

**ORDINANCE NO. 3775**

AN ORDINANCE  
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 118 LAND USE REGULATIONS, ARTICLE 8. DOWNTOWN SMART CODE, SECTION 118.8.1 GENERALLY, SUBSECTION B. TERMS AND DEFINITIONS; SECTION 118.8.5 LAND USE DISTRICT REGULATIONS, SUBSECTION A. APPLICABLE TO ALL LAND USE DISTRICTS, SUBPARAGRAPH 3. USES PERMITTED/ADVERSE IMPACT USES IN GENERAL; SECTION 118.8.6 STANDARDS AND TABLES, SUBSECTION E REQUIRED PARKING TABLE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT**

**MYERS, FLORIDA**, that:

**SECTION 1.** The City Code of the City of Fort Myers, Florida, Subpart B, Land Development Code, Chapter 118 Land Use Regulations, Article 8. Downtown Smart Code, Section 118.8.1 Generally, Subsection B. Terms and definitions, is hereby amended, in part to add a definition for Assisted living facility and amend the definition for Residential, to read as follows:

**Section 118.8.1. Generally.**

**B. Terms and definitions.**

Assisted living facility means premises for living and medical care for people who need some assistance with daily activities but do not require care in a nursing home. See Section 118.8.5.A.3.

*Residential* means premises available for long-term habitation by means of ownership or rental, but excluding short-term renting and assisted living facilities.

**SECTION 2.** The City Code of the City of Fort Myers, Florida, Subpart B, Land Development Code, Chapter 118 Land Use Regulations,

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Article 8. Downtown Smart Code, Section 118.8.5 Land Use District Regulations, Subsection A. Applicable to all land use districts, Paragraph 3. Uses permitted/adverse impact uses in general is hereby amended to read as follows:

**3. Uses permitted/adverse impact uses in general.**

**a.** The uses permitted in each land use district shall be as shown in subsection 118.8.6.D.

**b.** Uses not expressly permitted in subsection 118.8.6.D. or which create an adverse impact require approval of a planned unit development. Uses considered to have adverse impacts include:

- 1) Automotive sales, service, and repair.
- 2) Retail with parking lot on the street frontage.
- 3) Cell phone towers.
- 4) Kennels and animal husbandry.
- 5) Depots for large-scale storage and distribution.
- 6) Pole signs and billboards.
- 7) Drive-through commercial.
- 8) Service stations.
- 9) Golf courses and nurseries.
- 10) Labor pool, halfway houses and food pantries.
- 11) Landfills and dumps.
- 12) Mineral extraction areas.
- 13) Outdoor storage.

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- 14) Prisons, except as accessories to police stations.
- 15) Scrap yards for the processing and storage of waste materials.
- 16) Transportation terminals, except bus depots, rail stations, and ferry terminals.
- 17) Public or private surface parking lots and public or private parking structures.
- 18) Parking garages without liner buildings on all A Streets (primary grid).
- 19) Adult Congregate Living Facilities (ACLF), also known as Assisted Living Facilities (ALF). New ALF developments shall be limited to the Core Pedestrian Shed (Diagram 7). The maximum bulk and intensity for an ALF shall not exceed one-half (1/2) of the maximum Floor Area Ratio (F.A.R.) permitted in the zoning district in which it is located.
- 20) Prohibited uses are those found in subsection 118.3.3.D.3.

**SECTION 3.** The City Code of the City of Fort Myers, Florida, Subpart B Land Development Code, Chapter 118 Land Use Regulations, Article 8. Downtown Smart Code, Section 118.8.6 Standards and Tables, Subsection E Required Parking Table, is hereby amended to read as follows:

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	Urban General	Urban Center, Urban Core
Residential	1.5/dwelling unit <u>Visitor parking 1 per 15 dwelling units (multifamily only)</u>	1.5/dwelling unit <u>Visitor parking 1 per 15 dwelling units (multifamily only)</u>
Lodging	0.75/room	0.5/room
Office	1/350 sq. ft. of gross floor area	1/500 sq. ft. of gross floor area
Retail	1/350 sq. ft. of gross floor area	1/500 sq. ft. of gross floor area
Artisanal	by planned unit development	by planned unit development
Institutional	by planned unit development	by planned unit development
*For uses not specifically listed above, for purposes of determining the number of parking spaces required, the most similar category above shall be used to calculate the parking requirements.		

**SECTION 4. Severability.** If for any reason, any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.

**SECTION 5. Effective Date.** This ordinance shall become effective immediately upon adoption.

