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

OUTDOOR DISPLAY OF MERCHANDISE PERMIT APPLICATION

OUTDOOR DISPLAY OF MERCHANDISE REQUIREMENTS

1. ☐ **Letter of Intent including the following:**
   - Actual request.
   - Reasonable limitations or special conditions for outdoor display to address, minimize, or ameliorate potential impacts of the use on surrounding property and for the protection of the public health, safety, and welfare.
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.
3. ☐ **Development plan drawn to scale (not less than 1" = 50') and containing the following:**
   - 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, 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.
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, state, and zip code.
5. ☐ **Please refer to Display of Merchandise Regulation Section 3.1.16. (page 7) for any additional required information.**

FEES: APPLICATION FEE: $55.00. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD39-03, Sec. 3.6.1). Advertising costs will be billed and must be paid prior to hearing.

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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, this _____ day of _____, 20___ by _____ who 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, this _____ day of _____, 20___ by _____ who 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.

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OUTDOOR DINING REGULATIONS

Section 3.6.1. Outdoor Display of Merchandise

The following items must be included in the letter of intent filed with the variance application.

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

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

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a. Displays may be placed on the public sidewalk only directly in front of the lawfully existing business which retails the items being displayed.

b. Displays shall be placed on tables, shelves and/or racks that are moved indoors during any hours the business is not open and that do not exceed six feet in height and do not extend more than two feet onto the public sidewalk.

C. Outdoor Display Requiring Council Approval.

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

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