

**ORDINANCE NO. 3568**

AN ORDINANCE  
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, AMENDING THE CITY CODE, SUB-PART B, LAND DEVELOPMENT CODE, CHAPTER 118 LAND USE REGULATIONS, ARTICLE 2. BASE DISTRICTS, SECTION 118.2.1 RESIDENTIAL DISTRICTS; A. INTENT STATEMENTS; ARTICLE 7. COMMUNITY APPEARANCE, SECTION 118.7.5 NEIGHBORHOOD PLANS, B. NEIGHBORHOOD REDEVELOPMENT DISTRICT, 11. REAR YARD; SECTION 118.7.7 PUBLIC ART; C. CONTRIBUTION, ARTICLE 8. DOWNTOWN SMART CODE, SECTION 118.8.5 LAND USE DISTRICT REGULATIONS, A. APPLICABLE TO ALL LAND USE DISTRICTS, 4. DENSITY AND HEIGHT LIMITS; MAP E-2 DOWNTOWN COASTAL HIGH HAZARD ZONE; AND 10. SIGNAGE STANDARDS IN GENERAL; 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, Sub-Part B, Land Development Code, Chapter 118 Land Use Regulations, Article 2. Base Districts, Section 118.2.1 Residential Districts, Subsection A. Intent statements is hereby amended to read as follows:

**118.2.1 Residential Districts.**

**A. Intent statements.**

**1. Residential single-family districts.**

- a. Estate (RS-E).** This district is intended to accommodate low density single-family dwellings and other selected uses that are compatible with the open residential character of the area. Single-family detached structures are appropriate in this district. The maximum density permitted is 1.5 dwelling units per acre.

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**b. Single-family (RS-5, RS-6 and RS-7).**

This district is intended to accommodate single-family residential development, and protect existing neighborhoods from incompatible uses. Single-family detached and zero lot line structures are appropriate in all RS- Districts and single-family attached structures are appropriate in the RS-6 and RS-7 districts. The maximum densities permitted are as follows:

- 1)** RS-5: Five (5) dwelling units per acre;
- 2)** RS-6: Six (6) dwelling units per acre,
- 3)** RS-7: Seven (7) dwelling units per acre.

**c. Duplex districts (RS-D).** This district is intended to accommodate single-family and two-family residential development, and protect existing neighborhoods from incompatible uses. Single-family detached, zero lot line, single-family attached, two-family and townhouse structures are appropriate in this district. The maximum density permitted is seven (7) dwelling units per acre.

**2. Residential multifamily districts.**

**a. Residential multifamily (RM-12).** This district is intended to accommodate low density multifamily residential development. Single-family attached,

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two-family, townhouse and multifamily structures are appropriate in this district. The maximum density permitted is 12 dwelling units per acre.

- b. Residential multifamily (RM-16).** This district is intended to accommodate medium density multifamily residential development. Townhouse and multifamily structures are appropriate in this district. The maximum density permitted is 16 dwelling units per acre.

**SECTION 2.** The City Code of the City of Fort Myers, Florida, Sub-Part B, Land Development Code, Chapter 118 Land Use Regulations, Article 7. Community Appearance, Section 118.7.5 Neighborhood Plans, Subsection B. Neighborhood Redevelopment District, 11. Rear yard is hereby amended to read as follows:

**118.7.5. Neighborhood Plans.**

**B. Neighborhood Redevelopment District.**

- 11. Rear yard.** The minimum rear yard setback in the neighborhood redevelopment district shall be 10 feet.

**SECTION 3.** The City Code of the City of Fort Myers, Florida, Sub-Part B, Land Development Code, Chapter 118 Land Use Regulations, Article 7. Community Appearance, Section 118.7.7 Public Art, Subsection C. Contribution is hereby amended to read as follows:

**118.7.7. Public Art.**

**C. Contribution.**

- 1.** Private and public developments, excluding site work, with a building construction value of

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\$250,000.00 or more shall be encouraged to donate an amount of not less than 0.75 percent of such costs for acquisition and installation of fine art on the development site, but not to exceed the sum of \$75,000.00 which amount shall be paid prior to the issuance of a Certificate of Occupancy. If the project is to be built in multiple phases, a proportionate share of the total amount due shall be paid prior to the issuance of a Certificate of Occupancy for each phase.

- 2.** An existing building that is remodeled with a construction value equal to or more than 50 percent of the replacement cost, excluding site work, and with replacement cost of \$250,000.00 or more of the building shall be subject to this section.
- 3.** The contribution provided in this section shall apply to public and private development and single-family residential development of more than 25 lots, and multifamily residential development that create 50 or more residential units.
- 4.** In lieu of acquisition and installation of public art on the private development site, an incentive will be provided through a reduction of the contribution to one percent to a private development that contributes a public art in-lieu contribution into the art fund,

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established by Section 118.7.7.E for acquisition and installation of public art.

5. Subject to the approval of city council, a private development may incorporate fine art that has a value lower than the program allocation and pay a public art in-lieu contribution to the public art fund for the balance of the program allocation.

**SECTION 4.** The City Code of the City of Fort Myers, Florida, Sub-Part B, Land Development Code, Chapter 118 Land Use Regulations, Article 8. Downtown Smart Code, Section 118.8.5 Land Use District Regulations, Subsection A. Applicable to all land use districts, 4. Density and height limits, is hereby amended to read as follows:

**118.8.5. Land Use District Regulations**

**A. Applicable to all land use districts.**

**4. Density and height limits.**

- a. Density limits in the coastal high hazard area (CHHA). In the downtown redevelopment area's CHHA, the city will not issue permits for development that will exceed the total of 2,352 residential units permitted under the comprehensive plan as of January 24, 2006, and as shown on Map E-2. If any parcel is split by the CHHA boundary line, then residential units built in the parcel area not located within the CHHA will not be counted for the CHHA density cap.

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**SECTION 5.** The City Code of the City of Fort Myers, Florida, Sub-Part B, Land Development Code, Chapter 118 Land Use Regulations, Article 8. Downtown Smart Code, Section 118.8.5 Land Use District Regulations, A. Applicable to all land use districts, Map E-2, Downtown Coastal High Hazard Zone, is hereby amended as follows:



**SECTION 6.** The City Code of the City of Fort Myers, Florida, Sub-Part B, Land Development Code, Chapter 118 Land Use Regulations, Article 8. Downtown Smart Code, Section 118.8.5 Land Use

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District Regulations, Subsection A. Applicable to all land use districts,

10. Signage standards in general is hereby amended to read as follows:

**118.8.5 Land Use District Regulations.**

**A. Applicable to all land use districts.**

**10. Signage standards in general.**

- a.** Signage is an integral component of the building and site design and should be appropriately scaled and consistent in character with the project's overall design. Signage utilized within the historic district shall be approved by the historic preservation commission.
- b.** Number of signs: There shall be one sign per facade. Blade signs shall not be counted toward signage permitted.
- c.** Size of signs: Wall or monument signs shall be no greater in size than five percent of nonresidential space on the first story of the front facade area. Monument signs shall not exceed five feet in height.
- d.** Banner signs: In addition to other permitted signage, banner signs shall be permitted only on publicly owned arts and cultural buildings to promote special events or collections. Said banner signs may be displayed no more than two weeks prior to the special event or collection and shall be removed within 24 hours afterward. Banner signs shall not be

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counted toward the total amount of signage allowed. The city may install banner signs on light posts with no time limitations.

- e.** Prohibited signs: In addition to those signs prohibited in Section 126-91, billboards, pole signs, electronic messaging signs (excluding District), and promotional inflatable signs are expressly prohibited.
- f.** Additional signage or modifications to the signage provisions may be considered through the warrant process.
- g.** Except as noted herein regarding prohibited signs, the remaining sections in Chapter 126 are not applicable.

**SECTION 7.** Severability. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than that part declared to be invalid.

**SECTION 8.** Effective Date. This ordinance shall become effective immediately upon adoption.



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**PASSED IN PUBLIC SESSION** of the City Council of the City of Fort Myers, Florida, this 15th day of November, A.D., 2010.

<u>Aye</u>	<u>/s/ Teresa Watkins Brown</u>
<u>Aye</u>	<u>/s/ Johnny W. Streets, Jr.</u>
<u>Aye</u>	<u>/s/ Levon Simms</u>
<u>Aye</u>	<u>/s/ Michael Flanders</u>
<u>Aye</u>	<u>/s/ Forrest Banks</u>
<u>Aye</u>	<u>/s/ Thomas C. Leonardo</u>

Council Members

**APPROVED** this 15th day of November, A.D., 2010, at 6:37 o'clock p.m.

<u>Aye</u>	<u>/s/ Randall P. Henderson, Jr.</u>
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Mayor

**FILED** in the Office of the City Clerk this 15th day of November, A.D., 2010.

/s/ Marie Adams, MMC  
City Clerk