



DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

For Internal Use Only

Case _____

Date _____

Tel. (239) 574-574-0553

Fax (239) 574-0591

P.O. Box 150027

Cape Coral, FL 33915-0027

ADMINISTRATIVE DEVIATION APPLICATION

ADMINISTRATIVE DEVIATION REQUIREMENTS

****Letter of Intent and Application requirements applies to all deviation requests****

1. ☐ **Letter of Intent including the following:**

- The sub section of the LDC, Article 5, Section 5.8.11. for which the deviation is sought, and the general intent and purpose of this section where either of the following applies:
 - Actual request.
 - Existing conditions that are not the result of the applicant and which are such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship.
 - Literal conformity with the regulations would inhibit innovation or creativity in design.

2. ☐ **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.

****Please select the type of deviation you are applying for (checkmark your selection)***

3. ☐ **Dumpster deviation request must include:**

WASTE PRO DUMPSTER LOCATION

- The Dumpster Approval Letter must be from the Solid Waste Department of the City of Cape Coral stating they have reviewed the dumpster location and there is adequate space for a collection truck to pick up the trash from the dumpster. Please contact Terry Schweitzer, Solid Waste Manager, at tschweitzer@capecoral.gov. Please submit a site plan with the email requesting approval for the dumpster.



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- Development plan or sketch showing building, parking, driveways, North directional arrow, and proposed location of dumpster.
- If the applicant is requesting relief from having a dumpster on site, please include a detailed plan showing site constraints.
- Please refer to the new Land Development Code, Article 5, Section 5.1.15 for dumpster enclosure regulations.

4. ☐ Landscape / Buffers deviation request must include:

- A narrative that clearly defines the section(s) of the regulations of the requested deviation(s).
- An explanation as to the reason for the deviation and why it should be approved.
- Sample detail drawings, elevations, and perspectives that graphically demonstrate the proposed deviation and illustrate how each deviation would operate to the benefit of the public.
- Legal description and certified survey done within past six months is required.
- If the subject property is within 500 feet of any County properties, the applicant must provide a typewritten list of all affected property owners with the above area. List to include name, address, zip code, and block and lots. Computer lists are not acceptable.

5. ☐ Maximum Lot coverage of Impervious Surface up to 10 percent must include:

- Up to a 10% increase in the maximum percentage of lot coverage by impervious surfaces, provided the applicant submits calculations by a Florida Registered Professional Engineer showing that the conveyance system for the contributing drainage basin can accommodate the additional stormwater run-off from greater than 60% impervious.
- A property owner may also add retention storage on-site to compensate for the additional runoff in situations where they propose to exceed 60% impervious surfaces.
- All such calculations and drainage plans must be approved by the City Public Works Department prior to issuance of any building permits.

6. ☐ Non-Residential Design Standards deviation request must include:

- Sample detail drawings
- Schematic architectural drawings
- Site plans
- Floor plans
- Elevations
- Perspectives that graphically demonstrate how each deviation would operate to the benefit of the public interest
- Legal description and certified survey done within past six months is required.
- If the subject property is within 500 feet of any County properties, the applicant must provide a typewritten list of all affected property owners with the above area. List to include name, address, zip code, and block and lots. Computer lists are not acceptable.

7. ☐ Parking less than 5 percent deviation request must include:

- Minimum number of parking spaces required by the City.



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- Number of parking spaces proposed by the applicant.
 - Reason(s) for reduction in parking spaces (refer to LDC, Article 3, Section 3.3.6.). Check all that apply:
 - ☐ ITE parking generation rates
 - ☐ Parking generation study
 - ☐ Reduction for protection of tree(s)
 - ☐ Reduction for provision of additional trees
 - ☐ Reduction for provision of bicycle racks and/or motorcycle pads
 - ☐ Proximity to dedicated City parking areas
 - ☐ Satellite parking areas
 - ☐ Shared parking
8. ☐ **Preservation of Vegetation deviation request must include:**
- Up to five (5) percent of a required setback; or
 - Up to five (5) percent of the required parking spaces.
9. ☐ **Setback less than 3 percent deviation request must include:**
- Setback requirements where the setback is not decreased by more than 10% in the applicable zoning district and the encroachment does not extend into an easement, right-of-way, or is an encroachment over the property line for a zero-lot line site.
10. ☐ **Sign deviation request must include:**
- Site layout showing dimensions, boundary lines, North directional arrow and complete legal description of the property.
 - The location and dimensions of all existing and/or proposed buildings and structures, including additions and eaves, overhangs, porches and patios.
 - The setback distance from all buildings, additions on structure to property lines. Indicate the square footage associated with each existing and proposed use of buildings.
 - Location and dimensions of driveways. Show parking areas with layout and number of spaces and traffic flow.
 - Proposed sign specifications.
11. ☐ **Boat Canopy deviation request must include:**
- Letter of Intent – Should address the standards in Section 5.4.11.A.1 of the Land Development Code.
 - Sample detail drawings or photos
 - Site plan



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FEE: Per City Code of Ordinances, Section 5-4(a)(1)a., a \$55.00 application due at time of submittal. Following the approval of your request, if applicable 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.



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ADMINISTRATIVE DEVIATION APPLICATION

PROPERTY INFORMATION

Project Name: _____
Location/Address _____
Strap Number _____ Unit _____ Block _____ Lot (s) _____
Plat Book _____ Page _____ Future Land Use _____ Current Zoning _____

PROPERTY OWNER (S) INFORMATION

Owner _____ Address _____
Phone _____ City _____
Email _____ State _____ Zip _____
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 _____ Address _____
Phone _____ City _____
Email _____ State _____ Zip _____



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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.

CORPORATION/COMPANY NAME (IF APPLICABLE)

OWNER'S NAME (TYPE OR PRINT)

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 _____

COUNTY OF _____

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online notarization, on this _____ day of _____, 2020 by _____, know is personally known to me or produced _____ as identification.

Exp Date: _____ Commission Number: _____

NOTARY STAMP HERE

Signature of notary Public: _____

Printed Name of Notary Public: _____



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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT _____
(Name of person giving presentation)

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

UNIT _____ BLOCK _____ LOT(S) _____ SUBDIVISION _____

OR LEGAL DESCRIPTION _____

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

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

PROPERTY OWNER (Please Print)

PROPERTY OWNER (Signature & title)

STATE OF _____

COUNTY OF _____

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online
notarization, on this _____ day of _____, 2020 by _____,
know is personally known to me or produced _____ as identification.

Exp Date: _____ Commission Number: _____

NOTARY STAMP HERE

Signature of notary Public: _____

Printed Name of Notary Public: _____

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



ADMINISTRATIVE DEVIATION REGULATIONS

Section 3.3.6. Administrative Deviations

- A. Purpose and Intent. To grant relief from strict application of LDC requirements to allow minor deviations.
- B. Scope. Administrative Deviations may be granted for the following:
1. Setback requirements where the setback is not decreased by more than 10% in the applicable zoning district and the encroachment does not extend into an easement, right-of-way, or is an encroachment over the property line for a zero-lot line site.
 2. Reduction in the overall required parking by 5%.
 3. Landscaping or buffers. Up to a 10 % reduction in the width of required buffers or the required number of trees and shrubs.
 4. Preservation of Vegetation. A deviation from the following regulations to accommodate the 978 preservation of existing native specimen tree(s):
 - a. Up to five (5) percent of a required setback; or
 - b. Up to five (5) percent of the required parking spaces.
 5. Minor sign deviations as set forth in Article 6 of this code.
 6. Maximum lot coverage of impervious surfaces. Up to a 10% increase in the maximum percentage of lot coverage by impervious surfaces, provided the applicant submits calculations by a Florida Registered Professional Engineer showing that the conveyance system for the contributing drainage basin can accommodate the additional stormwater run-off from greater than 60% impervious. A property owner may also add retention storage on-site to compensate for the additional runoff in situations where they propose to exceed 60% impervious surfaces. All such calculations and drainage plans must be approved by the City Public Works Department prior to issuance of any building permits.
 7. Non-residential design standards in all non-residential and mixed-use zoning districts, except for the Neighborhood Commercial district.
- C. Review Criteria. An Administrative Deviation may be approved based on the following criteria:
1. The proposed deviation will not result in development that is inconsistent with the intended character of the applicable zoning district.
 2. The normally required code standard(s) is determined to significantly inhibit development of the site.
 3. The deviation will not impede the ability of the project or site to adequately provide for service areas and other development features for the project.
 4. Access for service and emergency vehicles will not be impeded.
 5. The proposed deviations will result in a building and site design of equal or superior quality.
- D. Effective date of approval. A deviation shall take effect upon approval.
- E. If an Administrative Deviation is not approved, the applicant may subsequently apply for a Variance.



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F. Administrative deviations for a boat canopy.

1. Maximum length or width of a boat canopy. Deviations of up to a 10% increase in either the maximum length or width of the boat canopy requirements of this chapter may be approved by the Director in accordance with [Section 3.3.6.](#), provided that such deviation will not encroach into the side setbacks or project farther into the waterway than allowed per Section 5.4.7.B.3., will not be contrary to the public interest, and will be in harmony with the general intent and purpose of this section.

2. In determining whether to approve such a deviation, factors the Director shall consider include, but are not limited to:

1. the design, size, and location of the proposed larger boat canopy.
2. the effect of such larger boat canopy on the waterway in which it is proposed to be located.
3. the effect of such larger boat canopy on the use and enjoyment of surrounding properties.