



# Agenda MEMORANDUM

**Planning Department**

**To:** City Council  
**Via:** Jay Boodheshwar, City Manager  
**From:** Erica J. Martin, Planning Director  
**Date:** June 3, 2022

**Regular Meeting Date:** June 13, 2022

**SUBJECT:**

Discussion related to Planned Development regulations.

**SUMMARY:**

City Council expressed their desire to discuss the regulations pertaining to the review and standards for approval of Planned Developments.

**BACKGROUND:**

Part II, Chapter 58 – Zoning, Article II – Zoning Districts, Division 27 of the Code of Ordinances (a copy of which is provided in its entirety with this item) provides the regulations related to Planned Developments. Pursuant to this section, “the PD district is intended to accommodate integrated and well-designed developments in accordance with approved development plans. The district is intended to offer flexibility of design and to encourage imaginative, functional, high-quality land planning development which is compatible with adjacent and nearby lands and activities.”

In 2008, through adoption of Ordinance 08-12280, City Council amended the Rezoning regulations to increase the minimum land area required to rezone a property to five (5) acres. Therefore, a new Planned Development cannot be created for land that is less than five acres in size.

**Sec. 46-32. Petition to rezone property; petition for change in text.**

...

*(d) Standards for consideration of change in zoning. Except where the proposal for the rezoning of property involves an extension of an existing district boundary, no change in the zoning classification of land shall be considered which involves less than five acres of land, except for the "C" Conservation zone district, in which the subject property is not required to have street frontage, and the "PS" Public Service zone district, in which the subject property may have a minimum lot of 30,000 square feet and a minimum lot width of 150 feet.*

On April 3, 2013, City Council amended the Code of Ordinances through the adoption of Ordinance 13-13265 to remove the density restriction for transient lodging facilities in the C1 Retail, C1-A Commercial Core, C2 General Commercial, C2-A Waterfront Commercial and PD, Planned Development zoning districts.

**Ethics above all else... Service to others before self... Quality in all that we do.**

Through approvals of multiple prior Planned Developments, City Council previously determined that residential only buildings within a Planned Development were not subject to the 3 story and 42 foot maximum height limitation in the City's Charter. There are multiple Planned Developments within the City with residential buildings exceeding 42 feet in height. However, on June 16, 2021 City Council adopted Ordinance 2021-14664 amending Chapter 44, General Provisions; Section 44-8, Definitions; Chapter 46, Administrative Procedures and Enforcement, Article II, Administrative Procedures, Section 46-37, Variances to zoning requirements; and Chapter 56, Supplemental Standards, Article II, Standards applicable to all districts, Section 56-39, Height requirements, exceptions thereto, of the Code of Ordinances, City of Naples, pursuant to Text Amendment 20-T1 to clarify height limits for commercial districts. Among other changes, the Ordinance accomplished the following amended Chapter 44 to add a definition for "commercial zoning districts and/or commercial zoning district with a clarification that exclusively residential buildings in planned developments are subject to the Building Height Charter Amendment.

City Council has recently expressed their desire to discuss the regulations related to Planned Developments to consider revising the language to require the applicant to demonstrate that the proposed PD is in the best interest of the public and how the existing zoning is not sufficient to accomplish that goal.

**FOR CONSIDERATION:**

***DIVISION 27. PD PLANNED DEVELOPMENT DISTRICT***

***Sec. 58-801. District purpose.***

*The PD district is intended to accommodate allow for the consideration of integrated and well-designed developments in accordance with approved development plans when a change in the existing zoning is in the best interest of the public and fulfills a public need. The district is intended to offer flexibility of design and to encourage imaginative, functional, high-quality land planning development which is compatible for these purposes with adjacent and nearby lands and activities but is not compatible with the existing zoning of the parcel.*

***Sec. 58-805. Standards for approval of PD zoning.***

*In their analysis of the rezone petition and the proposed development plan submitted pursuant to this division, and prior to official action recommending in favor of or approving the petition and plan, the planning advisory board and city council shall ensure that the following standards and conditions are met and shall deny the request if the following standards are not met:*

- (1) *Land uses within the development shall be appropriate in their proposed location, in their relationships to each other, and in their relationships with uses and activities on adjacent and nearby properties.*
- (2) *The development shall comply with the comprehensive plan, as well as all applicable city plans and planning policies, and shall have a beneficial effect both upon the area of the city in which it is proposed to be established and upon the city as a whole.*
- (3) *The applicant has demonstrated that the development standards within the proposed Planned Development, where different from those in the underlying zoning district, are*

*the minimum required to achieve the goals of the project and comply with these standards.*

- (3 4) *The total land area within the development and the area devoted to each functional portion of the development shall be adequate to serve its intended purpose.*
- (4 5) *Streets, utilities, drainage facilities, recreation areas, building heights, sizes and yards, and vehicular parking and loading facilities shall be appropriate for the particular use involved, and shall equal or exceed the level of design and construction quality required of similar land development elsewhere in the city.*
- (5 6) *Visual character and community amenities shall be equal or better in quality than that required by standard zoning districts for similar development.*
- (6 7) *Open space shall be adequate for the type of development and the population densities proposed.*
- (7 8) *Areas proposed for common ownership shall be subject to a reliable and continuing maintenance guarantee.*
- (8 9) *In the case of developments which are to be constructed in several units, the proposed units shall be shown on the overall development plan. The proposed construction units shall individually comply with the standards set forth in this section in order that, if for any reason construction ceases prior to completion of the entire planned development, the resulting partially complete project will adequately serve its purchasers and occupants and will not cause a general public problem.*

**RECOMMENDED ACTION:**

City Council discuss the regulations related to the regulations pertaining to the review and standards for approval of Planned Developments and provide direction to Staff.