

## § 185.042 NC — NEIGHBORHOOD COMMERCIAL DISTRICT.

(A) *Intent.* The purpose of the neighborhood commercial district shall be to provide areas within Palm Bay which are deemed to be uniquely suited for the development and maintenance of limited commercial activities offering convenience goods and personal services to residents of the surrounding neighborhood area. Development standards and provisions are established to ensure the proper development and location of uses and services deemed appropriate within the district; to reduce conflicts with adjacent residential uses, and to minimize the interruption of traffic along adjacent thoroughfares.

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

(1) Retail stores, sales, and display rooms (not including automotive, lumber and building supply, and similar uses) containing less than five thousand (5,000) square feet of floor area.

(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 containing less than five thousand (5,000) square feet of floor area.

(4) Schools, libraries, and churches.

(5) Day care centers containing less than five thousand (5,000) square feet of floor area.

(6) Restaurant, not including drive-through facilities and containing less than five thousand (5,000) square feet of floor area.

(7) Public utility equipment, facilities and uses located on one-half (½) acre or less of contiguous land.

(8) Banks and financial institutions without drive-through facilities.

(9) Public uses.

(10) Veterinarian clinics provided all activities are within the principal structure and there is no boarding of animals.

(11) Small Event Spaces containing less than five thousand (5,000) square feet of floor area, which are solely confined to indoor spaces with their occupancy being subject to applicable Building and Fire Codes.

(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 low intensity commercial character of the district. All storage shall be in an enclosed structure.

(D) *Conditional uses:*

(1) Retail automotive gas/fuel sales:

(a) *Access.* Retail automotive gas/fuel sales establishments shall be located on arterial roadways, at a signalized intersection of a major road collector, 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 twenty (20) 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) No fuel pump and tank installation shall have more than four (4) pump islands nor more than eight (8) pumps.

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

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

(g) 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.

(h) 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.

(2) Banks and financial institutions with drive-through facilities with the following condition: The proposed site fronts on an arterial road or at the intersection of collector streets or higher functional classification.

(3) Restaurants with drive-through facilities and restaurants that allow patrons to dance to music, subject to the provisions set forth in § 185.088(l).

(4) Indoor commercial recreation and amusement such as batting cages, miniature vehicle racetracks and similar uses,

fitness centers and other indoor health, recreational, and similar facilities for exercise, sports, and other physical activities containing less than five thousand (5,000) square feet of floor area. Outdoor recreation uses must be related to the indoor recreation use and require a site plan approval.

(5) Public utility equipment, facilities and uses located on sites greater than one-half ( $\frac{1}{2}$ ) acre in size.

(6) Eating establishments licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation licensed as a restaurant that serve alcohol.

(7) Retail stores, sales, and display rooms (not including automotive, lumber and building supplies) and similar uses occupying more than five thousand (5,000) square feet of gross floor.

(8) Professional offices, studios, clinics, general offices, government offices, business schools and similar uses occupying more than five thousand (5,000) square feet of gross floor area.

(9) Day care centers occupying more than five thousand (5,000) square feet of gross floor area.

(E) *Prohibited uses and structures:*

(1) All uses not specifically or provisionally permitted herein.

(2) Corrections facilities.

(3) Arcade amusement centers.

(4) Pain-management clinic.

(5) Electronic gaming establishments.

(F) *Lot and structure requirements:*

(1) Minimum lot area — ten thousand (10,000) square feet.

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

(3) Minimum lot depth — one hundred (100) feet.

(4) Maximum building coverage — thirty percent (30%).

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

(6) Maximum height — twenty-five (25) 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 by all 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) No interior side parking area setbacks are required provided the requirements of divisions 2. through 4. above are met.

(c) 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 chapter.

(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, § 25-134) (Ord. 89- 08, passed 4-27-89; Am. Ord. 93- 22, passed 12-2-93; Am. Ord. 94- 05, passed 3-17-94; Am. Ord. 94- 30, passed 6-16-94; Am. Ord. 95- 44, passed 11-2-95; Am. Ord. 98- 07, passed 4-16-98; Am. Ord. 98- 31, passed 9-17-98; Am. Ord. 98-35, passed 10-22-98; Am. Ord. 2000-44, passed 9-21-00; 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. 2008-27, passed 5-1-08; Am. Ord. 20080-42, passed 6-5-08; Am. Ord. 2008-58, passed 10-16-08; Am. Ord. 2008-59, passed 10-16- 08; Am. Ord. 2009-16, passed 5-7- 09; Am. Ord. 2010-41, passed 9-16-10; Am. Ord. 2016-17, passed 4-21-16; Am. Ord. 2017-30, passed 4-20-17; Am. Ord. 2022-115, passed 11-17-22; Am. Ord. 2023- 100, passed 11-2-23; Am. Ord. 2024-05, passed 2-1-24)