



# City of Naples

City Council Minutes

Regular Meeting 4/20/88

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

-SUBJECT-	Ord. No.	Res. No.	Page
<u>ANNOUNCEMENTS</u>			
Mayor Putzell: Announced that he would briefly describe each item to be discussed prior to consideration by Council. City Manager Jones: None.			1 1
<u>APPROVAL OF MINUTES:</u> March 23, 1988, Neighborhood Town Meeting March 30, 1988, Workshop Meeting April 6, 1988, Workshop Meeting April 6, 1988, Regular Meeting			1
<u>PURCHASING</u>			
-BID AWARD for installing trees on City streets.		88-5525	2
<u>RESOLUTIONS</u>			
-APPROVE preliminary and final subdivision plat for a proposed four-lot subdivision, Crystal Sands.		88-5529	6-7
-WITHDRAW variance request to permit existing non-conforming sign, Naples Flowers.		88-___	7
-APPROVE variance to allow a roofed wood porch, 981 Eighth Terrace North.		88-5531	7-8
-APPROVE preliminary subdivision plat for a four-lot subdivision, Wharfside.		88-5530	7
-APPROVE conditional use permit to allow the Charter Glades Counseling Center to remain at 4077 Tamiami Trail North.		88-5532	9
-APPROVE authorization for a temporary office trailer, 500 Park Shore Drive until 05/21/88.		88-5533	9
-DENY authorization for staff to approve temporary permits on a case-by-case basis, Naples Players, Inc.		88-___	9-10
-WITHDRAW authorization to execute a contract with the State of Florida Department of Community Affairs re: corridor management land use study.		88-___	10
<u>ORDINANCES - First Reading</u>			
-APPROVE proposed amendment to the City's Comprehensive Plan to allow bed and breakfast activities as a conditional use within the City's designated historic district.		88-___	4-5
-APPROVE zoning amendment to establish criteria for the review of bed and breakfast operations.		88-___	5-6
-APPROVE zoning amendment to establish specific parking criteria for mental health professionals.		88-___	8
-APPROVE ordinance rezoning the Sea Gate subdivision from R1-15 to R1-10, single family residential.		88-___	8-9
<u>ORDINANCES - Second Reading</u>			
-ADOPT procedure for annual review of charges to users of the City's sewer system and to require notification to users of rate changes		88-5526	2
-ADOPT ordinance providing for a list of appropriate plants for landscaping seaward of the Coastal Construction Setback Line.		88-5527	2-3
-ADOPT ordinance revising application procedures for maintenance dredging of canals and boat slips.		88-5528	3
-TABLE ordinance regulating the hours of sale of alcoholic beverages to include bottle clubs.		88-___	3-4
<u>CORRESPONDENCE AND COMMUNICATIONS:</u>			
-Direction to staff to investigate a newly approved car rental on U.S. 41 which has allowed its landscaping to deteriorate.			
-Possible workshop discussion items for the May 11, 1988, workshop meeting.			
-Direction to staff to prepare resolution for cancellation of the first meeting in July due to the holiday.			10



CITY OF NAPLES, FLORIDA

City Council Minutes

Date 04/20/88

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
	<p><u>PURCHASING</u> <span style="float: right;"><u>ITEM 5</u></span></p> <p>---<u>RESOLUTION NO. 88-5525</u></p> <p>A RESOLUTION AWARDDING CITY BID #88-44 FOR PROVIDING AND INSTALLING TREES ON CITY STREETS; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.</p> <p style="padding-left: 40px;">O'Donnell Landscapes, Inc. Estero, Florida \$19,325.85</p> <p>Title not read.</p> <p><u>MOTION:</u> To <u>APPROVE</u> the Consent Agenda as presented.</p> <p>*** <span style="margin-left: 150px;">***</span> <span style="float: right;">***</span></p> <p style="text-align: center;">-----END CONSENT AGENDA-----</p> <p style="text-align: center;">---ADVERTISED PUBLIC HEARINGS---</p> <p>---<u>ORDINANCE NO. 88-5526</u> <span style="float: right;"><u>ITEM 6</u></span></p> <p>AN ORDINANCE AMENDING SECTION 11-3.3(c) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES BY ADDING SUBSECTIONS (4) AND (5); AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROVIDE FOR ANNUAL REVIEW OF CHARGES TO USERS OF THE CITY'S SEWER SYSTEM AND TO REQUIRE NOTIFICATION TO USERS OF RATE CHANGES BASED ON SAID ANNUAL REVIEWS.</p> <p>Title read by City Attorney Rynders.</p> <p><u>PUBLIC HEARING:</u> Opened: 9:05 a.m. Closed: 9:05 a.m.</p> <p>No one present to speak for or against.</p> <p>Finance Director Hanley advised that this ordinance amendment was required by the Department of Environmental Regulations (DER) so that the City would comply with State grant regulations.</p> <p><u>MOTION:</u> To <u>ADOPT</u> the ordinance as presented at second reading.</p> <p>*** <span style="margin-left: 150px;">***</span> <span style="float: right;">***</span></p> <p>---<u>ORDINANCE NO. 88-5527</u> <span style="float: right;"><u>ITEM 7</u></span></p> <p>AN ORDINANCE AMENDING SECTION 7-42 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA, BY ADDING SUBSECTION (h); PROVIDING FOR A LIST OF APPROPRIATE PLANTS FOR LANDSCAPING SEAWARD OF THE COASTAL CONSTRUCTION SETBACK LINE; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO STABILIZE BEACHES</p> <p>Title read by City Attorney Rynders.</p> <p><u>PUBLIC HEARING:</u> Opened: 9:07 a.m. Closed: 9:07 a.m.</p>				
Anderson-McDonald	X		X		
Barnett		X	X		
Crawford			X		
Graver			X		
Muenzer			X		
Richardson			X		
Putzell (7-0)			X		
Anderson-McDonald			X		
Barnett			X		
Crawford			X		
Graver		X	X		
Muenzer			X		
Richardson	X		X		
Putzell (7-0)			X		

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 04/20/88

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson-McDonald		X	X		
Barnett			X		
Crawford			X		
Graver			X		
Muenzer			X		
Richardson	X		X		
Putzell (7-0)			X		
<p>---ORDINANCE NO. 88-5528 <span style="float:right">ITEM 8</span></p> <p>AN ORDINANCE AMENDING SECTIONS 7-31(B) AND (D) OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR EXCEPTIONS FOR MAINTENANCE OF BOAT SLIPS AND CANALS; PROVIDING FOR REVISED APPLICATION PROCEDURES; PROVIDING FOR FEES; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO PROVIDE A REVISED APPLICATION PROCEDURE FOR MAINTENANCE DREDGING OF CANALS AND BOAT SLIPS.</p> <p>Title read by City Attorney Rynders.</p> <p>PUBLIC HEARING: Opened: 9:08 a.m. Closed: 9:08 a.m.</p> <p>No one present to speak for or against.</p> <p>No discussion either for or against.</p> <p>MOTION: To <u>ADOPT</u> the ordinance as presented at second reading.</p> <p>*** <span style="margin-left: 100px;">***</span> <span style="float:right">***</span></p>					
Anderson-McDonald		X	X		
Barnett		X	X		
Crawford			X		
Graver			X		
Muenzer			X		
Richardson			X		
Putzell (7-0)			X		
<p>---ORDINANCE NO. 88- <span style="float:right">ITEM 9</span></p> <p>AN ORDINANCE AMENDING CHAPTER 3-2 OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES; INCLUDING BOTTLE CLUBS IN THE REGULATION OF HOURS OF SALE OF ALCOHOLIC BEVERAGES; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO INCLUDE BOTTLE CLUBS IN THE REGULATION OF HOURS OF SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES.</p> <p>Title read by City Attorney Rynders.</p> <p>PUBLIC HEARING: Opened: 9:09 a.m. Closed: 9:20 a.m.</p> <p>Mr. Jack Schloss, owner of a bottle club called Top Secret, referred to comments made at a previous meeting, April 6, 1988, and reiterated his opposition to the ordinance. This club is used solely for the benefit of those people who work at night, he said. Referring to quotes which appeared in the newspaper, Mr. Schloss assured Council that he was quoted out of context and would abide by whatever decision it made. Mr. Crawford asked how many months Top Secret had yet on its lease; Mr. Schloss replied approximately two years.</p> <p>Mayor Putzell pointed out that the intent of this ordinance was not to signal out any one individual,</p>					

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 04/20/88

but to regulate the hours of sale and consumption of alcoholic beverages. He then asked if Mr. Schloss charged a fee to enter or join the club to which Mr. Schloss advised in the negative; his sole source of income comes from the sale of mixers, soda, etc., he said.

In response to Mr. Graver, Mr. Schloss advised that since his club has opened for business, there have been no complaints registered with or by the Police Department. Mrs. Anderson-McDonald suggested that this item be tabled until such time as the Council and staff can discuss it at an informal workshop meeting, May 11, 1988.

Mr. Crawford said that he was voting negatively because he believed there should be some consistency relating to alcohol consumption in the City.

MOTION: To TABLE the ordinance as presented at second reading.

\*\*\* \*\*\* \*\*\*

---ORDINANCE NO. 88- ITEM 10

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF NAPLES RELATING TO AUTHORIZING AN "HISTORIC DISTRICT" OVERLAY IN THE OLDE NAPLES AREA BY AMENDMENT OF THE ZONING ORDINANCE; PERMITTING BED AND BREAKFAST ACTIVITIES WITHIN SAID HISTORIC DISTRICT BY CONDITIONAL USE PERMIT; AND PROVIDING AN EFFECTIVE DATE. PURPOSE: TO ALLOW BED AND BREAKFAST ACTIVITIES AS A CONDITIONAL USE WITHIN AN HISTORIC DISTRICT TO BE PROVIDED FOR BY THE CITY COUNCIL IN THE CITY OF NAPLES ZONING ORDINANCE.

Title read by City Attorney Rynders.

PUBLIC HEARING: Opened: 9:25 a.m.  
Closed: 9:35 a.m.

City Attorney Rynders advised that according to State statutes there must be two public hearings held prior to adoption of this ordinance in addition to approval of the City's Comprehensive Plan by the State. This hearing will not adopt the ordinance; it will, however, reaffirm the Council's approval of first reading. Community Development Director McKim further advised that this ordinance would amend the current Plan and also expand the proposed Plan.

Representing the Greater Naples Civic Association, President Frederick Voss spoke in favor of the ordinance and said that he did not believe it should be held for referendum. This is a decision which should be made by the City Council, he said. Citizen Charles Andrews concurred. Ms. Andrea C. Brown spoke at great length regarding positive aspects which bed and breakfast facilities could have upon the Naples area.

Citizen Neal Hawley, an adjacent neighbor to a proposed bed and breakfast facility, strongly opposed the ordinance as he believed it would increase the density and parking problem in that area.

COUNCIL MEMBERS	M O T I O N	VOTE		A B S E N T
		Y E S	N O	
Anderson-McDonald	X			
Barnett		X		
Crawford		X		
Graver			X	
Muenzer			X	
Richardson		X		
Putzell		X		
(5-2)				



CITY OF NAPLES, FLORIDA

City Council Minutes

Date 04/20/88

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson-McDonald				X	
Barnett	X			X	
Crawford					X
Graver					X
Muenzer					X
Richardson		X	X		
Putzell (4-3)			X		

The petitioner, Ms. Elise Sechrist, referred to comments made at a previous meeting, February 17, 1988, and reiterated her support of the proposed ordinance. She further advised that since the last meeting, she has provided the City with several letters, magazine articles and studies in support of bed and breakfast facilities along with other cities' ordinances and zoning regulations regarding the same. In response to Mayor Putzell, Ms. Sechrist explained that a typical guest of these facilities is quite intelligent, well-educated and rather affluent.

Mr. Graver said that he was not against the concept of a bed and breakfast facility; however, he believed that the PAB's recommendation to limit this use to only four bedrooms was appropriate and supported the same. Councilman Muenzer concurred. In response, Ms. Sechrist, however, pointed out that this venture would not be economically viable if she could not use all six rooms.

Citizen Jean Snellings spoke in favor of the ordinance and further advised that she supported Ms. Sechrist's efforts. Ms. Andrea C. Brown and Mr. George Orbin of St. Petersburg concurred.

**MOTION:** To APPROVE the ordinance with the aforementioned amendment at first reading.

\*\*\* \*\*

---RESOLUTION NO. 88-5529 ITEM 12

A RESOLUTION APPROVING THE PRELIMINARY AND FINAL SUBDIVISION PLAT FOR A PROPOSED FOUR-LOT SUBDIVISION TO BE KNOWN AS "CRYSTAL SANDS" LOCATED AT THE NORTHWEST CORNER OF FOURTH STREET SOUTH AND SECOND AVENUE SOUTH, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim explained that the owners of the existing tri-plex are requesting a four unit subdivision plat of the existing three and one common unit. The Planning Advisory Board (PAB) has recommended approval subject to the condition that the fourth lot be of a common ownership among the other three.

In response to Mr. Crawford, City Attorney Rynders advised that although the City controls use of land through zoning and setback limitations, it cannot restrain or prevent an alienation of land which is available for someone to sell. He suggested that the petitioner add a notation to the plat placing certain restrictions on the fourth lot, the common area for the remaining three units. Mr. Stephen Erek of Bruce Green and Associates, representing the petitioner, advised that the current owner is developing a set of restrictive covenants for these lots and said each would be sold according to those restrictions. Each owner would have one-third ownership of the fourth lot. Mr. Erek concluded.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 04/20/88

COUNCIL MEMBERS	MOTION	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
Anderson-McDonald		X	X		
Barnett			X		
Crawford			X		
Graver	X		X		
Muenzer			X		
Richardson			X		
Putzell (7-0)			X		
Anderson-McDonald			X		
Barnett		X	X		
Crawford			X		
Graver	X		X		
Muenzer			X		
Richardson			X		
Putzell (7-0)			X		
Anderson-McDonald					
Barnett					
Crawford					
Graver					
Muenzer					
Richardson					
Putzell (7-0)					

MOTION: To APPROVE the resolution as presented.

\*\*\* \*\*\* \*\*\*

---RESOLUTION NO. 88-5530 ITEM 13

A RESOLUTION APPROVING THE PRELIMINARY SUBDIVISION PLAT FOR A PROPOSED FOUR-LOT SUBDIVISION TO BE KNOWN AS "WHARFSIDE" LOCATED AT 810-840 RIVER POINT DRIVE; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim explained that this development was currently under construction and the petitioner was requesting approval of a subdivision plat. The Planning Advisory Board (PAB) has recommended approval.

MOTION: To APPROVE the resolution as presented.

\*\*\* \*\*\* \*\*\*

---RESOLUTION NO. 88- ITEM 14

A RESOLUTION GRANTING A VARIANCE FROM SECTION 6.30(G)(2) OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO RETAIN AN EXISTING GROUND SIGN THAT ENCROACHES 15 INCHES INTO THE STREET RIGHT-OF-WAY AT 506 NINTH STREET NORTH; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

The petitioner has requested that this item be withdrawn from the agenda at this time, City Manager Jones explained.

\*\*\* \*\*\* \*\*\*

---RESOLUTION NO. 88-5531 ITEM 15

A RESOLUTION GRANTING A VARIANCE FROM SECTION 5.4(F) OF APPENDIX "A" - ZONING OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES IN ORDER TO ALLOW A ROOFED WOOD PORCH TO REMAIN AT 981 EIGHTH TERRACE NORTH; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim advised that the petitioner was requesting a variance to allow an encroachment of approximately three feet into the setback area. The Planning Advisory Board has recommended approval as it sees no other alternative to the situation. Councilman Graver commented that the lot was unique because it curves at the corner; however, he believed there was another alternative such as reducing the size of the porch's diameter.

Mayor Putzell referred to the staff report which indicates that the structure does not meet current wind code requirements. Mrs. McKim, however, noted that it would not be necessary to dismantle the porch to bring it into conformance.





CITY OF NAPLES, FLORIDA

City Council Minutes

Date 04/20/88

MOTION: To APPROVE the ordinance as presented at first reading.

\*\*\* \*\*

---END COMMUNITY DEVELOPMENT/P.A.B.---

---RESOLUTION NO. 88-5532 ITEM 18

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE CHARTER GLADES COUNSELING CENTER TO COUNSEL INDIVIDUALS AND SMALL GROUPS IN A HIGHWAY COMMERCIAL ZONE DISTRICT LOCATED AT 4077 TAMIAMI TRAIL NORTH (PARK SQUARE); AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim explained that this was a request to renew a conditional use permit. In response to Mr. Richardson, she further advised that she did not know if the counseling center intended to continue their operation at this location.

MOTION: To APPROVE the resolution as presented.

\*\*\* \*\*

---RESOLUTION NO. 88-5533 ITEM 19

A RESOLUTION EXTENDING AUTHORIZATION FOR ST. JOHN'S EPISCOPAL CHURCH TO USE A TEMPORARY OFFICE TRAILER AT 500 PARK SHORE DRIVE UNTIL MAY 21, 1988; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim assured Council that the petitioner would not need the use of this trailer any longer than the requested 30 days.

MOTION: To APPROVE the resolution as presented.

\*\*\* \*\*

---RESOLUTION NO. 88- ITEM 20

A RESOLUTION AUTHORIZING STAFF TO CONTINUE APPROVING TEMPORARY PERMITS ON A CASE-BY-CASE BASIS FOR THE TEMPORARY USE OF A TRAILER AS A DRESSING ROOM IN CONJUNCTION WITH THE NAPLES PLAYERS, INC. THEATRE AT 399 GOODLETTE-FRANK ROAD, SUBJECT TO THE CONDITION SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

Community Development Director McKim commented that staff has been authorized to issue permits to allow trailers to be used for certain performances on a temporary basis and the petitioner was requesting approval of this resolution for another year. She further advised that there have been no complaints received by the City concerning this use.

COUNCIL MEMBERS	MOTION	S E C O N D	VOTE		A B S
			Y E S	N O	
Anderson-McDonald			X		
Barnett			X		
Crawford			X		
Graver		X	X		
Muenzer			X		
Richardson	X		X		
Putzell			X		
(7-0)					
Anderson-McDonald				X	
Barnett		X		X	
Crawford				X	
Graver			X	X	
Muenzer				X	
Richardson				X	
Putzell				X	
(7-0)					
Anderson-McDonald				X	
Barnett				X	
Crawford		X		X	
Graver				X	
Muenzer		X		X	
Richardson				X	
Putzell				X	
(7-0)					

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 04/20/88

COUNCIL MEMBERS	MOTION	VOTE		ABSENT
		YES	NO	
Anderson-McDonald		X	X	
Barnett			X	
Crawford	X		X	
Graver			X	
Muenzer				X
Richardson			X	
Putzell (6-1)			X	

Mr. R. B. Tucker, representing Mariner's Cove Condominium, spoke in opposition to the resolution and explained that not only were the trailers an eye-sore, but when placed or removed, must vacate through their property. No amount of landscaping could adequately screen these construction trailers, Mr. Tucker concluded. Mr. Crawford concurred.

**MOTION:** To DENY the resolution as presented.

\*\*\* \*\*

---RESOLUTION NO. 88- ITEM 21

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR A GRANT TO FUND A CORRIDOR MANAGEMENT LAND USE STUDY; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

City Manager Jones asked that this item be withdrawn from the agenda because the Department of Community Affairs has not yet responded regarding changes to the contract.

\*\*\* \*\*

CORRESPONDENCE AND COMMUNICATIONS:

Mr. Crawford asked staff to investigate a newly approved car rental on U.S. 41 which has allowed its landscaping to deteriorate. He pointed out that when this request was approved by Council, there were strict landscaping requirements which were to be adhered to.

Councilman Graver suggested that Council discuss the City's procedures for inspecting construction sites at the next workshop meeting, May 11, 1988, due to the increase of variance requests.

It was the consensus of Council to direct staff to prepare a resolution cancelling the first meeting in July due to the Fourth of July holiday.

Mr. Muenzer suggested that Council discuss the feasibility of cancelling those persons' City Dock lease who receive three or more citations within a one-year period at the next workshop meeting, May 11, 1988.

\*\*\* \*\*

ADJOURN: 11:10 a.m.

*[Signature]*  
EDWIN J. PUTZELL, JR., Mayor

*[Signature]*  
JANET CASON  
CITY CLERK

*[Signature]*  
JODIE M. O'DRISCOLL  
DEPUTY CLERK

These minutes of the Naples City Council were approved on May 4, 1988.

SUPPLEMENTAL ATTENDANCE LIST

Charles Andrews  
W. W. Haardt  
Herb Anderson  
Robert Galloway  
Don Bockelman  
Gil Weil  
C. Lodge McKee  
Elise Sechrist  
R. B. Tucker

Harry Hoffmeister  
Egon Hill  
Sarah Sauer  
Jean Snellings  
Robert N. Bell  
Robert Schroer  
Jack Schloss  
Andrea C. Brown  
Tony Sciarrino

Lt. Don Vick  
Stephen Erek  
Robert Flinn  
M/M Robert Brennan  
John C. Sturgis  
C. C. Holland  
Frederick Voss  
George Orban

Other interested citizens and visitors.

NEWS MEDIA

Ken Thomas, Palmer TV-10  
Denis Husty, Ft. Myers News-Press  
Bob Goldberger, WINK-TV

Pete Scovill, Palmer TV-10  
Don Germaise, WEVU-TV  
Marty Bonvechio, Naples Daily News



# City of Naples

## --- MEMO ---

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: FRANKLIN C. JONES, CITY MANAGER

SUBJECT: ZONING ORDINANCE AMENDMENT 88-T1  
COMPREHENSIVE PLAN AMENDMENT 88-CPA-1

PETITIONER: ELISE SECRIST

DATE: APRIL 8, 1988

### BACKGROUND:

The petitioner has requested that the City allow a "Bed and Breakfast" use at her home at 287 11th Avenue South. Several procedural steps are required to provide for such a use. These include: the amendment of the Comprehensive Plan to create an historic district overlay in old Naples and allowing the consideration of the use in the district; the establishment of a specific zoning ordinance which regulates the use, location, and intensity, and which is compatible with the plan; and finally a specific conditional use petition review to examine the specifics of the use as related to the requirements in the zoning ordinance.

### PAB RECOMMENDATIONS:

The Planning Advisory Board recently reviewed this request at the meeting on April 7, 1988. Their deliberations focused on the criteria which should be considered in the zoning ordinance to adequately address the use. They specifically debated and discussed each criterion as related to the use. Much of the discussion related to the number of rooms which should be permitted.

After careful consideration with extensive input from the public, the Planning Advisory Board recommended that the zoning ordinance be approved to establish criteria for the review of Bed and Breakfast operations with the following modifications of the ordinance as presented by staff:

1. Subsection (A) under definition: add the words "and operated" to require the owner to personally occupy and operate the establishment.
2. Subsection (B)(1) add the words "a finding must be made to determine it is necessary to preserve the historic structure and allow the use as a tool for preservation."
3. Subsection (B)(3) parking: add the words "parking must be designed not to have adverse impacts on the neighborhood."
4. Subsection (B)(3) Number of guests and quarters modify to read:

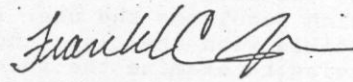
<u>Total area of all dwellings</u>	<u>Max. rooms</u>
up to 1800 square feet	2
1800 to 3000 square feet	4

Eliminate the words "each cottage shall be considered as a separate area allowed for rental" and establish four as maximum number of rooms.

- 5. Subsection (B)(6) Signs: add the wording "Signs shall be non-illuminating"
- 6. Subsection (B)(7) Cooking Facilities: modify to state "no cooking facilities or cooking shall be allowed in guest bedrooms."
- 7. Subsection (B)(8)(a) modify to state "no alcoholic beverages shall be sold to guest 'or non-guests.'"
- 8. Subsection (B)(8)(b) define appropriate officials as "zoning enforcement officer."
- 9. Subsection (B)(8)(e) add the words "as approved by the City."
- 10. Subsection (B)(8)(g) Annual review: eliminate the words "may be required" and replace with "is required. "
- 11. Subsection (C) Limitation: add the following --occupancy will be limited to two adults per bedroom with a maximum stay of 30 days.

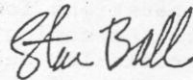
If this ordinance is passed, the Council will have one additional public hearing. At that hearing Council will review second readings of the ordinances and a conditional use petition relative to the specifics of the site and the operation.

Respectfully submitted,



Franklin C. Jones  
City Manager

Prepared by:



Steve Ball  
Chief Planner

B:ed



# City of Naples

## --- MEMO ---

TO: Planning Advisory Board  
FROM: Community Development Department  
SUBJECT: Proposed Zoning Ordinance Amendment - Parking  
DATE: March 30, 1988

-----

### Background:

Two recent petitions relative to parking requirements for mental health professionals have pointed out a need for specific parking regulations for this group which is currently under the zoning ordinance definition of "clinic" and required to provide the same parking as medical doctors. The need to clarify the definition of "clinic" has also been brought to our attention several times in the past.

### Proposed Change:

The staff is proposing the following changes to Section 6.23 (I), Parking, and Section 16.11, Definitions, of the Zoning Ordinance. Proposed deletions are ~~crossed-out~~ and additions are underlined.

#### (10) Medical offices and clinics:

~~4-spaces-per-doctor-for-patients'-use, plus-1 space-per-doctor-for-doctor's-use, plus-2-spaces for-each-3-employees; or 1 space for each 200 square feet of gross floor area, whichever-is greater.~~ For the purposes of this item, the following definition will apply:

Clinic: An establishment where persons, who are not lodged overnight, are admitted for examination or treatment by one person or a group of persons practicing any form of the healing arts, including ~~physical-therapists-or-laboratory-technicians under-the-supervision-of-a-doctor~~, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, podiatrists, dentists, physical therapists, or any such profession, the practice of which is regulated by the State of Florida.

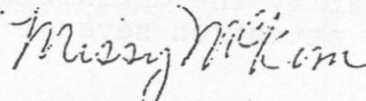
(10.1) Mental health professionals, as licensed by Chapters 490 and 491, Florida Statutes:

1 space per 250 square feet of gross floor area

Recommendation:

This change will recognize the difference in practice of medical doctors and mental health professionals; i.e., medical doctors typically have multiple examination rooms and mental health professionals typically operate on a one-to-one basis. The proposed parking standard is a compromise between the requirements for general commercial uses and medical offices, and we recommend its approval.

Respectfully submitted,



Missy McKim  
Community Development Director

Prepared by:



Ann Walker  
Planner I