

**CITY OF CAPE CORAL, FLORIDA  
LAND DEVELOPMENT CODE  
ARTICLE 6 – PARKING**

**CHAPTER 1. PARKING, LOADING, AND DRIVEWAY REQUIREMENTS**

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**CHAPTER 1. PARKING, LOADING, AND DRIVEWAY REQUIREMENTS.**

**Section. 6.1.1. Purpose and applicability.**

The purpose of this Chapter is to ensure that required off-street space is provided to allow for loading, unloading, and parking on private property by motor vehicles, bicycles, and other allowed vehicles. It is further intended that the design of off-street parking areas ensure safe and efficient traffic circulation, with consideration given to the surrounding street plan, pedestrian movements, and safety. All development and redevelopment shall provide off-street parking in compliance with the standards set forth in this Chapter and the Engineering Design Standards.

**Section. 6.1.2. Standards for parking and vehicular use areas.**

Parking spaces and drive aisles shall conform to standard designs found in the City of Cape Coral Engineering and Design Standards.

**Section. 6.1.3. Parking, driveway, and vehicular use areas: provision, location, and setbacks.**

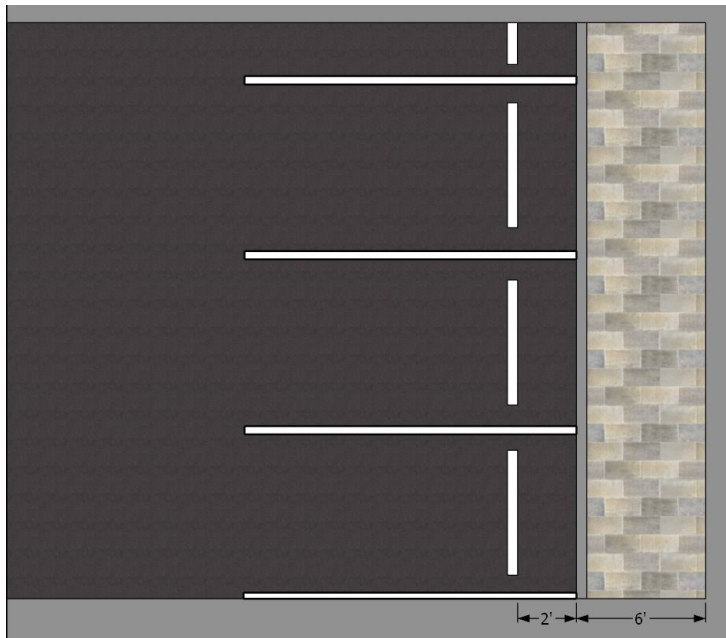
Off-street parking facilities required by this article shall be fully within the property lines of the parcel they are intended to serve unless an alternative location is approved as provided in this Chapter.

- A. Setbacks and buffering from property lines. Landscape buffers required by Article 6 shall be maintained along the perimeter of parking lots.

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49 B. Driveways. All driveways shall be designed and constructed per the requirements set forth in the  
50 Engineering and Design Standards of Cape Coral.  
51  
52 C. Pedestrian Safety. All off-street parking facilities, including drive aisles, travel lanes, and driveways  
53 shall be arranged to minimize hazards to pedestrian movement in the immediate area or encroach  
54 upon fire lanes, walkways, and visibility triangles. Pedestrians must be protected from exiting a  
55 building into vehicular traffic in an emergency. The applicant shall provide a walkway or a protected  
56 area with a minimum width of the doorway plus five feet beyond the swing of the door. All exit  
57 discharges from buildings shall be protected by permanent means to ensure pedestrian areas are  
58 protected from vehicular encroachment.  
59  
60 D. Pedestrian Safety Zones. Within parking areas over 100 spaces for commercial uses, paved pedestrian  
61 walkways at least six feet in width shall be provided at 200-foot intervals. Such walkways may be  
62 interrupted by necessary drive aisles, but shall include adequate wheel chair ramps, if necessary.  
63 Curbs or wheel stops shall be so placed to prevent any portion of the vehicle to encroach upon the  
64 pedestrian safety zone. Diagram 6.1.3. illustrates a pedestrian safety zone.  
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66 **Diagram 6.1.3. Pedestrian Safety Zone**  
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70 **Section. 6.1.4. Off-street loading facilities.**  
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72 Appropriate and adequate loading facilities shall be required for businesses which receive regular  
73 deliveries.  
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75 A. Design and location.  
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77 1. Loading spaces may not be blocked by parking spaces.

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2. Design of the space shall be such that the delivery vehicles can maneuver without damaging landscaped areas.
3. Loading spaces may be shared by adjacent properties when delivery schedules do not overlap and an access agreement has been completed.
4. Loading zones may not be placed where they obstruct required fire lanes and access to hydrants.
5. Loading zones shall be in a place which ensures convenient and safe entry and exit for the users of the loading zone, and the convenience and safety of pedestrians and motorists using the development.

**Section. 6.1.5. Required visibility triangles.**

As an aid to allow for safe operation of vehicles, pedestrians, and cyclists in the proximity of intersecting streets, driveways, alleys, and bicycle paths there shall be limitations on the height of fences, walls, gateways, ornamental structures, signs, hedges, shrubbery, and other fixtures as visually depicted in the Cape Coral Engineering and Design Standards and as follows:

- A. All landscaping and signs within the visibility triangle shall provide unobstructed visibility between 30 inches and eight feet, with the exception of tree trunks that do not create a traffic hazard.
- B. The property owner shall be responsible for maintaining all landscaping within the visibility triangle to provide the unobstructed visibility.
- C. The Community Development Director or Public Works Director shall make the final determination regarding visibility triangles.

**Section. 6.1.6. Common driveways, shared parking, and off-site parking.**

- A. Common driveways shall be encouraged and may be required to reduce the number of curb cuts along a right-of-way. Driveways shall be in accordance with the Engineering Design Standards. Driveway access to State and County maintained roadways are regulated by FDOT or Lee County and require separate permits from the respective agency prior to commencement of construction. Approval of a common driveway will require submittal of a notarized shared access agreement and easement, acceptable to the City, which shall be recorded against the title for each property involved.
- B. Off-site parking and shared parking. In an instance where a business is unable to provide adequate parking on-site, off-site parking may be approved by the Director. Shared parking agreements and off-site parking agreements shall be reviewed as often as is appropriate to ensure compliance and adequacy of all provisions.
  1. Approval of off-site parking shall be dependent upon:

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- 125 a. Safe and convenient access to the off-site parking from the business which will be utilizing  
126 the off-site parking;  
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- 128 b. Proof of ownership of the parking lot by the business or a recorded parking agreement  
129 recorded against the title of the property to utilize the parking, which may not be eliminated  
130 or modified without concurrence by the City;  
131
- 132 c. Evidence that the parking will be available to the business during the times when the  
133 parking will be needed; and  
134
- 135 d. Appropriate paving, marking, and lighting of the off-site parking.  
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- 137 2. In addition to the above requirements, to qualify for shared parking approval one of the  
138 following must apply:  
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- 140 a. It can be proven that the uses in question have peak parking demands during differing times  
141 of the day or days of the week; or  
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- 143 b. A finding is made that there will be a lower demand for parking due to a high proportion of  
144 multi-purpose visits. The applicant shall provide documentation to show that the proposed  
145 parking for the multiple uses will be adequate. This documentation shall account for all the  
146 potential uses allowed in the zoning district on the properties to be served by the shared  
147 parking.  
148
- 149 C. Proximity to dedicated city parking areas. Any development within 25 feet, excluding alleys and  
150 walkways, of a dedicated city parking area may utilize that area to satisfy off-street parking  
151 requirement, provided a sufficient number of improved spaces exist in the city parking area to  
152 accommodate the number of spaces otherwise required by this ordinance for such development. If  
153 a sufficient number of improved parking spaces do not exist at the time of application, the owner  
154 or developer may improve the dedicated city parking area to the extent necessary to provide such  
155 sufficient number of improved parking spaces in accordance with the City of Cape Coral Engineering  
156 Design Standards. Once the dedicated city parking area has been properly improved and inspected,  
157 the city shall be responsible for all maintenance of the public parking area.  
158

159 **Section. 6.1.7. Amount of required parking.**  
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- 161 A. Generally.  
162
- 163 1. The City shall not approve the construction of a parking lot with more than 125 percent of the  
164 parking spaces required in Table 6.1.7.A. This shall not apply to development that have a  
165 minimum off-street parking requirement of 50 spaces or less.  
166
- 167 2. Accessible parking spaces shall meet ADA requirements.  
168
- 169 3. Bicycle parking. Permanently placed bicycle parking shall be provide in accordance with  
170 Subsection 6.1.7.B and Table 6.1.7.C.  
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- 172 4. Opportunities for reduction in parking requirements. A developer may request a reduction in  
173 parking during the site plan process by using the following methods:  
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- 175 a. If the Institute of Transportation Engineers (ITE) Reference Manual entitled Parking  
176 Generation allows a lesser number of parking spaces for the proposed use or a use of similar  
177 characteristics, then the number of parking spaces required for a development may be  
178 reduced.  
179
- 180 b. A reduction in the required number of spaces may be allowed if the developer provides the  
181 city with credible evidence that the parking needs are actually less than those reflected in  
182 the Table of Parking Standards or that the need for off-street parking spaces would be met  
183 through alternative means. Such credible evidence may include parking generation studies  
184 conducted within the City of Cape Coral or other similarly sized communities.  
185

186 **TABLE 6.1.7.A. Required Number of Parking Spaces for Uses.**  
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<b>Uses</b>	<b>Required Parking Spaces</b>
<b>Residential Uses</b>	
Assisted Living Facility (ALF)	One space per four beds plus one space per employee on the largest shift
Community residential facility or home	A minimum of two spaces for up to six residents with one space for every four additional residents
Daycare Center (adult or child, in home or commercial)	A minimum of two spaces for up to five children with one space for every 10 additional children
Dormitories	One space for the first three residents plus one space per employee based on the largest shift
Model home	Three spaces per model home
Residential—mixed-use residential	Sum of unit type plus uses
Residential—multi-family residential	1 space per efficiency or studio unit
	1.5 spaces for one-bedroom units
	Two spaces for dwelling units with two or more bedrooms
	Developments shall provide additional spaces equal to 10% of the total required to accommodate guest parking, up to 50 guest parking spaces
Residential—single-family-detached residential	Two spaces, including space in garage if provided
Residential, Duplex	Two spaces per dwelling unit, including space in garages
Residential—Single-family attached	Two spaces per dwelling
<b>Public and Institutional Uses</b>	
Animal shelter	One space per 400 sq. ft. of gross floor area

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Community centers	One space per 250 sq. ft. of gross floor area
Cultural and civic facilities—libraries, museums	One space per 300 sq. ft. of gross floor area
Elementary and middle school educational facility—public or private	One space per classroom plus one space per employee
High school educational facilities—public or private	One space per four students of design capacity plus one space per classroom
Secondary educational facilities—technical, vocational, specialty—non-public	One space per 200 sq. ft. of gross floor area
Government facilities, including administrative, support and service	One space per 300 sq. ft. of gross floor area
Hospital—private, public	One space per 200 sq. ft. of gross floor area
Outdoor Amphitheater	1/4 seats, or 1/80 square feet of seating area ADD
Public parks and recreational facilities	3/acre of land designated for passive recreation + 1/2,000 square feet of playground or picnic area ADD
Sewage lift or pumping station	One space per facility
Solid waste transfer station	One space per employee on largest shift plus one space per facility vehicle
Utilities and related facilities, city or other	One space for unmanned facilities; One space per employee on largest shift at manned facilities
<b>Vehicle Related Commercial Uses</b>	
Car wash	One space per employee on largest shift
Rental—automobile, truck, and other vehicles	One space per 400 sq. ft. of gross floor area
Gas stations	One space per 300 sq. ft. of gross floor area
Vehicle major or minor repair and parts—mechanical, service, or body (new or used)	One space per 400 sq. ft. of gross floor area plus one space per bay
Vehicle sales—new or used automobiles	One space per 400 sq. ft. of gross floor area
<b>Recreation, Entertainment Uses</b>	
Sexually Oriented Business	One space per 100 sq. ft. of gross floor area
Marinas	One space for every two boat slips
Golf course	36 spaces per 9 holes plus one space per 200 sq. ft. of gross floor area
Driving range	One space for every two tees

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Golf, miniature	One space per hole
Gun, pistol range, gun clubs, archery clubs—indoor	One space per 250 sq. ft. of gross floor area
Sports fields, basketball courts, racket ball courts, sporting activities—indoor	One space per four seats
Sports fields, basketball courts, racket ball courts, sporting activities—outdoor	20 spaces per field
Indoor Commercial Entertainment	One space per 250 sq. ft. of gross floor area
<b>Restaurant, Food and Beverage Service Uses*</b>	
Bar/lounge	One space per 100 sq. ft. of gross floor area
Brewpub	One space per 100 sq. ft. of gross floor area
Catering Service, no public interface	One space per 400 sq. ft. of gross floor area
Nightclub, Discotheque, Club, Cabarets.	One space per 100 sq. ft. of gross floor area
Restaurant, sit down	One space per 100 sq. ft. of gross floor area plus one space for every four outdoor seats
Restaurant, fast food	One space per 100 sq. ft. of gross floor area
Micro-Brewery or Distillery	One space per employee on the largest shift plus one space per 100 sq. ft. of tasting room area
<b>Places of Assembly Uses*</b>	
Banquet hall	One space per 100 sq. ft. of gross floor area
Place of religious assembly	One space for every four seats
Private clubs, not public	One space per 100 sq. ft. of gross floor area
Theater (movie, performing arts)	One space for every four seats
<b>Commercial Uses*</b>	
All Retail Stores, other than those listed below	One space per 300 sq. ft. of gross floor area
Wholesale	One space per 400 sq. ft. of gross floor area
Retail—big box, club membership, department, home improvement	One space per 400 sq. ft. of gross floor area
<b>Short Term Lodging</b>	
Camp grounds, RV parks	One space per site plus one space for every 10 additional sites
Hotels, Motels, Resort, Lodging	One space per room plus one space per 400 sq. ft. of gross floor area for all other uses
Transient Housing—shelters	One space for every five beds plus one space for every employee or volunteer
<b>Office Uses*</b>	

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Call center	One space per 300 sq. ft. of gross floor area
Office—business, sales, professional, semi-professional services	One space per 300 sq. ft. of gross floor area
Office—medical office/medical clinic	One space per 300 sq. ft. of gross floor area
<b>Service Uses*</b>	
Animal grooming and pet sitting—indoor	One space per 300 sq. ft. of gross floor area
Animal Hospital/Veterinarian clinic	One space per 300 sq. ft. of gross floor area
Animal kennel, boarding	One space per 300 sq. ft. of gross floor area
Blood banks, diagnostic medical treatment centers	One space per 300 sq. ft. of gross floor area
Check cashing, bill payments	One space per 300 sq. ft. of gross floor area
Copy, printing center	One space per 300 sq. ft. of gross floor area
Cosmetic Surgery, beauty clinics	One space per 300 sq. ft. of gross floor area
Customer service center	One space per 300 sq. ft. of gross floor area
Dry cleaning	One space per 300 sq. ft. of gross floor area
Financial institution - banks, credit unions, investment brokerage establishments	One space per 300 sq. ft. of gross floor area
Health club, fitness club	One space per 300 sq. ft. of gross floor area
Laundromat, self-service	1 per 3 machines and One space per 300 sq. ft. of gross floor area
Massage Therapy, body wrapping	One space per 300 sq. ft. of gross floor area
Package shipping, mail service	One space per 300 sq. ft. of gross floor area
Personal care services	One space per 300 sq. ft. of gross floor area
Repair and service shop—general merchandise	One space per 300 sq. ft. of gross floor area
Self-service storage facility	One space per 10,000 sq. ft. with a minimum of five spaces
Studios—photographic, and instructional	One space per 300 sq. ft. of gross floor area
Tattoo parlor, body piercing	One space per 300 sq. ft. of gross floor area
<b>Other Uses</b>	
Cemetery, mausoleums, crematory	One space for every four seats in an assembly area
Funeral Homes	One space for every four seats in an assembly area
Radio and transmitting station	One space per 400 sq. ft. of gross floor area
Wireless Antennas and support services	One space per facility
<b>Industrial Uses</b>	
Dry cleaning—commercial laundry plant	One space per 1,000 sq. ft. of gross floor area



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Equipment and tool rental	One space per 350 sq. ft. of gross floor area plus one space per 1,000 sq. ft. of outdoor rental area
Fireworks, retail	One space per 300 sq. ft. of gross floor area
Flex Space	One space per 300 sq. ft. of gross floor area
Industrial uses—heavy	One space per 350 sq. ft. of gross floor area plus one space for every company vehicle
Industrial uses—light	One space per 350 sq. ft. of gross floor area plus one space for every company vehicle
Laboratory—medical, research, testing	One space per 300 sq. ft. of gross floor area
Mining/extraction, rock quarry	One space per employee
Outdoor Storage, open air storage	One space per employee
Recycling facility, Refuse disposal	1/employee plus 3
Studio for movie, television, music production	One space per 200 sq. ft. of gross floor area
Warehouse	One space per 1,000 sq. ft. of gross floor area
<b>Agricultural Uses</b>	
Community Garden	Three spaces per acre of gardens
Greenhouses—nurseries, retail	One space per employee plus one space per 300 sq. ft. of gross floor area plus one space per 600 sq. ft. of outdoor sales area
Outdoor storage—agriculture	1/employee plus work vehicles?
Farmer's market	One space per vendor plus one space per 350 sq. ft. of vendor area
Animal Boarding Stables	One space for every six animals boarded
<b>* See below</b>	
<b>*Multiple Occupancy (3 or more units)</b>	One space per 200 sq. ft. of gross floor area

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For facilities having bench or booth seating, one seat shall be considered 24 linear inches of a bench or booth.

**Table 6.1.7.B. South Cape (SC) and Mixed-Use Bimini (MXB) Parking Requirements.**

TABLE 6.1.7.B. MINIMUM PARKING SC AND MXB DISTRICTS				
Applicable Lots	Lot Frontage/Lot Area			Lot Area
	≤75 ft.	>75 ft. but <125 ft.	≥125 ft. but <60,000 sq. ft.	≥60,000 sq. ft.
Minimum Parking (# spaces) (a)				

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Residential	1 per unit	1 per unit	1 per unit	1 per unit
Non-residential - restaurant/bar/brewpub(d)	1/500 sq. ft.	1/400 sq. ft.	1/100 sq. ft.	1/100 sq. ft.
Non-residential - hotel	0.75 per room	0.75 per room	0.75 per room	0.75 per room
Non-residential - other	1/500 sq. ft.	1/400 sq. ft.	1/400 sq. ft.	1/400 sq. ft.
Parking required on site - residential and non-residential (b)	50%(c)	50%	75%	75%
(a) For parking area sites, minimum parking shall be as provided, less parking credits in accordance with § 6.1.8.J.1.b				
(b) Satellite parking shall be provided in accordance with § 6.1.8.K.				
(c) Lots with lot frontage less than or equal to 50 feet shall not be required to provide on-site parking. Satellite parking shall be provided in accordance with § 6.1.8.K.				
(d) The minimum parking standard shall not be applied to the area(s) of the building devoted to brewing, bottling, and kegging activities.				

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- B. Bicycle parking. Bicycle parking shall be required for all developments of 20,000 square feet or more, in accordance with Table 6.1.7.B. Bicycle parking shall be adjacent to entrances or in a shaded or covered area when one is available. A parking space shall consist of a place for a bike to be secured in a standing position.

**Table 6.1.7.C. Bicycle Parking Requirements.**

Square Footage of Development	Number of Bicycle Parking Spaces
20,000-50,000	5 spaces
50,001-200,000	10 spaces
200,001 or larger	15 spaces
Multi-family Developments with 16 or more units	1 space/10 units

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- C. Electric vehicle charging stations. Charging stations for electric vehicles shall be required for all development sites of 200,000 square feet of gross floor area or more. One charging station shall be required for the initial 200,000 square feet of development and an additional charging station shall be provided for each additional 20,000 square feet over that.

**Section. 6.1.8. Miscellaneous parking requirements.**

- A. Access to buildings. Parking shall not interfere with ingress-egress doors for stairwells, transformer rooms, elevator machine rooms, trash rooms, or any other use requiring clear access aisles for services.
- B. Marking and identification. All parking and loading spaces other than for single-family detached and duplex dwellings, shall be marked in accordance with the Engineering Design Standards. Off-street parking facilities not clearly evident from a street or alley shall be identified as to location and

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217 purpose. Marking and curb stops for duplex dwelling parking areas shall be marked in accordance  
218 with the design requirements shown in Section 6.2.2.

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220 C. Use of spaces. All off-street parking facilities shall be used solely for the parking of vehicles in  
221 operating condition. No automotive repair work except emergency service, no storage of  
222 merchandise, and no motor vehicles which are being offered for sale by a business in the  
223 development shall be permitted on or within any required off-street parking area.

224  
225 D. Surfacing. All off-street parking (spaces and aisles) and drives connecting such areas with the street,  
226 including spaces required for serving single-family detached residences or duplexes, shall be  
227 surfaced in accordance with the Engineering Design Standards unless an alternative landscaped  
228 area is approved for occasional parking as part of a development approval. All parking surfaces shall  
229 be maintained in a condition that is safe and free of potholes.

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231 E. Unpaved parking. Clearly identified, non-paved parking areas may be permitted, only in accordance  
232 with this Subsection. Unpaved parking, which is graded and covered with sod to provide a surface  
233 that is durable, stable, and will also assist in managing stormwater, dust, and erosion may be  
234 provided for up to 50% of the off-street parking requirements for the following uses:

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- 236 1. Agriculture or farming uses;
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  - 238 2. Cemeteries;
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  - 240 3. Funeral homes, mortuaries, and crematoria;
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  - 242 4. Places of worship;
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  - 244 5. Religious facilities; or
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  - 246 6. Parks and recreation facilities owned by a governmental entity.

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248 F. Parking on unpaved areas shall be prohibited on all parcels other than those specifically allowed by  
249 this code to utilize grass parking. Where parking occurs on unpaved areas, a violation may be issued.  
250 Resolution of the violation may include providing additional parking spaces, not to exceed the  
251 allowed pervious surface requirement for that use.

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253 G. Off-street circulation and maneuvering.

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- 255 1. Off-street parking facilities for multi-family, industrial, or commercial developments shall  
256 provide for on-site vehicle circulation and maneuvering in accordance with the Engineering  
257 Design Standards. Backing into the street right-of-way shall not be permitted for any uses other  
258 than single-family detached residences on a local street.

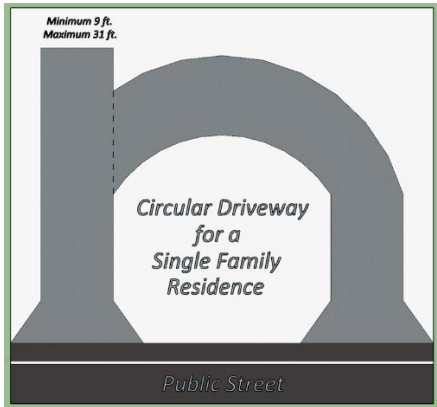
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- 260 2. Single-family detached residences which are on a right-of-way classified as a collector or higher  
261 classified roadway, and all duplex residences shall be required to install a circular driveway to  
262 eliminate the necessity to back into the roadway. See diagrams 6.1.8.A for the typical circular  
263 driveway example.

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**Diagram 6.1.8.A. Single-family detached circular drive.**



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H. Drainage. Design and construction of all parking areas shall conform to the requirements of the City of Cape Coral Engineering Design Standards and all applicable South Florida Water Management District requirements for stormwater management. All design and construction shall be such that runoff from the property is intercepted and prevented from entering onto adjoining properties or right-of-way(s) prior to treatment. The developer shall be responsible for obtaining all required permits.

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I. Parking along alleys. Parking on sites abutting alleys is allowed provided the following conditions are met:

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1. The area of the site abutting the alley is needed to meet the minimum parking requirement for the site.

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2. The alley is improved or will be improved to allow for the movement of vehicles in the alley along the site.

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3. No portion of a parking space shall be closer than 3' from the platted alley. Vehicles can be parked in their entirety on the site. No part of any parked vehicle may extend into the alley right-of-way.

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4. All parking spaces shall be striped consistent with those standards appearing in the City Engineering and Design Standards.

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5. The minimum clear aisle width behind parking spaces adjacent to alleys shall be the same as the aisle widths required by the Engineering Design Standards for the specific parking space orientation. An additional setback for the parking space from the alley may be required to provide adequate aisle width.

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J. Supplemental parking requirements within the South Cape District.

1. Development may count on-street parking within 500 feet of the property to meet the minimum required off-street parking spaces.

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- 301  
302 2. As of December 1, 2005, sites within 25 feet, excluding alleys and walkways, of any of those  
303 dedicated city parking areas identified in § 6.1.8.J.1.a, below shall be considered "parking area  
304 sites". For parking area sites, the following parking and PILOP regulations shall apply:  
305  
306 a. Each of the following dedicated city parking areas in the Cape Coral CRA is hereby assigned  
307 a parking allocation factor as provided below:  
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309 **Table 6.1.8.A. Dedicated City Parking Area within South Cape.**  
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DEDICATED CITY PARKING AREA			
Dedicated City Parking Area	Surrounding Blocks and Lots		Parking Allocation Factor
	Lots	Block	
Parking Area 1	1 through 24	62	0.000655
Parking Area 2	1 through 17	63A	0.001040
Parking Area 4	1 through 30	63	0.001515
Parking Area 5	1 through 61	64	0.001501
Parking Area 6	1 through 34	356	0.001572
	1 through 30	357	
Parking Area 7	11 through 14	56A	0.001330
	1 through 11	56B	
	1 through 12	56C	
	1 through 10	G	

- 311  
312 b. For purposes of this subsection, when a "parking credit" must be calculated for a parking  
313 area site, such parking credit shall be calculated by multiplying the area of the site (in square  
314 feet) by the parking allocation factor related to the dedicated city parking area upon which  
315 the site is located. This credit shall be deducted from the minimum parking requirements.  
316  
317 c. When the area of a parking area site changes, the following shall apply:  
318 i. In the event the area of a parking area site is increased as the result of the acquisition  
319 of property that was not a part of a parking area site as of December 1, 2005, the  
320 increase in area that results from such acquisition shall, for purposes of this subsection,  
321 be treated in the same manner as property, no part of which comprised a parking area  
322 site.  
323 ii. In the event the area of a parking area site is increased as the result of the acquisition  
324 of property that was a part of a parking area site as of December 1, 2005, any PILOP  
325 fees previously paid as the result of the use(s) or structure(s) on the conveyed property  
326 shall be treated in the same manner as any PILOP fees, if any, previously paid by the  
327 receiving site provided that the minimum total parking requirements for the conveying  
328 site decrease as the result of the conveyance of property. If the minimum total parking  
329 requirements for the conveying site do not decrease as the result of the transfer, then  
330 any PILOP fees previously paid in regard to the conveying property shall continue to be  
331 applied solely to the conveying property and shall not apply toward the parking  
332 requirements of the enlarged (receiving) site.

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- 333           iii. In the event the area of a parking area site is decreased as the result of the conveyance  
334           of property that was a part of a parking area site as of December 1, 2005, regardless of  
335           whether such conveyance is to another parking area site or to a property that is not a  
336           parking area site, then any PILOP fees previously paid in regard to the conveying  
337           property shall continue to be applied solely to the conveying property and shall not  
338           apply toward the parking requirements of the receiving site unless the minimum total  
339           parking requirements for the conveying site decrease as the result of the transfer. If the  
340           minimum total parking requirements for the conveying site decrease as the result of  
341           the transfer, and the conveying site had previously paid PILOP fees pursuant to this  
342           subsection, then any such PILOP fees that are unnecessary to defray the decreased total  
343           parking requirements of the conveying site shall be applied toward the parking  
344           requirements of the receiving site.  
345
- 346           d. A parking area site is altered, for purposes of this subsection, when any use located on the  
347           site is changed, any structure located on the site is modified, or the land area of the site is  
348           changed. Although a parking area site shall not be required to provide on-site parking, when  
349           such site is altered so that the minimum total parking requirement for the site, pursuant to  
350           Table 6.1.7.B contained in § 6.1.7.A. is increased, the parking requirement for the site shall  
351           be determined in accordance with the following:  
352
- 353           i. Parking area sites that are undeveloped as of December 1, 2005:
- 354
- 355                   (1) A parking area site that is undeveloped as of December 1, 2005, the area of which  
356                   has not changed and which is being initially developed after December 1, 2005, shall  
357                   be required to provide the minimum parking that would be required pursuant to  
358                   Table 6.1.7.B contained in § 6.1.7.A. less a parking credit calculated pursuant to §  
359                   6.1.8.J.1.b The site would need to meet the aforesaid parking requirement prior to  
360                   receiving a certificate of occupancy (for residential uses) or a certificate of use (for  
361                   non-residential uses). If the land area of the parking area site increases prior to the  
362                   initial development of the site, then the requirements of this subsection shall apply  
363                   to the expanded portion of the site (and any structures thereon) as applicable based  
364                   on factors such as whether it was previously developed or had previously paid PILOP  
365                   fees.  
366
- 367                   (2) After such a parking area site has been initially developed pursuant to this  
368                   subsection, any further alteration of the site that would result in an increase to the  
369                   minimum parking requirement for the site, area of the site, shall require that the  
370                   site provide the minimum parking that would be required pursuant to Table 6.1.7.B  
371                   contained in § 6.1.7.A. less the parking credit calculated pursuant to § 6.1.8.J.1.b  
372                   and any PILOP fee(s) previously paid to offset the parking requirement of the site  
373                   or any part thereof.  
374
- 375                   (3) After the initial development of such a site, if the area of the site increases, any  
376                   further alteration of the site that would result in an increase to the minimum  
377                   parking requirement for the site shall require that the site provide the minimum  
378                   parking that would be required pursuant to Table 6.1.7.B. contained in § 6.1.7.A.  
379                   less a parking credit (to which the site would be entitled based on its land area at

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380 the time of such further alteration) and any PILOP fee(s) previously paid to offset  
381 the parking requirement of the site, including any PILOP fee(s) paid with respect to  
382 the expanded area of the site, in accordance with § 6.1.8.J.1.c.  
383

384 (4) Alternatively, if, after the initial development of such a site, the area of the site  
385 decreases, any further alteration of the site that would result in an increase to the  
386 minimum parking requirement for the site shall require that the site provide the  
387 minimum parking that would be required pursuant to Table 6.1.7.B. less a parking  
388 credit and any PILOP fee(s) previously paid to offset the parking requirement of any  
389 use(s) or structure(s) located on the area of the site remaining after the decrease(s)  
390 in area, in accordance with § 6.1.8.J.1.c.  
391

392 ii. With respect to parking area sites that are developed and occupied as of December 1,  
393 2005, the following shall apply:  
394

395 (1) The first time such a site is altered after December 1, 2005, if the alteration would  
396 result in an increase in the minimum parking requirement for the site of more than  
397 25% over the amount required for the site for the use(s) and structure(s) located on  
398 the site as of December 1, 2005, as reflected in the certificate(s) of use in effect for  
399 such site as of that date, the site shall be required to provide the minimum parking  
400 that would be required pursuant to Table 6.1.7.B. contained in § 6.1.7.A.. less a  
401 parking credit calculated as provided in 6.1.8.J.1.b.  
402

403 (2) Alternatively, if such an alteration of the site would result in an increase in the  
404 minimum parking requirement for the site of not more than 25% over the amount  
405 required for the site for the use(s) and structure(s) on the site as of December 1,  
406 2005, as reflected in the certificate(s) of use in effect for such site as of that date,  
407 then the alteration of such site shall require the site to provide the minimum  
408 parking required for the site (pursuant to Table 6.1.7.B.) less the amount attributed  
409 to the site for the use(s) and structure(s) on the site as of December 1, 2005, as  
410 reflected in the certificate(s) of use in effect for the site as of that date. Further  
411 alterations to the site that do not, either singularly or cumulatively, increase the  
412 minimum parking requirement for the site by more than 25% over the amount  
413 required for the site for the use(s) and structure(s) on the site as of December 1,  
414 2005, as reflected in the certificate(s) of use in effect for such site as of that date,  
415 shall require the site to provide the minimum parking required for the site (pursuant  
416 to Table 6.1.7.B.) less the amount attributed to the site for the use(s) and  
417 structure(s) on the site as of December 1, 2005, as reflected in the certificate(s) of  
418 use in effect for the site as of that date and any PILOP fee(s) previously paid to offset  
419 the parking requirement of the site or any part thereof including, for sites that have  
420 increased or decreased in area any PILOP fee(s) applicable pursuant to § 6.1.8.J.1.c.  
421

422 (3) If further alterations to a site, cumulatively, increase the parking requirement for  
423 the site by more than 25% over the amount required for the site for the use(s) and  
424 structure(s) on the site as of December 1, 2005, as reflected in the certificate(s) of  
425 use as of that date (or, for residential uses, the residential occupancy in effect for  
426 such site as of that date), then the alteration of such site that would result in the  
increase by more than 25% shall require the site to provide the minimum parking  
required for the site (pursuant to Table SC-5) less a parking credit calculated as

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427 provided in § 6.1.8.J.1.b, based on the area of the site at the time of the alteration  
428 that would result in the more than 25% increase, and any PILOP fee(s) previously  
429 paid to offset the parking requirement of the site or any part thereof including, for  
430 sites that have increased or decreased in area, any PILOP fee(s) applicable pursuant  
431 to § 6.1.8.J.1.c.  
432

433 iii. With respect to parking area sites that are developed and unoccupied as of December  
434 1, 2005, the following shall apply: The first time such a site is occupied following  
435 December 1, 2005, the site shall be required to provide the minimum parking that  
436 would be required pursuant to Table 6.1.7.B. contained in § 6.1.7.A. less a parking credit  
437 calculated by multiplying the area of the site (in square feet) by the parking allocation  
438 factor related to the dedicated city parking area upon which the site is located. The site  
439 would need to meet the aforesaid parking requirement prior to receiving, for non-  
440 residential uses, a certificate of use and, for residential uses, prior to any residential  
441 occupation of the structure. If the land area of the parking area site increases following  
442 December 1, 2005, but prior to the occupancy of the site, then the requirements of this  
443 subsection shall apply to the expanded portion of the site (and any structures thereon)  
444 as applicable based on factors such as whether it was previously developed or had  
445 previously paid PILOP fees.  
446

447 iv. If the structure(s) on any parking area site are demolished, razed, or relocated to a site  
448 other than a parking area site, then any subsequent redevelopment of such parking area  
449 site shall require the site to provide the minimum parking required for the site (pursuant  
450 to Table 6.1.7.B.) less a parking credit calculated as provided in § 6.1.8.J.1.b, based on  
451 the area of the site at the time of the redevelopment, and any PILOP fee(s) previously  
452 paid to offset the parking requirement of the site or any part thereof including, for sites  
453 that have increased or decreased in area, any PILOP fee(s) applicable pursuant to §  
454 6.1.8.J.1.c. After such redevelopment is completed, any alteration(s) to the site shall  
455 be treated, for purposes of determining the parking requirements of the site, in the  
456 same manner as alteration(s) of any other developed parking area site under this  
457 subsection.  
458

459 e. With respect to each dedicated city parking area located in the Cape Coral CRA. the City  
460 Council shall, by resolution, identify all sites that would be parking area sites regulated by  
461 this subsection and also, for all such sites that are developed as of December 1, 2005,  
462 identify the minimum parking requirement for the use(s) or structure(s) on the site as of  
463 December 1, 2005, as though such sites were within the South Cape Downtown District.  
464

465 K. Satellite parking within the South Cape District. For purposes of this subsection, a satellite parking  
466 arrangement exists when the minimum total parking (excluding on-site parking) required for a site  
467 is to be provided on a site at a location different from the site which will be served by the parking  
468 as required in § 6.1.7.A. When all or part of the minimum total parking (excluding on-site parking)  
469 required for a site is to be satisfied by one or more satellite parking arrangements, such satellite  
470 parking arrangements shall comply with the requirements of this subsection as follows:  
471

472 1. Except as otherwise provided herein, satellite parking shall be located not more than 1,320 feet  
473 from a public entrance to the principal building which contains the use associated with such



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474 satellite parking, except that no satellite off-street parking area shall be located on parkway or  
475 primary street designations or across Del Prado Boulevard or Cape Coral Parkway from the use  
476 it is serving. When the site that contains the use(s) to be served by the satellite parking offers  
477 valet parking at all times that such use(s) are open to the public so that valets will transport the  
478 vehicles of patrons of such use(s) to the satellite parking site(s) and such valet service is  
479 documented in an agreement entered into by the city and the owners of the property to be  
480 served by the satellite parking and the property offering the satellite parking, then the satellite  
481 parking site(s) may be more than 1,320 feet from a public entrance to the principal building  
482 containing the use served by such valet parking.  
483

484 The aforesaid agreement shall be in addition to the agreement required by § 6.1.8.K.1.4. and  
485 shall be recorded in the public records of Lee County at the sole expense of the owner(s) of the  
486 property to be served by the valet parking. Upon request by the owner of the property to be  
487 served by a proposed satellite parking location, the City may allow satellite parking that does  
488 not include valet parking to be located more than 1,320 feet from a public entrance to the  
489 principal building which contains the use associated with the proposed satellite parking or to  
490 be across Del Prado Boulevard or Cape Coral Parkway from the use it is serving, if the City finds  
491 that the proposed satellite parking would not be detrimental to the public health, safety, and  
492 welfare of the persons utilizing it. Factors which shall be considered by the City in making this  
493 determination include, but are not limited to, the following: the proximity of the proposed  
494 satellite parking to a signalized intersection, the availability of pedestrian crosswalks or other  
495 pedestrian-oriented features at any intersections and any other locations between the  
496 proposed satellite parking and the use(s) to be served by it, whether the satellite parking is to  
497 be utilized by employees only or by patrons of the use(s) to be served, and the availability of  
498 any complementary or supplementary services to such parking, such as trolley or tram systems  
499 that would provide transportation for the public to and from the satellite off-street parking area  
500 and the use(s) to be served. If the City approves satellite parking at a distance of more than  
501 1,320 feet or across Del Prado Boulevard or Cape Coral Parkway, the City may impose conditions  
502 on such satellite parking that would be reasonably designed to mitigate any negative effects  
503 from such approval. Examples of such conditions include the requirement that a satellite off-  
504 street parking area be clearly identified for only employee parking, the requirement that a  
505 pedestrian walkway between the off-street parking area and the use(s) it serves be covered so  
506 as to protect pedestrians from the elements, and that any supplementary or complementary  
507 services be continued so long as the satellite parking is being used.  
508

- 509 2. The satellite off-street parking area and the site which contains the use associated with such  
510 satellite parking shall be shown on a site plan, development plan, or other equivalent plan. The  
511 submitted plan shall show the pedestrian connection(s) between the two sites and shall  
512 demonstrate that all pedestrian connections have sidewalks, or other paved walkways,  
513 dedicated solely to pedestrians. In addition, the plan shall demonstrate that the distance  
514 between the sites is not more than 1,320 feet when measured from a public entrance to the  
515 principal building (on the site to be served by the satellite parking) to the closest point on the  
516 proposed satellite parking site.  
517
- 518 3. Satellite parking spaces on the off-site lot shall only be counted if they are above and beyond  
519 the minimum parking requirement for uses on the off-site lot.  
520

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- 521 4. The owner of the off-site lot of land (and, the owner of the land intended to be served by such  
522 off-site parking, if different than the owner of the lot to be used for parking) shall enter into an  
523 agreement with the city, which shall be recorded in the public records of Lee County, Florida,  
524 at the expense of the owner of the land intended to be served by the off-site parking.  
525
- 526 5. The satellite off-street parking area shall never be sold or transferred except in conjunction with  
527 the sale of the lot served by the off-site parking facilities unless:  
528
- 529 a. The lot to be sold or transferred will continue to be used as provided in the off-site parking  
530 agreement and the new owner or transferee executes a consent to assume and to be bound  
531 by the obligations of the owner of the lot used for parking as provided in the agreement;  
532
- 533 b. A different lot complying with the all provisions of the City of Cape Coal Code of Ordinances  
534 and Land Use and Development Regulations and subject to a recorded off-site parking  
535 agreement as specified herein is substituted for the lot of land subject to the off-site parking  
536 agreement; or  
537
- 538 c. The lot being served by the off-site parking no longer requires the parking as evidenced by  
539 a written statement executed by the parties executing the off-site parking agreement and  
540 as approved by the City. The aforesaid statement shall be recorded in the public records of  
541 Lee County at the expense of the owner of the lot formerly being served by the off-site lot.  
542

543 **CHAPTER 2. TRUCK AND VEHICLE PARKING**

544  
545 **Section 6.2.1 Parking regulations for residential zoning districts.**  
546

- 547 A. It shall be unlawful for any owner, agent, operator, or person in charge of a commercial vehicle or  
548 trailer (private or commercial trailer) to park, store, or keep such vehicle or private or commercial  
549 trailer on the pavement or in the swale of any public street within any single-family residential  
550 district in the city. Furthermore, it shall be unlawful for any owner of privately owned real property  
551 in the R1 and RE zoning districts in the city to park on, cause to be parked on, or allow to be parked  
552 on such property any commercial vehicle or private or commercial trailer, except as otherwise  
553 provided herein.  
554
- 555 B. The prohibitions of § 6.2.1.A shall not apply to the following:  
556
- 557 1. Temporary parking of any commercial vehicle or private or commercial trailer on private  
558 property or in the adjoining swale of any public street in a residential district where construction  
559 for which a current and valid permit has been issued by the city is underway on the property  
560 and the permit is properly displayed on the premises. Provided that such private or commercial  
561 trailer or commercial vehicle is only on the real property at the time the construction is actually  
562 physically occurring. Nothing in this subsection is intended to require a permit where none is  
563 otherwise required or to allow a private or commercial trailer or commercial vehicle to be  
564 parked on private property or in the adjoining swale of any public street within a residential  
565 district when construction is not actually physically occurring on the private property.  
566
- 567 2. Deliveries by tradespeople or the use of commercial vehicles or trailers in making service calls.

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3. Temporary parking of a commercial vehicle or recreational vehicle while such vehicle is being used by the operator for travel to and from the residential property for personal reasons of a temporary nature such as for a meal or to visit or serve an ill person. Such temporary parking shall not, however, exceed a total of two hours duration during any 24-hour time period.
  4. Emergency parking of a disabled commercial vehicle, recreational vehicle, or trailer. However, any such commercial vehicle, recreational vehicle, boat, or trailer shall be removed from the residential district within 24 hours by wrecker towing or other available means regardless of the nature of the emergency.
- C. Any combination of the following motor vehicles or trailers may be parked in single-family residential districts, on a parcel improved with a single-family residence:
1. Any light van, sports utility vehicle (SUV), pickup truck, jeep, motorcycle, automobile, or similar type of motor vehicle which is not a commercial vehicle. Furthermore, light vans, sports utility vehicles (SUVs), pickup trucks, jeeps, motorcycles, automobiles, or similar types of motor vehicles which would otherwise be considered to be "commercial vehicles" only because commercial lettering has been affixed to them may be parked outside of a permitted garage or carport provided that all commercial lettering has been concealed by a cover of a type that is applied directly to the surface of the motor vehicle or attached to the vehicle in such a manner that the vehicle can be safely driven on the public streets with the cover in place. If more than one such cover is attached to or is located on a vehicle, then all of such covers on or attached to such vehicle shall be the same color. For purposes of this section, covers located so as to impair the vision of the driver of the vehicle or insecurely mounted so as to present a danger of falling off the vehicle while it is being driven shall be presumed to be insufficient to bring the commercial vehicle within the exemption provided by this subsection. Furthermore, this exemption shall not apply to any motor vehicle that is considered to be a "commercial vehicle" under this section by virtue of the nature of its vehicle type and not solely because commercial lettering has been affixed to it regardless of whether such vehicle or any lettering affixed to it has been covered in part or in full of such vehicle is parked outside of the confines of a permitted garage or carport.
  2. Any trailer or motor vehicle described in § 6.2.1.G which is a commercial vehicle, provided that:
    - a. The commercial vehicle or trailer is parked in a permitted garage or carport;
    - b. When parked in a garage or carport, no part of such commercial vehicle or trailer may project horizontally beyond the roofline of the garage or carport; and
    - c. When parked in a carport, such commercial vehicle or trailer is screened on three sides.
- D. No vehicle for human habitation shall be kept or parked on premises zoned for residential purposes or on adjoining public rights-of-way, except when parked entirely within the confines of a garage or carport or in accordance with the following:

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- 614 1. Non-resident. Vehicles for human habitation when used for transportation of visitors to this city  
615 to visit friends or members of the visitors' family residing in this city may, upon obtaining a  
616 permit (for which a charge shall not be made) from the Police Department, be parked upon the  
617 premises of the visited family for a period not exceeding ten days. The permit shall be affixed  
618 to the vehicle in a conspicuous place on the street side thereof. The City may, for good cause  
619 shown, authorize the issuance of a second consecutive free permit not to exceed ten days. An  
620 additional permit for the parking of such vehicle will not be issued until after the expiration of  
621 15 days after termination of the last prior permit. For purposes of this section, a person who  
622 owns or leases property in the City of Cape Coral shall not be deemed to be a "non-resident"  
623 when he or she parks a vehicle for human habitation on property that he or she owns or leases  
624 even if such person does not "reside" on the subject property.  
625
- 626 2. Resident. When a vehicle for human habitation is owned or leased by the person who also owns  
627 or leases the residential property on which such vehicle is to be parked, such vehicle for human  
628 habitation may be parked upon the premises of the resident for a period not exceeding 72 hours  
629 for loading and cleaning provided that a permit is first obtained from the City. A vehicle for  
630 human habitation may be parked upon the premises of the resident for unloading after a trip  
631 for a period of 72 hours provided that a permit is first obtained from the City. There shall be a  
632 minimum of a 48-hour interval between the expiration of one permit and the issuance of  
633 another. The permit for each such period shall be affixed to the vehicle in a conspicuous place  
634 on the street side thereof. The city shall not charge a fee for the permits to park a vehicle for  
635 human habitation upon the premises of the resident as required by this section.  
636
- 637 3. Pop-up campers. A pop-up camper may be parked, only in a closed or folded condition, in the  
638 rear yard of a residential lot improved with a principal residential building. For purposes of this  
639 paragraph, a "pop-up camper" shall consist of a non-motorized trailer which includes, or on  
640 which is mounted, a tent-like enclosure (but such enclosure may be made of canvas or similar  
641 material, solid materials, or any combination thereof) to be used for camping purposes, which  
642 enclosure opens or expands or unfolds to accommodate temporary occupancy and which closes  
643 or folds up into itself in such a way as to be unusable for occupancy and to be no more than 55  
644 inches in height when measured from ground level.  
645
- 646 E. Parking of passenger cars or sports utility vehicles (SUVs) with commercial advertising signs setting  
647 forth the name of the business, its address, business telephone number, and type of business (e.g.,  
648 realtor, painter, etc.) thereon in residential areas outside the confines of a garage or carport is  
649 permitted so long as the home (residential) address is not shown thereon.  
650
- 651 F. The following are exempt from the provisions of this section:  
652
- 653 1. Commercial vehicles or trailers in actual use or moving directly to or from the location of actual  
654 use, which are owned or leased by:  
655
- 656 a. The city for the accomplishment of a municipal purpose;  
657
- 658 b. A contractor or subcontractor under agreement with the city to accomplish a municipal  
659 purpose; or  
660

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661 c. A public utility operating within the city, or a contractor or subcontractor under agreement  
662 with such public utility; for the installation, maintenance, adjustment, or repair of or to a  
663 public utility facility.  
664

665 However, no towing company, or other business entity, or any of its officers, employees, and  
666 agents shall be exempt from the provisions of this ordinance solely because the towing  
667 company or other business entity has been employed by the city to provide towing or other  
668 services.  
669

670 2. Commercial vehicles owned by or leased by governmental entities, including the city, Lee  
671 County, or the State of Florida which are parked in residential districts on a parcel improved  
672 with a permitted structure when such vehicles are lawfully in the possession of an authorized  
673 agent or employee of the governmental entity. This category shall include police or sheriff's  
674 vehicles which are permitted to be driven to residences of authorized employee(s) of such law  
675 enforcement entities.  
676

677 G. In applying the terms of this section, the following rules of construction shall apply:  
678

679 1. Any motor vehicle or trailer which is partially built or in the process of conversion shall be  
680 included under the most stringent definition that can be applied.  
681

682 2. In case of doubt as to the proper classification of a specific vehicle, a determination by the  
683 state's Department of Highway Safety and Motor Vehicles shall be controlling. The body  
684 description and classification on the motor vehicle certificate of title shall be *prima facie*  
685 evidence of such determination.  
686

687 **Section 6.2.2 Parking regulations for property zoned multi-family residential.**  
688

689 The restrictions for multi-family residential shall be the same as for single-family residential except that  
690 the prohibitions contained in § 6.2.1.A shall not apply to the following commercial vehicles when parked  
691 on properties zoned multi-family residential:  
692

693 A. Pickup trucks from which the cargo boxes have been removed;  
694

695 B. Pickup trucks or light vans containing commercial rack(s) regardless of whether such rack(s) are  
696 visible from the street or from abutting residential property; and  
697

698 C. Light vans, sports utility vehicles (SUVs), pickup trucks, jeeps, motorcycles, automobiles, or similar  
699 types of motor vehicles which would otherwise be considered to be "commercial vehicles" only  
700 because commercial lettering has been affixed to them.  
701

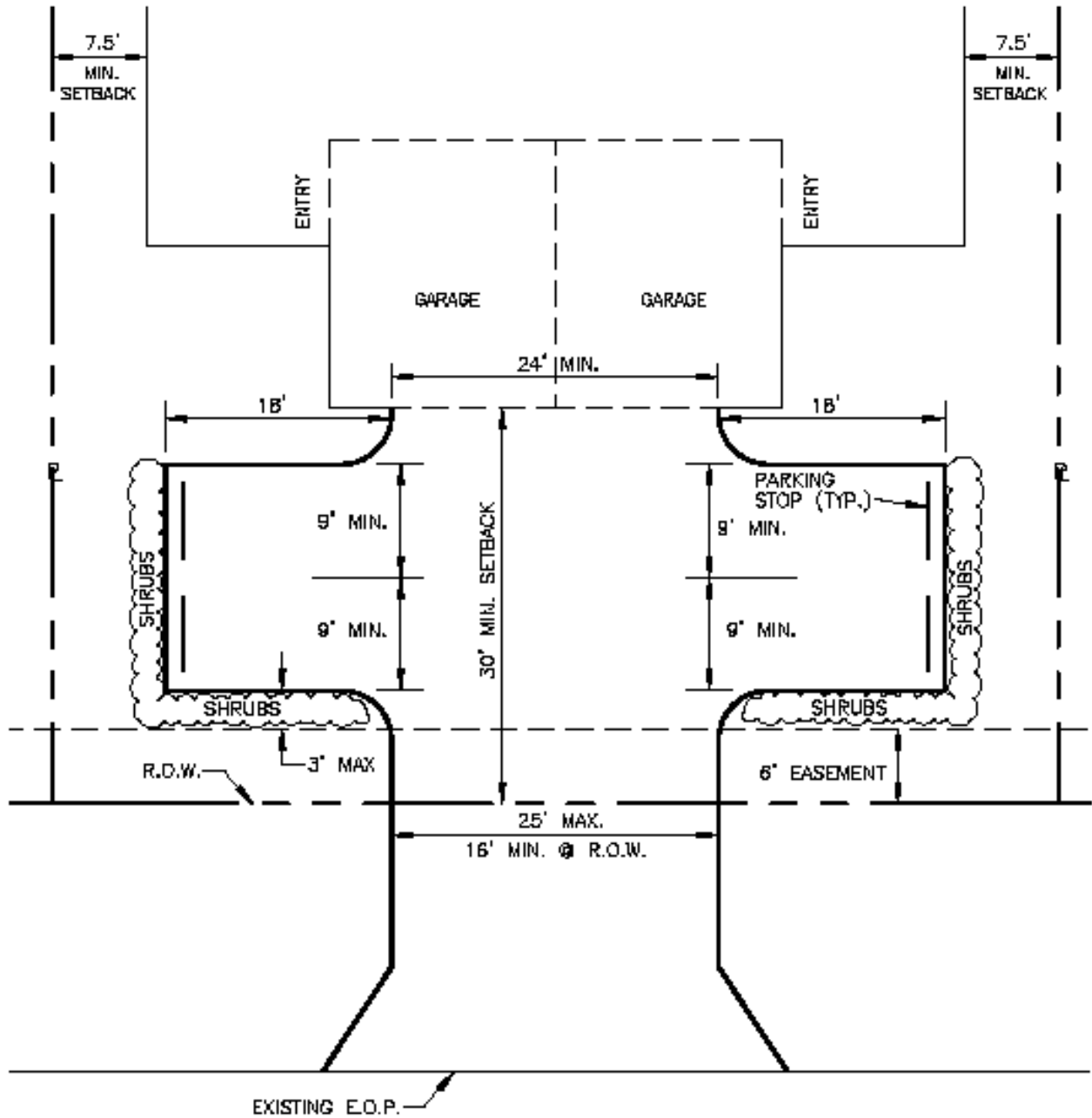
702 **Section 6.2.3 Parking area design requirements for duplex dwellings:**  
703

704 Parking areas for duplex dwelling shall conform to one of the following designs:  
705

706 **Diagram 6.2.3.1. Duplex with garages in the middle.**  
707

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**DUPLEX DRIVEWAY & PARKING STANDARD**

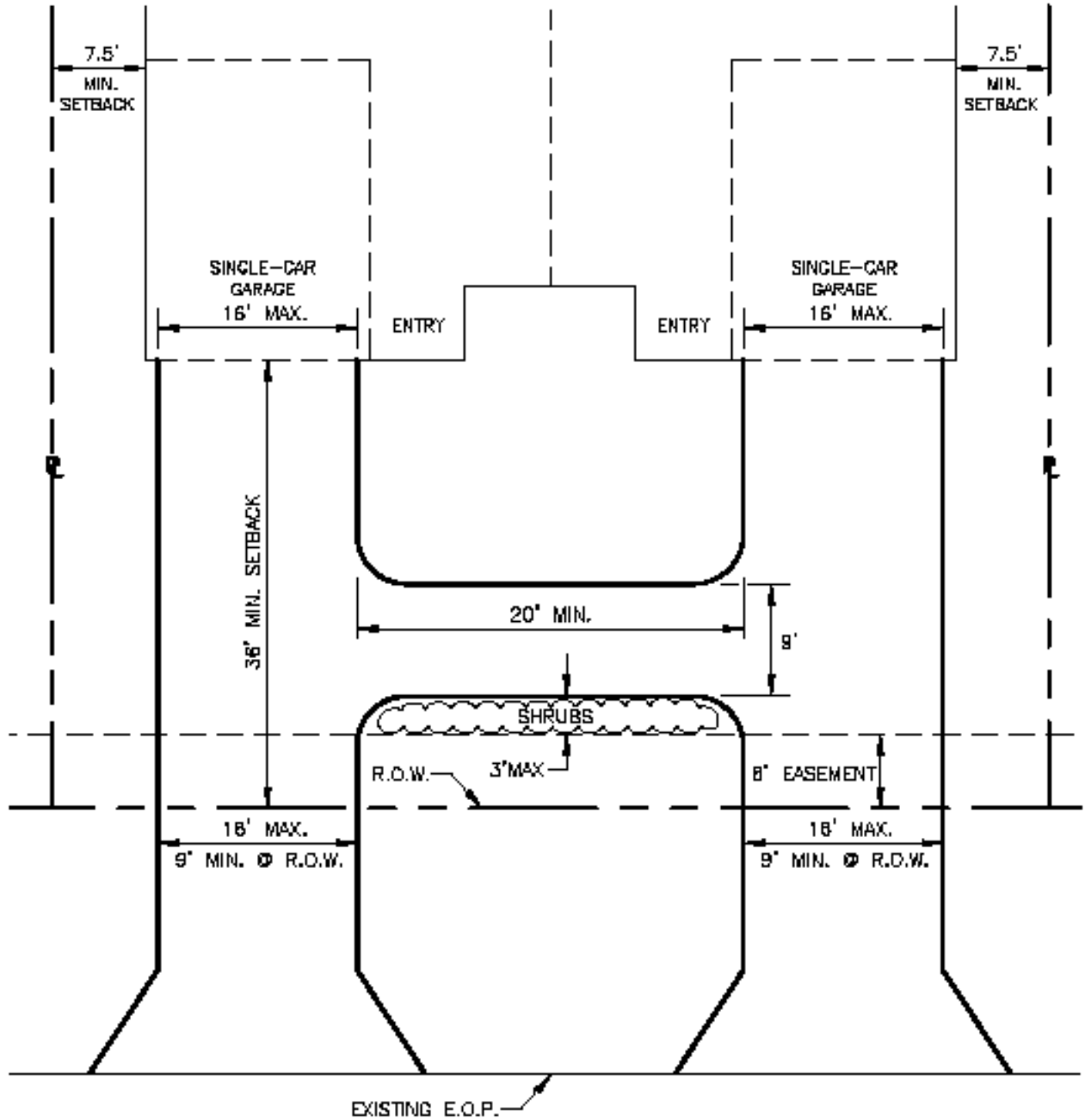


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Diagram 6.2.3.2. Duplex with one-car garages not in the middle

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**DUPLEX DRIVEWAY & PARKING STANDARD**  
**(SINGLE-CAR GARAGE)**

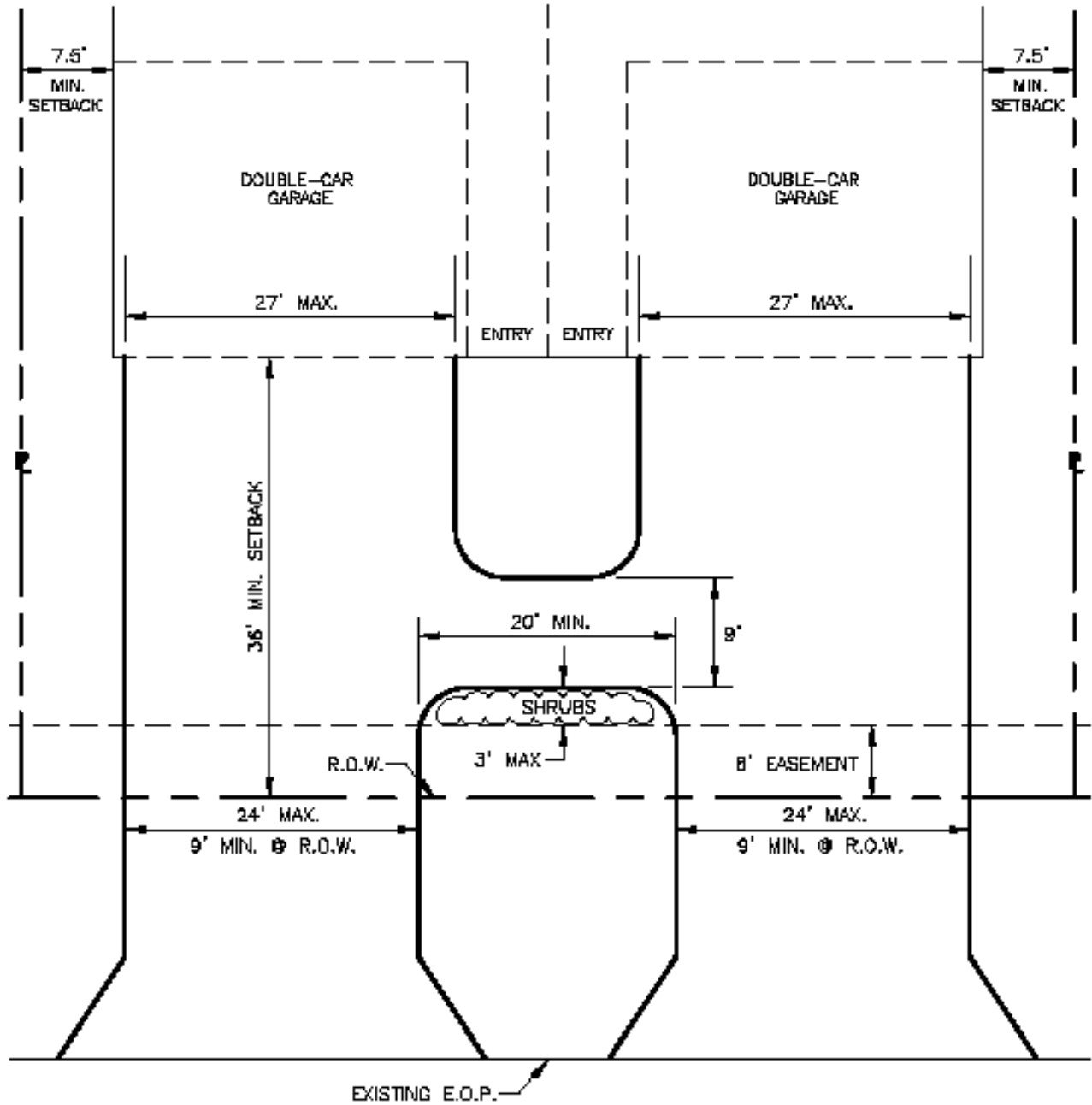


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Diagram 6.2.3.3. Duplex dwelling with two-car garages not in the middle.

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**DUPLEX DRIVEWAY & PARKING STANDARD**  
**(DOUBLE-CAR GARAGE)**



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725 **Section 6.2.4 Parking regulations for property zoned industrial and agricultural.**  
726

727 Property zoned industrial and agricultural shall have no restrictions placed upon it as to the parking of  
728 trucks or unoccupied vehicles for human habitation, except as otherwise regulated within a recreational  
729 vehicle park, or as a condition of special exception or a planned unit development.  
730

731 **Section 6.2.5 Hotel and motel parking provisions.**  
732

733 Hotels and motels are considered business enterprises, therefore, trucks, trailers, buses, and other  
734 commercial vehicles, as well as vehicles for human habitation may be parked on the premises of such  
735 businesses. Such vehicles must not be parked in streets, alleys, or other rights-of-way.  
736

737 **Section 6.2.6 Boats and boat trailers.**  
738

739 A. It shall be unlawful for any person to park, store, keep, maintain, or permit to be parked, stored,  
740 kept, or maintained in front or side yard of a single or multi-family residence, or on a vacant lot in  
741 a residential area, any boat or empty boat trailer. A maximum of two boats on trailers, or an empty  
742 boat trailer may be parked on the rear yard provided the same is not allowed to fall into a state of  
743 disrepair. If grass or weeds are allowed to grow around or under it to a height exceeding 12 inches,  
744 then it may be declared a nuisance and the owner charged accordingly. An empty boat trailer may  
745 be parked at a launching site during the period of time that the boat is launched therefrom for a  
746 single voyage and while in the process of loading or unloading the boat or trailer. A boat, empty  
747 boat trailer, or a boat on a trailer may be parked entirely within the confines of a garage or carport  
748 meeting the requirements of this ordinance.  
749

750 B. All boats and boat trailers parked, stored, kept, or maintained in the R-1, RE, RML, or RMM zoning  
751 districts must have a current registration from the State of Florida. This requirement also applies to  
752 any boats moored at docks or seawalls or stored on boat lifts or davits.  
753

754 C. For purposes of this section, two personal watercraft shall equal one boat.  
755

756 D. When a boat is owned or leased by the person who also owns or leases the residential property on  
757 which such vehicle is to be parked, such boat may be parked upon the premises of the resident for  
758 a period not exceeding 72 hours for loading and cleaning provided that a permit is first obtained  
759 from the City. A boat may be parked upon the premises of the resident for unloading after a trip for  
760 a period of 72 hours provided that a permit is first obtained from the City. There shall be a minimum  
761 of a 48-hour interval between the expiration of one permit and the issuance of another. The permit  
762 for each such period shall be affixed to the boat in a conspicuous place on the street side thereof.  
763 The city shall not charge a fee for the permits to park a boat upon the premises of the resident as  
764 required by this section.  
765

766 **Section 6.2.7 Vacant lots.**  
767

768 It shall be unlawful for any person to park, store, keep, maintain at any time, or permit to be parked,  
769 stored, kept, or maintained at any time on any unimproved property in any zoning district any motor  
770 vehicle, boat, or trailer of any kind, type, or description, including any boat and trailer in combination,  
771 except that this prohibition shall not apply to any unimproved property on which temporary parking of

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772 such motor vehicles, boats, or trailers has been authorized by the property owner(s), in writing, and  
773 approved by the City in association with a special event that has been approved by the City. Throughout  
774 this subsection, the term **TRAILER** shall be deemed to mean and include both a boat mounted on a  
775 trailer and the trailer itself.

776

777 A. In the event a motor vehicle, boat, or trailer is parked, stored, kept, or maintained on an  
778 unimproved property in any zoning district at any time, a City Code Compliance Officer shall place  
779 a written notice of violation on the vehicle, boat, or trailer indicating that it is in violation of this  
780 section and that it must be removed within three calendar days from the date of the notice or it  
781 will be subject to removal by the city. The Code Compliance Officer shall make every reasonable  
782 attempt to ascertain the owner of the vehicle, boat, or trailer and the owner of the real property,  
783 and shall notify such owner(s) with a written notice delivered by mail or personal service at their  
784 current address, last known address, or the address appearing on the certificate of title for the  
785 vehicle, boat, or trailer. The notice placed on the vehicle, boat, or trailer and all notices provided to  
786 the owners or apparent owners of the vehicle, boat, trailer, and the land shall advise of the possible  
787 appeal provided for in the following subsection B.

788

789 B. Within the three-calendar day period specified in the aforesaid notice, the owner of the vehicle,  
790 boat, trailer, or the owner of the real property may appeal to a Special Master utilized by the city  
791 to conduct hearings concerning violations involving vehicle(s), boat(s), or trailers) parked, stored,  
792 kept, or otherwise maintained on vacant real property. The appeal shall be filed at the office of the  
793 City Manager, must attach a copy of the notice of violation appealed, and must include the name  
794 of the person filing the appeal and an address at which such person may be served notice of the  
795 hearing on the appeal. The hearing on the appeal shall be conducted the same as a code  
796 enforcement hearing for a case initiated by a Code Compliance Officer pursuant to §§ 2-  
797 85 through 2-92 of the Code of Ordinances of the City of Cape Coral, Florida. The Special Master  
798 shall determine the validity of the violation and may for good cause extend the time for compliance  
799 or removal. If such an appeal is instituted, no removal of the vehicle, boat, or trailer shall be  
800 required until the appeal has been dismissed or finally determined by the Special Master with a  
801 finding of a violation.

802

803 C. If no appeal is made or if an appeal is made but dismissed and the vehicle, boat, or trailer remains  
804 in violation after the three calendar day period, or if an appeal is resolved with a finding of a  
805 violation and the vehicle, boat, or trailer is not removed within whatever time period is allowed by  
806 the Special Master, the City Code Compliance Manager shall cause such vehicle, boat, or trailer to  
807 be towed from the property and thereafter stored and disposed of in accordance with applicable  
808 state law or city ordinance. The Special Master may also assess fines and costs; the same as for any  
809 code enforcement violation.

810

811 The city shall not be responsible for the towing charges resulting from the removal of the vehicle,  
812 boat, or trailer from the property. Instead, the owner(s) of the vehicle, boat or trailer shall be  
813 responsible for all such charges.

814

815 D. The authorization in this section for the towing of vehicles, boats, or trailers parked, kept, stored,  
816 or otherwise maintained on unimproved property shall be construed as supplementary to any other  
817 means of enforcement available to the city and shall not be construed so as to negate the authority  
818 of the Special Master to hear and adjudicate appropriate cases.

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- 819
- 820 E. The City Manager shall at least annually recruit qualified persons to serve as Special Masters. The
- 821 City Council shall, on an annual basis, appoint at least one qualified person to serve as the Special
- 822 Master and at least one qualified person to serve as an alternate Special Master in the event the
- 823 Special Master is unable to attend a meeting. Applicants for the Special Master position must be
- 824 attorneys. The appointment(s) shall be in the sole discretion of the City Council. However, any
- 825 person appointed to the position of Special Master pursuant to this section must be an attorney
- 826 duly licensed by the Florida Bar Association to practice law in the State of Florida.
- 827
- 828 F. Each Special Master shall serve for a term of one year though Special Masters may be reappointed
- 829 for consecutive one-year terms. Although appointed for one-year terms, Special Masters shall be
- 830 subject to removal, with or without cause, from their positions at any time during their term by the
- 831 City Council in its sole discretion. Special masters shall not be considered to be city employees
- 832 though, if authorized by the City Council, they may receive compensation for their service and also
- 833 may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the
- 834 City Council.
- 835
- 836 G. The Special Master shall convene hearings concerning appeals of alleged violations of this section
- 837 within a reasonable time from the date the appeal request is made. Minutes shall be kept of all
- 838 hearings by the Special Master and all hearings and proceedings shall be open to the public. The
- 839 City Manager shall provide clerical and administrative personnel as may be reasonably required by
- 840 the Special Master for the proper performance of his or her duties.
- 841
- 842 H. The Special Master shall proceed to hear the cases on the agenda for that day. If the alleged violator
- 843 has been duly notified of the hearing, the hearing may proceed in the absence of the named
- 844 violator. All testimony shall be under oath or affirmation and shall be recorded.
- 845
- 846 The Special Master shall take testimony from the Code Compliance Officer, the alleged violator, and
- 847 any other witnesses who have personal knowledge concerning the alleged violation. Documentary
- 848 evidence may be presented in support, of or in defense of the charge. Irrelevant, immaterial, or
- 849 unduly repetitious evidence shall be excluded. All other evidence of the type commonly relied upon
- 850 by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not
- 851 such evidence would be admissible in the courts of Florida. Hearsay evidence may be introduced
- 852 and used for supplementing or explaining other evidence, but it shall not be sufficient in itself to
- 853 support a finding by the Special Master unless it would be admissible over objections in a civil
- 854 action. Formal rules of evidence shall not apply, but fundamental due process shall be observed and
- 855 govern said proceedings.
- 856
- 857 I. In order to render an order finding the alleged violator guilty and denying the appeal, the Special
- 858 Master must find that a preponderance of the evidence indicates that the named violator was
- 859 responsible for the violation as alleged.
- 860
- 861 J. At the conclusion of the hearing, the Special Master shall issue an order containing findings of fact,
- 862 based on evidence of record, and conclusions of law.
- 863

864 **Section 6.2.8 Vehicles and trailers for sale.**

865

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866 It shall be unlawful for any person to park, store, keep, maintain at any time, or permit to be parked,  
867 stored, kept, or maintained on any unimproved property in any zoning district, or outside of a  
868 completely enclosed building on any improved property in a ~~W~~, C, CC, P<sub>2</sub> or I zoning district, any motor  
869 vehicle or trailer of any kind, type, or description<sup>7</sup>; including any boat mounted on a trailer, which is  
870 being displayed for sale, hire, or rental except as provided in subsections I., J.<sub>2</sub> and K. below. Throughout  
871 this subsection, the term "trailer" shall be deemed to mean and include both a boat mounted on a  
872 trailer and the trailer itself.

873  
874 A. In the event a motor vehicle or trailer is displayed for sale, hire, or rental in violation of this section,  
875 City Code Compliance Officer(s), law enforcement officer(s), or such other city employee(s) as may  
876 be designated by the City, are authorized to cause such vehicle or trailer to be immobilized or towed  
877 from the property to a garage or other place of safety, and thereafter disposed of in accordance  
878 with applicable state law or city ordinance. The city shall not be responsible for the towing charges  
879 resulting from the removal of the vehicle from the property. Instead, the owner(s) of the vehicle  
880 shall be responsible for all such charges. Immobilization and towing shall be accomplished in  
881 accordance with the following subsections B. through H.

882  
883 B. A motor vehicle or trailer parked in violation of this section may be immobilized with a "wheel lock,"  
884 "boot," or other suitable device as long as a notice of violation is placed by the Code Compliance  
885 Officer on the vehicle or trailer indicating all of the following:

- 886  
887 1. That the vehicle or trailer is in violation of this section and that it must be removed from the  
888 property within ten calendar days from the date of the notice or it will be subject to removal by  
889 the city;
- 890  
891 2. That the notice of violation may be appealed as provided in the following subsection D.;
- 892  
893 3. That the wheel lock, boot, or other immobilization device will be removed from the vehicle or  
894 trailer upon the posting with the city of a \$200 bond, in the form of cash, certified check, or  
895 surety bond; and
- 896  
897 4. The name of the city official or department with which such bond must be posted and the street  
898 address thereof.

899  
900 C. The Code Compliance Officer shall make every reasonable attempt to ascertain the owner of the  
901 motor vehicle or trailer and the owner of the real property on which it is unlawfully parked, and to  
902 provide such owner(s) with a copy of the written notice of violation placed on the vehicle or trailer,  
903 such copy to be delivered by mail or personal service at their current address, last known address,  
904 or the address appearing on the certificate of title for the vehicle.

905  
906 D. Within the ten-calendar day period specified in the aforesaid notice, the owner of the vehicle or  
907 trailer or the owner of the real property may appeal to a Special Master appointed under § 6.2.6.E.  
908 of this chapter. The appeal shall be filed at the office of the City Manager, must attach a copy of the  
909 notice of violation appealed, and must include the name of the person filing the appeal and an  
910 address at which such person may be served notice of the hearing on the appeal. The hearing on  
911 the appeal shall be conducted the same as a code enforcement hearing for a case initiated by a  
912 Code Compliance Officer pursuant to §§ 2-85 through 2-92 of the Code of Ordinances of the City of

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913 Cape Coral, Florida. The Special Master shall determine the validity of the violation and may for  
914 good cause extend the time for compliance or removal. If such an appeal is instituted, no removal  
915 of the vehicle or trailer shall be required until after said appeal has been dismissed or finally  
916 determined by the Special Master with a finding of a violation of this subsection .8.  
917

918 E. If no appeal is made or if an appeal is made but dismissed and the vehicle or trailer remains in  
919 violation after the ten calendar day period, or if an appeal is resolved with a finding of a violation  
920 of this subsection and the vehicle or trailer is not removed within whatever time period is allowed  
921 by the Special Master, the City Code Compliance Manager shall cause such vehicle to be towed from  
922 the property and thereafter stored and disposed of in accordance with applicable state law or city  
923 ordinance. The Special Master may also assess fines and costs, the same as for any code violation.  
924

925 The city shall not be responsible for the towing charges resulting from the removal of the vehicle  
926 from the property. Instead, the owner(s) of the vehicle shall be responsible for all such charges.  
927

928 F. The authorization in this section for the towing of vehicles and trailers unlawfully displayed for sale,  
929 hire, or rental shall be construed as supplementary to any other means of enforcement available to  
930 the city and shall not be construed so as to negate the authority of the Special Master to hear and  
931 adjudicate appropriate cases.  
932

933 G. The provisions above, regarding Special Masters and Special Master hearings, shall apply equally  
934 with regard to this section.  
935

936 H. Code Compliance Officer shall be notified and the wheel lock, boot, or other immobilization device  
937 shall, as soon as practicable, be removed from the vehicle or trailer. If no appeal of the violation is  
938 timely filed, or if an appeal is filed and is dismissed, the bond shall be forfeited to the city to cover  
939 the cost of inspection, notice of violation, and immobilization of the vehicle or trailer. If an appeal  
940 is filed and ultimately results in a finding by the Special Master that no violation of this subsection  
941 .8 occurred, the bond shall be returned to the person who posted it. If an appeal is filed and  
942 ultimately results in a finding by the Special Master that a violation of this subsection .8 occurred,  
943 the bond shall be applied to any fines and costs assessed against the violator by the Special Master.  
944

945 I. If a motor vehicle being displayed for sale, hire, or rental is parked by the owner outside of a  
946 completely enclosed building in a designated parking space on any improved property in a C, NC,  
947 CC, P1, or I zoning district, while the owner of the vehicle is attending or participating in activities  
948 or is being treated or served by or is shopping at a facility located on such property, the motor  
949 vehicle and its owner shall not be in violation of this subsection .8. However, the leaving of any such  
950 vehicle on the same property for a period of eight consecutive hours shall create a rebuttable  
951 presumption that the owner is not attending or participating in activities or is being treated or  
952 served by or is shopping at a facility located on such property and that the motor vehicle and its  
953 owner are in violation of this subsection .8.  
954

955 J. This subsection .8 shall not apply to any motor vehicle or trailer offered for sale on property  
956 developed and used for a licensed business which includes the sale of such vehicles or trailers or to  
957 any motor vehicle or trailer while it is being repaired on property developed and used for a licensed  
958 business which includes the repair of such vehicles or trailers.  
959

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960 K. This subsection .8 shall not apply to motor vehicles or trailers offered for sale on any property  
961 pursuant to a City Council special event approval.  
962

963 **Section 6.2.9 Exemptions.**  
964

965 A. The provisions of this section shall not apply to vehicles parked on the premises of churches, clinics,  
966 schools, child care facilities, assisted living facilities, public libraries, public buildings, public and club  
967 swimming pools, private clubs, golf courses, utilities, hotels and motels, and parks and recreational  
968 areas, while the persons transported thereby are attending or participating in activities or being  
969 treated or served thereat, nor to buses, trucks, or trailers parked at any time in a space prepared  
970 or designated therefore on said premises, if such vehicles are used or operated by or for the  
971 operation of the places or institutions designated, except that such vehicles cannot be used for  
972 residential purposes.  
973

974 B. The provisions of this section shall not apply to vehicles parked on unimproved or vacant lots within  
975 the boundaries of the South Cape zoning district, provided the following requirements are met:  
976

977 1. The unimproved or vacant property must be zoned for commercial use and must be  
978 immediately adjacent to the business premises for which parking is being provided. For  
979 purposes of this section, the phrase **IMMEDIATELY ADJACENT** shall mean sharing all or part of  
980 a property line with the business premises or directly across a street or alley from the business  
981 premises, provided that the width of such street or alley is 50 feet or less and provided that all  
982 or part of the unimproved or vacant property lies within an extension of the property lines of  
983 the business premises across the street or alley.  
984

985 2. If the vacant property which will be utilized for parking is not owned by the same person or  
986 entity as the developed commercial property it is intended to serve, the owner of the developed  
987 commercial property must have a bona fide lease for the adjacent vacant or unimproved  
988 property.  
989

990 3. Parking on the vacant or unimproved property shall be limited to only patrons of the adjacent  
991 business and only during the hours that such business is in operation. The vacant or unimproved  
992 property shall be posted with a sign that states the foregoing two restrictions.  
993

994 **Section 6.2.10 Authority to signpost designated areas.**  
995

996 The City Manager shall have the authority to post signs designating areas of regulated or restricted  
997 parking as provided by F.S. §§ 316.006 and 316.008 (1973) or other applicable laws.  
998