



**I. Purpose**

The purpose of these Rules and Regulations is to define the operating procedures of the Naples Design Review Board in order to assure that new Board Members, staff and others have an understanding of their respective roles and duties.

**II. Authority**

The Design Review Board, hereafter referred to as DRB, derives its authority from Article XI of Chapter 2 of the Naples Code of Ordinances. The adopting Ordinance 03-10047 is attached as Appendix A.

**III. Rules and Regulations and Amendments Thereto**

Section 2-493(d) of the Code of Ordinances states that the DRB shall adopt rules and regulations as may be deemed necessary for the proper function of the Board, subject to city council's approval by resolution.

Amendments of the Rules and Regulations must be acted upon at a DRB meeting. Such amendments shall require a majority vote of all members comprising the DRB, and are subject to city council's approval by resolution.

**IV. Offices**

The offices of the DRB shall be those of the Naples Planning Department. The person in charge of said offices shall be the Director of Planning or the Director's designee.

**V. Officers**

Members of DRB shall nominate and elect one member as a Chair and one member as Vice-Chair. Terms for Chair and Vice-Chair shall be for 1 year, commencing in the first regular meeting after May 31 of each year. The Vice-Chair shall serve as Chair in the absence of the elected Chair. The most senior member present will serve as Chair in the absence of both the elected Chair and Vice-Chair.

Elections shall be held at the May meeting of each year or as soon thereafter as is possible. Candidates receiving a majority vote of those attending shall be elected and shall take office immediately. The DRB may, by a majority vote of all members change any officer during the term of office.

Any vacancy in office shall be filled for the completion of the annual term immediately by the regular nomination and election procedure at the beginning of the next meeting of the Board.

Planning staff shall prepare an informational packet for new DRB Members that includes, at a minimum, the DRB Rules and Regulations, City Ethics Ordinance, "The Sunshine Law," Comprehensive Plan, and Comprehensive Development Code.

Between May and August of each year the DRB shall hold an organizational meeting as part of the regular meeting agenda. The Rules and Regulations shall be reviewed as part of the organizational meeting.

## **VI. Meetings**

### **A. Regular meetings**

Regular meetings shall be held at 9:00 a.m. on the fourth Wednesday of the month in the City Council Chambers unless otherwise designated in advance by the Director of Planning.

### **B. Meeting notices**

All notices and meetings shall fully comply with the Florida Sunshine Law and with written administrative policies of the City of Naples. No meetings shall be held without at least 72 hours notice to all DRB Members and the public.

## **VII. Agendas**

The DRB will normally follow its printed agenda for the order of business at each meeting. The Chair may alter the order of business on the agenda unless an objection is made by a DRB member. If an objection is noted by a member, a motion duly made and passed shall be required to rearrange the agenda's order of business.

## **VIII. Minutes**

The office of the City Clerk has responsibility for preserving recorded audiotapes and keeping minutes of each meeting of the DRB. The minutes thus prepared become the official minutes of the DRB once they have been presented to and approved by the DRB.

**IX. Submittal of Materials**

All materials submitted by a petitioner must be provided to the Planning Department a minimum of 30 days prior to a scheduled DRB meeting. Application materials and City staff report will be available to DRB members no later than 12:00 noon on the Friday preceding the meeting.

**X. Public Hearings and Non-Public Hearing Deliberation**

The general order for public hearings and non-public hearing deliberation will be as follows:

- ◆ Staff introduction
- ◆ Petitioner presentation
- ◆ DRB questions of petitioner
- ◆ DRB questions of staff
- ◆ Public hearing (if advertised, other public input shall be at the discretion of the DRB)
- ◆ Petitioners rebuttal – if any
- ◆ Board discussion – limited to DRB members
- ◆ At this point, the DRB at its discretion may ask specific questions of the public or petitioner without reopening the public hearing, or they may reopen the public hearing to receive new information.
- ◆ Vote

At the onset of each Regular meeting, the Chairperson will advise those in attendance of the hearing procedure by reading or providing a copy of an advisory in substantially the following form:

"The purpose of these public hearings is to consider architectural and landscape architectural design plans. The Design Review Board (DRB) takes final action on plans prior to building permit review, except for projects requiring review by City Council or DRB in which case the Board makes recommendations.

**Quasi Judicial Hearing**

For hearings of a quasi-judicial nature, these rules of procedure provide for and shall be implemented in a manner to insure that due process is afforded, that the correct law is applied and that the decision is based upon competent, substantial evidence.

The DRB shall conduct the hearing in accordance with these rules of procedure and shall accept all relevant evidence or testimony in the following order:

- 1.) Staff introduction
- 2.) Petitioner's presentation
- 3.) Staff presentation
- 4.) Members of the public

At the commencement of each hearing, each member of the DRB shall disclose any site visit and any exparte communication to include the name of the person and the substance of the communication.

All persons presenting testimony or exhibits shall be sworn in. Following the testimony of any witness, members of the Design Review Board shall be afforded an opportunity to cross-examine the witnesses on all relevant issues. An opportunity for cross-examination of witnesses shall be afforded to the petitioner, the staff and any member of the public. However, it may be required that those questions for the witness be presented to the Chair and the Chair will pose the questions to the witness. The Chair may impose reasonable limitations on the offer of testimony or evidence and refuse to hear testimony or evidence that is not relevant to the issue before the Design Review Board. The Chair may impose reasonable limitations on the number of witnesses heard, when such witnesses become repetitive or are introducing duplicate testimony or evidence.

After the staff presentation and report and petitioner's representative(s), the public portion of the hearing is then declared open by the Chair. The chairperson will recognize speakers from the public who have submitted a speaker registration form. These forms are on the table between the main doors at the rear of the chamber. All speakers must speak into the microphone, state their name and address. Speakers are limited to seven (7) minutes unless additional time is granted by the Chair. After the introduction of all relevant testimony and evidence, the petitioner may be afforded the opportunity to summarize the petition pending before the Design Review Board.

The public hearing is then closed by the Chair and the DRB members will discuss the petition until a motion seconded and a vote taken. Each member may explain his or her vote. The Chair will announce the date for the City Council consideration of the item."

**XI. Other Rules of Procedure**

The Chair shall run the meeting and act as the parliamentarian. Roberts Rules of Order shall be consulted for guidance but shall not be binding.

## **XII. Agenda**

An item may be added to the printed Meeting Agenda by a majority vote of DRB members present. Any member of the DRB may add an item to its agenda before it is distributed with a minimum of eight (8) days advance notice to the Director of Planning or its designee.

## **XIII. Legal Opinions**

The DRB may, by a majority vote, request the City Manager to request the City Attorney for a legal opinion on issues pertaining to the Board, or any matter that may come before the DRB. Unless the Board designates otherwise, the Director of Planning will be responsible for forwarding the request to the City Attorney and ensuring that the Board receives a timely reply. The City Manager will receive a copy of the request.

## **XIV. Conduct Of Speakers**

Meetings of the DRB are for the discussion of issues appearing before the Board and are not for discussion or attacks on the personalities of Board members, applicants or members of the public. The Chair will declare out of order any member of the Board or speaker before the Board who engages in a personal attack.

## **XV. Reconsideration**

- A. During a meeting in which a DRB matter has been voted on, the DRB may re-open the matter by approving a motion to reconsider by a simple majority vote. The motion to re-open the matter must be made by a Board member who voted in the majority on the issue to be reconsidered.
- B. After adjournment of the meeting in which a matter was voted upon, reconsideration must adhere to the following:
  - 1) Only DRB members may request reconsideration of an agenda item that has been voted on by the DRB.
  - 2) Any DRB member who voted with the majority may ask for reconsideration. Where the matter resulted in a tie vote, any DRB member who cast a vote may request reconsideration.

- 3) A request for reconsideration shall be transmitted in writing to the Chair not later than forty-eight (48) hours prior to the next regularly scheduled DRB meeting following the meeting at which the item to be reconsidered was voted on.
- 4) The DRB will first discuss whether to reconsider the item. A majority vote in favor of reconsideration will place the item on a future regularly scheduled DRB agenda. Failure to receive a majority vote will halt the reconsideration process.
- 5) Any item approved for reconsideration shall be placed on the next regularly scheduled DRB meeting agenda, unless the DRB specifically votes to set a different schedule for hearing the matter. All parties who participated by speaking, submitting registration forms or written materials at the first hearing of the issue, shall be notified in writing by the City Clerk of the date of reconsideration.
- 6) DRB Members may not request reconsideration of any agenda item more than once.

## **XVI. VOTING**

Except as otherwise provided by law or ordinance, an affirmative vote of a majority of a quorum present is necessary to approve a petition or other action by the DRB. A tie vote shall constitute denial of a petition or other action by the DRB.

**APPENDIX A**

Agenda Item 17  
Meeting of 5/7~~39~~/05~~18~~/03~~2~~

ORDINANCE 0~~23~~-10047

~~AN ORDINANCE PERTAINING TO A DESIGN REVIEW BOARD; ADDING SUBSECTION (d)(3) TO SECTION 2-463 STANDARDS OF CONDUCT OF THE CODE OF ORDINANCES, CITY OF NAPLES, BY CREATING AN EXEMPTION FROM CERTAIN REQUIREMENTS FOR MEMBERS OF THE DESIGN REVIEW BOARD; CREATING AND ADDING A NEW ARTICLE XI. DIVISION 6 TO ARTICLE II OF CHAPTER 2 86 OF THE CODE OF ORDINANCES, CITY OF NAPLES, FLORIDA, IN ORDER TO ESTABLISH A DESIGN REVIEW BOARD FOR THE REVIEW OF COMMERCIAL, INDUSTRIAL, AND MULTI FAMILY DEVELOPMENT IN THE CITY; PROVIDING FOR APPLICABILITY, MEMBERSHIP, POWERS AND DUTIES, RULES OF PROCEDURE, PROCEDURE FOR REVIEW AND FEES; PROVIDING FOR APPEALS OF DECISIONS; AMENDING SECTION 82-10 TO ADD DEFINITIONS OF COMMERCIAL BUILDINGS AND STRUCTURES, MULTI FAMILY BUILDINGS AND STRUCTURES AND PRINCIPAL BUILDINGS AND STRUCTURES; CREATING AND ADDING A NEW ARTICLE -XI. DESIGN REVIEW STANDARDS OF CHAPTER 106, PROVIDING FOR DESIGN REVIEW STANDARDS AND CRITERIA; CREATING AND ADDING A NEW ARTICLE VIII. DESIGN REVIEW FEES, OF CHAPTER 118 TO PROVIDE FOR FEES FOR APPLICATIONS/PETITIONS; PROVIDING FOR CERTAIN EXEMPTIONS FROM SECTION 2-463 STANDARDS OF CONDUCT; PROVIDING FOR A DESIGN REVIEW HANDBOOK; PROVIDING FOR SUNSET REVIEW; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.~~

WHEREAS, VISION 2005 and the Future Land Use Element of the Comprehensive Plan enumerate policies to develop design and review standards for commercial areas in order to establish a review process that will improve the quality of commercial development in the City; and

WHEREAS, the development of multi family properties has a significant impact on the City's neighborhood, which the City seeks to protect and enhance as enumerated in Goal 2 of VISION 2005 in the Comprehensive Plan; and

WHEREAS, following a public hearing, the Design Review Board has considered the direction from Council, the recommendation of the staff and public comment and has recommended, by a vote of 5 to 0, to establish a Design Review Board; and

WHEREAS, after considering the recommendation of the Design Review Board and City staff and following a public hearing on the subject, the City Council has determined that it is in the best interest of the City of Naples to approve Text Amendment Petition 02-T6 as amended through the hearing process;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:  
~~That Section 2-463(d) of the Code of Ordinances, City of Naples, Florida, is hereby amended by the creation of a new paragraph (3) which shall read as follows:~~

~~Sec. 2-463. Standards of conduct for public officials.~~

~~(d) Conflicting employment or contractual relationship.~~

(3) ~~The prohibitions contained in paragraph (2) of this subsection shall not apply to the members of the Design Review Board.~~

Section 1. ~~Section 2.~~ That a new Article XI, Division 6 is hereby created and added to ~~Article II of~~ Chapter 2, ~~86~~ of the Code of Ordinances, City of Naples, Florida, which shall read as follows:  
~~to establish a Design Review Board, as exhibited in Attachment "A".~~

~~ARTICLE XI. II. DESIGN REVIEW —BOARDS AND AGENCIES~~  
~~DIVISION 6. DESIGN REVIEW BOARD~~  
~~Sec. 2-490. Created; composition; terms; removal.~~

(a) Created. There is hereby created a City of Naples design review board (herein, the "board"). ~~consisting of 5 members.~~

~~(a)(b)~~ Composition. The board shall be composed of 5 members who shall serve without compensation. Notwithstanding Sec. 2-266, to the extent that qualified volunteers are available:

(1) ~~At least 2 of the members shall be architects, licensed or registered to practice in the state of Florida and at least 1 member shall be a landscape architect, licensed or registered to practice landscape architecture in the state of Florida. The other 2 members shall be persons who, as a result of training, experience, attainments or interest, are qualified to analyze and interpret design, landscaping, lighting, signage and environmental information; to appraise resource uses in light of the policies set forth in this ordinance; and to be responsive to the social, aesthetic, recreational and cultural needs of the community. Persons having expertise or interest in related matters, such as conservation, recreation, design, urban planning, cultural-historical preservation and ecological and environmental sciences shall, insofar as practicable, be considered for appointment to the board.~~

(2) Members who are architects or landscape architects shall be legal residents of the City or of Collier County. Other board members shall reside in the City. However, at all times, a majority of the members shall be legal residents of the City.

(c) Terms.

(1) Except for the initial term, the term of office for each member shall commence upon the effective date of appointment and shall expire on the May 31st closest to 3 years from commencement of the term. ~~Members shall be limited to 2 consecutive 3-year terms. After serving 2 consecutive terms, a member may reapply for appointment to the board after 1 year following expiration of the member's last term. The terms of office shall be staggered.~~

(2) The initial term of office shall be as follows:

~~2 members, at least 1 of whom is an architect, shall be appointed for a term commencing upon appointment and ending on May 31, 2006;~~

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2 members shall be appointed for a term commencing upon appointment and ending on May 31, 2005;

1 member shall be appointed for a term commencing upon appointment and ending on May 31, 2004;

(d) Removal. Any member may be removed by the city council for failure to maintain the qualifications set forth in subsection (b) above, or for any of the reasons set forth in Sections 2-267, 2-270 and 2-271 of this code. A member who is removed shall not be reappointed to membership on the board for at least 1 year from the date of removal.

**Sec. 2-491. Purpose**

The purpose of the board is to promote the public health, safety and general welfare by reviewing proposed ~~petitions~~ applications and recommending regulations necessary to:

(1) ~~P~~reserve existing areas of natural beauty and cultural importance;

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(2) ~~A~~ssure that buildings and structures, along with associated signage, landscaping, lighting or other development contribute in a positive way to the public environment of the city;

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(3) ~~P~~revent the development of structures or uses which are not of acceptable exterior design or appearance or are of inferior quality or likely to have a depreciating effect on the public environment, or surrounding area, by reason of appearance or value;

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(4) ~~C~~onsistent with other provisions of this code, ~~E~~eliminate conditions, structures, along with ~~and~~ associated ~~signage~~ design, landscaping, lighting, ~~and lighting~~ and signage, which by reason of their effect tend to degrade the appearance, health, safety or general welfare of the community; and

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(5) ~~P~~rovide a continuing source of programs and means of improving the city's public environment.

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**Sec. 2-492. Jurisdiction; powers and duties.**

(a) The ~~board~~ shall have the powers and duties set forth in this Article and any other duties assigned to it by the city council by ordinance or resolution. Specifically, the board shall have the following powers and duties:

(1) To review all ~~petitions~~ ~~applications~~ and associated architectural and landscape architectural plans that require design review under the standards established in this code and to make recommendations to the city council or the Design Review Board, or both, as otherwise required in this code;

(2) To review current city regulations and provide advice and recommendations to the city council for improved regulations

that will promote excellence in design of buildings, structures, ~~landscaping~~ landscaping, lighting and signage; and

- (3) To prepare, ~~and~~ recommend adoption of, and keep up to date, ~~a~~ design review handbook, that will provide guidelines for the design aspects of development.

**Sec. 2-493. Organization; quorum; rules of procedure**

- (a) ~~The board shall meet as needed at regularly scheduled intervals, at least 1 time per month when there are petition applications to review, except during the city council's summer recess, or as may otherwise be authorized by the city council by resolution. ~~except during summer recess and except that~~ The chair may call special meetings and may cancel or continue meetings as may be necessary.~~
- (b) A majority of the membership of the board shall constitute a quorum for the transaction of business.
- (c) The board shall elect a chair and a vice-chair from among its members, ~~and may create and fill such other offices as are determined to be necessary.~~ Terms of ~~all officer~~the chair and vice-chair shall be for 1 year, commencing in the first regular meeting after May 31 of each year. ~~Officers~~The chair and vice-chair are eligible for reelection. The vice-chair shall have the same powers of the chair, in the absence of the chair. The City ~~will provide~~ for a recording secretary through the city clerk or city manager.
- (d) Subject to the city council's approval by resolution, the board shall adopt rules and regulations as may be deemed necessary for the proper function of the board in regard to:
- (1) Meeting dates, time, and location;
  - (2) Publication of agendas of board meetings; and
  - (3) Procedures for filing, advertising and notification, circulation of petitions to its members, and review of petitions.
- (e) Within 9 months ~~a~~Subject to council approval by resolution,fter its first meeting, the board shall develop, ~~within a period of 9 months,~~ a design review handbook, which sets forth graphics and guidelines defining and supporting the procedures and criteria for project submission and review. The handbook shall be ~~updated annually and~~ presented to the city council for approval by resolution and shall ~~be updated annually.~~ The board may nevertheless operate prior to the development of the design review handbook.
- (f) The city council may, at its discretion, appropriate funds to the board for expenses necessary in the conduct of its work.

**Sec. 2-494. Applicability; prohibitions.**

- (a) The board shall review all ~~application~~petitions for design review, prior to, and as a prerequisite ~~for~~to, the issuance of a building

permit for any of the following located in a commercial, industrial, planned development, ~~or~~ multi-family zoning district or PS, Public Service District:

- (1) A new principal building or structure;
- (2) An addition to an existing structure that is greater than 1,000 square feet; or
- (3) A substantial change to the façade of any building or structure, and landscaping, lighting and signage associated with the foregoing buildings, structures or facades.

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(b) Buildings and structures located in single-family residential districts or in the Fifth Avenue South Special Overlay District are excluded from this Article.

(c) The board may authorize approval of ~~applications~~ petitions for building permits for minor or insignificant development of property, which would not defeat the purposes and objectives of this section.

(d) No building permit shall be issued for any building, structure or other development of property, or appurtenances, on any property described in this article, ~~as specified in section 86-153??~~ until plans and elevations for buildings, structures, or alterations to them, and associated landscaping, lighting and ~~and~~ signage, have been approved by the board.

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(e) No certificate of occupancy, or final building inspection approval, for any property described in this article, shall be issued until the designated official has certified that such construction has been found to be in compliance ~~with~~ with the conditions and restrictions, if any, imposed by the board, and that the final construction is in conformity with the plans approved by the board.

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Sec. 2-495. Procedure for review; criteria.

(a) Pre-Application Meeting.  
A pre-application meeting with the city manager, through the planning director or designee is required for each ~~petition~~ application. Certain submittal requirements may be waived for additions and new buildings less than 1,500 square feet where determined not to be necessary.

(b) Preliminary Review.

(1) Mandatory Preliminary Review. Preliminary review and approval by the board is required prior to final consideration and approval of projects that otherwise require review and approval by the Design Review Board, the city council, or both. In such cases, the board determination and comments shall be considered as part of the Design Review Board and city council review.

- (2) Non-Mandatory Preliminary Review. In cases where preliminary review is not required, a petitioner may nevertheless request a preliminary review by the board.
- (3) Submittal Requirements. For preliminary review, the applicant shall submit, at a minimum, a generalized site plan, scaled mass model or 3 dimensional digital mass model schematic of the project with structures on adjoining parcels identified, and a colored elevation of the principal street façade.
- (4) A petitioner may submit a project for a combined preliminary and final review by following the provisions set out in subsection (c).

(c) Final Review.

- (1) Projects that do not require city council or Design Review Board review and approval may proceed directly to final board review. Projects that otherwise require review and approval by the Design Review Board, city council or both, shall obtain final review from the board after review and approval of other aspects of the project by the Design Review Board or the city council. If the petitioner elects to submit the project for combined preliminary and final review under subsection (b)(4), the petitioner shall obtain final review and approval from the board prior to review and approval by the Design Review Board or the city council.

- (2) Submittals. All presentation materials shall include a graphic scale and may include scale figures of pedestrians, vehicles, and other common elements found in the public environment. In addition, the following shall be provided with the ~~petition application~~, unless waived by city administrative staff as not necessary:

- a. Site plan as defined by Section 86-202(c)(3)h drawn to an appropriate scale;
- b. Exterior elevations, in color and drawn to an appropriate scale. Elevations shall include proposed landscaping and identification of materials for major exterior building components.
- c. Street elevation, in color and drawn to an appropriate scale. The street elevation shall encompass the entire proposed project and generally identify the major elements of the adjacent two properties on either side of the site. If the adjacent properties are vacant or underutilized, a diagram shall be provided that identifies the mass and form that is allowable under current zoning.
- d. Landscape plan, at the same scale as the site plan. ~~Enlarged plans of detailed planting areas may be requested by the planning director or designee~~The

planning director or designee may request enlarged plans of detailed planting areas. Planting schedule with sizes of proposed plantings must be included.

- e. A scaled mass model or 3 dimensional digital mass model of the project with structures on adjoining parcels identified.
- f. Color and material samples for major exterior building components.
- g. Drawings and presentation materials, labeled to identify the project and its location and signed and sealed by the architect responsible for the design. The architect must be licensed or registered in the State of Florida.
- h. A lighting plan.

(d) Hearings before Board.

Upon receipt of a complete ~~petition~~application, the city manager, through the planning director or other designee, shall notify all owners of property located within 500 feet of the property described in the petition of the date, time, place and purpose of the public hearing; and shall schedule review of the plans by the board at its next regular meeting. The board shall act on a full and complete ~~application~~petition, within 30 days after the ~~petition~~ application has been determined to be complete, ~~or within 30 days after the city council's summer recess,~~ unless the applicant consents to an extension of time. Unless waived by the board, the ~~application~~petition shall be presented to the board by the architect whose seal appears on the drawings and who is responsible for the design.

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(e) Action by Board.

- (1) The board may require such changes, if any, in any plans or documents presented as may be necessary to conform to the provisions of this and all ordinances of the city. The board may require such changes in said plans and documents that may be requisite or appropriate to the maintenance of the high standard of construction, architecture, beauty and harmony required by the city.
- (2) The board may grant, grant with conditions or deny each ~~application~~petition that is subject to its jurisdiction, applying the standards set forth in this ordinance. Action on ~~applications~~petitions shall be by board resolution, supported by written findings. Resolutions shall be filed with the city clerk and a copy provided to the applicant, in person, or by United States mail within 10 days after the action is taken.
- (3) Approval shall be effective for a period of one ~~calendar~~ year from the approval date set forth in this section, or for the period of other approvals associated with the same project.

Sec. 2-496. Appeals from decisions of the ~~Design Review~~ Board.

- (a) Any petitioner, applicant or owner of the property that is subject of the petition, or person owning property within 500 feet of the outer limits of the property that is the subject of the application petition may appeal a final decision of the board to the city council.
- (b) An appeal to the city council may be taken by filing a notice of appeal within 15 days after the decision of the board was signed by the chair or vice-chair and filed with the city clerk, and by paying any fee established by the city council. If the notice of appeal has not been timely filed and the fee has not been paid within the 15-day period, the action of the board shall constitute final agency action.
- (c) Unless waived, the matter shall be heard by the city council at its next regularly scheduled meeting, occurring at least 30 days after the date of filing of the notice of appeal. However, the city council may schedule the matter at a special meeting. Failure of the city council to adhere strictly to this schedule shall not constitute grounds for challenge of the city council's action.
- (d) The city council shall render a decision at the scheduled regular meeting unless the matter is continued consistent with established city council procedures.
- (e) In acting on any appeal, the city council shall have the same authority as the board with regard to the application petition. Any decision by the board may be upheld, modified or reversed by the city council. The disposition of any appeal by the city council shall be by resolution and shall constitute final agency action.

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Section 2. That Sec. 82-10. Definitions, of the Code of Ordinances, City of Naples (Comprehensive Development Code) is hereby amended to add the following definitions:

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The following words, terms and phrases, when used in this comprehensive development code shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

. . . . .

Commercial Zoning District means the following zoning districts: C1 Retail Shopping District; C1-A Commercial Core District; C-2 General Commercial District; C2-A Waterfront Commercial District; C3 Heavy Commercial District; C4 Airport Commercial District; M Medical District; O Office District; and D Downtown District.

Multi Family Zoning District means the following zoning districts: R3-6 Multifamily District; R3-12 Multifamily District; R3T-12 Multifamily District; R3-15 Multifamily District; R3-18 Multifamily District; R3T-18 Multifamily District; R3-15 Multifamily District - Coquina Sands (CS); and R3-15 Multifamily District - Moorings (MOR).

Principal Building or Principal Structure means a building or structure, which houses the main use or activity occurring on a lot or parcel of ground.

Section 3.

That Chapter 106, Required Development and Design Standards, of the Code of Ordinances, City of Naples is hereby amended by creating and adding a new Article XI. Design Review Standards, which shall read as follows:

Article XI. Design Review Standards.

Sec. 106-266. Architectural and Landscape ~~Architretural~~Architretural Design Standards.

The following standards and criteria shall be considered by the design review board and by the administrative staff when reviewing ~~petition~~applications for design review pursuant to Article X of Chapter 2 of this code. Prior to granting approval of an ~~application~~petition the board shall consider whether:

- (1) The overall plan for the project, including the site plan, ~~building design and landscape design,~~ design, landscaping, lighting and signage contributes to the image of the City as a visually attractive community.
- (2) The proposed building or structure is of a quality and appearance that:
  - (a) ~~(1)~~Is consistent and compatible with the surrounding neighborhood structures, and
  - (b) Does not cause the local neighborhood or environment to depreciate materially in appearance or value.~~-(2)-----~~
- (3) The project's scale, and the size, color and proportion— of building elements, components and materials are appropriate and harmonious with surrounding neighborhood structures.
- (4) Appropriate building materials are being used. The use or employment of any of the following is generally considered inappropriate and will not be permitted unless appropriately integrated into a project meeting all other criteria, including aesthetic criteria, of this article:
  - (a) Corrugated metal siding;
  - (b) Fiberglass shingle roofing;
  - (c) Prefabricated metal buildings or their components;
  - (d) Primary colors or black;
  - (e) False windows or doors;
  - (f) Unmodified formula and trademark buildings and structures; and
  - (g) Buildings and structures that are visually intrusive and inconsistent with the character of the neighborhood or of the community.
- (5) The scale of ground floor elements of the project is consistent with pedestrian scale, where appropriate, depending on its location.

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- (6) The project's location and design adequately protects or enhances unique site characteristics such as those related to scenic views, natural vistas, waterways or similar features.
- (7) The project appropriately integrates landscape elements into the site plan and building design. Plantings shall be of a size to give the appearance that the project is settled into a mature landscape. Pedestrian areas on or at the edges of the project site shall be sheltered by shade trees.
- (8) The design of the project is appropriate to its function.
- (9) The project is climatically responsive.
- (10) Primary entrances to all buildings provide direct and convenient access from the main streets and on-site public parking areas.
- (11) Signage and other building appurtenances are integral components of the building, appropriately scaled, and consistent in character with the building's overall design.
- (12) The project incorporates defensible space concepts of Crime Prevention Through Environmental Design.
- (13) The proposed development is in conformity with the effective guidelines and standards adopted pursuant to this and all other applicable ordinances.

~~Upon receipt of a complete application, the planning director shall schedule review of the plans by the Design Review Board at its next regular meeting. The Design Review Board shall act on a full and complete application within thirty (30) days, unless the applicant consents to an extension of time. The project shall be presented to the board by the architect whose seal appears on the drawings and who is responsible for the design.~~

~~(g) The board may approve, approve with conditions, or disapprove each matter which is subject to its jurisdiction and shall apply and consider whether the following criteria are met:~~

~~(1) The overall plan for the project, including the site plan, building design and landscape design, shall contribute to the image of the City as a visually attractive community.~~

~~(2) The proposed building or structure shall be of a quality and appearance that:~~

~~a.a. Is consistent and compatible with the surrounding neighborhood structures, and~~

~~b.b. Does not cause the nature of the local neighborhood or environment to depreciate materially in appearance or value.~~

~~(3) The project's scale, and the size, color and proportion of building elements, components and materials shall be appropriate and harmonious with surrounding neighborhood structures.~~

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~~(4) Appropriate building materials and use thereof. The use or employment of any of the following is generally considered inappropriate and will not be permitted unless appropriately integrated into a project meeting all other criteria, including aesthetic criteria, of this article:~~

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- ~~a.a. Corrugated metal siding~~
- ~~b.b. Fiberglass shingle roofing~~
- ~~c.c. Prefabricated metal buildings or their components~~
- ~~d.d. Primary colors or black~~
- ~~e. False windows or doors~~
- ~~f. Unmodified formula and trademark buildings and structures~~
- ~~e.g. Buildings and structures that are visually intrusive and inconsistent with the character of the neighborhood or of the community.~~

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~~(5) Where appropriate, depending on its location, the scale of ground floor elements of the project shall be is consistent with pedestrian scale.~~

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~~(6) The project's location and design shall adequately protects or enhances unique site characteristics such as those related to scenic views, natural vistas, waterways or similar features.~~

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~~(7) The project shall appropriately integrates landscape elements into the site plan and building design. Plantings shall be of a size to give the appearance that the project is settled into a mature landscape. Pedestrian areas on or at the edges of the project site shall be sheltered by shade trees.~~

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~~(8) The design of the project shall be is appropriate to its function.~~

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~~(9) The project shall be is climatically responsive, with appropriate use of overhangs and shading devices.~~

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~~(10) Primary entrances to all buildings shall provide direct and convenient access from the main streets and on site public parking areas.~~

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~~(11) Signage and other building appurtenances must be are integral components of the building, appropriately scaled, and consistent in character with the building's overall design.~~

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~~(12) The project should incorporates defensible space concepts of Crime Prevention Through Environmental Design (CPTED). Where permitted and appropriate, mixed use is encouraged in order to provide the safety mechanism of "eyes on the street".~~

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~~(13) The proposed development shall be is in conformity with the effective guidelines and standards adopted pursuant to this and all other applicable ordinances.~~

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~~(h) If the Design Review Board finds that the above criteria are met, the project shall be approved. Conditions may be imposed when the project does not comply with the above criteria in order to bring the project into conformity therewith.~~

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~~(e)(i) Approval shall be effective for a period of one calendar year from the approval date.~~

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~~(f)(j) If an application is disapproved, the Design Review Board shall make findings of the criteria which have not been met. The action taken by the Design Review Board in regard to a proposed development shall include findings, and be reduced to writing, and a copy provided to the applicant, in person, or by United States mail.~~

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~~(g)(k) The criteria established herein may be changed by ordinance.~~

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~~**Sec. 86-158. Changes in plans and specifications may be required.**~~

~~The Design Review Board shall require such changes, if any, in any plans and/or documents presented as may be necessary to conform to the provisions of this and all ordinances of the City, with due regard to any existing deed restrictions not in conflict therewith. The Design Review Board may require such changes in said plans and documents that may be requisite or appropriate to the maintenance of the high standard of construction, architecture, beauty and harmony required by the city.~~

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~~**Sec. 86-159. Majority to approve plans.**~~

~~The Design Review Board shall meet to consider and act upon plans and materials submitted to comply with this ordinance. The approval of a majority of the quorum present as from time to time constituted, signified by the signature of the chairman, or his or her designee, on each set of plans is required to be submitted with each application for a permit, and shall be a prerequisite to the issuance of any building permit required or certificate of occupancy.~~

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~~**Section 4.**~~

~~That the code of ordinances, City of Naples, is hereby amended by creating and adding a new Article VIII., Design Review Fee, to Chapter 118, which shall read as follows:~~

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~~**Article VIII.  
Design Review Fee**~~

~~**Sec. 118-19586-160. Fees for examination of applications.**~~

~~Design review board application fees are as follows:~~

- |                |  |                         |
|----------------|--|-------------------------|
| <del>(1)</del> | <del>PetitionApplication</del> for preliminary review... | <del>\$150.00</del>     |
| <del>(2)</del> | <del>PetitionApplication</del> for design review. . .    | <del>\$300.00</del>     |
| <del>(3)</del> | <del>Administrative Appeal..</del>                       | <del>—\$300.00</del>    |
| <del>(4)</del> | <del>Resubmittals. . .</del>                             | <del>—\$100.00</del>    |
| <del>(5)</del> | <del>Advertising costs. . .</del>                        | <del>—Actual cost</del> |

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~~City Council shall establish fees for applications required under this division by resolution and shall include such fees in its Schedule of Fees.~~

~~For examination of such plans and specifications, by the design review board, there shall be charged and collected by the city, in addition to all other fees~~

~~which are now or which may hereafter be prescribed by ordinance, the following fees:~~

~~(a) A fee of three hundred dollars (\$300) for each project shall be paid at the time of the initial application; and~~

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~~(b) A fee of one hundred dollars (\$100) for each resubmittal required due to rejection of working drawings shall be paid prior to review by the board.~~

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~~Section 5-3.~~ That it is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Naples, Florida, and that the sections of this ordinance may be renumbered to accomplish such intention.

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~~Section 64.~~ 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.

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~~Section 75.~~ That all sections or parts of sections of the Code of Ordinances, 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 86~~ Within a period of nine (9) months the design review board shall develop a supplemental handbook, which sets forth graphics and guidelines defining and supporting the procedures and criteria for project submission and review. This ordinance shall take effect immediately upon adoption at second reading, with the provision that until the districts are created by ordinance, submittal fees shall be waived for all applicants, and compliance with Design Review Board recommendations shall be voluntary.

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~~Section 897.~~ No later than one year after the first meeting of the design review board, the city council shall review the design review board and determine whether to abolish, maintain or modify the board.

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~~Section 9108.~~ This ordinance shall take effect immediately upon adoption at second reading.

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APPROVED AT FIRST READING THIS ~~164~~th DAY OF ~~SEPTEMBER APRIL~~MARCH, 2003~~2~~.

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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 7th DAY OF ~~May~~, 2003~~2~~.

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\_\_\_\_\_  
Bonnie R. MacKenzie, Mayor

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Attest:

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Approved as to form and legality:

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\_\_\_\_\_  
Tara A. Norman, City Clerk

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Robert D. Pritt, City Attorney

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Date filed with City Clerk: \_\_\_\_\_