

ORDINANCE 34 - 24

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL, FLORIDA, LAND DEVELOPMENT CODE, ARTICLE 5, "DEVELOPMENT STANDARDS," CHAPTER 4, "MARINE IMPROVEMENTS," SECTION 5.4.8., "BULKHEADS, SEAWALLS, AND RETAINING WALLS," REGARDING ALTERNATIVE SHORELINE STABILIZATION; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council hereby find that this ordinance is in the best interest of the public health, safety, and welfare.

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

SECTION 1. The City of Cape Coral, Florida, Land Development Code, Article 5, Chapter 4, Section 5.4.8., is hereby amended as follows:

Section 5.4.8. Bulkheads, seawalls, and retaining walls.

A. Saline or brackish water; mandatory seawalls. ~~All~~ Except as provided in Subsection A.1., all parcels having frontage or direct and immediate access to frontage on any saline, brackish, or tidally influenced canal or other body of water within or bordering the boundaries of the city ~~is~~ are required to have constructed on ~~it~~ them, at the owner's expense, a seawall bulkheading the entire frontage exposed to contact with the water. Seawalls shall be structurally maintained at owner's expense so as not to cause a nuisance or hazard to safety.

1. Alternative shoreline stabilization: Parcels owned by the City of Cape Coral, or for projects in which the City is serving as the permit applicant, where the parcel has eighty-five (85) feet or more water frontage, are required to have constructed on them either a seawall bulkhead or alternative shoreline stabilization along the water frontage. Proposed plans shall be reviewed and may be approved by the Public Works Director for a seawall bulkhead or alternative shoreline stabilization. Notwithstanding the foregoing, all applicable permits from local, state, and federal agencies shall be obtained prior to the commencement of construction.

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 _____ DAY OF _____, 2024.

JOHN GUNTER, MAYOR

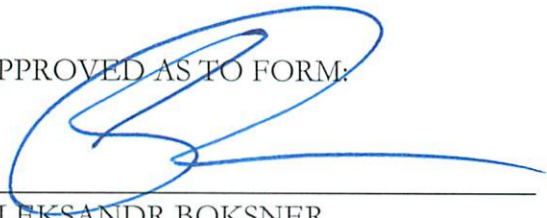
VOTE OF MAYOR AND COUNCILMEMBERS:

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/AltShorelineStab

