

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. 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 2020, while the long-term planning horizon shall be the year 2035.

Policy 1.1: 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, 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: Reserved.

Policy 1.7: 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.

Policy 1.9: The City will issue no development orders or construction permits, which result in a reduction in the level of service for any affected public facility below the level of service standard adopted in this comprehensive plan.

Policy 1.10: The City will maintain and modify regulations as necessary, which create a Transfer of Development Rights (TDR) mechanism that may be used to acquire lands for public use, and to create commercial and industrial tracts for private use. In utilizing the Transfer of Development Rights (TDR) Program, the City of Cape Coral shall ensure that no net increase in density or increase in hurricane evacuation clearance time will occur within the coastal high-hazard area.

Policy 1.11: The City will continue to conduct studies to ascertain the feasibility of implementing alternative mechanisms to aid and encourage the de-platting of platted lands, and to encourage the acquisition and assembly of land for public uses.

Policy 1.12: The City will continue to conduct commercial land needs studies to identify potential areas of the City, which could accommodate commercially designated land, and then amend the Future Land Use Map, consistent with the studies, findings, and recommendations, and other provisions of the Comprehensive Plan.

Policy 1.13: In establishing commercial siting guidelines, it is the intent of the City of Cape Coral to discourage new “strip commercial” development. Strip commercial development, for the purpose of this policy, is often, but not always, linear in orientation, typically generates high volumes of traffic (often associated with separate vehicular entrances and exits for each property on the primary street), may have poor or undefined pedestrian path systems that create conflicts between pedestrian and vehicular movements, and generally lacks sufficient onsite space to accommodate normal parking and loading activities. In discouraging new strip commercial development, the City shall also seek to limit or reduce traffic conflict points along arterial and collector roadways, to promote pedestrian-friendly development, and to create synergistic, compact patterns of commercial development.

To achieve this intent, the City will utilize commercial siting guidelines as a basis for considering the appropriateness of placing the Commercial/Professional (CP), Mixed Use (MX), Commercial Activity Center (CAC) and Highway Commercial (HC) future land use classifications at various locations. “Commercial siting guidelines,” in the sense used herein, refers to guidelines for evaluating potential locations for non-residential (except industrial) development within the above-referenced future land use classifications. The City will also complement its consideration of potential commercial lands; by utilizing the policies contained in Future Land Use Objectives 2 and 3 and Policy 1.12 of this comprehensive plan. Finally, the City of Cape Coral’s commercial siting guidelines shall be based on the ideal concept of a “commercial node.”

Commercial nodes may be defined as a compact concentration of commercial land within a relatively small area. Ideally, such nodes are located around or in the vicinity of intersections of major city roadways (typically, 4 or more lane divided parkways and boulevards). The City recognizes that commercial areas may periodically develop distant from a major intersection, as some intersections (particularly of arterials and collectors) may have insufficient undeveloped property (in the vicinity of the intersection) to allow for development of larger commercial centers. Such outlying commercial development can be useful in providing neighborhood commercial centers, professional buildings or office parks to serve a variety of local needs.

Preferably, however, commercial nodes should begin as a concentration of commercial properties adjacent to a major intersection. Once the node is established, it is difficult to define how far from the intersection subsequent commercial expansion should reach. It is also difficult to define the types of future land uses that should exist between nodes. The application of hard and fast rules is not appropriate as each area of the City is unique and has specific conditions and limitations that must be addressed.

The ideal commercial node development pattern thus would consist of commercial land located at the intersection of arterial and/or collector streets in a relatively compact manner. The use of the word, “compact,” should not be construed to imply that development is small or limited in size. Instead, “compact,” relates to the form and interrelatedness of the commercial land uses within the commercial node. The commercial node should not only extend along the roadway but should also incorporate property to the rear of the road frontage. Such a pattern is referred to as “depth.” The ideal pattern can be characterized by a 1:1 ratio of width to depth of the parcels (e.g., 100 feet of width per 100 feet of depth). Thus, the shape of the node (e.g., whether square or ribbon) can increase or decrease the potential for interrelatedness of uses. Increased depth also enables the development to accommodate adequate parking, buffering, retention, and open area for commercial development. Ideal commercial nodes provide limited access to the arterial roadway while providing interconnections between the various commercial uses within the node.

Policy 1.14: The City of Cape Coral’s commercial siting guidelines are based upon comparison of the locational characteristics of a property proposed for conversion to a commercial future land use classification with the ideal commercial node concept, as described in Policy 1.13, above. The guidelines are also based upon the need to maintain compatibility between commercial development and adjacent or nearby residential future land use classifications. Additional guidance for consideration of such properties is contained in Future Land Use Objectives 2 and 3 and Policy 1.12 of this comprehensive plan. Within this broad, general context, consideration of properties proposed for conversion to a commercial future land use shall be based upon the following commercial siting guidelines:

Commercial Siting Guidelines

Major Intersection

Preferred locations for commercial properties are in the vicinity of major intersections (i.e., intersections of two or more arterial and/or collector roadways). Development of a commercial node at such an intersection may involve multiple parcels and, sometimes, multiple quadrants of the intersection. The benefits derived by having commercial properties located in the vicinity of the intersection diminish with distance, but the distance at which a property ceases to derive benefit from proximity to the intersection varies, based upon whether the subject property would represent a “new” commercial property (a commercial property not abutting any existing commercial properties) or an expansion of an existing commercial area. New commercial properties should preferably be located adjacent to the intersection, while commercial properties that clearly represent an expansion of an existing commercial area can be any distance from the intersection, provided that such

properties are integrated with existing properties (see below: Integration).

Adequate Depth

Ideally, a commercial property should extend not only along the adjacent collector or arterial roadway, but also should extend inward with adequate depth to accommodate the necessary parking, buffering, retention, and open area for the future commercial development. In Cape Coral, most City blocks are rows of back-to-back lots approximately 250 feet deep. Ideally, then, adequate depth is achieved if any number of contiguous properties, owned by the same landowner (see Ownership Pattern, below) occupy the entire 250 feet of depth. Adequate depth would not be achieved if the subject properties have different owners or if the contiguous properties are not reasonably compact (see below).

Compactness

Compactness measures the ability of a property proposed for a commercial future land use to take advantage of economies of scale. The shape of an ideal compact commercial property approaches that of a square or rectangle. This quality allows for an orderly arrangement of development on the subject property and acts to reduce adverse visual, noise or aesthetic impacts to neighboring properties.

Integration

Integration, for the purposes of these guidelines, refers to the interrelatedness of development within a commercial node or area. The presence of features, such as internal access roads, shared parking, courtyards, walkways, or other features, binds the various commercial properties within the node together. This pattern of development reduces the traffic impacts associated with commercial development and often promotes a pedestrian-friendly environment. Integration of neighboring commercial properties should always be encouraged. Therefore, properties proposed for conversion to a commercial future land use should be evaluated for the likelihood that such properties would or could be integrated with adjacent existing commercial properties.

Assembly

For commercial areas to provide the most benefit to the surrounding community, they must be of relatively large size. The majority of buildable lots within the City of Cape Coral are approximately 10,000 square feet (0.23 acre) in size. These lots were designed primarily for single family residential development and do not typically have adequate width or depth for larger commercial developments that might serve the City as shopping and/or employment centers. Therefore, it is important for the City to encourage commercial applicants to assemble relatively large parcels (properties comprising 3 acres or more). Assembly of pre-platted parcels into tracts of 3 acres or more will promote the development of commercial properties that do not express the indicators of strip commercial development. Assembly of larger parcels also allows the developer to provide a greater variety of commercial land uses, and to provide architectural and landscape features that result in a more attractive end-product.

Properties proposed for conversion to a commercial future land use, where such properties would represent an expansion of an existing commercial area may be considered “assembled,” for the purposes of these guidelines if the proposed expansion properties are either owned by the landowner of one or more adjacent commercial properties, or if the expansion property is likely to be integrated with (see above) adjacent commercial properties.

Intrusion

“Intrusion,” as defined for the purpose of these guidelines, is a measure of the objectionable qualities of the proposed commercial development. This guideline applies primarily to new commercial property (a property proposed for conversion to a commercial future land use in an area where it would not abut existing commercial properties). Intrusion evaluates the potential adverse impacts on surrounding properties that could be caused by converting a property from its existing future land use to a commercial use. There are no hard and fast guidelines for determining when a proposed commercial use would be intrusive to surrounding development. However, expansions of existing commercial areas are generally considered less intrusive than the establishment of new commercial areas. Commercial areas may be considered less intrusive to adjacent multi-family development than to adjacent single family development. Commercial development that is separated from a residential area by a street, canal, a vegetative buffer, or other geographic features, may be considered less intrusive than commercial development that directly abuts a residential area. The degree of compactness (see above) of a commercial property can also reduce or increase its intrusion upon adjacent or nearby properties.

Typically, new commercial properties (properties proposed for conversion to a commercial future land use classification, which do not abut existing commercial properties) are less likely to be considered intrusive if the surrounding or adjacent residential areas are sparsely developed. While intrusion is subjective and depends on many factors, a rule of thumb is that the proposed commercial property would not likely be intrusive if adjacent residential areas are 25% or less developed. The area analyzed to determine the percentage of adjacent residential development may vary from 300 feet to 1,000 feet from the subject property, depending upon the degree to which streets, canals, landscaping or other geographic features separate the subject property from nearby residential areas.

Access

In the City of Cape Coral there are two ideal access provisions for a commercial property. If a subject property would meet the requirements for one or more of these provisions, the creation of a commercial future land use at the proposed location should be encouraged. These provisions are as follows:

- a) Access via a platted City parking area. The City of Cape Coral contains a number of dedicated commercial parking areas; some created by plat, and some deeded to the City by landowners. The Comprehensive Plan and City Land Use and Development Regulations refer to these as “dedicated City parking areas.” These parking areas are often surrounded by smaller platted lots originally intended for commercial development with access to these lots only, or primarily, from the dedicated City

parking area. In implementing this provision, it may sometimes be in the City's interest to promote conversion of a dedicated City parking area to a fully functional commercial development (i.e., a portion of the dedicated parking area would become a commercial building site) in return for the applicant's agreement to own and manage the site.

- b) Direct access onto an arterial or collector roadway having an adopted City access management plan. The City has adopted access management plans for certain arterial and collector roadways. Access management plans serve to facilitate mobility of the traveling public; therefore, such roadways more readily accommodate the impacts of commercial development than roadways without such access management plans.

Ownership Pattern

An ideal commercial node is a cohesive, compact, interrelated network of commercial properties. Properties proposed for conversion to a commercial future land use, which properties consist of multiple parcels, or groups of parcels, under multiple ownership are unlikely to develop as a true "commercial node." Instead, these properties are more likely to develop as separate, small commercial developments with multiple access points, leading to adverse, unsafe traffic conditions. Each small development may also have its own stormwater management pond, dumpster, and an appearance and/or landscaping design that is inconsistent with surrounding development. This pattern is a characteristic of strip commercial development (see Policy 1.13, above). Therefore, the City of Cape Coral encourages land owners and developers to assemble the properties involved in a commercial future land use request under common ownership. Multiple, small properties under separate ownership, even if such properties are included in a single future land use amendment request, may not be appropriate for the full array of commercial uses.

APPLICATION OF GUIDELINES:

Dual purpose

The dual purpose of the above guidelines is to direct commercial development to appropriate locations (commercial nodes) and to prevent the propagation of new strip commercial centers. The development of new strip commercial centers and the expansion of existing strip commercial centers should be discouraged.

Comparison to Ideal "Commercial Node"

In utilizing the above guidelines to evaluate a proposed commercial property, the City is, in effect, comparing each proposed commercial future land use location to the concept of an ideal "commercial node." While one of the above guidelines may sometimes be the primary factor in evaluating a potential commercial location, it is in most instances the combination of various factors that is important. It is the evaluation of this combination of factors, in order to develop an overall assessment of the subject property, which will enable Staff, the Planning and Zoning Commission and the City Council to determine whether or not the siting of a proposed commercial future land use on the subject property is consistent with the intent of the City's Comprehensive Plan.

In context with the remainder of the Comprehensive Plan

It is also important to note that consideration of the commercial siting guidelines is in addition to all other analyses required by Florida Statutes and the Florida Administrative Code for future land use map amendments. In addition to evaluating a property's consistency with the above guidelines, the City will continue to provide, or request applicants to provide, environmental and protected species analysis, transportation impact analysis and public facility capacity (concurrency) review for all future land use map amendments.

The commercial siting guidelines should be considered in light of all other factors typically evaluated within a future land use amendment request. Thus, a request, which results in an unfavorable evaluation of the commercial siting guidelines, may receive a favorable recommendation from staff, based upon other factors not considered by the guidelines. Likewise, staff may recommend denial of a project that receives a favorable evaluation of the guidelines, if other factors (again, not considered by the guidelines) appear not to be favorable.

RELATION TO DEVELOPMENT REVIEW PROCESS

In reviewing a subject property as a proposed location for a commercial future land use, the application of some of the above guidelines may depend upon the reviewer making reasonable assumptions, based upon his or her experiences, concerning the ultimate nature of the proposed land use. A decision as to whether to approve a proposed commercial future land use at a subject location cannot legally be conditioned under Florida Statutes. Therefore, it shall be the function of the City's development review processes to ensure that the plan of development ultimately approved for the subject parcel is consistent with the intent of the City's commercial siting guidelines. In assessing such consistency, the development review process shall consider the following factors:

- A. Integration of vehicular and non-vehicular access into the site and access management features of the site in terms of driveway cuts and cross access between adjacent sites, including use of frontage roads and/or shared access, where feasible;
- B. Buffering from adjacent existing/potential residential future land uses, including, but not limited to site/building design features and impacts of street/right-of-way vacations;
- C. The degree of compactness of the subject property, and the impact of the property boundaries on adjacent properties.
- D. Open space provisions and balance of proportion between gross floor area and site size;
- E. Adequacy of pervious surface area in terms of drainage requirements;

- F. Placement of signage;
- G. Adequacy of site lighting and intrusiveness of lighting upon the surrounding area;
- H. Safety of on-site circulation patterns (patron, employee and delivery vehicles), including parking layout and drive aisles, and points of conflict;
- I. Landscaping, as it relates to the requirements of the Comprehensive Plan and Land Use and Development Regulations;
- J. Unique features and resources which may constrain site development, such as soils, existing vegetation and historic significance; and
- K. With regard to issues of public facility capacity, there are a number of issues associated with City utility systems (potable water, wastewater and irrigation). These systems do not yet exist within most of the City's Urban Reserve Services Area, while in other areas, the utility systems were designed to serve residential development and may be incapable of handling the demands presented by a large commercial project. Since future land use map decisions, by State Statute, cannot be conditioned upon an applicant's agreement to construct or repair public facilities (or, for that matter, any other factor), it is important for the City's development review processes to evaluate the impacts of a proposed commercial development in relation to the adequacy of the utilities infrastructure that would serve the project. Development approvals should be conditioned upon the applicant constructing, or otherwise contributing to the construction of, the necessary public utilities.
- L. Impacts of existing or projected transportation infrastructure on the proposed location.
- M. Whether the project has been submitted as a Planned Development Project (PDP), Site Plan, or enhanced buffering project and how such submittal affects the above factors (A – L).
- N. Other factors as may be required by the Land Use and Development Regulations.

Policy 1.15: Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.

- a. Single Family Residential: Sites of 10,000 square feet and greater, with densities not to exceed 4.4 units per acre.
- b. Multiple Family Residential: Not more than 16 units per acre. (Exception: the City may permit as many as 20 units per acre as an incentive for the assembly of large parcels). The development of multiple-family projects in the Urban Services Reserve Area is also subject to the terms of Policies 7.7 and 7.8, below.

- c. Commercial/Professional (CP): Intensities of use in the Commercial/Professional land use classification shall not exceed a floor to lot area ratio (FAR) of 1.0. Density, as permitted within the Flexible Development Overlay District (see below), shall not exceed 16 units per acre. (Note: Zoning districts compatible with this classification may also be used in conjunction with the Mixed Use (MX) future land use classification. When used in conjunction with the MX Classification, densities, intensities and other parameters, as described for these districts may differ from those described for the CP Classification.) Permitted uses will ultimately depend upon the zoning district of the subject parcel. Generally, three zoning districts are found in the Commercial/Professional future land use classification. However, the City may develop additional zoning districts, compatible with the CP future land use classification, in the future.

The Professional Office (P-1) District is designed to provide professional office and other compatible development in areas that are suitable for such activities. The P-1 District is appropriate for development of both small-scale and large-scale office or professional development projects, or projects containing uses compatible with such development. The intensity of development within this district is based upon the size (including width, depth and compactness) and location of the subject property, as well as on compatibility with adjacent future land use classifications and zoning districts.

The Professional Business (P-2) District is designed to promote the development of major professional and related office complexes that complement nearby commercial and professional development, and to allow a limited array of commercial uses generally compatible with professional uses. The P-2 District is particularly suitable in neighborhoods adjacent to Pedestrian Commercial (C-1) Districts where there is good potential for walkability between office uses, food services, and certain other businesses that provide services to the owners, employees, and patrons of the office and professional uses developed in an urban form. Preferred locations for the P-2 District are neighborhoods consisting of multiple blocks; however, the District may also be suitable for the establishment of smaller areas, where intense professional or compatible development is warranted.

The Pedestrian Commercial (C-1) District is designed to facilitate a broad variety of large or small commercial uses. Uses allowed in the C-1 District range from a variety of small or neighborhood-based commercial uses to larger retail or service uses, which may serve a relatively large trade area and, which may be developed as major shopping facilities. As many commercial uses have the potential to generate relatively high levels of vehicular trips from customers and sometimes delivery vehicles, preferred locations for the C-1 District have direct access onto arterial or collector roads and adequate depth (a minimum of 250 feet) for larger-scale development.

In certain locations, fragmented ownership of relatively small properties, or other factors, may preclude the creation of larger properties with access onto a collector or arterial roadway. Under such circumstances, it may be appropriate for the C-1 Zoning District to place additional limits on the intensities of commercial

development on these properties. It may also be appropriate, under certain circumstances to place restrictions on some commercial uses, such as those with high trip generation rates, adverse aesthetic attributes, and generation of disturbing noises or odors. Factors to consider when establishing such limits on intensities or uses include the following: the depth of the property, whether the property is adjacent to a waterway, whether the property is adjacent to or proximate to future land use classifications or zoning districts that allow residential uses, and/or the functional classification of street(s) available for street access. The placement of limitations upon the types and intensities of uses allowed within the C-1 Zoning District, in accordance with the factors described above, is intended to reduce conflicts between the C-1 District and adjacent or nearby residential zoning districts.

The Flexible Development Overlay District has been established for properties with a Commercial/Professional future land use classification to allow multi-family uses and zoning districts in addition to commercial and professional uses and zoning districts (such as P-1, P-2, and C-1), in order to promote compatibility and continuity of development between residential and non-residential development within the Flexible Development Overlay District and with surrounding uses. The Flexible Development Overlay District is designed for areas with a Commercial/Professional future land use classification and with one or more of the following characteristics: 1) the area has frontage on one or more local streets (functional classification) regardless of whether properties within the area are assembled with properties that have frontage on arterial or collector roadways; 2) the area is developed, sometimes sporadically, with multi-family uses, or 3) properties in the area are precluded from attaining at least 250 feet in depth due to the presence of a platted waterway or other constraints. The Flexible Development Overlay District will be illustrated on the Future Land Use Map.

Development within the Flexible Development Overlay District (FDOD) shall not exceed a floor to lot area ratio (FAR) of 1.0. The density of multi-family residential uses for any property within the Flexible Development Overlay District shall not exceed 16 units per acre. At a minimum, twenty-five percent (25%) of the land area of each independent geographic area having the FDOD classification must include, 25% nonresidential development, with multi-family residential development making up the remainder. Any geographic area within the FDOD that is separated from another area within the FDOD by a street (other than an alley), or a platted waterway, shall be considered an independent geographic area. If there is more than one property within an independent geographic area within the FDOD, an individual property can be developed with multi-family uses as long as the geographic area within which it is located can achieve the minimum nonresidential component. Development in the Flexible Development Overlay District may be held to certain design standards to ensure compatibility and continuity. Use of the Flexible Development Overlay District shall not be allowed within the Coastal High Hazard Area (CHHA).

- d. Highway Commercial: Shall not exceed a floor to lot area ratio of 1.0.

- e. Light Industrial: Shall not exceed a floor to lot area ratio of 1.0.
- f. Mixed Use: The mixed use designation is intended to encourage the development of planned projects that include more than one type of use. The baseline maximum permitted densities/intensities of various uses within the mixed use designation will be 4.4 dwelling units per acre for a residential component and 0.5 FAR (Floor Area Ratio) for nonresidential uses. For example, a project combining multi-family and commercial uses would be subject to Policies 1.15.b. and/or 7.7 for the multi-family portion, and Policy 1.15.c. or 1.15.d for the commercial portion. Additional residential density, up to sixteen dwelling units per acre and additional non-residential development, to the total maximum FAR permitted would be available through participation in development incentive programs and/or participation in the City's Transfer of Development Rights (TDR) program.

Development incentives and bonuses are discretionary, not entitlements, and are dependent upon meeting the criteria for each bonus provision as described in policy 1.20 of the Future Land Use Element and the City of Cape Coral's Land Use and Development Regulations, as may be amended from time to time. However, in the Urban Services Reserve Area, where central water and sewer are not available, residential uses are restricted to 4.4 dwelling units per acre and nonresidential uses are limited to uses that do not generate an estimated flow of more than 1320 gallons of sewage per acre per day. Estimated flows shall be based on 64E-6.008 Florida Administrative Code, as may be amended from time to time.

All development of property greater than one (1) acre in size with the Mixed Use Future Land Use Classification will be required to be reviewed through the Planned Development Project (PDP) process or a successor review process.

The following will control the mix of uses allowed in the Mixed Use Land Use category.

Properties less than one (1) acre: The designation of smaller properties as Mixed Use is desired to encourage the accumulation of land into large properties. However, in some cases assemblage is difficult due to existing development. In these situations, a property with a Mixed Use future land use classification may be developed with one use, which is also consistent with its underlying zoning district.

Properties one (1) acre and greater: Larger properties are prime candidates for mixed use developments. These properties shall include more than one type of use. The mix of uses may include residential, retail, office, services, light industrial, preservation/open space, public facilities, parkland, or historical resources. Such uses may be mixed horizontally on a site or may be within a compound use building, i.e. differing uses within one building or structure, consisting of residential and retail office, and/or services. For Mixed Use developments adopted after October 23, 2010, retail, office, services, light industrial, preservation/open space, public facilities, parkland, or historical resources uses may be developed up to 100% of building floor area within a Mixed Use property; this will have the intended effect of not requiring a mix of uses for properties one (1) acre or greater in size. Stand-alone

residential uses may comprise up to 20% of building floor area of a Mixed Use property one (1) acre or greater in size. Compound use residences are permitted, as discussed further in this policy and also per Policy 1.23 of the Future Land Use Element.

Notwithstanding any provisions that may be interpreted to the contrary, Mixed Use developments approved prior to October 23, 2010 may continue to abide by the development requests granted within their respective adopted development orders or approved site plans. Furthermore, Mixed Use properties located in the Urban Services Reserve Area require three (3) acres in order to develop a mixed use project. Mixed Use designated property in the Urban Reserve Services Area less than three acres is limited to a single use that does not generate an estimated flow of more than 1,320 gallons of sewage per acre per day. Estimated flows shall be based on 64E-6.008 Florida Administrative Code, as may be amended.

Compound uses may be developed provided both of the following standards are met:

- (1) The property must be zoned as Pedestrian Commercial (C-1), Professional Office (P-1), or as one of the mixed use zoning districts as appropriate to allow for compound uses.
 - (2) They must be developed only as part of a Planned Development Project (PDP), or through specific development standards in mixed use zoning districts
- g. Single Family and Multi-Family by PDP: The densities and intensities of use for this category, which is exclusively within the Urban Services Reserve Area, are those established in Future Land Use Element Policies 1.15.a, 1.15.b, 7.4 and 7.7.
- h. Natural Resources/Preservation: The areas designated on the Comprehensive Plan's Future Land Use Map for Natural Resources/Preservation primarily consist of State-owned and/or regulated land. Development in these areas is limited to activities to make them accessible to the public for research and/or recreational purposes. Such activities would include accessways, nature trails, informational signs or displays, restroom facilities, picnic tables/shelters, beaches and boat ramps.
- i. Public Facilities: The majority of the public facilities category consists of schools, public safety buildings, and religious establishments. Each school site designated includes an indication of the type of school: High School (H), Middle School (M), Elementary School (E) and Community College (CC). These designations provide the density/intensity of use anticipated on each site. Similarly, every House of Worship (W) designation establishes a density/intensity of use for the site. Each site designated for House of Worship (W) must contain a minimum of one acre (unless the site is located in the Urban Services Reserve Area, then, consistent with Policy 7.4, a three (3) acre minimum is required). Government offices must conform to the Commercial/Professional densities/intensities of use.
- j. Parks & Recreation: The densities/intensities of use for various parks and

recreational facilities are those established in the Recreation and Open Space Element of this Comprehensive Plan, under the Section entitled "The Plan for Recreation and Open Space in Cape Coral."

- k. Historical Resources: As noted in the Comprehensive Plan, most identified historic resources are located within the Natural Resources/ Preservation land use designation, and are therefore subject to the densities/intensities of use specified in Future Land Use Element Policy 1.13h.

- l. Downtown Mixed: Intended primarily for the Downtown Community Redevelopment Area, to provide, a vibrant, walkable, mixed-use district in the historical heart of Cape Coral, mixed-use projects containing commercial and professional uses in conjunction with multi-family housing opportunities where practical and feasible are encouraged. To this end, commercial/professional uses may develop at a maximum Floor Area ratio of four (4) with an average area-wide FAR of two and twenty-three one hundredths (2.23) with commercial/professional uses developed at a ratio of sixty-five (65) percent commercial and thirty-five (35) percent professional, on an area-wide basis. Residential development may develop at a density of forty (40) dwelling units per acre, not to exceed an aggregate of eleven thousand one hundred forty-six (11,146) dwelling units. In order to maintain these development limits, the City shall track residential and non-residential development within this future land use map classification. No further residential development will be permitted in this future land use classification should dwelling unit limits be reached. If the average area-wide FAR of two and twenty-three hundredths (2.23) is reached, the City will permit only that nonresidential development with a FAR of 2.23 or below. Development at these intensities and densities are contingent on the availability of centralized city utility services and transportation network at sufficient capacities to accommodate the development at the appropriate level of service, the availability of sufficient and convenient parking to service the project, the availability of multimodal transportation opportunities, and compatibility with adjacent existing and future land use. Special zoning designations may be established to implement this future land use classification, designed to result in a compact urban form.

- m. Pine Island Road District: Under this land use designation, at least two distinctive zoning categories will be allowed: Village and Corridor zoning. The Village zone is intended to promote maximum pedestrian friendliness and minimal automobile traffic between residential areas, shopping destinations, a variety of entertainment establishments, and employment opportunities. The Corridor zone designation will be placed on the land located between the Villages and will include larger scale, less pedestrian-oriented uses. This Land Use designation will encourage mixed-use development at key intersections with major North-South streets along Pine Island Road. The Pine Island Road District will be defined as the union of two major mixed-use areas defined as follows:

Village: Provides for compact urban centers promoting maximum pedestrian friendliness and minimal automobile traffic between residential areas, shopping destinations, a variety of entertainment establishments, and employment opportunities. It is designed to encourage "park once" decisions for destinations

with a mix of commercial, office, multi-family residential and civic uses. The mix of uses may be within the same building, where for example, housing is located above commercial uses such as shops or offices, offices are located over retail, or in a wider perspective where multi-family development abuts commercial or office buildings. Residential uses are encouraged with densities not to exceed 24 dwelling units per acre and commercial uses shall not exceed a floor area ratio (FAR) of 1.25 in accordance with City design standards.

Corridor: The land located between the Villages and includes such uses as, retail, office, office/warehouse, light manufacturing, institutional (schools, colleges), single family residential, multi-family residential golf courses, larger scale commercial retail (big box stores over 50,000 square-feet) and government uses such as parks and public facilities. Commercial and light manufacturing uses shall not exceed a floor to lot area ratio (FAR) of 1.25 in accordance with City design standards. Public facilities shall be subject to Policy 1.15.i., of the Future Land Use Element and parks and recreation shall be subject to Policy 1.15.j. of the Future Land Use Element.

At build-out, the mix of uses along the Pine Island Road District shall be under the following ranges:

Pine Island Road District. Build-Out Mixed-Use Ranges

RANGE			
Use	Units	Fro	To
Retail	SF	3,583,500	4,379,700
Office/warehouse/ light manufacturing	SF	1,144,800	1,582,500
Hotels	Rooms	700	790
Residential	Units	3,720	5,030

The criteria to be used for evaluating proposed Village and Corridor zonings in relation to the intent of the City’s Comprehensive Plan, the Pine Island Road Master Plan and other planning principles are contained in the following tables:

Village Criteria

CRITERIA	PERFORMANCE
1. Does the property abut an existing zoned and developed village?	If yes, good candidate for Village zoning.
2. Is the property located at one of the following intersections: <ul style="list-style-type: none"> • Del Prado Boulevard • Santa Barbara Boulevard • Surfside Extension • Cultural Park Boulevard • Nicholas Parkway • Burnt Store Road 	If yes, good candidate for Village zoning.
3. Is the access to the property from a signalized intersection on Pine Island Road or at an intersection between the North-South collector and the parallel access road as reflected on the Master Concept Plan?	If yes, good candidate for Village zoning.
4. If the property is not abutting a currently zoned village, is the subject property at least 3 acres in size?	If yes, good candidate for Village zoning.
5. If the property is not abutting a currently zoned village, is the subject parcel at least 400 feet in depth?	If yes, good candidate for Village zoning.
6. If the property is not abutting a currently zoned village, is the subject parcel at least 350 feet wide?	If yes, good candidate for Village zoning.
7. Is the parcel a large scale lot assembly?	If yes, good candidate for Village zoning.

Corridor Criteria

CRITERIA	PERFORMANCE
1. Does the property abut an existing and developed corridor zoned area?	If yes, good candidate for Corridor zoning.
2. Does the property abut corridor-zoned area on two sides or more?	If yes, good candidate for Corridor zoning.
3. Is the property part of a larger tract, a portion of which is already zoned Corridor?	If yes, good candidate for Corridor zoning.
4. Is the proposed corridor development located within any of the areas not designated as village in the Pine Island Road Master Plan?	If yes, good candidate for Corridor zoning.
5. Can this property be rezoned to Corridor without creating an enclave within the Village zoning?	If yes, good candidate for Corridor zoning.
6. Can this property be rezoned to Corridor without compromising the integrity of the village in which it is located?	If yes, good candidate for Corridor zoning.
7. Does the property front Pine Island Road on at least 180 feet?	If yes, good candidate for Corridor zoning.

- n. Commercial Activity Center (CAC): The purpose of this future land use classification is to promote non-residential and mixed-use development at key locations, within close proximity to major corridors throughout the City of Cape Coral in areas where a mix of uses may be developed. The Commercial Activity Center classification is a mixed-use classification designed to minimize the need for vehicle trips through the development of both residential and non-residential uses in a single project. Furthermore, the purpose of the Commercial Activity Center is to integrate all uses through landscape, site, and architectural design standards. In addition, the Commercial Activity Center land use classification is intended to provide locations that offer employment opportunities and daily goods and services to the local community and, in some instances, attract patrons from the region. Commercial Activity Centers are intended to be pedestrian friendly and interconnected with adjacent projects – whether residential or non-residential.

Pre-Existing Single Family Residences Allowed

It is the desire of the City of Cape Coral to protect the rights of owners of single family homes located within a Commercial Activity Center (CAC), which homes had either:

- a) Been lawfully constructed, or had applied for or received a building permit at their current locations prior to the designation of the subject as part of a CAC future land use classification; or,

- b) Been lawfully constructed, or had applied for or received a building permit at their current locations under a former CAC future land use classification.

The Commercial Activity Center Future Land Use Classification shall specifically acknowledge that such single family residences that meet the criteria stated above may continue to be maintained, remodeled, expanded, or rebuilt, and that the owners of such properties may continue to enjoy all of the rights, privileges and responsibilities of home ownership, including the ability to sell or rent their homes to other parties. In and of themselves, pre-existing single family residences do not necessarily constitute **Free-Standing Residential** development, unless they otherwise meet the criteria for such development, as discussed under **Use Area Allocations**, below. If pre-existing single family residences, as defined in this section, are included as part of a larger approved development project, the pre-existing status of the residences is lost, and such residences become subject to the City Land Use and Development Regulations regarding non-conforming structures.

Density, Intensity, and Use Area Allocations

As an incentive for land assembly, the allowable densities, intensities, and use area allocations within a Commercial Activity Center vary with the land area within the development project. The land area within a development project is determined by the land area encompassed by a single application for development project approval. A development project approval can consist of one or more properties that are the subject of a single application for development including, but not limited to, a Planned Development Project or Site Plan. Amendment of an approved development project to expand or contract the land area does not alter its status as a single application for development project approval. If an application for development consists of properties that are not contiguous, the application must demonstrate that the properties function as a unified development. If the application for development approval is a Planned Development Project that includes a request for vacation of right-of-way, then that portion of the vacated area of right-of-way, which would be owned or controlled by the project developer, can be included in the development project size calculation.

Density: In development projects that qualify for residential uses (see below), the baseline residential density shall be 4.4 dwelling units per acre. The baseline density is the maximum density available to projects that are not eligible to receive density exceeding the baseline density, or to projects that are eligible but that do not participate in the Development Incentive Program (DIP) and/or Transfer of Development Rights (TDR) Program.

In order to be eligible to receive density exceeding the baseline density through the Transfer of Development Rights (TDR) Program and/or the Development Incentive Program (DIP), a development project within a Commercial Activity Center (CAC) must consist of at least 5 acres of contiguous platted lots, or platted or unplatted tract(s), or any combination thereof.

If the above criterion has been met, the project becomes eligible to seek density

exceeding the baseline density through the TDR Program, the DIP, or a combination of the two programs. To derive density exceeding the baseline density through the TDR Program or DIP, an applicant must complete the processes identified within the City of Cape Coral Land Use and Development Regulations.

If the applicant for density exceeding the baseline density opts to participate in the City of Cape Coral's Development Incentive Program (DIP), the applicant would be required to contribute to the City of Cape Coral's Public Improvement Fund (PIF) in an amount sufficient to qualify for 25% (or between 25% and 50% for projects that meet the criteria to provide up to 50% of the differential between the baseline and maximum permitted density and/or intensity in any DIP category) of the credit points necessary to attain the density exceeding the baseline density. Such contribution to the PIF category shall be counted as a creditable activity required to support the application for increased density. Administration, collection, and disbursement of monies within the fund are set forth in the Land Use and Development Regulations.

Intensity: The baseline intensity of non-residential uses shall be a Floor Area Ratio (FAR) of 0.5, regardless of the size of the development. The baseline intensity is the maximum intensity available without participation in the Development Incentive Program (DIP) and/or Transfer of Development Rights (TDR) Program. Increases above the baseline intensity may be permitted, up to the maximum Floor Area Ratio (FAR) of 2.0, regardless of the size of development, through participation in the Development Incentive Program (DIP) and/or Transfer of Development Rights (TDR) Program. Note that, if the CAC project developer is only seeking an intensity increase (and not a density increase), said developer is not subject to the eligibility requirement, as referenced above under **Density**, and is neither required to participate nor prohibited from participation in the Public Improvement Fund (PIF).

Limitations on Density and Intensity within CACs

In the Urban Services Reserve Area, where central water and sewer are not available, residential uses are restricted to 4.4 dwelling units per acre and non-residential uses are limited to uses that do not generate an estimated flow of more than 1,320 gallons of sewage per acre per day. Estimated flows shall be based on 64E-6.008 Florida Administrative Code, as may be amended from time to time.

Use Area Allocations: All land areas within a CAC shall be categorized as one of the three following use areas:

- 1) Free-standing Non-Residential;
Free-standing non-residential areas include the footprint and land areas associated with buildings that contain no residential units.
- 2) Free-standing Residential;
Free-standing residential areas include the footprint and land areas associated with buildings that contain residential units and buildings that contain non-residential floor area usage that is less than thirty (30) percent of the

building's floor area. In calculating the floor area of the building, the total floor area of the building is the floor area of the building remaining after the area of any structured parking is excluded. Also, any pre-existing single family residences do not necessarily constitute Free- Standing Residential development, unless such residences otherwise meet the criteria for such development.

- 3) **Compound Use.**
Compound use areas include the footprint and land areas associated with compound use buildings that, for the purposes of this section, are defined as buildings with at least thirty percent (30%) of their floor areas allocated to non-residential uses. In calculating the floor area of the building, the total floor area of the building is the floor area of the building remaining after the area of any structured parking is excluded.

The land area that may be allocated to any of the 3 use area allocations varies with the size of the development project, with generally increasing flexibility as a function of the total land area of the development. Densities and intensities associated with any of the three use area categories apply only to the land area of the project that is allocated to that specific use. In determining the land area within any of the three use area allocations, the area of any common areas, including, but not limited to, areas for surface water management, parking, landscaping, and circulation, shall be apportioned among the three use area allocations in the same proportion as the non-common areas relate to the area of the development project, excluding common areas.

Use of the PDP Process

Every development project, regardless of size or use area allocations, is required to be approved through the PDP process. Pre-existing single family residences, as defined within this future land use classification, which are being maintained, remodeled, expanded, or rebuilt, are not required to be reviewed through the PDP process.

Development Projects Less Than 5 Acres in Area

Free-standing Non-Residential:

Free-standing non-residential areas are not required but may constitute up to 100 percent of the development project area. Increases above the baseline intensity of 0.5 may be permitted, up to the maximum Floor Area Ratio (FAR) of 2.0, regardless of the size of development, through participation in the Development Incentive Program (DIP) and/or Transfer of Development Rights (TDR) Program.

Compound Use:

Compound Use areas are not required but may constitute up to 100 percent of the development project area. No increases above the baseline density of 4.4 units per acre may be permitted.

Freestanding Residential:

Free-standing residential areas are not allowed.

Development Projects 5 acres or larger, but less than 10 acres

Free-standing Non-Residential:

Free-standing non-residential areas are not required but may constitute up to 100 percent of the development project area. Increases above the baseline intensity of 0.5 may be permitted, up to the maximum Floor Area Ratio (FAR) of 2.0, regardless of the size of development, through participation in the Development Incentive Program (DIP) and/or Transfer of Development Rights (TDR) Program.

Compound Use:

Compound Use areas not required but may constitute up to 100 percent of the development project area. Increases above the baseline density of 4.4 units per acre may be permitted, up to the maximum density allowed (10 units per acre), through participation in the Development Incentive Program (DIP) and/or Transfer of Development Rights (TDR) Program. To be eligible for densities above the baseline density, the development project must meet the requirements contained under **Density**, above.

Freestanding Residential:

Free-standing residential areas are not allowed.

Development Projects 10 acres or larger, but less than 20 acres

Free-standing Non-Residential:

Free-standing non-residential areas are not required but may constitute up to 80 percent of the development project area. Increases above the baseline intensity of 0.5 may be permitted, up to the maximum Floor Area Ratio (FAR) of 2.0, regardless of the size of development, through participation in the Development Incentive Program (DIP) and/or Transfer of Development Rights (TDR) Program.

Compound Use:

Compound Use areas shall constitute no less than 20 percent of the land area and may constitute 100 percent of the land area. Increases above the baseline density of 4.4 units per acre may be permitted, up to the maximum density of 12 units per acre. To be eligible for densities above the baseline density, the development project must meet the requirements contained under **Density**, above.

Freestanding Residential:

Free-standing residential areas are not allowed.

Development Projects 20 Acres or Larger

Free-standing Non-Residential:

Free-standing non-residential areas shall constitute no less than 20 percent of the land area and may constitute a maximum of 80 percent of the land area. Increases above the baseline intensity of 0.5 may be permitted, up to the maximum Floor Area Ratio (FAR) of 2.0, regardless of the size of development, through participation in the Development Incentive Program (DIP) and/or Transfer of Development Rights (TDR) Program.

Compound Use:

Compound Use areas shall constitute no less than 20 percent of the land area and may constitute 80 percent of the land area. Increases above the baseline density of 4.4 units per acre may be permitted, up to the maximum density of 20 units per acre. To be eligible for densities above the baseline density, the development project must meet the requirements contained under **Density**, above.

Freestanding Residential:

Free-standing residential areas may constitute a maximum of 20 percent of the land area. Increases above the baseline density of 4.4 units per acre may be permitted, up to the maximum density of 8 units per acre. To be eligible for densities above the baseline density, the development project must meet the requirements contained under **Density**, above.

Table of CAC Development Parameters				
	Land Area of Development Project			
	Less than 5 acres in area	5 acres or larger, but less than 10 acres	10 acres or larger, but less than 20 acres	20 or more acres
PDP Required	Yes	Yes	Yes	Yes
Free-Standing Non-Residential Area (not including Compound Use)				
Minimum	0%	0%	0%	20%
Maximum	100%	100%	80%	80%
Minimum Intensity	0.5 ²	0.5 ²	0.5 ²	0.5 ²
Maximum Intensity	2.0 ²	2.0 ²	2.0 ²	2.0 ²
Compound Use				
Minimum Area	0%	0%	20%	20%
Maximum Area	100%	100%	100%	80%
Baseline Density (dwelling units(DU)/acre)	4.4	4.4 ^{1,3}	4.4 ^{1,3}	4.4 ^{1,3}
Maximum Density DU/acre)	Not allowed	10.0 ^{1,3}	12.0 ^{1,3}	20.0 ^{1,3}
Free-Standing Residential				
Minimum Area	0%	0%	0%	0%
Maximum Area	0%	0%	0%	20%
Baseline Density (DU/acre)	Not allowed	Not allowed	Not allowed	4.4 ^{1,3}
Maximum Density (DU/acre)	Not allowed	Not allowed	Not allowed	8.0 ^{1,3}

- 1 Increases in density above the baseline density are permitted only through participation in the Development Incentive Program (DIP) and/or the City's Transfer of Development Rights (TDR) program, as described under **Density**, above.
- 2 Increases above the baseline intensity of 0.5 may be permitted, up to the maximum Floor Area Ratio (FAR) of 2.0, regardless of the size of development, through participation in the Development Incentive Program (DIP) and/or Transfer of Development Rights (TDR) Program.
- 3 In the Urban Services Reserve Area, where central water and sewer are not available, residential uses are restricted to 4.4 dwelling units per acre and non-residential uses are limited to uses that do not generate an estimated flow of more than 1,320 gallons of sewage per acre per day. Estimated flows shall be based on 64E-6.008 Florida Administrative Code, as may be amended from time to time.

The City has adopted the Marketplace-Residential (MR) zoning district as consistent with the Commercial Activity Center Future Land Use Classification.

Additional zoning districts may be developed in the future to implement this land use initiative.

Although, the Pedestrian Commercial (C-1) and Professional Office (P-1) zoning districts were formerly considered to be consistent with, but generally discouraged within, the Commercial Activity Center future land use classification, these zoning districts are currently considered to be inconsistent with the CAC Future Land Use Classification.

The factors to consider during review of a rezoning petition are as follows:

The amount, type and location of existing zoned commercial and residential land, and developed commercial uses, within the Commercial Activity Center and along the corridor segment, as identified in the Commercial Corridor Study;

Market demand for the allowable uses within the requested zoning district;

Existing patterns of land use within the Commercial Activity Center and within two radial miles;

Adequacy of existing and planned infrastructure capacity, particularly roads, corresponding to the anticipated development of the proposed uses;

Compatibility of the proposed zoning with adjoining properties; Natural or man-made constraints;

Rezoning criteria identified in the Land Use and Development Regulations;

The existence of an adopted Access Management Plan;

- o. Low Density Residential I: This land use classification allows for a maximum density of one (1) dwelling unit per 20,000 square feet, excluding right-of-way.
- p. Low Density Residential II: This land use classification allows for a maximum density of one (1) dwelling unit per 40,000 square feet, excluding right-of-way.
- q. Mixed Use Preserve District (MUP): The purpose of this future land use classification is to promote non-residential and mixed use development intended to create additional employment opportunities while requiring preservation and open space standards that would protect significant environmental resources on or near the property. Because of differing characteristics of properties within the MUP, five different classes are established that provide the allowable uses within each class. Four of these five classes are Urban classifications, and the fifth class is a Conservation classification. Within each Urban class, sub-designations, referred to as types, are established that provide the proportions of the allowable non-residential and residential uses. The differing characteristics of properties include environmentally sensitive areas on or near the property, land use, development and environmental objectives for a given area, the potential for connectivity to the

surrounding major road network, the relative size of the property, the nature of surrounding uses, and the capacity of infrastructure to serve the properties. Every property with a Mixed Use Preserve designation will also have a class and a type designation, with the exception of the Conservation class. Conservation areas are designated within the MUP as a separate classification, and permit low-density residential uses, although such uses must be transferred to uplands unless there is a judicial determination that not allowing such development would constitute a “taking.”

Properties located within any of the MUP classification types can only be developed as a Planned Development Project (PDP), as detailed in the Cape Coral Land Development Regulations. Clustering of development areas is required in order to preserve, to the greatest extent practicable, the natural features of the property being developed. Single-family detached subdivision-style residential development is not permitted in the Mixed Use Preserve north of Pine Island Road, although a single family residence may be permitted in those limited circumstances necessary to avoid a taking.

1. URBAN MUP CLASSES: The mix of uses permitted in the four urban MUP classes is as follows:

- a. Class I includes residential with an average density of 1 dwelling unit per acre. To promote clustered residential development in the Mixed Use Preserve, densities up to 8.8 dwelling units per acre may be obtained so long as the average density of the residential portion of this Mixed Use Preserve Class and Type is not infringed; commercial, professional, recreational, and public facilities may be developed in accordance with the table below and the Design Standards Within The MUP provided in Section 3.
- b. Class II includes residential with an average density of 4.4 dwelling units per acre. To promote clustered residential development in the Mixed Use Preserve, densities up to 16 dwelling units per acre may be obtained so long as the average density of the residential portion of this Mixed Use Preserve Class and Type is not infringed; commercial, professional, recreational, and public facilities may be developed in accordance with the table below and the Design Standards Within The MUP provided in Section 3.
- c. Class III includes residential with an average density of 4.4 dwelling units per acre. To promote clustered residential development in the Mixed Use Preserve, densities up to 16 dwelling units per acre may be obtained, so long as the average density of the residential portion of this Mixed Use

Preserve Class and Type is not infringed; commercial, professional, recreational, public facilities, and light industrial (excluding manufacturing) may be developed in accordance with the table below and the Design Standards Within The MUP provided in Section 3.

d. Class IV includes residential with an average density of 4.4 dwelling units per acre. To promote clustered residential development in the Mixed Use Preserve, densities up to 16 dwelling units per acre may be obtained so long as the average density of the residential portion of this Mixed Use Preserve Class and Type is not infringed; commercial, professional, recreational, public facilities, and industrial (including manufacturing) may be developed in accordance with the table below and the Design Standards Within The MUP provided in Section 3.

Class	TYPE	Percentage of Non-Residential:	Percentage of Residential:
I	Type A	10 - 40	60 - 90
I	Type B	20 - 60	40 - 80
II	Type A	10 - 40	60 - 90
II	Type B	20 - 60	40 - 80
II	Type C	70 - 100	0 - 30
II	Type D	80 - 100	0 - 20
III	Type C	70 - 100	0 - 30
III	Type D	80 - 100	0 - 20
IV	Type C	70 - 100	0 - 30
IV	Type D	80 - 100	0 - 20

The type designations within the table above specify the percentage of non-residential and residential uses. Percentages will be determined by a calculation of the acreage within a single development. Compound use developments will be considered non-residential for the purposes of Mixed Use Preserve Type percentage calculation. Dwelling units located within a compound use development within the Mixed Use Preserve, however, will still count towards the residential dwelling unit density cap produced by the development's Mixed Use Preserve Type. In order to facilitate design flexibility, lands included within a unified plan of development as part of a PDP that are located within a combination of Mixed Use Preserve Classes II, III, or IV but are within the same Mixed Use Preserve Type may aggregate their allowable residential density and utilize it within the project boundary, provided the overall average density of 4.4 dwelling units per acre for the residential portion of the PDP development plan is not exceeded. Class I properties, regardless of type, are not subject to this permitted density aggregation, as are any properties of differing Types, regardless of Mixed Use Preserve Class. The non-residential uses permitted under the Mixed Use Preserve Classes will be strictly applied to the Mixed Use Preserve Class boundaries. Single-family detached subdivision-style development is not permitted within the Mixed Use Preserve north of Pine Island Road, although a single family residence may be permitted in those limited circumstances necessary to avoid a taking;

residential uses will be clustered into mixed use areas or buildings, multi-family or attached units, residential components of a compound use building or new urbanist development intended to serve as an adjunct to the development of employment and emphasizing mobility options for residents.

Average non-residential intensities for all MUP Classes, (except Conservation) located north of Pine Island Road (SR 78) are 0.25 FAR. Maximum intensities up to 2.0 FAR may be permitted for any given portion of a contiguous non-residential Mixed Use Preserve area so long as the overall average intensities of the non-residential area of 0.25 FAR are not abridged. South of Pine Island Road, the maximum FAR for Mixed Use Preserve properties of all classes, except Conservation, is 2.0.

A development project within the Mixed Use Preserve will be permitted to exceed the average and maximum densities and intensities specified above under the following limited circumstances:

1. Residential units are transferred from wetlands within the Mixed Use Preserve Conservation classification pursuant to Policy 1.15.q.2.b.ii below; or
2. Residential units or non-residential intensity is transferred from isolated uplands within the Mixed Use Preserve Conservation classification pursuant to Policy 1.15.q.2.b.iii below; or
3. Residential units or non-residential intensity is transferred from uplands adjacent to the Mixed Use Preserve Conservation classification pursuant to Policy 1.15.q.2.b.vi below.

2. MUP CONSERVATION: The following language pertains to the fifth Mixed Use Preserve classification, one that permits limited development opportunities, the Conservation (CONS) class:

a. Description of MUP Conservation: Lands within the MUP that are classified as Conservation (CONS) designate property that has been determined by the City to have significant environmental and natural resources that will be protected from the impacts of development. Utilizing an environmental/land use planning approach based upon significant field work and review of existing environmental data, these lands have been identified as having significant natural features on-site, including wetlands, isolated uplands, and flow-ways. The classification of lands as MUP Conservation is based upon the goal of preserving large intact areas of functional wetlands, suitable protected species habitat, and intact flowways through the Mixed Use Preserve areas. Those areas that are currently identifiable as functional wetlands of higher quality, suitable protected species habitat, and intact flowways have been identified and mapped as part of the data and analysis accompanying the designation of Mixed Use Preserve properties and have been shown as Conservation on the Future Land Use Map. High quality wetland determination at the future land use map amendment application stage will be based on:

- 1.) Wetland type;
- 2.) Wetland function;
- 3.) Wetland quality;
- 4.) Size;
- 5.) Uniqueness;
- 6.) Demonstrated habitat values;
- 7.) Connection to larger wetland systems; and
- 8.) Potential for isolation by being surrounded by development and site plan needs.

The emphasis on the preservation, enhancement, and maintenance of habitat values for these areas will be the guiding principles for evaluation of development options on adjoining and proximate MUP lands as part of the required PDP process. The preservation of these areas will facilitate the maintenance and enhancement of wetland and isolated upland functions and habitat values on the property. The MUP Conservation areas shown on the Future Land Use Map may not be altered, changed, or amended except through the plan amendment process. However, additional lands that are later determined to meet the criteria established herein during the PDP process will be added to the MUP Conservation classification as provided below.

b. Uses within the MUP Conservation Class: Uses with the MUP Conservation will be subject to the following policies:

i. Non-residential development; with the exception of the limited passive recreational uses and utility or roadway crossings described herein; is not permitted.

ii. Residential development is permitted at a density of one dwelling unit per 20 acres for wetlands, and must be located on uplands in other Mixed Use Preserve classes or other future land use classifications that can receive transferred dwelling units. The only exception to this requirement is in those limited circumstances where construction within the Conservation class is necessary to avoid a taking of private property. Examples of these limited circumstances include, but are not limited to, situations in which permitted dwelling units may not be transferred due to a lack of uplands, where Conservation properties are not adjacent to a land use classification that permits the transfer of dwelling units, or where Conservation properties are adjacent to land use classifications that can receive transferred dwelling units, but are at maximum density. If density from conservation lands is to be located on uplands, the entire property must be developed as a PDP, and the conservation lands must be dedicated, in perpetuity, for conservation purposes.

iii. In addition to wetlands, uplands including isolated uplands are also included within the Conservation classification and are shown on the Future Land Use Map. Isolated uplands are uplands areas that are surrounded by wetlands and would necessitate significant wetland impacts in order to obtain access for development. These isolated upland areas cannot be developed, except when and to the minimum extent necessary to avoid a "taking." Development in these limited circumstances is limited to one dwelling unit per 20 acres. However, densities and intensities from upland areas will be transferred to other upland areas, at the density and intensity of the receiving area's Mixed Use Preserve class and type, within the Mixed Use Preserve as part of the PDP process. If density or intensity from these Mixed Use Preserve Conservation upland areas is transferred to other upland areas pursuant to this policy, the entire property must be developed as a PDP, and the isolated uplands from which the density or intensity is transferred must be dedicated, in perpetuity, for conservation purposes. Any future land use map amendment that incorporates upland Conservation lands must identify the upland (including isolated upland) acreage in the accompanying case report and support the amount of acreage with appropriate data and analysis.

iv. Public uses, in the form of designated roadway crossings shown on the Future Land Use Map and utility connections, may be located in the MUP Conservation areas, but must be consistent with the development standards provided below and with the Conservation and Coastal Management Element.

v. Passive conservation uses consistent with the environmental sensitivity of these lands, such as boardwalks, nature trails, or other similar passive recreation uses, are permitted.

vi. In order to further promote protection of Mixed Use Preserve Conservation areas, the residential density and non-residential intensity of lands immediately adjacent to MUP Conservation areas may be transferred to developable uplands within the MUP at the underlying density and intensity of the receiving area's MUP class and type. Such transfers must be approved by a development agreement or other binding written agreement with the affected landowners, and implemented through the PDP process.

c. *Development Standards Within the MUP Conservation Class.* Conservation land within the Mixed Use Preserve must incorporate the following standards during the PDP process:

i. Public utilities including poles, lines, and/or pipes shall be subject to all applicable federal and state regulations relating to environmentally sensitive lands and permitted based on the South Florida Water Management District's standards for practical avoidance.

ii. Roadway crossings of MUP Conservation lands will be limited to those crossings shown on the Future Land Use Map. Any such crossing must preserve the overall water quantity, water quality, water speed, and other related characteristics of the slough or flow way to be crossed, and be designed as a bridge.

iii. All flow way and floodway corridors within the Mixed Use Preserve shall be identified as conservation or preservation lands on the PDP plans, and will be protected from development. These corridors are identified as the channels of a stream, marsh, or wetland system, plus any other floodplain area which serves as a corridor for watershed sheet flow.

d. *Additional Conservation Lands.* As noted above, the MUP Conservation lands shown on the Future Land Use Map do not necessarily include all jurisdictional wetlands within the Mixed Use Preserve, and other lands may be added to the MUP Conservation class as part of the PDP process. Furthermore, lands identified as MUP Conservation as part of the PDP process will be identified and protected within the PDP development order. Evaluation of other wetlands and proposed wetland impacts within the MUP will be conducted in accordance with the following policies:

i. Determination of the wetland boundaries will be consistent with the applicable adopted State methodology and jurisdictional determinations made by the South Florida Water Management District (SFWMD) or Florida Department of Environmental Protection (DEP), as applicable, utilizing the unified state delineation methodology described in F.A.C. Chapter 17-340, as ratified and amended by Section 373.4211, Fla. Stat.. The City does not anticipate the necessity of an independent review of these boundaries.

ii. Wetlands not previously classified and mapped as Conservation lands in the Mixed Use Preserve will be evaluated during the PDP process. Practicable design modifications will not be mandated when the overall ecological value and quality of the wetland is low, based on:

- 1.) Wetland type;
- 2.) Wetland function;
- 3.) Wetland quality;
- 4.) Size;
- 5.) Uniqueness;
- 6.) Demonstrated habitat values;
- 7.) Connection to larger wetland systems; and
- 8.) Potential for isolation by being surrounded by development and site plan needs.

iii. Additionally, when isolated wetlands are less than 5 acres in size and would be surrounded by developable land, designation of the isolated wetland as Mixed Use Preserve Conservation and practicable design modifications may not be required.

iv. For wetlands that are determined to be of medium-to-high quality pursuant to subpolicy d.ii. above, development design will be required to avoid and minimize wetland impacts. Design modifications will be required to achieve such avoidance and minimization to the greatest extent practicable. The following factors will be utilized by the City during the PDP process to evaluate the extent to which design

modifications will be required to avoid and minimize such wetland impacts:

- 1.) Uniform Mitigation Assessment Method (UMAM) analysis;
- 2.) Condition of wetlands;
- 3.) Uniqueness of wetlands;
- 4.) Location of wetlands and habitat interconnectedness potential;
- 5.) Hydrologic connections and potential connections;
- 6.) Observed fish and wildlife utilization and habitat value; and
- 7.) Whether the proposed mitigation will provide greater long term ecological value than the wetland to be impacted.

v. Medium-to-high quality wetland areas identified for preservation or conservation as part of the PDP process will be identified as MUP Conservation on the PDP plan. The City will incorporate these additional MUP Conservation lands into the Future Land Use Map during the next available plan amendment cycle.

e. Implementing Land Use and Development Regulations. The City's wetlands protection regulations in the areas designated as MUP will be consistent with the following, regardless of whether such areas are classified or suitable to be classified as Mixed Use Preserve Conservation:

- i. In accordance with F.S. 163.3184(6)(c), the City will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption.
- ii. No development in wetlands regulated by the State of Florida will be permitted by the City without the appropriate state agency or South Florida Water Management District permit or authorization.
- iii. The City will incorporate the terms and conditions of state permits into city permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures.
- iv. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will be permitted in accordance with applicable state standards.
- v. Mitigation banks and their issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state statutes.

3. DESIGN STANDARDS WITHIN THE MUP: The following design elements will be required for all development taking place within the Mixed Use Preserve:

a. Surface Water Management. For development within the Mixed Use Preserve, the City will support surface water management design strategies that rely on natural features such as flow-ways, sloughs, strands, and other natural systems to receive and otherwise manage storm and surface water consistent with applicable regulations, adopted environmental criteria, and accepted engineering practices. Mixed Use Preserve developments must have and maintain an adequate surface water management system, make provision for acceptable programs for operation and maintenance, and demonstrate post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. Pre-development run-off water quantity must not be exceeded in the post-development situation; post-development water quality must not degrade water quality below pre-development standards. If monitoring is required to establish pre- and post-development quantity and quality standards, the City will require submittal of such data as part of the application process for development permits. The following specific standards will be implemented during the PDP and subsequent permitting processes:

- i. Best management practices for stormwater systems including, but not limited to, filtration marshes, grassed swales planted with native vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways;
- ii. Design of surface water management systems will incorporate existing wetland systems to the greatest extent practicable;
- iii. Preservation of existing natural flow-ways and the restoration of historic natural flow-ways where practicable;
- iv. Preservation of natural functions of significant natural systems;
- v. Coordination in the review of flow-ways with regulatory agencies charged with implementation of regional surface water management systems that address flood protection, water quality, environmental enhancement and water conservation;
- vi. Natural water system features which are essential for retention, detention, purification, runoff, recharge, and maintenance of stream flows and groundwater levels shall be identified, protected, and managed;
- vii. Artificial drainage systems must not channel runoff directly into natural waterbodies.
- viii. Mixed Use Preserve development must not degrade surface and ground water quality.
- ix. No garbage or untreated sewage will be discharged into coastal and interior surface waters.
- x. For those areas that drain to the Gator Slough, or other important surface water bodies as determined through a PDP process, a surface water management plan

is required that is consistent with the functional capacity of the Gator Slough or other water system and consistent with the Charlotte Harbor Management Plan.

b. Landscaping, Exotic Removal, and Irrigation:

- i. Xeriscape landscaping techniques, low impact development (LID) practices and native vegetation will be used to the greatest extent practicable;
- ii. Provision will be made for the elimination of exotic and invasive species of vegetation.
- iii. Unpermitted or improperly constructed wells will either be permitted and re-constructed to applicable standards or plugged.
- iv. Irrigation will be provided by reclaimed water, to the extent it is available.

c. Design Considerations for Protection of Adjacent State-Owned Lands. In some instances, lands owned by the State as wildlife management areas are adjacent or proximate to Mixed Use Preserve lands north of Pine Island Road. These lands are known generally as the Yucca Pens Preserve. While these state-owned lands are outside of the City's boundaries and, therefore, cannot be directly addressed by its comprehensive plan, prudent land use planning requires that the City should coordinate development efforts with preservation activities undertaken by the State or other public, quasi-public, and private agencies. Accordingly, for MUP areas north of Pine Island Road, in order to ensure compatibility and protection of state owned lands adjacent or proximate to MUP lands, the following specific design standards will be implemented during the PDP process and in subsequent permitting:

- i. In order to protect the Yucca Pens from the effects of nearby development, all impervious surface areas shall maintain a minimum 25-foot setback within the Mixed Use Preserve for those areas adjacent to a city residential or county non-urban future land use classification at the time of development. This buffer is supplemental to all other buffers described elsewhere within this policy. Specifically, the three-tiered buffer described in Policy 1.15.q.3.h. below is applicable wherever development of the MUP abuts state owned preservation land.
- ii. Design standards intended to address the need for wildland fuel management and controlled burning will be implemented, as follows.

The National Fire Protection Association (NFPA) has established NFPA 299, *Standard for Protection of Life and Property from Wildfire*. Section 3-3.2 of this standard requires tree and brush clearance for a distance that will prevent ignition of either the structure or vegetation, should the other burn. Development design will be consistent with all applicable NFPA standards in general, and with this standard in particular.

- Vegetation constituting a fire hazard within 30 feet of the structure must be mowed to four inches or less and ground litter removed

annually. This is not intended to prohibit ornamental landscaping efforts insofar as fire suppression and structure protection can be accomplished through other demonstrated means.

- All development permitted in this area will require notification to owners that controlled burns are to be expected and that smoke is to be anticipated from such burns.
- All development permits for property adjacent to areas in which wildland fuel reduction and/or controlled burns are to be expected must prepare a plan for additional firebreaks, setbacks, or other design elements that demonstrate compliance with the need to protect life and property while also recognizing the need for controlling fuel in wildland habitat.

iii. All residential development will be required to provide to future residents notice in the form of deed restrictions regarding the dangers to preservation lands represented by free-roaming domestic animals, exotic species of flora and fauna, and the need for controlling such threats to wildlands.

iv. Consistent with the Yucca Pens Preserve management plan, development design will: 1) design stormwater management systems to mimic the conditions of historic, pre-development surface water flows; 2.) encourage ditch plugging or backfilling to stop the altered conveyance of water, allowing water to stay on site longer through sheet flow; 3.) remove and control exotic plant infestations on site; 4.) repair damage to lands from historical recreational uses and secure development tracts from unauthorized access; and 5.) recognize the necessity for prescribed burn events in proximate preserve lands.

d. Mix of Non-Residential Uses. Overall development intensity will be calculated on a Class and Type basis by land use to ensure that the goal of creating employment opportunities is met. Based upon a forecast build-out employment profile, industrial uses in the MUP area north of Pine Island Road will account for 15% to 32% of the non-residential uses, retail and service uses will account for 15% to 38% of the non-residential uses, and office uses will account for 30% to 70% of the non-residential uses. Development requests will be required to demonstrate compliance with these intensity ranges.

e. Roadways and Utilities. The following policies relative to roadway and utilities will be applicable to MUP lands north of Pine Island Road:

i. Development approvals will be limited through 2015 to a maximum of 145,000 square feet of industrial, 205,000 square feet of office, 150,000 square feet of retail and service uses, and 85 dwelling units (or its functional equivalent in trip generation), unless a definitive funding commitment and CIE amendment is approved that provides for the construction of at least two lanes of a collector or arterial roadway connecting US 41 with Durden Parkway

ii. Development proposals within the MUP will analyze the impact of such

development on US 41. After 2015, the City will not allow development in excess of the amount specified in subparagraph i. above if such development is projected to cause any segment of US 41 between the Charlotte County line and Del Prado Boulevard to fail, unless at least two lanes of a collector or arterial roadway have been constructed connecting US 41 with Durden Parkway.

iii. In accordance with Objective 2 of the City's Intergovernmental Coordination Element, all development applications will be forwarded to the Lee County Department of Transportation (LDOT) and Florida Department of Transportation (FDOT) requesting review and comment regarding impacts to non-City roads as part of the PDP process. Notice of any hearing pertaining to such development applications will be provided to LDOT and FDOT.

iv. The City will submit a copy of any application meeting the requirements of Section 380.06(29)(f), F.S., and any proposed development order issued pursuant to such application, to the State land planning agency and Lee County, requesting review and comment. Notice of any hearing pertaining to such development application will be provided to these agencies.

v. Consistent with the requirements of Policies 2.1.4, 2.1.5, 2.1.8, and 2.1.9 of the Transportation Element, the City will review and mandate efficient bicycle and pedestrian movement as part of the PDP and subsequent development review processes.

vi. During the PDP and subsequent development review processes, the City will review and promote coordination with the extension of LeeTran local or express transit service within the MUP, and consistent with Policy 2.2.10 of the Transportation Element will specifically evaluate and, when necessary, mandate efforts to establish park-and-ride facilities.

vii. Development designs for MUP properties will be required to promote alternative modes of transportation in an effort to provide a safe and efficient multi-modal system, providing for the potential reduction of individual passenger vehicle travel. Development design will include provision for transit, bicycle, and pedestrian features, intra-development and interdevelopment connectivity intra-city and intercity connectivity, encouragement of ride-sharing, consideration of off-peak working hours, and other strategies for trip reductions as may be appropriate.

viii. It is recognized that the provision of sufficient public facilities to meet projected public demand and development impacts, as they are needed and as determined by the adopted level of service standards within this Plan, are an integral part of providing the basis for new employment centers within the City of Cape Coral. For that reason, new developments requiring central utility services shall not commence until there is adequate urban service capacity in accordance with the adopted level of service standards found within this Plan. In addition, in reference to development within the MUP, the City will analyze and adopt, not later than December 1, 2011, an amendment to the Capital Improvement Plan that would provide an analysis and

extension schedule for transportation and utility capital improvements and related infrastructure to service the growth of employment development in the area. Infrastructure extension may involve the establishment of interlocal agreements for service, service agreements with other utilities, privately financed service extensions, or other guaranteed mechanisms intended to provide the necessary infrastructure coincidental with demand.

f. Protection of Existing Adjacent Residential. Specific protections will be provided to existing residential uses within the unincorporated portion of the County. These protections will be provided through the PDP, or successive-development permitting process, in order to ensure compatibility between residential uses outside the Mixed Use Preserve and non-residential uses within the MUP. These protections will be applied to any MUP lands that abut existing residential development within the County, and are expressly applicable to the eastern boundary of Section 7, Township 43 South, Range 24 East. To promote compatibility between these uses, a minimum 100-foot edge protection area will be established during the development order process within which:

- i. Height will be limited to a maximum of 35 feet;
- ii. The 25-foot setback for impervious surfaces described above will be provided;
- iii. An opaque vegetated or structural screen will be provided;
- iv. Industrial uses and open storage areas are prohibited;
- v. Through-roads are prohibited; and
- vi. Appropriate lighting standards designed for protecting abutting residential uses will be implemented.

g. Open Space: Within the MUP, every development must provide open space. The amount of open space required is determined by a function of the uses within the development.

- i. At least 50% of lands approved for development of residential uses (excluding compound uses) shall be maintained and/or developed as open space.
- ii. At least 30% of lands approved for development of retail, office, compound use, or industrial uses within the MUP shall be maintained and/or developed as open space.
- iii. If a development includes a golf course, fairways can account for no more than fifty percent (50%) of the open space of any development area within the MUP.
- iv. Open Space includes preserved natural areas, buffers, lakes, parks, golf courses (to the extent provided above), nature trails, retention areas, conservation areas, scenic resources, green belts, wetlands, and associated areas.

v. The design of the functional open space area must incorporate the following design features:

Uses including, but not limited to, picnic areas, trails, benches, boardwalks, golf courses, water management systems, biking/jogging/equestrian trails/vita courses, bird viewing blinds/towers and interpretative facilities may be allowed within functional open areas;

The open spaces within a development site within the MUP must be cleared of exotic, non-native vegetation, so long as any necessary State or Federal permits can be obtained, and replanted with native vegetation as part of the PDP plan, consistent with the requirements of the land development regulations;

Plant material used for revegetation must conform to the standards for Florida Number 1, or better as given in Grades and Standards for Nursery Plants 1973, and Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services Tallahassee;

Australian Pine, cajuput, Brazilian pepper, downy rose myrtle, Cuban laurel, melaleuca, bishopwood, castor bean, common papaya, common snakeplant, day Jessamine, hunters robe, Queensland umbrella tree and trailing wedelia may not be used as part of the revegetation of the property after development; and

The vegetation that surrounds, or is within the open space areas should have the capacity to provide habitat for a diversity of wildlife.

h. Mandatory Buffers for Protection of Natural Areas. Development within the MUP must provide a buffer to protect adjacent natural areas from the impacts of development. This buffer is expressly applicable to Mixed Use Preserve lands that abut conservation lands owned by any governmental agency or by any private entity. The purpose of the buffer, as described below, is to protect adjacent natural resources from the activities and impacts of development on the property. Buffers may be included in the open space calculations for a development and must be located outside of the Conservation class of the Mixed Use Preserve. All development must incorporate buffers, as follows, in three zones:

i. Zone 1 must be a minimum of 50 feet wide and must extend completely along all boundaries of areas deemed to be ecologically sensitive on a given tract or development site. The buffer will consist of selected native upland forest plant species such as south Florida slash pine, live oak, laurel oak, and saw palmetto. Selected species must be tolerant of drought conditions, and must not require fertilizers and pesticides to promote growth and survival. Exotic plant species must be controlled by the periodic application of herbicides and mechanical removal. Wetland forest species must be used in situations where wetland functions remain on the property and where soil and moisture conditions are suitable. Zone 1 may incorporate the existing water management reservoirs as necessary, and may not

require additional buffering beyond the reservoirs themselves and shoreline/littoral plantings as necessary to maintain the ecologically viable health of the wetland/retention system. No structures may be erected in Zone 1 other than those associated with passive recreation such as hiking, bird watching, and nature-study, such as boardwalks, railings, etc. for access to the Zone 1 areas. Construction of lakes in Zone 1 may be allowed. Existing berms and ditches are allowed to remain in Zone 1.

ii. Zone 2 is adjacent to Zone 1 and must encompass an area that is at least 35 feet wide. The area must be free of lights and other structures such as fences, pools, and sheds. The permanent placement of generators, pumps, and other fixed motors is prohibited. Lot areas may extend into Zone 2, but no portion of a structure may extend into this zone. If individual lots are incorporated into this zone, those portions of yard acreage must be planted and maintained in a fashion similar to that proposed for Buffer Zone 1. Passive recreation such as hiking, jogging, biking, and walking will be allowed along designated trails and boardwalk systems. Golf courses and lakes may extend into this zone, but may not incorporate lights or structures other than drainage structures and cart paths. All golf course acreage in Zone 2 must be free of lights and structures, and the use of golf carts will be permitted. If water, sewer, or electrical lines are placed in Zone 2, they must be buried.

iii. Zone 3 is adjacent to Zone 2 and may consist of utilities, lots, accessory, structures, and other infrastructure development in a 25- foot wide band. Exterior lighting in this zone may not project toward adjacent preserve land. Measures such as directional lighting, reduced-height light supports and other light abatement technology must be used. The buffer zones will not preclude governmental entities from constructing public roadways.

- r. OPEN SPACE (OS): The Open Space Future Land Use Classification is designed to designate, with the consent of the property owner, areas for purposes or activities having no dwelling units, non-residential floor area or demand for public facilities. Areas suitable for designation under this classification include, but are not limited to, the following: lakes or other waterways not platted as rights-of-way, which may be used for recreational purposes; stormwater treatment facilities; buffer areas; preserves or conservation areas; or recreation areas having no access except by owners, guests or employees of the surrounding development project. Areas included within this future land use classification used for recreation may have amenities, including, but not limited to, boat ramps, piers, docks, open-sided picnic shelters, gazebos or pavilions. Floor areas of any such structures shall not be considered as non-residential floor area, and may not be used to support the sale or rental of any items; nor may such structures be used for office or administrative purposes. No commercial use shall be made for any recreational facilities located within the Open Space Future Land Use Classification.

Paving of areas within this future land use classification shall be limited to the construction of foot paths and floors for open-sided shelters or pavilions, basketball, tennis or other recreational courts (however, no such courts shall have associated spectator seating or administrative/maintenance structures), as well as paving

associated with minimal parking areas, boat ramps, piers, docks, open-sided picnic shelters, gazebos or pavilions. Lands or areas within this future land use classification shall not be used as parking for residential, commercial or industrial areas, although minimal onsite parking, including an access drive, may be allowed to facilitate recreational use of lands under this future land use classification, or to serve as parking for nearby properties that are within the Natural Resources/Preservation Future Land Use Classification.

All zoning districts are considered compatible with this future land use classification. However, this future land use classification allows only those activities that are consistent with this classification, as delineated above, and, which have no associated density, intensity, or demand for public facilities.

In addition to the regulations listed above, the City of Cape Coral also has sub-districts, as a means to efficiently regulate development in particular areas of interest. These sub-districts include:

Tyson Shores Sub-District

Within the Tyson Shores Sub-District, development shall be limited to a maximum of 115 dwelling units. All property within the Tyson Shores Sub-District shall be entitled to a proportional share of the 115 dwelling units; however, the development rights may be transferred among any properties within the Tyson Shores 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. This limitation may be amended when central water and sewer service is available to serve the site.

Judd Creek Sub-District

Within the Judd Creek Sub-District, development shall not exceed 10 dwelling units per acre on lands with a future land use map designation of Multi-Family. Non-residential intensity on lands with a future land use map designation of Pine Island Road District shall not exceed 250,000 square feet of gross leasable floor area. All lands within the Judd Creek Sub-District with a future land use map designation of Pine Island Road District shall be entitled to a proportional share of the 250,000 square feet of gross leasable floor area; however, the development rights may be transferred among any properties within the Judd Creek Sub-District with a future land use map designation of Pine Island Road District through mutual agreement of the affected property owners, as long as the intensity is consistent with all Land Use and Development Regulations and other provisions of this Plan. These limitations may be amended in the event that roadway network improvements are made that would allow development beyond these limitations without degradation of roadway level of service below the adopted level of service.

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.

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.

Policy 1.17: Land development regulations, whether adopted or revised subsequent to the adoption of this plan, will address buffering and open space requirements, and will protect existing residential land uses from incompatible land uses.

Policy 1.18: Vested Rights. In circumstances in which constitutionally protected property rights or valid development expectations conflict with the City of Cape Coral Comprehensive Plan and judicially defined principles of equitable estoppel may override otherwise valid limitations imposed by the Plan, such property rights or expectations may be recognized by the Cape Coral City Council, acting by resolution after review and recommendation by the Cape Coral Planning & Zoning Commission/Local Planning Agency, on a case-by-case basis.

Such development expectations are exclusive to the following:

1. A development order issued prior to adoption of the Cape Coral Comprehensive Plan including Planned Development Project, special exception, and site plan approvals which have been expressly approved by the City Council in writing and where construction has been or is being diligently pursued pursuant to such approval.
2. A development or project that has been issued a valid building permit prior to adoption of the Cape Coral Comprehensive Plan (February 13, 1989) which has commenced construction and is continuing in good faith.

Nothing in the Cape Coral Comprehensive Plan shall limit or modify the rights of any person to complete any development that has been authorized as a Development of Regional Impact pursuant to Chapter 380, Florida Statutes.

Policy 1.19: The City will adopt urban corridor design guidelines and special land use regulations along the City's roadways, which serve as entry points to the City. These guidelines and regulations will identify specific signage and setback requirements, and other regulations, which will serve to prevent visual and physical blight along specified roadways. The City has adopted guidelines within the Community Redevelopment Area, which may serve as an example for future corridor design guidelines.

Policy 1.20: The City will promote the development of identifiable residential neighborhoods and commercial districts through the encouragement of more compact development patterns, the use of shared design and landscaping characteristics, and the

development of landmarks and gateways.

Policy 1.21: The need for additional educational facilities and programs in the City of Cape Coral will be met through cooperation between the City and the Lee County School Board. Prospective sites shall first be evaluated on projections of residential growth in the area, the ability to serve the current school age population, and transportation needs for use of the site. The City of Cape Coral will then coordinate with the Lee County School Board to evaluate the list of prospective sites to avoid impacts on unique or regionally significant natural systems, to avoid the placement of new public facilities within the Coastal High-Hazard Area, and to ensure compatibility with adjacent land uses and concurrency with other necessary urban services.

Policy 1.22: The City of Cape Coral shall continue to coordinate land use policies with hazard mitigation reports generated in the aftermath of a natural or manmade disaster. Furthermore, the City will continue to coordinate with other local agencies in the placement of public buildings, such as schools, in order to ensure that such buildings are not placed within the Coastal High-Hazard Area. Finally the City may also consider measures designed to reduce potential hazards to life and property within the Coastal High-Hazard Area. Such measures may include reduction of densities in the Coastal High-Hazard Area, public acquisition of land, increased building requirements, or any other appropriate policies recommended in future hazard mitigation reports, or otherwise determined by the City Council to be warranted.

Policy 1.23: The Development Incentive Program (DIP) referred to in Policies 1.14 and 1.15 of the Future Land Use Element shall be established in the Land Development Regulations in accordance with the following concepts. The purpose of the Development Incentive Program is to encourage new and expanded development in excess of baseline densities and/or intensities that will exceed minimum standards of quality for site design, preservation of natural resources, provision of public improvements, and achievement of related citywide land use and development objectives. Development incentives are opportunities offered to property owners and developers as a means to meet specific development goals while increasing the quality of development and providing benefits to the community at large. Such incentives shall not be considered an inherent right but a potential opportunity if certain conditions are met. Site and/or area-wide constraints, public facility capacity limitations, and/or regulatory controls may limit the achievement of densities and intensities offered under this program. Further, density or intensity incentives awarded under this program shall not be interpreted as increasing the density or intensity of development within the Coastal High-Hazard Area above the maximum density (expressed as units per acre) and intensity (expressed as Floor Area Ratio) allowed on a subject property as of the date of adoption of the City of Cape Coral 2030 Comprehensive Plan.

Increases in residential densities and non-residential intensities on a development site in excess of the baseline densities and intensities awarded, up to the maximum permitted, would require providing one or more objectives in one or more of the categories within the program. The categories of the DIP may include but are not limited to:

1. Superior site design and quality development;
2. Preservation of natural resources;

3. Open space and recreational areas;
4. Community facilities;
5. Affordable Housing;
6. Transportation improvements;
7. Enhanced waterfront access and use;
8. Public Improvement Fund; and
9. Land Assemblage.

The DIP will include a point system and weight formula for each category that clearly defines the level of participation and the corresponding additional density and intensity reward that may be granted with respect to the points achieved. Factors that will affect the point system and weight formula may include but are not limited to the Category and creditable activity provided; the physical area and/or improvement provided; the land cost and construction cost of the improvement; the importance of the resource preserved, enhanced or expanded; and the community, neighborhood and/or city-wide value of the creditable activity.

For each dwelling unit per acre in a project that would exceed the baseline density, the project would need to qualify for 100 credit points. For each increase of 0.1 FAR per acre exceeding the baseline FAR, the project would need to qualify for 100 credit points. The credit points used to qualify for additional density cannot also be used for additional intensity. Similarly, the credit points used to qualify for additional intensity cannot also be used for additional density.

The total points that would need to be achieved to realize the maximum residential density and/or the maximum non-residential intensity permitted above the baseline densities and intensities per acre in the Commercial Activity Center and Mixed Use land use classifications are as follows: 1) Residential Density in Non-Compound Buildings for the Commercial Activity Center, Mixed Use, or Mixed Use Preserve, Class II through IV land use classifications is 1,160 points; 2) Residential Density in Compound Buildings for either the Commercial Activity Center or Mixed Use land use classifications is 1,000 points; 3) the Non-Residential Floor Area Ratio in the Commercial Activity Center classification is 1,500 points; 4) the Non-Residential Floor Area Ratio in the Mixed Use classification is 500 points, and 5) the Non-Residential Floor Area Ratio in the Mixed Use Preserve land use classification is 1,750 points. Except as noted below, a maximum of 25% of the differential between the permitted baseline densities and/or intensities and the maximum permitted in the Commercial Activity Center (CAC), and Mixed Use Preserve and/or Mixed Use land use classifications may be achieved in any of the nine categories, as indicated in the following table. The achievable points associated with the 25% differential per category are also provided in the table below.

Percentage of maximum density/intensity achievable in each Category	Total Points Achievable per acre						
	Density in non-compound buildings in CAC and Mixed Use	Density in compound in CAC and Mixed Use	Density in Mixed Use Preserve, Class I	Density in Mixed Use Preserve, Class II- IV	FAR in CAC	FAR in Mixed Use	FAR in Mixed Use Preserve
25%	290	250	195	290	375	125	437

Up to 50% of the differential between the baseline density and/or intensity and the maximum permitted may be achieved in any of the nine categories for mixed use development requiring incentive credit for increases above the baseline density and intensity, if either of the following criteria are met:

- 1) By providing an extraordinary, significant improvement, that meet important objectives of the City of Cape Coral, which will be further identified in the Land Development Regulations; or
- 2) By demonstrating that it is not feasible to meet four categories due to the size of the site, location characteristics

While the above describes the points achievable for the Commercial Activity Center, Mixed Use Preserve and Mixed Use land use classifications, the same or other development incentive program(s) may be applied to other land use classifications and zoning districts.

Category 1: Superior Site Design & Quality Development

The physical layout, orientation and design of a proposed development can greatly affect the activities on site, the connectivity to uses and activities off site, and the overall neighborhood character and aesthetic appreciation of the development. While less quantitative than other categories, there are a number of planning and design elements recognized by the planning professions that greatly contribute the quality of development. Some of the objectives under this category may include, but are not limited to:

Connectivity: the placement of uses, development, and pathways on site realizes and complements connections amongst uses internally and externally;

Clustering: concentrating development on a tract of land to increase areas of open space and/or preservation on site;

Exterior design and Materials: Treatment of facades, fenestrations and provision of ornamental features can greatly enhance the quality of development. Use of

colonnades, awnings, arcades and balconies can provide shade to pedestrians and further accent the building façade. Building recesses and setbacks can promote greater light and air, mitigating effects of increased building bulk and height;

Orientation: Street and building placement can be designed to orient activities and vistas. Undulating streets can break up monotonous grid systems and slow traffic. The location of public parks, open space, community facilities and public squares relative to other development can create a sense of cohesiveness and community; and

Underground Utilities: provision of underground utilities enhances the aesthetic value of a community while affording additional protection from hurricanes.

Category 2: Preservation of Natural Resources

Preservation of natural resources, particularly wetlands and upland habitats that support threatened and endangered species and/or mature tree stands are important objectives under this program. These resources are beneficial to the ultimate users of the development site, the surrounding community, the city as a whole and the region. Existing natural resource areas preserved, enhanced and/or expanded in excess of that required by local, state and federal regulations will receive points under this program towards increased density and intensity. Examples of this may include but are not limited to: increase wetland buffers from 25 feet to 300 feet beyond any buffer required by other agencies, preservation of mature trees in excess of that required under the City's landscape code and enhanced storm water management controls.

Category 3: Public Open Space & Recreational Areas

Open space, landscaping and buffering provided in addition to that required under the City's land use and development regulations, ordinances and resolutions are important objectives under this category. Provision of passive and active recreational areas and facilities are highly valued objectives in this category. Objectives achieved under this category shall be awarded points based on the physical size, location, public accessibility, and quality of improvement made. Connection to existing public recreational areas and achievement of target areas and facilities under the City's Master Park Plan shall be considered in the award of points under this category.

Category 4: Community Facilities

The provision of community facilities throughout the City is beneficial to the development site, surrounding neighborhood and the City as a whole. Community facilities may be public and/or private. The geographic distribution as well as the amount of facilities within the City is a benefit to local communities. The demographic and/or service need in a given area, stated public needs and objectives, and contextual suitability for the proposed facilities would be factors considered as a first tier in evaluating elements in this category. Facilities proposed at suitable locations would be eligible to receive points in this program. The types of facilities eligible under this program may include but are not limited to:

Government and Public Facilities;

Educational Facilities;

Day Care & Special Needs Facilities; and

Hurricane Shelters; dedicated land in non-flood prone areas, compliant structures.

Category 5: Affordable Housing

As housing costs continue to escalate, the provision of affordable housing to support the workforce associated with commercial services and industries will continue to be an important objective to sustain the City's socio-economic long-term objectives. Points would be awarded based on the provision of the quantity and quality of affordable housing opportunities provided on and/or off-site. The suitability of areas to support population needs will be considered in evaluating proposed affordable housing contributions under this category.

Category 6: Transportation Improvements

The provision of transportation improvements in excess of those required under other regulations and review procedures shall be objectives under this program, based on achieving suitability and eligibility criteria. The improvements that may receive points under this category may include but are not limited to:

Provision of land to support existing and proposed right-of-ways on and off-site needed by the City;

Physical construction of and/or payments for right-of-way improvements on and off-site in excess of those required by the City or other agency;

Provision of streetscape improvements (plantings, street furniture, etc);

Provision of traffic control measures (e.g. signalization);

Traffic calming control measures;

Mass transit services/facilities; e.g. bus shelters; and

Bicycle racks/storage lockers.

Category 7: Enhanced Waterfront Access & Use

Provision of new and/or enhanced opportunities for public access and use of waterfront resources would be awarded points under this program, based on the type, location and quality of the objective achieved. Objectives rewarded under this category may include but are not limited to:

Provision of land and/or facilities that expand existing public parks and facilities;

Provision of waterfront boardwalks, esplanades, and/or pathways;

Provision of sitting areas and other passive –related improvements;

Provision of piers, docks, and boat-launches;

Provision of parking lots or parking structures at or adjacent to waterfront locations, serving the general public; and

Creation and/or expansion of man-made lakes that enhance use areas available to the public.

Category 8: Public Improvement Fund

Contributions to the City’s Public Improvement Fund (PIF) can be made in accordance with a schedule approved by the City to achieve greater density and/or intensity for a development site. Contributions collected under PIF will be used by the City to make public improvements along corridors, where developments achieve additional development through awards under this category. Monies under this fund could be used, but are not limited to the following types of public improvements: public parks, bike and or pedestrian paths, greenbelt and nature trails, plantings, government facilities and infrastructure improvements. The City will prepare an annual report describing the amount of money collected under this program, current and proposed expenditures, and projects under this program, inclusive of an anticipated time schedule.

Category 9: Land Assemblage

The pre-platted nature of the City poses challenges to the aggregation of land needed to support a quality commercial and/or mixed use development. Points will be awarded under this category based on the amount of land assembled, (3 acres or more of lots and consisting of at least 250 feet in depth along the 50% of the site’s frontage), the number of platted lots assembled, the amount of commercial development proposed, and the location of the assemblage.

Policy 1.24: Based upon increased awareness of the difficulties associated with pesticides, herbicides, water quality, and habitat loss, the City has determined that all new golf courses should be developed in a manner that is sensitive to environmental and ecological quality. New golf courses throughout the City will be developed as Planned Development Projects in accordance with the City of Cape Coral Land Use and Development Regulations. Additionally, new golf courses will be developed following the Florida Department of Environmental Protection’s Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses, January 2007, and be designed, constructed, certified, and then managed in accordance with the Audubon International Signature Program. Exempted from these regulations are former and existing golf course facilities in Cape Coral, otherwise known as the Coral Oaks Golf Course, Executive Golf Course, Palmetto Pine Golf Course, and the Cape Coral Golf and Tennis Resort (also known as the Golf Club). The term “golf course facilities” refers to all properties used in the operation and maintenance of golf courses, including, but not limited to, fairways, greens, bunkers, driving ranges, pathways, parking lots, clubhouses, and pro

shops. The foregoing exemption from Policy 1.24 shall apply in perpetuity and run with the land.

To further ensure a high standard of golf course development in Cape Coral, natural waterways shall be left in a natural, unaltered condition and shall not be channelized, provided:

- i. If a crossing for a natural waterway, water body, or flow way is proposed, it must be designed, to the greatest extent practicable, to minimize the removal of trees and other shading vegetation;
- ii. Golf cart crossings must be designed to be permeable, be no wider than eight feet, and placed on pilings from edge of floodplain to edge of floodplain;
- iii. Created or restored flow ways and water bodies may be crossed by bridges or culverts, or a combination thereof, if approved by the South Florida Water Management District;
- iv. An existing natural waterway may not be excavated for new lakes or ponds;
- v. Upland ponds must not expose stream channels to an increase in either the rate or duration of floodwater, unless otherwise required by the South Florida Water Management District in order to further regional water management objectives.

All fairways, greens, and tees are elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the development's water management system.

Further, to ensure water conservation, golf course irrigation systems must utilize computerized irrigation programs based on weather station information and moisture sensing systems to determine existing soil moisture and evapotranspiration rates so as to provide water efficient zone control. Where re-use water is available, new golf courses will, to the greatest extent practicable, utilize such re-use water for irrigation purposes.

Design of new golf courses will protect wildlife by: 1.) maintaining natural wildlife habitat in at least 50% of all minimally used portions of the property; 2.) connect natural areas as much as possible to improve wildlife movement throughout the golf course and from the course to neighboring natural areas; 3.) maintain a water source for wildlife with aquatic plants and shrubbery or native landscaping along the shoreline; 4.) naturalize at least 50% of out-of-play shorelines with emergent aquatic and shoreline plants; and 5.) maintain nesting boxes or other structures, when appropriate, to enhance nesting sites for birds or bats.

A Construction Management Plan will be required prior to new golf course development in accordance with the Florida Department of Environmental Protection's Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses.

New golf courses shall be monitored annually in the following areas:

- a. Surface and groundwater monitoring requirements

- b. Construction monitoring: Annual reports detailing construction activities, permitting, compliance with Audubon International Signature Standards and percent of project completed.
- c. Land management activities: Including those used on the golf course, as well as natural and preserve areas.
- d. Wildlife monitoring: An inventory of wildlife, wildlife activity, and wildlife management activities.
- e. Irrigation monitoring: A summary of the monthly irrigation withdrawal and irrigation sources.
- f. Mitigation/vegetation monitoring: Status reports on the viability of any mitigation or landscaping conducted on-site and an inventory of all fertilizers used for golf course and non-golf course areas maintained during the year.
- g. Integrated pest management monitoring: Provide a discussion on the pest management techniques, and any pest problems that have occurred on the project.
- h. If surface and/or groundwater monitoring shows degradation of water quality the City will notify the property owner that a plan, to correct the identified problem(s), must be submitted. The property owner must submit a plan of action within 30 days after receipt of written notice from the City. The plan must identify actions that will correct the problem(s) within the shortest possible time frame. This plan will be reviewed and must be found to be acceptable by the City. If the plan is not submitted as required, or is found to be unacceptable by the City, the City will require that all activities on the property cease until a plan is submitted and approved. The approved plan must be implemented by the property owner. If the City determines that the approved plan is not being implemented properly, the City can require that all activities on the property cease until the property owner comes back into compliance.

OBJECTIVE 2: Location of New Commercial Development: New commercial development shall be so located to provide minimal vehicle trip lengths, at or near transportation nodes, and compatible with neighboring residential uses.

Policy 2.1: The City shall encourage the location of Commercial Activity Centers where they can efficiently use infrastructure, where their adverse impacts on adjacent uses are minimized and where they will effectively provide the community with desired products, services and employment opportunities.

OBJECTIVE 3: Development of Quality Commercial Centers: The City encourages development of quality commercial (retail, office, and/or services) centers on property that meets the recommended land configuration for such commercial centers and that is located proximate to an adequate trade area, relative to the size and character of the center, and necessary to ensure economic viability.

Policy 3.1: The City of Cape Coral will encourage the development of future commercial (retail, office and/or services) areas at or near transportation nodes by assigning appropriate future land use designations.

Policy 3.2: The size, location and function of commercial areas shall be related and central to the population, market area and the transportation network system. The distribution and size of commercial areas shall be spatially located to meet neighborhood, community and regional needs and to reduce vehicle trip lengths.

Policy 3.3: Application of the commercial areas along and proximate to commercial corridors at key locations is intended to address the projected demand for commercial development as summarized in the Table below, or other subsequent analysis.

Commercial Centers by Corridor					
<u>Corridor Name</u>	Total Projected Demand For Commercial Acres of Land	Neighborhood Shopping Center	Community Shopping Center	Power Center	Regional Shopping Center
Burnt Store Road	295	2	2*		
Del Prado Boulevard North	307	1	2*		
Del Prado Boulevard South	243	2	2*		
Chiquita Boulevard South	129	0			
Chiquita Boulevard North	129	2			
Cape Coral Parkway (east of Palm Tree)	144	1			
Cape Coral Parkway (west of Palm Tree)	94	1	1*		
Santa Barbara North	120	2	2*		
Santa Barbara South	56	0			
Santa Barbara (Formerly Juanita Boulevard)	79	1	1*		
Veterans Parkway	189	2	1*	1	
Kismet Parkway	151	1			
Skyline Boulevard	148	2			
Diplomat Parkway	136	2			
Tropicana Parkway	117	1			
Cultural Park Boulevard	109	0			
Hancock Bridge Parkway	85	0			
Andalusia Boulevard	75	0			
Embers Parkway	73	0			
Nicholas Parkway	50	0			
Viscaya Parkway	27	0			
Pine Island Road	399(1) 299	3			2

Source: Based on information from the Commercial Corridor Study, dated April 30, 2003, City of Cape Coral, Planning Division (2003)

(* Asterisk indicates that the center has a dual function as a community commercial center and neighborhood commercial center.

There may be more than one Super Community/Power Center in the City of Cape Coral.

(1) Adjusted on pro rata basis for incorporation of a regional commercial center on Pine Island Road

Policy 3.4: The City shall initiate and/or consider privately initiated future land use map amendments necessary to provide an adequate supply of lands designated for retail, office, and services uses in quantities and locations appropriate for such uses, generally consistent with the findings of the Commercial Corridor Study (City of Cape Coral, 2003), or other subsequent analysis.

Policy 3.5: Commercial development shall include bicycle parking areas, and when appropriate, bus bays and bus shelters in order to encourage alternative transportation modes.

Policy 3.6: The City of Cape Coral adopted the Pine Island Road Corridor Master Plan in January 2002. The City will adhere to this Master Plan to provide guidance, standards, and to direct growth and development along the Pine Island Road Corridor.

OBJECTIVE 4: Location of Future Development: Future private development requiring public water and wastewater will be directed into the Urban Services Infill Area and the Urban Services Transition Area illustrated on the Future Land Use Map, unless specifically accepted by the provisions of this plan.

Policy 4.1: Future development requiring access or connection to public water and sewer facilities will be located within either the Urban Services Infill or Transition areas.

Policy 4.2: Exemption from the provisions of Policy 4.1 will be made only in extraordinary cases where the physical size, potentially disruptive nature, or geographic needs of the project would make strict adherence unreasonable. These projects include developments of regional impact, utilities plants, airports, public schools, technical schools, community colleges, parks and other government facilities.

Policy 4.3: By 2010, the City will complete an Economic Development Plan to encourage large-scale commercial, professional and industrial types of development within the City.

Policy 4.4: Completed and city-accepted private initiatives to utility service, such as on-site sewage treatment plants and developer-extended utilities, shall be considered as extensions to the Urban Services Transition Area.

OBJECTIVE 5: Extension of Infrastructure and Services in the Urban Services Infill Area: Infrastructure and community services will be extended to serve 100 percent of the anticipated functional population of the Urban Services Infill Area.

Policy 5.1: Land use regulations, whether adopted or revised pursuant to this plan, shall provide incentives to encourage infill of residential, commercial, and other appropriate uses within the Urban Services Infill Area and Transition Area.

Policy 5.2: The City will amend the Future Land Use Map using the plan amendment process, to annex Urban Services Transition Area lands into the Urban Services Infill Area as soon as those lands are found to be served with the adopted level of infrastructure and community services.

Policy 5.3: New commercial development shall meet all of the requirements for adequate

facilities based on the level of service standards adopted for roads, potable water and sanitary sewer, solid waste, storm water facilities and other services in this plan.

Policy 5.4: The City of Cape Coral may develop other zoning districts that are compatible with the Commercial/Professional future land use classification.

Policy 5.5: The City may consider the vacation of rights-of-way to facilitate land assembly and the development of a unified, contiguous commercial project.

Policy 5.6: In addition to the facilities for which level of service standards are adopted as part of the concurrency management system of this plan; other services that should be considered to serve new commercial and mixed-use development include fire, police and emergency medical protection.

OBJECTIVE 6: Extension of Infrastructure and Services in the Urban Services Transition Area: Infrastructure and community services will be extended to serve 100 percent of the anticipated functional population of the Urban Services Transition Area at the same level of service standards available within the Urban Services Infill Area.

Policy 6.1: Future extension of utilities will be located and timed to attain a reasonable balance between the following factors:

Protection of public health, safety, and welfare.

Protection of the environment from contamination.

Protection of potable water aquifers from excessive withdrawal and/or saline-water intrusion.

Projected population increases.

Enhancement of economic development resulting from the provision of services.

Continuity with the future plans for utilities within the extension area and adjacent areas.

Collection and distribution facilities will only be extended with consideration given to the capacities of the aquifers, water wells, treatment plants, or disposal facilities capacities to provide the adopted levels of service.

Property value and financial impacts on property owners.

Financial feasibility of the utility expansion.

Policy 6.2: The City will continue to set aside a portion of the Urban Services Transition Area as a receiving area for Transfers of Development Rights (TDRs).

OBJECTIVE 7: Development in the Urban Services Reserve Area: The City will discourage premature "leap-frog" development within the Urban Services Reserve Area.

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.

Policy 7.5: 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, 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 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.

OBJECTIVE 8: Restrictions upon Incompatible Land Uses: The City will prohibit land uses which are incompatible or inconsistent with the Future Land Use Map.

Policy 8.1: The City will prohibit the expansion or replacement of land uses which are inconsistent with the Future Land Use Element.

Policy 8.2: Land development regulations, adopted pursuant to s.163.3202, F.S., will require the buffering of incompatible land uses.

Policy 8.3: Commercial developments shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses. The design should ensure adequate screening of unsightly views of commercial developments (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas and exterior storage) through the extensive use of landscaping, berms, fencing, concealment, architectural features, open space, setbacks, and/or building orientation. Ensure that the placement of any noise generating activities such as ingress/egress, parking, deliveries, air conditioning equipment and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety and overall maintenance of commercial properties should be carefully monitored.

Policy 8.4: The City shall encourage transitions from commercial uses to less intensive land uses and site design that considers the following preferred characteristics to attain compatibility with adjacent residential uses:

- a. Site Orientation
 - i. Vehicular access should be from a collector, arterial, access street, or an alley if the subject uses are located within the Downtown Community Redevelopment Area.

- ii. Pedestrian access should be designed to provide internal and external circulation from adjacent neighborhoods.
 - iii. Streets should be designed with elements to provide visual or physical buffering may serve as boundaries between different intensities of land uses.
 - iv. Site improvements within commercial areas such as lighting, signage and landscaping should be designed and coordinated in order to create a positive identity and visual image throughout the development area.
- b. Site design should promote the preservation and integration of mature trees, natural vegetation, natural and environmentally sensitive areas whenever feasible.
 - c. Screening and landscaping
 - i. Creative and extensive use of landscaping and berming techniques for natural transitions between differing intensities of land uses is encouraged.
 - ii. Fences should not be used as a sole method of providing screening and buffering between differing intensities of land uses.
 - iii. The City shall review and revise landscaping and signage standards for commercial development to enhance the visual and physical environment to foster its integration of other land uses.
 - d. Lighting used to illuminate parking areas, signs or structures should be placed and designed to deflect light away from adjoining property or public streets through fixture type, height, orientation and location.

Policy 8.5: The City encourages the use of multi-family residential, compound buildings, professional offices, and parks as transitional uses between commercial development and low-density residential neighborhood. Such development should include:

- a. Design elements such as: height and scale compatible with the surrounding residential uses: _
- b. Site design that is compatible with surrounding residential neighborhoods with consideration given to extensive screening, architectural features, building and parking orientation, and preservation of natural features; and
- c. Primary site access provided from arterials, collectors or access streets in order to discourage traffic from directly entering residential areas.

Policy 8.6: Commercial developments and compound buildings shall be encouraged to preserve substantial areas of natural vegetation.

OBJECTIVE 9: Coastal Development: The City will coordinate coastal area population densities with the Southwest Florida Comprehensive Hurricane Evacuation Plan.

Policy 9.1: The City will encourage the development of infrastructure in the northeastern

portion of the community to take advantage of high elevations and opportunities for rapid evacuation.

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.

OBJECTIVE 11: Protection of Marine, Estuarine, and Upland Environments: Cape Coral will continue to protect marine and estuarine communities and will continue its protection to include the ownership and maintenance of a significant example of an upland ecological community.

Policy 11.1: The City will own and maintain a minimum of 200-acre tract of upland for use as a major park emphasizing passive recreation and nature study.

Policy 11.2: The City will continue to use inland sites for dredge spoil to protect marine and estuarine communities. The identification of subsequent spoil sites will begin within two years of the existing site reaching capacity.

OBJECTIVE 12: Protection of Historic and Pre-historic Resources: The City will continue to identify all historic and prehistoric resources within the City's jurisdiction, and will adopt regulations to preserve and protect those resources for future enjoyment.

Policy 12.1: The Department of Community Development will be the designated body responsible for preserving the City's historic resources and the identification of historic homes and structures within the City's jurisdictional boundaries.

Policy 12.2: Cape Coral will continue to cooperate with State and Federal agencies to protect identified historical and archaeological resources from vandalism and desecration, and will preserve these resources in a manner which promotes an understanding of historic and prehistoric peoples and their times.

OBJECTIVE 13: Renewal of Blighted Areas: The City will pursue the redevelopment and renewal of blighted areas in the downtown area consistent with the provisions of the Community Redevelopment Area (CRA) plan.

Policy 13.1: The City will continue the redevelopment of the Community Redevelopment Area (CRA) in downtown Cape Coral according to the schedule of the CRA plan as adopted by Council.

Policy 13.2: The City will, as part of its CRA planning process, investigate innovative market opportunities to property owners in blighted areas to remodel, rebuild and replat their buildings and properties.

Policy 13.3: In order to encourage and facilitate development and redevelopment and the

provision of housing, employment, service and shopping opportunities in a compact area currently served by public facilities, mixed use development shall be allowed in the Downtown Community Redevelopment Area. Such mixed use development shall conform to the Community Redevelopment Area Plan, as same may be amended, and shall be reviewed in accordance with the City's Land Use and Development Regulations.

Objective 14: In order to promote the economic viability of Downtown Cape Coral, the City of Cape Coral shall establish the Downtown Transportation Concurrency Exception Area (Downtown TCEA). Establishment of the TCEA will enhance the ability of the City to undertake the following activities:

Urban redevelopment;

Urban infill development;

Increasing retail and commercial services, as well as employment opportunities within the downtown area, thereby reducing the City's reliance on travel across bridges to reach such land uses;

Providing residents of, and visitors to, the downtown area with a variety of transportation choices and opportunities including automotive, pedestrian, bicycle and transit;

The creation and implementation of desirable urban design and form in the downtown area;

The creation of a broader mix of residential and non-residential uses in the downtown area;

Implementing streetscaping and landscaping improvements in the downtown area;
and

Increasing comfort, safety and convenience for pedestrian, bicycle and transit users in the downtown area.

Policy 14.1: The City of Cape Coral hereby establishes the Downtown CRA Transportation Concurrency Exception Area (Downtown TCEA) to aid in the revitalization and redevelopment of the properties within the Community Redevelopment Agency (CRA) area. The purpose of the TCEA shall be to provide incentives for revitalization, infill development and redevelopment by eliminating or minimizing transportation concurrency requirements, in exchange for the implementation of sound land use and transportation planning techniques, which enhance mobility within the downtown area.

Policy 14.2: The City of Cape Coral Downtown CRA TCEA shall have boundaries as depicted on the Future Land Use Map. The general boundaries of the area are as follows: SE 44th Street and SE 46th Lane on the North, SE 17th Place, Waikiki Avenue, and the Caloosahatchee River on the East, Miramar Street, Bimini Basin Canal, and Norfolk Canal on the South, and Tudor Canal, Palm Tree Boulevard, Coronado Parkway and the

alley in Block 396 on the West.

Policy 14.3: New development, redevelopment and infill development projects located within the City of Cape Coral Downtown Transportation Concurrency Exception Area (Downtown TCEA) may elect to be exempt from transportation concurrency requirements through implementation of the mitigation strategies described in Policy 14.5 of this Element. 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 elects to mitigate its transportation impacts through the strategies identified in Future Land Use Policy 14.5, or elects 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 14.4: The City of Cape Coral and the Cape Coral Community Redevelopment Agency (CRA) will work with Lee County Transit (LeeTran), or other local transit provider, and the Lee County Metropolitan Planning Organization (MPO) to expand and/or otherwise improve the public transportation system within the Downtown TCEA in an effort to reduce the demand on the existing transportation network by reducing the number of trips on the roadways within the Downtown TCEA.

Policy 14.5: In order to be exempt from link specific concurrency and to support mobility enhancement within the Downtown TCEA, all new development, redevelopment, or infill development projects may opt to incorporate any five of the following provisions:

Preferential parking for carpools, vanpools, and/or multiple occupancy vehicles with the object of increasing the average vehicle occupancy for trips generated by the development.

Parking price structures favoring carpools, vanpools, and/or multiple occupancy vehicles, with the object of increasing either the average vehicle occupancy for trips generated by the development, or increasing transit ridership.

Flexible work schedules for employees of the development, with the object of decreasing peak hour automobile trips generated by the development.

Payment of a subsidy to LeeTran to support an increased level of transit service within the TCEA.

Payment into one or more funds, to be established by the City or the CRA. Monies collected by such fund(s) shall be used to support programs and/or capital projects designed to provide additional parking and/or to enhance bicycle, pedestrian, and transit mobility within the TCEA.

The provision of transit shelters, built to City of Cape Coral specifications, within the development.

The provision of a safe and convenient internal pedestrian and bicycle circulation

system within the development, including the placement of bicycle racks or bike lockers.

The provision of transit turn out lanes on heavily traveled roadways.

The provision of structured parking for use by residents, patrons and employees of the development.

Clustering buildings within the development, or otherwise designing the development to achieve maximum residential density or non-residential intensity at the development site in a manner, which preserves open space, enhances multi-modal opportunities and provides transit oriented densities or intensities.

Where feasible, the construction of new roadway or alleyway facilities to reduce congestion on major roadways and to provide alternate access to the development.

Any other innovative transportation related modifications or standards submitted by the developer and acceptable to and approved by the City of Cape Coral.

Objective 15: Downtown TCEA Administration: The City shall develop and implement strategies and programs designed to achieve the purposes of the City of Cape Coral Downtown CRA Transportation Concurrency Exception Area (TCEA).

Policy 15.1: The Community Redevelopment Plan for the Community Redevelopment Area (CRA) provides information regarding funding of redevelopment within the CRA. As provided for by Florida's Community Redevelopment Act, the principal source of funding for the Community Redevelopment Agency will be through the Tax Increment Trust Fund. Other sources of funding may include the sale or lease of acquired property, Enterprise Fund Revenue Bonds, one or more funds for mobility enhancement, as described in Policy 14.5, above, and Federal, State and Regional Grants.

Policy 15.2: In order to promote new development, redevelopment and infill development within the Downtown TCEA, funding for multimodal transportation modifications and identified improvements (not otherwise provided by the developer, as per Policy 14.5, above) will be provided to the maximum extent feasible by the City, the CRA, Lee County, state and/or federal governments, developers and other outside sources such as grant funds.

Policy 15.3: Within the Downtown TCEA, the City of Cape Coral and the Community Redevelopment Agency will continuously work to improve other forms of mobility such as pedestrian, bicycle and transit service and to implement connectivity between all modes so as to promote lower vehicular traffic.

Policy 15.4: The City of Cape Coral and the Community Redevelopment Agency will implement sidewalk, or other pedestrian, and bicycle improvements to increase the Level of Service of these facilities within the downtown area. Pedestrian projects designed to increase the pedestrian level of service may include but shall not be limited to:

Construction of new or expanded sidewalk facilities to service streets or portions

of streets not currently served by sidewalks;

A reduction in the number of physical obstructions within the sidewalk network;

Improvements to pedestrian crosswalk signalization;

The designation of one or more local streets as pedestrian only areas; and/or

The provision of shading, sitting areas and other streetscape amenities.

Policy 15.5: The City and the CRA will cooperate with Lee County Transit (LeeTran) to maintain/improve the transit facilities and transit level of service within the Downtown TCEA. In addition to developer-implemented strategies, as described in Policy 14.5 of this Element, strategies that may be implemented include, but may not necessarily be limited to, improving the density, intensity and mix of development in the downtown area, improving route headways, improving service time spans, and reducing the interval distance between stops.

Objective 16: The Cape Coral Downtown CRA Transportation Concurrency Exception Area (Downtown TCEA) will be administered in a manner that supports the Community Redevelopment Agency's goals concerning urban design, the preservation of open spaces, streetscaping and the removal of blighting factors.

Policy 16.1: With regard to open space and street layout within the Community Redevelopment Area, the intent of the City, in implementing the Downtown TCEA, is to create a high-intensity, yet pedestrian friendly, urban area that is served by multi-modal circulation systems, which are designed to ensure that visitors, employees, and residents can easily find their way, park, and enjoy their walk to their destinations.

Policy 16.2: Within the Downtown TCEA, the City shall utilize regulatory controls and incentives to provide appropriate limitations on the type, size, height and use of buildings in order to stimulate and attract private investment in real property and property improvements in the redevelopment area. Such investment and improvements will be directed toward the elimination of blighting factors, the improvement of the economic health of the City and the County, increasing employment opportunities within the downtown area, providing better services to residents, businesses, and tourists, and improving the tax base.

Policy 16.3: In regulating residential development (including, but not necessarily limited to, affordable housing) within the Downtown TCEA, the City will continuously seek to increase the number of people that both live and work downtown in order to promote the creation of pedestrian-friendly shopping areas, provide employment opportunities for downtown residents, and decrease automobile use in the downtown area.

Policy 16.4: In order to enhance the visual characteristics of roadways within the Downtown TCEA, and to create an appealing environment that supports multi-modal transit opportunities, the City and the CRA will develop streetscaping guidelines and/or plans for roadways within the downtown area.

Policy 16.5: The City will include right of way and median landscaping as part of any major

roadway modification program carried out within the Downtown TCEA.

Policy 16.6: The City of Cape Coral shall coordinate with the CRA, Lee County, and the Lee County Metropolitan Planning Organization to balance the need for and design of roadway improvements within the Downtown TCEA with the CRA's need for quality urban design concepts for all revitalization, redevelopment and infill development.

Policy 16.7: Land use intensities and densities within the Downtown TCEA shall be consistent with the goals objectives and policies of the City's Comprehensive Plan. In particular, Policy 1.15 (l) of this Element, describing the Downtown Mixed Future Land Use Classification, defines the allowable intensities and densities within the Downtown TCEA.

Objective 17: Downtown TCEA Network Connectivity: In implementing various mobility strategies and infrastructure projects within the Downtown TCEA, the City of Cape Coral and the Community Redevelopment Agency will seek to establish network connectivity within and between all modes of transportation within the downtown area.

Policy 17.1: In reviewing requests for vacation of streets within the downtown area, the City of Cape Coral shall consider the following:

Whether the loss of the street will adversely impact current or future bicycle/pedestrian mobility;

Whether the loss of the street will prevent access to adjacent land uses or transit stops; and,

Whether the loss of the street is necessary for the construction of high density, mixed use projects containing both residential and non-residential uses or projects that permit residential and non-residential uses to be constructed in close proximity to each other.

Policy 17.2: Within the Downtown TCEA, development plans for the placement of new parking structures and/or surface parking lots as a principal or accessory use shall:

Minimize conflicts between pedestrian, motor vehicle, and bicycle travel routes; and,

Utilize locations and designs, which discourage commercial vehicle access through residential streets.