



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

For Internal Use Only

Case _____

Date _____

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

REZONING APPLICATION

NOTE TO APPLICANT: The completed application must be legible, and all items must be provided at the time of submission.

REZONING REQUIREMENTS

1. **Applicant's portion of request shall be typewritten, and signature notarized.**
 - All forms (Application, Acknowledgement Form, Authorization to Represent) must be signed by the property owner or the applicant. If the Authorized Representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney and an Authorization to Represent Form is not required.
 - If there are any deed restrictions on the property, a copy of the restrictions will be required.
2. **Letter of intent stating the actual request and why the request is being made.**
3. **Certified survey done within past six (6) months MAY be required.**
4. **If the subject property is within 500 feet of any County properties, the applicant must provide a typewritten list of all affected property owners within the area. The list must be prepared in label format and contain the following information; name, address, city, and zip-code.**
5. **Please refer to Rezones Section 3.4.6. (page 7) for additional required documentation.**

NOTE: In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 3.4.6.). Advertising costs will be billed and must be paid prior to hearing.

Following the approval of your request, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

It is required that applicant and/or representative attend both the hearing examiner and city council meetings.



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REZONE REQUEST

FEE \$2,050.00 first 3 acres plus \$220.00 each additional acre over 3 up to 20 acres; \$22.00 per acre over the first 20 acres. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 3.4.6). Advertising costs will be billed and must be paid prior to hearing.

PROPERTY INFORMATION	
Location/Address	1620 SE 46th St, Cape Coral, FL 33904
Strap Number	07-45-24-C3-00350.0090 Unit 7 Block 350 Lot (s) 9-11
Plat Book	12 Page 114 Future Land Use DM
Current Zoning	RML Proposed Zoning SC
PROPERTY OWNER (S) INFORMATION	
Owner	BPMP CONSULTING INC PENSION Address 1708 BEACH PKWY APT 202
Phone	2393405547 City Cape Coral
Email	State FL Zip 33914
Owner	Address
Phone	City
Email	State Zip
APPLICANT INFORMATION (If different from owner)	
Applicant	Address
Phone	City
Email	State Zip
AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)	
Representative	Scott J. Hertz Address 2222 Second Street
Phone	239-791-7950 City Fort Myers
Email	shertz@lawdefined.com State FL Zip 33901



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If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

(ALL SIGNATURE MUST BE NOTARIZED)

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

BPMP CONSULTING INC PENSION TRUST
CORPORATION/COMPANY NAME (IF APPLICABLE)

Marjorie Powell as trustee
OWNER'S NAME (TYPE OR PRINT)

Marjorie Powell
OWNER'S SIGNATURE

OWNER'S NAME (TYPE OR PRINT)

OWNER'S SIGNATURE

APPLICANT NAME (TYPE OR PRINT)

APPLICANT SIGNATURE

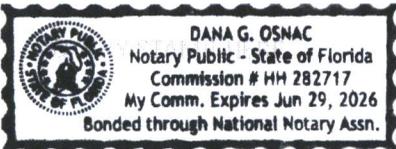
I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

STATE OF FL

COUNTY OF Lee

Sworn to (or affirmed) and subscribe before me, by means of physical presence or online notarization, this 19th day of December, 2025 by Marjorie Powell who is personally known to me or produced _____ as identification.

Exp Date: 6/29/2026 Commission Number: HH282717



Signature of notary Public: *Dana G. Osnac*

Printed Name of Notary Public: Dana G. Osnac



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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT Scott J. Hertz, Esq.
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST BEFORE THE HEARING EXAMINER AND CITY COUNCIL.

UNIT 7 BLOCK 350 LOT(S) 9-12 SUBDIVISION Cape Coral

OR LEGAL DESCRIPTION _____

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

Marjorie Powell, Trustee
PROPERTY OWNER (Please Print)

Marjorie Powell
PROPERTY OWNER (Signature & title)

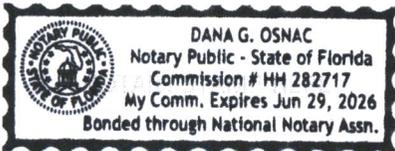
PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

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Signature of notary Public: Dana G. Osnac

Printed Name of Notary Public: Dana G. Osnac

Note: Please list all owners. If a corporation, please supply the City Planning Division with a copy of corporation papers.



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ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner and City Council.

I will have the opportunity at the hearing to present information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising and recording costs. All fees are to be submitted to the City of Cape Coral with the application.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the 19th Day of December, 2025.

BPMP CONSULTING INC PENSION
CORPORATION/COMPANY NAME

Marjorie Powell as Trustee
OWNER'S NAME (TYPE or PRINT)

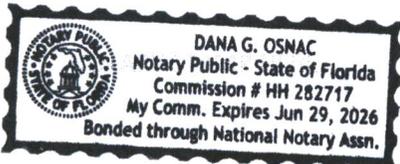
Marjorie Powell
OWNER'S SIGNATURE

STATE OF FL

COUNTY OF Lee

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Signature of notary Public: *Dana G. Osnac*

Printed Name of Notary Public: Dana G. Osnac



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DOCUMENTARY EVIDENCE (LDC, Section 3.1.11F.6)

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than three business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

Marjorie Powell as trustee
OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

Marjorie Powell
OWNER/APPLICANT SIGNATURE

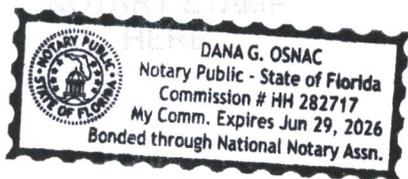
(SIGNATURE MUST BE NOTARIZED)

STATE OF FL

COUNTY OF Lee

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Exp Date: 6/29/2026 Commission Number: HH282717



Signature of Notary Public: *Dana G. Osnac*
Printed Name of Notary Public: Dana G. Osnac



REZONES REGULATIONS

A. Manner of Initiation. Applications for a change in zoning may be initiated in the following manner:

1. The City Council upon its own motion;
2. The Planning and Zoning Commission upon its own motion;
3. The property owner(s) of at least fifty-one percent of the land in the proposed rezone area;
4. The City Manager for a City initiated rezone; or
5. The Community Development Department, following approval of a similar use determination.

B. Review Criteria. An application for a rezone shall be reviewed in accordance with the following criteria:

1. Whether the proposed zoning district proposed is consistent with the City Comprehensive Plan;
2. Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;
3. Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration;
4. Whether the proposed zoning district will serve a community need or broader public purpose;
5. The characteristics of the proposed rezone area are suitable for the uses permitted in the proposed zoning district; and
6. Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area.

C. Effective date of approval. A rezone shall take effect upon City Council adoption of the ordinance approving the rezone.

D. New application after denial. No application for a rezone which has been previously denied by the City Council shall be accepted for at least one year after the date of denial. An application to rezone property to a designation that is different than the designation which was denied by the City Council, will be accepted and considered without consideration of time since the previous application was denied.



Aloia, Roland, Lubell & Morgan, PLLC
2222 Second Street
Fort Myers, FL 33901

Phone: (239) 791-7950
Facsimile: (239) 791-7951
shertz@lawdefined.com

December 19, 2025

Anthony Santora
City of Cape Coral
Planning Division
1015 Cultural Park Boulevard
Cape Coral, FL 33990
Email: mstruve@capecoral.net

VIA EMAIL ONLY

Re: Future Land Use Amendment Application – 1620 SE 46th
St, Cape Coral, FL 33904 – Marjorie Powell Trustee for
BPMP Consulting, Inc. Pension Plan and Trust

Dear Mr. Santora:

My client is applying to have the zoning for the above-referenced property changed from Residential Multifamily Low to South Cape Downtown District (SC). As you are aware, City Council recently changed the Future Land Use from Multifamily to Downtown Mixed on this parcel.

This rezoning technically only affects 1620 SE 46th St, Cape Coral, FL 33904. My clients also own the adjacent property at 1614 SE 46th St, Cape Coral, FL 33904, albeit in their capacity as trustees of a different trust, which is already zoned as SC with a future land use of Downtown Mixed. Both properties were given a grant by the CRA to demolish the single-family structures that were on them, and that demolition was completed and the demolition permits finalized. If the rezoning is approved, my clients intend to combine the two parcels for development. This would further Cape Coral's goal of increasing the amount of commercial and mixed development in the City and particularly in the CRA.

During the City Council hearing on the future land use, nearby residents opposed the change voicing concerns that a high-density project would be developed on the site. Although the theoretical maximum density would be 51 residential units, it is not possible to actually build that many residential units, along with the required parking, stormwater management, trash/recycling, fire service, and landscaping on the combined site. However, to alleviate those concerns my clients have prepared plans for the development they are proposing to build on the site, including the aforementioned adjacent parcel. The proposed development consists

Anthony Santora
Page 2
December 19, 2025

of four professional office units (1012 sq. ft. each) and parking, with individual garages on the first floor, and a total of twelve two-bedroom residential units on the second and third floors, with each unit having approximately 2200 sq. ft of living space. We have enclosed the preliminary plans with basic elevations and floor plan layouts, along with a survey, and the completed rezoning application. This type of upscale waterfront development is very much in character with the residential homes that are further down the street.

The resulting condition will mirror the zoning of the properties on the block across the street and will have a currently developed multifamily property adjacent to them on the East as a buffer to the single-family further down the street. This rezoning will foster the City's and the CRA's goals of encouraging mixed-use redevelopment in accordance with the CRA guidelines.

Rezoning the land as requested serves the public purpose and stated intent of the CRA for these properties to be redeveloped as mixed use properties and improve the City by enabling full development of these parcels, thus increasing the value of the land and taxable income to the City. This zoning would be consistent with the City's Comprehensive plan and compatible with the adjacent properties and those across 46th Street, which are already zoned SC with a future land use of DM. The characteristic of the property at issue matches those already zoned SC with a future land use of DM in the surrounding area, and as such is compatible with the existing uses in the area.

We have uploaded the requested documents set forth in the application packet and look forward to working with the City to accomplish this vacation.

Sincerely,

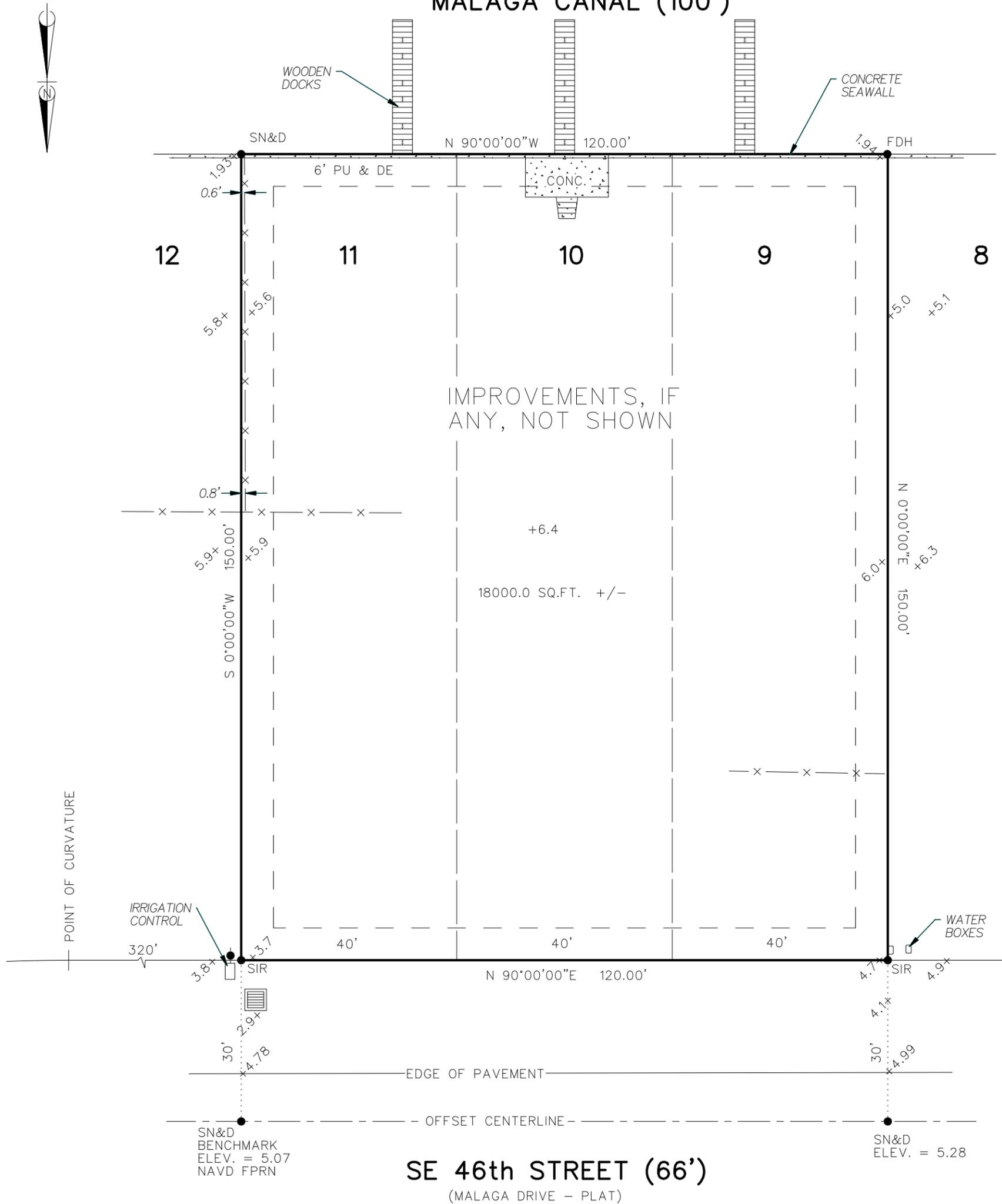
ALOIA ROLAND LUBELL & MORGAN, PLLC

A handwritten signature in black ink, appearing to read "Scott J. Hertz". The signature is written in a cursive, flowing style.

Scott J Hertz, Esq.
For the Firm

SJH/do

MALAGA CANAL (100')



SE 46th STREET (66')

(MALAGA DRIVE - PLAT)

BOUNDARY SURVEY

LOTS 31 & 32, BLOCK 2435
 CAPE CORAL, UNIT 34
 PLAT BOOK 16, PAGE 85
 LEE COUNTY, FLORIDA

CERTIFIED TO:
 POWELL CONSTRUCTION

COPYRIGHT 2024 - DAVIS SURVEYING, INC. THIS SURVEY MAY NOT BE REPRODUCED OR USED BY OTHER THAN THE CERTIFIED TO PARTIES ABOVE. NOT VALID FOR PERMITTING OR CONSTRUCTION WITHOUT WRITTEN CONTRACT WITH SURVEYOR.

SELLERS BEWARE: SIGNING A SURVEY AFFIDAVIT SHIFTS LIABILITY FROM THE SURVEYOR TO THE SELLER. ADDITIONALLY, A SELLER WHO PROVIDES AN UNAUTHORIZED COPY OF AN OLD SURVEY TO A BUYER COULD POSSIBLY BE SUED FOR COPYRIGHT INFRINGEMENT BY THE SURVEYOR. BUYERS BEWARE: A PRIOR SURVEY IS CERTIFIED TO THE SELLER, NOT THE BUYER. THE BUYER WOULD HAVE NO RECOURSE AGAINST THE SURVEYOR IF A SURVEY PROBLEM ARISES AFTER THE CLOSING.

PROPERTY ADDRESS PER LEEPA: 1620 SE 46th STREET, CAPE CORAL, FL 33904

BASIS FOR BEARINGS: SE 46th STREET - PLAT BEARING		SCALE: 0 20	SURVEY DATE: 6/20/2025
COMMUNITY NUMBER: 125095	MAP & PANEL NUMBER: 12071C0404	SUFFIX: G	DATE OF FIRM INDEX: 11/17/22
		FIRM ZONE: AE	BASE FLOOD ELEVATION: 8

LEGEND	
FIR = FOUND IRON ROD	+0.0 = EXISTING ELEVATION
FIP = FOUND IRON PIPE	■ = UTILITY RISER
FDH = FOUND DRILL HOLE	● = UTILITY POLE
FCM = FOUND CONCRETE MONUMENT	⊙ = FIRE HYDRANT
SIR = SET IRON ROD 1/2" LB#7075	☒ = CATCH BASIN
PUE = PUBLIC UTILITY EASEMENT	(P)=PLAT
PU & DE = PUBLIC UTILITY & DRAINAGE EASEMENT	(F)=FIELD
SN&D = SET NAIL & DISK LB #7075	(D)=DEED
PRM = PERMANENT REFERENCE MONUMENT	(C)=COMPUTED
FN&D = FOUND NAIL & DISK	—X— = WIRE FENCE
POB=POINT OF BEGINNING	—/— = VINYL FENCE
FE. COR.=FENCE CORNER	—□— = WOOD FENCE
CONC.=CONCRETE	
*=NOT FIELD MEASURED	
LME=LAKE MAINTENANCE EASEMENT	
DE=DRAINAGE EASEMENT	
GFE=GARAGE FLOOR ELEVATION	
	NAVD=NORTH AMERICAN VERTICAL DATUM OF 1988

THIS SURVEY IS HEREBY CERTIFIED CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES. NO UNDERGROUND STRUCTURES HAVE BEEN LOCATED BY THIS SURVEY. ANY REFERENCE TO UNDERGROUND STRUCTURES IF ANY IS APPROXIMATE. UNLESS OTHERWISE SHOWN ALL FIELD MEASURED DIRECTIONS AND DISTANCES ARE IN SUBSTANTIAL AGREEMENT WITH THE DIRECTIONS & DISTANCES OF RECORD FOR THE PARCEL SURVEYED. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. NO ABSTRACT OF TITLE WAS PROVIDED. EASEMENTS SHOWN ARE FROM THE RECORD PLAT OR DEED ONLY. CONTRACTOR MUST VERIFY WITH CITY OR COUNTY THERE ARE NO OTHER EASEMENTS OR BUILDING SETBACK REQUIREMENTS BURDENING THE PROPERTY PRIOR TO PERMITTING AND CONSTRUCTION.

FLOOD ZONE SHOWN MUST BE VERIFIED WITH CITY OR COUNTY PRIOR TO PERMITTING OR CONSTRUCTION.

Eric Davis
 c=US, st=Florida, o=DAVIS SURVEYING, INC., sn=Davis, givenName=Eric, cn=Eric Davis,
 email=ERIC@DAVISLANDSU RVEYS.COM
 2025.06.24 12:47:11 -04'00'

6/21/25
 C.E. DAVIS, CERTIFICATE NO. 4839
 -OR- ERIC C. DAVIS, PSM # 5544
 LB #7075

DAVIS SURVEYING INC.
 WWW.DAVISLANDSURVEYS.COM

13 NICHOLAS PARKWAY WEST
 CAPE CORAL, FLORIDA 33991
 TEL(239)549-6454
 FAX(239)549-2548
 CONTACT@DAVISLANDSURVEYS.COM

JOB NUMBER:
25-0736



NORTH



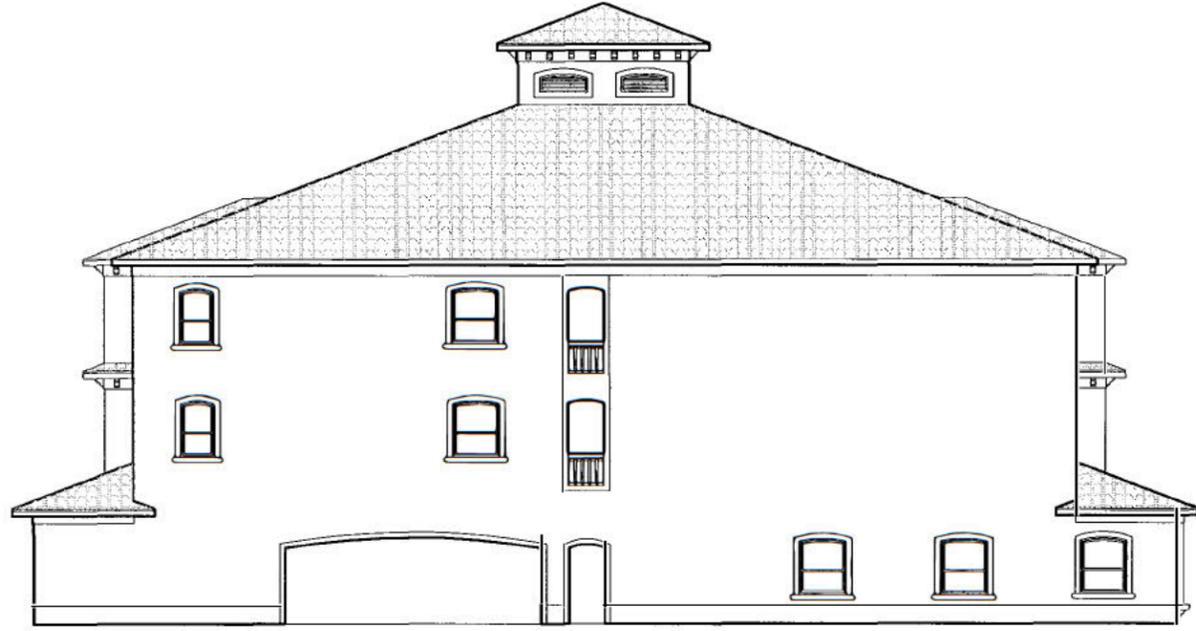
SOUTH

MIXED USE BUILDING
C.R.A.
CAPE CORAL, FLORIDA

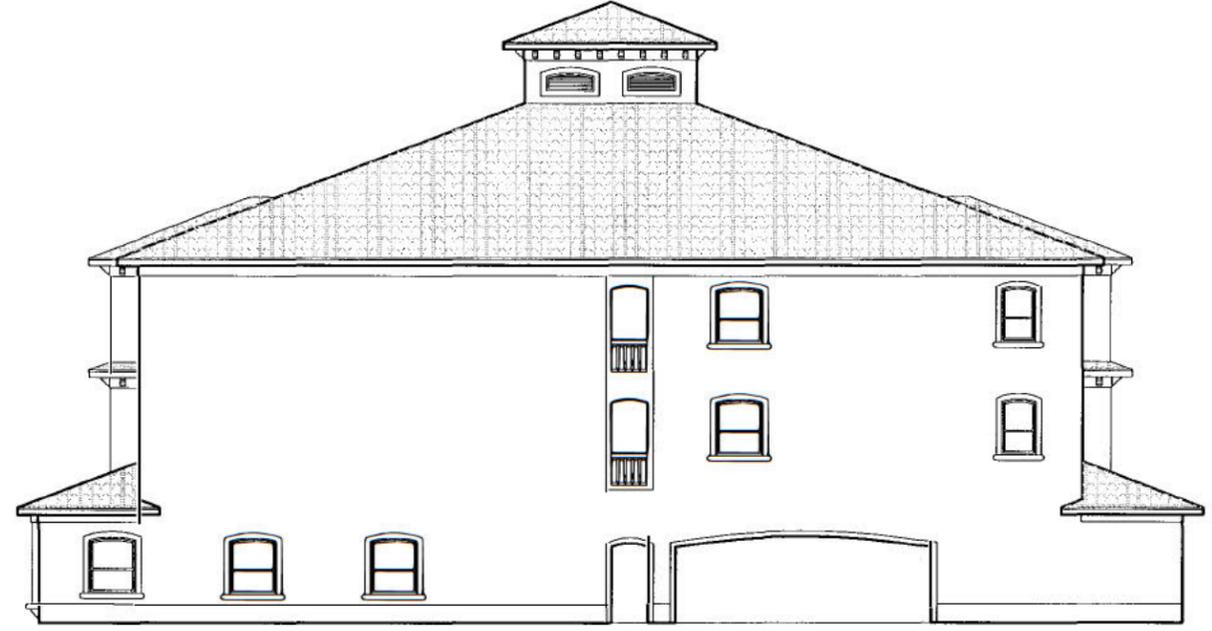
project no.

date
12/10/25
revised

sheet no
A4

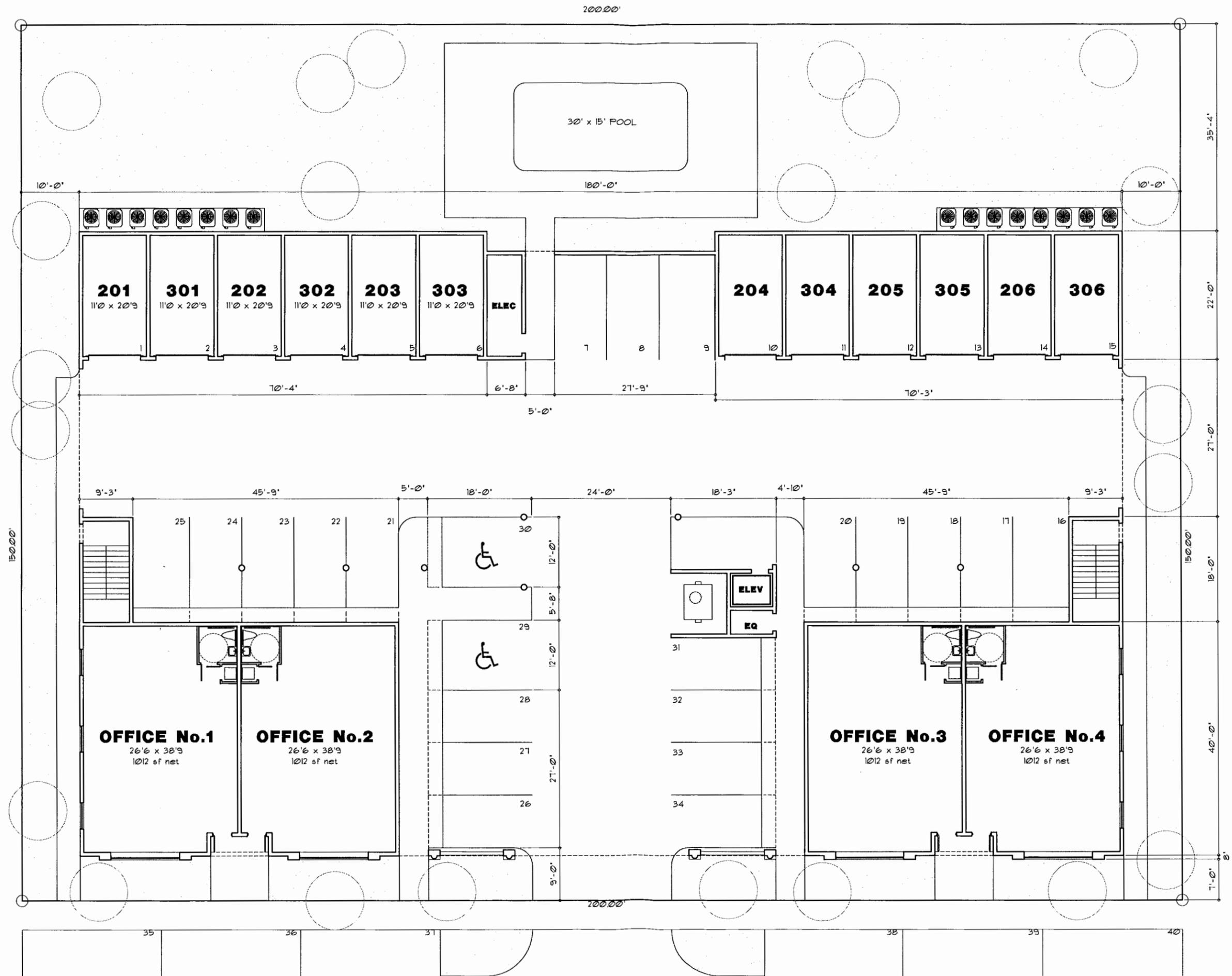


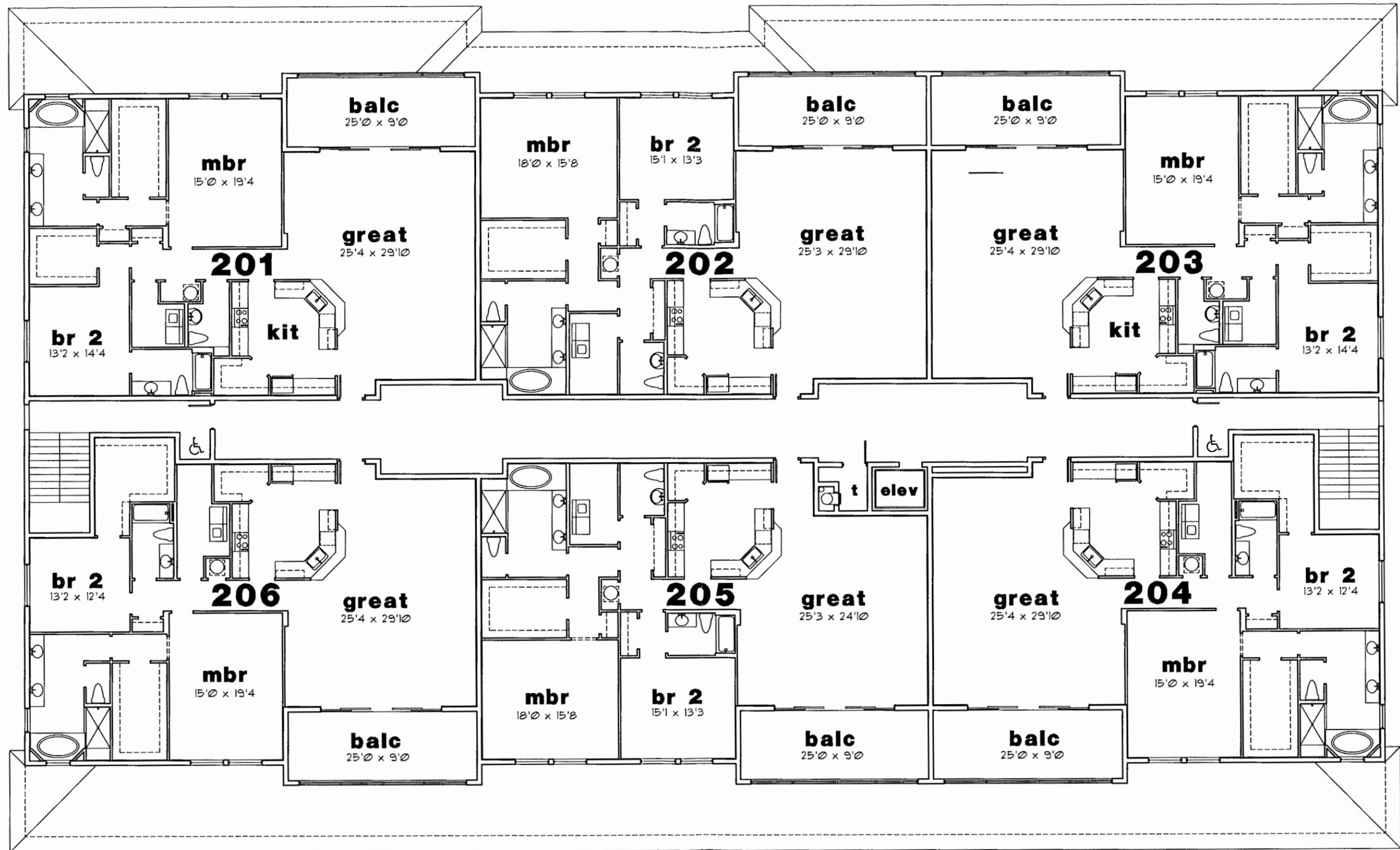
EAST
1/8" = 10'



WEST
1/8" = 10'

MIXED USE BUILDING
C.R.A.
CAPE CORAL, FLORIDA





2nd & 3rd FLOOR PLAN

1/8" = 1'0"

FLOOR AREAS (SF):	201	301	202	302	203	303	204	304	205	305	206	306	2nd FLOOR TOTALS	3rd FLOOR TOTALS
LIVING	2216	2216	2194	2194	2216	2216	2175	2175	2122	2122	2175	2175	13,098	13,098
TERRACE	246	246	246	246	246	246	246	246	246	246	246	246	1,476	1,476
GARAGE	262	254	254	254	254	262	262	254	254	254	254	262		
COMMON AREA													1,121	1,121
TOTAL	2724	2716	2694	2694	2716	2724	2683	2675	2622	2622	2675	2683	16,301 SF	16,301 SF



PLANNING DIVISION STAFF REPORT

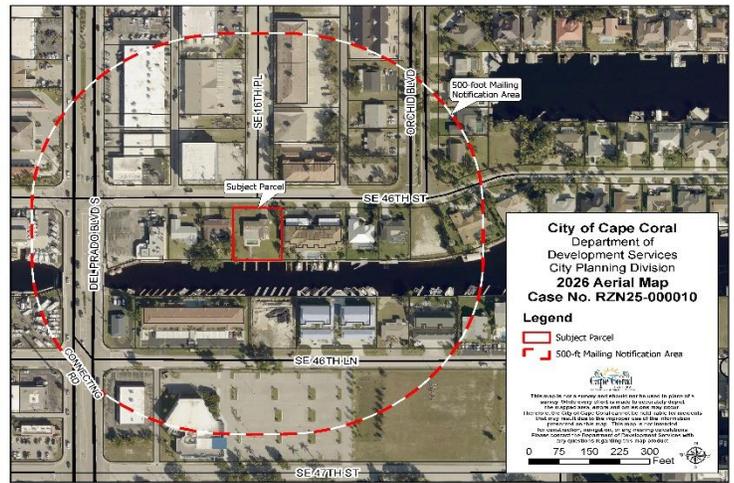
Case No.:	RZN25-000010	Prepared By:	Anthony Santora, Senior Planner
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Property Location:	1620 SE 46 th ST	<u>Applicant / Property Owner</u>	
<u>Authorized Representative</u>		Name:	BPMP Consulting, Inc. Pension Plan
Name:	Scott J. Hertz	Address:	1708 Beach Pkwy, #202 Cape Coral, FL. 33904
Address:	2222 Second Street, Fort Myers, Fl. 33901	Phone No.:	239-340-5547
Phone No.:	239-791-7950	Email:	N/A

SUMMARY OF REQUEST:

This is a privately initiated request for re-zoning.

The applicant has requested re-zoning from the current Residential Multi-Family Low (RML) zoning to a proposed South Cape (SC) zoning for (1) parcel totaling +/- 17,989 SF or 0.41 Acres.



MAP SOURCE: City of Cape Coral

Existing Land Use	Existing Zoning	Proposed Zoning	Site Improvements	Size of Property (+/-)
Downtown Mixed (DM)	Res. Multi-Family Low (RML)	South Cape (SC)	No (SF Dwelling)(Demo)	17,989 SF 0.41 Acres

STAFF RECOMMENDATION: | **Approval**

Conditions: | **None**

CASE OVERVIEW

Background:	<ul style="list-style-type: none"> The parcel was developed with a single-family dwelling which is demolished. FLUM was amended by Council on 11/19/2026 to DM, ORD57-25 (FLUM25-000006)
Positive Aspects of Application:	<ul style="list-style-type: none"> Will allow for Commercial and Mixed-Use Development
Negative Aspects of Application:	<ul style="list-style-type: none"> Potential development may increase traffic down SE 46th ST.
Mitigating Factors:	<ul style="list-style-type: none"> Property has a Storm Water easement on the east property line boundary. Rezoning will align zoning with adjacent owner parcel for future lot combine.



PLANNING DIVISION STAFF REPORT

SITE INFORMATION

Street Addresses: 1620 SE 46th ST, Cape Coral, FL. 33904

Urban Service Area: Infill

City Water & Sewer: City Water: Yes City Sewer: Yes Service Area: N/A

Right-of-Way Access: The site is accessible from SE 46th ST (a local roadway)

STRAP Number(s): 07-45-24-C3-00350.0090

Block / Lot(s): Block: 350 Lot(s): 9, 10, 11

Subdivision: N/A

Site Area: SQ. FT. (+/-): 17,989 Acres (+/-): 0.41

Case Planner: Anthony Santora, Senior Planner

Review Approved By: Wyatt Daltry, Planning Team Coordinator

FUTURE LAND USE AND ZONING INFORMATION

<i>Site:</i>	<i>Future Land Use</i>	<i>Zoning</i>
<i>Current:</i>	Downtown Mixed (DM) (ORD57-25)	Residential Multi-Family Low (RML)
<i>Proposed:</i>	N/A (No Change)	South Cape Downtown (SC)
<i>Surrounding Future Land Use</i>		<i>Surrounding Zoning</i>
<i>North:</i>	Downtown Mixed (DM) Multi-Family (MF)	South Cape Downtown (SC) Residential Multi-Family Low (RML)
<i>South:</i>	Downtown Mixed (DM) Multi-Family (MF)	South Cape Downtown (SC) Residential Multi-Family Low (RML)
<i>East:</i>	Multi-Family (MF) Single-Family Residential (SF)	Residential Multi-Family Low (RML) Single-Family Residential (R-1)
<i>West:</i>	Downtown Mixed (DM)	South Cape Downtown (SC)

PURPOSE OF REQUEST

The applicant has requested this rezoning to prepare the land for future development consistent with the Future Land Use classification. If approved, the property owner intends to combine the parcel with the adjacent parcel to the west, also owned by the applicant, and sell for future development.

FUTURE LAND USE AND ZONING HISTORY

Block 350, Lots 9-11: Cape Coral Sub.	F: MF (Original 1989); MF -> DM (ORD57-25) Z: R3 (Original); R3 -> RML (ORD4-19)
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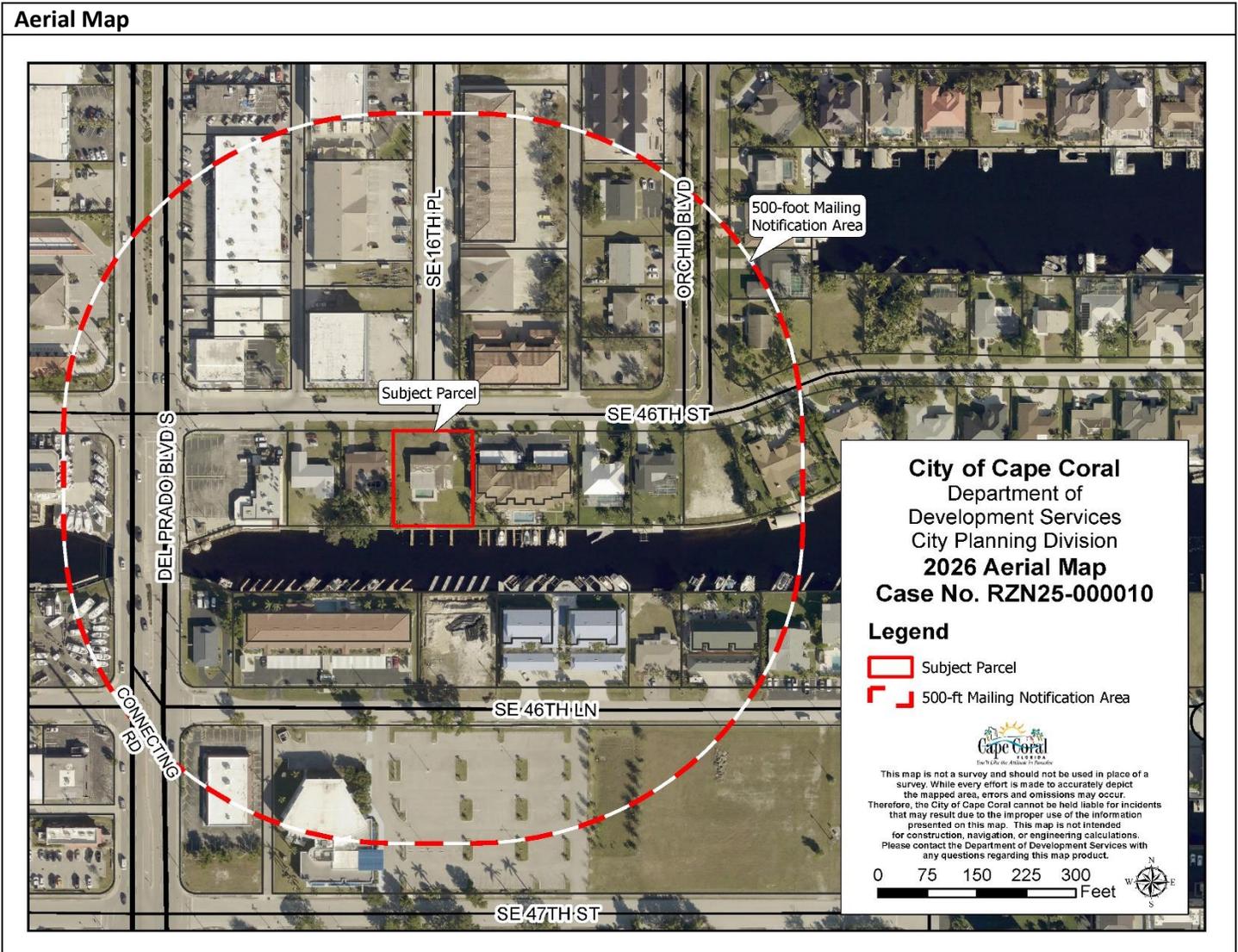
PLANNING DIVISION STAFF REPORT

BACKGROUND

This is an applicant-initiated request where the applicant represents the property owner of at least (51) fifty-one percent of the land in the proposed rezoned area. The property owner is seeking a rezone from Residential Multi-Family Low (RML) to South Cape Downtown (SC) to allow for the future development. These properties had the FLUM recently amended from MF to DM in 2025 through ORD57-25, a privately initiated Future Land Use Amendment.

The 0.41-acre site consists of a single owned parcel on the south side of SE 46th ST. The site is situated within a densely developed area within the CRA and was previously developed with a single-family dwelling which was demolished. Properties to the immediate east are residential being primarily multi-family dwellings, with a single-family neighborhood existing farther east. To the north and west there are existing commercial developments. The applicant has stated in their LOI that the intent is to rezone the property and combine the lot with an adjacent parcel to the west, which is owned by the applicant, and prepare the sites for future development.

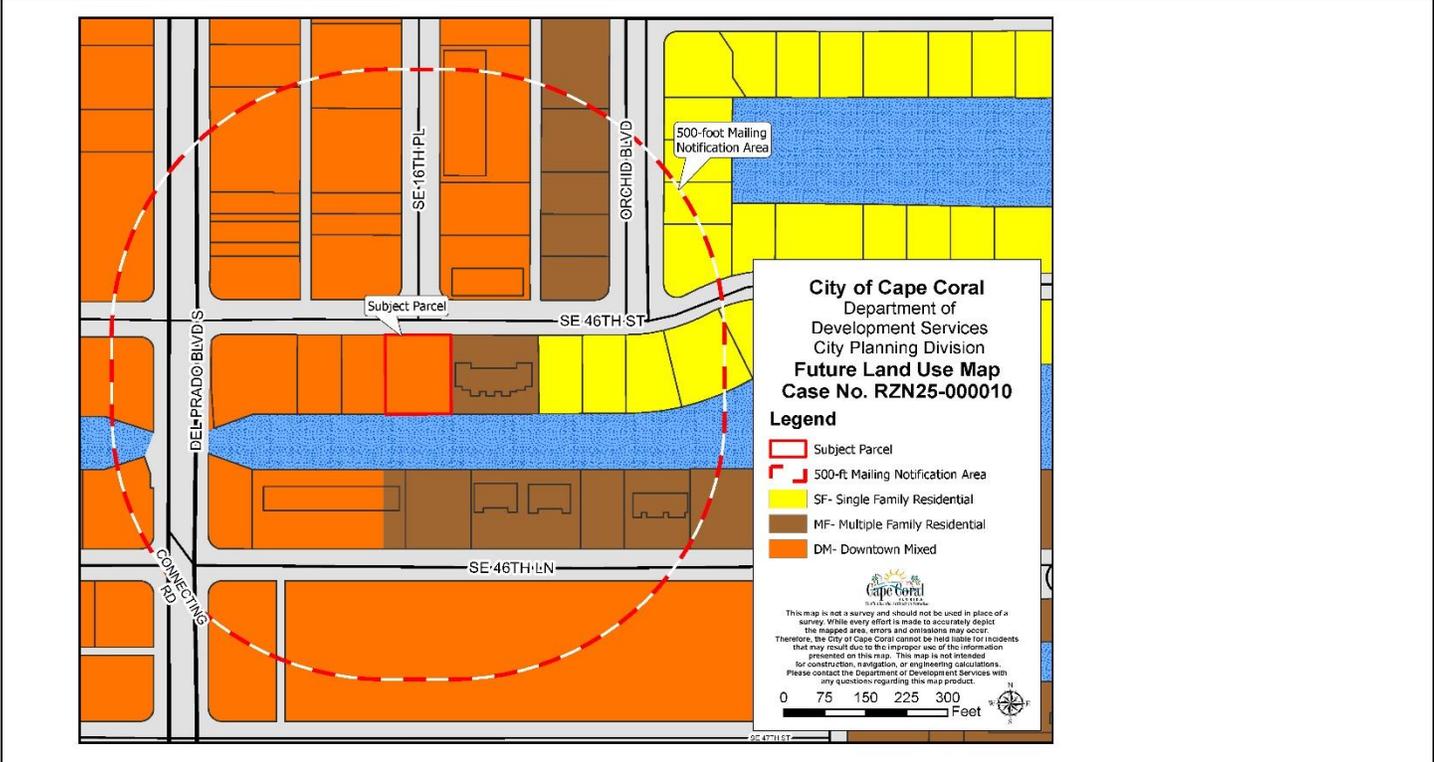
Aerial Map



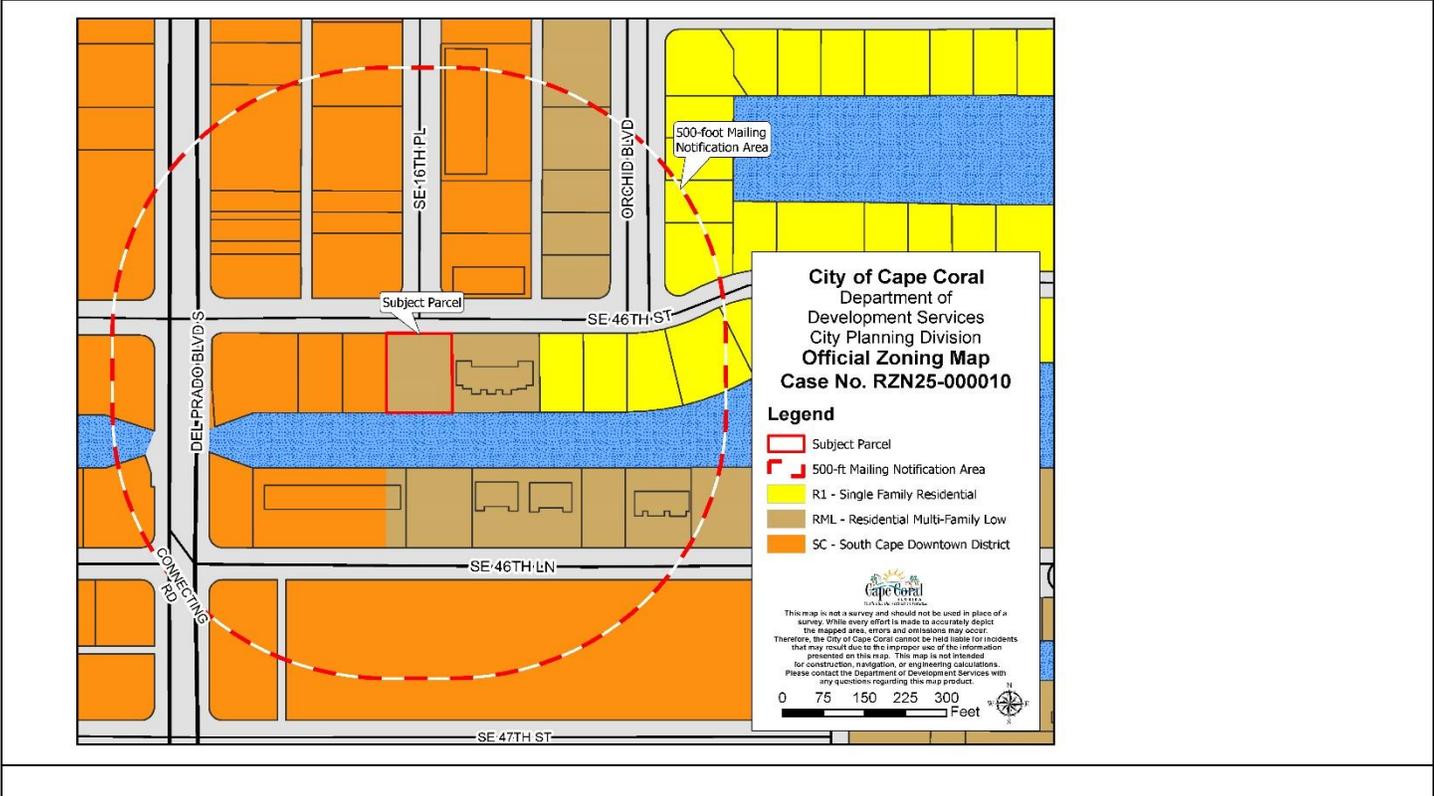


PLANNING DIVISION STAFF REPORT

Current Future Land Use Map



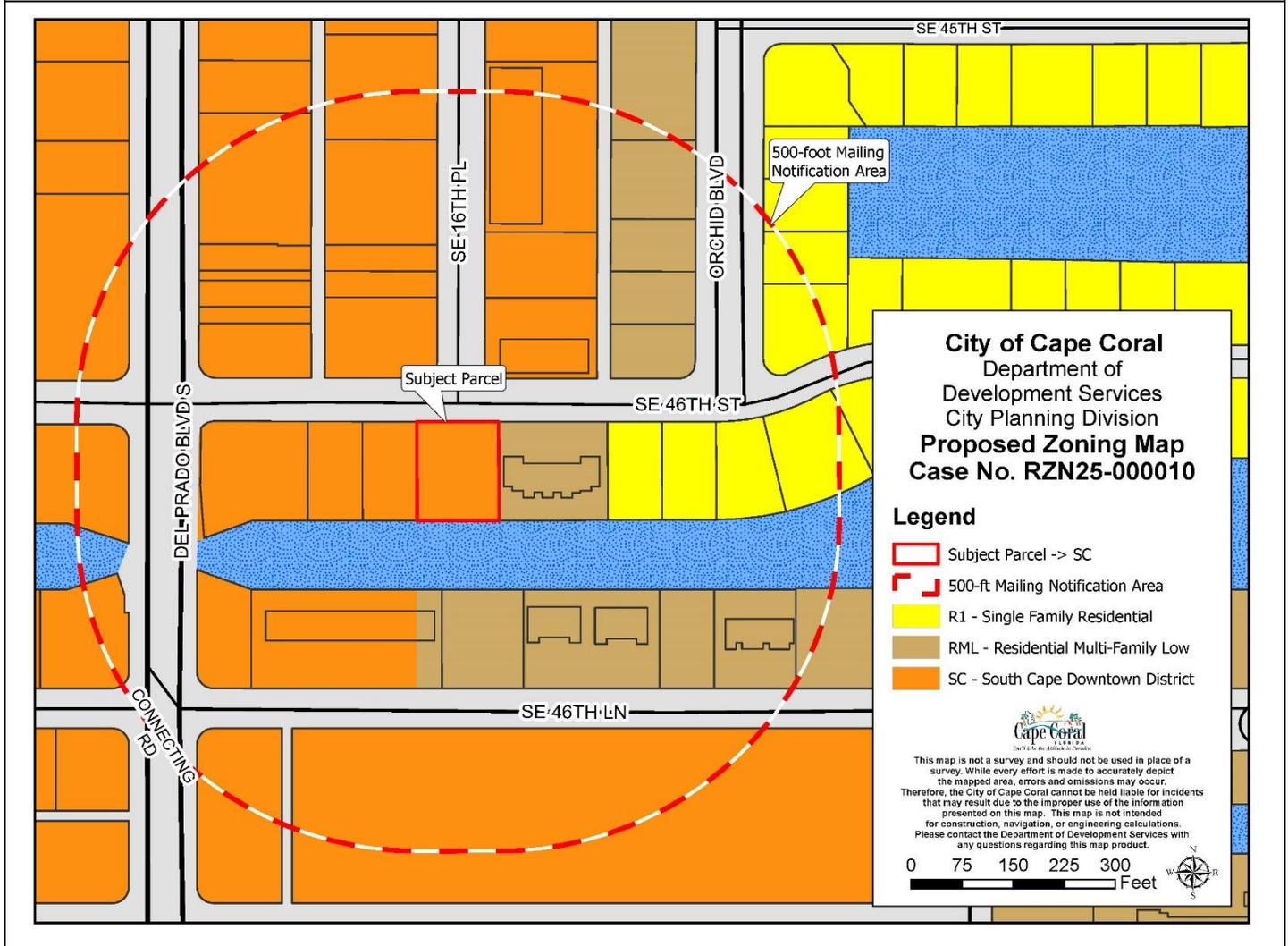
Current Zoning Map





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Proposed Zoning Map



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APPLICATION ANALYSIS

Land Development Code Analysis:

Staff reviewed this application based on the review criteria found in the City of Cape Coral Land Development Code, Section 3.4.6 for evaluating rezones. This application was also reviewed based on the provisions of the Residential Multi-Family Low (RML) district. Below will be found a breakdown of review criteria as well as an in-depth analysis of the proposed rezoning in based upon conformance with the criteria:

1. *Whether the proposed zoning district is consistent with the City Comprehensive Plan;*

Analysis: The proposed rezoning to the South Cape (SC) zoning district is consistent with the Downtown Mixed (DM) Future Land Use classification. Additionally, the proposed rezoning is consistent with multiple other goals and policies of the City Comprehensive Plan. Refer below for a breakdown of Comprehensive Plan compliance. Provided this, the proposed zoning district is consistent with the City of Cape Coral Comprehensive Plan.

2. *Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;*

Analysis: The area around the proposed rezoning is currently zoned SC to the north and west with RML and R-1 to the east and south. The surrounding area is heavily developed with a combination of commercial developments, multi-family developments and single-family dwellings. The existing developments are of low to mid-scale and are of typical construction, height, and design of the those found throughout the area. Likewise, the developments exhibit “of-the-time” characteristics of aesthetics.

The South Cape (SC) zoning district has specific density requirements, specific dimensional standards and architectural feature requirements as specified in Table 4.1.3.A, Table 4.1.3.B, Table 4.1.3.D and Section 4.2.15.C. The SC zoning district has no minimum lot size requirement and a generous FAR and overall height limitation, with a maximum FAR of 4 and a maximum height of 120.0’ or 10 stories. However, the height limitation is increased to a more restrictive 95.0’ or 6 stories for all buildings, or portions of buildings, within 200.0’ of a R-1 zoning district per Section 4.2.15.A.2. Residential densities may be developed at 125 dwelling units per acre and all dwelling units must meet specific minimum square footage depending on the number of bedrooms being developed. No single-family development is permitted within the SC zoning district. Permitted uses in the zoning district align with the identification standard set in LDC Section 4.1.2.C.6 which specifies:

(4.1.2.C.6) South Cape (SC). This district is to promote redevelopment and enhancement of the traditional commercial center of Cape Coral into a more compact and walkable form growth and to create a destination for residents and visitors. This district encourages mixed-use development. Existing commercial and professional buildings will be supplemented with entertainment activities and a wide diversity of housing types to create a vibrant work, live, shop, and play district that serves the entire city and region.

A full list of permissible uses for the district may be found in LDC Table 4.1.6 (Use Table) with allowable uses being determined based upon the street frontage of the site. Per Section 4.2.15.B the subject parcel is situated along a Secondary Street and permits a wide range of uses primarily geared towards



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Food and Beverage uses and Commercial and Professional Services . Supporting uses such as those identified as general places of assembly are permitted along with Public and Institutional uses. Uses within this district range from low scale, low density and low intensity to high density and high intensity, depending on the type and location.

When compared to the surrounding area, the uses permitted in the SC district are compatible with existing conditions. The area already contains a mix of commercial and residential uses similar in scale and function to those allowed in the SC district, and the district's standards are designed to ensure that new development complements rather than conflicts with the established urban fabric. Higher-intensity uses permitted within the SC district are appropriate in this location given the area's role as a commercial and activity center within the city as well as the existing development which compliments this purpose. Additionally, the district's architectural and design standards help ensure that new development will be visually compatible with surrounding structures, even where intensity increases. The presence of nearby multi-family uses also provides a natural transition between higher-intensity SC development and lower-intensity R-1 neighborhoods which exist to the east and south but do not directly abut the subject area. Given this, the full range of uses allowable within the South Cape (SC) zoning district will be compatible with the existing uses in the area under consideration.

3. *Whether the range of uses allowed in the proposed zoning district will be compatible with the existing and potential uses in the area under consideration;*

Analysis: As noted in the analysis of criteria 2, the compatibility of the proposed zoning district with existing uses has already been detailed; please refer to criteria 2 above for reference. Provided this, no further analysis is necessary on the compatibility of the existing and established uses with the requested zoning district. Attention may therefore be directed toward whether the full range of potential uses permitted within the South Cape (SC) zoning district aligns with the types of uses that may reasonably develop in the surrounding area over time.

As analyzed in criteria 2, the South Cape (SC) zoning district allows a broad spectrum of uses, including residential, commercial, entertainment, professional services, and public or institutional uses. These uses range from low-intensity neighborhood-serving activities to higher-intensity mixed-use and commercial developments. Furthermore, the district's purpose, as outlined in the Land Development Code, is to promote redevelopment and enhancement of Cape Coral's traditional commercial center into a compact, walkable, mixed-use environment. This vision anticipates a long-term shift toward higher density, increased activity, and a more urban development form with potential uses reflecting this.

The surrounding area contains the SC, RML, and R-1 zoning districts, which collectively support a wide and varied range of potential future uses. The proposed zoning district of SC would share the same zoning classification as other SC properties in the area, thereby being innately compatible as these properties would share the same, or extremely similar, permissible uses. Even where select use allowances may differ based off of the street designations, those use differences are not substantial enough to cause any incompatibility.

To continue, the SC zoning district is intended to serve as a catalyst for redevelopment, as identified previously, and to support a healthy and wholistic urban fabric. While the RML and R-1 districts are generally less dense and less intense, the SC district includes a broad range of residential, commercial,



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and service-oriented uses that can function effectively alongside lower-intensities. While these uses may be implemented in a denser pattern, or are more intensive by their nature, their inclusion in the urban fabric is necessary and impacts can be reduced when supported by appropriate transitions, such as land use buffering or enhanced lot and architectural standards. The SC district's eased lot regulations and enhanced architectural feature requirements contribute to this compatibility by ensuring that potential development occurs in a manner that is orderly, visually cohesive and minimizes negative impacts to the surrounding area, even where intensity increases.

The RML zoning district, which directly abuts the SC district in several locations, is identified by the City of Cape Coral Comprehensive Plan as a transitional or buffer district between higher-intensity mixed-use or commercial areas and lower-intensity single-family neighborhoods. Its allowance for multi-family residential development at moderate densities provides an appropriate step-down in intensity between the SC district and the R-1 district. This is especially relevant given that the R-1 district is not directly adjacent to the subject area but is instead separated by the RML district, which helps mitigate potential impacts and ensures a more gradual transition in use and scale.

The SC district's permitted uses—such as multi-family residential, small- to mid-scale commercial services, food and beverage establishments, and professional offices—are compatible with the types of uses that may reasonably develop within the RML district over time. These uses complement the RML district's residential focus while providing nearby access to services and amenities that support neighborhood-level needs. At the same time, the SC district's architectural and design requirements help ensure that new development maintains a high standard of appearance and contributes positively to the surrounding area, further supporting compatibility with adjacent residential districts.

Given the city's long-term vision for the South Cape, the potential uses permitted within the SC district are compatible with the future development patterns anticipated for the area. The district's flexibility allows for a wide range of uses that can integrate with and support the surrounding zoning districts, particularly as redevelopment continues to occur. The SC district is designed to accommodate the type of higher-intensity, mixed-use development that the city expects to emerge in this area, and its standards ensure that such development will be appropriately scaled and integrated into the broader urban fabric. Given these conditions, the proposed SC zoning district is compatible with the full range of potential uses permitted within the adjacent zoning districts.

4. *Whether the proposed zoning district will serve a community need or broader public purpose;*

Analysis: The proposed rezoning from RML to SC would enable a wide range of commercial, multi-family, and mixed-use development to be implemented on the site. The City has repeatedly identified commercial and integrated mixed-use development and uses critically needed—particularly within the South Cape area. Cape Coral has a well-documented shortage of commercially zoned land, with the vast majority of the City's land area dedicated to residential uses. This imbalance places a disproportionate burden on the residential tax base and limits opportunities for job creation, service provision, and economic diversification. Rezoning the subject property to SC directly addresses this deficiency by expanding the supply of land available for commercial and mixed-use activity in one of the City's most strategically important redevelopment districts.

The current RML zoning district restricts the property to primarily residential use, preventing it from providing a more robust contribution to the economic vitality envisioned for the South Cape. In



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contrast, the SC zoning district permits a wide range of commercial and mixed-use development types that activate the urban environment, generate employment, and increase taxable value. By allowing a larger and more diverse range of possible development on the site, the rezoning supports the City's long-term fiscal health and aligns with its adopted redevelopment goals.

Additionally, the applicant's intent to combine the subject parcel with the adjacent parcel to the west significantly enhances development / redevelopment feasibility. While each parcel is limited in size individually, their consolidation creates a more functional development site capable of supporting more meaningful commercial, multi-family, or mixed-use investment. This parcel assembly directly advances the City's objective of encouraging redevelopment through more efficient land use and coordinated site planning.

Given the City's shortage of commercial land, the strategic importance of the South Cape, and the enhanced redevelopment potential created by combining the parcels, the proposed SC zoning district provides a clear and substantial public benefit. It enables commercial and mixed-use development where it is most appropriate and most needed, strengthens the economic base of the district, and supports the City's broader planning and redevelopment objectives. Therefore, the proposed zoning district does serve a broader public purpose and would provide a general benefit to the local community and City.

5. *The characteristics of the proposed rezone area are suitable for the uses permitted in the proposed zoning district;*

Analysis: The subject parcel is situated with primary frontage SE 46th ST, which is a paved two-lane local roadway. The parcel is generally rectangular in nature and has a minimum lot area of approximately 18,000 SQ SF, being comprised of three typical pre-platted lots. The lot is also generally flat w/ minimal slope and minimal stormwater catch basins established along the north frontage (roadway). Heavy development exists to surrounding the site, and ranges in density and intestines. The general flatness, proportions, and layout of the subject parcels lend to the acceptable nature of the site to support uses permitted within the SC, South Cape zoning district. Furthermore, site dimension regulations contained in Section 4.2.15.D of the Land Development Code would not impact implementation of future uses as the sites are of typical dimensions and areas, similar to those found throughout the city, and on which permissible uses have been constructed. Any limitations presented by the dimensional standards can be designed around accordingly and would again not inhibit implementation of permissible uses on the site. Therefore, there does not exist impactful or detrimental site features which would inhibit development, or which would cause uses to be inconsistent with the characteristics of the site, and the characteristics of the proposed rezoning area are suitable for the uses permitted in the proposed zoning district.



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6. *Whether a zoning district other than the district requested will create fewer potential adverse impacts to the existing uses in the surrounding area.*

Analysis: Per Table 1 of Policy 1.15, three zoning districts are permissible within the DM Future Land Use classification: RML (E/O), SC, and MXB. MXB may be dismissed as a viable option because its applicability is geographically limited to the Bimini Basin area, which does not include the subject property. This leaves RML and SC as the only feasible zoning districts.

The subject property is currently zoned RML, which satisfies the “existing only” requirement of Policy 1.15. The RML district permits a narrower range of uses, primarily residential, and allows development at lower densities and intensities. By comparison, the SC district permits a broader mix of uses, including mixed-use, commercial, and higher-density residential. This allowance is consistent with the SC zoning districts role as an urban development district intended to support the South Cape’s economic and redevelopment objectives.

While it is true that the RML district, by virtue of its lower density and less intensive use profile, would generally be expected to produce fewer impacts, that distinction is negligible in this specific context. The surrounding area is already developed with a wide range of uses, including commercial and multi-family residential, being consistent with a higher-intensity urban development pattern. Additionally, the nearest single-family neighborhood is physically separated from the subject property by intervening development, buffering multi-family zoning districts and existing roadway networks, further reducing any potential for adverse impacts.

Given the existing urban character of the area, the separation from single-family uses, and the City’s stated intent for the South Cape to accommodate higher-intensity mixed-use and commercial activity, the SC district does not introduce impacts that are materially greater than those already present. Provided this, there is no other zoning district other than the one proposed would create fewer potential adverse impacts to the existing surrounding area.

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Comprehensive Plan Analysis:

Staff reviewed this application for compliance with Section 3.4.6(1) of the Land Development Code of the City of Cape Coral and for consistency with the Goals, Objectives, and Policies of the Comprehensive Plan. Below will be found an in-depth analysis of the proposed rezoning based upon the applicable Goals, Objectives and Polices:

Chapter 3, Housing Element Goal: To provide good quality housing in safe, clean neighborhoods, offering a broad choice of options in both type (single family and multi-family) and tenure (owner and renter occupied) to meet the needs of present and future residents of the city, regardless of age or income status.

Analysis: The proposed rezoning request will allow the creation of new housing within the city limits. However, unlike zoning districts that limit development to a single housing product, the SC zoning district permits a wide range of residential forms, including multi-family and mixed-use residential units, and at higher densities than other residential zoning districts. This expanded range of allowable residential uses and densities enables the creation of diverse housing opportunities that can serve present and future residents across varying age groups, household sizes, and income levels.

In contrast to zoning districts that yield only single-family housing, or multi-family districts which have lower densities, the SC district provides opportunities for multi-family and mixed-use residential development at scale that can address the city's evolving housing needs and enhance the urban fabric of the DM land use classification. This is particularly important given the city's existing predominance of single-family lots and the limited availability of areas where higher-density or alternative housing types may be developed by right. The SC district therefore plays a critical role in expanding the city's housing inventory beyond the traditional single-family model and in supporting a more balanced and inclusive housing supply.

Given that the SC zoning district supports a higher density multi-family residential use, supporting both ownership and rental opportunities, and enables the development of housing types not otherwise available in large portions of the city, the proposed rezoning is consistent with and supportive of the Goal of Chapter 3, Housing Element. The district's regulatory framework aligns with the city's objective of providing diverse, high-quality housing options capable of meeting the needs of current and future residents.

Chapter 4, Future Land Use Element, Policy 1.6: The City will continue to promote healthy communities and a diverse housing stock so that all persons may have an opportunity to reside in this community. To accomplish this goal, the City supports efforts to balance single-family and multi-family residential stock.

Analysis: The proposed rezoning to the South Cape (SC) zoning district will allow for the creation of new multi-family and mixed-use residential opportunities within the city. These housing types directly contribute to diversifying the city's overall housing stock by permitting a range of multi-family residential, in either stand alone or mixed-use forms. These multi-family products can serve both owner-occupied and renter-occupied households, thereby expanding options for residents of varying ages, incomes, and household needs.

While the SC zoning district does prohibit single-family dwellings, as well as other smaller less intensive forms of residential, the provision of multi-family residential would help to balance the overabundance



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of existing Single-family housing found throughout the city, where an estimated 80% of all residential units are single-family¹. Likewise, the higher density multi-family residential development pattern would be more consistent with the defined objective for the Downtown Mixed Land Use, which is for a vibrant, walkable, urban core. The SC zoning district’s emphasis on multi-family and mixed-use residential development supports the City’s goal of achieving a healthier balance between single-family and multi-family housing as well as supporting a consistent development/redevelopment pattern for the area. Therefore, the proposed rezoning request is consistent with Policy 1.6 of Chapter 4 of the Future Land Use Element.

Chapter 4, Future Land Use Element, Policy 1.15: Land development regulations adopted to implement this comprehensive plan will be based on, and will be consistent with, the standards for uses and densities/intensities as described in the following future land use classifications. Table 1 shows the zoning district which are consistent with and implement the respective future land use map classifications. In no case shall maximum densities allowable by the following classifications conflict with Policy 4.3.3 of the Conservation and Coastal Management Element regulating density of development within the Coastal High Hazard Area.

Table 1:

Future Land Use	Consistent Zoning Districts
Single-Family (SF)	R-1, RE
Single-Family and Multi-Family (SM)	A (E/O) R-1, RML, RMM, RE
Multi-Family (MF)	RML, RMM
Low Density Residential (LDR)	A (E/O), RE,
Commercial / Professional (CP)	C, P, NC, BSOD
Mixed Use (MX)	All except MXB
Downtown Mixed (DM)	RML (E/O), SC, MXB
Pine Island Road District (PIRD)	CC
Commercial Activity Center (CAC)	NC, BSOD
Light Industrial (I)	I
Natural Resources/Preservation (PRES)	PV
Public Facilities (PF)	ALL except A
Parks and Recreation (PK)	ALL except MX7 and MXB
Open Space (OS)	All except A
Burnt Store Road District (BURST)	BSC
Mixed Use Ten (MUX)	Planned Unit Development (PUD)-only

- k. Downtown Mixed: Intended primarily for the Downtown Community Redevelopment Area, to provide a vibrant, walkable, mixed-use district in the historical heart of Cape Coral, mixed-use projects containing commercial and professional uses in conjunction with multi-family housing opportunities where practical and feasible are encouraged. To this end, commercial/professional uses may develop at a maximum Floor Area ration of four (4) with an average area-wide FAR of two and twenty-three one hundredths (2.23) with commercial/professional uses developed at a ratio of sixty-five (65) percent

¹ Comparative Housing Characteristics, 2020: ACS 5-Year Estimates Comparison Profiles; United States Census Bureau.



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commercial and thirty-five (35) percent professional, on an area-wide basis. Residential development may develop at a density of one hundred twenty-five (125) dwelling units per acre, not to exceed an aggregate of eleven thousand one hundred forty-six (11,146) dwelling units. In order to maintain these development limits, the City shall track residential and non-residential development within this future land use map classification.

No further residential development will be permitted in this future land use classification should dwelling unit limits be reached. If the average area-wide FAR of two and twenty-three hundredths (2.23) is reached, the City will permit only that nonresidential development with a FAR of 2.23 or below. Development at these intensities and densities are contingent on availability of centralized city utility services and transportation network at sufficient capacities to accommodate the development at the appropriate level of service, the availability of sufficient and convenient parking to service the project, the availability of multimodal transportation opportunities, and compatibility with adjacent existing and future land use. Special zoning designations may be established to implement this future land use classification, designed to result in a compact urban form.

Zoning districts consistent with the Downtown Mixed future land use map classification are the South Cape Downtown District and the Mixed-Use Bimini Basin zoning district.

Analysis: The proposed rezoning request to the SC zoning district would be permissible per Table 1.15, where SC is listed as a viable zoning district within the DM (Downtown Mixed) land use classification. This zoning district would permit by right development which would have a maximum density and uses permitted which are aligned with the intended district regulations. The site may be developed as a single property, or in concert with directly abutting properties to the west, allowing for larger developments of scale. While multi-family residential uses are permitted in the DM classification, there exists a cap which limits the number of residential uses which may develop. Development of residential uses must comply with this cap limitation. Provided this, the Proposed Future Land Use designation of Downtown Mixed (DM) complies with Policy 1.15 of Chapter 4, Future Land Use Element.

Chapter 4, Future Land Use Element, Policy 2.1: The City shall encourage commercial development where it can efficiently use infrastructure, where their adverse impacts on adjacent uses are minimized and where they will effectively provide the community with desired products, services, and employment opportunities.

Analysis: The proposed property has access to all existing city utilities, including water, sewer, and irrigation. The site may be so designed as to make adequate connections to these facilities with minimal impact on the service quality to the surrounding area, or the city systems as a whole. As discussed in the analysis of Object 2 of Chapter 4 conducted in FLUM25-000006, the site would allow for more commercial development, either as stand-alone or as mixed use, which is unobtrusive to the surrounding neighborhood and which would provide both good, services and future job opportunities when constructed. Provided this, the proposed rezoning request to SC complies with Policy 2.1 of Chapter 4, Future Land Use Element.



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Chapter 4, Future Land Use Element, Policy 16.7: Land use intensities and densities within the Downtown TCEA shall be consistent with the goals objectives and policies of the City's Comprehensive Plan. In particular, Policy 1.15 (k) of this element, describing the Downtown Mixed Future Land Use Classification, defines the allowable intensities and densities within the Downtown TCEA.

Analysis: As highlighted in the analysis of Policy 1.15 (refer above), the by-right development permitted by the land development code is consistent with the requirements of Policy 1.15(k). Additionally, where other specific requirements of Policy 1.15(k) require residential unit capping, or reduced FAR, the City shall enforce such limitations as specified. Provided this, the proposed rezoning request to SC complies with Policy 2.1 of Chapter 4, Future Land Use Element.

Impact Analysis:

Police & Fire Impacts:

Fire: Property is served by Fire Station #1. If the property is developed as a single individual parcel the impact to Fire Service would be limited. However, until a final project plan is determined, and due to the possibility of lot consolidation for larger developments, it is not possible to estimate a specific call volume or impact to Fire Service at this time.²

Police: Property is served by Police Patrol Area Southeast, Zone 1. Proposed request is expected to generate a 1% increase to recorded calls for service in Southeast-Zone 1 and 1% or less citywide. **Minor impact** to service demands anticipated. Impacts may be increased in the future, depending on property type and development type.³

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² Fire Impact determined through FLUM25-000006 analysis on 9/16/2025.

³ Police Impact determined through FLUM25-000006 analysis on 9/22/2025.



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Conclusion:

Given the analysis conducted in regard to the requested re-zoning application, the proposed re-zoning application seeking to change the zoning designation of a parcel from the Residential Multi-Family Low (RML) district to the South Cape (SC) district is consistent with the purpose and requirements for amending zonings as well as the guidelines and policies of the Comprehensive Plan. The proposed re-zoning request would be minimally intrusive to the surrounding neighborhood and provide more commercially viable property for the area and city with any minimal adverse impacts having the ability to be mitigated through standard construction practices and requirements. The re-zoning request would not be a detriment on the overall health, safety and welfare of the community and a net positive impact overall on the City.

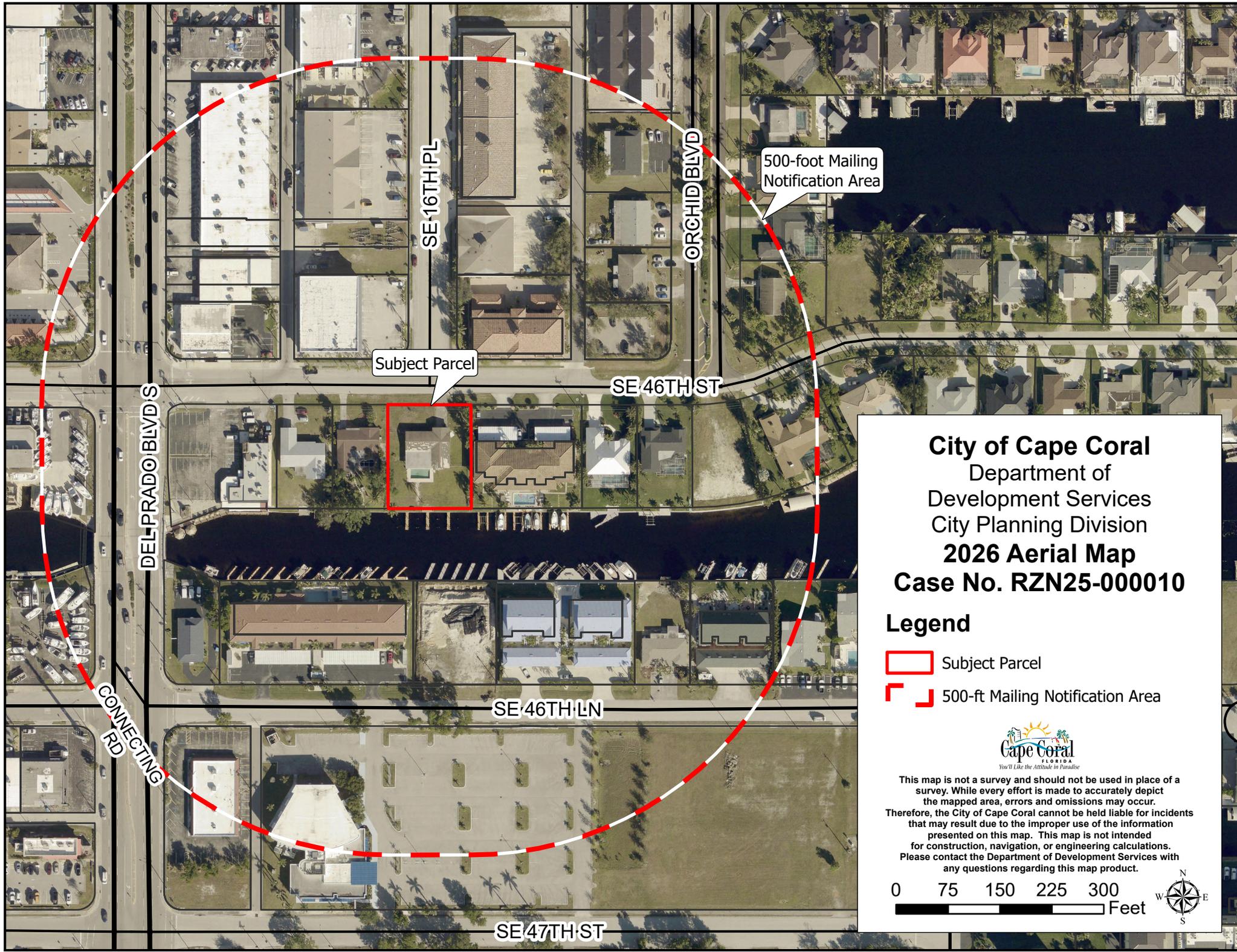
Therefore, it is the recommendation of staff that the proposed re-zoning application request be approved.

RECOMMENDATION

Planning staff has reviewed this request in accordance with Section 3.4.6 of the Land Development Code of the City of Cape Coral as well as the City of Cape Coral Comprehensive Plan. Through analysis of the proposed request and analysis of compliance with applicable criteria the Planning Division staff recommends **APPROVAL** of the rezone request.

Staff Contact Information

Anthony Santora, Senior Planner
Department of Community Development
Planning Division
Phone: (239) 573-3125
Email: asantora@capecoral.gov



Subject Parcel

500-foot Mailing Notification Area

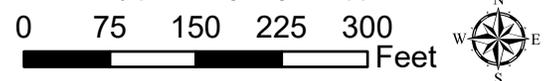
City of Cape Coral
Department of
Development Services
City Planning Division
2026 Aerial Map
Case No. RZN25-000010

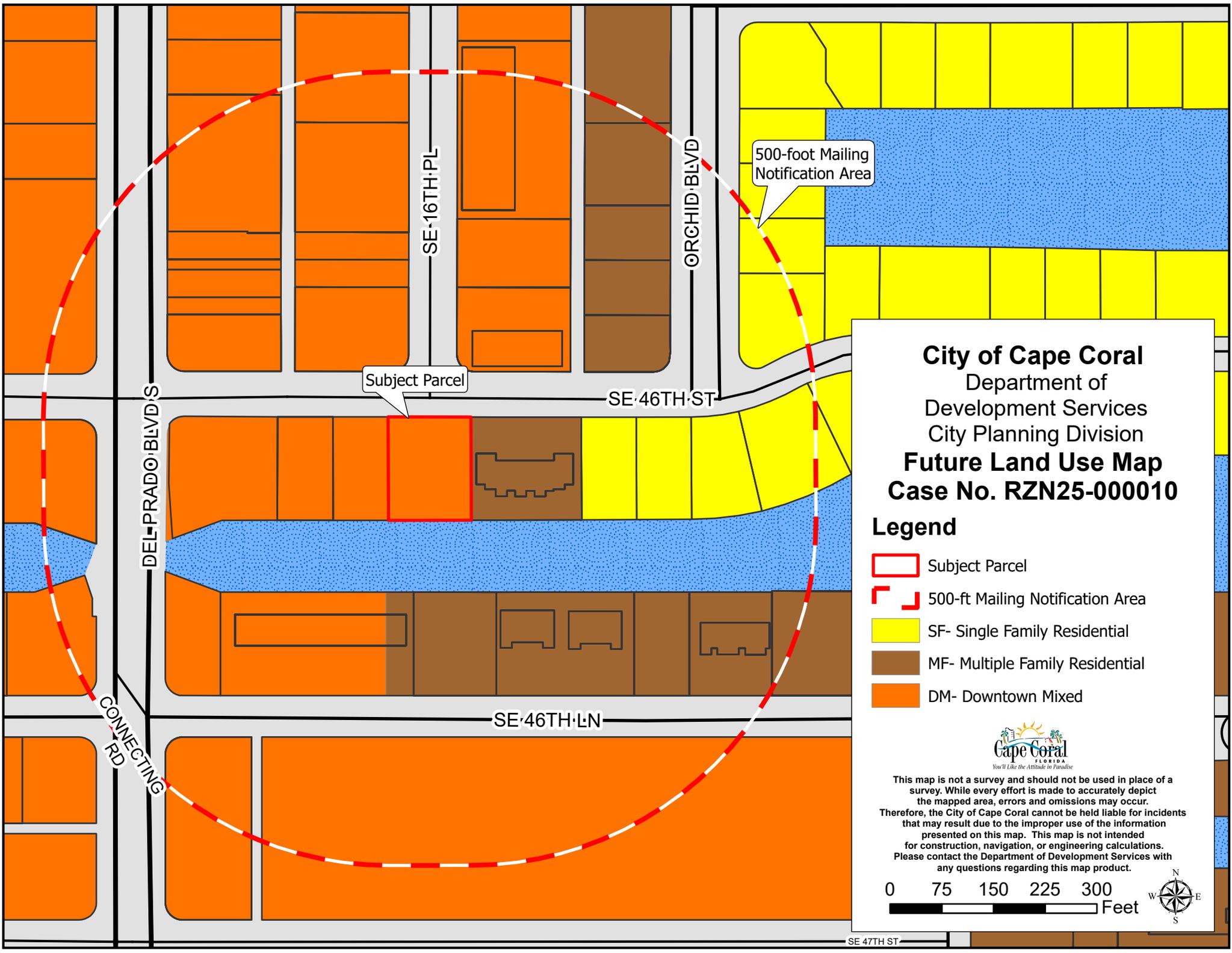
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-  Subject Parcel
-  500-ft Mailing Notification Area



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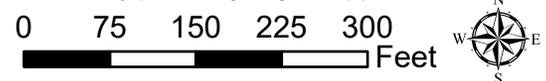
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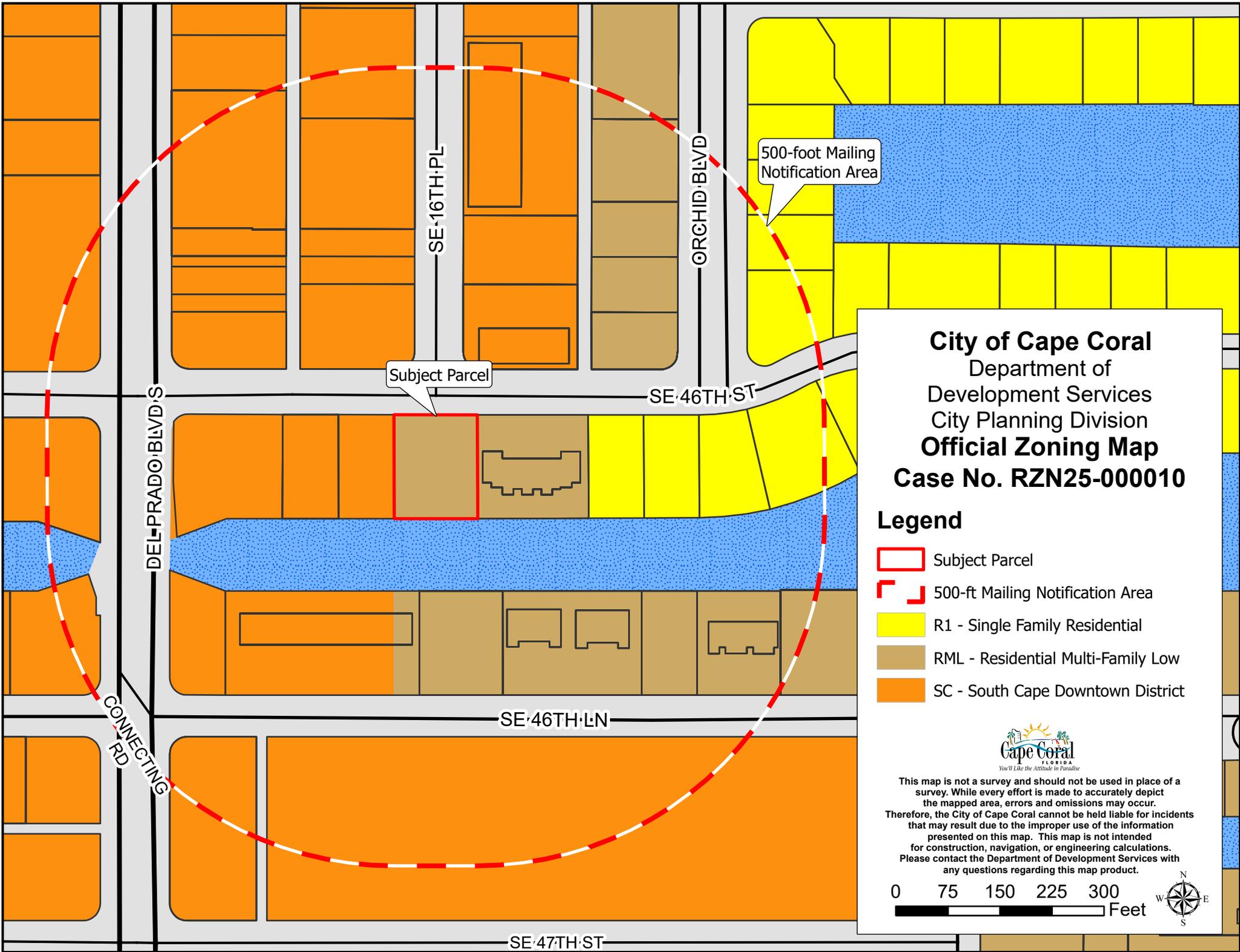
- Subject Parcel
- 500-ft Mailing Notification Area
- SF- Single Family Residential
- MF- Multiple Family Residential
- DM- Downtown Mixed



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SE 47TH ST



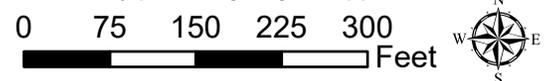
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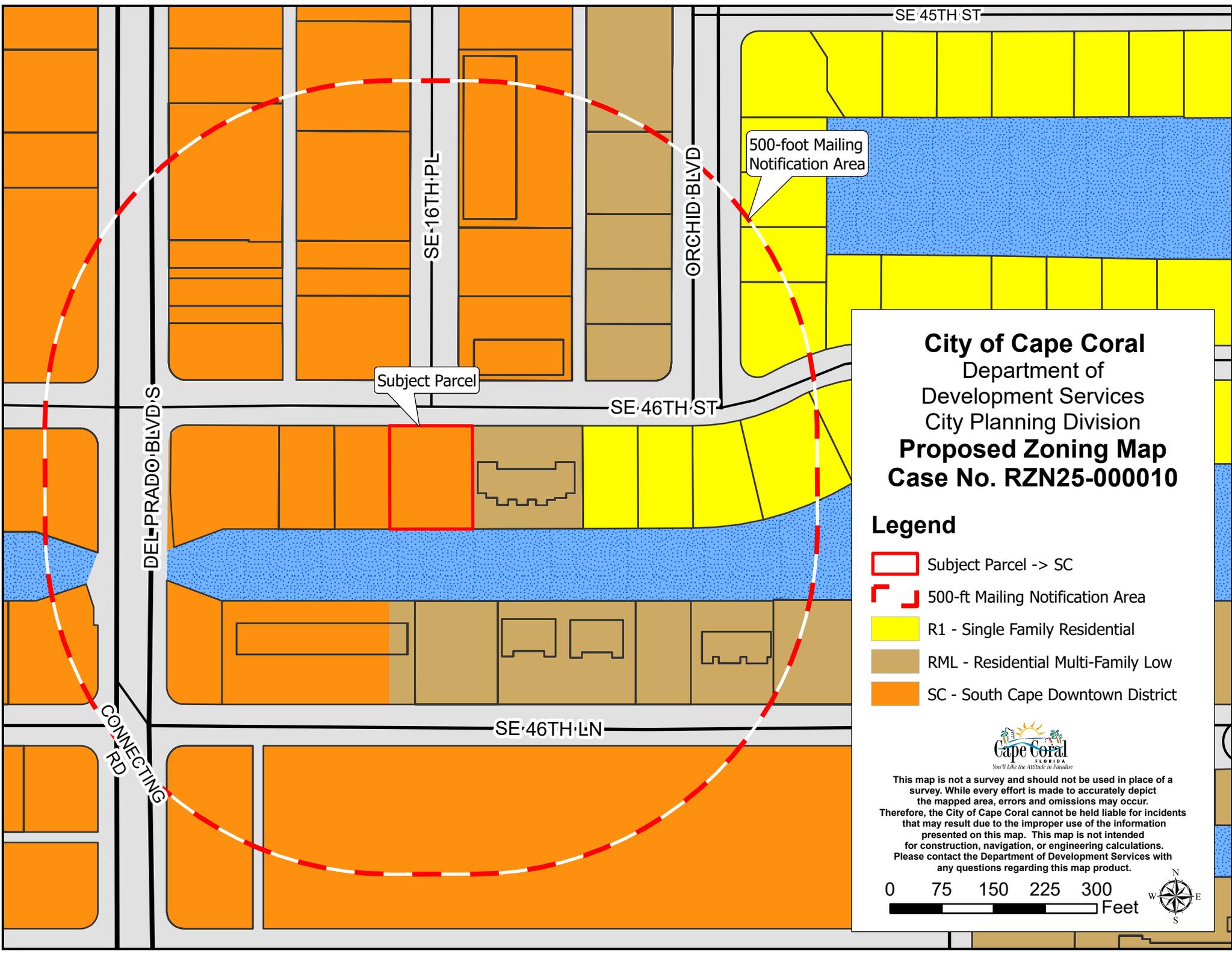
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- Subject Parcel
- 500-ft Mailing Notification Area
- R1 - Single Family Residential
- RML - Residential Multi-Family Low
- SC - South Cape Downtown District



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SE 45TH ST

SE 16TH PL

ORCHID BLVD

500-foot Mailing Notification Area

Subject Parcel

SE 46TH ST

DEL PRADO BLVD S

SE 46TH LN

CONNECTING RD

City of Cape Coral
 Department of
 Development Services
 City Planning Division
Proposed Zoning Map
Case No. RZN25-000010

Legend

- Subject Parcel -> SC
- 500-ft Mailing Notification Area
- R1 - Single Family Residential
- RML - Residential Multi-Family Low
- SC - South Cape Downtown District



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