



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

APPEAL APPLICATION

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

APPEAL APPLICATION REQUIREMENTS

1. **Letter of intent stating the actual request and why the request is being made**
 - Actual Request
2. **Applicant's portion of request shall be typewritten, and signature notarized**
 - All forms must be filled out completely and legible.
 - All forms must be signed by the property owner(s) and must be notarized.
 - If the owner does not own the property in his/her personal name (e.g. LLC, trust, etc.), the owner must sign all applicable forms in his/her corporate capacity.
 - If the authorized representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney, and an Authorization to Represent Property Owner Form is not required.
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 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 LDC Article 3 Section 3.1.14 (find section on page 7) for additional Information about the appeal process.**

NOTE TO APPLICANT: In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising costs will be billed and must be paid prior to public hearing. Following the approval of appeal, the applicant may be responsible for reimbursing 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.

APPLICATION FEE: \$260.00. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Section 3.1.14. Appeals). Advertising costs will be billed and must be paid prior to hearing. Reasonable accommodation appeals do not require payment of application or advertising fees (ORD 2-17).



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APPEAL 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.



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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) daytime 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 _____ Day of _____, 20_____.

CORPORATION/COMPANY NAME

OWNER'S NAME (TYPE or PRINT)

OWNER'S SIGNATURE

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.

NOTARY STAMP HERE

Exp Date: _____ Commission Number: _____

Signature of notary Public: _____

Printed Name of Notary Public: _____



APPEAL REGULATIONS

Article 3 Section 3.1.14. Appeals.

1. Development Services Director review. Applicants for administrative permits and approvals may request a formal review by the Development Services Director of decisions made by Development Services Department staff within thirty (30) calendar days of the date the administrative decision was made. The request for review shall be accompanied by any relevant documents related to the review as determined by the Development Services Director. Staff involved in the decision shall review the relevant standards and present a written finding to the Development Services Director. The request for review shall be considered by the Development Services Director within ten (10) business days of submittal of a complete request. The Development Services Director may consult with the City Attorney's office on the matter.

The Development Services Director shall provide a written determination to reverse or affirm the staff decision, wholly or partially, modify the staff decision, with or without conditions, or respond to the applicant or staff requesting further information, documentation, or proceedings. The written determination by the Director shall be the final administrative decision.

2. Public Works Director review. Applicants for administrative permits and approvals may request a formal review by the Public Works Director of decisions made by Public Works Department staff within thirty (30) calendar days of the date the administrative decision was made. The request for review shall be accompanied by any relevant documents related to the review as determined by the Public Works Director. Staff involved in the decision shall review the relevant standards and present a written finding to the Public Works Director. The request for review shall be considered by the Public Works Director within ten (10) business days of submittal of a complete request. The Public Works Director may consult with the City Attorney's office on the matter.

The Public Works Director shall provide a written determination to reverse or affirm the staff decision, wholly or partially, modify the staff decision, with or without conditions, or respond to the applicant or staff requesting further information, documentation, or proceedings. The written determination by the Director shall be the final administrative decision.



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B. Administrative Appeals. Appeals of Department Director decisions. An applicant desiring to appeal a decision of a Department Director for a decision based upon the Land Development Code, shall, within ten (10) business days from the date of such decision, file a written Notice of Appeal with the Development Services Department. The appeal shall then be heard by the City Council at a regularly scheduled meeting, following sufficient time to review the appeal and provide the required public notice. A staff or Department Director's recommendation is not a decision and is not appealable.

C. Appeals from decisions of the Hearing Examiner on Quasi-judicial matters. Any aggrieved party by a decision of the Hearing Examiner on a quasi-judicial matter may file an appeal to the City Council within thirty (30) calendar days by filing a written Notice of Appeal with the City Clerk. All such appeals shall be based on the record.

D. Appeals from decisions of the City Council. An action to review any decision of the City Council under these regulations may be taken by any person or persons aggrieved by such decision by presenting to the Circuit Court a petition for issuance of a Writ of Certiorari.

E. Stay of proceedings. An appeal shall stay all proceedings in the matter appealed from until the final disposition of the appeal by the City Council. The pendency of an appeal shall toll all time periods applicable to the decision which is subject to appeal until final disposition of the appeal by the City Council with regard to the appeal.

F. Record. The record to be considered in the appeal shall include any application, exhibits, appeal papers, written objections, waivers, or consents considered by staff, a Department Director, the Hearing Examiner, or City Council, as well as transcripts and recordings taken at a public hearing, the Hearing Examiner or City Council minutes, and resolutions or ordinances showing the decision or action being appealed. The City Clerk shall identify all exhibits used at the hearing. All exhibits so identified or introduced shall be a part of the City record.

(Ord. [7-22](#), § 3, 2-2-2022)