

**Agenda Item 11-a)1
Meeting of 6/13/18**

ORDINANCE 2018-14170

AN ORDINANCE RELATING TO REZONING; REZONING APPROXIMATELY 0.23 ACRES OF PROPERTY FROM PD PLANNED DEVELOPMENT TO A NEW PD PLANNED DEVELOPMENT, ON PROPERTY OWNED BY QUINTESSENTIAL HOMES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND LOCATED AT 995 8TH AVENUE SOUTH; ADOPTING THE PLANNED DEVELOPMENT DOCUMENT INCLUDED HEREIN; DETERMINING REZONE PETITION 18-R1; PROVIDING A SEVERABILITY CLAUSE; A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, Quintessential Homes of Naples, LLC, a Florida limited liability company, has petitioned to rezone approximately 0.23 acres from PD Planned Development, to a new PD Planned Development on property located at 995 8th Avenue South; and

WHEREAS, John M. Passidomo has been authorized by the petitioner and owner as agent for this petition; and

WHEREAS following an advertised public hearing on May 9, 2018, the Planning Advisory Board considered the public input, staff recommendations and criteria in the Code and has recommended by a vote of 7 to 0 that Rezone Petition 18-R1 be approved; 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 the petition should be approved;

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

Section 1. That Rezone Petition 18-R1 is hereby approved to rezone approximately 0.23 acres from PD Planned Development to a new PD Planned Development on property owned by Quintessential Homes of Naples, LLC, a Florida limited liability company and located at 995 8th Avenue South, said property more fully described as:

Lots 23 and 24, Block 13, Tier 10, Plan of Naples, according to the plat thereof, as recorded at Plat Book 1, Page 8, in the Public Records of Collier County, Florida.

in accordance with the revised Planned Development Document for Quintessential Homes, attached hereto as Exhibit "A" and incorporated herein; and that the Zoning Atlas of the City of Naples shall be amended to reflect said zoning.

Section 2. Disclaimer & Permit Condition (Applicable only if federal or state permits are required): Issuance of a development permit by the City does not create any right to obtain a permit from a State or Federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a State or Federal agency or undertakes actions that result in a violation of State or Federal law. If applicable, all other State or Federal permits must be obtained before commencement of the project.

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. However, if any word, phrase, clause, subsection or section is determined to be an unreasonable condition affecting the overall development plan contained herein, it shall not be severed.


Section 4. Repealer. That all sections or parts of sections of the Code of 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.

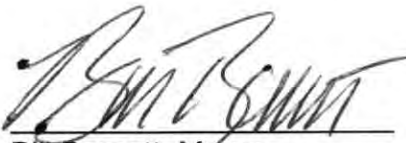
Section 5. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING AND PUBLIC HEARING THE 6TH DAY OF JUNE, 2018.

APPROVED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 13TH DAY OF JUNE, 2018.

Attest:


 Patricia L. Rambosk, City Clerk


 Bill Barnett, Mayor

Approved as to form and legality:


 Robert D. Pritt, City Attorney

Date filed with City Clerk: 6-20-18

EXHIBIT "A"

PLANNED DEVELOPMENT DOCUMENT

FOR

QUINTESSENTIAL HOMES

Date of Submittal: March 5, 2018
Revised: April 27, 2018 & May 9, 2018
Prepared by: Cheffy Passidomo

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SECTION I

LEGAL DESCRIPTION

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Lot 23 and 24, Block 13, Tier 10, Plan of Naples, according to the plat thereof, as recorded at Plat Book 1, Page 8, in the Public Records of Collier County, Florida.

SECTION II

DEVELOPMENT CRITERIA AND STANDARDS

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District Purpose.

The district anticipates dwelling units primarily intended to serve residents.

Uses permitted.

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

- (1) Single-family residences.
- (2) Multifamily residences.
- (3) Accessory structures which are incidental to and customarily associated with the permitted uses in this district listed in subsections (1) and (2) of this section.

Conditional uses.

None.

Minimum lot area.

Minimum lot area in this district is 9,950 square feet.

Minimum lot width.

Minimum lot width in this district is 65 feet.

Minimum yards.

Minimum yards in this district are as follows:

- (1) Front yard: 15 feet on 10th Street, 6 feet of which shall be landscaped in accordance with the landscaping requirements of chapter 50, and 20 feet on 8th Avenue South, 6 feet of which shall be landscaped in accordance with the landscaping requirements of chapter 50.
- (2) Side yard (i.e., the yard along the western perimeter of the Property):

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- a. One-story buildings: 7½ feet.
- b. Two-story buildings: 10 feet.
- c. Three-story buildings: 12½ feet.
- d. Unroofed pools or pools enclosed only with open mesh screening may be located 7½ feet from the perimeter side property line, provided that no pool or pool enclosure shall be placed within a utility or drainage easement;

provided, however, that there is no interior side yard requirement for structures or pools developed under a zero-lot line subdivision in accordance with Sec. 54-7 of the Naples Code of Ordinances and a platted lot with legal access onto a public street shall be considered to have direct access to a public or private platted street.

- (3) Rear yard: 20 feet (i.e., the yard along the alley on the north side of the Property).
 - a. Unroofed pools or pools enclosed only with open mesh screening may be located in rear yard setback areas but may not be closer than 15 feet to any rear lot line, provided that no pool or pool enclosure shall be placed within a utility or drainage easement.
- (4) Fences and walls outside building envelope: The minimum permitted height is 3 feet plus decorative metal work, or materials providing a similar appearance, not to exceed 18 inches or 4 feet without decorative metalwork, or materials providing a similar appearance, measured in any event from finished grade at the fence or wall location.

Minimum floor area.

Minimum floor area in the district are as follows:

- (1) 1-family dwellings:
 - a. 1-story buildings: 1,000 square feet.
 - b. 2-story buildings: 1,250 square feet.
- (2) 2-family dwellings: 1,000 square feet per dwelling unit.

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Maximum height.

Maximum height of structures in the district is 30 feet, except that the development on any property immediately adjacent to, or across an alley from, any R1 zoned property shall be limited to 2 stories in height. For the purpose of this section, height shall be measured from the greatest of the following:

- (1) The FEMA requirement for 1st habitable floor height;
- (2) 18 inches above the state department of environmental protection requirement for the 1st habitable floor structural support;
- (3) 18 inches above the elevation of the average crown of the adjacent roads;
or
- (4) The average grade to the highest point of a flat roof, the deck line of a mansard roof or the mean height between the eaves and ridge of a gable, hip or gambrel roof.

Minimum off-street parking.

Minimum off-street parking in the district shall comply with chapter 50.

Maximum lot coverage by all buildings.

There is no maximum lot coverage requirement for individual single-family residences constructed on individual parcels of land, except such residences must meet minimum setback requirements from the perimeter lot lines of the Planned Development. Maximum lot coverage for all other buildings is 25 percent.

Maximum allowable density.

The maximum allowable density imposed upon lands and property is 12 dwelling units per net acre.

SECTION III

TIME LIMITATIONS

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The period for which construction is required to commence under Sec. 58-810 of the Naples Code is 36 months. Otherwise, the Property will return to the zoning that existed for the underlying district prior to adoption of this PD.

SECTION IV

CONFLICTING REGULATIONS

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The regulations contained herein take priority over any conflicting regulation contained in the Naples Code of Ordinances. To the extent that this document does not provide a regulation, the regulations of the Naples Code of Ordinances shall apply.