

Zoning Most Frequently Asked Questions

Zoning is needed to achieve the following:

- Orderly development consistent with utility location/capacity, street network, public services;
- Compatible land uses in close proximity (prevention of land use conflicts and haphazard development patterns);
- Neighborhood protection/stability.
- To provide assurance to new prospective businesses and outside investors – especially retail, food & beverage places and specialized industrial or manufacturing seeking a to locate in an area with a high level of quality design.
- Economic development (planned commercial and industrial areas, predictability of nearby land use, quality neighborhoods;
- Preservation of property investments and city's tax base;
- Community aesthetics and development quality through establishment of minimum development standards;
- Regulation of particular land uses of concern (e.g., noxious activities with noise or dust, home occupations, high traffic volume generating facilities, major structures, etc.);
- Protection of “sensitive” land uses (e.g., schools, churches, hospitals, water supply and other environmental resources, historic/cultural sites); and
- Management of land use transitions/evolution over time.

What impact will zoning have on my property values?

Overall, zoning should have a stabilizing effect on property values, although values can be impacted by a variety of factors. In protecting existing development from the intrusion of incompatible uses, developed at a lower standard, values are maintained and potentially enhanced over the long run. New development will also benefit from zoning by having higher development standards, compatible development and higher certainty and lower investment risk.

What is a Zoning District?

The law adopting each type of Zoning District defines what types of primary and accessory uses can be developed and what types of development standards will govern that use. Development standards generally include lot size, lot width, setbacks, heights of structures and buildings, lot coverage, and screening.

A zoning district is very critical in that it determines the type of uses you can and cannot establish on your property. For example, if your parcel is zoned for residential use, you would generally not be able to place a business on this property. Upon request, the Planning Division can give you a

complete listing of what is permissible in your specific zoning district. It is extremely important that you know this information before you purchase and/or develop a piece of property in the City or you could be buying property that can't be developed as desired.

What is a Future Land Use Map?

The map that serves as a blueprint for future development and guides the zoning is the future land use map (FLUM). It is a key component of the Comprehensive Plan. When a rezoning request conflicts with the FLUM, a future land use map amendment is required before a rezoning can be approved.

How can I determine the zoning of my property and what does that information tell me?

To inquire as to how a parcel of land is zoned, you can check on:

[http://egov.capecoral.net/mr/mr.aspx?ID=7,](http://egov.capecoral.net/mr/mr.aspx?ID=7)

or call the City of Cape Coral's Planning Division at 239-574-0553. We can let you know how your property is zoned and what uses are allowed.

What are the chances of getting my zoning changed?

Though we cannot tell you specifically whether or not requested zoning will be approved, Staff can tell you about current trends in zoning in a particular part of the City. We can also tell you what the City's Future Land Use Plan calls for in any area of the city. These pieces of information can be helpful in determining whether or not a zoning amendment is likely to be supported on any given property.

Do I need to own the property in order to request a zoning action?

A privately-initiated rezoning request may be petitioned by the owners of 51% or of the land owners involved in the proposed change.

How often are zoning meetings held?

Planning and Zoning Commission meetings are typically held the first Wednesday of each month. After a public hearing by the Planning and Zoning Commission, a second public hearing with the City Council is required, that is usually held on a Monday evening.

What do I need to do in order to make an application for a zoning action?

You must submit your complete application to the Planning Division. A complete application form includes all necessary paperwork.

What does rezoning cost?

Fees vary per type of application. Please refer to the fee schedule or call the Planning Division to inquire. The fees are not refundable if the application is withdrawn or denied.

How long does the rezoning take?

The time-frame for processing a rezoning application is between 3 to 6 months, depending on parcel and type of change.

How do I challenge a rezoning?

If you wish to challenge a proposed rezoning, your first opportunity is during the public hearing scheduled by the Planning and Zoning Commission. A rezoning public hearing is quasi-judicial. After that public hearing the next opportunity to challenge a rezoning is before the City of Cape Coral City Council when they conduct a public hearing on the case. Of course you can always write your comments and mail them to the Planning Division.

How do I find out how a particular piece of property is designated in the City's Land Use Plan?

You can find the future land use of a parcel by searching the property on:

<http://egov.capecoral.net/mr/mr.aspx?ID=7>.

Alternatively, Planning Division staff will be glad to answer any questions regarding current zoning and future land use status, pending development applications, or anticipated future development patterns.

I want to divide a parcel into separate parcels and sell them. What do I need to do?

The subdivision process is available for dividing large parcels into a number of smaller parcels. You can contact the Planning Division for more information.

Does the Planning Division or Permits Office enforce covenants, deed restrictions, conditions and restrictions?

The City does not enforce private covenants or deed restrictions, or handle disputes over private easements, private roads, water rights, covenants or any other such agreements. These are governed by Florida civil codes and are private contracts between individuals. The City does not have the authority, under State law, to enforce these private contracts.

What occurs at the public hearing?

A zoning action requires two (2) advertised public hearings. The first is held by the Planning and Zoning Commission, which is an advisory body appointed by the Mayor and City Council. You are

given an opportunity to present your request to them. You may wish to use experts to establish substantial competent evidence. Other interested parties attending the meeting are also given an opportunity to speak regarding your application. The Planning and Zoning Commission makes a recommendation (for approval or denial) to the City Council. The second public hearing is conducted by the City Council, approximately three to four weeks after the Planning and Zoning Commission meeting. Once again, you are asked to present your request to the Council, and interested parties are invited to comment. The City Council will make a final decision regarding your application (approval or denial) at the conclusion of the public hearing.

How do I know what my property can be used for?

The Land Development Regulations for the City of Cape Coral lists the kind of uses permitted or prohibited in each zoning district. It also notes restrictions on the location of buildings on a lot, the maximum height of buildings, the minimum lot size allowed, and the density of development permitted. The text also gives requirements for parking and signs.

The City of Cape Coral's Land Development Regulations can found online, and also can be requested from the City Clerk's Office at City Hall.

Can I have two homes on one parcel of land?

In the City of Cape Coral one home is allowed per buildable parcel in all Residential zones that has a minimum of 10,000 square feet.

How much parking do I need?

The parking requirements differ per type of use. Please call the Planning Division to find out your parking requirements. Parking Requirements can be found in Section 5.1. of the Land Development Regulations.

Why do some uses require the approval of a Special Exception and how is that different from the zoning district requirements?

Some uses require additional review by the City before they can be permitted. Special Exceptions are usually required because the proposed use has the potential to have a significant impact on neighboring properties. The Special Exception process ensures that the public has an opportunity to review and comment on the application. A Special Exception is a process which has a public hearing before the Planning and Zoning Commission. The public hearing process for Special Exceptions takes approximately three months from start to finish. The City will send notices to neighbors within 500 feet. This gives anyone who may be affected by the conditional use an opportunity to comment on the proposed use of the property. The Special Exception Application Checklist will give the steps necessary to complete the process.

What are my setbacks?

Setbacks are the distance required from a property line to any structure. You need to know setbacks prior to submitting a site plan to the City (for a permit). Please come to the Zoning counter at City Hall or call (574-0553) to verify setbacks and any special plat restrictions for your property.

How do I measure setbacks?

Setbacks are measured from the structure (building, fence, wall, etc.) perpendicular to the lot line of the property. The measurement occurs at the closest point of the structure to the lot line. Setbacks must be measured for the front, sides, and rear of the structure (applicable to a building) in relationship to the lot line.

How do I define the front lot line?

The front of any building site shall be determined by the lesser dimension of a single lot (not building site).

1. As indicated on a subdivision plat
2. The line that divides the lot from a street or alley or side lot line

How do I determine building height?

Building height is the vertical distance measured from the lowest finished floor elevation to the lowest point of the highest horizontal eave or to the highest point of the highest parapet wall, whichever is higher.

What is are Legal Nonconformities?

Uses, structures, or lots that complied with all regulations in effect at the time of initiation, but which currently fail to comply, because of changes to the Comprehensive Plan, the Zoning Map, or Land Use and Development Regulations are legal nonconformities. Legal nonconformities can lawfully continue and are not considered violations; however, special restrictions apply that limit expansion, repair, alteration, and certain other changes. Nonconforming uses, structures, or lots resulting from violations or actions of the property owner(s) are not legal nonconformities.

What is the difference between an ordinance and a resolution?

The City of Cape Coral takes action in one of two ways - by ordinance or resolution. An ordinance is passed to enact regulations of a general and permanent nature, enforceable as local law. A resolution is passed to express the opinion of the City of Cape Coral on some matter of a temporary or advisory nature, or to handle administrative business of the City of Cape Coral. However, with a Project Development Plan, resolution and vacation resolution, these resolutions are permanent and legally binding.

Do I need a permit from the Planning Division if I wish to start a business in my home?

There are specific requirements for home occupations and home businesses in the Land Development Regulations. If you meet these requirements, then a Business Tax Receipt for a Home Occupation is required, BTR is issued by the Licensing Section in the Code Compliance Division.

What is an annexation?

Annexation is the transfer of land from the jurisdiction of unincorporated Lee County to the jurisdiction of Cape Coral. Note that this does not mean the land is owned by the City.

Where may I place a fence on my property?

There are specific standards related to fence height, location, and maintenance. To obtain more detailed information, please contact Planning Division staff.