ORDINANCE 08-12205

AN ORDINANCE AMENDING CHAPTER 58, ARTICLE II, ZONING DISTRICTS, OF THE CODE OF ORDINANCES, CITY OF NAPLES, FLORIDA, TO ADD A NEW DIVISION 31, BP, BUSINESS PARK DISTRICT; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, the City of Naples has requested that the City Council consider creation of a Business Park zoning designation; 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 7 to 0 that the provisions of Chapter 58, Article II, Zoning Districts, of the Code of Ordinances 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-T07;

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

Section 1. That Chapter 58, Article II, Zoning Districts, of the Code of Ordinances, City of Naples, Florida, is amended to add a new Division 31, BP, Business Park district, as follows (with underlining indicating additions):

DIVISION 31. BP BUSINESS PARK DISTRICT

Sec. 58-931. District purpose.

The BP district is a utilitarian, business and service district characterized by a broad range of retail, services, manufacturing, distribution, storage, repair and civic uses. In order to provide for utilitarian businesses and related general commercial uses to be located in proximity to one another, a blend of light industrial, commercial, professional, business and service uses shall be permitted within the Business Park district.

Sec. 58-932. Uses permitted.

In the BP district, no building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

(1) Retail, service, wholesale, distribution, indoor storage, auction or rental of new or used goods - excluding rental of motor vehicles.

(2) Gasoline service stations.
(3) Light industrial uses to include: maintenance, repair, reconditioning, cleaning, including dry cleaning and auto cleaning, printing, cooking, processing, packaging, testing, manufacturing or assembling operations.

(4) Contractors' fabrication, storage and supply establishments and furniture refinishing.

(5) Bakeries, wholesale or retail.

(6) Professional, business, financial, civic or public utility offices and government facilities, including drive up windows.

(7) Medical offices, counseling services, laboratories and out-patient clinics- excluding in-patient, residential clinics.

(8) Research and development establishments.

(9) Veterinarians, pet shops and grooming.

(10) Art and photography studios.

(11) Convenience services, such as tailoring, garment alteration and repair, shoe repair and the like.

(12) Cultural facilities, including libraries, motion picture or live theaters, dance studios, museums and similar publicly owned buildings - excluding drive in theaters.

(13) Churches.

(14) Personal service establishments, including barber and beauty shops.

(15) Schools and colleges, including commercial schools, dance, arts and athletic instruction.

(16) Transportation, communication and utilities businesses.

(17) Radio or television broadcasting offices or studios, including satellite dishes, however no towers exceeding 42 feet in height.

(18) Restaurants, conventional and carryout - excluding cocktail lounges.

(19) Accessory uses and structures which are incidental to and customarily associated with the uses permitted in this district.

Sec. 58-933. Conditional uses.

Conditional uses in the BP district are as follows:

(1) Rental of motor vehicles.

(2) Amusement or recreation uses not listed as permitted uses.

(3) Drive up or drive through windows not listed as permitted.
(4) Daycare centers.

(5) Animal daycare centers, boarding kennels and outdoor kennel runs-no breeding kennels.

(6) Parking garages, as a primary or accessory use.

(7) Outdoor storage with screening as accessory to permitted uses.

(8) Fuel and chemical storage and wholesale.

The planning advisory board may, through the review and approval of a conditional use petition and with the approval of the city council, permit other uses which are similar to and no more intense than those enumerated in this section.

Sec. 58-934. Minimum lot area.

Minimum lot area in the BP district is 20,000 square feet.

Sec. 58-935. Minimum lot width.

Minimum lot width in the BP district is 100 feet.

Sec. 58-936. Minimum yards.

Minimum yards in the BP district are as follows:

(1) Front yard: 25 feet, 6 feet of which shall be landscaped in accordance with the landscaping requirements of chapter 50.

(2) Side yard: The total of all side yards shall equal 20% of lot width, maximum of 50 feet total. No side yard shall be less than 10 feet. A unified plan is allowed for lots under common ownership. For lots adjacent to residential zoning district, minimum side yard is 50 feet.

(3) Rear yard: 15 feet, except for lots adjacent to a residential zoning district, on which the minimum rear yard requirement is 50 feet; and for lots adjacent to a water body, on which the minimum rear yard requirement is 25 feet.

Sec. 58-937. Minimum floor area.

Minimum floor area in the BP district is 1,000 square feet per building on ground floor.

Sec. 58-938. Maximum height.

In the BP district, the maximum height shall be limited to 3 stories and 42 feet, measured from the 1st-floor FEMA elevation to the peak of the roof or the highest point of any appurtenance attached to the roof.

Sec. 58-939. Minimum off-street parking.
See chapter 50 for parking requirements in the BP district.

Sec. 58-940. Maximum lot coverage.
Maximum lot coverage by all buildings in the BP district is 60 percent.


Section 5. That 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 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 4TH DAY OF JUNE, 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: 10-14-08