

RESOLUTION NO. 2020 - 203

A RESOLUTION AMENDING ORDINANCE NO. 2004-66, AS AMENDED, THAT CREATED AN ADMINISTRATIVE CODE FOR LAND DEVELOPMENT, BY AMENDING CHAPTER THREE, QUASI-JUDICIAL PROCEDURES WITH A PUBLIC HEARING, MORE SPECIFICALLY TO AMEND SECTION G.6., ZONING VERIFICATION LETTER - PUD COMPARABLE USE DETERMINATION, TO REMOVE THE COMPARABLE USE DETERMINATIONS FROM THE ZONING VERIFICATION PROCESS AND CREATE A NEW PROCESS; AND PROVIDING AN EFFECTIVE DATE. [PL20190000389]

WHEREAS, the Board of County Commissioners (“Board”) adopted Ordinance No. 2004-66 on October 12, 2004, which created an Administrative Code for Collier County; and

WHEREAS, the Board subsequently amended Ordinance No. 2004-66 through the adoption of Ordinance No. 2013-57 on September 24, 2013; and

WHEREAS, Ordinance No. 2013-57 provides for the adoption of Exhibit “B,” the Administrative Code for Land Development, which shall be maintained by the County Manager or designee; and

WHEREAS, Ordinance No. 2013-57 also provides that amendments required to maintain the Administrative Code shall be made by resolution adopted by the Board; and

WHEREAS, the Board desires to revise the Administrative Code for Land Development, to remove the Comparable Use determinations from the Zoning Verification process and create a new process, as described in Exhibit “A,” attached hereto.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that the Administrative Code for Land Development, which was created by Ordinance No. 2013-57, is hereby amended as reflected in attached Exhibit “A”.

SECTION ONE: CHAPTER 3, SECTION G.6

Chapter 3, Section G.6 of the Administrative Code for Land Development is hereby amended as reflected in attached Exhibit “A”.

SECTION TWO: EFFECTIVE DATE

This Resolution shall become effective on the date of adoption by the Board.

THIS RESOLUTION ADOPTED by majority vote this 10th day of November, 2020.

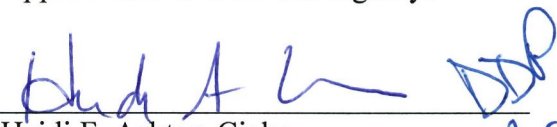
ATTEST:
CRYSTAL K. KINZEL, CLERK

By: 
Attest as Dep. Clerk's
signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 
BURT L. SAUNDERS, CHAIRMAN

Approved as to form and legality:


Heidi F. Ashton-Cicko
Managing Assistant County Attorney
for 10/26/2020

Attachments: Exhibit A – Chapter 3, Section G.6 – “Zoning Verification – PUD Comparable Use Determination

Exhibit A

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

Reference	LDC subsections 2.03.00 A, 10.02.06 JK, LDC Public Notice subsection 10.03.06 O, LDC section 8.10.00 and F.S. §125.66.
Applicability	<p>A Zoning Verification Letter<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 and conditional uses in a <u>standard zoning district, overlay, or a PUD ordinance</u>. Depending on PUD ordinance language, one of the following methods of consent by the Hearing Examiner will occur:</p> <ol style="list-style-type: none">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.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.
Pre-Application	A pre-application meeting is not required.
Initiation	The applicant files a " Zoning Verification Letter <u>Comparable Use Determination Application</u> " with the Planning & Zoning Division .
Application Contents	<p>The application must include the following:</p> <ol style="list-style-type: none">1. Applicant contact information.2. Property information, including:<ul style="list-style-type: none">• Site folio number;• Site Address;• Property owner's name; and• Verification being requested.3. <u>A narrative statement that describes t</u>The determination requestand 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.2.4. Additional materials may be requested by staff depending on the use and justification provided.5. <u>PUD Ordinance and Development Commitment information, if applicable.</u>6. Electronic copies of all documents.7. <u>Addressing checklist.</u>
Completeness and Processing of Application	The Planning & Zoning Division will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the applicant will receive a mailed or electronic response notifying the applicant 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

Exhibit A

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