

ORDINANCE 95-7435

AN ORDINANCE APPROVING REZONE PETITION 95-R7, REZONING A PARCEL OF LAND OF APPROXIMATELY 2.75 ACRES, LOCATED AT 900 GOODLETTE-FRANK ROAD, FROM "HC" HIGHWAY COMMERCIAL TO "PD" PLANNED DEVELOPMENT, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Castle Bank Partnership has made an application to rezone the property at 900 Goodlette-Frank Road from "HC," Highway Commercial, to "PD," Planned Development, and has submitted a Planned Development Document to guide future development of the property; and

WHEREAS, the Planning Advisory Board voted unanimously to recommend approval of the rezone petition following a public hearing held on April 12, 1995; and

WHEREAS, the City Council of the City of Naples, Florida hereby finds it to be in the best of interest of the public health, safety and welfare to approve the Rezone Petition 95-R7;

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

Section 1. That Rezone Petition 95-R7, rezoning a parcel of land of approximately 2.75 acres located at 900 Goodlette-Frank Road, from "HC" Highway Commercial to "PD" Planned Development, is hereby approved, more particularly described as: Commencing at the center of Section 34, Township 49 South, Range 25 East, Collier County, Florida; (Bearings are based on State Road S-951-A Right-of-Way Plans dated 1966) thence along the East and West 1/4 line of said Section 34, South 89° 57' 11" East 100.00 feet to the East Right-of-Way line of Goodlette Road; thence along said East Right-of-Way line of Goodlette Road, South 0° 18' 37" East 48.43 feet to the Point of Beginning of the parcel herein described; thence North 89° 56' 59" East 600.00 feet; thence South 0° 18' 37" East 200.00 feet; thence South 89° 56' 59" West 600.00 feet to the East Right-of-Way line of Goodlette Road; thence along said East Right-of-Way line North 0° 18' 37" West 200.00 feet to the point of beginning of the parcel herein described; being a part of the Southeast 1/4 of Section 34, Township 49 South, Range 25 East, Collier County, Florida, containing 2.75 acres more or less.

Section 2. That all development and activity on the site shall comply with the submitted document "Castle Partnership Planned Development Document," and attached hereto.

Section 3. That the Zoning Atlas of the City of Naples shall be amended to reflect said zoning.

Section 4. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 3RD DAY OF MAY, 1995.

PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR

Ordinance 95-7435

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SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 17TH DAY OF MAY, 1995.


Alan R. Korest Mayor

Approved as to form and legality:


Maria J. Chiaro, City Attorney

Attest:


Marilyn A. McCord, City Clerk
M:\REF\COUNCIL\RES\95-7435

95-7435		
Korest		Y
Pennington	M	Y
Prolman		Y
Sullivan	S	Y
Tarrant		N
VanArsdale		Y
Muenzer		Y
(6-1)		
M=Motion S=Second		
Y=Yes N=No A=Absent		

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CASTLE PARTNERSHIP PLANNED DEVELOPMENT DOCUMENT

This Planned Development Document (the "PD Document") is for property described in the attached Exhibit "A" which is incorporated herein by reference and referred to throughout this document as the "Land".

1. The development uses permitted on the Land, including population densities, building intensities, heights, and performance standards, are as follows:
 - A. Uses permitted: 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, and all merchandise shall be stored and displayed in an enclosed building:
 - (1) General retail sales establishments, including shopping centers (see Chapter 110 of the Naples Code of Ordinances) or department stores. Retail sales establishment may include incidental processing, repair and rental services, provided they are accessory and subordinate to the retail sales use, and provided that all storage, processing and repair of merchandise occurs within the principal building.
 - (2) Art or photography studios.
 - (3) Bakery, retail (baking on premises with all baked goods sold at retail on premises).
 - (4) Child care centers.
 - (5) Convenience service establishments such as tailoring, garment alteration and repair, shoe repair and the like.
 - (6) Financial institutions, including the drive-up windows existing on the Land on May 18, 1994 (the "Effective Date"), or which may thereafter be developed on the Land.
 - (7) Ground mounted satellite transmission and receiving dishes and antennae.
 - (8) Laundry or dry-cleaning pick-up establishments (no laundering or dry-cleaning on premises).

- (9) Medical offices or clinics (not animal).
- (10) Parking lots (noncommercial; no meters or on-site parking fee collection).
- (11) Parking garages, with a maximum height of thirty-five (35) feet and a minimum side yard of fifteen (15) feet.
- (12) Personal service establishments such as barber and beauty shops.
- (13) Professional, business, financial, civic or public utility offices.
- (14) Restaurants, conventional, with or without cocktail lounges. Dancing or staged entertainment facilities are permitted only by conditional use petition approval.
- (15) Accessory uses or structures which are incidental to and customarily associated with the permitted uses.

B. Conditional uses:

- (1) Amusement parlors, having coin-operated amusement games.
- (2) Automobile agencies franchised to sell new automobiles.
- (3) Bowling alleys.
- (4) Churches.
- (5) Cocktail lounges with or without dancing or staged entertainment facilities.
- (6) Cultural facilities, including libraries or museums and/or publicly-owned buildings.
- (7) Dancing or staged entertainment.
- (8) Drive-up windows which are accessory to permitted uses, except the financial institution drive-up windows existing on the Land on May 18, 1994, or which may thereafter be developed on the Land, which are a permitted use.

- (9) Gasoline service stations (See Chapter 9, [subsection 9-3-3,] Gasoline Service Stations of the Naples Code).
- (10) Motion picture theaters or live theaters (no drive-in theaters).
- (11) Nursing, rest, or group homes.
- (12) Pool or billiard parlors.
- (13) Residential dwelling units when such dwelling units are compatible with a permitted use and are located within the same building or group of buildings as the permitted use.
- (14) Schools and colleges, commercial schools.
- (15) Transient lodging facilities.
- (16) Other uses: 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 for this district.
- C. Minimum lot area: Ten thousand (10,000) square feet.
- D. Minimum lot width: Seventy-five (75) feet.
- E. Minimum yards required:
- (1) Goodlette-Frank Road. The minimum yard requirement for the part of the Land adjacent to Goodlette-Frank Road is fifty (50) feet. This setback standard applies to ground floors only; for each additional story which is developed, each additional story shall be set back an additional twelve (12) feet beyond the first floor story so that development follows a 1:1 view plane slope.
- (2) The minimum yard requirement for the part of the Land adjacent to the existing private road running along the northern perimeter of the Land is fifteen (15) feet.
- (3) Side yard: Ten (10) feet, except for parking garages, in which case a minimum side yard of fifteen (15) feet shall be required. Neither Goodlette-Frank Road nor the existing private road running along the northern perimeter of the Land shall be considered under any circumstances to be a side yard.

- (4) Rear yard: Twenty-five (25) feet. Neither Goodlette-Frank Road nor the existing private road running along the northern perimeter of the Land shall be considered under any circumstances to be a rear yard.

F. Minimum floor area:

- (1) Nonresidential buildings: One thousand (1,000) square feet per building on the ground floor.

- (2) Transient lodging facilities:

Dwelling units without cooking facilities: Three hundred (300) square feet.

Dwelling units with cooking facilities: Four hundred (400) square feet.

- (3) Residential units: Six hundred (600) square feet per unit.

G. Maximum height: Notwithstanding the definition listed in Chapter 82-10 of the Naples Code, the maximum height shall be subject to the limitations imposed by applying the minimum front yard requirement for Goodlette-Frank Road under paragraph 1E.(1) of this PD Document and limited and measured as follows: A maximum height of six (6) stories (Habitable Floors) over a maximum of two parking levels, measured vertically from the established 100-year flood elevation to the ceiling of the highest story, plus six (6) feet from said ceiling to the highest point of a flat roof, parapet wall or "mansard" detail; or six (6) feet from said ceiling to the mean distance between the eaves and the ridge of a gable, hip or gambrel roof; provided, however, that the maximum height for parking garages is thirty-five (35) feet.

H. Minimum off-street parking required: Minimum off-street parking and loading requirements for the Land for the duration of the Development Agreement dated May 18, 1994, between Castle and the City of Naples recorded in Official Records Book 1954, at Page 937 et. seq., of the Public Records of Collier County, Florida (the "Agreement") are contained on the attached Exhibit "B" which is incorporated herein by reference. No parking shall be permitted in the first twenty (20) feet of required yard area for Goodlette-Frank Road.

I. Maximum lot coverage by all buildings: Thirty (30) percent, except see Chapter 110 of the Naples Code for transient lodging facilities, nursing, rest, or group homes and/or shopping centers. "Lot coverage" or coverage of a lot by all buildings is defined as that percentage of a lot or parcel of land that is covered or occupied by all buildings, including accessory buildings under the terms of these regulations; provided, however, that fences, parking garages, shuffle board courts, swimming pools and the like shall not be included in computing lot coverage. Balconies and means of egress shall be included in determining building coverage if either of the following conditions exists and to the extent that such conditions exist:

- (1) Balconies and means of egress project more than six (6) feet from the building wall of any floor;
- (2) The combined length of balconies and means of egress on any one floor level along a building wall exceeds fifty (50) percent of the length of said wall.

J. Minimum landscaping: In addition to the parking, vehicular use and front yard setback area landscaping requirements, for the duration of the Development Agreement dated May 18, 1994, between Castle and the City of Naples recorded in Official Records Book 1954, at Page 937 et. seq., of the Public Records of Collier County, Florida, all areas not improved for parking, per city ordinance requirements, or occupied by a structure, paved walkway or the like shall be landscaped in accordance with the requirements contained on the attached Exhibit "C" which is incorporated herein by reference.

2. A. The public facilities that will service the development, including who shall provide such facilities, are as follows:

- (1) Water - City of Naples
- (2) Sewer - City of Naples
- (3) Solid Waste - City of Naples
- (4) Water Management - City of Naples and South Florida Water Management District
- (5) Fire - Naples Fire Department
- (6) Police - Naples Police Department
- (7) Emergency Medical Service - Collier County

B. There are no public facilities to be designed and/or constructed by Castle Partnership, a Florida general partnership ("Castle") to serve the Land.

- C. A schedule to assure public facilities are available concurrent with the impacts of the development is not needed and therefore not provided.
 - D. The existing City water and sewer systems have sufficient capacity and levels of service available to serve the Land, and the Land may be served upon the payment of applicable systems development charges in accordance with the rules and regulations of the City Utility Division. The improvements on the Land as of the Effective Date shall not be subject to such charges. There are adequate public facilities, in addition to water and sewer, available and reserved to serve the Land concurrent with the impacts of the development authorized by this PD Document so that no development order or permit for development on the Land will be denied or delayed on the basis of lack of adequate public facilities. The adequacy of same and schedule of improvements are contained in the Naples Comp Plan.
- 3. There is no reservation or dedication of land for public purposes.
 - 4. All local development permits approved or needed to be approved for the development of new structures on the Land which shall be issued by the City in accordance with this PD Document are as follows:
 - A.. General Development Site Plan.
 - B. Building Permit.
 - 5. Development of the Land may proceed in phases, and the development of the phases may proceed in any sequence; but neither the entire development nor any phase thereof must be commenced or completed within a specific period of time.
 - 6. The existing curb and median cuts on or adjacent to the Land will be allowed to remain in their current locations, and the City will not take any action to cause, cooperate in, or acquiesce to, their removal. If a public right-of-way is ever constructed along the northern perimeter of the Land, Castle, its successors and assigns shall have the right of access onto the right-of-way with a curb cut and, as needed, associated acceleration and deceleration lanes and traffic control devices, in an appropriate location on the eastern side of the Land and a median cut and, as needed, associated acceleration and deceleration lanes and traffic control devices, in an appropriate location to correspond with the curb cut and facilitate ingress onto the Land for vehicular traffic traversing west on the public right-of-way and egress from the Land for vehicular traffic traversing west on the public right-of-way. The location of all curb cuts, median cuts, acceleration and deceleration lanes, traffic control devices and other

transportation improvements planned for a future public right-of-way along the northern perimeter of the Land shall be made in accordance with acceptable engineering practices. The cost of acquiring the right-of-way and designing, permitting, and constructing the portion of the transportation improvements which occur on public property shall be borne by the City. The minimum yard requirement for the part of the Land adjacent to the existing private road running along the northern perimeter of the Land shall remain and continue to be fifteen (15) feet if and when a public right-of-way is constructed along the northern perimeter of the Land, notwithstanding the fact that the Land may abut a street and, but for this provision, would be considered a front yard under the Naples Code.

jtb\castle.pd

EXHIBIT "A"

PROPERTY

Commencing at the center of Section 34, Township 49, South, Range 25 East, Collier County, Florida; (Bearings are based on State Road S-951-A Right-of-Way Plans dated 1966) thence along the East and West 1/4 line of said Section 34, South 89° 57' 11" East 100.00 feet to the East Right-of-Way line of Goodlette Road; thence along said East Right-of-Way line of Goodlette Road, South 0° 18' 37" East 48.43 feet to the Point of Beginning of the Parcel herein described; thence North 89° 56' 59" East 600.00 feet; thence South 0° 18' 37" East 200.00 feet; thence South 89° 56' 59" West 600.00 feet to the East Right-of-Way line of Goodlette Road; thence along said East Right-of-Way line North 0° 18' 37" West 200.00 feet to the Point of Beginning of the parcel herein described; being a part of the Southeast 1/4 of Section 34, Township 49, South, Range 25 East, Collier County, Florida; containing 2.75 acres more or less.

1. Applicability.

- A. New buildings, uses and structures: Every building, use or structure instituted or erected after the effective date of this ordinance shall be provided with off-street parking and loading facilities for the use of occupants, employees, visitors, patrons, and service vehicles in accordance with the provisions of this ordinance. The off-street parking and loading facilities shall be maintained and continued as an accessory use as long as the main use is continued.
- B. Existing buildings: Buildings may be modernized, altered or repaired, provided there is no increase in floor area or capacity without providing additional off-street parking or loading facilities.
- C. Expansion of existing buildings and uses: Where a building or use is enlarged in floor area or capacity, off-street parking and loading facilities as specified herein shall be provided for the newly added floor area or capacity of the building or use.
- D. Change of use: when the use of a building or land is changed, additional off-street parking and loading facilities shall be provided to the extent that the off-street parking or loading required by this ordinance for the new use exceeds the off-street parking or loading for the previous use.
- E. Unlawful elimination of required parking or loading: It shall be unlawful for an owner or an operator of any building or land use affected by this section to cause or permit the discontinuance or reduction of required parking or loading facilities without the establishment of alternative parking or loading facilities which meet the requirements of this section.

2. General Requirements.

- A. Plan: A plan shall be submitted with every application for a building permit or for any use or structure required to provide off-street parking, vehicular use areas or loading spaces under this ordinance, or for a proposed restriping of an existing parking lot, which plan, drawn to a suitable scale, shall clearly and accurately designate the required parking, vehicular use and loading areas, access aisles and driveways, construction material and landscaped area and shall be fully dimensioned.

Exhibit "B"

B. Location:

- (1) Parking must be provided on site: The off-street parking and loading facilities required by this section shall be located on the same lot or parcel of land they are intended to serve.
- (2) Exception: When practical difficulties prevent the establishment of such facilities upon the same lot, the facilities may be provided on land within a radius of six hundred (600) feet of the lot, provided that land is zoned so as to permit such parking facilities. The owner/lessee of the land upon which such required off-site parking facilities are located shall enter into a written agreement with the city, to be filed with the clerk of the circuit court, with enforcement running to the city, providing that the land comprising the required off-site parking facilities shall not be encroached upon, used, sold, leased, or conveyed for any purpose except in conjunction with the building or use which the required off-site parking serves so long as the parking facilities are needed. Relief granted hereunder shall be by the approval of a conditional use petition in accordance with this code.

- C. Use of parking areas: Where off-street vehicular parking is required, such parking areas shall be used for vehicular parking only, with no sales, rental, dead storage, including boat and trailer storage, repair work, dismantling or servicing of any kind.
- D. Parking in yard areas: Except for required landscape and buffer areas, side yard, rear yard, and front yard areas may be used for off-street parking.
- E. Lighting: If artificial lighting is provided, it shall be designed and arranged so that no source of such lighting is visible from any property used or zoned for residential purposes. In addition, such lighting shall be so designed and arranged as to shield public roadways and all other adjacent properties from direct glare or hazardous interference of any kind.

3. Standards for Design and Construction.

- A. Joint use of parking facilities: All new off-street parking facilities in commercial districts shall be designed for joint use by abutting properties with exceptions or conditions as follows in subsections (3), (4), and (5). All of the other following subsections are applicable to all zoning districts except for single family or duplex development.
- (1) Access from one section of an on-site parking area to another shall be provided on-site.

- (2) Adequate back-out and turn-around areas shall be provided at the dead ends of permitted parking bays.
- (3) Driveways, accessways and access aisles shall be interconnected with all existing driveways, accessways, and access aisles in parking areas already developed on abutting commercial property.
- (4) Where abutting property is not developed and where the owner of the abutting property does not wish to develop the property concurrently, driveways, accessways and access aisles shall be brought to the common property line so that future interconnection is possible.
- (5) Where existing, abutting property is developed in such a manner that interconnection of driveways, accessways, or access aisles is physically impossible, no connection shall be required.
- (6) Access aisles or maneuvering areas shall be so arranged that no vehicle need back onto a public right-of-way (except in single-family residential zone districts); provided, however, that parking spaces in multi-family residential districts "R3-12" through "R3-18" may be so arranged that vehicles may back into a dedicated alley right-of-way so long as such alley does not, at any point opposite the parking spaces, abut any commercial or industrial district or "PD" area designated for commercial or industrial use.
- (7) No parking or loading space shall interfere with access to any other parking or loading space, or with a pedestrian walkway.
- (8) All parking and loading spaces shall be painted to indicate their proper location and area requirement.

B. Minimum dimensions:

- (1) All required off-street parking areas shall be designed so as to meet the minimum dimensions shown in the following table:

(See landscaping regulations relative to permitted encroachment into landscaped areas.)

OR BOOK

PAGE

Space Requirements at Various
Parking Angles

Parking Angle (Deg.)	Stall Width	Stall to Curb	Access Aisle (One-way)	Curb Length
0 deg.	9.0 ft.	9.00 ft.	12.0 ft.	20.00 ft.
30 deg.	9.0 ft.	16.83 ft.	12.0 ft.	18.00 ft.
40 deg.	9.0 ft.	18.45 ft.	13.0 ft.	14.04 ft.
45 deg.	9.0 ft.	19.08 ft.	13.0 ft.	12.69 ft.
50 deg.	9.0 ft.	19.62 ft.	13.0 ft.	11.79 ft.
60 deg.	9.0 ft.	20.07 ft.	18.0 ft.	10.44 ft.
70 deg.	9.0 ft.	19.98 ft.	18.0 ft.	9.54 ft.
80 deg.	9.0 ft.	19.26 ft.	24.0 ft.	9.18 ft.
90 deg.	9.0 ft.	18.00 ft.	24.0 ft.	9.00 ft.

- (2) Accessway: 12.0 feet minimum, one way; 20.0 feet minimum, two-way circulation. Minimum turning radius from property line to street line of fifteen (15) feet.
- (3) Compact car spaces: A maximum of ten (10) percent of the required off-street parking spaces may be designated as "Compact Car Spaces." Each such space shall have a minimum stall width of eight (8) feet and a minimum stall depth of eighteen (18) feet. Such spaces shall be signed and designated "Compact Cars Only" and shall not be located in high turnover areas which are in close proximity to main building entrances.
- (4) Minimum dimension of parking spaces in excess of required parking spaces: The dimension of parking spaces in excess of required parking spaces shall not be reduced below eight (8) feet in stall width or eighteen (18) feet in stall to curb length for ninety (90) degree parking (or proportionally the same for angled parking). Excess spaces which may become required spaces shall be modified to meet the minimum dimensions specified for such required spaces.
- (5) Loading spaces: Each Type "A" loading space shall be at least twenty-five (25) feet in depth and ten (10) feet in width. Each Type "B" loading space shall be at least fifty (50) feet in depth and twelve (12) feet in width. All buildings with overhangs that project over loading spaces shall have a vertical overhang clearance of not less than fourteen (14) feet, exclusive of access aisle, platform or maneuvering area.
- C. Paving requirements: Off-street parking, vehicular use areas, and loading facilities (except in single-family residential zone districts) including driveways, accessways and access aisles shall be paved as follows: All driveways,

accessways, and access aisles shall have a minimum of six (6) inches of lime rock base with one-inch asphalt, slag or rock imbedded in asphalt or a minimum of six (6) inches of concrete reinforced with 6x6-6/6 wire mesh; all parking, vehicular use, and loading spaces shall have a minimum of four (4) inches of lime rock based with one-inch asphalt slag or rock imbedded in asphalt, or a minimum of four (4) inches of concrete reinforced with 6x6-10/10 mesh; all the above to be maintained in good condition.

D. Handicapped Spaces: Handicapped parking spaces shall be provided in accordance with the table below:

Total Spaces Provided	Handicapped Required
Up to 25	0
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total
Over 1000	20 + 1 for each 100 over 1000

4. Off-Street Parking Required.

Except where the district regulations specify other requirements, minimum off-street parking shall be provided as follows:

(1) Airport passenger terminal:

1 space for each 60 square feet of gross terminal floor area up to 47,000 square feet, plus 1 space per each 100 square feet of gross floor area over 47,000 including airline counter areas, waiting areas, and the like.

(2) Auditoriums, arenas, theaters, churches, funeral homes, charter or party boats, or other places of indoor or outdoor seated spectator assembly:

1 space per 4 seats or 1 space per 4 occupants; based on the maximum number of seats or occupancy.

(3) Bowling alleys:

15 spaces per alley.

(4) Commercial uses such as retail sales, offices, financial institutions, maintenance and repair businesses, libraries, museums, art studios or galleries, private clubs which do not serve food or beverages, and business schools:

1 space per 300 square feet of gross floor area.

(5) Furniture or carpet stores or interior decorator businesses which include furniture displays:

1 space per 500 square feet of gross floor area.

(6) Golf courses, regulation or miniature, country clubs:

5 spaces per golf hole plus 1 space per 200 square feet of gross floor area devoted to food or beverage preparation, service, and consumption area, plus 1 space per 300 square feet of gross floor area devoted to other clubhouse and pro shop uses.

(7) Grocery stores:

1 space per 100 square feet of gross floor area.

(8) Hospitals:

1½ spaces per bed.

(9) Marinas and boat storage facilities:

1 space per 300 square feet of principal building, plus 1 space per 3 boat storage spaces.

(10) Medical offices and clinics:

1 space for each 200 square feet of gross floor area. For the purposes of this item, the following definition will apply:

Clinic: An establishment where persons, who are not lodged overnight, are admitted for examination or treatment by one person or a group of persons practicing any form of the healing arts, including physical therapists or laboratory technicians under the supervision of a doctor, whether such persons be medical doctors,

chiropractors, osteopaths, chiropodists, naturopaths, optometrists, podiatrists, dentists or any such profession, the practice of which is regulated by the State of Florida.

- (11) Mental health professionals, as licensed by Chapters 490 and 491, Florida Statutes:

1 space per 200 square feet of gross floor area.

- (12) Multi-family dwelling units:

(a) Located in zoning district "R3-6," "R3-12," "R3T-12," or "PD" areas designated for residential uses - 1½ spaces per dwelling unit.

(b) Located in zoning districts "R3-15," "R3-18," "R3T-18," "HC," "C2," "C2-A," or "PD" areas designated for commercial uses - 2 spaces per dwelling unit.

(c) Located in zoning districts "C1," "C1-A," or "M" - 1½ spaces per dwelling units.

- (13) Nursing, rest, or group homes:

1 space per 2 beds.

- (14) Post office:

1 space per 100 square feet of gross floor area.

- (15) Restaurants, cocktail lounges and private or public clubs which serve food or beverages:

1 space per 100 square feet of gross floor area, including outdoor eating and/or serving area.

- (16) Schools:

- (a) High School:

1 space for each 8 seats in an auditorium, plus 2 spaces for each classroom.

- (b) Junior high and elementary:

1 space for each 10 seats in an auditorium, plus 1 space for each classroom.

- D. Vines: Vines shall be a minimum of thirty (30) inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.
- E. Ground covers/limitation on use of stone or gravel: Ground covers in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage and shall be used with a decorative mulch, such as pine or cypress bark or other material of a similar nature.

In no instance shall stone or gravel be utilized for more than twenty (20) percent of the ground cover area.

- F. Lawn grass: Grass areas shall be planted in species normally grown in permanent lawns in the Naples area. Grass areas may be sodded, plugged, sprigged or seeded; except that solid sod shall be used in swales or other areas subject to erosion, and providing that in areas where other than solid sod or grass seed is used, nursegrass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

3. General Requirements.

- A. Plan approval: Except for single and two-family dwellings, prior to the issuance of any building permit, a plot and planting plan shall be submitted to and be approved by the community development department of the city. The plot plan shall be drawn to a suitable scale and shall include all pertinent dimensions and indicate clearly by delineation the existing and proposed parking spaces or other vehicular use areas, access aisles, driveways, easements, hydrants, irrigation system, and the location, type, and size of all landscape materials, including location of planting protective devices, the location and size of buildings, if any, to be served. No building permit shall be issued unless the plot plan has been reviewed and certified by the building and zoning division of the city as complying with the provisions of this section.
- B. Installation: All landscaping shall be installed in accordance with the plot plan as finally approved prior to issuance of a certificate of occupancy and shall be installed in accordance with accepted landscape practices within the area. It shall be unlawful to occupy the premises without a valid certificate of occupancy. In instances where conditions do not permit immediate planting, if the department of community development is furnished with satisfactory evidence that plantings will be installed when conditions permit, a temporary certificate of occupancy can be issued.
- C. Maintenance: The owner, tenant or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping, and landscaped areas shall be so maintained as to present a healthy, neat and orderly appearance and

shall be kept free from refuse and debris. In the event that trees, shrubs, or other landscape material should die, such materials must be replaced within thirty (30) days.

- D. Protection: All landscaped areas shall be protected from vehicular encroachment by curbs, wheel stops (one full wheel stop per parking space), or other similar device.
- E. Ground level/grade: The required landscaped area shall be relatively level and at the same elevation as the adjacent parking lot or building floor area.
- F. Existing plant material: In instances where healthy plant material exists on a site prior to its development, in part or in whole, for purposes of off-street parking, other vehicular use areas, or in conjunction with other landscaping requirements, an applicant will be encouraged to retain such landscaping and the zoning administrator may adjust the application of the above-mentioned standards to allow credit for such plant material if, in his opinion, such an adjustment is in keeping with and will preserve the intent of this section.

4. Development Standards.

- A. Required landscaping in front setback areas in all districts except single-family residential districts and additional minimum landscaping requirements in the "HC," "C1," "C1-A," "PD" (designated for commercial uses), "C2," and "C2-A" zone districts:
- (1) Minimum size of areas to be landscaped: Each separate landscaped area shall contain a minimum area of thirty (30) square feet and shall have a minimum dimension of at least five (5) feet and shall include at least one tree.
 - (2) Minimum number of trees: The total number of trees shall not be less than one for each one hundred eighty (180) square feet or fraction thereof of the area to be landscaped. Each landscaped area shall contain at least one tree.
 - (3) Minimum shrubs, grass required: The remainder of the required landscaped areas shall be adequately landscaped with shrubs, grass, ground cover, or other approved landscape treatment.
- B. Required landscaping adjacent to public rights-of-way and in required front yard setback areas: On any parcel providing an off-street parking area or other vehicular use area, where such area will not be entirely screened visually by an intervening building or structure from any abutting right-of-way, excluding single family and multifamily residential development with city approved parking that takes access from an alley, there shall be provided landscaping between such areas and such rights-of-way, as follows. The following provisions are also applicable to front yard setback areas that are required to be landscaped.

- (1) Area to be landscaped: A strip of land at least six (6) feet in depth, located between the abutting right-of-way and the off-street parking area or other vehicular use area which is exposed to an abutting right-of-way shall be landscaped. Certain commercial district regulations require a larger area to be landscaped and take precedent over this minimum requirement.
- (2) Minimum number of trees: One tree for each thirty (30) linear feet or fraction thereof.
- (3) Minimum size of landscaped areas: Each separate landscaped area shall contain a minimum area of at least thirty (30) square feet with a minimum dimension of five (5) feet.
- (4) Hedge or wall required: A hedge, wall, or other durable barrier of at least two (2) feet in height shall be placed along the entire length of such landscaped area.
- (5) Shrubs or vines required adjacent to a wall: If such durable barrier is on non-living material, an average of one shrub or vine shall be planted abutting such barrier for each ten (10) feet of such barrier, but such plants need not be spaced evenly ten (10) feet apart. Such shrubs or vines shall be planted along the street side of such barrier unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier.
- (6) Minimum grass, ground cover required: The remainder of the required landscaped area shall be landscaped with grass, ground cover, or other approved landscaping treatment.

C. Required landscaping adjacent to interior property lines: On any parcel providing an off-street parking area or other vehicular use area, there shall be provided landscaping between such area and such property line as follows:

- (1) Adjacent to residential or institutional uses:
 - (a) Area to be landscaped: Where such area abuts property zoned or in fact used primarily for residential or institutional purposes, that portion not entirely screened visually by an intervening structure or conforming buffer on the subject property, there shall be provided a landscaped buffer of not less than six (6) feet in width measured at right angles to the property line.
 - (b) Minimum opaqueness required: Such buffering areas shall be designed and planted so as to be seventy-five (75) percent opaque when viewed horizontally at three (3) feet above ground level.
 - (c) Minimum height of plant material: Said plant material should reach a height of five (5) feet within two (2) years of planting.
 - (d) Structure permitted in lieu of plant material: A five-foot high structure set in a six-foot wide landscaped buffer area may be substituted for the required three-foot high planted buffer provided that no such structure exists along the adjoining lot line. Such

landscaped buffer shall be located between the common lot line and the off-street parking area or other vehicular use area exposed to the abutting property, so that the purpose of screening the off-street parking area or other vehicular use area is accomplished.

- (e) Minimum number of trees: In addition, an average of one tree shall be provided for each fifty (50) lineal feet of such interior property line or fraction thereof. Such tree shall be located between the common lot line and the off-street parking area or other vehicular use area.
 - (f) Minimum size of landscaped areas: Each such tree shall be planted in at least thirty (30) square feet of planting area with a minimum dimension of at least five (5) feet.
 - (g) Minimum grass, ground cover required: Each such planting area shall be landscaped with grass, ground cover, or other approved landscape material in addition to the required tree.
- (2) Adjacent to commercial or industrial uses: Where such area abuts property zoned or in fact used for commercial or industrial purposes, only the tree provision with its planting area as prescribed in this subsection shall be required.

D. Required interior landscaping:

(1) Area to be landscaped:

- (a) Minimum landscaped area per parking space: Off-street parking areas shall have at least twenty (20) square feet of interior landscaping for each parking space, excluding those spaces abutting a perimeter for which landscaping is required by other sections hereof.
- (b) Minimum landscaped area relative to other vehicular use areas: In addition, other vehicular use areas (such as new or used car sales lots) shall have two (2) square feet of landscaping area for each one hundred (100) square feet or fraction thereof.
- (c) Determining size of vehicular use areas: Where the property contains both parking areas and other vehicular use areas (such as new or used car sales lots), the two (2) types of areas may be separated for the purposes of determining the other vehicular use areas by first multiplying the total number of parking spaces by three hundred (300) and subtracting the resulting figure from the total square footage of paved areas.
- (d) Minimum size of landscaped areas: Each separate landscaped area shall contain a minimum of fifty (50) square feet and shall have a minimum of at least five (5) feet.

- (2) Plant materials:
- (a) Trees, shrubs, ground cover required: Each separate landscaped area shall include at least one tree having a clear trunk of at least five (5) feet with the remaining area adequately landscaped with shrubs, ground cover or other approved landscaping material.
 - (b) Minimum number of trees: The total number of trees shall not be less than one for each one hundred (100) square feet or fraction thereof of required interior landscaping areas.
 - (c) Location of landscaped areas: Such landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide traffic flow and direction.
- (3) Exception: In "other vehicular use areas" where the strict application of this subsection will seriously limit the function of said area, the required landscaping may be located near the perimeters of the area, including such perimeters which may be adjacent to the building on the site. Such landscaping shall be in addition to all other landscaping requirements.

5. Vehicle Encroachment.

- A. Interior landscaped areas: The front of a vehicle may encroach upon any interior landscaped area or walkway when said area is at least three and one-half (3½) feet in depth per immediately abutting parking space and protected by wheel stops or curbing. Two (2) feet of such landscaped area or walkway may be part of the required depth of each abutting parking space.
- B. Perimeter landscaped areas: The length of paved parking spaces may be reduced from eighteen (18) feet to sixteen (16) feet adjacent to perimeter landscaped areas, provided the width of the required landscaped area is increased two (2) feet and is protected by wheel stops or curbing.

6. Reserved.

Editor's note-Ord. No. 93-6862, § 1, adopted March 3, 1993, repealed § 8-2-6, which pertained to landscaping adjacent to public rights-of-way and points of access.