AN ORDINANCE AMENDING SECTION 58-907 (b)(3) COMPUTATION OF THE OPEN SPACE FEE AMOUNT IN THE "D" DOWNTOWN DISTRICT OF THE CODE OF ORDINANCES, CITY OF NAPLES FOR THE PURPOSE OF INCREASING FEES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, the fee at the time of adoption of Ordinance No. 03-10093 was $20,000 per residential unit with the provision to increase the fee 5% a year beginning October 1, 2004 and then on October 1st every year thereafter; and

WHEREAS, the fee will be increased for the fifth time on October 1, 2008, yielding a fee amount of $25,526; and

WHEREAS, the City has conducted an analysis of current per square foot of land cost plus the cost per square foot of improvement to construct open space in the form of parks, plazas, squares or courtyards in the D Downtown District; and

WHEREAS, the cost of purchasing land and improving that land to develop open space in the "D" Downtown District is greater than can be supported by the current fee; and

WHEREAS, it is the desire of the City Council to increase the "D" Downtown open space fee to include a land cost component of $70 per square foot and an improvement cost component of $15 per square foot for a new total fee of $42,500 for each unit above the allowable density of 12 residential units per acre;

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

Section 1. That Section 58-907 b(3) of the Code of Ordinances of the City of Naples is amended to read as follows (with underlining indicating additions and strikethout indicating deletions):

DIVISION 30. D DOWNTOWN DISTRICT

(b) Density increases. Residential density may exceed 12 units per acre, but not greater than 30 units per acre, on a specific site by conditional use permit, subject to other conditions stated herein; however, the overall density in the district may not exceed 12 units per acre. A total pool of 807 units is available for property in the area on the north side of Central Avenue, and a total pool of 609 units is available for property in the area on the south side of Central Avenue for a total of 1,416 residential units in the district. In order to exceed 12 units per acre, a project must either provide public open space through dedication of an easement to the city, or payment into the open space fund, or a combination of both.

(3) Computation of open space fee. Effective upon adoption of the ordinance from which this division is derived, the fee shall be $42,500.00 $20,000.00 per residential unit in excess of the
Ordinance 08-12165

allowable density. Effective on October 1, 2009 2004, and then on October 1 of each year thereafter, the fee shall increase at a rate of 5 percent. Payments made pursuant to this section shall be made prior to the issuance of a building permit.

Section 3. 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 4. That all sections or parts of sections of the Code of Ordinances, City of Naples, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 18TH DAY OF JUNE, 2008.


Bill Barnett, Mayor

Attest: Tara A. Norman, City Clerk

Date filed with City Clerk: 9-18-08

Robert D. Pritt, City Attorney