



**CITY OF CAPE CORAL
AFFORDABLE HOUSING INCENTIVE PLAN
2018 INCENTIVE REVIEW AND RECOMMENDATION REPORT**

**FINAL
Version 1.4**

**CITY OF CAPE CORAL
CITY COUNCIL MEMBERS**

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John Gunter, Councilmember, District 1
John Carioscia, Councilmember, District 2
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AFFORDABLE HOUSING ADVISORY COMMITTEE MEMBERS**

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STAFF**

A. John Szerlag, City Manager
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Robert Pederson, AICP, Planning Manager
Amy L. Yearsley, AICP, Housing Coordinator
Milica Babic, AICP, Senior Planner
Patricia Sorrels, Recording Secretary

**City of Cape Coral/County of Lee
Affordable Housing Incentive Plan
2018 Incentive Review and Recommendation Report**

I. Background Information:

The Sadowski Affordable Housing Act, as approved by the Florida Legislature and codified as Chapter 420 of the Florida Statutes, requires the development of an Affordable Housing Incentive Plan by all local governments electing to participate in the housing production and preservation initiatives authorized by the Act. Section 420.9076 of the Florida Statutes, effective July 1, 2007, requires cities and counties receiving State Housing Initiatives Partnership (SHIP) funds to establish an Affordable Housing Advisory Committee (AHAC). The City of Cape Coral approved the establishment of an AHAC, pursuant to Section 420.9076 Florida Statutes, by Resolution 23-08. All recommendations should encourage or facilitate the development of affordable housing in the City of Cape Coral. The Plan encompasses the specific recommendations of the AHAC, and the subsequent approval or denial of these recommendations by the City Council by official action December 3, 2018.

The Affordable Housing Advisory Committee (AHAC) met to review the current Local Housing Incentive Plan and to discuss potential revisions to this plan.

The City of Cape Coral currently has eight (8) incentive strategies adopted through the Local Housing Assistance Plan. Excerpts from the plan detailing the incentives are provided below:

Name of Strategy: Expedited Permitting

Permits as defined in s.163.3164 (7) and (8) for affordable housing projects are expedited to a greater degree than other projects. The City developed and implemented a system of identifying and expediting affordable housing permits, plan reviews and related actions. The expedited permitting process continues to work well and provides a valuable service to contractors developing affordable housing projects within the City. Expedited permitting has been also expanded to include permits associated with Lee County Department of Human Services affordable housing programs that are being implemented in the City of Cape Coral.

Name of Strategy: Ongoing Review Process

The impact of City policy and actions on affordable housing is addressed in the Comprehensive Plan's Housing Element, the Consolidated Plan and in City procedures. The Housing Element of the Comprehensive Plan provides for the review of all development, codes, regulations, policy and ordinances. The City through its annual reporting requirements to the Florida Housing Finance Corporation includes a certification for implementation of regulatory reform activities in accordance with s. 163.3164(7) and (8) of the Florida Statutes. Proposed actions of the City Council are reviewed in this context.

Name of Strategy: Provisions for Transfer of Development Rights

The transfer of development rights provisions was established through the adoption of the Land Use Development Regulations on February 12, 1990. This remains a viable option for affordable housing although, to date, they have not been utilized.

Name of Strategy: Flexible Density for the Provision of Affordable Housing

The City of Cape Coral currently offers a density incentive program (DIP) for specific zoning districts. In these districts, the Downtown Community Redevelopment Area (CRA) zoning districts and the Market Place Residential zoning district, developers will be eligible for increased density by utilizing choices from a number of categories, including affordable housing. Currently, affordable housing is one of nine (9) categories, of four (4) required, that developers may choose to increase density within projects.

Name of Strategy: Reduction in Street Width Requirements for affordable single family subdivisions

Affordable single-family subdivisions shall be eligible for an administrative deviation to the minimum street width requirements in the City's Engineering Design Standards to the applicable State of Florida minimum street width.

Name of Strategy: Zero-lot Line Configuration

The City currently allows zero-lot line development for affordable and market rate housing through the Planned Development Process. Policy 1.2 of the Housing Element of the City's Comprehensive Plan states the City will maintain criteria for implementation of the City's Land Use and Development Regulations, pursuant to S.163.3202, F.S., for activities such as, zero lot line development, townhouse development, and transfer of development rights to encourage residential developments to include a wide mix of housing types and designs at a variety of allowable housing densities and intensities.

Name of Strategy: The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

Description of policies and procedures: Section 166.0451, Florida Statutes states the following related to the disposition of municipal property for affordable housing: by July 1, 2007 and every 3 years thereafter, each county and municipality must prepare an inventory list of all real property within its jurisdiction to which the county or municipality holds fee simple title that is appropriate for use as affordable housing.

II. Public Hearing:

The document itself was presented for public hearing to the Cape Coral City Council on December 3, 2018. The availability of this draft document was published in the Fort Myers News-Press on October 28, 2018.

III. Statutory Incentives & Recommendations:

This section examines the eleven (11) incentives that the Affordable Housing Advisory Committee (AHAC) must consider under Section 420.9076 Florida Statutes. For each incentive an analysis, recommendation and implementation schedule has been provided.

Incentive A (MANDATORY):

The processing of approvals of development orders or permits, as defined in Section 163.3164 (7) and (8), Florida Statutes, for affordable housing projects are expedited to a greater degree than other projects.

Review Synopsis:

Delays during any stage in the development process add to the final costs of new housing. Reducing the costs incurred by developers during the development review process makes affordable housing projects more attractive. Expedited permitting is a cost efficient and very effective way of reducing developer costs. Fast track review and permitting of affordable housing projects reduces developer costs at no cost to local government.

As a State Housing Initiatives Partnership (SHIP) program recipient, the City of Cape Coral provides expedited permitting services for affordable housing as required by Florida Statutes. A formalized process was put in place as a result of the 2008 Local Housing Incentive Plan. Any expediting is done at the request of a State/Federal subrecipient or the Lee County Department of Human Services and processed by Planning Division Staff with the assistance of the permit expeditor and the Building Official within the Department of Community Development Building Division. Expedited permitting is adopted by City Council within the City's Local Housing Assistance Plan (LHAP).

Staff Recommendation: Staff is recommending maintaining the expedited permitting process.

AHAC Recommendation: Concurs with staff recommendation.

City Council Action: Approve AHAC recommendation.

Incentive B:

The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

Review Synopsis:

Impact fees are charges assessed by local government to cover the infrastructure costs associated with new development. These one-time expenses are typically levied upon issuance of building permits to ensure that public facilities and services have adequate capacity and infrastructure to meet the demands of a growing population. While impact fees are initially charged to the developers, the cost is often time passed on to the purchaser. The City of Cape Coral currently charges **\$7,758.65** in impact fees for a single

family home. This does not include capital expansion fees for water and sewer which add an additional price when water and sewer is extended to a property.

Eliminating, reducing, or deferring development fees is an incentive cities can offer to housing developers to encourage them to build lower cost housing. Impact fee deferral can reduce the cost of housing when the savings are passed on to the buyers or renters.

Staff Recommendation:

In 2008, the Affordable Housing Advisory Committee recommended the implementation of an impact fee deferral program as an incentive for providing affordable housing. The impact fee deferral program was proposed to be initially implemented utilizing State Housing Initiative Partnership Program (SHIP) funds as the funding source. City Staff amended the City's Local Housing Assistance Plan to include an impact fee payment program strategy and this was approved by both the City Council and Florida Housing Finance Corporation. The strategy remained unfunded until 2016 when it was removed from the Local Housing Assistance Plan as part of a larger revision to the plan to reduce the number of strategies within the plan. In 2018, the City of Cape Coral City Council approved the City Council approved the Single-Family Impact Fee Deferral Pilot Program. This pilot program allows for the deferral of impact fees for partner agencies participating in the City's affordable housing programs. Staff is recommending maintaining this incentive. The pilot program should be reviewed by prior to the reconsideration of the pilot program.

AHAC Recommendation: Concurs with staff recommendation to maintain this incentive and review prior to reconsideration of the pilot program by City Council.

City Council Action: Approve AHAC recommendation.

Incentive C:

The allowance of flexibility in density for affordable housing.

Review Synopsis:

The City of Cape Coral currently has a density incentive program (DIP) for specific zoning districts. In these districts, the South Cape zoning district and the Market Place Residential (MR) zoning district, developers will be eligible for increased density by utilizing choices from a number of categories, including affordable housing. Currently, affordable housing is one of nine (9) categories, of four (4) required, that developers may choose to increase density within projects. At the time of this report, the City of Cape Coral is in the process of a complete revision to the City's zoning regulations (known as the Land Use and Development Regulations). Existing zoning districts are being replaced with new zoning districts. This includes both the South Cape zoning district and Market Place Residential zoning district. However, the new regulations will allow for additional density in both the South Cape zoning district and the Mixed Use Bimini zoning district for the provision of affordable housing. Additionally, the Future Land Use Element of the City's Comprehensive Plan is currently under review by the Department of Economic

Opportunity. This review includes the opportunity to increase density in multi-family and mixed use districts for the provision of affordable housing.

This type of ordinance allows increased density as quid pro quo for the provision of low and moderate income housing. A density bonus allows a developer to build more units within a project than would otherwise be permitted under normal density limits. Key to a density incentive based program is a strong residential real estate market, where a developer desires to obtain additional market rate unit entitlements and is confident that each additional unit will be marketable and contribute the expected profit to the project. In many strong residential markets, land costs also tend to rise – the option of providing affordable units in exchange for additional market rate units at zero additional land cost can therefore be especially attractive in these cases.

In some jurisdictions around the country, incentive programs allow for a variation of paying an “in-lieu” fee, rather than actually constructing the affordable units within the project. This option is allowed, and sometimes encouraged, in order to provide the developer with the option of paying money rather than impacting the perceived marketability of the project by including mixed household incomes within it. The “in-lieu” fee is often set at a level necessary to serve as equity in an off-site affordable project on a per unit basis, not the entire development cost of that unit. This approach is followed because affordable housing developers can utilize the equity amount to leverage debt on the units, thereby minimizing the payments collected from the market rate developer, and maximizing the number of affordable units built elsewhere. Incentive based zoning programs do not always have to rely on additional density as the incentive.

Staff Recommendation:

Staff is recommending permitting increased density for the provision of affordable housing as currently permitted and proposed in the draft Land Development Code and Comprehensive Plan revisions pending adoption.

AHAC Recommendation: Concurs with staff recommendation.

City Council Action: Approve AHAC recommendation.

Incentive D:

The reservation of infrastructure capacity for housing for very-low, low and moderate-income persons.

Review Synopsis:

The City of Cape Coral currently does not have this program as an incentive. There is no reservation of capacity for affordable housing or any other type of development.

The City of Cape Coral is a pre-platted antiquated subdivision, with over 200,000 lots. The streets are constructed and electric and telephone service is available. In addition in areas where water and/or sewer service is not available the Health Department will permit the

installation of an on-lot sewage treatment system and an individual water supply well for residential development.

The Growth Management Act (Florida Statute 163) requires that public facilities and service i.e. infrastructure be in place concurrent with development. In Cape Coral this means primarily water and sewer and to a somewhat lesser degree park facilities and streets. Since Cape Coral is a Platted Lands community as long as water and sewer service is available (City or on lot) and the applicable Land use Regulations are met, land can be developed to minimum densities. Currently single family building sites (80' X 125') can be developed throughout the City without city water and sewer as previously explained. Regarding streets most of the platted building lots have access to public streets. When the City was originally developed the streets were constructed providing access to all the lots.

Staff Recommendation:

Staff is recommending against the reservation of infrastructure capacity for housing for very-low, low and moderate- income persons as an incentive. Because infrastructure as defined by statute is not a factor in housing development there is not a need to reserve capacity for affordable housing. There would be no advantage in adopting this incentive since affordable housing could be developed within the City's existing capacity. The Affordable Housing Advisory Committee will consider this incentive in its triennial evaluation of the LHIP.

AHAC Recommendation: Concurs with staff recommendation.

City Council Action: Approve AHAC recommendation.

Incentive E:

The allowance of affordable accessory residential units in residential zones.

Review Synopsis:

The City of Cape Coral currently permits what are called "guest/staff" quarters in two zoning designations Residential Estate (RE) and Residential Development (RD). As indicated

Residential Development (RD)

Guest Staff Quarters are permitted as a special exceptions use subject to the following conditions: must be within a Planned Development Project (PDP), must be located on a site not less than 15,000 square feet, and shall not exceed 600 square feet in living area.

Residential Estate (RE)

Guest Staff Quarters are permitted by right. The minimum lot size in the RE zoning designation is 40,000 square feet.

As stated previously, at the time of this report, the City of Cape Coral is in the process of a complete revision to the City's zoning regulations (known as the Land Use and

Development Regulations). This revision proposes the allowance for accessory dwelling units in single-family residential zoning districts provided that the units meet certain requirements.

Accessory Dwelling Units (ADU's) are defined by Florida Statutes as an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area existing either within the same structure, or on the same lot, as the primary dwelling unit. They are also referred to as granny flats, garage apartments, carriage houses, and ancillary units. ADU's provide a unique opportunity to provide additional affordable units in a community.

Recognizing the shortage of affordable rentals within the state of Florida, the Legislature encouraged local governments to adopt ordinances to authorize the construction of accessory dwelling units within zoning districts that allow single family residential use. Further, these ordinances would require that the building permit application for an accessory dwelling unit be accompanied by an affidavit from the applicant attesting that the unit will be rented at a rate affordable to the targeted populations. Additionally, accessory dwelling units allowed by such an ordinance would apply toward satisfying the affordable housing component for the housing element in the local government's comprehensive plan.

Staff Recommendation:

Staff is recommending the City Council consider permitting accessory dwelling units as part of the adoption of the new Land Development Code.

AHAC Recommendation: Concurs with staff recommendation.

City Council Action: Deny AHAC recommendation.

Incentive F:

The reduction of parking and setback requirements for affordable housing.

Review Synopsis:

Parking standards not only affect cost but also the ability to achieve designated densities. They often fail to take into account real vehicle ownership rates and use patterns of the developments prospective residents resulting in excessive on site parking. Excessive parking reduce the number of units that can be provided in the development, add to the per unit costs, encourage automobile use, reduce the potential for additional amenities and add additional impermeable surfaces. The Institute for Transportation Engineers (ITE) and the American Planning Association recommend 2 spaces per single family unit, 1 space for efficiency apartments, 1.5 spaces for a one and two bedroom apartment, 2 spaces for a three bedroom apartment and 1.4 spaces for condominiums. While the single family requirement is consistent with this recommendation, the City of Cape Coral, like many other communities, currently require higher than this standard for multi-family dwelling units. There are a number of factors programs/actions that can be considered related to parking requirements: a reduction in the requirements for affordable/special

needs housing, reduction in parking for mixed use or projects adjacent to transit lines, increasing on street parking allowances, and using multipliers for certain situations (i.e. tenure, density, car sharing). The advantages of reducing parking requirements include reduction in construction costs, especially when spread out over many units and support of community design goals by reducing the perceived density of housing developments and minimizing the site area devoted to parking areas, which are generally considered unattractive.

Bulk requirements refer to zoning regulations that govern building height, location, and size. Bulk requirements often limit the variety of housing types that are available in a community. Reducing minimum lot sizes and minimum living area promote smaller more affordable units. Additionally, reduction in lot frontage reduces costs for utility installation, services lines, site clearance and landscaping. The City of Cape Coral generally requires a seven and a half foot side yard setback, twenty five foot front setback and twenty foot rear setback.

Staff Recommendation:

Applicants now have the ability to deviate from required parking based on ITE minimums as currently allowed by code. Staff recommends maintaining this incentive until the new zoning code is approved recognizing that the new zoning code calls for a significant reduction in required parking.

Staff is not recommending any changes to the minimum setbacks.

AHAC Recommendation: Concurs with staff recommendation

City Council Action: Approve AHAC recommendation.

Incentive G:

The allowance of flexible lot configuration, including zero-lot-line configurations for affordable housing.

Review Synopsis:

The City of Cape Coral currently does not have a formal incentive program for the allowance of flexible lot configuration. The City currently allows zero-lot line configurations in residential zoning districts through a Planned Development Process (PDP).

Recommendation:

Staff is recommending maintaining the allowance for zero-lot-line configuration as an incentive. Staff is further recommending maintaining this option in the new zoning code through the Planned Unit Development process. No action necessary at this time.

AHAC Recommendation: Concurs with staff recommendation.

City Council Action: Approve AHAC recommendation.

Incentive H:

The modification of street requirements for affordable housing.

Review Synopsis:

The City of Cape Coral currently does not have an incentive program for the modification of street requirements. The City of Cape Coral was developed as a pre-platted subdivision with streets completed by the developer. Therefore, most all of the residential streets are already constructed. The City does maintain Engineering Design Standards that provide for a minimum local road width of fifteen (15) feet for new roads. The Engineering Design Standards do allow for an administrative deviation process.

Excessive street widths and sidewalk requirements can increase the cost of construction for a housing developer which is often times passed on to the consumer. The same development standards are applied to both large and small developments rather than being tailored to fit the developments use or intensity. Streets comprise about half of the improvement costs of the typical single family detached house. A street servicing a minor subdivision can be narrower than one planned for a more intense use. By tailoring standards to the size, use and intensity of a project the cost for all infrastructures can be reduced.

Staff Recommendation:

Staff feels that because of the pre-platted nature of the community this is rarely an issue. Staff is recommending that the modification of street width requirements for new affordable housing developments or projects including affordable housing should be an allowable deviation justification for the administrative deviation process from the engineering design standards. No action necessary at this time.

AHAC Recommendation: Concurs with staff recommendation.

City Council Action: Approve AHAC recommendation.

Incentive I (MANDATORY):

The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

Review Synopsis:

State statute requires that local governments review all proposed policy and procedure for impact of affordable housing. This deals with all aspect of policy from fees to ordinance changes. Beginning in 2003, all local governments were required to provide a monetary figure to the state relative to policy and procedure reviews in their SHIP annual report. The primary increases in the City of Cape Coral since 2003 have been impact fee increases, a new fee schedule and changes to the landscaping code.

The advantage of this incentive is providing decision makers an indication of the effect of such actions on the cost of affordable housing and housing in general. It provides a cost side of the proposed action versus the benefit side of the impacts of the proposed action.

There currently is no formal process in place regarding this review. Staff is aware that all potential legislation should be reviewed by the Planning Division. The burden is now on the Planning Division to be aware of all proposed changes coming from any department within the City before public hearing.

Staff Recommendation:

Staff is recommending that the reviews of all proposed actions on affordable housing continue.

AHAC Recommendation: Concurs with staff recommendation.

City Council Action: Approve AHAC recommendation.

Incentive J (MANDATORY):

The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

Review Synopsis:

Section 166.0451, Florida Statutes states the following related to the disposition of municipal property for affordable housing: by July 1, 2007 and every 3 years thereafter, each county and municipality must prepare an inventory list of all real property within its jurisdiction to which the county or municipality holds fee simple title that is appropriate for use as affordable housing.

- The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved.
- The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing.
- Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such property.
- The properties identified as appropriate for use as affordable housing on the inventory list adopted by the municipality may be offered for sale and the proceeds:
 - may be used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing;
 - may be sold with a restriction that requires the development of the property as permanent affordable housing; and/or

- may be donated to a nonprofit housing organization for the construction of permanent affordable housing.

Alternatively, the municipality may otherwise make the property available for use for the production and preservation of permanent affordable housing.

Recommendation:

Staff recommends that the City maintains its current incentive program to monitor municipally owned surplus land for use as affordable housing. No action necessary at this time.

AHAC Recommendation: Concurs with staff recommendation.

City Council Action: Approve AHAC recommendation.

Incentive K:

The support of development near transportation hubs, major employment centers and mixed use developments.

Review Synopsis:

Lack of affordable housing often times lead households to locate far from their places of work, dramatically increasing commute time and transportation cost. This phenomenon is often referred to as “drive until you qualify” in affordable housing circles. This impacts the households through transportation costs and lost time spent with family and the community through increased congestion and wear on infrastructure. For this reason, transportation, employment, and housing should be considered together when examining policy.

Currently, the City of Cape Coral’s Comprehensive Plan includes the following language within the Housing Element relative to the siting of affordable housing:

Policy 4.1: During the review of all housing plans the City shall address the housing needs of the elderly and handicapped to ensure that provisions for accessibility, transportation, affordability and locational needs are addressed to the fullest extent possibly.

Policy 4.4: The City shall incorporate in the provisions for the location of affordable housing, mobile homes, and foster care facilities requirements that such facilities are encouraged to have access to transit routes, arterial roads, shopping areas, schools, parks and community service facilities, medical centers

Given the pre-platted nature of the City, the bedroom community characteristics and lack of public transportation, the mandating of a policy such as this would be difficult. However, the City should seek to encourage this policy as it is consistent with solid

planning policy and smart growth principles especially in areas such as Commercial Activity Center Land Use and the Downtown Community Redevelopment Area.

Recommendation:

Staff is not recommending the implementation of this incentive in the City of Cape Coral. The Committee believes that with the City's lack of public transportation and its pre-platted nature this incentive is difficult to mandate. Staff is recommending that this be encouraged for affordable housing projects. No action necessary at this time. The policy will be examined by the Affordable Housing Advisory Committee on a triennial basis.

AHAC Recommendation: Concurs with staff recommendation to encourage development near transportation hubs, major employment centers and mixed use developments but not to mandate.

City Council Action: Approve AHAC Recommendation.

IV. Other Recommendations:

Minimum Single Family Dwelling Unit Size

Review Synopsis:

The City of Cape Coral requires that single family homes have a minimum size of 1100 square feet.

The first goal of the City's Housing Element of the Comprehensive Plan states the following:

Goal: To provide good quality housing in safe, clean neighborhoods, offering a broad choice of options in both type (single family and multi-family) and tenure (owner and renter occupied) to meet the needs of present and future residents of the City, regardless of age or income status.

Providing for alternative single-family home options is one way to accomplish this goal. Smaller home sizes allow for more efficient use of land making them ideal for urban infill areas. With proper regulation, in these developments the cost per unit will come down below neighboring homes even though the cost per square foot is typically higher. This makes them a good starting point for workforce housing. On the other hand, these smaller homes can also be built without affordability in mind. Upscale "cottage" type developments are common in some of the most affluent communities in the Northwest. The proposed Land Development Code includes the allowance of Micro-Cottage Village Developments (MCVD) as a permitted use subject to special conditions. These units would range in size from 600 to 1100 square feet. These special conditions include that the unified development occur on properties at least three acres in size. Additionally, the MCVD has specific architectural requirements, common green space, common parking space and significant landscape buffering.

AHAC Recommendation: Recommends City Council consideration of the Micro-Cottage Village Development as proposed in the new Land Development Code.

City Council Action: Deny AHAC recommendation.

V. Board/Council Consideration:

The City of Cape Coral Local Housing Incentive Plan (LHIP) was reviewed by the City of Cape Coral City Council on December 3.

VI. Attachments:

Public Hearing Advertisement

Meeting Minutes City Council Action

Implementation Matrix

THE NEWS-PRESS
Published every morning
Daily and Sunday
Fort Myers, Florida
Affidavit of Publication
STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared **Milagros A. Isberto** who on oath says that he/she is an **Assistant** of the News-Press, a daily newspaper, published in print and online at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a

Legal Display

In the matter of:

City of Cape Coral

2018 LHIP Final Notice

In the court was published in said newspaper and/or on the website in the issues of

October 28, 2018

Affiant further says that the said News-Press is a newspaper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Milagros A. Isberto

Sworn to and subscribed before me this **29th** day of **October, 2018**.

By **Milagros A. Isberto**

personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public

Janet E. Cobb

Print Name: **Janet E. Cobb**

My commission Expires: February 13, 2021



NOTICE OF PUBLIC MEETING
CITY OF CAPE CORAL AFFORDABLE HOUSING ADVISORY COMMITTEE
PUBLIC NOTICE OF AVAILABILITY
CITY OF CAPE CORAL
LOCAL HOUSING INCENTIVE PLAN

In accordance with Section 420.9076 Florida Statutes and Chapter 67-37.010 of the Florida Administrative Code, the City of Cape Coral Affordable Housing Advisory Committee has prepared the required Local Housing Incentive Plan. This document makes recommendations related to eleven (11) incentives that may be utilized to encourage or facilitate the development of affordable housing in the City of Cape Coral. The eleven incentives considered are as follows:

- (1) The processing of approvals of development orders or permits, as defined in Section 163.3164 (7) and (8), Florida Statutes, for affordable housing projects are expedited to a greater degree than other projects.
- (2) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
- (3) The allowance of flexibility in density for affordable housing.
- (4) The reservation of infrastructure capacity for housing for very-low, low and moderate-income persons.
- (5) The allowance of affordable accessory residential units in residential zones.
- (6) The allowance of flexible lot configuration, including zero-lot-line configurations for affordable housing.
- (7) The reduction of parking and setback requirements for affordable housing.
- (8) The modification of street requirements for affordable housing.
- (9) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (10) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- (11) The support of development near transportation hubs, major employment centers and mixed use developments.

A draft of this plan is available for public inspection and comment at the Department of Community Development Planning Division, located at 1015 Cultural Park Boulevard, Cape Coral, Florida 33990 and on the City of Cape Coral website (www.capecoral.net).

Those interested persons and/or parties wishing to review and make comment regarding the Local Housing Incentive Plan, may do so during normal business hours Monday through Friday 8:00AM to 3:30PM. The draft plan will be made available for public comment and inspection beginning Wednesday, October 31, 2018. All written comments must be received no later than 3:30 PM, December 3, 2018 to be included in the plan submittal to the Florida Housing Finance Corporation. Comments may be submitted to the City of Cape Coral, Department of Community Development Planning Division P.O. Box 150027, Cape Coral Florida 33915, attention Amy Yearsley Thomas, AICP Housing Coordinator or through electronic mail at Ayearsley@capecoral.net.

The draft Affordable Housing Incentive Plan will be heard by the City's Affordable Housing Advisory Committee (AHAC) at their October 30, 2018 meeting. Public comment will be accepted at this meeting, to be held at 5:30 PM in Conference Room 220A. The document and AHAC recommendations will be heard by the Cape Coral City Council at the regular City Council meeting on December 3, 2018 at 4:30 PM in City Council Chambers.

For further information regarding the Affordable Housing Incentive Plan and/or the SHIP program, please contact Amy Yearsley Thomas, AICP Housing Coordinator at (239) 573-3182.

10-2018-00000000

Meeting Minutes – City Council Action

Mayor

Joe Coviello

Council Members

District 1: John Gunter

District 2: John M. Carioscia Sr.

District 3: Marilyn Stout

District 4: Jennifer I. Nelson

District 5: Dave Stokes

District 6: Richard Williams

District 7: Jessica Cosden



1015 Cultural Park Boulevard
Cape Coral, FL

City Manager

John Szerlag

City Attorney

Dolores Menendez

City Auditor

Andrea R. Butola

City Clerk (Interim)

Kimberly Bruns

**AGENDA FOR THE REGULAR MEETING OF THE CAPE
CORAL CITY COUNCIL**

December 3, 2018

4:30 PM

Council Chambers

PLEDGE OF CIVILITY

We will be respectful of each other even when we disagree.

We will direct all comments to the issues. We will avoid personal attacks.

1. MEETING CALLED TO ORDER

A. MAYOR COVIELLO

2. INVOCATION/MOMENT OF SILENCE

A. COUNCILMEMBER GUNTER

3. PLEDGE OF ALLEGIANCE

A. COUNCILMEMBER GUNTER

4. ROLL CALL

A. MAYOR COVIELLO, COUNCIL MEMBERS CARIOSCIA, COSDEN, GUNTER, NELSON, STOKES, STOUT, WILLIAMS – **MAYOR COVIELLO, COUNCIL MEMBERS CARIOSCIA, COSDEN, GUNTER, STOKES, WILLIAMS WERE PRESENT; COUNCILMEMBER STOUT WAS EXCUSED. COUNCILMEMBER NELSON ARRIVED AT 5:56 P.M.**

COUNCILMEMBER CARIOSCIA MOVED SECONDED BY COUNCILMEMBER GUNTER TO ALLOW ORDINANCE 78-18 TO REMAIN ON AGENDA AND NOT BE WITHDRAWN. - **APPROVED**

5. CHANGES TO AGENDA/ADOPTION OF AGENDA – ADOPTED AS PRESENTED

6. RECOGNITIONS/ACHIEVEMENTS

A. None

7. APPROVAL OF MINUTES

A. Regular Meeting – November 19, 2018 – **APPROVED**

8. BUSINESS

A. PUBLIC COMMENT - CONSENT AGENDA

A maximum of 60 minutes is set for input of citizens on matters concerning the Consent Agenda; 3 minutes per individual. **1 SPEAKER. TOPICS: FIRE ASSESSMENT; CONSENT AGENDA ITEMS FUND REFERENCE**

B. CONSENT AGENDA

- (1) Resolution 227-18 Award Request for Proposal RFP-PW18-78/MM for Emergency Disaster Assistance and Debris Removal Services to Ceres Environmental Services, Inc. (Primary); Phillips and Jordan, Inc. (Secondary); CrowderGulf Joint Venture, Inc. (Tertiary); Custom Tree Care, Inc.; DRC Emergency Services, LLC.; Grubbs Emergency Services, LLC.; KDF Enterprises, LLC.; Omni Construction, Inc.; TAG Grinding Services, Inc. and T.F.R. Enterprises, Inc. on an as needed basis, at the unit price stated and authorize the City Manager or Designee to execute the contracts and renewals; Department: Public Works; Annual Dollar Value: N/A - Amounts based on the severity of the disaster; (Governmental Services – General Fund) – CONTINUED TO JANUARY 14, 2019 REGULAR MEETING
- (2) Resolution 248-18 Award ITB-PW18-127/MM Yacht Club Pool Renovations and Deck Improvements to AuMiller Pools LLC., as the lowest responsive responsible bidder, to renovate the Cape Coral Yacht Club Complex main pool, kiddie pool and surrounding concrete pool deck and walkways in the amount of \$255,250 with a 12% City Controlled contingency of \$30,630 for a total project cost of \$285,880 and authorize the City Manager or Designee to execute the agreements, amendment and any renewals; Department: Public Works; Dollar Value \$285,880; (Special Revenue Fund - Aquatics) - APPROVED
- (3) Resolution 252-18 Approve award of ITB-UT18-126/GL for the purchase and delivery of Water, Sewer & Irrigation Materials to: Core & Main LP, Ferguson Enterprise, Inc., Fortiline Inc. and Harrington Industrial Plastics, LLC, respectively, at the unit prices bid, not to exceed budgetary limit, as the lowest responsive responsible bidder in each particular group and authorize the City Manager or designee to execute the contract, purchase order and any renewals; Department: Utilities; Estimated Annual Dollar Value: \$1,800,000; (Water & Sewer Fund) – APPROVED
- (4) Resolution 256-18 Acceptance of Warranty Deed from Elizabeth Benavidez for a portion of the 1994 vacated right of way of SW 28th Place being adjacent to Lot 53, Block 5972, Cape Coral Unit 93 (2811 SW 25th Terrace) and a Public Utility and Drainage Easement to clarify additional utility and drainage easement area along the western perimeter easement of Lot 53, Block 5972; Department: Financial Services / Real Estate Division; Dollar Value: \$80; (Fund: Public Works Planning & Permitting) – APPROVED
- (5) Resolution 259-18 Award ITB-PW18-132/MM Greenscape Median Landscape Maintenance for Areas 3, 8 and 9 to John Fideli Landscapes, LLC., as the lowest responsive responsible bidder, to maintain the landscaping and irrigation system in the amount of \$74,260 with a \$10,000 City Controlled contingency for a total project cost of \$84,260 and authorize the City Manager or Designee to execute the agreements, amendment and any renewals; Department: Public Works; Dollar Value: \$84,260; (General Fund) – APPROVED

- (6) Resolution 266-18 Acceptance of Cross Access Easement in a portion of 2315 Andalusia Boulevard (part of Lots 27 and 28, Block 2162, Unit 32, Strap #31-43-24-C1-02162.0270), to provide access to the alley right of way, as conditioned in the Vacation of Plat Resolution 187-18; Department: Financial Services / Real Estate Division; Dollar Value: N/A; (Fund: N/A) – APPROVED
- (7) Resolution 267-18 City of Cape Coral 2017-2018 Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program; Department: Community Development; Dollar Value: N/A; (Fund: N/A) - APPROVED
- (8) Resolution 268-18 Single Family Impact Fee Deferral Program Developer Agreements between the City of Cape Coral and Habitat for Humanity of Lee and Hendry Counties; Department: Community Development; Dollar Value: N/A; (Fund: N/A) – APPROVED
- (9) Resolution 257-18 Lee County Tax Collector Building - Potable Water Main Reimbursement; Department: Utilities; Dollar Value: \$43,361; (Water & Sewer Fund) - APPROVED
- (10) Resolution 269-18 Waive Fees for Fire Suppression Conversion from Reclaimed to Potable Water; Department: Fire; Dollar Value: Fluctuates per Property; (Utilities Enterprise, DCD Building Special Revenue, and General Fund) – APPROVED

C. CITIZENS INPUT TIME

A maximum of 60 minutes is set for input of citizens on matters concerning the City Government to include Resolutions appearing in sections other than Consent Agenda or Public Hearing; 3 minutes per individual. **14 SPEAKERS. TOPICS: CHIQUITA BOAT LOCK REMOVAL; POTENTIAL CHANGES TO SW SPREADER CANAL BECOMING A FEDERALLY MANAGED WATERWAY; IMPACTS TO THE HABITAT TO SMALLTOOTH SAWFISH AND MANATEES; RIVER WATER IMPACTS; CONCERNS/PLANS FOR FUTURE SEA LEVEL RISE; DECLINING WATER QUALITY; REQUEST FOR A CURRENT NUTRIENT BUDGET STUDY; AFFORDABLE HOUSING NEEDS IN CAPE CORAL; DOGS AND CATS ORDINANCE REVIEW; GO BOND VOTE; GOLF COURSE PURCHASE; MINI COTTAGES; KEEP OLD ORDINANCES THAT LIMIT GROWTH; 20/20 FUNDS FOR LAND PURCHASE; VACATION RENTALS; ANIMAL ORDINANCE; PERMIT INSPECTION; RESTORE PROGRAM; AND EXPIRED CAR REGISTRATIONS.**

D. PERSONNEL ACTIONS

(1) None

E. PETITIONS TO COUNCIL

(1) None

F. APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

(1) None

9. ORDINANCES/RESOLUTIONS

A. Public Hearings

(1) Ordinance 61-18 (ZA 18-0001*) – **Public Hearing**

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance amending the City of Cape Coral Official Zoning Map by rezoning property described as Lots 11-12, Block 665, Unit 21, Cape Coral Subdivision, from Multi-Family Residential (R-3) to Pedestrian Commercial (C-1) zone; property is located at 2121 SE 15th Place. (0.23 acres) (Applicant: Lazaro Flores)

Hearing Examiner Recommendation: The Hearing Examiner recommends that the City Council deny this application for rezoning.

City Management Recommendation: City Management recommends approval.

- **DENIED**

(2) Ordinance 76-18 (ZA 18-0009*) – **Public Hearing**

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance amending the City of Cape Coral Official Zoning District Map by rezoning property described as Lots 31-36, Block 807, Unit 22, Cape Coral, from Professional Office (P-1) to Pedestrian Commercial (C-1); property is located at 915-923 SE 10th Street. (0.69 acres) (Applicant: HBLB Properties III, LLC)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the application for rezoning.

City Management Recommendation: City Management recommends approval of the rezone. - **APPROVED**

(3) Ordinance 77-18 (PDP 18-0001*) – **Public Hearing**

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance amending Ordinance 6-98, as amended by Ordinance 17-17, approving a Planned Development Project in the City of Cape Coral entitled "A-1 Shelters Self Storage, Hancock Creek Site," providing for Planned Development Project approval for certain property described as a parcel of land located in the Southwest Quarter of Section 33, Township 43 South, Range 24 East and in the Northwest Quarter of Section 4, Township 44 South, Range 24 East, Lee County, Florida; properties located at 2555 NE Pine Island Road and near the southeast corner of Diplomat Parkway East and NE 24th Avenue; expanding the project area by 3.7 acres to include a parcel of land northwest of the existing site; granting a deviation from the requirement that building walls used for meeting the screening requirement within a CPO buffer be composed of stucco, brick, stone, textured concrete masonry units, or other concrete surfaces to allow the walls of buildings within the new 3.7 acre project area to be composed of metal; granting a deviation from the Non-Residential Design Standards to allow all buildings within the new 3.7 acre project area to be exempt from the Non-Residential Design Standards; granting development plan approval pursuant to Section 4.2 of the City of Cape Coral Land Use and Development Regulations. (Applicant: Kirby Family Limited Partnership #3)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the Project, subject to the terms and conditions set forth in PDP HEX Recommendation 5-2018.

City Management Recommendation: City Management recommends approval.

APPROVED

(4) Ordinance 78-18 – Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES: The ordinance amends Chapter 12, "Offenses and Miscellaneous Provisions" of the Code of Ordinances to create Section 12-128, Article XIII, "Retail Sale of Dogs and Cats Prohibited" prohibiting the retail sale of dogs and cats in the City; provides for definitions, prohibition, disclosures, amortization, enforcement and penalties. (Applicant: Brought forward by Councilmember Williams) **WITHDRAWN**

COUNCILMEMBER WILLIAMS RECEIVED A SECOND FROM COUNCILMEMBER COSDEN TO REWORK NEW ORDINANCE REGARDING DOGS AND CATS.

(5) Ordinance 79-18 – Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance approving the Interlocal Agreement between the City of Cape Coral and Lee County for the rental of space within City Fire Stations to house emergency vehicles and personnel; authorizing the Mayor to execute the Interlocal Agreement. (Applicant: Brought forward by City Management.) **APPROVED**

(6) Resolution 271-18 – Public Hearing

WHAT THE RESOLUTION ACCOMPLISHES: The resolution approves electing to use the Uniform Method of Collecting Non-Ad Valorem Special Assessments levied within certain portions of the City as described in the resolution, states a need for such levy, and provides for the mailing of the resolution.

(Applicant: Brought forward by City Management.)

NOTE: This resolution would approve a means of collection and does not impose a specific assessment. **APPROVED**

B. Introductions

(1) None

10. UNFINISHED BUSINESS

A. Water Quality – Update – **INFORMATIONAL ONLY**

B. Follow-up Items Requested by Council - **NONE**

11. NEW BUSINESS

A. Resolution 258-18 City of Cape Coral Local Housing Incentive Plan for the State Housing Initiative Partnership Program (SHIP) **APPROVED WITH CHANGES (EXCLUDED MICRO-COTTAGES AND ADU'S)**

12. REPORTS OF THE MAYOR AND COUNCIL MEMBERS

COUNCILMEMBER GUNTER –INFORMATIONAL ONLY

COUNCILMEMBER NELSON – ABSENT FOR REPORT

COUNCILMEMBER STOKES – NO REPORT

COUNCILMEMBER STOUT – EXCUSED

COUNCILMEMBER WILLIAMS – NO REPORT

COUNCILMEMBER CARIOSCIA – NO REPORT

COUNCILMEMBER COSDEN – INFORMATIONAL ONLY

MAYOR COVIELLO – INFORMATIONAL ONLY

MAYOR COVIELLO REQUESTED A SECOND TO RESEARCH CLERGY INVOCATIONS TO BE GIVEN AT FUTURE COUNCIL MEETINGS, COUNCILMEBER STOKES PROVIDED THE SECOND.

13. REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

CITY ATTORNEY – NO REPORT

CITY MANAGER – NO REPORT

14. TIME AND PLACE OF FUTURE MEETINGS

- A. A Regular City Council Meeting is scheduled for Monday, December 10, 2018 at 4:30 p.m. in Council Chambers.

15. MOTION TO ADJOURN – MEETING ADJOURNED AT 8:17 P.M.

Incentive	Currently Implemented			Implementation Date	AHAC Recommendation	City Council Recommendation
	Yes	No	Partial			
The processing of approvals of development orders or permits, as defined in Section 163.3164 (7) and (8), Florida Statutes, for affordable housing projects are expedited to a greater degree than other projects.	✓			07/09	Maintain.	Approve AHAC recommendation.
The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.	✓			09/18	Maintain.	Approve AHAC recommendation.
The allowance of flexibility in density for affordable housing.	✓			3/11 and 3/7	Maintain. Adopt flexibility in New Code.	Approve AHAC recommendation.
The reservation of infrastructure capacity for housing for very-low, low and moderate- income persons.		✓		N/A	Do Not Implement	Approve AHAC recommendation.
The allowance of affordable accessory residential units in residential zones.		✓		N/A	Consider in New Code.	Deny AHAC recommendation.
The allowance of flexible lot configuration, including zero-lot-line configurations for affordable housing.			✓	05/96	Maintain. Continue through PUD in New Code.	Approve AHAC recommendation.
The reduction of parking and setback requirements for affordable housing.			✓	06/99	Maintain existing. Adopt Reduced Parking in New Code.	Approve AHAC recommendation.
The modification of street requirements for affordable housing.	✓			05/02	Maintain.	Approve AHAC recommendation.
The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.	✓			12/12	Maintain.	Approve AHAC recommendation.
The preparation of a printed inventory of locally owned public lands suitable for affordable housing.	✓			11/07	Maintain.	Approve AHAC recommendation.
The support of development near transportation hubs, major employment centers and mixed use developments.		✓		N/A	Do Not Implement. Encourage the location of affordable housing in these locations.	Approve AHAC recommendation.

Other	Currently Implemented			AHAC Recommendation	City Council Recommendation
	Yes	No	Partial		
Minimum House Size		✓		Consider Micro-Cottage Village Districts in the New Code.	Deny AHAC recommendation.