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## **Sec. 30-222. Permitted uses.**

The following uses, as defined with a number from the North American Industry Classification System (1997), or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted uses in the commercial intermediate district (C-3); uses permitted as of right in the C-1 and C-2 commercial zoning districts shall also be permitted as of right hereunder:

- (1) Admin housing/urban planning/community development (Groups 92511, 92512).
- (2) Administration of economic programs (Groups 92611, 92612, 92613, 92614, 92615).
- (3) Administration of environmental quality programs (Groups 92411, 92412).
- (4) Administration of human resource programs (Groups 92311, 92312, 92313, 92314).
- (5) Administrative and support services (Groups 56111, 56132, 56133, 56141, 56144, 56145, 56179, 56191, 56192, 56199, 561421, 561422, 561431, 561439, 561491, 561492, 561499, 561591, 561599).
- (6) Ambulatory health care services; dental or physician's office; chiropractor's office; optometrist office; mental health office; physical/occupational/speech therapist office; osteopath's office; or other miscellaneous health offices (Groups 62161, 62121, 62131, 62132, 62133, 62134, 621111, 621112, 621391, 621399).
- (7) Building material and garden equip and supplies dealers (Groups 44412, 44413, 44419, 44422).
- (8) Clothing and clothing accessories stores (Groups 44811, 44812, 44813, 44814, 44815, 44819, 44821, 44831, 44832).
- (9) Computer and electronic product manufacturing (Group 334611).
- (10) Credit intermediation and related activities (Groups 52211, 52212, 52213, 52219, 52221, 52222, 52231, 52232, 52239, 522291, 522292, 522293, 522294, 522298).
- (11) Dental laboratories (Group 339116).
- (12) Educational services (Groups 61111, 61121, 61131, 61171, 611511).
- (13) Electronic and appliance stores (Groups 44312, 44313, 443111, 443112).
- (14) Food and beverage stores (Groups 44511, 44512, 44521, 44522, 44523, 44531, 45291, 445292, 445299).
- (15) Food manufacturing (Groups 31133, 31134, 311811).
- (16) Food service and drinking places (Groups 72211, 72231, 72232, 72233, 722211, 722212, 722213).
- (17) Funds, trusts and other financial vehicles (Groups 52511, 52512, 52519, 52599).
- (18) Furniture and home furnishings store (Groups 44211, 44221, 442291, 442299).
- (19) Furniture and related product manufacturing (Groups 33711, 337121, 337122).
- (20) Gasoline station (Groups 44711, 44719; without automotive and related repair services).
- (21) General government administration (Groups 92111, 92112, 92113, 92114, 92115, 92119).
- (22) General merchandise stores (Groups 45211, 45291, 45299).
- (23) Group care facilities (category I only); care units; nursing homes; assisted living facilities pursuant to F.S. § 400.402 and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to F.S. ch. 651 and ch. 4-193 F.A.C.; all subject to the land development code.

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- (24) Health and personal care stores (Groups 44611, 44612, 44613, 446191, 446199).
- (25) Information and data processing services (Groups 51412, 51421, 514191, 514199).
- (26) Insurance carriers and related activities (Groups 52413, 52421, 524113, 524114, 524126, 524127, 524128, 524292, 524298).
- (27) Justice, public order and safety activities (Groups 92215, 92219).
- (28) Marinas (Group 71393).
- (29) Miscellaneous store retailers (Groups 45311, 45321, 45322, 45331, 45391, 45392, 453991, 453998) excluding recreational marijuana stores.
- (30) Monetary authority-central bank (Group 52111).
- (31) Motion picture and sound recording industries (Groups 51224, 51229).
- (32) Motor vehicle and parts dealers (Groups 44131, 44132).
- (33) Museums, historical sites and like institutions (Groups 71211, 71212, 71213, 71219).
- (34) Nonstore retailers (Groups 4541, 45421).
- (35) Ophthalmic goods manufacturing (Group 339115).
- (36) Perform arts, spectator sports and related industries (Groups 71111, 71141).
- (37) Personal and laundry services (Groups 81222, 81231, 81232, 81293, 81299, 812111, 812112, 812113, 812921, 812922).
- (38) Other personal care services (Group 812199 - Excluding tattoo parlor)
- (39) Pet Care (except Veterinary) Services (812910, excluding animal shelters, boarding, dog pounds, kennels, sitting and training pets).
- (40) Postal services (Group 49111).
- (41) Professional, scientific and technical services (Groups 54111, 54131, 54132, 54133, 54134, 54135, 54136, 54137, 54141, 54142, 54143, 54149, 54169, 54181, 54182, 54184, 54186, 54187, 54189, 54193, 54199, 541191, 541199, 541211, 541213, 541214, 541219, 541511, 541512, 541513, 541519, 541611, 541612, 541613, 541614, 541618, 541921, 541922).
- (42) Publishing industries (Groups 51114, 51121).
- (43) Real estate (Groups 53121, 53132, 53139, 531311, 531312).
- (44) Religious/like/professional/like organizations (Groups 81311, 81341, 81391, 81392, 81393, 81394, 81399, 813312).
- (45) Rental and leasing services (Groups 53223, 53242).
- (46) Repair and maintenance (Groups 81143, 81149, 811211, 811212, 811213, 811219, 811412).
- (47) Security, commodity contracts and like activities (Groups 52311, 52312, 52313, 52314, 52321, 52391, 52392, 52393, 523991, 523999).
- (48) Social assistance (Groups 62411, 62412, 62419, 62421, 62423, 62441, 624221, 624229).
- (49) Space research and technology (Group 92711).
- (50) Sporting goods, hobby, book and music stores (Groups 45111, 45112, 45113, 45114, 45122, 451211, 451212).

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(51) Transportation support activities (Group 488111).

(52) Wholesale trade (Group 42186).

(Ord. No. 01-22, § 2, 10-1-2001; Ord. No. 10-08, § 2.1., 8-16-2010; Ord. No. 13-11, § 2, 10-21-2013; Ord. No. 19-09, § 2, 4-15-2019; Ord. No. 20-03, § 3, 10-5-2020; Ord. No. 21-16, § 2, 11-1-2021; Ord. No. 22-02, § 2, 3-7-2022)

### **Sec. 30-223. Uses accessory to permitted uses.**

[The following uses are deemed accessory:]

- (1) Uses and structures that are accessory and incidental to the uses permitted as of right in the C-3 district.
- (2) Caretaker's residence, subject to the land development code.

(Ord. No. 01-22, § 3, 10-1-2001; Ord. No. 13-11, § 2, 10-21-2013)

### **Sec. 30-224. Conditional uses.**

The following uses are permissible as conditional uses in the commercial intermediate district (C-3), subject to the standards and procedures established in the land development code; uses permissible as conditional uses in the C-1 or C-2 commercial zoning districts shall also be permissible as conditional uses hereunder, unless listed as a permitted use in the C-3 district:

- (1) Perform arts, spectator sports and related industries (Groups 71111, 71112, 71119, 71131, 71132, 71141, 71151, 711219).
- (2) Museums, historical sites and like institutions (Group 71219).
- (3) Amusement and recreation industries (Groups 71312, 71392, 71394, 71395, 71399).
- (4) Scenic and sightseeing transportation (Groups 48711, 48721, 48799).
- (5) Educational services (Groups 61141, 61142, 61143, 61161, 61162, 61163, 61171, 611512, 611513, 611519, 611691, 611692, 611699).
- (6) Administrative and support services (Groups 56131, 561599).
- (7) Rental and leasing services (Groups 53249, 532292).
- (8) Food service and drinking places (Groups 72211, 72231, 72232, 722211, 722212, 722213).
- (9) Hospitals (Groups 62211, 62221, 62231).
- (10) Justice, public order and safety activities (Groups 92211, 92215).
- (11) Social assistance (Groups 62411, 62412, 62419, 62421, 62423, 62431, 62441, 624221, 624229).
- (12) Nursing and residential care facilities (Groups 62322, 623312).
- (13) Religious/like/professional/like organizations (Groups 813212, 813219, 813311, 813312, 813319).
- (14) Mixed residential and commercial uses only within the following architectural overlay districts and subject to the following criteria:
  - I. Architectural overlay district two—b. (Collier Boulevard pedestrian tourist subdistrict (south section)) described and illustrated in section 30-628:

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- a. Based upon surrounding land uses, location, and compatibility, the commercial uses in the development, hours of operation, dumpster locations, size of delivery trucks, and type of equipment may be limited;
- b. Residential and commercial uses may occupy the same floor of a building, provided the commercial uses are consistent with the C-1 and C-1/T zoning districts and residential uses are prohibited on the first habitable floor;
- c. The number of residential dwelling units shall be controlled by the dimensional standards of the C-3 district, together with the specific requirement that in no instance shall the residential uses exceed 50 percent of the gross floor area of the building or the density permitted under the growth management plan;
- d. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;
- e. A minimum of 24 percent of the mixed-use development shall be maintained as open space. The following may be used to satisfy the open space requirements: areas used to satisfy water management requirements; landscaped areas; recreation areas; or setback areas not covered with impervious surface or used for parking (parking lot islands may not be used unless existing native vegetation is maintained);
- f. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible;
- g. Maximum building height: Four stories, not to exceed 50 feet;
- h. The maximum height of a mixed use structure shall be measured from the base flood elevation to the mid-point of the roof;
- i. The location of proposed uses within the site and the degree of compatibility of such uses with each other and surrounding property;
- j. The existing residential density and intensity of commercial use of surrounding property;
- k. The availability and location of utilities, services, and public facilities; and
- l. The access to and suitability of transportation systems and routes.

II. Architectural overlay district two—c. (Barfield subdistrict) described and illustrated in section 30-628:

- a. Based upon surrounding land uses, location, and compatibility, the commercial uses in the development, hours of operation, dumpster locations, size of delivery trucks, and type of equipment may be limited;
- b. Residential and commercial uses may occupy the same floor of a building, provided the commercial uses are consistent with the C-1 and C-1/T zoning districts and residential uses are prohibited on the first habitable floor;
- c. The number of residential dwelling units shall be controlled by the dimensional standards of the C-3 district, together with the specific requirement that in no instance shall the residential uses exceed 50 percent of the gross floor area of the building or the density permitted under the growth management plan;

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- d. Each residential dwelling unit shall contain the following minimum floor areas: efficiency and one-bedroom, 450 square feet; two-bedroom, 650 square feet; three-bedroom, 900 square feet;
- e. A minimum of 24 percent of the mixed use development shall be maintained as open space. The following may be used to satisfy the open space requirements: Areas used to satisfy water management requirements, landscaped areas, recreation areas, or setback areas not covered with impervious surface or used for parking (parking lot island may not be used unless existing native vegetation is maintained);
- f. The mixed commercial/residential structure shall be designed to enhance compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses; directing commercial lighting away from residential units; and separating pedestrian and vehicular access ways and parking areas from residential units, to the greatest extent possible;
- g. Maximum building height: Two stories, not to exceed 35 feet;
- h. The maximum height of a mixed use structure shall be measured from the base flood elevation to the mid-point of the roof;
- i. The location of proposed uses within the site and the degree of compatibility of such uses with each other and surrounding property;
- j. The existing residential density and intensity of commercial use of surrounding property;
- k. The availability and location of utilities, services, and public facilities; and
- l. The access to and suitability of transportation systems and routes.

(15) Permitted use with less than 700 square feet gross floor area in the principal structure.

(16) Soup kitchens, as defined by this code.

(17) General warehousing and storage - 49311 (Limited to personal use vehicles only): subject to the following criteria:

- a. All overhead doors shall not face street frontage.
- b. All storage and activity are internal to the building.
- c. Only for storage of personal use vehicles which are vehicles used for the private use of the individual who owns the vehicle.
- d. Sleeping quarters are prohibited.

(Ord. No. 01-22, § 4, 10-1-2001; Ord. No. 06-10, § 3, 8-21-2006; Ord. No. 07-01, § 2, 1-22-2007; Ord. No. 10-08, § 2.2., 8-16-2010; Ord. No. 13-11, § 2, 10-21-2013; Ord. No. 24-11, § 2, 4-8-2024)