AN ORDINANCE PERTAINING TO THE R1-10A RESIDENCE DISTRICT; AMENDING SUBSECTIONS (1) AND (4) OF SECTION 58-206, SECTION 58-207(1), SECTION 58-209, AND ADDING SECTION 58-211 TO THE CODE OF ORDINANCES, CITY OF NAPLES, IN ORDER TO INCORPORATE CURRENT REQUIREMENTS OF THE PARK SHORE DEED RESTRICTIONS GOVERNING FRONT YARD SETBACKS, MINIMUM FLOOR AREA, OFF-STREET PARKING, AND FENCES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, the Park Shore Homeowners Association has requested that the City consider changes to the R1-10A District regulations governing front yard setbacks along Crayton Road and Park Shore Drive, minimum floor area, off-street parking and fences in the Park Shore 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 front yard setbacks along Crayton Road and Park Shore Drive, minimum floor area, off-street parking and fences in the R1-10A 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-T03;

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

Section 1. That Subsections (1) and (4) of Section 58-206 of the Code of Ordinances, City of Naples, Florida, are hereby amended as follows (with strikethrough indicating deletions and underline indicating additions):

DIVISION 7. R1-10A RESIDENCE DISTRICT

Sec. 58-206. Minimum yards.

Minimum yards in the R1-10A district are as follows:

(1) Front yard: 30 feet; 40 feet for lots on Crayton Road and Park Shore Drive.

(4) On lots which front on more than 1 street, 1 of the front yards may be reduced to 25 feet, except that corner lots on Crayton Road and Park Shore Drive must maintain at least a 35 foot front yard on one of those roads. The property owner may choose which setback to reduce, subject to the approval of the city manager.
Section 2. That Section 58-207(1) of the Land Development Code, City of Naples, Florida, is hereby amended as follows (with strikethrough indicating deletions and underline indicating additions):

Sec. 58-207. Minimum floor area.

Minimum floor area in the R1-10A district is as follows:

1-story buildings: 1,200-1,400 square feet.

Section 3. That Sections 58-122(e) of the Land Development Code, City of Naples, Florida, are hereby amended as follows (with strikethrough indicating deletions and underline indicating additions):

Sec. 58-209. Minimum off-street parking.

Minimum off-street parking in the R1-10A district is 1 space per residence, located within the permitted building area. Open-side or open-end carports over terminated driveways are not permitted. All garages shall be attached to the principal structure and shall be limited to a capacity sufficient to house no more than 3 vehicles.

Section 4. That the Code of Ordinances, City of Naples, Florida is hereby amended by adding a section to be numbered 58-211, which said section reads as follows:

Sec. 58-211. Fences.

1. No fence shall be allowed running parallel to the rear lot line of a waterfront lot nearer than 15 feet to the rear lot line.

2. No fence shall be allowed forward of the rear of the residence constructed upon the lot except that fences are allowed to encompass one side yard attributable to a residence from the area between the rear line of the house and front line of the house. Fencing required to conceal existing mechanical equipment may be constructed forward of the rear of the residence. Fences are prohibited in front yards.

3. Fences must be constructed of materials such as wood, masonry, or other decorative building materials. Chain link fences are prohibited unless suitable landscaping is planted adjacent to such fence around its entire boundaries. All fences must be constructed as to not present the appearance of a solid wall and must be sufficiently open by at least 50 percent to allow passage of light and air.

4. On waterfront lots, all hedges and plantings beyond the rear building line shall be maintained to a height of no more than 48 inches so as not to materially obstruct the waterway view from adjoining and nearby properties.

Section 5. 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 Land Development Code of the City of Naples, Florida, and that the sections of this ordinance may be renumbered to accomplish such intention.

Section 6. 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 7. 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 8. This ordinance shall take effect immediately upon adoption at second reading.

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