ORDINANCE NO. 26 – 27

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, TO REMOVE THE SEPARATION REQUIREMENTS BETWEEN FACILITIES WITH FUEL PUMPS, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: CHAPTER FIVE – SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.05.05 FACILITIES WITH FUEL PUMPS; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE. (PL20260003715)

Recitals

WHEREAS, on October 30, 1991, the Collier County Board of County Commissioners adopted Ordinance No. 91-102, the Collier County Land Development Code (hereinafter LDC), which was subsequently amended; and

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

WHEREAS, on March 18, 1997, the Board adopted Resolution 97-177 establishing local requirements and procedures for amending the LDC; and

WHEREAS, all requirements of Resolution 97-177 have been met; and

WHEREAS, the Collier County Planning Commission, sitting as the land planning agency, did hold an advertised public hearing on July 16, 2026, and reviewed the proposed amendments for consistency with the Comprehensive Plan and did recommend approval; and

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold an advertised public hearing on September 22, 2026, and did take action concerning these amendments to the LDC; and

WHEREAS, the subject amendments to the LDC are hereby determined by this Board to be consistent with and to implement the Collier County Growth Management Plan as required by Subsections 163.3194 (1) and 163.3202 (1), Florida Statutes; and

WHEREAS, this ordinance is adopted in compliance with and pursuant to the Community Planning Act (F.S. § 163.3161 *et seq.*), and F.S. § 125.01(1)(t) and (1)(w); and

WHEREAS, this ordinance is adopted pursuant to the constitutional and home rule powers of Fla. Const. Art. VIII, § 1(g); and

WHEREAS, all applicable substantive and procedural requirements of the law have otherwise been met.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida, that:

SECTION ONE: RECITALS

The foregoing Recitals are true and correct and incorporated by reference herein as if fully set forth.

SECTION TWO: FINDINGS OF FACT

The Board of Commissioners of Collier County, Florida, hereby makes the following findings of fact:

1. Collier County, pursuant to §163.3161, *et seq.,* F.S., the Florida Community Planning Act (herein after the "Act"), is required to prepare and adopt a comprehensive plan.

2. After adoption of the Comprehensive Plan, the Act and in particular §163.3202(1). F.S., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted comprehensive plan.

3. Section 163.3201, F.S., provides that it is the intent of the Act that the adoption and enforcement by Collier County of land development regulations for the total unincorporated area shall be based on, be related to, and be a means of implementation for, the adopted comprehensive plan.

4. Section 163.3194(1)(b), F.S., requires that all land development regulations enacted or amended by Collier County be consistent with the adopted comprehensive plan, or element or portion thereof, and any land regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent.

5. Section 163.3202(3), F.S., states that the Act shall be construed to encourage the use of innovative land development regulations.

6. On January 10, 1989, Collier County adopted the Collier County Growth Management Plan (hereinafter the "Growth Management Plan" or "GMP") as its comprehensive plan pursuant to the requirements of §163.3161 *et seq.,* F.S.

7. Section 163.3194(1)(a), F.S., mandates that after a comprehensive plan, or element or portion thereof, has been adopted in conformity with the Act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such comprehensive plan or element shall be consistent with such comprehensive plan or element as adopted.

8. Pursuant to §163.3194(3)(a), F.S., a development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development are compatible with, and further the objectives, policies, land uses, densities, or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

9. Section 163.3194(3)(b), F.S., states that a development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are compatible with, and further the objectives, policies, land uses, densities, or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

10. On October 30, 1991, Collier County adopted the Collier County Land Development Code, which became effective on November 13, 1991. The Land Development Code adopted in Ordinance 91-102 was recodified and superseded by Ordinance 04-41.

11. Collier County finds that the Land Development Code is intended and necessary to preserve and enhance the present advantages that exist in Collier County; to encourage the most appropriate use of land, water and resources consistent with the public interest; to overcome present handicaps; and to deal effectively with future problems that may result from the use and development of land within the total unincorporated area of Collier County and it is intended that this Land Development Code preserve, promote, protect and improve the public health, safety, comfort, good order, appearance, convenience and general welfare of Collier County; to prevent the overcrowding of land and avoid the undue concentration of population; to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing and other requirements and services; to conserve, develop, utilize and protect natural resources within the jurisdiction of Collier County; to protect human, environmental, social and economic resources; and to maintain through orderly growth and development, the character and stability of present and future land uses and development in Collier County.

12. It is the intent of the Board of County Commissioners of Collier County to implement the Land Development Code in accordance with the provisions of the Collier County Comprehensive Plan, Chapter 125, Fla. Stat., and Chapter 163, Fla. Stat., and through these amendments to the Code.

SECTION THREE: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE

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SUBSECTION 3.A. AMENDMENTS TO SECTION 5.05.05 FACILITIES WITH FUEL PUMPS

Section 5.05.05 Facilities with Fuel Pumps, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

5.05.05 Facilities with Fuel Pumps

A. The purpose of this section is to ensure that facilities with fuel pumps do not adversely impact adjacent land uses, especially residential land uses. The high levels of traffic, glare, and intensity of use associated with facilities with fuel pumps, particularly those open 24 hours, may be incompatible with surrounding uses, especially residential uses. Therefore, in the interest of protecting the health, safety, and general welfare of the public, the following regulations shall apply to the location, layout, drainage, operation, landscaping, parking, and permitted sales and service activities of facilities with fuel pumps.

B. Site design requirements.

1. Table of site design requirements:

Minimum dimensions:	Site Standards
Minimum lot area (sq. ft.)	30,000
Minimum lot width (ft.)	150
Minimum lot depth (ft.)	180
~~Separation from adjacent facilities with fuel pumps (ft.) (based on distance between nearest points)~~	~~500~~
Minimum setbacks, all structures: Front yard (ft.) Side yard (ft.) Rear yard (ft.)	 50 40 40

~~2. Waiver of separation requirements.~~

~~a. The BZA may, by resolution, grant a waiver of part or all of the minimum separation requirements set forth herein if it is demonstrated by the applicant and determined by the BZA that the site proposed for~~

~~development of a facility with fuel pumps is separated from another facility with fuel pumps by natural or man-made boundaries, structures, or other features which offset or limit the necessity for such minimum distance requirements. The BZA's decision to waive part or all of the distance requirements shall be based upon the following factors:~~

~~i. Whether the nature and type of natural or man-made boundary, structure, or other feature lying between the proposed establishment and an existing facility with fuel pumps is determined by the BZA to lessen the impact of the proposed facility with fuel pumps. Such boundary, structure, or other feature may include, but is not limited to, lakes, marshes, nondevelopable wetlands, designated preserve areas, canals, and a minimum of a 4-lane arterial or collector right-of-way.~~

~~ii. Whether the facility with fuel pumps is only engaged in the servicing of automobiles during regular, daytime business hours, or, if in addition to or in lieu of servicing, the facility with fuel pumps sells food, gasoline, and other convenience items during daytime, nighttime, or on a 24 hour basis.~~

~~iii. Whether the facility with fuel pumps is located within a shopping center primarily accessed by a driveway, or if it fronts on and is accessed directly from a platted road right-of-way.~~

~~iv. Whether the granting of the distance waiver will have an adverse impact on adjacent land uses, especially residential land uses.~~

~~b. The Administrative Code shall establish the submittal requirements for a facility with fuel pumps waiver request. The request for a facility with fuel pumps waiver shall be based on the submittal of the required application, a site plan, and a written market study analysis which justifies a need for the additional the facility with fuel pumps in the desired location.~~

~~c. Additional conditions. The BZA shall have the right to add additional conditions or requirements to its approval of a distance waiver request in order to insure compatibility of the facility with fuel pumps with the surrounding area and the goals and objectives of the GMP.~~

C. Building architecture, site design, lighting, and signage requirements.

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SECTION FOUR: CONFLICT AND SEVERABILITY

In the event that any provisions of this ordinance should result in an unresolved conflict with the provisions of the Land Development Code (LDC) or Growth Management Plan (GMP), the applicable provisions of the LDC or GMP shall prevail. In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of

competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION FIVE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE

The provisions of this Ordinance shall become and be made a part of the Land Development Code of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION SIX: EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 22nd day of September, 2026.

ATTEST:
CRYSTAL K. KINZEL, CLERK

By: _____ Deputy Clerk
Attest as to Chairman's signature only

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: _____
Dan Kowal, Chairman

Approved as to form and legality:

_____ CLD
Courtney L. DaSilva 6/17/26
Assistant County Attorney

This ordinance filed with the Secretary of State's Office the 1 day of October 2026 and acknowledgement of that filing received this 1 day of October 2026.
By _____ Deputy Clerk

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 1, 2026

Crystal K. Kinzel
Clerk of Court
Collier County
3329 Tamiami Trail E, Suite #401
Naples, FL 34112

Dear Crystal Kinzel,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 26-27, which was filed in this office on October 1, 2026.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp

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