

ORDINANCE 46 - 11

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE 3, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 3.3, SPECIFIC USE REGULATIONS, TO AMEND REFERENCE TO PUBLIC WORKS DEPARTMENT WHERE RESPONSIBILITIES ARE NOW UTILITIES DEPARTMENT; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

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

SECTION 1. The City of Cape Coral Land Use and Development Regulations, Article III, Supplementary District Regulations, is hereby amended as follows:

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§ 3.3 Specific use regulations.

In addition to other requirements of this ordinance, the uses listed below are subject to the following specific use regulations.

- .1 *Single-family residential.* In addition to all other provisions of this ordinance, single-family residential uses shall be subject to the following requirements.
 - A. *Principal buildings.* Only one principal building and permitted accessory structures may be erected on any building site of record. This regulation does not apply in the "RE" Zoning District.
 - B. *Ornamental walls.* Such walls attached to the principal building shall not be higher than four feet at any point where they extend beyond the roof overhang and into the side setback. Encroachment into the side setback requirements shall be no more than four feet and may not extend into the six-foot perimeter easements. A planter may be incorporated into the construction of a wingwall. A decorative/ ornamental (masonry) wall not to exceed 30 inches above the finished ground grade may be installed on any property not to exceed five feet within the minimum setback requirements of a front property line. The decorative/ornamental wall may be in the form of a planter.
 - C. *Roof overhang.* If the roof overhang encroaches into the required setbacks, the overhang may not extend beyond three feet from the principal structures.
 - D. No principal structure may be constructed on a site to which potable water or sewerage is supplied by a public utility unless that structure has been properly connected to the potable water or sewer lines. If potable water is not available, the principal structure must be served by a private well permitted by Cape Coral ~~Public Works Department~~ Utilities Department or other responsible agency; if sewerage is not available, the principal structure must be served by a septic system permitted by the Lee County Health Department or other responsible agency.
 - E. All structures must include adequate toilet facilities for owners and/or occupants and their employees in accordance with the City of Cape Coral Sanitation Code.
 - F. *Water discharge.* No gutter downspout or other water discharge device, including, without limitation, any extensions thereof such as coiled flexible tubing with perforations or by any other means, shall discharge water, measured from the actual point of discharge, less than four and one-half feet from the property line. Further, the water discharge from any downspout or water discharge device shall be directed only towards the front or rear property lines, and not towards the side lot lines of the property on which the discharge is located.

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SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 17th DAY OF October, 2011.



JOHN J. SULLIVAN, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:


SULLIVAN	<u>Aye</u>
McCLAIN	<u>Aye</u>
BRANDT	<u>Aye</u>
DEILE	<u>Aye</u>
CHULAKES-LEETZ	<u>Aye</u>
KUEHN	<u>Aye</u>
McGRAIL	<u>Aye</u>
DONNELL	<u>Aye</u>

ATTESTED TO AND FILED IN MY OFFICE THIS 28th DAY OF October, 2011.



REBECCA VAN DEUTEKOM
CITY CLERK

APPROVED AS TO FORM:



DOLORES D. MENENDEZ
CITY ATTORNEY
ord/PW to Utilities Dept-LU