

ORDINANCE NO. 92-6706

AN ORDINANCE APPROVING REZONE PETITION 92-R5, AND DEVELOPMENT OF SIGNIFICANT ENVIRONMENTAL IMPACT PETITION 92-DSEI1, REZONING PROPERTY LOCATED EAST OF NAPLES BAY, SOUTH OF HALDEMAN CREEK, NORTH OF THE SOUTHPOINTE YACHT CLUB AND WEST OF CITY OF NAPLES JURISDICTIONAL LINE, MORE PARTICULARLY DESCRIBED HEREIN, FROM "R1-15A", SINGLE FAMILY RESIDENTIAL, TO "PD", PLANNED DEVELOPMENT, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, WS Realty, Inc. has submitted a request to rezone property from "R1-15A" Single Family Residential to "PD" Planned Development to support the development of 16 single-family residences, a golf course driving range, boat docks and conservation area; and,

WHEREAS, a Development of Significant Environmental Impact petition and related documentation has been submitted which demonstrates that the proposed development will not have a detrimental impact on the surrounding environment; and,

WHEREAS, the Planning Advisory Board, having heard the petitioner and all interested parties at a public hearing, has recommended approval of said rezone and DSEI petitions, subject to the conditions set forth herein;

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

SECTION 1. That Rezone Petition 92-R5 and Development of Significant Environmental Impact Petition 92-DSEI1 are hereby approved, rezoning property from R1-15A to "PD" Planned Development which is located east of Naples Bay, south of Haldeman Creek, north of the Southpointe Yacht Club and west of the City of Naples jurisdictional line.

SECTION 2. The property is more particularly described as an area of land in Sections 15 and 22 of Township 50 South, Range 25 East, Collier County Florida lying southerly of Haldeman Creek, easterly of Naples Bay, westerly of the east line of said sections 15 and 22 and northerly of the following described line. Commencing at a concrete monument marking the northeast corner of said section 22 run S00°14'E 1348.16 feet to a concrete monument marking the southwest corner of Windstar, a subdivision recorded in Plat Book 14, pages 11 through 15 of the Public Records of Collier County Florida to the

point of beginning; thence N88°25'10"W 890.50 feet to a concrete monument at Naples Bay and the point of termination of the above described line. This property contains approximately 85.77 acres.

Section 3. This rezoning is subject to the requirements and representations contained within the Planned Development Rezoning and Support Documents Submittal \*BAYFRONT\* Windstar on Naples Bay, and the following plans, all of which have been prepared by Coastal Engineering Consultants Inc. and are dated June 8, 1992;

- 1) General Vicinity Map
- 2) Existing Conditions Map
- 3) General Development Site Plan
- 4) Water Management/Utility Plan
- 5) Traffic Circulation Plan
- 6) Landscape Plan

Section 4. This approval is subject to the recommendations contained on page four of the Memo from Jon Staiger, Natural Resources Manager, to John Cole Chief Planner, dated July 1, 1992., attached hereto and incorporated by reference.

SECTION 5. The Zoning Atlas of the City of Naples shall be amended to reflect said rezoning.

SECTION 6. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 5TH DAY OF AUGUST, 1992.

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 19th DAY OF August, 1992.

Paul W. Muenzer  
Paul W. Muenzer, Mayor

ATTEST:

Janet Cason  
Janet Cason, City Clerk

Prepared by: John A. Cole  
John A. Cole, Chief Planner

APPROVED AS TO FORM AND LEGALITY BY Maria J. Chiaro  
Maria J. Chiaro, City Attorney

### 3.3 STATEMENT OF WATER AND SEWER AVAILABILITY

Water service is provided by the City of Naples. Facilities are extended and looped throughout the project to provide the service needed for the development. The property owner shall be responsible for the construction and cost of the water facilities to and within the subject project.

At this time, central sewer facilities are provided by Collier County. The Windstar project is served by a master lift station located southeast of the project on Fern Street. The property owner is responsible for the construction and cost of the permanent on-site sewer facilities. The existing Windstar Clubhouse lift station is adequately sized to serve the units proposed for the Bayfront parcel.

All FDER water and sewer permitting will be signed by the City of Naples and Collier County. The master water metering to be required shall be located within an easement dedicated for that purpose along with backflow assemblies. \* S-6

### 3.4 WATER MANAGEMENT STRATEGIES

The project is located within Collier County Water Management District No. 6. The site property receives runoff only from rain which falls on the site. Haldeman Creek to the north, an existing manmade canal to the south and Naples Bay to the west effectively isolate the property from surrounding areas. The topographic data presented shows the existing ground to fall from east to west across the site property.

The water management system proposed for this project has several objectives:

1. Provide storage and treatment for excess runoff attributable to the development.
2. Preserve the natural hydro-period of the wetlands which consists of direct sheetflow from rainfall on adjacent uplands.
3. Maintain Naples Bay water quality by control and management of recreational site using an interceptor swale to prevent direct runoff to the Bay.

A majority of the site is to be restored as golf driving range. Very gradual slopes are provided over this grassy area to allow slow sheet flow to occur. A shallow broad interceptor swale is provided along the western perimeter to intercept the sheetflow and create a still ponded area. This detention area will assist in removal of suspended particulates prior to slow overflow into the surrounding unfertilized transitional vegetation. This transitional area serves to provide natural plant nutrient uptake, a cleansing buffer before release into the conservation area.

Existing water management systems will be utilized for the proposed residential area. Runoff will be directed to catch basins which pipe to adjacent lakes. The lakes will be used to provide maximum retention periods for cleansing of the runoff prior to discharge from the site.

The water management plan for the entire project will conform to the rules, regulations and stipulations governing surface water drainage systems as defined by Collier County, the City of Naples, and the South Florida Water Management District. The planning, design and construction of the water management system shall include whatever design constraints are necessary to minimize impacts on the mangrove shoreline and control discharge of surface pollutants from the site.

**A application to modify Windstar's SFWMD permit will be submitted for review and approval to accommodate stormwater discharge from Bayfront property. \* S-9**

All water management facilities in the Bayfront area will be carefully coordinated to provide protection to the mangroves and Naples Bay, without adversely affecting the wetlands habitat.

8/19/92

#### 4.1 DEVELOPMENT STANDARDS

Development standards, unless otherwise stated, include all definitions of the City of Naples Comprehensive Development Code.

The term "building height" is defined for the purpose of constructing the maximum height requirements for MULTI-FAMILY RESIDENCES and CLUSTER DEVELOPMENT as "The vertical distance measured from the average crown of the abutting road, or the established 100-year flood elevation, whichever is applicable, as determined by the zoning administrator, to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof or to the mean height between eaves and the ridge of a gable, hip or gambrel roof." The term "building height" is defined for the purpose of constructing the maximum height requirement for SINGLE FAMILY RESIDENCES as "The vertical distance measured from the greater of: (1) The FEMA first habitable floor height requirement" or (2) Eighteen (18) inches above the DNR requirement for the first habitable floor structural support; or (3) eighteen (18) inches above the elevation of the average crown of the adjacent road(s); or (4) the average natural grade (natural contours of a land area generally unaltered by man's intervention), to the highest point of the roof surface or parapet."

##### I. Residential District (R)

- (A) **District purpose:** This district provides for single family and low profile (cluster) multifamily residences.
- (B) **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:
- (1) Single family residences
  - (2) Multifamily residences
  - (3) Cluster development
  - (4) Recreational areas or facilities that are part of one of the permitted uses.
  - (5) Accessory structures which are incidental to and customarily associated with the above permitted uses in this district.
  - (6) All lighting to be directed or shielded away from Conservation Vital areas. \*S-14
- (C) **Conditional uses:** None.
- (D) **Minimum lot area:** Six thousand (6,000) square feet.
- (E) **Minimum lot width:** Sixty (60) feet.

(F) **Minimum yards:**

(1) **Single family dwellings:**

Front yard - Twenty-five (25) feet.  
Side yard - One story - Seven and one-half (7½) feet.  
Two story - Ten (10) feet.  
Rear yard - Twenty (20) feet.

(2) **Multifamily dwellings:**

Front yard - Thirty-five (35) feet.  
Side yard - Ten (10) feet.  
Rear yard - Thirty (30) feet.

(3) **Cluster dwellings:**

Front yard - Twenty-five (25) feet.  
Side yard - None.  
Rear yard - Twenty (20) feet.

(G) **Minimum floor area:**

(1) **Single family dwellings:**

One story - One thousand (1,000) square feet.  
Two story - One thousand two hundred fifty (1,250) square feet.

(2) **Multifamily dwellings:** Seven hundred fifty (750) square feet.

(H) **Maximum height:** A maximum height up to Forty (40) feet may be allowed if upon review of architectural plans in the GDSP it is concluded the proposed plans is visually compatible with Port Royal and Royal Harbor.

\* S-15

(I) **Minimum off-street parking:** Two (2) spaces per dwelling unit. \* S-13

(J) **Maximum lot coverage by all buildings:** None, except residences must meet minimum setback requirements.

(K) **Maximum density:** Sixteen (16) dwelling units

(L) **Permitting Procedure:** Future construction on this site shall be subject to a GDSP review process. The GDSP will assure visual compatibility with Port Royal and Royal Harbor. Architectural Review Standards which encourage variable roofline and visual compatibility will be utilized. A copy of the Architectural Standards which will govern GDSP review are attached. Windstar internal architectural review approval will be submitted as a condition precedent to the submittal of the GDSP application. \* S-15

8/19/92

35

## (M) Architectural Standards

### Architectural Design

1. Design consideration will be guided by a common architectural theme.
2. The elements of this theme include, but are not limited to exterior building articulation, roof material and configuration, eave and corner details, window configuration, colors and material, and landscaping.
3. This architectural theme is intended to reflect one of the following styles: Bermuda, British Colonial, or the West Indies (English Influence).

### Elevations

1. The exterior will have the proper scale, massing, solid-void articulation and roof configuration that responds to the architectural theme.
2. Porches and enclosures shall have a Bermuda or nautical architectural style. The design of such elements shall be an integral part of the total building. No bare, skeleton frame aluminum screen enclosures are permitted.
3. Exterior materials shall be consistent with the surrounding waterfront communities and have a color value that is pastel in nature.
4. Awnings, canopies, shutters and similar elements are encouraged to accent the buildings.

### Roofs

1. Large massed roofs shall be broken into smaller roof sections with varied heights, and with dormers, bays as accent features.
2. Visible flat roofs are prohibited.
3. Roofing material shall be flat or banal concrete or clay tile, slate or metal and be pastel in nature.
4. Gutter and downspouts shall be constructed to blend with architecture.

5. Skylights shall be constructed so as to minimize their visual impact on buildings elevations and roof plane.

6. Solar collectors, satellite dishes and antennae are not allowed.

## II. Golf Course Driving Range District (DR)

- (A) **District purpose:** This district provides lands for a golf course driving range and normal accessory uses and structures incidental to a golf course driving range.
- (B) **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.
- (1) Golf course driving range.
  - (2) Golf course, tennis courts, and other recreational uses or facilities that serve as an integral part of a permitted use.
  - (3) Pathways, boardwalks, shade structures, overlooks, and similar uses.
  - (4) Support uses including, within limitation, irrigation system, asphalt cart paths, drainage structures and swales.
  - (5) Accessory uses and structures which are incidental to an customarily associated with the permitted uses. There will not be any major structures constructed in this district. \*S-17
- (C) **Conditional uses:** None
- (D) **Minimum lot area:** None
- (E) **Minimum lot width:** None
- (F) **Minimum yards:** None
- (G) **Minimum floor area:** None
- (H) **Maximum height:** Twenty (20) feet. \*S-16
- (I) **Minimum off-street parking:** None
- (J) **Maximum lot coverage by all buildings:** None
- (K) **Maximum density:** None



- (L) **Procedure for Obtaining Permits:** Procedures outlined in Comprehensive Development Code, Subsection 10-6-2 (C), shall apply for permitting through the City of Naples. The review procedure, for which additional subdivision or construction approvals will be issued by the City, will be in accordance with the City Comprehensive Development Code (p. 541 etc.).  
\*S-19

### III. Transitional Conservation District (TC)

- (A) **District purpose:** This district shall function, in part, as a buffer area to ensure compatible development adjacent to the Conservation District.
- (B) **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:
- (1) Natural water quality maintenance.
  - (2) Natural wildlife habitat.
  - (3) Aesthetics and open space
  - (4) Passive low intensity: recreation uses which do not require a permanent structure or land improvements.
  - (5) Natural fish and wildlife propagation.
  - (6) Land use buffers.
  - (7) Golf course driving range.
  - (8) Nature buffers, preserves, wildlife sanctuary, and conservation.
  - (9) Boardwalks, nature trails, pathways, decks, and weather shelters. Structure supports will be elevated so that structures do not interfere with native flora and fauna. Any construction is limited to small open air structures, one story in height, lower than the adjacent mangroves. \*S-18
  - (10) Emergency access turn-a-round, access drive (see GDSP), utilities, drainage structures and swales, and exotic vegetation removal. Additional design information for the access drive must be provided prior to construction. \*S-20
  - (11) Exotic vegetation removal.
  - (12) Accessory uses and structures which are incidental to and customarily associated with the permitted uses.

- (C) **Conditional Uses:** None.
- (D) **Minimum Lot Area:** Not applicable.
- (E) **Minimum Lot Width:** Not applicable.
- (F) **Minimum Yards:** Not applicable.
- (G) **Minimum Floor Area:** None.
- (H) **Maximum Height:** Twenty (20) feet.
- (I) **Minimum off-street parking:** No applicable.
- (J) **Maximum Lot Coverage by all Buildings:** Not applicable.
- (K) **Maximum Density:** Not applicable.
- (L) **Procedure for Obtaining Permits:** Procedures outlined in Comprehensive Development Code, Subsection 10-6-2 (C), shall apply for permitting through the City of Naples. \* S-18

#### IV. Conservation District (C)

- (A) **District purpose:** This district includes those areas having significant ecological, hydrological, physical or socioeconomic importance to the public.
- (B) **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:
  - (1) Natural propagation of sport and commercial fish.
  - (2) Natural water fowl and wading bird food production.
  - (3) Natural storm protection.
  - (4) Prevention of shore erosion: Through natural vegetation and berms or artificially enhanced natural features, such as mitigation or revegetation.
  - (5) Natural wildlife and fisheries habitat and propagation.
  - (6) Natural water quality improvement.
  - (7) Aesthetic enjoyment.

- (8) Limited mangrove pruning and removal for boat dock or educational purposes to be reviewed/approved by Natural Resource Manager. Final alignment of the pier accesses through the mangroves must be approved by the Natural Resources Manager. \*S-22
- (9) Limited mangrove pruning and removal for boardwalks, natural trails and observation decks to be reviewed/approved by Natural Resource Manager. Final alignment of the pier accesses through the mangroves must be approved by the Natural Resources Manager. \*S-22
- (10) Boat docks and dockage areas:
- (a) North Residential Dockage
- 1) Docks are accessory to the 16 unit district. \*S-10a
  - 2) Docks will not be offered for lease to individuals outside of his development. \* S-10b
  - 3) Docks will not be constructed until after at least 8 units are built within the "Residential District Parcel (R)". \*S-10c
  - 4) Provide fixed fire protection features on docks. \*S-3
  - 5) Dredging is permitted only for maintenance purposes and only upon strict compliance with all federal, state, and local permitting requirements. The term "Maintenance Dredging" is defined as the dredging of a canal or channel or dockage area, where the spoil material is to be removed and deposited on a self-contained upland spot site which will prevent the escape of the spoil material into the waters of the state; provided that no more dredging is to be performed than is necessary to restore the canal or channel to original natural depth contours and provided that control devices are utilized to prevent turbidity and toxic or deleterious substances from discharging into adjacent water during maintenance dredging; provided that the applicant or his successor establish a baseline record of original natural depth contours by a survey of Naples Bay bottom depth at the site of the proposed dock made at the time of dock permit application. This survey will be recorded with the City Clerk to provide a permanent public record of prior existing natural conditions. \*S-10d
  - 6) Refueling and lubrication of watercraft, pump out facilities, dry storage of watercraft, boat and boat motor sales or rentals, outfitting, maintenance and repair, haul out facilities, boat launching, retail sale of boating or fishing supplies and accessories, restaurants or

refreshment facilities and laundry facilities are strictly prohibited. \*S-10e

(b) South Master Association Dock

- 1) Accessory to Windstar Master Association. \*S-11a
- 2) Leasing is prohibited. \*S-16
- 3) Usage is restricted to Windstar Master Association.
- 4) No dredging is permitted. \*S-11d
- 5) Provide fixed fire protection features on docks.
- 6) Refueling and lubrication of watercraft, pump out facilities, dry storage of watercraft, boat and boat motor sales or rentals, outfitting, maintenance and repair, haul out facilities, boat launching, retail sale of boating or fishing supplies and accessories, restaurants or refreshment facilities and laundry facilities are strictly prohibited. \*S-11e

(11) Educational activities

(12) Boardwalks, nature trails, and observation decks.

(13) All signage will conform to U.S. Coast Guard, DNR, DER and COE requirements; dredge and fill permit is required for docks and marker piles. \*S-8

(C) Conditional Uses: None.

(D) Minimum Lot Area: Not applicable.

(E) Minimum Lot Width: Not applicable.

(F) Minimum Yards: Not applicable.

(G) Minimum Floor Area: None.

(H) Maximum Height: Not applicable.

(I) Minimum off-street parking: No applicable.

(J) Maximum Lot Coverage by all Buildings: Not applicable.

(K) Maximum Density: Not applicable.

(L) Permitting Procedure: Procedures outlined in Comprehensive Development Code, Subsection 7-4-24 (K)(6); 7-4-24 (F) and (G) and Subsection 10-6-2 (A)(6) (C), shall apply for permitting through the City of Naples. (see pp 541, 542, 544, 787). State and Federal dredge and fill permits are required for docks and marker piles. \*S-8

8/19/92

41