

Appendix VIII  
Zoning Analysis Matrices

## **Zoning Analysis Matrix** **Collier County, Florida**

Average Total Risk Score: **1.27**

### Key to Risk Scores:

- 1 = low risk – the provision poses little risk for discrimination or limitation of fair housing choice
- 2 = medium risk – the provision is neither among the most permissive nor most restrictive; while it could complicate fair housing choice, its effect is not likely to be widespread
- 3 = high risk – the provision causes or has potential to result in systematic and widespread housing discrimination or the limitation of fair housing choice

### Source Documents:

County Land Development Code (“LDC”), available at [https://www.municode.com/library/fl/collier\\_county/codes](https://www.municode.com/library/fl/collier_county/codes)  
Updated through December 11, 2014

Code of Ordinances, Chapter 250 *et seq.*

Building Code, available at [https://www.municode.com/library/fl/collier\\_county/codes](https://www.municode.com/library/fl/collier_county/codes) and <http://codes.iccsafe.org/Florida.html#2014>

State Statutes, available at <http://www.leg.state.fl.us/statutes>

| Issue  | Conclusion  | Risk Score | Comments  |
|--|---|------------|---|
| 1. Does the jurisdiction’s definition of “family” have the effect of preventing unrelated individuals from sharing the same residence? Is the definition unreasonably restrictive?   | No, neither the County’s LDC nor Code of Ordinances expressly define “family.”  | 1          |   |
| 2. Does the definition of family discriminate against unrelated individuals with disabilities (or members of any other protected class) who reside together in a congregate or group living arrangement?   | No, the LDC does not expressly define “family” but group housing for persons with disabilities is regulated through other means/sections of the code. | 1          |   |
| 3a. Does the zoning code treat housing for individuals with disabilities differently from other single family residential and multifamily residential uses by requiring a special or conditional use permit in certain residential districts? Is housing for | In most respects, the LDC treats “family care facilities” (supportive housing for up to 6 residents) the same as any other single-family              | 1          | <i>See Sec. 1.08.02; Sec. 5.05.04 (Supplemental Standards for Group Housing) “Family care facility: A residential facility designed to be</i> |

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**Collier County, Florida**

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| <p>individuals with disabilities allowed in the same manner as other housing in residential districts?</p> <p>3b. Is such housing mischaracterized as a “boarding or rooming house” or “hotel”?</p> | <p>dwelling unit for purposes of determining applicable development standards. Family care facilities are permitted by right wherever other single family housing is also. A “group care facility” (supportive housing for 7-14 residents), is more strictly regulated and requires a conditional use permit in residential zoning districts.</p>  |          | <p>occupied by not more than 6 persons under care, plus supervisors as required by subsection 10A-5.019, FAC, and constituting a single dwelling unit (i.e., adult congregate living facility for: aged persons; developmentally disabled persons; physically disabled or handicapped persons; mentally ill persons; and persons recovering from alcohol and/or drug abuse). Foster care facilities also are included, but not the uses listed under group care facility (category II). This use shall be applicable to single-family dwelling units and mobile homes.”</p> |
| <p>4. Does the zoning ordinance unreasonably restrict housing opportunities for individuals with disabilities who require onsite supportive services?</p>   | <p>There is some inconsistency in the code because of the way it defines “group care facility.” By definition this type of housing is for 7 to 14 persons under care who operate as the “<b>functional equivalent of a family.</b>” However, a group care facility must be granted a conditional use permit and meet other development standards to site in a residential zoning district, whereas the code does not</p> | <p>2</p> | <p>See Sec. 2.03.00 et seq.; 5.05.04.</p>   |

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|   | <p>impose the same regulations on a similarly situated group of 7-14 persons living together as a natural or functionally equivalent family but not requiring supportive services. Therefore, persons residing in this type of housing are treated differently because of their disabilities and need for supportive care.</p>   |          |  |
| <p>5. Do the jurisdiction's policies, regulations, and/or zoning ordinances allow persons with disabilities to make reasonable modifications or provide reasonable accommodation to specific zoning or regulatory requirements?</p> | <p>The County's Human Rights Code (Ch. 70 of the Code of Ordinances), expressly includes in its prohibition of discriminatory housing practices, the refusal to permit reasonable modifications or make reasonable accommodations in the provision of housing for persons with disabilities. However, the County has not adopted a clear and objective process by which persons with disabilities may request a reasonable accommodation to zoning, land use, and other regulatory requirements.</p> | <p>2</p> | <p><i>See</i> Sec. 10.08.00 and 10.09.00. The code provides a process for requesting a variance or conditional use permit, however, the purpose of a variance or CUP is not congruent with the purpose of requesting a reasonable accommodation, as a variance requires a showing of special circumstances or conditions applying to the land, building, or use that are preexisting and not owing to the applicant. In contrast, a reasonable accommodation is to allow individuals with disabilities to have equal access to use and enjoy housing. The jurisdiction does not comply with its duty to provide reasonable accommodation if it</p> |

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|   |   |                                      | <p>applies a standard based on the physical characteristics of the property rather than considering the need for modification based on the disabilities of the residents of the housing. <b>It is recommended that the County adopt a “Reasonable Accommodation Ordinance.”</b></p>   |
| <p>6a. Does the jurisdiction require a public hearing to obtain public input for specific exceptions to zoning and land-use rules for applicants with disabilities?</p> <p>6b. Is the hearing only for applicants with disabilities rather than for all applicants?</p> | <p>All proposals for group housing for persons with disabilities, except family care facilities, require a Site Development Plan and Conditional Use Permit approval following the public hearing process before the Planning Commission and BCC or BZA.</p> <p>No, anyone requesting a variance or conditional use would have to follow the same procedures.</p> | <p style="text-align: center;">2</p> | <p><i>See</i> Sec. 5.05.04; 10.03.06; 10.08.00. The process for requesting a reasonable accommodation is unclear in the zoning ordinance, and therefore the requesting party would be instructed to follow the variance or conditional use permit process. Anytime a public hearing—with public input potentially based on generalized perceptions about disabilities and unfounded speculations about the impact on neighborhoods or threats to safety—is required before a request may be granted, there is potential for an outcome with discriminatory treatment or impact.</p> |

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| <p>7. Does the ordinance impose spacing or dispersion requirements on certain protected housing types?</p> | <p>Yes, a family care facility cannot be located within a radius of 1,000 feet of another existing family care facility. Group care facilities (category I and II) and homeless shelters cannot be located within 1,200 feet radius of an existing facility in RMF-6, RMF-12, RMF-16, RT, and VR zoning districts or within a 500 feet radius in A, estates, and RSF 1—6 zoning districts. These limits are congruent with the state standards for site selection of community residential homes. (<i>See</i> F.S. § 419.001 et seq.) However, the state statute provides that local governments may adopt more liberal standards for siting such homes.</p> | <p style="text-align: center;">2</p> | <p><i>See</i> Sec. 5.05.04(B), (C). Spacing requirements for protected classes like persons with disabilities are generally inconsistent with the FHA, unless the jurisdiction could make a showing that the ordinance was passed to protect a compelling governmental interest (e.g. over-concentration of residential treatment homes could adversely affect individuals with disabilities and would be inconsistent with the goal of integrating persons with disabilities into the wider community) and that the spacing requirement is the least restrictive means of protecting that interest. Florida’s and the County’s spacing/dispersion requirements limit the overall aggregate capacity of housing for persons with disabilities even if the need in the community or region is greater than the thresholds permit. It is recommended that the code be amended to provide for a means of</p> |
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**Zoning Analysis Matrix**  
**Collier County, Florida**

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|   |  |   | rebutting the code's presumption of overconcentration by showing the significant need for more housing for persons with disabilities.   |
| 8. Does the jurisdiction restrict any inherently residential uses protected by fair housing laws (such as residential substance abuse treatment facilities) only to non-residential zones?  | No. For example, a residential facility for persons recovering from substance abuse is specifically included in the definition and description of a "family care facility" (housing for six or fewer residents) and "group care facility" (housing for 7-14 residents). Subject to certain conditions, family care facilities are permitted by right uses in single family residential zones and group care facilities are conditional uses in the single family and multi-family districts. | 1 |   |
| 9. Does the jurisdiction's zoning and land use rules constitute exclusionary zoning that precludes development of affordable or low-income housing by imposing unreasonable residential design regulations (such as high minimum lot sizes, wide street frontages, large setbacks, low FARs, large minimum building square footage, and/or low maximum building heights)? | In the residential single family zoning districts (RSF's), minimum lot sizes range from 1 acre to 6,000 square feet. Minimum floor areas range from 1,800 sq. ft. to 600 sq. ft. In the multifamily, residential tourist, and village residential districts, where multifamily housing is permitted by right, maximum building heights range from 2-10 stories, and minimum floor areas  | 1 | See Sec. 2.05.01 (density standards); Sec. 4.02.01 (dimensional standards). The ordinance also includes some flexibility in density and development by providing alternatives such as cluster developments, density blending, and transfer of development rights in certain locations and under certain conditions. |

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|  | <p>range from 750 to none. The code's design standards, density allowances, and housing-type diversity, should not unreasonably affect the feasibility of developing affordable and low-income housing throughout the residential districts.</p>   |   |   |
| <p>10a. Does the zoning ordinance fail to provide residential districts where multi-family housing is permitted as of right?</p> <p>10b. Do multi-family districts restrict development only to low-density housing types?</p> | <p>The zoning ordinance provides three types of multifamily housing districts (RMF), as well as the residential tourist district (RT), village residential district (VR), and special mixed-use districts, where multifamily housing is permitted by right. The districts are designed to accommodate low-density, low-profile developments in the RMF-6 district and medium to high density in the RMF-16 district, and up to 26 units per acre in some RT zones.</p> | 1 | <p>See Sec. 2.05.01 (density standards); 4.02.00 (site design standards).</p> |
| <p>11. Are unreasonable restrictions placed on the construction, rental, or occupancy of alternative types of affordable or low-income housing (for example, accessory dwellings or mobile/manufactured homes)?</p>            | <p>The LDC provides for a Mobile Home zoning district where mobile and modular homes are permitted by right and also the Mobile Home Overlay which may apply to rural agricultural areas where a mixture of housing types is found to be appropriate.</p>  | 1 | <p>See Sec. 1.08.02; 2.03.02(G); 5.03.03.</p>                                 |

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|   | <p>Accessory dwellings / guesthouses etc. may be used as housing for domestic employees, but may not be leased or rented, which limits the usefulness of this potential type of alternative affordable housing.</p>  |          |  |
| <p>12a. Is the process by which a use permit (CUP, SUP, SLUP) is obtained unreasonably lengthy, complex, or costly, effectively discouraging applicants?</p> <p>12b. Is there a clear procedure by which denials may be appealed?</p> | <p>The LDC sets out a process for requesting a conditional use permit or variance of typical length, complexity, and cost to other municipalities.</p> <p>Yes, review of decisions of boards of zoning appeals is exclusively by the circuit court of Collier County.</p>  | <p>1</p> | <p>See Sec. 10.08.00 (conditional use procedures); 10.09.00 (variance procedures); Administrative Code for Land Development.</p> <p>Code of Ordinances, Sec. 250-60.</p>   |
| <p>13. Does the zoning ordinance include an inclusionary zoning provision?</p>  | <p>Yes, the ordinance includes an Affordable Housing Density Bonus (AHDB) program, which applies to most coastal urban designated areas, the Immokalee Urban area, the Rural Lands Stewardship Area Overlay, and allows for up to eight additional dwelling units per gross acre to the allowed base density in those zones.</p> | <p>1</p> | <p>See Sec. 2.06.00 et seq. Importantly, the AHDB program includes a strategy for maintaining designated affordable housing units as affordable for at least 15 years.</p> |

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| <p>14. Does the zoning ordinance or municipal code include a discussion of fair housing?</p>   | <p>Yes, the County has adopted a “Fair Housing Code of Unincorporated Collier County,” which codifies its commitment to fair housing and antidiscrimination.</p>   | <p>1</p> | <p>See Code of Ordinances Sec. 70-26 et seq.</p> |
| <p>15a. Do the jurisdiction’s codes presently make specific reference to the accessibility requirements contained in the 1988 amendment to the Fair Housing Act?</p> | <p>Collier County has adopted by reference the Florida Building Code, 5th ed. (2014), with amendments. The FBC is based on the 2012 International Building Code (IBC), and includes a number of updates from both the International Code Council and the Florida Building Commission. While the 2012 IBC edition is not one of the ten HUD-recognized safe harbors for compliance with the FHA’s design and construction requirements, it is substantially similar to the 2006 IBC which HUD has recognized as a safe harbor for meeting the FHA’s accessibility requirements. In addition, Chapter 11 of the 2012 IBC requires that buildings and facilities comply with the accessibility requirements of <i>ICC/ANSI A117.1 Accessible and Usable Buildings and Facilities</i> standard, which is a</p> | <p>1</p> | <p>See Code of Ordinances, Sec. 22-26;</p>       |

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| <p>15b. Are the jurisdiction's accessibility standards (as contained in the zoning ordinance or building code) congruent with the requirements of the Fair Housing Act?</p> | <p>nationally recognized standard for making buildings accessible.</p> <p>In addition, the new FBC also includes the Florida Accessibility Code, which makes specific reference to the FHA's accessibility requirements and is congruent with the federal guidelines.</p>   |  |   |
| <p>15c. Is there any provision for monitoring compliance?</p>   | <p>The authority and responsibility for implementation of the provisions of the LDC are assigned to the County Manager. The County Code Enforcement Division may monitor and enforce compliance with the building code. And the Building Board of Adjustment and Appeals (BBAA) hears appeals on rejections or refusals by the Building Code Compliance Director.</p> |  | <p><i>See LDC Sec. 1.03.04; 1.07.00; 8.08.00; Code of Ordinances Sec. 2-1181.</i></p> |

## *Zoning Analysis Matrix*

### *City of Naples, Collier County, Florida*

Average Total Risk Score: **1.4**

**Key to Risk Scores:**

- 1 = low risk – the provision poses little risk for discrimination or limitation of fair housing choice
- 2 = medium risk – the provision is neither among the most permissive nor most restrictive; while it could complicate fair housing choice, its effect is not likely to be widespread
- 3 = high risk – the provision causes or has potential to result in systematic and widespread housing discrimination or the limitation of fair housing choice

**Source Documents:**

City of Naples Land Development Code, *available at*  
<https://www.municode.com/library/fl/naples/codes>  
 Updated through October 6, 2015.

Building Code, *available at* <https://www.municode.com/library/fl/naples/codes>  
 and <http://codes.iccsafe.org/Florida.html#2014>

State Statutes, *available at* <http://www.leg.state.fl.us/statutes>

| Issue  | Conclusion  | Risk Score | Comments   |
|--|---|------------|--|
| 1. Does the jurisdiction’s definition of “family” have the effect of preventing unrelated individuals from sharing the same residence? Is the definition unreasonably restrictive? | The Land Development Code (LDC) defines family to mean an individual or 2 or more persons related by blood, marriage, law or legal adoption, or not more than 4 persons not so related living together as a single housekeeping unit in a dwelling unit. The definition is neither the most permissive nor most restrictive, but does have the potential to discriminate against a nontraditional family of unrelated persons who in all respects are the functional equivalent of a single family. | 2          | <i>See</i> LDC, Sec. 44-8. The most permissive definition would not limit the number of unrelated persons who may reside together as a single housekeeping unit just as the definition does not limit the number of related persons who may reside together. |

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**City of Naples, Collier County, Florida**

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| <p>2. Does the definition of family discriminate against unrelated individuals with disabilities (or members of any other protected class) who reside together in a congregate or group living arrangement?</p>  | <p>No, the definition of family does not make exception for or treat differently persons with disabilities because of their disability.</p>   | <p>1</p> |  |
| <p>3a. Does the zoning code treat housing for individuals with disabilities differently from other single family residential and multifamily residential uses by requiring a special or conditional use permit in certain residential districts? Is housing for individuals with disabilities allowed in the same manner as other housing in residential districts?</p> <p>3b. Is such housing mischaracterized as a “boarding or rooming house” or “hotel”?</p> | <p>In most respects, the LDC treats homes for persons with disabilities with six or fewer residents, who otherwise meet the definition of a “community residential home,” the same as any other single-family dwelling for purposes of determining applicable development standards. (But see Issue No. 7 below.) Such homes are permitted by right wherever other single family housing is also, but must notify the city manager upon occupancy showing that the home is licensed by the state.</p> | <p>1</p> | <p>See Sec. 56-87. “Community residential home means a dwelling unit licensed to serve clients of the state department of children and family services, which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.” “Resident” means, as defined in the Florida Statutes, a frail elder, a person with a physical disability, a person with a developmental disability, a nondangerous mentally ill person, or a child.</p> |
| <p>4. Does the zoning ordinance unreasonably restrict housing opportunities for individuals with disabilities who require onsite supportive services?</p>  | <p>Community residential homes for 7-14 residents who operate as the functional equivalent of a family and require onsite supportive care must be granted approval by</p>   | <p>2</p> | <p>See Sec. 56-87. A community residential home of 7-14 residents is a conditional use in the HC (highway commercial) and C2 districts.</p>  |

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**City of Naples, Collier County, Florida**

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|   | <p>the city manager before siting in a multifamily zoning district. There is a presumption in the code that a CRH located within 1,200 feet of an existing CRH, or located within 500 feet of a single family district, creates an overconcentration of such facilities. However, because the city's definition of family limits the number of unrelated persons who may reside together to 4, the code is in this way more permissive when it comes to housing for persons with disabilities.</p> |                                      |  |
| <p>5. Do the jurisdiction's policies, regulations, and/or zoning ordinances allow persons with disabilities to make reasonable modifications or provide reasonable accommodation to specific zoning or regulatory requirements?</p> | <p>Naples has not adopted a clear and objective process by which persons with disabilities may request a reasonable accommodation to zoning, land use, and other regulatory requirements.</p>  | <p style="text-align: center;">2</p> | <p><i>See</i> Sec. 46.34; 46.37. The code provides a process for requesting a variance or conditional use permit, however, the purpose of a variance or CUP is not congruent with the purpose of requesting a reasonable accommodation, as a variance requires a showing of special circumstances or conditions applying to the land, building, or use that are preexisting and not owing to the applicant. In contrast, a reasonable accommodation is to allow individuals with</p> |

**Zoning Analysis Matrix**  
**City of Naples, Collier County, Florida**

|   |  |          |  |
|---|--|----------|--|
|   |  |          | <p>disabilities to have equal access to use and enjoy housing. The jurisdiction does not comply with its duty to provide reasonable accommodation if it applies a standard based on the physical characteristics of the property rather than considering the need for modification based on the disabilities of the residents of the housing. <b>It is recommended that the Town adopt a “Reasonable Accommodation Ordinance.”</b></p> |
| <p>6a. Does the jurisdiction require a public hearing to obtain public input for specific exceptions to zoning and land-use rules for applicants with disabilities?</p> <p>6b. Is the hearing only for applicants with disabilities rather than for all applicants?</p> | <p>No. Community residential homes (7-14 persons) require city manager approval to site in a multifamily residential zone, but not the public hearing process.</p>   | <p>1</p> | <p>But see response to Issue No. 5 above in that there is no codified process for persons with disabilities to request accommodation or modification from zoning and land-use rules.</p>   |
| <p>7. Does the ordinance impose spacing or dispersion requirements on certain protected housing types?</p>  | <p>Yes, community residential homes of six or fewer residents may not be located within a radius of 1,000 feet of another existing community residential home, and those with 7-14 residents may not be located within a radius of 1,200 feet of another existing home or within 500 feet of a single family district. These</p> | <p>2</p> | <p><i>See</i> Sec. 56-87. Spacing requirements for protected classes like persons with disabilities are generally inconsistent with the FHA, unless the jurisdiction could make a showing that the ordinance was passed to protect a compelling governmental interest (e.g. over-</p>  |

**Zoning Analysis Matrix**  
**City of Naples, Collier County, Florida**

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|  | <p>spacing requirements are congruent with the state standards for site selection of community residential homes. (See F.S. § 419.001 et seq.) However, the state statute provides that local governments may adopt more liberal standards for siting such homes.</p> | <p>concentration of residential treatment homes could adversely affect individuals with disabilities and would be inconsistent with the goal of integrating persons with disabilities into the wider community) and that the spacing requirement is the least restrictive means of protecting that interest.</p> <p>Florida's and the City's spacing/dispersion requirements limit the overall aggregate capacity of housing for persons with disabilities even if the need in the community or region is greater than the thresholds permit. It is recommended that the code be amended to provide for a means of rebutting the code's presumption of overconcentration by showing the significant need for more housing for persons with disabilities.</p> |
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**Zoning Analysis Matrix**  
**City of Naples, Collier County, Florida**

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| <p>8. Does the jurisdiction restrict any inherently residential uses protected by fair housing laws (such as residential substance abuse treatment facilities) only to non-residential zones?</p>  | <p>The LDC does not expressly provide for the siting of residential treatment facilities, and presumably as long as the residential facility otherwise meets the definition of a community residential home it should be treated in like manner.</p>   | <p>1</p> | <p>Persons recovering from drug and/or alcohol dependence (not current users) are considered handicapped under federal law, and therefore are part of a protected class. Under federal law (e.g. FHA, ADA, Rehabilitation Act), it is discriminatory to deny an individual or entity the right to site a treatment program in a residential zone because it will serve individuals with alcohol or other drug problems.</p>   |
| <p>9. Does the jurisdiction's zoning and land use rules constitute exclusionary zoning that precludes development of affordable or low-income housing by imposing unreasonable residential design regulations (such as high minimum lot sizes, wide street frontages, large setbacks, low FARs, large minimum building square footage, and/or low maximum building heights)?</p> | <p>The code divides single-family residential into 15 districts plus a PD (planned unit development) district. Multifamily, which is typically more affordable, is permitted in 8 of these districts plus the PD district. Minimum lot sizes for single family dwellings range from 2 ¼ acres to 6,000 sq. ft. as the lowest. Minimum floor areas for single family dwellings range from a high of 2,000 sq. ft. to a low of 1,000 sq. ft. for a one story dwelling. Multifamily housing may be allowed at a minimum floor area of 600 sq. ft. for 3+ family</p> | <p>2</p> | <p>See Sec. 58-51 et seq. – 58-471 et seq.; Sec. 56-35; Sec. 56-40 (maximum lot coverage).<br/> Note: Just looking at the zoning code in isolation, zoning restrictions in Naples may impede the development of higher-density housing, and thus impact the feasibility of developing affordable housing. But other considerations like housing prices and rents, availability of land, market conditions, existing land-use patterns, the provision of public services and</p> |

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|  | <p>dwelling. These minimum lot size requirements may limit density to low and moderate density. The code's development standards are not as permissive as the County's for many areas, and may impact the feasibility of developing affordable housing throughout the residential districts.</p>   |   | <p>infrastructure, and other planning goals also have an impact on the quantity of affordable housing.</p>  |
| <p>10a. Does the zoning ordinance fail to provide residential districts where multi-family housing is permitted as of right?</p> <p>10b. Do multi-family districts restrict development only to low-density housing types?</p> | <p>Multifamily housing is permitted by right in 8 of the residential districts, plus the PD district. The code divides density into low density in the R3-6 district with up to 6 u/a, medium density of 12 – 15 u/a in 5 multifamily districts, and high density of up to 18 u/a in two of the multifamily districts.</p>                     | 1 | <p>The Zoning Map was not reviewed to determine the scale of the residential areas actually allowing multi-family housing at these densities. Therefore, Issue No. 10 does not determine whether the zoning ordinance's density limitations actually allow for the development of enough affordable housing within the jurisdiction to meet demand.</p> |
| <p>11. Are unreasonable restrictions placed on the construction, rental, or occupancy of alternative types of affordable or low-income housing (for example, accessory dwellings or mobile/manufactured homes)?</p>            | <p>Accessory dwelling units, defined as a "guest unit" under the code, may be rented or leased in conformance with Sec. 56-91 in the RE and R1-E districts, and upon conditional use approval in the R1-15A, R1-15, R1-10, R1-10A districts. The code also contemplates the establishment of mobile home parks and some have been approved</p> | 1 | <p>See Sec. 56-91 (guest units); 56-42 (mobile homes).</p>  |

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|   | within the jurisdiction.  |   |   |
| 12a. Is the process by which a use permit (CUP, SUP, SLUP) is obtained unreasonably lengthy, complex, or costly, effectively discouraging applicants? | The LDC sets out a process for requesting a conditional use permit or variance of typical length, complexity, and cost to other municipalities. For example, conditional uses may be permitted by resolution of the city council after an application has been submitted to the planning advisory board and duly authorized public hearing has been held.   | 1 | See Sec. 46-33 (site plan review for multifamily); 46-34 (conditional use review); 46-37 (variances). |
| 12b. Is there a clear procedure by which denials may be appealed?   | Final land use and zoning decisions by the local city council are appealable to the circuit court in most circumstances as described in the Florida Statutes. However, the LDC lacks clarity in describing the administrative and judicial appeals process and the time limitations for filing appeals, and could be improved by clearly outlining the rights and duties of applicants and other property owners as it pertains to seeking appeals of land use decisions. |   | Sec. 2-84. - Appeals of administrative decisions of city manager relative to land development code    |

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**City of Naples, Collier County, Florida**

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| <p>13. Does the zoning ordinance include an inclusionary zoning provision?</p>   | <p>Yes, the LDC includes an affordable housing ordinance with standards to promote, encourage and provide incentives for the development of affordable housing. These standards are less restrictive than other density standards and more restrictive with open space and landscaping. However, the standards apply to rental units only.</p>   | <p>1</p> | <p><i>See Sec. 56-82.</i><br/> The City's policy could go further to provide incentives for developing owner-occupied affordable housing and include a strategy for maintaining designated owner-occupied affordable housing units as affordable long-term.</p> |
| <p>14. Does the zoning ordinance or municipal code include a discussion of fair housing?</p>   | <p>No, the jurisdiction has not codified a commitment to fair housing or an anti-discrimination ordinance.</p>   | <p>2</p> |   |
| <p>15a. Do the jurisdiction's codes presently make specific reference to the accessibility requirements contained in the 1988 amendment to the Fair Housing Act?</p> | <p>Naples has adopted by reference the Florida Building Code, 5th ed. (2014), with amendments. The FBC is based on the 2012 International Building Code (IBC), and includes a number of updates from both the International Code Council and the Florida Building Commission. While the 2012 IBC edition is not one of the ten HUD-recognized safe harbors for compliance with the FHA's design and construction requirements, it is substantially similar to the 2006 IBC which</p> | <p>1</p> | <p><i>See Code of Ordinances Sec. 1-112 et seq.</i></p>   |

**Zoning Analysis Matrix**  
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| <p>15b. Are the jurisdiction’s accessibility standards (as contained in the zoning ordinance or building code) congruent with the requirements of the Fair Housing Act?</p> <p>15c. Is there any provision for monitoring compliance?</p> | <p>HUD has recognized as a safe harbor for meeting the FHA’s accessibility requirements. In addition, Chapter 11 of the 2012 IBC requires that buildings and facilities comply with the accessibility requirements of <i>ICC/ANSI A117.1 Accessible and Usable Buildings and Facilities</i> standard, which is a nationally recognized standard for making buildings accessible.</p> <p>In addition, the new FBC also includes the Florida Accessibility Code, which makes specific reference to the FHA’s accessibility requirements and is congruent with the federal guidelines.</p> <p>Yes, the city manager may authorize a code enforcement officer to monitor and enforce compliance with the building code and the city has established a code enforcement board</p> |  | <p><i>See Sec. 2-911 et seq. (code enforcement); Sec. 46-40 (the city manager administers, interprets, and enforces the zoning ordinance).</i></p> |
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