

ORDINANCE 2024-

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 SUBSECTIONS (b)(3), (c)(2) b., AND (c)(2)c. OF SECTION 2-476, PROCEDURE FOR REVIEW; CRITERIA, AND ADDING SECTION 2-479, ARCHITECTURAL AND LANDSCAPE ARCHITECTURAL DESIGN STANDARDS, OF DIVISION 4, DESIGN REVIEW BOARD, ARTICLE V, BOARDS, COMMISSIONS AND COMMITTEES, CHAPTER 2, ADMINISTRATION; AMENDING SECTION 50-241 OF ARTICLE IX, DESIGN REVIEW STANDARDS, CHAPTER 50, DEVELOPMENT AND DESIGN STANDARDS; AMENDING SUBSECTIONS (b)(5) AND (e)(13) OF SECTION 58-1134, SPECIFIC PROVISIONS, OF DIVISION 6, FIFTH AVENUE SOUTH SPECIAL OVERLAY DISTRICT, ARTICLE III, SPECIAL OVERLAY DISTRICTS, 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 2 of Article V, Division 4 of the Code of Ordinances provides regulations related to the Design Review Board; and

WHEREAS, Chapter 50 of Article IX, Section 50-241 of the Code of Ordinances provides architectural and landscape architectural design standards; and

WHEREAS, Chapter 58 of Article III, Division 6, Section 58-1134 of the Code of Ordinances provides specific provisions for the 5th Avenue South Special Overlay 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 7 to 0 that Text Amendment 24-T1 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 24th day of March, 2024 as required by Section 166.041, Florida Statutes and the City of Naples Code of Ordinances;

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

Section 1. That Section 2-472, Purpose, 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 ~~striketrough~~ indicating deletions):

Sec. 2-472. Purpose.

The purpose of the board is to promote the public health, safety and general welfare by reviewing proposed petitions for design as specified in Section 2-477 and recommending regulations necessary to:

- (1) Preserve existing areas of natural beauty and cultural importance;
- (2) Assure that buildings and structures, along with associated signage, landscaping, lighting or other development, contribute in a positive way to the public environment of the city;
- (3) Prevent the development of structures or uses which are not of acceptable exterior design or appearance or are of inferior quality or likely to have a depreciating effect on the public environment, or surrounding area, by reason of appearance or value;
- (4) Consistent with other provisions of this Code, eliminate conditions, structures, along with associated design, landscaping, lighting, and signage, which by reason of their effect tend to degrade the appearance, health, safety or general welfare of the community; and
- (5) Provide a continuing source of programs and means of improving the city's public environment.

It is not the purpose of the board to review or approve petitions for land development code or zoning compliance.

Section 2. That Section 2-473, Jurisdiction; powers and duties, 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 ~~striketrough~~ indicating deletions):

Sec. 2-473. Jurisdiction; powers and duties.

The board shall have the powers and duties set forth in this division and any other duties assigned to it by the city council by ordinance or resolution. Specifically, the board shall have the following powers and duties:

- (1) To review all petitions and associated architectural and landscape architectural plans that require design review under the standards established in this Code and to make recommendations to the city council or the planning advisory board, or both, as otherwise required in this Code;
- (2) To review current city regulations and provide advice and recommendations to the city council for improved regulations that will promote excellence in design of buildings, structures, landscaping, lighting and signage;
- (3) To prepare, recommend adoption of, and keep up to date, a design review handbook that will provide guidelines for the design aspects of development;
~~and~~
- (4) It is not the jurisdiction of the board to review or approve petitions for land development code or zoning compliance.
- (5) An approval from the board shall in no way provide a petitioner or property owner a vested property interest or development order.

Section 3. That Subsections (b)(3), (c)(2)b. and (c)(2)c. of Section 2-476, Procedure for review; criteria, 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 ~~striketrough~~ indicating deletions):

Sec. 2-476. Procedure for review; criteria.

. . .

(b) Preliminary review.

(3) *Submittal requirements.* For preliminary review, the applicant shall submit, at a minimum, a ~~generalized~~ site plan, exterior elevations of all sides of the building(s), in color and drawn to an appropriate scale-, ~~scaled mass model or three-dimensional digital mass model schematic of the project with structures on adjoining parcels identified-~~ and a three-dimensional street elevation, in color and drawn to an appropriate scale encompassing the entire proposed project and depicting the buildings on the adjacent two properties on either side of the site. If the adjacent properties are vacant or underutilized, a diagram shall be provided that identifies the mass and form that is allowable under current zoning, ~~and a colored elevation of the principal street facade.~~

(c) Final review.

(2) *Submittals.* All presentation materials shall include a graphic scale and may include scale figures of pedestrians, vehicles, and other common elements found in the public environment. In addition, the following shall be provided with the petition, unless waived by city administrative staff as not necessary:

. . .

- b. Exterior elevations of all sides of the building(s), in color and drawn to an appropriate scale. Elevations shall be provided that include proposed landscaping and identification of materials for major exterior building components ~~and elevations shall be provided that do not include landscaping.~~
- c. Three-dimensional sStreet elevation, in color and drawn to an appropriate scale. The street elevation shall encompass the entire proposed project and depict the buildings on ~~generally identify the major elements of the adjacent two properties on either side of the site. If the adjacent properties are vacant or underutilized, a diagram shall be provided that identifies the mass and form that is allowable under current zoning.~~

. . .

Section 4. That the Code of Ordinances, City of Naples, Florida, is hereby amended by adding a section to be numbered Section 2-479, Architectural and landscape architectural design standards to 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, to read as follows (with underlining indicating additions and ~~striketrough~~ indicating

deletions):

Sec. 2-479. Architectural and landscape architectural design standards.

The following standards and criteria shall be considered by the design review board and by the administrative staff when reviewing petitions for design review pursuant to chapter 2, article V, division 4 of this Code and consistent with the Design Review Handbook and the City of Naples Vision. Prior to granting approval of a petition the board shall consider whether:

- (1) The overall plan for the project, including the site plan, design, landscaping, lighting and signage, contributes to the image of the city as a visually attractive community.
- (2) The proposed building or structure is of a quality and appearance that:
 - a. Is consistent and compatible with the surrounding neighborhood structures; and
 - b. Does not cause the local neighborhood or environment to depreciate materially in appearance or value.
- (3) The project's scale, and the size, color and proportion of building elements, components and materials are appropriate and harmonious with surrounding neighborhood structures.
- (4) Appropriate building materials are being used. The use or employment of any of the following is generally considered inappropriate and will not be permitted unless appropriately integrated into a project meeting all other criteria, including aesthetic criteria, of this article:
 - a. Corrugated metal siding;
 - b. Fiberglass shingle roofing;
 - c. Prefabricated metal buildings or their components;
 - d. Primary colors or black;
 - e. False windows or doors;
 - f. Unmodified formula and trademark buildings and structures; and
 - g. Buildings and structures that are visually intrusive and inconsistent with the character of the neighborhood or of the community.
- (5) The scale of ground floor elements of the project is consistent with pedestrian scale, where appropriate, depending on its location.
- (6) The project's location and design adequately protects or enhances unique site characteristics such as those related to scenic views, natural vistas, waterways or similar features.
- (7) The project appropriately integrates landscape elements into the site plan and building design. Plantings shall be of a size to give the appearance that the project is settled into a mature landscape. Pedestrian areas on or at the edges of the project site shall be sheltered by shade trees.
- (8) The design of the project is appropriate to its function.
- (9) The project is climatically responsive.

- (10) Primary entrances to all buildings provide direct and convenient access from the main streets and on-site public parking areas.
- (11) Signage and other building appurtenances are integral components of the building, appropriately scaled, and consistent in character with the building's overall design.
- (12) The project incorporates defensible space concepts of crime prevention through environmental design.
- (13) The proposed development is in conformity with the effective guidelines and standards adopted pursuant to this article.
- (14) The proposed development is consistent with the initiatives and priorities of the City of Naples Vision.

Section 5. That Section 50-241, Architectural and landscape architectural design standards, of Article IX, Design Review Standards, of Chapter 50, Development and Design Standards, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows (with underlining indicating additions and ~~striketrough~~ indicating deletions):

Sec. 50-241. Architectural and landscape architectural design standards.

The architectural and landscape architectural design ~~following~~ standards and criteria shall ~~be~~ considered by the design review board and by the administrative staff when reviewing petitions for design review pursuant to chapter 2, article V, division 4 of this Code are provided in Section 2-479. ~~Prior to granting approval of a petition the board shall consider whether:~~

- ~~(1) The overall plan for the project, including the site plan, design, landscaping, lighting and signage, contributes to the image of the city as a visually attractive community.~~
- ~~(2) The proposed building or structure is of a quality and appearance that:~~
 - ~~a. Is consistent and compatible with the surrounding neighborhood structures; and~~
 - ~~b. Does not cause the local neighborhood or environment to depreciate materially in appearance or value.~~
- ~~(3) The project's scale, and the size, color and proportion of building elements, components and materials are appropriate and harmonious with surrounding neighborhood structures.~~
- ~~(4) Appropriate building materials are being used. The use or employment of any of the following is generally considered inappropriate and will not be permitted unless appropriately integrated into a project meeting all other criteria, including aesthetic criteria, of this article:~~
 - ~~a. Corrugated metal siding;~~
 - ~~b. Fiberglass shingle roofing;~~
 - ~~c. Prefabricated metal buildings or their components;~~
 - ~~d. Primary colors or black;~~

- e. ~~False windows or doors;~~
- f. ~~Unmodified formula and trademark buildings and structures; and~~
- g. ~~Buildings and structures that are visually intrusive and inconsistent with the character of the neighborhood or of the community.~~
- (5) ~~The scale of ground floor elements of the project is consistent with pedestrian scale, where appropriate, depending on its location.~~
- (6) ~~The project's location and design adequately protects or enhances unique site characteristics such as those related to scenic views, natural vistas, waterways or similar features.~~
- (7) ~~The project appropriately integrates landscape elements into the site plan and building design. Plantings shall be of a size to give the appearance that the project is settled into a mature landscape. Pedestrian areas on or at the edges of the project site shall be sheltered by shade trees.~~
- (8) ~~The design of the project is appropriate to its function.~~
- (9) ~~The project is climatically responsive.~~
- (10) ~~Primary entrances to all buildings provide direct and convenient access from the main streets and on-site public parking areas.~~
- (11) ~~Signage and other building appurtenances are integral components of the building, appropriately scaled, and consistent in character with the building's overall design.~~
- (12) ~~The project incorporates defensible space concepts of crime prevention through environmental design.~~
- (13) ~~The proposed development is in conformity with the effective guidelines and standards adopted pursuant to this article and all other applicable ordinances.~~

Section 6. That Subsection (b)(5) and Subsection (e)(13) of Sec. 58-1134, Specific provisions, of Division 6, 5th Avenue South Special Overlay District, of Article III, Special Overlay Districts, of Chapter 58, Zoning, of the Code of Ordinances of the City of Naples, is hereby amended to read as follows (with underlining indicating additions and ~~striketrough~~ indicating deletions):

Chapter 58 – ZONING

...

ARTICLE III. – SPECIAL OVERLAY DISTRICTS

...

DIVISION 6 – 5TH AVENUE SOUTH SPECIAL OVERLAY DISTRICT

...

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 may be approved 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 for the design of the space, furniture, and any landscape/hardscape improvements. The DRB shall not approve the outdoor dining use, which will be reviewed and approved pursuant to ~~Outdoor dining shall be consistent with section 56-126.~~

. . .

Section 7. 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 8. 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 9. That this ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING AND PUBLIC HEARING THIS 22ND 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 3RD DAY OF APRIL, 2024.**

Attest:

Patricia L. Rambosk, City Clerk

Teresa Lee Heitmann, Mayor

Approved as to form and legality:

/s/ James Stokes, Esq.
James Stokes, Interim Deputy City Attorney

Date filed with City Clerk: _____