

## LAND DEVELOPMENT CODE AMENDMENT

**PETITION**

PL20260003715

**ORIGIN**

 Board of County  
Commissioners (Board)

**SUMMARY OF AMENDMENT**

To eliminate the waiver of distance separation requirements between Facilities With Fuel Pumps. 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).

**HEARING DATES**

|          |            |
|----------|------------|
| Board    | TBD        |
| CCPC     | 07/16/2026 |
| DSAC     | 05/06/2026 |
| DSAC-LDR | 04/21/2026 |

**LDC SECTION TO BE AMENDED**

5.05.05 Facilities With Fuel Pumps

### ADVISORY BOARD RECOMMENDATIONS

**DSAC-LDR**

Approval

**DSAC**

Approval

**CCPC**
**BACKGROUND**

On October 14, 2025, by Resolution No. 25-116, the Board of Zoning Appeals (BZA) approved the Costco's petition for Hacienda Lakes Mixed-Use PUD to reduce the required separation distance between fueling facilities to 132', limit the number of fueling stations to 12 fueling pumps (24 positions) and stipulate additional fuel pumps shall require the Board's conditional use approval. After the decision, the BZA directed staff to evaluate the distance spatial requirement, public concerns, and bring back for discussion the process for waiving a distance separation between gasoline stations.

The request for waiver to the separation of distance requirements was first established on June 24, 1998, by Ordinance No. 98-63. It had been for a specific ingress/egress location at Pine Ridge Road, due to the volume of traffic from several gas stations being developed along Pine Ridge Road and near I-75 Interchange. The minimum distance separation criteria at that time evolved from the industry's stand-alone gas and service stations that are clustered to maximize visibility, capture high traffic flow and ensure easy access for motorists rather than be spread out. Since that time, the BZA and Hearing Examiner (HEX) have reviewed 11 distance separation waiver requests (one withdrawn) and approved 10 waivers to the minimum 500-foot separation of distance requirement (six by BZA and four by HEX) ranging from 117' up to 420'. See Exhibit A. Its notable the requests had occurred at four-lane and six-lane intersections. Only two out of the 11 petitions had occurred on a two-lane collector roadway and eight of the ten requests were approved within designated Activity Centers.

Also, staff researched other Florida counties and municipalities land development codes and found that very few require a separation of distance between other gas stations or facilities with fuel pumps and only nine communities require a separation of distance from 150' and up to 1,000'. See Exhibit A. It's notable there are 67 counties and 411 municipalities (478 local jurisdictions) within the State of Florida, which only seven have a distance of separation waiver requirement or 1.5 percent.

On March 10, 2026, agenda item 11.D, the Board discussed the following three options related to gas station waivers for a distance separation requirement:

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- A) Eliminate the waiver requirement in its entirety,
- B) Eliminate the waiver requirement within designated activity centers as most of them have physical dividers that address safety and ingress/egress concerns with the overall transportation system, and they provide for multiple entrances with spacing criteria with the quadrants of commercial/mixed use development, and
- C) Modify the separation requirements and evaluate the standards and site design requirements which may include, but are not limited to the following:
- Reduce separation distance to 250 feet.
  - Cap and limit the number of fueling stations at major mixed-use Activity Centers.
  - Require and prioritize a written conceptual traffic study analysis to justify interconnectivity, safe and efficient mobility for the public's benefit, instead of a market study analysis.
  - Expand the current list of factors to waiver part or all the separation requirements.

Staff's analysis and re-evaluation were presented in the Executive Summary to the Board. See Exhibit B. Members of the Board recognized, that there is no Florida Statute prohibiting facilities with fuel pumps within 500 feet of each other, only 1.5% of statewide jurisdictions have a distance waiver, the waiver request is outdated, and during the site development plan approval and transportation operational analysis process (access management policies) there is a adequate process for the review and analysis to address safety concerns and ingress/egress issues for facilities with fuel pumps.

This proposed LDC amendment will eliminate LDC subsection 5.05.05 B.2. in its entirety and retain LDC subsection 5.05.05 B.1 site design requirements.

*DSAC-LDR Subcommittee recommendation:*

On April 21, 2026, the Subcommittee recommended approval as proposed.

*DSAC recommendation:*

On May 6, 2026, the DSAC recommended approval.

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**FISCAL & OPERATIONAL IMPACTS**

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

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**GMP CONSISTENCY**

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

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**EXHIBITS:** A) Distance Separation Waiver Decisions/Other Florida Communities Separation Distances; and B) Executive Summary

## Amend the LDC 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            |
| <del>Separation from adjacent facilities with fuel pumps (ft.) (based on distance between nearest points)</del> | <del>500</del> |
| Minimum setbacks, all structures:                                                                               |                |
| Front yard (ft.)                                                                                                | 50             |
| Side yard (ft.)                                                                                                 | 40             |
| Rear yard (ft.)                                                                                                 | 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.~~

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- 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-~~
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## Exhibit A – Distance Separation Waiver Decisions / Other Florida Communities Separation Distances

| ASW- BZA Resolutions and HEX Decisions Distance Separation Table |                  |                                                                                                            |                                                          |
|------------------------------------------------------------------|------------------|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| BZA Resolution No.                                               | HEX Decision No. | Fuel Facility- Location                                                                                    | Distance Separation Relief in feet. (Remaining Distance) |
| 1998-499                                                         |                  | At U.S.41 and Royal Palm Terrace.                                                                          | 400 (100)                                                |
| 2000-61                                                          |                  | Sam's Club and ? at Immokalee and Airport Rd.                                                              | 182 (318)                                                |
| 2000-277                                                         |                  | 7-Eleven and Capri Commerce Center.                                                                        | 300 (200)                                                |
|                                                                  | 2016-01          | 7-Eleven and RaceTrac at U.S.41 between Fredrick and Palm Streets.                                         | Varies                                                   |
|                                                                  | 2017-19          | 7-Eleven and Naples South Plaza at U.S.41 and Rattlesnake Hammock Rd.                                      | 191.77 (308.23)                                          |
|                                                                  | 2018-03          | RaceTrac and an Existing Facility at Shadowlawn Dr. and U.S. 41.                                           | 185 (315)                                                |
|                                                                  | 2021-13          | New ASS with convenience store and car wash and RaceTrac at NE corner of Collier Blvd. and Rattlesnake Rd. | 117 (363)                                                |
| 2021-116                                                         |                  | 7-Eleven and Handy Convenience Store at North 9th St. and Mainstreet-Immokalee.                            | 420 (80)                                                 |
| 2021-227                                                         |                  | 7-Eleven and Estates Shopping Center Golden Gate Blvd. and Wilson Blvd.                                    | 370 (130)                                                |
| 2025-216                                                         |                  | 7-Eleven and Costco at Rattlesnake Hammock Rd. and Collier Blvd.                                           | 132 (368)                                                |

| Other Florida Communities |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community                 | Fuel Facilities Separation Distance (feet)                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| County                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Collier                   | 500'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Arcadia                   | 750' except at the intersection of any two designated primary state highways, or lots on opposite sides of four-lane streets where there is a median for control of traffic constituting, for all practical purposes, two separate one-way streets.<br>250' from places of public assemblage, occupied for a church, hospital, elementary or high school, public library, theater, auditorium stadium arena assembly hall or other similar public or semipublic place where large numbers of people congregate. |

## Exhibit A – Distance Separation Waiver Decisions / Other Florida Communities Separation Distances

|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Highlands    | 250' from any lot used or to be used for church, playground, playfield, park, hospital, elementary or high school, public library, theater, auditorium, stadium, arena, assembly hall or other similar public or semi-public place where large numbers of people congregate schools.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Palm Beach   | <i>Intersection Criteria:</i> applicable uses shall be limited to within 1,000' of any intersection, measured from intersection centerlines of each street to nearest exterior wall or outdoor dining area and a maximum of two at an intersection. <i>Separation Criteria:</i> A use shall meet the following separation criteria of any other same and existing or approved use, measured by straight line between nearest point of exterior wall or outdoor dining area of proposed use: 1,000'.                                                                                                                                                                                                                                                               |
| Wakulla      | 150' from residential property, school, public playground, churches, hospital, public library, or institution for children or dependents.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>City</b>  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Estero       | 500' separation unless a deviation or variation is granted by Village Council.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Jupiter      | 400' from place of worship, hospital, or school. 750' from other fueling station. Separation between street driveway or intersection: 125' (center line to center line) on 80' or smaller collector road ROW or 245' on 100' or greater arterial road ROW.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Lauderhill   | 2,000'; does not apply if 2 or more stations are located on different corners of an intersection of 2 or more streets. Use is prohibited in the General Commercial zoning district if the land use is located on property that abuts property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 zoning districts or that abuts a water body zoned PO district and if the land use is located on property with a depth equal to or less than three hundred fifty (350) feet. This land use also is prohibited in the General Commercial zoning district if the land use is located on property where the front or rear property lines are three hundred fifty (350) feet or less from property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, or RM-22 districts. |
| Margate      | 1,000' and 100' from residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Palm Springs | 250' from intersection-arterial or collector and a parcel occupied by a church, public or private school, daycare, hospital, governmentally owned or operated building, nursing home or assisted living facility, theater, auditorium, stadium area, place of assembly, and/or a public play field or 1,000 in village.                                                                                                                                                                                                                                                                                                                                                                                                                                           |

# Exhibit B – Executive Summary

3/10/2026  
Item # 11.D  
ID# 2026-295

## Executive Summary

Pursuant to prior Board direction, recommendation to remove the existing 500-foot separation requirement between facilities with fuel pumps, or alternatively, initiate a publicly vetted amendment modifying the site design criteria set forth in Land Development Code (LDC) Section 5.05.05.B.2.

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**OBJECTIVE:** For the Board of County Commissioners (Board) to direct staff to delete LDC section 5.05.05 B.2, Facilities with Fuel Pumps, waiver of separation requirements in its entirety, or establish an exemption for the distance separation requirement for facilities with fuel pumps when located within a designated Mixed Use Activity Center, and/or retain the distance separation requirement and include staff's suggested changes.

**CONSIDERATIONS:** On October 14, 2025, after the Board of Zoning Appeals (BZA) granted PL20240011790, Costco's request for a waiver from the minimum required separation distance of 500 feet to 132 feet between facilities with fuel pumps and limiting the number of fueling pumps to 12 and six fueling stations, the Board directed staff to evaluate the spatial distance requirement and bring back for discussion. During Costco's public hearing, the public's concerns centered on mitigating impacts at the Rattlesnake Hammock/Collier Boulevard Mixed Use Activity Center intersection, the intensity of development at the intersection, pedestrian safety, traffic congestion, offsite stormwater management, and accessibility to major arterial and collector roadways. Processing of similar waiver requests began in 1998, when the Board first adopted the separation-of-distance standard. It had been for a specific ingress/egress situation involving Pine Ridge Road, due to the volume of traffic from several gas stations being developed along Pine Ridge Road and near the I-75 Interchange. Since that time, the County has processed 11 distance-separation waiver requests, with six approved by the BZA, four by the Hearing Examiner, and one withdrawn. Within this 27-year period, the approved waiver distance granted for relief has varied, ranging from 117 feet to 420 feet. It's notable that the requests had mostly occurred at four-lane and six-lane intersections. Only two out of the 11 petitions occurred on a two-lane collector roadway.

As a result of Costco's public hearing, the Board decided to re-evaluate the distance separation requirement. Staff is seeking direction from the Board with respect to an LDC amendment to one or more of the following options:

### A) Eliminate the Waiver of Separation Requirement in its Entirety

There is no Florida Statute prohibiting facilities with fuel pumps within 500 feet of each other. Staff conducted a comprehensive review of other Florida Communities' land development codes and found most communities fail to establish and/or require a design requirement for a distance of separation between fueling facilities and automobile service stations other than the seven communities' requirements listed below:

- Arcadia County: 750' except at an intersection of any two designated primary state highways, or lots on opposite sides of four-lane streets where there is a median for control of traffic constituting, for all practical purposes, two separate one-way streets and 250' from places of public assemblage, occupied for a church, hospital, elementary or high school, public library, theater, auditorium stadium arena assembly hall or other similar public or semi-public place where large numbers of people congregate.
- Town of Jupiter: 750' from other fueling station; 125' on 80' or smaller collector road ROW, 245' on 100' or greater arterial road right-of-way, 400' from place of worship, hospital, or school.
- Palm Beach County: Maximum of two retail gas and fuel sales allowed within 1,000 feet of an intersection and 200 feet from residential unless approved by waiver, separated by either 1,000 or 500 feet between other same, existing, or approved use.
- City of Estero: 500 feet separation unless a deviation or variation is granted by Village Council.
- City of Lauderhill: 2,000 feet and not applicable when two or more stations are located on different corners of an intersection of two or more streets.
- Highlands County: 250' from lot used for church, playground, playfield, park, hospital, schools, public library, theater, auditorium, stadium, arenas, assembly hall or other similar public or semi-public place where large numbers of people gather.

## Exhibit B – Executive Summary

### City of Palm Springs:

- 1) Allowed only adjacent to major arterials and within 250 feet of an intersection of roadway classified as an arterial or collector or adjacent to a signalized intersection,
- 2) 1,000 feet between the nearest points of property lines on any two parcels occupied or to be occupied for automobile repair, fuel/gas station or convenience store or car wash purpose, and
- 3) 250 feet from a parcel occupied by church, public or private school, daycare, hospital, governmentally owned or operated building, nursing home or assisted living facility, theater, auditorium, stadium area, place of assembly, and/or public playfield.

It should be noted that there are 67 Counties and 411 Municipalities (267 Cities, 123 Towns & 21 Villages) within the State of Florida, which translates to 1.5% of governments with fueling facility separation requirements. Attachment “A” contains the summation of the research materials utilized to evaluate the Board directed request.

### B) Exempt the separation distance requirement within all designated Mixed Use Activity Centers.

This option arises from evidence presented by Cosco’s locational analysis and the economic synergy of multiple fueling facilities located at major activity center intersections which serve large-scale commercial uses while serving existing and future residential development. The 19 mixed use activity centers’ locations identified in the Future Land Use Map are based on major road intersections and spacing criteria.

### C) Modify the separation requirements and evaluation requirements of LDC section 5.05.05 B and H.

This option directs staff to publicly vet and proceed with additional modifications that would improve the standards and site design requirements for facilities with fuel pumps, which may include, but are not limited to the following:

- 1) Change the existing distance separation requirement from 500’ to 250’, which could have eliminated 50% of the previously granted waiver requests.
- 2) Cap the number of fueling pumps/stations at major mixed-use activity centers to no more than three within a one-mile radius of a proposed facility, except for intersections at I-75.
- 3) Limit the number of fueling stations in a shopping center within a specified distance of any intersection and only on major collector or arterial roadways. For fueling stations on a local roadway, require conditional use or variance approval.
- 4) Require and prioritize a written traffic study analysis to justify interconnectivity, safe and efficient mobility for the public’s benefit, instead of a market study analysis.
- 5) Limit the number of driveways and access points on roadways unless there is an integrated driveway within a PUD and or Mixed Use Activity Center.
- 6) Expand the minimum dimensional site design requirements to address :
  - Depth from all residential land uses;
  - Distance from school, public playground, hospital, church, etc.; and

## Exhibit B – Executive Summary

- Distance from public water supply wells to protect groundwater infiltration.

7) Expand the current list of factors to waive part or all of the separation requirements by including:

- Whether an adequate vehicular designed queuing area and buffer and landscaping to residential land uses are proposed.
- Whether the total number of trips generated by the number of fuel pumps and its associated land use does not exceed the maximum allowable number of peak hour trips for the roadways' connection.
- Whether there are any onsite or offsite improvements established by a development commitment to mitigate adverse impacts.

This item furthers the County's objective to operate an efficient and customer-focused permitting process.

**FISCAL IMPACT:** There are no anticipated fiscal impacts to Collier County, except for the costs associated with processing and advertising the proposed LDC amendment, estimated at \$50.00.

**GROWTH MANAGEMENT IMPACT:** There is no growth management impact associated with this action.

**LEGAL CONSIDERATIONS:** This item is approved as to form and legality and requires a majority vote for Board direction. -HFAC

**RECOMMENDATION(S):** To direct staff to amend the Collier County Land Development Code relating to the elimination of the facilities with fuel pumps waiver of separation requirements and bring back the draft ordinance to the Board after vetting the amendment through advisory bodies.

**PREPARED BY:** Mike Bosi, AICP, Zoning Director

**ATTACHMENTS:**

1. Attachment-A-Research-Material