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### **Sec. 30-416. C, commercial district.**

- (a) *Intent.* The provisions of the C district are intended to establish and maintain areas for the development of commercial facilities providing a wide range of goods and services, including mixed commercial and residential use on the same lot, at locations having access to a collector or arterial roadway.
- (b) *Permitted uses.* Permitted uses are as follows:
- (1) Retail stores, sales and display rooms.
  - (2) Personal service establishments, including but not limited to beauty salons, barbershops, laundry and dry cleaning facilities, tailor shops and shoe repair shops.
  - (3) Professional offices, studios, clinics, laboratories, general offices, business schools and similar uses.
  - (4) General offices and printing establishments.
  - (5) Financial institutions.
  - (6) Eating and drinking establishments, including bars and cocktail lounges (not permitted west of South Patrick Drive). The following shall apply to outside seating in conjunction with eating establishments:
    - a. Parking requirements shall be the same as for indoor seating: one space for each three seats.
    - b. Outside seating shall comply with section 6-1 regarding consumption of alcohol on the premises.
    - c. The hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.
    - d. Placement of the tables shall be coordinated with fire and safety regulations.
    - e. Tables shall be set back a minimum of 50 feet from residential property.
  - (7) Veterinary clinics with no outside boarding, excluding inside boarding except in conjunction with customary veterinary practices.
  - (8) Commercial recreation structures such as theaters and bowling alleys (not permitted west of South Patrick Drive).
  - (9) Public and private clubs and lodges (not permitted west of South Patrick Drive).
  - (10) Government buildings and facilities.
  - (11) Boutique hotel, but only if located within a self-contained mixed commercial and residential development.
  - (12) Accessory structures and uses when permitted in any more restrictive district, and any use permitted in this district as a principal use when incidental to another principal use of the lot, specifically including:
    - a. Residential dwelling units on the same lot as a primary commercial use, subject to all of the following conditions:
      1. Residential use must be clearly and permanently accessory and secondary to the primary commercial use.
      2. Residential use is permitted on lots conforming to all of the minimum dimensions set forth in [sections] 30-416(e)(1) and (e)(2).
      3. Residential dwelling units must conform to the minimum living area requirements of the RM-2 zoning district.
      4. Any residential use located on the first floor of any structure on any lot with frontage on A1A or South Patrick Drive must be located in a structure separate from and behind the

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structure containing the primary commercial use. It is the intent of this provision that any first floor accessory residential use not be visible from either A1A or South Patrick Drive.

5. Square footage of the residential use shall be less than 50 percent of the total square footage of any structure. Residential garages, and open porches not exceeding 25 percent of the enclosed residential space, shall not be included in calculating the residential square footage.
  6. Maximum of seven residential units per acre, except that at least two residential units are permitted regardless of the resulting density unless the allowance of two residential units is equal to or greater than 50 percent of total square footage. In the event of such conflict, the square footage limitation shall prevail over the two dwelling unit minimum allowed by this paragraph.
- b. Boat storage is allowed as an accessory use to a commercial principal use if the following standards are met:
1. The lot must be 0.5 acres or larger.
  2. The lot has a principal structure 2,000 square feet or larger.
  3. Boats located in any storage area(s) are to be substantially screened from view by an opaque fence and/or wall completely enclosing the boat storage area(s). No fence or wall shall be located in front of the front corners of the principal structure located on the lot.
  4. A site plan shall be provided depicting the location of any proposed boat storage area(s), the location(s) of any structure(s) on the lot, the location of any proposed fence(s) and/or wall(s), the location and types of landscaping to provide additional screening, and the location of any access point(s) into the storage area(s), which shall have motion-activated security lighting. All fences, walls, landscaping and lighting shall be properly maintained during the operation of the boat storage activities. Further, any motion-activated security lighting shall be in working condition at all times any boat storage activities are in operation.
  5. Any lot on which boat storage activities are requested/permitted shall be required to provide the following landscaping as a condition of permitting and continued operation of any boat storage activities:
    - A. Landscaping shall be provided in front of, and for the entire length of, any wall or fence facing any right-of-way.
    - B. In the event the commercial lot upon which boat storage activities are to occur abuts a residential use, and no wall separates the commercial lot from any residential use as required by the City Code, landscaping shall be provided the entire length of any property line between the commercial lot and any residential use(s). Further, an opaque fence shall be located on the commercial lot along said property line(s) inside any landscaping required by this section. In the event a fence exists along or near any property line between the commercial lot upon which the boat storage activities are to occur and any residential use(s), such fence shall be required to be moved to accommodate the landscaping required by this section and the fence shall be made opaque.
- (13) Medical marijuana treatment center and medical marijuana treatment center dispensing facility.
- (14) Self-storage facilities only on lots that do not front State Road A1A or South Patrick Drive and are 1.5 acres or greater in size. For purposes of this provision, lot size(s) cannot be rounded up to meet the 1.5-acre requirement.

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(c) *Conditional uses.* Conditional uses are as follows:

- (1) Automobile fuel stations.
  - a. Automobile fuel stations must be located at a signalized intersection.
  - b. Automobile fuel stations must maintain at least a 50-foot separation between any equipment and residentially used or zoned property.
  - c. A traffic study shall be required at time of application as prescribed in subsection 30-303(4).
  - d. Separation/setback distances shall not be subject to a variance.
- (2) Child care centers complying with state licensing requirements.
- (3) Wholesale businesses.
- (4) Hospitals.
- (5) Public and private utility services, accessory buildings and structures, excluding sanitary landfills, incinerators, refuse dumps and solid waste transfer stations.
- (6) Funeral homes.
- (7) Recreation facilities and clubs, public and private.
- (8) Cultural institutions, including but not limited to museums, libraries, community centers, and botanical and zoological gardens.
- (9) Adult bookstores, adult dancing establishments and adult motion picture theaters.
  - a. *General requirements.* A conditional use for these uses may be granted only if the applicant demonstrates that:
    1. The proposed use and site plan are in harmony and consistent with the purpose of this chapter.
    2. The proposed use is in conformance with all applicable requirements and regulations of this chapter.
    3. The proposed use will not substantially impair the integrity of any validly approved comprehensive plan, and will be consistent with the comprehensive plan.
    4. The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.
    5. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.
    6. The proposed use and site plan otherwise comply with the provisions regarding conditional uses and the proposed zoning district as provided in this chapter.
  - b. *Imposition of special conditions.* As a part of the conditional use approval, the council may restrict advertisement, outdoor display and the location of merchandise, and may impose other reasonable requirements deemed necessary to safeguard the health, safety, morals and general welfare of the community.
  - c. *Access by underage persons.* The owner and all employees of the establishment shall prohibit access to the premises by any person who is under the age of 18 years old.
  - d. *Prohibited locations.*

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1. No person shall cause or permit the establishment, substantial enlargement or transfer of ownership or control over an adult bookstore, adult motion picture theater or adult dancing establishment within 1,000 feet of another such establishment, within 500 feet of any institutional use or property used for institutional purposes, within 500 feet of any preexisting religious institution or school, within 500 feet of an area zoned or used for residential use within the city, or within 1,000 feet of an establishment that in any manner sells or dispenses alcohol. The distance requirement set out in this subsection shall be considered locational only.
  2. Notwithstanding the provisions of the subsection 1. of this subsection, no adult entertainment establishments shall be allowed north of Roosevelt Avenue on the South Patrick corridor and 500 feet south of Jackson Avenue on the A1A corridor.
- e. *Measurement of distance.* Distance from a proposed adult entertainment establishment to an existing adult entertainment establishment, a residential area, a church, an establishment that sells or dispenses alcohol, or a school shall be measured from the nearest point that the property lines upon which such uses are located are to each other.
- (10) Churches and places of worship.
  - (11) Repair service establishments for items such as household appliances, radios and televisions, air conditioning equipment, electrical appliances, photo equipment, lawn maintenance equipment and small engines (less than 25 horsepower).
  - (12) Towers and monopoles subject to regulations set forth in section 30-580.
  - (13) Outdoor boat sales on west side of South Patrick Drive.
  - (14) Auto, marine and equipment repair shop.
  - (15) In addition to complying with the general conditional use requirements of this Code, pain management clinics shall comply with the provisions section 30-621 of this Code.
- (d) *Prohibited uses.* The following uses are prohibited:
- (1) Trailer parks.
  - (2) New and used car sales.
  - (3) Car rental agencies or facilities.
  - (4) Trailer sales or rental agencies.
  - (5) Kennels.
  - (6) Drive-in theaters.
  - (7) Warehousing.
  - (8) Contractor storage yards.
  - (9) Any use operating, using, conducting, or incorporating, or seeking to operate, use, conduct or incorporate, any exception to the gambling laws of this state set forth in F.S. § 546.10.
  - (10) All uses not specifically listed as a permitted or conditional use.
- (e) *Property development regulations.* Property development regulations are as follows:
- (1) Minimum lot area and dimensions:
    - a. *Area:* 10,000 square feet.

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- b. *Width:* 100 feet.
  - c. *Depth:* 100 feet.
- (2) Minimum setback requirements:
- a. *Front:* 25 feet.
  - b. *Side interior and rear:* 15 feet, or 25 feet if adjacent to a dedicated right-of-way or adjacent abutting residential use.
  - c. *Street side yard:* 20 feet.
  - d. *Minimum building separation:* 15 feet.
  - e. For all lots east of Highway A1A, the provisions of article VII division 4, coastal construction control line standards and criteria shall apply, in addition to the following:
    - 1. *Front setback:* Five feet from the lot line.
    - 2. *Side interior:* Side interior setbacks for lots may be reduced to zero feet if other conditions of this chapter are met.
    - 3. Street side yard setbacks for lots may be reduced to zero feet if other conditions of this chapter are met.
    - 4. *Rear:* 15 feet landward of the CCCL.
    - 5. There is a minimum of 15 feet setback landward from the CCCL for any structure nearest the CCCL.

*Note:* All properties shall contain a five-foot landscape strip which may be included within the required setback, along the entire perimeter of any property in this district with plants at least four feet high at the time of planting. Plants must be selected from the list provided in section 30-704, Satellite Beach City Code. In the event of a conflict between landscape provisions, the most restrictive provisions shall apply.

- (3) Minimum building separation: 15 feet.
- (4) Maximum building height 35 feet west of A1A and 65 feet east of A1A. Flat roofs must not be visible with the use of architectural amenities such as a mansard roof. Reference section 30-422(b).

Except for separate accessory residential structures with garages, which shall be limited to a maximum building height of 35 feet, accessory structures such as garages, sheds, tanks and other structures that are incidental to the primary use shall not extend higher than the main structure and in no case exceed 20 feet in height.
- (5) Maximum lot coverage: 70 percent.
- (6) Maximum impervious area: 70 percent.
- (f) *Shared access and parking areas.* No side interior setbacks for landscaping are required provided all of the following are met:
  - (1) Parking areas and aisles are joined and shared in common with adjacent parcel(s) under separate ownership.
  - (2) Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common parcels involved and a minimum spacing of 150 feet is maintained; or access is provided by an approved frontage road.

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- (3) Easements and/or written assurances of shared and common facilities from all property owners involved must be approved prior to the issuance of a building permit or establishment of separate ownership.

If adjacent developments meet all of the requirements described above and, additionally, have buildings on adjacent parcels under separate ownership joined by a common wall, no side interior building setbacks are required.

The parcel must comply with any approved site plan.

(Ord. No. 899, § 1, 1-19-05; Ord. No. 905, §§ 1, 2, 5-25-05; Ord. No. 968, § 1, 7-18-07; Ord. No. 972, §§ 10—12, 8-15-07; Ord. No. 1028, §§ 1, 2, 3-3-10; Ord. No. 1033, § 3, 6-16-10; Ord. No. 1106, § 2, 9-2-15; Ord. No. 1108, § 2, 8-5-15; Ord. No. 1119, § 1, 11-2-16; Ord. No. 1144, § 2, 10-18-17; Ord. No. 1149, § 3, 11-15-17; Ord. No. 1160, § 5, 11-7-18)