NOTICE AND AGENDA OF JOINT PUBLIC MEETING

between

City of Naples Airport Authority Board

and

City of Naples City Council

Day/Date: Tuesday, June 9, 2026

Time: 1:00 p.m. or at the conclusion of the previous meeting scheduled at 8:30 a.m. (Eastern Time)

Place: City Hall Council Chambers, 735 Eighth Street South, Naples, Florida 34102

This Joint Public Meeting (this "Joint Meeting") between the Board of the City of Naples Airport Authority, an independent special district of the State of Florida (the "Authority"), and the City Council of the City of Naples, a Florida municipal corporation (the "City"), is open to the public. All interested persons are invited to attend and make public comments at this Joint Meeting in person. This Joint Meeting will be broadcast live on Comcast Channel 98, Century Link Channel 98, Summit Broadband Channel 95 and via live streaming on the City's Naples-TV website and the Cablecast app. This Joint Meeting will also be recorded and archived. All written, audio-visual and other materials distributed to the Authority by the public during this Joint Meeting will become the property of the Authority and will be a public record.

Information on agenda items which has been provided in advance of this Joint Meeting may be inspected at the office of the Executive Assistant, General Aviation Terminal Building, 2nd Floor, 160 Aviation Drive North, Naples, FL 34104 or on the Authority's website (https://www.flynaples.com/agendas-minutes-videos/). Please note that formal action may be taken on any item discussed or added to the agenda of this Joint Meeting.

Special Accommodations: Any person with a disability requiring auxiliary aids and services or other special accommodations to participate in this Joint Meeting may contact the Authority's Executive Assistant, Rosana Jaramillo, by telephone (239-643-0733) or email (rjaramillo@flynaples.com) with requests at least two (2) business days before the date of this Joint Meeting.

NOTICE: PLEASE BE ADVISED THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF THE AUTHORITY OR THE CITY COUNCIL OF THE CITY WITH RESPECT TO ANY MATTER CONSIDERED AT THIS JOINT MEETING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Pledge of Civility

It is the desire of the City of Naples Airport Authority to encourage the open exchange of ideas, fair discussion of the issues, and the participation of all persons in government, therefore, we pledge to be respectful of each other even when we disagree, to direct all comments to the issues, and to avoid personal attacks during all meetings and workshops.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. AGENDA (Add, delete or re-sequence items)

D. PUBLIC COMMENTS (5-minute limit)

E. DISCUSSION AND POTENTIAL ACTION ITEMS (in an attempt to resolve multiple issues of conflict, including, without limitation, the following: (a) whether the City's attempts to exercise land use, zoning, and other authority over aeronautical land uses and activity at the Naples Municipal Airport (the "Airport") is preempted by federal law and contrary to Florida law; (b) whether the City may terminate or deem unenforceable the 99-year lease between the City and the Authority, dated December 3, 1969 (the "Lease") without first obtaining Federal Aviation Administration approval to close the Airport pursuant to federal law or first obtaining an Airport Operating Certificate and becoming an airport sponsor pursuant to federal law; (c) whether the City may terminate or deem unenforceable the Lease without the Authority's consent unless it first obtains Federal Aviation Administration approval for a change in ownership or governance of the Airport; (d) whether the City can obtain an Airport Operating Certificate and become an airport sponsor pursuant to federal law without obtaining the approval of the Federal Aviation Administration, which approval is subject to federal law, so long as the Authority does not consent to such actions by the City; (e) whether the City can obtain an Airport License pursuant to Florida law, if the Authority does not consent to such actions by the City; and (f) any other issue, argument, claim or dispute arising out of or related to laws affecting the Authority, the City or the Airport, the Lease or other agreements between the City and the Authority, regulation of aeronautical land uses and activity at the Airport and/or the respective rights and interests of the City and the Authority with respect to the Airport and related matters)

1. Consider the Statement of Issues Prepared in the Conflict Assessment Phase
2. Seek an Agreement
3. Schedule Additional Meetings of the Entities in Conflict, or of their Designees, to Continue to Seek Resolution of the Conflict

F. PUBLIC COMMENTS (5-minute limit)

G. CORRESPONDENCE / COMMENTS

H. ADJOURN

Naples AIRPORT AUTHORITY
160 Aviation Drive North • Naples, Florida 34104-3568 | 239.643.0733 | www.FlyNaples.com

May 22, 2026

Mr. Gary Young
City Manager
City of Naples
735 Eighth Street South
Naples, Florida 34102

Sent via email

Re: Information Requested in Preparation for the Joint Meeting Scheduled for June 9, 2026

Dear Mr. Young:

As the Naples Airport Authority ("Authority") and the City of Naples ("City") prepare for the joint meeting scheduled for June 9, 2026 at 8:30 am in City Hall Council Chambers, the Authority is taking steps to ensure that the discussion is well-informed, productive, and focused on the key issues raised in the City's ongoing Chapter 164 conflict resolution process.

Following the May 11, 2026 conflict assessment meeting and the City's subsequent written proposal dated May 13, 2026, the Authority's legal counsel advised the Board during its regular meeting on May 21, 2026 that additional information is necessary to fully evaluate the feasibility, legal implications, and practical considerations associated with the City's proposal. In order to facilitate a meaningful and constructive dialogue at the upcoming joint meeting, we respectfully request that the City provide written responses to the following questions in advance of the joint meeting:

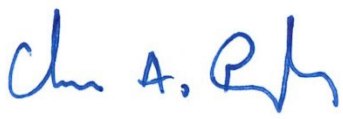
1. **Implementation Sequence:**
   Please explain the precise chronological order of all actions necessary to implement the City's proposal, including the specific roles and required actions of all relevant third parties (e.g., Florida State Legislature, Florida Department of Commerce, Federal Aviation Administration (FAA), Florida Department of Transportation (FDOT), airport tenants, and other stakeholders).
2. **Third-Party Alignment:**
   Please explain the basis on which the City has concluded that all relevant third parties identified above would accept or support the City's proposal.
3. **Regulatory Approvals:**
   Given that the proposal implicates complex FAA and FDOT regulatory approvals, please describe the process and anticipated timetable for seeking and obtaining such approvals.
4. **Legal Authority of Current Board:**
   On what legal basis does the City contemplate that the current Authority Board could take

actions—such as terminating the existing 99-year lease between the City and the Authority—that may not be authorized by, or may be inconsistent with, the Authority's Enabling Act and other governing laws?

5. **Fiduciary and Operational Obligations:**
   Considering the Authority Board's obligations to act in the best interests of the Authority, ensure the safe and efficient operation of Naples Municipal Airport, and comply with contractual commitments to the federal government, tenants, and other stakeholders, please explain how the City's proposal would satisfy these obligations and serve the best interests of the Airport.

Having the City's written responses to these foundational questions in advance of the joint meeting will allow both parties to engage in a more productive, good faith discussion. Thank you in advance for your attention to this request.

Sincerely,



Christopher A. Rozansky
Executive Director
Naples Airport Authority

Cc: Matthew McConnell, City of Naples
Maureen Taylor, City of Naples
William Owens, Bond, Schoeneck & King PLLC
Peter Kirsch, Kaplan Kirsch LLP
Andrew Dickman, Dickman Law Firm

INTRODUCTORY NOTE

The following text for a proposed City ordinance is offered by the Naples Airport Authority in a good faith effort to resolve the dispute between the City and the Authority over the scope of the City's land use authority. The text is intended to clarify and modify the existing City code to clearly and precisely explain that the scope of City authority is limited to nonaeronautical development and land use at the Airport and to avoid future disputes over land uses at the Airport. This proposal builds upon the model and approach which city staff used in the most recent draft land use ordinance considered by the City Council. For ease of review, the Authority is also providing a redline which shows the changes to existing ordinances proposed by these revisions.

The proposal is intended as a basis for good faith discussion and only for the purpose of settlement pursuant to Florida Statutes Chapter 164.

ORDINANCE 2026-

AN ORDINANCE AMENDING SECTION 44-8 – DEFINITIONS, CHAPTER 44 – GENERAL PROVISIONS, ADDING SECTION 46-46 – AIRPORT PLANNING AND SITE-SPECIFIC DEVELOPMENT, CHAPTER 46 – ADMINISTRATION, PROCEDURES AND ENFORCEMENT, AMENDING SECTION 58-681 – DISTRICT PURPOSE, SECTION 58-682 – USES PERMITTED, SECTION 58-683 – CONDITIONAL USES AND SECTION 58-691 – MAXIMUM DECLARED DISTANCE OF RUNWAY, DIVISION 23 C4 AIRPORT COMMERCIAL DISTRICT, CHAPTER 58 – ZONING, OF THE CODE OF ORDINANCES, CITY OF NAPLES FOR THE PURPOSE OF UPDATING THE CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, [to be inserted]

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

Section 1. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of City Council.

Section 2. That Section 44-8 – Definitions, Chapter 44 – General Provisions, of the Code of the City of Naples is hereby amended to read as follows:

Sec. 44-8. Definitions.

The following words, terms and phrases, when used in this Land Development Code, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

******

Airport, used in Sec. 46-46 and 58-569 through 58-680 of the City's Land Development Code, as amended, and the City's Comprehensive Plan means "Naples Municipal Airport" or "Naples Airport." The Airport consists of two parcels: the Airport Aeronautical Property and the Airport Non-Aeronautical Property.

Aeronautical, airport, mixed- use, or non-aeronautical land uses are as defined in FAA Policy Regarding Processing of Land Use Changes, 88 Fed. Reg. 84474 (Dec. 8, 2023), as the definitions of such terms may change from time to time by the FAA or by law.

Airport Aeronautical Property means all real property or any separate parcel or portion thereof, whether owned by or leased by the City of Naples, the NAA, or any tenant or subtenant of the NAA, whether within the C4 Zoning District or another zoning district, which is utilized for aeronautical, airport, or mixed- use purposes, as such terms may be

defined in *FAA Policy Regarding Processing of Land Use Changes*, 88 Fed. Reg. 84474 (Dec. 8, 2023), as the definitions of such terms may change from time to time.

Airport Layout Plan means a set of scaled drawings, as prescribed and according to FAA requirements, that provides a graphic representation of the existing and future development plan for the Airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the Airport. An Airport Layout Plan that has been submitted by the NAA and accepted or approved (as applicable) by the FAA, shall constitute the Airport Layout Plan for purposes of this Code.

Airport Non-Aeronautical Master Plan means a comprehensive plan of the Airport Non-Aeronautical Property which typically describes current and future plans for airport development designed to support existing and future airport needs. For purposes of this ordinance (and in no manner purporting to supersede state or federal requirements), the City of Naples Comprehensive Plan is not considered to be the Airport Non-Aeronautical Master Plan. The City at its election may incorporate the Airport Non-Aeronautical Master Plan into the City Comprehensive Plan pursuant to F.S. § 163.3177.

Airport Non-Aeronautical Utilization Plan means a document prepared by the NAA, and submitted for review by City Council, which is consistent with the portions of the Airport Layout Plan which apply to the Airport Non-Aeronautical Property.

Airport Non-Aeronautical Property means all real property or any separate parcel or portion thereof, whether owned by or leased by the City of Naples, the NAA, or any tenant or subtenant of the NAA, whether within the C4 Zoning District or another zoning district, which is not utilized for any aeronautical, airport, or mixed- use purposes, as such terms may be defined in *FAA Policy Regarding Processing of Land Use Changes*, 88 Fed. Reg.84474 (Dec. 8, 2023), as the definitions of such terms may change from time to time.

FAA shall mean the Federal Aviation Administration of the U.S. Department of Transportation.

Non-Aeronautical Development and/or Non-Aeronautical Project means a new principal building or structure, or an addition to an existing structure, that is greater than 1,000 square feet, on the Airport Non-Aeronautical Property.

NAA shall mean the City of Naples Airport Authority.

Section 3. That Chapter 46 – Administration, Procedures and Enforcement, of the Code of the City of Naples is hereby amended to read as follows:

Chapter 46 - ADMINISTRATION, PROCEDURES AND ENFORCEMENT

******

Sec. 46-46. Airport Planning and Site-Specific Development.

Intent and purpose. This section shall describe the process for City review and/or approval of the Airport Non-Aeronautical Master Plan, the Airport Non-Aeronautical Utilization Plan, and all site-specific development on the Airport Non-Aeronautical

Property. Except as preempted by state or federal law, the City Council shall have review authority of the Airport Non-Aeronautical Master Plan, the Airport Non-Aeronautical Utilization Plan, and all site-specific development on the Airport Non-Aeronautical Property pursuant to City Ordinances. The City Council may require review of any Non-Aeronautical Development by an appropriate advisory board prior to consideration by the City Council for approval. Nothing herein is intended to and therefore will not supersede or otherwise affect the validity of any document approved or accepted by the FAA or the state in accordance with applicable state or federal law, regulations, policies or directives and all regulation herein is limited to non-aeronautical land uses at the Naples Airport.

A. *Airport Non-Aeronautical Master Plan*. As defined in Chapter 44 and required by the City's Comprehensive Plan, all non-aeronautical land uses and activities on the Airport Non-Aeronautical Property shall be consistent with the Airport Non-Aeronautical Master Plan, as approved by the City Council, and consistent with the other applicable laws, regulations, codes and plans. The Airport Non-Aeronautical Master Plan shall meet the requirements of the FAA and Florida Department of Transportation (FDOT), if any, and be presented to the City Council for approval at a duly advertised regular meeting, and, wherever practical, prior to being submitted to the FAA and FDOT. Such City Council approval shall not be unreasonably delayed or withheld.

Procedure. [to be inserted by City Attorney]

1. City Council Review and Criteria. The City Council shall not unreasonably delay its review of the Airport Non-Aeronautical Master Plan. The City Council shall review the Airport Non-Aeronautical Master Plan based on competent substantial evidence to assure the following:
    a. Consistency with the Airport Non-Aeronautical Utilization Plan;
    b. Consistency with the City's Comprehensive Plan;
    c. Conformity with all City codes, regulations, ordinances, and Florida Statutes; and
    d. Consistency with any other applicable adopted City plans and reports.

2. Airport Aeronautical Property. At the election of the NAA, the Master Plan may, but is not required to, address use of the Airport Aeronautical Property, but in its review of the Airport Non-Aeronautical Master Plan, the City Council acknowledges that it lacks land use jurisdiction and regulatory authority with respect to land uses of the Airport Aeronautical Property.

B. *Airport Non-Aeronautical Utilization Plan*. An Airport Non-Aeronautical Utilization Plan for all uses of the Airport Non-Aeronautical Property (current and future) shall be submitted to the City Council for approval, based on a submittal and review process as determined by the City. Any Airport Non-Aeronautical Utilization Plan shall be in accordance with the provisions of the lease agreement governing use of the Airport Non-Aeronautical Property between the City and the NAA or any NAA-approved sublease, and demonstrate the preservation and continuity of safety, utility and efficiency of the Airport. The Airport Non-Aeronautical Utilization Plan shall be updated periodically and shall be prepared by the NAA and submitted to City Council for final review whenever the NAA so elects. The Airport Non-Aeronautical Utilization Plan shall provide an accurate

graphical representation of the existing development and identify future development on the Airport Non-Aeronautical Property, if known at the time of submittal.

1. Procedure. [to be inserted by City Attorney]

1. City Council Review and Criteria. City Council's review and approval of the Airport Non-Aeronautical Utilization Plan is intended to ensure, with respect to the Airport Non-Aeronautical Property:
   a) All completed developments have obtained approval and have been constructed in accordance with the terms of that approval;
   b) All future development, designated and known when the Airport Non-Aeronautical Utilization Plan is submitted, complies with the standards set forth in the Comprehensive Plan; and
   c) All future development, designated and known when the Airport Non-Aeronautical Utilization Plan is submitted, has met the requirements of the C4 Airport Commercial District and the Airport Overlay District, as well as any additional applicable ordinances, agreements, and regulations
2. Airport Aeronautical Property. In its review of the Airport Non-Aeronautical Utilization Plan, the City Council acknowledges that it lacks land use jurisdiction and regulatory authority with respect to land uses of the Airport Aeronautical Property.

C. *Site-Specific Development*. All Non-Aeronautical Development, as defined in Section 44-8, as amended, shall require City Council approval as prerequisite for the issuance of a building permit unless NAA provides the City with direction or guidance from the FAA that any such Non-Aeronautical Development is necessary or desirable for the safe and efficient use of the Airport Aeronautical Property. Non-Aeronautical Development approval shall be accomplished through a Site Plan Approval process. Site Plan Approval for Non-Aeronautical Development is not required for (i) recurring maintenance, repair, updating, renovation, or replacement project(s) for existing facilities, so long as the function of such facilities does not change; and (ii) Non-Aeronautical Projects which are necessary or desirable for the safe and efficient use of the Airport Aeronautical Property. The City Council shall have final review and approval authority for Site Plans and amendments to Site Plans for all development within the Airport Non-Aeronautical Property. Prior to the Planning Advisory Board and the City Council meetings, the Petitioner shall notify the owners of any property located within 1,000 feet of the perimeter of the Airport Non-Aeronautical Property, informing them of the date, time, place, and reason for the public hearing. If required by the Florida Building Code, no certificate of occupancy, for any Property described in this Division, shall be issued until such construction has been found to be in conformity with the approved plans.

1. Procedure. [to be inserted by City Attorney]

2. City Council Review and Criteria. The required contents of the Site Plan Petition are, a stamped survey of the Site and all other documents identified on the Site Plan Application deemed necessary to thoroughly review the Non-Aeronautical

Project for compliance with the Comprehensive Plan and applicable regulations and codes. All Site Plan Petitions shall be evaluated based on the following:

a) Determining consistency with the Comprehensive Plan, City Code, and applicable regulations including Division 4, Airport Overlay District, of Article III, Chapter 58, including all applicable zoning performance standards, including but not limited to impervious surface ratio, open space, and setbacks.
b) Determining the impacts of the Non-Aeronautical Project on the current adopted level of service (Concurrency) and confirming Concurrency, as identified in Chapter 48 of the City's Land Development Code, is met.
c) Ensuring appropriate planning and evaluating the Site Plan Petition with respect to:
    i. Accessways for emergency and service vehicles; and
    ii. Any other relevant consideration specified in the City's Land Development Code related to the safety, efficiency, or compliance of the Site-Specific Development.
d) The adequacy of public utilities at the Airport to accommodate the proposed Non-Aeronautical Project.
e) Off-site traffic, stormwater, or other non-aircraft related impacts of the proposed Non-Aeronautical Project.

3. Airport Aeronautical Property. In its review of the Site Plan Petition, the City Council acknowledges that it lacks land use jurisdiction and regulatory authority with respect to land uses of the Airport Aeronautical Property.

Section 4. That Division 23, C4 Airport Commercial District, Chapter 58 – Zoning, of the Code of the City of Naples is hereby amended to read as follows:

Chapter 58 – ZONING

******

ARTICLE II. - ZONING DISTRICTS

******

DIVISION 23. C4 AIRPORT COMMERCIAL DISTRICT

Sec. 58-681. District purpose.

The C4 District is a limited commercial zone district intended to accommodate only the Naples Municipal Airport, its related commercial and light industrial uses, related service facilities, and a limited range of non-airport-related commercial uses, unless otherwise required under state or federal law and regulations. Nothing herein is intended to supersede or otherwise affect the validity of any document approved or accepted by the FAA or the state in accordance with applicable state or federal law, regulations, policies or directives. Aeronautical, mixed-use, and airport land uses are permitted on the Airport Aeronautical Property as of right with no City approvals required.

Sec. 58-682. Uses permitted.

(a) Aeronautical, mixed-use, and airport land uses are permitted in the C4 District as of right with no City land use approvals required.

(b) None of the permitted uses listed in this section is permitted to have direct ingress or egress from the Airport Non-Aeronautical Property to Airport-Pulling Road except those that currently exist.

(c) Provided that a Non-Aeronautical Project is first submitted to the City Planning Advisory Board for a recommendation and is then approved by the City Council, based on a submittal and review process as required under Chapter 46 for development and Site Plan review for development of significant impact, and provided that any proposed Non-Aeronautical Airport Development is in accordance with the provisions of the lease agreement between the City and the NAA or any NAA-approved sublease, no building or structure, or part thereof, shall be erected or altered or used, or land or water used, in whole or in part, on the Airport Non-Aeronautical Property, that is not in substantial compliance with the Airport Non-Aeronautical Utilization Plan and Airport Non-Aeronautical Master Plan, as submitted for City Council review.

(d) Within the area designated for commercial and industrial development on the Airport Non-Aeronautical Property, the following non-aeronautical land uses are permitted:

a. Small-scale retail sales establishments other than shopping centers. Retail sales establishments may include incidental processing, repair and rental activities except rental of motor vehicles which requires a conditional use, provided they are accessory and subordinate to the retail sales use, and provided that all sales, displays, and storage, processing and repair of merchandise occurs within the principal building.
b. Convenience service establishments such as tailoring, garment alteration and repair, shoe repair and the like.
c. Cultural facilities, including libraries or museums, and publicly owned buildings.
d. Financial institutions, excluding drive-up windows, which are permitted only by Conditional Use petition approval.
e. Medical offices and clinics.
f. Professional, business, financial, civic or public utility offices.
g. Accessory uses or structures which are incidental to and customarily associated with the permitted uses in this District.
h. Pet Adoption Facility
i. City of Naples and Collier County solid waste and recycling facilities
j. Playground and Observation Deck

Sec. 58-683. Conditional uses.

(a) Within the area of the C4 District on the current Airport Non-Aeronautical Master Plan, the following uses shall be included as conditional uses:

(1) Drive-up windows which are accessory to permitted uses (not to include restaurants).
(2) Radio and television broadcasting offices and studios, with no tower.
(3) Rental of motor vehicles accessory and subordinate to the retail sales use.

The Planning Advisory Board may, through the review and approval of a Conditional Use petition and with the approval of the City Council, permit other uses which are similar to and no more intense than those enumerated in this subsection.

(b) None of the conditional uses listed in this section are permitted to have direct ingress or egress to Airport-Pulling Road except those that currently exist.

******

~~**Sec. 58-691. - Maximum declared distance of runway.**~~

~~The maximum declared distance of each runway shall be 5,000 feet. For purposes of this provision, "declared distance" shall mean the distance the Naples Airport Authority declares for an aircraft's (1) take-off run (the runway length declared available and suitable for the ground run of an airplane taking off), and (2) landing distance available (the runway length declared available and suitable for a landing airplane). Any increase to declared distance shall require city council approval. Extension of the existing stop way or additional stop ways, or the additional paving of runways or safety zones, shall require conditional use approval.~~

*****

Section 5. This Ordinance shall be codified in the Code of Ordinances of the City of Naples, Florida.

Section 6. All ordinances/resolutions and parts of ordinances/resolutions in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

Section 7. The provisions of this Ordinance are declared to be severable, if any word, sentence, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional, invalid, or ineffective, the same shall not affect the validity of any remaining portions of this Ordinance, as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part. In such event, the pre-existing word, phrase, clause, subsection, or section, will be revived.

Section 8. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

Section 9. This Ordinance is to be liberally construed to accomplish its objectives.

Section 10. This Ordinance shall be published in accordance with the requirements of law.

Section 11. That this Ordinance will take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS _____ DAY OF _____ 2026.

ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THE ____ DAY OF ____ 2026.

Attest:

Patricia L. Rambosk, City Clerk Teresa Lee Heitmann, Mayor

Approved as to form and legal sufficiency:

Matthew McConnell, City Attorney

Date filed with City Clerk:_____

ORDINANCE 2026-

AN ORDINANCE AMENDING SECTION 44-8 – DEFINITIONS, CHAPTER 44 – GENERAL PROVISIONS, ADDING SECTION 46-46 – AIRPORT PLANNING AND SITE-SPECIFIC DEVELOPMENT, CHAPTER 46 – ADMINISTRATION, PROCEDURES AND ENFORCEMENT, AMENDING SECTION 58-681 – DISTRICT PURPOSE, SECTION 58-682 – USES PERMITTED, SECTION 58-683 – CONDITIONAL USES AND SECTION 58-691 – MAXIMUM DECLARED DISTANCE OF RUNWAY, DIVISION 23 C4 AIRPORT COMMERCIAL DISTRICT, CHAPTER 58 – ZONING, OF THE CODE OF ORDINANCES, CITY OF NAPLES FOR THE PURPOSE OF UPDATING THE CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, [to be inserted]

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

Section 1. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of City Council.

Section 2. That Section 44-8 – Definitions, Chapter 44 – General Provisions, of the Code of the City of Naples is hereby amended to read as follows:

Sec. 44-8. - Definitions.

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

******

Aeronautical, airport, mixed- use, or non-aeronautical land uses are as defined in FAA Policy Regarding Processing of Land Use Changes, 88 Fed. Reg. 84474 (Dec. 8, 2023), as the definitions of such terms may change from time to time by the FAA or by law.

Airport used in Sec. 46-46 and 58-569 through 58-680 of the City's Land Development Code, as amended, and the City's Comprehensive Plan means "Naples Municipal Airport" or "Naples Airport." The Airport consists of two parcels: the Airport Aeronautical Property and the Airport Non-Aeronautical Property.

Airport Aeronautical Property means all real property or any separate parcel or portion thereof, whether owned by or leased by the City of Naples, the NAA, or any tenant or subtenant of the NAA, whether within the C4 Zoning District or another zoning district, which is utilized for aeronautical, airport, or mixed- use purposes, as such terms may be

defined in *FAA Policy Regarding Processing of Land Use Changes*, 88 Fed. Reg. 84474 (Dec. 8, 2023), as the definitions of such terms may change from time to time.

Airport clear zone. See *High noise impact areas*.

Airport Layout Plan means a set of scaled drawings, as prescribed and according to FAA requirements, that provides a graphic representation of the existing and future development plan for the Airport and demonstrates the preservation and continuity of safety, utility, and efficiency of the Airport. An Airport Layout Plan that has been submitted by the NAA and accepted or approved (as applicable) by the FAA, shall constitute the Airport Layout Plan for purposes of this Code.

Airport Non-Aeronautical Master Plan means a comprehensive plan of the Airport Non-Aeronautical Property which typically describes current and future plans for airport development designed to support existing and future airport needs. For purposes of this ordinance (and in no manner purporting to supersede state or federal requirements), the City of Naples Comprehensive Plan is not considered to be the Airport Non-Aeronautical Master Plan. The City at its election may incorporate the Airport Non-Aeronautical Master Plan into the City Comprehensive Plan pursuant to F.S. § 163.3177.

Airport Non-Aeronautical Property means all real property or any separate parcel or portion thereof, whether owned by or leased by the City of Naples, the NAA, or any tenant or subtenant of the NAA, whether within the C4 Zoning District or another zoning district, the C4 Zoning District or another zoning district, which is not utilized for any aeronautical, airport, or mixed- use purposes, as such terms may be defined in *FAA Policy Regarding Processing of Land Use Changes*, 88 Fed. Reg.84474 (Dec. 8, 2023), as the definitions of such terms may change from time to time.

Airport Non-Aeronautical Utilization Plan means a document prepared by the NAA, and submitted for review by City Council, which is consistent with the portions of the Airport Layout Plan which apply to the Airport Non-Aeronautical Property.

******

FAA shall mean the Federal Aviation Administration of the U.S. Department of Transportation.

******

NAA shall mean the City of Naples Airport Authority.

Non-Aeronautical Development and/or Non-Aeronautical Project means a new principal building or structure, or an addition to an existing structure, that is greater than 1,000 square feet, on the Airport Non-Aeronautical Property.

******

Section 3. That Chapter 46 – Administration, Procedures and Enforcement, of the Code of the City of Naples is hereby amended to read as follows:

Chapter 46 - ADMINISTRATION, PROCEDURES AND ENFORCEMENT

******

Sec. 46-46. Airport Planning and Site-Specific Development.

Intent and purpose. This section shall describe the process for City review and/or approval of the Airport Non-Aeronautical Master Plan, the Airport Non-Aeronautical Utilization Plan, and all site-specific development on the Airport Non-Aeronautical Property. Except as preempted by state or federal law, the City Council shall have review authority of the Airport Non-Aeronautical Master Plan, the Airport Non-Aeronautical Utilization Plan, and all site-specific development on the Airport Non-Aeronautical Property pursuant to City Ordinances. The City Council may require review of any Non-Aeronautical Development by an appropriate advisory board prior to consideration by the City Council for approval. Nothing herein is intended to and therefore will not supersede or otherwise affect the validity of any document approved or accepted by the FAA or the state in accordance with applicable state or federal law, regulations, policies or directives and all regulation herein is limited to non-aeronautical land uses at the Naples Airport.

A. *Airport Non-Aeronautical Master Plan*. As defined in Chapter 44 and required by the City's Comprehensive Plan, all non-aeronautical land uses and activities on the Airport Non-Aeronautical Property shall be consistent with the Airport Non-Aeronautical Master Plan, as approved by the City Council, and consistent with the other applicable laws, regulations, codes and plans. The Airport Non-Aeronautical Master Plan shall meet the requirements of the FAA and Florida Department of Transportation (FDOT), if any, and be presented to the City Council for approval at a duly advertised regular meeting, and, wherever practical, prior to being submitted to the FAA and FDOT. Such City Council approval shall not be unreasonably delayed or withheld.

1. Procedure. [to be inserted by City Attorney]

2. City Council Review and Criteria. The City Council shall not unreasonably delay its review of the Airport Non-Aeronautical Master Plan. The City Council shall review the Airport Non-Aeronautical Master Plan based on competent substantial evidence to assure the following:
    a. Consistency with the Airport Non-Aeronautical Utilization Plan;
    b. Consistency with the City's Comprehensive Plan;
    c. Conformity with all City codes, regulations, ordinances, and Florida Statutes; and
    d. Consistency with any other applicable adopted City plans and reports.

3. Airport Aeronautical Property. At the election of the Airport Authority, the Master Plan may, but is not required to, address use of the Airport Aeronautical Property, but in its review of the Airport Non-Aeronautical Master Plan, the City Council acknowledges that it lacks land use jurisdiction and regulatory authority with respect to land uses of the Airport Aeronautical Property.

B. *Airport Non-Aeronautical Utilization Plan*. An Airport Non-Aeronautical Utilization Plan for all uses of the Airport Non-Aeronautical Property (current and future) shall be submitted to the City Council for approval, based on a submittal and review process as determined by the City. Any Airport Non-Aeronautical Utilization Plan shall be in accordance with the provisions of the lease agreement governing use of the Airport Non-Aeronautical Property between the City and the NAA or any NAA-approved sublease, and demonstrate the preservation and continuity of safety, utility and efficiency of the Airport. The Airport Non-Aeronautical Utilization Plan shall be updated periodically and shall be prepared by the NAA and submitted to City Council for final review whenever the NAA so elects. The Airport Non-Aeronautical Utilization Plan shall provide an accurate graphical representation of the existing development and identify future development on the Airport Non-Aeronautical Property, if known at the time of submittal.

1. Procedure. [to be inserted by City Attorney]

2. City Council Review and Criteria. City Council's review and approval of the Airport Non-Aeronautical Utilization Plan is intended to ensure, with respect to the Airport Non-Aeronautical Property:
   a) All completed developments have obtained approval and have been constructed in accordance with the terms of that approval;
   b) All future development, designated and known when the Airport Non-Aeronautical Utilization Plan is submitted, complies with the standards set forth in the Comprehensive Plan; and
   c) All future development, designated and known when the Airport Non-Aeronautical Utilization Plan is submitted, has met the requirements of the C4 Airport Commercial District and the Airport Overlay District, as well as any additional applicable ordinances, agreements, and regulations
3. Airport Aeronautical Property. In its review of the Airport Non-Aeronautical Utilization Plan, the City Council acknowledges that it lacks land use jurisdiction and regulatory authority with respect to land uses of the Airport Aeronautical Property.

C. *Site-Specific Development*. All Non-Aeronautical Development, as defined in Section 44-8, as amended, shall require City Council approval as prerequisite for the issuance of a building permit unless NAA provides the City with direction or guidance from the FAA that any such Non-Aeronautical Development is necessary or desirable for the safe and efficient use of the Airport Aeronautical Property. Non-Aeronautical Development approval shall be accomplished through a Site Plan Approval process. Site Plan Approval for Non-Aeronautical Development is not required for (i) recurring maintenance, repair, updating, renovation, or replacement project(s) for existing facilities, so long as the function of such facilities does not change; and (ii) Non-Aeronautical Projects which are necessary or desirable for the safe and efficient use of the Airport Aeronautical Property. The City Council shall have final review and approval authority for Site Plans and amendments to Site Plans for all development within the Airport Non-Aeronautical Property. Prior to the Planning Advisory Board and the City Council

meetings, the Petitioner shall notify the owners of any property located within 1,000 feet of the perimeter of the Airport Non-Aeronautical Property, informing them of the date, time, place, and reason for the public hearing. If required by the Florida Building Code, no certificate of occupancy, for any Property described in this Division, shall be issued until such construction has been found to be in conformity with the approved plans.

1. Procedure. [to be inserted by City Attorney]

2. City Council Review and Criteria. The required contents of the Site Plan Petition are, a stamped survey of the Site and all other documents identified on the Site Plan Application deemed necessary to thoroughly review the Non-Aeronautical Project for compliance with the Comprehensive Plan and applicable regulations and codes. All Site Plan Petitions shall be evaluated based on the following:
   a) Determining consistency with the Comprehensive Plan, City Code, and applicable regulations including Division 4, Airport Overlay District, of Article III, Chapter 58, including all applicable zoning performance standards, including but not limited to impervious surface ratio, open space, and setbacks.
   b) Determining the impacts of the Non-Aeronautical Project on the current adopted level of service (Concurrency) and confirming Concurrency, as identified in Chapter 48 of the City's Land Development Code, is met.
   c) Ensuring appropriate planning and evaluating the Site Plan Petition with respect to:
      i. Accessways for emergency and service vehicles; and
      ii. Any other relevant consideration specified in the City's Land Development Code related to the safety, efficiency, or compliance of the Site-Specific Development.
   d) The adequacy of public utilities at the Airport to accommodate the proposed Non-Aeronautical Project.
   e) Off-site traffic, stormwater, or other non-aircraft related impacts of the proposed Non-Aeronautical Project.

3. Airport Aeronautical Property. In its review of the Site Plan Petition, the City Council acknowledges that it lacks land use jurisdiction and regulatory authority with respect to land uses of the Airport Aeronautical Property.

******

Section 4. That Division 23, C4 Airport Commercial District, Chapter 58 – Zoning, of the Code of the City of Naples is hereby amended to read as follows:

Chapter 58 – ZONING

******

ARTICLE II. - ZONING DISTRICTS

******

DIVISION 23. C4 AIRPORT COMMERCIAL DISTRICT

Sec. 58-681. District purpose.

The C4 District is a limited commercial zone district intended to accommodate only the Naples Municipal Airport, its related commercial and light industrial uses, related service facilities, and a limited range of non-airport-related commercial uses~~.~~, unless otherwise required under state or federal law and regulations. Nothing herein is intended to supersede or otherwise affect the validity of any document approved or accepted by the FAA or the state in accordance with applicable state or federal law, regulations, policies or directives. Aeronautical, mixed-use, and airport land uses are permitted on the Airport Aeronautical Property as of right with no City approvals required.

Sec. 58-682. Uses permitted.

(a) Aeronautical, mixed-use, and airport land uses are permitted in the C4 District as of right with no City land use approvals required.

(b) None of the permitted uses listed in this section is permitted to have direct ingress or egress from the Airport Non-Aeronautical Property to Airport-Pulling Road except those that currently exist.

(c) Provided that ~~an overall master development plan~~ a Non-Aeronautical Project is first submitted to the City Planning Advisory Board for a recommendation and is then approved by the City Council, based on a submittal and review process as required under Chapter 46 for development and Site Plan review for development of significant impact, and provided that any proposed ~~development~~ Non-Aeronautical Airport Development is in accordance with the provisions of the lease agreement between the City and the ~~airport authority or any approved sublease~~ NAA or any NAA-approved sublease, no building or structure, or part thereof, shall be erected or altered or used, or land or water used, in whole or in part, ~~in the C4 district~~ on the Airport Non-Aeronautical Property, that is not in substantial compliance with the ~~approved overall master development plan~~ Airport Non-Aeronautical Utilization Plan and Airport Non-Aeronautical Master Plan, as submitted for City Council review.~~, and for other than the following:~~

~~(1) Airport passenger and freight terminals and accessory uses and structures which are incidental to and customarily associated with such facilities, including but not limited to locations of landing fields, aircraft hangars and repair facilities, administration buildings, control towers, fuel storage areas, navigation equipment, approach and clear zones and the like.~~

~~(2) Aircraft sales and service and flight instruction.~~

~~(3) Airport-related light industrial uses that are primarily dependent upon the airport for goods, services or economic support. The principal activity of such users shall be directly related to the airport and not merely located on airport property as a convenience.~~

~~(4) Airport-related commercial uses that are located within the airline or general aviation terminal buildings or in their vicinity and that are primarily intended to serve the needs of the public using the airport travel facilities, such as auto rentals, restaurants, cocktail lounges, newsstands, gift shops, insurance outlets and the like(5)~~(d) Within the area designated for commercial and industrial development on the ~~approved master plan~~ Airport Non-Aeronautical Property, the following ~~non-aviation-related~~ non-aeronautical land uses are permitted:

a. Small-scale retail sales establishments other than shopping centers. Retail sales establishments may include incidental processing, repair and rental activities except rental of motor vehicles which requires a conditional use, provided they are accessory and subordinate to the retail sales use, and provided that all sales, displays, and storage, processing and repair of merchandise occurs within the principal building.
   ~~Art or photography studios.~~
b. Convenience service establishments such as tailoring, garment alteration and repair, shoe repair and the like.
c. Cultural facilities, including libraries or museums, and publicly owned buildings.
d. Financial institutions, excluding drive-up windows, which are permitted only by Conditional Use petition approval.
e. Medical offices and clinics.
f. Professional, business, financial, civic or public utility offices.
g. Accessory uses or structures which are incidental to and customarily associated with the permitted uses in this District.
h. Pet Adoption Facility
i. City of Naples and Collier County solid waste and recycling facilities
j. Playground and Observation Deck

Sec. 58-683. Conditional uses.

(a) Within the area of the C4 District ~~designated for commercial and industrial development on the approved master plan~~ on the current Airport Non-Aeronautical Master Plan, the following uses shall be included as conditional uses:

(1) Drive-up windows which are accessory to permitted uses (not to include restaurants).
~~(2) Motion picture theaters or live theaters (no drive-in theaters).~~
(2) Radio and television broadcasting offices and studios, with no tower.
(3) Rental of motor vehicles accessory and subordinate to the retail sales use.

The Planning Advisory Board may, through the review and approval of a Conditional Use petition and with the approval of the City Council, permit other uses which are similar to and no more intense than those enumerated in this subsection.

(b) None of the conditional uses listed in this section are permitted to have direct ingress or egress to Airport-Pulling Road except those that currently exist.

******

~~**Sec. 58-691. - Maximum declared distance of runway.**~~

~~The maximum declared distance of each runway shall be 5,000 feet. For purposes of this provision, "declared distance" shall mean the distance the Naples Airport Authority declares for an aircraft's (1) take-off run (the runway length declared available and suitable for the ground run of an airplane taking off), and (2) landing distance available (the runway length declared available and suitable for a landing airplane). Any increase to declared distance shall require city council approval. Extension of the existing stop way or additional stop ways, or the additional paving of runways or safety zones, shall require conditional use approval.~~

*****

Section 5. This Ordinance shall be codified in the Code of Ordinances of the City of Naples, Florida.

Section 6. All ordinances/resolutions and parts of ordinances/resolutions in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

Section 7. The provisions of this Ordinance are declared to be severable, if any word, sentence, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional, invalid, or ineffective, the same shall not affect the validity of any remaining portions of this Ordinance, as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part. In such event, the pre-existing word, phrase, clause, subsection, or section, will be revived.

Section 8. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

Section 9. This Ordinance is to be liberally construed to accomplish its objectives.

Section 10. This Ordinance shall be published in accordance with the requirements of law.

Section 11. That this Ordinance will take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS _____ DAY OF _____ 2026.

ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THE ____ DAY OF ____ 2026.

Attest:

Patricia L. Rambosk, City Clerk Teresa Lee Heitmann, Mayor

Approved as to form and legal sufficiency:

Matthew McConnell, City Attorney

Date filed with City Clerk:_____