AN ORDINANCE PERTAINING TO THE R1-15A RESIDENCE DISTRICT; AMENDING SECTIONS 58-116(2), 58-116(4), 58-116(5)(b), 58-118 AND 58-122(e) OF THE CODE OF ORDINANCES, CITY OF NAPLES, IN ORDER TO INCORPORATE CURRENT REQUIREMENTS OF THE PORT ROYAL DEED RESTRICTIONS GOVERNING HEIGHT MEASUREMENT, SIDE YARD ENCROACHMENTS AND RIPRAP RETAINING WALLS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, the Port Royal Homeowners Association has requested that the City consider changes to the R1-15A District regulations governing height measurement, side yard encroachments and riprap retaining walls in the Port Royal neighborhood; and

WHEREAS, following a public hearing, the Planning Advisory Board has considered the recommendation of the staff and the public input and has recommended by a vote of 5 to 0 that the provisions of the Code of Ordinances governing height in the R1-15A district be amended as suggested; and

WHEREAS, after considering the recommendation of the Planning Advisory Board and City staff, following a public hearing on the subject, and providing the petitioner, staff and the public an opportunity to present testimony and evidence, the City Council has determined that it is in the best interest of the City of Naples to approve Text Amendment Petition No. 08-T2;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That Section 58-116(2) of the Code of Ordinances, City of Naples, Florida, is hereby amended as follows (with strikethrough indicating deletions and underline indicating additions):

(2) Side yard: 12 ½ feet. This side yard applies to the first 12 ½ feet of vertical height measured from the greater of: FEMA 1st habitable floor height requirement.

   (a) The FEMA 1st habitable floor height requirement;
   (b) 18 inches above the state department of environmental protection requirement for the 1st habitable floor structural support;
   (c) 18 inches above the elevation of the average crown of the adjacent roads; or
   (d) The average natural grade (natural contours of a land area generally unaltered by human intervention).

Figure 2. Illustrations of Side Yard Setbacks.

Additional height must remain within a 12:12 slope beyond the initial setback.
Section 2. That Section 58-116(4) of the Code of Ordinances, City of Naples, Florida, is hereby amended as follows (with strikethrough indicating deletions and underline indicating additions):

DIVISION 4. R1-15A RESIDENCE DISTRICT


Minimum yards in the R1-15A district are as follows:

(4) Encroachments. No encroachments other than those listed in subsection (5) of this section shall be permitted. Cornices, overhangs, awnings, eaves, gutters, and other elements as listed in section 56-54 shall not be permitted to encroach into any side or rear yard setback, or extend beyond any platted building line, in the R1-15A zoning district. Structures less than 36 inches in height, as measured from the crown of the road shall not be considered as encroachments, except that under no circumstances shall air conditioning, or pool mechanical equipment or generators encroach into any required setback area. Crown of the road is defined as the height measurement of the road adjacent to the property. If the road slopes the length of the property the average of the highest and lowest crown elevations shall be used as the base point.

Section 3. That Section 58-116(5)(b) of the Code of Ordinances, City of Naples, Florida, is hereby amended as follows (with strikethrough indicating deletions and underline indicating additions):


Minimum yards in the R1-15A district are as follows:

(5) Side yard exceptions are as follows:

b. Air conditioning and pool mechanical equipment screening and elevation. A screening buffer shall be required between all air conditioning and pool mechanical equipment and the adjacent side property line. The screening buffer shall extend one foot higher than the finished height, and two feet horizontally beyond each side of the mechanical equipment. Such required screening shall be permitted 12 1/2 feet from any side property line and may encroach upon the 12:12 slope beyond this initial setback only to the extent necessary to meet the requirements of this subsection. No air conditioning, pool mechanical equipment, or other noise-generating machinery shall be located with its base more than six inches above the greater of either the minimum FEMA first habitable floor elevation or the state department of environmental protection requirement for first habitable floor. The intent of this
exemption is to screen the air conditioning and pool equipment from adjacent property and to minimize noise propagation.

Section 4. That Section 58-118 of the Code of Ordinances, City of Naples, Florida, is hereby amended as follows (with strikethrough indicating deletions and underline indicating additions):

Sec. 58-118. Maximum Height.

Maximum height in the R1-15A district is 30 feet, measured from the greater of: FEMA first habitable floor height requirement. Maximum height west of Gordon Drive shall be 46 feet NAVD 88.

(e) The FEMA 1st habitable floor height requirement;
(f) 18 inches above the state department of environmental protection requirement for the 1st habitable floor structural support;
(g) 18 inches above the elevation of the average crown of the adjacent roads; or
(h) The average natural grade (natural contours of a land area generally unaltered by human intervention).

Architectural embellishments may extend five feet above the maximum height requirement.

Section 5. That Section 58-122(e) of the Code of Ordinances, City of Naples, Florida, is hereby amended as follows (with strikethrough indicating deletions and underline indicating additions):

Sec. 58-122. Seawalls, boat slips and revetments.

(e) Retaining walls used in conjunction with riprap may extend no higher than six inches above the elevation of mean low water, -0.52 feet NAVD 88.

Section 6. That it is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Naples, Florida, and that the sections of this ordinance may be renumbered to accomplish such intention.

Section 7. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 8. That all sections or part of sections of the Land Development Code, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict therewith, be and the same are hereby repealed to the extent of such conflict.

Section 9. This ordinance shall take effect immediately upon adoption at second reading.
Ordinance 08-12048

APPROVED AT FIRST READING THIS 16TH DAY OF APRIL, 2008.


Bill Barnett, Mayor

Attest:

Tara A. Norman, City Clerk

Approved as to form and legality:

Robert D. Pritt, City Attorney

Date filed with City Clerk: 5-21-08