First Reading
Agenda Item
Meeting of 6/1/2022

ORDINANCE 2022-

AN ORDINANCE RELATING TO BUILDING HEIGHTS; PROVIDING FOR LEGISLATIVE INTENT; FOR THE PURPOSE OF AMENDING CHAPTER 44, GENERAL PROVISIONS, SECTION 44-8, DEFINITIONS; PURSUANT TO TEXT AMENDMENT 22-T2; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 16, 2021, via Ordinance 2021-14664, City Council added a definition of *Commercial zoning districts and/or commercial zoning district* to Section 44-8 of the Code of Ordinances; and

WHEREAS, during the March 2, 2022 City Council meeting a consensus was reached to amend that definition with First Reading of the ordinance to occur on March 23, 2022; and

WHEREAS, during the March 23, 2022 City Council meeting the ordinance was rescheduled to April 6, 2022 due to time constraints pursuant to City Council direction for First Reading; and

WHEREAS, during the April 6, 2022 City Council meeting the ordinance was continued to a time and date uncertain; and

WHEREAS, during the April 19, 2022 City Council meeting consensus was reached to schedule First Reading of the ordinance in June.

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

Section 1. That the above "Whereas" clauses are adopted into this ordinance as if they were fully set forth herein and the content of such clauses represents the legislative intent of this ordinance.

Section 2. That Section 44-8 of the Code of Ordinances, City of Naples, is hereby amended to read as follows (with <u>underlining</u> indicating additions and ~~strikethrough~~ indicating deletions):

Chapter 44 – GENERAL PROVISIONS

. . .

Sec. 44-8. - Definitions

. . .

Commercial zoning districts and/or *commercial zoning district* both mean and include each of the following: HC (Highway Commercial), C1 (Retail Shopping), C1-A (Commercial Core), C2 (General Commercial), C2-A (Waterfront Commercial), C3 (Heavy Commercial), C4 (Airport Commercial), I (Industrial), M (Medical), O (Office), D (Downtown) and PD (Planned Development) regardless of use, and any future

commercial zoning district(s) the city may create. To clarify, all buildings in a Planned Development (PD) zoning district, including, but not limited to, exclusively residential buildings, shall be considered to be subject to restrictions applicable to commercial zoning districts. ~~Public service zoning districts and any future zoning districts that are exclusively for hospitals or parking garages are not commercial zoning districts~~.

. . .

Section 3. 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 4. 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 5. This ordinance will take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING AND PUBLIC HEARING THIS 1ST DAY OF JUNE 2022.

SCHEDULED FOR SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THE 15TH DAY OF JUNE 2022.

Attest:

Patricia L. Rambosk, City Clerk

Teresa Heitmann, Mayor

Approved as to form and legality:

/s/ Nancy Stuparich, Esq.
City Attorney (Vose Law Firm)

Date filed with City Clerk:_____