

**ORDINANCE 2023-15048**

**AN ORDINANCE FOR THE PURPOSE OF AMENDING THE SITE PLAN REVIEW REGULATIONS OF THE CITY NAPLES AS PROPOSED IN TEXT AMENDMENT 22-T9; AMENDING SECTION 46-33 (SITE PLAN REVIEW) OF ARTICLE II – ADMINISTRATIVE PROCEDURES, CHAPTER 46 - ADMINISTRATION, PROCEDURES AND ENFORCEMENT, OF THE CODE OF ORDINANCES, CITY OF NAPLES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER PROVISION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** at the December 12, 2022 City Council workshop, consensus was reached directing Staff to bring forward a text amendment to the Site Plan Review regulations to provide that all Site Plan submittals require Planning Advisory Board review and City Council approval; and

**WHEREAS,** Section 46-33 of the Code of Ordinances provides the standards and procedure for Site Plan Review; and

**WHEREAS** following an advertised public hearing on January 11, 2023, the Planning Advisory Board considered the public input, staff recommendations, and criteria in the Code of Ordinances and recommended by a vote of 5 to 2 that Text Amendment 22-T9 be approved; and

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

**Section 1.** That the site plan review regulations of the City of Naples are hereby amended as proposed in Text Amendment 22-T9 amending Section 46-33 (Site Plan Review) of Article II – Administrative Procedures, Chapter 46, - Administration, Procedures and Enforcement of the Code of Ordinances, City of Naples, to read as follows (with underlining indicating additions and ~~strikethrough~~ indicating deletions):

**Chapter 46 – ADMINISTRATION, PROCEDURES AND ENFORCEMENT**

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**ARTICLE II - ADMINISTRATIVE PROCEDURES**

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**Sec. 46-33. Site plan review.**

- (a) *Intent.* 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.
- (b) *Applicability.* Site plan approval is required prior to and as a prerequisite for the issuance of a building permit for any of the following located in any non-residential zoning district or multifamily zoning 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) Landscaping, lighting, paving and restriping projects exceeding 10,000 square feet.
  - (4) Single-family residences and structures located in single-family residential districts are excluded from this division.
- (c) The required contents of the submittal shall be determined by the city and published with the site plan petition forms. Required contents may include all documents deemed necessary for the thorough review of the project for compliance with applicable regulations. Any individual component of a larger project shall be submitted and reviewed in the context of the entire project. A project shall include all properties that are within the area that includes the joint use of a parking lot, internal roadways, internal recreational facilities or parks, amenities, or water, sewage, or drainage facilities. In the event the property involved in the Site Plan application is located within a planned development zoning district and the proposed site plan affects the entire planned development, the site plan shall be submitted and reviewed in the context of the entire project.
- (d) Petitions shall be reviewed administratively within 60 days of submittal. Petitions for site plan review may be submitted simultaneously with other zoning petitions. However, other zoning petitions may not be presented to the planning advisory board or city council prior to receiving site plan approval, when required.
- (e) 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 or structures. The planning advisory board will provide a recommendation on the site plan before proceeding to city council. ~~Prior to the review by the planning advisory board, the city manager will notify owners of property located within 500 feet of the property involved in the petition, informing them of the date, time, place, and reason for the public hearing. Failure to notify all owners of property located within 500 feet by mail will not render any action~~

~~taken on such petition void.~~ Public notice will be provided pursuant to section 46-45.

- (f) No certificate of occupancy or final building inspection approval, for any property described in this division, shall be issued until such construction has been found to be in conformity with the approved plans.
- (g) *Standards for review.* The purpose of site plan review is to:
- (1) Determine the impact of the project on level of service standards and consistency with the comprehensive plan, code and applicable regulations.
  - ~~(2) Encourage logic, imagination, innovation and variety in the design process.~~
  - ~~(3) Make certain that the proposed development is compatible with its surrounding area.~~
  - ~~(4) Ensure appropriate planning and to require the necessary improvements with respect to:~~
    - a. Vehicular entry and exit drives.
    - b. On-site vehicular circulation and parking.
    - c. Accessways for emergency and service vehicles.
    - d. The impact of traffic generated by the project on traffic patterns and volumes on adjoining and nearby streets and the adequacy of such streets to accommodate such traffic in consideration of adjacent existing neighborhoods and nearby approved development.
    - e. The adequacy of public utilities.
    - f. The adequacy of buffers between the project and adjoining dissimilar uses.
    - g. Off-site improvements necessitated by the traffic or other aspects of the proposed project.
    - h. Ensure adherence to stormwater regulations and encourage maximization of stormwater management.

(h) Changes in site plan.

- (1) Any proposed significant change of an approved site plan submitted pursuant to this division shall be submitted and processed in the same manner as an original application for a site plan. A significant change shall consist of an increase of total floor area of greater than five percent above that originally approved by the city, any increase in residential density, any addition of or changes to permitted or conditional uses, any substantial changes to traffic circulation, landscaping or parking, or any other change determined to be significant by the City Manager. Changes that are not significant by these standards may be reviewed and approved administratively.
- (2) A change to an individual component of a larger project shall be submitted and reviewed in the context of the entire project. A project shall include all properties that are within the area that includes the joint use of a parking lot, internal roadways, internal recreational facilities or parks, amenities, or water, sewage,

or drainage facilities. In the event the property involved in the petition is located within a planned development zoning district and the proposed change affects the entire planned development, the proposed change to the site plan shall be submitted and reviewed in the context of the entire project.

- (hi) The site plan with deviations process was eliminated in 2020, however, the following time limits will apply to site plan with deviations petitions previously approved by city council:
- (1) Upon the effective date of a resolution approving a site plan with deviations, construction shall commence, consistent with the approved plans, within 48 months of the city council approval. "Construction," for purposes of this section, shall mean obtaining a building permit for a structure or structures authorized in the approved consolidated development plan and initiating substantial site and structural improvements, not including land clearing, land filling and soil compaction.
  - (2) The city manager may grant a one-year extension of the commencement date upon a determination that plans have been submitted for building permit review, prior to the commencement date, which match the approved site plan documents. Thereafter, the city council, by resolution, may grant a one-year extension of the commencement date upon a determination that a good faith effort to commence construction has been made.

**Section 2.** That if any word, phrase, clause, subsection, or section of this ordinance is for any reason held unconstitutional, invalid, or ineffective, the same will not affect the validity of any remaining portions of this ordinance. In such event, the pre-existing word, phrase, clause, subsection, or section, will be revived.

**Section 3.** 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 4.** That this ordinance shall take effect immediately upon adoption at second reading and shall apply to any site plan applications that have been submitted for review but not yet approved on March 1, 2023.

**APPROVED AT FIRST READING AND PUBLIC HEARING THE 1ST DAY OF FEBRUARY, 2023.**

ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 1ST DAY OF MARCH, 2023.



Attest:

Patricia L. Rambosk  
Patricia L. Rambosk, City Clerk

Teresa Lee Heitmann  
Teresa Lee Heitmann, Mayor

Approved as to form and legality:

Nancy Spill  
Vose Law Firm, City Attorney

Date filed with City Clerk: 3/8/23