

**ORDINANCE 2023-**

**AN ORDINANCE FOR THE PURPOSE OF AMENDING THE SETBACK AND LANDSCAPING REGULATIONS IN FRONT YARDS AND AMENDING THE AUTHORIZED STREET TREES AS SET FORTH IN THE DESIGNATED STREET TREE PROGRAM AND THE NAPLES URBAN FOREST PLAN; ADDING A NEW SUBSECTION (1)(e) TO SECTION 58-909, BUILDING PLACEMENT; ADDING A NEW SUBSECTION (1)(e) TO SECTION 58-912, STANDARDS FOR BUILDING DESIGN; AMENDING SUBPARAGRAPH (8)b. OF SECTION 58-915, PARKING FACILITIES GENERALLY, LANDSCAPING, OF DIVISION 30, D DOWNTOWN DISTRICT, OF CHAPTER 58, ZONING, ARTICLE II, ZONING DISTRICTS, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, at the December 5, 2023 City Council meeting, City Council approved Resolution 2022-14986 adopting changes to the City of Naples Designated Street Tree Program; and

**WHEREAS**, Chapter 58, Article II, Division 30 of the Code of Ordinances provides specific provisions for lands within the D Downtown District; and

**WHEREAS** following an advertised public hearing on February 17, 2023 the Planning Advisory Board considered the public input, staff recommendations, and criteria in the Code of Ordinances and recommended by a vote of 6 to 0 that Text Amendment 23-T5 be APPROVED; and

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

**Section 1.** That a new Subsection (1)(e) is hereby added to Section 58-909, Building Placement, of Division 30, Downtown District of Article II, Zoning Districts of Chapter 58, Zoning of the Code of Ordinances of the City of Naples, which shall read as follows (with underlining indicating additions and ~~strike through~~ indicating deletions):

**Chapter 58 – ZONING**

...

**ARTICLE II. – ZONING DISTRICTS**

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**DIVISION 30. – D DOWNTOWN DISTRICT**

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### **Sec. 58-909. Building placement.**

See Diagram 1 for setback zones.

(1) *Front yard.*

- a. *Setback zone A:* 20 feet minimum, 30 feet maximum, measured from property line. The first ten feet of the setback zone shall contain landscaping only, and shall contain trees as specified in subsection 58-915(b)(8). The existing public sidewalk shall be removed at the time of redevelopment, and the area between the property line and the curbline shall be landscaped in accordance with the city's streetscape master plan.
- b. *Setback zone B:* Build-to line ten feet from property line.
- c. *Setback zone C:* Ten-foot minimum; 20-foot maximum measured from the property line. The first five feet of the setback zone shall contain landscaping only, and shall contain trees as specified in subsection 58-915(b)(8). Pedestrian hardscape may be placed within the remaining setback area.
- d. *Setback zone D:* Ten-foot minimum; 25-foot maximum.
- e. The sidewalk locations and landscaping areas identified above apply unless the property is located on a street that has been improved as a unified streetscape by the City. Areas that would otherwise be required for sidewalks shall contain landscaping only with the provision for access.
- e.(f) *Setback zone G:* As required by the Goodlette Road corridor management standards found in sections 58-1041 through 58-1051.

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### **Section 2.**

That a new Subsection (1)(e) is hereby added to Section 58-912, Standards for Building Design, of Division 30, D Downtown District, of Article II, Zoning Districts of Chapter 58, Zoning of the Code of Ordinances of the City of Naples, which shall read as follows (with underlining indicating additions and ~~striking through~~ indicating deletions):

## **Chapter 58 – ZONING**

...

### **ARTICLE II. – ZONING DISTRICTS**

...

### **DIVISION 30. – D DOWNTOWN DISTRICT**

#### **Sec. 58-912. Standards for building design.**

Buildings shall have architectural features and patterns that provide visual interest from the perspective of the pedestrian, reduce massing, recognize local character, and

are site responsive. Facades shall be designed to reduce the mass, scale and uniform monolithic appearance of large unadorned walls, while providing visual interest that will be consistent with the community's identity and character through the use of detail and scale.

(1) *Build-to line requirements.* The following requirements shall apply within each setback zone:

- a. In setback zone A, 100 percent of the lot frontage at the first floor level, except for the required setback areas and building entry or access conditions, must be addressed either by building facade or referenced by use of porticos, arcades, or decorative walls to a minimum height of the first story. A minimum of  $\frac{1}{3}$  of the length must be building facade. The public sidewalk shall be placed on private property within an easement dedicated to the city, in a form provided by the city, and shall be a minimum of eight feet wide, located within the zone between ten feet and 20 feet from the property line. The area between the edge of the sidewalk and the building face shall be either widened sidewalk in matching pavement, or landscaped. No part of porches, stoops, or elevated terraces projecting beyond the building face shall project beyond the setback line. Refer to Diagram 2.
- b. In setback zone B, 100 percent of the lot frontage at the first floor level, except for the required setback areas and building entry or access conditions, must be addressed either by building facade or referenced by use of porticos, arcades, or decorative walls to a minimum height of the first story. The public sidewalk shall be placed on private property within an easement dedicated to the city, in a form provided by the city, and shall occupy the entire ten feet of required setback. Arcades, awnings or overhangs may shelter the sidewalk. Columns may support these elements so long as they provide a minimum passage width of eight feet. Refer to Diagram 3.
- c. In setback zone C, no part of porches, stoops, or elevated terraces projecting beyond the building face shall project beyond the setback line. Refer to Diagram 4.
- d. In setback zone D, the sidewalk shall be located in the public right-of-way, abutting the property line in accordance with the city's streetscape master plan. At least 70 percent of the area between the property line and the building face shall be landscaped. Refer to Diagram 5.
- e. The sidewalk locations and landscaping areas identified above apply unless the property is located on a street that has been improved as a unified streetscape by the City. Areas that would otherwise be required for sidewalks shall contain landscaping only with the provision for access.
- e.(f) Standards for paving materials shall be recommended by the committee and shall be approved by council.

~~f.(g)~~ Second and third floor: 60 percent maximum of the building's facade length may be on the build-to line.

~~g.(h)~~ The minimum facade step-back that constitutes a break from the build-to line is eight feet. Any facade run that steps back less than eight feet from the build-to line shall be considered as on the build-to line for the percentage calculations listed above. Exception: For properties with less than 50 feet of frontage, at least four of the following design features may be incorporated to qualify for the facade step-back:

1. Recessed porches;
2. Balconies with ornamental railing;
3. Pilasters;
4. Character line, such as a molding detail between stucco, to distinguish a break;
5. Raised cornice parapets over doors;
6. Peaked roof forms;
7. Shutters surrounding windows and doors;
8. Ornamental and structural architectural details, other than cornices, which are integrated into the building structure and overall design;
9. Quoins on the corners of the building;
10. Decorative light fixtures;
11. Decorative landscape planters or planting areas, a minimum of five feet in width;
12. Any other architectural detail approved by the committee.

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**Section 3.** That a Subsection (8)b. of Section 58-915, Parking facilities generally, landscaping, of Division 30, D Downtown District, of Article II, Zoning Districts of Chapter 58, Zoning of the Code of Ordinances of the City of Naples, which shall read as follows (with underlining indicating additions and ~~strike through~~ indicating deletions):

## **Chapter 58 – ZONING**

...

### **ARTICLE II. – ZONING DISTRICTS**

...

#### **DIVISION 30. – D DOWNTOWN DISTRICT**

##### **Sec. 58-915. Parking facilities generally; landscaping.**

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- (8) *Landscaping of front yards.* Refer to sections 58-909 and 58-912. Trees required in setback areas adjacent to streets as required setback zones are as follows:

. . .

b. *Authorized trees.* The following trees are authorized for the following areas:

1. U.S. 41: Live oak (*Quercus virginiana*). However, royal palm (*Roystonea leata*) may be substituted for live oak to accentuate building main entranceways, for up to 30 percent of the total trees required under this provision.
2. 10th Street: ~~Royal palm (*Roystonea leata*)~~. Consistent with City's implemented Street Design.
3. Central Avenue: ~~Black olive (*Bucida buceras* "Shady Lady")~~. Consistent with City's implemented Street Design.
4. 8th Street: ~~Mahogany (*Roystonea leata*)~~. Consistent with City's implemented Street Design.
5. 6th Avenue North: Hong Kong orchid (*Bauhinia blakeana*); from 10<sup>th</sup> Street North to Dead End: Sabal palm (*Sabal palmetto*).
6. 5th Avenue North: ~~Mahogany~~ Royal palm (*Roystonea leata* regia).
7. 4th Avenue North: Golden rain tree (*Koelreuteria elegans*).
8. 2nd Avenue North: Silver trumpet tree (*Tabebuia caraiba*).
9. 1st Avenue South: ~~Mahogany~~ Royal palm (*Roystonea leata* regia).
10. 12th Street: ~~Mahogany~~ Royal palm (*Roystonea leata* regia).

**Section 4.** That if any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional, invalid, or ineffective, the same will not affect the validity of any remaining portions of this ordinance. In such event, the pre-existing word, phrase, clause, subsection, or section, will be revived.

**Section 5.** That all sections or parts of sections of the Code of Ordinances, City of Naples, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 6.** That this ordinance shall take effect immediately upon adoption at second reading.

**APPROVED AT FIRST READING AND PUBLIC HEARING THIS 22<sup>ND</sup> DAY OF MARCH, 2023.**

**SCHEDULED FOR SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

Attest:

\_\_\_\_\_  
Patricia L. Rambosk, City Clerk

\_\_\_\_\_  
Teresa Lee Heitmann, Mayor

Approved as to form and legality:

/s/ Ralf Brookes, Esq.

Vose Law Firm, City Attorney

Date filed with City Clerk: \_\_\_\_\_