



## Sec. 2.2.15 1 2./Heavy commercial district (C-5).

**2.2.15 1 2.1. Purpose and intent.** In addition to the uses provided in the C-4 zoning district, the heavy commercial district (C-5) allows a range of more intensive commercial uses and services which are generally those uses that tend to utilize outdoor space in the conduct of the business. The C-5 district permits heavy commercial services such as full-service automotive repair, and establishments primarily engaged in construction and specialized trade activities such as contractor offices, plumbing, heating and air conditioning services, and similar uses that typically have a need to store construction associated equipment and supplies within an enclosed structure or have showrooms displaying the building material for which they specialize. Outdoor storage yards are permitted with the requirement that such yards are completely enclosed or opaquely screened. The C-5 district is permitted in accordance with the locational criteria for commercial and the goals, objectives and policies as identified in the future land use element of the Collier County growth management plan.

**2.2.15 1 2.2. Permitted uses.** The following uses, as identified within [with] a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted uses in the heavy commercial district (C-5).

### **2.2.15 1 2.2.1. Permitted uses.**

1. Unless otherwise provided for in this section, all permitted uses in the C-4 general commercial district.
2. Auctioneering/auction houses (groups 7389, 5999).
3. Automotive dealers and gasoline service stations (groups 5511--5599).
4. Automotive repair, services and parking (groups 7513--7549), provided that carwashes abutting residential zoning districts shall be subject to the following criteria:
  - a. *[Size of vehicles.]* Carwash designed to serve vehicles exceeding a capacity rating of one ton shall not be allowed.
  - b. *Minimum yards.*
    - (1) *Front yard setback:* 50 feet.
    - (2) *Side yard setback:* 40 feet.
    - (3) *Rear yard setback:* 40 feet.
  - c. *Minimum frontage.* A carwash shall not be located on a lot with less than 150 feet of frontage on a dedicated street or highway.
  - d. *Lot size.* Minimum 18,000 square feet.
  - e. *Fence requirements.* If a carwash abuts a residential district, a masonry or equivalent wall constructed with a decorative finish, six feet in height shall be erected along the lot line opposite the residential district and the lot lines perpendicular to the lot lines opposite the residential district for a distance not less than 15 feet. The wall shall be located within a landscaped buffer as specified in section 2.4.7. All walls shall be protected by a barrier to prevent vehicles from contacting them.
  - f. *Architecture.* The building shall maintain a consistent architectural theme along each building facade.

- g. *Noise.* A carwash shall be subject to Ordinance No. 90-17, Collier County Noise Control Ordinance [Code ch. 54, art. IV].
  - h. *Washing and polishing.* The washing and polishing operations for all car washing facilities, including self-service car washing facilities, shall be enclosed on at least two sides and shall be covered by a roof. Vacuuming facilities may be located outside the building, but may not be located in any required yard area.
  - i. *Hours of operation.* Carwashes abutting residential districts shall be closed from 10:00 p.m. to 7:00 a.m.
5. Building construction--General contractors (groups 1521--1542).
  6. Building materials (groups 5211--5261).
  7. Business services (groups 7311--7353, 7359, 7389 contractors' disbursement, directories-telephone, recording studios, swimming pool cleaning, and textile designers only).
  8. Construction--special trade contractors (groups 1711--1793, 1796, 1799).
  9. Education services (groups 8243--8249).
  10. Motor freight transportation and warehousing (4225 mini- and self-storage warehousing only).
  11. Fishing, hunting and trapping (groups 0912--0919).
  12. Glass and glazing work (1793).
  13. Crematories (7261).
  14. Justice, public order and safety (groups 9211, 9221, 9222, 9224, 9229).
  15. Local and suburban transit (groups 4111--4121).
  16. Mobile home dealers (5271).
  17. Miscellaneous repair services (groups 7622--7699).
  18. Outdoor storage yard, provided outdoor storage yard not be located closer than 25 feet to any public street and that such yard shall be completely enclosed, except for necessary ingress and egress, pursuant to the requirements of Section 2.2.15 1/2.6 of this Code. This provision shall not allow as a permitted or accessory use, wrecking yards, junkyards, or yards used in whole or part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or secondhand building materials, junk automotive vehicles, or secondhand automotive vehicle parts.
  19. Printing, publishing, and allied industries (groups 2711, 2721).
  20. Transportation services (groups 4724--1729).

**2.2.15 1 2.2.2.** *Uses accessory to permitted uses.*

1. Uses and structures that are accessory and incidental to the uses permitted as of right in the C-5 district.

2. Detached caretaker's residence, subject to section 2.6.16.

**2.2.15 1 2.3.** *Conditional uses for C-5.* The following uses are permissible as conditional uses in the heavy commercial district (C-5), subject to the standards and procedures established in division 2.7.4.

1. Agricultural services (groups 0741--0742, 0752, with outdoor kenneling).
2. Amusement and recreation services, outdoor (groups 7948, 7992, 7996, 7999).
3. Bottle clubs. (All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of section 2.6.10.)
4. Child day care services (8351), provided:
  - a. All areas and surfaces readily accessible to children shall be free of toxic substances and hazardous materials. This shall include all adjacent and abutting properties lying within 500 feet of the child care center's nearest property line.
    - (1) For purposes of this subsection, the following definitions shall apply:
      - (a) Hazardous materials: A material that has any of the following properties: ignitable, corrosive, reactive and/or toxic.
      - (b) Toxic substances: a substance which is, or is suspected to be, carcinogenic, mutagenic, teratogenic, or toxic to human beings.
  - b. It shall not be located within 500 feet of the nearest property line of land uses encompassing wholesale storage of gasoline, liquefied petroleum, gas, oil, or other flammable liquids or gases.
  - c. It shall not be located on the same street customarily utilized by construction truck traffic from asphalt plants and excavation quarries.
  - d. It shall have a minimum lot area of 20,000 square feet and a minimum lot width of 100 feet.
  - e. It shall provide a minimum usable open space of not less than 30 percent of the total square footage of the lot area.
  - f. It shall provide that all open spaces to be used by children will be bounded by a fence of not less than five feet in height, to be constructed of wood, masonry or other approved material.
  - g. It shall provide a landscape buffer in accordance with division 2.4.
  - h. It shall comply with the State of Florida Department of Health and Rehabilitative Services Child Day Care Standards, Florida Administrative Code, chapter 10M-12, effective March 11, 1986.
  - i. Where a child care center is proposed in conjunction with, and on the same parcel as, a facility which is a permitted use, the requirements set forth in subparagraphs a through h above, with the exceptions of subparagraphs d and e, shall be used to provide the protections to children using the child care center intended by this section consistent with the development of the proposed

permitted use.

5. Communications (groups 4812--4841) with communications towers that exceed specified height, subject to section 2.6.35.
6. Farm product raw materials (groups 5153--5159).
7. Fuel dealers (groups 5983--5989).
8. Homeless shelters, as defined by this Code.
9. Hotels and motels (groups 7011, 7021, 7041 when located outside an activity center.)
10. Justice, public order and safety (group 9223).
11. Kiosks.
12. Local and suburban passenger transportation (groups 4131--4173).
13. Motion picture theaters (7833, drive-ins).
14. Permitted uses with less than 700 square feet of gross floor area in the principal structure.
15. Soup kitchens, as defined by this Code.
16. Transfer stations (4212, local refuse collection and transportation only).
17. Any other heavy commercial use which is comparable in nature with the foregoing list of permitted uses and consistent with the purpose and intent statement of the district, as determined by the board of zoning appeals.

**2.2.15 1 2.4. Dimensional standards.** The following dimensional standards shall apply to all permitted, accessory and conditional uses in the heavy commercial district (C-5). Where specific development criteria and standards also exist in the Golden Gate Master Plan, Immokalee Master Plan or the future land use element of the Collier County growth management plan, they shall supersede any less stringent requirement or place additional requirements on development.

**2.2.15 1 2.4.1. Minimum lot area.** 10,000 square feet.

**2.2.15 1 2.4.2. Minimum lot width.** 100 feet.

**2.2.15 1 2.4.3. Minimum yard requirements.**

1. *Front yard.* 25 feet.
2. *Side yard.* 15 feet.
3. *Rear yard.* 15 feet.
4. *Any yard abutting a residential parcel.* 25 feet.
5. *Railroad ROW.* No setback is required from a railroad siding easement for railroad right-of-way.
6. *Waterfront.* 25 feet, except none for marinas.

**2.2.15 1 2.4.4. Maximum height.** 35 feet.

**2.2.15 1 2.4.5. Minimum floor area.** 700 square feet gross floor area for each building on the ground floor.

**2.2.15 1 2.4.6. Maximum lot coverage.** (Reserved.)

**2.2.15 1 2.4.7. Floor area ratio.** The maximum floor area ratio for hotels and motels shall not exceed a factor of 0.60, except for destination resort hotels as defined in article 6.3 where a floor area ratio of 0.80 is permitted.

**2.2.15 1 2.4.8. Maximum density.** (Reserved.)

**2.2.15 1 2.4.9. Minimum off-street parking and off-street loading.** As required in division 2.3.

**2.2.15 1 2.4.10. Landscaping.** As required in division 2.4.

**2.2.15 1 2.4.11. Distance between structures.** If there is a separation between any two principal structures on the same parcel, said separation shall be a minimum of 15 feet or a distance equal to one-half the sum of their heights, whichever is the greater.

**2.2.15 1 2.5. Merchandise storage and display.** Unless specifically permitted for a use, outside storage or display of merchandise is prohibited within any front yard. Temporary display of merchandise during business hours is permissible, provided it does not adversely affect pedestrian or vehicular traffic or public health or safety. Merchandise storage and display shall be allowed within the side and rear yards of lots.

**2.2.15 1 2.6. Fence requirements.** All permitted or conditional uses allowing for storage other than within an enclosed building, including but not limited to storage of manufactured products, raw or finished materials, or vehicles other than vehicles intended for sale or resale, shall be required to screen such storage areas with a fence, or equivalent landscaping or combination thereof, not less than seven feet in height above ground level. Said fence or wall shall be opaque in design and made of masonry, wood, or other materials approved by the Site Development Review Director.

**2.2.15 1 2.7. Lighting.** Lighting shall be located so that no light is aimed directly toward a property designated residential if lighting is located within 200 feet of residential property.

**2.2.15 1 2.8. Signs.** As required in division 2.5.

**2.2.15 1 2.9. Architectural and site design standards.** All commercial buildings and projects shall be subject to the provisions of division 2.8. (Ord. No. 92-73, § 2; Ord. No. 93-89, § 3; Ord. No. 94-58, § 3; Ord. No. 96-66, § 3.B.; Ord. No. 98-63, § 3.A.; Ord. No. 99-46, § 3.A.; Ord. No. 00-8, § 3.B.; Ord. No. 00-43, § 3.B.; Ord. No. 02-3, § 3.B.; Ord. No. 02-31, § 3.B.)