

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
NAPLES, FLORIDA, ON WEDNESDAY, MAY 20, 1981, AT 9:02 A.M.

Present: R. B. Anderson
Mayor

C. C. Holland
Harry Rothchild
Wade H. Schroeder
Randolph I. Thornton
Edward A. Twerdahl
Kenneth A. Wood
Councilmen

Also present: George M. Patterson, City Manager
David W. Rynders, City Attorney
Roger Barry, Community Development Director
Norris Ijams, Fire Chief
Reid Silverboard, Chief Planner
Franklin Jones, Finance Director
Mark Wiltsie, Purchasing Agent

Reverend Walter Lauster
Elsworth McMahon
Clayton Bigg
Burch H. Springer
Edward Kant
Joseph Cione
Charles Andrews
Edward Hannam
Mrs. Bockelman
Linda Emblar
Robert Johnson
Lloyd Sarty
Lodge McKee
William Shearston
Dennis Lynch
Elizabeth Sita
W. W. Gilman
Sue Smith
Arnold Lamm
William Vines
Ms. Aitchison
John Smith
Don Franke
Scott Foster
Elaine Finklestein
Mr. & Mrs. Grant
Tom Shapard
Jacqueline Muench
Norman Turner
Carol Lowe
James Daggett
Ted Smallwood
Jerry Carlson
Jim Antle

News Media: Ned Warner, TV-9
Susan Gardner, TV-9
James Moses, Naples Daily News
Susan Ornstein, News Press
Chad Hautmann, Naples Star
Tom Lowe, WEVU-TV
Dory Owen, Miami Herald

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Other interested citizens and visitors

Mayor Anderson called the meeting to order at 9:02 a.m.; whereupon Reverend Walter Lauster of the Church of God delivered the Invocation, followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. APPROVAL OF MINUTES

Mayor Anderson called Council's attention to the minutes of the Regular Meeting of May 6, 1981; whereupon Mr. Wood moved approval of the minutes as presented, seconded by Mr. Twerdahl and carried by consensus.

AGENDA ITEM 4. Community Development Department/Naples Planning Advisory Board:

AGENDA ITEM 4-a. PUBLIC HEARING and second reading of ordinance. (Continued from Regular Meeting of May 6, 1981) Proposed Zoning Ordinance Text Amendment Relative to Time-sharing/Interval Ownership Petitioner: City of Naples

An ordinance amending Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples, Florida, by adding definitions for the terms "Time-sharing Estate" and "Time-sharing Lodging"; amending the definition of the term "Transient Lodging Facility"; amending Section 5.13 "C2-A" Waterfront Commercial District, to permit time-sharing lodging as a special exception use; amending Section 6, entitled "Supplementary District Regulations", to provide maximum density requirements and regulations relating to lot coverage, parking, and sales promotional activities for time-sharing lodging facilities; and providing an effective date. Purpose: To clarify existing zoning provisions and to provide additional regulations and requirements pertaining to time-sharing lodging.

Mayor Anderson opened the Public Hearing at 9:05 a.m.; whereupon City Attorney Rynders read the above titled ordinance by title for consideration by Council on Second Reading. The City Attorney noted his memorandum dated May 15, 1981, and an amended version of the proposed ordinance (Attachment #1). Mayor Anderson asked the City Attorney his opinion as to whether or not the changes were substantial enough to require another Second Reading to which City Attorney Rynders replied in the negative. Mr. Rothchild stated his feeling that there should be another Second Reading. He also noted the memorandum from Roger Barry, Community Development Director, dated May 11, 1981 (Attachment #2) and the reference to recommended re-zoning. City Attorney Rynders responded that that would be taken up at a later date. Steve Briggs, president of the Olde Naples Association, and Edward Hannam and John Smith, citizens, spoke in support of the City's efforts to limit the area where this type of land use could be allowed but asked that the area be even more restricted than in the proposed ordinance. They felt the area in which this might be permitted was too close to their neighborhoods. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:38 a.m. Fern Aitchison, citizen, asked to speak and spoke in support of limiting interval ownership. Mr. Schroeder moved to adopt Ordinance 3765 as amended on Second Reading, seconded by Mr. Thornton. Mr. Rothchild offered alternative proposals tantamount to prohibiting any interval ownership which the City Attorney did not feel were feasible. Mr. Holland initiated discussion about the possible limitation of people occupying the rooms in an interval ownership unit under the fire code. The City Attorney stated he would look into that possibility. After a lengthy discussion, motion carried on roll call vote, 6-1 with Mr. Rothchild voting no.

AGENDA ITEM 4-b. PUBLIC HEARING and Naples Planning Advisory Board recommendation to approve: Easement Vacation Petition No. 81-A2 Petitioner: Navarra Developers
Location: Northeast corner of Binnacle Drive and Riviera Drive. Request to vacate a portion of a 20 foot wide "planting strip" adjacent to the east right-of-way of Binnacle Drive, north of Riviera Drive, in Block B, Unit 7, of the Moorings.

City Attorney Rynders read the below captioned resolution by title for consideration by Council.

A RESOLUTION VACATING AND ABANDONING A PORTION OF A 20 FOOT WIDE PLANTING STRIP ADJACENT TO THE EAST RIGHT-OF-WAY OF BINNACLE DRIVE, NORTH OF RIVIERA DRIVE, MORE PARTICULARLY DESCRIBED HEREIN; RESERVING THEREIN AN EASEMENT FOR UTILITY PURPOSES; ACCEPTING AN ALTERNATE PLANTING EASEMENT, COPY OF WHICH IS ATTACHED HERETO; AND PROVIDING AN EFFECTIVE DATE.

He further noted that negotiations regarding compensation for this easement were not completed and he asked that the public hearing be opened and continued until the next meeting; whereupon Mayor Anderson opened the Public Hearing at 10:00 a.m. Attorney Don Franke, representing the petitioner, addressed Council in support of this petition and emphasized that the Australian Pine trees would not be moved. Arnold Lamm, citizen, asked if granting this easement would enable the developer to put in more units to which Roger Barry, Community Development Director, responded in the negative. Linda Embler, resident in the area, asked that several conditions be put in the agreement regarding the maintenance of the trees to which the petitioner's attorney agreed. After further discussion, Mr. Twerdahl moved that the Public Hearing be continued until June 3, 1981, seconded by Mr. Rothchild and carried on roll call vote, 7-0.

AGENDA ITEM 4-c. First reading of ordinance and Naples Planning Advisory Board recommendation to approve: Rezone Petition No. 81-R3 Petitioner: W. W. Gilman
Location: West of the Naples Municipal Airport, east of the Gordon River, and immediately south of the Avion Park Subdivision. Request for a change in zone from "R1-7.5", Single Family Residential, to "PD", Planned Development, to accomodate a proposed television network facility (headquarters office, studio, receiving and transmitting facilities), and future office/commercial/light industrial uses on a 10.8 acre tract of land immediately south of Avion Park Subdivision.

An ordinance rezoning 10.8 acres south of Avion Park, more particularly described herein, from "R1-7.5", Single Family Residential, to "PD", Planned Development; directing that the Zoning Atlas be revised to reflect said rezoning; approving the development plan for a proposed television network facility as submitted by petitioner, subject to the conditions set forth herein; and providing an effective date. Purpose: To rezone the property described herein at the request of the property owner and to approve the development plan for a proposed television network facility.

City Attorney Rynders read the above referenced ordinance by title for Council's consideration on First Reading. W. W. Gilman, petitioner, addressed Council and noted the presence of Robert Johnson, Chairman of Dominion Satellite, the proposed television network facility interested in locating on this property. Mr. Gilman noted his acceptance of the conditions in the Planning Advisory Board's recommendation (Attachment #3). Mr. Johnson spoke in support of the petition. Mr. Schroeder moved approval of this ordinance on First Reading, seconded by Mr. Wood and carried on roll call vote, 7-0.

Let the record show that Mr. Wood left the Council table at 10:30 a.m.

AGENDA ITEM 4-d. Recommendation of the Naples Planning Advisory Board to approve: 235
Variance Petition No. 81-V5 Petitioner: Alden T. Harris Location: 3555 Gordon Drive
Appeal from Section 5.2(H) of the Zoning Ordinance which permits a maximum of two stories
in the "R1-15", Single Family Residential district; in order to facilitate the construction
of a "loft" in a single-family residence.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 5.2(H) OF APPENDIX "A" ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO PERMIT CONSTRUCTION OF A LOFT WITHIN A SINGLE-FAMILY RESIDENCE AT 3555 GORDON DRIVE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder noted his opinion that this did not meet the criteria for a variance. Jerry Carlson, representing the petitioner, spoke in support of the petition. Mr. Thornton moved to adopt Resolution 3766, seconded by Mr. Rothchild and carried on roll call vote, 5-1 with Mr. Schroeder voting no and Mr. Wood being absent from the Council table.

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Let the record show that Mr. Wood returned to the Council table at 10:35 a.m.

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AGENDA ITEM 4-e. Recommendation of the Naples Planning Advisory Board to approve:
Variance Petition No. 81-V6 Petitioner: Delta Bigley Location: 2855 - 12th Street North. Appeal from Section 5.4 (F)(2) of the Zoning Ordinance which requires a 7.5 foot side yard setback in the "R1-7.5", Single Family Residential district; in order to permit an existing screen-enclosed swimming pool to encroach approximately 4 feet into the required side yard setback area.

City Attorney Rynders read the below captioned resolution by title for consideration by Council.

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 5.4(F)(2) OF APPENDIX "A" ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES TO PERMIT AN EXISTING SWIMMING POOL AND SCREEN ENCLOSURE TO CONTINUE TO ENCROACH ON A PORTION OF A REQUIRED 7.5 FOOT SIDE YARD SETBACK AREA AT 2855 12TH STREET NORTH; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rothchild moved adoption of Resolution 3767, seconded by Mr. Holland and carried on roll call vote, 7-0.

AGENDA ITEM 4-f. Recommendation of the Naples Planning Advisory Board to approve:
Variance Petition No. 81-V7 Petitioner: Thomas P. Abbott, II Location: 1471 Murex Drive Appeal from Section 5.2(F)(3) of the Zoning Ordinance which requires a 30 foot rear yard setback in the "R1-15", Single Family Residential district; in order to facilitate the construction of an addition to a single-family residence.

City Attorney Rynders read the below referenced resolution by title for consideration by Council.

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 5.2(F)(3) OF APPENDIX "A" ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO PERMIT A PORTION OF A PROPOSED ROOM ADDITION TO EXTEND THREE (3) FEET INTO A REQUIRED 30 FOOT REAR YARD SETBACK AREA AT 1471 MUREX DRIVE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved to adopt Resolution 3768, seconded by Mr. Thornton and carried on roll call vote, 6-1 with Mr. Schroeder voting no.

AGENDA ITEM 4-g. Recommendation of the Naples Planning Advisory Board to approve: Special Exception Petition No. 81-S4 Petitioner: Nickels & Dimes, Inc. Location: Coastland Center, adjacent to Coastland Theatres. Request to permit a "coin-operated amusement parlor" in Coastland Center.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT A COIN-OPERATED AMUSEMENT PARLOR IN THE COASTLAND MALL SHOPPING CENTER FOR A TWELVE MONTH PERIOD; AND PROVIDING AN EFFECTIVE DATE.

William Vines, representing the petitioner, spoke in support of the petition. Mr. Holland moved to adopt Resolution 3769, seconded by Mr. Rothchild and carried on roll call vote, 7-0.

AGENDA ITEM 4-h. Recommendation of the Naples Planning Advisory Board to approve: Special Exception Petition No. 81-S5 Petitioner: Mr. & Mrs. Bill Jones Location: 110 - 16th Avenue South. Request to construct a 4.5 foot high masonry (concrete block and stucco) wall in a portion of the required front yard in the "R1-15" and "R1-10" Single Family Residential districts.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO PERMIT CONSTRUCTION OF A 4.5 FOOT HIGH WALL IN A FRONT YARD SETBACK AREA AT 110 16TH AVENUE SOUTH, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved to adopt Resolution 3770, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 4-i. Recommendation of the Naples Planning Advisory Board to approve: Non-conformity Petition No. 81-N2 Petitioner: Wayne K. Roark Location: 969 Eighth Avenue North. Request to construct a 600 square foot addition to a non-conforming commercial structure in the "HC", Highway Commercial district.

City Attorney Rynders read the below captioned resolution by title for Council's consideration.

A RESOLUTION AUTHORIZING CONSTRUCTION OF AN ADDITION TO A NONCONFORMING STRUCTURE AT 969 EIGHTH AVENUE NORTH, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 3771, seconded by Mr. Twerdahl. Mr. Schroeder noted his objections to adding to a nonconforming structure. Motion carried on roll call vote, 6-1 with Mr. Schroeder voting no.

AGENDA ITEM 5. PUBLIC HEARING and second reading of ordinances.

AGENDA ITEM 5-a. An ordinance relating to a fire district; amending Section 8-2.1 of the Code of Ordinances of the City of Naples, providing for the establishment of a fire district and the adoption of a fire district map identifying the properties to be included in said district; and providing an effective date. Purpose: To identify those properties which should be subject to additional building regulations, and restrictions to minimize fire hazards.

Mayor Anderson opened the Public Hearing at 10:55 a.m.; whereupon City Attorney Rynders read the above referenced ordinance by title for Council's consideration on Second Reading. There being no one to speak for or against, the Mayor closed the Public Hearing at 10:56 a.m.; whereupon Mr. Twerdahl moved adoption of Ordinance 3772 on Second Hearing, seconded by Mr. Wood and carried on roll call vote, 7-0.

AGENDA ITEM 5-b. An ordinance amending Chapter 8 of the Code of Ordinances of the City of Naples by adding a new Section 8-2.1.1 thereto, relating to roof covering requirements; and providing an effective date. Purpose: To provide roof covering requirements for certain structures.

City Attorney Rynders read the above titled ordinance by title for consideration by Council on Second Reading; whereupon Mayor Anderson opened the Public Hearing at 10:57 a.m. There being no one to speak for or against, the Mayor closed the Public Hearing at 10:58 a.m.; whereupon Mr. Thornton moved adoption of Ordinance 3773 on Second Reading, seconded by Mr. Wood and carried on roll call vote, 7-0.

AGENDA ITEM 5-c. An ordinance relating to the City's purchasing policy; amending Section 15.1.2 of the Charter of the City of Naples, entitled "Competitive Bidding"; providing requirements for seeking and awarding bids; providing exceptions thereto; prohibiting certain practices; and providing an effective date. Purpose: To increase the amount for which competitive bids are required from \$1000.00 to \$1500.00; to amend certain provisions relative to waiving the competitive bidding requirements; to increase the limitation for award of bids and execution of contracts by the City Manager from \$2500.00 to \$5000.00; to provide a program for local business purchasing; and to clarify and refine certain existing provisions.

City Attorney Rynders read the above captioned ordinance by title for Council's consideration on Second Reading; whereupon Mayor Anderson opened the Public Hearing at 10:59 a.m. There being no one to speak for or against, the Mayor closed the Public Hearing at 11:00 a.m. Mr. Rothchild asked that the next time there is an amendment as long as this one that Council members be presented with a copy that is marked as to what has been changed. Mr. Schroeder moved adoption of Ordinance 3774 on Second Reading, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 6. Action on ordinance (Public Hearing concluded and action deferred from December 3, 1980, Regular Meeting). An ordinance relating to fees for recreational activities; amending Section 16-29 of the Code of Ordinances of the City of Naples providing a schedule of fees to be charged for use of the Fleischmann Park Community Center; and providing an effective date. Purpose: To establish a schedule of fees for the use of the newly constructed Community Center at Fleischmann Park.

City Attorney Rynders read the above referenced ordinance by title for consideration by Council at the continued Second Reading. Mr. Thornton moved adoption of this ordinance indicating his intention to vote against it, seconded by Mr. Twerdahl who indicated the same intentions. Mr. Rothchild suggested that consideration be given to expanding the hours at the community center so senior citizens could use it while students are in school. Motion failed on roll call vote, 0-7.

AGENDA ITEM 14. PurchasingAGENDA ITEM 14-a. Aerial bucket truck - Parkways & Services Division, Public Works Department - bid award.

City Attorney Rynders read the below titled resolution by title for consideration by Council.

A RESOLUTION AWARDED BID FOR AN AERIAL BUCKET TRUCK; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AUTHORIZING THE PAYMENT OF A PORTION OF THE COST THEREOF FROM THE CAPITAL IMPROVEMENT PROGRAM CONTINGENCY FUND; AND PROVIDING AN EFFECTIVE DATE.

Mr. Wood moved adoption of Resolution 3777, seconded by Mr. Schroeder and carried on roll call vote, 5-0 with Mr. Thornton and Mr. Twerdahl being absent.

AGENDA ITEM 14-b. 54,000 GVW cab and chassis - Sanitation Division, Public Works Department - bid award

City Attorney Rynders read the below captioned resolution by title for consideration by Council.

A RESOLUTION AWARDED BID FOR A 54,000 GVW CAB AND CHASSIS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved adoption of Resolution 3778, seconded by Mr. Rothchild and carried on roll call vote, 5-0 with Mr. Thornton and Mr. Twerdahl being absent.

AGENDA ITEM 14-c. 3 Truckster scooters - Sanitation Division, Public Works Department - bid award

City Attorney Rynders read the below referenced resolution by title for Council's consideration.

A RESOLUTION AWARDED BID FOR THREE (3) TRUCKSTER SCOOTERS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Schroeder moved adoption of Resolution 3779, seconded by Mr. Holland and carried on roll call vote, 5-0 with Mr. Thornton and Mr. Twerdahl being absent.

AGENDA ITEM 14-d. 5 supply wells - East Golden Gate Well Fields - bid award

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION AWARDED BID FOR THE DRILLING AND CONSTRUCTION OF FIVE (5) SUPPLY WELLS IN EAST GOLDEN GATE; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Holland moved adoption of Resolution 3780, seconded by Mr. Wood and carried on roll call vote, 5-0 with Mr. Thornton and Mr. Twerdahl being absent.

AGENDA ITEM 15. Authorizing advertisement of public hearing for the purpose of placing No-Wake signs in designated areas of Moorings Bay within the city limits. Requested by Police Department.

City Attorney Rynders recommended that the City Clerk be directed to advertise a Public Hearing for June 17, 1981, for this purpose. After a discussion about the waterways to include, it was the consensus of Council to direct the Clerk to make the recommended advertisement and to include the Gordon River north of U. S. 41.

Mr. Schroeder asked about controlling boats and keeping them from coming in close to swimmers at the beach. City Attorney Rynders suggested that the Parks and Recreation Advisory Board be contacted for their suggestions on this matter.

Mayor Anderson reported that he had talked to John Pistor, Chairman of the County Commission, on the telephone after the Workshop Meeting yesterday and Mr. Pistor said he had responded to Mayor Anderson's letter inquiring about the proposed egress and ingress to Pelican Bay from Seagate Drive. The Mayor said that Mr. Pistor had told him that the County didn't intend to do anything in the near future and that they would consult with the City before they do.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 1:16 p.m.

R. B. Anderson

R. B. Anderson, Mayor

Janet Cason

Janet Cason
City Clerk

Ellen P. Marshall

Ellen P. Marshall
Deputy City Clerk

These minutes of the Naples City Council were approved on 06-03-81



City of Naples

735 EIGHTH STREET, SOUTH, NAPLES, FLORIDA 33940

May 15, 1981

OFFICE OF THE CITY ATTORNEY

M E M O

TO: Hon. Mayor and Members of Council

FROM: David W. Rynders, City Attorney

RE: Agenda Item No. 4-a
Proposed Amendments to Zoning Ordinance relative to Time-Share Lodging

Attached are my proposed and recommended amendments on second reading of the Time-Share zoning ordinance.

David W. Rynders

David W. Rynders
City Attorney

DWR:bh

Enc.

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA; SETTING FORTH LEGISLATIVE FACTUAL DETERMINATIONS AND FINDINGS RELATIVE TO TIME-SHARE LODGING; ADDING A DEFINITION FOR THE TERM "TRANSIENT LODGING FACILITY"; AMENDING SECTION 5.13 "C2-A" WATERFRONT COMMERCIAL DISTRICT, TO PERMIT TIME-SHARE LODGING AS A SPECIAL EXCEPTION USE; AMENDING SECTION 6, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS", TO PROVIDE MAXIMUM DENSITY REQUIREMENTS AND REGULATIONS RELATING TO LOT COVERAGE, PARKING AND SALES PROMOTIONAL ACTIVITIES FOR TIME-SHARE LODGING FACILITIES; AND PROVIDING AN EFFECTIVE DATE.
PURPOSE: TO CLARIFY EXISTING ZONING PROVISIONS AND TO PROVIDE ADDITIONAL REGULATIONS AND REQUIREMENTS PERTAINING TO TIME-SHARE LODGING.

WHEREAS, the U.S. Supreme Court has previously stated that "the concept of the public welfare is broad and inconclusive. The values it represents are spiritual as well as physical, aesthetics well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled;" and

WHEREAS, the City Council is the local legislative body, which is vested with the power and charged with the duty of zoning and possesses an accurate knowledge of existing conditions and circumstances within the City of Naples; and

WHEREAS, the City of Naples has become aware that time-share lodging facilities have been experiencing an explosive growth in development in the State of Florida and that many properties within the City of Naples are potentially subject to time-share development; and

WHEREAS, the City Council hereby makes legislative factual determinations and findings that subtle but meaningful and important distinctions exist between the historically common and usual types of transient lodging facilities with which most people are familiar and accustomed and the newly developing "time-share" types of transient lodging facilities; these findings and determinations are set forth in this ordinance and can be summarized in part by saying that "time-share" transient lodging uses are a more intensive transient lodging use than are the other more familiar transient lodging uses; this fact in turn has both short and long-range impacts on the community, which impacts threaten to unbalance and harm the community in terms of the limited local resources available for both residential and transient use; and

WHEREAS, as another reflection of the impact of the development of "time-share" transient lodging facilities in the City the City is proceeding concurrently with a rezoning program to restrict other transient-lodging uses within the City to fewer and more limited areas, all in order to more equitably balance the needs and resources of the community;

ORDINANCE NO. _____

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SECTION 1. The City Council hereby declares that the matters contained in the preamble hereof and the findings and determinations set forth hereinbelow are declared to be true and correct and constitute a legislative fact determination thereof. Accordingly, Section 14, entitled "Definitions" of Appendix "A" - zoning, of the Code of Ordinances of the City of Naples, Florida, is hereby amended by adding the following new paragraph 42 and amending paragraph 43 thereof to read as follows:

42. **Time-Share Lodging:** A use of a dwelling unit or units under an arrangement or plan whereby the use of the unit has been segmented over time so that the owners, lessees or holders (regardless of the form of ownership or form in which the right to use is expressed) of such dwelling units have a periodically recurring exclusive right to use of either that unit or another unit in the same development, according to a pre-determined fixed schedule, and only if the schedule would permit in any one year a change or turnover of occupancy five or more times. In time-share lodging facilities, each unit may contain living and sleeping accommodations, sanitary facilities and kitchen or cooking facilities.

For the purposes of this ordinance, time-share lodging, interval ownership, interval occupancy, and similar uses shall be construed to be the same.

The City Council finds that time-share lodging is distinguished from transient lodging in that:

- (1) Occupancy is usually for weekly periods of time or longer.
- (2) The units are not primarily intended for rent to the public.
- (3) The units are usually larger in size than traditional hotel or motel units, and may be subject to a greater intensity of human occupancy.
- (4) The facility is normally subject to a higher occupancy rate.
- (5) Each unit typically includes complete living, sleeping, cooking and sanitation facilities.

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- (6) The facility and neighboring properties are subject to unique impacts as a result of marketing activities.
 - (7) The management characteristics have the potential of being substantially different from those of transient lodging facilities.
 - (8) Ownership is diffused rather than concentrated.
 - (9) Occupancy is not intended for the overnight tourist or traveler.
 - (10) Recreation facilities are usually more extensive and used more intensively.
- The above listed distinguishing features are not intended to be all inclusive.

43. **Transient Lodging Facility:** A hotel, motel, motor lodge, tourist court, or similar building or group of buildings in which sleep accommodations and sanitary facilities are offered to the public and intended primarily for rental to transients with daily, weekly, or seasonal charges. A transient lodging unit may also contain kitchen or cooking facilities.

A transient lodging facility is distinguished from multi-family dwellings (apartments) where rentals are usually for periods of a month or longer and occupancy is generally by residents rather than transients.

SECTION 2. Section 5.13 "C2-A" Waterfront Commercial District, of Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples is hereby amended by adding a new item 10. to paragraph C, as follows:

- C. Special Exceptions:
10. Time-Share Lodging.

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- 4. On-site sales activity shall be terminated upon completion of original sales.
- 5. A minimum of one parking space for each two proposed units shall be provided on site for the sales staff and potential purchasers' use during the (marketing) sales promotional and construction phases.

SECTION 4. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 15th DAY OF APRIL, 1981.
 PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS _____ DAY OF _____, 1981.

 R. B. Anderson Mayor

ATTEST:

Janet Cason
 City Clerk

APPROVED AS TO FORM AND LEGALITY BY David W. Rynders
 David W. Rynders, City At

ORDINANCE NO. _____

SECTION 3. Section 6, entitled "Supplementary District Regulations" of Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples is hereby amended by amending paragraph 30 to read as follows and by adding a new paragraph 45, as follows:

- 30. Maximum Densities: Maximum densities within areas designated for single-family residences and/or multi-family residences and/or transient lodging facilities and/or time-share lodging facilities shall be as follows:
 - B. Transient Lodging Facilities, Nursing Homes, and Time-Share Lodging Facilities: Maximum net residential density shall not apply to transient lodging facilities and/or nursing homes in any commercial district but do apply to such facilities in multi-family residential zone districts.

Exception: When transient lodging facilities and/or nursing homes are located in any commercial district and include any units with kitchens or cooking facilities, the maximum density for such facilities shall be 18 units per net acre.

The maximum density for time-share facilities shall be 12 units per net acre.

- 45. Time Share Lodging Facilities: In addition to the regulations stated elsewhere in this ordinance, the requirements listed below are specifically applicable to time-share lodging facilities:

- A. Maximum Lot Coverage, Off-street Parking, Minimum Floor Area, Maximum Building Dimensions, and Minimum Egress/Flow Requirements: All of these requirements shall be the same as the subject requirement for a transient lodging use in the applicable zone district except that parking shall be provided on the basis of 1 1/2 spaces per unit and the minimum floor area shall be 600 sq. ft.
- B. Sales Promotional Activity: Notwithstanding other applicable provisions of the zoning ordinance, the following provisions shall apply:
 1. The original sale of time-share lodging units may be conducted on site in a sales office and in up to a maximum of two model units.
 2. On-site sales activity shall be limited to original developer sales.
 3. The sales activity shall be conducted inside the sales office and model units so as not to be noticeable from the outside, except for permitted signs.



City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

DEPARTMENT OF PLANNING

MEMORANDUM



TO: City Manager
FROM: Roger J. Barry
SUBJECT: Proposed Ordinance Amendment ref: Interval Ownership
DATE: May 11, 1981

As directed by the Mayor and the City Council, we have continued to refine the proposed ordinance amendments relative to interval ownership, and have met with Steve Briggs and Lodge McKee to discuss the proposed amendments and the potential impact of interval ownership on the Old Naples area.

We are still of the opinion that the "C2-A" zone district is the most logical location for interval ownership projects, and that such uses, limited as they will be through the Special Exception petition process and a maximum permitted density of 12 DU's per acre, should not cause a problem for the surrounding area or the City.

We told Mr. Briggs and Mr. McKee, however, that we would closely monitor any interval ownership development in the "C2-A" district and would consider further limiting such uses in the area by possibly establishing a separate commercial zone district, encompassing an even smaller area than the present "C2-A" zoned area.

In addition to the definition changes that Dave is working on, we also propose to amend certain additional sections of the ordinance pertaining to transient lodging (see attached) in order to minimize the distinction our ordinance will make between transient lodging uses and interval ownership uses; and thus support our contention that there is a need to regulate both such uses, given the potential impact they could have on the City. Although there are distinct differences between each such use, there are also similarities, and we don't want it to appear that we have isolated interval ownership and not recognized similar, potentially detrimental impacts of transient lodging facilities.

continued...

TO: City Manager
FROM: Roger J. Barry

Therefore, we recommend the following additional ordinance amendments:

1. Change the "R3T-15" zone district classification which now permits transient lodging uses by Special Exception approval, to an "R3-15" designation which would not permit transient lodging. Through a subsequent action, all "R3T-15" zoned properties would be rezoned to "R3-15", except that portion of the Beach Club on the east side of Gulf Shore Blvd., which is zoned "R3T-15". We propose to change the zoning designation of this portion of the property to "R3T-18", which is the zoning designation on the Beach Club property on the west side of Gulf Shore Blvd.

There are no other transient lodging uses in the "R3T-15" district.

2. Add a new "R3-18" zone district to the ordinance and, through a subsequent action, rezone all of those properties north of Doctor's Pass (on Gulf Shore Blvd) that are zoned "R3T-18" to "R3-18", thus eliminating any possibility of transient lodging uses in that area. We propose to leave that area which is zoned "R3T-18" from 8th Avenue North to Doctor's Pass, and which includes the Beach Club, the Sheraton and The Tides, unchanged.

Dave will have to decide whether or not these new proposed changes can be made a part of the pending public hearing or if we will have to readvertise.

ROB:d

cc: Dave Rynders
Reid Silverboard

ATTACHMENT #3 -- Page 1
AGENDA ITEM #4-C
5/20/81



City of Naples

705 EIGHTH STREET, SOUTH, NAPLES, FLORIDA 33940

MEMORANDUM

DEPARTMENT OF PLANNING

TO: City Council
FROM: Roger J. Barry
SUBJECT: Rezone Petition No. 81-R3, W. W. Gilman, Petitioner; Request to rezone 10.8 acres south of Avion Park from "R1-7.5" to "PD", Planned Development and GDSP approval for a proposed television network facility
DATE: May 12, 1981

The PAD held a public hearing on the above rezoning petition, at their meeting on May 7, 1981, and after considering the attached staff report and the testimony presented at the hearing, concluded that the petition was consistent with the City's Comprehensive Plan and the desire to limit residential development in close proximity to the airport; and therefore, recommended approval by the City Council.

One detail which must be decided upon is the location and height of the proposed antennae. The petitioner has stated that the location and height are dependent upon the exact off-site location of a microwave dish, which, as yet, has not been decided.

The on-site antennae will be similar in size and appearance to the antennae on top of the Radio-Television Center on Eighth Street.

The petitioner has indicated that he will attempt to be more specific before the May 20th Council meeting. We suggest that the antennae not be any higher than necessary, and that it not be located north of the north property line (extended) of proposed parcel "J".

The Board also approved the development plan submitted with the petition, subject to the following conditions:

1. North Road (County Road), along the east property line of the subject site, shall be improved to County standards.
2. The proposed television office/studio structure shall be set back a greater distance from the utility easement bisecting the parcel than is indicated on the submitted site plan. Such relocation is subject to the review and approval of the Public Works Department.
3. The handling of on-site storm water runoff needs special attention in this area, above and beyond the minimum County requirement of 1" retention; such that no increase in pollutant loads into the Gordon River from this site shall be permitted. This problem and potential solutions shall be evaluated by the petitioner's consultant, and a detailed drainage plan shall be reviewed and approved by the Engineering Department prior to the issuance of building permits.

- ATTACHMENT #3 - page 2
4. The City moratorium on sewer system main extensions is applicable to this development. Provision of on-site treatment of sewage shall be detailed in plans to be submitted and approved by the Engineering Department, the County Health Department, and other applicable agencies, prior to the issuance of any building permits.
 5. Potable water requirements and fire protection cannot be provided via the existing service main without looping the main back to the new extension which will service the airport property at the new terminal location on North Road. Such a loop extension must be provided prior to, or in conjunction with, the construction of the proposed television facility.
 6. Site plan approval by the Engineering Department is conceptual at this time, in that possible changes may be required as a result of the above comments.
 7. The petitioner shall provide a 15 foot wide utility and drainage easement along the north property line abutting Airway Drive.
 8. The Fire Department noted that it may require the developer to provide on-site fire hydrants in order to provide adequate fire protection, depending upon the specific development plans proposed for the undeveloped parcel.
 9. Final plans and specifications for the television facility are subject to review and approval by the FAA and the Airport Authority.
 10. In our opinion, the boat ramp access to the Gordon River has no direct relationship to the proposed project at this time; and therefore, shall be eliminated.
 11. Specific development plans for each of the remaining six parcels shall be submitted for GDSP review and approval at the time they are proposed to be developed.
 12. Access to the subject property from Airway Drive shall not be permitted, in order to maintain the residential character of this street.
 13. The condominium documents of the development shall clearly state that the 20 foot wide private drive, providing internal circulation, is in private ownership, and therefore will not be maintained by the City. It should be noted that the Zoning Ordinance requires a 24 foot wide paved accessway.
 14. The attached Planned Development Criteria, and the standards provided for Special Exception approval, which are contained in Sec. 6.23(D) of the zoning ordinance, shall be considered as guidelines in conjunction with the PAD's review of future development proposals for this property.

[Handwritten signature]
RJBB
attcha.



City of Naples

725 EIGHTH STREET, SOUTH - STATE OF FLORIDA 33940

OFFICE OF THE CITY MANAGER

M E M O

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: CITY MANAGER GEORGE M. PATTERSON

SUBJECT: BEACH AND BEACHHEADS - RELATED PROBLEMS

DATE: MAY 15, 1981

As you are aware, we have periodically had an increase in the number and types of problems related to the beach and beachheads. Since last year we have added a beach buggy and beach patrol, three sworn officers, a litter clean-up and have resolved problems on private lots. However, while a step in the right direction, these efforts have not been sufficient to cope with the degree of problems in the past few months. Even though three new positions were approved for the Police Department, due to vacancies, we are two officers short of being at full force. We expect to fill these very shortly as we have almost concluded what appears to be a very successful recruitment.

At the present time I believe three different groups are looking at the overall beach problems. It is my understanding that there is a Chamber of Commerce beach committee which is looking into the lack of beach access and parking north of the City. If they are successful in generating action by the County, this will provide some partial relief to the City and its beachheads. Nevertheless, until such relief is forthcoming, it is our responsibility to deal with the problems which exist in the City in varying degrees depending upon the time of year.

The Old Naples Association will be making a presentation to you on Wednesday relative to some specific suggestions they have to help solve the problems. It is fair to say that the problems which have existed are concentrated more in the "Old Naples" area than other areas of the City. In addition, a sub-committee of the Parks & Recreation Board presently has a study underway and will likely be coming to the Council some time in June with numerous recommendations and statistics.

As the different types of problems have appeared at the beach, I have had meetings with various members of the staff, depending

Mayor and Council
May 15, 1981
Page 2

upon the particular problems we are addressing. We have recently held meetings which have included the City Attorney, Police Chief, City Engineer and Parks & Recreation Director. We have reached some conclusions which we feel are appropriate to pass on to you at this time. The one problem that we have not finalized a recommendation on pertains to the parking situation; however, we feel these other conclusions and recommendations will address most of the other problems and result in a far more satisfactory "beach situation."

Two of the solutions often recommended to address what appears to be the main single problem have been to close the beachheads at a certain hour and eliminate any alcoholic beverages. We do not agree that either of these measures will provide major solutions without also depriving the many citizens who use the beach who, in effect, have generated very few of the problems which exist. First, if the beachheads are closed at a particular hour, we feel this will, to a large degree, simply transfer the problem from the beachheads to the beach. The same drinking and noise we believe will then take place there.

Secondly, we do not believe unless it becomes absolutely necessary that we should prohibit alcoholic beverages. There are many people who take beer to the beach for picnics who are not generating any problem. There are also many citizens who may take beer or a cocktail with them in the early evening hours to watch the sunset or just relax. They also contribute very little to the problems that are taking place. Consequently, we feel that the best solution to the problem which will deprive the citizens the least of their enjoyment of the beach is to provide for the closing of both the beach and beachheads from 11 p.m. to 5 a.m. or some other hours closely within that range. For other than those who may be causing the noise and problems, we feel that few others would plan to use the beach during the hours suggested for closing. This also eliminates any problem of drinking or not drinking as the use of the beach and beachheads during these hours would not be permitted. This would result in a slight inconvenience for those who live on the beachheads as this would not permit parking on the street beyond the closing hour (11 p.m.) but, short of having the area absolutely saturated with police officers, we feel this is the best solution at the least inconvenience to all of the citizens.

We are also recommending the addition of a sworn officer and the purchase of an additional beach buggy to be staffed by the sworn officer. This would provide beach buggy patrol seven days a week and two on the weekends and holidays as necessary. It would also provide much better control over all of the activities at the beach including some of the complaints we have received about frisbee and football. Individuals can be and have been cited

Mayor and Council
May 15, 1981
Page 3

under our disorderly conduct ordinance for this type of activity in crowded areas where common sense would dictate against it.

Finally, we are recommending a full-time service worker position for litter clean-up on the beach and beachheads and some of the parking areas nearby. This will double our clean-up effort.

These recommendations would cost approximately \$26,063 per year and could be put into effect at an early date, assuming Council approval of the procedures. The funds could be transferred from our contingency account.

There are other problems which we will continue to address and will certainly be receptive to any future recommendations from our citizens and, particularly, our Parks & Recreation Board sub-committee which will make other ideas available to us in June. However, we feel that the suggestions contained herein will provide some major improvement and, as a result of the beachhead and beach closing, will be far more easily enforced than some of the other measures that could be taken.

Respectfully submitted,

George M. Patterson
George M. Patterson
City Manager

GMP/kan



AGENDA ITEM #11
5/20/81

City of Naples

735 EIGHTH STREET, SOUTH • STATE OF FLORIDA 33940

OFFICE OF THE CITY MANAGER

M E M O

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: CITY MANAGER GEORGE M. PATTERSON

SUBJECT: HB 324 FIREFIGHTERS INCENTIVE PAY
SB 947 POLICE MINIMUM PAY
HB 751 POLICE OFFICERS (DISABILITY)

DATE: MAY 15, 1981

I am bringing to your attention two house bills and one senate bill which I would recommend the Council take action to oppose. This information has been provided by the Florida League of Cities and their reasons for recommending opposition are explained in the attached. If any member of the Council desires any additional information, I will be happy to discuss these items with you prior to the meeting or at the Council meeting itself.

Sincerely,

George M. Patterson
George M. Patterson
City Manager

GMP/tan
enc.

FIREFIGHTERS INCENTIVE PAY - HB 324 (Rep. O'Malley) has passed out of the House Retirement, Personnel and Collective Bargaining Committee after amending out any reference to firemen working for the State. The bill provides for salary increases following completion of educational and training programs. The Senate bill 330 (Sen. Marpolis) is in Senate Appropriations. The funding for this program will be provided from the Insurance Commissioner's Regulatory Trust Fund held by the Treasurer's office which has been building up over the years from insurance premium taxes levied by cities for firefighters retirement. These funds are held in the trust fund rather than being distributed, in total, to cities whose collections of the insurance premium tax exceed 6% of their fire payroll. Our position is that this 6% limitation should be repealed and those cities should receive the full amount of taxes they levy. The firefighters want to utilize those funds for this pay incentive and training legislation. The inequity is that cities levying the tax - and not receiving full collections - will be funding training and pay programs for other cities and the county. We oppose this legislation on the basis of this inequity, and also because such benefits should not be mandated by the State. Contact your legislators to oppose this mandated program.

POLICE MINIMUM PAY - The Senate Economic, Community and Consumer Affairs Committee (ECCA) has adopted a proposal (SB 947 - Sen. Poole) to mandate a \$10,000 minimum police salary. We strongly oppose this and all other legislation that preempts our authority to establish pay and benefits to municipal employees. A similar proposal has been defeated in the House Committees.

POLICE OFFICERS - HB 751 (Rep. J. Smith) which provides that any impairment of health of law enforcement officer caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to be an accidental and suffered in the line of duty unless rebutted by competent evidence passed the House Personnel and Collective Bargaining Sub-Committee and now goes to the full committee. A similar Senate bill (SB 957) is in Sen Governmental Operations.