



City of Naples

City Council Minutes **273**
Workshop Meeting 02/22/89

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

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Time 9:05 a.m.

Date 02/22/89

Mayor Putzell called the meeting to order and presided as Chairman:

Present: Edwin J. Putzell, Jr.,
Mayor

Kim Anderson-McDonald
Alden R. Crawford, Jr.
John T. Graver
Paul W. Muenzer
Lyle S. Richardson,
Councilmen

Absent: William E. Barnett,
Councilman

Also Present:

Franklin C. Jones, City Manager
David W. Rynders, City Attorney
Ann "Missy" McKim, Community Dev. Dir.
Jodie M. O'Driscoll, Deputy Clerk

Mayor Putzell referred to a letter, dated February 10, 1989, from Planning Advisory Board (PAB) Member, Hubie Howard. Mr. Howard suggested that in addition to the existing qualifications for measuring PAB candidates, that should a member decide to run for an elected City office that he be required to resign his seat on the PAB.

Councilman Richardson pointed out that the Naples Civic Association requires its Board members to resign should they run for an elected position.

It was the consensus of Council to require any PAB member to resign should he decide to run for an elected City office.

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Referring to the newly passed ordinance regulating the keeping of animals, Mayor Putzell advised that one citizen had called and given a discourse regarding the importance of bees and how they pollenate, etc. He recommended that a staff person be directed to study the role bees play in the agricultural economy and report back to Council with their findings.

Councilman Muenzer said he believed the intent of the ordinance was to limit commercial activities within a residential area. A bee community over five hives is a commercial use, he said, and has been restricted in many major cities such as Miami, Sarasota and elsewhere.

City Manager Jones advised that staff would contact the State Agricultural Extension Agent for Collier County and obtain a report from him regarding the keeping of bees.

Council then referred to a memorandum it received from the City Manager's Office regarding the proposed gas tax rollover. There will be a sunset of the six cent gas tax in September and County officials have suggested the current agreement be rolled over for an additional ten years which would

[illegible]

keep the same ratio split between the City and County for revenues from that tax. Staff has taken the position that this would be a reasonable assumption and are prepared to undertake negotiations with the County regarding same.

It was the consensus of Council that staff should begin negotiations with the County regarding the six cent gas tax proposed to be rolled over in September.

City Manager Jones announced that during the normal scheduling of concerts, the Community Services Department came upon a contract with a performer that exceeded the City Manager's approval margin by approximately \$1,000. The contract, in the amount of \$8,500, needs to be executed as soon as possible. The Charter and Code provides that the Mayor can act as Council on issues such as this and his action can then be confirmed at the next City Council meeting.

There were no objections from the attending members of Council.

ITEM 1

REVIEW OF ZONING ORDINANCE AMENDMENTS
RECOMMENDED BY PLANNING ADVISORY BOARD.
(PURSUANT TO REGULAR COUNCIL MEETING OF
FEBRUARY 15, 1989)

A copy of the proposed zoning ordinance amendments can be reviewed in its entirety from the meeting packet in the City Clerk's Office.

Community Development Director McKim advised that this would be the first set of zoning changes, a few of which have resulted from the need for annexation provisions in the Comprehensive Plan. Two new zoning districts have been created to accommodate the proposed annexation area: R3-6 and rural estate district. The R3-6 designation is similar to the County's RMF (residential multifamily) and the rural estate district is the same as the County's estate district.

Referring to the rural estate area, Mrs. Anderson-McDonald asked where these lots were located. Mrs. McKim advised that Coach House Lane currently has a number of non-conforming larger lots in estate type situations. A popular use in that area has been the keeping of horses and, in fact, one gentleman even raises peacocks. In response to another question raised by Councilman Anderson-McDonald, Mrs. McKim further advised that this zoning ordinance would override the Code regulating the keeping of animals.

Councilman Crawford referred to the setback requirements for these parcels and said he believed them to be minimal. Mrs. McKim, however, pointed out that the lots were narrow and could not accommodate a larger setback.

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Another district created from the Comprehensive Plan process was the conservation district. This zone would accommodate all the wetland areas, Key Island as well as those located on the mainland, Mrs. McKim explained. At this point, Mayor Putzell suggested that staff review the changes item by item.

Page 3 through 22

This change provides that when property straddles two districts, the most stringent zoning would apply; however, should any additions to an existing building fall into a more strict zoning district, those regulations would then be enforced. This situation currently exists in many beachfront properties, Mrs. McKim said.

Another amendment to this particular section includes the addition of the rural estate district and R3-6 multifamily district. Councilman Muenzer suggested that in the estate district that bees could be kept and suggested it be amended to provide for such a use.

After a rather lengthy discussion regarding the calculations used to determine the number of cluster homes allowed in the R3-6 district, staff advised that this district could allow up to six units per acre. The cluster home concept provides for the appearance of a more open area surrounding the structures.

The highway commercial zone district has been amended to allow auto agencies as a conditional use in that zone. Council expressed concern about an existing highway commercial use on Goodlette Road which has been selling rather large boats parked on a small lot. Mrs. McKim advised that the property owner has met all Code requirements excepting submittal of GDSP (general development site plan) which has been received and will go before the PAB at its upcoming meeting.

Mayor Putzell suggested that staff consider a community appearance ordinance which could provide parameters with respect to activities within the City boundaries that are unsightly. Many other cities have implemented such criteria and could be contacted regarding the drafting of such an ordinance. Mrs. McKim said she considered the current historic district a "first test" for these type provisions.

Mayor Putzell interrupted the meeting to announce that 6,000 ballots have thus far been received from the Elections Office, 2,000 of which were received this morning.

Page 27

This amendment would allow residential dwelling units to exist as a conditional use in the C1, retail shopping district.

Page 29 through 30

Language in this section has been amended to include a commercial core district as outlined in the Comprehensive Plan process.

Page 52 through 55

Through the conditional use process, this district would provide for a variance from the height limitation for auxiliary structures such as church symbols and water towers.

The conservation district would also be added to this section. Councilman Crawford said he did not believe marinas to be a gentle use of the wetland areas as designated in the proposed ordinance.

After a brief discussion regarding a small shopping center on the corner of Goodlette Road and Pine Ridge, staff noted that the current use would be non-conforming and would, in fact, translate to office use under the City's current Code.

Page 56

The amendment to this section simply clarifies existing language.

Page 61

This provides for the exception from height requirements for church symbols and water towers to a maximum of ten feet above the roof line.

Page 70-71

This section discusses lot coverage and adds the R3-6 district.

Page 71

The language in this section addresses the required lot coverage for a parking garage.

Page 78

Parking criteria for medical offices has been amended to provide for calculation based purely on a square foot basis not by the number of staff.

Page 88

This section amends the sidewalk requirements which was the result of an employee suggestion.

After a brief discussion regarding the placement of sidewalks through residential driveways, staff advised that driveway materials vary to a great degree and placement of a continuous sidewalk through these drives provides for a more desirable construction.

Page 89

This section amends the criteria for a roof sign. If a sign is placed on the roof parapet, then it would be allowed under this new provision.

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In response to Councilman Muenzer, Mrs. McKim advised that staff had no provisions to address painting of a mural on the side of a building. However, any wording placed on such a mural could be addressed under the sign ordinance.

Other changes to the Code include exclusion of the swimming pool enclosure requirement for the rural estate district. Also, providing that bay windows, balconies, trellises and arched arbors be allowed to encroach into setback areas.

Discussion then ensued regarding necessity of a workshop meeting to analyze the Sabal Bay issue.

City Manager Jones advised that there would be two public hearings on this issue, March 1 and then March 15, 1989. Should Council find that it needs additional information between that time, then it would be appropriate to schedule a workshop meeting. Mayor Putzell agreed.

Council directed staff to obtain some expert analysis on the documents and reports submitted thus far from Collier Enterprises, Inc. to ascertain their factual accuracy (traffic impact on the Bay and other areas of impact which such a project might affect).

Councilman Anderson-McDonald expressed concern that she did not believe two public meetings sufficient time to discuss the ramifications this project might have upon the environment and traffic on Naples Bay.

Discussion then ensued as to the legal ramifications should Council decide to table the item at first reading. City Attorney Rynders advised Council would be within its rights to do that to a time certain.

Mrs. Anderson-McDonald then said she had been advised that under current zoning, there is space available for construction of 2,000 boat dockage facilities. Council directed staff to look into this possibility further and report back with its findings.

Staff then asked for guidance from Council regarding the issuance of temporary use permits for events held at the Harbortowne Mall, for example. There is no policy within the ordinance frame to address a time limit; however, staff has taken the position that an event cannot go on for more than ten days and two weeks must pass before another event can be held.

It was the consensus of Council to confirm the staff's current position.

Councilman Muenzer relayed a recent experience riding in a police patrol car with an on-duty

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Jackie O'Driscoll