

## § 185.058 BMU—BAYFRONT MIXED USE DISTRICT.

(A) *Intent.* The purpose of the Bayfront Mixed Use (BMU) district is to provide areas within the Bayfront Redevelopment District for an attractive and functional mix of high density residential with a low intensity of commercial land uses that are linked by a network of walkways. The ratio of residential to commercial shall have a minimum of 20% commercial uses, based upon Floor Area Ratio (FAR) or the gross floor area of the first floor (footprint) of all principal use buildings.

### (B) *Principal uses and structures.*

(1) Multiple family dwellings provided that in no case shall there be more than forty (40) dwelling units per gross residential acre.

(2) Professional offices such as accounting, architecture, engineering, dentistry, medical, insurance, real estate, financial services, title companies and similar uses.

(3) General offices such as administrative, corporate, business, and similar uses.

(4) Personal service such as beauty, barbers, dry cleaning pick-up, tailoring and similar uses.

(5) Business service such as graphic design, interior design, advertising, photography, printing, employment services, telemarketing, business schools, and similar uses.

(6) Financial institutions (banks, credit unions, and savings and loan).

(7) Retail sales and service (clothing, jewelry, luggage, shoes, electronics, sporting goods, gift shops, florists, photographic supplies, art dealers, antique shops/dealers, tobacco products, grocery stores, convenience stores, drug stores, cosmetic and beauty supply optical specialty food, and similar uses).

(8) Public uses (any federal, state, county, municipal, special district, or similar use).

(9) Eating establishments, including dancing in eating establishments. (restaurants, coffee shops, pastry shops, ice cream parlors, cafeterias, snack shops, and similar uses).

(10) Retail bakeries.

(11) Clubs, lodges, and fraternal organizations.

(12) Nursing homes and adult congregate living facilities.

(13) Hotel, motel, and bed and breakfast inns.

(14) Public and private parking lots.

(15) Brew pubs and/or other drinking establishments.

(C) *Accessory uses and structures.* Customary accessory uses of one or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the objectives of a mixed use environment. All storage shall be in an enclosed structure unless clearly provided for herein.

### (D) *Conditional uses.*

(1) Public utility facilities.

(2) Marinas with boat sales and rentals.

(3) Public and private schools.

(4) Permitted uses located on a parcel of ten (10) or more acres of area.

### (E) *Prohibited uses and structures.*

(1) All uses not specifically permitted herein.

(2) Retail automotive fuel sales.

(3) Pawn shops.

(4) Tattoo parlors and body piercing establishments.

(5) Contractors' offices with outside storage (plumbers, electricians, carpenters, masons, roofers, builders, cabinet makers, fence installers, gutter and siding installers, flooring and tile installers, drywall installers, painters, heating and air conditioning installers, glass repair and replacement, and similar uses).

(6) Adult entertainment.

(7) Fire works sales.

(8) Commercial towers.

(9) Automotive/vehicle repair and auto body repair, painting, and storage of junk vehicles.

- (10) Vehicle/automotive sales/lease.
- (11) Palm readers/fortunetellers and similar uses.
- (12) Flea markets and auction houses and similar uses.
- (13) Soup kitchens/homeless shelters.
- (14) Pain-management clinic.
- (15) Secondhand Dealer.
- (16) Warehousing and/or self-storage facilities.

(F) *Lot and structure requirements.*

- (1) Minimum lot area - 1 acre.
- (2) Minimum lot width - forty (40) feet.
- (3) Minimum lot depth - one hundred twenty (120) feet.
- (4) Maximum building coverage - sixty percent (60%).
- (5) Maximum height - sixty (60) feet. Additional building height may be permitted, subject to the following provisions:
  - (a) Providing public a space or public amenity totaling ten percent (10%) of the site, entitles an additional 10 feet in height.
  - (b) Providing understory parking to reduce required surface parking, entitles an additional 10 feet in height.
  - (c) Providing public access to the waterway through public boat slips, or public boat launch, or public transitional slips, entitles an additional 10 feet in height.
  - (d) Provide a mixture of uses, such as restaurant with residential uses above, entitles an additional 10 feet in height.
  - (e) Providing shared storm water or shared parking with neighboring properties, entitles an additional 10 feet in height. Upon approval by the city, the shared amenity shall be recorded as an easement or agreement, in the public records of Brevard County.
- (6) Minimum floor area (commercial) - three hundred (300) square feet.
- (7) Minimum living area for multifamily units: None.
- (8) Yard requirements:
  - (a) Front: zero (0) foot minimum.
  - (b) Side interior: five (5) feet minimum, twenty-five (25) foot minimum when the property is adjacent to single-family development not separated by waterway, railroad, or street.
  - (c) Side corner: zero (0) foot minimum.
  - (d) Rear: twenty (20) feet minimum; ten (10) minimum feet when abutting a right-of-way or alley.
  - (e) Accessory structures: minimum twenty (20) foot front and side corner, same side and rear as listed in divisions (b) and (d) above.
  - (f) For buildings sixty (60) feet in height, or greater, the building(s) shall be setback a minimum of half the height of the building from the rear and side interior property lines when the property is adjacent to single-family development not separated by waterway, railroad, or street.
  - (g) For buildings taller than sixty (60) feet; the building shall be stepped-back a minimum of twenty (20) feet beyond the forty (40) foot height measurement when the property is adjacent to single-family development not separated by waterway, railroad, or street. This is intended to create a terrace effect that helps provide light and air for the adjacent single-family dwellings. The stepped back portion can be used for recreational purposes such as gardening or outdoor dining.
- (9) Shared access and parking areas:
  - (a) Off-street parking for non-residential uses shall be behind or to the side of the nonresidential building with a minimum of five (5) foot setback from a right-of-way line.
  - (b) On-street parking spaces along any property line shall be counted toward the minimum number of parking spaces required for that use on that lot, except where there are driveway curb cuts.
  - (c) No side interior building and parking area setbacks are required for nonresidential buildings provided all of the following are met:
    - 1. Buildings on adjacent parcels, under separate ownership, are joint by a common wall.

2. Parking areas and aisles are joined and shared in common with adjacent parcel(s) under separate ownership.

3. Curb cuts and driveways on principal roadways (collector and arterial streets) are shared in common for the parcels involved and a minimum spacing of one hundred fifty (150) feet is maintained, or access is provided by an approved frontage road.

4. Easements and/or written assurances of shared and common facilities from all property owners involved must be approved by the city and recorded in public records of Brevard County prior to the issuance of a building permit.

(d) 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.

(e) For developments adjacent to public parking the total number of off-street parking spaces required for uses on the parcel involved may be reduced by ten percent (10%) where the location of public parking areas provides convenient access to the principal buildings. On street public parking may not be considered for reduction eligibility.

(10) Design requirements:

(a) The Architectural Style for each structure shall adhere to 185.134 ARCHITECTURAL STYLE REQUIREMENTS (B)(1), (2), (3), (4), or (5).

(b) Structures in the following use category are exempt from the design review requirements of this subsection: public utility equipment and churches.

(c) The city sign code (Chapter 178) shall be adhered to with the following additional requirements:

1. Materials: The color, construction, and material of each sign shall be compatible with the architecture on the site.

2. Design: Every sign frame or support shall be designed as a sympathetic architectural element of the building(s) to which it is principally related.

3. Free standing signs shall have landscaping at the base.

(d) Structures having a federal or state historic site status shall be exempt from this subsection.

(e) Garages for single-, or two-family residential structures and uses shall not be located closer to the front or side corner lot line than the foremost facade of the principal building, i.e., "snout houses" are not permitted.

(f) Other than for entrances and exits, parking structures shall be screened from view on ground level by landscaping or active commercial or residential uses, to the greatest extent possible, on any side that faces a public street or right-of-way.

(g) The City Council may, by resolution, adopt such administrative policies, manuals and/or fees as necessary to implement the design requirements identified above.

(11) Signs. Maximum height for any detached sign shall be ten (10) feet. All other criteria of the Sign Code shall be met.

(12) Landscaping. Properties within the Bayfront Mixed Use district are exempt from the development standards of § 185.142(B)(1), (2) and (4), Off-Street Parking Area Landscape Requirements, however properties within the district shall meet all the other requirements of § 185.142 in addition to the following landscape development standards:

(a) One (1) tree per every forty (40) feet of the property frontage shall be planted between the right-of-way line and the front or side corner building line for all properties.

(b) Any off-street parking space or parking lot in the Bayfront Mixed Use District that abuts a street right-of-way shall be buffered from the right-of-way by a landscape area of no less than five (5) feet of width in which is located a continuous row of shrubs no less than two (2) feet in height.

(c) In addition, where off-street parking is required for multiple family residential and nonresidential uses, such parking shall meet the interior parking area landscape requirements of § 185.142(3) of the code.

(13) Sidewalks. Sidewalks shall be provided to create a pedestrian access to the proposed project and to adjacent properties. All sidewalks shall:

(a) Be constructed of concrete with a raised curb separating the sidewalk from on-street parking.

(b) Be a minimum of five (5) feet in width.

(c) Comply with city engineering design standards.

(14) Fence/walls. The construction, erection, and maintenance of walls and fences shall be permitted per the city's fence code (§§ 170.110 through 170.122) with the following exceptions and additions:

(a) Chain link fence cannot be placed within twenty (20) feet of the front or side corner property lines.

(b) Fence and wall height shall be limited to four (4) feet within twenty (20) feet of the front and side corner property

lines, and limited to six (6) feet in height at all other areas of the property.

(c) The use of barbed wire is prohibited.

(15) Lighting. Buildings shall have no neon on their exterior; however, neon signs may be displayed inside windows provided they occupy no more than fifteen percent (15%) of the window where they are displayed.

(Ord. 2015-55, passed 12-1-15; Am. Ord. 2020-12, passed 2-20-20; Am. Ord. 2021-45, passed 9-16-21)