

SECTION 601. **Purpose.** To provide areas for the continuation, expansion, and creation of business enterprise; and to promote compatibility between commercial uses, residential uses and other uses. The listing of commercial uses in this Chapter are mainly based upon business classifications described in the North American Industry Classification System (NAICS), U.S. Office of Management and Budget, latest edition.

SECTION 602. **Commercial Zones.** The following zones are hereby established as commercial zones: C-1, Neighborhood Commercial, C-2, Plaza Commercial, C-3, General Commercial, C-3A, General Commercial Low, and MLU, Mixed Land Use.

SECTION 603. **C-1 Neighborhood Commercial.** The C-1 zone is intended to provide areas for low-intensity commercial uses that primarily offer goods and services to nearby or surrounding residential areas. All C-1 uses must be located on a collector or arterial roadway unless specifically included in an overall plan of development. Neighborhood Commercial uses may be allowed on non-collector or arterial roadways on a case by case basis when approved by the Planning and Zoning Manager and the Public Works Director.

1. **Allowable Uses.** The following uses are allowed in C-1 zones. All other uses are conditional or prohibited.
 - a. Within the Beaches Area Special Treatment Zone only as identified on Map 3.2 of the Bay County Comprehensive Plan, all allowable R-1, R-2, R-3, R-4, R-5 and R-5A uses.
 - b. Retail centers less than 30,000 square feet in building area.
 - c. Convenience stores.
 - d. Gasoline service stations.
 - e. Food service establishments including accessory on-premise consumption of alcoholic beverage.
 - f. Drug stores/Pharmacies.
 - g. Laundromats/Dry Cleaners.
 - h. Day care centers.
 - i. Florist/Flower shops.
 - j. Novelty/Clothing shops.
 - k. Auto parts stores.

- I. Package stores without consumption on premises.
- m. Bed and Breakfast Inns as defined in Chapter 509 F.S.
- n. Section 52: Finance and Insurance.
- o. Subsection 445: Food & Beverage Stores.
- p. Other appropriate uses. These shall be determined on a case-by-case in consideration of the following criteria: hours of operation; traffic; noise; lighting; odor, and potential nuisance to residential areas.

2. **Conditional Uses.** The following uses may be allowed in C-1 zones subject to the conditions specified herein, or any other conditions that might be imposed as may be necessary to maintain the integrity of the zone.
 - a. Communications Towers.
 - b. Cannabis Dispensing Facility as defined and regulated in Section 1306 of this Code.
3. **Prohibited Activities.** The following activities are prohibited in C-1 zones.
 - a. Outdoor amplified or similar performances intended for entertainment purposes between the hours of 10:00 p.m. and 6:59 a.m.
 - b. Rental of two- and three-wheeled motorized scooters.
(Amended. Ord No. 15-36, 08-04-15.)

SECTION 604. C-2 Plaza Commercial. C-2 uses should be located on a collector or arterial roadway or at intersections of collector and arterial roadways unless specifically included in an overall plan of development.

1. **Allowable Uses.** The following uses are allowed in C-2 zones. All other uses are conditional or prohibited.
 - a. All allowable C-1 uses.
 - b. Retail centers less than 50,000 square feet in building area.
 - c. Off Premise Signs.

- d. Allowable commercial uses in C-2 zones are based upon the North American Industry Classification System, as follows:
 - i. Subsection 446: Health & Personal Care Stores
 - ii. Subsection 448: Clothing and Clothing Accessory Stores
 - iii. Section 51: Information
 - iv. Section 53: Real Estate and Rental and Leasing
 - v. Section 54: Professional, Scientific and Technical Services
 - vi. Subsection 621: Ambulatory and Health Care Services
 - vii. Section 72: Accommodations and Food Services
- e. Mini-Warehouses

2. **Conditional Uses.** The following uses may be allowed in C-2 zones subject to the conditions specified herein, or any other conditions that might be imposed as may be necessary to maintain the integrity of the zone.

- a. Communications Towers.
- b. Cannabis Dispensing Facility as defined and regulated in Section 1306 of this Code.

3. **Prohibited Uses.** The following uses are prohibited in C-2 zones.

- a. Rental of two- and three-wheeled motorized scooters.
(Amended. Ord No. 15-36, 08-04-15.)

SECTION 605. C-3 General Commercial Zones. C-3 uses should be located on a collector or arterial roadway or at intersections of collector and arterial roadways unless specifically included in an overall plan of development.

1. **Allowable Uses.** The following uses are allowed in C-3 zones, all others are conditional or prohibited.
 - a. All allowable C-1 and C-2 uses.
 - b. Allowable commercial uses in C-3 zones are based upon the North American Industry Classification System, as follows:

- i. Sector 44-45: Retail Trade.
- ii. Sector 48-49: Transportation and Warehousing, except subsector 493, Warehousing.
- iii. Sector 55: Management of Companies and Enterprise.
- iv. Sector 56: Administrative and Support and Waste Management.
- v. Sector 61: Educational Services.
- vi. Sector 62: Health Care and Social Assistance.
- vii. Sector 71: Arts, Entertainment, and Recreation.
- viii. Sector 72: Accommodation and Food Services.
- ix. Sector 81: Other Services.
- x. Sector 92: Public Administration.
- xi. Sector 23: Construction.
- xii. Sector 31-33: Manufacturing.
- xiii. Sector 42: Wholesale Trade.
- xiv. Sector 49: Warehousing and Storage, except 493190, Other Warehousing and Storage.
- xv. Commerce Parks.
- xvi. Mobile home or recreational vehicle parks as required by Chapters 21 and 22.

2. **Conditional Uses.** The following uses may be allowed in C-3 zones subject to the conditions specified herein, or any other conditions that might be imposed as may be necessary to maintain the integrity of the zone.

- a. Research Development and light manufacturing in a cybergenic relationship with military installations.
- b. Prototyping, pre-production, and model making of electronic or electro-mechanical systems, components, or test tools.

- c. Limited fabrication and testing of electronic or electro-mechanical systems, components, or test tools.
- d. Laboratory facilities to support conduct of analyses or testing of electronic or electro-mechanical systems, components, and computer hardware and software.
- e. Light Industrial/Manufacturing – System, equipment, and component assembly, disassembly and integration; maintenance, preservation and testing; transportation and storage; and design and fabrication.
- f. Communications Towers.
- g. Cannabis Dispensing Facility as defined and regulated in Section 1306 of this Code.

3. Prohibited Uses. The following uses are prohibited in C-3 zones.

- a. Rental of two- and three-wheeled motorized scooters. (Amended. Ord No. 15-36, 08-04-15.)

SECTION 606. C-3A General Commercial Low Zones. C-3A uses should be located on a collector or arterial roadway or at intersections of collector and arterial roadways unless specifically included in an overall plan of development.

1. Allowable Uses. The following uses are allowed in C-3A zones, all others are conditional or prohibited.

- a. All allowable C-1 and C-2 uses.
- b. Allowable commercial uses in C-3 zones are based upon business classifications described in the North American Industry Classification System, U.S. Office of Management and Budget, latest edition, as follows:
 - i. Sector 44-45: Retail Trade.
 - ii. Sector 48-49: Transportation and Warehousing, except subsector 493, Warehousing.
 - iii. Sector 55: Management of Companies and Enterprise.
 - iv. Sector 56: Administrative and Support and Waste Management.

- v. Sector 61: Educational Services.
- vi. Sector 62: Health Care and Social Assistance.
- vii. Sector 71: Arts, Entertainment, and Recreation.
- viii. Sector 72: Accommodation and Food Services.
- ix. Sector 81: Other Services.
- x. Sector 92: Public Administration.
- xi. Sector 23: Construction.
- xii. Sector 31-33: Manufacturing.
- xiii. Sector 42: Wholesale Trade.
- xiv. Sector 49: Warehousing and Storage, except 493190, Other Warehousing and Storage.
- xv. Commerce Parks.
- xvi. Mobile home or recreational vehicle parks as required by Chapters 21 and 22.

2. **Conditional Uses.** The following uses may be allowed in C-3A zones subject to the conditions specified herein, or any other conditions that might be imposed as may be necessary to maintain the integrity of the zone.

- a. Research Development and light manufacturing in a cybergenic relationship with military installations.
- b. Prototyping, pre-production, and model making of electronic or electro-mechanical systems, components, or test tools.
- c. Limited fabrication and testing of electronic or electro-mechanical systems, components, or test tools.
- d. Laboratory facilities to support conduct of analyses or testing of electronic or electro-mechanical systems, components, and computer hardware and software.
- e. Light Industrial/Manufacturing – System, equipment, and component assembly, disassembly and integration;

maintenance, preservation and testing; transportation and storage; and design and fabrication.

- i. Sector 541380: Testing Laboratories.
- ii. Sector 541710: Research and Development Services
- iii. Sector 551110: Corporate Offices.
- iv. Sector 611710: Engineering Services.
- v. Sector 334511: Search, Detection, Navigation, Guidance, Aeronautical and Nautical System and Instrument Manufacturing.
- f. Communications Towers.
- g. Cannabis Dispensing Facility as defined and regulated in Section 1306 of this Code.

3. Prohibited Uses. The following uses are prohibited in C-3A zones.

- a. Rental of two- and three-wheeled motorized scooters. (Amended. Ord No. 15-36, 08-04-15.)

SECTION 607. C-4 Research and Design Zones. Research and Design is defined as testing research, analysis, product development, light assembly of components and related office, warehousing/distribution. These type uses will occur within a building that typically resembles an office structure. The Research and Design Zone is intended to be a bridge classification between Commercial and Industrial Zones, and is primarily intended for defense contractor and related activities.

1. Allowable Uses. The following uses are allowed in C-4 zones, all others are conditional or prohibited.

- a. All allowable C-1, C-2, and C-3 uses.
- b. Allowable commercial uses in C-4 zones are based upon business classifications described in the North American Industry Classification System, U.S. Office of Management and Budget, latest edition, as follows:
 - i. Sector 541380: Testing Laboratories.
 - ii. Sector 541710: Research and Development Services

- iii. Sector 551110: Corporate Offices.
- iv. Sector 611710: Engineering Services.
- v. Sector 334511: Search, Detection, Navigation, Guidance, Aeronautical and Nautical System and Instrument Manufacturing.

2. **Conditional Uses.** The following uses may be allowed in C-4 zones subject to the conditions specified herein, or any other conditions that might be imposed as may be necessary to maintain the integrity of the zone.
 - a. Cannabis Dispensing Facility as defined and regulated in Section 1306 of this Code. (Amended, Ord. No. 17-11, 04-04-17.)
3. **Prohibited Uses.** The following uses are prohibited in C-4 zones.
 - a. Rental of two- and three-wheeled motorized scooters. (Amended. Ord No. 15-36, 08-04-15.)

SECTION 608. MLU Mixed Land Use Zones. Mixed Land Use is defined as providing for areas for lower intensity commercial uses compatible with adjacent or surrounding residential uses by using maximum design flexibility. Mixed Land Use developments will provide for the location of residential and non-residential uses within close proximity to each other to facilitate non-motorized travel between uses.

1. **Allowable Uses.** The following uses are allowed in MLU zones, all others are conditional or prohibited.
 - a. All allowable C-1 and C-2 uses except gasoline service stations, off-premise signs, and mini-warehouses.
 - b. All allowable, conditional, and accessory uses or structures of R-1, R-2, R-3, and R-5A zones.
 - c. All allowable P/I uses.
 - d. Home Occupations in accordance with Section 1302 of this Code, except the home occupation may occupy up to fifty (50) percent of the floor area of the dwelling and is not limited to family members residing on the premises.
2. **Conditional Uses.** The following uses may be allowed in MLU zones subject to the conditions specified herein, or any other

conditions that might be imposed as may be necessary to maintain the integrity of the zone.

- a. Communications Towers.

3. **Prohibited Activities.** The following activities are prohibited in MLU zones.

- a. Outdoor amplified or similar performances intended for entertainment purposes between the hours of 10:00 p.m. and 6:59 a.m.

4. **Desired Mix of Land Uses.** The following types and amount of uses within the MLU zones is a guideline to ensure the intended mix of development and does not limit or expand the types of allowable or permitted uses. The land uses to do not have to develop at the same time, nor is one land use a prerequisite to another land use. This required mix of uses applies to the parent parcel of land. Development of sites over 20 acres shall be required to submit a Planned Unit Development (PUD) pursuant to Chapter 11 of these Regulations and include a minimum of two uses including civic/open space. Changes to any approved PUDs will be processed according to Section 1105.

<i>Land Use</i>	<i>Minimum Land Area</i>	<i>Maximum Land Area</i>
Residential Uses ¹	25%	45%
C-1 and C-2 Uses	25%	60%
Open Space/Civic Uses ²	10%	No Maximum

¹ Residential development over commercial or office uses shall be considered part of the commercial or office use.

² Includes parks, playgrounds, plazas, dedicated or deed restricted open space and conservation land, community centers, recreation centers, clubhouses, schools, libraries, religious institutions, performing arts centers, and government buildings (except utilities).

5. **Rezoning.** Each application requesting a change to the MLU zone shall be accompanied by a conceptual master plan, drawn to scale, that depicts the location and percentages of the various land uses, linkages and circulation, and demonstrates functional integration of the land uses.

6. **Required Landscaping in MLU Zones.** The following landscaping standards apply to the MLU zones and supersede Sections 2804.1, 2804.2, and 2804.3 of this Code. These apply to the development at the development order stage.

- a. At a minimum, general landscaping requirements shall be no less than ten (10) percent of the development site. This may

include any required buffer and interior planting requirements.

- b. Natural vegetation shall be preserved or reestablished when possible. Existing native trees and vegetation may be deemed to satisfy the landscape requirements of this section, in total or in part, when such vegetation meets the requirements of Table 28.2. Existing native trees and vegetation from areas of the site to be developed may be relocated to the buffer area.
- c. Trees and plants shall have non-invasive growth habits, and be planted in soil and conditions that are appropriate for their growth habits.
- d. Retention ponds may not be considered as part of the required landscaping area, but may be considered as part of any open space requirement.
- e. Pursuant to § 373.185(3), F.S., (2002), no deed restriction or covenant entered after October 1, 2001 may not prohibit any property owner from implementing xeriscape or Florida-friendly landscape on his or her land.
- f. Turf areas shall be identified on the landscape plan and cannot constitute more than thirty (30) percent of the landscape area requirement.
- g. Off-street parking areas shall be landscaped in accordance with Section 2804.4 of this Code.
- h. The entire perimeter of the development site shall be landscape buffered in accordance with Option B in Table 28.1 of this Code.

7. **Development Standards.** The following additional development standards shall apply in the MLU zoning category.

- a. Provide for the location of residential and non-residential uses within close proximity to each other to facilitate non-motorized travel between uses.
- b. Provide for sustainable development and environmentally responsible design.
- c. Provide for interconnections between uses and community parks, and open space.

- d. Provide for a range of housing types for all ages, incomes, and lifestyles.
- e. Provide for centralized utilities in a planned, coordinated and efficient manner.
- f. Provide for an integrated network of local streets, pedestrian paths, and bicycle and equestrian trails, except where prohibited by existing physical features.
- g. Ensure that private residential driveway access to all collector roads will be prohibited by promoting access to frontage roads, intersecting common streets, and roadways.
- h. Provide for vehicular interconnectivity between abutting PUDs.
- i. Provide for access management on arterials that reduce automobile trip length.
- j. Provide for water conservation best management practices, which may include, but is not limited to, xeriscaping, water re-use and water conserving fixtures in public areas.
- k. Provide for achievement of the Best Development Practices set forth in Objective 3.11 of the Comprehensive Plan.

8. **Conflict.** Where conflict exists between the design and regulatory standards of this Section and the Land Development Regulations, the Planning Official shall resolve the conflict in favor of the regulation which provides the most environmental benefit. (Amended. Ord. No. 13-17, 06-04-13.)

SECTION 609. Bulk Regulations. Standards and criteria for commercial zones are prescribed in Table 6.1.

TABLE 6.1
COMMERCIAL ZONING BULK REGULATIONS

Regulation (Distances measured in feet)	Zone					
	C-1	C-2	C-3	C-3A	C-4	MLU
	Neighborhood Commercial	Plaza Commercial	General Commercial	General Commercial Low	Research and Design	Mixed Land Use
Maximum Density	1	1	1	1	1	1
Minimum Lot Frontage	70	70	100	100	100	25
Yard Setbacks⁵						
Front ^{2,6}	20	20	25	25	25	10 ⁴ 15 ³
Side	5	5	5	5	5	5 ⁴ 15 ³
Side when adjacent to 'R' Zones	10	10	20	20	20	5 ⁴ 15 ³
Rear	20	20	20	20	20	10 ⁴ 15 ³
Maximum Building Height	35	50	230	100	100	100
Impervious Surface Ratio	60%	75%	75%	75%	80%	75%
Floor Area Ratio	100%	200%	200%	200%	100%	200%

¹ Residential densities in the Beaches Area Special Treatment Zone shall be a maximum of 15 du/acre.
² Setback from front property line adjacent to arterial and collector roads.
³ Minimum yards on the perimeter of the overall development; no minimum required within the development to accommodate zero lot line designs.
⁴ Setback for single family homes.
⁵ Any equipment serving the structure or accessory structures within five feet (5') of the property line shall have the lowest horizontal member elevated 18 inches above the finished floor elevation of the structure in a manner which allows for adequate drainage in the setback
⁶ Cantilevered entry structures, for non-residential uses, may encroach into the front setback no more than fifteen feet (15')

(Amended. Ord. No. 18-01, 01-03-18.)

(Amended, Ord. No. 22-65, 12-20-22)