

ORDINANCE 100 - 04

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT, BY AMENDING THE FUTURE LAND USE ELEMENT, INCLUDING, BUT NOT LIMITED TO, THE LIST OF TABLES AND FIGURES; BY AMENDING STRATEGIES REGARDING THE DEVELOPMENT OF PROPERTY FOR MIXED USE PROPERTIES, BY AMENDING THE EXISTING REGULATORY STRUCTURE, TO PROVIDE FLEXIBILITY IN THE CITY'S COMPREHENSIVE PLAN AND LAND USE AND DEVELOPMENT REGULATIONS TO CREATE THE COMMERCIAL ACTIVITY CENTER FUTURE LAND USE DESIGNATION, UNDER CERTAIN CONDITIONS; BY AMENDING THE DATA AND ANALYSIS BY INCLUDING THE URBAN LAND INSTITUTE NATIONAL GUIDELINES FOR COMMERCIAL CENTERS, AND INCLUDING AN ANALYSIS OF COMMERCIAL CORRIDORS IN CAPE CORAL AND REGIONAL CENTERS SOUTHWEST FLORIDA, AS DESCRIBED IN EXHIBIT "A"; BY AMENDING POLICY 1.5 TO ESTABLISH LANDSCAPING, BUFFERING, AND SIGNAGE STANDARDS FOR THE COMMERCIAL ACTIVITY CENTER; BY AMENDING POLICY 1.13.C TO ESTABLISH FLEXIBLE DEVELOPMENT STANDARDS FOR PROPERTIES WITH A MIXED USE LAND USE DESIGNATION, UNDER CERTAIN CONDITIONS; BY AMENDING POLICY 1.13 TO CREATE THE COMMERCIAL ACTIVITY CENTER LAND USE DESIGNATION; BY AMENDING POLICY 1.17 TO ESTABLISH THE CITY'S DESIRE TO PROMOTE IDENTIFIABLE RESIDENTIAL NEIGHBORHOODS AND COMMERCIAL DISTRICTS; TO DELETE POLICY 1.20 AND REPLACE WITH A NEW POLICY 1.20 ESTABLISHING THE DEVELOPMENT INCENTIVES PROGRAM, WHEREBY ADDITIONAL DENSITIES AND INTENSITIES MAY BE GRANTED; BY AMENDING OBJECTIVES 2 AND 3 TO ESTABLISH DEVELOPMENT STANDARDS FOR THE COMMERCIAL ACTIVITY CENTER DESIGNATION; BY AMENDING OBJECTIVE 5 TO ESTABLISH STANDARDS AND CONSIDERATIONS IN COMMERCIAL DEVELOPMENT; BY AMENDING POLICY 7.6 TO ALLOW SINGLE FAMILY DEVELOPMENT IN PUBLIC FACILITIES AND PARKS AND RECREATION LAND LOCATED IN THE URBAN SERVICES RESERVE AREA; BY AMENDING OBJECTIVE 9 TO PROMOTE TRANSITIONAL USES BETWEEN COMMERCIAL AND RESIDENTIAL USES, AS SET FORTH IN EXHIBIT "B"; AND TO ADD FIGURE 6, COMMERCIAL ACTIVITY CENTER TYPES AND SUB-DISTRICTS, IDENTIFYING COMMERCIAL ACTIVITY CENTER TYPES AND SUB-DISTRICTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section 1. The City of Cape Coral Comprehensive Plan Amendments are attached hereto and incorporated herein as Exhibit A to amend the Future Land Use Element, Exhibit B to amend the Goals, Objectives and Policies within the Future Land Use Element, and to add Figure 6: Commercial Activity Center Types and Sub-Districts, to be incorporated into the Future Land Use Element.

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. The effective date of this plan amendment shall be: The date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184(9), F.S.; or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184(9), F.S.

ADOPTED AT A REGULAR COUNCIL MEETING THIS 4th DAY OF January, 2005.

Arnold E. Kempe
ARNOLD E. KEMPE, MAYOR

ATTESTED TO AND FILED IN MY OFFICE THIS 6th DAY OF January, 2005

Bonnie J. Vent
BONNIE J. VENT, CITY CLERK

APPROVED AS TO FORM:

Dolores D. Menendez
DOLORES MENENDEZ
CITY ATTORNEY
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