ORDINANCE 08-12281

AN ORDINANCE REGARDING THE 5TH AVENUE SOUTH SPECIAL OVERLAY DISTRICT; AMENDING SUBSECTION (d)(1) OF SECTION 58-1134 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FOR THE PURPOSE OF INCREASING THE NUMBER OF PARKING SPACES REQUIRED FOR RESIDENTIAL UNITS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 29, 2008, the City Council reached a consensus that it is in the best interest of the City and of the 5th Avenue South business district to increase the number of parking spaces required for residential units in the 5th Avenue South Special Overlay District, from 1.5 per unit to 2 per unit, and directed staff to process an amendment to the Code; and

WHEREAS, on October 8, 2008, the Planning Advisory Board reviewed the proposed amendment and voted 6 to 0 to recommend approval;

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

Section 1. That Subsection (d)(1) of Section 58-1134 of the Code of Ordinances of the City of Naples is hereby amended to read as follows (with underlining indicating additions and strikeout indicating deletions):

(d) Building area. The permitted building area shall be calculated as a function of the number of parking spaces provided on the lot as follows:

(1) There shall be a minimum of 3 off-street parking spaces for each 1,000 square feet of commercial use and 1-1/2 2 parking spaces for each residential unit and 1 for each lodging unit. There shall be at least one parking space for each residential unit located on-site in addition to required handicapped parking. Parking requirements shall be calculated by the net building area. There shall be no parking requirement for outdoor dining use.

Section 2. It is the intention of Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Naples, Florida, and that the sections of this ordinance may be renumbered to accomplish such intention.

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or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.
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Section 5. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 19TH DAY OF NOVEMBER, 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: 12-29-08