

ORDINANCE 2024-

AN ORDINANCE FOR THE PURPOSE OF AMENDING REGULATIONS RELATING TO THE MAXIMUM HEIGHT OF DECKS FOR PROPERTIES CONTAINING THREE FRONT YARDS WITHOUT A PLATTED WATERFRONT BUILDING LINE IN THE R1-15A, RESIDENCE DISTRICT; AMENDING SECTION 58-116(5), ENCROACHMENTS, DIVISION 4, R1-15A RESIDENCE DISTRICT, CHAPTER 58, ZONING, OF THE CITY OF NAPLES CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 58, Division 4, Section 58-116(5) of the Code of Ordinances provides regulations related to allowable encroachments into required yards in the R1-15A Residence District; and

WHEREAS, the Planning Advisory Board, serving as the local planning agency and following an advertised public hearing on January 10, 2024, considered the public input, the recommendation of staff, and recommended by a vote of 5 to 2 that Text Amendment 24-T3 be approved finding that changes proposed are consistent with the Comprehensive Plan; and

WHEREAS, an advertisement of the public hearing for adoption of the proposed ordinance was published in the Naples Daily News on the 23rd day of February, 2024 as required by Section 166.041, Florida Statutes and the City of Naples Code of Ordinances; and

WHEREAS, a Business Impact Statement was not prepared and posted on the City's website since the ordinance is exempt from the requirement of Section 166.041(4), Florida Statutes, because it is an Ordinance amending pool and pool deck height for single family properties containing three front yards without a platted waterfront building line in the R1-15A district; and

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

Section 1. That Section 58-116(5), of Division 4, Design Review Board, of Article V, Boards, Commissions and Committees, of Chapter 2, Administration, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows (with underlining indicating additions and ~~strikethrough~~ indicating deletions):

- (5) *Encroachments*. No encroachments other than those listed below shall be permitted.

- a. Cornices, overhangs, awnings, eaves, gutters, trellises, pergolas, arched arbors, and other elements as listed in section 56-54 shall not be permitted to encroach into any side or rear yard setback, or extend beyond any platted building line, in the R1-15A zoning district.
- b. Structures less than 36 inches in height, as measured from the crown of the road shall not be considered as encroachments, except that under no circumstances shall air conditioning, pool mechanical equipment or generators encroach into any required setback area- , provided, however, that,
- c. Notwithstanding subsection b. above, on lawful building sites which contain three front yards but do not contain a platted waterfront building line, unscreened and unroofed decks, with or without pools, are permitted to extend into required primary structure rear yards and side yards provided that these decks must not exceed a height of 30 inches above the crown of the road with an additional six inches of height for every 12 inches of horizontal distance from either the side or rear property lines, whichever is closer, up to a maximum of the height of the minimum finished floor height or six feet above the crown of the road, whichever is greater. The minimum finished floor height is determined by the requirements of FEMA and the Florida Building Code. Pool and spa coping may extend up to one foot vertically above the deck. Safety railings may project above the pool deck the minimum necessary to meet the Florida Building Code requirements for safety railings.
- d. Crown of the road is defined as the height measurement of the road adjacent to the property. If the road slopes the length of the property the average of the highest and lowest crown elevations shall be used as the base point.

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Section 2. 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 3. 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 4. That this ordinance shall take effect immediately upon adoption at

second reading.

APPROVED AT FIRST READING AND PUBLIC HEARING THIS 7TH DAY OF FEBRUARY, 2024.

SCHEDULED FOR SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THE 4TH DAY OF MARCH, 2024.

Attest:

Patricia L. Rambosk, City Clerk

Teresa Lee Heitmann, Mayor

Approved as to form and legality:

/s/ Ralf Brookes, Esq.
Ralf Brookes, Interim City Attorney

Date filed with City Clerk:_____