



# Agenda MEMORANDUM

**Planning Department**

**To:** Mayor and City Council  
**Via:** Jay Boodheshwar, City Manager  
**From:** Erica Martin, Planning Director  
**Date:** February 6, 2024

**Council Meeting Date: February 22, 2024**

## **SUBJECT**

An Ordinance for the Purpose of Amending Regulations Relating to the Design Review Board; Amending Section 2-472, Purpose, Section 2-473, Jurisdiction; Powers and Duties, and Section 2-476, Procedure for Review; Criteria, and Adding Section 2-477, Architectural and Landscape Architectural Design Standards, of Division 4, Design Review Board, Article V, Boards, Commissions and Committees, Chapter 2, Administration, of the City of Naples Code of Ordinances; Amending Article IX, Design Review Standards, Chapter 50, Development Standards, of the City of Naples Code of Ordinances; Amending Section 58-1134, Specific Provisions, Division 6, 5th Avenue South Special Overlay District, Article III, Special Overlay Districts, Chapter 58, Zoning, of the City of Naples Code of Ordinances; Approving Text Amendment 24-T1; Providing a Severability Clause; Providing a Repeater Provision; and Providing an Effective Date.

## **RECOMMENDED ACTION**

City Council shall consider the Ordinance on First Reading determining Text Amendment 24-T1 and schedule Second Reading and public hearing for March 6, 2024.

## **GENERAL INFORMATION**

On October 4, 2023, City Council discussed Article V, Division 4, Sections 2-471 to 2-478 - Design Review Board and focused specifically on the following issues:

- Design Review Standards
- Mass Model Requirement
- Development Review Process

Staff proposed the following steps that could be taken to address these issues to City Council on October 30, 2024:

## **Design Review Standards**

The powers and jurisdiction of the DRB are defined in Chapter 2 of the Code of Ordinances; however, the Standards for Review are incorporated separately in Chapter 50, Land Development. The standards for review are considered by the Design Review Board and by the

Administrative Staff when reviewing petitions for Design Review and the staff reports prepared by staff address the ways in which the proposal meets or does not meet the standards and identifies that they are specifically considered by the Board prior to granting approval of a petition.

Incorporating the design standards and criteria into Chapter 2 of the Code of ordinances can be achieved through the addition of a new Section 2-477 providing the architectural and landscape architectural design standards.

### **Mass Model Requirement**

Through discussion, City Council identified that the illustration they would like to see is a three-dimensional street view rendering depicting the buildings on either side of the subject property. This illustration should be provided for all sides of the building both with and without the proposed landscaping.

Section 2-476 of the Code provides the submittal requirements for both preliminary and final design review. This illustration can be added as a submittal requirement for both reviews.

Further, Section 46-33 of the Code provides that the submittal requirements for Site Plan shall be determined by the city and published with the site plan petition forms. Staff can amend the application form to include this illustration as a requirement for submittal for Site Plan.

#### **Sec. 46-33. Site plan review.**

...

- (c) The required contents of the submittal shall be determined by the city and published with the site plan petition forms. Required contents may include all documents deemed necessary for the thorough review of the project for compliance with applicable regulations...

### **Development Review Process**

The first step in addressing the process for review and approval of development projects is to clarify the role of the various Boards/Council.

Sections 2-472 and 2-473 provide the purpose and jurisdiction, powers and duties of the Design Review Board. City Council could consider amending these sections to clarify that the purpose and jurisdiction of the board is to review projects for design and it is not the role of the board to review petitions for zoning compliance or to grant development approvals/entitlements.

Additionally, there are multiple regulations within the 5<sup>th</sup> Avenue South Special Overlay District where authority is granted to the DRB to approve adjustments to setbacks, automatic doors, exterior light fixtures, and lighting that is not white in color. City Council could consider whether such approvals should be the purview of the DRB, or of City Council.

City Council did not provide direction for changes to all sections referencing the DRB; however, they did request the following specific changes to subsections (b)(5) and (e)(13):

## **Sec. 58-1134. Specific provisions.**

(b) *Building placement.* Buildings and their elements shall be placed on their lots as follows:

(5) *Adjacent preexisting setbacks.* In the event of adjacent preexisting setbacks, ~~an adjustment may be allowed or required by the DRB. If design review is not required,~~ approval of a ~~deviation variance~~ by the council will be required upon a finding that the project meets the general intent of the district and the master plan.

(e) *Architectural standards.* Buildings shall be subject to the following physical requirements:

(13) *Outside dining tables and chairs.* Outside dining tables and chairs shall be primarily metal, cast concrete, wood or suitable composite material. Plastic chairs are prohibited but plastic tables may be permitted if covered with linens. Outside dining tables located in the right-of-way shall be temporary and portable. Outdoor dining in this district shall require the approval of the design review board of the design of the space, furniture and any landscaping/hardscape. Outdoor dining shall be consistent with section 56-126.

A copy of the 5<sup>th</sup> Avenue South Special Overlay District is included, with all references to DRB highlighted.

At the October 30, 2024 meeting, by consensus, City Council directed Staff to prepare an amendment to the Code of Ordinances.

## **REQUEST**

Staff has provided an Ordinance amending the City of Naples Code of Ordinances as follows:

- Amending Section 2-472, Purpose, Section 2-473, Jurisdiction; Powers and Duties, and Section 2-476, Procedure for Review; Criteria, to clarify the role and authority of the DRB.
- Adding Section 2-477, Architectural and Landscape Architectural Design Standards, of Division 4, Design Review Board, Article V, Boards, Commissions and Committees, Chapter 2, Administration, relocating the criteria and standards considered by the DRB prior to granting approval of a petition from Chapter 50 to Chapter 2.
- Amending Article IX, Design Review Standards, Chapter 50, Development Standards, removing the criteria and standards considered by the DRB prior to granting approval of a petition from this Chapter and relocating them to Chapter 2.
- Amending Section 58-1134, Specific Provisions, Division 6, 5th Avenue South Special Overlay District, Article III, Special Overlay Districts, Chapter 58, Zoning, to grant authority to City Council in certain zoning related matters within the 5<sup>th</sup> Avenue South Special Overlay District.

The Ordinance incorporates the revisions recommended by the Planning Advisory Board.

**File Reference:** Text Amendment 24-T1

**Location:** Citywide

**PLANNING ADVISORY BOARD ACTION**

The Planning Advisory Board considered Text Amendment 24-T1 at the January 10, 2024 meeting and voted 7 to 0 to recommend approval of the Ordinance to City Council, subject to recommended revisions.

**PURCHASING REVIEW**

Not Applicable

**FINANCE DEPARTMENT REVIEW**

Not Applicable

**CITY ATTORNEY REVIEW**

The City Attorney has reviewed and approved the attached Ordinance for legal form and sufficiency.