

ORDINANCE NO. 86-5031

AN ORDINANCE RELATING TO ZONING, AMENDING APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; AND PROVIDING AN EFFECTIVE DATE.

PURPOSE: TO AMEND APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ACCORDANCE WITH THE ANNUAL REVIEW AND RECOMMENDATIONS OF THE PLANNING ADVISORY BOARD

WHEREAS, following a public hearing, the Planning Advisory Board has recommended that Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples be amended as set forth in the attached pages i through vii and 1 through 129, marked Exhibit "A", attached hereto and incorporated herein by reference; and

WHEREAS, taking into consideration the recommendation of the Planning Advisory Board and City staff, the City Council has determined that the zoning amendments set forth herein should be adopted;

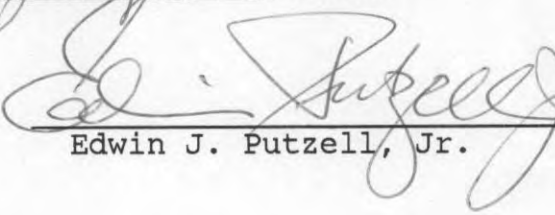
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

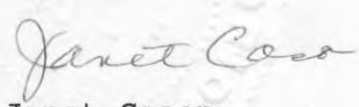
SECTION 1. That the amendments to Appendix "A" - Zoning, of the Code of Ordinances of the City of Naples are hereby adopted as set forth in the attached pages i through vii and 1 through 129, marked Exhibit "A", attached hereto and incorporated herein by reference; and

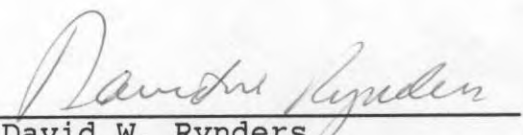
SECTION 2. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 1st DAY OF July, 1986.

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 16th DAY OF July, 1986.


Mayor
Edwin J. Putzell, Jr.

ATTEST:

Janet Cason
City Clerk

APPROVED AS TO FORM AND LEGALITY BY 
David W. Rynders
City Attorney

FIRST READING COUNCIL MEMBERS	M O T I O N S	S C O N D I C O N F E R E N C E	VOTE		A B S E N T	SECOND READING COUNCIL MEMBERS	P R E S E N T	S P E C I A L	VOTE		A B S E N T
			Y E S	N O					Y E S	N O	
Anderson-McDonald			X			Anderson-McDonald			X		
Barnett		X	X			Barnett			X		
Bledsoe			X			Bledsoe			X		
Crawford			X			Crawford			X		
Graver			X			Graver	X		X		
Richardson	X		X			Richardson		X	X		
Putzell (7-0)			X			Putzell (7-0)			X		

Exhibit "A"

ZONING ORDINANCE
TABLE OF CONTENTS

<u>Section</u>	<u>Title</u>	<u>Page</u>
	TITLE PAGE	1
	PREAMBLE	1
1.	ESTABLISHMENT OF ZONING DISTRICTS; PROVISION FOR OFFICIAL ZONING MAP OR ATLAS	1
	A. Establishment of Districts	1
	B. Atlas or Zoning Map	1
	C. Zoning District Boundary Changes	2
	D. Authority as to Current Zoning Status	2
2.	RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES	2
3.	APPLICATION OF DISTRICT REGULATIONS	3
	A. Conformity with Zoning Regulations	3
	B. Limitation on Buildings	3
	C. Requirements for Each Building	3
	D. Yard and Lot Areas - Reduction Prohibited	3
	E. Waterfront Lots - Determination of Minimum Yards	3
	F. Property in Two Zoning Districts	3
	G. Minimum Regulations	4
	H. Private Covenants	4
4.	NONCONFORMING LOTS, NONCONFORMING USES OF LAND OR STRUCTURES, NONCONFORMING STRUCTURES AND PREMISES	4
	A. Definition of Nonconformity	4
	B. Continuation of Nonconformities	4

	C. Expansion, Enlargement, or Change of Nonconformities	4
	D. Repair or Alteration of Nonconformities	5
	E. Reconstruction of Nonconformities after Catastrophe	5
	F. Cessation of Nonconformities	6
	G. Additions to Nonconforming Single Family Residences	6
5.	SCHEDULE OF DISTRICT REGULATIONS	6
5.1	"R1-E" Residence District	6
5.2	"R1-15" Residence District	7
5.3	"R1-10" Residence District	8
5.2	"R1-7.5" Residence District	9
5.5	"R3-12" Multi-Family District	11
5.6	"R3T-12" Multi-Family District	12
5.7	"R3-15" Multi-Family District	14
5.8	"R3T-18" Multi-Family District	15
5.9	"R3-18" Multi-Family District	17
5.10	"HC" Highway Commercial District	18
5.11	"C1" Retail Shopping District	21
5.12	"C1-A" Retail Shopping District	24
5.13	"C2" General Commercial District	27
5.14	"C2-A" Waterfront Commercial District	29
5.15	"C3" Heavy Business District	32
5.16	"C4" Airport Commercial District	34
5.17	"I" Industrial District	37
5.18	"M" Medical District	38
5.19	"O" Office District	40
5.20	"PD" Planned Development District	41

5.21	"PS" Public Service District	43
6.	SUPPLEMENTARY DISTRICT REGULATIONS	47
1.	Accessory Structures May Not Precede Construction of Principal Building	47
2.	Alcoholic Beverages	47
3.	Annexed Territory Classified Automatically	48
4.	Architectural Duplication of Residences	48
5.	Boat and Boat Trailer Storage in Dwelling Districts	49
6.	Building Dimensions, Maximum Permitted	50
7.	Commercial Vehicles in Residential Districts	50
8.	Densities, Maximum Permitted	50
9.	Driveway Requirements	52
10.	Fallout Shelters	52
11.	Fences and Walls	53
12.	Gasoline Service Stations	53
13.	Gate Houses	55
14.	Guest Houses	56
15.	Height Requirements, Exceptions Thereto	56
16.	Home Occupations	56
17.	Landscaping Requirements	56
18.	Lot Coverage, Maximum Permitted	64
19.	Mechanical Equipment Located on Rooftops	66
20.	Mobilehomes, Travel Trailers, Travel Campers or Other Vehicles Equipped or Utilized for Dwelling Purposes or Temporary or Mobile Units Intended for a Commercial Use	66
21.	Motor Vehicles, Unlicensed or Inoperable	67
22.	Ornamental Buffer	67

23.	Parking and Loading Requirements	67
24.	Performance Standards	77
25.	Private Clubs	77
26.	Recreation Facilities; Conditional Use Required	77
27.	Right-of-Way Dedication and Improvements Required for Circulation Purposes	78
28.	Shopping Centers	79
29.	Sidewalks Required	83
30.	Signs	83
31.	Street Frontage Required	92
32.	Swimming Pools and Enclosures; Minimum Yards Required	92
33.	Temporary Buildings or Structures	93
34.	Temporary Use Permits	93
35.	Time Share Lodging Facilities	96
36.	Trash and Garbage Enclosures Required	97
37.	Undeveloped Property; Habitation Prohibited	97
38.	Vehicular Repair, Engine Repair and/or Overhauling Prohibited in Residential Districts	97
39.	Visibility at Corner Locations	98
40.	Waterways and Watercraft	98
41.	Yards	98
7.	ADMINISTRATION AND ENFORCEMENT OF ZONING ORDINANCE	100
A.	General	100
B.	Zoning Compliance Required	100
C.	Building Permits; Information Required	100
D.	Erroneously Issued Permits	100

E. Outstanding Zoning Clearances and Building Permits 101

8. VARIANCES: PROCEDURE FOR FILING REQUESTS FOR VARIANCES FROM THE TERMS OF THE ZONING ORDINANCE 101

A. Petitions 101

B. Public Notice 101

C. Planning Advisory Board Hearing 101

D. Recommendation to City Council 102

E. City Council Consideration and Action 102

F. Conditions for Granting a Variance 102

9. CONDITIONAL USES: PROCEDURE FOR FILING PETITIONS 103

A. Definition 103

B. Method of Approval 103

C. Procedure 103

D. Guidelines or Standards 105

E. Time Limitations 106

F. Approved Plans 106

10. ADMINISTRATIVE DECISION; APPEALS THEREOF: PROCEDURE FOR FILING APPEALS RELATIVE TO ADMINISTRATIVE DECISION PERTAINING TO THE ZONING ORDINANCE 106

A. Petitions 106

B. Planning Advisory Board Recommendation 106

C. City Council Action 107

11. REZONE, CHANGE IN TEXT, AND NONCONFORMITY PETITIONS: PROCEDURE FOR FILING REZONE PETITIONS, PETITIONS FOR A CHANGE IN TEXT OF THE ZONING ORDINANCE AND PETITIONS TO EXPAND OR CHANGE A NONCONFORMITY 107

A. Petitions 107

B. Planning Division Review 107

000024

C.	Rezone Petition Initiated by Property Owner	107
D.	Rezone Petition Initiated by City	108
E.	Planning Advisory Board Public Hearing	108
F.	Planning Advisory Board Recommendation	108
G.	City Council Action	108
12.	REZONE PETITIONS: MINIMUM LAND AREA REQUIREMENTS FOR REZONING; EXCEPTION THERETO; RECONSIDERATION OF REZONING PETITIONS	109
A.	Minimum Land Area Required	109
B.	Reconsideration of Rezoning Petitions	109
13.	COMPREHENSIVE PLAN AMENDMENTS	109
A.	Local Government Comprehensive Planning Act	109
B.	Minimum Vote Required	109
14.	GENERAL DEVELOPMENT AND SITE PLAN (GDSP) AND DEVELOPMENTS OF SIGNIFICANT IMPACT/REVIEW AND APPROVAL PROCESS	110
A.	Type of Development Requiring Review and Approval	110
B.	Submittal	110
C.	GDSP Approval Required before Issuance of Building Permit	110
D.	Purpose	110
E.	Pre-application Conference	111
F.	Application and Exhibits for General Development and Site Plan (GDSP) Review	111
G.	Procedure for Approval of General Development and Site Plan	114
H.	Intermediate Stage Plans for Functional Components of a GDSP	115
I.	Application for Final Approval, Building Permit and Certification of Zoning	

	Compliance	115
J.	Status of Approved GDSP	116
K.	Exemptions from GDSP Requirements	116
15.	FEEES: SCHEDULE OF PETITIONS AND REQUIRED FEES	117
16.	DEFINITIONS	117
17.	LEGAL PROVISIONS	129

BLANK

APPENDIX A

ZONING

ORDINANCE NO. 3178

WHEREAS, the Charter of the City of Naples, Florida, empowers the City Council to enact a zoning ordinance for the City of Naples, Florida; and

WHEREAS, The City Council deems it necessary for the purpose of promoting the health, safety, order, convenience, prosperity and general welfare; to preserve the character and property values of the City of Naples; to protect the assets of the City and their economic value as it relates to Naples as a tourist oriented community in that these needs of the community are vested in the public safety and general welfare; and to maintain and enhance the attractive nature of the City of Naples; to enact such an ordinance; and

WHEREAS, all requirements of the Charter of the City of Naples, Florida, regarding zoning ordinance preparation adoption procedures have been complied with;

NOW THEREFORE, be it ordained by the City Council of the City of Naples, Florida; that ~~Chapter--28~~ Appendix "A", Zoning, of the Code of Ordinances of the City of Naples, Florida, is hereby repealed and the following is substituted therefor:

Section 1. ESTABLISHMENT OF ZONING DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP OR ATLAS

- A. Establishment of Districts. The incorporated land and water area of the City of Naples, Florida, is hereby divided into zones or districts as set out in Section 5 of the Zoning Ordinance and ~~is~~ as shown on the official Zoning Map or Atlas. The Official Zoning Map or Atlas, together with all explanatory matter thereon, is hereby adopted and incorporated by reference, and declared to be a part of this zoning ordinance.

- B. ~~Official-Zoning-Map--or-Atlas.~~ Atlas or Zoning Map. The Official Zoning Map or Atlas, the latter comprised of individual map sheets, shall bear the date of its adoption and the signature of the Mayor, attested to by the City Clerk. The boundaries of each district shall be shown on the Official Zoning Map or Atlas and the district symbol or symbols as set out in the zoning ordinance shall be used to designate each district.

- C. Changes-in-District--Boundaries: Zoning District Boundary Changes. After the amendment has been approved by the City Council, changes in district boundaries shall be entered on the Official Zoning Map or on the appropriate map sheet or sheets of the Official Zoning Atlas promptly. An entry shall be made on the Official Zoning Map or Atlas sheet(s) stating the date, change, and brief description or nature of change signed by the Mayor and attested to by the City Clerk.
- D. Final Authority as to Current Zoning Status. Regardless of the existence of purported copies of the Official Zoning Map or Atlas which may from time to time be made or published, the Official Zoning Map or Atlas shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the City, and shall supersede and replace any and all previously adopted Zoning Maps or Atlases. The City Clerk shall be custodian of the Official Zoning Map or Atlas.

Section 2. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map or Atlas, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of public or private rights-of-way shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines as they exist at the time of the establishment of the district boundary.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits as they existed at the time of the establishment of the district boundary.
- D. Boundaries indicated as following a shore line shall be construed to follow such shore line, and in the event of change in the shore line, shall be construed as moving with the actual shore line.
- E. Submerged lands, including waters over such submerged land, unless specifically zoned otherwise, are to be construed as being zoned the same as the abutting upland.
- F. Boundaries indicated as parallel to or extensions of features indicated in Sub-sections A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map or Atlas shall be determined by the scale of the map or atlas.

G. Where the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map or Atlas, or in other circumstances not covered by Sub-section A through F above, the Zoning Administrator shall interpret the district boundaries.

Section 3. APPLICATION OF DISTRICT REGULATIONS

Except as hereinafter provided:

A. Conformity with Zoning Regulations. No building, structure, land or water shall hereafter be used or occupied, and no building or structure or part thereof shall be hereafter erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all applicable zoning regulations.

B. Limitations on Buildings. No building or other structure shall hereafter be erected or altered:
(1) to exceed the height.
(2) to accommodate or house a greater number of families,
(3) to have lesser yards, or other open spaces than herein required, or in any other manner be contrary to the provisions of this ordinance.

C. Requirements for Each Building. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking or loading space required for any other building.

D. Yard and Lot Area - Reduction Prohibited. No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least minimum requirements established by this Ordinance.

E. Waterfront Lots - Determination of Minimum Required Yards. On waterfront lots, the shoreline (see definitions) shall be construed to be the property line for the purpose of determining minimum required waterfront yards.

The Coastal Area Setback Line, if greater, shall take precedence over setbacks listed in individual districts.
(See-Ord--2247-)

F. Property in Two Zoning Districts. When a parcel of property is crossed by a zoning district boundary and thus lies in two zoning districts, the ~~district-boundary--shall~~

~~be-treated-as-if-it-were-a-lot-line-separating-two-differ-~~
~~ently-zoned-parcels. most restrictive lot area, lot width,~~
~~building setback and similar regulations shall apply to the~~
~~entire parcel.~~

- G. Minimum Regulations. Within each district, the regulations set by this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.
- H. Private Covenants. All requirements of this Ordinance must be complied with regardless of the existence of valid private covenants, agreements or restrictions on the use of lands or structures, but this Ordinance does not nullify such private covenants, agreements, or restrictions as may have been lawfully established.

Section 4. NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND OR STRUCTURES, NON-CONFORMING STRUCTURES AND PREMISES

- A. Definition of Non-Conformity. Within the districts established by this ordinance or amendments that later may be adopted, there may exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed, the new establishment of which would be prohibited by this ordinance. These lots, structures, and/or uses are defined as non-conformities. Non-conformities include non-conforming lots, non-conforming structures and non-conforming uses. Where such an existing use has been a "Use permitted" in a zoning category and said use is subsequently changed to a "~~Special-Exception,~~" conditional use, the existing use is not thereafter a "Use Permitted" but becomes a non-conforming use under this zoning ordinance until special-exception conditional use approval is obtained for that property as provided for in Section 6(23) 9 of the zoning ordinance.
- B. Continuation of Non-Conformities. Except when other provisions of this ordinance specifically require elimination of non-conformities, a non-conformity may be continued so long as it remains otherwise lawful, subject to the remaining provisions of this section.
- C. Expansion, Enlargement, or Change of Non-Conformities. Except as otherwise provided by this section, no non-conformity shall be expanded, enlarged, extended, or changed to a different non-conformity except upon recommendation of the Planning Advisory Board, after a public hearing with due public notice, and approval of the City Council per Section 11.

(1) Standards for permitting expansion, enlargement, or change of non-conformities: Since the size and nature of the expansion of a non-conformity may vary widely, a site plan and preliminary building plans indicating the proposed expansion or change shall be presented with each request for such expansion or change. Prior to granting an expansion or change of non-conformity, the Board and the City Council shall insure that:

- (a) The expansion, enlargement, or change of the non-conformity will not damage the character or quality of the neighborhood in which it is located, or hinder the proper future development of the surrounding properties;
- (b) Any nuisance feature involved is not increased;
- (c) Excessive vehicular traffic is not generated on residential streets;
- (d) An automobile parking or traffic problem is not created;
- (e) Appropriate drives, walks and buffers are installed.

And if such insurances are not possible the requested expansion, enlargement or change shall be denied.

(2) Any non-conformity which becomes conforming shall not thereafter be changed to a non-conformity.

D. Repair or Alteration of Non-Conformities.

(1) Repairs, maintenance and improvements on non-conformities may be carried out, provided that such work does not increase the cubical content of the building or ground area devoted to the non-conforming use.

(2) Nothing in this section shall prevent compliance with applicable laws or ordinances relative to the safety and sanitation of a building occupied by a non-conforming use.

E. Reconstruction of Non-Conformities after Catastrophe. If any non-conformity is damaged by fire, flood, explosion, collapse, wind or other catastrophe to such an extent that the cost of rebuilding, repair or reconstruction will exceed sixty percent (60%) of its appraised value as shown on the tax assessment book at the time of the damage, any rebuilding or repair shall be deemed an expansion of a non-conformity and handled in accordance with paragraph "C" of this section. Where the damage is sixty percent (60%)

or less of the current tax appraisal, the non-conforming structure may be restored or rehabilitated if it is not enlarged in area or cubical content.

- F. Cessation of Non-Conformities. If for any reason a non-conforming use of land or of a structure ceases for a period of more than twelve (12) months, the land or structure shall not thereafter be put to a non-conforming use. An affected property or business owner may request the City Council to approve up to two six month extensions of time, which may be granted for good and sufficient cause.
- G. Additions to Non-Conforming Single Family Residences. Additions to non-conforming single family residences, housing conforming uses, shall be permitted if the addition complies fully with setback and all other applicable regulations.
- H. Non-Conforming Lots of Records. Notwithstanding limitations imposed by other provisions of this ordinance, any non-conforming lot of record which was in single and separate ownership on the date of adoption of the ordinance or amendment which made the lot of record non-conforming may be used as permitted by the district regulations of the zone in which the lot is located. This provision shall apply even though such lot of record fails to meet the requirements for width or area, or both, that are generally applicable to it, provided that all yards and other requirements not involving area or width of lot shall conform to the regulations for the district in which the lot of record is located.

When two or more contiguous, vacant, non-conforming lots of record are in single ownership, such lots may be subdivided only if such subdivision will make them conforming.

Section 5. SCHEDULE OF DISTRICT REGULATIONS

Section 5.1 "R1-E" Residence District

- A. District Purpose: This is Naples' residential estate district. Larger lots and larger homes are required in this district than in any other.
- 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) Accessory structures which are incidental to and customarily associated with the use permitted in this district.

C. ~~Special-Exceptions~~ Conditional Uses: None

D. Minimum Lot Area: 67,500 square feet

E. Minimum Lot Width: 150 feet

F. Minimum Yards: (See Supplementary District Regulations, Ref. Swimming Pools and Enclosures)

(1) Front Yard - 50 feet

(2) Side Yard - 15 feet

(3) Rear Yard - 35 feet; except rear yards abutting a public alley which may be reduced to 15 feet for garages and carports that have direct vehicular access from the alley or utility sheds not exceeding 100 square feet in area.

G. Minimum Floor Area:

(1) One story - 2,000 square feet

(2) Two story - 2,500 square feet

H. Maximum Height: ~~30-feet, -maximum--of-two-stories~~ No more than two stories; up to a maximum height of 30 feet.

I. Minimum Off-Street Parking: Two (2) spaces per residence, located within the permitted building area

J. Maximum Lot Coverage by All Buildings: None, except all buildings must meet minimum setback requirements.

Section 5.2 "R1-15" Residence District

A. District Purpose: This is a single-family residence 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) Single family residences

(2) Accessory structures which are incidental to and customarily associated with the uses permitted in this district.

- C. Special-Exceptions Conditional Uses: None
- D. Minimum Lot Area: 15,000 square feet
- E. Minimum Lot Width: 100 feet
- F. Minimum Yards: (See Supplementary District Regulations, Ref. Swimming Pools and Enclosures)
 - (1) Front Yard - 40 feet
 - (2) Side Yard - One story - 10 feet
Two story - 15 feet
 - (3) Rear Yard - 30 feet; except rear yards abutting a public alley which may be reduced to 15 feet for garages and carports that have direct vehicular access from the alley or utility sheds not exceeding 100 square feet in area.
 - (4) On lots which front on more than one street, one of the front yards which-has-the-longest-street--frontage may be reduced to 35 feet. The property owner may choose which setback to reduce, subject to the approval of the Zoning Administrator.
- G. Minimum Floor Area:
 - (1) One story - 1,400 square feet
 - (2) Two story - 2,000 square feet
- H. Maximum Height: 30--feet,--maximum-of--two-stories No more than two stories; up to a maximum height of 30 feet.
- I. Minimum Off-Street Parking: Two (2) spaces per residence, located within the permitted building area
- J. Maximum Lot Coverage by All Buildings: None, except all buildings must meet minimum setback requirements.

Section 5.3 "R1-10" Residence District

- A. District Purpose: This is a single-family residence 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) Single family residences

(2) Accessory structures which are incidental to and customarily associated with the uses permitted in this district

C. ~~Special-Exceptions~~ Conditional Uses: None

D. Minimum Lot Area: 10,000 square feet

E. Minimum Lot Width:

(1) Corner lots - 87-1/2 feet

(2) Interior lots - 75 feet

F. Minimum Yards: (See Supplementary District Regulations, Ref. Swimming Pools and Enclosures)

(1) Front yard - 30 feet

(2) Side Yard - One story - 7-1/2 feet
Two story - 10 feet

(3) Rear Yard - 25 feet; except rear yards abutting a public alley which may be reduced to 15 feet for garages and carports that have direct vehicular access from the alley or utility sheds not exceeding 100 square feet in area.

(4) On lots which front on more than one street, one of the front yards which has the longest street frontage may be reduced to 25 feet. The property owner may choose which setback to reduce, subject to the approval of the Zoning Administrator.

G. Minimum Floor Area:

(1) One story - 1,200 square feet

(2) Two story - 1,600 square feet

H. Maximum Height: ~~30--feet,--maximum-of--two-(2)-stories~~ No more than two stories; up to a maximum height of 30 feet.

I. Minimum Off-Street Parking: One (1) space per residence, located within the permitted building area

J. Maximum Lot Coverage by All Buildings: None, except all buildings must meet minimum setback requirements.

10
A. District Purpose: This is a single family residence 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) Single family residences

(2) Accessory structures which are incidental to and customarily associated with the uses permitted in this district.

C. ~~Special-Exceptions~~ Conditional Uses: None

D. Minimum Lot Area: 7,500 square feet

E. Minimum Lot Width:

(1) Corner lot - 75 feet

(2) Interior lot - 60 feet

F. Minimum Yards: (See Supplementary District Regulations, Ref. Swimming Pools and Enclosures)

(1) Front yard - 25 feet

(2) Side yard - 7-1/2 feet

(3) Rear yard - 20 feet, except rear yards abutting a public alley which may be reduced to 15 feet for garages and carports that have direct vehicular access from the alley or utility sheds not exceeding 100 square feet in area.

(4) On lots which front on more than one street, one of the front yards which has the longest street frontage may be reduced to 20 feet. The property owner may choose which setback to reduce, subject to the approval of the Zoning Administrator.

G. Minimum Floor Area:

(1) One story - 1,000 square feet

(2) Two story - 1,250 square feet

H. Maximum Height: ~~30--feet;--maximum-of--two-stories~~ No more than two stories; up to a maximum height of 30 feet.

I. Minimum Off-Street Parking: One (1) space per residence, located within the permitted building area

J. **Maximum Lot Coverage by All Buildings:** None, except all buildings must meet minimum setback requirements.

Section 5.5 "R3-12" Multi-Family District

A. **District Purpose:** This residential district is designed to accommodate a mixture of single family homes and one, two, and three story apartments.

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) Multi-family residences
- (3) Accessory structures which are incidental to and customarily associated with the above permitted uses in this district.

C. **Special--Exceptions Conditional Uses:** (See Section 9 Supplementary-District-Regulations)

- (1) Child care centers
- (2) Nursing or rest homes
- (3) Parking lots (non-commercial; no meters or on-site parking fee collection)
- (4) Recreation areas or facilities that are part of one of the above permitted uses.

D. **Minimum Lot Area:** 6,000 square feet, plus 2,000 square feet for each ground floor dwelling unit in excess of the first three.

E. **Minimum Lot Width:** 40 feet

F. **Minimum Yards:**

- (1) Front yard - 25 feet, six (6) feet of which shall be landscaped in accordance with the requirements of Supplementary District Regulations, Landscaping Requirements
- (2) Side yard - One story - 7-1/2 feet
Two story - 10 feet
Three story - 12-1/2 feet
- (3) Rear yard - 20 feet

G. Minimum Floor Area:

- (1) One family dwellings
One story - 1,000 square feet
Two story - 1,250 square feet
- (2) Two family dwellings - 1,000 square feet per dwelling unit
- (3) Three or more family dwellings - 600 square feet per dwelling unit
- (4) Manager's apartment - 600 square feet per dwelling unit

H. Maximum Height: 30 feet; except that the development on any "R3-12" zoned property adjacent to, or across the street from, any "R1" zoned property shall be limited to two (2) stories in height.

I. Minimum Off-Street Parking: 1-1/2 spaces per dwelling unit. See Supplementary District Regulations for other uses.

J. Maximum Lot Coverage by All Buildings: None for individual single family residences constructed on individual parcels of land, except said residences must meet minimum setback requirements. All other buildings: Twenty-five (25) percent.

Section 5.6 "R3T-12" Multi-Family District

- A. District Purpose: This is a low-rise apartment district, in which the dwelling units are primarily intended to serve residents. A limited number of transient lodging facilities may be permitted if controlled as to number, area, location, relation to the neighborhood, and compatibility with permitted uses.
- 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) Multi-family residences
 - (3) Accessory structures which are incidental to and customarily associated with the above permitted uses in this district.

C. Special--Exceptions Conditional Uses: (See Section 9
Supplementary-District-Regulations.)

- (1) Child care centers
- (2) Nursing ~~or~~ rest, or group homes
- (3) Parking lots (non-commercial; no meters or on-site parking fee collection)
- (4) Recreation areas or facilities that are a part of one of the above permitted uses
- (5) Transient lodging facilities

D. Minimum Lot Area: 15,000 square feet

E. Minimum Lot Width: 100 feet

F. Minimum Yards:

- (1) Front yard - 25 feet, six (6) feet of which shall be landscaped in accordance with the requirements of Supplementary District Regulations, Landscaping Requirements
- (2) Side yard - One story - 7-1/2 feet
Two story - 10 feet
Three story - 12-1/2 feet
- (3) Rear yard - 20 feet

G. Minimum Floor Area:

- (1) One family dwellings
One story - 1,000 square feet
Two story - 1,250 square feet
- (2) Two family dwellings - 1,000 square feet per dwelling unit
- (3) Three or more family dwellings - 600 square feet per dwelling unit
- (4) Manager's apartment - 600 square feet per dwelling unit
- (5) Transient lodging facilities
Dwelling units without cooking facilities - 300 square feet
Dwelling units with cooking facilities - 400 square feet

1000040

- H. Maximum Height: 30 feet, except that the development on any "R3T-12" zoned property adjacent to, or across the street from, any "R1" zoned property shall be limited to two (2) stories in height
- I. Minimum Off-Street Parking: 1-1/2 spaces per dwelling unit or transient lodging unit. See Supplementary District Regulations for other uses.
- J. Maximum Lot Coverage by All Buildings: None for individual single family residences constructed on individual parcels of land, except said residences must meet minimum setback requirements. All other buildings: twenty-five (25) percent.

Section 5.7 "R3-15" Multi-Family District

- A. District Purpose: This is a high-rise apartment 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) Single family residences
 - (2) Multi-family residences
 - (3) Accessory structures which are incidental to and customarily associated with the above permitted uses in this district.
- C. ~~Special--Exceptions~~ Conditional Uses: (See Section 9 Supplementary-District-Regulations.)
- {1} ~~Boat-launching, -docking, -and-fueling-areas~~
 - {2} (1) Child care centers
 - {3} (2) Nursing ~~or~~ rest, or group homes
 - {4} (3) Parking lots (non-commercial; no meters or on-site parking fee collection)
 - {5} (4) Recreation areas or facilities that are a part of one of the above permitted uses.
- D. Minimum Lot Area: 15,000 square feet
- E. Minimum Lot Width: 100 feet

F. Minimum Yards:

- (1) Front yard - 25 feet, plus 1 foot for each 1 foot of building height over 30 feet, six feet of which shall be landscaped in accordance with the requirements of Supplementary District Regulations, Landscaping Requirements.
- (2) Side yard - 15 feet plus 1 foot for each 1 foot of building height over 30 feet
- (3) Rear yard - 25 feet plus 1 foot for each 1 foot of building height over 30 feet

G. Minimum Floor Area:

- (1) One family dwellings:
 - One story - 1,000 square feet
 - Two story - 1,250 square feet
- (2) Two or more family dwellings - 1,000 square feet per dwelling unit
- (3) Manager's apartment - 600 square feet per dwelling

H. Maximum Height: 60 feet, plus an additional 12 feet if at least 75% of the ground floor is devoted to automobile parking, and if there are no dwelling units located on the ground floor, except one (1) manager's dwelling unit

I. Minimum Off-Street Parking: 2 spaces per dwelling unit. (See Supplementary District Regulations for other uses.)

J. Maximum Lot Coverage by All Buildings: See Supplementary District Regulations for multi-family residences. None for individual single family residences constructed on individual parcels of land except said residences must meet minimum setback requirements. All other buildings: Twenty-five (25) percent.

Section 5.8 "R3T-18" Multi-Family District

A. District Purpose: This is an apartment district, with limited transient lodging uses permitted, in which the City's tallest buildings are permitted.

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) Multi-family residences

000000
000042

- (3) Accessory structures which are incidental to and customarily associated with the above permitted uses in this district.

C. Special--Exceptions Conditional Uses: (See Section 9 Supplementary-District-Regulations.)

(1) Boat-launching, -docking-and-fueling-areas

(2) (1) Child care centers

(3) (2) Nursing or rest, or group homes

(4) (3) Parking lots (non-commercial; no meters or on-site parking fee collection)

(5) (4) Recreation areas or facilities that are a part of one of the above permitted uses.

(6) (5) Restaurants, conventional, and/or cocktail lounges which do not include dancing or staged entertainment; do not have exterior advertising or identification; and which are an integral part of and a subordinate use in a multi-family complex or transient lodging facility

(7) (6) Transient lodging facilities

D. Minimum Lot Area: 25,000 square feet

E. Minimum Lot Width: 150 feet

F. Minimum Yards:

(1) Front yard - 30 feet plus 1 foot for each 2 feet of building height over 45 feet, 6 feet of which shall be landscaped in accordance with the requirements of Supplementary District Regulations, Landscaping Requirements

(2) Side yard - 15 feet plus 1 foot for each 2 feet of building height over 45 feet

(3) Rear yard - 25 feet plus 1 foot for each 2 feet of building height over 45 feet

G. Minimum Floor Area:

(1) One family dwellings
One story - 1,000 square feet
Two story - 1,250 square feet

(2) Two or more family dwellings - 1,000 square feet per dwelling unit

- (3) Manager's apartment - 600 square feet per dwelling unit
- (4) Transient lodging facilities
 - Dwelling units without cooking facilities - 300 square feet
 - Dwelling units with cooking facilities - 400 square feet
- H. Maximum Heights: 75 feet, plus an additional 12 feet if at east 75% of the ground floor is devoted to automobile parking, and if there are no dwelling units located on the ground floor, except one manager's apartment
- I. Minimum Off-Street Parking: 2 spaces per dwelling unit. (See Supplementary District Regulations for other uses.)
- J. Maximum Lot Coverage by All Buildings: See Supplementary District Regulations for multi-family residences and transient lodging facilities. None for individual single family residences constructed on individual parcels of land, except said residences must meet minimum setback requirements. All other buildings: twenty-five (25) percent.

Section 5-8a 5.9 "R3-18" Multi-Family District

- A. District Purpose: This is an apartment district in which the City's tallest buildings are permitted.
- B. Permitted Uses: 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) Multi-family residences
 - (3) Accessory structures which are incidental to and customarily associated with the above uses permitted in this district
- C. ~~Special--Exeptions~~ Conditional Uses: (See Section 9 Supplementary-District-Regulations.)
 - ~~{1}--Boat-launching, docking and fueling areas~~
 - {2} (1) Child care centers
 - {3} (2) Nursing ~~or~~, group or rest homes
 - {4} (3) Parking lots (non-commercial; no meters or on-site parking fee collection)

(5) (4) Recreation areas or facilities that are a part of one of the above permitted uses

D. Minimum Lot Area: 25,000 square feet

E. Minimum Lot Width: 150 feet

F. Minimum Yards:

(1) Front yard - 30 feet plus 1 foot for each 2 feet of building height over 45 feet, 6 feet of which shall be landscaped in accordance with the requirements of Supplementary District Regulations, Landscaping Requirements

(2) Side yard - 15 feet plus 1 foot for each 2 feet of building height over 45 feet

(3) Rear yard - 25 feet plus 1 foot for each 2 feet of building height over 45 feet

G. Minimum Floor Area:

(1) One family dwellings:
One story - 1,000 square feet
Two story - 1,250 square feet

(2) Two or more family dwellings - 1,000 square feet per dwelling unit

(3) Manager's apartment - 600 square feet per dwelling unit

H. Maximum Height: 75 feet, plus an additional 12 feet if at least 75% of the ground floor is devoted to automobile parking, and if there are no dwelling units located on the ground floor, except one (1) manager's dwelling

I. Minimum Off-Street Parking: 2 spaces per dwelling unit. (See Supplementary District Regulations for other uses.)

J. Maximum Lot Coverage by All Buildings: See Supplementary District Regulations for multi-family residences. None for individual single family residences constructed on individual parcels of land, except said residences must meet minimum setback requirements. All other buildings: twenty-five (25) percent.

Section 5-9 5.10 "HC" Highway Commercial District

A. District Purpose: This district provides for general commercial development along arterial or major highways. Development in this district is intended to be planned and provided in integrated units, of high quality, visually

attractive and designed so as to control the impact of traffic on arterial or major streets. (See Supplementary District-Regulations,-Ref. Section 14 General Development and Site Plan Review.

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, and all merchandise shall be stores and displayed in an enclosed building:

- (1) General retail sales establishments, including shopping centers (see Supplementary District Regulations) or department stores. Retail sales establishments 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) Cocktail lounges. ~~No~~ Dancing or staged entertainment facilities are permitted only by conditional use petition approval.
- (5) Convenience service establishments such as tailoring, garment alteration and repair; shoe repair and the like
- (6) Financial institutions, excluding drive-up windows which are permitted only by conditional use petition approval
- (7) Laundry or dry-cleaning pick-up establishments (no laundering or dry-cleaning on premises)
- (8) Medical offices or clinics (not animal)
- (9) Parking lots (non-commercial; no meters or on-site parking fee collection)
- (10) Personal service establishments such as barber and beauty shops
- (11) Professional, business, financial, civic, or public utility offices
- (12) Restaurants, conventional, with or without cocktail lounges. ~~No~~ dancing or staged entertainment facilities are permitted only by conditional use petition approval.

(13) Accessory uses or structures which are incidental to and customarily associated with the above permitted uses in this district.

C. ~~Special--~~Exceptions Conditional Uses: (See Section 9 Supplementary-District-Regulations.)

- (1) Amusement parlors, having coin operated amusement games
- (2) Bowling alleys
- (3) Child care centers
- (4) Churches
- (5) Cultural facilities, including libraries or museums and/or publicly owned buildings
- (6) Dancing or staged entertainment
- (7) Drive-up windows which are accessory to permitted uses
- (8) Gasoline service stations. (See Supplementary District Regulations, ~~Section--10~~, Gasoline Service Stations.)
- (9) Motion picture theaters or live theaters (no drive-in theaters)
- (10) Nursing ~~or~~ rest, or group homes
- ~~11a~~ (11) Parking garages
- (12) Pool or billiard parlors
- ~~11~~ (13) Residential dwelling units when such dwelling units are accessory to and compatible with a permitted use and are located within the same building or group of buildings as the permitted use.
- ~~13~~ (14) Schools and colleges
- ~~14~~ (15) Transient lodging facilities
- ~~15~~ (16) Other uses: The Planning Advisory Board may, by resolution 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.

D. Minimum Lot Area: 30,000 square feet

E. Minimum Lot Width: 150 feet

F. Minimum Yards Required:

- (1) Front yard - 20 feet, all of which shall be landscaped in accordance with the requirements of Supplementary District Regulations, Ref: Landscaping Requirements
- (2) Side yard - 10 feet, except where the adjoining lot is in a residential district, in which case a minimum side yard of 25 feet shall be provided
- (3) Rear yard - 25 feet

G. Minimum Floor Area:

- (1) Non-residential buildings - 1,000 square feet per building on the ground floor
- (2) Transient lodging facilities:
 Dwelling units without cooking facilities - 300 square feet
 Dwelling units with cooking facilities - 400 square feet
- (3) Residential units - 600 square feet per unit

H. Maximum Height: 50 feet

I. Minimum Off-Street Parking Required: (See Supplementary District Regulations.) ~~The--following--regulations--shall govern off-street parking in this district:~~

~~(1) No parking shall be permitted in required front yards- areas.~~

J. Maximum Lot Coverage by All Buildings: 30 per cent, except see Supplementary District Regulations for transient lodging facilities, nursing ~~or~~ rest, or group homes and/or shopping centers.

K. Minimum Landscaping: In addition to the parking, vehicular use and front yard setback area landscaping requirements, 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 of Supplementary District Regulations, Ref: Landscaping Requirements.

Section 5-10 5.11 "C1" Retail Shopping District

A. District Purpose: This district is designed intended to accommodate the City's prestige shopping areas and a limited amount of residential development. It is ~~much~~ more

restrictive and specialized than the "C2" General Commercial 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, and all merchandise shall be stored and displayed in an enclosed building:

- (1) Small scale retail sales establishments other than shopping centers. Retail sales establishments may include incidental processing, repair, and rental activities, 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) Cocktail lounges, ~~no~~ dancing or staged entertainment facilities are permitted only by conditional use petition approval.
- (5) Convenience service establishments such as tailoring, garment alterations and repair, shoe repair and the like
- (6) Cultural facilities (including libraries and museums) and/or publicly owned buildings
- (7) Financial institutions, excluding drive-up windows which are permitted only by conditional use petition approval
- (8) Laundry or dry-cleaning pick-up establishments (no laundering or dry-cleaning on premises)
- (9) Medical offices and clinics (not animal)
- (10) Parking lots (non-commercial; no meters or on-site parking fee collection)
- (11) Personal service establishments such as barber or beauty shops
- (12) Professional, business, financial, civic or public utility offices
- (13) Restaurants, conventional, with or without cocktail lounges. ~~no~~ dancing and/or staged entertainment facilities are permitted only by conditional use petition approval.

- (14) Accessory uses or structures which are incidental to and customarily associated with the above permitted uses in this district.

C. Special--Exceptions Conditional Uses: (See Section 9 Supplementary-District-Regulations.)

- (1) Dancing or staged entertainment
- (2) Drive-up windows, which are accessory to permitted uses (not to include restaurants)
- {3}--Gasoline-service-stations
- {4}--Marinas
- {5} (3) Motion picture theaters, live theaters (no drive-in theaters)
- {6} (4) Parking garages and lots
- {7} (5) Residential dwelling units when such dwelling units are accessory to and compatible with a permitted use and are located within the same building or group of buildings as the permitted use.
- {8} (6) Transient lodging facilities
- {9} (7) Other uses: The Planning Advisory Board may by resolution 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.

- D. Minimum Lot Area: None
- E. Minimum Lot Width: None

F. Minimum Yards Required:

- (1) Front yard - 10 feet
- (2) Side yard - Buildings may be placed either on the side lot line or a minimum of 10 feet from it, except when the adjoining lot is in another zone with a different side yard requirement in which case a minimum side yard of 10 feet shall be provided.
- (3) Rear yard - 25 feet

G. Minimum Floor Area:

- (1) Non-residential buildings - 1,000 square feet per building on the ground floor

- 24
0000050
- (2) Transient lodging facilities:
 - Dwelling units without cooking facilities - 300 square feet
 - Dwelling units with cooking facilities - 400 square feet

(3) Residential units - 600 square feet per unit

- H. Maximum Height: ~~35-feet,--a-maximum-of--3-stories~~ No more than three stories; up to a maximum height of 35 feet.
- I. Minimum Off-Street Parking Required: See Supplementary District Regulations.
- J. Maximum Lot Coverage by All Buildings: Forty-five (45) per cent
- K. Minimum Landscaping: In addition to the parking and vehicular use area landscaping requirements, 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 of Supplementary District Regulations, Ref: Landscaping Requirements.

Section 5-11 5.12 "C1-A" Retail Shopping District

- A. District Purpose: This district is designed intended to accommodate the City's prestige shopping areas. It is much more restrictive and specialized than the "C2" General Commercial District.
- B. Uses Permitted: No building or structure, or water 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) Small scale retail sales establishments other than shopping centers. Retail sales establishments may include incidental processing, repair and rental activities, 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 the premises)

- (4) Cocktail lounges--~~No-d~~Dancing or staged entertainment facilities are permitted only by conditional use petition approval.
- (5) Convenience service establishments such as tailoring, garment alteration and repair, shoe repair and the like
- (6) Cultural facilities (including libraries or museums) and/or publicly owned buildings
- (7) Financial institutions, excluding drive-up windows which are permitted only by conditional use petition approval.
- (8) Laundry or dry-cleaning pick-up establishments (no laundering or dry cleaning on premises)
- (9) Medical offices and clinics (not animal)
- (10) Parking lots (non-commercial; no meters or on-site parking fee collection)
- (11) Personal service establishments such as barber shops and beauty shops
- (12) Professional, business, financial, civic or public utility offices
- (13) Restaurants, conventional, with or without cocktail lounges. ~~No--d~~Dancing and/or staged entertainment facilities are permitted only by conditional use petition approval.
- (14) Accessory uses or structures which are incidental to and customarily associated with the above permitted uses in this district.

C. ~~Special--Exceptions~~ Conditional Uses: (See Section 9 Supplementary-District-Regulations.)

- (1) Dancing or staged entertainment
- (2) Drive-up windows which are accessory to permitted uses (not to include restaurants)
- ~~(3)--Gasoline-service-stations~~
- ~~(4)~~ (3) Motion picture theaters, live theaters (no drive-in theaters)
- ~~(5)~~ (4) Parking garages and-lots
- ~~(6)~~ (5) Radio and television broadcasting offices and studios, with no tower

000052

- (7) (6) Residential dwelling units when such dwelling units are accessory to and compatible with a permitted use and are located within the same building or group of buildings as the permitted use
- (8) (7) Transient lodging facilities
- (9) (8) Other uses: The Planning Advisory Board may by resolution 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 in this section.

D. Minimum Lot Area: None

E. Minimum Lot Width: None

F. Minimum Yards Required:

(1) Front yard - 10 feet

(2) Side yard - Buildings may be placed either on the side lot line or a minimum of 10 feet from it, except when the adjoining lot is in another zone with a different side yard requirement in which case a minimum side yard of 10 feet shall be provided.

(3) Rear yard - 25 feet

G. Minimum Floor Area:

(1) Non-residential buildings - 1,000 square feet per building on the ground floor

(2) Transient lodging facilities:

Dwelling units without cooking facilities - 300 square feet

Dwelling units with cooking facilities - 400 square feet

(3) Residential units - 600 square feet per unit

H. Maximum Height: ~~35-feet,---a-maximum-of--3-stories~~ No more than three stories; up to a maximum height of 35 feet.

I. Minimum Off-Street Parking Required: See Supplementary District Regulations

J. Maximum Lot Coverage by All Buildings: Forty-five (45) per cent

K. Minimum Landscaping: In addition to the parking and vehicular use area landscaping requirements, all areas not improved for parking, per city ordinance requirements, or

+9+ (10) Financial institutions, excluding drive-up windows which are permitted only by conditional use petition approval.

(11) Medical offices or clinics (not animal)

(12) Parking lots

(13) Personal service establishments such as barber and beauty shops

(14) Pet shops, including pet grooming. No outside kenneling.

(15) Plant nursery

(16) Printing, reproductions, or publishing

(17) Professional, business, financial, civic, or public utility offices

(18) Radio or television broadcasting offices or studios, with no towers

(19) Repair of small appliances

(20) Restaurants, conventional, with or without cocktail lounges; or restaurant, carry-out

(21) Schools and colleges

(22) Accessory uses or structures which are incidental to and customarily associated with the above permitted uses in this district

C. Special--Exceptions Conditional Uses: (See Section 9 Supplementary-District-Regulations.)

occupied by a structure, paved walkway or the like, shall be landscaped in accordance with the requirements of Supplementary District Regulations, Ref: Landscaping Requirements.

Section 5-12 5.13 "C2" General Commercial District

- A. District Purpose: This district permits a broad range of retail sales and services, professional, business and personal services, financial institutions, and transient lodging facilities.
- 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, and all merchandise shall be stored and displayed in an enclosed building:
 - (1) General retail sales establishments, including shopping centers (see Supplementary District Regulations) and department stores. Retail sales establishments 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) Bus or other transportation terminals. No truck terminals.
 - (5) Churches
 - (6) Cocktail lounges--~~No~~-dancing or staged entertainment facilities are permitted only by conditional use petition approval.
 - +10+ (7) Commercial laundry or dry-cleaning pick-up establishments (no laundering or dry-cleaning on premises). Coin-operated laundry cleaning establishments with washing, drying, and dry cleaning machines are permitted.
 - +7+ (8) Convenience service establishments such as tailoring, garment repair and alteration, shoe repair, and the like
 - +8+ (9) Cultural facilities (including libraries and museums) and/or publicly owned buildings

occupied by a structure, paved walkway or the like, shall be landscaped in accordance with the requirements of Supplementary District Regulations, Ref: Landscaping Requirements.

Section 5-12 5.13 "C2" General Commercial District

- A. District Purpose: This district permits a broad range of retail sales and services, professional, business and personal services, financial institutions, and transient lodging facilities.
- 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, and all merchandise shall be stored and displayed in an enclosed building:
 - (1) General retail sales establishments, including shopping centers (see Supplementary District Regulations) and department stores. Retail sales establishments 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) Bus or other transportation terminals. No truck terminals.
 - (5) Churches
 - (6) Cocktail lounges:--No-dancing or staged entertainment facilities are permitted only by conditional use petition approval.
 - +10> (7) Commercial laundry or dry-cleaning pick-up establishments (no laundering or dry-cleaning on premises). Coin-operated laundry cleaning establishments with washing, drying, and dry cleaning machines are permitted.
 - +7> (8) Convenience service establishments such as tailoring, garment repair and alteration, shoe repair,
- C. ~~Special-Exceptions~~ Conditional Uses: (See Section 9 Supplementary-District-Regulations.)

006058

- (1) Amusement parlors, having coin-operated amusement games
- (2) Automobile agencies franchised to sell new automobiles
- (3) Automobile cleaning businesses, including car washing facilities
- (4) Automobile rental, but not truck or trailer rentals
- (5) Bowling alleys
- (6) Dancing or staged entertainment facilities
- (7) Drive-up windows which are accessory to permitted uses
- (8) Funeral homes, undertaking establishments (no crematoriums)
- (9) Gasoline service stations (See Supplementary District Regulations, Sub-section---10; Gasoline Service Stations)
- (10) Motion picture theaters, live theaters (no drive-in theaters)
- (11) Nursing or rest homes
- ~~(12)~~ (12) Parking garages
- ~~(13)~~ (13) Pool or billiard parlors
- ~~(14)~~ (14) Restaurants, drive-in
- ~~(15)~~ (15) Transient lodging facilities
- ~~(16)~~ (16) Other uses: The Planning Advisory Board may, by resolution 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 in this section.

D. Minimum Lot Area: None

E. Minimum Lot Width: None

F. Minimum Yards Required:

- (1) Front yard - 10 feet, 6 feet of which shall be landscaped in accordance with the requirements of Supplementary District Regulations, Ref: Landscaping Requirements

(2) Side yard - Buildings may be placed either on the side lot line or a minimum of 10 feet from it, except when the adjoining lot is in another zone with a different side yard requirement in which case a minimum side yard of 10 feet shall be provided.

(3) Rear yard - 25 feet

G. Minimum Floor Area:

(1) Non-residential - 1,000 square feet per building on the ground floor

(2) Transient lodging facilities:
Dwelling units without cooking facilities - 300 square feet
Dwelling units with cooking facilities - 400 square feet

H. Maximum Height: 50 feet

I. Minimum Off-Street Parking Required: See Supplementary District Regulations

J. Maximum Lot Coverage by All Buildings: Forty (40) per cent

K. Minimum Landscaping: In addition to the parking and vehicular use area and front yard setback area landscaping requirements, 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 of Supplementary District Regulations, Ref: Landscaping Requirements.

Section 5.13 5.14 "C2-A" Waterfront Commercial District

A. District Purpose: This district provides for a limited range of commercial uses and certain specific water oriented uses intended to serve and enhance the Naples Bay waterfront area. The dismantling of watercraft for salvage purposes is not permitted.

B. Uses Permitted: No building or structure, or part thereof, shall be erected, altered or used, 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) Small scale retail sales establishments, other than shopping centers. Sales establishments may include incidental processing, repair, and rental activities 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) Boat or marine motor sales, rentals (including slip rentals) or display. No boats or other merchandise may be stored or displayed in required front yards.
- (5) Boat yards and ways
- (6) Cocktail lounges--~~No~~dancing or staged entertainment facilities are permitted only by conditional use petition approval.
- ~~(7)--Cultural facilities--(including--libraries--or--museums) and/or publicly-owned-buildings~~
- ~~(8)--Financial institutions,--excluding--drive-up-windows~~
- (9) (7) Fish and seafoods; wholesale or retail sales
- (10) (8) Fishing boats, including charter boats
- (11) (9) Marinas. No boats or other merchandise may be stored, displayed, maintained, or repaired in required front yard setback areas; but boats do not have to be kept within an enclosed building.
- (12) (10) Marine oriented research, development and testing operations
- ~~(13)--Medical offices--and--clinics--(not--animal)~~
- (14) (11) Parking lots (non-commercial; no meters or on-site parking fee collection)
- (15) (12) Personal service establishments such as barber and beauty shops
- (16) (13) Professional, business, financial, civic or public utility offices (No drive-up or drive-through windows)
- (17) (14) Repair and servicing of boating accessories and marine equipment, provided that all such activities are conducted either under roof, in rear yards, or at dockside, or are screened from off-premise view by an ornamental buffer.

- {18} (15) Restaurants, conventional, with or without cocktail lounges, or restaurants, carry-out
- {19} (16) Yacht or sailing clubs
- {20} (17) Accessory uses and structures which are incidental to and customarily associated with the above permitted uses in this district.

C. Special--Exeptions Conditional Uses: (See Section 9 Supplementary-District-Regulations.)

- (1) Cultural facilities (including libraries or museums)
- ~~{1}--Automobile-rentals,-but-not-truck-or-trailer-rentals~~
- {2} (2) Dancing or staged entertainment facilities
- ~~{3}--Drive-up-windows--which--are--accessory--to--permitted uses,-or--drive-in--businesses-engaging--in--permitted sales-or-services--(not-to-include-restaurants)-~~
- ~~{4}--Motion-picture--theaters,-live--theaters-(no--drive-in theater~~
- ~~{5}--Nursing-or-rest homes~~
- {6} (3) Recreation areas or facilities; public or private
- {7} (4) Residential dwelling units when such dwelling units are accessory to and compatible with a permitted use and are located within the same building or group of buildings as the permitted use.
- {8} (5) Transient lodging facilities
- {10} (6) Time-share lodging
- {9} (7) Other uses: The Planning Advisory Board may, by resolution 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 in this section.

D. Minimum Lot Area: 10,000 square feet

E. Minimum Lot Width: 65 feet

F. Minimum Yards Required:

- (1) Front yard - Twenty (20) feet, 6 feet of which shall be landscaped in accordance with the

requirements of Supplementary District Regulations,
Ref: Landscaping Requirements

- (2) Side yard - Buildings may be placed either on the side lot line or a minimum of 10 feet from it, except when the adjoining lot is in a another zone with a different side yard requirements in which case a minimum side yard of 10 feet shall be provided.
- (3) Rear yard - Twenty-five (25) feet, except that no rear yard is required for boat service buildings or marinas

G. Minimum Floor Area:

- (1) Nonresidential: 1,000 square feet per building on the ground floor
- (2) Transient lodging facilities:
Dwelling units without cooking facilities - 300 square feet
Dwelling units with cooking facilities - 400 square feet
- (3) All other dwelling units - 600 square feet

H. Maximum Height: 50 feet

I. Minimum Off-Street Parking Required: See Supplementary District Regulations

J. Maximum Lot Coverage by All Buildings:

- (1) Marinas or research, development and testing operations - Fifty (50) per cent
- (2) All other buildings - Forty (40) per cent

K. Minimum Landscaping: In addition to the parking, vehicular use and front yard set back area landscaping requirements, 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 of Supplementary District Regulations, Ref: Landscaping Requirements.

Section 5-14 5.15 "C3" Heavy Business District

- A. District Purpose: This is a utilitarian business district which is intended to accommodate the building and service trades, plus a broad range of retail, wholesale, storage and repair uses. Material and merchandise which are not stored or displayed under-roof within an enclosed building (except authorized motor vehicle sales or motor vehicle

rental businesses) shall be screened from off-premise view by an ornamental buffer which shall be at least 75% opaque.

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) All those uses permitted in the "C2" General Commercial District, as well as
- +9+ (2) Automobile agencies; sale of new or used vehicles
~~Motor-vehicle-sales,-new-or-used~~
- +2+ (3) Bakeries, wholesale or retail
- +3+ (4) Building supply outlets
- +4+ (5) Clothing fabrication and repair
- +5+ (6) Contractors' fabrication, storage and supply establishments
- +6+ (7) Laundry and dry-cleaning establishments
- +7+ (8) Locksmith shops
- +8+ (9) Maintenance, repair and renovation businesses
- (10) Rental businesses
- (11) Retail sales of used goods
- (12) Transportation, communication, and utilities businesses
- (13) Warehousing, wholesaling, or distribution facilities
- (14) Accessory uses and structures which are incidental to and customarily associated with the above permitted uses in this district.

C. ~~Special--Exceptions~~ Conditional Uses: (See Section 9 Supplementary-District-Regulations.)

- (1) Amusement or recreation uses not listed as permitted uses
- (2) Automobile cleaning businesses
- (3) Dancing or staged entertainment facilities
- (4) Drive-in businesses engaging in permitted sales or services; including drive-in restaurants
- (5) Gasoline service stations (See Supplementary District Regulations)

000064

- (6a) (6) Parking garages
- (6) (7) Veterinarians or boarding kennels (no outside animal runs)
- (7) (8) Other uses: The Planning Advisory Board may, by resolution 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 in this section.
- D. Minimum Lot Area: None
- E. Minimum Lot Width: None
- F. Minimum Yards Required:
- (1) Front yard - Ten (10) feet, 6 feet of which shall be landscaped in accordance with the requirements of Supplementary District Regulations, Ref: Landscaping Requirements
 - (2) Side yard - Buildings may be placed either on the side lot line or a minimum of 10 feet from it, except when the adjoining lot is in another zone with a different side yard requirement in which case a minimum side yard of 10 feet shall be provided.
 - (3) Rear yard - Twenty-five (25) feet
- G. Minimum Floor Area:
- (1) Non-residential: 1,000 square feet per building on ground floor
- H. Maximum Height: 50 feet
- I. Minimum Off-Street Parking Required: See Supplementary District Regulations
- J. Maximum Lot Coverage by All Buildings: Fifty (50) per cent

Section 5-15 5.16 "C4" Airport Commercial District

- A. District Purpose: This is a limited commercial zone district intended to accommodate only the Naples Municipal Airport, its related commercial and light industrial uses, related service facilities, and a limited range of non-airport related commercial uses.

B. Uses Permitted: (See NOTE following subsection "C")

Provided that an overall Master Development Plan for all airport properties is first submitted to the City Planning Advisory Board for a recommendation and is then approved by the City Council, based on a submittal and review process as required under Section 37 14, Development and Site Plan Review for Development of Significant Impact, and provided that any proposed development is in accord with the provisions of the lease agreement for the airport property between the City and the Airport Authority or any approved sub-lease, no building or structure, or part thereof, shall be erected or altered or used, or land or water used, in whole or in part, that is not in substantial compliance with the approved overall Master Development Plan and for other than the following:

- (1) Airport passenger and freight terminal and accessory uses and structures which are incidental to and customarily associated with such facilities, including, but not limited to, locations of landing fields; aircraft hangars and repair facilities; administration buildings; control towers; fuel storage areas; navigation equipment, approach and clear zones and the like.
- (2) Aircraft sales and service and flight instruction
- (3) Airport-related light industrial uses that are primarily dependent upon the airport for goods, services or economic support; the principal activity of such users shall be directly related to the airport and not merely located on airport property as a convenience.
- (4) Airport-related commercial uses that are located within the airline or general aviation terminal buildings or in their vicinity and that are primarily intended to serve the needs of the public using the airport travel facilities such as auto rentals, restaurants, cocktail lounges, newsstands, gift shops, insurance outlets and the like.
- (5) Within the area designated for commercial and industrial development on the approved Master Plan, the following non-aviation related uses shall be permitted:
 - (a) Small scale retail sales establishments other than shopping centers. Retail sales establishments may include incidental processing, repair and rental activities, provided they are accessory and subordinate to the retail sales use, and provided that all sales, displays, and storage, processing, and repair of merchandise occurs within the principal building.

- (b) Art or photography studios
- (c) Convenience service establishments such as tailoring, garment alteration and repair, shoe repair and the like
- (d) Cultural facilities (including libraries or museums) and/or publicly owned buildings
- (e) Financial institutions, excluding drive-up windows which are permitted only by conditional use petition approval
- (f) Medical offices and clinics
- (g) Professional, business, financial, civic or public utility offices
- (h) Accessory uses or structures which are incidental to and customarily associated with the above-permitted uses in this district.

C. Special--Exceptions Conditional Uses: Within the area designated for commercial and industrial development on the approved Master Plan, the following uses shall be included as special exceptions: (See Section 9 Supplementary District-Regulations.)

- (1) Drive-up windows which are accessory to permitted uses (not to include restaurants)
- (2) Motion picture theaters; live theaters (no drive-in theaters)
- (3) Radio and television broadcasting offices and studios, with no tower
- (4) Other uses: The Planning Advisory Board may, by resolution 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 in this section.

NOTE: None of the above-listed Permitted Uses in Subsection B(5), nor any of the above-listed Special-Exception Conditional Uses in Subsection C, are permitted to have direct ingress or egress to Airport Road.

D. Minimum Lot Area: None

E. Minimum Lot Width: None

E- F. Minimum Yards Required:

- (1) Front yard - Ten (10) feet, 6 feet of which must be landscaped in accordance with the requirements of Supplementary District Regulations, Ref. Landscaping Requirements
- (2) Side yard - Buildings may be placed either on the side lot line or a minimum of 10 feet from it, except when the adjoining lot is in another zone with a different side yard requirement in which case a minimum side yard of 10 feet shall be provided.
- (3) Rear yard - Twenty-five (25) feet
- F- G. Minimum Floor Area: 1,000 square feet per building
- G- H. Maximum Height: 50 feet
- H- I. Minimum Off-Street Parking Required: See Supplementary District Regulations
- F- J. Maximum Lot Coverage by All Buildings: Forty (40) per cent

Section 5-16 5.17 "I" Industrial District

- A. District Purpose: This is a utilitarian district characterized by storage, repair, manufacturing, processing, wholesaling and trucking activities. The storage or display of used vehicle parts, used building materials, ~~or~~ used household fixtures or appliances or similar material shall be screened from off-premise view. The dismantling of vehicles for salvage purposes is not permitted.
- 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, and nothing herein contained shall be construed to permit the operation of junk yards:
 - (1) Retail, service, wholesale, rental, distribution, auction, and/or storage of new or used goods
 - (2) Gasoline service stations (See Supplementary District Regulations)
 - (3) Maintenance, repair, reconditioning, cleaning (including auto cleaning), transportation, utilities, printing, cooking, processing, packaging, testing, manufacturing, and/or assembling operations
 - (4) Professional, business, financial, civic, or public utility offices

- (4) (5) Research and development establishments
- (5) (6) Veterinarians or boarding kennels
- (6) (7) Accessory uses and structures which are incidental to and customarily associated with the uses permitted in this district

C. ~~Special--Exceptions~~ Conditional Uses: (See Section 9 Supplementary-District-Regulations.)

- (1) Restaurants and/or lounges
- (2) Other uses: The Planning Advisory Board may, by resolution 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 in this section.

D. Minimum Lot Area: None

E. Minimum Lot Width: None

F. Minimum Yards Required:

- (1) Front yard - 25 feet, 6 feet of which shall be landscaped in accordance with the requirements of Supplementary District Regulations, Ref. Landscaping Requirements
- (2) Side yard - Buildings may be placed either on a side lot line or a minimum of 10 feet from it, except when the adjoining lot is in another zone with a different side yard requirement in which case a minimum side yard of 10 feet shall be provided.

(3) Rear yard - 15 feet

G. Maximum Height: 50 feet

H. Minimum Off-Street Parking Required: See Supplementary District Regulations

I. Maximum Lot Coverage by All Buildings: Sixty (60) per cent

Section 5-17 5.18 "M" Medical District

A. District Purpose: This is a district intended to accommodate medically oriented businesses and facilities.

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) Pharmacy (limited primarily to retail sales of drugs and medicine only)
- (2) Medical offices and clinics (not animal)
- (3) Nursing or rest homes
- (4) Parking lots
- ~~(4)~~ (5) Accessory uses or structures which are incidental to and customarily associated with the above-permitted uses in this district.

C. ~~Special--Exceptions~~ Conditional Uses: (See Section 9 Supplementary-District-Regulations.)

- (1) Hospitals
- (2) Residential uses which are compatible with and have a direct service relationship to the permitted uses in the district. (Residential uses shall follow paragraphs D through I of the "R3-12" District rather than paragraphs D through I of this district.)
- (3) Commercial uses which are compatible with and have a direct service relationship to the uses of the district
- ~~(3a)~~ (4) Parking garages
- ~~(4)~~ (5) Other uses: The Planning Advisory Board may, by resolution 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 in this section.

D. Minimum Lot Area: None

E. Minimum Lot Width: None

F. Minimum Yards Required:

- (1) Front yard - 20 feet, 6 feet of which must be landscaped in accordance with the requirements of Supplementary District Regulations, Ref: Landscaping Requirements
- (2) Side yard - Buildings may be placed either on the side lot line or a minimum of 7-1/2 feet from it, except when the adjoining lot is in another zone with a

different side yard requirement in which case a minimum side yard of 7-1/2 feet shall be provided.

- (3) Rear yard - 20 feet
- G. Minimum Floor Area: 1,000 square feet per building on the ground floor
- H. Maximum Height: 30 feet
- I. Minimum Off-Street Parking Required: See Supplementary District Regulations
- J. Maximum Lot Coverage by All Buildings:
 - (1) Nursing or rest homes and other residential buildings - Twenty-five (25) per cent
 - (2) All other buildings - Forty (40) per cent

Section 5-18 5.19 "O" Office District

- A. District Purpose: This is a district intended to accommodate office uses of various types and serves to buffer residential districts from commercial districts.
- 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) Professional, business, financial, civic or public utility offices
 - (2) Medical offices and clinics (not animal)
 - (3) Accessory uses and structures which are incidental to and customarily associated with the above permitted uses in this district.
- C. ~~Special--Exeptions~~ Conditional Uses: (See Section 9 Supplementary-District-Regulations.)
 - ~~(1)--Transient-lodging-facilities~~
 - ~~(2)~~ (1) Other Uses: The Planning Advisory Board may, by resolution 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 in this section.
- D. Minimum Lot Area: None
- E. Minimum Lot Width: None

F. Minimum Yards Required:

- (1) Front yard - 20 feet, 6 feet of which shall be landscaped in accordance with the requirements of Supplementary District Regulations, Ref: Landscaping Requirements
- (2) Side yard - Buildings may be placed either on the side lot line or a minimum of 10 feet from it, except when the adjoining lot is in another zone with a different side yard requirement, in which case a minimum side yard of 10 feet shall be provided.
- (3) Rear yard - 20 feet

G. Minimum Floor Area:

- {1}--~~Non-residential~~-- 1,000 square feet per building on the ground floor
- {2}--~~Transient-lodging-facilities:~~
 - ~~Dwelling-units-without-cooking-facilities---300-square feet~~
 - ~~Dwelling-units-with--cooking-facilities----400--square feet~~

H. Maximum Height: 30 feet

I. Minimum Off-Street Parking Required: See Supplementary District Regulations

J. Maximum Lot Coverage by All Buildings:

- {1}--~~Transient-lodging--facilities----~~Twenty-five-{25}--per cent
- {2}--~~All-other-buildings--~~ Forty (40) per cent

Section 5-19 5.20 "PD" Planned Development District

- A. District Purpose: This district is intended to accommodate integrated and well designed developments in accordance with approved development plans. The district is intended to offer flexibility of design and to encourage imaginative, functional, high quality land planning development which is compatible with adjacent and nearby lands and activities.
- B. Uses Permitted: No specific list of uses permitted is established for this district. Land proposed for development under the "PD" district may contain a mixture of residential, commercial, recreational and/or other uses.

C. Application Procedure: Applicants seeking to rezone lands to the "PD" district shall make the same submittals as required under Supplementary District Regulations, Sub-section 37 14, General Development and Site Plan (GDSP) Review for Developments of Significant Impact Items--"A" through-"E" in addition to the rezoning petition process. The applicant shall pay either the Change of Zone or DSP petition fee, whichever is greater.

D. Procedure for Approval: The Planning staff shall review the application and required exhibits and shall determine that the documents are adequate as to form and informational content. The Planning Director shall then review the submittal with the appropriate City departments for their comments. Subsequent to the review, comment and discussion of the submittal, and of such modifications as the developer may make to it, the Director shall prepare his recommendation and present it and the applicant's petition to the Planning Advisory Board at a public hearing before said Board, which has been advertised once in a newspaper of general circulation at least 15 days prior to the public hearing. For further details regarding the procedure for rezoning property, see Section 11.

E. Standards: In their analysis of the rezone petition and the proposed development plan, and prior to official action recommending in favor of or approving the petition and plan, the Planning Advisory Board and City Council shall insure that the following standards and conditions are met and shall deny the request if the following standards are not met:

- (1) Land uses within the development shall be appropriate in their proposed location in their relationships to each other, and in their relationships with uses and activities on adjacent and nearby properties.
- (2) The development shall comply with applicable city plans and planning policies, and shall have a beneficial effect both upon the area of the city in which it is proposed to be established and upon the city as a whole.
- (3) The total land area within the development and the area devoted to each functional portion of the development shall be adequate to serve its intended purpose.
- (4) Streets; utilities; drainage facilities; recreation areas; building heights, sizes and yards; and vehicular parking and loading facilities shall be appropriate for the particular use or uses involved, and shall equal or exceed the level of design and

construction quality required of similar land development elsewhere in the city.

- (5) Visual character and community amenities shall be equal or better in quality than that required by standard zoning districts for similar development.
- (6) Open space shall be adequate for the type of development and the population densities proposed.
- (7) Areas proposed for common ownership shall be subject to a reliable and continuing maintenance guarantee.
- (8) In the case of developments which are to be constructed in several units, the proposed units shall be shown on the overall development plan. The proposed construction units shall individually comply with the standards set forth in this section in order that, if for any reason construction ceases prior to completion of the entire planned development, the resulting partially complete project will adequately serve its purchasers and occupants and will not cause a general public problem.

F. Effect of Rezoning Land to "PD" District. Upon the rezoning of land to "PD" District, the approved development plan, along with such requirements, safeguards, modifications, or stipulations as may have been included by the City Council in their rezoning action, shall be substantially complied with relative to the issuance of all building permits, zoning clearances, and certificates of occupancy by the city. Deviation from the approved development plan or failure to comply with any requirement, safeguard, modification or stipulation imposed by the city at the time of rezoning land to the "PD" district shall constitute a violation of the Zoning Ordinance.

G. Changes in the Development Plan. Any proposed significant change of an approved development plan shall be submitted and processed in the same manner as an original application for establishment of a "PD" district.

Section 5-20 5.21 "PS" Public Service District

A. District Purpose: This district is intended to accommodate a variety of public and semi-public institutional, recreational, and service facilities.

B. Uses Permitted: None

C. ~~Special--Exceptions~~ Conditional Uses: Provided that a ~~Special--Exception~~ conditional use petition has been processed and approved per ~~Supplementary--District~~

Regulations Section 9, no building or structure, or land or water used in whole or in part, that is not in substantial compliance with the approved Special-Exception conditional use and for other than the following:

- (1) Boat launching and docking areas
- (2) Churches
- (3) Clubs: private or public, including golf and/or country clubs, beach clubs, yacht clubs and the like
- (4) Cultural facilities (including libraries or museums) and/or publicly owned buildings
- (5) Public utilities
- (6) Recreation areas or facilities; public or private
- (7) Schools and colleges
- (8) Accessory uses and structures which are incidental to and customarily associated with the above permitted uses in this district.

(9) 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 in this section.

- D. Minimum Lot Area: 30,000 square feet
- E. Minimum Lot Width: 150 feet
- F. Minimum Yards: Each yard requirement shall be the same as the yard requirement for the most restrictive adjacent zone district but in no case shall be less than the following:
 - (1) Front yard - 20 feet, 6 feet of which shall be landscaped in accordance with the requirements of Supplementary District Regulations, Ref: Landscaping Requirements
 - (2) Side yard - 10 feet
 - (3) Rear yard - 25 feet
- G. Minimum Floor Area: 1,000 square feet per building on the ground floor
- H. Maximum Height: 30 feet

- I. Minimum Off-Street Parking: See Supplementary District Regulations
- J. Maximum Lot Coverage by All Buildings: Forty-five (45) per cent.

BLANK

Section 6. SUPPLEMENTARY DISTRICT REGULATIONS

The regulations of this section are supplementary to and a part of other district regulations where they are applicable.

2- 1. ~~Construction of~~ Accessory Buildings Structures May Not Precede Construction of Principal Building: No accessory structure, including boat docks ~~er~~ and swimming pools, shall be constructed upon a lot until the construction of the principal building has started.

29- 2. Alcoholic Beverages: Regulations

(A) Sale within specified distance of church or school prohibited; exemption; determination of distance: No permit for the sale of liquors, wines or beers for consumption on or off the premises; ~~---er the--sale--of liquor-and-wine-for-consumption-off-the-premises;~~ shall be given to any person where the location of the licensed premises is within 400 feet of any established church or school.

For the purpose of this ordinance, "licensed premises" shall be construed to mean the room, place of business or establishment in which such liquors, wines or beers are sold.

(1) Measurement of required distance: The distance of 400 feet shall be measured as follows:

{1} (a) Pertaining to established school: 400 feet from the main entrance of the licensed premises to the main entrance of the school grounds in use as part of the school facilities

{2} (b) Pertaining to established churches: 400 feet from the main entrance of the licensed premises to the main entrance of the church building or buildings

(c) Said distance shall be measured along the route of ordinary pedestrian travel.

{3} (2) Church located within 400 feet of licensee after licensee is established: Whenever a licensee has procured a license permitting the sale of beverages containing more than one per cent of alcohol by weight, and thereafter a church or school ~~be~~ is established within a distance otherwise prohibited by this ordinance of the place of business of the licensee, the establishment of such

church or school shall not be cause for the revocation of the license of such licensee and shall not prevent the subsequent renewal of such license.

~~(4) -- The distance of 400 feet shall be measured from the front door of the established schools or churches to the front door of the proposed license along the route of ordinary pedestrian traffic.~~

(B) Restriction on distance from established liquor licensees; exemption: No certificate of occupancy shall be issued to any applicant for consumption or sale of liquor as defined under the laws of Florida, either on the premises or off the premises, if the place of business of such applicant is situated less than 500 feet from an established licensee;

(1) Measuring required distance: Such 500 foot distance to be measured and computed from the front door of the established licensee to the front door of the proposed licensee, along the route of ordinary pedestrian traffic. ~~and provided further that~~

(2) Exemption: The restrictions herein set forth shall not be applicable to hotels with 100 or more guest rooms, ~~and s.~~ Such hotels may contain places of business for the sale of liquor to be consumed on the premises where such sales are conducted in an orderly manner, and where such sale of liquor in such hotels is strictly incidental to the principal hotel use and where there are no signs of any type displayed or exhibited to the outside, indicating that liquor is obtainable therein, and where the room used for the sale of liquor ~~as conducted~~ does not open upon any public street or sidewalk. Not more than one certificate of occupancy for consumption on the premises shall be issued for hotels.

17- 3. Annexed Territory Classified Automatically: All territory which may hereafter be annexed to the city shall be automatically classified in the "R1-15" Single Family District until otherwise changed by ordinance, subject to the provisions of Florida Statute 171.413.

19- 4. Prohibition Against Architectural Duplication of Residences: No two individual single-family houses fronting on the same street, between two intersecting streets, shall have the same exterior front appearance nor shall such two houses have a mirrored reverse appearance.

24: 5. Storage of Boats and Boat Trailers Storage in Dwelling Districts: No boats or boat trailers shall be stored in front or side yards; however, on double frontage, triple frontage, or through lots, the Zoning Administrator shall interpret identify a rear yards area to perform this function.

33:--Minimum-Breezeflow-Requirements:

(A)--Multi-family-residential-and-transient-lodging-uses-to provide-breezeflow:---Except-for-lots-containing--single family-residences,--all-contiguous--lots-or--parcels--of land-in--"R3-12",--"R3P-12",--"R3-15",--"R3P-18",--"R3-18" districts--and--in--all--other--districts--wherein multi-family--or--transient--lodging--facilities--are constructed,--either--as--permitted-uses--or--as--special exceptions,--shall-have-an-area-equal-to-twenty-five-(25) per-cent-of-the--average-width-of--the-entire-parcel--or lot-open-to-breezeflow.

-----(B)--Breezeflow-areas-to-be-unobstructed:---Except-as provided--herein,--breezeflows--shall--be--unobstructed vertically-and-in-a-straight-line-from-the-front-to--the rear--lot--line--or,--in--case--of--certain--waterfront property,--from-the--front-to-the--front-lot-line.---Only the-following-items-only-are-permitted-within--required breezeflow--areas:---lights,--play--equipment,--outdoor furniture,--sidewalks,--access--aisles,--accessways, driveways,--open-parking-areas,--open-pool-areas,--patios, natural--terrain,--seawalls--or--other--water--retention structures-and-horticultural-growth.

-----(C)--Yard-areas:---All-required-Side--yard-and-setbacks areas may-be-counted--toward-meeting--the-breezeflow--requirements-subject-to--the-same-restrictions--as-required--of breezeflow-areas.

-----(D)--Exemption:---The-breezeflow-requirements-shall-not-apply to-structures-containing-a-combination-of-commercial-and multi-family--dwellings--or--commercial--and--transient lodging-facilities.

-----(E)--Breezeflow-Orientation:---The-required-said-breezeflow shall-extend-from--one-end-of--the-a-city--block-to--the opposite-end,--wherever-practicable.---In-cases-where--the orientation-of-required-breezeflows-is-questionable,--the Zoning-Administrator-shall-determine-the-location-of-the breezeflows-which-shall-as-closely-approximate-the-above rules-as-is-practical.

-----(F)--Site-plan-required:---A-site-development-plan-shall-be prepared-which-shall--show--showing--the--location-of--all required-breezeflows--shall-be--prepared-by-the--property owner-or-his-designated-representative-and-submitted-for

approval prior to the issuance of building permits:--For the purpose of this paragraph, breezeflow is defined--as follows:

~~----- (6) -- Definition of Breezeflow: --- A term -- used in -- conjunction with apartments, -- condominiums, -- hotels, -- motels or -- buildings, other than single family dwellings, -- and -- is -- an -- to -- describe -- a required open area --- running -- extending over -- or through -- the subject -- property, -- from -- the -- nearest -- principal -- street -- or highway to the opposite -- end of the lot -- or city block, -- over which no construction -- of any -- kind or manner -- may be -- placed except as otherwise permitted -- in paragraph 33 hereof -- above. Within breezeflows -- there -- shall -- be a -- clear -- or -- open -- area measured vertically -- from -- the -- aforesaid -- nearest -- principal street or highway upwards with -- no obstructions placed in -- or over said open -- area, -- except -- as other permitted -- above; in said paragraph 33: -- Breezeflows -- may include required -- yards, subject to the same restrictions as required of breezeflows.~~

32- 6. Maximum Building Dimensions, Maximum Permitted:

(A) Single Building: No multi-family or transient lodging facility building shall exceed two hundred (200) feet in width or length, as measured in a straight line from the two most distant points of the structure, in any residential, office, or "PD" district intended for residential, transient lodging or office use.

(B) Attached Buildings: The maximum dimension of any group of attached structures shall not exceed one hundred and seventy (170) feet, as measured in a straight line from the two most distant points of the group of structures in any residential, office, or "PD" district intended for residential, transient lodging or office use.

17- 7. Parking of Commercial Vehicles in Dwelling Residential Districts: Commercial vehicles may not be parked overnight in a dwelling any residential zone district, except for one commercial vehicle per dwelling, the rated capacity not to exceed 3/4 ton, when said vehicle is used by an occupant of the dwelling for personal transportation; or except when a commercial vehicle is engaged in a lawful construction or service operation on the site where it is parked.

30- 8. Maximum Densities, Maximum Permitted: Maximum permitted densities within areas designated for single family residences and/or --- multi-family -- residences -- and/or -- transient lodging facilities shall be as follows:

(A) Residential, Nursing, Rest or Group Homes, and Transient Lodging Uses in Residential Zone Districts

Zoning District	<u>Maximum Net-Residential Density</u>
R3-12	12 dwelling units per net acre
R3T-12	12 dwelling units per net acre
R3-15	15 dwelling units per net acre
R3T-18	18 dwelling units per net acre
R3-18	18 dwelling units per net acre
PD*	18 dwelling units per net acre

*Areas designated for multi-family development

~~(A) -- Special-Exception--Required:--The--following-zoning--dis-
tricts--shall require--a--Special-Exception--for--single-family
residences--and/or--multi-family-residences--at--the
-----following-maximum-densities:~~

(B) Residential Uses in Commercial Zone Districts

Zoning District	<u>Maximum Net-Residential Density</u>
HC	8 dwelling units per net acre
C1	8 dwelling units per net acre
C1-A	8 dwelling units per net acre
C2-A	8 dwelling units per net acre
M	12 dwelling units per net acre
PD*	8 dwelling units per net acre

*Areas designated for commercial development

NOTE: Residential uses in commercial zone districts are limited and require the approval of a conditional use petition.

~~(B)~~ (C) Transient Lodging Facilities, Nursing Homes, and Timeshare Lodging Facilities:

(1) Transient lodging facilities and nursing or group homes in commercial zone districts: Maximum net residential densities shall not apply to transient lodging facilities and/or nursing, rest or group homes in any commercial district but do apply to such facilities in multi-family zone districts as noted above.

Exceptions: When transient lodging facilities and/or nursing homes are located in any commercial district and include any units with kitchens or cooking facilities, the maximum density for such facilities shall be 18 units per net acre.

(2) Time-share facilities: in-commercial-zone -----districts: The maximum density for timeshare facilities shall be 12 units per net acre.

(e) (D) Net-Residential Density Defined: For the purposes of this section, ~~net--residential-or-transient~~ density refers to dwelling units per acre of land, or portion thereof, in use or proposed to be used for residential or transient purposes. Streets, alleys, swamplands, mangrove areas, and areas covered or to be covered by water shall not be included in calculation of net acreage.

Exception: Land to be covered by water for on-site storm water retention purposes, or as a landscape architectural feature, and which is not part of a platted lake or drainage easement, shall be included in the calculation of net acreage.

4- 9. Driveway Requirements: (For all uses other than single family and two family dwellings)

- (A) Driveways shall not intersect a street corner curblin (or edge of traveled way) or be closer than 50 feet to the intersection of extended street curb lines.
- (B) Driveways shall not exceed 54 feet in width at their intersection with a street travelway.
- (C) Driveways shall be no closer together than ten feet measured along a street right-of-way, or closer than six feet measured at the curb line, or pavement edge.
- (D) Driveways shall be no closer to a side lot line than 5 feet at the edge of right-of-way, or 3 feet at the street pavement edge, unless the driveway is jointly used by the adjoining properties.
- (E) Driveways shall be paved ~~or otherwise stabilized.~~
- (F) Paving any portion of a public right-of-way requires prior approval by the City Manager or his designated representative.

7- 10. Fallout Shelters: Fallout shelters are permitted as principal or accessory uses and structures in any district, subject to the minimum yard requirements of the district. Such shelters may contain or be contained in other structures or may be constructed separately; and in addition to shelter use, may be used for any principal or accessory use permitted in the district, subject to the district regulations on such use. Fallout shelters may not be placed in front yards and shall not be used for principal or accessory uses prohibited expressly or by implication in the district.

8- 11. Fences and Walls:

- (A) **Maximum Permitted Height:** The maximum permitted fence or wall height in all zone districts, except "C" Commercial and "I" Industrial is 6 feet in side and rear yard setback areas and 3 feet in front yard setback areas.

Exceptions: The Community Development Director may approve a fence or wall up to 6 feet in height in a required front yard setback area for those properties located west of Gulf Shore Boulevard and Gordon Drive which abut a platted public beach access or beachhead, ~~and which are improved in such a way that a useable side or rear yard area is adjacent to the street.~~ In such circumstances, unless special conditions do not permit, the fence or wall shall be set back a minimum of 18 inches from the property line abutting the street right-of-way or beach access, and planted with sufficient landscaping material to buffer the fence or wall. The landscaping material shall be planted on the street side of the wall or fence, entirely within the private property.

The maximum permitted fence or wall height in all "C" Commercial and "I" Industrial zone districts is 6 feet, plus 3 strands of barbed wire for security purposes (not to exceed 7 feet overall) in the side and rear yard setback areas and 3 feet in front yard setback areas.

- (B) **Fence and Wall Height Measurement:** All fences and walls shall be measured from the natural grade of the subject property.
- (C) **Type of Fence Material Limited:** No chain link or similar type fence is permitted in any front yard area in any zone district except "C" Commercial and "I" Industrial zone districts.

10- 12. Gasoline Service Stations:

- (A) **Location:** Gasoline service station sites shall not be located within 800 feet of any other site occupied by a gasoline service station, or site for which a still valid building permit has been issued for a gasoline service station.
- (B) **Minimum Lot Size:** Gasoline service station sites shall not be less than 125 feet in width, 125 feet in depth, and 15,000 square feet in area.
- (C) **Permitted Services:**

- (1) Retail sale of gasoline, oil, grease, batteries, tires and automobile accessories
- (2) Sale and servicing of spark plugs, batteries, and distributors and distributor parts
- (3) Tire servicing and repair, but not recapping or regrooving
- (4) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like.
- (5) Radiator flushing and cleaning
- (6) Washing and polishing and sale of automotive washing and polishing materials
- (7) Greasing and lubrication
- (8) Providing and repairing fuel pumps, oil pumps, and lines
- (9) Minor servicing and repair of carburetors
- (10) Emergency wiring repairs
- (11) Minor maintenance, repair or replacement of vehicle components, comparable to the above listed services, so long as none involves removal of the engine, cylinder head, crankcase cover, radiator, transmission, or axle, or involves racing the engine, or involves body or fender repair or painting
- (12) Emergency road repair and towing service, so long as no vehicle is towed to or stored at a gasoline service station except those which can be lawfully repaired at such station.
- (13) Sales of cold drinks, package foods, tobacco and similar grocery goods for filling station customers, as accessory and incidental to principal operation. The area devoted to this use shall not exceed ~~twenty-five-(25)~~ fifty (50) per cent of the gross floor area of the service station, and the parking for this use shall meet the parking requirements applicable to "grocery stores" in addition to the parking required for the balance of the station.
- (14) Passenger car rentals; provided a special
---exception conditional use request is filed and approved

- (15) Truck, auto or equipment storage; provided a special-exception conditional use request has been filed and approved.
- (D) Prohibited Additional or Accessory Businesses or Services: Additional or accessory businesses or services, operated in conjunction with or on the same site as a gasoline service station, are prohibited unless listed in paragraph C.
- (E) Permitted Signs: This sub-section supersedes Sub-section E and F of Supplementary District Regulation No. 22 30 (Signs). All other sub-sections are applicable. Only the following signs are permitted:
- (1) One price sign per gasoline pump, which does not exceed 1.5 square feet in area, and which is permanently attached to, and an integral part of, the respective pump.
 - (2) One ground sign not to exceed 60 square feet in area, suspended from or attached to not more than two poles or posts imbedded in the ground, provided said sign advertises only a brand name and/or the products or services sold on the premises and not the price of such products or services.
 - (3) Not more than one wall sign per street fronted upon, not to exceed 30 square feet in area per sign, provided said sign advertises only a brand name and/or the products or services sold on the premises.
- (F) ~~Tank-Receiptacle~~ Combustible Product Storage: All receptacles, tanks or facilities for the storage of combustible products in excess of 200 gallon quantities shall be located underground.
- (G) Ornamental Buffer: There shall be an ornamental buffer along all gasoline station side and rear property lines which abut any district other than "C2," "C2-A," "C3," or "I". (See Supplementary District Regulations, Ornamental Buffer No. --14)

38- 13. Gate Houses: No gate house shall be constructed with a Floor area greater than one hundred (100) square feet. Gate houses may encroach on the front yard required by of a principal structure but shall have a minimum front yard requirement of twenty (20) feet in any district and shall meet the normal minimum side yard requirements for the district in which the gate house is located.

11- 14. Guest Houses: No guest house shall be constructed on a lot smaller than 30,000 square feet in area. Guest house floor area shall not be less than 25 percent nor more than 40 percent of the principal dwelling floor area. Detached guest houses shall not be closer than 15 feet to the principal building.

No guest house may be utilized for commercial purposes. Leasing or renting a guest accommodation facility shall constitute a violation of the Zoning Ordinance. Similarly, if a main residence is leased or rented, a guest accommodation facility accessory to it may not be occupied by the property owner since that would constitute the unlawful utilization of single family zoned property for two family dwelling purposes.

6- 15. Exceptions-to Height Requirements, Exceptions Thereto: Chimneys, elevator shafts, television and radio antenna (including telescoping antenna), rooftop heating, ventilating, and air conditioning equipment, ornamental screens for such equipment, and stair towers (when required by the Building Code) may only extend a maximum of ten feet above the highest point of the main building, but in no case shall the same extend more than ten feet above the maximum permitted height in any particular zone district. Small cupolas used as an architectural embellishment and not for habitation are also exempt from height requirements. (See Supplementary District Regulations No-8 Reference Fences and Walls and No-12 Reference Screening.)

40- 16. Home Occupations: Such occupations are expressly prohibited in all residential zone districts. The use of a telephone in a residence for business purposes is not considered a home occupation; however, no other business activity may take place at a residence.

16- 17. Landscaping Requirements:

The following minimum landscaping requirements are applicable to each zone district relative to the landscaping of certain setback areas and additional required on-site landscaping, including vehicular use areas. Such off-street facilities and land shall conform to this section, except that single and two-family residential uses on individually platted lots shall be exempt from such requirements.

(A) 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. ~~;-shall-be-maintained-in-a-growing-condition;-and--shall-be-kept-free-of-refuse;-litter;-and-debris-~~

(A) (B) Plant Material/Quality/Size:

- (1) Quality: Plant materials used in conformance with provisions of this section shall conform to the Standard for Florida No. 1 or better, as given in "Grades and Standards for Nursery Plants," Part I, 2963, and Part II, State of Florida, Department of Agriculture, Tallahassee, or equal. ~~thereto--as approved-by-the-City-Manager-or-his-designee-~~
- (2) Trees: All trees shall be of a species having an average crown of greater than fifteen (15) feet in the Naples area and having trunk(s) which can be maintained in a clean condition, free of branches, from grade to five (5) feet above grade. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread. Tree species shall be a minimum of seven (7) feet overall height immediately after planting. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than six (6) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior dimensions shall be five (5) feet square and three (3) feet deep, and for which the construction requirements shall be four (4) inch thick concrete reinforced with #6 road mesh (6x6x6) or other approved containment.
- (3) Shrubs and Hedges: Shrubs and hedges shall be a minimum of two (2) feet in height when measured immediately after planting. Hedges, where required, shall be planted and maintained so as to form a continuous unbroken, solid visual screen within one year after time of planting.
- (4) 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.
- (5) 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.

000000
58
000088

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

(6) 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.

(B) (C) 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 ~~{calculate-the-area--occupied-by-each}~~, easements, hydrants, ~~source-of--water-supply--for--planting~~ 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; ~~and--shall-designate-planting--by name-and-shall-locate-the-plant-material-to-be-installed or--if--existing--to-be--used--in-accordance--with--the requirements-hereof~~. No building permit shall be issued unless the plot plan has been reviewed and certified by the Building and Zoning Department Division of the City as complying with the provisions of this section.

(E) (D) 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.

(E) (E) 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.

(E) (F) Development Standards:

(1) 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:

(a) 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.

(b) Minimum number of trees: The total number of trees shall not be less than one for each 180 square feet or fraction thereof of the area to be landscaped. Each landscaped area shall contain at least one tree.

(b) (c) 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.

(2) 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 multi-family 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.

(a) 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 ~~to include an average of one tree for each thirty (30) linear feet or fraction thereof.~~ Certain commercial district regulations require a larger area to be

000090

landscaped and take precedent over this minimum requirement.

(b) Minimum number of trees: One tree for each thirty (30) linear feet or fraction thereof.

(c) Minimum size of landscaped areas: Such trees shall be located between the abutting right-of-way and off-street parking area and shall be planted in a planting Each separate landscaped area shall contain a minimum area of at least thirty (30) square feet with a minimum dimension of five (5) feet.

(d) 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.

(e) Shrubs or vines required adjacent to a wall: If such durable barrier is of 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.

(f) Minimum grass, ground cover required: The remainder of the required landscaped area shall be landscaped with grass, ground cover, or other approved landscaping treatment.

(g) Ground level/grade: The require landscaped area shall be relatively level and at the same elevation as the adjacent parking lot or building floor area.

(3) 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:

(a) Adjacent to residential or institutional uses:

1) 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 from--an abutting--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.

- 2) Minimum opaqueness required: Such buffering areas shall be designed and planted so as to be seventy-five per cent (75%) opaque when viewed horizontally at three (3) feet above ground level.
- 3) Minimum height of plant material: Said plant material should reach a height of five (5) feet within two (2) years after planting.
- 4) Structure permitted in lieu of plant material: A five (5) foot high structure set in a six (6) foot wide landscaped buffer area may be substituted for the required three (3) 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.
- 5) Minimum number of trees: In addition, an average of one (1) tree shall be provided for each fifty (50) lineal feet of such interior property line or fractional--part thereof. Such tree shall be located between the common lot line and the off-street parking area or other vehicular use area.
- 6) 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.
- 7) 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.

(b) Adjacent to commercial or industrial usage uses: Where such area abuts property zoned and 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.

(4) Required Interior Landscaping

(a) Area to be landscaped:

1) Minimum landscaped area per parking space: Off-street parking areas shall have at least ~~ten--(10)~~ 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.

2) 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 100 square feet or fraction thereof.

3) 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 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 300 and subtracting the resulting figure from the total square footage of paved areas.

4) 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.

(b) Plant materials:

- 1) 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.
- 2) Minimum number of trees: The total number of trees shall not be less than one for each 100 square feet or fraction thereof of required interior landscaping areas.
- 3) 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.

(c) Exceptions: 1) 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. 2) Such required-interior landscaping which is relocated-as-herein-provided 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 3-1/2 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 ~~twenty-(20)~~ eighteen (18) feet to ~~eighteen (18)~~ 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) Sight distance for landscaping adjacent to public rights-of-way and points ~~to~~ of access: When an accessway intersects a public right-of-way or when the subject property abuts the intersection of two or more public rights-of-way, all landscaping within the triangular areas described below shall provide unobstructed cross-visibility at a level between two and one-half (2-1/2) and six (6) feet; provided that trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the cross-visibility shall be allowed, and further provided they are located so as not to create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet from the edge of any accessway pavement. The triangular areas above referred to are:

(a) The areas of property on both sides of an accessway formed by the intersection of each side of the accessway and public right-of-way lines with two (2) sides of each triangle being ten (10) feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.

(b) The area of property located at a corner formed by the intersection of two or more public rights-of-way with two sides of the triangular area being thirty (30) feet in length along the abutting public right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two lines.

(7) 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 ~~Building--and~~ 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.

34- 18. Maximum Lot Coverage, Maximum Permitted:

(A) General: Within districts "R3-12", "R3T-12", "R3-15", "R3T-18", "R3-18", "HC", and "PD" for multi-family

residences and/or transient lodging facilities and/or nursing, group, or rest homes, the combined area of a lot or parcel of land occupied by all principal and accessory buildings and roofed structures, except for covered motor vehicle parking structures, shall not exceed the per cent given in the following table for various heights of buildings; such height of building being the height of the highest principal building on said lot:

Height of Building	Per cent of Lot Area
30.0 feet or less	25%
30.1 feet to 40.0 feet	24%
40.1 feet to 50.0 feet	23%
50.1 feet to 60.0 feet	22%
60.1 feet to 70.0 feet	21%
70.1 feet to 80.0 feet	20%
80.1 feet to 87.0 feet	19%

(B) Exception-to-Building--Height Ground floor parking not included in height determination: Wherever a minimum of three-fourths of the ground floor is to be devoted to enclosed motor vehicle parking and wherever there are to be no dwelling units located on the ground floor, except for one manager's dwelling unit, such parking ground floor area shall not be counted in the determination of the building height relative to the above permitted lot coverage.

(C) Additional Lot Coverage Permitted:

(1) Separate garage and carport structures: In addition to the above percentages of maximum lot coverage, an area not to exceed ten (10) percent of the combined area of a lot or parcel of land may be devoted solely to structures used exclusively for motor vehicle parking.

(2) Parking within a principal building: The basic permitted lot coverage by all principal and accessory buildings and roofed structures, except for covered motor vehicle parking structures, may be increased by five (5) per cent if at least two-thirds of the minimum required parking in "R3-12", "R3T-12", and "PD" (designated for multi-family or transient lodging use) districts, or one-half of the minimum required parking in "R3-15", "R3T-18", and "R3-18" districts is located within the applicable principal building.

(3) Limitation on additional lot coverage: In no case may the basic maximum lot coverage be increased by both the ten (10) per cent, or a portion thereof,

for separate parking structures (ref. paragraph (1) above) and five (5) per cent for a principal structure that includes parking (ref. paragraph (2) above).

(D) Coverage-of--Lot--by--All-Buildings Definition of Lot Coverage: Coverage--of--lot--by--all--buildings Lot coverage 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 zoning regulations.

(1) Fences, swimming pools, etc. excluded: Fences, shuffleboard courts, swimming pools, barbecue pits, terraces and other structures not roofed over shall not be included in computing coverage.

(2) Balconies and means of egress: 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: a-balcony-area-exceeds-six--(6) feet-in-width-or-fifty--(50)-per-cent-of-any--one building-wall:

{1} a) Balconies and means of egress project more than six (6) feet from the building wall of any floor

{2} b) The combined length of balconies and means of egress on any one floor level along a building wall, measured parallel to the building wall, exceeds fifty (50) per cent of the length of said wall.

12- 19. Mechanical Equipment Located on Rooftops: In all zone districts except "C3," "C4," and "I", heating, ventilating, air conditioning equipment and duct work and the like located on building rooftops shall be shielded from ground level view within 1,000 feet of the building. If shielding cannot be accomplished by judicious placement of the equipment, ornamental screening visually compatible with the building is required. Elevator-shaft-penthouses-shall-not-be-treated--as an-appendage,--but-shall-be--an-integral-part-of-the--building design.

13- 20. Mobilehomes, Travel Trailers, Travel Campers or Other Vehicles Equipped or Utilized for Dwelling Purposes or Temporary or Mobile Units Intended for a Commercial Use: No mobilehome, travel trailer, travel camper or other vehicle which may be regularly or periodically utilized for dwelling purposes or temporary or mobile units intended for a

commercial use shall be parked overnight in the City of Naples unless parked in an area specifically designated for this purpose by the City Police Department, unless a temporary use permit has been granted by the City Council, or unless unoccupied and parked or stored in a completely enclosed building or a carport attached to a principal building. A mobilehome or other such vehicle parked in the same location for more than one hour between the hours of 11 p.m. and 7 a.m. is presumed to have parked overnight.

27- 21. Unlicensed-or-Inoperable Motor Vehicles, Unlicensed or Inoperable: No wrecked, junked or inoperable motor vehicles, or motor vehicles without a valid license tag, shall be parked or stored in any zoning district unless expressly permitted by this ordinance or unless stored in a completely enclosed building.

14- 22. Ornamental Buffer: Ornamental buffers shall be a minimum of 6 feet high, unless a different height is established by City Council for a particular situation, and shall be composed of structural and/or plant materials. Within one year of installation and at all times thereafter, ornamental buffers shall be at least 75 per cent opaque and shall be maintained in a neat, attractive condition. Failure to meet the above standard of opaqueness or appearance shall constitute a zoning violation. Details of the ornamental buffer shall be shown on the building plans which are submitted to the Building and Zoning Department Division as a part of the application for a building permit and must be approved by the Zoning Administrator prior to the issuance of a building permit for the development of the site.

15- 23. Off-Street Parking and Loading Requirements: (See Supplementary District Regulations ~~№7--16~~, Landscaping Requirements)

(A) General: 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.
- (F) 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: ~~provided, however, w~~ When practical difficulties prevent the establishment of such facilities upon the same lot, the facilities may be provided on land within a radius of 600 feet of the lot, provided the 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 special-exemption conditional use petition in accordance with ~~Section-67--Subsection 23-of~~ this Ordinance.
- (G) Standards for Size, Design and Construction: 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; or
- (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; or
- (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) Minimum Dimensions: All required off-street parking areas shall be designed so as to meet the minimum dimensions shown in the following table:
(See Section 6-17(F)(5) relative to permitted encroachment into landscaped areas.)

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.

000100

(7) Accessway: 12.0 minimum, one way circulation; 24-0
20.0 minimum, two way circulation*. Minimum turning
radius from property line to street line of 15 feet.
***one-way-or-two-way-circulation**

+7a) (8) Compact Car Spaces: A ~~total~~ maximum of ten
(10) percent of the required off-street parking
spaces may be designated as "Compact Car Spaces".
~~but-e~~ Each such space shall have a minimum stall
width of 8 feet and a minimum paved stall depth of
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.

+7b) (9) 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 8 feet in stall width or
18 feet in stall to curb length for 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.

+8) (10) Loading Spaces: Each Type "A" loading space
shall be at least 25 feet in depth and 10 feet in
width. Each Type "B" loading space shall be at
least 50 feet in depth and 12 feet in width. All
buildings with overhangs that project over loading
spaces shall have a vertical overhang clearance of
not less than 14 feet, exclusive of access aisle,
platform or maneuvering area.

+9) (11) Identification: All parking and loading
spaces shall be painted to indicate their proper
location and area requirement.

+10) (12) Use of Public Rights-of-Way Prohibited:
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 commer-
cial or industrial district or "PD" area designated
for commercial or industrial use.

+11) (13) Parking and loading spaces shall be

independent. No parking or loading space shall interfere with access to any other parking or loading space, or with a pedestrian walkway.

(12) (14) Paving Requirements: Off-street parking, vehicular use areas, and loading facilities (except in single-family residential zone districts) including driveways, and access ways and access aisles shall be paved as follows: All driveways, accessways, and access aisles shall have a minimum of 6 inches of lime rock base with 1 inch asphalt, slag or rock imbedded in asphalt or a minimum of 6 inches of concrete reinforced with 6x6 - 6/6 wire mesh; all parking, vehicular use, and loading spaces shall have a minimum of 4 inches of lime rock base with 1 inch asphalt slag or rock imbedded in asphalt, or a minimum of 4 inches of concrete reinforced with 6x6 - 10/10 mesh; all the above to be maintained in good condition.

(H) 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 and/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 spaces areas, access aisles and driveways, construction material and landscaped area and shall be fully dimensioned. and--shall--indicate--separate--area calculations--(in-square-feet)--for-perimeter-and-interior spaces,-and-other-vehicular-use-area-and-driveways-shall be-approved-by-the-Chief-of-Police,-Fire-Chief,-and--the-City-Engineer,-prior-to-issuance-of-permits-

(I) Required 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

(4a) (5) Furniture or carpet stores or interior decorator businesses which include furniture displays:

1 space per 500 square feet of gross floor area

(6) (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, and service, and consumption area, plus 1 space per 300 square feet of all gross floor area devoted to other clubhouse and pro shop areas uses

(5) (7) Grocery stores:

1 space per 100 square feet of gross floor area

(7) (8) Hospitals:

1-1/2 spaces per bed

(8) (9) Marinas and boat storage facilities:

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

(9) (10) Medical offices and clinics:

4 spaces per doctor for patients' use, plus 1 space per doctor for doctor's use, plus 2 spaces for each 3 employees; or 1 space for each 200 square feet of gross floor area, whichever is greater. 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.

†10† (11) Multi-family dwelling units:

- (a) Located in zoning district "R3-12," "R3T-12," or "PD" areas designated for residential uses - 1-1/2 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" - 1-1/2 spaces per dwelling units

†11† (12) Nursing or rest, or group homes:

1 space per 2 beds

†12† (13) Post office:

1 space per 100 square feet of gross floor area

†13† (14) Restaurants, cocktail lounges and private or public clubs which serve food/beverage food or beverages:

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

†14† (15) 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

†15† (16) Shopping centers (subject property must be at least 3 acres in size to qualify as a neighborhood shopping center and 10 acres in size to qualify as a community center):

5.5 off-street spaces for each 1,000 square feet of gross leasable area for centers with 300,000 square feet of gross leasable area or less and 5 off-street spaces for each 1,000 square feet of gross leasable area for centers with more than 300,000 square feet of gross leasable area. Bowling alleys, movie theaters, office--buildings and transient lodging facilities shall provide the number of parking spaces required for these specific uses in this section in addition to the parking required for the other establishments or uses permitted. Each parking space shall have a continuous curb or a full parking bumper at least six feet in width so as to prevent vehicles from driving on other than designated access aisles.

{16} (17) Transient lodging facilities:

(a) In all commercial zoning districts where such uses are permitted:

1-1/4 spaces per dwelling unit for the first 100 units

1 space per dwelling unit for the next 150 units

1/4 space per dwelling unit for all over 250 units

(b) In zoning district "R3T-12":

1-1/2 spaces per dwelling unit

(c) In zoning district "R3T-18":

2 spaces per dwelling unit

In addition to the above noted parking for each unit, parking must also be provided for any other uses in the facility such as restaurants, cocktail lounges, retail shops and the like based on the requirement for the particular use in question as established by this section.

{17} (18) Industrial Warehouse or storage uses only industrial: (not applicable to storage or warehouse areas that are a part of other commercial or industrial uses. Applicable only to buildings used exclusively for warehousing or storage.)

1 parking space (exclusive of service roads, entrances and exits) for each 1,000 square feet of the gross floor area in a building up to 10,000

square feet in area, and then 1 parking space for each 2,000 square feet of gross floor area thereafter; or 1 parking space for each 2 anticipated employees, whichever requires the greater number of parking spaces. In no event shall there be fewer than 5 parking spaces provided per building.

{18} (19) Multiple uses:

Multiple uses in a single building or complex shall be provided with the same off-street parking which would be required if each use were separately located and as required above for each individual use.

Exceptions:--When--restaurants;--cocktail--lounges; meeting-rooms--or--auditoriums--seating--100--or--more persons--are--accessory--to--multi--family--dwellings--or transient--lodging--facilities;--60--per--cent--of--the spaces--which--would--be--required--if--these--uses--were not--accessory--to--a--multi--family--dwelling--or--transient--lodging--facility--shall--be--provided.

{19} (20) Uses not listed:

Off-street parking requirements for any use not listed mentioned in this section shall be the same as for the most similar use listed as determined by the Zoning Administrator.

(J) Required Off-Street Loading Spaces Required:

(1) Commercial Establishments with gross floor areas of 30,000 square feet or less: All retail, restaurant, and other similar commercial uses other--than single--or--multi--family--dwelling--units--or--transient lodging--facilities--or--individual--retail--establishments--occupying--more--than occupying 30,000 square feet of gross leasable floor area or less shall be provided with provide at least one (1) Type "A" off-street loading space for the first 10,000 square feet or fraction thereof, of principal building floor area, and one (1) Type "A" space for the next 20,000 square feet or fraction thereof, of principal building floor area.

Office uses occupying up to 30,000 square feet of gross floor area shall provide one (1) Type "A" loading space.

(2) Multi-family dwellings and transient lodging facilities: All such uses shall be provided--with provide one Type "A" off-street loading space for

20 through 40 units and two Type "A" spaces if there are more than 40 units.

- (3) Commercial establishments occupying more than 30,000 square feet of gross floor area: All--such uses Retail--establishments--such--as--commercial--or shopping--centers--occupying--more--than--30,000--square feet--of--gross--leasable--area--shall--be--provided--with All retail, restaurant, and other similar commercial uses shall provide one Type "A" loading space and one Type "B" loading space per 30,000 square feet of gross leasable floor area or fraction thereof.

Office uses shall provide one Type "A" loading space per 30,000 square feet of gross floor area.

- (4) General requirements: All required off-street loading facilities shall be designed in such a manner that vehicles engaged in loading or unloading activities will not encroach upon, or interfere with, the public use of streets or alleys.

All Type "B" truck loading and unloading spaces and maneuvering areas shall be separated from the circulation pattern of the parking areas and designed with appropriate means of truck access to a street or alley.

Required off-street loading spaces shall be marked as such and shall not be utilized as storage for garbage or trash containers.

- (K) Off-street Other Vehicular Facilities--Generally Use Areas Defined: Wherever, in any zoning district, off-street facilities are provided for the parking or display of any and all types of vehicles, boats or heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use (including "drive-in" facilities) are hereinafter referred to as "other vehicular uses". Such off-street facilities and land shall conform to the minimum requirement set forth in this section, except that single and two-family residential uses on individually platted lots shall be exempt from such requirements.

(L) Off-Street Vehicular Facilities; General Requirements:

- (1) 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.

- (2) **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.
- (3) **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.
- (4) **Applicability:** The provisions of this section shall apply to all new off-street parking or other vehicular use areas.

42- 24. Performance Standards; Applicable to All Districts:

- (A) **Nuisance Prohibited:** Permitted uses and Special Exceptions conditional uses in any zone district shall not create smoke, dust, noise, odor, vibration or glare which is a nuisance to surrounding persons or property.
- (B) **Dismantling Prohibited:** Dismantling of watercraft or vehicles for salvage purposes shall not be permitted in any district.
- (C) **Accumulation of Junk Prohibited:** Junk, scrap and waste material shall not be permitted to accumulate in any district.
- (D) **Ornamental Buffer Required:** Material and merchandise which is not stored or displayed under roof other than the permitted display of new and used motor vehicles, boats and the like and which is permitted to be stored outside of an enclosed building shall be screened from off premise view by an ornamental buffer.

39- 25. Private Clubs: Such facilities are permitted in all zone districts except the single family zone districts provided that the particular use and purpose of the club is permitted in the zone district in which it is to be located.

31- 26. Recreation Facilities: Special--Exception Conditional Use Required: A Special---Exception conditional use shall be required in all single family and multi-family residential zone districts for construction of any of the following public-or-private,-non-profit, recreation facilities that are

accessory to and a part of a residential complex permitted in the subject zone district. Swimming pools and related accessory structures are exempt.

- (A) Tennis, racquet ball, handball or similar courts
- (B) Shuffle board courts if there are 3 or more
- (C) Full basketball courts
- (D) Other recreation or sports facilities similar to the above

43- 27. Right-of-Way Dedication and Improvements Required for Circulation Purposes:

- (A) Need: The existing circulation system in the City of Naples has certain deficiencies and inadequacies, including incomplete street systems, narrow rights-of-way, substandard corner radii, lack of sidewalks and bike paths and the like; and present and projected revenue sources of the City are inadequate to correct such deficiencies and inadequacies. Continuing new multi-family residential, commercial and industrial development will add substantially to the traffic burden of the City and thus compel the continued improvement of the City's circulation system. Such development will benefit and subject properties will increase in value as a result of improved accessibility and the provision of a safe and well integrated circulation system.
- (B) Purpose and Intent: It is the intent and purpose of this section to enable the City to require a property owner and/or developer to provide for the dedication and/or improvement of property for circulation purposes to insure that the City is served by streets of adequate width and alignment; that all of the necessary improvements are provided; and that the circulation system is safe and continuous to insure the public safety, decrease traffic congestion and provide for an adequate circulation system.
- (C) Required Dedication and Improvement as a Condition of Building Permit Issuance and Final Occupancy Approval: Except as otherwise provided in this section, no building or structure shall be constructed, erected, relocated, enlarged, remodeled or otherwise altered, and no building permit shall be issued for such work on any lot or parcel for which it has been determined that certain right-of-way dedications, for circulation purposes, are required, until such required dedications are made to the City. No final occupancy approval shall be granted unless and until all required circulation improvements are provided.

- (D) **Determination of Required Dedications and Improvements:** The City Council, upon the recommendation of the staff and Planning Advisory Board, shall determine, when, and to what extent, circulation related right-of-way dedications and improvements shall be required based upon generally accepted minimum safety standards, and criteria, standards, alignments and the like as may be adopted as a part of the City's Comprehensive Plan and other City or County ordinances or other normally accepted standards as may be applicable.

The City Engineer may require a property owner or developer to provide the City with a Traffic Impact Study to assist the City in determining dedication and improvement requirements.

- (E) **Exemptions to Dedication and Improvement Requirements:**
 - (1) Dedication of right-of-way or circulation related improvements are not required when the enlargement of any building or structure or the erection of an accessory structure involves an aggregate amount of work performed within any twelve (12) month period of less than two hundred (200) square feet of floor area.
 - (2) Dedication of right-of-way or circulation related improvements are not required where the non-structural alteration, repair or remodeling or any building or structure involves an aggregate amount of work performed within any twelve (12) month period of less than \$7,000.00 in construction evaluation as determined by the Building Department Division.
 - (3) Dedication of right-of-way or circulation related improvements are not required for additions, nonstructural alterations or accessory buildings incidental to a single family residential building legally existing on a lot having single family residential zoning, provided that no additional dwelling units are established.

36- 28. Shopping Centers:

- (A) Lot Area and Street Frontage Requirements and--Maximum Building Height: Shopping centers are divided into two categories:
 - (1) Neighborhood shopping center
 - (a) Minimum lot area - 3 acres of land

- (b) Maximum lot area - 10 acres of land area
- (c) Minimum lot dimension on public street - 200 feet

~~(d) -- Maximum height --- see applicable zone district --- regulations~~

(2) Community shopping center

- (a) Minimum lot area - 10.1 acres of land area
- (b) Maximum lot area - none
- (c) Minimum lot dimension on public street - 400 feet

~~(d) -- Maximum height --- see applicable zone district --- regulations~~

(B) Permitted Uses or Establishments in Neighborhood and Community Shopping Centers; Limitations thereon:

(1) Uses permitted in shopping centers are the same as the uses permitted in the zoning district in which the shopping center is located

(2) Restaurants, carry-out, are permitted as an integral part of an enclosed shopping mall

(3) All establishments or uses in shopping centers are subject to the following limitations:

(a) No more than 20% of gross floor area shall be devoted to storage in neighborhood shopping centers, and no more than 30% in community shopping centers

(b) Products to be sold only at retail

(c) No sale, display, or storage of secondhand merchandise except as incidental to sale of new merchandise; provided, however, that this shall not exclude the sale of bona fide antiques

(C) Permitted Accessory Uses and Structures: Accessory uses and structures which are incidental to and customarily associated with the uses permitted in the applicable zone district are permitted.

~~(D) -- Prohibited Uses and Structures: -- Any use or structure not specifically, provisionally or by reasonable implication permitted herein~~

~~(E)~~ (D) Maximum Lot Coverage by All Buildings:

- (1) Neighborhood shopping centers - 30 per cent
- (2) Community shopping center - 25 per cent

~~(F)~~ (E) Minimum Yard Requirements:

- (1) Front yard - 65 feet, the front 20 feet of which shall be landscaped except where paved walkways or vehicular accessways are provided which lead to parking areas or structures. No parking shall be permitted within the 20 foot required landscaped area which shall be landscaped in accordance with the requirements of Supplementary District Regulations, Landscaping Requirements.
- (2) Side yard - 65 feet where abutting any land zoned residential; otherwise, 30 feet
- (3) Rear yard - 100 feet where abutting any land zoned residential; otherwise, 65 feet

(F) Landscaping and ornamental buffer required adjacent to residential areas: Not less than 20 feet of the required side ~~or~~ and rear yards abutting residential property shall be landscaped ~~and permanently maintained and an ornamental buffer~~ and contain an ornamental buffer in accordance with Supplementary District Regulations. ~~Subsection 15, shall be installed and permanently maintained.~~

(G) Permitted Signs: This subsection supersedes Supplementary District Regulation No. 22 30, Signs, Subsections E and F.

- (1) Ground signs for identification of shopping centers
 - (a) Neighborhood shopping centers - one ground sign structure for each neighborhood shopping center. The maximum area of such sign shall be 120 square feet.
 - (b) Community shopping centers - one ground sign structure for each community shopping center. Such sign shall be placed along the major arterial on which the shopping center fronts.

A community shopping center with frontage of 1500 or more lineal feet along a public street

other than the major arterial mentioned above may erect one additional ground sign structure along that street.

The maximum area of each such sign for a community shopping center shall be 160 square feet.

- (c) Sign display limitations: Shopping center signs shall display only the name of the shopping center and shall not identify the businesses within the center.
- (2) Exterior wall and canopy signs for businesses in the shopping center: Only one exterior wall sign shall be permitted for each establishment with an exterior customer entrance not to exceed two square feet of sign area per lineal foot of exterior store frontage up to a maximum of 80 square feet per store, plus one sign per business which is adjacent to a covered pedestrian walkway, such sign to be located under and hanging from the canopy over the pedestrian walkway, not to exceed six square feet in area.

Major tenants with 65,000 square feet or more of enclosed building area and with more than one major pedestrian entrance may have a second wall sign up to 80 square feet in area.

The lower edge of each sign over a pedestrian walkway shall be no less than eight feet above the surface of the walkway.

- (H) Driveways/Accessways to Off-Street Parking and Loading Areas: (See also Supplementary District Regulation No. 15, Parking and Loading)

- (1) Driveway and Accessway Limitations: Driveways and accessways shall not provide both ingress and egress unless a landscaped dividing island is provided. Said combined entrance-exit, including the island, shall not exceed 60 feet in width at the property line, with an aggregate paved width not to exceed 48 feet. There shall not be more than one driveway/accessway for every 500 feet of street frontage or fraction thereof; they shall not be closer than 100 feet to the intersecting right-of-way lines of any street intersection located on the same side of the street; they shall not be closer than 15 feet to abutting property unless a joint driveway/accessway is provided with the abutting property.

- (2) No Access to Minor Residential Streets: There shall be no access to or from minor residential streets or alleys where said streets or alleyways are parallel or approximately parallel to main arterial streets. For the purpose of this section, minor residential streets or alleys are those designed to carry local residential traffic or are not frequently traveled, and main arterial streets are those designed to carry heavy traffic or which are frequently traveled.

- 21- 29. Sidewalks Required: In all districts except single family residential districts and except for certain concentrations of single family and duplex developments in multi-family zone districts, sidewalks shall be constructed, if not already existing, along the street frontage of a lot which is being developed for a permitted use.

In districts "R3-12" through "R3-18" or in "PD" district intended for multi-family residential use, sidewalks shall be 5 feet in width.

In districts "HC" through "Θ" "PS" and for properties zoned "PD" for commercial uses, sidewalks shall be 8 feet in width.

All sidewalks shall be constructed along the entire width of yards fronting upon a street right-of-way and for corner lots at street intersections shall be extended to and ramped to the street pavement. Sidewalks shall be constructed in the street right-of-way with one edge on the front property line and shall be constructed in accordance with City of Naples Sidewalk Improvement Specifications. Minor deviations as to width and location may be approved by the Zoning Administrator if, in his opinion ~~and in the opinion of the City Engineer~~, the existing landscaping or topography justifies such a deviation.

- 32- 30. Signs: (See Supplementary District Regulation No. ~~10~~ 12 for Gasoline Service Stations and No. ~~36~~ 28 for Shopping Centers)

- (A) Purpose: This Supplementary District Regulation establishes a uniformity in the method of advertising through the medium of signs within each zoning district compatible with the intent of the zoning ordinance applicable to said districts, taking into account the economic, aesthetic and traffic factors that are reasonably consistent with the exercise of the police powers vested in this municipality. This is done so that there will be a minimum of conflict in relation to the need for traffic control, visual compatibility, economic growth and in order to promote the City's interest in maintaining and enhancing property values

and the attractive appearance of Naples, which is important to the tourist aspect of the local economy.

(B) Definitions: The term "sign" shall include any outdoor advertising display, billboard, poster, panel, bulletin, banner, pennant, flag, or placard, or similar item, and all printed, painted, lettered, illuminated or figured devices, structures, or attention-getting devices used for outdoor advertising, attached to or painted on any building, pole or structure or to the ground, by post, footing or other contrivance.

(1) Ground sign: A sign supported by uprights, braces, or footings placed upon the ground and not attached to any building.

(2) Roof sign: A sign erected upon or which extends above the roof of the building to which it is attached

(3) Wall sign: A sign attached to or painted on the wall of any building as long as such sign does not project more than twelve (12) inches from the building

(4) Projecting sign: A sign attached to a building or other structure and extending more than twelve (12) inches beyond the surface of that portion of the building or structure to which it is attached

(5) Marquee sign: A sign attached to, painted on or hung from a marquee or any such canopy or covered structure projecting from and supported by a building

(6) Directional sign: A sign which provides information as to the location of a parking lot, building entrance, school, church, community center, park, or other public or institutional facility. The maximum area of a directional sign shall not exceed four (4) square feet.

(7) Identification sign: A sign located on the property identifying the occupants or the building

(8) Spectacular sign: Any sign or advertising structure which has any visible moving parts or mechanical movement of any description (excepting time or temperature indicators), or other apparent visible movement achieved by electrical, electronic, or kinetic means, including intermittent electrical pulsations, or by any action of normal wind currents

(9) Class "A" sign: All signs advertising a product

for sale or service to be rendered on the immediate premises where the sign is located

(10) Erect: To build, construct, attach, hang, paint, place, suspend, or affix

(11) Sign area calculation:

(a) Ground signs, roof signs, or projecting signs: The total area within the smallest parallelogram, triangle, circle, or semi-circle which will completely enclose the outside perimeter of the overall sign, including the border, if any, but excluding the supports and--minor embellishments,--which-represent--five-(5)--per cent-or-less-of-the-total-sign-area-and--which project-outward-from-the--main-portion-of--the sign

(b) Wall signs or marquee signs: The total area within the smallest parallelogram, triangle, circle or semi-circle which will enclose the outside perimeter of the advertising--details contained-on-said-sign overall sign, including the border.

(c) Detached letters: Signs consisting of a group of detached letters, or two (2) or more panels on the same support presented as a single advertisement, shall be considered as one sign and the area shall be as above defined without regard to whether the sign is single or double faced.

(d) Double face vs. single face: Only one side or face of the same sign shall be used in computing sign area.

(12) Billboard advertising sign: A sign usually designed for use with changing advertising copy, and which is normally used for the advertisement of goods produced or services rendered at locations other than the premises on which the sign is located.

(C) Permit Required:

(1) General: It shall be unlawful for any person to erect or replace or modify the design of any sign, unless specifically exempt, without first securing from the Zoning Administrator a written permit to do so.

(2) Sketch: The applicant for such a permit shall

000116

provide the Zoning Administrator with specific information including a sketch showing sizes, heights, and other pertinent information, so as to determine compliance with this ordinance.

(3) Construction standards: In addition to complying with the requirements of this ordinance, the building code sets forth structural and other standards regarding sign construction, erection, electrical wiring, etc. which must be met.

(4) Commercial complex/architectural character: In shopping centers ~~or--other-circumstances-where--two or--more--businesses--occupy--a--single--commercial~~ complex, the permitted signs must be designed by the architect, engineer, or sign contractor and must be uniform in design and consistent with the general character of the structures.

(D) Exempt Signs: The following signs may be erected without a permit, subject however to the remaining requirements of these regulations:

(1) Professional name plates not exceeding two (2) square feet in area (one per business)

(2) Bulletin boards and identification signs for public, non-profit or religious facilities, located on the premises of said facilities and not exceeding twelve (12) square feet in area (one per premise)

(3) One sign denoting the architect, engineer, contractor, or sub-contractor on the premises of work under construction, which does not exceed sixteen (16) square feet in area

(4) Occupational signs or directories denoting only the name, street number and business of occupants in a commercial building, public institutional building or dwelling house, which do not exceed two (2) square feet in area per business or occupant identified

(5) Memorial signs or tablets

(6) The name of a building and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials

(7) Traffic or other municipal signs, and such temporary emergency or non-advertising signs as may be approved by the Chief--ef--Police Zoning Administrator

- (8) Signs inside a building
- (9) One "For Sale", "For Lease", or "For Rent" sign and one "Open House" sign for each parcel of property for each street on which said parcel fronts, when such signs have an area per face of not more than four (4) square feet. Off-site "Open-House" and "Sold" signs are not permitted.

"For Sale", "For Lease", or "For Rent" signs may mention only the name, address and telephone number of the property owner or a real estate broker, investment company, or business firm licensed to sell real estate in the State of Florida and the name and telephone number of a sales person.

- (10) Identification signs at the entrance drive of residences which do not exceed two (2) square feet in area
- (11) Non-advertising directional signs or symbols (Entrance, Exit, Caution, Slow, No Trespassing, etc.) located on and pertaining to a parcel of private property or geographical location, none to exceed four (4) square feet in area
- (E) Permitted Signs: Only the following signs are permitted:
- (1) Exempt signs
- (2) Two (2) Class "A" signs per street fronted upon for each place of business or other establishment in zones "R3-12", "R3T-12", "R3-15", "R3T-18", "R3-18", "HC", "C1", "C1-A", "C2", "C2-A", "C3", "C4", "I", "M", "O", "PD", and "PS". (See "Gasoline Service Stations" and "Shopping Centers" for special sign regulations applying thereto.)
- (3) Directional signs
- (4) Temporary signs may be authorized under the Temporary Use Permit procedure. (See Supplementary District Regulations No. ---26, Temporary Use Permits.)
- (5) One billboard advertising sign on each vacant, undeveloped, recorded lot of record with frontage on a public street in zone districts "C3" and "I" (See subsection (F)(2) below.)

- (F) Limitation--of--Type, Size, Type, and Location of Permitted Signs:

(1) Class "A" signs shall be limited as follows:

(a) In "R3-12", "R3T-12", "R3-15", "R3T-18", and "R3-18" zones and properties zoned "PD" for multi-family residential use: Ground (see subsection (f) below), marquee or wall signs only, not to exceed the following sizes:

Duplexes - eight (8) square feet per permitted sign per duplex

Three or four unit dwellings - sixteen (16) square feet per permitted sign per residential complex

Five or more unit dwellings - Twenty-five (25) square feet per permitted sign per residential complex

(b) In "HC", "C2", "C2-A", "C3", "C4", "PS", and "I" zones and "PD" zoned properties intended to accommodate the same uses: Ground (see subsection (f) below), marquee or wall signs only: Limited to 2 square feet of sign area per lineal foot of structure or business fronting on a public street, alley, or pedestrian walkway up to a maximum of 60 square feet per permitted sign, plus one sign per business which is adjacent to a covered pedestrian walkway; such sign to be located under and hanging from the canopy over the pedestrian walkway and not to exceed 6 square feet in area

(c) In "C1" and "C1-A" zones and "PD" zoned properties intended to accommodate the same uses: Marquee or wall signs only: Limited to two square feet of sign area per lineal foot of structure or business fronting on a public street, alley or pedestrian walkway up to a maximum of 60 square feet per permitted signs; plus one sign per business which is adjacent to a covered pedestrian walkway, such sign to be located under and hanging from the canopy over the pedestrian walkway, not to exceed six square feet in area.

(d) In "M" and "O" zones and "PD" zoned properties intended to accommodate the same uses: Marquee or wall signs only: Limited to ten square feet per permitted sign per structure or business

(e) Additional sign area: The following

additional sign area is permitted when signs are located more than 100 feet from the front property line: For every foot of front yard setback in excess of 100 feet, the maximum area of permitted signs may be increased by 1/3 square foot up to a maximum of 100 square feet per permitted sign (not applicable to signs in shopping centers).

- (f) Ground sign limitation: In "R3-12", "R3T-12", "R3-15", "R3T-18", "R3-18", "HC", "C2", "C2-A", "C3", "C4", "I", "PS" zones and "PD" zoned property intended to accommodate the same uses: Only One ground sign will be permitted per structure or business and only if such structure or business is located on a parcel of land which has a minimum street frontage of at least 125 feet; in no case shall there be more than one ground sign for each 125 feet of street frontage and no more than a total of two (2) ground signs per street fronted upon.
- (2) Billboard advertising signs shall be limited as follows: (See also subsection (E)(5) above.)
- (a) "C3" and "I" zone districts only
- (b) 60 square feet maximum sign area
- (c) Minimum of 1,000 lineal feet between billboard advertising signs
- (G) Elevation and, Setback and Height Regulations Requirements:
- (1) Minimum elevation: The lower edge of each sign over a pedestrian walkway shall be no less than eight (8) feet above the surface thereof.
- (2) Minimum setback: No part of any ground sign shall be closer than five (5) feet to a street right-of-way.
- (3) Maximum height: No part of any ground sign shall be higher than thirty (30) feet above the crown of the adjacent street in commercial and industrial zone districts and no higher than twelve (12) feet in residential zone districts.
- (H) Signs Not to Constitute A Traffic Hazard or Nuisance:
- (1) No sign shall be erected or maintained at any

location in such a manner as to obstruct free and clear vision at the intersection of any streets or other public ways.

No sign shall be erected or maintained at any location where, by reason of position, illumination, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; nor shall it make use of the words "STOP", "LOOK", "DANGER", or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

- (2) Any lights used for sign illumination shall be so designed as to concentrate the illumination upon the sign and shall not glare upon the street or upon adjacent property.
 - (3) No ground sign over thirty-six (36) inches in height shall be erected within thirty (30) feet of the intersection of any street right-of-way lines without prior approval of the Zoning Administrator ~~and the Chief of Police.~~
- (I) Sign Maintenance of Signs: All visible portions of a sign and its supporting structure shall be maintained in safe condition and neat appearance. If a lighted sign, all lights shall be maintained in working order and functioning in a safe manner; if a painted sign, the paint shall be kept in good condition; all signs will be kept in such manner as to constitute a complete sign at all times. The area immediately surrounding ground signs shall be kept clear of all unsightly vegetation or debris.
- (J) Specifically Prohibited Signs:
- (1) "Sold" signs
 - (2) Portable or sandwich type signs
 - (3) Signs attached to trees or utility poles
 - (4) Windblown, attention catching devices ~~and any other~~
~~---signs which do not have a city sign permit~~
 - (5) Any sign which does not have a city sign permit
 - (6) Spectacular signs including blinking lights, flashing arrows, and the like (excepting non-advertising time and temperature indicators)
 - (7) Banners, pennants and flags (except municipal,

county, state and federal or institutional flags approved by City Council.)

- +6+ (8) Roof signs
- +7+ (9) Signs on vehicles, either attached to or painted on vehicles of any type which are conspicuously parked in close proximity to the business being advertised and are obviously parked in such a way to advertise said business to the passing motorist or pedestrian.
- (10) "For Sale" signs on vehicles, either attached to or painted on vehicles of any type which are parked in such a way to advertise such vehicle to the passing motorist or pedestrian.

(K) Removal of Signs:

- (1) Signs advertising businesses no longer conducted or products no longer sold: Any sign now or hereafter existing which advertises a business no longer conducted, or a product no longer sold, shall be removed by the owner, agent, or person having beneficial use of the building, structure, or land upon which the sign is located.
- (2) Signs in violation of ordinance: Signs that are in violation of City ordinances shall be removed immediately upon notification by the Zoning Administrator or his designee.
- +2+ (3) Nonconforming sign damaged or destroyed: Subject to the provisions of subsection L below if applicable, any sign that becomes nonconforming under this ordinance which is more than sixty (60) per cent destroyed or damaged shall be removed in its entirety and no sign permit shall be issued for replacement unless such sign is permitted under this ordinance.
- +3+ (4) Nonconforming sign not to advertise a different business: Subject to the provisions of subsection L below, lawfully established nonconforming signs may be continued so long as they remain otherwise lawful, but may not be modified to advertise a different business or service than that which they advertised at the time they became nonconforming. A change in business name even if the same type of business continues to be conducted shall be construed as a "different business".

+B+--Nonconforming--Signs,--Removal---Thereof:---All---legal, nonconforming signs in the City of Naples, upon adoption of this ordinance, shall be removed or altered so as to conform to present ordinance requirements, according to the following removal schedule and values based upon building permit values (either city or county, depending

~~(1) -- \$0 --- \$500.00: -- Two (2) years from the effective
--- date of this ordinance (to be removed or made to
--- conform by February 7, 1981.)~~

~~(2) -- \$501.00 --- \$1,000.00: -- Three (3) years from the
--- effective date of this ordinance (to be removed -- or
made to conform by February 7, 1982.)~~

~~(3) -- \$1,001 and over: -- Five (5) years from the effective
--- date of this -- ordinance (to be -- removed or made -- to
conform by February 7, 1984.)~~

~~If a building permit cannot be located, but the sign is
still judged to be a legal nonconforming sign, the
Zoning Administrator shall place a value on the sign
based upon the age of the sign and the value of
comparable signs in the city and the subject sign shall
then be removed or made to conform based upon that value
and the above time schedule.~~

25- 31. Street Frontage Required: Except as may be permitted by other provisions of the Ordinance, no building permit shall be issued for any structure unless the site thereof abuts, for at least 20 feet, on a City Council approved vehicular access easement or on a public street right-of-way. A site that fronts only on a public alley shall also require City Council approval.

35- 32. Swimming Pools and Enclosures - Minimum Yards Required:

(A) Single family residential: All swimming pools and enclosures constructed or erected on any ~~lot upon which is constructed or erected~~ a single family residence residential lot shall be subject to the following regulations:

(1) Prohibited in side and front yard setback areas: Unroofed pools or pools enclosed only with open mesh screening may be placed in a required rear yard, subject to the limitations below, but shall not be placed in a required front or side yard.

(2) Permitted in rear yard setback areas with limitations: Unroofed pools or pools enclosed only with open mesh screening shall not may be located in rear yard setback areas but may not be located less closer than fifteen (15) feet from to any rear lot line, provided that no pool or pool enclosure shall be placed within a utility or drainage easement.

(3) Setback measurement: ~~For the purpose of this~~

subparagraph; The minimum distance setback requirement from a any lot line shall be measured from the exterior of the screen enclosure of a screened enclosed pool and or from the outer edge of the pool deck-or--patio for an unroofed or unenclosed pool.

- (2) (4) Roofed or enclosed pool: If Any part of a pool which is covered by a roof or enclosed by side walls over five--(5) six (6) feet in height then such covered or walled section of the pool shall be subject to the limitations regarding location of any building or structure and shall not be placed in any required yard.

NOTE: Section 6.1 of this ordinance prohibits the construction of a swimming pool on a vacant lot.

- (B) Other than single family residential: All swimming pools and enclosures constructed or erected on any lot upon-which--is-constructed--or-erected--any-building--or-structure-other-than-single-family-residential-shall--be-subject--to--the--following:--All--swimming--pools--and-enclosures other than a single family residential lot shall meet the minimum yard requirements as specified for buildings or structures in the zoning district in which the pool or enclosure will be constructed or erected. For--the--purpose-of--this--subparagraph; The minimum distance setback requirements from a any lot line shall be measured from the exterior of the screen enclosure of a screen enclosed pool and from the outer edge of the pool deck--or--patio for an unroofed or unenclosed pool.

44- 33. Temporary Buildings or Structures: Except for the construction related uses permitted under the Temporary Use Permit provisions of this section, no temporary building or structure, not permanently affixed to City approved foundations and utilities and in compliance with all other City requirements, shall be permitted in any zone district unless specifically approved by the City Council.

26- 34. Temporary Use Permits:

- (A) Special Uses: A temporary use permit must be obtained and may be granted for a period not to exceed 45 days for such temporary uses as:
- (1) Circuses
 - (2) Carnivals
 - (3) Fairs

- (4) Christmas tree sales lots
- (5) Temporary promotional activities
- (6) Garage sales, a maximum of one permit per premise per year plus one permit in conjunction with the relocation of the residents of a structure (no fee is to be charged for garage sale permits)
- (7) Other similar uses of a temporary nature

(B) Real Estate Development Projects: In the case of real estate development projects in any zoning district other than single family residential, the developer may request a temporary use permit to permit necessary commercial, promotional, storage and construction activities which occur during construction of the project and which terminate upon completion of the project. The following activities may be permitted under the terms of such temporary use permit:

- (1) Real estate sales offices. Provided the developer/applicant owns the subject property, a temporary use permit may be issued for a period not to exceed 180 days prior to the issuance of construction permits for an on-site sales office. The sales office may be used only for the sale of units to be built on the subject site. Upon the termination of the 180 day period, an application may be filed for an extension of the permit for a period not to exceed 90 days.
- (2) Construction materials storage, processing and fabrication
- (3) Offices for persons engaged in the development of land
- (4) Equipment storage
- (5) Temporary housing
- (6) Model homes
- (7) Sales promotional signs. A temporary use permit may be issued for sales promotional activity signs in conjunction with the future construction of buildings or land development, for a period not to exceed 180 days prior to the issuance of building permits, provided the developer/applicant owns the subject property. Upon the termination of the 180 day period, an application may be filed for an extension of the permit for a period not to exceed 90 days. Notwithstanding any other provisions of

this subsection 26, sales promotional signs for the purposes hereinabove set forth may be maintained on the property for a period of up to one (1) year after the date of the certificate of occupancy. Two (2) six month extensions may be granted thereafter at the discretion of the Zoning Administrator.

(8) Temporary permits not required: Temporary use permits are not required for normal construction activities for which a building permit has been issued.

~~(9) --Plot-Plan-Required--Applicants-for-a-temporary-use permit-shall-present-plot-plans-indicating-the-area in-which-the-temporary-use-permit-is-to-apply;--the nature-of-the-activities--which-will-occur-and--the time--for--which--the---temporary--use--permit---is requested-~~

(C) Signs/Limitation of Type, Number and Size of Temporary Signs: Temporary signs may not exceed the following:

(1) "R3-12", "R3T-12", "R3-15", "R3T-18", "R3-18", and properties zoned "PD" for multi-family residential use: One ground or wall sign only per project limited in size as follows:

Duplex - eight (8) square feet

Three or four unit dwellings - sixteen (16) square feet

Five or more unit dwellings - twenty-five (25) square feet

(2) "M", "O", "HC", "C1", "C1-A", "C2", "C2-A", "C3", "C4", "I", "PS", and "PD" zoned properties intended to accommodate the same uses: Ground or wall signs; maximum number - one (1); size - thirty-two (32) square feet

~~(3) --"M" and "O" zones:---Ground-or-wall--sign--only; maximum-number---one-(1);--maximum-size---thirty--(30) square-feet~~

(D) Application Submittal:

(1) Temporary use permit applications for the above special uses, and real estate development projects, and signs, along with the required fee, a plot plan indicating the area for which the permit is to apply, a complete description of the activities which will occur and the time for which the permit

000126

is requested, shall be submitted to the Zoning Administrator.

(2) who The Zoning Administrator may grant a temporary use permit upon finding that the applicant has complied with the following:

- (1) (a) Any nuisance or hazardous feature involved is suitably separated from adjacent uses
- (2) (b) Excessive vehicular traffic will not be generated
- (3) (c) A vehicular parking problem will not be created

(E) Period-of-Time Termination/Cancellation of Permit: Each temporary use permit shall be granted for a specific period of time, at the end of which, if the use permitted as a temporary use has not been discontinued, it shall be deemed a violation of the zoning ordinance and shall be subject to the penalties provided for herein. A temporary use permit may be cancelled by the Zoning Administrator at any time the terms of the permit are violated.

45- 35. Time Share Lodging Facilities: In addition to the regulations stated elsewhere in this ordinance, the requirements listed below are specifically applicable to time share lodging facilities:

(A) Maximum Lot Coverage, Off-Street Parking, Minimum Floor Area, and Maximum Building Dimensions ~~and---Minimum Breezeflow---Requirements:~~ All of these requirements shall be the same as the subject requirements for a transient lodging use in the applicable zone district except that parking shall be provided on the basis of 1-1/2 spaces per unit and the minimum floor area shall be 600 square feet.

(B) Sales Promotional Activity: Notwithstanding other applicable provisions of the zoning ordinance, the following provisions shall apply:

- (1) The original sale of time share lodging units may be conducted on site in a sales office and in up to a maximum of two model units
- (2) On-site sales activity shall be limited to original developer sales
- (3) The sales activity shall be conducted inside the

sales office and model units so as not to be noticeable from the outside, except for permitted signs

- (4) On-site sales activity shall be terminated upon completion of original sales
- (5) A minimum of one parking space for each two proposed units shall be provided on site for the sales staff and potential purchasers' use during the (marketing) sales, promotional and construction phases

(C) Transient Lodging Use Changed to Time Share Use: Where a-transient--lodging-use--is-a--nonconforming-use,--a A change in such a transient lodging use to a time share use is hereby legislatively declared to be a change in use subject to the approval process required-for-changes in-nonconforming-uses-as-set--forth-in-Section-4-of--the and all other applicable regulations in this zoning ordinance.

20- 36. Screened Trash and Garbage Storage--Areas Enclosures Required: In each zoning district, except single family residential districts, each separate complex or business shall provide and maintain trash-and-garbage-containers-which shall-be-kept-within solid wood or masonry trash and garbage container enclosures (pierced concrete block is acceptable). These enclosures shall be located in such a manner that they the containers within them are not visible from the street or from adjacent properties.

Horticultural trimmings placed at curb side in accord with City trash regulations are exempt from this requirement.

41- 37. Undeveloped Property; Habitation Prohibited: No parcel of land shall be inhabited or occupied for purposes of sleeping, eating and the like during the hours of 11 p.m. to 7 a.m., unless such property is legally improved with a safe, standard structure meeting all minimum ordinance requirements and intended to accommodate such a use and provided that such activities are being conducted within said structure.

28- 38. Vehicular Repair, Engine Repair and/or Overhauling Prohibited in Dwelling Residential Districts: Motor vehicle repair or modification and piston engine repair and/or overhauling is not permitted in residential districts. Exempted from this regulation are occasional and unavoidable minor or emergency repairs.

3- 39. Corner Visibility at Corner Locations: On a corner lot, there shall be no structure or planting which materially obstructs traffic visibility within the triangular space bounded by the two intersecting right-of-way lines and a straight line connecting two points on the street right-of-way lines 30 feet from their intersection.

18- 40. (A) Piers,-Wharves,-Docks,-Use-of Waterways and Watercraft: ~~Watercraft--and--waterfront--structures,---including docks,-wharves,-piers,-boathouses,-mooring-piles,-etc,-shall comply-with-the-following-requirements:~~

(A) (1) Definition of Regular-mooring-of regularly moored watercraft: "Regularly moored" shall mean moored in the same general area at least eight (8) hours a day, for any ten (10) days in any month.

(2) Watercraft Regulations:

(a) Consent of Owner: Watercraft shall not be regularly moored along any shore without the consent of the riparian land owner.

(b) Limited Uses: Regularly moored watercraft shall not be used as dwellings,-offices,-or commercial-enterprises or as charter boats, except in marinas or boat yards, unless--a permit-to-se-moor--and-use-the-watercraft--has been-granted-by-City-Council- and then only if the required parking for such use is provided. No other commercial or office use is permitted.

(c) Maintenance: Regularly moored watercraft shall be kept in seaworthy condition when not in a permitted repair area.

(B) Boat Shelters/Maximum permitted projection of-waterfront structures: Unwalled, one-story boat shelters may be erected over recessed boat slips, but no part of such shelter may extend past the shoreline or into a required side yard.

5- 41. Yards

(A) Encroachments Into Required Yards and-Required--Distance Between-Principal--Buildings: Structures less than thirty inches (30") in height, other than swimming pools, are not considered encroachments upon minimum required yards. Every part of every required yard shall be open and unobstructed from thirty inches (30") above the ground, as measured from the general ground level of the graded lot upward except as hereinafter provided:

- (A) (1) Cornices, overhangs, eaves and gutters, chimneys, air conditioning compressors, balconies and means of egress may project a maximum of 36 inches into required yards.
- (B) (2) Horticultural growth, poles, play equipment, wires, lights, mail boxes, ornamental entry columns and gates, and outdoor furniture are not considered yard encroachments.
- (C) (3) Waterfront-accessory-structures Boat shelters are permitted in accordance with Supplementary District Regulation 18 40.
- (4) Small free-standing canvas decorative awnings installed over windows and at entrances may encroach into required setback areas.

Larger canvas awnings (such as porte cocheres) requiring pole supports to be placed in a setback area may be approved at the discretion of the Zoning Administrator.

These encroachments are permitted in all zoning districts except single-family districts, and such canvas awnings must function as decorative architectural elements as opposed to garage, carport or other similar storage facilities.

(5) Chickees: Chickees are permitted in rear yard setback areas only and then only with the approval of a conditional use permit. Such structures may not be enclosed; must be constructed of natural materials; may not obstruct the view or interfere with the privacy of an adjacent neighbor; and may be used only to provide shade or serve as a decorative architectural element and may not be used as a carport, storage shed, boat shelter, and the like.

(B) Distance Between Principal Buildings: In the case of more than one principal structure on a single site, the minimum required yards between the such structures shall be the total of the side yards required for each such structure in the applicable zone district. Carports and garages are not principal structures.

9- (C) Front Yard Requirements Modified When Existing Development Establishes a Front Building Line: Whenever forty percent or more of the frontage on one side of a street between two intersecting streets is improved with buildings that have a front yard that is less than the minimum front yard requirements of the district in which they are located, then the average front yard of said buildings shall become the minimum required front yard

for said side of the street. This regulation shall not, however, permit a front yard of less than 25 feet in depth in any residential zone district.

9-1--Rear-Yard-Requirements-Modified:

~~-----In-all-single-family--residential-zone-districts-where--yards abutting-an-alley--are-determined-to--be-rear-yards,--parking structures-need-only-maintain-a--setback-of-15-feet--adjacent to-such-alleys-and-in-such-rear-yards.~~

Section 7 ADMINISTRATION AND ENFORCEMENT OF ZONING ORDINANCE

- A. General: A Zoning Administrator, designated by the City Manager, shall administer, interpret and enforce the Zoning Ordinance ~~except--in-situations--involving-a--nonresident--in which-ease-this-responsibility-may-be-delegated-to-the-Police Department.~~ The Zoning Administrator may be provided with the assistance of such other persons as the City Manager may direct. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person, firm or corporation responsible for such violation, indicating the nature of the violation, stating the action necessary to correct it and specifying the time permitted for correction of the violation. He shall require discontinuance of the illegal use of the land, buildings or structures; removal of illegal structures, additions or alterations; discontinuance and correction of any illegal work being done; and shall take all other lawful action necessary to insure compliance with or to prevent violation of the Zoning Ordinance.
- B. Zoning Compliance Required: No land use or structure shall be initiated, erected, moved, added to or structurally altered unless a zoning clearance therefor has been issued if required by the Zoning Ordinance.
- C. Building Permits/Information Required ~~for--Building--Permit:~~ All applications for building permits shall, in addition to containing the information required by the Building Department Division, include such other information as may be required by the Zoning Administrator.
- D. Erroneously Issued Permits:
- (1) Zoning clearances or building permits issued on the basis of faulty permit applications shall be voided by the Zoning Administrator or Building Official.
 - (2) When permits are issued through administrative error, the error shall be called to the attention of the permit

holder as soon as the error is discovered by the Zoning Administrator or Building Official. If the error is not voluntarily corrected, the matter shall be immediately referred to the City Council who shall take such lawful action as is appropriate and necessary.

- E. Outstanding Zoning Clearances and Building Permits: Any building or structure for which there is a valid building permit which was issued prior to the effective date of this Ordinance may be constructed and used in accordance with plans and specifications upon which said valid building permit was granted, except that various non-conforming and amortization sections of this ordinance shall apply to all such buildings, structures or permits.

Section 8 VARIANCES: PROCEDURE FOR FILING REQUESTS FOR
VARIANCES FROM THE TERMS OF THE ZONING ORDINANCE

- A. Petitions: Petitions for variances from the terms of the Zoning Ordinance may be obtained from the Planning Department Division, City Hall, and may be initiated by the owner of the property involved or his designated representative. Completed petitions shall be returned to the Planning Department Division, along with the required fee and supportive materials as required by the Planning-Direector Zoning Administrator, at least three weeks prior to the meeting of the Planning Advisory Board at which the petition is to be considered. Petitions received less than three weeks in advance of a meeting will be placed on the agenda of the next Planning Advisory Board.
- B. Public Notice: After reviewing the petition, the Planning Department Division shall give due public notice that a public hearing will be held by the Planning Advisory Board to consider said petition. The Planning Department Division shall notify all owners of property located within 500 feet of the property described in the petition. (Failure to notify all owners of property located with 500 feet by mail through inadvertence will not render the hearing void.)
- C. Planning Advisory Board Action Hearing: The petitioner or his authorized agent shall appear at the public hearing, and ~~all-testimony-and-evidence-presented-at-said-hearing-shall-be under-oath.~~ After considering the recommendation of the ~~Planning--Director,~~ Zoning Administrator comments by the petitioner and the public and the following conditions for granting a variance, the Planning Advisory Board shall make its recommendation either to grant, deny, or grant with conditions the requested variance. ~~Any-such-conditions-shall be-set-ferth-in--an-agreement-which-shall--be-signed-by--beth~~

~~the-petitioner--and--a--designated--member--of--the--Planning
Advisory-Board-~~

- D. Recommendation to City Council: As soon as practicable after the public hearing, the Planning Advisory Board shall submit its recommendation, in writing, to the City Council, together with the minutes of the hearing.
- E. City Council Consideration and Action:
- (1) ~~Said~~ The Planning Advisory Board recommendation shall be considered by the City Council at its next regular meeting or as soon thereafter as may be practicable.
 - (2) After considering the recommendation of the Planning Advisory Board, the City Council may, by a majority vote of the Council members present, deny the requested variance or, after making a specific finding that all of the conditions enumerated in ~~Section-9-of-this-ordinance~~ Paragraph F of this section have been met, pass a resolution to grant it or grant it with conditions. A variance may be granted conditional upon such alternate and additional restrictions, stipulations, and safeguards as may be deemed necessary to insure compliance with the intent and purpose of the Zoning Ordinance. Violation of such conditions when made a part of the terms under which the variance is granted shall be considered a violation of the Zoning Ordinance. Conditions in addition to those imposed by the Planning Advisory Board may be imposed by the City Council ~~and the-petitioner-shall-execute-any-necessary--supplemental agreements-reflecting-such-conditions-~~

~~Section-9---CONDITIONS-FOR-GRANTING-OF-VARIANCES~~

- F. Conditions for Granting a Variance: The following conditions must be met prior to the granting of a variance:

- (1) The plight of the applicant must be due to unique circumstances not created by him.
- (2) Special conditions and circumstances must exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district.
- (3) Literal interpretation of the provisions of the Zoning Ordinance must deprive the applicant of rights commonly enjoyed by the properties in the same district.
- (4) The variance shall not permit establishment or enlargement of any use or structure which is not permitted in the district in which the variance is requested.
- (5) The variance must be consistent and in harmony with the intent and purpose of the Zoning Ordinance.

Section 9. SPECIAL-EXCEPTIONS CONDITIONAL USES: PROCEDURE FOR FILING PETITIONS

23--Special-Exceptions:

- A. Definition: A Special-Exception Conditional Use is a use that would not be appropriate generally or without restriction throughout a particular zoning district but may, if controlled as to number, area, location, relation to the neighborhood and based upon the design and character of a particular development proposal, be appropriate.
- B. Method of Approval: Special--Exceptions Conditional Uses listed in a particular zoning district may be permitted by resolution of the City Council after an application for such Special-Exception Conditional Use has been submitted to the Planning Advisory Board and after a duly advertised public hearing on the question has been held and the Planning Advisory Board has voted to recommend approval or disapproval.
- C. Procedure: Special-Exception Conditional Use petitions may be obtained at the Planning Department Division Office, City Hall, and may be initiated by the owner of the subject property or his designated representative. This petition must be completed and returned to the Planning Department Division, along with the required fee and the necessary supportive materials as required by the Planning--Director Zoning Administrator, including a development and site plan, at least three (3) weeks prior to the Planning Advisory Board meeting at which the petition is to be considered. Petitions received later than three (3) weeks in advance of any scheduled Board meeting will be placed on the agenda of the next following meeting.
- (1) Planning Department Division Review: The Planning Department Division shall review the petition and if it determines the petition to be in order, notice of public hearing before the Planning Advisory Board shall be advertised in a newspaper of general circulation in the City at least fifteen days prior to the public hearing, setting forth the date, time and place that said petition will be considered by the Planning Advisory Board.
 - (2) Department Review: The completed petition shall be circulated by the Planning Department Division to various department heads, as applicable. The department head or his designee shall carefully consider whether or not the specific rules governing district and Supplementary District Regulations relative to their specific areas of responsibility have been met and shall carefully consider the guidelines or standards for special-exceptions conditional uses, where applicable.

Each department head shall make written comments and/or recommendations and shall include the reasons therefor.

- (3) Public Notice: Prior to the public hearing, the Planning Department Division shall notify owners of property located within 500 feet of the subject site, informing them of the date, time, place and reason for the public hearing. In addition, the Planning Department Division shall place a sign in a prominently visible location on the subject property which contains information as to the date, time, place and reason for the hearing. (Failure to notify all owners of property within 500 feet of the subject site shall not render the hearing void.)
- (4) Public Hearing by Planning Advisory Board: At the public hearing, the Planning Advisory Board shall hear the petitioner or his designated representative and all other interested parties who appear and request that they be heard; and shall consider the recommendation of the Planning--Director Zoning Administrator and other department heads; and shall consider the following standards or guidelines. As soon as practicable after the public hearing, the Board shall submit its recommendation to the City Council in writing, together with the minutes of the hearing, whether to approve, disapprove, or approve the special-exception conditional use with conditions. ~~Any-such-conditions--shall-be-set-forth--in an--agreement--which--shall---be---signed--by--both---the petitioner-and--a--designated--member--of--the--Planning Advisory-Board-~~
- (5) Final Action by City Council: After consideration of the recommendation of the Planning Action Board, and after the petitioner has been given ~~notice--and~~ an opportunity to be heard, and only after making a specific finding that the following standards or guidelines have been met, the City Council may, by a majority vote of the members present, and by resolution, grant or deny the special-exception conditional use or grant it conditional upon such alternate and additional restrictions, stipulations and safeguards as may be deemed necessary to insure compliance with the intent and purpose of the zoning ordinance. Said conditions, when required by the City Council, shall be made a part of the special-exception conditional use.

Violation of such conditions which are made a part of the terms under which the special-exception conditional use is granted shall be considered a violation of the zoning ordinance.

Conditions in addition to those imposed by the Planning Advisory Board may be imposed by the City Council and

~~the-petitioner-shall-execute-any-necessary--supplemental agreements-reflecting--such--conditions.~~ The Planning Advisory Board and the City Council shall cite their reasons in accordance with the following guidelines or standards for granting, denying or conditioning the special-exception conditional use request.

- D. Guidelines or Standards: In their deliberations concerning the granting of a special--exception conditional use, the Planning Advisory Board and the City Council shall carefully consider the following guidelines and standards:
- (1) Ingress and egress to the subject property and the proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic generation flow and control, and access in case of fire or catastrophe shall be adequate and not potentially detrimental to existing or anticipated uses in the vicinity and particularly not detrimental to property immediately adjacent to the subject site.
 - (2) Off-street parking and loading areas, where required or requested by the property owner, shall be adequate, well-designed, and relate well, in terms of proximity, access, and the like, to the uses intended to be serviced, with particular attention to the items in (1) above and the smoke, noise, glare, dust, vibrations, fumes, pollution or odor effects related to the vehicular use area or the Special-Exception conditional use and such shall not be detrimental to the adjoining properties in the general area.
 - (3) Refuse and service areas, with particular reference to the items in (1) and (2) above, shall be adequately screened so as not to be visible from adjacent properties or a public right-of-way and shall be located in such a way as not to be a nuisance, by virtue of smoke, noise, glare and the like, to adjacent properties.
 - (4) Utilities, whether public or private, shall be adequate and not detrimental with reference to location, availability, adequacy and compatibility.
 - (5) Screening, buffering or separation of any nuisance or hazardous feature, with reference to type, dimensions and character, shall be fully and clearly represented on the submitted plans and shall be adequate to protect adjacent properties.
 - (6) Proposed signs and exterior lighting shall be considered with reference to glare, traffic safety, and compatibility and harmony with surrounding properties

and shall be determined to be adequate, safe and not detrimental or a nuisance to adjacent properties.

- (7) A determination shall be made that the proposed development will not hinder development of nearby vacant properties with a permitted use in the subject zone district.
 - (8) The land and/or buildings which are involved shall be adequate in terms of size, shape, type of building and the like to insure compatibility with the proposed Special Exception.
 - (9) The proposed development shall be compatible and/or appropriate with adjacent properties and other property in the district and geographic area.
- E. Time Limitations: Any Special--Exception conditional use granted by the City Council shall expire twelve months after the date of approval of such Special-Exception conditional use, unless a building permit based upon and incorporating the Special-Exception conditional use is issued within the said twelve months' period or, in the event a building permit is not required, the expiration date shall be twelve months from the date of approval if by that date the use for which the Special--Exception conditional use was granted has not been commenced. In either event, petitioner may appeal to the City Council for an extension of time.
- F. Approved Plans: Construction and improvements shall be in substantial conformance with the plans and drawings submitted with the Special-Exception conditional use request, as they may be modified or conditioned by the City Council.

Section 10 ADMINISTRATIVE DECISIONS; APPEALS THEREOF:
PROCEDURE FOR FILING APPEALS RELATIVE TO
ADMINISTRATIVE DECISIONS PERTAINING TO THE
ZONING ORDINANCE

- A. Petitions: Petitions for appeals relative to administrative decisions may be obtained from the Planning Department Division, City Hall. Completed petitions shall be returned to the Planning Department Division, along with the required fee and supportive materials as required by the Planning Director Zoning Administrator. The Planning-Director Zoning Administrator will submit such material, along with a staff report and recommendation, to the Planning Advisory Board.
- B. Planning Advisory Board Recommendation: The petitioner or his authorized representative shall appear before the Planning Advisory Board; the Planning---Director Zoning

Administrator shall keep minutes of the meeting; and the Planning Advisory Board shall make a recommendation to the City Council for sustaining, modifying, or overruling the administrative decision, in writing, within-ten-(10)--working days-from-the-date-of-said-meeting- as soon after the meeting as is practicable.

- C. City Council Action: Said The Planning Advisory Board recommendation will be considered by the City Council at their next regular meeting or as soon thereafter as may be practicable and, by a majority vote of the Council members present, the Council may sustain, modify or overrule the administrative decision.

Section 11 REZONE, CHANGE IN TEXT, AND NONCONFORMITY
PETITIONS: PROCEDURE FOR FILING REZONE
PETITIONS, PETITIONS FOR A CHANGE IN TEXT OF THE
ZONING ORDINANCE AND PETITIONS TO EXPAND OR
CHANGE A NON-CONFORMITY

A. Petitions:

(1) Initiation of Petitions: Petitions to rezone property or to expand or change a non-conformity may be initiated by the City Council, the Planning Advisory Board or the owner of the property involved. Change in Text petitions may be initiated by the City Council or the Planning Advisory Board.

(2) Filing Petitions: Petition forms may be obtained at the Planning Department Division. Completed petitions shall be submitted to the Planning Department Division, together with the required fee and supportive materials as required by the Planning---Director Zoning Administrator, at least three weeks prior to the meeting of the Planning Advisory Board at which the petition is to be considered. Petitions received less than three weeks in advance of a meeting will be placed on the agenda of the next Planning Advisory Board meeting.

- B. Planning Department Division Review: The Planning Department Division shall review the petition and, if it determines the petition to be in order, notice of public hearing before the Planning Advisory Board shall be advertised in a newspaper of general circulation in the City at least fifteen days prior to the public hearing, setting forth the date, time and place that said petition will be considered by the Planning Advisory Board.

- C. Rezone Petition Initiated by Property Owner: In the case of a rezone petition initiated by the property owner, the

Planning Department Division shall notify owners of property located within 500 feet of the property involved in the petition informing them of the date, time, place and reason for the public hearing. In addition, the Planning Department Division shall place a sign in a prominently visible location on the subject property containing information as to the date, time, place and purpose of the public hearing. (Failure to notify all owners of property located within 500 feet by mail will not render any action taken on said petition void.)

D. Rezone Petition Initiated by City: In the case of rezone petitions initiated by the City Council or the Planning Advisory Board, the procedures set forth in Section 166.041, Florida Statutes, as amended, relative thereto shall be followed.

E. Planning Advisory Board Public Hearing: At the public hearing the Planning Advisory Board shall hear the petitioner or his designated representative and all other interested parties who may appear and request to be heard.

F. Planning Advisory Board Recommendation: As soon as practicable after the Public Hearing the Planning Advisory Board shall submit its recommendation for approval or disapproval or approval with conditions, in writing, together with the minutes of the hearing, to the City Council. ~~Any such-conditions--shall-be--set-forth--in-an--agreement--which shall-be--signed--by-both--the--petitioner-and--a--designated member-of-the-Planning-Advisory-Board.~~

G. City Council Action:

(1) General: The recommendation of the Planning Advisory Board shall be placed on the Agenda for the next regular meeting of the City Council following receipt of said recommendation or as soon thereafter as may be practicable.

After considering the recommendation of the Planning Advisory Board, the City Council may approve or deny the petition, or approve the same with conditions. Conditions in addition to those recommended by the Planning Advisory Board may be imposed by the City Council; ~~and-the-petitioner-shall-execute-any--necessary supplemental-agreements-reflecting-such-conditions.~~

(2) Nonconformity Petitions: Action on nonconformity petitions may be taken by resolution adopted by a majority vote of the council members present without a public hearing by the City Council, but only after the petitioner has been given notice and an opportunity to be heard.

(3) Rezoned and Change in Text Petitions: Rezoned and change in text petitions shall be acted upon by ordinance.

(4) Vote Required: An ordinance changing the text of the zoning ordinance may be adopted by a majority vote of the council members present.

The affirmative vote of four (4) members of the City Council shall be required to approve an ordinance rezoning property.

Section 12 REZONE PETITIONS: MINIMUM LAND AREA REQUIREMENTS FOR REZONING; EXCEPTION THERETO; RECONSIDERATION OF REZONING PETITIONS:

A. ~~Change--of--Zone--Petition--Limitations~~ Minimum Land Area Required: Except where the proposal for the rezoning of property involves an extension of an existing district boundary, no change in the zoning classification of land shall be considered which involves less than forty thousand (40,000) square feet of area and two hundred (200) feet of street frontage, except for the "PS", Public Service, zone district in which the subject property may have a minimum lot area of thirty thousand (30,000) square feet and a minimum lot width of one hundred and fifty (150) feet.

B. Reconsideration of Rezoning Petitions: Whenever the City Council has denied a petition for the rezoning of property, the Planning Advisory Board shall not thereafter:

(1) Consider any further petition for the same rezoning of any part or all of the same property for a period of twelve (12) months from the date of such action.

(2) Consider a petition for any other kind of rezoning on any part or all of the same property for a period of six (6) months from the date of such action.

Section 12-1 13 AMENDMENTS-TO COMPREHENSIVE PLAN
AMENDMENTS

A. Local Government Comprehensive Planning Act: The procedure set forth in the "Local Government Comprehensive Planning Act of 1975" as amended from time to time shall be complied with in all respects for the adoption of amendments to the Comprehensive Plan of the City of Naples; and

B. Minimum Vote Required: The affirmative vote of four (4)

000140

members of the City Council shall be required to approve such amendments.

Section 14. GENERAL DEVELOPMENT AND SITE PLAN (GDSP) AND DEVELOPMENTS OF SIGNIFICANT IMPACT/REVIEW AND APPROVAL PROCESS

37. Development and Site Plan Review for Developments of Significant Impact:

A. Type of Development Requiring Review and Approval: All development within the City that occupies five (5) or more acres of land, including areas which are covered by water and/or mangrove areas, or that occupies, or is proposed to occupy, property that is zoned "HC", Highway Commercial, or "PD", Planned Development, but intended to accommodate "HC" uses, or "PD" but for which a specific development plan has not been approved, shall be presumed to cause a significant impact upon the city and shall require a general development and site plan (GDSP) review and approval in addition to the requirements stated elsewhere in the Code of Ordinances of the City of Naples, Florida.

B. Submittal: Initially, a GDSP is presented as a General Development and Site Plan (GDSP) generalized site plan which indicates the basic or general configuration of building masses, vehicular circulation ways and off-street parking areas, and landscaped open spaces, and is supported by preliminary information as to utilities, water management, traffic control facilities, and the like.

C. GDSP Approval Required before Issuance of Building Permit: No building permit shall be issued for a development of significant impact until a GDSP has been approved and until the final plans have been reviewed and approved as being in compliance with the approved GDSP.

(A) D. Purpose: The purpose of the GDSP review is:

- (1) To encourage logic, imagination, innovation and variety in the design process
- (2) To make certain that the proposed development is compatible with its surrounding area
- (3) To insure appropriate planning and to require the necessary improvements with respect to:
 - (a) Vehicular entry and exit drives
 - (b) On-site vehicular circulation
 - (c) Accessways for emergency and service vehicles

- (d) The impact of traffic generated by the project on traffic patterns and volumes on adjoining and nearby streets and the adequacy of such streets to accommodate such traffic
- (e) The adequacy of public utilities
- (f) The adequacy of buffers between the project and adjoining dissimilar uses
- (g) Off-site improvements necessitated by the traffic or other aspects of the proposed project

(B) E. Pre-application Conference: Applications for GDSP approval may be obtained at the Planning Department Division, City Hall. Prior to completion of the GDSP application, a pre-application conference should be held with the Planning Director ~~Director~~ Director of Community Development or his designated representative. The applicant is encouraged to submit a tentative land use sketch or schematic plan for review and to obtain information on any projected plans, programs or other matters that may affect the proposed development.

(e) F. Application and Exhibits for General Development and Site Plan (GDSP) Review: Completed applications shall be submitted to the Planning Department Division, along with the required fee and exhibits. The following exhibits shall be prepared by a registered surveyor, engineer, architect, professional land planner, landscape architect, economist or attorney as may be appropriate. All required plans or maps shall show the title of the project, name of the project planner or designer, scale, north arrow and date.

- (1) Proof of Ownership: Proof of ownership may consist of a copy of a deed, certificate of ownership from an abstract company, or other acceptable instrument
- (2) Letter of authorization: A letter of authorization officially submitting the proposal for approval, signed by the developer or his authorized representative. If submitted by other than the current owner of the property, the letter shall include or be accompanied by satisfactory evidence of the existence of a purchase or lease agreement or other instrument, so as to ensure that the current owner is in agreement with the development as proposed. In the event that the owner of the property in question does not represent himself at the necessary meeting, he must provide a letter which authorizes another person to do so.
- (3) Legal Description: A written legal description of the total site proposed for development. The legal description shall include the name, plat book and page number of any recorded subdivision comprising all or part of

000142¹¹²

the site. Where the site is not located in a recorded subdivision, the legal description shall be by metes and bounds.

+3-1+ (4) Covenants: A recitation of all covenants, both existing and proposed, to run with the land,

(5) "PD" Development Criteria: For properties to be developed under the "PD", Planned Development, provisions of this ordinance, and a statement of proposed development criteria and standards proposed--to must accompany the approved proposed development plan.

+4+ (6) Vicinity Map: A map labeled General Vicinity Map, drawn to scale, showing the relationship of the proposed development to the surrounding neighborhood within at least one mile.

+5+ (7) Existing Conditions Map: A map labeled Existing Conditions drawn to an appropriate scale showing present conditions, where applicable, of the proposed site and peripheral area within at least one hundred (100) feet of the property line; exact location of boundaries of the site, including city limit lines; streets, alleys and sidewalks, including rights-of-way and pavement widths of same; driveway approaches, curbs and gutters, utilities, structures, water bodies, important natural features; and location of all on-site trees protected by the applicable county or city protection ordinance.

+6+ (8) General Site Plan: A plan, labeled General Site Plan, drawn to the same scale as item (5) above, indicating the following generalized proposals:

- (a) The approximate location, size and height of all structures
- (b) Approximate location and arrangement of off-street vehicular parking areas including access aisles, parking stalls and truck loading and unloading spaces
- (c) Approximate location of landscaped or open space areas
- (d) A preliminary or generalized utilities and drainage plan

+6-1+(9) Typical architectural elevations

+7+ (10) Traffic Circulation Plan: A plan, labeled Traffic Circulation Plan, showing all proposed internal and external means of vehicular and pedestrian circulation, if any, with existing or proposed boundary streets and

sidewalks, acceleration and deceleration lanes, traffic control or channelization, the relationship between driveway cuts and median divider cross-over locations, if any, service and emergency vehicle accessways and the relationship of the above proposed structures. The above This plan may be combined with the General Site Plan.

- (8) (11) Additional Information: A written statement containing narrative or tabulations indicating the following:
 - (a) The name, address and telephone number of the land owner, project developer, surveyor, project representative, engineer, architect, designer, land planner, landscape architect, economist, attorney, and/or other professionals as may be appropriate
 - (b) For proposed residential and transient lodging facilities; planned land uses, a tabulation of net densities, gross acreage, number of dwelling units, and approximate acreage of open spaces and recreational areas
 - (c) For proposed non-residential uses; planned land uses, approximate gross and leasable square footage of floor area
 - (d) For all uses; tabulations of total gross acreage in the project and the per cent of site coverage by all buildings
 - (e) A statement as to the availability and adequacy of potable water, water pressure for fire fighting purposes, and sanitary sewer services
 - (f) A general statement covering the basic water management strategy to be employed
 - (g) A development schedule indicating the approximate date when construction of the project can be expected to begin and end and, if developed in stages, designation of estimated stages and time schedules
 - (h) For all plans; title of the project, name of the project planner or other professional, scale, north arrow, date of original drawings and date of any revisions
 - (i) Commonly owned and used areas, and the method by which they will be managed and maintained
 - (j) Areas, if any, proposed to be conveyed, dedicated,

or reserved for public or semi-public purposes

~~(9) Filing-fee-for-application-for-development-and-site-plan (DSP)-review-for-development-of-significant-impact-shall be-\$150.00,-plus-\$15.00--per-acre,-or-fraction--thereof, over-five-(5)-acres~~

(D) G. Procedure for Approval of General Development and Site Plan:

- (1) Staff Review: The planning staff shall review the application and required exhibits when ready and shall determine that the documents are adequate as to form and informational content. The Planning Community Development Director shall then review the GDSP with the Planning Advisory Board and appropriate City departments for their comments and shall prepare a report and recommendations to the Planning Advisory Board. At this point,-i
- (2) Planning Advisory Board (PAB) Review: The Director shall submit his report and recommendation to the PAB for their consideration.
- (3) PAB and Director Disagreement/Submittal to City Council: If the recommendation of the Planning Advisory Board disagrees with the intention of the Director to either approve or disapprove the GDSP, then the Director shall so inform the Board. The Planning Advisory Board and the Planning Director shall then submit, in writing, their individual recommendations to the City Council. Final authority to approve or disapprove the GDSP in this case shall rest with the City Council.
- (4) PAB and Director Agreement/Final Action: If,-however, subsequent to the review, comment, and discussion of the GDSP, and of such modifications as the developer may make to it, the Planning Advisory Board and the Planning Director are in agreement concerning the approval or disapproval of the GDSP, then the Director shall approve or disapprove the GDSP in-writing. If disapproved, the Director shall inform the developer,-in-writing, of the reason for the disapproval and the action necessary to procure approval.
- (5) City Council Review at Developer Request: If the GDSP is disapproved by the Director, and the developer declines to make the plan modifications recommended by the Director, the developer may petition the City Council for a review and determination of whether or not the correct decision was made, and, if not, for a corrected decision. If this event, City Council, after receiving copies of all GDSP exhibits, staff comments and recommendations, and a recommendation from the

Planning Advisory Board at a regularly scheduled meeting shall either affirm or overrule the decision of the Director and, if overruled, shall render a decision.

{E} H. Intermediate Stage Plans for Functional Components of a GDSP: After the approval of the General Development and Site Plan, it may be necessary for detailed plans of the functional components to be submitted to the appropriate city department for review and approval in advance of completion of all plans and application for building permits. In those cases where intermediate level functional plans are submitted to the City, the Planning Department Division shall review such plans to determine whether such plans agree with the approved GDSP. In the event of any substantial variation between an intermediate stage functional plan and an approved GDSP, the Planning Department Division shall notify the applicant that the plan is not in agreement with the approved GDSP and must be changed.

{F} I. Application for Final Approval, Building Permit and Certification of Zoning Compliance: Applications for building permits for all or part of an approved GDSP shall be submitted to the Building and Zoning Administrator, Official through the Planning Department Division. The Planning Director Division shall then review the final detailed plans and after reviewing the entire matter with the Planning Advisory Board, if necessary, determine whether or not said plans are in substantial compliance with the approved GDSP. In the event of substantial compliance, the Planning Director shall so certify to the Building and Zoning--Administrator Official who shall then process final plans in the usual manner.

In the event of noncompliance with the approved GDSP, the Planning Director Division shall advise the applicant, in writing, of the specific nature of the noncompliance and of the specific changes required to secure compliance. In the event final plans are found by the Planning Director Division not to be ~~not~~ in substantial compliance with the approved GDSP, and the developer declines to make the plan modifications recommended by the department, the developer may petition through the Planning Department Division for a review and determination of whether or not the correct decision was made. After receiving copies of the final plans, staff comments and recommendations and a recommendation from the Planning Advisory Board, the City Council shall, at a regularly scheduled meeting, either affirm or overrule the decision of the Planning Director, and if overruled, shall render a decision. If the Council decision is to affirm the decision of the Director, the reasons for disapproval and the plan modifications required to secure approval shall be set forth in writing.

(G) J. Status of Approved GDSP: Once approved, no further review of a GDSP shall be required, regardless of the number of development phases, unless the developer proposes to make significant changes to the approved GDSP. In the event of a significant change being made to an approved GDSP, a revised plan shall be submitted to the Planning ~~Director~~ Division and processed as if it were a new one.

(H) K. Exemptions from GDSP Requirements: The following exemptions may be made from GDSP requirements:

(1) Single-Family and Two-Family Dwellings: The lawful construction, alteration or occupancy of a single or two family dwelling on a lot on which there exists no other building or use are exempt from the DSP requirements of this ordinance, except where such use is proposed to be located in an area designated as "Conservation/Limited Development" in the City's adopted Comprehensive Plan.

~~(2) -- Alterations or additions to all detailed developments of significant impact approved after the effective date of this ordinance may be made without requiring further GDSP approval, provided that such work does not exceed ten (10) per cent of the gross floor area as approved.~~

~~----- (3) -- Alterations or additions to existing developments occupying five (5) or more acres of land that have not undergone the GDSP process may be made without requiring a GDSP approval, provided that such work does not exceed ten (10) per cent of the gross floor area of all buildings within the development. -- Exemptions from the above requirements do not authorize violation of any other provisions of the Code of Ordinances.~~

(2) Alterations or Additions to Existing Developments: Alterations or additions to existing developments that are defined by this ordinance as developments of significant impact may be approved administratively provided such work does not exceed ten (10) percent of the gross floor area of all buildings within the development.

Section 13 15 FEES; SCHEDULE OF PERMITS-AND PETITIONS AND REQUIRED FEES

Development and Site Plan Review.....	\$175.00 plus \$15 per acre or fraction thereof over 5 acres
Rezone Petition.....	250.00
Special-Exception <u>Conditional Use</u> petition.....	--50.00-for Increase---in fence-height
<u>(including an expansion or modification to a previously approved conditional use)</u>	175.00 all others
Non-conforming-Use-Expansion-petition.....	175.00
<u>Non-conformity Petition.....</u>	175.00
Variance Petition.....	175.00
Temporary Use Permit.....	15.00
<u>(A separate fee shall be charged for each initial application and for each request for an extension of time.)</u>	25.00
<u>Garage Sale Permits.....</u>	No fee
Administrative Appeal.....	100.00
Comprehensive Plan Amendment.....	250.00
<u>Preliminary Subdivision Plat.....</u>	200.00
<u>Final Subdivision Plat.....</u>	100.00

If more than one petition is filed at the same time and for the same property and project, ~~the full fee for each petition shall be charged;~~ the highest full petition fee and one half (1/2) the fee for each other petition shall be charged.

Section 14 16. DEFINITIONS

For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural, the singular; the word "structure" shall include the word "building". The word "shall" is mandatory, the word "may" is discretionary.

000148

- 0-1 1 ACCESS AISLE: An element of off-street vehicular use areas providing paved accessibility from the accessway to off-street parking or loading spaces or other vehicular use areas
- 1 2 ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure
- 1-1 3 ACCESSWAY: An element of off-street vehicular use areas comprising the paved area providing the entrance to and/or exit from the street right-of-way at the property line leading to the access aisle(s)
- 2 4 ALLEY: A recorded right-of-way which affords only secondary means of access to abutting property and which is not intended for general traffic circulation
- 2-1 5 BAKERY, RETAIL: A combination bakery and baked goods sales shop at which all of the baked goods produced are sold at retail on the premises
- 2-2 6 BALCONY: A platform enclosed by a parapet or railing that projects from the wall of a building and is not within the general outline or profile of the building
- 3 7 BOAT YARDS AND WAYS: A commercial marine facility which provides such facilities as are customary and necessary to provide complete construction, reconstruction, repair or maintenance, including lifting or launching services for all types of marine craft and equipment; in addition to such wet or dry storage as may be necessary for the repair activities. ~~Residential-use-of-regularly--moored watercraft-is-prohibited.~~
- 3-1 8 BREEZEFLOW: ~~--A-term-used-in-conjunction-with-apartments, condominiums, hotels,--motels--or-buildings--other--than single-family--dwellings-and--is--an-open--area running extending-over-or-through-the-subject-property,--from-the nearest-principal-street-or-highway-to-the-opposite--end of-the-lot-or-city-block,--over-which-no-construction--of any-kind-or--manner-may--be-placed--except-as--otherwise permitted--in--paragraph 33,--"Minimum--67--"Breezeflow Requirements",--of-Section-6-of-the-Zoning-Ordinance~~
- 4 8 BUILDING: Any structure having a roof and used or built for the shelter or enclosure of persons, animals or property of any kind
- 5 9 BUILDING HEIGHT: 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 and or to the mean

height between eaves and the ridge of a gable, hip and or gambrel roofs

- 6 10 CHILD CARE CENTER: An enterprise involving the care of three or more children at one and the same time, either by day or night, which children are not foster children or related by blood or marriage to the operator
- 7 11 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
- 8 12 COCKTAIL LOUNGE: An establishment which is licensed to sell intoxicating liquors by the drink
- 9 13 COMMERCIAL FISHERY: A commercial establishment for the receiving, processing, packaging, storage and wholesale or retail distribution and sale of products of the sea. Such an establishment may include facilities for the docking, loading, unloading, fueling, icing and provisioning of vessels and for the drying, maintenance and storage of equipment
- 9-1 14 COMMERCIAL VEHICLE: Any vehicle designed, intended or used for transportation of people, goods or things, other than private passenger vehicles and private trailers, used for non-profit transportation of goods and boats
- 10 15 COOKING FACILITIES: Any appliance or manufactured unit (i.e., "pullman kitchen" unit) used for the preparation of food ~~shall-be-considered-cooking-facilities-~~
- 10-2 16 DEPARTMENT STORE: A retail establishment occupying a minimum of 60,000 square feet of gross leasable area, offering a wide variety of merchandise and services, and organized into departments according to the kinds of goods sold
- 11 17 DRIVE-IN BUSINESS: Any place of business or premise which serves, sells or otherwise makes available its services or products to patrons situated in automobiles
- 12 18 DRIVEWAY: The paved area leading from the edge of a street pavement to the accessway at the property line

- 15 19 DWELLING DISTRICT: A "dwelling district" as used herein shall refer specifically to districts "R1-E", "R1-15", "R1-10", "R1-7.5", "R3-12", "R3T-12", "R3-15", "R3T-18", and "R3-18" and ~~residential--areas--of--approved--"PD" development-plans-~~ "PD" zoned property designated for a residential use.
- 14 20 DWELLING UNIT: An assemblage of rooms or spaces that could provide living accommodations for a single family whether in a single-family residence, a residence in a multi-family residential building or a single-family living unit in a transient lodging facility
- 15-1 21 ENTERTAINMENT, STAGED: An accessory use in conjunction with a restaurant, cocktail lounge or other similar establishment, or a principal use, wherein floor shows or other forms of entertainment are provided. Solo entertainment is excepted from this definition.
- 16 22 FALLOUT SHELTER: A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms or other emergencies
- 17 23 FAMILY: An individual or two or more persons related by blood, marriage, law, or legal adoption--or not more than four persons not so related--living together as a single housekeeping unit in a dwelling unit. Foster children and domestic servants employed on the premises shall be considered as "related by blood, marriage, law or legal adoption."
- 18 24 FLOOR AREA AND GROSS FLOOR AREA: Floor area and gross floor area shall be determined by measuring the outside wall dimensions of all enclosed floor area under roof, excluding basements, uninhabited attics, garages, carports and screen covered enclosed areas.
- 19 25 GASOLINE SERVICE STATION: A place of business at which the principal service is the retail sale of gasoline
- 19-1 26 GATE HOUSE: An accessory, nonresidential building or structure which is utilized by a security guard or gatekeeper for the exclusive purpose of controlling access to a parcel of property
- 19-2 27 GROCERY STORE: Establishments dispensing food of any kind, other than bakeries, for consumption off the premises; and having a gross floor area of 1,500 square feet or more
- 19-3 28 GROSS LEASABLE AREA: The total floor area designed for tenant occupancy and exclusive use, including mezzanines, and upper floors, if any, expressed in

square feet measured from center lines of joint partitions and exteriors of outside walls

20 29 GUEST HOUSE: An accessory dwelling unit which is incorporated in, attached to or detached from a principal dwelling, and which is used exclusively by occupants of the principal dwelling and/or for the non-commercial accommodation of persons visiting the occupants of the principal dwelling

21 30 HOME OCCUPATION: An occupation carried on as a secondary use in a residence by the occupant of a residential dwelling unit. The use of a telephone in a residence for business purposes is not considered a home occupation.

21-1 31 KITCHEN: A portion of a building used or that could be used for the preparation of meals food and, for the purpose of this ordinance, shall include cooking facilities, and may include a sink, food refrigeration and preparation facilities, food and utensil storage and dining facilities. Any and all of the above features and related improvements (i.e., wiring, plumbing and the like) shall be removed when a kitchen has been determined by the Zoning Administrator to have been installed in violation of this ordinance.

22 32 LOT: ~~As-used-in--this-ordinance,-~~ a A lot is a lawful building site. Such building site may consist of all portions or combinations or land parcels described by metes and bounds or lots as shown on a subdivision plat.

22-1 33 LOT AREA: The total area, measured in a horizontal plane, within the lot lines of a lot

10 34 ~~LOT COVERAGE~~ ~~COVERAGE-OF-LOT-BY-ALL-BUILDINGS~~: 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 zoning regulations. Fences, 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:

- (a) Balconies and means of egress project more than six (6) feet from the building wall of any floor;
- (b) 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.

- 22-2 35 LOT DEPTH: The horizontal distance between the rear lot line, or the narrowest front lot line in the case of lots with two frontages, or the intersection of the side lot lines, and the midpoint of the front lot line, measured back from said midpoint in the mean direction of the side lot lines; also the line so described
- 22-3 36 LOT LINE: The lines bounding a lot as herein defined
- 23 37 LOT OF RECORD: A lot which is part of a platted subdivision or a parcel or land recorded in a Collier County Deed Book or Official Record Book
- 23-1 38 LOT WIDTH: The horizontal distance between the side lot lines, or between the side lot line and the longest front lot line, measured at right angles to the lot depth at a point midway between the front and rear or narrowest front lot line
- 24 39 MARINA: An establishment with a waterfront location designed to service all sizes of watercraft. A marina may include such activities as refueling and lubrication of watercraft, covered or uncovered boat slips or dock space, dry storage of watercraft, charter and sight-seeing boat dockage, boat and boat motor sales or rentals, outfitting, maintenance and repair, including haul-out facilities, boat launching, retail sale of boating or fishing supplies and accessories, restaurants or refreshment facilities, laundry facilities or other customary accessory facilities. No dredge, barge or other work boat dockage is permitted, and no boat manufacturing or major reconstruction is permitted.
- 26 40 MOBILE HOME: A single family dwelling designed for transportation after fabrication on streets and highways on its own wheels or a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like
- 27 41 MOBILE HOME PARK: An area designed, constructed, equipped, operated or maintained for the purpose of providing spaces for two or more mobile homes, intended to be used as temporary or permanent living facilities
- 25 42 MODEL HOME: A residential structure used for demonstration purposes, not occupied as a dwelling unit and open to the public for inspection

- 28 43 MULTI-FAMILY: Two or more families
- 29 44 NON-CONFORMITY: A lot, structure, or use of land, or any combination thereof, which was lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance
- 30 45 NURSERY SCHOOL: Any structure, lot or premise where a commercial or institutional establishment is maintained or operated temporarily or permanently for the training and/or care (other than medical care) of pre-school age children
- 31 46 NURSING OR REST OR GROUP HOME: A home, institution, building or residence, public or private, whether operated for profit or not, which provides accommodations, maintenance, personal care or nursing for a period exceeding 24 hours to three or more ill, physically infirm or aged persons or others in need of physical or mental rehabilitation, who are not related by blood or marriage to the operator
- 32 47 OFFICE: A business facility in which business administration, business service, and business transactions occur, but in which there is no on-premise display or sale of on-premises merchandise
- 32-1 48 ORNAMENTAL BUFFER: Ornamental buffers shall be a minimum of 6 feet high and shall be composed of structural and/or plant materials. Within one year of installation, and at all times thereafter, ornamental buffers shall be at least 75% opaque and shall be maintained in a neat, attractive condition.
- 33 49 PRINCIPAL BUILDING: A building which houses the main use or activity occurring on a lot or parcel of ground
- 34 50 PRIVATE CLUB: A property owned or leased and operated by a group or an association of persons and maintained and operated solely by-and for the members of such a group or association and their guests, and which is not available for unrestricted public access or use and which is not operated for profit
- 43 51 DUE PUBLIC NOTICE: At least fifteen (15) days' public notice, published one time in a newspaper of general circulation in the City of Naples, which states the date, place, time and nature of the business with which the notice is concerned
- 35 52 PUBLIC UTILITY: Any publicly owned or publicly regulated facility for rendering electricity, gas, communications, transportation, water supply, sewage

000154

disposal, drainage, garbage or refuse disposal and or fire protection to the general public

36 53 RESIDENCE: A single-family dwelling or dwelling unit in a multi-family complex, which contains sleeping, bathroom, food-refrigeration, -cooking-and-dining and kitchen facilities

36-1 54 RESTAURANT: An establishment where meals or prepared foods, including beverages are served to customers.

Establishments dispensing foods of any kind solely for consumption off the premises, and having a gross floor area of less than 1,500 square feet shall be considered as retail sales establishments and not restaurants.

Restaurants are hereby classified and further defined into three (3) categories:

- (1) Restaurant, conventional - consisting of customer seating at tables, booths or counter stools, indoors or outdoors and providing no service to persons at walk-up windows and/or counters or in motor vehicles, but shall include cafeterias
- (2) Restaurant, carry-out and drive-up - specializing in short order foods and beverages, including the preparation of food to be taken out and consumed off the premises; may be ~~total~~ entirely a counter stool type operation, or with any combination of counter stool and/or tables and booths; and no service provided to persons in a motor vehicle except for establishments dispensing foods from drive-up or walk-up windows and/or counters for consumption either on or off the premises are permitted under this classification.
- (3) Restaurant, drive-in - any restaurant serving food and/or beverages to persons in motor vehicles to be consumed on the premises

37 55 SHOPPING CENTER: A group of commercial establishments planned and developed as a unit, having a minimum lot area of three (3) acres, with common off-street parking provided on the property

38 56 SHORELINE: A straight or smoothly curving line which, on tidal waters, follows the general configuration of the mean high water line (1.09 feet above mean sea level, or as determined by U. S. Coast and Geodetic Survey datum); and which, on non-tidal waters is determined by the annual average water level. Small boat slips and other minor indentions shall be construed as lying landward of the shoreline and are considered

upland when measuring required yards or computing the lot area of waterfront property.

38-1 57 STAGED ENTERTAINMENT: An accessory use in conjunction with a restaurant, cocktail lounge or other similar establishment, or a principal use, wherein floor shows or other forms of entertainment are provided. Solo entertainment is excepted from this definition.

39 58 STORAGE GARAGE: A building or portion thereof designed or used exclusively for term storage of motor driven vehicles, and at which motor fuels or oils are not sold and motor driven vehicles are not equipped, repaired, hired or sold.

40 59 STORY: That portion of a building included between a floor ~~which is calculated as part of a building's "floor area"~~ and the floor or roof next above it, (See definition 1825-) including a loft area, carport, or garage. If any part of a building is two story, the entire building is considered two story.

~~Carports and garages shall be considered to be a story in all "R1", single family districts and in such "R3-12" and "R3F-12" multi-family districts and such "PB" districts, designated for residential or transient lodging development, that adjoin or are situated perpendicularly across the street from any "R1" zoned property, in any case, carports and garages shall only be considered to be a story where located in whole or in part above the minimum flood elevation.~~

41 60 STREET: A public or private thoroughfare which affords the principal means of access to abutting property

42 61 STRUCTURE: Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground

42-1 62 TIME SHARE LODGING: A use of a dwelling unit or units under an arrangement or plan whereby the use of the unit has been segmented over time so that the owners, lessees or holders (regardless of the form of ownership or form in which the right to use is expressed) of such dwelling units have a periodically recurring exclusive right to use of either that unit or another unit in the same development, according to a pre-determined fixed schedule, and only if the schedule would permit in any one year a change or turnover of occupancy five or more times. In time share lodging facilities, each unit may contain living and sleeping accommodations, sanitary facilities and kitchen or cooking facilities.

000156

For the purposes of this ordinance, time share lodging, interval ownership, interval occupancy, and similar uses shall be construed to be the same.

The City Council finds that time share lodging is distinguished from transient lodging in that:

- (1) Occupancy is usually for weekly periods of time or longer.
- (2) The units are not primarily intended for rent to the public.
- (3) The units are usually larger in size than traditional hotel or motel units, and may be subject to a greater intensity of human occupancy.
- (4) The facility is normally subject to a higher occupancy rate.
- (5) Each unit typically includes complete living, sleeping, cooking and sanitation facilities.
- (6) The facility and neighboring properties are subject to unique impacts as a result of marketing activities.
- (7) The management characteristics have the potential of being substantially different from those of transient lodging facilities.
- (8) Ownership is diffused rather than concentrated.
- (9) Occupancy is not intended for the overnight tourist or traveler.
- (10) Recreation facilities are usually more extensive and used more intensely.

The above distinguishing features are not intended to be all inclusive.

43 63 **TRANSIENT LODGING FACILITY:** A hotel, motel, motor lodge, tourist court, or similar building or group of buildings in which sleep accommodations and sanitary facilities are offered to the public and intended for rental to transients with daily, weekly, or seasonal charge. A transient lodging facility is distinguished from multi-family dwellings (apartments) where rentals are for periods of a month or longer and occupancy is by residents rather than transients.

44 64 **YARDS:**

A. Front, rear and side yards identified:

- (1) A yard which abuts a street or the gulf is a front yard.
- (2) All navigable waterfront yards other than gulf front are rear yards.
- (3) All yards which abut an alley and are parallel to the front yard are rear yards. In the event of lots which have more than one alley abutting it, the Zoning Administrator shall determine which yard shall be the rear and side yards.
- (4) Rear yards, other than above, occur only in the interior of a block and are parallel or nearly parallel to the front yard.
- (5) Yards other than above which are perpendicular or nearly perpendicular to a front yard are side yards.

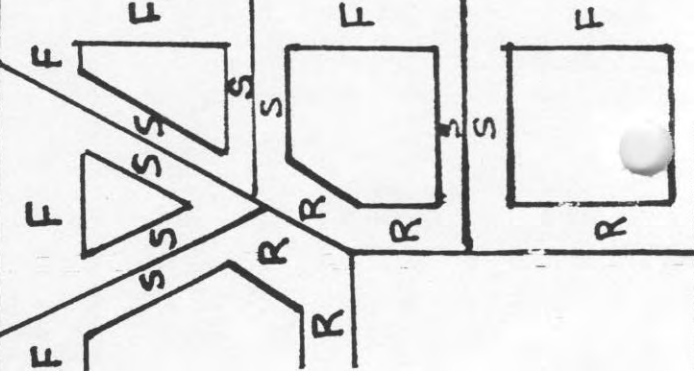
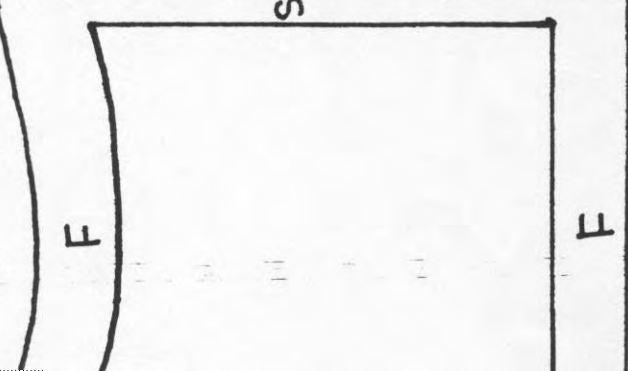
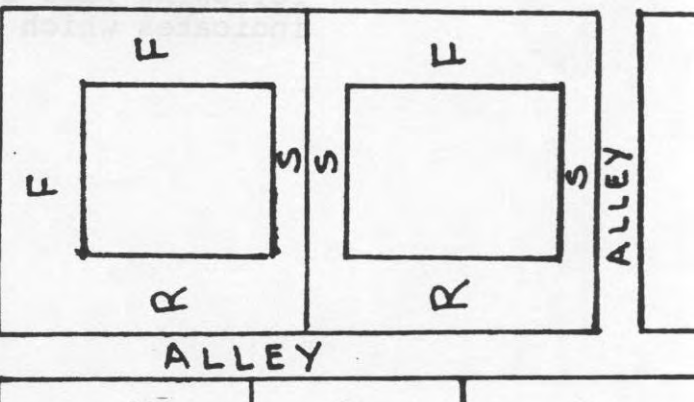
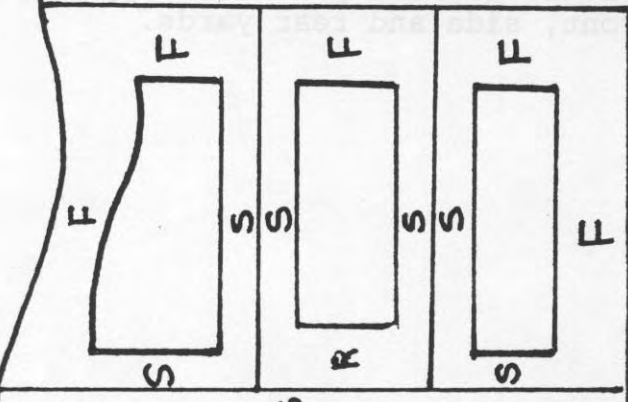
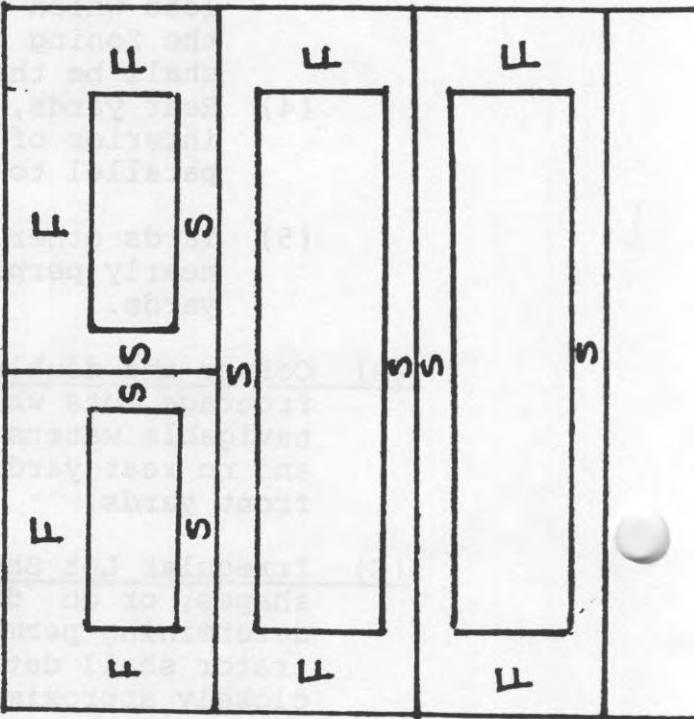
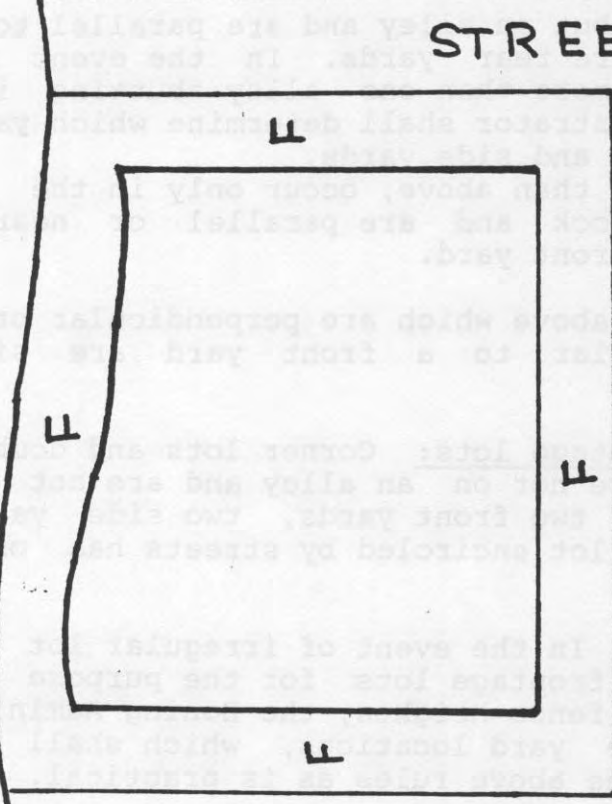
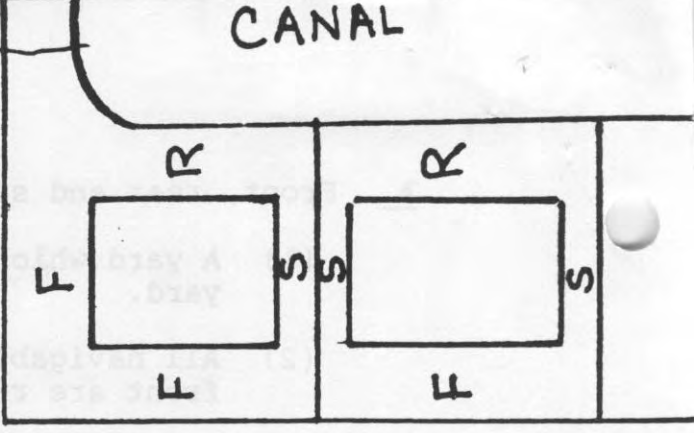
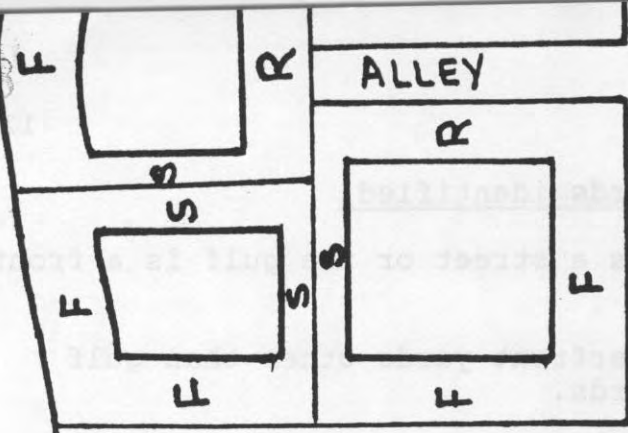
(B) Corner and double frontage lots: Corner lots and double frontage lots which are not on an alley and are not on navigable waters have two front yards, two side yards and no rear yards. A lot encircled by streets has only front yards.

(C) Irregular Lot Shapes: In the event of irregular lot shapes, or on double frontage lots for the purpose of determining permitted fence heights, the Zoning Administrator shall determine yard locations, which shall as closely approximate the above rules as is practical.

(D) Sketch Identifying Typical Yards: The sketch on the following page illustrates a variety of lot types and indicates which are front, side and rear yards.

000158
128

GULF



STREET

STREET

STREET

ALLEY

ALLEY

Section 15 17 LEGAL PROVISIONS

- A. Repeal of Previous Zoning Ordinances: Zoning ordinances and amendments thereto adopted heretofore are hereby repealed.
- B. Pending Prosecution: In the event that there are unremedied violations of any zoning ordinances repealed by this ordinance, which unremedied violations are also a violation of this ordinance, the City Council shall have the same rights and remedies as if the repealed ordinance were still in effect.
- C. Saving Clause: Should any section or provision of this ordinance or application of a provision under this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof, other than the part or application so declared to be unconstitutional or invalid.

Section 16 18 EFFECTIVE DATE

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

APPROVED AT FIRST READING THIS ~~17-DAY-OF-JANUARY~~, 1979

_____ DAY OF _____, 19__.

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 ~~-7--DAY-OF--February--7-~~ 1979.

_____ DAY OF _____, 19__.

Mayor

ATTEST:

Janet Davis Cason
City Clerk

APPROVED AS TO FORM AND LEGALITY BY David W. Rynders
David W. Rynders, City Attorney

AN ORDINANCE AMENDING SECTIONS 5.12H, 5.13H, 5.14H, 5.15H, 5.16G AND 5.9H OF APPENDIX A - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES LIMITING THE BUILDING CONSTRUCTION HEIGHTS IN ZONING DISTRICTS "C2," "C2A," "C3," "C4," "I," AND "HC"; AND PROVIDING AN EFFECTIVE DATE.

PURPOSE: TO RESTRICT THE HEIGHT OF BUILDING CONSTRUCTION IN ZONING DISTRICTS "C2," "C2A," "C3," "C4," "I," AND "HC".

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

SECTION 1. That the following sections relating to maximum building heights in the "C2," "C2A," "C3," "C4," "I," and "HC" zone districts are hereby revised to read as follows:

SECTION 5.12H. Notwithstanding the provisions of Section 14-5, the maximum height shall be limited and measured as follows: Three (3) stories up to a maximum height of 35 feet, 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.

SECTION 5.13H. Notwithstanding the provisions of Section 14-5, the maximum height shall be limited and measured as follows: Three (3) stories up to a maximum height of 35 feet, 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; except that boat storage buildings in this district shall be limited to a maximum height of 40 feet, measured vertically from the established 100 year flood elevation to the eave of the building. In the C2A district north of U.S. 41, all property is limited to a maximum height of 35 feet, measured vertically from the established 100 year flood elevation to the top of the highest structure.

SECTION 5.14H. Notwithstanding the provisions of Section 14-5, the maximum height shall be limited and measured as follows: Three (3) stories up to a maximum height of 35 feet, measured vertically from the established 100 year flood elevation to the ceiling of the highest story plus

000163

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.

SECTION 5.15H. Notwithstanding the provisions of Section 14-5, the maximum height shall be limited and measured as follows: Three (3) stories up to a maximum height of 35 feet, 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, with the exception of the control tower at the airport, which shall not be limited by this ordinance.

SECTION 5.16G. Notwithstanding the provisions of Section 14-5, the maximum height shall be limited and measured as follows: Three (3) stories up to a maximum height of 35 feet, 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.

SECTION 5.9H. Maximum Height: Maximum building height shall be as limited in accordance with the following schedule:

Building Height	Min. Lot Area	Min. Lot Width	Min. Building Setback
36 feet to 40 feet	40,000 sq.ft.	150 ft.	<p><u>Front</u> - 20 feet, plus 1 foot for each foot of building height over 35 feet.</p> <p><u>Side</u> - 10 feet, plus 1 foot for each foot of building height over 35 feet.</p> <p><u>Rear</u> - 25 feet, plus 1 foot for each foot of building height over 35 feet</p>
41 feet to 45 feet	50,000 sq.ft.	150 ft.	same as above

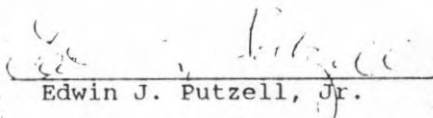
000165

46 feet to 50 feet 60,000 sq.ft. 150 ft. same as above

SECTION 2. This ordinance shall take effect immediately upon adoption at second reading.

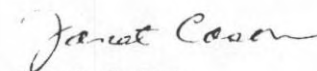
APPROVED AT FIRST READING THIS 18TH DAY OF JUNE, 1986.

PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND SPECIAL SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 1ST DAY OF JULY, 1986.

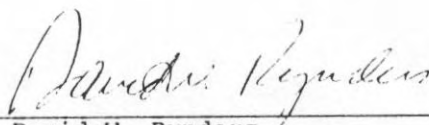


Edwin J. Putzell, Jr. Mayor

ATTEST:


Janet Cason
City Clerk

APPROVED AS TO FORM AND LEGALITY BY



David W. Rynders
City Attorney

