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.

1 - Article 6 – Parking – Adopted 8/5/2019, Ordinance 17-19
B. Driveways. All driveways shall be designed and constructed per the requirements set forth in the Engineering and Design Standards of Cape Coral.

C. Pedestrian Safety. All off-street parking facilities, including drive aisles, travel lanes, and driveways shall be arranged to minimize hazards to pedestrian movement in the immediate area or encroach upon fire lanes, walkways, and visibility triangles. Pedestrians must be protected from exiting a building into vehicular traffic in an emergency. The applicant shall provide a walkway or a protected area with a minimum width of the doorway plus five feet beyond the swing of the door. All exit discharges from buildings shall be protected by permanent means to ensure pedestrian areas are protected from vehicular encroachment.

D. Pedestrian Safety Zones. Within parking areas over 100 spaces for commercial uses, paved pedestrian walkways at least six feet in width shall be provided at 200-foot intervals. Such walkways may be interrupted by necessary drive aisles, but shall include adequate wheel chair ramps, if necessary. Curbs or wheel stops shall be so placed to prevent any portion of the vehicle to encroach upon the pedestrian safety zone. Diagram 6.1.3. illustrates a pedestrian safety zone.

Diagram 6.1.3. Pedestrian Safety Zone

Section. 6.1.4. Off-street loading facilities.

Appropriate and adequate loading facilities shall be required for businesses which receive regular deliveries.

A. Design and location.

1. Loading spaces may not be blocked by parking spaces.
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;
127
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.
136
137 2. In addition to the above requirements, to qualify for shared parking approval one of the
138 following must apply:
139
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
142
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
Section. 6.1.7. Amount of required parking.

159 A. Generally.

160 1. The City shall not approve the construction of a parking lot with more than 125 percent of the
161 parking spaces required in Table 6.1.7.A. This shall not apply to development that have a
162 minimum off-street parking requirement of 50 spaces or less.
163
164 2. Accessible parking spaces shall meet ADA requirements.
165
166 3. Bicycle parking. Permanently placed bicycle parking shall be provide in accordance with
167 Subsection 6.1.7.B and Table 6.1.7.C.
4. Opportunities for reduction in parking requirements. A developer may request a reduction in parking during the site plan process by using the following methods:

a. If the Institute of Transportation Engineers (ITE) Reference Manual entitled Parking Generation allows a lesser number of parking spaces for the proposed use or a use of similar characteristics, then the number of parking spaces required for a development may be reduced.

b. A reduction in the required number of spaces may be allowed if the developer provides the city with credible evidence that the parking needs are actually less than those reflected in the Table of Parking Standards or that the need for off-street parking spaces would be met through alternative means. Such credible evidence may include parking generation studies conducted within the City of Cape Coral or other similarly sized communities.

### TABLE 6.1.7.A. Required Number of Parking Spaces for Uses.

<table>
<thead>
<tr>
<th>Uses</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td></td>
</tr>
<tr>
<td>Assisted Living Facility (ALF)</td>
<td>One space per four beds plus one space per employee on the largest shift</td>
</tr>
<tr>
<td>Community residential facility or home</td>
<td>A minimum of two spaces for up to six residents with one space for every four additional residents</td>
</tr>
<tr>
<td>Daycare Center (adult or child, in home or commercial)</td>
<td>A minimum of two spaces for up to five children with one space for every 10 additional children</td>
</tr>
<tr>
<td>Dormitories</td>
<td>One space for the first three residents plus one space per employee based on the largest shift</td>
</tr>
<tr>
<td>Model home</td>
<td>Three spaces per model home</td>
</tr>
<tr>
<td>Residential—mixed-use residential</td>
<td>Sum of unit type plus uses</td>
</tr>
<tr>
<td>Residential—multi-family residential</td>
<td>1 space per efficiency or studio unit</td>
</tr>
<tr>
<td></td>
<td>1.5 spaces for one-bedroom units</td>
</tr>
<tr>
<td></td>
<td>Two spaces for dwelling units with two or more bedrooms</td>
</tr>
<tr>
<td></td>
<td>Developments shall provide additional spaces equal to 10% of the total required to accommodate guest parking, up to 50 guest parking spaces</td>
</tr>
<tr>
<td>Residential—single-family-detached residential</td>
<td>Two spaces, including space in garage if provided</td>
</tr>
<tr>
<td>Residential, Duplex</td>
<td>Two spaces per dwelling unit, including space in garages</td>
</tr>
<tr>
<td>Residential—Single-family attached</td>
<td>Two spaces per dwelling</td>
</tr>
<tr>
<td><strong>Public and Institutional Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Animal shelter</td>
<td>One space per 400 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Category</td>
<td>Parking Requirement</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Community centers</td>
<td>One space per 250 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Cultural and civic facilities—libraries, museums</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Elementary and middle school educational facility—public or private</td>
<td>One space per classroom plus one space per employee</td>
</tr>
<tr>
<td>High school educational facilities—public or private</td>
<td>One space per four students of design capacity plus one space per classroom</td>
</tr>
<tr>
<td>Secondary educational facilities—technical, vocational, specialty—non-public</td>
<td>One space per 200 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Government facilities, including administrative, support and service</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Hospital—private, public</td>
<td>One space per 200 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Outdoor Amphitheater</td>
<td>1/4 seats, or 1/80 square feet of seating area ADD</td>
</tr>
<tr>
<td>Public parks and recreational facilities</td>
<td>3/acre of land designated for passive recreation + 1/2,000 square feet of playground or picnic area ADD</td>
</tr>
<tr>
<td>Sewage lift or pumping station</td>
<td>One space per facility</td>
</tr>
<tr>
<td>Solid waste transfer station</td>
<td>One space per employee on largest shift plus one space per facility vehicle</td>
</tr>
<tr>
<td>Utilities and related facilities, city or other</td>
<td>One space for unmanned facilities; One space per employee on largest shift at manned facilities</td>
</tr>
<tr>
<td><strong>Vehicle Related Commercial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Car wash</td>
<td>One space per employee on largest shift</td>
</tr>
<tr>
<td>Rental—automobile, truck, and other vehicles</td>
<td>One space per 400 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Gas stations</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Vehicle major or minor repair and parts—mechanical, service, or body (new or used)</td>
<td>One space per 400 sq. ft. of gross floor area plus one space per bay</td>
</tr>
<tr>
<td>Vehicle sales—new or used automobiles</td>
<td>One space per 400 sq. ft. of gross floor area</td>
</tr>
<tr>
<td><strong>Recreation, Entertainment Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Sexually Oriented Business</td>
<td>One space per 100 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Marinas</td>
<td>One space for every two boat slips</td>
</tr>
<tr>
<td>Golf course</td>
<td>36 spaces per 9 holes plus one space per 200 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Driving range</td>
<td>One space for every two tees</td>
</tr>
</tbody>
</table>
### CITY OF CAPE CORAL, FLORIDA
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<table>
<thead>
<tr>
<th>Use Description</th>
<th>Parking Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Golf, miniature</td>
<td>One space per hole</td>
</tr>
<tr>
<td>Gun, pistol range, gun clubs, archery clubs—in door</td>
<td>One space per 250 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Sports fields, basketball courts, racket ball courts, sporting activities—in door</td>
<td>One space per four seats</td>
</tr>
<tr>
<td>Sports fields, basketball courts, racket ball courts, sporting activities—outdoor</td>
<td>20 spaces per field</td>
</tr>
<tr>
<td>Indoor Commercial Entertainment</td>
<td>One space per 250 sq. ft. of gross floor area</td>
</tr>
<tr>
<td><strong>Restaurant, Food and Beverage Service Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Bar/lounge</td>
<td>One space per 100 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Brewpub</td>
<td>One space per 100 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Catering Service, no public interface</td>
<td>One space per 400 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Nightclub, Discotheque, Club, Cabarets.</td>
<td>One space per 100 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Restaurant, sit down</td>
<td>One space per 100 sq. ft. of gross floor area plus one space for every four outdoor seats</td>
</tr>
<tr>
<td>Restaurant, fast food</td>
<td>One space per 100 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Micro-Brewery or Distillery</td>
<td>One space per employee on the largest shift plus one space per 100 sq. ft. of tasting room area</td>
</tr>
<tr>
<td><strong>Places of Assembly Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Banquet hall</td>
<td>One space per 100 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Place of religious assembly</td>
<td>One space for every four seats</td>
</tr>
<tr>
<td>Private clubs, not public</td>
<td>One space per 100 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Theater (movie, performing arts)</td>
<td>One space for every four seats</td>
</tr>
<tr>
<td><strong>Commercial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>All Retail Stores, other than those listed below</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Wholesale</td>
<td>One space per 400 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Retail—big box, club membership, department, home improvement</td>
<td>One space per 400 sq. ft. of gross floor area</td>
</tr>
<tr>
<td><strong>Short Term Lodging</strong></td>
<td></td>
</tr>
<tr>
<td>Camp grounds, RV parks</td>
<td>One space per site plus one space for every 10 additional sites</td>
</tr>
<tr>
<td>Hotels, Motels, Resort, Lodging</td>
<td>One space per room plus one space per 400 sq. ft. of gross floor area for all other uses</td>
</tr>
<tr>
<td>Transient Housing—shelters</td>
<td>One space for every five beds plus one space for every employee or volunteer</td>
</tr>
<tr>
<td><strong>Office Uses</strong></td>
<td></td>
</tr>
</tbody>
</table>

7 - Article 6 – Parking – Adopted 8/5/2019, Ordinance 17-19
### CITY OF CAPE CORAL, FLORIDA
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<table>
<thead>
<tr>
<th>Service Uses*</th>
<th>One space per 300 sq. ft. of gross floor area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call center</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Office—business, sales, professional, semi-professional services</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Office—medical office/medical clinic</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Animal grooming and pet sitting—indoor</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Animal Hospital/Veterinarian clinic</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Animal kennel, boarding</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Blood banks, diagnostic medical treatment centers</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Check cashing, bill payments</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Copy, printing center</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Cosmetic Surgery, beauty clinics</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Customer service center</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Dry cleaning</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Financial institution - banks, credit unions, investment brokerage establishments</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Health club, fitness club</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Laundromat, self-service</td>
<td>1 per 3 machines and One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Massage Therapy, body wrapping</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Package shipping, mail service</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Personal care services</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Repair and service shop—general merchandise</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Self-service storage facility</td>
<td>One space per 10,000 sq. ft. with a minimum of five spaces</td>
</tr>
<tr>
<td>Studios—photographic, and instructional</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Tattoo parlor, body piercing</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
</tbody>
</table>

### Other Uses

<table>
<thead>
<tr>
<th>Other Uses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemetery, mausoleums, crematory</td>
<td>One space for every four seats in an assembly area</td>
</tr>
<tr>
<td>Funeral Homes</td>
<td>One space for every four seats in an assembly area</td>
</tr>
<tr>
<td>Radio and transmitting station</td>
<td>One space per 400 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Wireless Antennas and support services</td>
<td>One space per facility</td>
</tr>
</tbody>
</table>

### Industrial Uses

<table>
<thead>
<tr>
<th>Industrial Uses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dry cleaning—commercial laundry plant</td>
<td>One space per 1,000 sq. ft. of gross floor area</td>
</tr>
</tbody>
</table>
### CITY OF CAPE CORAL, FLORIDA
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<table>
<thead>
<tr>
<th>Category</th>
<th>Minimum Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment and tool rental</td>
<td>One space per 350 sq. ft. of gross floor area plus one space per 1,000 sq. ft. of outdoor rental area</td>
</tr>
<tr>
<td>Fireworks, retail</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Flex Space</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Industrial uses—heavy</td>
<td>One space per 350 sq. ft. of gross floor area plus one space for every company vehicle</td>
</tr>
<tr>
<td>Industrial uses—light</td>
<td>One space per 350 sq. ft. of gross floor area plus one space for every company vehicle</td>
</tr>
<tr>
<td>Laboratory—medical, research, testing</td>
<td>One space per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Mining/extraction, rock quarry</td>
<td>One space per employee</td>
</tr>
<tr>
<td>Outdoor Storage, open air storage</td>
<td>One space per employee</td>
</tr>
<tr>
<td>Recycling facility, Refuse disposal</td>
<td>1/employee plus 3</td>
</tr>
<tr>
<td>Studio for movie, television, music production</td>
<td>One space per 200 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Warehouse</td>
<td>One space per 1,000 sq. ft. of gross floor area</td>
</tr>
<tr>
<td><strong>Agricultural Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Community Garden</td>
<td>Three spaces per acre of gardens</td>
</tr>
<tr>
<td>Greenhouses—nurseries, retail</td>
<td>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</td>
</tr>
<tr>
<td>Outdoor storage—agriculture</td>
<td>1/employee plus work vehicles?</td>
</tr>
<tr>
<td>Farmer’s market</td>
<td>One space per vendor plus one space per 350 sq. ft. of vendor area</td>
</tr>
<tr>
<td>Animal Boarding Stables</td>
<td>One space for every six animals boarded</td>
</tr>
<tr>
<td><strong>Multiple Occupancy (3 or more units)</strong></td>
<td>One space per 200 sq. ft. of gross floor area</td>
</tr>
</tbody>
</table>

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>
<thead>
<tr>
<th>Applicable Lots</th>
<th>Lot Frontage/Lot Area</th>
<th>Lot Area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>≤75 ft.</td>
<td>&gt;75 ft. but &lt;125 ft.</td>
</tr>
<tr>
<td>Minimum Parking (# spaces) (a)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ARTICLE 6 – PARKING

Residential

<table>
<thead>
<tr>
<th></th>
<th>1 per unit</th>
<th>1 per unit</th>
<th>1 per unit</th>
<th>1 per unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-residential - restaurant/bar/brewpub(d)</td>
<td>1/500 sq. ft.</td>
<td>1/400 sq. ft.</td>
<td>1/100 sq. ft.</td>
<td>1/100 sq. ft.</td>
</tr>
<tr>
<td>Non-residential - hotel</td>
<td>0.75 per room</td>
<td>0.75 per room</td>
<td>0.75 per room</td>
<td>0.75 per room</td>
</tr>
<tr>
<td>Non-residential - other</td>
<td>1/500 sq. ft.</td>
<td>1/400 sq. ft.</td>
<td>1/400 sq. ft.</td>
<td>1/400 sq. ft.</td>
</tr>
</tbody>
</table>

Parking required on site - residential and non-residential (b)

(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.

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.

<table>
<thead>
<tr>
<th>Square Footage of Development</th>
<th>Number of Bicycle Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>20,000-50,000</td>
<td>5 spaces</td>
</tr>
<tr>
<td>50,001-200,000</td>
<td>10 spaces</td>
</tr>
<tr>
<td>200,001 or larger</td>
<td>15 spaces</td>
</tr>
<tr>
<td>Multi-family Developments with 16 or more units</td>
<td>1 space/10 units</td>
</tr>
</tbody>
</table>

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

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

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

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

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

G. Off-street circulation and maneuvering.

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

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

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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.

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

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

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

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.

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

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.

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.
2. As of December 1, 2005, sites within 25 feet, excluding alleys and walkways, of any of those dedicated city parking areas identified in § 6.1.8.J.1.a, below shall be considered "parking area sites". For parking area sites, the following parking and PILOP regulations shall apply:

a. Each of the following dedicated city parking areas in the Cape Coral CRA is hereby assigned a parking allocation factor as provided below:

<table>
<thead>
<tr>
<th>DEDICATED CITY PARKING AREA</th>
<th>Surrounding Blocks and Lots</th>
<th>Parking Allocation Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Area 1</td>
<td>1 through 24</td>
<td>62</td>
</tr>
<tr>
<td>Parking Area 2</td>
<td>1 through 17</td>
<td>63A</td>
</tr>
<tr>
<td>Parking Area 4</td>
<td>1 through 30</td>
<td>63</td>
</tr>
<tr>
<td>Parking Area 5</td>
<td>1 through 61</td>
<td>64</td>
</tr>
<tr>
<td>Parking Area 6</td>
<td>1 through 34</td>
<td>356</td>
</tr>
<tr>
<td>Parking Area 7</td>
<td>11 through 14</td>
<td>56A</td>
</tr>
<tr>
<td></td>
<td>1 through 12</td>
<td>56B</td>
</tr>
<tr>
<td></td>
<td>1 through 10</td>
<td>G</td>
</tr>
</tbody>
</table>

b. For purposes of this subsection, when a "parking credit" must be calculated for a parking area site, such parking credit shall be calculated by multiplying the area of the site (in square feet) by the parking allocation factor related to the dedicated city parking area upon which the site is located. This credit shall be deducted from the minimum parking requirements.

c. When the area of a parking area site changes, the following shall apply:

i. In the event the area of a parking area site is increased as the result of the acquisition of property that was not a part of a parking area site as of December 1, 2005, the increase in area that results from such acquisition shall, for purposes of this subsection, be treated in the same manner as property, no part of which comprised a parking area site.

ii. In the event the area of a parking area site is increased as the result of the acquisition of property that was a part of a parking area site as of December 1, 2005, any PILOP fees previously paid as the result of the use(s) or structure(s) on the conveyed property shall be treated in the same manner as any PILOP fees, if any, previously paid by the receiving site provided that the minimum total parking requirements for the conveying site decrease as the result of the conveyance of property. If the minimum total parking requirements for the conveying site do not decrease as the result of the transfer, then any PILOP fees previously paid in regard to the conveying property shall continue to be applied solely to the conveying property and shall not apply toward the parking requirements of the enlarged (receiving) site.

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iii. In the event the area of a parking area site is decreased as the result of the conveyance of property that was a part of a parking area site as of December 1, 2005, regardless of whether such conveyance is to another parking area site or to a property that is not a parking area site, then any PILOP fees previously paid in regard to the conveying property shall continue to be applied solely to the conveying property and shall not apply toward the parking requirements of the receiving site unless the minimum total parking requirements for the conveying site decrease as the result of the transfer. If the minimum total parking requirements for the conveying site decrease as the result of the transfer, and the conveying site had previously paid PILOP fees pursuant to this subsection, then any such PILOP fees that are unnecessary to defray the decreased total parking requirements of the conveying site shall be applied toward the parking requirements of the receiving site.

d. A parking area site is altered, for purposes of this subsection, when any use located on the site is changed, any structure located on the site is modified, or the land area of the site is changed. Although a parking area site shall not be required to provide on-site parking, when such site is altered so that the minimum total parking requirement for the site, pursuant to Table 6.1.7.B contained in § 6.1.7.A. is increased, the parking requirement for the site shall be determined in accordance with the following:

i. Parking area sites that are undeveloped as of December 1, 2005:

1. A parking area site that is undeveloped as of December 1, 2005, the area of which has not changed and which is being initially developed after December 1, 2005, shall be required to provide the minimum parking that would be required pursuant to Table 6.1.7.B contained in § 6.1.7.A. less a parking credit calculated pursuant to § 6.1.8.J.1.b. The site would need to meet the aforesaid parking requirement prior to receiving a certificate of occupancy (for residential uses) or a certificate of use (for non-residential uses). If the land area of the parking area site increases prior to the initial development of the site, then the requirements of this subsection shall apply to the expanded portion of the site (and any structures thereon) as applicable based on factors such as whether it was previously developed or had previously paid PILOP fees.

2. After such a parking area site has been initially developed pursuant to this subsection, any further alteration of the site that would result in an increase to the minimum parking requirement for the site, area of the site, shall require that the site provide the minimum parking that would be required pursuant to Table 6.1.7.B contained in § 6.1.7.A. less the parking credit calculated pursuant to § 6.1.8.J.1.b and any PILOP fee(s) previously paid to offset the parking requirement of the site or any part thereof.

3. After the initial development of such a site, if the area of the site increases, any further alteration of the site that would result in an increase to the minimum parking requirement for the site shall require that the site provide the minimum parking that would be required pursuant to Table 6.1.7.B. contained in § 6.1.7.A. less a parking credit (to which the site would be entitled based on its land area at
(4) Alternatively, if, after the initial development of such a site, the area of the site decreases, any further alteration of the site that would result in an increase to the minimum parking requirement for the site shall require that the site provide the minimum parking that would be required pursuant to Table 6.1.7.B. less a parking credit and any PILOP fee(s) previously paid to offset the parking requirement of any use(s) or structure(s) located on the area of the site remaining after the decrease(s) in area, in accordance with § 6.1.8.J.1.c.

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

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

(2) Alternatively, if such an alteration of the site would result in an increase in the minimum parking requirement for the site of not more than 25% over the amount required for the site for the use(s) and structure(s) on the site as of December 1, 2005, as reflected in the certificate(s) of use in effect for such site as of that date, then the alteration of such site shall require the site to provide the minimum parking required for the site (pursuant to Table 6.1.7.B.) less the amount attributed to the site for the use(s) and structure(s) on the site as of December 1, 2005, as reflected in the certificate(s) of use in effect for the site as of that date. Further alterations to the site that do not, eithersingularly or cumulatively, increase the minimum parking requirement for the site by more than 25% over the amount required for the site for the use(s) and structure(s) on the site as of December 1, 2005, as reflected in the certificate(s) of use in effect for such site as of that date, shall require the site to provide the minimum parking required for the site (pursuant to Table 6.1.7.B.) less the amount attributed to the site for the use(s) and structure(s) on the site as of December 1, 2005, as reflected in the certificate(s) of use in effect for the site as of that date and any PILOP fee(s) previously paid to offset the parking requirement of the site or any part thereof including, for sites that have increased or decreased in area any PILOP fee(s) applicable pursuant to § 6.1.8.J.1.c.

(3) If further alterations to a site, cumulatively, increase the parking requirement for the site by more than 25% over the amount required for the site for the use(s) and structure(s) on the site as of December 1, 2005, as reflected in the certificate(s) of use as of that date (or, for residential uses, the residential occupancy in effect for 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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provided in § 6.1.8.J.1.b, based on the area of the site at the time of the alteration that would result in the more than 25% increase, and any PILOP fee(s) previously paid to offset the parking requirement of the site or any part thereof including, for sites that have increased or decreased in area, any PILOP fee(s) applicable pursuant to § 6.1.8.J.1.c.

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

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

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

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

1. Except as otherwise provided herein, satellite parking shall be located not more than 1,320 feet from a public entrance to the principal building which contains the use associated with such
satellite parking, except that no satellite off-street parking area shall be located on parkway or
primary street designations or across Del Prado Boulevard or Cape Coral Parkway from the use
it is serving. When the site that contains the use(s) to be served by the satellite parking offers
valet parking at all times that such use(s) are open to the public so that valets will transport the
vehicles of patrons of such use(s) to the satellite parking site(s) and such valet service is
documented in an agreement entered into by the city and the owners of the property to be
served by the satellite parking and the property offering the satellite parking, then the satellite
parking site(s) may be more than 1,320 feet from a public entrance to the principal building
containing the use served by such valet parking.

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

2. The satellite off-street parking area and the site which contains the use associated with such
satellite parking shall be shown on a site plan, development plan, or other equivalent plan. The
submitted plan shall show the pedestrian connection(s) between the two sites and shall
demonstrate that all pedestrian connections have sidewalks, or other paved walkways,
dedicated solely to pedestrians. In addition, the plan shall demonstrate that the distance
between the sites is not more than 1,320 feet when measured from a public entrance to the
principal building (on the site to be served by the satellite parking) to the closest point on the
proposed satellite parking site.

3. Satellite parking spaces on the off-site lot shall only be counted if they are above and beyond
the minimum parking requirement for uses on the off-site lot.
4. The owner of the off-site lot of land (and, the owner of the land intended to be served by such off-site parking, if different than the owner of the lot to be used for parking) shall enter into an agreement with the city, which shall be recorded in the public records of Lee County, Florida, at the expense of the owner of the land intended to be served by the off-site parking.

5. The satellite off-street parking area shall never be sold or transferred except in conjunction with the sale of the lot served by the off-site parking facilities unless:

   a. The lot to be sold or transferred will continue to be used as provided in the off-site parking agreement and the new owner or transferee executes a consent to assume and to be bound by the obligations of the owner of the lot used for parking as provided in the agreement;

   b. A different lot complying with all the provisions of the City of Cape Coral Code of Ordinances and Land Use and Development Regulations and subject to a recorded off-site parking agreement as specified herein is substituted for the lot of land subject to the off-site parking agreement; or

   c. The lot being served by the off-site parking no longer requires the parking as evidenced by a written statement executed by the parties executing the off-site parking agreement and as approved by the City. The aforesaid statement shall be recorded in the public records of Lee County at the expense of the owner of the lot formerly being served by the off-site lot.

CHAPTER 2. TRUCK AND VEHICLE PARKING

Section 6.2.1 Parking regulations for residential zoning districts.

A. It shall be unlawful for any owner, agent, operator, or person in charge of a commercial vehicle or trailer (private or commercial trailer) to park, store, or keep such vehicle or private or commercial trailer on the pavement or in the swale of any public street within any single-family residential district in the city. Furthermore, it shall be unlawful for any owner of privately owned real property in the R1 and RE zoning districts in the city to park on, cause to be parked on, or allow to be parked on such property any commercial vehicle or private or commercial trailer, except as otherwise provided herein.

B. The prohibitions of § 6.2.1.A shall not apply to the following:

1. Temporary parking of any commercial vehicle or private or commercial trailer on private property or in the adjoining swale of any public street in a residential district where construction for which a current and valid permit has been issued by the city is underway on the property and the permit is properly displayed on the premises. Provided that such private or commercial trailer or commercial vehicle is only on the real property at the time the construction is actually physically occurring. Nothing in this subsection is intended to require a permit where none is otherwise required or to allow a private or commercial trailer or commercial vehicle to be parked on private property or in the adjoining swale of any public street within a residential district when construction is not actually physically occurring on the private property.

2. Deliveries by tradespeople or the use of commercial vehicles or trailers in making service calls.
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:
1. Non-resident. Vehicles for human habitation when used for transportation of visitors to this city to visit friends or members of the visitors' family residing in this city may, upon obtaining a permit (for which a charge shall not be made) from the Police Department, be parked upon the premises of the visited family for a period not exceeding ten days. The permit shall be affixed to the vehicle in a conspicuous place on the street side thereof. The City may, for good cause shown, authorize the issuance of a second consecutive free permit not to exceed ten days. An additional permit for the parking of such vehicle will not be issued until after the expiration of 15 days after termination of the last prior permit. For purposes of this section, a person who owns or leases property in the City of Cape Coral shall not be deemed to be a "non-resident" when he or she parks a vehicle for human habitation on property that he or she owns or leases even if such person does not "reside" on the subject property.

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

3. Pop-up campers. A pop-up camper may be parked, only in a closed or folded condition, in the rear yard of a residential lot improved with a principal residential building. For purposes of this paragraph, a "pop-up camper" shall consist of a non-motorized trailer which includes, or on which is mounted, a tent-like enclosure (but such enclosure may be made of canvas or similar material, solid materials, or any combination thereof) to be used for camping purposes, which enclosure opens or expands or unfolds to accommodate temporary occupancy and which closes or folds up into itself in such a way as to be unusable for occupancy and to be no more than 55 inches in height when measured from ground level.

E. Parking of passenger cars or sports utility vehicles (SUVs) with commercial advertising signs setting forth the name of the business, its address, business telephone number, and type of business (e.g., realtor, painter, etc.) thereon in residential areas outside the confines of a garage or carport is permitted so long as the home (residential) address is not shown thereon.

F. The following are exempt from the provisions of this section:

1. Commercial vehicles or trailers in actual use or moving directly to or from the location of actual use, which are owned or leased by:
   a. The city for the accomplishment of a municipal purpose;
   b. A contractor or subcontractor under agreement with the city to accomplish a municipal purpose; or

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

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

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

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

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

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

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

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

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

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

C. 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.

Section 6.2.3 Parking area design requirements for duplex dwellings:

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

Diagram 6.2.3.1. Duplex with garages in the middle.
Diagram 6.2.3.2. Duplex with one-car garages not in the middle
Diagram 6.2.3.3. Duplex dwelling with two-car garages not in the middle.
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Section 6.2.4 Parking regulations for property zoned industrial and agricultural.

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

Section 6.2.5 Hotel and motel parking provisions.

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

Section 6.2.6 Boats and boat trailers.

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

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

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

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

Section 6.2.7 Vacant lots.

It shall be unlawful for any person to park, store, keep, maintain at any time, or permit to be parked, stored, kept, or maintained at any time on any unimproved property in any zoning district any motor vehicle, boat, or trailer of any kind, type, or description, including any boat and trailer in combination, except that this prohibition shall not apply to any unimproved property on which temporary parking of
such motor vehicles, boats, or trailers has been authorized by the property owner(s), in writing, and approved by the City in association with a special event that has been approved by the City. Throughout this subsection, the term TRAILER shall be deemed to mean and include both a boat mounted on a trailer and the trailer itself.

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

B. Within the three-calendar day period specified in the aforesaid notice, the owner of the vehicle, boat, trailer, or the owner of the real property may appeal to a Special Master utilized by the city to conduct hearings concerning violations involving vehicle(s), boat(s), or trailers) parked, stored, kept, or otherwise maintained on vacant real property. The appeal shall be filed at the office of the City Manager, must attach a copy of the notice of violation appealed, and must include the name of the person filing the appeal and an address at which such person may be served notice of the hearing on the appeal. The hearing on the appeal shall be conducted the same as a code enforcement hearing for a case initiated by a Code Compliance Officer pursuant to §§ 2-78 through 2-92 of the Code of Ordinances of the City of Cape Coral, Florida. The Special Master shall determine the validity of the violation and may for good cause extend the time for compliance or removal. If such an appeal is instituted, no removal of the vehicle, boat, or trailer shall be required until the appeal has been dismissed or finally determined by the Special Master with a finding of a violation.

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

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

D. The authorization in this section for the towing of vehicles, boats, or trailers parked, kept, stored, or otherwise maintained on unimproved property shall be construed as supplementary to any other means of enforcement available to the city and shall not be construed so as to negate the authority of the Special Master to hear and adjudicate appropriate cases.
E. The City Manager shall at least annually recruit qualified persons to serve as Special Masters. The City Council shall, on an annual basis, appoint at least one qualified person to serve as the Special Master and at least one qualified person to serve as an alternate Special Master in the event the Special Master is unable to attend a meeting. Applicants for the Special Master position must be attorneys. The appointment(s) shall be in the sole discretion of the City Council. However, any person appointed to the position of Special Master pursuant to this section must be an attorney duly licensed by the Florida Bar Association to practice law in the State of Florida.

F. Each Special Master shall serve for a term of one year though Special Masters may be reappointed for consecutive one-year terms. Although appointed for one-year terms, Special Masters shall be subject to removal, with or without cause, from their positions at any time during their term by the City Council in its sole discretion. Special masters shall not be considered to be city employees though, if authorized by the City Council, they may receive compensation for their service and also may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the City Council.

G. The Special Master shall convene hearings concerning appeals of alleged violations of this section within a reasonable time from the date the appeal request is made. Minutes shall be kept of all hearings by the Special Master and all hearings and proceedings shall be open to the public. The City Manager shall provide clerical and administrative personnel as may be reasonably required by the Special Master for the proper performance of his or her duties.

H. The Special Master shall proceed to hear the cases on the agenda for that day. If the alleged violator has been duly notified of the hearing, the hearing may proceed in the absence of the named violator. All testimony shall be under oath or affirmation and shall be recorded.

The Special Master shall take testimony from the Code Compliance Officer, the alleged violator, and any other witnesses who have personal knowledge concerning the alleged violation. Documentary evidence may be presented in support, of or in defense of the charge. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in the courts of Florida. Hearsay evidence may be introduced and used for supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding by the Special Master unless it would be admissible over objections in a civil action. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern said proceedings.

I. In order to render an order finding the alleged violator guilty and denying the appeal, the Special Master must find that a preponderance of the evidence indicates that the named violator was responsible for the violation as alleged.

J. At the conclusion of the hearing, the Special Master shall issue an order containing findings of fact, based on evidence of record, and conclusions of law.

Section 6.2.8 Vehicles and trailers for sale.
It shall be unlawful for any person to park, store, keep, maintain at any time, or permit to be parked, stored, kept, or maintained on any unimproved property in any zoning district, or outside of a completely enclosed building on any improved property in a W, C, CC, P, or I zoning district, any motor vehicle or trailer of any kind, type, or description, including any boat mounted on a trailer, which is being displayed for sale, hire, or rental except as provided in subsections I., J., and K. below. Throughout this subsection, the term "trailer" shall be deemed to mean and include both a boat mounted on a trailer and the trailer itself.

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

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

1. That the vehicle or trailer is in violation of this section and that it must be removed from the property within ten calendar days from the date of the notice or it will be subject to removal by the city;

2. That the notice of violation may be appealed as provided in the following subsection D.;

3. That the wheel lock, boot, or other immobilization device will be removed from the vehicle or trailer upon the posting with the city of a $200 bond, in the form of cash, certified check, or surety bond; and

4. The name of the city official or department with which such bond must be posted and the street address thereof.

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

D. Within the ten-calendar day period specified in the aforesaid notice, the owner of the vehicle or trailer or the owner of the real property may appeal to a Special Master appointed under § 6.2.6.E. of this chapter. The appeal shall be filed at the office of the City Manager, must attach a copy of the notice of violation appealed, and must include the name of the person filing the appeal and an address at which such person may be served notice of the hearing on the appeal. The hearing on the appeal shall be conducted the same as a code enforcement hearing for a case initiated by a Code Compliance Officer pursuant to §§ 2-85 through 2-92 of the Code of Ordinances of the City of Cape Coral, Florida.
Cape Coral, Florida. The Special Master shall determine the validity of the violation and may for
good cause extend the time for compliance or removal. If such an appeal is instituted, no removal
of the vehicle or trailer shall be required until after said appeal has been dismissed or finally
determined by the Special Master with a finding of a violation of this subsection .8.

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

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

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

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

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

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

J. This subsection .8 shall not apply to any motor vehicle or trailer offered for sale on property
developed and used for a licensed business which includes the sale of such vehicles or trailers or to
any motor vehicle or trailer while it is being repaired on property developed and used for a licensed
business which includes the repair of such vehicles or trailers.
K. This subsection .8 shall not apply to motor vehicles or trailers offered for sale on any property pursuant to a City Council special event approval.

Section 6.2.9 Exemptions.

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

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

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

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

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

Section 6.2.10 Authority to signpost designated areas.

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