

§ 185.044 HC — HIGHWAY COMMERCIAL DISTRICT.

(A) *Intent.* The purpose of the highway commercial district shall be to provide areas within Palm Bay which are deemed to be uniquely suited for the development and maintenance of highway oriented businesses and regional scale facilities, the areas to be primarily located along or near the intersection of major arterials and major transportation nodes; 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, including places in which goods are produced and sold at retail on premises.

(2) Personal services establishments such as barber and beauty shops, fitness salons, laundry and dry cleaning establishments using nonflammable solvents as determined by the Fire Chief, tailor shops and similar uses.

(3) Professional offices, studios, clinics, general offices, business schools and similar uses, including veterinarian clinics provided all activities are within the principal structure and there is no boarding of animals.

(4) Hotels, motels, tourist courts.

(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 fifty (50) rental units per acre.

(5) Eating and drinking establishments including drive-through facilities.

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

(7) Banks and financial institutions with drive-through facilities.

(8) Retail stores using outside display areas including plant nurseries, and building supplies providing the following provisions are met:

(a) The outside display area may be open along the front of the lot but shall be effectively screened with a six (6) foot opaque wall or fence rendering the sides and rear opaque in order to avoid any deleterious effect on adjacent properties.

(b) The outside display area shall be considered the same as the floor area for the purpose of calculating off-street parking requirements, yard and lot coverage regulations.

(c) All outside display items with the exception of new and/or used vehicles for sale shall meet a twenty (20) foot front and side setback and a thirty (30) foot rear setback. New and used vehicles for sale or rent shall meet the parking setback requirements established in division (E)(7) below.

(d) The sale of sheds or other accessory buildings is prohibited within the Bayfront Community Redevelopment District east of the Florida East Coast Railroad.

(9) Public and private clubs and lodges including golf courses and similar activities.

(10) New and used motor vehicles, 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.

(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 vehicles shall have attached at all times a current vehicle registration license plate.

(d) Used motor vehicles may only be sold on the same site as a new motor vehicle dealership within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.

(e) Major recreational equipment and mobile home sales and rentals with accessory uses are not permitted within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.

(11) Auto repair, paint, upholstering and body shops subject to provisions (10)(a) through (c) above except within the Bayfront Community Redevelopment District in the area east of the Florida East Coast Railroad.

(12) Public utility equipment and facilities not located within a public utility easement.

(13) Hospitals and nursing homes.

(14) Schools, churches, and libraries.

(15) Day care centers.

(16) Business service establishments.

(17) Dry cleaning.

(18) Funeral homes.

(19) Xerographic and off-set printing.

(20) Public and private parking lots and garages.

(21) Public uses.

(22) 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 subordinate to the principal use, in keeping with the intense commercial character of the district.

(D) *Conditional uses.*

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

(2) Retail automotive gas/fuel sales:

(a) *Access.* Retail automotive gas/ fuel establishments shall be located on arterial roadways or on corner lots at intersections 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 forty (40) feet from all property lines, fifteen (15) feet from any building, and one hundred (100) feet from the nearest residentially zoned 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.

(3) Commercial radio and television broadcasting.

(4) Marinas.

(5) Car washes.

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

(7) Communication towers and facilities.

(8) Eating and drinking establishments that allow patrons to dance to music, subject to the provisions set forth in § 185.088(H).

(9) 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.

(E) *Prohibited uses and structures.*

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

(2) Corrections facilities.

(3) In the Bayfront Community Redevelopment District east of the Florida East Coast Railroad:

(a) Used motor vehicle sales not on the same site as a new motor vehicle dealership;

(b) Major recreational vehicle equipment and mobile home sales and rentals with accessory uses;

(c) The sale of sheds or other accessory structures; and

(d) Auto repair, upholstery and body shops.

(4) Pain-management clinic.

(5) Electronic gaming establishments.

(F) *Lot and structure requirements:*

(1) Minimum lot area — fifteen thousand six hundred and twenty-five (15,625) square feet.

(2) Minimum lot width — one hundred and twenty-five (125) 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 — forty (40) feet.

(7) Minimum yard requirements:

(a) Front — fifty (50) 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 — twenty (20) feet minimum building setback. Parking areas may be located in the side yard, except within ten (10) 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 — thirty (30) feet minimum building and parking area setback; fifteen (15) 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 by all parcels involved and a minimum spacing of two hundred (200) 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 and 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, § 25-136) (Ord. 89-08, passed 4-27-89; Am. Ord. 94-32, passed 6-16-94; Am. Ord. 95-44, passed 11-2-95; Am. Ord. 96-06, passed 2-15-96; Am. Ord. 98-07, passed 4-16-98; Am. Ord. 98-20, passed 7-6-98; Am. Ord. 98-31, passed 9-17-98; Am. Ord. 2000-57, passed 11-2-00; Am. Ord. 2002-70, passed 11-21-02; Am. Ord. 2004-02, passed 1-22-04; Am. Ord. 2004-59, passed 10-7-04; Am. Ord. 2006-123, passed 11-2-06; Am. Ord. 2008-27, passed 5-1-08; Am. Ord. 2008-42, passed 6-5-08; Am. Ord. 2009-16, passed 5-7-09; Am. Ord. 2010-41, passed 9-16-10; Am. Ord. 2011-26, passed 4-7-11; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2020-12, passed 2-20-20)