



Planning Petition Process Overview

Application ¹	Explanation	Applicable Code	Criteria	Required Review Authority				
				Staff Review	Planning Advisory Board	Design Review Board	Community Redevelopment Agency Advisory Board	City Council
Administrative Grant of Variance	Administrative variances shall only apply to the existing structure, and shall not apply to any reconstruction or future construction on the property and not exceed ten percent of the minimal regulation.	Section 46-37(d)	Section 46-37(d)					
Appeal (Administrative Decision and DRB)	Any petitioner, owner of the property that is the subject of the petition, or person who should have received notice pursuant to section 46-45 and who appeared before the board, is presumed to have standing to appeal a final decision of the board to the city council.	Section 2-84	Section 2-84					
Annexation Agreement	The City of Naples does not seek to aggressively pursue or promote annexation to the City and reviews standards and objectives set forth in the resolution before reviewing a petition for annexation.	Res 08-12266						
Comprehensive Plan Amendment	The procedure set forth in F.S. § 163.3161 et seq., the Local Government Comprehensive Planning and Land Development Regulation Act, as amended, shall be complied with in all respects for the adoption of amendments to the comprehensive plan of the city. Petitions for amendments to the comprehensive plan may be obtained from the city manager.	Section 46-31	Section 46-31					
Conditional Use	A conditional use is a use that would not be appropriate generally or without restriction throughout a particular zoning district, but may, if controlled as to number, area, location and relation to the neighborhood and based upon the design and character of a particular development proposal, be appropriate.	Section 46-34	Section 46-34					
D-Downtown Waiver	The city council may waive the requirements of this division for additions, alterations, or rehabilitation of buildings which do not meet the design standards of the D-Downtown.	Section 58-917	Section 58-917					
Design Review - Preliminary	Preliminary review and approval by the Design Review Board is required prior to final consideration and approval of projects that otherwise require review and approval by the planning advisory board, the city council, or both. In such cases, the board determination and comments shall be considered as part of the planning advisory board and city council review.	Section 2-478	Section 50-241					
Design Review - Final	Projects that do not require city council or planning advisory board review and approval may proceed directly to final board review. Projects that otherwise require review and approval by the planning advisory board, city council or both shall obtain final review from the board after review and approval of other aspects of the project by the planning advisory board or the city council.	Section 2-478	Section 50-241					
Design Review - Final Resubmittal	Projects that have already received a final design review approval but afterwards need to make minor changes to the original approval.	Section 2-478	Section 50-241					
Development Agreement	<i>Development</i> means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into 3 or more parcels (F.S. § 163.3221(4)).	F.S. 163-3220	N/A					
Development of Significant Environmental Impact	All developments and their associated activities proposed to take place in conservation areas shall be required to submit a development of significant environmental impact (DSEI) assessment for review and approval by the city. The development of significant environmental impact assessment shall be coordinated with the site plan review process.	Section 52-151	Section 52-151					
Dog Dining	Pursuant to F.S. § 509-233, patrons' dogs may be permitted within certain designated outdoor portions of public food service establishments in conjunction with approved outdoor dining subject to the approval of an outdoor dining permit.	Section 56-130	Section 56-130(d)					
Development of Regional Impact	The term "development of regional impact," as used in F.S. § 380.06, means any development that, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county. Statewide guidelines and Standards can be found in F.S. § 380.06.	F.S. 380.06	N/A					
Fence and Wall Waiver	Certain fence and wall requirements may be waived due to special factors related to, but not limited to, the following: lot size; lot orientation; lot location, orientation and design of structures on the lot orientation and design of the fence or wall. A waiver from fence and wall requirements may be approved by resolution of the city council after a petition for such waiver has been submitted to the city manager.	Section 56-37(e)	Section 56-37(e)					
Landside Facility	Landside facilities shall receive approval from city council by resolution at an advertised public hearing prior to allowing restricted charter boats to operate from the facility.	Section 42-204	Section 42-204					
Live Entertainment	Live entertainment means a use in conjunction with a restaurant, cocktail lounge or other commercial establishment, wherein floorshows or other forms of entertainment consisting of one or more persons, amplified or non-amplified, are provided indoors or outdoors on a regular basis. All applications for new live entertainment must be reviewed by city council and approval given by resolution.	Section 56-125	Section 56-125(c)					
Non-Conformity	A nonconformity is a lot, structure or use of land, or any combination thereof, which was lawful before government action but no longer meets the regulations contained in this Land Development Code because of said government action. Except as otherwise provided in Section 46-35, no nonconformity shall be expanded, enlarged or changed to a different nonconformity except upon recommendation of the planning advisory board, and approval of the city council.	Section 46-35	Section 46-35					
Outdoor Dining	Outdoor dining means an area adjacent to and a part of an established conventional or carry out restaurant or retail establishment serving prepared food, providing tables, chairs or benches, where patrons may consume food and beverages. All applications for new outdoor dining must be reviewed by city council and approval given by resolution.	Section 56-126	Section 56-126(d)					
On Street Parking in D Downtown	On-street parking may be allocated to meet the required parking for private property that is 100,000 square feet or less if the standards are met in Section 58-916.	Section 58-916	N/A					

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On Street Parking in C2-A	<p>Where a commercial property owner in the C2-A waterfront commercial district improves the right-of-way adjacent to such person's property, that property may receive a credit of up to 50 percent of the right-of-way parking spaces provided adjacent to the commercial building frontage upon specific approval of the city council.</p> <p>Where a property owner permanently designates a commercial parking area as unrestricted and open to all customers of commercial property within the C2-A waterfront commercial district, that property may receive a parking credit of up to 15 percent of its required parking upon the specific approval of city council.</p> <p>Where a property owner does not provide unrestricted parking but does enter into a shared parking agreement with another C2-A waterfront commercial district property owner or owners, a credit of up to 15 percent of the additional available spaces may be applied upon the specific approval of the city council.</p>	Section 58-629	N/A					
Payment in Lieu of Parking	In lieu of providing up to but not more than 25 percent of the parking spaces required for nonresidential uses located in the district, a developer may pay into the city payment in-lieu-of parking trust fund a sum of money that is the product of the number of parking spaces required but not provided and the current cost to provide a single parking space in the district. The city council shall by resolution adopt the amount to be reimbursed for a single public parking space in the district and shall be as set forth in Appendix A to this Code.	Section 58-920	N/A					
Parking Allocation- 5th Ave S	The council may make public parking available for allocation to meet the required parking for new construction or to replace lost parking spaces due to new construction or to restructure the existing parking. If public parking is used to support new construction, that new construction shall be furthering the purpose of the 5th Avenue South special overlay district. Parking spaces may be allocated by the council after preliminary or final design review and the review and recommendation of the CRAAB.	Section 58-920	N/A					
Rezone	Petitions to rezone property may be initiated by the city council, the planning advisory board or the owner of the property involved.	Section 46-32	Section 46-32					2 HEARINGS
Rezone Conventional to PD	No change in the zoning classification of land shall be considered which involves less than five acres of land, except for the following: (1) Where the proposal for the rezoning of property involves an extension of an existing district boundary; (2) "C" Conservation zone district, in which the subject property is not required to have street frontage; (3) "PS" Public Service zone district, in which the subject property may have a minimum lot of 30,000 square feet and a minimum lot width of 150 feet; (4) "PS" Public Service zone district, in which the subject property is land owned by the City of Naples and used by the city for public utilities, public services, passive parks, infrastructure, and other similar uses.	Section 46-32	Section 58-803					2 HEARINGS
Rezone PD to PD		Section 46-32	Section 58-803					2 HEARINGS
Site Plan Review	The site plan review process shall provide for the review of new multiple family or non-residential projects in the city according to the building code, fire safety code, Land Development Code and other applicable regulations administered by the city prior to the submission of plans for building permit review or other zoning petitions except design review.	Section 46-33	Section 46-33					
Site Plan Review- in a PD	The city council shall have final review and approval authority for site plans and amendments to site plans for development within a PD, planned development; new buildings and structures that exceed 5,000 gross square feet; and additions that exceed 5,000 gross square feet to buildings and structures.	Section 46-33(d)	Section 46-33(d)					
Subdivision Plat - Preliminary	Subdivision means a division of a parcel or parcels of land for the purpose or having the effect, whether immediate or future, of transfer of ownership of development, of enlarging a parcel, of reducing the size of an adjoining parcel, or of increasing density or development intensity. There are two types of subdivisions: major subdivisions; and minor subdivisions, also called lot splits.	Section 54-31	Section 54-32					
Subdivision Plat - Final	<i>Preliminary plat</i> means the map showing the proposed layout of a subdivision, prior to or concurrent with development plan.	Section 54-31	Section 54-34					
Subdivision Plat - Final/Preliminary Combination	<i>Final plat</i> means the final map of a subdivision which has been provided final approval.	Section 54-31	Section 54-31(b)					
Subdivision Plat - Minor	Subdivision, minor (lot split) means any subdivision of residentially zoned property in which the division results in no more than three parcels; or no more than five acres of land; to the extent that it does not otherwise meet the definition of a major subdivision.	Section 54-5	Section 54-31(a)					
Subdivision Plat- Lot Split	see Subdivision Plat- Minor	Section 54-5	Section 54-5					
Subdivision Plat- Lot Combination	<i>Combining</i> means the removal of lot lines from preexisting parcels to make a larger parcel.	Section 54-5	Section 54-8					
Text Amendment	Change in text petitions may be initiated by the city council, the planning advisory board or the city manager.	Section 46-32	Section 46-32					
Variance from Zoning Regulations - Single Family	A variance is a relaxation of the zoning and land development provisions of this land development code where such relaxation will not be contrary to the public interest and where, due to special conditions and circumstances peculiar to the property, a literal enforcement of the provisions of this land development code would result in unnecessary and undue hardship, or would deprive the owner of the reasonable use of property.	Section 46-37	Section 46-37					
Variance from Zoning Regulations - Non-Residential		Section 46-37	Section 46-37(c)					
Variance from Zoning Regulations - Sign		Section 46-37	Section 46-37					
Vested Rights	An applicant claiming that certain property rights have been vested prior to the effective date of a city-initiated rezone ordinance adopted on or after August 1, 1998, or prior to the effective date of a Charter amendment adopted by referendum on February 1, 2000, and set forth in section 14.1 of the Charter, limiting building height in certain districts, or claiming that there is a basis upon which the city should be estopped from applying the new regulations to a property, will be provided a public hearing which will ensure adequate procedural due process including notice, public hearing, the right to present and rebut evidence, and a formal record.	Section 46-41	Section 46-41					

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Waiver of Distance - Alcoholic Beverage	The sale of liquors, wines or beers for consumption on or off the premises shall be prohibited by any licensee where the location of the licensed premises is within 400 feet of any established church or school. The 400-foot distance requirement may be reduced where the city council makes a determination by resolution.	Section 56-122	Section 56-122					
Zoning Verification Letter	A zoning verification letter is a document provided by the city to verify the current zoning of a particular piece of property and the types of uses that are allowed in that zoning district.	Section 46-44	Section 46-44					

¹ Advertising and noticing costs for petitions requiring public hearings will be charged to the petitioner and must be paid prior to scheduled hearing.