

ORDINANCE 157 - 06

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL LAND USE AND DEVELOPMENT REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, BY AMENDING SECTION 2.5.4, TO IDENTIFY THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) MANUAL AS A REFERENCE IN DETERMINING THE LAND USE CLASSIFICATION OF A SPECIFIC USE; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City's Land Use and Development Regulations contain a schedule of land use classifications, and

WHEREAS, the City wishes to expressly state that the land use classifications within the Land Use and Development Regulations shall control, and

WHEREAS, the North American Industry Classification System (NAICS) code shall be used as a guide by City staff when determining a land use classification of a specific use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

Section 1. The City of Cape Coral Land Use and Development Regulations, Article II, District Regulations, Section 2.5.4, is hereby amended as follows:

Sec. 2.5 Schedule of Land Use Regulations

- .1 ...
- .2 ...
- .3 ...

.4 When a number follows a use activity, it is a reference to the North American Industry Classification System (NAICS) Manual (1997 Ed.) ~~and all uses listed within said NAICS code are permitted unless specifically indicated to the contrary.~~ which shall be utilized by the City as a reference in determining the land use classification of a specific use. In the event of any conflict between the Land Use and Development Regulations and the NAICS code, the City's Land Use and Development Regulations shall control.


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 take effect immediately upon its adoption by the Cape Coral City Council.

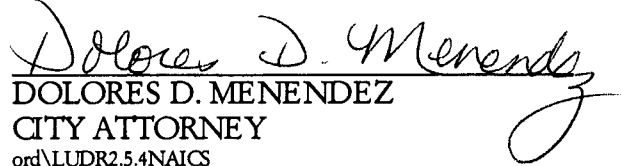
ADOPTED AT A REGULAR COUNCIL MEETING THIS 11th DAY OF December, 2006.


ERIC P. FEICHTHALER, MAYOR

ATTESTED TO AND FILED IN MY OFFICE THIS 21st DAY OF December, 2006.


BONNIE J. VENT
CITY CLERK

APPROVED AS TO FORM:


DOLORES D. MENENDEZ
CITY ATTORNEY
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