



SPECIAL EXCEPTION APPLICATION

SPECIAL EXCEPTION REQUIREMENTS

****It is required that applicant and/or representative attend the hearing examiner meeting****

1. **Letter of Intent stating the actual request.**
 - This appeal for a Special Exception is for a proposed use. In the case of an existing structure, it is recommended that the applicant request a site-check by the Fire and/or Building Division for suitability and compliance with codes, prior to filing the appeal.
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. **Landscaping:**
 - A continuous strip of landscaping shall be provided along all property lines and streets serving the development.
 - Models. The models shall comply with the single-family landscaping requirements as indicated in Section 5.2.3.B.1.
 - Identify method of irrigation and location of utility lines and easements.
4. **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 and eaves, overhangs, porches and patios.
 - The setback distance from all buildings, additions to 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.
5. **Certified survey done within six (6) months MAY be required.**
6. **Projected number of peak hour trips. If more than 300 peak hour trips are projected, a traffic impact study must be submitted.**



**DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION**

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

FEE: \$833.00 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. 5.4). Advertising fees will be billed and must be paid prior to hearing.

NOTE TO APPLICANT

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.



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SPECIAL EXCEPTION APPLICATION

PROPERTY INFORMATION

Owners (Business Name) 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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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.

OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

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.

NOTARY STAMP HERE

Exp Date: _____ Commission Number: _____

Signature of Notary Public: _____

Printed Name of Notary Public: _____



SPECIAL EXCEPTION REGULATIONS

Section 3.4.4. Special Exceptions.

The intent of this section is to permit Special Exception uses which are essential to, or would promote the public health, safety, or welfare in one or more zoning districts, but which might impair the integrity and character of the zoning district or in adjoining districts, such that restrictions or conditions on location, size, extent, and character of performance may be imposed in addition to those standards already imposed in the Land Development Code.

A. General.

1. No variances shall be granted that would reduce or eliminate minimum requirements for special exception uses.
2. The Hearing Examiner may prescribe appropriate conditions and safeguards in conformity with 1752 the special exception use requirements. All such conditions shall be part of the terms under 1753 which the special exception is granted.
3. A special exception shall be deemed abandoned if:
 - a. The use is discontinued for more than 1 year; or
 - b. The special exception has not obtained a certificate of zoning compliance.
4. The proposed use shall comply with all requirements of the underlying zoning district(s), the Land Development Code, and all other applicable law.

B. Standards and Criteria. The following standards shall apply to all applications for special exception uses.

1. Consistency with the Comprehensive Plan?
2. The site must be suitable for the type of special exception use proposed by virtue of its location, shape, topography, and the nature of surrounding development.
3. All buildings shall be setback an adequate distance from property lines and rights-of-way. Greater building setbacks may be required when deemed necessary to protect surrounding properties.
4. Potential adverse impact to surrounding property must be mitigated to the maximum extent possible.