



City Council Chamber
735 Eighth Street South
Naples, Florida 34102

City Council Workshop Meeting – September 29, 2008 – 8:27 a.m.

Mayor Barnett called the meeting to order and presided.

ROLL CALLITEM 1

Present:

Bill Barnett, Mayor
Penny Taylor, Vice Mayor

Council Members:

Teresa Heitmann
Gary Price, II (left 1:54 p.m.)
John Sorey, III
Margaret Sulick
William Willkomm, III (arrived 8:29 a.m.)

Also Present:

William Moss, City Manager
Robert Pritt, City Attorney
Tara Norman, City Clerk
Vicki Smith, Technical Writing Specialist
Roger Reinke, Assistant City Manager
Michael Moose, Executive Assistant
Jessica Rosenberg, Deputy City Clerk
Russell Adams, CRA Executive Director
Robin Singer, Planning Director
Robert Middleton, Acting Public Works Director
George Archibald, Traffic Engineer
Clarence Tears

Dorothy Hirsch
Myles Strohl
Matthew Kragh
Marvin Easton
Robert DeCastro
Andy Woodcock
Doug Finlay
Kenneth Mastrodomenico
Media:
Jenna Buzzacco, Naples Daily News
Eric Staats, Naples Daily News
Other interested citizens and visitors.

SET AGENDA.....ITEM 2

MOTION by Price to SET THE AGENDA as submitted; seconded by Sulick and carried 6-0 (Heitmann-yes, Price-yes, Sorey-yes, Sulick-yes, Taylor-yes, Willkomm-absent, Barnett-yes).

PUBLIC COMMENT.....ITEM 3

None.

.....ITEM 4

INTERVIEWS WITH CANDIDATES FOR VARIOUS BOARDS AND COMMITTEES.

Deputy City Clerk Jessica Rosenberg indicated that Robert DeCastro, candidate for the Community Redevelopment Agency Advisory Board (CRAAB), and Myles Strohl, Moorings Bay Citizens Advisory Committee, were available for interview. Following the interviews,

Council requested that discussion regarding whether one or more current CRAAB members, who are term-limited, should be afforded a term extension thereby ensuring continuity on that Board.

Consensus that discussion of term extensions for one or more CRAAB members be scheduled during the 10/13/08 workshop.

DISCUSSION OF BUILDING HEIGHTS.....ITEM 5 PRESENTATIONS BY PLANNING DIRECTOR ROBIN SINGER AND MATTHEW KRAH, ON BEHALF OF THE AMERICAN INSTITUTE OF ARCHITECTS. Architect Matthew Krah provided an electronic presentation (Attachment 1). He highlighted what he said were concerns of local architects relative to design issues created by the height limitation contained in the City of Naples Charter (Section 14.1; enacted in February 2000 referendum). This provision limits the height of structures in commercial zoning districts to 42 feet to the peak of the roof and three floors, measured from the first floor FEMA (Federal Emergency Management Agency) elevation. While measuring commercial / mixed-use building heights from FEMA elevations may at times be favorable, such as along Fifth Avenue South where the FEMA elevation is 2'3" above grade, this is not the case in other districts. A typical three story, mixed use development, Mr. Krah said, would be composed of a ground floor retail space (ceiling height 12' minimum), a second floor office space (10' minimum), and a third floor residential space (9' minimum). He then reviewed four alternate methods of measurement (see Attachment 1, Page 5), noting that currently method #4 is utilized in the City and is the most restrictive. With regard to method #2, it would be to a great extent open to interpretation as to mean height of the roof, therefore, the AIA (American Institute of Architects) recommended either method #1 or #2. He said that Collier County usually measures heights, as depicted in method #1, to the roof deck or mean height for planned developments. Mr. Krah explained that method #3 depicted measurement to the eave height and would be the most flexible and unrestrictive for the architect with regard to design.

Architect Krah further stated that AIA suggests that Section 56-34 (Land Development Code) be amended to allow commercial structures up to seven feet of architectural embellishments, thereby improving aesthetics. He reiterated its opinions as follows:

- The Charter commercial building height provision is inflexible in the way it measures the maximum building height.
- 42 feet is not sufficient to allow for quality floor-to-floor heights for a three-story structure and a well-proportioned roof.
- The Charter provision is also redundant since there is no need to specify an inflexible maximum numeric building height when the maximum number of stories is already specified.

Noting agreement with reference to aesthetics, Mayor Barnett however explained the Charter amendment had been approved by referendum by City residents. Vice Mayor Taylor questioned the wisdom of the above referenced method #3 (measurement to the eave) which would allow a developer to add to floor heights and utilize flat roofs rather than maintain aesthetically pleasing embellishments and roof lines. Mr. Krah stated that this same concern had been voiced during the Planning Advisory Board (PAB) presentation and a floor-to-floor height limitation had been discussed which would avoid such a design as presented by Vice Mayor Taylor, as well as the requirement to undergo review by the Design Review Board (DRB). In response to Mr. Krah, City Attorney Robert Pritt pointed out that to amend the Charter, another referendum vote would be necessary.

Council Member Price expressed concern with possible impact on the character of the community should the height limit be amended, that allowing taller buildings would result in a canyon-like perspective from the streets. Mr. Kragh indicated that the AIA was merely attempting to bring to Council its concerns and comments, that no action was being sought at that time. Mr. Price said he believed that if measurement to the eave were allowed, then the floor-to-floor heights within structures could be greater without affecting the height to the deck; Architect Kragh agreed. Council Member Sorey recommended that Mr. Kragh's group further research this matter, especially the eave method of measurement, and return to propose a possible referendum to clarify the intent of the prior Charter amendment.

Council Member Sulick stated support of the Charter provision as written; that she believed it rightfully represents the residents' desire to retain the character of the community and avoid the above referenced canyon effect. While thanking Mr. Kragh for his efforts, she cautioned against allowing seven feet of embellishments as permitted for residential structures, explaining that the definition of habitable space would become an issue. Council Member Willkomm agreed, adding that a smaller scale must be maintained and rooflines are not actually visible from the street level. The Charter amendment, Mr. Willkomm additionally noted, was not approved to ensure convenience for the design community but to protect the character and ambience of the community for residents; therefore, changes should not be brought forward except by residents. Council Member Heitmann agreed.

Mayor Barnett noted his belief that Council did not wish to amend the Charter at that time.

Recess: 9:15 a.m. to 9:20 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened and Item 5 continued.

Planning Director Robin Singer continued discussion of Item 5 by reviewing her memorandum dated September 18 (Attachment 2) regarding building and pool deck heights and a request for the staff to be allowed to research issues related thereto. Utilizing an electronic presentation (a printed copy of which is contained in the file for this meeting in the City Clerk's Office and a portion of which is attached hereto as Attachment 3), she explained that the DRB had proposed changes to the height limitations in the R3-12 Residential District (Old Naples area) (see Attachment 3) with regard to multiple family dwellings and commercial structures. Currently, while regulations do not limit the number of stories, they do mandate a maximum of 30 feet in height. This has materialized as a ground floor parking level built at grade and then another two stories above with a roof with partial mansard or hip treatment instead of a full roof, she pointed out. The DRB had recommended as an alternative allowing a height of up to 42 feet and a maximum of three floors; this had also been recommended by staff, she said. Another option would be to increase the height to 35 feet, allow the ground floor parking and two floors of habitable space above. In response to Council Member Price, Ms. Singer clarified that the proposed 40% increase in height (42 feet) had been proposed prior to the recently appointed DRB Members beginning their terms. She also explained that during a recent discussion, the new DRB had expressed interest in requiring a full roof with no increase in height; this option would however entail research as to infringement of property rights, she added. Mr. Price indicated a belief that the proposals would apply a negative pressure upon the character of the community.

In response to Council Member Sulick, Director Singer next addressed the definition of a story (see Attachment 2, Page 2), explaining that the sentence “If any part of a building is two-story, the entire building is considered two-story” should be struck due to conflicting interpretations. A building may have three-story sections, but this sentence is being utilized to in fact deem the structure two-story, she said. Furthermore, the additional language should be added denoting a garage level as a story if 50% of the floor-to-floor height is above the base point of measurement. This recommendation is due to the frequency of allowable stories issues arising with regard to residential units above this garage level, Ms. Singer said. Mrs. Sulick however expressed concern with the possible loss of greenspace and Council Member Sorey agreed, adding that at-grade parking should be precluded and that parking should remain within the footprint of these structures. Ms. Singer explained that staff would research the possibility of an open space requirement should developers continue to be allowed to place the parking under the structure.

Council Member Sorey indicated that he could not support the full three-story scenario; Council agreed. Ms. Singer stated that staff would consult with the City Attorney with regard to the above referenced property rights issue and recommended that some sort of story limitation be included.

Planning Director Singer next addressed the base point of measurement for Coquina Sands (R2-15CS) and Moorings (R3-13MOR) Districts (see Attachment 2, Page 1 - 2), explaining that limitations conflict in the definitions section of the Code and the individual district regulations; therefore she recommended the amendments as reflected in the aforementioned attachment.

It is noted for the record that Council Member Price left at 9:40 a.m. and returned at 9:52 a.m.

In response to Ms. Singer, Council Member Sulick urged that the “story definition” be clarified, that garage space located under habitable floors should be considered a floor/story. Ms. Singer also noted that no Code definition as to habitable (or fit for habitation) currently exists, therefore, the recommendation is that a definition consistent with the Florida Building Code (FBC) be added. In addition, a definition as to what constitutes accessibility should be included so as to address stairways versus trapdoors, she said, which would provide ingress/egress to the habitable space of a top floor. Council Member Willkomm expressed concern with the proposed height of seven feet of clear space between the floor and ceiling (see Attachment 2, Page 2), suggesting an additional six inches; Ms. Singer indicated that this language had been found in the FBC.

Planning Director Singer explained that the addition of the language addressing the two story limitation adjacent to or across from any R1 zoned property is to clarify interpretation, therefore the recommended “within 150 feet” amendment would provide a radius (see Attachment 2, Page 2).

Explaining the proposed pool deck height amendment (see Attachment 2, Page 2 - 3), Ms. Singer said that issues had arisen regarding waterfront properties, in that elderly residents and those with children are in need of easier access. Therefore, language is proposed to allow construction at the minimum required finished floor elevation as long as side setbacks are met, as well as the 15-foot rear setback for pools. Council Member Sulick expressed concern that this amendment would however alter the perspective of the rear yard with regard to neighboring properties,

especially waterfront properties built at the new FEMA elevations; if such issues in fact arise, she said, the pool deck should be constructed within the building footprint.

In response to Council Member Willkomm, Ms. Singer noted that at least three incidences in as many months had brought to staff's attention the need for this amendment, and Mayor Barnett suggested that diagrams of those proposals be provided in future presentations. Mr. Willkomm agreed, stating that he would need additional information, and Mayor Barnett suggested that the pool deck issue be continued. Ms. Singer recommended the November 3 workshop and Council concurred.

Planning Director Singer also noted that staff would bring forward recommendations with regard to the measurement of the mean height of buildings.

Consensus to clarify definition regarding residential story and add definition of residential habitability; staff to return with proposal regarding pool deck heights in November.

.....**ITEM 6**
SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) WATER CONSERVATION PROGRAM PRESENTATION BY CLARENCE TEARS, DIRECTOR OF BIG CYPRESS BASIN. Clarence Tears, Director of Big Cypress Basin (BCB), provided an electronic presentation regarding the South Florida Water Management District's (SFWMD's) year-round water conservation program (a printed copy of which is contained in the file for this meeting in the City Clerk's Office). He stressed the importance of conservation due to the fact that rainfall accounts for 90% of the area's water supply. Furthermore, he said, 70% of the average 52 inches of annual rainfall occurs during the summer months when approximately 45 inches evaporates and/or transpires (*evaporation of water into the atmosphere from the leaves and stems of plants*). He noted that the only limitation on using reclaimed/reuse water for irrigating is to avoid watering between 10:a.m. and 4:00 p.m. when evaporation is greatest; however, if potable water is utilized for irrigation, Phase II water restrictions continue to apply which limit irrigation to two days per week. He commended the City for its steps in water conservation and the diversification of its water plan especially with regard to exploring aquifer storage and recovery (ASR). Public awareness is a paramount concern in a successful water conservation program, he added, stressing that water is the world's most precious, limited resource and must be protected. Council Member Sorey thanked Mr. Tears for his support with regard to Big Cypress Basin funding of the City's water conservation projects.

In response to Council Member Sulick, Mr. Tears confirmed that grant funding may be available to the City to aid residents in retrofitting to enable connection to the reclaimed water as it becomes available to neighborhoods, as well as approaching the Basin for additional funding. Council Member Heitmann asked whether grant funding for the rain sensor program had in fact been returned. Acting Public Works Director Bob Middleton indicated that it had not all been needed; City Manager William Moss however further added that not only is enforcement of this requirement difficult, but rain sensors are not necessary on homes built prior to 1991. It is also actually the responsibility of the homeowner to maintain the sensors once installed, Mr. Moss said. Mrs. Heitmann however urged enforcement of both the Phase II water use restrictions and rain sensor requirements; Mr. Moss indicated that such information on both of these requirements would be provided to residents in their utility billing. Mr. Middleton also

explained that a yearly study of unaccounted for water compares the amount of potable water produced to the amount billed, and the results usually reveal an approximate 10%, or less, differential.

Recess: 10:20 a.m. to 10:36 a.m. It is noted for the record that the same Council Members were present when the meeting reconvened.

**TRANSIENT RENTALSITEM 7
DISCUSSION REGARDING AMENDMENT TO THE CITY'S LAND DEVELOPMENT
CODE AND CLARIFYING DEFINITION OF "TRANSIENT LODGING FACILITY".**

City Attorney Robert Pritt provided a brief history of past discussions regarding clarification of the definition of transient lodging facility (Section 44-8, Code of Ordinances) and its applicability to single-family residences. He then reviewed the proposed amendments as reflected in the draft ordinance (Attachment 4), which embodies language from the Florida Statutes with regard to definitions (see Attachment 4, Section 44-8). With regard to Section 44-4 (see Attachment 4), subsection (b) was added to address uses which are not specifically prohibited elsewhere in the Code or by applicable general law, Attorney Pritt said. In response to Council Member Willkomm, Mr. Pritt pointed out that penalties are addressed under the general penalties section (1-15), which is customary. He also explained that Council could not govern types of ownership, only the uses of the property which would be addressed as needs arise; therefore, definitions had been crafted to comport with those which already exist in State Statutes.

Council Member Price noted however the importance of ownership information to provide a means of contact following a storm event or when a property appears to have been abandoned. City Attorney Pritt pointed out that transient lodging facilities must register with the State of Florida Division of Hotels and Restaurants, not the local jurisdiction, although this could provide an avenue of reporting misuse of residential properties. This, Mr. Pritt reiterated, is the intent of the amendment to Section 44-8 language, which was taken from Florida Statutes as above referenced.

Further discussion of the transient lodging facility definition (see Attachment 4, Section 44-8) centered on the potential for confusion in interpretation, intent and enforceability. Council Member Sulick pointed out that the numerous weekly and/or bi-weekly rentals of residential homes had become the issue, agreeing with the added interpretation as to the timeframe allowable for rentals. City Attorney Pritt cautioned against changing the wording, which he again pointed out was taken from state law; he however also suggested that an interpretation from the Division of Hotels and Restaurants be obtained prior to action on the following sentence in the proposed local legislation: "A transient lodging facility includes a unit, group of units, dwelling, building, or group of buildings, rented to guests more than 3 times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests." Council concurred.

It is noted for the record that Council Member Willkomm left at 11:11 a.m. and returned at 11:55 a.m. during consideration of Item 8 below.

Vice Mayor Taylor requested a map of transient lodging zoning districts, and City Attorney Pritt reiterated that jurisdiction of licensing for these facilities lies with the State and not the local municipality. Council Member Sorey urged that while awaiting a state response, these amendments however move forward due to the impending arrival of winter visitors; Council

Member Price however said that no amendments should move forward prior to Planning Advisory Board (PAB) review in addition to the aforementioned state response. Mr. Pritt explained for Mr. Sorey that Section 44-4(b) applies not only to transient lodging but all uses and should not be amended to narrow its applicability to other than the City at large.

Vice Mayor Taylor stated that the intent is to allow rental of guesthouses and seasonal rental of residences, but prohibit the overnight, weekly, or other short term, multiple rentals, which disrupt neighborhoods. This intent should be conveyed when the above referenced interpretation is sought from the State, she urged. Council Member Sulick indicated that she agreed with Council Member Sorey with regard to the need to move forward, suggesting that Section 44-4(b) be amended and Section 44-8 be held for a state response. Director Singer suggested that the advertising for this ordinance proceed while awaiting the aforementioned interpretation; Council concurred.

Consensus to seek interpretation from State of Florida Division of Hotels and Restaurants regarding regulation of transient lodging but also to proceed with revision discussed for Council action in November.

PROPOSED IRRIGATION WATER RATESITEM 8
DISCUSSION OF POTENTIAL CHANGES TO IRRIGATION (RECLAIMED/REUSE)
WATER RATES; AS WELL AS A PRESENTATION BY TETRA TECH, INC. City Manager William Moss provided a brief introduction wherein the history of the proposed rate increases was outlined as follows:

- December 5, 2007, adoption of ordinance that increased water and sewer rates based on study provided by consultants Tetra Tech, Inc. Council deferred consideration of an irrigation (reclaimed/reuse) water rate increase until a later date.
- March 31, 2008, staff recommended an increase for irrigation water rates be deferred pending further analysis of related alternative water supply strategy.
- April 16, 2008, adoption of ordinance that updated irrigation water rates located in Appendix 'A' of the Code of Ordinances; these increases were based in part upon past Consumer Price Index (CPI) adjustments.

Andy Woodcock, Tetra Tech, Inc., provided an electronic presentation (Attachment 5) during which he reviewed the irrigation rates as they existed in fiscal year 2007-08, as well as Tetra Tech's proposed rates and existing rates which will be indexed by 2.4% as mandated in the current ordinance. He also reviewed the following:

- Irrigation water system issues;
- Impacting occurrences over the past year;
- Project goals;
- Key data with regard to water meter sizes and resulting usage; and
- Current savings comparison of potable versus a combination of potable and irrigation water usage.

He stressed that 36 customers are currently connected to the City's irrigation water system, 64 service connections are pending, and 86 additional inquiries had been received; therefore, interest in the system had increased. With regard to the golf course conversion to bulk rate, seven agreements had been completed while three agreements are awaiting expiration of prior agreements.

The goal of the project review, Mr. Woodcock said, had been to design rates that would encourage additional customer connection in the Phase I reclaimed water service area and generate revenues to meet the fiscal requirements of the irrigation water utility. Adjusting the potable and irrigation water rates as proposed would meet the latter goal, Mr. Woodcock pointed out.

The data evaluated had included savings for water meters in the following sizes: ¾, 1, 1.5 and 2 inches. This had been based on historical billing data (see Attachment 5, Page 3). Consultant Woodcock presented four scenarios for consideration (see Attachment 5, Pages 4 - 8), recommending scenario 4 which included increasing the water rates in the top two tiers of usage to provide revenue for the irrigation system, pointing out that this would also encourage conservation among those highest water users, while maintaining the irrigation rate low enough to encourage connection. The recommended increase for Block 3 (30,001-45,000 gallons) would be \$3.25, up from \$2.85 and for Block 4 (45,000+ gallons), \$3.90, up from \$3.42. In response to Council Member Sulick, Mr. Woodcock confirmed that the increased water rates adopted the year before had factored additional revenue needed for the potable water system when homeowners do convert from potable to irrigation water for landscaping use. He also confirmed for Council Member Sorey that the rates would insure that the alternative funding method noted in scenario 2 would not be needed to supplement wastewater revenues and that he would ascertain the amount of general funding that would be utilized to offset the cost of the main distribution line installation of Phase I.

It is noted for the record that Council Member Willkomm returned to the meeting at 11:55 a.m.

Council Member Price however characterized the entire project as inequitable, taking the position that increasing the top two tiers of rates was inappropriate for those users who were not even afforded the opportunity to connect to the irrigation system; that it is not yet available for 90% of the community. Therefore, he said, the argument that this increase would incentivize connection to the system falls short of the reality. Council Member Sulick however pointed out that the majority of Block 3 and 4 users reside within the Phase I area; Consultant Woodcock agreed, adding that the average home in the City falls within the Block 2 usage criteria. City Manager Moss indicated that Block 1 criteria had actually been lowered in the initial review, stating that the national average Block 1 designation would reflect 8,000 gallons, not the current 15,000 gallons for the City. Furthermore, the proposed rates had attempted to reflect Council's direction that the project be treated as a community-wide responsibility with no mandatory connection at that time. Mr. Moss also noted that the most recent Collier County rates for its highest user block reflected \$9.10 as compared to the proposed \$3.90 for the City. Mrs. Sulick attributed this disparity to the County attempting to meet the needs of rapid projected growth in water usage. Council Member Sorey added that the majority of the County's water is treated through reverse osmosis, which is a very expensive process; however, he also stressed that inexpensive water is not only a thing of the past, but 70% of the City's potable water being used for irrigation must also stop.

In response to Council Member Heitmann, Mr. Woodcock confirmed that a certain amount of risk regarding periods of lower irrigation usage is indeed factored into the rate structure. City Manager Moss also confirmed that the rates would increase yearly due to the CPI as outlined in the adopted ordinance. Council Member Sulick said that she continued to believe that

mandatory connections would not become necessary because over the past year, issues such as elevated chlorides were being resolved, therefore residents should gain confidence in the irrigation water system and connect voluntarily. Acting Public Works Director Bob Middleton further stated that the City had utilized its irrigation water in medians since 1988 and plantings survived even when at times chloride levels exceeded 600mg/l. The levels are now averaging between 200 and 250mg/l; however, should they exceed 400mg/l, a notification to homeowners could be provided, Mr. Middleton said, although stating that he did not believe this to be necessary. Mayor Barnett agreed, saying that he doubted the practicality of such notification. City Manager Moss pointed out that eventually the chloride level would not be an issue due to future mixing with alternative water supplies. Vice Mayor Taylor agreed that the increase as proposed in scenario 4 would encourage conservation and that planning for future water needs must go forward.

Public Comment: (12:22 p.m.) **Marvin Easton, 944 Spyglass Lane**, expressed support for the proposed scenario 4, but questioned the disparity of charges between golf courses and residential users, stating that he believed residential users were charged 2.5 times the rate of bulk users. Acting Public Works Director Middleton explained that this was due in part to the lack of administrative and maintenance costs in providing service to the few golf courses as compared to citywide service to individual residential customers; Consultant Woodcock agreed, adding that providing water into a lake on a golf course differs with regard to the level of service necessary when providing that water to homes and businesses. In response to City Manager Moss, Council Member Sorey reiterated his request for the number of Block 3 and 4 users to be provided.

Consensus to proceed with new rates as discussed (Price and Heitmann dissenting).

Recess: 12:30 p.m. to 12:35 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened except Vice Mayor Taylor who returned at 12:40 p.m.

.....**ITEM 9**
DISCUSSION OF PROPOSED REVISIONS TO WATER AND SEWER IMPACT FEES – PRESENTATION BY TETRA TECH, INC. Consultant Andy Woodcock, Tetra Tech, Inc., provided an electronic presentation (Attachment 6) explaining that water and sewer impact fees (system development charges) address the effect of new construction on the current capacity of the water and sewer system. He noted that in 2007, large increases to the charges were adopted such as \$2,549 per ERU (equivalent residential unit) for a 5/8-inch meter and \$2,779 for sewer, up from \$870 and \$1,220 respectively. These large increases were due in part to the fact that system development charges had not been reviewed for at least 15 years and also were needed to fund the alternative water supply program.

During review of the Capital Improvement Program (CIP), Mr. Woodcock pointed out that the current system development charges would fully recapture the impact of growth on the system, although as the alternative water supply program is refined and implemented, changes to the CIP would also necessitate amendment of charges. Therefore, he said, it is recommended that the City review its charges annually.

With regard to redevelopment, the system development charge is adjusted if the meter previously servicing the property is altered so as to meet the impact growth on the system. He also noted that what is referred to as a developer contributed credit should be addressed in the proposed

ordinance in greater detail. This is applied when a developer installs a more costly system at the City's request, such as a planned 6-inch line being replaced with a 10-inch line due to the City's Master Plan requirements.

Consultant Woodcock summarized recommendations as follows:

- Combine water and sewer system development charge language for consistency;
- Expand general definitions;
- Address redevelopment in greater detail; and
- Include a more detailed section on developer contribution credits.

In response to Council Member Price, Mr. Woodcock explained that if it is apparent that no growth and/or redevelopment is taking place in a community, then the study results reflect this. City Manager William Moss clarified for Vice Mayor Taylor that the larger the number of utility customers, the better the utilization of facilities, especially when the facilities already exist. It would not be cost effective to halt service to customers outside the City's boundaries, he further said, saying that the alternative water supply plan can be adjusted as growth rates and demand change over time. Acting Public Works Director Bob Middleton further clarified that rates are projected for the coming five years only and could be reviewed whenever Council deemed it necessary; Mr. Moss indicated that a large part of the charges address regulatory requirements of the system and will not change within the five years.

Consensus that staff return with amended language as discussed.

TAXICAB PARKINGITEM 10
DISCUSSION OF TAXICAB PARKING WITHIN THE FIFTH AVENUE SOUTH AND
THIRD STREET SOUTH BUSINESS DISTRICTS. DISCUSSION TO INCLUDE
POTENTIAL RELOCATION OF CURRENT TAXICAB STANDS. Traffic Engineer George Archibald reviewed his memorandum dated September 15, 2008 (Attachment 7), explaining that the intent of the discussion was to address the competition by numerous taxicab companies for a limited number of parking spaces along Fifth Avenue and Third Street South. Although historically on-call service had been the norm, recently many taxicab operators had begun cruising the roadways for customers, he said. Therefore, Mr. Archibald explained, on-call service should again be encouraged by limiting the number of taxicab stands (see Attachment 7, Exhibits A and B) and enacting operational controls as outlined in Attachment 7, Page 2.

Public Comment: (1:00 p.m.) **Kenneth Mastrodomenico, owner/operator of Taxi Time,** supported the above proposals and urged taxicab regulations with stricter controls of operation within the entire community, not merely two roadways as above referenced.

Council Member Willkomm questioned the recommended cessation time for taxicab stand service as 1:00 a.m., noting that some establishments remain open beyond that time and therefore suggested taxi stands be available until 2:00 a.m. In response to Council Member Sulick, Mr. Archibald confirmed that, per Florida Statutes, customers may exit taxicabs anywhere along streets and that Collier County, not the City of Naples, would have jurisdiction as to the regulating and permitting of service providers.

Vice Mayor Taylor suggested that contact be made with the Naples Art Association for its input as to placement of the stands. Mr. Archibald then clarified for her that the lack of placement of the stands on Fifth Avenue South proper had been to discourage their use and encourage on-call type of service and that the City would not be liable with regard to the taxicab operations due to

the fact that the County is the controlling entity and therefore assumes liability. The only control the City has is where they are allowed to park, he stressed.

Following further discussion of the placement of the stands, City Manager Moss indicated that as the proposals would go forward, all registered taxicab service providers would be notified via letter and if issues arose, staff would seek additional direction. Council requested that area merchants also be notified.

Consensus to implement recommended changes; however, if further changes are to be made, staff will seek Council approval.

VALET PARKING.....ITEM 11
DISCUSSION OF A PROPOSED ORDINANCE CREATING PERMITTING REQUIREMENTS AND PROCESSES AFFECTING VALET SERVICES ON FIFTH AVENUE SOUTH AND THIRD STREET SOUTH. PROPOSED REGULATIONS INCLUDE PROHIBITING THE USE OF FIFTH AVENUE SOUTH AND THIRD STREET SOUTH AS A PICK-UP / DROP-OFF LOCATION; CONFINING OPERATIONS FROM 6:00 P.M. TO 12:00 A.M.; PROHIBIT THE USE OF PUBLIC PARKING FOR VALET PARKING. Traffic Engineer George Archibald explained that the proposed ordinance had been based upon seasonal experience with allowing short-term valet service on both Fifth Avenue and Third Street South. Additionally, the Community Redevelopment Agency (CRA) also undertook a short-term valet service on Fifth Avenue South. The proposed ordinance would create permitting requirements and processes, amending Section 17 of the City's Public Right-of-Way Construction Standards Handbook as referenced in the Code of Ordinances (Section 16-182). The application fee is currently \$150 for all right-of-way permits and, if approved, a more appropriate fee schedule reflecting the City's processing cost would be forthcoming, he said.

Recess: 1:19 p.m. to 1:28 p.m. It is noted for the record that the same Council Members were present when the meeting reconvened and Item 11 continued.

Traffic Engineer Archibald reviewed the proposed amendments as follows:

- Prohibit use of Fifth Avenue South and Third Street South as a pick-up/drop-off location;
- Confine hours of operation to 6:00 p.m. to 12:00 a.m.;
- Prohibit use of public spaces for valet parking;
- Provide a mechanism for permissive use permitting; and
- Provide for central service by the City, CRA, or other public entity.

He noted that one issue not addressed had been site-specific or centralized service, CRA Executive Director Russell Adams would however deal with this during Item 12 (see below), he stated.

In response to Council Member Price, Mr. Archibald confirmed that alleyways and side streets would continue to be designated for valet service by private providers who however must apply for permits. With regard to right-of-way permitting fees, he explained that a revised fee schedule would be brought forward at a later date due to the number of differing activities for which the permits are sought. Fees would reflect these various activities. Furthermore, he indicated, the term of the permits would also be decided by Council, recommending that they be seasonal.

In response to Council Member Sulick, Mr. Archibald clarified that public parking and rights-of-way would not be affected unless additional approvals were granted by Council and that when a

provider seeks a permit, a detailed parking plan, including capacity, must be provided. Council Member Heitmann suggested that hours of operation be indicated on customers' ticket stubs.

Consensus to approve staff proposal.

2008-09 VALET / TROLLEY PLAN.....ITEM 12

DISCUSSION OF A PLAN TO OPERATE A SELF-FUNDING TROLLEY AND VALET SERVICE ON FRIDAY AND SATURDAY EVENINGS FROM DECEMBER 19, 2008 THROUGH APRIL 1, 2009. THE VALET SERVICE IS PROPOSED FOR FIFTH AVENUE SOUTH. THE TROLLEY SERVICE IS PROPOSED TO CONNECT FIFTH AVENUE SOUTH, THIRD STREET SOUTH, BAYFRONT COMPLEX AND TIN CITY.

CRA Executive Director Russell Adams noted the proposed locations for valet service as depicted on the map provided (Attachment 8), pointing out that these service locations would be coordinated with the taxicab stands as discussed in Item 10 above. Council Member Sorey suggested relocation of the service in the alley in front of the von Liebig Art Center to the public right-of-way area in front of the Woman's Club parking lot across the street; Director Adams agreed to research this option. While the Community Redevelopment Agency Advisory Board (CRAAB) had indicated that two vendors should be required, Mr. Adams recommended that one be retained for all three sites, which would better facilitate management of the service; Council agreed. He also explained that the request for proposals (RFP) would also require quotation for complimentary service.

CRA Executive Director Adams indicated that with regard to the trolley portion of the plan, three options exist for the RFP:

- A totally self-funding partnership between an advertising firm and a transportation provider; revenue from the advertising to fund operation of the trolleys;
- A subsidized plan wherein the City/CRA would underwrite the differential between projected advertising revenue by the trolley provider and the actual cost of the service; or
- Total City/CRA funding allowing the trolley service to pursue its own advertising from a separate entity.

Resulting RFP's would be brought before the CRA and Council for approval, Mr. Adams said. Council Member Heitmann suggested that funding for such projects, especially those in need of a City subsidy, be set aside for endeavors such as completing the Fifth Avenue lighting project in an abbreviated timeframe. Mr. Adams reiterated that the advertising may enable the trolley service to be self-funded and Council Member Price agreed saying that decision-making must await the RFP's. Mrs. Heitmann nevertheless reiterated concern regarding safety, that the trolleys should not continue to stop mid-block for passengers; Mr. Adams indicated communication from the Police Department saying that, upon review, this practice did not however generate concern from an enforcement perspective.

It is noted for the record that Council Member Price left at 1:54 p.m. and did not return.

In response to Vice Mayor Taylor, Mr. Adams confirmed that the Crayton Cove area had not been scheduled for service within the plan under discussion, that either another trolley or longer service loops would be needed. She however suggested contact with Crayton Cove interests to ascertain whether service is desired. Should this occur, Mr. Adams said, additional costs would be incurred and Council direction would be needed.

Council Member Sulick pointed out that merchants in the Third Street South area had indicated to her that they did not wish to participate in the trolley service, that it had not proven to be in

their best interests. Council Member Heitmann indicated similar contact. Mr. Adams stated that conversations he had had with the Third Street group had however centered on their not wanting to contribute funding. Mrs. Sulick then further stressed her belief that the City/CRA should not be involved in transportation because when the redevelopment area authorization expires, the additional funding will be lost; that this funding should not be utilized for such things as advertising in the meantime. Council Member Sorey stated that marketing expenditures are however considered valid CRA expenditures; Mr. Adams agreed, but further explained that the value of the trolley service was that it allowed patrons to park and then travel around the commercial areas in a more leisurely manner. Mrs. Heitmann reiterated her concern that the trolley in fact encourages bar patrons to travel among establishments and that the Third Street South area did not desire this type of patronage. She further stressed that capital projects should be pursued with redevelopment funding, not advertising.

Consensus that a one-vendor service be sought for valet parking service.

ANNEXATION POLICY (ADDITIONAL DISCUSSION)(Continued-see below) ..ITEM 13
DISCUSSION OF ANNEXATION POLICY AND PROCEDURES AND A BRIEF
PRESENTATION BY PLANNING DIRECTOR ROBIN SINGER. CURRENT POLICY
STATES THAT ANNEXATION MAY BE CONSIDERED ON A CASE-BY-CASE BASIS. Council Member Sorey suggested that, due to the absence of Council Member Price, this item be continued to the October 13 workshop; Council concurred. In response to Council Member Heitmann, Mayor Barnett explained that a decision regarding an upcoming annexation petition (The Bridges of Gordon River) would not be considered until following the above referenced discussion.

Consensus to continue this item until the October 13, 2008, Workshop.

.....**ITEM 14**
REQUIRED PARKING FOR RESIDENTIAL UNITS IN THE FIFTH AVENUE SOUTH
SPECIAL OVERLAY DISTRICT – DISCUSSION OF POTENTIAL CHANGES TO
PARKING REQUIREMENTS IN THE FIFTH AVENUE SOUTH SPECIAL OVERLAY
DISTRICT. Planning Director Robin Singer reviewed her memorandum dated September 19, 2008 (Attachment 9), and explained that the Planning Advisory Board (PAB) would consider the text amendment at its October 8 meeting should Council decide to move forward with the changes discussed. She also noted that staff remained concerned that any on-site parking requirement above one space per residential unit would become the responsibility of the City in providing additional parking opportunities. Council Member Sorey stated that he continued to recommend one parking space on-site and one off-site, expressing the hope that this increased requirement would act as a catalyst with regard to the sale of spaces within the City parking facility currently under construction at Eighth Street and Sixth Avenue South. In response to Council Member Sulick, Ms. Singer explained that should a situation arise wherein additional off-site parking spaces were not available, the developer would be required to reduce the number of residential units or alter the uses within the proposed structure.

Additionally, Director Singer pointed out that provision of parking had not been required with regard to restaurant seating placed on sidewalks as an incentive to convey the appearance of a vibrant downtown. Such provisions could however not be enforced retroactively, she cautioned, but future outdoor dining requests could be required to provide parking spaces. Outdoor dining and residential uses were to be encouraged, she said, and therefore urged this issue be carefully considered prior to any action.

Consensus to refer this matter to the Planning Advisory Board (PAB).

.....**ITEM 15**
DISCUSSION OF ISSUES TO BRING TO THE ATTENTION OF THE LEGISLATIVE DELEGATION. THE LEGISLATIVE DELEGATION MEETING IS TO BE HELD IN NOVEMBER AT THE BOARD OF COUNTY COMMISSIONERS CHAMBERS. Vice Mayor Taylor explained that when she had first broached this topic, she had been unaware that the meeting had already been scheduled as above referenced. She therefore requested that Council provide issues to be brought forward to the Legislative Delegation during the November meeting and that a Council Member be designated to attend. Council Member Sorey agreed, suggesting that Vice Mayor Taylor, along with City Manager William Moss, attend the meeting as suggested. Various Council Members noted topics which would be further discussed during the October 13 workshop as reflected in the consensus below.

Consensus that Council develop proposals at the October 13, 2008 Workshop.

BRIEFING BY CITY MANAGER.....**ITEM 16**
(It is noted for the record that a copy of the City Manager's report is contained in the file for this meeting in the City Clerk's Office.) City Manager William Moss briefly reviewed the Crayton Road Speed Study, which had indicated a 7% reduction in speed along the roadway, at a cost of \$54,778.50 for modifications. He therefore questioned the advisability of utilizing such measures in light of the cost. Council Member Sulick suggested that traffic/speed studies be performed when seasonal residents create higher traffic volumes, noting that the original study under discussion had taken place in June and the follow-up in September, neither during times of high volume.

REVIEW OF ITEMS ON THE 10/01/08 REGULAR MEETING AGENDA.....**ITEM 17**
Council Member Heitmann requested that Item 6-d (water supply planning) be removed from the Consent Agenda for separate discussion. Various Council Members requested additional information with regard to staff's position on Item 20 (Oertel, Fernandez, Cole & Bryant request for payment of legal services). City Manager William Moss explained that Mayor Barnett had requested that Item 21 be added to the meeting for discussion as to whether Council would consider a reconsideration of Resolution 08-12177, which had been the approval of an interlocal service boundary agreement (ISBA) with Collier County regarding parks funding, therefore renumbering Item 21 (executive session) as Item 22.

PUBLIC COMMENT.....
None.

CORRESPONDENCE / COMMUNICATIONS.....
Council Member Heitmann congratulated Council Member Sorey on his recognition by the University of Tennessee through its Development Council Service Award. She also requested an updated schedule of upcoming workshop topics and asked that a copy of the Southwest Florida Regional Planning Council (SFRPC) draft resolution regarding retrofitting of stormwater systems be provided to her colleagues for their review and comments. (It is noted for the record that the aforementioned SFRPC resolution is contained in the file for this meeting in the City Clerk's Office.) Mrs. Heitmann clarified that during prior discussion of City firefighter's paramedic training requirements she had not intended any disrespect to the personnel involved, but had merely intended to stress the need for their training to remain current. Vice Mayor Taylor asked that discussion of her proposal regarding the possible establishment of a financial planning committee be delayed until that week's regular meeting, thereby allowing input from Council Member Price who had already left that meeting; Council agreed. Council Member

City Council Workshop Meeting – September 29, 2008 – 8:27 a.m.

Willkomm asked whether a computer terminal could be installed in the City Council office area on the second floor of City Hall; Mayor Barnett indicated that he would donate the equipment and requested that staff install it. Mr. Willkomm also requested that the City's financial consultant provide an update on the City's financial status. Council Member Sulick questioned the implications upon the redevelopment area budget anticipated from reversal of the Strand decision (September 2007 decision in *Strand v. Escambia County* that required voter approval before bonding ad valorem revenues collected in conjunction with redevelopment). City Manager William Moss indicated that this could be discussed on October 15 during the scheduled review of the parking garage bonding.

ADJOURN
2:39 p.m.

Bill Barnett, Mayor

Tara A. Norman, City Clerk

Minutes prepared by:

Vicki L. Smith, Technical Writing Specialist

Minutes Approved: 10/15/08

INDEX OF STUDY

1. Charter Amendment | Letter From AIA Southwest President
2. Outlining The Problem
3. Building Heights In Relation To Floor Heights.
4. Building Height In Relation To FEMA.
5. Alternative Ways To Measure Building Height.
6. Possible Solutions And Suggestions.

CITY OF NAPLES CHARTER AMENDMENT

Sec. 14.1. [Maximum building height in commercial zoning districts.]

All commercial zoning districts in the City of Naples shall be limited to three floors and building heights of 42 feet to the peak of the roof, measured from the first floor, FEMA elevation. Commercial zoning districts shall include Highway Commercial, C1 retail shopping, C1A commercial core, C2 general commercial, C2A waterfront commercial, C3 heavy commercial, C4 airport commercial, Industrial, Medical, Office, Planned Development, Downtown, and any future commercial zoning districts that Naples may create.



August 19, 2008

Naples City Council
c/o Mayor Bill Barnett
City Hall
735 Eighth Street South
Naples, Florida 34102

RE: Section 14.1 Maximum Building Height in Commercial Zoned Districts

Dear City of Naples City Council and Mayor Bill Barnett,

Back in 2000, the residents of the City of Naples voted to approve a comprehensive charter amendment that limits any commercial or mixed use structures to a maximum of 3 stories and 42 feet of building height. This was due to the residents wanting to preserve the small town character of the city.

Many of our architect members, having been the architects of many commercial / mixed use projects in the City of Naples, have been subject to the extents of the charter amendment. Many of these architects have struggled during the design process with the redundancy of the charter amendment.

Many design professionals feel that limiting the number of stories as well as imposing a maximum building height measurement is redundant and makes it difficult for design professionals to react to appropriate building scale and massing.

In an effort to improve the quality of design in your community, AIA Florida Southwest has created a comprehensive study of the effects of the charter amendment. In this study, we have outlined some problems associated with the Charter Amendment as well as some possible solutions and recommendations that can improve the quality of design in your community.

The AIA Southwest Board of Directors has authorized local architect Matthew Kragh, AIA to become a liaison for AIA Florida Southwest on City of Naples and Collier County local government affairs. Matthew has been authorized to facilitate and coordinate this issue on behalf of the Southwest Chapter of the American Institute of Architects.

Sincerely,

Keith D. Gilbert, Assoc. AIA
President

OUTLINING THE PROBLEM

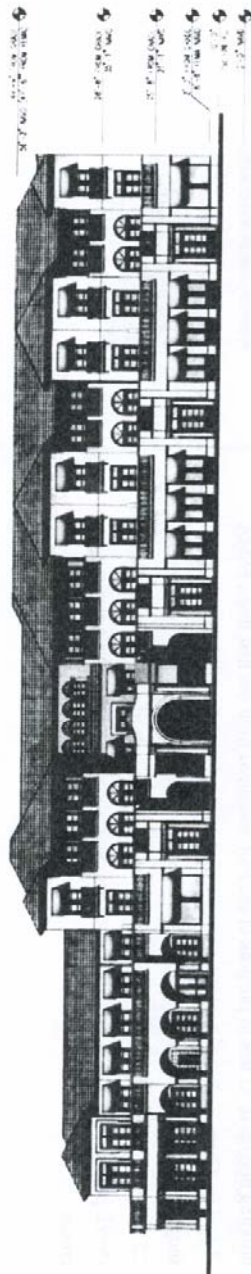
Illustrated here is a typical City of Naples commercial mixed use building. This project is built and located at 796 5th Avenue South at the corner of 8th Street and 5th Avenue South.

The 796 5th Avenue South Building has a unique history. This project was designed prior to the Charter Amendment's implementation and later adjusted prior to permitting to reflect the new restraints of the Charter Amendment.

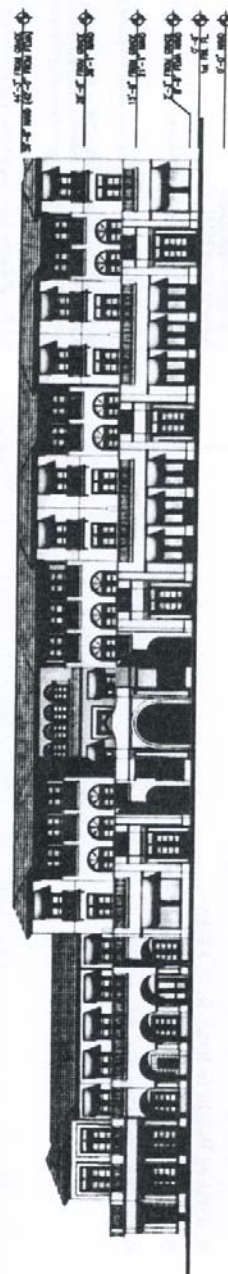
As you can see, from Elevation 1, the original design of the building had a full mansard roof system which was articulated with appropriate massing and scale. The revised design, shown in Elevation 2, reflects adjustments made for the City's Charter Amendment. As you can see, the Charter Amendment caused unnecessary design restraints which diminished the overall scale, massing and quality of design.

The building, shown in Elevation 1, has appropriate architectural articulation and roof massing with a top of roof peak building height measurement of 47'-6" from FEMA. The adjusted building design, shown in Elevation 2, conforms to the 42'-0" City of Naples building height charter amendment and is an inferior design to the original shown in Elevation 1.

ALA Florida Southwest suggests that their may be a significant problem with the language and flexibility of the Charter Amendment. There may also be some inherent redundancy with limiting both the number of stories and the measured maximum height.



elevation 1



elevation 2

Building Heights in Relation to Floor Heights

The City of Naples holds some of the highest land values in the nation. Due to this, most developments will find it necessary to maximize the land's carrying capacity for development. A typical three story, mixed use development, such as illustrated in this study, is composed of ground floor retail space, second floor office space and a third floor of residential space. A class "A" type of commercial development will typically have the following minimum ceiling heights associated with their uses:

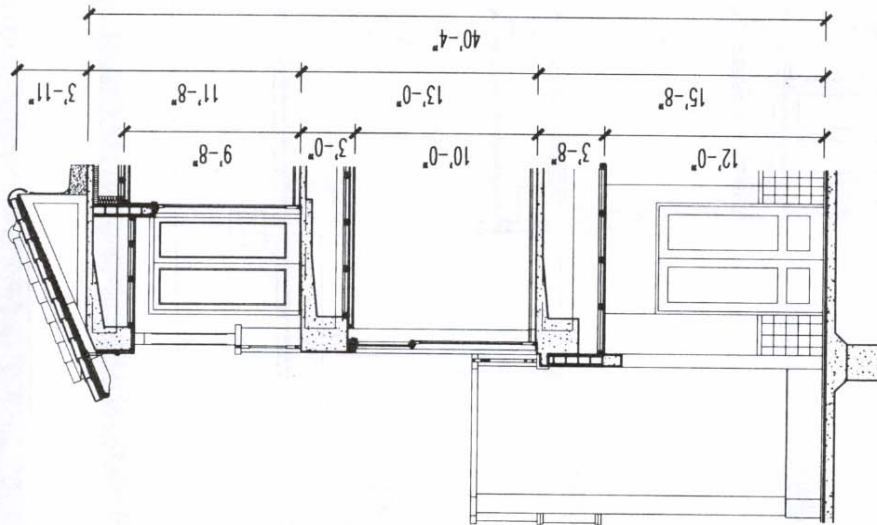
Retail: 12'-0" (twelve feet minimum)

Office: 10'-0" (ten feet minimum)

Residential: 9'-0" (nine feet minimum)

In addition to floor to ceiling space, architects must make room for structural and mechanical space between floor levels. Typically a good rule of thumb for structural and mechanical space between the finished ceiling to the finished floor above is between 3 and 4 feet. This will allow adequate room for coordinated structural, mechanical, plumbing, electrical and fire protection systems.

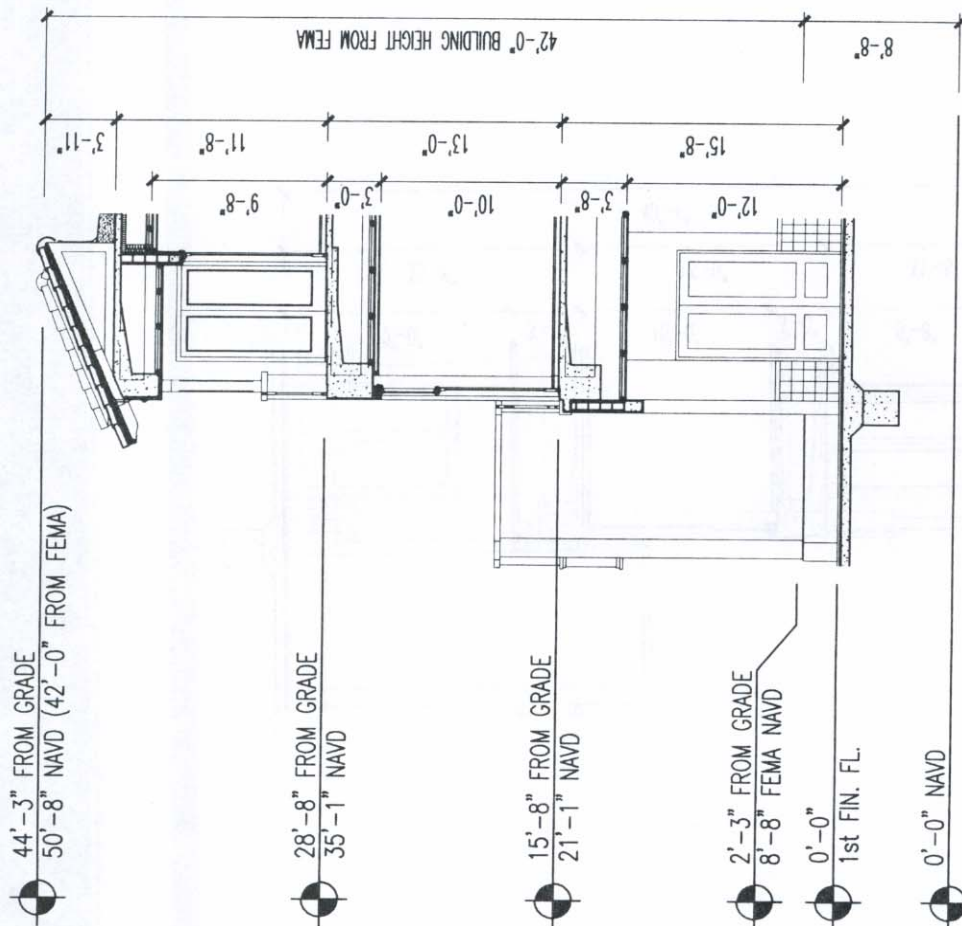
As you can see, from the example section illustration from a typical City of Naples mixed use building, once you take into account adequate ceiling heights and adequate structural and mechanical spaces between floors, a typical three story building from slab on grade to the top of the third floor will yield approximately forty feet. This measurement does not take into account the additional height necessary for a roof structure.



section illustration

Building Height in Relation to FEMA

FEMA, the Federal Emergency Management Agency, adds another level of information to the building height discussion. Typically Southwest Florida measures a building's vertical elevation and building heights from FEMA's base flood elevation which is now measured in NAVD88, the North American Vertical Datum of 1988. A good portion of the commercially zoned property located within the City of Naples has an existing grade elevation with existing infrastructure that is below FEMA's flood elevation. The city of Naples and the Charter Amendment specifies that all building heights are to be measured from FEMA elevation. The example section illustration shows how a building is measured from FEMA. In this instance, FEMA is located at 8'-8" NAVD which is 2'-3" above finished grade. From grade, this building will be allowed to have a maximum height that is actually 2'-3" higher than 42'-0" if measured from grade. In other words, this building is 44'-3" from grade or 42'-0" from FEMA.

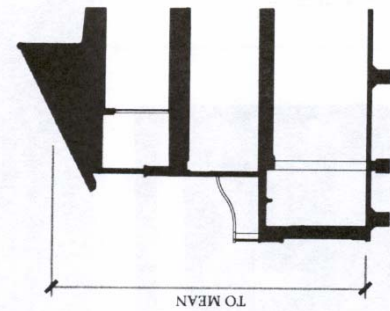


Alternate Ways to Measure Building Height

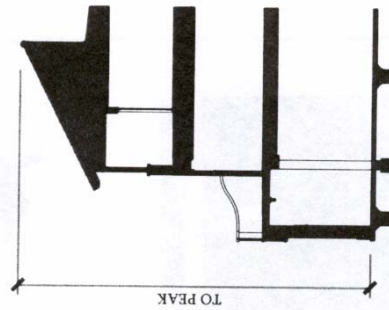
Many municipalities take a different approach to how a commercially zoned building's height is measured. The most typical methods of measuring building height are outlined in the following ways:

- 1. Measured to the top of a roof deck**
This measurement allows for additional roof mansard and parapet systems as well as architectural embellishments for aesthetics.
- 2. Measured to the mean height of the roof**
This measurement is taken from the arithmetic average off the roof from the eave to the peak of the roof system. This system usually allows for adequate massing and architectural embellishments for aesthetics.
- 3. Measured to the building eave height**
This is the least restrictive way of measuring building height. Measuring to the eave gives the architect flexibility to appropriately provide massing and architectural embellishments.
- 4. Measured to the peak of the roof**
This is the most restrictive and inflexible way to measure building heights where nothing is allowed to exceed the maximum height. Many times improper massing and architectural proportion is forced upon the design due to inflexible restraints.

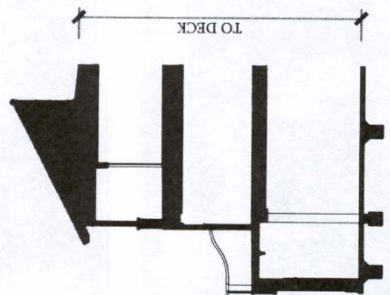
The City of Naples and the corresponding Charter Amendment uses method #4 which is measured to the peak of the roof.



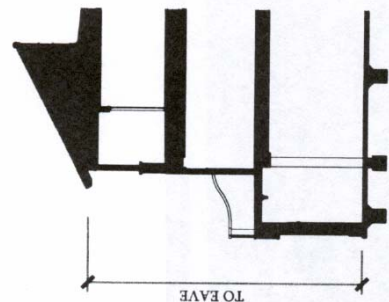
#2. Measured to the mean height of the roof



#4. Measured to the peak of the roof



#1. Measured to the top of the roof deck



#3. Measured to the building eave height

Suggestions and Possible Solutions

Probably the most thorough, however, most difficult way to solve the problem would be to amend the Charter Amendment. Altering the Charter Amendment would most likely have to be amended through a public referendum vote. If the city wished to go this direction, ALA Florida Southwest suggests either removing the redundancy of limiting both the number of stories and the measured maximum height or changing the way the maximum height is measured to either ^{TOP OF ROOF PEAK} ~~MEAN~~ MEAN HEIGHT OR BUILDING EAVE HEIGHT.

Another suggestion or possible solution may be to have the city adopt supplemental standards which can enhance the flexibility for design. For instance, the City of Naples Code of Ordinances has supplemental standards that are applicable to all districts:

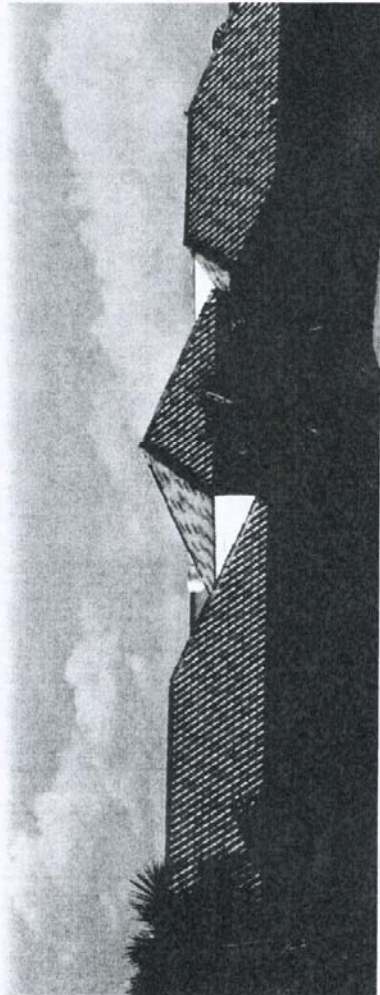
SEC. 56-39. HEIGHT REQUIREMENTS, EXCEPTIONS THERE TO.

(a) Chimneys, elevator shafts, stair towers, rooftop heating, ventilating and air conditioning equipment, ornamental screening for such equipment, and architectural embellishments not for habitation may extend 7 feet above the peak of the building roof; however, in no case shall the maximum commercial building height limit of 42 feet as measured from the 1st floor FEMA elevation be exceeded to accommodate such structure or equipment. Such structure or equipment. Rooftop heating, ventilating and air conditioning equipment and ornamental screening for such equipment are not exempt in single-family residence districts (see fences, walls and screening regulations).

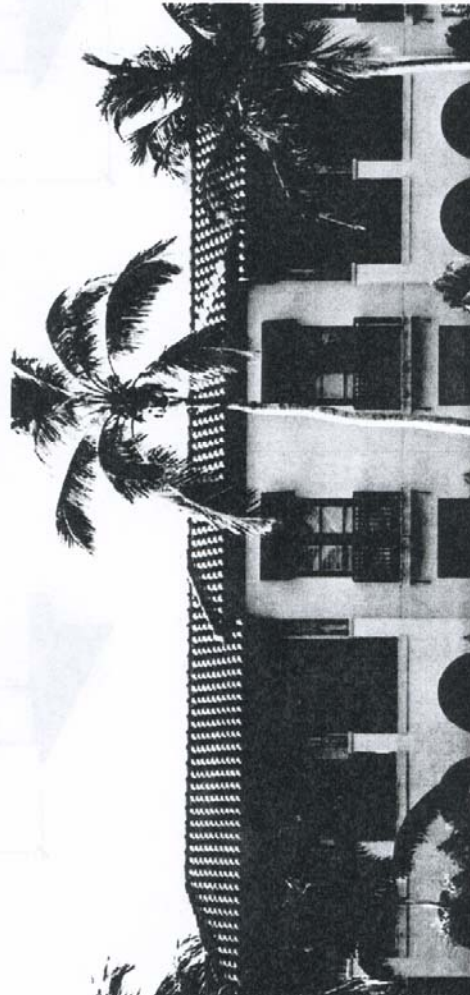
Such as the supplemental standard outlined above could be modified to delete the text "HOWEVER, IN NO CASE SHALL THE MAXIMUM COMMERCIAL BUILDING HEIGHT LIMIT OF 42 FEET AS MEASURED FROM THE 1ST FLOOR FEMA ELEVATION BE EXCEEDED TO ACCOMMODATE SUCH STRUCTURE OR EQUIPMENT." This would allow for architectural embellishments to be added to commercial structures as well as residential structures.

Although altering the supplemental standards to allow architectural embellishments to commercial structures would help the problem, it may not be an adequate and thorough solution. ALA Florida Southwest has the following opinions regarding the Charter Amendment:

1. The Charter Amendment is too inflexible by the way it measures the maximum building height.
2. It is our opinion that 42 feet is not sufficient to allow for quality floor to floor heights for a three story structure and a well proportioned roof.
3. The Charter Amendment is also redundant. It is our opinion that there is no need to specify an inflexible maximum numeric building height when the maximum number of stories is already specified.



Pre-Charter Amendment Roof



Post-Charter Amendment Roof

TO: A. William Moss, City Manager
FROM: Robin Singer, Planning Director
DATE: September 18, 2008
SUBJECT: Building and Pool Deck Height

Staff has identified a number of concerns which all generally fall into the category of height regulations. This Workshop item is to discuss these issues with City Council prior to proceeding with text amendments.

R3-12 residential district – The DRB has requested that the City consider changes to the height limitations in the R3-12 District which currently read as follows:

Maximum height of structures in the R3-12 district is 30 feet, except that the development on any R3-12 property immediately adjacent to, or across an alley from, any R1 zoned property shall be limited to 2 stories in height. For the purposes of this section, height shall be measured from the greatest of the following:

The height is measured as distance only with no limitation on stories and market demands have encouraged developers to attempt to fit three stories within 30 feet. This results in flat roofs with partial mansard or hip roofs or garages at grade. The DRB does not feel that partial roofs are aesthetically desirable and garages built at grade typically flood. The DRB has suggested that additional height should be allowed and a story limit should be added to allow full roofs. Staff and the DRB recommend an amendment to limit the number of stories to three and increase the total height limitation to 42 feet.

Consistent base point of measurement – During recent discussions regarding the R3-15CS and R3-15MOR district height limitations it was discovered that there are conflicting base points of measurements listed in the definitions section and in the individual district regulations. Since the land assigned to these two districts is in close proximity to water, it seems appropriate that the base point of measurement take into account minimum floor elevations. By amending the text for the two districts, as shown below, the height limitations in each district will be consistent with the measuring standards found in the definitions section of the code.

Maximum height of structures in the R3-15 multifamily Coquina Sands (CS) district is 2 habitable stories, up to a maximum height of 35 feet, ~~as measured from the average grade of the property to the ceiling of the highest story, plus 6 feet from the ceiling to the highest point of a flat roof, parapet wall or mansard detail, or 6 feet from the ceiling to the mean distance between the eaves and ridge of a gable, hip or gambrel roof.~~

Maximum height of structures in the R3-15 multifamily Moorings (MOR) district is 3 habitable stories, up to a maximum height of 50 feet, ~~as measured from the average grade of the property to the ceiling of the highest story, plus 6 feet from the ceiling to the highest point of a flat roof, parapet wall or mansard detail, or 6 feet from the ceiling to the mean distance between the eaves and ridge of a gable, hip or gambrel roof.~~

In addition to these two districts, the text limiting height in each of the residential districts in the City could also be simplified to remove redundant information but staff does not recommend doing so at this time.

Story definition – There has been some confusion regarding when a story is a story and what is considered habitable space. The following changes are recommended to the definitions section of the code:

Habitable or fit for habitation means a roofed space with at least 7 feet of clear space between the floor and ceiling that is accessible by humans and has a floor structure that can support live loads. If any part of a loft, mezzanine or attic area meets this requirement, the entire area shall be considered fit for habitation.

Story means that portion of a building included between a floor and the floor or roof next above it, including a loft or mezzanine area fit for habitation, carport or garage. If any part of a building is 2-story, the entire building is considered 2-story. Garage levels shall be considered stories if 50% of the floor to floor height is above the base point of measurement for height. Stand alone parking garages are exempt from story limitations but shall comply with dimensional requirements..

Two story limitation – The regulations for the R3-12, R3T-12, HC, C-1, C-1-A, C-2, C-2-A, C-3, M, O and Downtown districts include a more severe limitation on height when located near a single family district. What is not clear is how far into the subject property the limitation applies. Staff has determined that the entire property is subject to the restriction. However, site conditions and widths can result in uneven application of this restriction defeating the intent of the code. Currently the regulation states that it applies to property adjacent to or across the street from the single family zoning district. Staff recommends the follow change to this limitation in districts where it currently applies:

except that the development of any portion of a structure on any _____ zoned property adjacent to or across the street from within 150 feet of any R1 zoned property shall be limited to 2 stories in height.

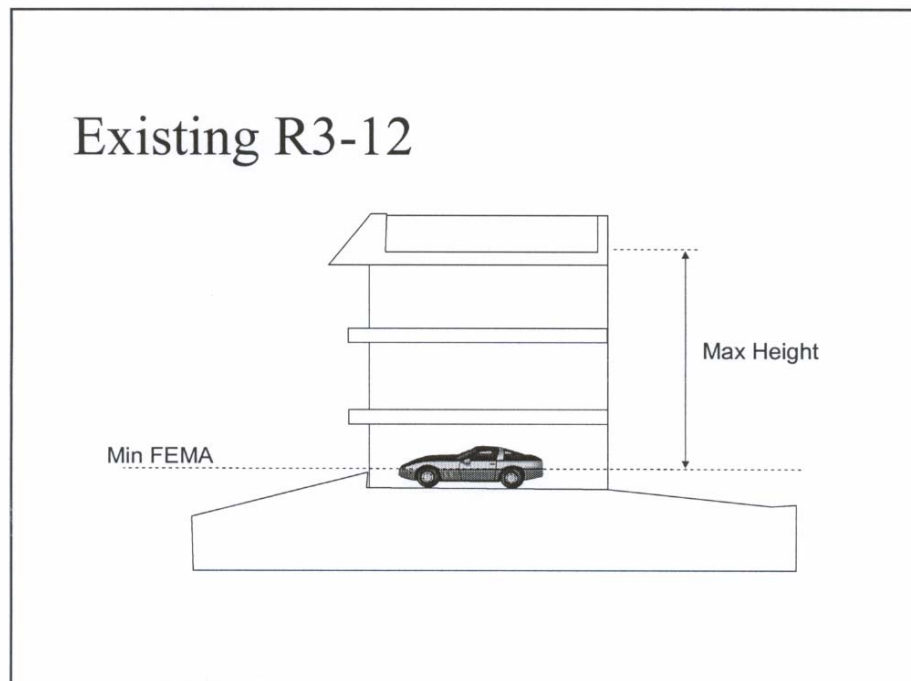
Pool deck height – Staff has had the opportunity to implement the new pool deck height regulations since adoption of the ordinance in 2006 and has discovered some problems with the code as written. The primary area where pool deck height seems to have been an issue is on waterfront properties where there is a greater difference between the crown of the road and the required minimum finished floor elevation. The common concern is that by limiting the pool deck height to 6 feet above the crown of the road, residents are not able to see their pool from inside the home or lanai and stairs are required from the home to the pool. The latter is a concern for residents with physical limitations that wish to use the pool for exercise or where there are small children.

The reason for changing the code was that it limited pool deck heights to 30 inches above grade. Grade varies widely whereas the crown of the road is a stationary point of measurement. The code also allowed pool decks and other hardscape surfaces up to the property line. A previous building official had determined that pool decks could extend to 6 feet above grade with up to 30 inches of grade modification on site. This potentially allowed for a very tall wall right at the property line. The solution adopted into the code was to allow for a 6 foot high deck measured from the crown of the road within the buildable area for the house and pool. Within the required yards terracing or lower decks are allowed as the deck approaches the property line.

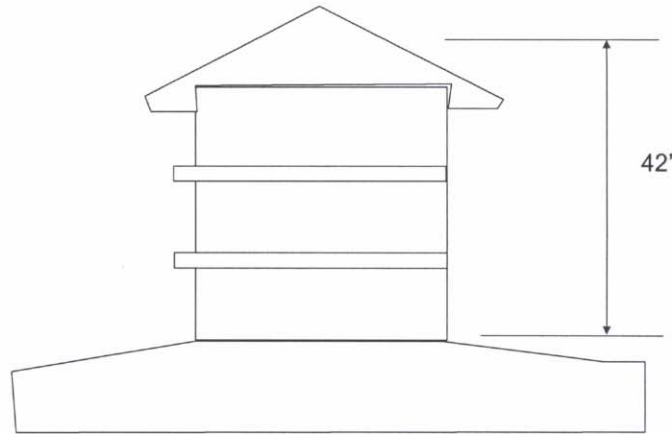
The new code has proved difficult to interpret and still does not solve the problem of visibility and access from the house to the pool. Staff is recommending the following changes to the regulations:

Height. Pools and pool decks meeting the minimum yard requirements of (a)(1) and (a)(2) may be constructed at the minimum required finished floor elevation of the home. Decks extending into the required front or side yard or into the 15 feet required rear yard for the pool may not exceed a height of 30 inches above the crown of the road. ~~extending into required primary structure rear yards and unscreened and unroofed pool decks extending into required side yards may not exceed a height of 30 inches above the crown of the road with an additional six inches of height for every 12 inches of horizontal distance permitted from either the side or rear property lines, whichever is closer, up to a maximum height of six feet.~~

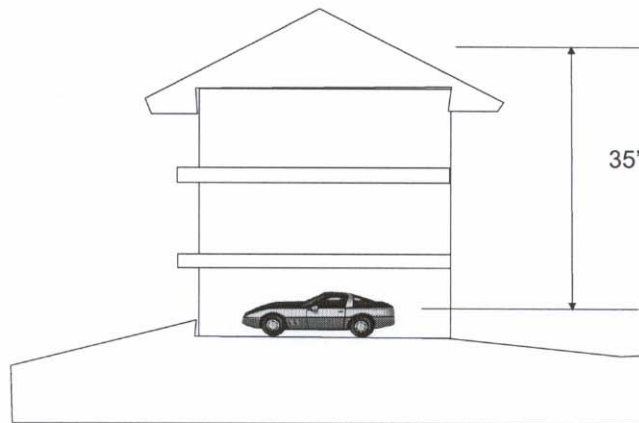
AIA Study – On behalf of the Southwest Florida Chapter of the American Institute of Architects, Matthew Kragh has prepared the attached study regarding maximum building height in commercial districts. Mr. Kragh would like to present the study following staff's presentation of the issues outlined above.



Proposed 42 foot – 3 floors living



Proposed 35' – 2 floors living



ORDINANCE 08-

AN ORDINANCE RELATING TO INTERPRETATION OF THE CITY'S LAND DEVELOPMENT CODE AND TO THE DEFINITION OF "TRANSIENT LODGING FACILITY"; AMENDING SECTION 44-4 INTERPRETATION, SECTION 44-8 AND SECTION 58-1132, DEFINITIONS OF "TRANSIENT LODGING FACILITY AND TRANSIENT LODGING", OF THE CODE OF ORDINANCES, CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, it is beneficial to clarify that uses not permitted by this Code are prohibited; and

WHEREAS, the City of Naples has for a long time regulated the location of transient lodging facilities and has prohibited such facilities in many zoning districts; and

WHEREAS, a question has recently arisen as to whether one, two, three and four unit dwellings are included within the definition of "transient lodging facility"; and

WHEREAS, it is the intention of the City that transient lodging facilities continue to be prohibited in most zoning districts; and

WHEREAS, the City desires to clarify that the definition of "transient lodging facility" includes one, two, three and four unit dwellings and certain multifamily dwellings; and

WHEREAS, the City, by adopting this ordinance is not adopting a regulation of public lodging establishments to the exclusion of the state, but only confirming the locations where transient lodging facilities may not operate; and

WHEREAS, it is beneficial to make the definition more closely coordinate with Section 509.013, Florida Statutes (2007); and

WHEEREAS, it is critical to preserve the residential character of the City's existing residential neighborhoods through an appropriate allocation of non-transient occupancy and restriction of transient occupancy in residential neighborhoods;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That Section 44-4. Interpretation. of the Code of Ordinances, City of Naples, Florida, is hereby amended as follows with underlining indicating additions and ~~strikeout~~ indicating deletions:

Section 44-4. Interpretation.

(a) In the interpretation and application of this land development code, all provisions shall be liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state statutes.

(b) No use, structure, condition or development shall exist upon any property unless permitted in its district and location pursuant to this code or by applicable general law.

Section 2. That Section 44-8. Definition of Transient lodging facility, of the Code of Ordinances, City of Naples, Florida, is hereby amended as follows with underlining indicating additions and ~~strikeout~~ indicating deletions:

Section 44-8. Definitions.

Transient lodging facility means a hotel, motel, motor lodge, tourist court, or similar building or group of buildings in which sleeping accommodations in which sleeping accommodations and sanitary facilities are offered to the public and intended for rental to transients with daily, weekly or seasonal charge. A

transient lodging facility includes a unit, group of units, dwelling, building, or group of buildings, rented to guests more than 3 times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. It does not include condominium common elements. A transient lodging facility is distinguished from multifamily dwellings (such as apartments) where rentals are for periods of a month or longer and occupancy is by residents rather than transients.

Section 3. That Section 58-1132, Definitions, of the Code of Ordinances, City of Naples, Florida, is hereby amended as follows with underlining indicating additions and ~~strikeout~~ indicating deletions:

Sec. 58-1132. Definitions.

. . . .

~~Transient lodging facility means a hotel in which sleeping accommodations and sanitary facilities are offered to the public and intended for rental to transients for periods of time less than a month. A transient lodging facility shall require a conditional use approval per section 46-34 shall have the same meaning as in Section 44-8.~~

. . . .

Section 4. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 5. That all sections or parts of sections of the Code of Ordinances, City of Naples, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS ____ DAY OF ____, 2008.

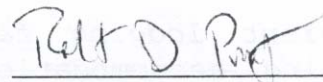
PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS ____ DAY OF ____, 2008.

Bill Barnett, Mayor

Attest:

Approved as to form
and legality:

Tara A. Norman
City Clerk



Robert D. Pritt
City Attorney

Date filed with City Clerk: _____

Rev. 9/10/08 plr

Background

	Existing FY 07/08	Tt Proposed FY 07/08	Existing FY 08/09
Reclaimed Rates			
Consumption Rates (per 1,000 gal)			
General Users	\$0.80	\$1.50	\$0.82
Government/Institutional	\$0.38	\$0.38	\$0.39
Bulk	\$0.32	\$0.32	\$0.33
Base Charge (per period per ERU)			
General Users	\$0.00	\$4.00	\$0.00
Government/Institutional	\$0.00	\$0.00	\$0.00
Bulk	\$0.00	\$0.00	\$0.00

Irrigation Water System Issues

- **Phase 1 Irrigation Water Project Debt Service: \$442,000/yr.**
- **Total Irrigation System Debt Service of \$967,000/yr.**
- **Impact of golf courses switching to the bulk reclaimed water rate in 2008/09.**

What has happened since last year.

- **Phase I irrigation project, of a total of 561 potential customers:**
 - 36 customers have connected included medians
 - 64 connections are pending
 - 86 have inquired about service
- **Golf Course conversion to bulk rate:**
 - 7 agreements have been signed.
 - 3 agreements remaining based on expiration.

Project Goal

- **Design rates that will encourage customers in the Phase 1 area to connect to irrigation water.**
- **Generate revenues to cover the fiscal requirements of the irrigation utility.**
- **Two mechanisms:**
 - Adjust irrigation rates.
 - Adjust water rates.

Key Data

- Evaluated savings for ¾", 1" 1.5" and 2" water meters.
- Based on historical billing data for ¾", 1" and 1.5" meters:
 - Avg. inside home usage 25,000 gallons per period.
 - Avg. irrigation usage 105,000 gallons per period.
- For 2" meters:
 - Avg. inside home usage 90,000 gallons per period.
 - Avg. irrigation usage 105,000 gallons per period.

Current Savings Comparison

Water Only vs. Combined Water & Reclaimed

Flows	5/8" x 3/4"	1"	1.5"	2"
30,000	-17.95%	-4.56%	-3.03%	-2.16%
50,000	-45.27%	-24.37%	-7.46%	-5.60%
70,000	-55.94%	-33.58%	-10.55%	-8.23%
90,000	-61.10%	-43.98%	-20.68%	-10.30%
110,000	-64.15%	-49.88%	-27.30%	-11.98%
130,000	-66.15%	-55.25%	-31.96%	-16.12%
150,000	-67.58%	-58.78%	-35.42%	-21.63%
170,000	-68.64%	-61.28%	-40.98%	-25.88%
190,000	-69.46%	-63.15%	-45.04%	-29.26%
210,000	-70.12%	-64.59%	-48.14%	-32.01%
230,000	-70.65%	-65.75%	-51.10%	-34.29%
250,000	-71.10%	-66.69%	-53.87%	-37.27%

Scenarios Considered

- **Scenario 1: No adjustment.**
- **Scenario 2: Reduce Irrigation Rate by using wastewater revenues to cover the debt service of the irrigation water project.**
- **Scenario 3: Reduce the amount of usage in the first two blocks of the water tiers to provide revenues to offset the irrigation rate.**
- **Scenario 4: Increase the rates in the top two tiers of the water rates to provide revenues to offset the irrigation rate.**

Scenario 1: No adjustment

	Existing FY 07/08	Proposed FY 08/09
General Users	\$0.80	\$0.82
Govt/Institutional	\$0.38	\$0.39
Bulk	\$0.32	\$0.33

- **If all potential connections occur the irrigation utility will face an annual \$550,000 shortfall.**
- **Supplemented by Water & Wastewater rates.**

Scenario 2: Supplement with Wastewater Revenues

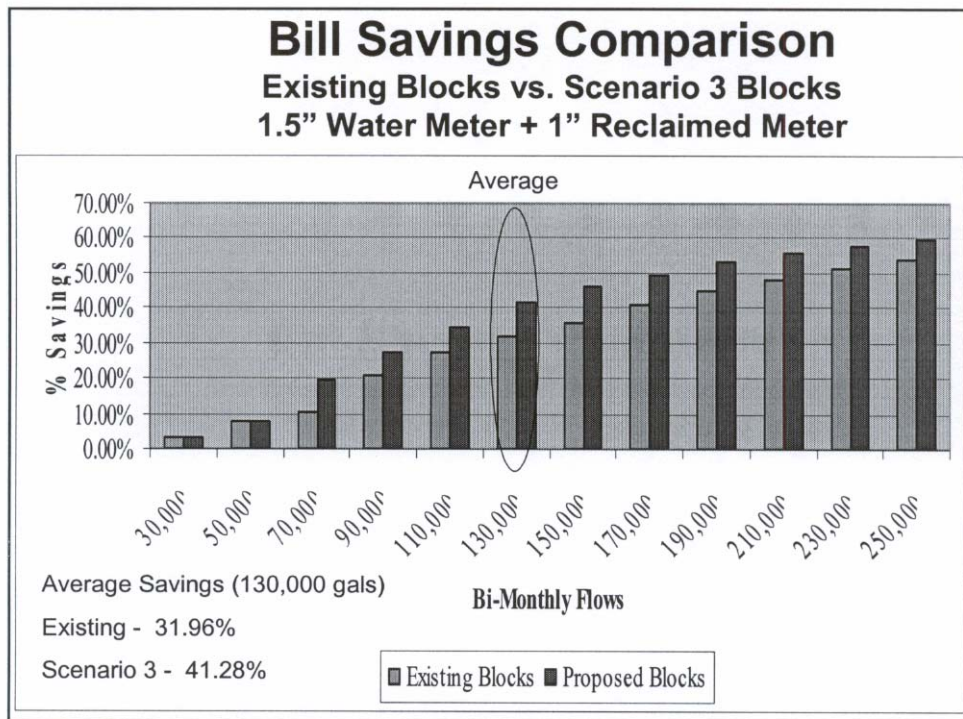
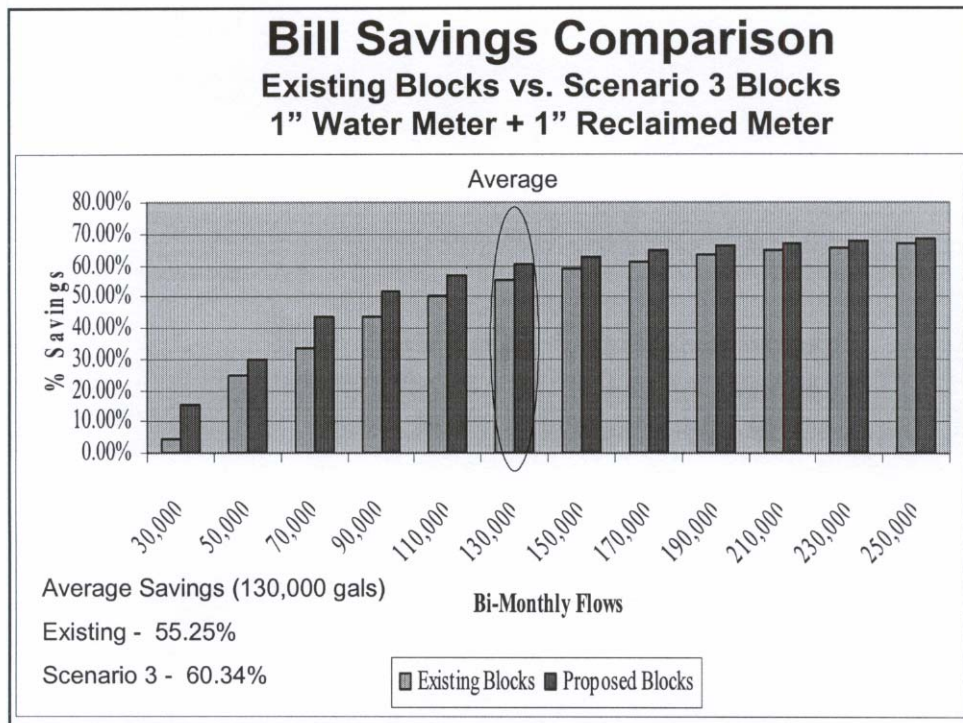
	Existing FY 07/08	Proposed FY 08/09
General Users	\$0.82	\$0.87
Govt/Institutional	\$0.39	\$0.50
Bulk	\$0.33	\$0.40

- Utilize wastewater revenues to fund the debt service of the Phase 1 project.
- Recognizes that the Phase 1 project provides for effluent disposal of the wastewater system.
- Would divert wastewater revenues from being spent on wastewater projects and building up cash reserves.

Scenario 3: Adjust Water Rate Tiers

	Existing	Proposed
Block 1	0 - 15,000	0 - 10,000
Block 2	15,001 - 30,000	10,001 – 20,000
Block 3	30,001 – 45,000	20,001 – 35,000
Block 4	45,000 +	35,000 +

- Adjust the first two tiers of the water rates from 15,000 gallon increments to 10,000 gallon increments.
- Encourages a positive difference between water only and water + irrigation bills.
- All water customers are impacted.



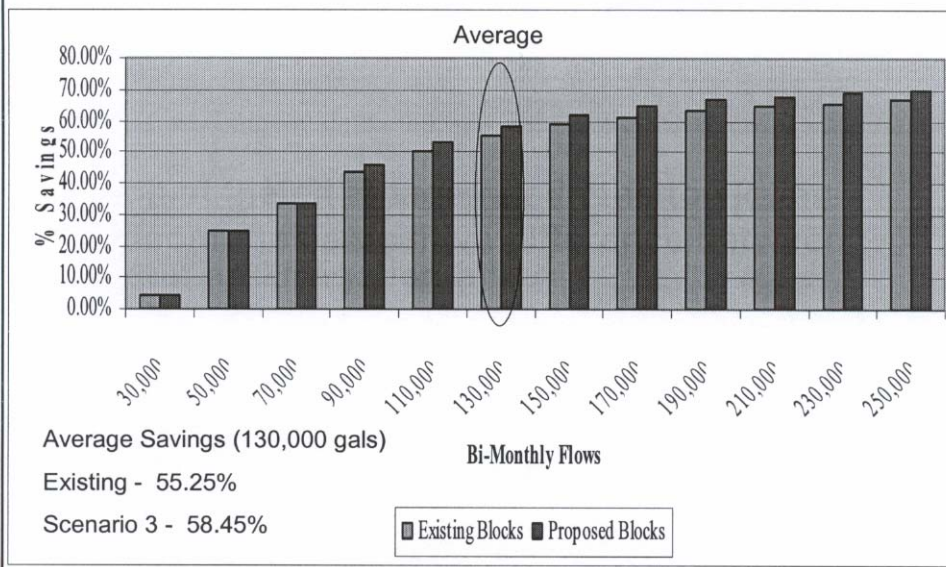
Scenario 4: Adjust Rate in top tiers

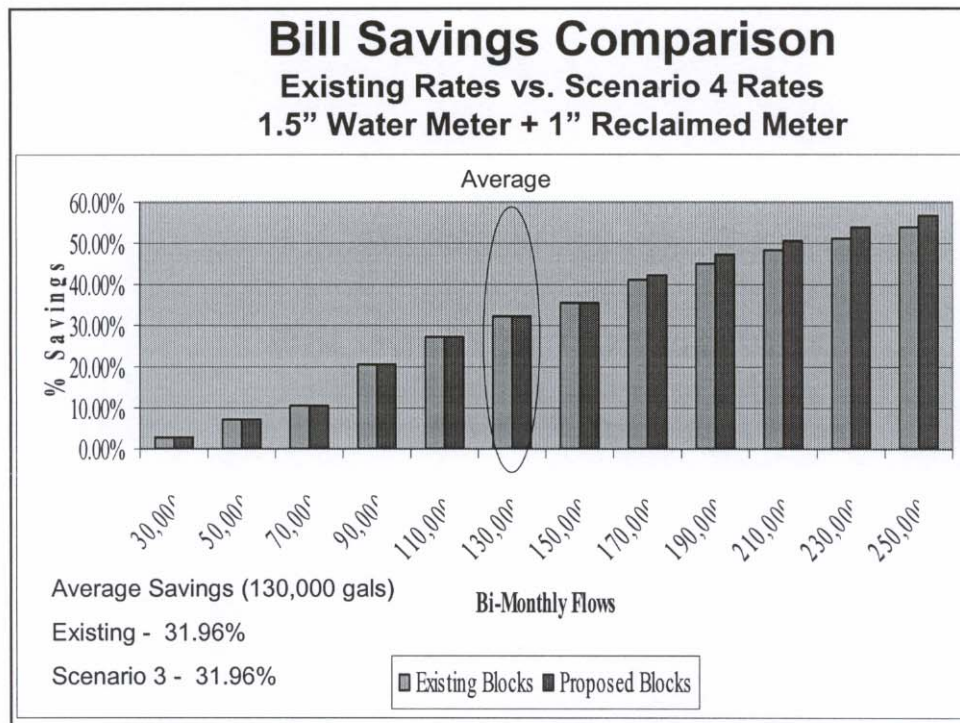
	Existing FY 08/09	Proposed FY 08/09
Block 1	\$1.14	\$1.14
Block 2	\$2.00	\$2.00
Block 3	\$2.85	\$3.25
Block 4	\$3.42	\$3.90

- Adjust the gallonage rate in the top 2 tiers.
- Encourages a positive difference between water and irrigation bills.
- Only high users are affected.
- The top two tiers can be the most susceptible to variations.

Bill Savings Comparison

Existing Rates vs. Scenario 4 Rates
1" Water Meter + 1" Reclaimed Meter





Summary of Scenarios:

Savings with 5/8" x 3/4" water meter

Flows	Scenario 1	Scenario 2	Scenario 3	Scenario 4
30,000	-17.95%	-17.21%	-27.45%	-17.95%
50,000	-45.27%	-44.15%	-50.74%	-48.80%
70,000	-55.94%	-54.72%	-58.91%	-59.73%
90,000	-61.10%	-59.83%	-63.08%	-64.84%
110,000	-64.15%	-62.85%	-65.61%	-67.81%
130,000	-66.15%	-64.84%	-67.31%	-69.74%
150,000	-67.58%	-66.25%	-68.53%	-71.10%
170,000	-68.64%	-67.30%	-69.45%	-72.11%
190,000	-69.46%	-68.11%	-70.16%	-72.89%
210,000	-70.12%	-68.76%	-70.73%	-73.50%
230,000	-70.65%	-69.29%	-71.20%	-74.01%
250,000	-71.10%	-69.73%	-71.60%	-74.43%

Summary of Scenarios: Savings with 1" water meter

Flows	Scenario 1	Scenario 2	Scenario 3	Scenario 4
30,000	-4.56%	-3.87%	-15.05%	-4.56%
50,000	-24.37%	-23.05%	-29.87%	-24.37%
70,000	-33.58%	-31.97%	-43.34%	-33.58%
90,000	-43.98%	-42.35%	-51.37%	-46.06%
110,000	-49.88%	-48.23%	-56.86%	-52.73%
130,000	-55.25%	-53.65%	-60.34%	-58.45%
150,000	-58.78%	-57.22%	-62.75%	-62.12%
170,000	-61.28%	-59.74%	-64.51%	-64.67%
190,000	-63.15%	-61.63%	-65.86%	-66.55%
210,000	-64.59%	-63.08%	-66.92%	-68.00%
230,000	-65.75%	-64.25%	-67.79%	-69.14%
250,000	-66.69%	-65.19%	-68.50%	-70.06%

Summary of Scenarios: Savings with 1.5" water meter

Flows	Scenario 1	Scenario 2	Scenario 3	Scenario 4
30,000	-3.03%	-2.57%	-3.03%	-3.03%
50,000	-7.46%	-6.33%	-7.46%	-7.46%
70,000	-10.55%	-8.95%	-19.71%	-10.55%
90,000	-20.68%	-18.91%	-27.24%	-20.68%
110,000	-27.30%	-25.42%	-34.61%	-27.30%
130,000	-31.96%	-30.00%	-41.28%	-31.96%
150,000	-35.42%	-33.40%	-45.89%	-35.42%
170,000	-40.98%	-39.01%	-49.27%	-42.23%
190,000	-45.04%	-43.12%	-52.95%	-47.03%
210,000	-48.14%	-46.24%	-55.74%	-50.60%
230,000	-51.10%	-49.24%	-57.92%	-53.87%
250,000	-53.87%	-52.07%	-59.68%	-56.86%

Summary of Scenarios: Savings with 2" water meter

Flows	Scenario 1	Scenario 2	Scenario 3	Scenario 4
30,000	-2.16%	-1.83%	-2.16%	-2.16%
50,000	-5.60%	-4.75%	-5.60%	-5.60%
70,000	-8.23%	-6.98%	-8.23%	-8.23%
90,000	-10.30%	-8.74%	-13.74%	-10.30%
110,000	-11.98%	-10.16%	-20.56%	-11.98%
130,000	-16.12%	-14.15%	-25.59%	-16.12%
150,000	-21.63%	-19.61%	-29.45%	-21.63%
170,000	-25.88%	-23.81%	-33.98%	-25.88%
190,000	-29.26%	-27.16%	-38.71%	-29.26%
210,000	-32.01%	-29.88%	-42.37%	-32.01%
230,000	-34.29%	-32.13%	-45.29%	-34.29%
250,000	-37.27%	-35.13%	-47.67%	-37.75%

Recommendation

- **Implement Scenario 4, increasing the water rates in the top two tiers to provide revenue for the irrigation system.**
- **Further encourages conservation among the highest water users.**
- **Keeps the irrigation rate low to encourage connection.**

Recommended Rates

	Existing FY 07/08	Existing FY 08/09	Proposed FY 08/09
Water Rates			
Base Charge (per period per ERU)	\$12.50	\$14.09	\$14.09
Consumption Rates (per 1,000 gals)			
Block 1 (0 - 15,000)	\$1.01	\$1.14	\$1.14
Block 2 (15,001 - 30,000)	\$1.77	\$2.00	\$2.00
Block 3 (30,001 - 45,000)	\$2.53	\$2.85	\$3.25
Block 4 (45,000 +)	\$3.03	\$3.42	\$3.90
Reclaimed Rates (per 1,000 gals)			
General Users	\$0.80	\$0.82	\$0.82
Government/Institutional	\$0.38	\$0.39	\$0.39
Bulk	\$0.32	\$0.33	\$0.33

Steps for moving forward

- **Send customer notices in next billing cycle.**
- **Schedule adoption of amended rate ordinance.**

Scope

- Review System Development Charges (SDCs) to ensure full cost recovery of growth from new connections.
- Review SDC billing structure for equitability.
- Make recommendations for changes to the SDC Ordinance.

Background

- City of Naples adopted new water and wastewater System Development Charges (SDC) in 2007

	Water		Wastewater	
	Previous Charge per ERU	Adopted Charge per ERU	Previous Charge per ERU	Adopted Charge per ERU
5/8" x 3/4"	\$870	\$2,549	\$1,220	\$2,779
1"	\$2,175	\$6,373	\$3,050	\$6,948
1.5"	\$4,350	\$12,745	\$6,100	\$13,895
2"	\$6,960	\$20,392	\$9,760	\$22,232
3"	\$13,920	\$38,235	\$19,520	\$41,685
4"	\$21,750	\$63,725	\$30,500	\$69,475
6"	\$43,500	\$127,450	\$61,000	\$138,950
8"	\$69,600	\$203,920	\$97,600	\$222,320

Imposition of Charges

▪ Water System Development Charges

- Based on meter size for all property types
- 1 Equivalent Residential Unit = 5/8" x 3/4" meter

▪ Sewer System Development Charges

- All Single-Family homes considered 1 ERU
- Each Multi-Family unit considered 1 ERU
- All Non-Residential based on meter size.

Budgeted Capital Improvement Plan

Fiscal Year:	2008/09	2009/10	2010/11	2011/12	2012/13
Water					
Production	\$4,582,500	\$21,781,500	\$25,363,000	\$5,438,000	\$405,000
Distribution	<u>540,000</u>	<u>1,292,000</u>	<u>820,000</u>	<u>820,000</u>	<u>570,000</u>
Total Water	\$5,122,500	\$23,073,500	\$26,183,000	\$6,258,000	\$975,000
Wastewater					
Treatment	\$650,000	\$1,322,000	\$724,000	\$401,000	\$513,000
Transmission	<u>790,000</u>	<u>1,225,000</u>	<u>1,230,000</u>	<u>1,070,000</u>	<u>1,370,000</u>
Total Wastewater	\$1,440,000	\$2,547,000	\$1,954,000	\$1,471,000	\$1,883,000
Utilities Maintenance	\$855,000	\$745,000	\$745,000	\$750,000	\$750,000
Total CIP	\$7,417,500	\$26,365,500	\$28,882,000	\$8,479,000	\$3,608,000

Capital Improvement Plan (cont.)

- Under the budgeted CIP, the SDCs will fully recapture the impact of growth on the system.
- As the Alternative Water Supply Program is refined and implemented, changes to the CIP may lead to changes in the SDCs.
- It is recommended that the City review the SDCs annually as the CIP changes over time.

Redevelopment

- SDC is adjusted if a different sized meter or additional meters are needed in the redevelopment.
- Changes in meter size are determined by the fixture units (sinks, toilets, etc.) added in the redevelopment.
- Developers of properties pay the difference of the current meter and the new meter SDCs.

Developer Contributed Credit

- **SDC Ordinance should include a section describing the credit process**
 - Eligibility for the credit
 - Requirements for credit to be applied
 - Level of credit
 - Credit application process

Recommendations for SDC Ordinance

- **Combine water and wastewater SDC language for consistency.**
- **Expand general definitions.**
- **Address redevelopment in better detail.**
- **Include a detailed more section on developer contribution credits.**

Agenda Item: 10	Prepared By: George Archibald, Traffic Engineer Date: September 15, 2008 Department: Public Works
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SUBJECT:

Taxi Parking and Operation Controls for the Downtown Commercial Districts

BACKGROUND:

Currently within the 5th Avenue South and 3rd Street South business districts, there are times during the evening hours when the number of taxicabs operating in the areas far exceed the capacity of taxi stands. During such times, taxicabs cruise the street and take away on-street parking capacity. To address this issue, an administrative policy is being recommended to advise taxi companies of the existing City Code provisions (Sec. 36-95 & 36-96), to provide late-hour on-street parking for taxicabs located off main-street and to step-up enforcement of the existing Code restrictions and the proposed administrative policy.

A summary of taxi parking and proposed operation controls are outlined as follows:

EXISTING CONTROLS:

Florida Statutes: F.S. 316.008, 316.1945 & 316.195: Provides for 'powers of local authorities', allows regulation of parking, provides for parking prohibition and defines placement of parked vehicles within a roadway.

Collier County Public Vehicle for Hire Ordinance (Ordinance No. 2006-59): Establishes the license requirements, the regulations, control of rates and control of the number of vehicles for hire operating in the County.

City of Naples Codes:

Code Section 36-95: Prohibits taxi parking in business districts other than at a taxi stand.

Code Section 36-96: Restricts use of taxi stands.

Collier County Code of Ordinances: No applicable references.

Collier County Land Development Code: No applicable references.

OPERATIONAL ISSUES: Within the City of Naples, taxi operations are controlled by the County's Vehicle for Hire Ordinance and the Naples Code. Actual on-street controls are set forth in Code Sections 36-95 and 36-96 as referenced above. Issues that are subject of this policy involve the operation and parking of taxicabs in the City's business districts so as not to interfere with limited available public parking and continue to provide available taxi service on an as-needed/on-call basis.

EXISTING CONDITIONS: Currently, taxicab parking is allowed at one on-street parking space on 3rd Street South and at two locations on 5th Avenue South. No other designated 'taxi stands' are marked on public streets. These three spaces have served the necessary function based on the majority of taxicab services being on-call responses. Problems associated with excessive taxicab parking on the City main street have occurred during peak season weekends and typically during late evening hours.

Agenda Item:

10

BACKGROUND (cont.):

ANALYSIS AND PROPOSED ADMINISTRATIVE POLICY: With the goal of minimizing the operation and parking of taxicabs in the business districts, two alternates have been analyzed and summarized as follows: Alt. #1: remove taxicab stands from 3rd Street and 5th Avenue and relocate to side streets and/or alley locations (this alternative would incorporate special signage for taxicab parking only during late evening hours); Alt. #2: eliminate all taxicab stands and parking in the business district (this alternative would force all taxi services to be on-call only). These two alternatives have been reviewed by personnel in the Public Works Department, the Police Department and by taxi service providers via the attached fax questionnaire. The comments from City staff and taxi service providers concluded the following:

1. Taxi stands continue to have a limited function in the business districts and should be retained.
2. Taxi stand relocation from 'main street' to side street should not create a hardship to operators or users subject to relocation being in close proximity to 'main street'.
3. The relocated taxi stands can be regulated to late evening hours and occupy on-street parking subject to dual use function.
4. The recommended locations are as follows:
 - a) On 5th Avenue South, the re-designated parking spaces will be dual functional spaces with the use by taxicabs being restricted to the hours of 10:00 P.M. to 1:00 A.M. The locations of spaces are on Park Street and in the alley between the Art Center and the Park Bandstand. The taxi stand on Park Street would be on the east side and be the north most space. This location would provide visual access from 5th Avenue and would allow queuing for other taxi cabs that may stage on Park Street south of the alley (Ref: attached Sketch A).
 - b) On 3rd Street South, the re-designated parking spaces will be dual functional spaces with the use by taxi cabs being restricted to the hours of 10:00 P.M. to 1:00 A.M. The location of spaces are on 12th Avenue South, two being a joint-use loading zone and one being a dual use parking space (Ref: attached Sketch B).
5. Taxi service providers will be placed on notice of the current restrictions and that enforcement will be increased.

The above recommended procedures would be implemented and monitored for a period of 90 days to include the first part of the 2009 Season. During this period, changes in administrative controls will be considered and implemented as appropriate. The above does not anticipate problems involving unsafe on-street taxi pick-ups and/or unsafe taxi cruising issues. These problems, if prevalent in the future, may be addressed by restrictions on 'main street' pick-ups and/or promotion of rear-door/side door pick-ups.

CITY OF NAPLES
FAX QUESTIONNAIRE
TAXI OPERATIONS IN THE DOWNTOWN BUSINESS DISTRICTS

SUBJECT: The City of Naples has received complaints of taxicabs using on-street parking in the 5th Avenue South Business District and in the 3rd Street South Business District. In response to the complaints, this questionnaire is being sent to taxi service providers to give notice of the applicable Naples Code provisions that control taxi parking and to obtain information and comments on providing on-street taxi parking but not necessarily on 'main street'.

ATTACHMENT: City Code Section 36-95 (prohibition of parking in any business district other than at a taxicab stand) and Section 36.96 (prohibits parking in a taxi stand) are attached for notice and information.

QUESTIONS:

1. Is the majority of the taxi service provided to the downtown business districts by telephone request?

Yes _____ No _____

If the answer to the above is 'No', what other methods are used to obtain notice of needed service? _____

2. Is there a need for on-street taxi parking in the 3rd Street South Business District and in the 5th Avenue South Business District?

Yes _____ No _____

3. If the answer to item #1 above is 'Yes', please answer the following information:

What are the peak days of the week in providing taxi service:

Ans: _____

What are the peak hours of the night or day for taxi service:

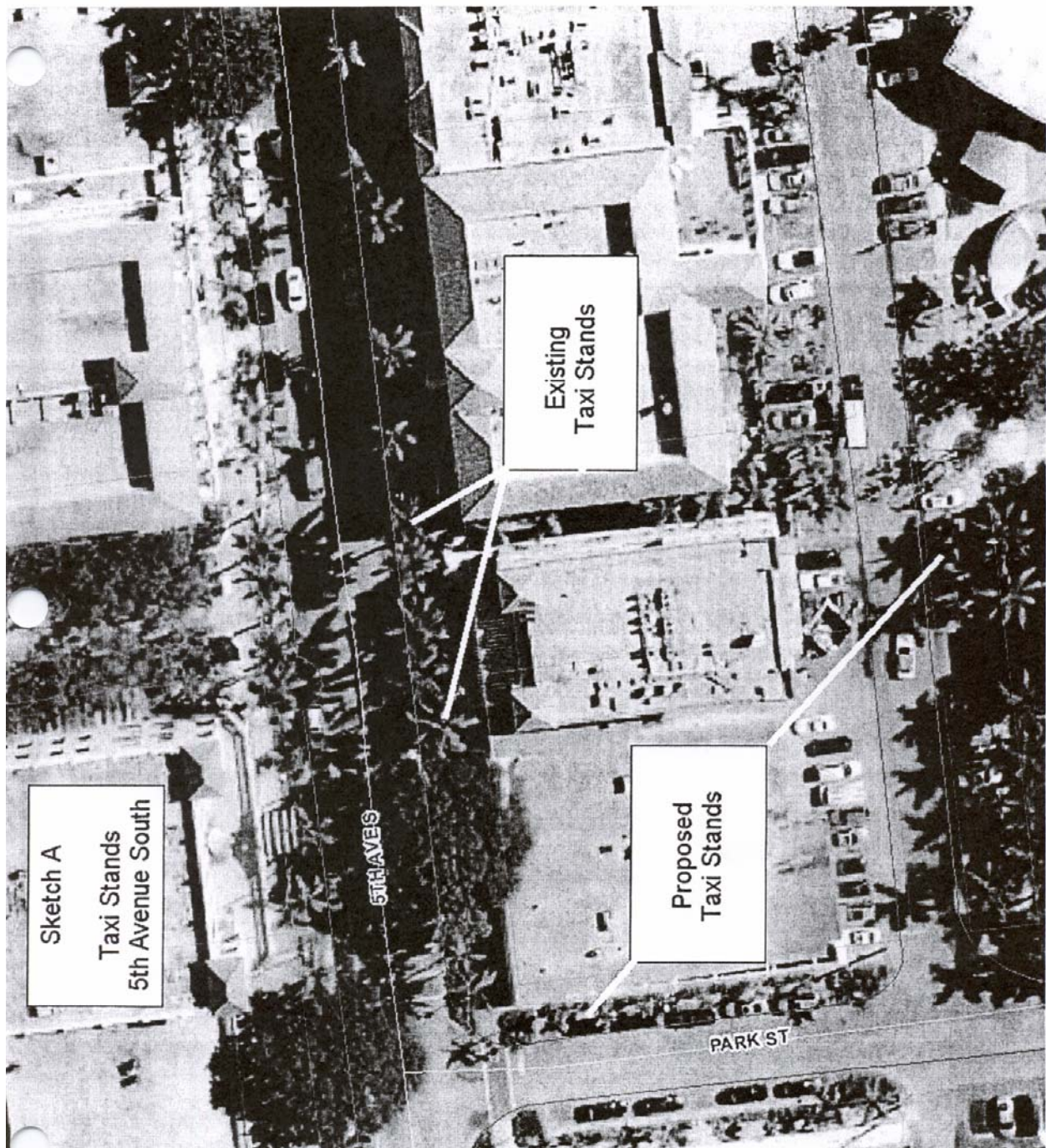
Ans: _____

What is your estimate of needed on-street taxi parking spaces:

Ans: _____

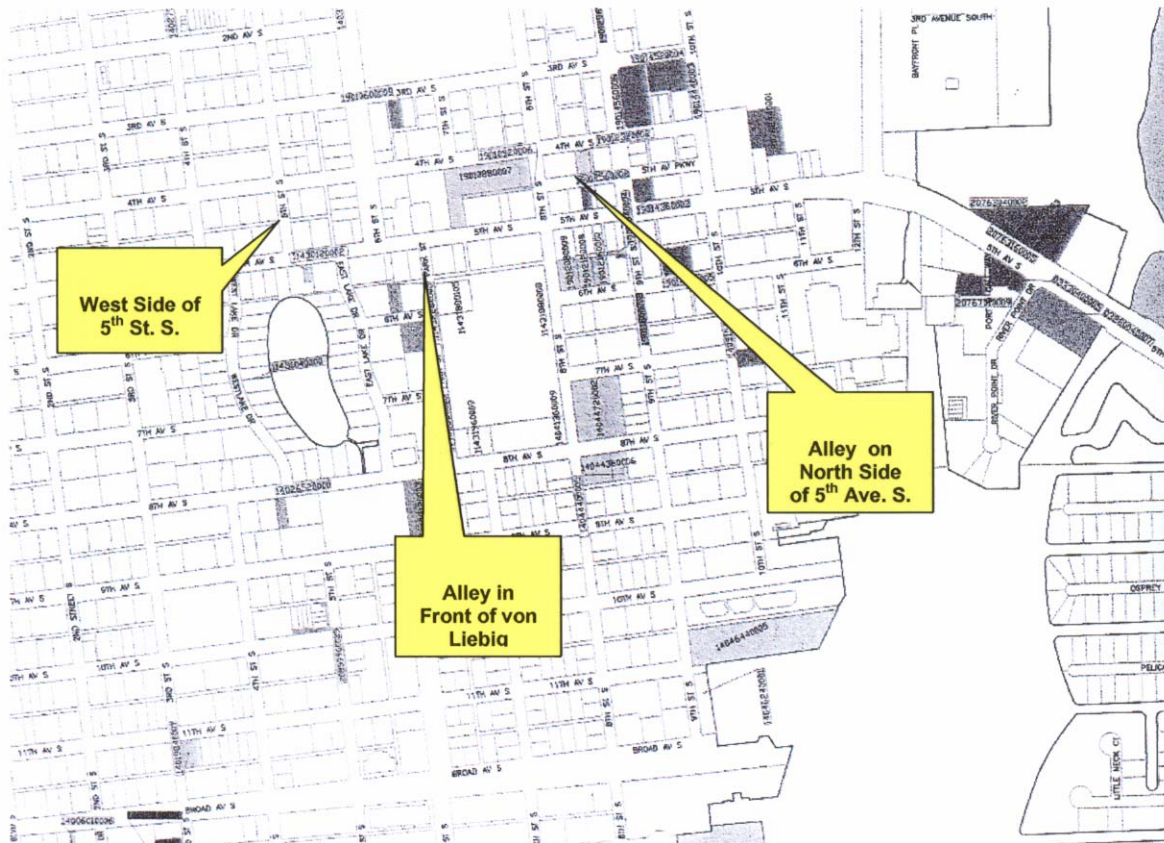
4. Please provide any additional comments, information or recommendations:

Call George Archibald @ telephone #213-5004 for questions/comments/response.





These three groupings were used as a basis for locating the three valet stations:



Agenda Item: 14	Prepared By: Robin Singer, Planning Director Date: September 19, 2008 Department: Planning
SUBJECT: Discussion of a text amendment increasing parking requirements in the Fifth Avenue South Special Overlay District	
BACKGROUND: City Council requested discussion of a text amendment increasing the required number of spaces from 1.5 per unit to 2 per unit. Per the calculations presented on June 16, 2008, staff indicated that a total of 1636 spaces would be required under the first set of assumptions which included no grandfathering, minimum on site parking, non-residential on the first and second floors and residential units located only on the third floor. A total of 454 spaces were estimated under the second set of assumptions where existing parking was grandfathered, on site parking was maximized and residential units were located on the second and third floors. The parking requirement was recalculated using 2 spaces per residential unit and under the first set of assumptions an additional 131 spaces would be required and an additional 158 spaces would be required under the second set of assumptions. Staff's recommended change, which has been incorporated into the ordinance that will sunset the Fifth Avenue South Action Committee, requires that at least one parking space per residential unit be located on site. Mixed use districts generally require fewer parking spaces as there is a trade off between daytime and evening use demands. Staff does not recommend requiring that all residential parking be located on site as it would severely limit first floor commercial development and discourage residential use. As such, increasing required parking will place the burden on both the property owner and the City to find adequate off-site parking to serve the redevelopment needs of the district. City Council should carefully consider the impacts of increasing the parking requirement before proceeding. Per City Council's request, an item has been advertised for the Planning Advisory Board's October 8, 2008 agenda to amend the parking requirements for residential units in the overlay district should City Council decide to move forward on this	