



Meeting Type City Council – Regular Meeting
Meeting Date April 15, 2026

Agenda Request Form

City of Cape Coral

Title

Ordinance 17-26 (TXT26-000001) Set Public Hearing for May 6, 2026

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 5.2.1., General Requirements, set forth within Article 5, Development Standards, Chapter 2, Accessory Structures; amending Section 5.2.7., Fences and walls, set forth within Article 5, Development Standards, Chapter 2, Accessory Structures, regarding the general requirements and restrictions on fences and walls; providing for severability and an effective date. (Brought forward by City Management)

City Planning Staff Recommendation: Approval

Planning and Zoning Commission Recommendation: Approval

Requested Action Introduction

Summary Explanation and Background

Ordinance 17-26 amends sections 5.2.1 and 5.2.7 of Articles 5 of the Land Development Code (LDC) for fence and wall requirements. This ordinance will eliminate existing inconsistencies and duplicities appearing in the LDC, provide needed clarity on specific subsections, and offer flexibility to property owners seeking minor relief from setback, height and material requirements for fences and walls. The ordinance also provides exemptions from specific regulatory requirements for areas deemed vital for the protection of the health, safety and welfare of the community. This ordinance is consistent with one objective appearing in the Comprehensive Plan and is also consistent with applicable standards for proposed LDC text amendments. Staff recommends **approval** of Ordinance 17-26.

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

Planning and Zoning Commission 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 5.2.1., GENERAL REQUIREMENTS, SET FORTH WITHIN ARTICLE 5, DEVELOPMENT STANDARDS, CHAPTER 2, ACCESSORY STRUCTURES; AMENDING SECTION 5.2.7., FENCES AND WALLS, SET FORTH WITHIN ARTICLE 5, DEVELOPMENT STANDARDS, CHAPTER 2, ACCESSORY STRUCTURES, REGARDING THE GENERAL REQUIREMENTS AND RESTRICTIONS ON FENCES AND WALLS; 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 5, Development Standards, Chapter 2, Accessory Structures, Section 5.2.1. General Requirements, is hereby amended as follows:

Section 5.2.1 General Requirements.

- A. This chapter shall pertain to residential properties unless otherwise specifically stated herein. Accessory structures on non-residential properties shall be reviewed per the standards of that zoning district. Agriculturally zoned properties shall not be considered residential for purposes of this section.
- B. Accessory buildings shall be constructed to conform to the minimum building requirements and shall meet all other regulations applicable to the district.
- C. Residential accessory buildings shall be in the rear yard, other than those listed in Section 5.2.1, and shall comply with all of the requirements found in this Section.
- D. Accessory structures, such as pergolas, arbors, trellises, and flag poles may be in the rear, side, or front yard of the primary structure. Fences and sheds may be permitted in the rear or side yard of the primary structure.
- E. With the exception of marine improvements and boat canopies lawfully permitted under Chapter 4 of this article, no accessory structure, including fences, shall be constructed on any residential parcel not containing a primary structure.
- F. Accessory buildings shall be elevated above the base flood elevation (BFE) or provide hydrostatic vents consistent with FEMA regulations.
- G. All nonconforming accessory structures shall be subject to the requirements of Article 8 Nonconformities.
- H. Any accessory structure not listed in this chapter may be reviewed and considered for approval through a similar use determination process.
- I. In non-residential districts, all accessory structures shall be reviewed and held to the same standard as a non-residential structure.
- J. Setbacks shall be measured from the property line and must be considered in addition to all other locational requirements.

Table 5.2.1.A. Setback Requirements for Accessory Structures.

| Residential Accessory | Setback—measured from property line | | | Maximum Building Height | Separation Distance |
|-----------------------------|-------------------------------------|-----------|-----------|-------------------------|---------------------|
| | Front Yard | Side Yard | Rear Yard | | |
| Arbors, trellises, pergolas | Sec 5.17 | 7.5 ft. | 10 ft. | 14 ft. | N/A |
| Courts and Playing Surfaces | X | 7.5 ft. | 10 ft. | N/A | N/A |
| Decks, unenclosed | X | 7.5 ft. | 10 ft. | 30 inches | N/A |
| Detached Garage | X | SAP | 10 ft. | 14 ft. | 5 ft. |
| Fences and Walls | Per Sec 5.2.7-4.12 | | | | N/A |

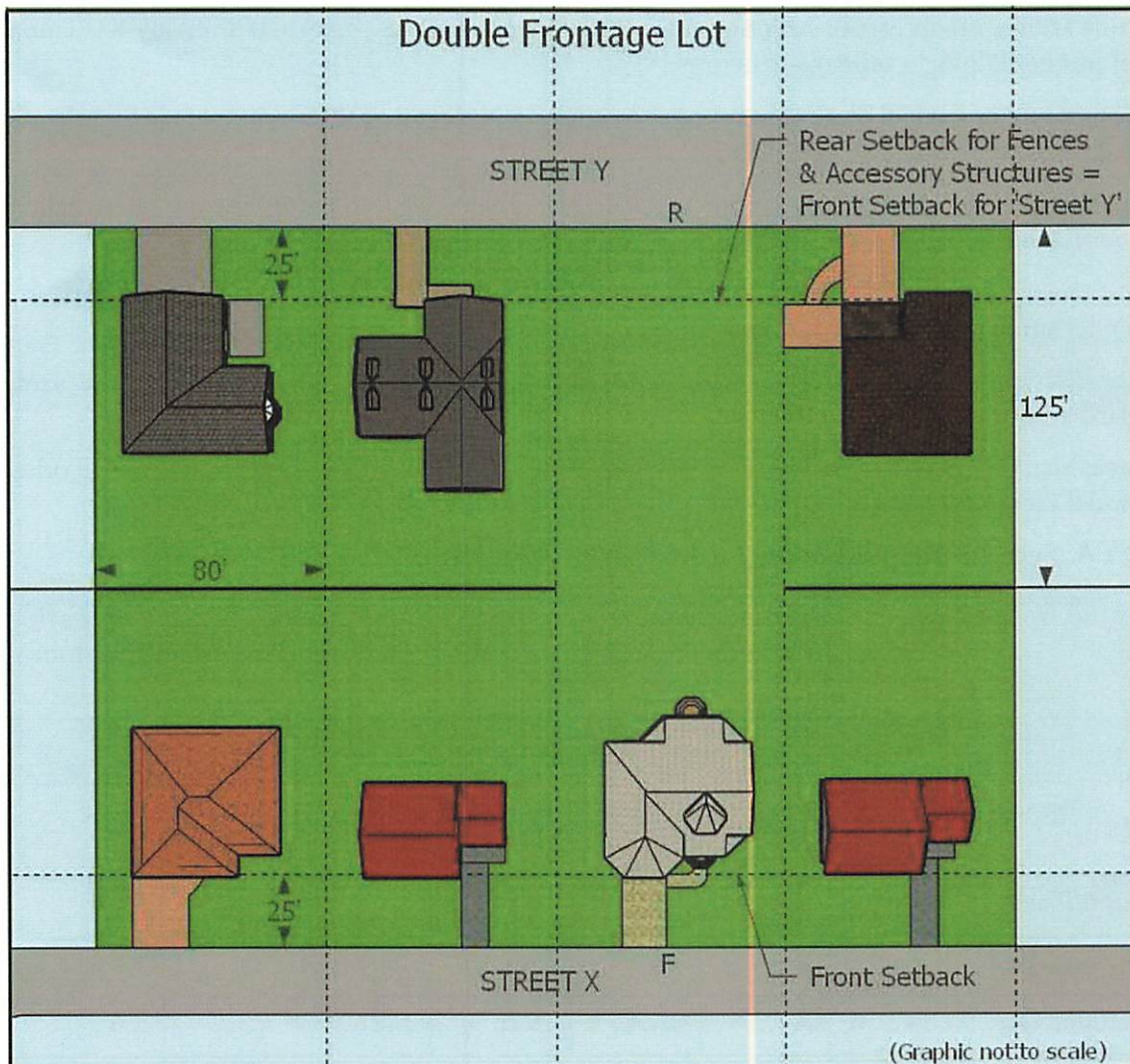
| | | | | | |
|------------------------------------------|-----------------------------|-----------------------------------|----------------------------------|----------------|-------|
| Flagpoles | 15 ft. | 7.5 ft. | 10 ft. | 35 ft. | N/A |
| Fountains and Sculptures | 15 ft. | 10 ft. | 10 ft. | Per sec 5.1.15 | N/A |
| Gazebo | X | 7.5 ft. | 10 ft. | 10 ft. | 5 ft. |
| Greenhouse | X | SAP | SAP | 15 ft. | 5 ft. |
| Detached guesthouse | X | SAP | SAP | 14 ft. | 5 ft. |
| Swing sets and similar play structures | X | 7.5 ft. | 6 ft. | 8 ft. | N/A |
| Solar Photovoltaic (PV) Arrays, at grade | X | 7.5 ft. | 10 ft. | 9 ft. | N/A |
| Sheds | X | 7.5 ft. | 10 ft. | 14 ft. | 5 ft. |
| Sunshelter | X | 7.5 ft. | 6 ft. or over a dock | 14 ft. | 5 ft. |
| Swimming pools and reflecting pools | X, RE \geq 3 acres SAP | 7.5 ft., RE \geq 3 acres SAP | 10 ft., RE \geq 3 acres SAP | 30 inches | N/A |
| Swimming Pool Screen enclosure | X, RE \geq 3 acres SAP | 7.5 ft., RE \geq 3 acres SAP | 10 ft., RE \geq 3 acres SAP | SAP | N/A |

X Not permitted

SAP Same as Principle Structure

N/A Not Applicable

Section 1.15. Measurements.



SECTION 2. The City of Cape Coral, Florida Land Development Code, Article 5, Development Standards, Chapter 2, Accessory Structures, Section 5.2.7., Fences and Walls, is hereby amended as follows:

Section 5.2.7 Fences and Wwalls.

A. Applicability.

1. This Section shall pertain, as appliable, to any fence or wall constructed on any property.
2. Nothing in this section precludes any fence or wall from meeting any and all requirements and standards necessary and specified within relevant sections of applicable Codified Language, including this Code, The Florida Building Code, and The Florida Statutes. Where a conflict occurs between this section and any other governing statute, the most restrictive shall apply.
3. Exceptions: The following are exempt from this section:
 - a. Fences or walls constructed on City owned property;
 - b. Fences or walls deemed necessary and vital for protection and safety of critical infrastructure as determined by the City; and
 - c. Fences or walls deemed necessary and vital for the protection and safety of the general public as determined by the City.
4. Administrative Deviations: An administrative deviation may be requested from the height, setback, or material requirements applicable to any fence or wall under this Section. In addition to the Review Criteria contained in Section 3.3.6.C the administrative deviation for any fence or wall shall also consider the following:
 - a. A reasonable necessity for the administrative deviation exists;
 - b. The administrative deviation preserves or enhances the visual character and scenic quality of the subject property and surrounding area; and
 - c. The administrative deviation does not diminish, impair, or otherwise adversely affect the health, safety, or general welfare of the public.

AB. General Requirements.

1. All fences and walls shall be of sound construction and not detract from the surrounding area.
2. No barbed wire, spire tips, sharp objects, or electrically charged fences shall be erected, except as otherwise provided herein. This shall not be interpreted to mean that bona fide agricultural users cannot use barbed wire or electrically charged fences to control livestock when located in districts permitting the raising, keeping, or breeding of livestock.
3. No fences or walls shall be placed within the visibility triangle.
4. If a fence or wall is located in a public utility or drainage easement, the property owner shall be solely responsible for removal of the fence or wall as may be required by the City or a Utility Provider, and at such entity's sole discretion. The property owner shall be solely responsible for all costs associated with the removal of the system as well as for any cost resulting from disturbance, damage, or destruction of the fence, ~~or wall, or surrounding area~~ resulting from work associated with utilities or drainage infrastructure facilities, including those related to alley improvements within such easements.
5. Unless the posts or other supports used in connection with the fence or wall are visible from and identical in appearance from both sides ~~of the fence~~, all posts or other supports used in connection with the fence or wall shall be on the side of the fence or wall that faces the property on which it is to be erected. If a fence or wall is constructed in such a way that only one side of the fence is "finished", then the "finished" side of the fence shall face outward toward the street or adjoining property (facing away from the property on which it is erected). The "finished" side of the fence shall be the side that is painted, coated, or smoothed so as to be more decorative in appearance.

6. Fencing or walls for critical public utilities infrastructure, including water and wastewater facilities and electric and natural gas facilities, which may enclose either an entire site or only an area containing equipment, may be maintained at a height of eight feet. Barbed wire, spire tips, sharp objects, or electrically charged fencing are permitted on the top of fencing around critical infrastructure sites or equipment, however, the height of the fencing together with any barbed wire, spire tips, sharp objects, or electrically charged fencing may not exceed eight feet, and only the top two feet may contain barbed wire, spire tips, sharp objects, or electrically charged fencing.
7. Reserved.
8. Fences and walls are not permitted on any unimproved property ~~in a residential zoning district.~~
9. Fences and walls may be installed on unimproved sites in residential, non-residential or mixed-use zoning districts, when the Director determines that such wall or fence is necessary for:
 - a. Site security or safety reasons;
 - b. To secure temporary utility infrastructure storage areas; and
 - c. Temporary fencing for demolition sites or sites with pending building permit or site development applications.
10. No wall or fence of any kind whatsoever shall be constructed on any lot until after the height, type, design, and location has been approved in writing and with a proper permit issued by the City Director.
11. Fencing or walls for recreational facilities may be increased in height to ten feet. Such fencing or walls must immediately enclose the recreational facility. Hooded backstops for diamond sports may be increased to a maximum height of 28 feet. For sports other than diamond sports, backstops may be increased to a height of 12 feet. All fencing at recreational facilities must be constructed of at least nine-gauge fence fabric and schedule 40 tubing.
12. A fence or wall may be maintained at a height greater than otherwise allowed herein ~~if a higher fence height is required by the city for the purpose of screening a special exception or conditional use. The allowable height increase shall only apply along the side(s) or rear of the property which abut(s) the property, or properties, containing the special exception or conditional use directly abutting a site with residential zoning or an existing residential use. For the purposes of this section, a property shall be deemed to abut another property if the two properties are either immediately adjacent to each other or separated by an alley. Properties separated by a street, canal, lake, or other body water shall not be deemed to be abutting properties.~~
13. A fence or wall shall be constructed of one or more of the following materials or finishes:
 - a. Wood (decay resistant or pressure treated only), shall be painted or stained;
 - b. Concrete block with stucco (CBS);
 - c. Reinforced concrete with stucco;
 - d. Stone or brick, including cast (simulated) stone or brick;
 - e. Concrete;
 - f. Wrought iron;
 - g. Aluminum;
 - h. Plastic, fiberglass, or vinyl;
 - i. Galvanized steel privacy panels painted with alkali-resistant coatings. Alkali-resistant coatings include heavy-bodied bituminous paint or methacrylate lacquer; or
 - j. Chain-link without slats

All other finishes and materials are prohibited.

14. For fences or walls located in a public utility or drainage easement, only the following materials or finishes are permitted:
- a. Wood (decay resistant or pressure treated only);
 - b. Aluminum;
 - c. Chain-link without slats;
 - d. Plastic, fiberglass, or vinyl;
 - e. Galvanized steel privacy panels painted with alkali-resistant coatings. Alkali-resistant coatings include heavy-bodied bituminous paint or methacrylate lacquer;
 - f. Engineered reinforced concrete with stucco; or
 - g. Engineered concrete block (CBS) with stucco.

~~If a fence or wall is located within a public utility or drainage easement, the property owner shall be solely responsible for the removal of any fence or wall as may be required by the City or a utility provider, at such entity's sole discretion. The property owner shall be responsible for all costs resulting from the disturbance, damage, destruction, removal, and replacement of any fence or wall resulting from any work associated with the utility or drainage infrastructure, including those related to alley improvements within such easement.~~

15. Multi-family and school developments over 1 acre in size may construct a fence or wall around the entire perimeter of the property or in a location not otherwise allowed by this subsection.
16. Maintenance. All fences and walls shall be properly maintained, in accordance with the International Property Management Code Sec. 304.2 Protective Treatment, as referenced by Article 12, Section 12.1.C of this code.

BC. Residential Zoning Districts.

1. Maximum Height. ~~A No fence or wall shall be constructed or maintained at a height greater than six feet, and no wall or fence shall be erected or placed within the front setback lines of any residential lot, except if a residential use abuts property used for commercial or professional purposes,~~
- a. A ~~a~~ fence may be maintained at a height up to eight feet along the side(s) of the property which abut(s) ~~the property or properties~~ containing commercial or professional uses. For purposes of this section, a property shall be deemed to abut another property if the two properties are either immediately adjacent to each other or separated only by an alley. Properties separated by a street, canal, lake, or other body of water shall not be deemed to be abutting properties.
2. ~~Any fencing within 20 feet of the rear property line on waterfront sites must be open mesh above a height of three feet. The Director may, in his or her discretion, approve minor projections above the restricted heights for architectural features.~~
Required Setbacks:

| | |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Front | <u>Not Permitted; except as specified in 5.2.7.C.3</u> |
| Side (not on a corner site) | <u>None</u> |
| Side (corner site) | <u>None</u> |
| Rear (not on alley) | <u>None</u> |
| Rear (on alley) | <u>10 feet</u> |
| Rear (double frontage) | <u>Setback requirement is equal to the front yard setback for a primary structure for rear frontage roadway</u> |
| Rear (along waterway) | <u>None; fencing, walls and vegetation are required to meet opacity and height limitations as contained in 5.2.7.C.3</u> |

3. No fence or wall shall be erected or placed within the front setback lines of any residential lot and no part of a fence or wall shall be located forward of the forward-most part of the side of the principal structure to which the fence or wall is closest. In no instance shall a fence enclose any portion of the front facade of the principal structure.
- a. A fence or wall may be permitted within the front setback where the residential property abuts property used for commercial or professional purposes. Where permitted, the fence or wall shall only be constructed and maintained along the side(s) where the property abuts. For purposes of this section, a property shall be deemed to abut another property if the two properties are either immediately adjacent to each other or separated only by an alley. Properties separated by a street, canal, lake, or other body of water shall not be deemed to be abutting properties.
 - b. For properties located on a cul-de-sac or hammerhead, or where said property contains a bend, jog or other directional angle parallel to the right-of-way, the fence or wall may be permitted to follow the directional angle at the same setback as the forward-most part of the side of the principal structure to which the fence is closest for the remaining entirety of the property's frontage.
 - c. In no instance shall a fence or wall enclose any portion of the front facade of the principal structure.
4. No fence, wall, hedge, or other growth shall be erected on any residential property within the city which shall unreasonably restrict or block the view of a canal or other waterway from an adjoining lot, or except as required to screen a special exception or conditional use. Where not required to screen a special exception or conditional use, any fence or wall shall be limited to a maximum height of 3 feet and any hedging or dense vegetation shall be limited to a maximum height of 4 feet. This limitation shall extend 10 feet off of the rear property line for the length of the property and 7.5 feet off of the side property lines for a distance of 20 feet as measured from the outer edge of the seawall cap or, where no seawall is present, from the rear property line.
- a. The height of a wall or fence may be increased provided that the wall or fence utilizes an open mesh above a height of three feet. The open mesh shall have a minimum visibility percentage of 75% and constructed with minimal profiles. For the purposes of this section "Open Mesh" is defined as the total of the combined components of a wall or fence and includes all posts, rails, pickets, meshes, panels, and connectors making up the area of the wall or fence. In no circumstance shall the height of the wall or fence be higher than the maximum height allowable by this code. The Director may, at his or her discretion, approve minor projections above the restricted heights for architectural features.
 - b. Individual trees or other non-clumping palms shall be permitted provided that the canopy is maintained at a minimum height of 8 feet above grade and are spaced a minimum of 4 feet apart.
5. No fence, wall, or hedge, or other growth shall be erected on property which would obstruct the view of either a pedestrian or driver of a moving vehicle so as to create a hazard to the health and welfare of its citizens.

ED. Non-Residential and Mixed-Use Zoning Districts.

~~1. Construction of fences or walls must meet the following restrictions:~~

- 1. a. ~~Maximum height: six feet, except property in a commercial, professional, or mixed-use zoning district, which contains a non-residential use, and which abuts a residential use, whether such use is in a residential zoning district or mixed-use zoning district, may erect a fence or wall up to eight feet in height along the side(s) of the property which abut(s) a residential use. For purposes of this subsection, a property shall be deemed to abut another property if the two properties share a common border or property line or if the two properties are separated by only an alley.~~
- b. ~~Industrial business center uses in the Commercial Corridor (CC) zoning district shall construct an opaque wall that is 6 feet in height around the perimeter of the property.~~

2. e. Required setbacks:

| | |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Front | No part of a fence or wall shall be located forward of the forward-most part of the side of the principal structure to which the fence is closest. In no instance shall a fence or wall enclose any portion of the front facade of the principal structure, except as provided in Section 5.2.7.D.3 C.1.b for Industrial Business Centers. |
| Side (not on a corner site) | None |
| Side (corner site) | None for free-standing residential uses in mixed-use zoning districts; 7 feet for non-residential and compound uses in the Neighborhood Commercial and Commercial Corridor zoning districts; 10 feet for non-residential and compound uses in all other commercial, professional, and mixed-use zoning districts |
| Rear (not on alley) | None |
| Rear (on alley) | 10 feet |
| Rear (double frontage) | <u>Setback requirement is equal to the front yard setback for a primary structure for rear frontage roadway.</u> |

3. Industrial business center uses in the Commercial Corridor (CC) zoning district shall construct an opaque wall that is 6 feet in height around the perimeter of the property.

~~D. Multi-family developments over 1 acre in size may construct a fence or wall around the entire perimeter of the property or in a location not otherwise allowed by this subsection.~~

E. Industrial zoning district:

1. Maximum height: eight feet.
2. Required setbacks: none, except that fences shall be setback 10' from alleys.
3. Fencing and walls shall provide an opaque visual barrier, constructed of materials which conform to applicable codes, to conceal storage areas.

F. Agricultural zoning district:

1. Maximum height: eight feet.
2. Required setbacks: none.

G. Institutional zoning district:

1. Maximum height: eight feet.
2. Required setbacks: none, except that fences shall be setback 10' from alleys.
3. Fencing and walls shall provide an opaque visual barrier, constructed of materials which conform to applicable codes, to conceal storage areas.

H. Preservation zoning district:

1. Maximum height: eight feet.
2. Required setbacks: none.

I. South Cape and MXB zoning district(s):

1. Maximum height.
 - a. When placed in front yards, 42 inches.
 - b. When not placed in front yards, six feet (except that a property which contains a non-residential use, and which abuts a property containing a residential use, whether such use is in a residential zoning district or mixed-use zoning district, may erect a fence up to eight feet in height along the side(s) of the property which abut(s) a property containing a residential use). For purposes of this subsection, a property shall be deemed to abut another property if the two properties are either immediately adjacent to each other or separated by only an alley. Properties which are separated by a street, canal, lake, or other body of water shall not be deemed to be abutting properties.
 - ~~c. Fences, walls, and hedges may be maintained at a height greater than otherwise allowed herein if a higher height is required by the city for the purpose of screening a special exception use.~~

d. ~~Fencing for recreational facilities may be increased in height to ten feet. Such fencing must immediately enclose the recreational facility. Hooded backstops for diamond sports may be increased to a maximum height of 28 feet.~~

2. e. Required setbacks:

| | |
|-------------------------------|-----------------------------------|
| Front | None |
| Side or rear (not on alley) | None |
| Side or rear (on an alley) | 15 feet from the alley centerline |
| Abutting a navigable waterway | 10 feet |

SECTION 3. 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 4. 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

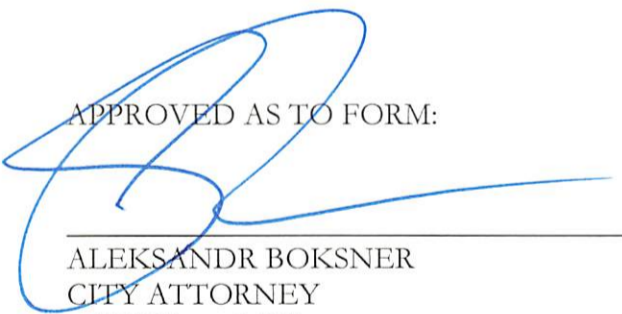
VOTE OF MAYOR AND COUNCILMEMBERS:


| | | | |
|---------|-------|----------|-------|
| GUNTER | _____ | LAстра | _____ |
| 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/LDC Fences & Walls


Planning Division Staff Report

Ordinance 17-26

Review Date: March 01, 2026
Prepared by: Anthony Santora, Senior Planner
Recommendation: Approval

Request: Amend Section 5.2.1 and Section 5.2.7 of the Land Development Code (LDC), to provide consistency and clarity as well as providing additional emergency response / administrative deviation allowances for fence and wall implementation as follows:

1. Amend LDC, Section 5.2.1, Table 5.2.1.A, to be consistent with the permissible setback requirements established in LDC Section 5.2.7.
2. Amend LDC, Section 5.2.7 to create new code language for exceptions to regulations for fencing and walls for emergency response .
3. Amend LDC, Section 5.2.7 to create new code language for the allowance of administrative deviations for walls and fences which aligns with the requirements of LDC Section 3.3.6.C.
4. Amend LDC, Section 5.2.7, to streamline, clarify and provide enhanced specificity for existing sections of code throughout the section. Amendments include: removing duplicate sections; providing enhanced specificity where ambiguity in measurements, location, or requirements exists; and adding specific sections which pertain to new or existing conditions encountered throughout the city.

| | |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Positive aspects of the amendment | <ul style="list-style-type: none">• <i>Eliminates a current inconsistency in the LDC regarding the setback locations for fences and walls.</i>• <i>Provides added language for emergency response.</i>• <i>Provides added language allowing for deviations beyond which would currently be permissible.</i> |
| Negative aspects of the amendment | <ul style="list-style-type: none">• <i>None</i> |
| Mitigating factors | <ul style="list-style-type: none">• <i>None</i> |

SUMMARY OF PROPOSED CHANGES

Amendments to fences and walls are proposed to Articles 5, Section 5.2.1 and Section 5.2.7 of the LDC.

Ordinance 17-26 seeks to amend these sections to provide consistency and clarity throughout the section and provide for emergency response and administrative deviations. In doing so, the ordinance strengthens regulatory framework by refining terminology, reorganizing provisions, and eliminating internal inconsistencies allowing for easy and consistent implementation of the standards. The ordinance also introduces a more deliberate approach to administrative flexibility, ensuring that deviations can be granted for specific instances in a controlled manner that preserves and enhances the character of the property and surrounding area. Additionally, the ordinance’s inclusion of emergency-response considerations ensures that regulatory requirements support, rather than hinder, public safety and operational access.

LDC, Section 5.2.1 is amended by revising the section reference for fence and walls in Table 5.2.1.A.

LDC, Section 5.2.7 is amended by adding Subsection A and Revising Subsections B through I. A summary of these key changes includes the following:

- Subsection A was added providing applicability language, exemption language, and administrative deviation language for fences and walls.
- Subsection B.2 was amended to include new language for the provision of fences and walls along cul-de-sacs, hammerheads, or other directional angular property lines.
- Subsection B.4 was amended to provide specific regulations for height, location and opacity specifications for walls, fencing, or vegetative growth along the rear and side property lines of waterfront residential property.
- Subsections B through I were amended to clean up redundancies in the statute, eliminate grammatical mistakes and directions, and provide a consistent and concise formatting throughout the section.

COMPREHENSIVE PLAN ANALYSIS

The proposed amendment is consistent with Objective 1 found in the Future Land Use Element.

Future Land Use Element

Objective 1: Managing Future Growth and Development: The City of Cape Coral will manage future growth and land development by adopting, implementing, and enforcing new regulatory vehicles. All land development regulations called for in this Plan shall be adopted and implemented in accordance with the provisions of S. 163.3202, Florida Statutes. The short-term planning timeframe shall be established as up to the year 2028, while the long-term planning horizon shall be the year 2050.

Staff analysis. The proposed amendment aligns with Objective 1 by strengthening the City's capacity to manage future growth and development through clearer, more effective regulatory standards. By refining the fence and wall provisions in the LDC, the update enhances the reliability of the code as a regulatory tool, ensuring that development activity is guided by standards that are coherent, consistent, and easier to administer. The clarified language, removal of redundancies, and incorporation of flexible provisions collectively support a more predictable and orderly development process, reinforcing the City's broader goal of managing growth through well-crafted and enforceable regulations.

LDC TEXT AMENDMENT ANALYSIS

LDC, Section 3.5.4. states text amendments shall be considered for one or more of eight stated reasons. This LDC amendment is consistent with Reasons #1 and #2 below.

1. The amendment clarifies the intent of the LDC.

Staff analysis. This proposed amendment to the LDC for fences and walls reinforces the code's intent by articulating standards that were previously broad or only indirectly referenced. It introduces more precise parameters, reducing interpretive variability and improving consistency in application. The amendment also incorporates new language that allows for measured flexibility and responsiveness, ensuring the code can accommodate a wider range of site conditions and design approaches without sacrificing clarity. Through these refinements, the updated provisions support more efficient review processes and promote clearer, more predictable implementation.

2. The amendment corrects an error in the LDC.

Staff analysis. The proposed amendment corrects existing errors in the LDC by removing

internal inconsistencies and eliminating redundant provisions that hindered clear and efficient application of the code. By aligning overlapping requirements and standardizing terminology across related sections, the amendment restores coherence to the standards and ensures that all referenced criteria function together as intended.

REVIEW CRITERIA FOR PROPOSED LDC TEXT AMENDMENTS

LDC, Section 3.5.4. identifies four review criteria for proposed text amendments to the LDC. Each criterion is evaluated below.

1. Whether the proposed LDC text amendment is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan.

Staff analysis. The proposed amendment is consistent with Objective 1 of the Future Land Use Element appearing in the Comprehensive Plan as outlined earlier within this report.

2. The amendment results in compatible land uses within a zoning designation.

Staff analysis. This criterion is not applicable as the proposed amendment does not modify the schedule of uses for any of the City zoning districts.

3. The amendment protects the health, safety, and welfare of the community.

Staff analysis. The proposed amendment supports the health, safety, and welfare of the community by strengthening the clarity, consistency, and enforceability of standards that directly influence the built environment. Clearer regulations reduce the likelihood of unsafe and unsightly construction and help prevent conflicts between neighboring properties. By eliminating redundancies and inconsistencies, the amendment ensures that the standards can be applied uniformly, thereby reducing the risk of errors that could compromise public safety or neighborhood compatibility. Additionally, the inclusion of flexible, well-defined provisions also allows the City to respond appropriately to unique site conditions, ensuring that safety-related considerations are addressed without creating unintended barriers to compliance.

4. Other factors deemed appropriate by the Planning and Zoning Commission and City Council.

Staff analysis. N/A.

RECOMMENDATION

The proposed amendment will eliminate existing inconsistencies and redundancies within the LDC related to fence and wall standards, restoring internal coherence and improving the clarity of the code. Additionally, the proposed ordinance provides revised and more precise language that clarifies how these structures are regulated and introduces measured flexibility to accommodate unique site conditions while maintaining clear expectations. These refinements strengthen the effectiveness of the LDC as a regulatory tool, support orderly development, and enhance the City's ability to administer the standards consistently. This ordinance is consistent with the goals and objectives of the Comprehensive Plan and meets the applicable criteria for LDC text amendments. Staff recommends **approval** of Ordinance 17-26.

Staff contact information:

Anthony Santora, Senior Planner
PH 239-573-3125
asantora@capecoral.gov



LDC SECTION 5.2.7 : FENCES AND WALLS

CAPE CORAL - CITY COUNCIL HEARING

MAY 6TH, 2026

Purpose:

- A. Ordinance 17-26 seeks to amend select sections to provide consistency and clarity throughout for regulations regarding fences and walls and provide for emergency response and administrative deviations.
- B. Proposed changes allow for easy and consistent implementation of the standards regarding fences and walls.
- C. Proposed Applicability standards allow for emergency response for City-deemed vital infrastructure and property.
- D. Proposed Administrative Deviation language would allow for a flexible design approach to real world conditions in a controlled manner.

Sections Affected:

- A. Section 5.2.1 General Requirements
 - 1. Amend Table 5.2.1.A to align fence and wall setback section ref.

- B. Section 5.2.7 Fences and Walls
 - 1. Add new language for Applicability
 - 2. Add new language for Administrative Deviations
 - 3. Add specificity to specific sections
 - 4. Clean-Up grammatical, structural and duplicitous language (minor)

Section 5.2.1 General Requirements

A. Proposed modification to table 5.2.1.A:

Table 5.2.1.A. Setback Requirements for Accessory Structures.

| Residential Accessory | Setback—measured from property line | | | Maximum Building Height | Separation Distance |
|-----------------------------|-------------------------------------|-----------|-----------|-------------------------|---------------------|
| | Front Yard | Side Yard | Rear Yard | | |
| Arbors, trellises, pergolas | Sec 5.17 | 7.5 ft. | 10 ft. | 14 ft. | N/A |
| Courts and Playing Surfaces | X | 7.5 ft. | 10 ft. | N/A | N/A |
| Decks, unenclosed | X | 7.5 ft. | 10 ft. | 30 inches | N/A |
| Detached Garage | X | SAP | 10 ft. | 14 ft. | 5 ft. |
| Fences and Walls | Per Sec 5. 2.71.12 | | | | N/A |
| Flagpoles | 15 ft. | 7.5 ft. | 10 ft. | 35 ft. | N/A |
| Fountains and Sculptures | 15 ft. | 10 ft. | 10 ft. | Per sec 5.1.15 | N/A |
| Gazebo | X | 7.5 ft. | 10 ft. | 10 ft. | 5 ft. |
| Greenhouse | X | SAP | SAP | 15 ft. | 5 ft. |

Section 5.2.7 Fences and Walls

- A. Cleaned up code language sections (minor changes).
- B. Added language to specific subsections for clarity:
 - 1. Section 5.2.7.B.13 - 14
 - 2. Section 5.2.7.C.2
 - 3. Section 5.2.7.C.3
 - 4. Section 5.2.7.C.4
 - 5. Section 5.2.7.D.2
- C. Added new Sections:
 - 1. Section 5.2.7.A - Applicability

Section 5.2.7 Fences and Walls – Added Language

A. Section 5.2.7.A Applicability:

1. This Section shall pertain to any fence or wall constructed on any property.
3. Exceptions: The following are exempt from this section:
 - a. Fences or walls constructed on City owned property;
 - b. Fences or walls deemed necessary and vital for protection and safety of critical infrastructure as determined by the City;
 - c. Fences or walls deemed necessary and vital for the protection and safety of the general public as determined by the City.

Section 5.2.7 Fences and Walls – Added Language

A. Section 5.2.7.A Applicability (cont):

4. Administrative Deviations: An administrative deviation may be requested from the height, setback, or material requirements applicable to any wall or fence under this Section. In addition to the Review Criteria contained in Section 3.3.6.C, the administrative deviation for any wall or fence shall also consider the following:
 - a. A reasonable necessity for the administrative deviation exists;
 - b. The administrative deviation preserves or enhances the visual character and scenic quality of the subject property and surrounding area; and
 - c. The administrative deviation does not diminish, impair, or otherwise adversely affect the health, safety, or general welfare of the public.

Section 5.2.7 Fences and Walls – Added Language

- A. Section 5.2.7.B.13. h: Plastic, fiberglass, or vinyl;
- B. Section 5.2.7.B.14.d: Plastic, fiberglass, or vinyl;



Section 5.2.7 Fences and Walls – Added Language

A. Section 5.2.7.C.2: Required Setbacks

| | |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------|
| Front | Not permitted; except as specified in 5.2.7.C.3 |
| Side (not on a corner site) | None |
| Side (corner site) | None |
| Rear (not on alley) | None |
| Rear (on alley) | 10 feet |
| Rear (double frontage) | Setback requirement is equal to the front yard setback for a primary structure for rear frontage roadway |
| Rear (along waterway) | None; fencing, walls and vegetation are required to meet opacity and height limitations as contained in 5.2.7.C.3 |

Section 5.2.7 Fences and Walls – Added Language

- A. Section 5.2.7.C.3: No fence or wall shall be erected or placed within the front setback lines of any residential lot and no part of a fence or wall shall be located forward of the forward-most part of the side of the principal structure to which the fence is closest. In no instance shall a fence enclose any portion of the front façade of the principal structure.
- B. Section 5.2.7.C.3.b: For properties located on a cul-de-sac or hammerhead, or where said property contains a bend, jog, or other direction angle parallel to the right-of-way, the wall or fence shall be permitted to follow the directional angle at the same setback as the forward-most part of the side of the principal structure to which the fence is closest for the remaining entirety of the property's frontage.
- C. Section 5.2.7.C.3.c: In no instance shall a fence or wall enclose any portion of the front façade of the principal structure.

Section 5.2.7.C.2 Existing & Proposed Illustration

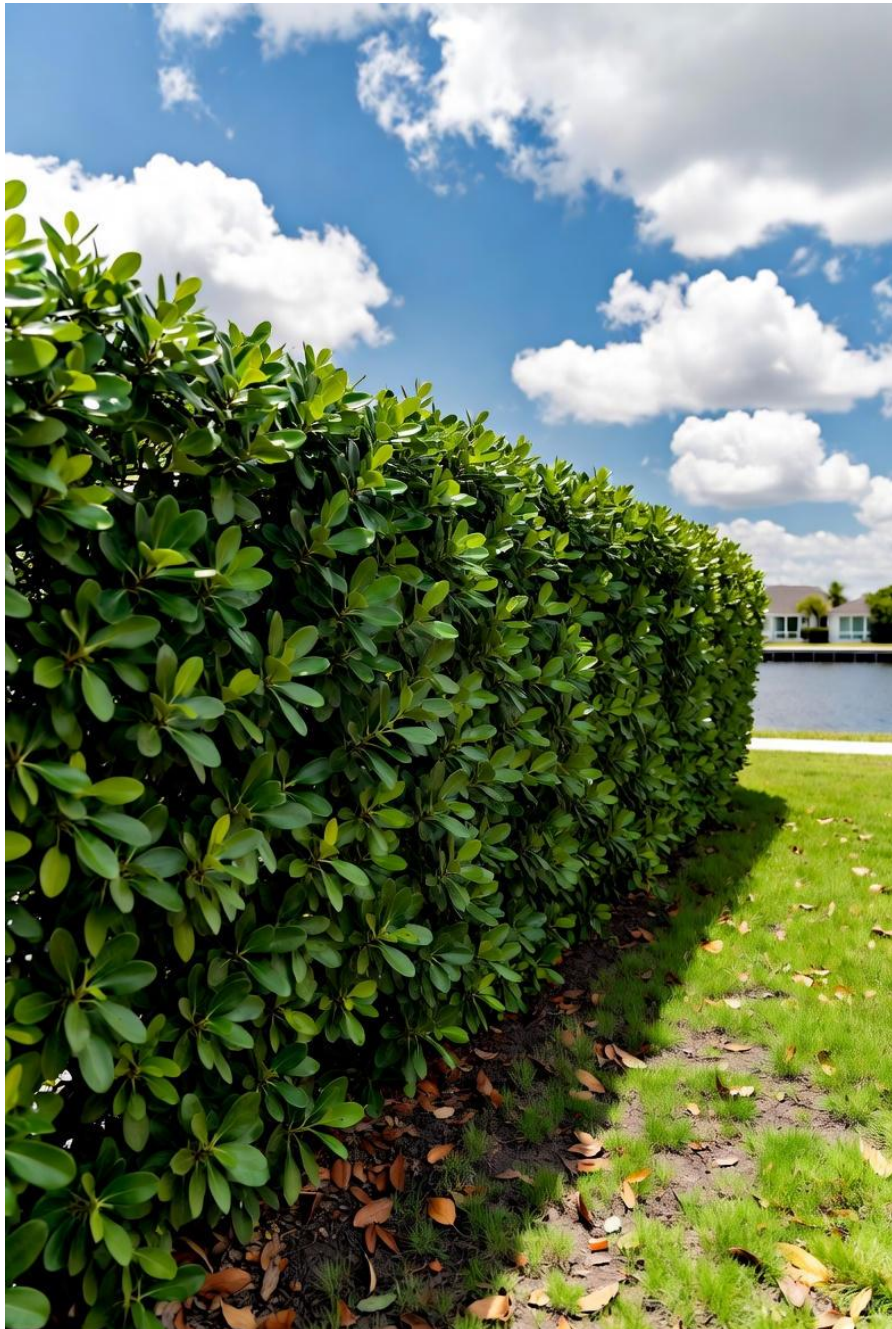


Section 5.2.7 Fences and Walls – Added Language

- A. Section 5.2.7.C.3: No fence, wall, hedge or other growth shall be erected on any residential property within the city which shall unreasonably restrict or block the view of a canal or other waterway from an adjoining lot, or except as required to screen a special exception or conditional use. Where not required to screen a special exception or conditional use, any wall or fence shall be limited to a maximum height of 3 feet and any hedging or dense vegetation shall be limited to a maximum height of 4 feet. This limitation shall extend 10 feet off of the rear property line for the length of the property and 7.5 feet off of the side property lines for a distance of 20 feet as measured from the outer edge of the seawall cap, or where no seawall is present, from the rear property line.

Section 5.2.7 Fences and Walls - Added Language

- A. Section 5.2.7.C.3.a: The height of a wall or fence may be increased provided that the wall or fence utilizes an open mesh above a height of 3 feet. The open mesh shall have a minimum visibility percentage of 75% and constructed with minimal profiles. For the purposes of this section "Open Mesh" is defined as the total of the combined components of a wall or fence and includes all posts, rails, pickets, meshes, panels, and connectors making up the area of the wall or fence. In no circumstance shall the height of the wall or fence be higher than the maximum height allowable by this code. The Director may, at his or her discretion, approve minor projections above the restricted heights for architectural features.
- B. Section 5.2.7.C.3.b: Individual trees or other non-clumping palms shall be permitted provided that the canopy is maintained at a minimum height of 8 feet above grade and are spaced a minimum of 4 feet apart.



Left: Hedging blocking viewsapes

Right: Transparent Fencing preserving viewsapes

Section 5.2.7 Fences and Walls – Added Language

A. Section 5.2.7.D.2: Required Setbacks:

| | |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Front | No part of a fence or wall shall be located forward of the forward-most part of the side of the principal structure to which the fence is closest. In no instance shall a fence or wall enclose any portion of the front facade of the principal structure, except as provided in Section 5.2.7. C.1.b <u>D.3</u> for Industrial Business Centers. |
| Side (not on a corner site) | None |
| Side (corner site) | None for free-standing residential uses in mixed-use zoning districts; 7 feet for non-residential and compound uses in the Neighborhood Commercial and Commercial Corridor zoning districts; 10 feet for non-residential and compound uses in all other commercial, professional, and mixed-use zoning districts |
| Rear (not on alley) | None |
| Rear (on alley) | 10 feet |
| <u>Rear (double frontage)</u> | <u>Setback requirement is equal to the front yard setback for a primary structure for rear frontage roadway</u> |

Recommendation

Proposed LDC text amendment is **CONSISTENT** with criteria listed in LDC Section 3.5.4: 1-4
Proposed LDC text amendment is **CONSISTENT** with Comprehensive Plan (Objective 1, FLUE)
Staff Recommends **APPROVAL**:

Correspondence

Staff has not received any correspondence regarding this proposed LDC text amendment.

P&Z Recommendation

Planning and Zoning Commission recommends **APPROVAL** (Hearing 4/1/26)

Thank you



Business Impact Estimate

Proposed ordinance's title/reference: **ORDINANCE 17-26:**

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 5.2.1., GENERAL REQUIREMENTS, SET FORTH WITHIN ARTICLE 5, DEVELOPMENT STANDARDS, CHAPTER 2, ACCESSORY STRUCTURES; AMENDING SECTION 5.2.7., FENCES AND WALLS, SET FORTH WITHIN ARTICLE 5, DEVELOPMENT STANDARDS, CHAPTER 2, ACCESSORY STRUCTURES, REGARDING THE GENERAL REQUIREMENTS AND RESTRICTIONS ON FENCES AND WALLS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Cape Coral hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare):

The public purpose of this ordinance is to revise existing codified language involving fences and walls and add new language for emergency response, and applicability. The bulk of the revisions are to fix formatting errors, grammatical errors, duplications, and add specificity for a more streamline and uniform code section. These revisions will aid in interpretation and implementation of the standards and regulations of the code and assist in fast and consistent review.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Cape Coral, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

Non-Applicable. The proposed ordinance does not impact any businesses. The existing regulations are being maintained and streamlined.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

Not Applicable. No new charges or fees other than those already established within the Land Development Code.

(c) An estimate of the City of Cape Coral's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

Not Applicable. No new charges, fees, or associated costs other than those already established within, and associated with implementation of, the Land Development Code.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Non-Quantifiable. The proposed ordinance does not impact any businesses, as no new regulations are proposed which would impart any stricter requirements than those already contained in the existing code.

4. Additional information the governing body deems useful (if any):

None