

Sec. 7. - District and intent; B-1, General Commercial District.

The provisions of this district are intended to apply on centrally located areas adjacent to major arterial streets and convenient to major residential areas. The type of uses permitted are intended to provide limited business activities serving the needs of residential neighborhoods. Uses should reflect an atmosphere of providing basic consumer needs of the residential community.

- (1) *Principal uses and structures:* All principal uses and structures permitted in the C-P zoning district are permitted in the B-1 zoning district. In addition, the following uses and structures are permitted for any use or group of uses which are developed, either separately or as a unit, with certain site improvements shared in common.
 - (A) Retail stores, sales and display rooms. Any other retail sales outlet of products sold directly to the customer and wholesaling from sample stocks.
 - (B) Personal service establishments such as barber and beauty shops, laundromats, laundry and dry cleaning pickup stations, tailor shops.
 - (C) Professional offices and studios, clinics, general offices, business schools.
 - (D) Banks and financial institutions.
 - (E) Churches.
 - (F) Educational and cultural institutions.
 - (G) Public and private parking lots.
 - (H) Restaurants, including those restaurants holding a valid license issued by the State of Florida which license allows and permits a restaurant to sell and serve alcoholic beverages for consumption on the premises as an incident to the sale and service of food.
 - (I) Those establishments commonly known as package stores which are licensed by the State of Florida to sell alcoholic beverages only for consumption off the premises.
 - (J) Electric power substations; provided that such use shall meet all landscaping and buffering requirements set forth elsewhere in the City Code; and further provided that a site plan for such use shall be submitted to and approved by the city council in accordance with the site plan requirements of the City Code.
 - (K) Mixed-use developments.
 - (L) Private clubs/lodges.
 - (M) Private clubs/lodges may operate up to ten (10) arcade devices or electronic game devices.
 - (N) Mobile food dispensing vehicles (subject to the requirements in Article III, Section 9-50 of the Code of Ordinances of the City).
- (2) *Accessory uses and structures:*

- (A) 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-density commercial character of the district.
- (B) Notwithstanding the provisions of section 21 of article XIII, residential uses shall be allowed in the B-1 zoning district as an accessory use as follows:
1. One dwelling unit located within or on the top floor of a principal structure and where such dwelling is occupied by the owner or proprietor of the principal structure. The parcel upon which the accessory dwelling unit is located shall be at least one (1) acre in size. Said accessory dwelling unit shall be a minimum of six hundred (600) square feet, provided, however; that the accessory dwelling unit shall be smaller in square footage than the principal structure use and shall be clearly incidental and subordinate to the principal structure use. Except as provided for herein, the minimum lot dimensions and floor area and maximum height; and minimum yard requirements applicable to the B-1 zoning district shall apply to the dwelling unit. There shall be two (2) additional parking spaces designated for the dwelling structure and such parking spaces shall not be used in the calculation for parking spaces required for the principal structure. All such accessory dwellings allowed herein shall conform to all applicable building codes. In considering which building codes apply the building official shall apply the building code which imposes the most stringent requirements.
- (3) *Conditional land uses permissible by city council:*
- (A) Commercial recreational structures, including theaters and bowling alleys.
 - (B) Service stations and car-wash establishments, subject to the following provisions:
 - (1) Minimum lot size: Nine thousand (9,000) square feet.
 - (2) Minimum floor area: Six hundred (600) square feet exclusive of interior servicing area.
 - (3) Setbacks other than required elsewhere in this district: Gasoline pumps and other service island equipment: Twenty (20) feet from property line.
 - (4) Tank storage: Underground storage required for all receptacles for combustible materials in excess of two hundred (200) gallons.
 - (C) Marinas abutting a public waterfront only.
 - (D) Hotels and motels.
 - (E) Veterinary clinics; provided, however, that no animals shall be treated, housed or boarded outside the principal structure in which such veterinary clinic is located.
 - (F)

Self-service storage facilities as defined in Section 83.803(1), Florida Statutes, or other warehouse facilities, provided that the property on which such facilities are located meets the following conditions: (i) the property immediately abuts and is adjacent to property zoned within the M-1 Light Industrial district of the city; and (ii) no part of the proposed storage buildings lies within two hundred (200) feet of a public street or road right-of-way.

- (G) Adult care facilities. Any facility regulated by the State of Florida Agency for Health Care Administration and meeting the criteria and requirements of the provisions of Long Term Care Facilities, Florida Statute 400.0060(5), as amended from time to time; Nursing Homes Florida Statute 400.011, as amended from time to time; Intermediate, Special Services, and Transitional Living Facilities, Florida Statute 400.701, as amended from time to time; Intermediate Care Facilities for Developmentally Disabled Persons, Florida Statute 400.960, as amended from time to time; Assisted Living Facilities, Florida Statute 429.02 (5), as amended from time to time; Adult Day Care Centers. Florida Statute 429.901(I); Adult Family-Care Homes, Florida Statute 429.65(2); and Health Care Facilities, Florida Statute 408.032(8), as amended from time to time. Independent living senior apartments are allowed in conjunction with an Assisted Living Facility.
- (H) Processing or mixing of bulk granular products (as an absorbent to reduce oils, fats and/or grease) subject to the following conditions:
- (1) Processing or mixing of bulk granular products must be done within a fully enclosed building. No outside storage allowed.
 - (2) Processing or mixing of bulk products will not require or cause excessive heat or temperature, odor, nor involve combustible materials.
 - (3) Delivery of product from processing site to customers must provide for a minimum of two (2) commercial loading spaces on site.
- (I) Contractor office and/or bays subject to the following conditions:
- (1) The individual space may be used for office, storage for equipment, tools, products, and minor repair of the contractor's own equipment. Uses shall not include manufacturing, assembly, processing or fabrication of products. No outside storage or display, or retail or wholesale sales of products is allowed.
 - (2) Any future change of use from a contractor office/bay conditional use to any other use will require compliance with appropriate B-1 parking regulations for the changed use.
 - (3) For purposes of this subsection, the term "contractor" shall mean a person or company as listed in Brevard County Code of Ordinances, Chapter 22 Buildings and Building Regulations, Article VI Contractors.
 - (4) Contractor office and/or bays must be located within one hundred (100) feet of Light Industrial/M-1 zoned properties.

- (4) *Special exceptions permissible only by action of the zoning board of appeals.*
 - (A) A special exception may be granted under the provisions of article XVI, section 3 of this zoning ordinance only to the owner or operator of an establishment licensed by the State of Florida to sell or serve alcoholic beverages for consumption on the premises if such sale or service of alcoholic beverages is not associated with a restaurant as provided for in subsection (1)(H) above.
 - (B) No special exception shall be granted to any applicant who is not the owner of the premises specified in the application as the location for the special exception unless the owner of such premises has given and delivered to the city a signed and sworn statement consenting to and joining in the application.
 - (C) No special exception granted under this subsection or under any prior requirements of this zoning ordinance shall be transferrable to any person other than the applicant to whom it is granted or to a location other than that specified in the application for such special exception.
 - (D) If the applicant to whom a special exception is granted fails to comply with any provision of this subsection, or fails to comply with any condition imposed by the ordinance granting such special exception, the special exception granted to the applicant may be revoked by the city after reasonable notice and hearing. Such notice shall be given by the city in writing, shall specify the nature of the alleged noncompliance, and shall be delivered to the applicant to whom the special exception was granted at the address specified for the special exception. A hearing on the proposed revocation of the special exception shall be held by the city council no sooner than fourteen (14) days after delivery of the notice. The city council shall have the right to revoke the special exception upon the vote of no fewer than three (3) members of the city council if the city council determines as a result of the hearing that the alleged noncompliance exists.
 - (E) Any special exception granted pursuant to this subsection may be subject to conditions specified by the zoning board of appeals as provided by article XVI, section 3 and article XIV, section 1 of this zoning ordinance.
- (5) *Prohibited uses:* All other uses not specifically or provisionally permitted. Except as provided for in subsection (3)(M) above, arcades and electronic gaming establishments are specifically prohibited.

(6) *Minimum lot dimensions and floor area and maximum height:*

Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Minimum Floor Area	Maximum Height
6,000 sq. ft.	60 ft.	100 ft.	600 sq. ft.	35 ft.

(7) *Minimum yard requirements:*

<i>Front</i>	50 feet.
<i>Rear</i>	20 ft. from lot line; 15 ft. when abutting an alley.
<i>Side, interior</i>	None, except where use borders a district requiring setbacks, said setbacks shall also apply in this district.
<i>Side, corner</i>	20 feet.

(Ord. No. 83-1, §§ 1, 2, 8-23-83; Ord. No. 86-6, § 2, 4-8-86; Ord. No. 89-4, § 1, 6-27-89; Ord. No. 94-6, § 1, 1-10-95; Ord. No. 96-7, § 1, 1-14-97; Ord. No. 99-5, § 1, 6-8-99; Ord. No. 2002-4, § 3, 8-13-02; Ord. No. 2011-4, § 4, 10-25-11; Ord. No. 2013-1, § 1, 2-26-13; Ord. No. 2012-1, § 1, 2-28-12; Ord. No. 2021-02, § 1, 3-23-21; Ord. No. 2021-05, § 1, 6-22-21; Ord. No. 2021-08, § 2, 6-22-21)