
Sec. 62-1481. Restricted neighborhood retail commercial, BU-1-A.

The BU-1-A restricted neighborhood retail commercial zoning classification encompasses lands devoted to limited retail shopping and personal services to serve the needs of nearby low-density residential neighborhoods.

(1) *Permitted uses.*

- a. The following uses, or other uses of similar nature that are compatible with the character of the uses specifically set forth in this subsection, are permitted. All business uses and all materials and products shall be confined within substantial buildings completely enclosed with walls and a roof.

Administrative, executive and editorial offices.

Antique shops.

Art goods and bric-a-brac shops.

Artists' studios.

Bakery sales, with baking permitted on the premises.

Banks and financial institutions.

Barbershops and beauty parlors.

Bookstores.

Ceramics and pottery; finishing and sales only; no production or firing.

Child care center.

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

Computer sales, service and repair..

Confectionery and ice cream stores.

Contractor's offices; general contractor's administrative offices only; no outside storage or storage in open vehicles.

Curio shops.

Dental clinics.

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

Drug and sundry stores.

Florist shops.

Foster homes.

Gift shops.

Group homes, levels I and II.

Hat cleaning and blocking.

Hobby shops.

Interior decorating and draperies.

Jewelry stores.

Learning centers.

Leather goods stores.
Luggage shops.
Mail order offices.
Medical buildings and clinics.
Messenger offices.
Millinery stores.
Music shops.
Newsstands.
Optical stores.
Paint and wallpaper stores.
Parks and public recreational facilities.
Photographic studios.
Professional offices.
Resort dwellings.
Shoe repair shops.
Shoe stores.
Single-family residence.
Soft drink stands.
Souvenir stores.
Stationery stores.
Tailor shops.
Tea rooms.
Tobacco stores.
Wearing apparel stores.

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

Bait and tackle shop.
Coin laundromat.
Preexisting use.
Snack bar and restaurant.

- (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).
- (3) *Conditional uses.* Conditional uses are as follows:
- Alcoholic beverages for on-premises consumption accessory to a snack bar or restaurant.
- Change of nonconforming agricultural use.

Convenience store in BU-1-A zoning classification.

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

Public or private clubs, including art galleries.

Substantial expansion to a preexisting use.

Wireless telecommunication facilities and broadcast towers.

- (4) *Minimum lot size.* An area of 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. The front setback shall be 50 feet from the front lot line.

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

3. 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)(3)(b) above, where a 20-foot dedicated alleyway or roadway does not exist adjacent to or abutting the rear lot line, lots that have side lot lines abutting nonresidential 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 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, RU-2-15, RU-2-30, RP, BU-1-A, 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 45 feet.
 - c. Where any structure or building exceeds 35 feet in height, all conditions enumerated in section 62-2101.5 as applicable shall be fully satisfied.
 - d. 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 chapter, 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) *Traffic impact standards.*
- a. Any permitted use or combination of uses in this classification on a single site which generates 100 or more average daily trips (ADT) must be located on a road with a functional classification of arterial or higher or at the intersection of two collector roads, except where meeting the requirements of subsection b. Traffic generation of a proposed facility on a site shall be determined by a concurrency evaluation performed pursuant to the criteria established by section 62-601 et seq., at the time of site plan review. This provision applies to site plans for vacant sites only and not to expansions of existing uses as of the effective date of this section.
 - b. Notwithstanding subsection a. above, sites with proposed uses not meeting the traffic impact standards established above may be approved by the zoning official under the following conditions: The applicant must submit a concept plan describing the layout of the proposed site; including the square footage of floor area and type of uses proposed. Daily traffic generated by the site, as determined by a concurrency evaluation based upon the concept plan, cannot increase the amount of existing traffic on the abutting street by more than 20 percent. The applicant must provide a current traffic count performed by a licensed engineer if county or state traffic counts are not available on the adjacent road.
- (11) *Limitation on drive-through lanes.* Drive through lanes are prohibited in areas designated as 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. 62-1906. Alcoholic beverages for on-premises consumption.

The sale of or serving of alcoholic beverages on the premises shall only be permitted in accordance with the following conditions:

- (1) a. A bar or cocktail lounge as defined in section 62-1102 is a conditional use in a general retail (BU-1) zoning classification; a retail, warehousing, and wholesale commercial (BU-2) zoning classification; a general tourist commercial (TU-1) zoning classification; and a transient tourist commercial (TU-2) zoning classification. Such conditional use shall be considered in the same manner and according to the same standards of review as specified in this division. A bar or cocktail lounge is prohibited within the restricted neighborhood commercial (BU-1-A) zoning classification.
- b. The on-premises sale or serving of alcoholic beverages in an eating and drinking establishment, as defined in section 62-1102 is a conditional use in all of the zoning classifications that allow restaurants and snack bars. Such conditional use shall be considered in the same manner and according to the same standards of review as specified in section 62-1901 and in this section.
- c. The on-premises sale or serving of alcoholic beverages in restaurants, as defined in section 62-1102, is an administrative approval. Such administrative approval shall be considered in the same manner and according to the same standards of review as specified in this section.
- (2) The on-premises sale or serving of alcoholic beverages may be a conditional use as an accessory use to civic, philanthropic or fraternal organizations, lodges, fraternities and sororities, or marinas, golf courses, stadiums or other similar recreational uses, in those zoning classifications in which such uses are permitted. Such conditional use shall be considered in the same manner and according to the same standards of review as specified in section 62-1151. The conditional use shall be granted only as an accessory use to the primary use requested. Bottle clubs shall be considered commercial uses subject to the requirements of this section.
- (3) Except for restaurants with more than 50 seats, no alcoholic beverages shall be sold or served for consumption on the premises from any building that is within 300 feet from the lot line of a school or church if the use of the property as a school or church was established prior to the commencement of the sale of such alcoholic beverages. For the purposes of this subsection, a school shall include only grades kindergarten through 12. For the purpose of establishing the distance between the proposed alcoholic beverage use and churches and schools, a certified survey shall be furnished from a registered engineer or surveyor. Such survey shall indicate the distance between the front door of the proposed place of business and all property lines of any church or school within 400 feet. Each survey shall indicate all such distances and routes.
- (4) Restaurants may request the on-premises sale of or serving of alcoholic beverages as an administrative approval (AA). The administrative approval shall be reviewed under the following criteria.
 - a. Restaurant/snack bar administrative approval (AA) procedure requires the submittal of the following documents:
 1. Application for administrative approval (AA) with payment of fee identified in the fee schedule.
 2. A notarized letter from restaurant owner attesting that 51 percent of total gross revenue is from the sales of food and non-alcoholic beverages and food will be continuously ready to be prepared, served, and sold during all operational hours of the restaurant.
 3. Submittal of a certified survey in compliance with subsection (3) above.

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4. A site plan signed by a registered engineer, land surveyor, or architect; or a scaled dimensional sketch plan showing the building location, any outdoor seating areas, required parking, ingress and egress, and buffering.
 5. Submittal of state required paperwork for alcoholic beverage license together with interior layout, seating count, and any outside seating areas of the licensed premises. A separate fee is required.
- b. Upon approval of the AA, the applicant shall have 365 days to obtain the state issued alcohol permit. Failure to obtain said permit within 365 days will cause the AA to expire.
 - c. AA shall terminate if any of the following conditions apply: termination of administrative approval by request of the current applicant, closure of the business, or license transfer requested under different management has been received by planning and development.
 - d. Staff shall have the authority to process replacement AA applications where new ownership/management has occurred.
 - e. The board shall have the authority to revoke a previously granted AA should the use fail to comply with any of the conditions and restrictions imposed in the AA, or has created an unforeseen negative impact such as emissions, particulates, noise, or other negative impact, or has otherwise caused substantial and adverse effects on the general health, safety, or welfare of adjoining and nearby property owners and residents, and the owner has had adequate opportunity to correct the deficiency through code enforcement procedures or other avenues of due process. This provision shall apply retroactively.
- (5) *Imposition of additional operational requirements.* When deemed appropriate, as based upon circumstances revealed through the general and specific standards of review set forth in this division, the Board shall have the option of imposing operational requirements upon an establishment approved for a conditional use for on-premises consumption of alcoholic beverages. Requirements may include, but are not limited to, the following: maximum number of patrons; hours of operation; limitations upon outdoor seating and service of alcoholic beverages; limitations upon outside music and/or public address systems; additional buffering requirements; additional parking requirements; internal floor plan arrangement; or other specific restrictions based upon special neighborhood considerations. Additional requirements shall not exceed the limits of regulatory authority granted to local governments in the State Beverage Law, F.S. § 562.45.
- (6) *Expansion of on-premises consumption.* The square footage area or the location of the premises designated for a conditional use permit or administrative approval for on-premises consumption of alcoholic beverages shall not be expanded beyond that approved by the conditional use permit or administrative approval without filing a new application for a conditional use permit or administrative approval in accordance with the requirements contained in this section and section 62-1901 and having same approval by the board of county commissioners. "Expansion", as used herein, shall include the enlargement of space for such use and uses incidental thereto as well as the extension of a beer and/or wine use to include intoxicating liquor. The new application must cover both the existing approved designated area as well as the proposed expanded area. All areas approved shall be regulated under the same business license and shall be subject to uniform rules and regulations.

(Code 1979, § 14-20.16.2(B)(5); Ord. No. 93-24, § 1, 11-10-93; Ord. No. 2002-63, § 1, 12-17-02; Ord. No. 04-29, § 39, 8-5-04; Ord. No. 06-54, § 2, 10-5-06; Ord. No. 2020-14, § 1, 9-3-20)

Sec. 62-1842. Snack bars and restaurants.

Snack bars and restaurants must comply with the applicable parking requirements, and the establishment shall not have more than 49 seats. All snack bars and restaurants with up to 30 seats as of July 30, 1998, wishing to expand up to 49 seats shall comply with all applicable development regulations.

(Code 1979, § 14-20.16.1(12); Ord. No. 98-46, § 1, 8-27-98)