



STAFF REPORT

To: Planning Advisory Board
From: Planning Department
Subject: Text Amendment 24-T1
Date: January 2, 2024

CONSIDER: 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 Repealer Provision; and Providing an Effective Date.

LOCATION: Citywide

BACKGROUND AND PREVIOUS ACTION: 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, as follows:

Sec. 2-477. 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. 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.

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 the role and authority of the DRB as follows:

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 and aesthetics 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 aesthetically 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.

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 petitions for zoning compliance.

Additionally, there are multiple regulations within the 5th 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.

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A copy of the 5th 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 a draft 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 zoning related matters within the 5th Avenue South Special Overlay District.

PENDING AND/OR SUBSEQUENT ACTION: The Planning Advisory Board will hold a public hearing on this petition at its meeting on January 10, 2024. At the close of the public hearing, the PAB will make recommendations to the City Council. Subsequently, City Council will hold the First Reading for the ordinance and schedule Second Reading. Final action will be taken at Second Reading by ordinance.

RECOMMENDED ACTION: Staff recommends that the Planning Advisory Board consider the proposed Ordinance; approving Text Amendment 24-T1 providing a severability clause; providing a repealer provision; and providing an effective date.

Respectfully submitted,

Erica J. Martin, MPA, AICP
Planning Director