

Planning Division Staff Report

Ordinance 62-26

Review Date: October 14, 2026

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Approved by: Amy Yearsley, Planning Division Manager

Recommendation: Approval

Request: Amend the Use Table in Section 4.1.6. of the Land Development Code (LDC), to allow heavy vehicle, sales and rental uses in the Commercial (C) District as a special exception use. Amend Article 5 of the LDC by adding a new subsection (5.12.4.) that establishes special regulations for heavy vehicle, sales and rental uses in the C District.

Positive aspects of the amendment	<i>Provides owners of C-zoned sites with more development options by adding a new use to the Use Table.</i> <i>Eliminates legal, nonconforming use for a small number of sites in the C District that were approved for a similar use (rental establishment, group 3 use) prior to the adoption of the LDC in 2019.</i>
Negative aspects of the amendment	<i>This use can create compatibility issues with nearby residential sites due to noise, headlight intrusion, and negative site aesthetics.</i>
Mitigating factors	<i>The amendment establishes special regulations and allows the Hearing Examiner to impose conditions to mitigate negative aspects of this use on surrounding sites.</i>

BACKGROUND

The LDC allows two vehicle rental uses; 1) light vehicle, rental uses and 2) heavy vehicle, sales and rental uses. Light vehicle rentals include all automotive vehicles with a gross vehicle weight rating of 10,000 pounds or less. Heavy vehicle, sales and rental uses include all vehicles with a gross vehicle weight rating that exceeds 10,000 pounds. Gross vehicle weight rating is defined as the maximum total safe operating weight of a vehicle, established by the manufacturer, including the curb weight (the empty weight of a vehicle) plus fuel, fluids, passengers, and cargo. This value appears on the vehicle's Safety Compliance Certification Label that is displayed on the driver's side door frame.

Light vehicle rental uses are allowed in the C, Commercial Corridor (CC), and Neighborhood Commercial (NC) Districts. This use is also allowed in the South Cape (SC) District on sites with frontage along secondary and local streets. In contrast, heavy vehicle, sales and rental uses are allowed only in the Industrial (I) and the CC Districts.

Prior to the adoption of the LDC in 2019, the City established a rental establishment, group 3 use for the leasing of passenger cars, small vans or trucks, and recreation vehicles. This use allowed the rental of vehicles of all sizes as this use made no distinctions based on vehicle weight. This former use was allowed

as a permitted use in the Industrial, CC, and in the High-Intensity Commercial-Industrial Districts.¹ This use was also allowed as a permitted use in the Commerce Park Overlay and was allowed as a special exception use in the Pedestrian Commercial (C-1) District.

This LDC amendment would amend the use table to allow rental vehicles of all sizes and weights on properties with C zoning. The heavy vehicle, sales and rental use would be allowed as a special exception, identical to how a similar use was classified under the former Land Use and Development Regulations. One difference under this proposed amendment is that this use would also be subject to special regulations when proposed for sites with C zoning.

At the September 2, 2026, City Council Meeting, staff were directed to draft regulations for allowing heavy vehicle, sales and rental uses in the C District and to bring these regulations forward for future Council consideration.

PURPOSE OF THE AMENDMENT

This amendment will add a new use to the C District and therefore provide an additional development option that did not previously exist under the LDC. Subject to the proposed regulations, owners with existing heavy vehicle, sales and rental uses will also be able to expand their operations should they choose to do so. The adoption of special regulations and the treatment of this use as a special exception will serve to ensure that appropriate safeguards are in place to ameliorate negative impacts from these rental businesses on surrounding properties.

ANALYSIS OF PROPOSED CHANGES

The proposed LDC amendment provides several benefits that are summarized below.

- Increase options. The amendment will increase development options for owners by allowing a new use in the C District.
- Allow existing businesses to expand. Subject to the special regulations proposed for this use, this amendment will allow businesses with vehicle rental establishments approved in the C District prior to 2019 to expand in the future.
- Promote orderly development. Special regulations proposed for this use in the C District that include minimum site depth, driveway placement, and parking lot design will contribute to sites that are well designed, organized, and maintained.
- Allow site-specific safeguards. The classification of this use as a special exception will allow the Hearing Examiner to impose conditions on the design and operation of this use when appropriate.

COMPREHENSIVE PLAN ANALYSIS

The amendment is consistent with several policies appearing in the Future Land Use Element.

¹ The use required a minimum land area of 45,000 sq. ft. in the Commercial Corridor District.

Future Land Use Element

Policy 1.15.c. *Commercial/Professional: Intensities of use in the Commercial/Professional (CP) land use classification shall not exceed a floor to lot area ratio (FAR) of 1.0. Zoning districts compatible with this classification may also be used in conjunction with the Mixed Use (MX) future land use classification. When used in conjunction with the MX classification, densities, intensities and other parameters, as described for these districts may differ from those described for the CP classification. Permitted uses will ultimately depend upon the zoning district of the subject parcel. Generally, two zoning districts are consistent with the CP future land use classification, identified below. However, the City may develop additional zoning districts, compatible with the CP future land use classification, in the future...*

The Commercial (C) District is designed to facilitate a broad variety of large or small commercial uses. Uses allowed in the C District range from a variety of small or neighborhood-based commercial uses to larger retail or service uses, which may serve a relatively large trade area and, which may be developed as major shopping facilities. As many commercial uses have the potential to generate relatively high levels of vehicular trips from customers and sometimes delivery vehicles, preferred locations for the C District have direct access onto arterial or collector roads and adequate depth (a minimum of 250 feet) for larger-scale development.

In certain locations, fragmented ownership of relatively small properties, or other factors, may preclude the creation of larger properties with access to a collector or arterial roadway. Under such circumstances, it may be appropriate for the C Zoning District to place additional limits on the intensities of commercial development on these properties. It may also be appropriate, under certain circumstances, to place restrictions on some commercial uses, such as those with high trip generation rates, adverse aesthetic attributes, and generation of disturbing noises or odors. Factors to consider when establishing such limits on intensities or uses include the following: the depth of the property, whether the property is adjacent to a waterway, whether the property is adjacent to or proximate to future land use classifications or zoning districts that allow residential uses, or the functional classification of street(s) available for street access. The placement of limitations upon the types and intensities of uses allowed within the C Zoning District, in accordance with the factors described above, is intended to reduce conflicts between the C District and adjacent or nearby residential zoning districts...

Staff analysis: *Consistent with Policy 1.15.c., the proposed regulations will require sites with the subject use to have a minimum depth of 250 feet. Access from a local street will also be prohibited when driveway access is available to the site from a major street. Both provisions are intended to reduce conflicts between sites with a heavy vehicle, sales and rental use and nearby residential sites. Based on site-specific factors and the project design, other restrictions, when warranted, may be imposed by the Hearing Examiner to provide added protection for the surrounding community.*

Policy 1.17: *Land development regulations, whether adopted or revised subsequent to the adoption of this plan, will address buffering and open space requirements, and will protect existing residential land uses from incompatible land uses.*

Policy 8.3: *Commercial developments shall be designed to minimize negative impacts on surrounding residential uses and the land development regulations shall provide for adequate buffering between commercial and residential uses. The design should ensure adequate screening of unsightly views of commercial developments (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas, and exterior storage) through the extensive use of landscaping, berms, fencing, concealment, architectural features, open space, setbacks, and building orientation. Ensure that the*

placement of any noise generating activities such as ingress/egress, parking, deliveries, air conditioning equipment, and dumpster collections are designed to minimize any adverse noise effects. Traffic and parking should not adversely affect neighborhood quality. Noise, safety, and overall maintenance of commercial properties should be carefully monitored.

Staff analysis: Both Policies 1.17 and 8.3 acknowledge that commercial uses have the potential to negatively affect nearby residential uses. Strategies for ameliorating the impacts of commercial development on residential uses include using landscaping for buffering, screening with walls, and managing access to commercial sites. Building orientation and parking lot design can also be employed to minimize impacts on nearby residential sites.

RATIONALE FOR LDC TEXT AMENDMENTS

LDC, Section 3.5.4.A. states text amendments shall be considered for one or more of eight stated reasons. This LDC amendment is consistent with Reasons #6 and #7 below.

6. The amendment adds district uses that are consistent with the character of the current range of allowed uses.

Staff analysis. The Use Table in Article 4 of the LDC identifies several vehicle-related uses that are allowed in the C District that include: light vehicle, rental; vehicle repair, minor; vehicle fueling stations; and accessory parking lots. The heavy vehicle, sales and rental use share similar attributes with this list of uses and would be consistent with the current range of uses allowed in the C District.

7. The amendment results in providing compatible land uses in Cape Coral.

Staff analysis. With the adoption of special regulations for this use, combined with classifying this use as a special exception, this amendment will provide for compatible land uses between sites developed with the heavy vehicle sales and rental use and surrounding sites.

MANNER OF INITIATION. APPLICATION FOR AN LDC TEXT AMDMENT MAY BE INITIATED IN THE FOLOWING MANNER

LDC, Section 3.5.4.B. states that applications for an LDC text amendment may be initiated by the City Council, the Planning and Zoning Commission, or by the City Manager. This amendment was initiated by the City Council at the September 2, 2026, regular meeting.

REVIEW CRITERIA FOR PROPOSED LDC TEXT AMENDMENTS

LDC, Section 3.5.4.C. 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 amendment is consistent with three policies in the Future Land Use Element of the Comprehensive Plan as outlined earlier within this report.

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

Staff analysis. The amendment will add a vehicle-related use to the C District. This district already contains several vehicle-related uses so this amendment will result in the incorporation of a new, compatible use in the C District.

3. The amendment protects the health, safety, and welfare of the community.
Staff analysis. This criterion will be accomplished by adopting special regulations for this use and by classifying this use as a special exception. Special exception uses require a public hearing prior to approval and will allow the Hearing Examiner to impose reasonable conditions on the use to promote a compatible project with surrounding properties.
4. Other factors deemed appropriate by the Planning and Zoning Commission and City Council.
Staff analysis. While the City Council instructed staff to add the existing subject use to the C District, no additional guidance was provided.

RECOMMENDATION

The proposed amendment will add a new use to the C District, a heavy vehicle, sales and rental use. As this zoning district allows several other vehicle-related uses, the subject use should be compatible with other uses in the C District. Special regulations are proposed for this use, and the subject use will be classified as a special exception in the C District. These two tools will be critical for ensuring this use is compatible with surrounding properties. The proposed amendment complies with Senate Bill 180 that prevents Florida local governments from amending Comprehensive Plans or Land Development Codes that are considered more “restrictive or burdensome.” On the contrary, this amendment provides property owners with C-zoned sites with greater flexibility than previously as this amendment adds a new use to the C District. Staff recommends **approval** of Ordinance 62-26.
