

**§ 185.043 CC — COMMUNITY COMMERCIAL DISTRICT.**

(A) *Intent.* The purpose of the community commercial district shall be to locate and establish areas within the city which are deemed to be uniquely suited for the development and maintenance of community commercial facilities, the areas to be primarily located in or near the intersection of arterial roadways; to designate those uses and services deemed appropriate and proper for location and development within the subject district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district.

(B) *Principal uses and structures.* The following uses and structures are permitted:

- (1) Retail stores, sales and display rooms (not including lumber and building supply, and similar uses).
- (2) Personal service establishments such as beauty and barber, laundry and dry cleaning pick-up stations, and the like.
- (3) Professional offices, studios, clinics, general offices, government office, business schools and similar uses.
- (4) Schools, libraries, churches and similar uses.
- (5) Day care centers.
- (6) Restaurant, eating and drinking establishments (including a drive-through).
- (7) Public utility equipment and facilities.
- (8) Banks and financial institutions with or without drive-through facilities.
- (9) Business service establishments.
- (10) Clubs, lodges, and fraternal organizations.
- (11) Dry cleaning establishments using nonflammable solvents and cleaning fluids as determined by the Fire Chief.
- (12) Funeral homes.
- (13) Repair service establishments such as household appliances, radio and television, and similar uses, and automobile service establishments excluding body shops, upholstery, and painting. Subject to the following:
  - (a) There shall be no storage of junked or wrecked motor vehicles other than temporary storage for those vehicles awaiting repair. All vehicles shall have attached at all times a current vehicle registration license plate and shall be parked on a paved surface. Any wrecked vehicles shall be in an enclosed area and shall not be visible from outside the property.
- (14) Hotels, motels and guest cottages.
  - (a) The minimum living area per hotel/motel efficiency unit shall be two hundred and eighty (280) square feet.
  - (b) There shall be no more than seventy-five (75) rental units per acre.
- (15) Hospitals and nursing homes.
- (16) Xerographic and offset printing.
- (17) Plant nurseries and green houses.
- (18) Public and private parking facilities. Must have at least a minimum-sized building on site.
- (19) Veterinarian clinics provided all activities are within the principal structure and there is no boarding of animals.
- (20) New and used automobiles, major recreational equipment and mobile home sales and rentals with accessory uses, subject to the following restrictions:
  - (a) All outside areas where merchandise is displayed shall be paved, meeting city specifications;
  - (b) All servicing and repair facilities, except for gasoline pumps, shall be located in an enclosed structure;
  - (c) There shall be no storage of junked or wrecked automobiles other than temporary storage for those awaiting repair. Such temporary storage shall be in an enclosed area and the vehicles shall not be visible from outside the property. All such vehicles awaiting repair shall have attached at all times current vehicle registration license plates;
  - (d) The lot must have frontage on an arterial roadway as identified in the adopted City Comprehensive Plan;
  - (e) All requirements of the Palm Bay Sign Ordinance must be met;
  - (f) All areas utilized for the parking of motor vehicles, major recreational equipment, and mobile homes for sales, lease or rental or awaiting repair must meet the parking setbacks, must be in addition to required parking spaces, aisles and drives required by §§ 185.140 et seq., and shall be considered parking areas under the terms §185.142;
  - (g) Required parking shall be provided based on a one (1) space for each two hundred (200) square feet of gross floor area of the structure used primarily to conduct sales and one (1) space per employee on the largest working shift;
  - (h) The property must have minimum frontage on an arterial roadway of one hundred (100) feet;

(i) Gasoline facilities may be permitted as accessory uses, provided the requirements of division (D)(2)(c), (d), and (g) below are complied with. Retail sales are prohibited unless conditional use approval is granted.

(21) State approved tattoo parlors.

(22) Public uses.

(23) Medical and dental manufacturing labs.

(24) Indoor commercial recreation such as theaters, driving ranges, bowling alleys, and similar uses, excluding dance clubs.

(25) Arcade amusements centers; subject to the following regulations:

(a) The facility shall be located no less than one hundred (100) feet, measured from the outer wall of the facility to the closest property line, of any residentially zoned land, as well as any land designated as recreation and open space use by the Palm Bay Comprehensive Plan Future Land Use Map.

(b) The facility shall be located no less than one thousand (1,000) feet, measured from the outer wall of the facility to the closest property line, of any school.

(c) No two facilities, operating pursuant to this subdivision, shall be located closer than five hundred (500) feet from one another, measured from the closest outer wall of each facility.

(d) The number of devices within the facility shall be governed by the Land Development Code of the City of Palm Bay, as well as applicable Florida Statutes and laws.

(C) *Accessory uses and structures.* Customary accessory uses of one (1) or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the intense commercial character of the district. All storage shall be in an enclosed structure, unless otherwise provided for herein.

(D) *Conditional uses.*

(1) Permitted uses located on a parcel of ten (10) or more acres of area.

(2) Auto body repair, upholstery and painting.

(a) There shall be no storage of junked or wrecked vehicles other than temporary storage for those awaiting repair. All vehicles shall always have attached a current vehicle registration license plate.

(b) Any wrecked vehicles awaiting repair shall be in an enclosed area and the vehicle shall not be visible from outside the property and shall be parked on a paved surface.

(3) Retail automotive gas/fuel sales:

(a) *Access.* Retail automotive gas/ fuel sales establishments shall be located on arterial roadways or on corner lots at the intersection of collector streets or higher functional classification as identified in the adopted Palm Bay Comprehensive Plan. No more than two (2) corner lots at any one (1) intersection shall be used for retail gasoline or automotive fuel sales. No driveway or access shall be permitted within one hundred (100) feet from an intersection of collector streets or higher functional classification.

(b) *Minimum street frontage:* one hundred and fifty (150) feet on each abutting street.

(c) *Location of facilities:* Gasoline, fuel pumps, storage tanks and other service island equipment shall be at least twenty (20) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially owned land. No gasoline fuel pump, storage tank or other equipment shall be located closer than one thousand (1,000) feet from any municipal or public supply well.

(d) *Tank storage.* Underground storage required for all receptacles for combustible materials in excess of two hundred (200) gallons.

(e) The proposed use will not constitute a nuisance or hazard because of vehicular traffic movement, delivery of fuel movement, noise or fume generation.

(f) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility or disharmony with adjoining properties.

(g) Development and operation of the fuel pumps and attendant storage tanks shall be in compliance with §§176.01 et seq. of this code of ordinances.

(4) Indoor dance clubs, outdoor recreation, and outdoor amusement such as amusement parks, driving ranges, batting cages, go-cart tracks, outdoor skating facilities, miniature golf courses and similar uses.

(5) Commercial radio and television broadcasting.

(6) Marinas including wet and dry storage.

(7) Car washes.

(8) Permitted uses or uses permissible by conditional use exceeding seventy (70) feet in height.

(9) Self storage facilities subject to the provisions established in §185.088(F).

(10) Communication towers and facilities.

(11) Human crematoriums:

(a) May only be allowed in conjunction with a funeral home.

(b) Crematoriums shall adhere to the principal use setbacks of the CC district, except where the subject property abuts residentially zoned land. In this instance, all portions of the building that contains the crematorium must be setback a minimum of one hundred (100) feet from any land zoned residential.

(c) All crematoriums must be placed within a sound-proof building and this building shall be constructed in such a manner to reduce vibrations. The building shall also contain the proper apparatus for eliminating emissions.

(d) All crematorium facilities shall have an annual Visual Emissions Test conducted and a copy of the inspection report provided to the City.

(e) All crematoriums must obtain a Florida Department of Environmental Protection (FDEP) Non-Title V permit, per Fla. Stat. § 62-296.401.

(E) *Prohibited uses and structures:*

(1) All uses not specifically or provisionally permitted herein; any uses not in keeping with the community commercial character of the district.

(2) Corrections facilities.

(3) Pain-management clinic.

(4) Electronic gaming establishments.

(F) *Lot and structure requirements:*

(1) Minimum lot area — twelve thousand five hundred (12,500) square feet.

(2) Minimum lot width — one hundred (100) feet.

(3) Minimum lot depth — one hundred and twenty-five (125) feet.

(4) Maximum building coverage — thirty-five percent (35%).

(5) Minimum floor area — three hundred (300) square feet.

(6) Maximum height — seventy (70) feet.

(7) Minimum yard requirements:

(a) Front: thirty (30) feet minimum building setback. Parking areas may be located in the front yard except within ten (10) feet of the front lot line.

(b) Side interior: ten (10) feet minimum building setback. Parking areas may be located in the side yard, except within five (5) feet of the side lot line. Side yards abutting residentially zoned property shall maintain a twenty-five (25) foot minimum setback for all buildings and parking.

(c) Side corner: twenty-five (25) feet minimum building setback. Parking areas may be located in the side corner yard, except within ten (10) feet of any public or private street.

(d) Rear: twenty-five (25) feet minimum building and parking area setback; ten (10) feet when abutting a dedicated alley.

(8) Shared access and parking areas.

(a) No side interior building and parking area setbacks are required provided all of the following are met:

1. Buildings on adjacent parcels, under separate ownership, are joined by a common wall;

2. Parking areas and aisles are joined with adjacent parcel(s) under separate ownership;

3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common parcels involved and a minimum spacing of one hundred and fifty (150) feet is maintained; or access is provided by an approved frontage road;

4. Easements and/or written assurances of cross access and a sharing of common facilities (stormwater system, solid waste container(s), lighting, landscaping, etc.), as may be applicable, from all property owners involved must be approved prior to the issuance of a building permit.

(b) For adjacent developments meeting the requirements of divisions 2. through 4. above, the total number of off-

street parking spaces required for uses on all parcels involved may be reduced by ten percent (10%) where the location of shared parking areas provides convenient access to all principal buildings.

(9) A six (6) foot high completely opaque masonry wall, or wood fence shall be provided along the entire length of any side or rear property line abutting property zoned residential. Landscaping shall be provided in accordance with the landscape requirements of this zoning code.

(10) *Design requirements.*

(a) An Architectural Style for each structure is required. This shall include adherence to all standards contained in § 185.134.

('74 Code, § 25-135) (Ord. 89-08, passed 4-27-89; Am. Ord. 89-33, passed 12-21-89; Am. Ord. 90-14, passed 3-15-90; Am. Ord. 94-31, passed 6-16-94; Am. Ord. 94-51, passed 11-16-94; Am. Ord. 94-52, passed 11-16-94; Am. Ord. 95-01, passed 1-19-95; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 96-03, passed 1-18-96; Am. Ord. 96-06, passed 2-15-96; Am. Ord. 98-07, passed 4-16-98; Am. Ord. 98-20, passed 7-16-98; Am. Ord. 98-31, passed 9-17-98; Am. Ord. 2000-57, passed 11-2-00; Am. Ord. 2004-02, passed 1-22-04; Am. Ord. 2004-59, passed 10-7-04; Am. Ord. 2005-23, passed 6-20-05; Am. Ord. 2008-27, passed 5-1-08; Am. Ord. 20080-42, passed 6-5-08; Am. Ord. 2009-16, passed 5-7-09; Am. Ord. 2010-41, passed 9-16-10; Am. Ord. 2011-02, passed 1-20-11; Am. Ord. 2011-26, passed 4-7-11; Am. Ord. 2014-31, passed 8-7-14; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2016-88, passed 12-15-16; Am. Ord. 2020-12, passed 2-20-20)