



Meeting Type Planning and Zoning Commission –
Regular Meeting
Meeting Date April 1, 2026

Agenda Request Form

City of Cape Coral

Title

Ordinance 19-26 (TXT26-000009)

Ordinances and Resolutions

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the City of Cape Coral, Florida, Land Development Code, by amending Section 3.1.3., Development Approval Process; Table 3.1.3., set forth within Article 3, Development Review, Chapter 1, Development Review Procedures; amending Section 3.6.1., Outdoor Display of Merchandise, set forth within Article 3, Development Review, Chapter 6, Other Approvals; and amending Section 5.9.3. Outdoor Display of Merchandise, set forth within Article 5, Development Standards, Chapter 9, Temporary Uses, regarding the decision-making authority of outdoor display of merchandise; providing for severability and an effective date.

Requested Action Approve or Deny

Summary Explanation and Background

Ordinance 19-26 amends sections 3.1.3, 3.6.1, and 5.9.3 of the Land Development Code (LDC) for the Outdoor Display of Merchandise. This ordinance will improve and clarify the outdoor display items that the DSD Director can administratively approve and changes the decision maker from the City Council to a City Special Magistrate for approvals outside of the DSD Director's capacity. Staff recommends **approval** of Ordinance 19-26.

Strategic Plan Alignment

Is this a Strategic Decision? NO

If No, will it harm the intent or success of the Strategic Plan?

If Yes, Priority Goals Supported are listed below:

- CITY SERVICES AND AMENITIES: DELIVER EXCEPTIONAL CITY SERVICES AND HIGH-QUALITY AMENITIES
- COMMUNICATION: CULTIVATE AN ENGAGED AND INFORMED COMMUNITY AND WORKFORCE
- ECONOMY, EDUCATION, AND WORKFORCE: CREATE A COMMUNITY OF PROSPEROUS RESIDENTS, THRIVING NEIGHBORHOODS, AND SUCCESSFUL BUSINESSES
- FISCAL SUSTAINABILITY: MAINTAIN A FINANCIALLY SOUND GOVERNMENT AND HIGH-PERFORMING ORGANIZATION
- INFRASTRUCTURE : INVEST IN RESILIENT INFRASTRUCTURE

- ENVIRONMENTAL SUSTAINABILITY: PRESERVE CAPE CORAL'S NATURAL RESOURCES FOR CURRENT AND FUTURE GENERATIONS

Is this a Consultant recommendation? NO

Is this contained in a Master Plan? NO

If yes to either question, please provide details of the name of consultant or name of the Master Plan when applicable: N/A

Recommendations:

City Planning Staff Recommendation: Approval

Source of Additional Information:

Brett Limbaugh, Development Services Director (239) 242-3050

Fiscal Impact/Funding Sources(s)/Budget Consideration:

N/A

Will this action result in a Budget Amendment? NO

Prepared By: Janna Balsley, Planning Technician

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING THE CITY OF CAPE CORAL, FLORIDA, LAND DEVELOPMENT CODE, BY AMENDING SECTION 3.1.3., DEVELOPMENT APPROVAL PROCESS; TABLE 3.1.3., SET FORTH WITHIN ARTICLE 3, DEVELOPMENT REVIEW, CHAPTER 1, DEVELOPMENT REVIEW PROCEDURES; AMENDING SECTION 3.6.1., OUTDOOR DISPLAY OF MERCHANDISE, SET FORTH WITHIN ARTICLE 3, DEVELOPMENT REVIEW, CHAPTER 6, OTHER APPROVALS; AND AMENDING SECTION 5.9.3., OUTDOOR DISPLAY OF MERCHANDISE, SET FORTH WITHIN ARTICLE 5, DEVELOPMENT STANDARDS, CHAPTER 9, TEMPORARY USES, REGARDING THE DECISION-MAKING AUTHORITY OF OUTDOOR DISPLAY OF MERCHANDISE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

SECTION 1. The City of Cape Coral, Florida Land Development Code, Article 3, Chapter 1, Section 3.1.3., is hereby amended as follows:

Section 3.1.3. Development approval process; table 3.1.3.

Table 3.1.3 shows the development review process, the decision-making authority for each type of development approval; and the appeal authority for each type of decision.

TABLE 3.1.3 DEVELOPMENT APPROVAL AND REQUIRED NOTICE							
<u>Decision Maker</u>				<u>Notice</u>			
		Recommendation	Decision Maker	Published	Mailed	Posted	
DD	Department Director						
HEX	Hearing Examiner						
LPA	Planning and Zoning Commission/Local Planning Agency						
CC	City Council						
SM	Special Magistrate						
CirC	Circuit Court						
	<u>Application Type</u>						
Administrative	Zoning or Flood Zone Verification Letters		DD				
	Certificate of Zoning Compliance		DD				
	Administrative Interpretations & Similar Use Determinations		DD				
	Sign Permits		DD				
	Lot Splits and Lot Combines		DD				
	Conditional Uses		DD				
	PDP Abandonments involving all property owners		DD				

	PDP Amendments - first extension requests only		DD				
	PUD Amendments - Minor		DD				
	Administrative Deviations		DD				
	Site Development and Subdivision Construction Plans		DD				
	Preliminary Subdivision Plans		DD				
	Site Improvements Permits		DD				
	Site Development Permits and Construction Authorization		DD				
	Temporary Use Permits		DD				
	Outdoor Dining		DD				
	Business Tax Receipts		DD				
	Reasonable Accommodations (see Article 13)		DD				
	Outdoor Dog Dining Permit		DD				
	Appeals of Administrative Decisions	DD	SM	CirC	✓		
Quasi-Judicial	Deviations (Other than Administrative Deviations)	DD	HEX		✓	✓	✓
	Variances	DD	HEX		✓	✓	✓
	Special Exceptions	DD	HEX		✓	✓	✓
	Vacations - Easement/Lot/Plat	HEX	CC		✓	✓	✓
	Rezones	HEX	CC		✓	✓	✓
	PDP Amendments except for first extension requests	HEX	CC		✓	✓	✓
	PDP Abandonments involving less than 100% of the property owners	HEX	CC		✓	✓	✓
	PUDs	HEX	CC		✓	✓	✓
	PUD Amendments - Major	HEX	CC		✓	✓	✓
	Appeals of Quasi-Judicial Decisions	DD	SM	CirC	✓	✓	
Legislative	Annexations	DD	CC		✓	✓	✓
	Future Land Use Map Amendments	LPA	CC		✓	✓	✓
	Comp Plan Text Amendments	LPA	CC		✓		
	LDC Text Amendments	LPA	CC		✓		
	Final Plats	DD	CC		✓		
Other	Outdoor Display of Merchandise	DD	€€ SM			✓	
	Special Events (Parks and Recreation)		DD				

SECTION 2. The City of Cape Coral, Florida Land Development Code, Article 3, Chapter 6, Section 3.6.1., is hereby amended as follows:

Section 3.6.1. Outdoor display of merchandise.

A. Purpose and Intent.

1. To provide standards and criteria for review and approval of outdoor display of merchandise.
2. To provide reasonable limitations or special conditions for outdoor display to address, minimize, or ameliorate potential impacts of the use on surrounding property and for the protection of the public health, safety, and welfare.

B. General Requirements.

1. Outdoor display of merchandise is prohibited in all residential districts (except for the A district) and in the P1, MX7, MXB, PV, INST.
2. Unless otherwise permitted, outdoor display of merchandise in C, CC, NC, SC, and A districts is prohibited, except on improved property in accordance with the following standards.
3. The following items may be displayed in conjunction with an existing licensed business location which retails these items: propane, boats, motorcycles, new or used cars by auto/marine dealerships or auto/marine rental companies, bicycles, motorcycles, garden equipment such as lawnmowers, landscaping and nursery items displayed by a nursery nurseries or home improvement businesses, tires at auto repair businesses, fruits, vegetables, and flowers at food retail businesses, and temporary uses authorized in Article 5, Chapter 9.
4. In addition to outdoor display listed above, the outdoor displays of fruit, vegetables, flowers, jewelry, books or antiques are allowed in the SC zoning district.
5. This restriction shall not apply to special events approved pursuant to Article 5, Section 5.9.10. Special Events.
6. All other outdoor display of merchandise must be approved by ~~the City Council~~ the Special Magistrate following review at a public meeting.
7. Except in the downtown zoning district(s), such displays may be no closer than ten feet to the front or rear property lines and five feet to side property lines or 15 feet to the side property line on corner lots. Such displays may not be placed in required parking. In the SC district, such displays are not required to be set back from any property lines. If such displays are placed on a public sidewalk, such displays shall comply with the following regulations:
 - a. Displays may be placed on the public sidewalk only directly in front of the lawfully existing business which retails the items being displayed.
 - b. Displays shall be placed on tables, shelves and/or racks that are moved indoors during any hours the business is not open and that do not exceed six feet in height and do not extend more than two feet onto the public sidewalk.

C. Outdoor Display Requiring ~~Council~~ Special Magistrate Approval.

1. An application for an outdoor display of merchandise shall be filed with the Community Development Department.
2. A site plan showing the location of the outdoor display shall be provided.
3. A letter of intent detailing the duration of the outdoor display and the nature of items displayed.
4. The applicant shall be responsible for the cost of mailed notice to all property owners within a 500' radius.

D. ~~Council-Special Magistrate~~ Action. The ~~Council Special Magistrate~~ may approve, deny, or approve with any conditions deemed necessary to address the potential impacts of the outdoor display of merchandise.

SECTION 3. The City of Cape Coral, Florida Land Development Code, Article 5, Chapter 9, Section 5.9.3., is hereby amended as follows:

Section 5.9.3. Outdoor display of merchandise.

Unless otherwise permitted, outdoor display of merchandise is prohibited, except on improved property in accordance with the following conditions:

- A. All outdoor display of merchandise in non-residential districts are prohibited with the exception of the following items listed below when displayed in conjunction with an existing licensed business location which retails the items: boats; displays of new or used cars by auto dealerships or auto rental companies; bicycles; motorcycles; garden equipment such as lawnmowers, tillers, and edgers; landscaping nursery items displayed by a nursery business; tires as displayed in service stations; vehicles displayed as part of a temporary off-site vehicle sale approved pursuant to this Code; temporary sales approved pursuant to this Code; and seasonal fundraising events approved pursuant to this Code. In addition to the foregoing, the outdoor displays of fruit, vegetables, flowers, jewelry, books, or antiques are allowed in the South Cape zoning district. This restriction shall not apply to special events approved pursuant to the Code.
- B. All outdoor display of merchandise for sale, in non-residential districts is permitted with the following conditions:
 - 1. Except in the South Cape zoning district, such displays may be no closer than 10 feet to the front or rear property lines and five feet to side property lines or 15 feet to the side property line on corner lots.
 - 2. Displays may not placed in required parking areas.
 - 3. Displays may be placed on the public sidewalk subject to the following requirements:
 - a. Displays may be placed only directly in front of the lawfully existing business which retails the items being displayed;
 - b. Displays shall be placed on tables, shelves, or racks that are moved indoors during any hours the business is not open.
 - c. Displays shall not impede pedestrian circulation, use of the sidewalk, or ingress and egress to nearby buildings.
- C. Outdoor display of merchandise for sale on vacant property is prohibited, except as permitted for seasonal events in accordance with Section 5.9.2. or special events in accordance with Section 5.9.10.
- D. All non-temporary outdoor displays of merchandise must be approved ~~the City Council.~~ ~~Notice of the Council meeting shall be mailed to surrounding property owners with 500' of the site in question in accordance with Section 3.6.1. of the Land Development Code.~~

SECTION 4. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 5. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA,
AT THEIR REGULAR SESSION THIS _____ DAY OF _____, 2026.

JOHN GUNTER, MAYOR

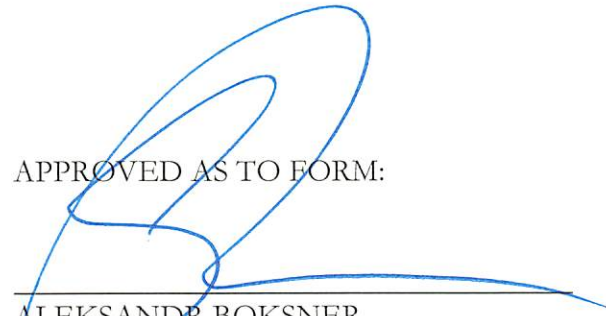
VOTE OF MAYOR AND COUNCILMEMBERS:

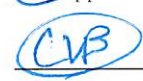
GUNTER	_____	LASTRA	_____
STEINKE	_____	KILRAINE	_____
LEHMANN	_____	LONG	_____
DONNELL	_____	KADUK	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____,
2026.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



ALEKSANDR BOKSNER
CITY ATTORNEY
Ord/Approval ODM




**ORD 19-26: Amendments to
Outdoor Display of Merchandise
Planning and Zoning Commission Meeting
April 1, 2026**

Purpose

- 1) This ordinance will amend the LDC to modify the regulation of Outdoor Display of Merchandise.**

- 2) Changes involve:**
 - 1) Development approval process; table 3.1.3. (Decision Maker Change)**
 - 2) Section 5.9.3. Outdoor display of merchandise. (Clean up to Temporary Permits)**
 - 3) Section 3.6.1. Outdoor display of merchandise. (Improvements to general Outdoor Display of Merchandise codes)**

Development approval process; table 3.1.3. (Decision Maker Change)

- 1) Table 3.1.3 details what department or authority makes the final decision on a particular application type.**
- 2) Currently, permits for Outdoor Display of Merchandise can be granted by the DSD Director for a limited selection of items.**
- 3) An applicant may apply for the Outdoor Display of Merchandise for additional items, outside of the DSD Directors ability to approve - But that must be approved by City Council.**

Development approval process; table 3.1.3. (Decision Maker Change)

- 4) This decision is proposed to be removed from the City Council's responsibility.**
- 5) Instead, when needed, a Special Magistrate shall be used to decide whether an Outdoor Display of Merchandise permit shall be granted for requests outside of the DSD Director's scope.**