

Code of Ordinances (11) *Limitation on drive-through lanes.* Drive through lanes are prohibited in areas designate Neighborhood Commercial on the Future Land Use Map of the Comprehensive Plan.

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

(Code 1979, § 14-20.12(A); Ord. No. 93-19, § 1, 6-22-93; Ord. No. 95-47, §§ 50, 51, 10-19-95; Ord. No. 95-49, § 4, 10-19-95; Ord. No. 96-16, §§ 53, 54, 3-28-96; Ord. No. 97-23, § 1, 7-8-97; Ord. No. 97-40, § 1, 10-14-97; Ord. No. 99-07, § 12, 1-28-99; Ord. No. 01-07, § 1, 2-20-01; Ord. No. 01-30, § 9, 5-24-01; Ord. No. 2001-71, § 3, 11-1-01; Ord. No. 2002-42, § 3, 8-27-02; Ord. No. 2002-43, § 1, 8-27-02; Ord. No. 2002-49, § 32, 9-17-02; Ord. No. 2003-03, § 26, 1-14-03; Ord. No. 04-29, § 25, 8-5-04; Ord. No. 2004-52, § 22, 12-4-04; Ord. No. 05-27, § 3, 5-19-05; Ord. No. 05-40, § 6, 8-23-05; Ord. No. 06-54, § 1, 10-5-06; Ord. No. 2007-52, § 1, 10-4-07; Ord. No. 2007-59, § 2, 12-6-07; Ord. No. 2014-30, § 1, 10-2-14)

#### **Sec. 62-1482. - General retail commercial, BU-1.**

The BU-1 general retail commercial zoning classification encompasses land devoted to general retail shopping, offices and personal services to serve the needs of the community. 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 material 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 buildings. Such retail items include but are not limited to motor vehicles, utility sheds, nursery items such as plants and trees, and boats.
- b. The following uses, or other uses of a similar nature compatible with the character of the uses specifically described in this subsection, are permitted, and shall be limited to retail only:
  - Administrative, executive and editorial offices.
  - Antique shops.
  - Aquariums.
  - Art goods and bric-a-brac shops.

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Artists' studios.

Auditoriums.

Automobile hire.

Automobile parts, if confined within a structure.

Automobile repairs, minor (as defined in [section 62-1102](#)).

Automobile sales and storage, provided sales are from a permanent structure and the storage area meets the requirements of article VIII of this chapter, pertaining to site plans, and article XIII, division 2, of this chapter, pertaining to landscaping.

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

Automobile washing.

Bait and tackle shop.

Bakery sales, with baking permitted on the premises.

Banks and financial institutions.

Barbershops and beauty parlors.

Bed and breakfast inn.

Bicycle sales and service.

Billiard rooms and electronic game arcades (soundproofed).

Bookstores.

Bowling alleys (soundproofed).

Cafeterias.

Ceramics and pottery; finishing and sales; no production or firing except accessory to on site sales only.

Civic, philanthropic or fraternal organizations.

Coin laundromats.

Colleges and universities.

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



Confectionery and ice cream stores.

Conservatories.

Contractors' offices, with no outside storage.

Convenience stores, with or without gasoline sales.

Curio shops.

Dancing halls and academies (soundproofed).

Child or adult day care centers.

Display and sales rooms.

Dog and pet hospitals and beauty parlors, with no outside kennels or runs.

Drug and sundry stores.

Dyeing and carpet cleaning.

Electrical appliance and lighting fixtures.

Employment agencies.

Fraternities and sororities.

Florist shops.

Foster homes.

Fruit stores (packing on premises).

Funeral homes and mortuaries.

Furniture stores.

Furriers.

Gift shops.

Grocery stores.

Group homes, levels I and II.

Hardware stores.

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Hat cleaning and blocking.

Hobby shops.

Hospitals.

Interior decorating, costuming and draperies.

Jewelry stores.

Laboratories.

Laundries.

Lawn mower sales.

Leather good stores.

Luggage shops.

Mail order offices.

Meat, fish and seafood markets.

Medical buildings and clinics, and dental clinics.

Messenger offices.

Millinery stores.

Motorcycle sales and service.

Music, radio and television shops and repairs.

Newsstands.

Non-overnight commercial parking.

Nursing homes.

Optical stores.

Paint and wallpaper stores.

Parks and public recreational facilities.

Pawnshops.

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

Photograph studios and galleries.

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Plant nurseries (no outside bulk storage of mulch, topsoil, etc.).



Post offices.

Printing services.

Professional offices and office buildings.

Resort dwellings.

Restaurants.

Sale of alcoholic beverage, package only.

Schools for business training.

Schools, private or parochial.

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 and other incidental uses usually pertaining to such stations.

Theaters, but no drive-ins.

Ticket offices and waiting rooms for common carriers.

Tobacco stores.

Upholstery shops.

Wearing apparel stores.

Worship, places of.

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c. Permitted uses with conditions are as follows (see division 5, subdivision II of this a



Assisted living facility.

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

Boat sales and service.

Cabinetmaking and carpentry.

Dry cleaning plants, accessory to pickup stations.

Farm machinery sales and service.

Gasoline service stations.

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

Outdoor restaurant seating.

Outside sale of mobile homes.

Preexisting use.

Substations, and transmission facilities.

Security mobile home.

Self storage mini-warehouses.

Tourist efficiencies and hotels and motels.

Treatment and recovery facility.

- (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. Completely enclosed lumber sales are permitted as an accessory use to hardware and supply stores.
- b. 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.

Change of nonconforming agricultural use.

Commercial/recreational and commercial/industrial marinas.

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

Overnight commercial parking lot.

Performance overlay districts.

Plant nurseries (with outside bulk storage of mulch, topsoil, etc.)

Security mobile home.

Substantial expansion of a preexisting use.

Trailer and truck rental.

Wireless telecommunication facilities and broadcast towers.

(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

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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.
5. *Within the Merritt Island Redevelopment Area.* On all lots in the Merritt Park Place Subdivision except corner lots, structures shall be set back not less than 15 feet from the front lot line where parking is located to the side or rear of the principal structure. Otherwise, all other provisions as described above shall apply.
- 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, R-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, PIP, PBP, IU, IU-1, TU-1 or TU-2 zoning classification, the maximum height threshold of any structure or building thereon shall be 60 feet.



Code of Ordinances d. Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 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(B); Ord. No. 95-17, § 1, 4-11-95; Ord. No. 95-47, §§ 52, 53, 10-19-95; Ord. No. 95-49, §§ 3, 9, 12, 18, 21, 10-19-95; Ord. No. 95-51, § 4, 10-19-95; Ord. No. 96-16, §§ 55, 56, 3-28-96; Ord. No. 96-46, § 14, 10-22-96; Ord. No. 97-23, § 2, 7-8-97; Ord. No. 97-40, § 2, 10-14-97; Ord. No. 99-07, § 12, 1-28-99; Ord. No. 99-24, § 9, 4-8-99; Ord. No. 2000-50, § 3, 10-31-00; Ord. No. 01-07, § 2, 2-20-01; Ord. No. 01-30, § 10, 5-24-01; Ord. No. 2002-42, § 4, 8-27-02; Ord. No. 2002-43, § 2, 8-27-02; Ord. No. 2002-49, § 33, 9-17-02; Ord. No. 2003-03, § 27, 1-14-03; Ord. No. 03-36, § 1, 8-7-03; Ord. No. 04-29, § 26, 8-5-04; Ord. No. 2004-52, § 23, 12-4-04; Ord. No. 05-27, § 3, 5-19-05; Ord. No. 05-40, § 7, 8-23-05; Ord. No. 06-21, § 3, 4-25-06; Ord. No. 06-36, § 3, 5-24-06; Ord. No. 2007-59, § 3, 12-6-07; Ord. No. 2014-30, § 1, 10-2-14; Ord. No. 2018-10, §§ 1, 2, 4-24-18)

#### **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.