

Section 62-2106 specifically states that a portion of a property in a BU-1 zoning district “may be used for residential purposes.” The code also requires that:

- The commercial use must occupy at least part of the first floor.
- The commercial portion must be permanently maintained for commercial use.
- Residential units can be in the same building or detached on the same property.
- Residential density must comply with the Future Land Use designation and comprehensive plan policies.

BU-1 itself is intended for:

- retail shopping,
- offices,
- personal services,
- and community-serving commercial activity.

So a typical mixed-use project in BU-1 could include:

- retail downstairs with apartments upstairs,
- office + residential combinations,
- live/work units,
- or commercial frontage with residential units behind or above.

One important distinction:

- **Zoning (BU-1)** allows the use framework.
- **Future Land Use (FLU)** and site development standards still control density, building size, setbacks, parking, buffering, stormwater, etc.

Also, under Florida’s recent Live Local Act, mixed-use and multifamily developments may receive additional allowances in commercially zoned areas if affordability requirements are met.

For a specific parcel, you would still want to verify:

1. The Future Land Use designation,
2. Whether the parcel is inside a municipality or unincorporated county,
3. Any overlay districts,
4. Parking and residential density limits,
5. Whether a Conditional Use Permit (CUP) is needed for the proposed use mix.

- **Sec. 62-2106. - Mixed use commercial and residential use.**

(a)

A portion of a commercial building or site located in a general retail commercial zoning classification (BU-1), a restricted neighborhood retail commercial zoning classification (BU-1-A), or a retail warehousing and wholesale business zoning classification (BU-2), as applicable, may be used for residential purposes. The total residential floor area of each residence shall adhere to the minimum floor area requirements of the RU-2-10 zoning classification. The density of the residential component shall be governed by the Future Land Use Element of the Comprehensive Plan, as described in Policy [2.10](#).

(b)

The commercial portion of the property shall occupy at least a portion of the first floor of the structure and must be designed and permanently maintained for commercial use. Both commercial and residential uses may occupy the same structures on the property, or a detached single-family or multifamily dwelling may be constructed as the residential component of a mixed use facility pursuant to the criteria of this section.

(Ord. No. 05-18, § 1, 5-10-05; Ord. No. 2022-32, § 3, 11-3-22)

Editor's note— Ord. No. 05-18, § 1, adopted May 10, 2005, amended § 62-2106 in its entirety to read as herein set out. Formerly, § 62-2106 pertained to compound commercial/industrial and residential use.

- **Sec. 62-1372. - Medium-density multiple-family residential, RU-2-10, RU-2-12 and RU-2-15.**

The RU-2-10, RU-2-12 and RU-2-15 medium-density multiple-family residential zoning classifications encompass lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1)

Permitted uses.

- Permitted uses are as follows:
- Multifamily dwellings.
- Duplexes.
- Resort dwellings.
- Single-family attached dwellings, in accordance with the development standards in the single-family attached residential zoning classifications.
- Single family dwellings up to the allowable density limitation of the zoning classification. For the purposes of setback and spacing requirements, such single family dwellings shall be considered principal buildings. Additional multiple-family dwellings are permitted on the parcel if all units comply with the density limits.
- Parks and public recreational facilities.
- Private golf courses.
- Foster homes.
- Sewer lift stations.
- b.

- Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):
- Group homes, levels I and II, subject to the requirements set forth in-section 62-1835.9.
- Preexisting use.
- Private parks and playgrounds.

Temporary living quarters during construction of a residence.

(2)

- Accessory buildings or uses. Accessory buildings and uses customary to 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:
 - Boardinghouses and bed and breakfast inns.
 - Change of nonconforming agricultural use.
 - Development rights receipt or transfer.
 - Guesthouses or servants' quarters, without kitchen facilities.
 - Land alteration (over five acres and up to ten acres).
 - Power substations, telephone exchanges and transmission facilities.
 - Recreational facilities.
 - Residential/recreational marina.
 - Skateboard ramps.
 - Substantial expansion of a preexisting use.
 - Wireless telecommunication facilities and broadcast towers.

(4)

Lot requirements.

Minimum lot size is 7,500 square feet.

a.

Minimum lot width is 75 feet.

b.

Minimum lot depth is 75 feet.

c.

Maximum density is as follows:

d.

RU-2-10: Ten units per gross acre.

1.

RU-2-12: 12 units per gross acre.

2.

RU-2-15: 15 units per gross acre.

3.

For the purpose of computing allowable density property divided by a public road shall be considered separate parcels.

e.

Maximum lot coverage is 40 percent.

(5)

Setbacks and spacing requirements.

a.

Accessory buildings. Accessory buildings shall be located to the rear of the front building line of the principal building or structure closest to the front property line and shall be set back not less than seven and one-half feet from the side and rear lot lines for developed single family sites and not less than ten feet from the side and rear lot lines for developed multiple family sites, but in no case within the setback from a side street. There shall be a minimum spacing of five feet between any other structure on the same site.

b.

Breezeway/visual corridor. All riverfront and oceanfront properties are subject to breezeway/visual corridor regulations enumerated in [section 62-2105](#).

c.

Principal structures.

1.

The front setback shall be 25 feet.

2.

The rear setback shall be 20 feet.

3.

The side setback shall be not less than seven and one-half for all single family residences and ten feet for all other structures. On corner lots, side setbacks shall be at least 15 feet from side lot line. If a corner lot is contiguous to a key lot, setbacks shall be not less than 25 feet.

d.

Spacing between principal structures. Principal buildings or structures shall be spaced a minimum of 15 feet from other principal buildings or structures on the same site. Such spacing shall not be covered or connected to the principal structures.

(6)

Usable common open space requirements. If the lot, plot, tract or parcel is two acres or more in size, or, regardless of the size, if the property has or will have more than 15 total dwelling units, then 35 percent of the total land area shall be utilized as usable common space as defined in [section 62-1102](#). At the time of site plan submission, the method of perpetual maintenance of common facilities shall be provided as required in [section 62-1445\(a\)](#). Ten percent of this area shall be retained in natural vegetation rather than improved.

(7)

Minimum floor area. Minimum floor area is as follows:

a.

Single-family dwelling unit: 1,100 square feet.

b.

Duplexes: 1,150 square feet and 575 square feet per unit.

c.

Apartments:

1.

One bedroom: 500 square feet.

2.

Two bedrooms: 750 square feet plus 100 square feet for each additional bedroom.

3.

Efficiencies: 400 square feet.

(8)

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, IU, PIP, 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](#).(9)

Ownership. A multi-family residential development site shall be subject to single ownership or condominium ownership.

(Code 1979, § 14-20.09(B); Ord. No. 95-47, §§ 32, 33, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 35, 36, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 99-07, §§ 12, 15, 1-28-99; Ord. No. 99-33, § 4, 5-6-99; Ord. No. 2000-02, § 1, 1-11-00; Ord. No. 01-30, § 4, 5-24-01; Ord. No. 2002-49, § 19, 9-17-02; Ord. No. 2003-03, § 19, 1-14-03; Ord. No. 04-29, § 19, 8-5-04; Ord. No. 2004-52, § 16, 12-14-04; Ord. No. 05-27, § 3, 5-19-05; Ord. No. 05-40, § 4, 8-23-05; Ord. No. 2007-59, § 22, 12-6-07; Ord. No. 2014-30, § 2, 10-2-14)