



**LAND DEVELOPMENT CODE AMENDMENT**

**PETITION**

PL20190000389

**SUMMARY OF AMENDMENT**

This amendment is intended to revise and clarify the procedures and approval process for Comparable Use Determinations.

**ORIGIN**

Growth Management Department (GMD)

**LDC SECTIONS TO BE AMENDED**

- 2.03.00 Zoning Districts; Permitted Uses, Accessory Uses, and Conditional Uses
- 10.02.06 Requirements for Permits
- 10.03.06 Public Notice and Required Hearings for Land Use Petitions

**HEARING DATES**

BCC 11/10/2020  
 CCPC 09/09/2020  
 DSAC 08/07/2019  
 DSAC-LDR 03/19/2019  
 06/18/2019

**ADVISORY BOARD RECOMMENDATIONS**

**DSAC-LDR**  
Approval

**DSAC**  
Approval

**CCPC**  
Approval with Recommendation

**BACKGROUND**

Currently, when an applicant submits an application for a Zoning Verification Letter - Comparable Use Determination, staff reviews the application, makes a determination on the compatibility of the proposed use and drafts the Zoning Verification Letter (ZVL). Once the ZVL has been completed, the ZVL and all necessary backup materials are brought before the Hearing Examiner or the Board of Zoning Appeals (BZA) for affirmation.

This current process of generating a ZVL and then going before the Hearing Examiner or BZA for affirmation has proven to be confusing for customers. Additionally, staff has requested that there be standards to determine if a proposed use is comparable to the list of permitted uses within that district, which has been added to LDC section 10.02.06 K.2.

This proposed LDC amendment removes the Comparable Use Determination process from the Zoning Verification Letter process and provides criteria to make a comparable use determination. This will change the process of providing the determination through a ZVL to now providing a recommendation through a Staff Report. The Staff Report will then be reviewed for approval by the Hearing Examiner or the Collier County Planning Commission (CCPC).

Additionally, the industrial and commercial zoning districts' list of conditional uses, allows for a comparable use determination for permitted uses to follow the conditional use review process. This conflicts with the other sections of the LDC and the comparable use determination process that is utilized today. Therefore, the language that reflects a conditional use process for a permitted use has been removed.



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*DSAC-LDR Subcommittee Recommendation*

The DSAC-LDR Subcommittee recommended approval of the proposed LDC amendment, subject to the following:

- The process of the Comparable Use Determination affirmation with the Office of the Hearing Examiner remains in place;
- Information regarding the ability to appeal the Comparable Use Determination is provided for; and
- Provide flexibility in the application of the criteria within LDC section 10.02.06 K.2.

*DSAC Recommendation*

The DSAC recommended approval of the proposed LDC amendment, subject to the addition of “as applicable” to the end of LDC section 10.02.06 K.2.

*CCPC Recommendation*

The CCPC recommended approval of the proposed LDC amendment, subject to the following:

1. If the Hearing Examiner decides against hearing the Comparable Use Determination, the CCPC shall review the petition in lieu of the BCC.
2. Change proposed LDC section 10.02.06 K.1. to read: “The following Comparable Use Determination (CUD) shall be used to determine whether a use is comparable in nature with the list of permitted uses, and the purpose and intent statement of the zoning district, overlay, or PUD.”
3. Change the proposed LDC section 10.02.06 K.2.b. to read: The effect of the proposed use would have on neighboring properties in relation to the noise, glare, or odor effects shall be no greater than that of other permitted uses in the zoning district, overlay, or PUD.
4. Move the proposed text of LDC section 10.02.06 K.2.d. to LDC section 10.02.06 K.2.e. and insert new language into subparagraph d. to read as follows: The proposed use shall be compatible and consistent with the other permitted uses in the zoning district, overlay, or PUD.

The above conditions have been incorporated into the proposed language.

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**FISCAL & OPERATIONAL IMPACTS**

There are no anticipated fiscal or operational impacts associated with this amendment.

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**GMP CONSISTENCY**

The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP

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**EXHIBITS:** A) Amendment History and Existing PUD Standards; and B) Administrative Code

Amend the LDC as follows:

2.03.00 – ZONING DISTRICTS; PERMITTED USES, ACCESSORY USES, AND CONDITIONAL USES

In order to carry out and implement the Collier County GMP and the purposes of this LDC, the following zoning districts, district purposes, and applicable symbols are hereby established:

A. Rules for Interpretation of Uses. In any zoning district, where the list of permitted ~~and conditional~~ uses contains the phrase "any other use which is comparable in nature with the foregoing uses and is consistent with the permitted uses and purpose and intent statement of the district" or any similar phrase which provides for a use which is not clearly defined or described in the list of permitted ~~and conditional~~ uses , which requires the discretion of the County Manager or designee as to whether or not it is permitted in the district, then the determination of whether or not that use is permitted in the district shall be made through the process outlined in LDC section ~~1.06.00~~10.02.06 K, ~~interpretations, of this LDC.~~

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2.03.03 – Commercial Zoning Districts

A. Commercial Professional and General Office District (C-1). The purpose and intent of the commercial professional and general office district C-1 is to allow a concentration of office type buildings and land uses that are most compatible with, and located near, residential areas. Most C-1 commercial, professional, and general office districts are contiguous to, or when within a PUD, will be placed in close proximity to residential areas, and, therefore, serve as a transitional zoning district between residential areas and higher intensity commercial zoning districts. The types of office uses permitted are those that do not have high traffic volumes throughout the day, which extend into the evening hours. They will have morning and evening short-term peak conditions. The market support for these office uses should be those with a localized basis of market support as opposed to office functions requiring inter-jurisdictional and regional market support. Because office functions have significant employment characteristics, which are compounded when aggregations occur, certain personal service uses shall be permitted, to provide a convenience to office-based employment. Such convenience commercial uses shall be made an integral part of an office building as opposed to the singular use of a building. Housing may also be a component of this district as provided for through conditional use approval.

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the C-1 commercial professional and general office district.

a. **Permitted uses.**

\* \* \* \* \*

41. Any other commercial use or professional service which is comparable in nature with the foregoing uses including those that exclusively serve the administrative as opposed to the operational

functions of a business and are associated purely with activities conducted in an office, as determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.

\* \* \* \* \*

c. *Conditional uses.* The following uses are permissible as conditional uses in the (C-1) commercial professional and general office district, subject to the standards and procedures established in LDC section 10.08.00.

\* \* \* \* \*

~~16. Any other convenience commercial use which is comparable in nature with the foregoing list of permitted uses and consistent with the purpose and intent statement of the district, as determined by the board of zoning appeals, pursuant to section 10.08.00.~~

\* \* \* \* \*

B. Commercial Convenience District (C-2). The purpose and intent of the commercial convenience district (C-2) is to provide lands where commercial establishments may be located to provide the small-scale shopping and personal needs of the surrounding residential land uses within convenient travel distance except to the extent that office uses carried forward from the C-1 district will expand the traditional neighborhood size. However, the intent of this district is that retail and service uses be of a nature that can be economically supported by the immediate residential environs. Therefore, the uses should allow for goods and services that households require on a daily basis, as opposed to those goods and services that households seek for the most favorable economic price and, therefore, require much larger trade areas. It is intended that the C-2 district implements the Collier County GMP within those areas designated agricultural/rural; estates neighborhood center district of the Golden Gate Master Plan; the neighborhood center district of the Immokalee Master Plan; and the urban mixed use district of the future land use element permitted in accordance with the locational criteria for commercial and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. The maximum density permissible in the C-2 district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County GMP. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system.

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the C-2 commercial convenience district.

a. *Permitted uses.*

\* \* \* \* \*

74. Any other commercial convenience ~~or professional~~ use which is comparable in nature with the ~~(C-1)~~ list of permitted uses and consistent with the purpose and intent statement of the district, as

determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.~~the board of zoning appeals, pursuant to section 10.08.00.~~

\* \* \* \* \*

c. *Conditional uses.* The following uses are permissible as conditional uses in the commercial convenience district (C-2), subject to the standards and procedures established in section 10.08.00.

\* \* \* \* \*

~~12. Any other convenience commercial use which is comparable in nature with the foregoing (C-2) list of permitted uses and consistent with the purpose and intent statement of the district, as determined by the board of zoning appeals pursuant to section 10.08.00.~~

C. Commercial Intermediate District (C-3). The purpose and intent of the commercial intermediate district (C-3) is to provide for a wider variety of goods and services intended for areas expected to receive a higher degree of automobile traffic. The type and variety of goods and services are those that provide an opportunity for comparison shopping, have a trade area consisting of several neighborhoods, and are preferably located at the intersection of two-arterial level streets. Most activity centers meet this standard. This district is also intended to allow all of the uses permitted in the C-1 and C-2 zoning districts typically aggregated in planned shopping centers. This district is not intended to permit wholesaling type of uses, or land uses that have associated with them the need for outdoor storage of equipment and merchandise. A mixed-use project containing a residential component is permitted in this district subject to the criteria established herein. The C-3 district is permitted in accordance with the locational criteria for commercial and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. The maximum density permissible in the C-3 district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County GMP. The maximum density permissible or permitted in the C-3 district shall not exceed the density permissible under the density rating system.

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the commercial intermediate district (C-3).

a. *Permitted uses.*

\* \* \* \* \*

93. Any use which was permissible under the prior General Retail Commercial (GRC) zoning district, as identified by Zoning Ordinance adopted October 8, 1974, and which was lawfully existing prior to the adoption of this Code.

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96. Any other intermediate commercial ~~or professional~~ use which is comparable in nature with the ~~(C-1)~~ list of permitted uses and consistent with the purpose and intent statement of the district, as determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K. ~~board of zoning appeals, pursuant to section 10.08.00.~~

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c. *Conditional uses.* The following uses are permissible as conditional uses in the commercial intermediate district (C-3), subject to the standards and procedures established in sections 4.02.02 and 10.08.00.

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~~27. — Any other intermediate commercial use which is comparable in nature with the foregoing list of permitted uses and consistent with the permitted uses and purpose and intent statement of the district, as determined by the board of zoning appeals pursuant to section 10.08.00.~~

D. General Commercial District (C-4). The general commercial district (C-4) is intended to provide for those types of land uses that attract large segments of the population at the same time by virtue of scale, coupled with the type of activity. The purpose and intent of the C-4 district is to provide the opportunity for the most diverse types of commercial activities delivering goods and services, including entertainment and recreational attractions, at a larger scale than the C-1 through C-3 districts. As such, all of the uses permitted in the C-1 through C-3 districts are also permitted in the C-4 district. The outside storage of merchandise and equipment is prohibited, except to the extent that it is associated with the commercial activity conducted on-site such as, but not limited to, automobile sales, marine vessels, and the renting and leasing of equipment. Activity centers are suitable locations for the uses permitted by the C-4 district because most activity centers are located at the intersection of arterial roads. Therefore the uses in the C-4 district can most be sustained by the transportation network of major roads. The C-4 district is permitted in accordance with the locational criteria for uses and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system.

1. The following uses, as defined with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the general commercial district (C-4).

a. *Permitted uses.*

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142. Any other general commercial ~~or professional~~ use which is comparable in nature with the ~~(C-1)~~ list of permitted uses and consistent with the purpose and intent statement of the district, as

determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.~~board of zoning appeals, pursuant to section 10.08.00.~~

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c. *Conditional uses.* The following uses are permitted as conditional uses in the general commercial district (C-4), subject to the standards and procedures established in section 10.08.00.

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~~26. Any other general commercial use which is comparable in nature with the foregoing list of permitted uses and consistent with the permitted uses and purpose and intent statement of the district, as determined by the board of zoning appeals pursuant to section 10.08.00.~~

E. Heavy Commercial District (C-5). In addition to the uses provided in the C-4 zoning district, the heavy commercial district (C-5) allows a range of more intensive commercial uses and services which are generally those uses that tend to utilize outdoor space in the conduct of the business. The C-5 district permits heavy commercial services such as full-service automotive repair, and establishments primarily engaged in construction and specialized trade activities such as contractor offices, plumbing, heating and air conditioning services, and similar uses that typically have a need to store construction associated equipment and supplies within an enclosed structure or have showrooms displaying the building material for which they specialize. Outdoor storage yards are permitted with the requirement that such yards are completely enclosed or opaquely screened. The C-5 district is permitted in accordance with the locational criteria for uses and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP.

1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as accessory or conditional uses within the heavy commercial district (C-5).

a. *Permitted uses.*

\* \* \* \* \*

183. Any other heavy commercial ~~or professional~~ use which is comparable in nature with the ~~(C-1)~~ list of permitted uses and consistent with the purpose and intent statement of the district, as determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.~~board of zoning appeals, pursuant to section 10.08.00.~~

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1 c. Conditional uses. The following uses are permissible as conditional  
2 uses in the heavy commercial district (C-5), subject to the standards and  
3 procedures established in section 10.08.00.

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7 ~~19. Any other heavy commercial use which is comparable in nature with~~  
8 ~~the foregoing list of permitted uses and consistent with the purpose~~  
9 ~~and intent statement of the district, as determined by the board of~~  
10 ~~zoning appeals pursuant to section 10.08.00.~~

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14 **2.03.04 – Industrial Zoning Districts**

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16 A. Industrial District (I). The purpose and intent of the industrial district (I) is to provide lands  
17 for manufacturing, processing, storage and warehousing, wholesaling, and distribution.  
18 Service and commercial activities that are related to manufacturing, processing, storage  
19 and warehousing, wholesaling, and distribution activities, as well as commercial uses  
20 relating to automotive repair and heavy equipment sales and repair are also permissible  
21 in the I district. The I district corresponds to and implements the industrial land use  
22 designation on the future land use map of the Collier County GMP.

23 1. The following uses, as identified within the Standard Industrial Classification  
24 Manual (1987), or as otherwise provided for within this section, are permitted as  
25 a right, or as accessory or conditional uses within the industrial district (I).

26 \* \* \* \* \*

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28 c. Conditional uses. The following uses are permitted as conditional uses  
29 in the industrial district (I), subject to the standards and procedures  
30 established in section 10.08.00.

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33 ~~26. Any other industrial use which is comparable in nature with the~~  
34 ~~foregoing list of permitted uses and consistent with the purpose~~  
35 ~~and intent statement of the district, as determined by the board of~~  
36 ~~zoning appeals pursuant to section 10.08.00.~~

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38 B. Business Park District (BP). The purpose and intent of the business park district (BP) is to  
39 provide a mix of industrial uses, corporate headquarters offices and business/professional  
40 offices which complement each other and provide convenience services for the employees  
41 within the district; and to attract businesses that create high value added jobs. It is intended  
42 that the BP district be designed in an attractive park-like environment, with low structural  
43 density and large landscaped areas for both the functional use of buffering and enjoyment  
44 by the employees of the BP district. The BP district is permitted by the urban mixed use,  
45 urban commercial, and urban-industrial districts of the future land use element of the  
46 Collier County GMP.

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48 1. The following uses, as identified within the latest edition of the Standard Industrial  
49 Classification Manual, or as otherwise provided for within this section, are



permitted as of right, or as uses accessory to permitted primary or secondary uses or are conditional uses within the business park district.

a. Permitted primary uses. One hundred percent of the total business park district acreage is allowed to be developed with the following uses:

\* \* \* \* \*

34. Any other use which is comparable in nature with the list of permitted~~foregoing~~ uses and ~~is otherwise clearly~~ consistent with the ~~intent and~~ purpose and intent statement of the district, as determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.

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**2.03.05 - Civic and Institutional Zoning Districts**

A. Public Use District (P). The purpose and intent of public use district (P) is to accommodate only local, state and federally owned or leased and operated government facilities that provide essential public services. The P district is intended to facilitate the coordination of urban services and land uses while minimizing the potential disruption of the uses of nearby properties.

\* \* \* \* \*

4. The following uses are permitted as of right, or as accessory or conditional uses, in the public use district (P).

a. Permitted uses.

\* \* \* \* \*

14. Any other public structures and uses which are comparable in nature with the ~~foregoing~~ list of permitted uses, and consistent with the purpose and intent statement of the district, as determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.

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c. Conditional uses. The following uses are permissible as conditional uses in the public use district (P), subject to the standards and procedures established in section 10.08.00:

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~~13. Any other public uses which are comparable in nature with the foregoing uses.~~

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3 **2.03.07 – Overlay Zoning Districts**

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7 F. Golden Gate Parkway Professional Office Commercial Overlay (GGPPOCO).

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11 2. These regulations apply to properties north and south of Golden Gate Parkway,  
12 starting at Santa Barbara Boulevard and extending eastward to 52nd Terrace S.W.  
13 in Golden Gate City as measured perpendicularly from the abutting right-of-way  
14 for a distance of approximately 3,600 feet more or less and consisting of  
15 approximately 20.84 acres. These properties are identified on Map two (2) of the  
16 Golden Gate Area Master Plan. Except as provided in this regulation, all other use,  
17 dimensional, and development requirements shall be as required in the underlying  
18 zoning categories.

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20 a. Permitted Uses.

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24 42. Any other commercial use ~~or professional service~~ which is  
25 comparable in nature with the ~~foregoing list of permitted~~ uses, and  
26 consistent with the purpose and intent statement of the overlay, as  
27 determined by the Hearing Examiner or CCPC, pursuant to LDC  
28 section 10.02.06 K.  
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33 G. Immokalee Urban Overlay District. To create the Immokalee Urban Overlay District with  
34 distinct subdistricts for the purpose of establishing development criteria suitable for the  
35 unique land use needs of the Immokalee Community. The boundaries of the Immokalee  
36 Urban Overlay District are delineated on the maps below.

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40 5. *Main Street Overlay Subdistrict.* Special conditions for the properties identified in  
41 the Immokalee Area Master Plan; referenced on Map 7; and further identified by  
42 the designation "MSOSD" on the applicable official Collier County Zoning Atlas  
43 Maps. The purpose of this designation is to encourage development and  
44 redevelopment by enhancing and beautifying the downtown Main Street area  
45 through flexible design and development standards.

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49 e. Conditional uses.  
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1. Conditional uses of the underlying zoning districts contained within the subdistrict, subject to the standards and procedures established in section 10.08.00 and as set forth below:

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iii. The following conditional uses may be permitted only on properties with frontage on North First Street, South First Street, and North Ninth Street within the Main Street Overlay Subdistrict:

\* \* \* \* \*

j. ~~Any other heavy commercial use which is comparable in nature with the foregoing uses and is deemed consistent with the intent of this Subdistrict.~~

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**10.02.06 – Requirements for Permits**

A. *Generally.* Any permit submitted to the County must meet the requirements for that particular permit, as more specifically stated below.

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J. Zoning Verification Letter.

1. A zoning verification letter may be used to verify the zoning of a property according to the Collier County Zoning Map, the Future Land Use Map, and the Growth Management Plan and establish the following determinations.

a. *Generally.* The County Manager or designee may issue a zoning verification letter that verifies the zoning of a property. Additional information may be requested about the subject property, including but not limited to the following:

- i. Allowable uses and development standards applicable to the property under the LDC;
- ii. Zoning of adjacent properties;
- iii. Confirmation of any site development plan, conditional use, or variance approved for the property; and
- iv. The nonconforming status of the property.

~~b. *Comparable Use Determination.* The County Manager or designee may issue a zoning verification letter to determine whether a use within a PUD is consistent and compatible with the surrounding uses within the PUD. To be effective, the zoning verification letter shall be approved by the BCC by resolution at an advertised public hearing.~~

e. b. *Non-residential Farm Building Exemption.* The County Manager or designee, in coordination with the Collier County Building Official, may issue a zoning verification letter to establish that a non-residential farm building and/or fence is exempt from the Florida Building Code. However, the exemption applies to the structure and does not exempt the applicant

from obtaining the necessary electrical, plumbing, mechanical, or gas permits for the structure.

~~d.~~ c. Administrative Fence Waiver. The County Manager or designee may issue a zoning verification letter to approve an administrative fence waiver under LDC section 5.03.02 F.5.a.

2. The Administrative Code shall establish the process and application submittal requirements to obtain a zoning verification letter.

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K. Comparable Use Determination.

1. The following Comparable Use Determination (CUD) shall be used to determine whether a use is comparable in nature with the list of permitted uses, and the purpose and intent statement of the zoning district, overlay, or PUD.

2. To be effective, the Comparable Use Determination shall be approved by the Hearing Examiner by decision or CCPC by resolution, at an advertised public hearing based on the following standards, as applicable:

a. The proposed use possesses similar characteristics to other permitted uses in the zoning district, overlay, or PUD, including but not limited to the following:

- i. Operating hours;
- ii. Traffic volume generated/attracted;
- iii. Type of vehicles associated with the use;
- iv. Number and type of required parking spaces; and
- v. Business practices and activities.

b. The effect of the proposed use would have on neighboring properties in relation to the noise, glare, or odor effects shall be no greater than that of other permitted uses in the zoning district, overlay, or PUD.

c. The proposed use is consistent with the GMP, meaning the applicable future land use designation does not specifically prohibit the proposed use, and, where the future land use designation contains a specific list of allowable uses, the proposed use is not omitted.

d. The proposed use shall be compatible and consistent with the other permitted uses in the zoning district, overlay, or PUD.

e. Any additional relevant information as may be required by County Manager or Designee.

3. The Administrative Code shall establish the process and application submittal requirements to obtain a Comparable Use Determination.

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10.03.06 Public Notice and Required Hearings for Land Use Petitions

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O. ~~Affirmation or a~~ Approval of a Comparable Use Determination pursuant to LDC section 10.02.06 K. Zoning Verification Letter that allows a new use that is comparable, compatible, and consistent within a PUD.

- 1. The following advertised public hearings are required:
  - a. One CCPC ~~BCC~~ or Hearing Examiner hearing.
- 2. The following notice procedures are required:
  - a. Newspaper Advertisement prior to the advertised public hearing in accordance with F.S. § 125.66.

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# Attachment A – Amendment History and PUD Language

## Amendment History

- Ordinance 91-102 states within each commercial zoning district’s list of permitted uses:
  - C-1/T “Any other commercial use of professional services which is comparable in nature with the foregoing uses”
  - C-2 “Any other convenience commercial use which is comparable in nature with the foregoing uses.”
  - C-3 “Any other general commercial use which is comparable in nature with the foregoing uses”
  - C-4 “Any other general commercial use which is comparable in nature with the foregoing uses.”
  - C-5 “Any other heavy commercial use which is comparable in nature with the foregoing uses.”
- Ordinance 93-89 modified the following language:
  - C-1/T “Any other commercial use or professional services which is comparable in nature with the foregoing uses including those that exclusively serve the administrative as opposed to the operational functions of a business, and are purely associated with activities conducted in an office.
  - C-2 “Any other convenience commercial use which is comparable in nature with the foregoing uses including buildings for retail, service and office purposes consistent with the permitted uses and purpose and intent statement of the district.”
  - C-3 “Any other general commercial use which is comparable in nature with the foregoing uses including buildings for retail, and service and office purposes consistent with the permitted uses and purpose and intent statement of the district.”
  - C-4 “Any other general commercial use which is comparable in nature with the foregoing uses including buildings for retail, and service and office purposes consistent with the permitted uses and purpose and intent statement of the district.”
  - C-5 “Any other heavy commercial use which is comparable in nature with the foregoing uses including buildings for retail, service and office purposes consistent with the permitted uses and intent and purpose statement of the district.”
- Ordinance 2002-03 introduced language included in current LDC section 2.03.00
- Ordinance 2002-31 removed the comparable use language under the permitted uses sections and relocated to conditional uses while also adding a reference that the determination is made by the BZA and removed language that was introduced in the 2002-03 ordinance, as described above.
  - No clear explanation on amendment staff report as to why the change was needed
- Ordinance 2003-01 added back to the C-1 district: “Any other commercial use or professional services which is comparable in the nature with the foregoing uses including

## Attachment A – Amendment History and PUD Language

those that exclusively serve the administrative as opposed to the operational functions of a business and are purely associated with activities conducted in an office.”

- o No clear explanation on amendment staff report as to why the change was needed

### Existing Standards

Existing PUDs

Mini-Triangle PUD (Ord. 18-25):

11. Any other principal use which is comparable in nature with the forgoing list of permitted principal uses, as determined by the Board of Zoning Appeals or the Hearing Examiner by the process outlined in the LDC.

Creekside Commerce Park (Ord. 18-19)

- ~~9.10.~~ Any other use which is comparable in nature with the foregoing uses and which the Community Development and Environmental Services Administrator determines to be compatible.

Ford Test Center (Ord. 84-4)

- G. Any other use which is compatible in nature with the foregoing uses and which the Zoning Director determines to be compatible.

Immokalee Regional Airport (Ord. 10-07)

- e. Any other use that is comparable in nature with the foregoing list of permitted principal uses, as determined by the Board of Zoning Appeals (BZA).

Kings Lake (Ord. 08-67)

- (28) Any other commercial use or professional service which is comparable in nature with the foregoing uses, as determined by the Board of Zoning Appeals.

Olde Cypress PUD (00-37)

6. Any other principal use which is comparable in nature with the foregoing uses and which the Development Services Director determines to be compatible in the "R" District.

Orange Tree PUD (12-09)

- 45) Any other principal use which is comparable in nature with the foregoing list of permitted principal uses, as determined by the Board of Zoning Appeals (BZA) by the process outlined in the LDC or adopted by policy.

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## ~~G.6L. Zoning Verification Letter – PUD~~ Comparable Use Determination

Reference	LDC <del>sub</del> sections 2.03.00 A, 10.02.06 <del>J</del> K, LDC Public Notice <del>sub</del> section 10.03.06 O, LDC section 8.10.00 and F.S. §125.66.
Applicability	<p>A <del>Zoning Verification Letter</del><u>Comparable Use Determination</u> may be used to make a determination that a new use is comparable, compatible, and consistent with the list of identified permitted <del>and conditional</del> uses in a <u>standard zoning district, overlay, or a</u> PUD ordinance. <del>Depending on PUD ordinance language, one of the following methods of consent by the Hearing Examiner will occur:</del></p> <ol style="list-style-type: none"><li><del>1. If the PUD ordinance language identifies the BZA as the authority to determine a use is comparable, compatible, and consistent, the Zoning Verification Letter will be brought to Hearing Examiner for approval of the determination.</del></li><li><del>2. If the PUD ordinance language identifies the Planning Director (or other similar County staff) as the authority to determine a use is comparable, compatible, and consistent, the Zoning Verification Letter will be brought to Hearing Examiner for affirmation of the determination.</del></li></ol>
Pre-Application	A pre-application meeting is not required.
Initiation	The <b>applicant</b> files a " <del>Zoning Verification Letter</del> <u>Comparable Use Determination Application</u> " with the <del>Planning &amp;</del> Zoning Division.
Application Contents	<p>The application must include the following:</p> <ol style="list-style-type: none"><li><b>1. Applicant contact information.</b></li><li><b>2. Property information, including:</b><ul style="list-style-type: none"><li>• Site folio number;</li><li>• Site Address;</li><li>• <b>Property owner's</b> name; and</li><li>• Verification being requested.</li></ul></li><li><b>3. <u>A narrative statement that describes t</u></b><del>t</del><b>he determination request, and the justification for the use by a certified land use planner or a land use attorney, and addresses the standards within LDC section 10.02.06 K.2.</b></li><li><b>4. Additional materials may be requested by staff depending on the use and justification provided.</b></li><li><b>5. PUD Ordinance and Development Commitment information, <u>if applicable.</u></b></li><li><b>6. Electronic copies of all documents.</b></li><li><b><u>7. Addressing checklist.</u></b></li></ol>
Completeness and Processing of Application	The <del>Planning &amp;</del> Zoning Division will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the <b>applicant</b> will receive a mailed or electronic response notifying the <b>applicant</b> that the petition is being processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XXPL201200000) assigned to the petition. This



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petition tracking number should be noted on all future correspondence regarding the petition.

**Notice** Notification requirements are as follows. ⇔ *See Chapter 8 of the Administrative Code for additional notice information.*

**1. Newspaper Advertisement:** At least 15 days before the hearing in a newspaper of general circulation. The legal advertisement shall include:

- Date, time, and location of the hearing;
- Application number and project name;
- PUD name and ordinance number;
- Proposed permitted use; and
- ~~Whether the use will be approved or affirmed by the Hearing Examiner; and~~
- Description of location.

**Public Hearing** **1.** The Hearing Examiner or the CCPC shall hold at least 1 advertised public hearing. ⇔*See Chapter 9 of the Administrative Code for the Office of the Hearing Examiner procedures.*

**Decision maker** The Hearing Examiner or the CCPC.

If the PUD ordinance language identifies the CCPC or the Planning Director (or other similar County staff) as the authority to determine a use is comparable, compatible, and consistent, a Staff Report will be presented to the Hearing Examiner or the CCPC for approval of the Comparable Use Determination.

**Review Process** The ~~Planning &~~ Zoning Division will review the application and identify whether additional materials are needed. Staff will prepare a Staff Report to present to the Office of the Hearing Examiner or the CCPC for a decision.

**Appeal** Appeal of a Comparable Use Determination shall be pursuant to Code of Laws and Ordinances section 250-58.

Updated