



# *City of Naples*

City Council Minutes

Special Meeting 12-04-91

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

| -SUBJECT-   | ORD.<br>NO. | RES.<br>NO. | PAGE |
|---|-------------|-------------|------|
| <u>ORDINANCES</u> - First Reading:                                    |             |             |      |
| -APPROVE new residential zoning classification                        | 91-         |             | 1    |
| -APPROVE rezone property located within the Port<br>Royal subdivision | 91-         |             | 2    |

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940



CITY COUNCIL MINUTES

Special Meeting

Time 5:15 p.m.

Date 12-04-91

Mayor Anderson called the meeting to order and presided.

ROLL CALL

ITEM 1

Present: Kim Anderson, Mayor

John M. Passidomo, Vice Mayor

William E. Barnett

R. Joseph Herms

Alan R. Korest

Paul W. Muenzer

Fred L. Sullivan

Council Members

Also Present:

Dr. Richard L. Woodruff, City Manager

Norris C. Ijams, Assistant City Manager

David W. Rynders, City Attorney

Ann (Missy) McKim, Community Development Dir.

John Cole, Chief Planner

George Henderson, Sergeant-At-Arms

Marilyn McCord, Recording Secretary

Other interested citizens and visitors.

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ITEM 2

PUBLIC HEARINGS AND FIRST READINGS OF ORDINANCES.

ORDINANCE NO. 91-

ITEM 2-a

AN ORDINANCE AMENDING THE COMPREHENSIVE DEVELOPMENT CODE BY THE ADDITION OF SUBSECTION 7-4-2.1 "R1-15A" RESIDENCE DISTRICT, A SINGLE FAMILY, RESIDENTIAL ZONING DISTRICT, AND PROVIDING LAND USE AND DEVELOPMENT STANDARDS WHICH WILL APPLY TO ALL CONSTRUCTION WITHIN SUCH GEOGRAPHIC AREAS AS MAY BE ZONED "R1-15A"; AND PROVIDING AN EFFECTIVE DATE.

CITY OF NAPLES, FLORIDA

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| COUNCIL<br>MEMBERS | M<br>O<br>T<br>I<br>O<br>N | S<br>E<br>C<br>O<br>N<br>D | VOTE        |        | A<br>B<br>S<br>E<br>N<br>T |
|--------------------|----------------------------|----------------------------|-------------|--------|----------------------------|
|                    |                            |                            | Y<br>E<br>S | N<br>O |                            |

PURPOSE: TO AMEND THE COMPREHENSIVE DEVELOPMENT CODE THROUGH THE ADDITION OF A NEW RESIDENTIAL ZONING CLASSIFICATION "R1-15A" RESIDENCE DISTRICT WHICH WILL CONTAIN STANDARDS APPLICABLE TO SINGLE FAMILY RESIDENTIAL DEVELOPMENT, EMPHASIZE THE NATURAL SETTING TO A GREATER DEGREE THAN IS CURRENTLY CONTAINED IN THE "R1-15" RESIDENCE DISTRICT AND INCREASE THE NUMBER OF SINGLE FAMILY RESIDENTIAL ZONING DISTRICT OPTIONS AVAILABLE WITHIN THE COMPREHENSIVE DEVELOPMENT CODE.

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ORDINANCE NO. 91-

ITEM 2-b

AN ORDINANCE REZONING PROPERTY LOCATED WITHIN THE PORT ROYAL SUBDIVISIONS, MORE PARTICULARLY DESCRIBED HEREIN, FROM "R1-15" SINGLE FAMILY RESIDENCE TO "R1-15A" SINGLE FAMILY RESIDENCE; AND PROVIDING AN EFFECTIVE DATE.

PURPOSE: TO REZONE THE PROPERTY DESCRIBED HEREIN AND THEREBY ENSURE THAT FUTURE DEVELOPMENT WITHIN THE PORT ROYAL SUBDIVISIONS WILL BE COMPATIBLE IN MASSING AND SETBACK CHARACTERISTICS WITH THE EXISTING DEVELOPMENT WITHIN THESE NEIGHBORHOODS.

Titles read by City Attorney Rynders.

Chief Planner John Cole informed Council that the Port Royal Homeowners Association, local contractors and members of the Port Royal Architectural Review Committee had held meetings pertaining to the rezoning issue. Mr. Cole said that the proposed ordinances contain language which had been changed since Council's last meeting on the issue. Areas which had been addressed included setback exceptions which have been made to allow gabled roof ends to encroach



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|                    |                            |                            | Y<br>E<br>S | N<br>O |             |
|                    |                            |                            |             |        |             |

into the building envelope, lot calculations which have been revised for pool enclosures and lanais, flood plain measurements which are counted against the building footprint and exceptions made for roof overhangs.

Mr. Cole referred to the Phillips' home design which had been approved by the Architectural Review Committee but not submitted to the City for a building permit. Mr. and Mrs. Phillips had requested, through their attorney, that an exception be made for those properties preapproved by the Association. Mr. Cole told Council that that would not create a problem from staff's perspective since there are so few plans outstanding.

Chief Planner Cole noted that he was comfortable in saying that it appears the size of homes people are proposing to build could be built under the "R1-15A" regulations, providing the lot developer will expand to two stories in the living area and people are willing to accept fifteen-foot pool enclosures. Homes built in 1990 and 1991 should not be in conflict, he said.

Mr. Cole explained that it was the desire of the local developers and architects to find a practical way in which to build a good product of good design. Staff does not receive that many building plans for Port Royal for review that it cannot manage, however, it will be difficult to accurately describe specifically what the setback regulations are. Setback questions could be answered by the Permit Clerk previously, said Mr. Cole, however, now the developer will need to visit City Hall in order to discuss the setbacks.

When the "R1-15" zoning was instituted, pointed out Mr. Cole, Council stipulated that it be reviewed in one year's time and he recommended that the same approach be taken for the "R1-15A" zoning.

PUBLIC HEARING:   Opened: 5:25 p.m.  
                      Closed: 5:50 p.m.

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|                    |                            |                            | Y<br>E<br>S | N<br>O |                            |

Attorney Richard J. Aaron, representing Mr. and Mrs. Phillips, addressed Council pointing out that the Phillips had owned their Port Royal lot since 1981 and finally completed their house plans in 1989 at which time the plans were approved by the Architectural Review Committee. Attorney Aaron said that the proposed zoning changes would slightly restrict the home's design. He said that his clients were requesting that the ordinance contain a "grandfather" type of provision allowing anyone with preapproved plans to be exempt from this ordinance.

City Manager Woodruff noted that it was difficult to exempt someone from the law and recommended that language be added to the ordinance stating, "Any set of plans substantially complete and in the hands of the Building Department will be grandfathered in. The petitioner should then immediately receive a letter from the Building Department saying they are substantially complete plans."

Discussion ensued with respect to the possibility of vesting already approved plans. The City Manager explained that historically, when zoning densities had been changed, rulings by attorneys and subsequent court cases stated that if a set of plans was submitted to the building department prior to passing the ordinance, those plans were grandfathered in.

Council Member Korest suggested that between now and second reading of the ordinances, all administrative details be reviewed and presented to Council, allowing for some accommodations for those people who have substantially finished plans. City Manager Woodruff assured Council that staff would work out all the details.

Chairman of the Port Royal Property Owners Association and member of the Architectural Review Committee Robert W. Morris, 3815 Fort Charles Drive, commented that there should be some orderly review process, either for Port Royal individually or embodying the entire City.

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|--|----------------------------|----------------------------|-------------|--------|----------------------------|
|  |                            |                            | Y<br>E<br>S | N<br>O |                            |
| With respect to grandfathering, Mr. Morris said that in his opinion, it should be included in the ordinance since the Committee could conceivably change its guidelines. Mr. Morris drew attention to the fact that an architect was always involved in any Port Royal building project, therefore, he did not believe that complying with the zoning changes would make the process any more complicated. In closing, Mr. Morris told Council that the Association is "very much in favor of this ordinance." |                            |                            |             |        |                            |
| Mr. Bill Morris, 1895 Gordon Drive, addressed Council, saying, "In no way can someone who lives in Port Royal intelligently vote for something where we have no idea of the end result. The problem as I understand it is simply that 80% of our homeowners come under deed restrictions. I think the rules are too complicated and I recommend you leave "R1-15" alone except to tie together the 12 1/2 foot sideyard setbacks."   |                            |                            |             |        |                            |
| <b>MOTION:</b> To <u>APPROVE</u> Items 2-a and 2-b at first reading, conditional upon inclusion of the vesting language suggested by City Manager Woodruff. The language is as follows: "Any set of plans substantially complete and in the hands of the Building Department will be grandfathered in."  |                            | X                          | X           |        |                            |
|  |                            |                            | X           |        |                            |
|  |                            |                            | X           |        |                            |
|  |                            |                            | X           |        |                            |
|  |                            |                            | X           |        |                            |
|  | X                          |                            | X           |        |                            |
|  |                            |                            | X           |        |                            |
| Barnett<br>Herms<br>Korest<br>Muenzer<br>Passidomo<br>Sullivan<br>Anderson<br>(7-0)  |                            |                            |             |        |                            |

The City Manager announced that second reading of the ordinances would take place at a Special Meeting of City Council at 5:05 p.m. on December 18, 1991.

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**CORRESPONDENCE AND COMMUNICATIONS**

Mayor Anderson recommended that Council meet at 9:00 a.m. on Friday, December 27th, for the purpose of approving the ballot for the February election.

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ADJOURN: 6:00 p.m.

*Kim Anderson*  
KIM ANDERSON, MAYOR

*Janet Cason*  
JANET CASON  
City Clerk

*Marilyn McCord*  
Marilyn McCord  
Recording Secretary

These minutes of the Naples City Council were approved on January 15, 1992.