

## ORDINANCE 97-8045

AN ORDINANCE AMENDING THE FIFTH AVENUE SOUTH SPECIAL OVERLAY DISTRICT REGULATING PLAN AS REFERENCED IN SECTION 102-1094(g) OF THE CODE OF ORDINANCES IN ORDER TO REVISE THE LOCATION OF A SITE DESIGNATED FOR A PARKING STRUCTURE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, City staff has been instructed to amend the Fifth Avenue South Special Overlay District Regulating Plan as referenced in Section 102-1094(g) of the Code of Ordinances in order to revise the location of a site designated for a parking structure; and

WHEREAS, following an advertised public hearing, the Planning Advisory Board considered the public input, the recommendation of the staff, the recommendation of the Staff Action Committee, and the standards and guidelines of Subsection 86-201.1, "Petition for change in text," and recommended by a vote of 7 to 0 that Text Amendment Petition 97-T9 be granted, finding that the criteria had been met;

WHEREAS, it is the desire of the City Council to so amend the Fifth Avenue South Special Overlay District Regulating Plan as referenced in Section 102-1094(g) of the Code of Ordinances to revise the location of a site designated for a parking structure;

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

Section 1. That the Fifth Avenue South Special Overlay District Regulating Plan as referenced in Section 102-1094(g) of the Code of Ordinances is hereby amended in order to revise the location of a site designated for a parking structure as indicated on the attached Exhibit "A."

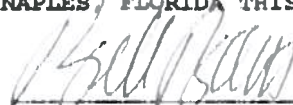
Section 2. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 3. That all sections or parts of sections of the Code of Municipal Ordinances, 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or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.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 4. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 6TH DAY OF AUGUST, 1997.

PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 20<sup>TH</sup> DAY OF AUGUST 1997.

  
Bill Barnett, Mayor

Attest:

Approved as to form and legality:

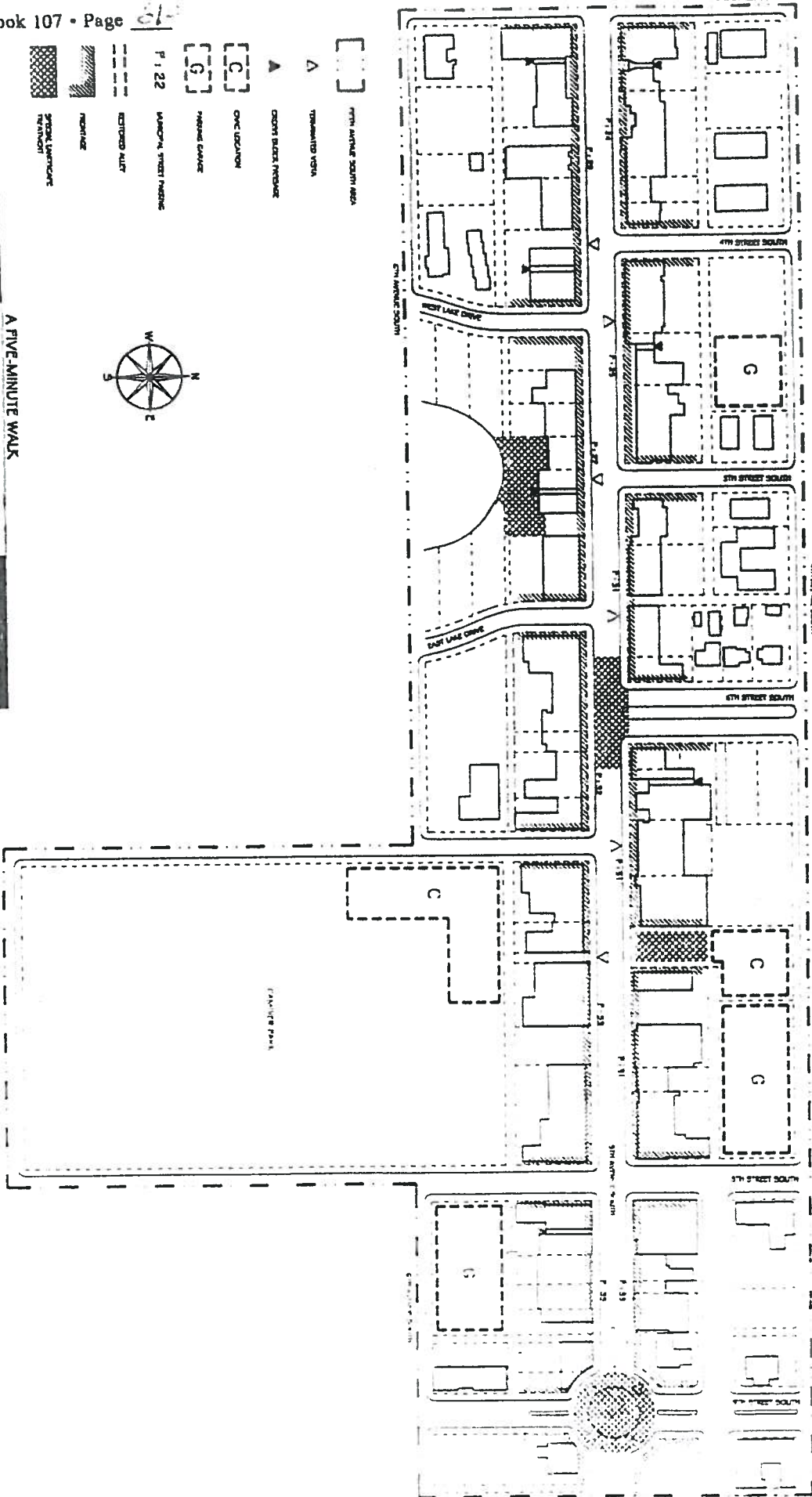
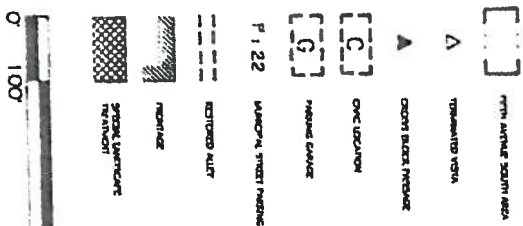
  
Tara A. Norman, City Clerk  
M:\LEGAL\COUNCIL\ORD\97-8045

  
Kenneth B. Cuyler, City Attorney

97-4046

# Fifth Avenue South Regulating Plan

September 1997







Staff Report to Naples City Council  
Subject: Text Amendment Petition 97-T9 (97-61)  
Petitioner: City of Naples  
From: Dr. Richard L. Woodruff, City Manager  
Prepared by: Flinn Fagg, Planning Department  
Recommend approval *RFW*

Agenda Item ~~17~~ 7  
Meeting of ~~8/6/97~~  
8/20/97

**Request:** This is a request to amend the Fifth Avenue South Special Overlay District Regulating Plan as referenced in Section 102-1094(g) of the Code of Ordinances in order to revise the location of a site designated for a parking structure.

**Authorization:** Section 86-201.1 of the Code of Ordinances, "Petition for change in text."

**Background:** The Regulating Plan for Fifth Avenue South specified three possible locations for parking garages; two of the sites are City-owned property, and the site in question is located on private property. The property owner filed a petition with the Staff Action Committee (SAC) earlier this year, requesting to construct a 12-unit condominium on the property, necessitating a change in the designation of the site for a parking structure. The SAC recommended approval of the project by a vote of 3 to 0, with the provision that the Regulating Plan be revised to reduce the portion of the site identified for a parking structure.

**Staff Recommendation:** Staff recommends approval of the revision to the Regulating Plan attached as Exhibit "A." The Regulating Plan has also been revised to show the location of the Naples Players' Theater and the parking structure.

**Public Input:** None.

**Meeting Summary/PAB Vote:** On July 9, 1997, the Planning Advisory Board voted 7 to 0 to recommend approval of Text Amendment Petition 97-T9.

**Additional PAB Comments:** PAB Member Hole suggested that at some point in the future City Council reconsider the traffic circle at Fifth Avenue South and U.S. 41.

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**CITY OF NAPLES**

**STAFF REPORT**

**TO:** Planning Advisory Board  
**FROM:** Planning Department  
**SUBJECT:** Text Amendment 97-61 (97-T9)  
Petitioner: City of Naples  
**DATE:** July 2, 1997

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1. **REQUEST:** This is a request to amend the Fifth Avenue South Special Overlay District Regulation Plan as reference in Section 102-1094(g) of the Code of Ordinances in order to revise the location of a site designated for a parking structure.
2. **BACKGROUND:** The Regulating Plan for 5<sup>th</sup> Avenue South specified three possible locations for parking garages; two of the sites are City-owned property, and the site in question is located on private property. The petitioner filed a petition with the Staff Action Committee (SAC) earlier this year, requesting to construct a 12-unit condominium on the property, necessitating a change in the designation of the site for a parking structure. The SAC recommended approval of the project by a vote of 3 to 0, with the provision that the Regulating Plan be revised to reduce the portion of the site identified for a parking structure.
3. **PENDING AND/OR SUBSEQUENT ACTION:** The Planning Advisory Board (PAB) will hold a public hearing on this petition at its meeting on Wednesday, July 9, 1997. At the close of the public hearing, the PAB will make a recommendation to the City Council. First reading of an ordinance adopting this text amendment will be scheduled for the August 6, 1997 City Council meeting.
4. **STAFF RECOMMENDATION:** Staff recommends approval of the revision to the Regulating Plan attached as Exhibit "A."



Respectfully submitted,

*Missy McKim*  
Missy McKim  
Planning Director

Prepared by:

*F. Fagg*  
Flinn Fagg, Planner

Pz01078.doc



## Fifth Avenue South Regulating Plan

[illegible]

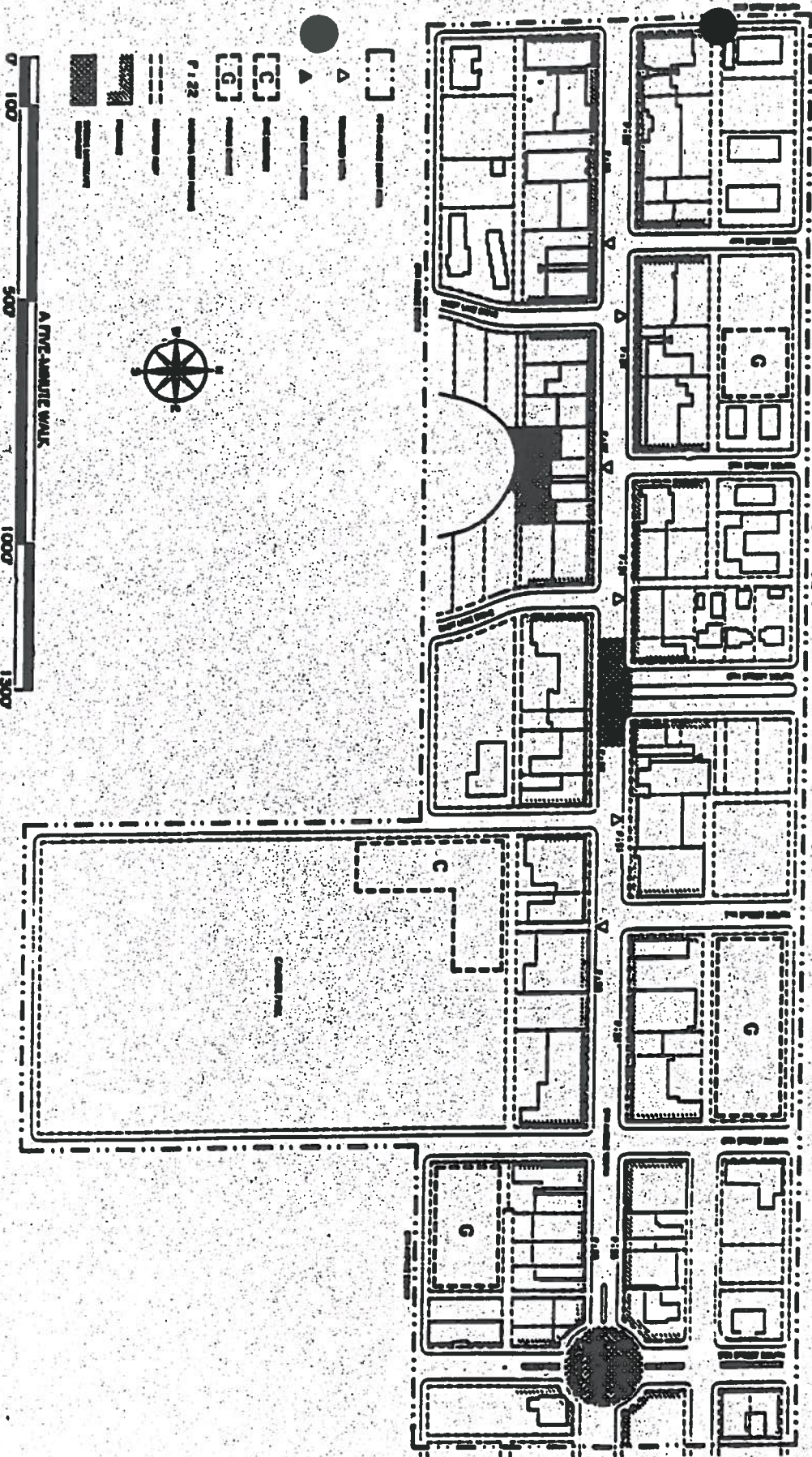
**ILLUS. K**



EXHIBIT "A"  
Proposed Regulating Plan

Fifth Avenue South  
Regulating Plan

June 1997





**RESOLUTION 97-8043.....ITEM 5d**  
**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT WITH COLLIER COUNTY, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, TO PROVIDE FISCAL YEAR 1998 FUNDING FOR THE NAPLES BEACH ACCESS IMPROVEMENTS PROJECT IN AN AMOUNT NOT-TO-EXCEED \$25,000; AND PROVIDING AN EFFECTIVE DATE.** Title not read. (9:05 a.m.)

City Manager Richard Woodruff reported that Collier County had allocated \$25,000, to be matched by the City for refurbishing the beach ends. Assistant City Manager William Harrison explained that it would require \$250,000 to update every beach end over a five year period, and, unless more funds were forthcoming, the task could not be completed with a \$50,000 budget. Council Member Van Arsdale suggested the use of tourist tax dollars, and Dr. Woodruff said staff would explore this avenue of funding.

Public Input: None

**MOTION by Sullivan to APPROVE CONSENT AGENDA (to include instructions to staff to investigate the use of tourist-tax funding relating to 5d); seconded by Van Arsdale and unanimously carried, all members present and voting (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).**

#### END CONSENT AGENDA

**RESOLUTION 97-8044.....ITEM 6**  
**A RESOLUTION GRANTING WAIVERS FROM SECTION 102-266 OF THE CODE OF ORDINANCES IN ORDER TO REDUCE A 25-FOOT FRONT YARD SETBACK TO 10 FEET, TO PERMIT A TRELLIS STRUCTURE TO ENCROACH 18 FEET INTO A REQUIRED FRONT YARD SETBACK, AND TO REDUCE A 20-FOOT REAR YARD SETBACK TO 7 FEET, FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF FOURTH AVENUE SOUTH AND FOURTH STREET SOUTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Woodruff. (9:07 a.m.)

Public Input: None (9:08 a.m.)

**MOTION by Van Arsdale to APPROVE RESOLUTION 97-8044 as submitted; seconded by Sullivan and unanimously carried, all members present and voting (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).**

**ORDINANCE 97-8045.....ITEM 7**  
**AN ORDINANCE AMENDING THE FIFTH AVENUE SOUTH SPECIAL OVERLAY DISTRICT REGULATING PLAN AS REFERENCED IN SECTION 102-1094(g) OF THE CODE OF ORDINANCES IN ORDER TO REVISE THE LOCATION OF A SITE DESIGNATED FOR A PARKING STRUCTURE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.** Title read by City Manager Woodruff. (9:09 a.m.)

Council Member MacKenzie asked whether the previously proposed traffic circle at 5<sup>th</sup> Avenue South and U.S. 41 would be reconsidered or possibly eliminated. Council Member Van Arsdale concurred that this traffic round-about would be difficult to build, but added that he would not



object to it. After further discussion, it was the general consensus of Council to favor the round-about.

Public Input: None (9:11 a.m.)

**MOTION** by Van Arsdale to **ADOPT** Ordinance 97-8045 as submitted; seconded by Sullivan and unanimously carried, all members present and voting (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

**ORDINANCE 97-8046.....ITEM 8**  
**AN ORDINANCE AMENDING SECTION 86-205(e) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO REVISE THE PROCESS FOR ADMINISTRATIVE GRANTS OF VARIANCE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.** Title read by City Manager Woodruff. (9:12 a.m.)

Public Input: None (9:12 a.m.)

**MOTION** by Van Arsdale to **ADOPT** Ordinance 97-8046 as submitted; seconded by Sullivan and unanimously carried, all members present and voting (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

**ORDINANCE 97-8047.....ITEM 9**  
**AN ORDINANCE AMENDING SECTION 54-71, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, "ESTABLISHMENT OF TYPE I AND II REFUSE FEES", TO PROVIDE FOR THE DISPOSAL OF HORTICULTURAL DEBRIS AND RATES FOR THE SALE OF PREMIUM HORTICULTURAL PRODUCTS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.** Title read by City Manager Woodruff. (9:12 a.m.)

City Manager Richard Woodruff explained that the City now processed a type of mulch suitable for sale. In response to Council Member MacKenzie, it was determined that mulch will continue to be provided to City residents free of charge.

Public Input: None (9:13 a.m.)

**MOTION** by Sullivan to **ADOPT** Ordinance 97-8047 as submitted; seconded by Van Arsdale and unanimously carried, all members present and voting (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).

**RESOLUTION 97-8048.....ITEM 10**  
**A RESOLUTION AMENDING APPENDIX "A", "FEE SCHEDULE", WITH REFERENCE TO SECTION 54-71(3)d OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO REVISE THE RATES FOR THE DISPOSAL OF HORTICULTURAL DEBRIS, REFUSE TYPE II; AND PROVIDING AN EFFECTIVE DATE.** Title read by City Manager Woodruff. (9:14 a.m.)

Public Input: None (9:14 a.m.)

**MOTION** by Nocera to **APPROVE RESOLUTION** 97-8048 as submitted; seconded by Sullivan and unanimously carried, all members present and voting (MacKenzie-yes, Nocera-yes, Prolman-yes, Sullivan-yes, Tarrant-yes, Van Arsdale-yes, Barnett-yes).