LAND DEVELOPMENT CODE AMENDMENT

PETITION
PL20250004659

ORIGIN
Growth Management Community Development Department (GMCD)

SUMMARY OF AMENDMENT
This Land Development Code (LDC) amendment proposes to update LDC section 5.02.00 Home Occupations to ensure consistency between the County's regulations and the changes that were recently made to the Florida Statutes relative to home-based businesses. 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	TBD
DSAC	03/04/2026
DSAC-LDR	01/20/2026
	05/20/2025

LDC SECTION TO BE AMENDED

5.02.00	HOME OCCUPATIONS
5.02.01	Applicability
5.02.02	Allowable Home Occupation Uses
5.02.03	Standards

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR	DSAC	CCPC
Approval with recommendations	Approval with recommendations	TBD

BACKGROUND

The County's original provisions for home occupational uses were introduced into the LDC, pursuant to Ordinance 1980-04. The adoption of Ordinance 1995-31 established the current travelling prohibition to and from the residence, by customers, employees, and clients of the business operating as a home occupation. These standards have remained relatively unchanged, except for several minor amendments and the most recent occurring in 2005 which prohibited the gathering or parking at the residence.

On July 1, 2021, F.S. 559.955 Home-Based Businesses, became an effective law that allow small business entrepreneurs to use residential property in ways that are consistent with residential land use (see Exhibit A). The law sets forth criteria that home-based businesses must meet to operate in areas zoned for residential use. It stipulates that "the local government may not enact or enforce any ordinance, regulation, or policy, or take any action to license or otherwise regulate a home-based business in a manner that is different from other businesses in a local government's jurisdiction." It is noteworthy, by F.S. 559.955 (4), that "Any adversely affected current or prospective home-based business owner may challenge any local government action in violation of this section. The prevailing party in a challenge may recover reasonable attorney fees and costs incurred in challenging or defending the action, including reasonable appellate attorney fees and costs."

On September 9, 2025, the Collier County Board of County Commissioners voted to pass Ordinance 2025-36, codifying F.S. 559.955 into the Collier County Code of Laws and Ordinances to allow Code Enforcement of home-based businesses consistent with the terms of the statute. As such, the purpose and intent of this LDC amendment is to update LDC section 5.02.00 to comply with current State law and allign with our Code of Laws and Ordinances.

DSAC-LDR Subcommittee Recommendation:

On January 20, 2026, the DSAC-LDR Subcommittee recommended approval with the condition that staff would ask the County Attorney's Office about implementing hours of operation within the Ordinance.

DSAC Recommendation:

On March 4, 2026, the DSAC recommended approval with the following stipulations:

- Add a sentence to LDC section 5.02.03 C. to indicate, "Equipment or processes that create noise, vibrations, heat, noxious odor, fumes, dust, glare, or smoke shall be subject to the noise ordinance of Section 54-92 of the Collier County Code of Laws and Ordinances and the construction hours of limitation of Section 54-92 of the Collier County Code of Laws and Ordinances."

- Add a sentence to subsection LDC section 5.02.03 D. to indicate, "Automobiles, passanger type vans, and pickup trucks having a rated load capacity of one ton or less, all of which do not exceed 7.5 feet in height, nor 7.0 feet in width, nor 25 feet in length shall not be considered heavy equipment."

FISCAL & OPERATIONAL IMPACTS	**GMP CONSISTENCY**
No fiscal impacts are anticipated.	The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP.

EXHIBITS: A) F.S. 559.955; B) Ord. 2025-36

Amend the LDC as follows:

5.02.00 – HOME-BASED BUSINESSES ~~OCCUPATIONS~~

5.02.01 – Applicability

Home-based businesses shall be allowed inside any dwelling within any zoning district that permits residential dwellings as a permitted use. ~~occupations shall be allowed in any zoning district which permits residential **dwellings** as a permitted use.~~ A business is considered a home-based business if it operates, in whole or in part, from a residential property and meets the provisions of LDC section 5.02.00.

5.02.02 - Allowable Home-Based Business ~~Occupation~~ Uses

Unless otherwise expressly permitted by applicable statutes or residential zoning regulations, including but not limited to mixed-use developments and Planned Unit Developments, only commercial activity meeting the definition of home-based businesses, as defined by Section 559.955, Florida Statutes, is permitted on property zoned for residential use. There shall be no retail ~~sale of materials, goods, or products from the premises.~~transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.

5.02.03 - Standards

The home-based business ~~occupation~~ shall be ~~clearly incidental~~ secondary to the use of the property ~~**dwelling**~~ for residential dwelling purposes. ~~The existence of the home occupation shall not change the character of the dwelling.~~ In addition, all home-based businesses on property zoned for residential purposes must operate subject to the following provisions, conditions, and restrictions:

A. An allowable home-based business ~~occupation~~ shall be conducted by an occupant of the **dwelling**. The employees who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.

~~B. There shall be no on-site or off-site advertising signs.~~

~~C. The use shall not generate more traffic than would be associated with the allowable residential use. To that end, traveling to and from as well as meeting or parking at the residence by either employees of the business operated therefrom who are not residing at the subject address or by customers or clients of the home occupations is prohibited.~~

~~D. There shall be no receiving of goods or materials other than normal delivery by the U.S. Postal Service or similar carrier.~~

~~E~~B. ~~Parking or storage of commercial vehicles or equipment shall be allowable only in compliance with the requirements for commercial vehicles in the Code.~~ Parking related to the business activities of the home-based business must comply with the zoning

requirements applicable to other residential properties with the same zoning district, and the need for parking generated by the business shall not be greater in volume than would normally be expected at a similar residence where no business is conducted. Home-based businesses must comply with any regulations pertaining to the operation or parking of vehicles or trailers at the business or on a street right-of-way as such regulations would apply to a residence where no business is conducted. Vehicles and trailers used in connection with the home-based business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence.

~~F~~C. The business activities shall comply with any relevant local or State regulations with respect to signage and equipment or processes that create ~~The on-site use of any equipment or materials shall not create or produce excessive~~ noise, vibrations, heat, noxious odor, ~~obnoxious~~ fumes, dust, glare, or smoke, as such regulations apply to other residencies where no business is conducted.

D. No heavy equipment defined herein as commercial, industrial, or agricultural vehicles, equipment, or machinery, may be parked or stored such that such equipment is visible from the street or neighboring property.

E. As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood.

~~G. The on-site use of any equipment or tools shall not create any amount of vibration or electrical disturbance.~~

~~H~~F. All business activities shall comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids as such regulations would apply to a residence where no business is conducted. ~~No on-site use or storage of any hazardous material shall be kept in such an amount as to be potentially dangerous to persons or property outside the confines of the home occupation.~~

~~I. There shall be no outside storage of goods or products, except plants. Where plants are stored, no more than fifty (50) percent of the total square footage of the **lot** may be used for plant storage.~~

~~J~~G. Nothing herein may be deemed to excuse or exempt the owner or operator of a home-based business from paying any taxes, including business tax receipts, that may be due an owing in connection with the operation or establishment of any such businesses or complying with any federal or state occupational or licensure requirements. ~~A home occupation shall be subject to all applicable County occupational licenses and other business taxes.~~

H. There shall be no on-site or off-site advertising signs.

I. Exemption. Anyone who can demonstrate to the County Staff's satisfaction that they utilized the property as a home-based business, not consistent with this Ordinance, for a

period of five years, from the date of adoption of this Ordinance, shall be exempted from the provisions of this Ordinance. Staff may require any reasonable documentation and proof of this use.

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