) has now been made into a definition on page 42 (Section 6.2) and will apply throughout the city, not just in the CRA.
43-44		■ Regarding the time period where the value of cumulative improvements to buildings must be combined, we are still proposing that the current 10-year rule be reduced to 3 years for the CRA; this latest draft changes the 10-year rule to 5 years for the rest of the city, as requested.
43		■ A version of the previous "alternate" language on page 43 has been incorporated into the main requirements for dry floodproofing of commercial buildings (Section 6.5.B.2.ii).
44-45		■ Other city-wide changes are included here, as requested: eliminating the first footnote from Table 1; requiring electric meters to be placed above BFE in V (wave velocity) zones; and requiring the including of BFE data in all development applications.
48-49	7.12	Added new language regarding signs that are made nonconforming by adoption of this code.
51-52	XI	■ Added definitions of <i>arcade</i> , <i>awning</i> , <i>balcony</i> , <i>canopy</i> , <i>civic building</i> , <i>colonnade</i> , <i>cornice</i> , <i>courtyard</i> , <i>cupola</i> , <i>DesignDowntown Master Plan</i> , <i>expression line</i> , <i>plaza</i> , <i>porch</i> , and <i>stoop</i> . ■ Modified definitions of <i>build-to line</i> and <i>build-to zone</i> .

Please direct any questions to me or to Amy Groves, Margaret Marshall, or Victor Dover of Dover, Kohl & Partners.