

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20250004659

ORIGIN

 Growth Management
 Community 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	TBD
DSAC-LDR	05/20/2025

LDC SECTIONS TO BE AMENDED

5.02.00	HOME OCCUPATIONS
5.02.01	Applicability
5.02.02	Allowable Home Occupation Uses
5.02.03	Standards
5.02.04	Exceptions (New Section)

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR	DSAC	CCPC
TBD	TBD	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 meeting 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.” As such, the purpose and intent of this LDC amendment is to update LDC section 5.02.00 to comply with current State law.

FISCAL & OPERATIONAL IMPACTS

No fiscal impacts are anticipated.

GMP CONSISTENCY

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

EXHIBITS: A) None

Amend the LDC as follows:

1
2 **5.02.00 – Home Occupations/Home-Based Businesses**

3
4 **5.02.01 – Purpose and Intent**

5
6 The intent of this section is to provide minimum standards for home occupations/ home-based
7 businesses to ensure compatibility with the surrounding character and integrity of the residential
8 neighborhood, while maintaining consistency with section 559.955, Florida Statutes. Home
9 occupations/ home-based businesses shall not be prohibited, restricted, regulated, or licensed in
10 a manner that is different from other businesses except as otherwise provided in this section. A
11 business is considered a home occupation/ home-based business if it operates, in whole or in
12 part, from a residential property and meets LDC section 5.02.03 standards and criteria.

13
14 **5.02.02 – Applicability**

15
16 Home occupations/ home-based businesses shall be allowed at any residential dwelling.

17
18 **5.02.03 – Standards**

19
20 The home occupation/ home-based business shall be incidental to the use of the dwelling. A
21 home occupation/ home-based business shall meet the following criteria:

22
23 A. The employees of the business who work at the residential dwelling must also reside in
24 the residential dwelling, except that up to a total of two employees or independent
25 contractors who do not reside at the residential dwelling may work at the business. More
26 than one home occupation/ home-based business may occur on-premises; however, for
27 all businesses based at the residential dwelling, the total number of employees working
28 on-premises but do not reside at the residential dwelling, shall be limited to two. The
29 business may have additional remote employees that do not work at the residential
30 dwelling.

31
32 B. Parking related to the business activities of the home occupation/home-based business
33 shall comply with residential parking requirements of the LDC, and the need for parking
34 generated by the business shall not be greater in volume than would normally be expected
35 at a similar residence where no business is conducted. Vehicles and trailers used in
36 connection with the business must be parked in legal parking spaces that are not located
37 within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the
38 residence. Any land clearance as a result of any parking area expansion shall be in
39 compliance with LDC section 3.05.00. Parking or storage of commercial vehicles or
40 equipment shall be allowed only in compliance with the requirements for commercial
41 vehicles as set forth in Collier County’s PARKING, STORAGE, AND USE OF VEHICLE
42 CONTROL ORDINANCE (Ord. No. 2010–26, as amended).

43
44 C. As viewed from the street and neighboring residential properties, the use of the residential
45 property is consistent with the uses of the residential areas that surround the property.
46 External modifications made to a residential dwelling to accommodate a home occupation/
47 home-based business must conform to the residential character and architectural
48 aesthetics of the neighborhood. The home-based business shall not conduct retail

1 transactions at a structure other than the residential dwelling; however, incidental business
2 uses and activities may be conducted at the residential property.

3
4 D. The activities of the home occupation/ home-based business are secondary to the
5 property's use as a residential dwelling.

6
7 E. All business activities shall comply with any relevant local or state regulations with respect
8 to signage and equipment or processes that create noise, vibration, heat, smoke, dust,
9 glare, fumes, or noxious odors. Relevant County regulations for this paragraph are those
10 that apply to a residence where no business is conducted.

11
12 F. All business activities shall comply with any relevant local, state, and federal regulations
13 with respect to the use, storage, or disposal of any corrosive, combustible, or other
14 hazardous or flammable materials or liquids. Relevant County regulations for this
15 paragraph are those that apply to residence where no business is conducted.

16
17 G. All home occupations/home-based businesses shall be prohibited, restricted, regulated,
18 or licensed in a manner consistent and equivalent to other licensed businesses within
19 Collier County.

20
21 **5.02.04 – Exceptions**

22
23 The application of LDC section 5.02.00, shall not supersede:

24
25 A. Any current or future declaration or declaration of condominium adopted pursuant to
26 Chapter 718, Florida Statutes, cooperative document adopted pursuant to Chapter 719,
27 Florida Statutes, or declaration or declaration of covenant adopted pursuant to Chapter
28 720, Florida Statutes.

29
30 B. This section shall not supersede, amend, or modify regulations, restrictions, or prohibitions
31 related to transient public lodging establishments such as hotel/ motels, bed and
32 breakfasts, and short-term rentals, that are not otherwise preempted under Chapter 509,
33 Florida Statutes.

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35 # # # # # # # # # # # # # #

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37 **~~5.02.00 – HOME OCCUPATIONS~~**

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39 **~~5.02.01 – Applicability~~**

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41 ~~Home occupations shall be allowed in any zoning district which permits residential dwellings as a~~
42 ~~permitted use.~~

43
44 **~~5.02.02 – Allowable Home Occupation Uses~~**

45
46 ~~There shall be no retail sale of materials, goods, or products from the premises.~~

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48 **~~5.02.03 – Standards~~**

- 1 ~~The home occupation shall be clearly incidental to the use of the dwelling for dwelling purposes.~~
2 ~~The existence of the home occupation shall not change the character of the dwelling.~~
3
4 ~~A. An allowable home occupation shall be conducted by an occupant of the dwelling.~~
5
6 ~~B. There shall be no on-site or off-site advertising signs.~~
7
8 ~~C. The use shall not generate more traffic than would be associated with the allowable~~
9 ~~residential use. To that end, traveling to and from as well as meeting or parking at the~~
10 ~~residence by either employees of the business operated therefrom who are not residing~~
11 ~~at the subject address or by customers or clients of the home occupations is prohibited.~~
12
13 ~~D. There shall be no receiving of goods or materials other than normal delivery by the U.S.~~
14 ~~Postal Service or similar carrier.~~
15
16 ~~E. Parking or storage of commercial vehicles or equipment shall be allowable only in~~
17 ~~compliance with the requirements for commercial vehicles in the County Code.~~
18
19 ~~F. The on-site use of any equipment or materials shall not create or produce excessive noise,~~
20 ~~obnoxious fumes, dust, or smoke.~~
21
22 ~~G. The on-site use of any equipment or tools shall not create any amount of vibration or~~
23 ~~electrical disturbance.~~
24
25 ~~H. No on-site use or storage of any hazardous material shall be kept in such an amount as~~
26 ~~to be potentially dangerous to persons or property outside the confines of the home~~
27 ~~occupation.~~
28
29 ~~I. There shall be no outside storage of goods or products, except plants. Where plants are~~
30 ~~stored, no more than fifty (50) percent of the total square footage of the lot may be used~~
31 ~~for plant storage.~~
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33 ~~J. A home occupation shall be subject to all applicable County occupational licenses and~~
34 ~~other business taxes.~~
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