

ORDINANCE NO. 2025- 36

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, PERTAINING TO HOME-BASED BUSINESSES; PROVIDING FOR HOME-BASED BUSINESS REGULATIONS CONSISTENT WITH GENERAL LAW; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature enacted Chapter 2021-202, Laws of Florida, codified as §559.955, Florida Statutes, with an effective date of July 1, 2021; and

WHEREAS, §559.955, Florida Statutes prohibits local governments from regulating home-based businesses in any manner inconsistent with the terms of such statute; and

WHEREAS, Collier County desires to regulate home-based businesses in a manner authorized by §559.955, Florida Statutes, including permissible regulations on employees, parking, heavy machinery, use of the premises, and external appearance; and

WHEREAS, the incorporation of the provisions of §559.955, Florida Statutes, into the Code of Ordinances of Collier County provides for local code enforcement for violations of the home-based businesses statute; and

WHEREAS, the Board of County Commissioners ("Board") now desires to incorporate the provisions §559.955, Florida Statutes into the Collier County Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: TITLE.

This Ordinance shall be known and may be cited as the "Collier County Home Based Businesses Ordinance."

SECTION TWO: CREATION OF ARTICLE 12, SECTION 26- HOME-BASED BUSINESSES.

Article 12, Section 26-461, Home-Based Businesses, is hereby created and added to Chapter 26 of the Collier County Code of Ordinances and shall state the following:

Article 12, Section 26-461 Home-based businesses

- (1) It is the purpose of this section to provide for the orderly conduct of a limited commercial activity on property otherwise zoned for residential purposes.
- (2) 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 in §559.955, Florida Statutes, is permitted on property zoned for residential use.
- (3) Home Occupations/home-based business shall be allowed inside any dwelling within any zoning district that permits residential dwellings as a permitted use.
- (4) All home-based businesses located on property zoned for residential purposes must operate subject to the following provisions, conditions, and restrictions:
 - a. The employees of the business 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. Parking related to the business activities of the home-based business must comply with zoning requirements applicable to other residential properties with the same zoning classification, and the need for parking generated by the business may 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.
 - c. 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.
 - d. 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.
 - e. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
 - f. The activities of the home-based business are secondary to the property's use as

a residential dwelling.

g. The business activities comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odor as such regulations apply to other residences where no business is conducted.

h. All business activities 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.

(5) 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 or owing in connection with the operation or establishment of any such business or complying with any federal or state occupational or licensure requirements.

(6) Exemption. Anyone who can demonstrate to the County Staff's satisfaction that they utilized their 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.

SECTION THREE: VIOLATIONS AND ENFORCEMENT.

All violations of this Ordinance may be processed according to the Collier County Consolidated Code Enforcement Ordinance (Ord. No. 2010-04, as amended) and per provisions of Chapter 162, pts. I or II, Florida Statutes, as may be applicable.

SECTION FOUR: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION FIVE: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any general law pertaining to home-based businesses, general law will govern and control the interpretation and application of this Ordinance. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION SIX: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon receipt of the official acknowledgment from the office of the Secretary of State of Florida that this Ordinance has been filed with that office.

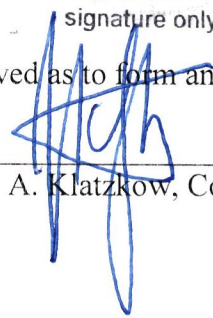
PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 9th day of September 2025.

ATTEST:
CRYSTAL K. KINZEL, CLERK

By: _____

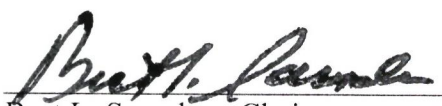

Deputy Clerk
Attest as to Chairman's
signature only

Approved as to form and legality:

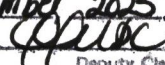

Jeffrey A. Klatzkow, County Attorney

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: _____


Burt L. Saunders, Chairman

This ordinance filed with the
Secretary of State's Office the
10 day of September, 2025
and acknowledgement of that
filing received this 10 day
of September, 2025.

By: 
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 10, 2025

Crystal K. Kinzel
Clerk of Court
Collier County
3329 Tamiami Trail E, Suite #401
Naples, FL 34112

Dear Crystal Kinzel,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2025-36, which was filed in this office on September 10, 2025.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp