

**Agenda Item 15.B
Meeting 02/15/23****ORDINANCE 2023-15041**

AN ORDINANCE FOR THE PURPOSE OF AMENDING CHAPTER 54, SUBDIVISION STANDARDS, ARTICLE I, IN GENERAL, OF THE CITY OF NAPLES, CODE OF ORDINANCES TO AMEND THE LOT SPLIT AND MINOR SUBDIVISION REGULATIONS AND TO PROVIDE REGULATIONS FOR THE COMBINATION OF SINGLE FAMILY LOTS; APPROVING TEXT AMENDMENT 22-T8; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, during the October 31, 2022 City Council workshop, consensus was reached directing Staff to bring forward a text amendment to the subdivision standards to address the combination of single family lots; and

WHEREAS, Chapter 54 of the Code of Ordinances provides minimum standards for major subdivisions and minor subdivisions of land; and

WHEREAS following an advertised public hearing on December 13, 2022, the Planning Advisory Board considered the public input, staff recommendations, and criteria in the Code of Ordinances, reviewed and found that the proposed amendment to the City's Code of Ordinance as set forth in this Ordinance is consistent with the City of Naples Comprehensive Plan and recommended by a vote of 7 to 0 that Text Amendment 22-T8 be approved; and

WHEREAS an advertisement of the public hearing for adoption of the proposed ordinance was published in the Naples Daily News on the 5th day of February, 2023 as required by Section 166.041, Florida Statutes and City of Naples Code of Ordinances; and

WHEREAS, the Planning Advisory Board and the City Council find that this ordinance is consistent with the City of Naples Comprehensive Plan; and

WHEREAS, approval of this ordinance is in the best interest of the health, safety, and welfare of the residents of the City of Naples;

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

Section 1. The above "Whereas" clauses are ratified, confirmed, and incorporated by reference as if set forth herein as the City Council's legislative findings.

Section 2. That Text Amendment 22-T8 is hereby approved, amending Chapter 54, Article I, of the Code of Ordinances, City of Naples, to read as follows (with underlining indicating additions and ~~strike through~~ indicating deletions):

Chapter 54 – SUBDIVISION STANDARDS

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ARTICLE I. – IN GENERAL

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Sec. 54-5. Lot split or Mminor subdivision of single-family residential lots.

In general, subdivision of property into three (3) or more parcels requires submission and approval of a plat as provided in this chapter. However, a lot split into less than three (3) parcels may be approved as a minor-subdivision (lot split), combination, or recombination of single-family lots does not require a re-plat, and may be approved by the city manager for the if the application meets the following criteria:

- (1) The reinstating of lots in the same locations, of the same sizes, and with the same dimensions as platted lots previously approved by the city as part of a recorded subdivision plat.
- (2) In the case of a subdivision plat where the individual lots shown on the subdivision plat do not meet the dimensional requirements of the underlying zoning or in the case of unplatted lands, a single-family residentially zoned parcel may be split to create a new lot, provided that it meets the dimensional and performance standards of the underlying single-family zoning district.
- (3) In the case of a subdivision plat where the individual lots shown on the subdivision plat meet the dimensional requirements of the underlying zoning, single family residentially zoned parcels may be split to create a new lot provided that it results in the same or fewer number of lots than provided on the subdivision plat and that each lot meets the dimensional and performance standards of the underlying single-family zoning district.
- (4) ~~The subdivision solely for the creation, moving or removal of easements.~~
- (54) The reconfiguration of parcels in the R1-15A Zoning District in conformance with Code Section 58-114 ~~and in conformance with the requirements set forth in this chapter.~~
- (5) The lot to be split does not arise from approval of a previous lot split during the last five (5) years; and
- (6) The minor subdivision of property application that does not meet the above standards shall require city council approval.

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Sec. 54 - 8. Lot combination or reconfiguration of residential lots.

- (a) Pursuant to the policies of the comprehensive plan related to maintaining and protecting existing residential character and preserving stable residential neighborhoods, a planning advisory board recommendation and city council approval is required for the following types of lot combinations or reconfigurations of residential lots (or portions thereof), excluding lots in the R1-15A district (see section 58-114):

- (1) The combination of two or more full platted lots, unless the lots are re-platted in accordance with this Chapter 54 or approved pursuant to Section 54-5(2).
 - (2) The process and procedure for the review of residential lot combination requests shall be the same as the review procedures for major subdivisions in section 54-31; however, lot combinations of two (2) single family residential lots do not require a re-plat.
- b) Standards and Criteria.** Along with comments received in response to the public notification of the proposed action, the application for a lot combination shall include conceptual renderings, elevations, and a site plan, and shall comply with all the following standards for residential lot consolidations:
- (1) The newly combined lot will not adversely affect access, design or other public safety concerns that were better addressed in the prior plat approval, if any;
 - (2) The newly combined lot will comply with all Code provisions.
 - (3) The newly combined lot will comply with, and not interfere with, any easements.
 - (4) No new streets will be created.
 - (5) The lots proposed to be combined are immediately adjacent to one another (share a lot line).
 - (6) The proposal will be compatible with, and will not be out of scale with, other lots in the existing character of the neighborhood and other lots on the street within the immediate vicinity, and will not unreasonably interfere with air flow, sunlight and viewsheds provided by the current lot configuration and setbacks; and
 - (7) The newly combined lot shall be consistent with the Comprehensive Plan.
- (c) When interior parcels are combined, the required side yard of each parcel abutting the original shared property line shall be added to both the remaining required side yards. In the case of a corner lot combining with an interior lot, the required side yard of the interior parcel abutting the original shared property line shall be added to the original required side and front yard parallel to the original shared property line and the required rear yard of the former interior lot will become the required side yard for the length of the new property line. (See attached Diagrams 1 and 2).**
- (d) Public notice will be provided pursuant to section 46-45.**
- (e) The applicant shall have the approved lot combination with any conditions of approval recorded in the circuit court clerk's office and shall furnish to the city clerk one paper (nonreproducible) print of the recorded parcel.**

Diagram 1

Lot Combination Diagram – Corner Lot

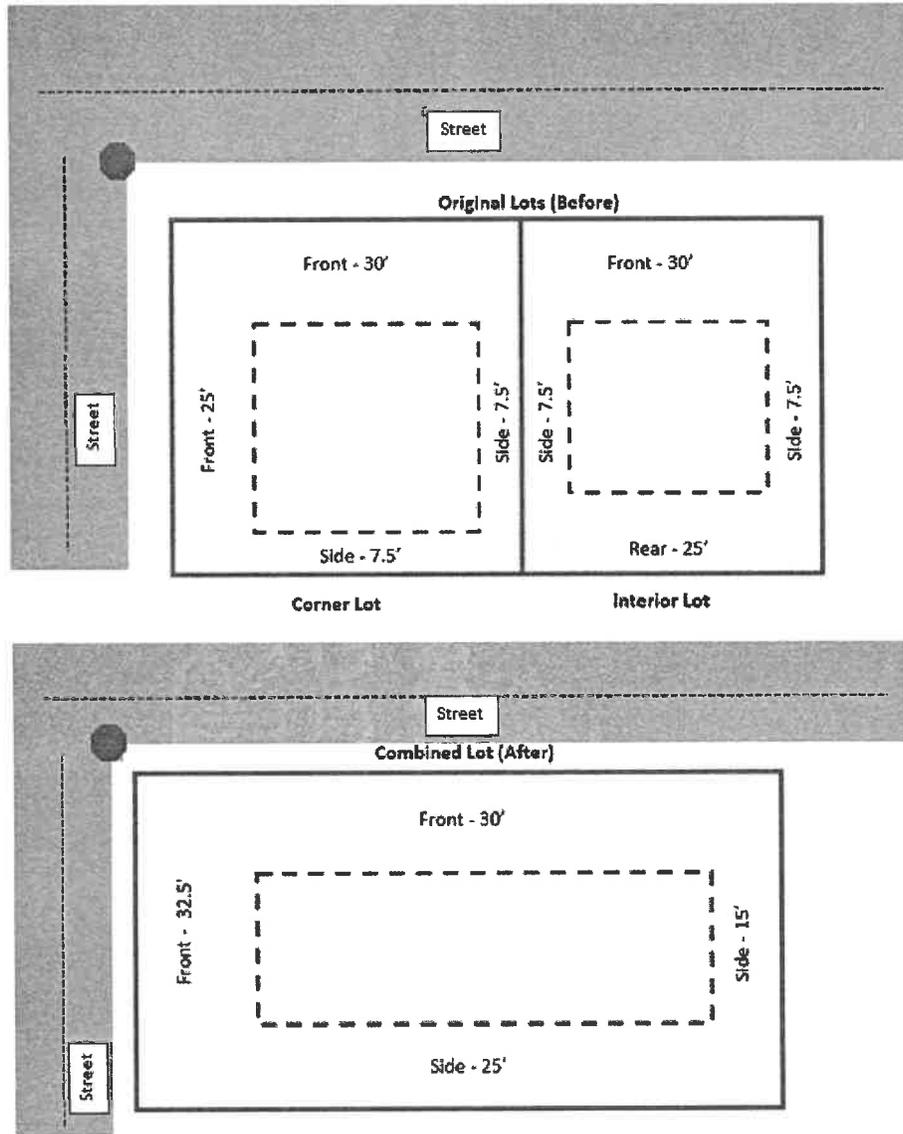
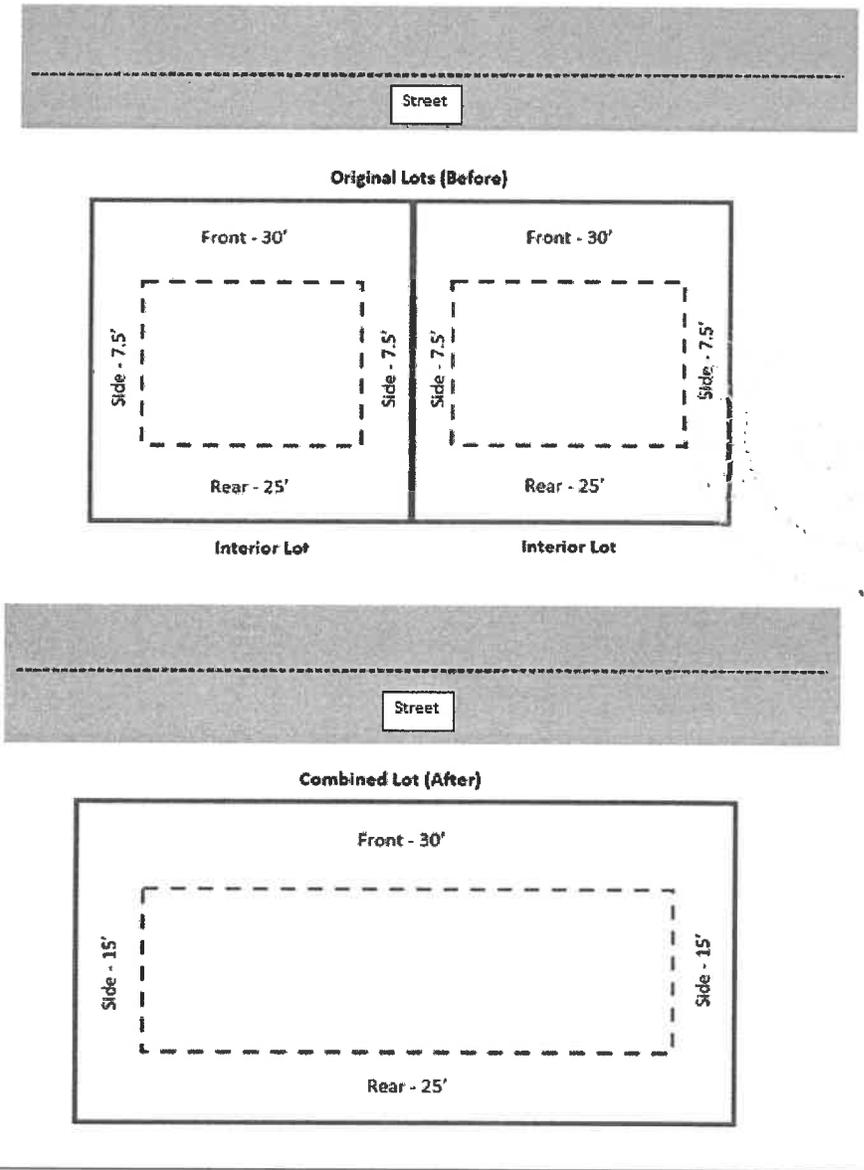


Diagram 2

Lot Combination Diagram – Interior Lot



Secs. 54-89—54-30. Reserved.

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

APPROVED AT FIRST READING AND PUBLIC HEARING THE 18TH DAY OF JANUARY, 2023.

APPROVED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THE 15TH DAY OF FEBRUARY, 2023.

Attest:  ON THE
 BULF
 Patricia L. Rambosk, City Clerk


 Teresa Lee Heitmann, Mayor

Approved as to form and legality:


 Vose Law Firm, City Attorney

Date filed with City Clerk: 2-28-23