

COLLIER COUNTY LAND DEVELOPMENT CODE STAFF
CLARIFICATION CURRENT PLANNING STAFF CLARIFICATION SC # 2004-01

DATE: April 15, 2004

LDC SECTION: **2.2.14.2.1.16 & 2.2.14.3.11**

INITIATED BY: Michele R. Mosca, AICP

BACKGROUND/CONSIDERATIONS:

Section 2.2.14.2.1.16 permits various retail uses by right subject to a cap of 5,000 sq. ft. of gross floor area (GFA) except drug stores. This section goes on to identify various SIC group numbers with certain specific uses excepted.

Section 2.2.14.3.11 permits various retail uses by conditional use to exceed the 5,000 sq. ft. GFA cap imposed by section 2.2.14.2.1.16 except for drug stores.

DETERMINATION (CLARIFICATION):

The intent of the language in section 2.2.14.2.1.16 is meant to exclude drug stores from being subject to the 5,000 sq. ft. cap and is not meant to exclude drug stores from a use permitted in the zoning district. The miscellaneous retail uses intended to be excluded from this zoning district are those specifically excepted in the parenthetical listing of the SIC groups. The SIC code for drug stores (5912) is specifically listed as a permitted use in the parenthetical list of SIC groups and the specific use name is not excepted.

The intent of the language in section 2.2.14.3.11 is meant to clarify that drug stores in excess of 5,000 sq. ft. of GFA are not subject to Conditional Use approval. This is because a drug store is a permitted use by right and is not subject to a 5,000 sq. ft. GFA limitation.

AUTHOR: Michele R. Mosca for Susan Murray, AICP, Director, Department of Zoning and Land Development Review

APPROVED

Susan Murray, AICP, Director, Department of Zoning
and Land Development Review

Date

cc: Ivette Monroig, for Staff Clarification file
Staff