

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)