

Sec. 62-1483. Retail, warehousing and wholesale commercial, BU-2.

The BU-2 retail, warehousing and wholesale commercial zoning classification encompasses lands devoted to general retail and wholesale business, contracting and heavy repair services and warehousing activities. Where this zoning classification is presently located or is proposed to be located adjacent to the lagoonal water edge or fronts on the ocean, water-dependent uses such as fish, shellfish and wildlife production, recreation, water-dependent industry and utilities, marinas and navigation shall have the highest priority. The next highest priority for uses along the waterfront include water-related uses such as utilities, commerce and industrial uses. Water-enhanced uses such as restaurants and tourist attractions shall have the next highest use priorities. Of lowest priority are those uses which are nonwater-dependent and nonwater-enhanced, and those which result in an irretrievable commitment of coastal resources.

(1) *Permitted uses.*

- a. All business uses and all materials and products shall be confined within substantial buildings completely enclosed with walls and a roof, however, retail items of substantial size or which of necessity must remain outside of a building may be permitted to be displayed outside the building. Such retail items include but are not limited to motor vehicles, utility sheds, nursery items such as plants and trees, boats and mobile homes.
- b. All uses listed below, or other uses of a similar nature compatible with the character of uses described herein:

Administrative, executive and editorial offices.

Antique shops.

Aquariums.

Art goods and bric-a-brac shops.

Artists' studios.

Auditoriums.

Automobile hire.

Automobile repairs, minor and major, as defined in Section 62-1102 (also see Section 62-1837.6).

Automobile washing.

Bait and tackle shop.

Bakery sales, with baking permitted on the premises.

Banks and financial institutions.

Barbershops and beauty parlors.

Bicycle sales and service.

Billiard rooms and electronic arcades (soundproofed).

Bookstores.

Bottling beverages.

Bowling alleys (soundproofed).

Cafeterias.

Ceramics and pottery; finishing and sales, including production and firing.

Child or adult day care centers.

Civic, philanthropic or fraternal organizations.

Colleges and universities.

Commercial schools offering instruction in dramatic, musical or other cultural activity, including martial arts.

Confectionery and ice cream stores.

Conservatories.

Convenience stores, with or without gasoline sales.

Curio shops.

Dancing halls and academies (soundproofed).

Display and sales rooms.

Dog and pet hospitals and beauty parlors.

Drug and sundry stores.

Dry cleaning and laundry pickup stations.

Dry cleaning plants.

Dyeing and carpet cleaning.

Electrical appliance and lighting fixtures.

Employment agencies.

Feed and hay for animals and stock.

Fertilizer stores.

Florist shops.

Foster homes.

Fraternities and sororities.

Fruit stores (packing on premises).

Funeral homes and mortuaries.

Furniture stores.

Furriers.

Gift shops.

Glass installation.

Grocery stores.

Group homes, levels I and II, subject to the requirements set forth in section 62-1835.9.

Hardware stores.

Hat cleaning and blocking.

Hobby shops.

Hospitals.

Ice plants.

Interior decorating, costuming and draperies.

Jewelry stores.

Kindergartens.

Laboratories.

Laundries.

Lawn mower sales.

Leather good stores.

Luggage shops.

Mail order offices.

Meat markets.

Medical buildings and clinics, and dental clinics.

Messenger offices.

Millinery stores.

Music, radio and television shops and repairs.

Newsstands.

Nursing homes.

Optical stores.

Paint and body shops.

Paint and wallpaper stores.

Parking lots (commercial).

Parks and public recreational facilities.

Pawnshops.

Pet kennels.

Pet shops, with property enclosed to prevent any noxious odors.

Photograph galleries.

Photographic studios.

Plant nurseries.

Plumbing and electrical shops.

Post offices.

Printing services.

Professional offices and office buildings.

Resort dwellings.

Restaurants.

Sale of alcoholic beverages, package only.

Schools for business training.

Schools, private or parochial.

Seafood processing plants not located within 300 feet of any residential zone boundary.

Sharpening and grinding shops.

Ship chandlery.

Shoe repair shops.

Shoe stores.

Single-family residence.

Soft drink stands.

Souvenir stores.

Stationery stores and bookstores.

Tailor shops.

Tearooms.

Telephone and telegraph stations and exchanges.

Television and broadcasting stations, including studios, transmitting stations and towers, power plants and other incidental uses usually pertaining to such stations.

Testing laboratories.

Theaters, but no drive-ins.

Ticket offices and waiting rooms for common carriers.

Tobacco stores.

Upholstery shops.

Wearing apparel stores.

Welding repairs (except metal fabrication).

Wholesale salesroom and storage rooms.

Worship, places of.

- c. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Assisted living facility.

Automobile and motorcycle repair (major) and paint and body work.

Automobile sales and storage.

Automobile tires and mufflers (new) (sales and service).

Boat sales and service.

Building materials and supplies.

Cabinetmaking and carpentry.

Cemeteries and mausoleums.

Commercial entertainment and amusement enterprises (small scale), subject to conditions in section 62-1921.

Contractor's offices, plants and storage yards.

Crematoriums.

Engine sales and service.

Farm machinery sales and services.

Garage or mechanical service.

Gasoline service stations.

Manufacturing, compounding, processing, packaging, storage, treatment or assembly of certain projects.

Mini-warehouses.

Minor automobile repairs.

Mobile home and travel trailer sales.

Motorcycle sales and service.

Outdoor restaurant seating.

Outside sale of mobile homes.

Preexisting use.

Railroad, motor truck and water freight and passenger stations.

Recovered materials processing facility.

Security mobile home.

Service station for automotive vehicles and U-haul service.

Substations, and transmission facilities.

Tourist efficiencies and hotels and motels.

Treatment and recovery facility.

Warehouses.

- (2) *Accessory buildings or uses.* Accessory buildings and uses customary to commercial and residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5). Additional accessory uses are as follows:

A roadside stand used as provided in chapter 86, article IV is permitted as an accessory use.

- (3) *Conditional uses.* Conditional uses are as follows:

Alcoholic beverages for on-premises consumption.

Automobile sales and storage (under one acre in the Merritt Island Redevelopment Area).

Change of nonconforming agricultural use.

Commercial entertainment and amusement enterprises (large scale).

Commercial/recreational and commercial/industrial marinas.

Flea markets (recreational vehicles may be an accessory use pursuant to division 5, subdivision II, of this article).

Land alteration (over five acres and up to ten acres).

Security mobile home.

Substantial expansion of a preexisting use.

Towers and antennas.

- (4) *Minimum lot size.* Except for gasoline service stations, an area not less than 7,500 square feet is required, having a width and depth of not less than 75 feet.

- (5) *Setbacks.*

a. *Generally.*

1. Gasoline Service Station setbacks in this zoning classification shall be governed by section 62-1835.7.

2. The front setback shall be 25 feet from the front lot line.

3. The rear setback shall be 15 feet from the rear lot line. However, if the rear lot line abuts a dedicated 20-foot alley or roadway, the setback shall be five feet.
 4. Side Setbacks:
 - a. Where a side lot line abuts a residential zone, such side setback shall be a minimum of 15 feet.
 - b. Where a side lot line abuts a non-residential zone, such side setback shall be 5 feet.
 - c. Where a side lot line abuts a combination of commercial, industrial or residential zonings, the respective side setbacks as stated in a. or b. above shall apply to the affected side yard area.
 - d. Where a 20 foot dedicated alleyway or roadway exists adjacent to or abutting the rear lot line, and the zoning adjacent to the side yard area is non-residential, no side setback is required when a three hour firewall is constructed along the side lot line. However, where the side lot line abuts a residential zone on that side, the minimum side setback shall be 15 feet.
 - e. Notwithstanding the requirements of section 5(a)(4)(b) above, where a 20-foot dedicated alleyway or roadway does not exist adjacent to or abutting the rear lot line, lots whose sides abut non-residential zonings may utilize a ten-foot paved driveway setback along one side and a zero foot setback on the other provided a three-hour firewall is constructed where the building is proposed within five feet of the side property line. However, where the side lot line abuts a residential zone on that side, the minimum side setback shall be 15 feet.
 - f. On a corner lot, the side street setback shall be 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall 25 feet.
 - b. *Breezeway/visual corridor.* All riverfront and oceanfront properties are subject to breezeway/visual corridor regulations enumerated in section 62-2105.
- (6) *Minimum floor area.* All structures shall contain a minimum of 300 square feet of

floor area.

(7) *Structural height standards.*

- a. Where the property abuts any other land located in the GU, AGR, AU, ARR, REU, RU-1-7, RU-1-9, RU-1-11, RU-1-13, RR-1, EU, EU-1, EU-2, SEU, SR, RVP, TR-1-A, TR-1, TR-2, TR-3, TRC-1, RRMH-1, RRMH-2.5, RRMH-5, EA, PA or GML zoning classification, the maximum height threshold of any structure or building thereon shall be 35 feet.
- b. Where the property abuts any other land located in the RA-2-4, RA-2-6, RA-2-8, RA-2-10, RU-2-4, RU-2-6, RU-2-8, RU-2-10, RU-2-12, RP or BU-1-A zoning classification, the maximum height threshold of any structure or building thereon shall be 45 feet.
- c. Where the property abuts any other land located in the RU-2-15, RU-2-30, BU-1, BU-2, PBP, PIP, IU, IU-1, TU-1 or TU-2 zoning classification, the maximum height threshold of any structure or building thereon shall be 60 feet.
- d. Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.
- e. Structures or buildings may not exceed the maximum height thresholds stated in this subsection unless otherwise permitted by section 62-2101.5.

(8) *Fencing and buffering.* See article XIII, division 2, of this article, pertaining to landscaping.

(9) *Metal buildings.* Metal buildings shall be permitted in this zoning classification subject to the restrictions presented in section 62-2115.

(10) *Maximum floor area ratio.* The floor area ratio shall be governed by section 62-2110.

(Code 1979, § 14-20.12(C); Ord. No. 93-20, § 1, 6-22-93; Ord. No. 95-47, §§ 54, 55, 10-19-95; Ord. No. 95-49, §§ 9, 12, 18, 10-19-95; Ord. No. 95-51, § 5, 10-19-95; Ord. No. 96-16, §§ 57, 58, 3-28-96; Ord. No. 96-46, § 15, 10-22-96; Ord. No. 97-23, § 3, 7-8-97; Ord. No. 97-40, § 3, 10-14-97; Ord. No. 98-11, § 4, 2-26-98; Ord. No. 99-07, § 12, 1-28-99; Ord. No. 99-24, §§ 3, 7, 4-8-99; Ord. No. 2000-50, § 4, 10-31-00; Ord. No. 01-07, § 3, 2-20-01; Ord. No. 01-30, § 11, 5-24-01; Ord. No. 2002-42, § 5, 8-27-02; Ord. No. 2002-43, § 3, 8-27-02; Ord. No. 2002-49, § 34, 9-17-02; Ord. No. 2003-03, § 28, 1-14-03; Ord. No. 03-36, § 1, 8-7-03; Ord. No. 04-29, § 27, 8-5-04; Ord. No. 2004-52, § 24, 12-4-04; Ord. No. 05-27, § 3, 5-19-05; Ord. No. 05-40, § 8, 8-23-05)