

FORT MYERS CITY COUNCIL AGENDA ITEM SUMMARY

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|------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------|--|
| MEETING DATE: <u>May 16, 2016</u> <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Special <input type="checkbox"/> Workshop | | WARD: <u>2 and 4</u> | | AGENDA ITEM NO. <u>8</u> Revised: (Date & Time) _____ | |
| <input type="checkbox"/> Proclamations & Special Presentations | | <input type="checkbox"/> Consent | | <input checked="" type="checkbox"/> Public Hearings | |
| <input type="checkbox"/> City Council Comments & Items for Consideration | | <input type="checkbox"/> Permission to Advertise | | <input type="checkbox"/> City Manager's Items | |
| <input type="checkbox"/> City Attorney's Items | | Quasi-Judicial <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |

MOTION: Ordinance No. 3775 amending Chapter 118.8 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, Paragraph 3. Uses permitted/adverse impact uses in general; Section 118.8.6 Standards and Tables, Subsection E. Required Parking Table to add a definition and development standards for assisted living facilities and amend parking regulations for residential development.

MANAGEMENT RECOMMENDATION:
Approve.

FUNDING SOURCE: N/A

FISCAL IMPACT: N/A

WHAT ACTION ACCOMPLISHES: Amends Chapter 118, Land Development Code to provide development guidelines for assisted living facilities and residential parking in the Downtown Smart Code.

BACKGROUND INFORMATION: The amendment to Chapter 118, Article 8 Downtown Smart Code, provides development guidelines for the development of assisted living facilities and increases the parking requirements for residential developments as follows:

118.8.1 - Generally.

B. Terms and definitions. Terms used throughout this article shall take their commonly accepted meanings and as herein defined. The definitions may contain regulatory language that is integral to this article. In the event of conflicts between these definitions and those of chapter 142 of the city code, the definitions of this article shall take precedence. If a term is not defined by this article, then the definitions in chapter 142

Continued to Next Page Yes No

Person Initiating Request: Robert Gardner
Nicole DeV Vaughn

Department: Community Development
Division: Planning

COUNCIL ACTION

| | | | |
|------------------------------|--------------------------|--------------------|-------------------------------------------------|
| Approved: | Denied: | Tabled: | Conflict of Interest: |
| Public Hearing Continued To: | Removed from Consent By: | Item Continued To: | Public Hearing Opened: <input type="checkbox"/> |
| | | | Public Hearing Closed: <input type="checkbox"/> |
| | | | Financial Disclosure: <input type="checkbox"/> |
| | | | Oath: <input type="checkbox"/> |

Voting Log: Brown Streets Watson Flanders Banks Anthony Henderson

FORT MYERS CITY COUNCIL AGENDA ITEM SUMMARY

Background Information – Continued

Meeting Date: May 16, 2016

Agenda Item No. 8

Revised (Date & Time):

Motion: Adopt Ordinance No. 3775 amending Chapter 118.8 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, Paragraph 3. Uses permitted/adverse impact uses in general; Section 118.8.6 Standards and Tables, Subsection E. Required Parking Table to add a definition and development standards for assisted living facilities and amend parking regulations for residential development.

shall apply. Where no definition exists, Webster's Dictionary, current edition, shall apply.

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.

118.8.5. – Land Use Regulations

A. Applicable to all land use districts.

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.
 - 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.

FORT MYERS CITY COUNCIL AGENDA ITEM SUMMARY

Background Information – Continued

Meeting Date: May 16, 2016

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Motion: Adopt Ordinance No. 3775 amending Chapter 118.8 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, Paragraph 3. Uses permitted/adverse impact uses in general; Section 118.8.6 Standards and Tables, Subsection E. Required Parking Table to add a definition and development standards for assisted living facilities and amend parking regulations for residential development.

- 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.

Reason for changes: The amendment was requested by Bruce Strayhorn, Esq., Strayhorn & Persons, P.L., to allow additional rooms at a proposed assisted living facility addition for Campo Felice, 2500 Edwards Drive. The proposed Floor Area Ratio (F.A.R.) of the current plans is approximately 7.12, the underlying zoning of Urban Core allows a maximum of 18 F.A.R. Assisted living facilities are considered an adverse impact in the downtown and require approval through the Planned Unit Development process.

The creation of development standards based on the floor area ratio rather than density reflects the fact that ALFs operate as both a temporary stay facility as well as providing long term care options.

118.8.6 – Standards and Tables

E. Required Parking Table.

| | 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.

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Background Information – Continued

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Motion: Adopt Ordinance No. 3775 amending Chapter 118.8 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, Paragraph 3. Uses permitted/adverse impact uses in general; Section 118.8.6 Standards and Tables, Subsection E. Required Parking Table to add a definition and development standards for assisted living facilities and amend parking regulations for residential development.

Reason for changes: During previous Planning Board meetings, the current parking standards, which require 1 parking space per dwelling unit have been discussed, particularly in regards to multifamily developments. Residents of existing high rise developments have stated at public meetings that their developments lack adequate parking, especially for visitors and service vehicles. The proposed amendment increases the minimum number of required parking spaces per unit from 1 space per dwelling unit to 1.5 spaces per dwelling unit and requires dedicated visitor parking for multifamily developments, which can also accommodate service vehicles.

Planning Board Recommendation: The Planning Board, at its regular meeting and advertised public hearing on February 3, 2016, considered the request for approval of the amendment to Chapter 118, Article 8 Smart Code. There were 8 voting members present at the public hearing for the item.

The Planning Board meeting was filmed live and a tape made of the meeting, which can be viewed on the City website under the heading: Meetings, City Board Meetings, Planning Board, February 3, 2016.

A motion was made to approve the amendment as presented. The Planning Board found the amendment consistent with the Comprehensive Plan and the Land Development Code and voted 8-0, to recommend approval of the request to City Council.

Staff Recommendation: Staff recommends approval.

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.
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 - 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 |
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| 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.