

**ORDINANCE NO. 3722**

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 6. SPECIAL DEVELOPMENT AREAS, SECTION 118.6.2 PELICAN PRESERVE SPECIAL DEVELOPMENT AREA; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS:** The City Council approved the annexation of 180 acres, more or less, on November 17, 2014, such land located on the easternmost boundary of Pelican Preserve Development of Regional Impact (DRI); and such land shall be added into the legal description of Pelican Preserve DRI by amending the Land Development Code in Section 118.6.2.; and

**WHEREAS:** While reviewing Section 118.6.2 to incorporate the newly annexed 180 acres into the Land Development Code, an error was discovered in Table A. Residential Districts Regulations (SF and MF); and the error will be corrected by the adoption of the ordinance.

**NOW, THEREFORE, 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 6. Special Development Areas, Section 118.6.2 Pelican Preserve Special Development Area, Subsection C. Conceptual Master Plan, is hereby amended. ~~Those portions of the code to be deleted are struck through; the additions to the code are underlined,~~ as follows:

C. Conceptual Master Plan

1. The development plan is for those lands described as follows:

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LEGAL DESCRIPTION

Description  
Parcel in  
Section 35, Township 44 South, Range 25 East  
and  
Sections 1 and 2, Township 45 South, Range 25 East  
Lee County, Florida

~~A tract or parcel of land lying in Section 35, Township 44 South, Range 25 East and Sections 1 and 2, Township 45 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:~~

~~Commencing at the 4" concrete monument marking the South One Quarter corner of Section 1, Township 45 South, Range 25 East, Lee County, Florida; thence S.89°56'14"W., along the south line of the Southwest One Quarter of said Section 1, for 84.66 feet to the POINT OF BEGINNING of the herein described parcel;~~

~~Thence continue S.89°56'14"W., along said south line, for 2,508.89 feet to the southwest corner of said Section 1 and the southeast corner of said Section 2; thence S.89°03'49"W., along the south line of the Southeast One Quarter of said Section 2, for 2,645.12 feet to a 3"x5" concrete monument marking the South One Quarter corner of said Section 2; thence continue S.89°03'49"W., along the south line of the Southwest One Quarter of said Section 2, for 476.16 feet to a PK nail and disc stamped LB 6952 and a point on a curve; thence northerly 200.18 feet along the arc of a non tangential curve to the left having a radius of 2,599.95 feet through a central angle of 04°24'41" and being subtended by a chord which bears N.01°38'43"W. for 200.13 feet to a PK nail and disc stamped LB 6952; thence N.03°51'03"W., for 959.31 feet to a PK nail and disc stamped LB 6952 and a point of curvature; thence northerly 490.29 feet along the arc of a tangential curve to the right having a radius of 2,700.06 feet through a central angle of 10°24'15" and being subtended by a chord which bears N.01°21'04"E. for 489.62 feet; thence N.06°33'12"E., for 1,166.54 feet to a PK nail and disc stamped LB 6952 and a point of curvature; thence northerly 826.44 feet along the arc of a tangential curve to the left having a radius of 1,100.00 feet through a central angle of 43°02'49" and being subtended by a chord which bears N.14°58'12"W. for 807.14 feet; thence N.36°29'36"W., for 266.36 feet to a PK nail and disc stamped LB 6952 and a point of curvature; thence northerly 1,249.07 feet along the arc of a tangential curve to the right having a radius of 1,900.00 feet through a central angle of 37°40'00" and being subtended by a chord which bears N.17°39'36"W. for 1,226.70 feet to a PK nail and disc stamped LB 6952; thence N.01°10'24"E., for 248.58 feet to a PK nail and disc stamped LB 6952; thence S.89°25'36"W., for 214.71 feet to a 5/8" iron rod capped LB 6952; thence N.00°02'17"W., for 68.31 feet to a 5/8" Iron rod capped LB 6952; thence N.01°00'06"W., for 2,642.68 feet to a 4" concrete monument stamped LB 642; thence~~

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~~N.00°58'02"W., for 1,048.01 feet to a PK nail and disc stamped LB 6952 and a point on a curve; thence northerly 766.45 feet along the arc of a non tangential curve to the left having a radius of 1,050.00 feet through a central angle of 41°49'24" and being subtended by a chord which bears N.21°16'16"E. for 749.55 feet to a 5/8" iron rod; thence N.00°21'33"E., for 721.50 feet to a 5/8" iron rod; thence N.45°21'33"E., for 42.43 feet to a 4" concrete monument; thence S.89°38'27"E., for 2,224.05 feet to a 4" concrete monument; thence S.02°16'01"E., for 1,168.38 feet to a 5/8" iron rod capped LB 642; thence N.89°54'24"E., for 1,324.86 feet to a 5/8" iron rod capped LB 642 and a point on the east line of the Northeast One Quarter of said Section 35; thence S.03°20'25"E., along said east line, for 1,284.37 feet to a 5/8" iron rod capped LB 6952 marking the East One Quarter corner of said Section 35; thence S.00°01'58"E., along the east line of the Southeast One Quarter of said Section 35, for 2,635.65 feet to a 6" concrete monument marking the common corner for said Sections 1, 2, and 35; thence N.89°28'05"E., along the north line of the Northwest One Quarter of said Section 1, for 2,596.58 feet to a 5/8" iron rod marking the North One Quarter corner of said Section 1; thence S.89°57'18"E., along the north line of the Northeast One Quarter of said Section 1, for 771.84 feet; thence S.00°02'40"W., for 32.13 feet; thence S.04°20'55"E., for 56.38 feet; thence S.02°45'49"E., for 27.98 feet; thence S.03°34'02"W., for 47.09 feet; thence S.06°06'37"E., for 26.74 feet; thence S.17°42'01"E., for 68.03 feet; thence S.25°44'31"E., for 108.40 feet; thence S.17°51'57"E., for 72.48 feet; thence S.04°11'20"E., for 341.65 feet; thence S.08°30'29"E., for 77.08 feet; thence S.05°55'39"W., for 100.64 feet; thence S.10°28'55"W., for 221.23 feet; thence S.03°30'57"W., for 57.81 feet; Thence S.06°23'56"W., for 60.08 feet; thence S.12°09'56"E., for 77.36 feet; thence S.05°46'11"E., for 71.32 feet; thence S.12°47'54"W., for 240.47 feet; thence S.14°30'22"W., for 48.91 feet; thence S.81°06'27"W., for 46.60 feet; thence S.05°47'10"W., for 70.71 feet; thence S.00°38'31"E., for 29.36 feet; thence S.06°54'31"W., for 116.34 feet; thence S.14°11'30"W., for 96.75 feet; thence S.03°15'37"W., for 70.14 feet; thence S.02°05'57"W., for 97.03 feet; thence S.07°32'51"E., for 52.30 feet; thence S.18°12'26"E., for 32.71 feet; thence S.29°44'39"E., for 32.04 feet; thence S.27°02'49"E., for 37.12 feet; thence S.16°36'49"E., for 29.35 feet; thence S.01°49'49"W., for 38.11 feet; thence S.08°44'40"W., for 134.08 feet; thence S.11°54'08"W., for 37.50 feet; thence S.03°43'04"W., for 94.21 feet; thence S.02°26'14"E., for 36.59 feet; thence S.06°14'49"W., for 51.84 feet; thence S.20°25'22"W., for 51.68 feet; thence S.00°46'03"E., for 56.29 feet; thence S.00°22'30"W., for 109.12 feet; thence S.05°53'01"E., for 101.70 feet; thence S.11°06'54"E., for 92.16 feet; thence S.25°45'44"E., for 33.77 feet; thence S.05°58'51"E., for 95.82 feet; thence S.17°00'34"E., for 21.29 feet; thence S.33°17'48"W., for 79.04 feet; thence S.35°01'01"W., for 139.86 feet; thence S.49°37'19"W., for 30.84 feet; thence S.60°34'25"W., for 60.78 feet; thence S.39°37'09"W., for 51.21 feet; thence S.14°22'07"W., for 40.14 feet to a point of~~

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~~curvature; thence southerly 39.03 feet along the arc of a tangential curve to the right having a radius of 200.02 feet through a central angle of 11°10'44" and being subtended by a chord which bears S.19°57'29"W. for 38.96 feet; thence S.42°35'01"W., for 53.52 feet; thence S.20°19'56"W., for 15.12 feet; thence S.44°18'16"W., for 18.67 feet; thence S.02°26'40"W., for 67.89 feet; thence S.05°30'03"E., for 66.59 feet; thence S.19°02'35"W., for 14.16 feet; thence S.14°23'40"W., for 41.24 feet; thence S.22°16'47"W., for 71.77 feet; thence S.23°32'36"W., for 41.70 feet; thence S.00°20'33"W., for 62.72 feet; thence S.09°33'45"E., for 57.83 feet; thence S.21°13'45"E., for 45.96 feet; thence S.30°38'29"E., for 33.49 feet; thence S.70°11'58"E., for 36.91 feet; thence S.89°30'23"E., for 21.48 feet; thence S.03°51'37"W., for 50.88 feet; thence S.00°41'27"W., for 100.52 feet; thence S.08°10'35"W., for 59.60 feet; thence S.04°00'45"W., for 156.87 feet; thence S.01°51'58"E., for 84.51 feet; thence S.01°06'25"W., for 72.22 feet; thence S.06°28'39"W., for 89.64 feet; thence S.28°38'02"W., for 52.58 feet; thence S.41°37'12"W., for 113.91 feet; thence S.62°18'41"W., for 75.66 feet; thence S.84°28'07"W., for 96.88 feet; thence S.33°20'13"W., for 100.09 feet; thence S.41°39'23"W., for 58.11 feet; thence S.29°37'59"W., for 74.56 feet; thence S.36°03'29"W., for 110.17 feet; thence S.26°43'12"W., for 22.55 feet to the POINT OF BEGINNING of the parcel described herein;~~

~~Containing 52,369,412 square feet or 1,202.24 acres, more or less.~~

~~Bearings are based on the south line of the Southwest One Quarter of Section 1, Township 45 South, Range 25 East, as having an assumed bearing of S.89°56'14"W.~~

A tract or parcel of land lying in Sections 1, 2 and 12, Township 45 South, Range 25 East, Section 35, Township 44 South, Range 25 East, and Section 6, Township 45 South, Range 26 East, Lee County, Florida, being further bounded and described as follows:

Beginning at the 4" concrete monument marking the South One Quarter corner of Section 1, Township 45 South, Range 25 East, Lee County, Florida; thence S.89°56'14"W., along the south line, of the Southwest One Quarter of said Section 1, for 2,593.54 feet to the southwest corner of said Section 1 and the southeast corner of Section 2, Township 45 South, Range 25 East, Lee County, Florida; thence S.89°03'49"W., along the south line of the Southeast One Quarter of said Section 2, for 2,645.12 feet to a 3"x5" concrete monument marking the South One Quarter corner of Section 2, Township 45 South, Range 25 East; thence continue S.89°03'49"W., along the south line of the Southwest One Quarter of said Section 2, for 476.16 feet to a PK Nail and disc stamped LB 6952 and a point on a curve; thence northerly 200.18 feet along the arc of a non-tangential curve to the left having a radius of 2,599.95 feet through a central angle of 04°24'41" and being subtended by a Chord which bears N.01°38'43"W. for

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200.13 feet to a PK Nail and Disc stamped LB 6952; thence N.03°51'03"W., for 959.31 feet to a PK Nail and Disc stamped LB 6952 and a point of curvature; thence northerly 490.29 feet along the arc of a tangential curve to the right having a radius of 2,700.06 feet through a central angle of 10°24'15" and being subtended by a chord which bears N.01°21'04"E. for 489.62 feet; thence N.06°33'12"E., for 1,166.54 feet to a PK Nail and Disc stamped LB 6952 and a point of curvature; thence northerly 826.44 feet along the arc of a tangential curve to the left having a radius of 1,100.00 feet through a central angle of 43°02'49" and being subtended by a Chord which bears N.14°58'12"W. for 807.14 feet; thence N.36°29'36"W., for 266.36 feet to a PK Nail and Disc stamped LB 6952 and a point of curvature; thence northerly 1,249.07 feet along the arc of a tangential curve to the right having a radius of 1,900.00 feet through a central angle of 37°40'00" and being subtended by a Chord which bears N.17°39'36"W. for 1,226.70 feet to a PK Nail and Disc stamped LB 6952; thence N.01°10'24"E., for 248.58 feet to a PK Nail and Disc stamped LB 6952; thence S.89°25'36"W., for 214.71 feet to a 5/8" iron rod capped LB 6952; thence N.00°02'17"W., for 68.31 feet to a 5/8" iron rod capped LB 6952; thence N.01°00'06"W., for 2,642.68 feet to a 4" concrete monument stamped LB 642; thence N.00°58'02"W., for 1,048.01 feet to a PK NAIL and Disc stamped LB 6952 and a point on a curve; thence northerly 766.45 feet along the arc of a non-tangential curve to the left having a radius of 1,050.00 feet through a central angle of 41°49'24" and being subtended by a Chord which bears N.21°16'16"E. for 749.55 feet to a 5/8" iron rod; thence N.00°21'33"E., for 721.50 feet to a 5/8" iron rod; thence N.45°21'33"E., for 42.43 feet to a 4" concrete monument; thence S.89°38'27"E., for 2,224.05 feet to a 4" concrete monument; thence S.02°16'01"E., for 1,168.38 feet to a 5/8" iron rod capped LB 642; thence N.89°54'24"E., for 1,324.86 feet to a 5/8" iron rod capped LB 642 and a point on the east line of the Northeast One Quarter of said Section 35; thence S.03°20'25"E., along said east line, for 1,284.37 feet to a 5/8" iron rod capped LB 6952 marking the East One Quarter corner of said Section 35; thence S.00°01'58"E., along the east line of the Southeast One Quarter of said Section 35, for 2,635.65 feet to a 6" concrete monument marking the common corner for said Sections 1, 2, and 35; thence N.89°28'42"E., along the north line of the Northwest One Quarter of said Section 1, for 32.13 feet to a point on the north line of said Section 1; thence along said north line, S.89°57'20"E., for 1,118.12 feet to a point on the southwesterly line of the Florida Power and Light Company easement recorded in Official Records Book 258, Page 378 of the Public Records of Lee County Florida; thence along said southwesterly line the following 2 described courses;

1. Thence S.37°57'03"E., for 1132.67 feet;  
Thence S.37°57'07"E., for 366.69 feet a point on the westerly line of the 120 foot wide access and utility easement recorded in Instrument 2010000058339 of said Public Records and a point on a curve;

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Thence along said westerly line the following 2 described courses;

1. Thence southerly 687.41 feet along the arc of a curve to the left having a radius of 1,681.83 feet through a central angle of 23°25'07" and being subtended by a chord which bears S.23°40'13"E. for 682.64 feet;  
Thence S.35°22'47"E., for 163.65 feet to a point on the north line of the lands described in Official Records Book 2626, Page 3647, of said Public Records;

Thence along said north line S.54°37'13"W., for 1,000.76 feet to a point on the northerly line of Lot 23, Gateway Hidden Links II, as per the plat thereof recorded in Plat Book 69, Page 97, of said Public Records and a point on a curve; thence southwesterly 138.45 feet along the northerly line of said Lot 23 and Lot 22 of said Gateway Hidden Links II, and along the arc of a non-tangential curve to the left having a radius of 225.00 feet through a central angle of 35°15'25" and being subtended by a chord which bears S.36°59'32"W. for 136.28 feet to a point on the westerly line of Gateway Golf And Country Club as recorded in Official Records Book 3556, Page 1545, of said Public Records; thence along said westerly line of the following 21 described courses;

1. Thence S.22°54'23"W., for 281.97 feet;
2. Thence S.55°48'33"W., for 136.16 feet;
3. Thence E S.78°06'34"W., for 18.20 feet;
4. Thence S.57°35'17"W., for 9.70 feet;
5. Thence S.76°37'57"W., for 15.06 feet;
6. Thence S.64°54'52"W., for 44.61 feet;
7. Thence S.08°25'25"W., for 40.28 feet;
8. Thence S.06°30'42"W., for 30.10 feet;
9. Thence S.32°16'28"W., for 88.27 feet;
10. Thence S.76°04'40"W., for 87.12 feet;
11. Thence N.85°01'24"W., for 100.54 feet;
12. Thence S.05°57'06"E., for 53.31 feet;
13. Thence S.09°03'40"W., for 83.69 feet;
14. Thence S.03°39'02"E., for 118.11 feet;
15. Thence S.09°40'30"E., for 102.54 feet;
16. Thence S.27°58'47"W., for 276.05 feet;
17. Thence S.36°54'41"W., for 172.25 feet;
18. Thence S.33°26'36"W., for 232.10 feet;
19. Thence S.38°56'24"W., for 86.00 feet;
20. Thence S.31°35'38"W., for 436.35 feet;
21. Thence S.18°45'56"W., for 95.17 feet;

thence N.78°06'39"W., for 2.07 feet; thence S.11°53'21"W., for 341.62 feet to a point of curvature; thence southwesterly 371.36 feet along the arc of a tangential curve to the right having a radius of 460.00 feet through a central angle of 46°15'20" and being subtended by a Chord which bears S.35°01'01"W. for 361.36 feet; thence S.58°08'41"W., for 421.37 feet to a point of curvature; thence southwesterly 395.89 feet along the arc of a tangential curve to the left having a radius of 340.00 feet through a central angle of 66°42'51" and being subtended by a Chord which bears S.24°47'16"W. for 373.90 feet; thence S.08°34'10"E., for

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418.86 feet to a point of curvature; thence southerly 461.43 feet along the arc of a tangential curve to the right having a radius of 1,560.00 feet through a central angle of 16°56'50" and being subtended by a Chord which bears S.00°05'45"E. for 459.75 feet; thence S.08°22'41"W., for 98.45 feet to a point of curvature; thence southerly 486.24 feet along the arc of a tangential curve to the left having a radius of 2,940.00 feet through a central angle of 09°28'33" and being subtended by a Chord which bears S.03°38'24"W. for 485.68 feet; thence S.01°05'53"E., for 680.34 feet to a point on the East-West One-Quarter Section line of said Section 12; thence along said east-west line, S.89°59'34"W., for 120.02 feet; thence N.01°05'53"W., for 2646.08 feet; thence S.89°38'30"W., for 69.19 feet to the point of beginning of the parcel described herein;

Containing 60,191,159 square feet or 1,381.80 acres, more or less.

Bearings are based on the south line of the Southwest One-Quarter of Section 1, Township 45 South, Range 25 East, as having an assumed bearing of S.89°56'14"W.

**SECTION 2.** The City Code of the City of Fort Myers, Florida, Sub-Part B, Land Development Code, Chapter 118 Land Use Regulations, Article 6. Special Development Areas, Section 118.6.2 Pelican Preserve Special Development Area, Subsection H.5.c. Table A: Residential District Regulations, the row for Minimum Lot Size, and the column for Multi-family are hereby amended as follows:

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**118.6.2.H.5**

**c. Residential district regulations.** (See Table A below.)

**Table A: Residential Districts Regulations (SF and MF)**

District	Single-Family Detached		Single-Family Attached		Multi-Family
Permitted Uses and Standards	Single-Family Detached	Patio and Zero Lot Line	Two-Family and Duplex	Single-Family Attached, Triplex and Townhouse	Multi-family Dwellings, ALFs
Category	1	2	3	4	5
Minimum lot area	6,500 SF	4,000 SF	2,500 SF *3	2,500 SF	20,000 <del>AC</del> <u>SF</u>
Minimum lot width *4	50	30	35	30	100
Front yard *1 *2	20	20	20	20	20
Front yard for angled and side entry garage	15	10	10	10	15
Side yard *1	5	*5	7.5	0.5 BH	0.5 BH
Rear yard principal	20	10	15	15	0.5 BH
Rear yard accessory	10	5	10	10	15
Rear yard special *1	10	5	10	10	0.5 BH
Maximum building height	35	35	35	35	100 *7
Floor area (min.) (SF)	1,400 SF	600 SF	600 SF	600 SF	500 SF
Building coverage (max.)	45%	45%	45%	45%	45%

NOTES: BH: Building height. SBH: (Sum of building heights):  
Combined height of two adjacent buildings for the purpose of  
determining setback requirements. All distances are in feet  
unless otherwise noted.



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- \*1. Reduced setbacks with approval from Pelican Preserve Design Review Committee for side and rear yards for principal structures on lots which abut lake, open space, or reserve areas. With approval from Pelican Preserve Design Review Committee, front yards shall be measured as follows:
  - A. If the parcel is served by a public right-of-way, setback is measured from the adjacent right-of-way line.
  - B. If the parcel is served by a private road, setback is measured from the access easement.
- \*2. Dwellings which provide for two parking spaces within an enclosed garage and provide for guest parking other than in private driveways may reduce the front yard requirement to 12 feet for the garage and 15 feet for the remaining structures.
- \*3. Each half of a duplex unit requires a lot area allocation of 2,500 square feet for a total minimum lot area of 5,000 square feet.
- \*4. Minimum lot width may be reduced by 20 percent for cul-de-sac lots, provided the minimum lot area requirement is still maintained.
- \*5. Zero feet or a minimum of five feet on either side, except that where the zero-foot yard option is utilized, the opposite side of the structure shall have a ten-foot yard. Zero-foot yards may be used on both sides of a structure, provided that the opposite ten-foot yard is provided.

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- \*6. Setbacks measured to the nearest point of the building, and not including windows, shutters, overhangs and awnings.
- \*7. Building height for assisted living facilities only may be ten stories over parking.

**SECTION 3.** The Planning Board, sitting as the Local Planning Agency of the City of Fort Myers, considered the above amendments to the Land Development Code in Chapter 118, regarding Pelican Preserve Special Development Area, for consistency with the Comprehensive Plan, and the Land Development Code, Section 98.2.2; and made a recommendation of approval to the City Council after conducting a public hearing on September 3, 2014, with fifteen (15) days public notice having been provided to obtain public comment, and considered all written and oral comments received during the public hearing including support documents.

**SECTION 4.** 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 5.** 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 2<sup>nd</sup> day of December, A.D., 2014.

<u>Aye</u>	<u>/s/ Teresa Watkins Brown</u>
<u>Aye</u>	<u>/s/ Johnny W. Streets, Jr.</u>
<u>Aye</u>	<u>/s/ Christine Matthews</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 2<sup>nd</sup> day of December, A.D., 2014, at 11:32 o'clock a.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 2<sup>nd</sup> day of December, A.D., 2014.

/s/ Marie Adams, MMC  
City Clerk