Collier County

# LAND DEVELOPMENT CODE AMENDMENT

**PETITION**
PL20260007857

**ORIGIN**
Board of County Commissioners (Board)

**SUMMARY OF AMENDMENT**
This Land Development Code (LDC) amendment updates the applicability of the Comparable Use Determination provisions to include the Rural Agricultural (A) zoning district. LDC amendments are reviewed by the Board of County Commissioners (Board), Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR Subcommittee).

**HEARING DATES**

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|---|---|
| Board | TBD |
| CCPC | TBD |
| DSAC | 08/05/2026 |
| DSAC-LDR | 07/21/2026 |

**LDC SECTION TO BE AMENDED**

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|---|---|
| 02.03.01 | Agricultural Districts |
| 10.02.06 | Requirements for Permits |

**ADVISORY BOARD RECOMMENDATIONS**

| DSAC-LDR | DSAC | CCPC |
|---|---|---|
| Approval | Approval | TBD |

## BACKGROUND

On November 10, 2020, the Board adopted Ordinance 2020-44, which was an LDC amendment (PL20190000389) that changed the Zoning Verification Letter-Comparable Use Determination process. Prior to its adoption, when an applicant wanted to know if an unlisted use was comparable to a listed use in a conventional zoning district, the applicant would have to submit a Zoning Verification Letter-Comparable Use Determination application to the County. Staff would review the application, decide on its compatibility, and draft a ZVL accordingly, and the ZVL would then be scheduled for a public hearing with either the Hearing Examiner (HEX) or the Board of Zoning Appeals (BZA) for their affirmation. However, with the adoption of Ordinance 2020-44, the CUD process was removed from the ZVL process, and a separate process was created for the CUD, along with new evaluation criteria. With this improved process in place, when a CUD application is received, staff now generates a Staff Report, includes a recommendation, and forwards both to the HEX, who serves as the final decision maker, or Board of Zoning Appeals, by resolution. The adoption of Ordinance 2020-44 also eliminated the applicability of the Comparable Use provisions from the lists of conditional uses in many zoning districts, including the Industrial (I) Zoning District, which had been in the LDC since 2008.

On October 12, 2021, the Board reviewed four motions filed by the owner of the proposed Isles of Capri Food Truck Park. During this item, the Board directed staff to bring back an LDC amendment emphasizing the need to have the conditional use process apply to CUD applications, and for each CUD request be examined for comparability, compatibility, and consistency on a site-specific basis only—and not applied uniformly to all areas within the County that share the same zoning district or to other zoning classifications having higher intensities. In response to the Board's direction, staff drafted another LDC amendment (PL20220000207) with the goal of clearing any confusion or the misapplication of the scope of a CUD, so that each request would be restricted to a site-specific location (e.g., lot, parcel, tract of land, etc.) and correct any unintended consequences of expanding the CUD process beyond what the Board intended. On October 11, 2022, staff requested direction from the Board to advertise the draft Ordinance. The LDC amendment included the requirement that all CUD applications need to obtain conditional use approval (except for applications involving properties within certain PUD). The Board directed staff to advertise the draft ordinance, and no changes to the I Zoning District was proposed at that time. However, when the Board reviewed the LDC amendment at their meeting on January 24, 2023, the Board wanted to reevaluate the conditional use component of the amendment. During that meeting, the Board wanted to make

it clear that their intent was such that if a CUD is approved on one parcel, that its approval on that one parcel does not entitle the use on a different parcel, even within the same zoning district. The Board wanted to ensure that the CUD application is site-specific and demonstrate compatibility with the neighborhood. The item was continued until the following month. The LDC amendment returned to the Board on February 28, 2023; however, this version did not contain the conditional use component, and no changes were proposed to the lists of permitted or conditional uses in any zoning district. The LDC amendment clarified that if the CUD was not reviewed by the HEX, it would be reviewed by the CCPC, then the CCPC would offer their recommendation to the BZA. The Board approved the LDC amendment (PL20220000207), resulting in the adoption of Ordinance 2023-16.

Staff began working on another LDC amendment (PL20250000180) that affected the CUD process. This LDC amendment required that a public notice sign must be posted on a property involving a CUD request prior to the advertised public hearing. On October 28, 2025, the Board approved the LDC amendment, resulting in the adoption of Ordinance 2025-51. The LDC amendment also amended the definitions section (LDC section 1.08.02), by defining "Comparable Use Determination" as follows:

> "A process, in accordance with LDC section 10.03.06 K, to determine whether a use for a site specific location that is not expressly listed within a conventional zoning district, overlay, or PUD ordinance is comparable in nature and consistent with the list of identified permitted uses in a conventional zoning district, overlay, or PUD ordinance."

On December 9, 2025, the Board declared the addition of the comparable use language to the I Zoning District as an act of "Zoning in Progress," which allows for staff to process comparable use request, while developing this LDC amendment.

At the Board hearings on May 26, 2026, and June 9, 2026, when adopting the CUD provisions for the Industrial (I) zoning district, the Board directed staff to consider adding the CUD provision to the Rural Agricultural (A) zoning district.

Preemptions under the Florida Right to Farm Act (Section 823.14, F.S.) and the Agricultural Lands and Practices Act (Section 163.3162, F.S.) and similar Florida Statutes will be addressed separately and is not intended to be affected by the amendment.

*DSAC-LDR Subcommittee Recommendation:* On July 21, 2026, the DSAC-LDR Subcommittee recommended approval of the LDC amendment.

*DSAC Recommendation*: On August 5, 2026, the DSAC recommended approval of the LDC amendment.

| **FISCAL & OPERATIONAL IMPACTS** | **GMP CONSISTENCY** |
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| There are no anticipated fiscal or operational impacts associated with this amendment. | The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP. |

**EXHIBITS**: Bosi Memorandum Comparable Use Ag Zoning Pros/Cons

**Amend the LDC as follows:**

**2.03.01 - Agricultural Districts.**

A. Rural Agricultural District (A). The purpose and intent of the rural agricultural district (A) is to provide lands for agricultural, pastoral, and rural land uses by accommodating traditional agricultural, agricultural related activities and facilities, support facilities related to agricultural needs, and conservation uses. Uses that are generally considered compatible to agricultural uses that would not endanger or damage the agricultural, environmental, potable water, or wildlife resources of the County, are permissible as conditional uses in the A district. The A district corresponds to and implements the Agricultural/Rural land use designation on the future land use map of the Collier County GMP, and in some instances, may occur in the designated urban area. The maximum density permissible in the rural agricultural district within the urban mixed use district shall be guided, in part, by the density rating system contained in the future land use element of the GMP. The maximum density permissible or permitted in A district shall not exceed the density permissible under the density rating system. The maximum density permissible in the A district within the agricultural/rural district of the future land use element of the Collier County GMP shall be consistent with and not exceed the density permissible or permitted under the agricultural/rural district of the future land use element.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as accessory or conditional uses in the rural agricultural district (A).

a. *Permitted uses.*

*1.* Single-family dwelling.

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*10.* Schools, public, including "Educational plants."

*11.* Any other agricultural use which is comparable in nature with the list of permitted uses herein 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.

b. *Accessory uses.*

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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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K. Comparable Use Determination.

1. The following Comparable Use Determination (CUD) shall be used to determine whether a use at a site-specific location is comparable in nature and consistent with the list of permitted uses, and the purpose and intent statement of the zoning district, overlay, or PUD. Approval of a CUD made at one location shall not be construed to mean the use is entitled in a different location.

2. To be effective, the Comparable Use Determination shall be approved by the Hearing Examiner by decision, or Board of Zoning Appeals by resolution after CCPC recommendation to the BZA, 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. The proposed use shall be compatible with the surrounding neighborhood.

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

   g. For properties zoned Rural Agricultural (A), the public infrastructure available is adequate to support the proposed use.

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

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