

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL, FLORIDA, LAND DEVELOPMENT CODE, ARTICLE 4, ZONING DISTRICTS, CHAPTER 1, GENERAL PROVISIONS, SECTION 4.1.5., PROJECTIONS AND ENCROACHMENTS INTO SETBACKS, AND ARTICLE 5, DEVELOPMENT STANDARDS, CHAPTER 1, GENERAL REQUIREMENTS FOR ALL DEVELOPMENT, SECTION 5.1.13., SINGLE-FAMILY RESIDENTIAL STANDARDS, REGARDING GENERATORS IN FRONT OF SINGLE-FAMILY RESIDENCES AND SETBACK REGULATIONS; 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, Florida, Land Development Code, Article 4, Chapter 1, Section 4.1.5., is hereby amended as follows:

Section 4.1.5 Projections and encroachments into setbacks.

Encroachments into required setbacks. Every part of the required setbacks on a parcel shall be open and unobstructed from 30 inches above the ground, as measured from the average elevation of the crown of road along the property frontage, except as provided below or as shown in Table 4.1.5., below.

- A. Structures less than 30 inches in height are not considered encroachments into minimum required setbacks.
- B. Bermed earth, plant materials, sidewalks, and driveways are not considered encroachments.
- C. Encroachments into required setbacks:
 - 1. Cornices, overhangs, decorative awnings with no ground support installed over windows and at entrances, eaves and gutters, balconies, and means of egress may project a maximum of three feet into required setbacks.
 - 2. Awnings requiring pole supports to be placed in a setback area, or those without pole supports which encroach more than 3 feet into required setbacks, may be approved, in districts other than RE or R1, at the discretion of the Director of Community Development Services. Such awnings must function as decorative architectural elements as opposed to garage, carport, or other similar storage facilities.
 - 3. All existing air conditioning, pool equipment, and generators may be maintained and replaced provided the new equipment does not encroach more than three feet into any required setback. All newly installed or replacement air conditioners, generators, and pool equipment must comply with all applicable building setback requirements specified in Tables 4.1.3.B., 4.2.11., and 4.2.12., and shall not be placed in any easement. Additional requirements for new generators associated with single-family residential uses appear in LDC, Section 5.1.13.
 - ~~4. Permitted encroachments into required setbacks are not allowed to encroach into utility easements (See Article 5, Section 5.1.6).~~
 - ~~5~~ 4. Railings and any elements associated with ADA accessibility may encroach into required setbacks, regardless of height.
 - ~~6~~ 5. Awnings, canopies, colonnades, arcades, and balconies may encroach into a required setback, an easement, or a public right-of-way if approved by the City Manager pursuant to the criteria provided in Sections 4.2.15.D.5 and 5.8.9.E. Such encroachments are only allowed in the South Cape Zoning District.
 - ~~6~~ Except where allowed under Section 4.1.5.C.5., design elements identified in Table 4.1.5. shall not encroach into any easement (See Article 5, Section 5.1.6).
 - 7. Additional regulations governing generators in front of a single-family residence or in the front yard of a single-family residence appear in LDC, Section 5.1.13.

Table 4.1.5 Maximum Distance Allowed from the Building Envelope for Various Design Elements Permitted Setback Encroachments

Design Element Projection or Feature	Maximum Distance from the Building Envelope Encroachment (measured from primary structure envelope)			Max Height
	Front Yard	Side Yard	Rear Yard	
Architectural features	2 ft.	2 ft.	2 ft.	N/A
Awnings and canopies	3 ft.	3 ft.	3 ft.	N/A Not applicable
Balconies	3 ft.	3 ft.	3 ft.	N/A Not applicable
Chimneys	N/A Not allowed	2 ft.	2 ft.	per Building Code
Eaves, gutters, and overhangs	3 ft.	3 ft.	3 ft.	N/A Not applicable
Porches	5 ft.	3 ft.	3 ft.	N/A Not applicable
Solar Photovoltaic (PV) Arrays, attached to primary structure	N/A Prohibited on the ground; allowed only on the roof of a building. N/A N/A			3 ft. above a peaked roof, 10 ft. above a flat roof
Generators	5 ft.	5 ft.	5 ft.	Not applicable
Other Mechanical mechanical equipment: AC, generator, pool equipment	N/A Not allowed	5 ft.	5 ft.	N/A Not applicable
Stairways	5 ft.	3 ft.	5 ft.	N/A Not applicable
Ornamental Walls	5 ft.	1.5	5 ft.	30 inches
Architectural features not identified in this table	2 ft.	2 ft.	2 ft.	Not applicable
In SC district: Awnings, canopies colonnades, arcades, and balconies	See Sections 4.1.5.C.6, 4.2.15.D.5, and 5.8.9.E			

SECTION 2. The City of Cape Coral, Florida, Land Development Code, Article 5, Chapter 1, Section 5.1.13., is hereby amended as follows:

Section 5.1.13. Single-family residential standards.

In addition to all other provisions of this Code, single-family residential uses shall be subject to the following requirements.

- A. In the A, R1, and RE zoning districts only one single family residence shall be permitted per parcel.
- B. Ornamental walls. Ornamental walls attached to the principal building shall have the following requirements.
 - 1. Ornamental walls shall not be higher than four feet at any point where they extend beyond the roof overhang and into the side setback.
 - 2. Ornamental walls may extend into the side setback but shall not extend into the six-foot perimeter easements.
 - 3. An ornamental wall not to exceed 30 inches in height may be installed in the front yard.
 - 4. Ornamental walls may be in the form of a planter.
 - 5. A planter may be incorporated into the construction of a wingwall.
- C. Water discharge. All gutter downspouts or similar water discharge devices shall direct the discharge to the front or rear property lines. Refer to the City of Cape Coral Engineering Design Standards, Section L, Drainage Design Standards for lot grading and drainage information.

- D. For single-family or duplex construction activities on any site in a Special Flood Hazard Area, the maximum amount of fill on-site shall be limited to 12 inches, unless otherwise approved by the Building Official.
- E. Generators may be installed in front of a single-family residence or in the front yard of a single-family residence subject to the following requirements:
 1. A generator placed in front of a single-family residence or in the front yard of a single-family residence shall be screened from the street and from any abutting residential site by an enclosure. The enclosure shall be composed of materials consistent with the building and be painted to match the front façade. The enclosure shall have a maximum height of six feet unless a greater height is needed to screen from view the full height of the equipment. For purposes of this subsection, the required enclosure shall not be considered a wall and shall not be subject to the requirements of Section 5.2.7.
 2. The enclosure shall meet all building setback requirements for the applicable zoning district.
 3. The generator shall be located at a distance not to exceed five feet from the front of the building unless a greater distance is required by the Florida Building Code.
 4. The enclosure shall be designed to provide screening solely for the generator. No other equipment or materials shall be screened or stored within the enclosure.
 5. The provisions of this subsection shall not apply to the temporary use of portable generators during emergencies or after natural disasters.

SECTION 3. 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 4. 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 _____ DAY OF _____, 2024.

JOHN GUNTER, MAYOR


VOTE OF MAYOR AND COUNCILMEMBERS:

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

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

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



ALEKSANDR BOKSNER
CITY ATTORNEY
ord/Generators in Front Yard
