

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20250014625

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 Industrial (I) 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

Board	05/26/2026
	04/28/2026
CCPC	04/02/2026
DSAC	02/04/2026
DSAC-LDR	01/20/2026

LDC SECTION TO BE AMENDED

02.03.04 Industrial Zoning Districts

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR

Approval with recommendations

DSAC

Approval with recommendations

CCPC

Approval

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.

DSAC-LDR Subcommittee Recommendation: On January 20, 2026, the DSAC-LDR Subcommittee recommended approval of the LDC amendment and is recommending to DSAC that the Comparable Use Determination process should be expanded to also include the Rural Agricultural (A) zoning district.

DSAC Recommendation: On February 4, 2026, the DSAC recommended approval of the LDC amendment and asks staff to assess whether the Comparable Use Determination process should be expanded to also include the Rural Agricultural (A) zoning district.

FISCAL & OPERATIONAL IMPACTS

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

GMP CONSISTENCY

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

EXHIBITS: None

Amend the LDC as follows:

2.03.04 – Industrial Zoning Districts

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

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

a. Permitted uses.

1. Agricultural services (0711, except that chemical treatment of soil for crops, fertilizer application for crops and lime spreading for crops shall be a minimum of 500 feet from a residential zoning district, 0721, except that aerial dusting and spraying, disease control for crops, spraying crops, dusting crops, and insect control for crops, with or without fertilizing, shall be a minimum of 500 feet from a residential zoning district. 0722-0724, 0761, 0782, 0783).

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58. Existing retail uses that were in operation on January 1, 2009, in the Industrial zoning district and which have been continuously and conspicuously operating in the Industrial zoning district as of June 8, 2010, without limitation as to square footage of the retail use. These existing retail businesses shall be treated as legal non-conforming uses in accordance with the LDC, provided however that in the event of destruction or damage due to natural disaster, the structures housing such uses may be rebuilt to their pre-disaster condition.

59. Any other industrial use which is comparable in nature with the 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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