

**ORDINANCE NO. 3061**

AN ORDINANCE  
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, GRANTING A PLANNED UNIT DEVELOPMENT ON PROPERTY LOCATED AT 2229 UNITY STREET IN SECTION 25, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; 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.** Bill Vosney, owner, has requested a Planned Unit Development on the hereinafter described property with a current land use designation of medium density multi-family (A-2).

**SECTION 2.** The parcel of land located at 2229 Unity Street for which the Planned Unit Development is granted is described as follows:

Lots 4 and 5, Block 3, Unity Heights, a subdivision according to the map or plat thereof on file and recorded in Plat Book 5, Page 8, in the Public Records of Lee County, Florida. Said property contains 1.63 acres, more or less.

**SECTION 3.** The Planned Unit Development will give more flexibility in marketing the property for lease or sale by specifying the type of land uses to be allowed and affirming the current owner or future owner of this property shall have a perpetual right to rebuild the existing building in its current size, configuration and location in the event of destruction and not the remaining expansion area that was not constructed during the twenty (20) year time period provided in Section 2(c) of Ordinance No. 2170, adopted September 7, 1982, and shown on Exhibit "A" attached thereto. No physical improvements are proposed with this application. The parking and landscaping will be maintained at all times.

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**SECTION 4.** Terms and conditions of the Planned Unit Development are as follows:

1. The Planned Unit Development for 2229 Unity Street allows the re-occupancy of the existing building for the following uses only:

- a. Wholesale
- b. Warehousing
- c. Storage
- d. Distribution
- e. Repair shops for furniture and appliances
- f. Construction companies with no outside storage
- g. Music, art, dance or vocational studios
- h. Building materials sales and storage - indoor only
- i. Processing for food and beverage
- j. Commercial laundries
- k. Book and magazine publishing
- l. Veterinary hospital, clinics or animal training facilities - no kennels
- m. cabinetry shop
- n. Pest control services.

No apartment or multi-family use permitted. Nor any other uses shall be allowed.

2. No additional buildings shall be constructed or the existing building expanded.

3. The existing areca palms function as an effective opaque buffer between adjoining properties. The south property shall be inter-planted four (4) shade trees, a minimum eight (8) feet in height and a minimum two (2) inch caliper, planted twenty (20) feet on center in the

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exiting island.

4. No deviations are being requested at this time. If the buildings are destroyed or damaged beyond fifty percent (50%) of the assessed value of the building, the building may be rebuilt in accordance with the site plan dated June 9, 2001.

5. The hours of operation shall be limited to 7:00 o'clock a.m. to 9:00 o'clock p.m.

**SECTION 5.** Failure to comply with the terms and conditions of the Planned Unit Development may result in its cancellation and revocation of current occupational license due to findings of fact made by City Council during a public meeting. The applicant shall be notified in writing of the date of the public meeting and be given an opportunity to respond at the public meeting.

**SECTION 6.** A notice of public hearing was published in a newspaper of general circulation in accordance with the law.

**SECTION 7.** Severability. If for any reason any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

**SECTION 8.** 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 15<sup>th</sup> day of April, A.D., 2002.

YEA \_\_\_\_\_  
Tammara Hall

YEA \_\_\_\_\_  
Veronica S. Shoemaker

YEA \_\_\_\_\_  
Ann M. Knight, Ed.D.

YEA \_\_\_\_\_  
Michael Flanders

YEA \_\_\_\_\_  
Randall P. Henderson, Jr.  
Council Members

**APPROVED** this 15<sup>th</sup> day of April, A.D., 2002, at 6:37 o'clock p.m.

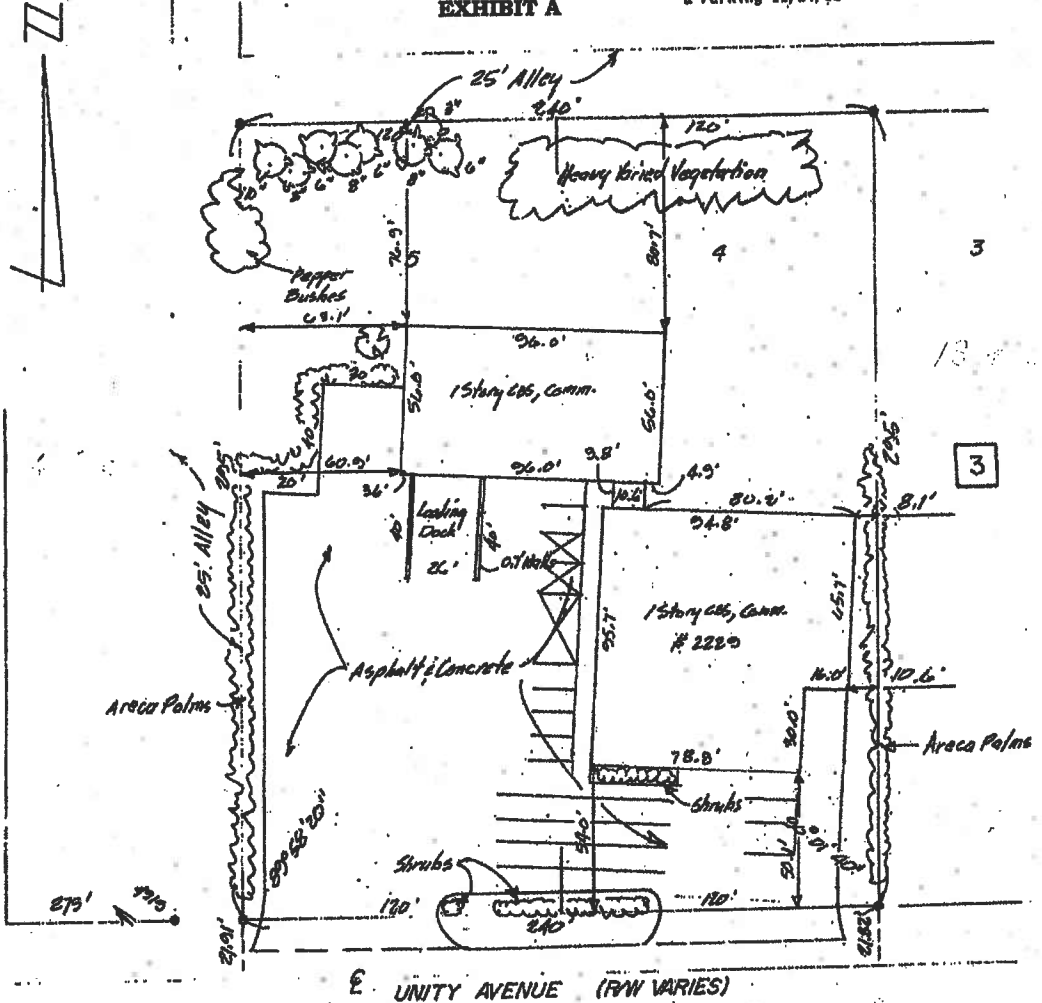
\_\_\_\_\_  
Jim Humphrey  
Mayor

**FILED** in the Office of the City Clerk this 15<sup>th</sup> day of April, A.D., 2002.

\_\_\_\_\_  
Marie Adams, CMC  
City Clerk

EXHIBIT A

BROADWAY AVENUE (SFRW)



E. UNITY AVENUE (FRW VARIES)

SUBJECT PROPERTY LOCATED IN
FEMA FLOOD ZONE
PANEL: 135196-0020-B
DATED: 11-15-84

LEGAL DESCRIPTION:  
 Lots 4 & 5, Block 3, Unity Heights, a subdivision according to the map or plat thereof on file and recorded in Plat Book 5, Page 8, in the Public Records of Lee County, Florida

CERTIFY TO: City of Fort Myers  
 Bill Vosney  
 Vosney, Inc

LEGEND

- = 1/2" IRON / CAP NUT
- = 1/2" IRON ROD FOUND
- ▲ = PIN NAIL SET
- △ = PIN NAIL FOUND
- = CONCRETE MONUMENT FOUND
- PALE = PUBLIC UTILITY EASEMENT
- DAE = DRAINAGE EASEMENT
- PC = POINT OF CURVE
- PT = POINT OF TANGENT
- P.L.C. = POINT OF LONGEST CURVE
- PN = POINT OF NOD
- P.A. = POINT OF BEGINNING
- = Pin Oak
- = Womans Tongue
- P.O.C. = POINT OF COMMENCEMENT
- C.B.S. = CONCRETE BLOCK SURVEY
- N.A.V. = NATIONAL ANGLE
- V.C.D. = VERTICAL CURVE DATA (P&S)
- P.A. = POWER POLE
- T.P.E. = TELEPHONE EASEMENT
- P.H. = FIRE HYDRANT
- C.B. = CATCH BASIN
- D = DEED
- H = HEAVILY
- C = CALCULATED
- = PLAT

- NOTES:
- DESCRIPTION AS FURNISHED BY CLIENT AND RECORDED IN THE PUBLIC RECORDS WAS CONDUCTED BY THIS FIRM.
  - ELERATIONS AS SHOWN ARE BASED ON MVD, 1928 DATUM UNLESS OTHERWISE STATED.
  - MEASUREMENTS ARE BASED ON PLAT OR DEED.
  - ENCROACHMENTS ARE SHOWN ON PLAT.
  - THERE MAY BE OTHER ENCROACHMENTS NOT SHOWN THROUGH RECORDED IN THE PUBLIC RECORDS OF OTHER JURISDICTIONS.
  - NO DETERMINATION OF HAZARDOUS WASTE MATERIALS HAVE BEEN MADE BY THIS FIRM.
  - ENGINEER LITER LIABILITY ONLY UP TO THE COST OF THE SURVEY.
  - THIS SURVEY IS PROTECTED BY COPYRIGHT AND ALL RIGHTS ARE RESERVED.
  - NOT VALID WITHOUT SIGNATURE AND HAZED SEAL.

ADDRESS: 2229 Unity Ave.

DATE: 06/13/01  
 SCALE: 1" = 40'  
 JOB #: 13487

BY: *R. L. Schumann*  
 R. L. Schumann, R. L. S.  
 FLORIDA REC. # 2239  
 Date of Signature: 6/13/01

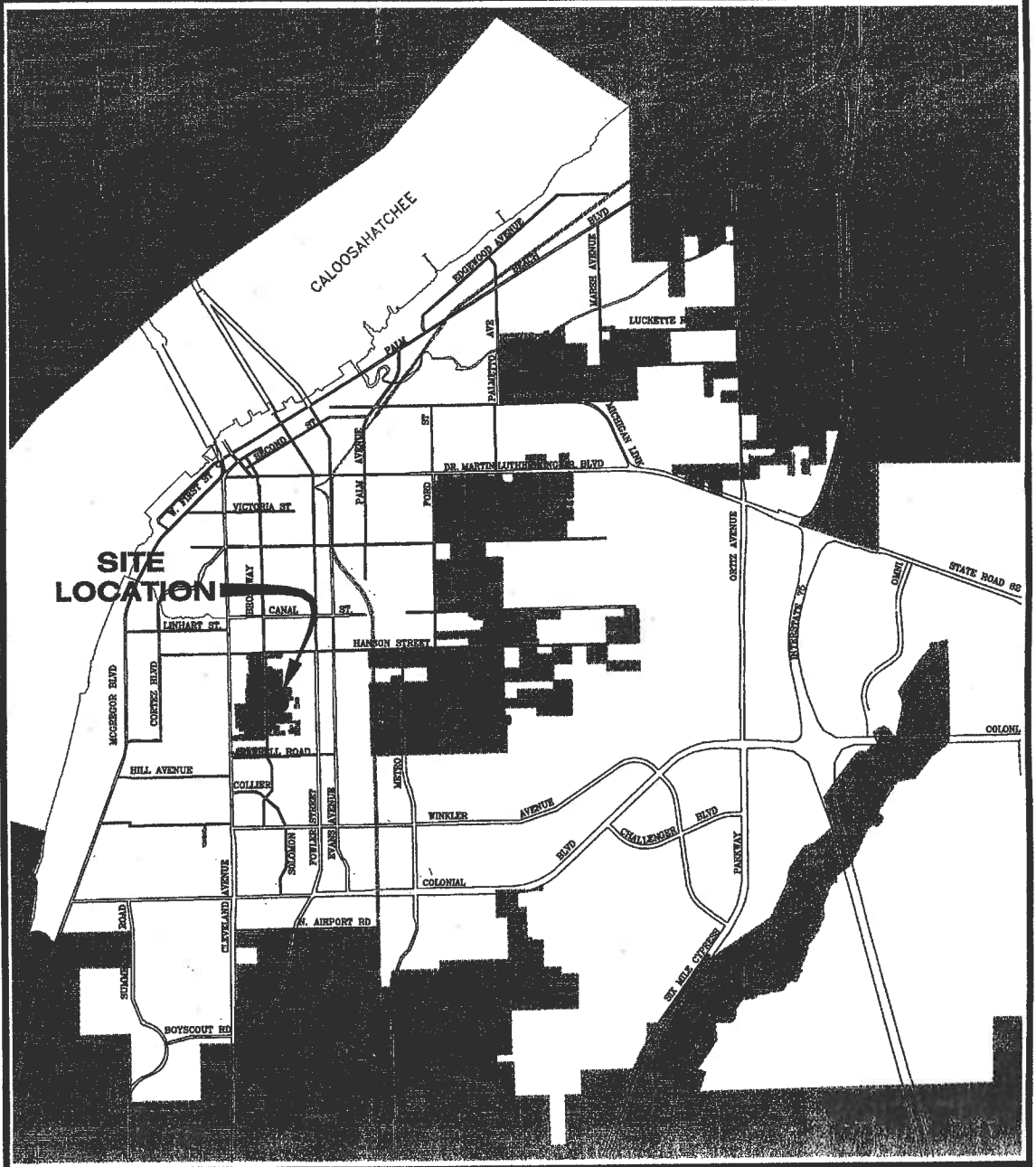
S & H LAND SURVEY CO., INC.  
 13591 MCGREGOR BLVD., SUITE 21  
 FT. MYERS, FLORIDA 33919  
 (941) 481-2366



# 2229 Unity Street Planned Unit Development (02PUD1)

## General Location Map

Apr 25, 2002 - 1:22 pm  
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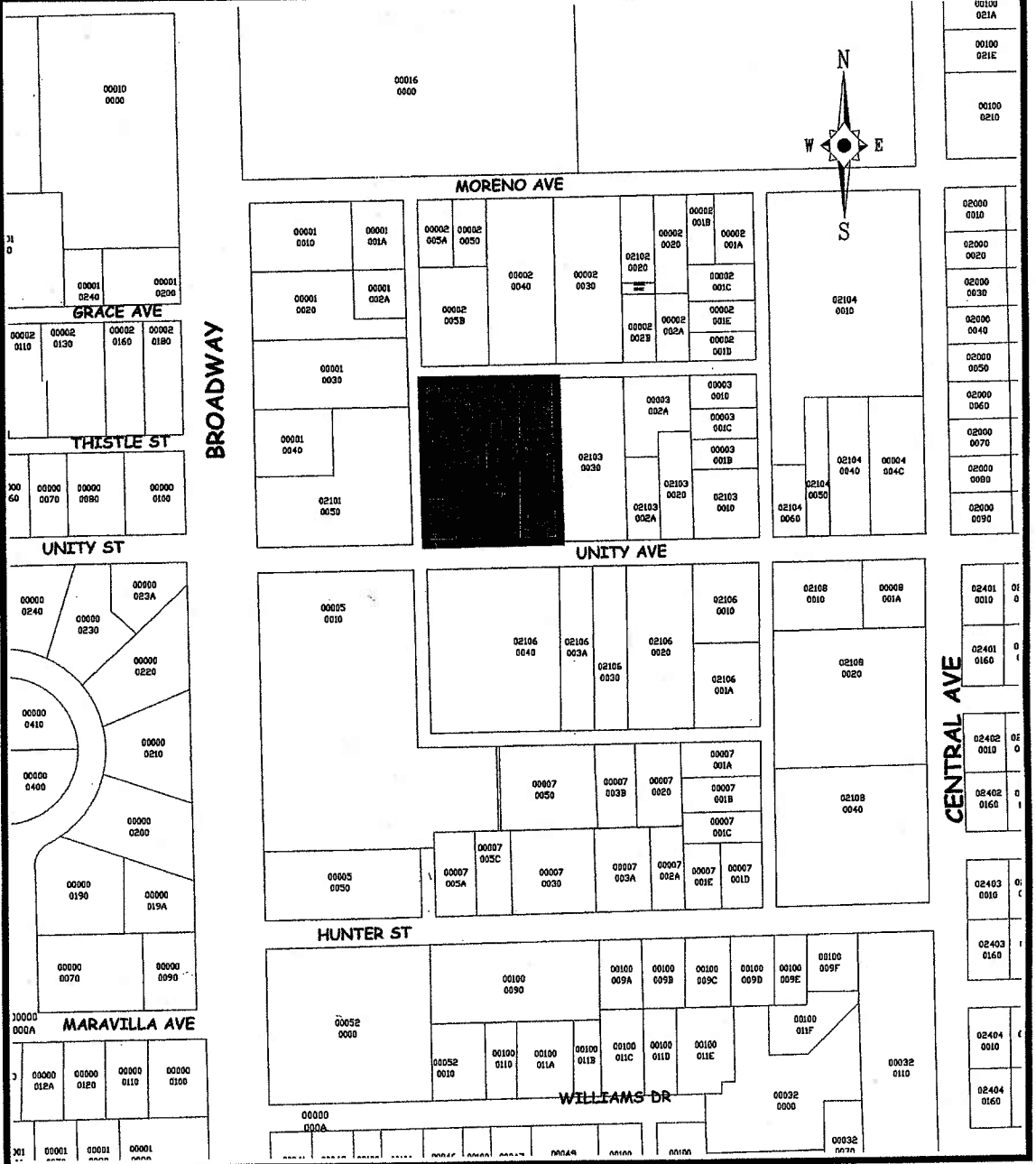
# 2229 Unity Street Planned Unit Development (02PUD1)



Apr 25, 2002 - 1:22pm

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## Location Map





# 2229 Unity Street Planned Unit Development (02PUD1)

Future Land Use

Apr 25, 2002 - 1:21pm  
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