



PLANNING AND ZONING COMMISSION MEETING

TOWN OF PALM BEACH

JANUARY 6, 2026

9:30 AM

TOWN HALL COUNCIL CHAMBERS, 2ND FLOOR | 360 SOUTH COUNTY RD | PALM BEACH, FL 33480

Gail Coniglio, Chair
Marilyn N. Beuttenmuller, Member
Barbara Chapman, Member
William J. Gilbane, Member
Carol LeCates, Member
Nicki McDonald, Member
Jorge Sanchez, Member
Matthew Ailey, Alternate Member
Victoria Donaldson, Alternate Member
Anne Fairfax, Alternate Member

AGENDA

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

MINUTES

1. Minutes from the December 2, 2025, Planning & Zoning Commission Meeting
Deferred to the February 3rd, 2026, Planning & Zoning Commission Meeting.

APPROVAL OF AGENDA

COMMENTS

2. OFFICIALS
3. STAFF
4. PUBLIC - 3 MINUTE LIMIT

For those unable to attend in person: [Submit a written comment](#) [Register to comment virtually](#)

GENERAL BUSINESS

UNFINISHED BUSINESS

5. Zoning Code Items - Quick Fixes #8-14
 - 5.1 Quick Fix #14: Front / Rear Setbacks

6. Zoning Code Items – Quick Fix #15

- 6.1** 2025 Comprehensive Plan EAR Policies that Require Placement into Chapter 134, Zoning. (Per Florida Statute)

NEW BUSINESS

- 7.** Review and Recommendation of Draft Ordinance No. 034-2025 regarding SB 954 Community Certified Recovery Residences
- 7.1 34-2025** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning By Amending Article Viii, Division 16. – Reasonable Accommodation Procedures At Sections 134-2112 Reasonable Accommodation Procedures To Update The Town's Reasonable Accommodation Procedures And Certified Recovery Residences Regulations; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ANY OTHER BUSINESS

MEETING SCHEDULE

- 8.** The next meeting is scheduled for February 3, 2026.

ADJOURNMENT

Access this meeting video on the 'Public Meetings' page at www.townofpalmbeach.com.

If a person decides to appeal any decision made with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made for such purposes, which shall include the testimony and evidence upon which the appeal is to be based.

Disabled persons needing accommodations to participate in this meeting should contact the Town Clerk's Office at (561) 838-5416 at least one day prior to the meeting.

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: January 6, 2026

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building

From: Planning, Zoning, & Building Staff

Re: Quick Fix #14: Front / Rear Setbacks

Date: 12/22/2025

ATTACHMENTS

Staff Report

Draft Ordinance

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character, Safe and Resilient Community

Strategic Focus Areas:

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact

No Funding



STAFF DIRECTIVE:

At the Town Council meeting on August 13, 2025, Planning, Zoning, and Building (PZB) staff presented items from the zoning code study for active consideration. These items are referred to as "Quick Fixes Tranche 02." The presentation was well received with a consensus of the Council to have the "items" drafted into a working draft ordinance for review at the Planning & Zoning Commission. This is Quick Fix item number fourteen.

Town Council directed staff to review eliminating the ability to decrease front yard setbacks by up to 5 feet by increasing the rear yard setback by a corresponding number of feet. The proposed Ordinance No. XXX-2025 removes this increase / decrease ability and simply provides for the minimum front and rear yard setbacks for both one and two-story homes in the R-B zoning district.

Staff has added specific criteria for granting the setback encroachment and presented these four criteria to the Architectural Review Commission at the December 19th meeting, to change this language from an as of right provision in the code to a waiver to be granted by the design commission. If acceptable, staff suggests that the Planning & Zoning Commission recommend this draft ordinance to Town Council for adoption on First Reading.

DISCUSSION:

Chapter 134, Section 134-893 contains the lot, yard, and area requirements for the R-B district. It is within this code section that the ability to reduce the front yard setback is found. From a design standpoint, the ability to adjust the yard setbacks may be helpful, but on many streets the front yard reduction to 20 feet will not work. This reduced setback may even conflict with the established setbacks of the existing homes.

Ordinance No. XXX-2025 is ready for approval on First Reading.

WRB

ORDINANCE NO. XXX-2026

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, ARTICLE VI - DISTRICT REGULATIONS, DIVISION 4 – R-B LOW DENSITY RESIDENTIAL DISTRICT, SECTION 134-893, LOT, YARD AND AREA REQUIREMENTS – GENERALLY, SUBSECTIONS (b)(5) FRONT YARD AND (b)(9) REAR YARD, THEREBY ADDING CRITERIA FOR THE GRANTING OF REDUCED FRONT YARD SETBACKS IN THE R-B LOW DENSITY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida (“Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Council of the Town of Palm Beach, pursuant to the authority granted to it in Chapters 163 and 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, as an outgrowth of their ongoing study of the Town’s Zoning Code, the Planning, Zoning & Building (PZB) staff presented a number of items 8 through 14 referred to as “Quick Fixes Tranche 2” to the Town Council for consideration at its August 13, 2025, Development Review meeting; and

WHEREAS, the PZB staff recommended, as Quick Fix No. 14, that the Town update the Zoning Code’s front and rear yard setback regulations relating to the decrease of the front yard setback; and

WHEREAS, Town Council on August 13, 2025, directed PZB staff to address the current front and rear yard setback regulations (Quick Fix No. 14) as an immediate priority; and

WHEREAS, the R-B Low Density Residential District currently freely provides for a reduction of the required front yard without any design criteria or regulation; and

WHEREAS, all the streets in the north end of the R-B Low Density Residential District are not consistent in right-of-way widths or neighborhood character; and

WHEREAS, the Town Council has expressed the need for a more critical review of this zoning allowance; and

WHEREAS, the Planning and Zoning Commission, Landmarks Preservation Commission and Architectural Commission also expressed the need to establish criteria for this zoning allowance; and

WHEREAS, the Town's Planning and Zoning Commission considered the Quick Fixes Tranche 2 at its meeting of January 6, 2026 and recommended adoption of Quick Fix No. 14.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. The recitations set forth above are true and correct and incorporated herein as legislative findings of the Town Council.

Section 2. Chapter 134, Zoning; Article VI, District Regulations; Division 4, R-B Low Density Residential District; Section 134-893, Lot, Yard and Area Requirements, Subsections (b)(5) and (b)(9) are amended as follows:

134-893 – Lot, yard and area requirements – Generally.

(b)(5) Front yard.

- a. The minimum front yard setback for the first story is 25 feet., ~~however the front yard setback may be reduced to a minimum of 20 feet, or portion thereof, provided the required rear yard setback for the first story is increased by the amount of reduction in the front yard.~~
- b. The minimum front yard setback for the second story is 30 feet., ~~however the front yard setback may be reduced to a minimum of 25 feet, or portion~~

thereof, provided the required rear yard setback for the first and second story is increased by the amount of reduction in the front yard.

- c. If determined to be compatible with the neighborhood street character, the Architectural Commission or Landmarks Preservation Commission, as applicable, may allow a reduction of the front yard setback up to a minimum of 20 feet, or portion thereof, for both floors of the building provided that all of the following criteria are met:
1. The proposed reduction is not greater than 50% of the two-story building width, unless otherwise permitted by ARCOM or LPC; and
 2. The forward shift has been demonstrated to not significantly impact the view corridor of the street; and
 3. The forward shift is compatible with the neighborhood character of the street, due to an existing contextual condition as demonstrated to and determined by ARCOM or LPC; and
 4. The required rear yard setback for the first story is increased by the amount of reduction in the front yard.

For purposes of demonstrating if the forward shift is compatible with the neighborhood character of the street and will not significantly impact the view corridor of the street, the applicant shall provide diagrams, illustrations, plans and elevations/sections of the proposed front setback reduction in context with the existing built conditions of the block, inclusive of the width of the street and utilizing the properties along both sides of the right-of-way. T, the number of neighboring properties to include shall be determined by Town staff.

The requested waiver of the reduction of the front yard setback shall be properly noticed and shall require a separate motion for approval by the Architectural Commission or Landmarks Preservation Commission, as applicablethe applicable commission: the Architectural Commission or the Landmark Preservation Commission.

(b)(9) Rear yard:

- a. The minimum rear yard setback for the first story is ten~~10~~ feet except as provided for in subsection (5)a-
- b. The minimum rear yard setback for the second story is 15 feet except as provided for in subsection (5)b."

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this, or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of ____, 2026; and for the Second and Final Reading on this ____ day of ____, 2026.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bridget Moran, Town Council Member

Kelly Churney, Town Clerk

Edward Cooney, Town Council Member

ARTICLE VI. DISTRICT REGULATIONS

<https://palmbeachfl.v8.civicclerk.com/MyClerk>

DIVISION 1. GENERALLY

Sec. 134-751. Establishment of districts.

For the purposes of protecting, promoting and improving the public health, safety, morals and the general welfare of the people, the town is divided into the following districts:

R-AA	Large estate residential
R-A	Estate residential
R-B	Low-density residential
R-C	Medium-density residential
R-D(1)	Moderate High-density residential
R-D(2)	High-density residential
C-TS	Commercial—Town serving
C-WA	Commercial—Worth Avenue
C-OPI	Commercial—Offices, professional and institutional
C-PC	Commercial—Planned center
C-B	Commercial, offices -business
C	Conservation
PUD-A	Approved Planned Unit Development - The Breaker's Property
PUD-B	Approved Planned Unit Development – Tres Vidas Property
PUD-C	Approved Planned Unit Development – Sloan's Curve Property
Beach area	Beach area
PR	Parks and recreation
PF	Public facilities

(Ord. No. 2-74, § 3.10, 3-26-74; Ord. No. 5-78, § 9, 3-31-78; Ord. No. 7-78, § 3, 5-9-78; Ord. No. 4-80, § 2, 3-31-80)

Sec. 134-752. Zoning map.

- (a) The boundaries of the districts are as shown upon the ~~Official~~ zoning map ~~of the 2024 Comprehensive Plan Map Series, which was adopted by the Town Council on February 12, 2024, as a part of Ordinance No. 15-2024, and amended from time to time reference~~ and made a part of this chapter ~~and is entitled "Amended Zoning Map of the~~

Town of Palm Beach, Florida," which original amended map bears the following legend: "Adopted March 26, 1974, as a part of Ordinance No. 2-74."

- (b) Following the legend in subsection (a) of this section appear the original signatures of the members of the town council signing such ordinance, the signatures of the mayor and the town clerk, and the corporate seal of the town.
- (c) The amended zoning map and all the notations, references and other information shown thereon are a part of this chapter as if such information set forth on the map were all fully described and set out in this chapter. This amended zoning map, properly attested, shall remain at all times on file in the office of the town clerk. The boundaries of such districts as are shown upon the map adopted by this section or any subsequent amendment thereto are adopted and approved, and the regulations of this chapter governing the use of land and buildings, the height of buildings, building site areas, the size of yards about buildings and other matters as set forth in this chapter are established and declared to be in effect upon all land included within the boundaries of each and every district shown upon such map.

(Ord. No. 2-74, § 3.20, 3-26-74)

Sec. 134-753. Interpretation of boundaries.

- (a) In the creation, by this chapter, of the respective zoning districts, the town council has given due and careful consideration to the peculiar suitability of each and every such district for the particular regulations applied thereto, and the necessary proper and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well-considered plan for the development of the town.
- (b) Where uncertainty exists as to boundaries of any district, the following shall apply:
 - (1) Where such district boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be construed to be such boundaries.
 - (2) In unsubdivided property or where a district boundary divides a lot, the location of such boundary, unless the boundary is indicated by dimensions, shall be determined by use of the scale appearing on the map.
 - (3) Where any street or alley is officially vacated or abandoned subsequent to the effective date of the ordinance from which this chapter is derived, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
 - (4) Where a district boundary line divides a lot in a single ownership on the effective date of the ordinance from which this chapter is derived, the town council may, in its discretion, permit a use authorized in either portion of such lot to extend to the

entire lot, but not more than 25 feet beyond the boundary line of the district in which such use is authorized.

- (5) Where district boundary lines are indicated on the amended zoning map as intersecting the waters of Lake Worth or the bulkhead or pierhead lines, such district boundary lines shall be construed to extend westward in the same general direction as indicated on the map to the westerly corporate limits of the town, and all water and land existing shall be included within the district boundary lines and therefore zoned accordingly.
- (6) When parcels of land have been annexed to or consolidated with the corporate limits of the town as the result of action of the state legislature or when parcels of land come within the jurisdiction of the town in any other manner, the parcels of land shall be classified as R-A until changed by ordinance by the town council following public hearing as prescribed by law.

(Ord. No. 2-74, § 3.30, 3-26-74)

Sec. 134-754. Schedules of regulations.

The restrictions and controls intended to regulate development in each zoning district are set forth in divisions 2 through 15 of this article which are supplemented by other sections of this chapter. The schedule of lot, yard and bulk regulations in this article for each district sets forth certain minimum and maximum criteria forming the building envelope within which development may occur. These regulations are not intended to allow maximum development under many of the possible combinations of the minimum and maximum thresholds set forth in divisions 2 through 15 of this article.

(Ord. No. 2-74, § 4.10, 3-26-74; Ord. No. 9-93, § 2(a), 6-8-93)

Sec. 134-755. Application of regulations.

Except as provided in this chapter:

- (1) No building shall be erected, added on to, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the district regulations established by this chapter for the district in which the building or land is located.
- (2) The minimum yards and other open spaces, including the intensity of use provisions contained in this chapter for each building erected, added on to, reconstructed or structurally altered subsequent to the effective date of the ordinance from which this chapter is derived shall not be encroached upon or considered as a compliance with yard or open space requirements for any other building or adjoining building. The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this

chapter except as provided in this chapter, and, if already less than the minimum required by this chapter, the area or dimension may be continued. Lots or yards created after the effective date of the ordinance from which this chapter is derived shall meet at least the minimum requirements established by this chapter.

- (3) Every building erected, added on to, reconstructed or structurally altered subsequent to the effective date of the ordinance from which this chapter is derived shall be located on a lot fronting on either a private or public street.
- (4) Land areas of a proposed development site required to be included in computations for meeting requirements on percentage of lot coverage, and on open yard areas of a lot, must be land having the same zoning classification as that zoning in which the principal building or use is located.
- (5) For the purpose of calculating the permissible number of dwelling units per acre in this chapter, such calculations shall be based on an acre containing ~~40,000~~ 43,560 square feet. When dividing the size of a lot by 43,560 square feet and the total is not a whole number, round down to determine the permissible number of dwelling units.
- (6) No building or land shall be used for casino gambling.
- (7) In all zoning districts, no building or structure may exceed 100 feet in height above the natural grade unless notice and approval by the Federal Aviation Administration (FAA) under 14 CFR, part 77, specifically part 77.13, has occurred. Should the FAA find such building or structure would exceed an obstruction standard, said building or structure shall not be permitted under the provisions of Chapter 333, Florida Statute, State Statute 333.025(1).

(Ord. No. 2-74, § 4.20, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 7-79, § 5, 3-30-79; Ord. No. 1-85, § 2(a), 2-11-85; Ord. No. 1-87, § 2(a), (d), 2-9-87; Ord. No. 1-99, § 8, 4-5-99)

Secs. 134-756—134-785. Reserved.

DIVISION 2. R-AA LARGE ESTATE RESIDENTIAL DISTRICT

Sec. 134-786. Purpose.

The purpose of the R-AA large estate residential district is to:

- (1) ~~Implement the Single-Family Residential Future Land Use designation.~~
- (2) ~~p~~**Provide** for single-family estate residential use, as that term is defined in section 134-2, of spacious character together with publicly operated recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings.
- (3) ~~This district is located to~~~~p~~**Protect** and preserve existing development of estate character and contains vacant land considered appropriate for such development in the future.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-787. Permitted uses.

The permitted uses in the R-AA large estate residential district are as follows:

- (1) Single-family dwellings.
- (2) Essential services.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 16-2012, § 1, 12-12-12)

Sec. 134-788. Accessory uses.

The accessory uses in the R-AA large estate residential district are as follows:

- (1) Private nurseries and greenhouses.

- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Charitable events specifically approved by the town manager.
- (5) Off-street parking at private social, swimming, golf, tennis and yacht clubs, for construction related personal employee vehicular off-street parking for projects within the town's municipal limits provided such parking is located a minimum of 75 feet from a single-family home and is separated from a street by a landscape island.
- (6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(1), (2), 2-7-94; Ord. No. 1-01, § 2, 2-19-01; Ord. No. 04-2018, § 7, 4-11-18)

Sec. 134-789. Prohibited uses.

The specific prohibited uses of buildings or land in the R-AA large estate residential district are as follows:

- (1) With the exception of construction related employee parking of personal vehicles for projects within the municipal limits of the town. No person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.
- (2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited. Additionally, executive/employee/group vacation/retreats are prohibited in this zoning district.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-

10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(1), (2), 2-7-94; Ord. No. 04-2018, § 8, 4-11-18)

Sec. 134-790. Special exception uses.

The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the R-AA large estate residential district are as follows:

- (1) **Approved** Planned unit development, PUD-4 (see article V of this chapter for standards).
- (2) Public structures.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Beach **cabana** houses intended for the use of family and guests.
- (5) Municipally owned and operated parks and recreation areas.
- (6) Private social, swimming, golf, tennis and yacht clubs, and houses of worship in existence prior to January 1, 1996.
- (7) Supplemental parking, allowed only in a manner consistent with the zoning of the district in which it is located.
- (8) Museums occupying buildings of unique value as historical landmarks, as determined by the landmarks preservation commission and the town council, and for which it is demonstrated that no permitted use is economically viable.
- (9) Group home with up to six occupants.
- (10) Foster care facility with up to six occupants.
- (11) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental agencies having jurisdiction.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-96, § 5, 2-5-96; Ord. No. 1-99, § 9, 4-5-

99; Ord. No. 1-04, § 8, 3-9-04; Ord. No. 16-2012, § 9, 12-12-12; Ord. No. 02-2019, § 3, 3-19-19)

Sec. 134-791. Accessory structures.

- (a) *Accessory structures in R-AA district.* Accessory structures in the R-AA large estate residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.
- (b) *Unattached accessory structures in R-AA district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:
 - (1) The lot size includes all lots, the maximum story height is two stories, and the maximum building height is 25 feet.
 - (2) All enclosed or partially enclosed accessory buildings shall comply with all open yard requirements contained in this chapter for the principal structure for the zoning district in which the buildings are located, except as otherwise provided in this section. The term "enclosed" or "partially enclosed" means either all or a portion of the building floor area is protected from the weather by permanent construction.
 - (3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height shall have a minimum ten foot side and rear yard setback, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.
 - (4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal structure, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.
 - (5) Nothing contained in this section shall prohibit the construction of an enclosed accessory building containing bedrooms with bath facilities to be used in connection with and as a part of the main residence within the building lines as provided in this chapter. Such enclosed accessory building shall be used only for occupancy of nonpaying guests of the owners of the main residence or bona fide members of the family or servants, and no kitchen or cooking facilities shall be constructed or used therein except by submission of a written agreement with the town stating that such accessory structure will be used only by family members or household staff and approval of the planning, zoning and building director or his designee.
 - (6) Accessory structures in the R-AA district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings,

enclosed accessory structures, the height of which do not exceed plus eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.

- (7) Dish antennas. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on a building lot. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this residential zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.
- (8) One dock, as defined in section 134-2 and as regulated in sections 62-74, 62-75 and 134-1697, shall be unenclosed accessory structures as defined in this section.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-98, § 9, 2-9-98; Ord. No. 1-99, § 10, 4-5-99; Ord. No. 1-02, § 5, 3-12-02; Ord. No. 17-2019, § 1, 6-12-19; Ord. No. 16-2021, § 2, 8-11-21)

Sec. 134-792. Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.

In the R-AA large estate residential district, no accessory structure shall be used as or converted to a dwelling unit. Further, if any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of such accessory structure shall be terminated until a new principal structure and use is established on the lot on which the accessory structure and use is located.

(Ord. No. 2-74, § 5.50(a), 3-26-74; Ord. No. 1-88, § 2, 2-8-88; Ord. No. 1-89, § 3(c), 2-6-89; Ord. No. 1-94, § 3(b), 2-7-94)

Sec. 134-793. Lot, yard and area requirements—Generally.

- (a) *Schedule of regulations.* In the R-AA large estate residential district, the schedule of lot, yard and area requirements is as given in this section.
- (1) *Lot area.* The minimum lot area is 60,000 square feet; except that any property to be developed which consists of two or more lots shall have a minimum lot area of 40,000 square feet for each lot, and that the average lot area of all lots to be developed shall not be less than 60,000 square feet.
 - (2) *Lot width.* The minimum lot width is 150 feet.
 - (3) *Lot depth.* The minimum lot depth is 150 feet.
 - (4) *Density.* The maximum density is one dwelling unit per 1½ acres.
 - (5) *Front yard.* The minimum front yard setback is 35 feet.
 - (6) *Building angle of vision.* The base building angle of vision is 100 degrees.
 - a. The building angle of vision shall not apply for one-story buildings.
 - b. The building angle of vision shall not apply to buildings on lots fronting on cul-de-sacs.
 - c. For lots exceeding the minimum required width, the base building angle of vision (50 degrees on either side of the line) shall be increased by two degrees for each ten feet of increased lot width over the minimum up to a maximum additional width of 50 feet in the R-AA district.
 - d. In the case of corner lots or through lots with frontage on the following primary north-south roadways, the building angle of vision shall be applied only to the frontage along the designated primary north-south roadway: North Ocean Boulevard; South Ocean Boulevard; North County Road; South County Road; and North Lake Way.

- e. In the case of other corner or through lots, the building angle of vision shall be applied only to the front yard as determined by the orientation of the building.
 - f. For exceptions to these regulations, see section 134-795.
 - g. For the purposes of determining application of the building angle of vision, an accessory structure shall be considered part of the principal structure when it is separated from the principal structure by a distance of less than 25 feet. When an accessory structure is separated by a distance of 25 feet or more from the principal structure, it shall be treated as separate structure and individually subject to the building angle of vision.
- (7) *Building height plane.* The building height plane regulations are as follows: two feet of front setback for each one foot in building height.
- a. No portion of any building or building roof system shall extend beyond a height limiting plane extending at an inclined angle from the intersection of the front yard property line and the zero datum grade for a lot or the minimum flood elevation as established in chapter 50, whichever is higher, as defined by height of building and overall height of building.
 - b. In the case of corner lots or through lots with frontage on the following primary north-south roadways, the building height plane shall be applied only to the frontage along the designated primary north-south roadway: North Ocean Boulevard; South Ocean Boulevard; North County Road; South County Road; and North Lake Way.
 - c. In the case of other corner or through lots, the building height plane shall be applied only to the front yard as determined by the orientation of the building.
 - d. The granting of a variance for measurement for building height for ground levels above the minimum flood elevation as required in chapter 50 or zero datum grade is not intended to modify the location of the building height plane.
 - e. For exceptions to these regulations, see section 134-796.
- (8) *Side yard.* The minimum side yard setback is 30 feet.
- (9) *Rear yard.* The minimum rear yard setback is 15 feet.
- (10) *Height and overall height.*
- a. The maximum building height is 30 feet, not to exceed two stories.
 - b. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and

ten feet for all other roof styles. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(11) *Lot coverage.*

- a. The maximum lot coverage for one-story buildings is 25 percent.
- b. The maximum lot coverage for two-story buildings is 25 percent.

(12) *Landscaped open space.*

- a. The minimum landscaped open space is 55 percent.
- b. Additionally, not less than 45 percent of the required front yard must be landscaped open space in the R-AA district.

- (b) *Existing building lots.* A single-family structure may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this section derives in the R-AA zoning district if the lot is less than the minimum area and/or dimension required for building lots in this district; provided, however, that a special exception with site plan review would be required for an unplatted lot and site plan review would be required for a platted lot. A special exception and/or site plan review to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the town council until the architectural commission has completed review of the project.

In addition, all new construction must comply with all other provisions of the schedule of lot, yard and bulk requirements in subsection (a) of this section and provided, further, that the owner of such lot shall not own any adjacent vacant land which would create a conforming lot if the vacant land were combined with the lot deficient in area.

(Ord. No. 2-74, schedule A, § 5.11, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, §§ 8, 11, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-01, § 1, 2-19-01; Ord. No. 1-02, § 14, 3-12-02; Ord. No. 1-03, § 14, 3-11-03; Ord. No. 1-04, § 13, 3-9-04; Ord. No. 4-2016, §§ 3, 4, 4-13-16; Ord. No. 15-2017, § 2, 7-12-2017)

Sec. 134-794. Same—Existing single-family dwelling development.

- (a) A single-family dwelling located in the R-AA large estate residential district, which dwelling is nonconforming with any of the schedule of lot, yard and bulk regulations for this district, may be enlarged with a first story and/or second story addition, provided:

- (1) The addition complies with the current schedule of lot, yard and bulk regulations for this district; and
- (2) The addition does not cause the dwelling to have more cubic content than allowed a new such dwelling under the current schedule of lot, yard and bulk regulations for this district.
- (b) This section shall not apply to a dwelling that is demolished by more than 50 percent, as determined by cubic footage, in preparation for any proposed addition, exterior renovation, or exterior reconstruction.
- (c) It is the intent of this section to allow a partial exemption to sections 134-416 and 134-417.

(Ord. No. 2-74, § 5.17, 3-26-74; Ord. No. 3-77, § 3, 3-29-77; Ord. No. 7-82, § 4(a), 3-31-82; Ord. No. 1-86, § 3(b), 2-10-86; Ord. No. 1-87, § 3(b), 2-9-87; Ord. No. 1-90, § 3(a), 2-5-90; Ord. No. 1-92, § 3(a), 2-3-92; Ord. No. 1-93, § 3(b), 2-8-93; Ord. No. 1-04, § 5, 3-9-04)

Sec. 134-795. Same—Exceptions to yard regulations.

In the R-AA large estate residential district, exceptions to the yard regulations in section 134-1548 are as follows:

- (1) Chimneys, cornices, eaves, bay windows and balconies may extend 24 inches from the main and/or accessory building into the yard area. Chimneys and bay windows shall not exceed ten feet in the horizontal, measured parallel to the building wall, and the total linear dimension for such projection shall not exceed 25 percent of the total dimension along the building wall from which such chimney and/or bay window may project.
- (2) A first floor front entry ramps, landings, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed first floor entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback.
- (3) In this district an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Awnings and/or trellises so erected may not be converted to permanent additions to the principal structure if such conversion will increase lot coverage of the principal structure above the allowed percentage.
- (4) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.

- (5) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.

(Ord. No. 2-74, § 5.31, 3-26-74; Ord. No. 1-89, § 3(a), 2-6-89; Ord. No. 6-93, § 3(c), 2-9-93; Ord. No. 1-96, § 14, 2-5-96; Ord. No. 3-02, § 1, 7-9-02; Ord. No. 19-2021, § 2, 9-13-21)

Sec. 134-796. Exceptions to height limitations.

- (a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-AA large estate residential district are skylights not exceeding three feet above the roof, air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof, radio and television antennas for reception purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flag-pole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ten percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened insofar as possible. Solar materials shall be permitted on the roof provided said material is approved by the Architectural Commission or Landmark Preservation Commission.
- (b) In the R-AA zoning district, observation towers may be constructed as an integral part of a single-family dwelling. The height of such tower may exceed the allowable building height limit and overall building height limit of the dwelling by ten feet. The area of such tower shall not exceed one percent of the gross floor area of the dwelling. It is also the intent that this subsection not apply to entry facades or parapets.

(Ord. No. 2-74, § 5.22, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 7-79, § 9, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(c), 3-31-82; Ord. No. 2-83, § 4(c), 2-23-83; Ord. No. 1-84, § 3(a), 3-1-84; Ord. No. 1-85, § 3(a), 2-11-85; Ord. No. 1-90, § 3(b)—(d), 2-5-90; Ord. No. 1-96, §§ 12, 13, 2-5-96; Ord. No. 1-98, § 7, 2-9-98; Ord. No. 1-04, § 46, 3-9-04; Ord. No. 2-05, § 4, 5-10-05; Ord. No. 7-09, §§ 1, 6, 5-13-09; Ord. No. 16-09, § 7, 11-12-09; Ord. No. 04-2018, § 9, 4-11-18)

Editor's note(s)—Section 6 of Ord. No. 7-09, adopted May 13, 2009, states the following:

"Section 6. The newly adopted provisions contained herein relating to flag poles and flags shall not be applicable retrospectively to flags or flag poles permitted prior to the adoption of Ordinance No. 7-09 or, in the event not granted by permit, which have been in continuous existence for a period of three years or more prior to the adoption of this ordinance."

Sec. 134-797. Lot grade topography and drainage.

In the R-AA, large estate residential district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 2-74, § 5.18, 3-26-74; Ord. No. 7-82, § 4(b), 3-31-82; Ord. No. 1-92, § 3(b), 2-3-92; Ord. No. 1-94, § 3(a), 2-7-94; Ord. No. 26-10, § 33, 12-15-10; Ord. No. 19-2021, § 3, 9-13-21)

Sec. 134-798. Supplementary district regulations.

The supplementary district regulations which may be applicable to the R-AA large estate residential district are contained in article VIII of this chapter.

Sec. 134-799. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the R-AA large estate residential district are contained in article IX of this chapter.

Sec. 134-800. Signs.

The sign regulations which may be applicable in the R-AA large estate residential district are contained in article XI of this chapter.

Sec. 134-801. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Secs. 134-802—134-835. Reserved.

DIVISION 3. R-A ESTATE RESIDENTIAL DISTRICT

Sec. 134-836. Purpose.

The purpose of the R-A large estate residential district is to:

- (1) Implement the Single-Family Residential Future Land Use designation.
- (2) ~~p~~Provide for single-family estate residential use, as that term is defined in section 134-2, of spacious character together with publicly operated recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings.
- (3) ~~This district is located to p~~Protect and preserve existing development of estate character and contains vacant land considered appropriate for such development in the future.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-837. Permitted uses.

The permitted uses in the R-A estate residential district are as follows:

- (1) Single-family dwellings.
- (2) Essential services.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 16-2012, § 2, 12-12-12)

Sec. 134-838. Accessory uses.

The accessory uses in the R-A estate residential district are as follows:

- (1) Private nurseries and greenhouses.
- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Charitable events specifically approved by the town manager.
- (5) Off-street parking at private social, swimming, golf, tennis and yacht clubs, for construction related personal employee vehicular off-street parking for projects within the town's municipal limits provided such parking is located a minimum 75 feet from a single-family home and is separated from a street by a landscape island.
- (6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(1), (2), 2-7-94; Ord. No. 1-01, § 2, 2-19-01; Ord. No. 04-2018, § 10, 4-11-18)

Sec. 134-839. Prohibited uses.

The specific prohibited uses of buildings or land in the R-A estate residential district are as follows:

- (1) With the exception of construction related employee parking of personal vehicles for projects within the municipal limits of the town, no person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.
- (2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited.
- (3) Executive/employee/group vacation retreats are prohibited in this zoning district.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—

(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(1), (2), 2-7-94; Ord. No. 04-2018, § 11, 4-11-18)

Sec. 134-840. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-A estate residential district are as follows:

- (1) **Approved** Planned unit development (see article V of this chapter for standards).
- (2) Public structures, including essential services west of Lake Trail.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Beach **cabana** houses intended for the use of family and guests.
- (5) Municipally owned and operated parks and recreation areas.
- (6) Private social, swimming, golf, tennis and yacht clubs, and houses of worship in existence prior to January 1, 1996.
- (7) Supplemental parking, allowed only in a manner consistent with the zoning of the district in which it is located.
- (8) Museums occupying buildings of unique value as historical landmarks, as determined by the landmarks preservation commission and the town council, and for which it is demonstrated that no permitted use is economically viable.
- (9) Group home with up to six occupants.
- (10) Foster care facility with up to six occupants.
- (11) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental agencies having jurisdiction.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-96, § 5, 2-5-96; Ord. No. 1-99, § 9, 4-5-

99; Ord. No. 1-04, § 8, 3-9-04; Ord. No. 16-2012, § 10, 12-12-12; Ord. No. 04-2018, § 12, 4-11-18; Ord. No. 02-2019, § 4, 3-19-19)

Sec. 134-841. Accessory structures.

- (a) *Accessory structures in R-A district.* Accessory structures in the R-A estate residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.
- (b) *Unattached accessory structures in R-A district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:
 - (1) The lot size includes all lots, the maximum story height is two stories, and the maximum building height is 25 feet.
 - (2) All enclosed or partially enclosed accessory buildings shall comply with all open yard requirements contained in this chapter for the principal structure for the zoning district in which the buildings are located, except as otherwise provided in this section. The term "enclosed or partially enclosed" means either all or a portion of the building floor area is protected from the weather by permanent construction.
 - (3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height shall have a minimum ten foot side and rear yard setback lot with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.
 - (4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal structure, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.
 - (5) Nothing contained in this section shall prohibit the construction of an enclosed accessory building containing bedrooms with bath facilities to be used in connection with and as a part of the main residence within the building lines as provided in this chapter. Such enclosed accessory building shall be used only for occupancy of nonpaying guests of the owners of the main residence or bona fide members of the family or servants, and no kitchen or cooking facilities shall be constructed or used therein except by submission of a written agreement with the town stating that such accessory structure will be used only by family members or household staff and approval of the planning, zoning and building director or his designee.

- (6) Accessory structures in the R-A district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings, enclosed accessory structures, the height of which do not exceed plus eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.
- (7) Dish antennas. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed two meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on a building lot. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed eight feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed eight feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this residential zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.
- (8) One dock, as defined in section 134-2 and as regulated in sections 62-74, 62-75 and 134-1697, shall be unenclosed accessory structures as defined in this section.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-98, § 9, 2-9-98; Ord. No. 1-99, § 10, 4-5-99; Ord. No. 1-02, § 5, 3-12-02; Ord. No. 17-2019, § 2, 6-12-19; Ord. No. 16-2021, § 3, 8-11-21)

Sec. 134-842. Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.

In the R-A estate residential district, no accessory structure shall be used as or converted to a dwelling unit. Further, if any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of such accessory structure shall be terminated until a new principal structure and use is established on the lot on which the accessory structure and use is located.

(Ord. No. 2-74, § 5.50(a), 3-26-74; Ord. No. 1-88, § 2, 2-8-88; Ord. No. 1-89, § 3(c), 2-6-89; Ord. No. 1-94, § 3(b), 2-7-94)

Sec. 134-843. Lot, yard and area requirements—Generally.

- (a) *Schedule of regulations.* In the R-A estate residential district, the schedule of lot, yard and area requirements is as given in this section:
- (1) *Lot area.* The minimum lot area is 20,000 square feet.
 - (2) *Lot width.* The minimum lot width is 125 feet.
 - (3) *Lot depth.* The minimum lot depth is 150 feet.
 - (4) *Density.* The maximum density is two dwelling units per acre.
 - (5) *Front yard.* The minimum front yard setback is 35 feet.
 - (6) *Building angle of vision.* The base building angle of vision is 100 degrees.
 - a. The building angle of vision shall not apply for one-story buildings.
 - b. The building angle of vision shall not apply to buildings on lots fronting on cul-de-sacs.
 - c. For lots exceeding the minimum required width, the base building angle of vision (50 degrees on either side of the line) shall be increased by two degrees for each ten feet of increased lot width over the minimum up to a maximum additional width of 50 feet in the R-A district.
 - d. In the case of corner lots or through lots with frontage on the following primary north-south roadways, the building angle of vision shall be applied only to the frontage along the designated primary north-south roadway: North Ocean Boulevard; South Ocean Boulevard; North County Road; South County Road; and North Lake Way.
 - e. In the case of other corner or through lots, the building angle of vision shall be applied only to the front yard as determined by the orientation of the building.

- f. For exceptions to these regulations, see section 134-845.
 - g. For the purposes of determining application of the building angle of vision, an accessory structure shall be considered part of the principal structure when it is separated from the principal structure by a distance of less than 25 feet. When an accessory structure is separated by a distance of 25 feet or more from the principal structure, it shall be treated as a separate structure and individually subject to the building angle of vision.
- (7) *Building height plane.* The building height plane regulations are as follows: two feet of front setback for each one foot in building height.
- a. No portion of any building or building roof system shall extend beyond a height limiting plane extending at an inclined angle from the intersection of the front yard property line and the zero datum grade for a lot or the minimum flood elevation as established in chapter 50, whichever is higher, as defined by height of building and overall height of building.
 - b. In the case of corner lots or through lots with frontage on the following primary north-south roadways, the building height plane shall be applied only to the frontage along the designated primary north-south roadway: North Ocean Boulevard; South Ocean Boulevard; North County Road; South County Road; and North Lake Way.
 - c. In the case of other corner or through lots, the building height plane shall be applied only to the front yard as determined by the orientation of the building.
 - d. The granting of a variance for measurement for building height for ground levels above the minimum flood elevation as required in chapter 50 or zero datum grade is not intended to modify the location of the building height plane.
 - e. For exceptions to these regulations, see section 134-846.
- (8) *Side yard.* The minimum side yard setback is 15 feet, except that for lots of 60,000 square feet or more in area, the minimum side yard setback shall be 30 feet.
- (9) *Rear yard.* The minimum rear yard setback is 15 feet.
- (10) *Height and overall height.*
- a. The maximum building height is 25 feet, not to exceed two stories.
 - b. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.
- (11) *Lot coverage.*

- a. The maximum lot coverage for one-story buildings is 25 percent.
- b. The maximum lot coverage for two-story buildings is 25 percent.

(12) *Landscaped open space.*

- a. The minimum landscaped open space is 50 percent.
- b. Additionally, not less than 45 percent of the required front yard must be landscaped open space in the R-A district.

- (b) *Existing building lots.* A single-family structure may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this section derives in the R-A zoning district if the lot is less than the minimum area and/or dimension required for building lots in this district; provided, said single family dwelling meets all other Town Code requirements.

(Ord. No. 2-74, schedule A, §§ 5.11, 5.15(c), 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 1-93, § 3(a), 2-8-93; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 10-95, § 1(a), 1-23-95; Ord. No. 1-96, §§ 8, 11, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 6, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-01, § 1, 2-19-01; Ord. No. 1-02, § 6, 3-12-02; Ord. No. 1-02, § 14, 3-12-02; Ord. No. 1-03, § 15, 3-11-03; Ord. No. 1-04, § 14, 3-9-04; Ord. No. 4-2016, § 3, 4, 4-13-16; Ord. No. 15-2017, § 3, 7-12-2017)

Sec. 134-844. Same—Existing single-family dwelling development.

- (a) A single-family dwelling located in the R-A estate residential district, which dwelling is nonconforming with any of the schedule of lot, yard and bulk regulations for this district, may be enlarged with a first story and/or second story addition, provided:
 - (1) The addition complies with the current schedule of lot, yard and bulk regulations for this district; and
 - (2) The addition does not cause the dwelling to have more cubic content than allowed a new such dwelling under the current schedule of lot, yard and bulk regulations for this district.
- (b) This section shall not apply to a dwelling that is demolished by more than 50 percent, as determined by cubic footage, in preparation for any proposed addition, exterior renovation, or exterior reconstruction.
- (c) It is the intent of this section to allow a partial exemption to sections 134-416 and 134-417.

(Ord. No. 2-74, § 5.17, 3-26-74; Ord. No. 3-77, § 3, 3-29-77; Ord. No. 7-82, § 4(a), 3-31-82; Ord. No. 1-86, § 3(b), 2-10-86; Ord. No. 1-87, § 3(b), 2-9-87; Ord. No. 1-90, § 3(a), 2-5-90; Ord. No. 1-92, § 3(a), 2-3-92; Ord. No. 1-93, § 3(b), 2-8-93; Ord. No. 1-04, § 5, 3-9-04)

Sec. 134-845. Same—Exceptions to yard regulations.

In the R-A estate residential district, exceptions to the yard regulations in section 134-1548 are as follows:

- (1) Chimneys, cornices, eaves, bay windows and balconies may extend 24 inches from the main and/or accessory building into the yard area. Chimneys and bay windows shall not exceed ten feet in the horizontal, measured parallel to the building wall, and the total linear dimension for such projection shall not exceed 25 percent of the total dimension along the building wall from which such chimney and/or bay window may project.
- (2) A first floor unenclosed front entry ramps, landings, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed first floor entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback.
- (3) In this district an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Awnings and/or trellises so erected may not be converted to permanent additions to the principal structure if such conversion will increase lot coverage of the principal structure above the allowed percentage.
- (4) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.
- (5) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.

(Ord. No. 2-74, § 5.31, 3-26-74; Ord. No. 1-89, § 3(a), 2-6-89; Ord. No. 6-93, § 3(c), 2-9-93; Ord. No. 1-96, § 14, 2-5-96; Ord. No. 3-02, § 1, 7-9-02; Ord. No. 19-2021, § 2, 9-13-21)

Sec. 134-846. Exceptions to height limitations.

- (a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-A large estate residential district are skylights not exceeding three feet above the roof, air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof, radio and television antennas for reception

purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ten percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened insofar as possible. Solar material shall be permitted on the roof provided said material is approved by the Architectural Commission or Landmark Preservation Commission.

- (b) In the R-A zoning district, observation towers may be constructed as an integral part of a single-family dwelling. The height of such tower may exceed the allowable building height limit and overall building height limit of the dwelling by ten feet. The area of such tower shall not exceed one percent of the gross floor area of the dwelling. It is also the intent that this subsection not apply to entry facades or parapets.

(Ord. No. 2-74, § 5.22, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 7-79, § 9, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(c), 3-31-82; Ord. No. 2-83, § 4(c), 2-23-83; Ord. No. 1-84, § 3(a), 3-1-84; Ord. No. 1-85, § 3(a), 2-11-85; Ord. No. 1-90, § 3(b)—(d), 2-5-90; Ord. No. 1-96, §§ 12, 13, 2-5-96; Ord. No. 1-98, § 7, 2-9-98; Ord. No. 1-04, § 47, 3-9-04; Ord. No. 2-05, § 5, 5-10-05; Ord. No. 7-09, §§ 2, 6, 5-13-09; Ord. No. 16-09, § 8, 11-12-09; Ord. No. 04-2018, § 13, 4-11-18)

Editor's note(s)—Section 6 of Ord. No. 7-09, adopted May 13, 2009, states the following:

"Section 6. The newly adopted provisions contained herein relating to flag poles and flags shall not be applicable retrospectively to flags or flag poles permitted prior to the adoption of Ordinance No. 7-09 or, in the event not granted by permit, which have been in continuous existence for a period of three years or more prior to the adoption of this ordinance."

Sec. 134-847. Lot grade, topography and drainage.

In the R-A, estate residential district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600 which meets the paving and drainage requirements of the town. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 2-74, § 5.18, 3-26-74; Ord. No. 7-82, § 4(b), 3-31-82; Ord. No. 1-92, § 3(b), 2-3-92; Ord. No. 1-94, § 3(a), 2-7-94; Ord. No. 26-10, § 34, 12-15-10; Ord. No. 19-2021, § 3, 9-13-21)

Sec. 134-848. Supplementary district regulations.

The supplementary district regulations which may be applicable to the R-A estate residential district are contained in article VIII of this chapter.

Sec. 134-849. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the R-A estate residential district are contained in article IX of this chapter.

Sec. 134-850. Signs.

The sign regulations which may be applicable in the R-A estate residential district are contained in article XI of this chapter.

Sec. 134-851. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Secs. 134-852—134-885. Reserved.

DIVISION 4. R-B LOW DENSITY RESIDENTIAL DISTRICT

Sec. 134-886. Purpose.

The purpose of the R-B low density residential district is to:

- (1) Implement the Single-Family Residential Future Land Use designation.
- (2) ~~p~~**Provide** for low density single-family residential use, as that term is defined in section 134-2, of moderately spacious character together with publicly operated recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings.
- (3) ~~This district is located to p~~**Protect** and preserve existing development of this character and contains vacant land considered appropriate for such development in the future.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-887. Permitted uses.

The permitted uses in the R-B low density residential district are as follows:

- (1) Single-family dwellings.
- (2) Essential services.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 2-05, § 10, 5-10-05; Ord. No. 10-2012, § 3, 9-11-12; Ord. No. 16-2012, § 3, 12-12-12)

Sec. 134-888. Accessory uses.

The accessory uses in the R-B low-density residential district are as follows:

- (1) Private nurseries and greenhouses.
- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Charitable events specifically approved by the town manager.
- (5) Off-street parking at private ~~social, swimming, golf, tennis and yacht~~ clubs, for construction related personal employee vehicular off-street parking for projects within the town's municipal limits provided such parking is located a minimum of 75 feet from a single-family home and is separated from a street by a landscape island.
- (6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business except such uses as may be associated with the town's operation of its municipal dock, golf course and tennis court facilities.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(1), (2), 2-7-94; Ord. No. 1-01, § 2, 2-19-01; Ord. No. 2-05, § 11, 5-10-05; Ord. No. 26-10, § 18, 12-15-10; Ord. No. 04-2018, § 14, 4-11-18)

Sec. 134-889. Prohibited uses.

The specific prohibited uses of buildings or land in the R-B low-density residential district are as follows:

- (1) With the exception of construction related employee parking of personal vehicles for projects within the municipal limits of the town. No person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.
- (2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited.

- (3) Executive/employee/group, vacation/retreats are prohibited in this zoning district.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(1), (2), 2-7-94; Ord. No. 04-2018, § 15, 4-11-18)

Sec. 134-890. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-B low-density residential district are as follows:

- (1) **Approved** Planned unit development, PUD(1) (see article V of this chapter for standards).
- (2) Public structures, including essential services west of Lake Trail.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Beach **cabana** houses intended for the use of family and guests.
- (5) Public and private academic schools.
- (6) Private ~~social, swimming, golf, tennis and yacht~~ clubs, and houses of worship in existence prior to January 1, 1996.
- (7) Churches and synagogues and other houses of worship.
- (8) Required off-street parking in accordance with subsection 134-2177(3) and supplemental parking, allowed only in a manner consistent with the zoning of the district in which it is located.
- (9) Nonprofit cultural centers.
- (10) Municipally owned or operated parking areas.
- (11) Museums occupying buildings of unique value as historical landmarks, as determined by the landmarks preservation commission and the town council, and for which it is demonstrated that no permitted use is economically viable.
- (12) Group home with up to six occupants.
- (13) Foster care facility with up to six occupants.

(14) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental.

(15) Municipally owned and operated parks and recreation centers.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-96, § 5, 2-5-96; Ord. No. 1-99, § 9, 4-5-99; Ord. No. 16-2012, § 11, 12-12-12; Ord. No. 04-2018, § 16, 4-11-18; Ord. No. 02-2019, § 5, 3-19-19)

Sec. 134-891. Accessory structures.

(a) *Accessory structures in R-B district.* Accessory structures in the R-B low density residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.

(b) *Unattached accessory structures in R-B district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:

(1) The lot size includes all lots, the maximum story height is two stories, and the maximum building height is 25 feet.

Lot Size (square feet)	Maximum Story Height	Maximum Building Height
Up to 20,000	1	15 feet overall
20,000 [and more]	2	25 feet overall, provided unity of title deed restriction is furnished prohibiting any division of the lot which would leave less than 20,000 square feet

(2) All enclosed or partially enclosed accessory buildings shall comply with all open yard requirements contained in this chapter for the principal structure for the zoning district in which the buildings are located, except as otherwise provided in this section. The term "enclosed or partially enclosed" means either all or a portion of the building floor area is protected from the weather by permanent construction.

(3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height shall

have a minimum ten foot side and rear setback with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.

- (4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal structure, with the exception of a one-story garage in a street side yard based on section 134-1576 of this chapter and garden walls and fences, which are regulated by division 5 of article VIII of this chapter.
- (5) In the R-B district, nothing contained in this section shall prohibit the construction of an enclosed accessory building containing bedrooms with bath facilities to be used in connection with and as a part of the main residence within the building lines as provided in this chapter. Such enclosed accessory building shall be used only for the occupancy of nonpaying guests of the owners of the main residence or bona fide members of the family or servants, and no kitchen or cooking facilities shall be constructed or used therein except by submission of a written agreement with the town stating that such accessory structure will be used only by family members or household staff and approval of the planning, zoning and building director or his designee.
- (6) Accessory structures in the R-B district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings, enclosed accessory structures, the height of which do not exceed plus eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.
- (7) Dish antennas. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed two meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on a building lot. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed eight feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed eight feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this

residential zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

- (8) One dock, as defined in section 134-2 and as regulated in sections 62-74, 62-57 and 134-1697, shall be unenclosed accessory structures as defined in this section.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-98, § 9, 2-9-98; Ord. No. 1-99, § 10, 4-5-99; Ord. No. 1-02, § 5, 3-12-02; Ord. No. 2-05, § 7, 5-10-05; Ord. No. 17-2019, § 3, 6-12-19; Ord. No. 16-2021, § 4, 8-11-21)

Sec. 134-892. Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.

In the R-B low-density residential district, no accessory structure shall be used as or converted to a dwelling unit. Further, if any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of such accessory structure shall be terminated until a new principal structure and use is established on the lot on which the accessory structure and use is located.

(Ord. No. 2-74, § 5.50(a), 3-26-74; Ord. No. 1-88, § 2, 2-8-88; Ord. No. 1-89, § 3(c), 2-6-89; Ord. No. 1-94, § 3(b), 2-7-94)

Sec. 134-893. Lot, yard and area requirements—Generally.

- (a) In order to protect the unique, residential character of Seaview Avenue, Seaspray Avenue and Seabreeze Avenue (Sea Streets), partial or complete demolition and reconstruction of a single-family dwelling and/or accessory buildings on a lot 75 feet or less in width are exempt from the lot, yard, and area requirements as set forth in this section if redeveloped substantially on the same footprint as existed prior to demolition provided the following conditions are met:

- (1) The proposed single-family dwelling and/or accessory buildings are of an architectural style consistent with the architecture of the single-family dwellings within the R-B zoning district on both sides of the subject street, between the intersecting streets in both directions, where the dwelling is situated, as determined by the architectural commission.
 - (2) The proposed single-family dwelling and/or accessory building(s) shall meet the requirements in subsection (c) of this section.
 - (3) If the existing footprint of the single-family dwelling and/or accessory building(s) lay within five feet of a side or rear lot line, the replacement footprint must be shifted such that an absolute minimum five foot side and rear lot line setback is created, and further the redeveloped home must be situated at least ten feet apart from any structure on a neighboring lot.
 - (4) The height and overall height from the point of measurement of the proposed single-family dwelling and/or accessory buildings are no higher than the dwelling and/or accessory buildings being demolished.
 - (5) Any square footage added to the proposed single-family dwelling and/or accessory buildings shall meet all lot, yard and bulk zoning requirements in the Code.
 - (6) If using the provisions of this subsection (a) above, no variances can be requested for any new additions which add additional square footage or cubic content than existed prior to demolition of a single-family dwelling and/or accessory buildings.
- (b) *Schedule of regulations.* In the R-B low-density residential district, the schedule of lot, yard and area requirements is as given in this section:
- (1) *Lot area.* The minimum lot area is 10,000 square feet. For lots of 20,000 or more square feet in the R-B district, except for those lots between Dunbar Road and Reef Road which are adjacent to the waters of Lake Worth, the following shall apply:
 - a. When the width of a lot in the R-B district is equal to or greater than the minimum required for a lot in the R-A district, development of the lot shall be subject to the minimum side yard setback and building angle of vision provisions of the R-A district.
 - b. When the width of the lot is equal to or greater than the minimum required for a lot in the R-AA district, development of the lot shall be subject to the building angle of vision provisions of the R-AA district, and lots of 150 feet or more in width shall have the following side yard setbacks: Lots of 150-154 feet in width are required to have a 17.5 foot setback; lots of 155—159 feet in width are required to have a 20-foot setback; and for lots of 160 feet or more

in width the setback shall be 22 feet plus two feet for each additional ten feet in width in excess of 169 feet, to a maximum side yard setback of 30 feet.

- c. When the depth of a lot in the R-B district is equal to or greater than the minimum required for a lot in the R-A district, development of the lot shall be subject to the minimum front and rear yard setbacks and building height plane provisions of the R-A district.
 - d. When the depth of the lot is equal to or greater than the minimum required for a lot in the R-AA district, development of the lot shall be subject to the minimum front and rear yard setbacks and building height plane provisions of the R-AA district.
 - e. When the area of a lot in the R-B district is equal to or greater than 20,000 square feet, development of the lot shall be subject to the maximum coverage and minimum open space provisions of the R-A district, except that the maximum allowable lot coverage for single-story development shall be 30 percent.
 - f. When the area of the lot is equal to or greater than 60,000 square feet, development of the lot shall be subject to the maximum coverage and minimum open space provisions of the R-AA district, except the minimum allowable lot coverage for single-story development shall be 30 percent.
 - g. The provisions in subsections (1)a. through f. above do not apply to lots 20,000 square feet or greater in area between Dunbar Road and Reef Road which are adjacent to the waters of Lake Worth.
- (2) *Lot width.* The minimum lot width is 100 feet.
- (3) *Lot depth.* The minimum lot depth is 100 feet.
- (4) *Density.* The maximum density is four dwelling units per acre.
- (5) *Front yard.*
- a. The minimum front yard setback for the first story is 25 feet, however the front yard setback may be reduced to a minimum of 20 feet, or portion thereof, provided the required rear yard setback for the first story is increased by the amount of reduction in the front yard.
 - b. The minimum front yard setback for the second story is 30 feet, however the front yard setback may be reduced to a minimum of 25 feet, or portion thereof, provided the required rear yard setback for the first and second story is increased by the amount of reduction in the front yard.
- (6) *Building angle of vision.* The base building angle of vision is 100 degrees.
- a. The building angle of vision shall not apply for one-story buildings.

- b. The building angle of vision shall not apply to buildings on lots fronting on cul-de-sacs.
- c. For lots exceeding the minimum required width, the base angle of vision (50 degrees on either side of the line) shall be increased by two degrees for each ten feet of increased lot width over the minimum up to a maximum additional width of 40 feet in the R-B district.
- d. In the case of corner lots or through lots with frontage on the following primary north-south roadways, the building angle of vision shall be applied only to the frontage along the designated primary north-south roadway: North Ocean Boulevard; South Ocean Boulevard; North County Road; South County Road; and North Lake Way.
- e. In the case of other corner or through lots, the building angle of vision shall be applied only to the front yard as determined by the orientation of the building.
- f. For exceptions to these regulations, see section 134-895.
- g. For the purposes of determining application of the building angle of vision, an accessory structure shall be considered part of the principal structure when it is separated from the principal structure by a distance of less than 25 feet. When an accessory structure is separated by a distance of 25 feet or more from the principal structure, it shall be treated as separate structure and individually subject to the building angle of vision.

(7) *Side yard.*

- a. The minimum side yard setback for the first story shall be 12½ feet.
- b. The minimum side yard setback for the second story shall be 15 feet.

(8) *Rear height plane setback.* 25 feet.

(9) *Rear yard.*

- a. The minimum rear yard setback for the first story is ten feet except as provided for in subsection (5)a.
- b. The minimum rear yard setback for the second story is 15 feet except as provided for in subsection (5)b.

(10) *Height and overall height.*

- a. For one-story buildings, the maximum building height is 14 feet.
- b. For two-story buildings, the maximum building height is 22 feet.
- c. Maximum overall height of a building in the R-B district shall be the maximum allowable building height plus three feet for a flat roof and eight feet for all

other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(11) *Lot coverage.*

- a. The maximum lot coverage for one-story buildings is 40 percent.
- b. The maximum lot coverage for two-story buildings is 30 percent.

(12) *Landscape open space.*

- a. The minimum landscaped open space is 45 percent, of which 50 percent of that percentage is required to be perimeter landscaping within ten feet of the property line. The perimeter landscaped open space requirement shall not apply to lots 20,000 square feet or more in area.
- b. Additionally, not less than 40 percent of the required front yard must be landscaped open space in the R-B district.

(13) *Cubic content ratio.*

- a. The maximum cubic content ratio shall be as follows:
 1. For lots of less than 10,000 square feet, the maximum allowable CCR shall be calculated as follows: $4.00 + [(10,000 - \text{the lot size}) \div 10,000]$.
 2. For lots between 10,000 and 60,000 square feet which are not identified in subsection 4 of this section, the maximum allowable CCR shall be calculated as follows: $3.50 + [(60,000 - \text{the lot size}) \div 50,000] \times 0.5$.
 3. For lots of greater than 60,000 square feet which are not identified in subsection 4 of this section, the maximum allowable CCR shall be 3.50.
 4. For lots of 20,000 square feet or greater which are adjacent to the waters of Lake Worth from Dunbar Road to Reef Road, the maximum allowable CCR shall be 4.50. For purposes of determining whether a lot is adjacent to the waters of Lake Worth, the traversing of all or a portion of the lot by Lake Trail shall not be considered when determining that adjacency.
- (5) Exceptions. One architectural tower feature involving no habitable space, as otherwise permitted under subsection 134-896(b), shall not be counted in calculating the cubic content of the structure. Unenclosed loggias, pergolas, porches, terraces and covered patios located on the first floor shall be excluded from the calculation of total cubic content up to 5% of allowable cubic content. Portions of unenclosed structures in excess of the 5% maximum, as well as those located above the first

floor, shall be included in the calculation of total cubic content. Such appurtenances so erected may not in the future be enclosed or converted to permanent additions to the structure if such conversion would increase the cubic content of the structure beyond that allowed by the applicable cubic content ratio.

- b. For purposes of calculating the cubic content ratio, lot size shall be rounded to the nearest 100 square feet. For purposes of computing the resultant cubic content, the cubic content ratio shall be rounded to two decimal places. A table illustrating the cubic content ratio and associated cubic content for varying lots sizes resulting from the application of the above formulas is provided as attachment A to this chapter. This table also provides approximations of the likely floor areas achievable at varying average building heights.
- (c) *Existing building lots.* A single-family structure may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this section derives in the R-B zoning district if the lot is less than the minimum area and/or dimension required for building lots in this district; provided, said single-family dwelling meets all other Town Code requirements.

In addition, all new construction must comply with all other provisions of the schedule of lot, yard and bulk requirements in subsection (a) of this section and provided, further, that the owner of such lot shall not own any adjacent vacant land which would create a conforming lot if the vacant land were combined with the lot deficient in area.

(Ord. No. 2-74, schedule A, §§ 5.11, 5.15(c), 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 1-93, § 3(a), 2-8-93; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 10-95, § 1(a), 1-23-95; Ord. No. 1-96, §§ 8, 11, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 6, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-99, §§ 12—16, 4-5-99; Ord. No. 1-01, §§ 1, 3, 4, 2-19-01; Ord. No. 1-02, § 7, 3-12-02; Ord. No. 1-02, § 14, 3-12-02; Ord. No. 1-03, §§ 16, 20, 3-11-03; Ord. No. 1-05, § 4, 3-8-05; Ord. No. 5-09, § 37, 4-15-09; Ord. No. 12-09, §§ 1, 2, 6-10-09; Ord. No. 16-09, § 2, 11-12-09; Ord. No. 4-10, § 3, 2-10-10; Ord. No. 3-2012, § 2, 4-11-12; Ord. No. 4-2016, §§ 3, 4, 4-13-16; Ord. No. 16-2016, § 1, 12-14-16; Ord. No. 15-2017, § 4, 7-12-2017; Ord. No. 04-2018, § 17, 4-11-18)

Sec. 134-894. Same—Existing single-family dwelling development.

- (a) A single-family dwelling located in the R-B low density residential district, which dwelling is nonconforming with any of the schedule of lot, yard and bulk regulations for this district, may be enlarged with a first story and/or second story addition, provided:
 - (1) The addition complies with the current schedule of lot, yard and bulk regulations for this district; and
 - (2) The addition does not cause the dwelling to have more cubic content than allowed a new such dwelling under the current schedule of lot, yard and bulk regulations for this district.
- (b) This section shall not apply to a dwelling that is demolished by more than 50 percent, as determined by cubic footage, in preparation for any proposed addition, exterior renovation, or exterior reconstruction.
- (c) It is the intent of this section to allow a partial exemption to sections 134-416 and 134-417.

(Ord. No. 2-74, § 5.17, 3-26-74; Ord. No. 3-77, § 3, 3-29-77; Ord. No. 7-82, § 4(a), 3-31-82; Ord. No. 1-86, § 3(b), 2-10-86; Ord. No. 1-87, § 3(b), 2-9-87; Ord. No. 1-90, § 3(a), 2-5-90; Ord. No. 1-92, § 3(a), 2-3-92; Ord. No. 1-93, § 3(b), 2-8-93; Ord. No. 1-04, § 5, 3-9-04)

Sec. 134-895. Same—Exceptions to yard regulations.

In the R-B low-density residential district, exceptions to the yard regulations in section 134-1548 are as follows:

- (1) Chimneys, cornices, eaves, bay windows and balconies may extend 24 inches from the main and/or accessory building into the yard area. Chimneys and bay windows shall not exceed ten feet in the horizontal, measured parallel to the building wall, and the total linear dimension for such projection shall not exceed 25 percent of the total dimension along the building wall from which such chimney and/or bay window may project.
- (2) A first floor unenclosed front entry ramps, landings, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed first floor entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback
- (3) First floor main entrance covered ramps porches, open terraces, and/or steps may extend six feet into the required front yard setback. In addition, entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required setback.

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- (4) In this district an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Said awnings and/or trellises so erected shall not count in the cubic content ratio calculations and shall not be converted to permanent additions to the principal structure if such conversion would increase lot coverage of the principal structure above the allowed percentage.
- (5) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.
- (6) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.

(Ord. No. 2-74, § 5.31, 3-26-74; Ord. No. 1-89, § 3(a), 2-6-89; Ord. No. 6-93, § 3(c), 2-9-93; Ord. No. 1-96, § 14, 2-5-96; Ord. No. 3-02, § 1, 7-9-02; Ord. No. 04-2018, § 18, 4-11-18; Ord. No. 19-2021, § 2, 9-13-21)

Sec. 134-896. Special exceptions to height limitations.

- (a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-B low density district are skylights not exceeding three feet above the roof, air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof, radio and television antennas for reception purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ten percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened insofar as possible. Solar [material] shall be permitted on the roof provided said material is approved by the Architectural Commission or Landmark Preservation Commission.
- (b) In the R-B zoning district, one architectural tower feature may be constructed as an integral part of a single-family dwelling provided that it does not exceed the allowable overall building height by five feet and is setback an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower has no usable floor area. The area of such tower shall not exceed two percent of the gross floor area of the dwelling. It is the intention of this section to allow only one tower as an architectural

feature on a house and not to allow habitable space in upper areas of a tower on a house in the R-B zoning district. It is also the intent that this subsection not apply to entry facades or parapets.

(Ord. No. 2-74, § 5.22(a), 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 7-79, § 9, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(c), 3-31-82; Ord. No. 2-83, § 4(c), 2-23-83; Ord. No. 1-84, § 3(a), 3-1-84; Ord. No. 1-85, § 3(a), 2-11-85; Ord. No. 1-90, § 3(b)—(d), 2-5-90; Ord. No. 1-96, §§ 12, 13, 2-5-96; Ord. No. 1-98, § 7, 2-9-98; Ord. No. 1-99, § 17, 4-5-99; Ord. No. 7-09, §§ 3, 6, 5-13-09; Ord. No. 16-09, § 9, 11-12-09; Ord. No. 04-2018, § 20, 4-11-18)

Editor's note(s)—Section 6 of Ord. No. 7-09, adopted May 13, 2009, states the following:

"Section 6. The newly adopted provisions contained herein relating to flag poles and flags shall not be applicable retrospectively to flags or flag poles permitted prior to the adoption of Ordinance No. 7-09 or, in the event not granted by permit, which have been in continuous existence for a period of three years or more prior to the adoption of this ordinance."

Sec. 134-897. Special exceptions to height regulations.

- (a) In the R-B low density residential district, in order to encourage meritorious architectural design, variety in the setback of structures, increased open space and landscaped open space, reduced lot coverage, and reduced cubic content ratio, the town council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height requirements in sections 134-1606 and 134-1607 in the R-B zoning district, provided the special exception meets the standards of sections 134-227 through 134-233 and the goals, standards, and guidelines set forth in this section. The town council shall find that:
- (1) The proposed increase in height for a contemplated special exception structure is in the public interest.
 - (2) The structure is compatible with the site, adjacent properties and the neighborhood after consideration of:
 - a. The general form of the land before and after development or redevelopment;
 - b. The spatial relationships of the structures and open spaces to nearby land uses, including positioning of the building, transition in height and number of stories, garage placement, landscaping, and other site improvements;
 - c. The appearance, including building bulk, proportion, scale, massing, materials, colors, and architectural details, of buildings and open spaces as they contribute to the surrounding area; and

- d. The protection of neighboring owners and uses by ensuring that reasonable provision has been made for such matters as surface water drainage, sound and sight buffers, the preservation of views, light and air, and those aspects of design, not adequately covered by other regulations, which may have substantial effects on neighboring land uses.
- (b) The maximum allowable overall height under this section shall be 35 feet for a two-story structure with a pitched roof and 30 feet for a two-story structure with a flat roof, provided the following standards are met:
- (1) A maximum of 50 percent of the second story may be requested for a special exception to permitted overall height requirements. In addition, a minimum of 50 percent of the first floor shall be retained as one story, with the height not to exceed 20 feet overall for pitched roofs and 17 feet overall for flat roofs. (Note: It is not the intent of this section to discourage other portions of the second story to be built at 30 feet for pitched roofs and 27 for flat roofs or less, which would permit three or more roof levels.)
 - (2) The minimum rear yard setback for all parts of the second-story portion of construction shall be 15 feet. The minimum rear yard setback for first-story portions shall be ten feet.
 - (3) The minimum side yard setback for all parts of the second-story portion of construction shall be 17.5 feet. The minimum side yard setback for first-story portions shall be 12.5 feet.
 - (4) The minimum front yard, street side yard, and street rear yard setbacks shall be 35 feet for the second-story portion over 30 feet overall height for pitched roofs and over 27 feet overall height for flat roofs.
 - (5) Lot coverage for lots in excess of 15,000 square feet in area shall be limited to a maximum 22.5 percent.
 - (6) Garages shall be designed so that the opening will not face a street or shall be sight-screened by landscaping.
 - (7) The maximum permitted cubic content ratio (CCR) shall be one percent less than the permitted FAR for the R-B zoning district.
 - (8) All other R-B zoning district regulations shall apply.

(Ord. No. 2-74, § 5.48(II), 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-82, § 4(g), 3-31-82; Ord. No. 2-83, § 4(d), 2-23-83; Ord. No. 1-84, § 3(e), 3-1-84; Ord. No. 1-85, § 3(d), 2-11-85; Ord. No. 1-91, § 3(e), 4-23-91; Ord. No. 1-92, § 3(d), 2-3-92; Ord. No. 1-97, § 4, 2-17-97; Ord. No. 1-99, § 2, 4-5-99)

Sec. 134-898. Lot grade topography and drainage.

In the R-B, low-density residential district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 2-74, § 5.18, 3-26-74; Ord. No. 7-82, § 4(b), 3-31-82; Ord. No. 1-92, § 3(b), 2-3-92; Ord. No. 1-94, § 3(a), 2-7-94; Ord. No. 26-10, § 35, 12-15-10; Ord. No. 19-2021, § 3, 9-13-21)

Sec. 134-899. Supplementary district regulations.

The supplementary district regulations which may be applicable to the R-B low density residential district are contained in article VIII of this chapter.

Sec. 134-900. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the R-B low density residential district are contained in article IX of this chapter.

Sec. 134-901. Signs.

The sign regulations which may be applicable in the R-B low density residential district are contained in article XI of this chapter.

Sec. 134-902. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Secs. 134-903—134-940. Reserved.*DIVISION 5. R-C MEDIUM DENSITY RESIDENTIAL DISTRICT***Sec. 134-941. Purpose.**

The purpose of the R-C medium-density residential district is to:

- (1) Implement the Medium-Density Residential Future Land Use designation.

- (2) ~~m~~**Maintain** a generally spacious environment for residential uses, as that term is defined in section 134-2, but, at the same time, permit a desirable variety of housing types.
- (3) **Support a P**population, density and height of buildings ~~that~~ are low enough to be compatible with neighboring single-family development.
- (4) **Permitted** community facilities, such as park and recreation areas, public schools and essential services, ~~that~~ are the same as for the single-family residential districts.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-942. Permitted uses.

The permitted uses in the R-C medium-density residential district are as follows:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Townhouses.
- (4) Multi-family dwellings. (Site plan review shall be required. See article III of this chapter.)
- (5) Essential services.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 26-10, § 19, 12-15-10; Ord. No. 16-2012, § 4, 12-12-12)

Sec. 134-943. Accessory uses.

The accessory uses in the R-C medium-density residential district are as follows:

- (1) Private nurseries and greenhouses.
- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Charitable events specifically approved by the town manager.
- (5) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(1), (2), 2-7-94; Ord. No. 1-02, § 16, 3-12-02)

Sec. 134-944. Prohibited uses.

The specific prohibited uses of buildings or land in the R-C medium-density residential district are as follows:

- (1) No person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.
- (2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited.
- (3) Executive/employee/group, vacation/retreats are prohibited in this zoning district.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(1), (2), 2-7-94)

Sec. 134-945. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-C medium-density residential district are as follows:

- (1) **Approved** Planned unit development, PUD-2, PUD-3.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Nonprofit cultural centers.
- (8) Municipally owned or operated parking areas.
- (9) Beach **cabana** houses intended for the use of family and guests only.
- (10) Museums occupying buildings of unique value as historical landmarks as determined by the landmarks preservation commission and the town council and for which it is demonstrated that no permitted use is economically viable.
- (11) Roof-deck automobile parking.
- (12) Group home.
- (13) Foster care facility.
- (14) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental agencies having jurisdiction.
- (15) Municipally owned and operated parks and recreation areas.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-96, § 6, 2-5-96; Ord. No. 1-99, § 9, 4-5-99; Ord. No. 16-2012, § 12, 12-12-12; Ord. No. 02-2019, § 6, 3-19-19)

Sec. 134-946. Accessory structures.

- (a) *Accessory structures in R-C **medium-density** district.* Accessory structures in the R-C medium-density residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.
- (b) *Unattached accessory structures in R-C **medium-density** district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:
- (1) The lot size includes all lots, the maximum story height is two stories, and the maximum building height is 25 feet.
 - (2) All enclosed or partially enclosed accessory buildings shall comply with all open yard requirements contained in this chapter for the principal structure for the zoning district in which the buildings are located, except as otherwise provided in this section. The term "enclosed or partially enclosed" means either all or a portion of the building floor area is protected from the weather by permanent construction.
 - (3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height shall have a minimum ten foot side and rear setback with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.
 - (4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal structure, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter, and except that in the R-C **medium-density** district, enclosed accessory structures may be permitted to be located within that portion of a required side yard that is in excess of the minimum side yard of 20 feet.
 - (5) An accessory structure in the R-C **medium-density** district may be located within that portion of a required front yard that is in excess of the minimum 25-foot front yard.
 - (6) Accessory structures in the R-C **medium-density** district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings, enclosed accessory structures, the height of which do not exceed plus eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of

earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.

- (7) Dish antennas. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this residential zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.
- (8) One dock, as defined in section 134-2 and as regulated in sections 62-74, 62-75 and 134-1697, shall be unenclosed accessory structures as defined in this section.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-98, § 9, 2-9-98; Ord. No. 1-99, § 10, 4-5-99; Ord. No. 17-2019, § 4, 6-12-19; Ord. No. 16-2021, § 5, 8-11-21)

Sec. 134-947. Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.

In the R-C medium-density residential district, no accessory structure shall be used as or converted to a dwelling unit. Further, if any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of such accessory structure shall be

terminated until a new principal structure and use is established on the lot on which the accessory structure and use is located.

(Ord. No. 2-74, § 5.50(a), 3-26-74; Ord. No. 1-88, § 2, 2-8-88; Ord. No. 1-89, § 3(c), 2-6-89; Ord. No. 1-94, § 3(b), 2-7-94)

Sec. 134-948. Lot, yard and area requirements—Generally.

In the R-C medium-density residential district, the schedule of lot, yard and area requirements is as given in this section:

(1) *Lot area.*

- a. For single-family uses, the minimum lot area is 10,000 square feet.
- b. For two-family uses, the minimum lot area is 13,333 square feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the minimum lot area is 20,000 square feet.

(2) *Lot width.*

- a. For single-family uses, the minimum lot width is 75 feet.
- b. For two-family uses, the minimum lot width is 75 feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the minimum lot width is 100 feet.

(3) *Lot depth.*

- a. For single-family uses, the minimum lot depth is 100 feet.
- b. For two-family uses, the minimum lot depth is 100 feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the minimum lot depth is 100 feet.

(4) *Density.*

- a. For single-family uses, the maximum density is four dwelling units per acre.
- b. For two-family uses, the maximum density is six dwelling units per acre.
- c. For townhouses, the maximum density is six dwelling units per acre. See article III of this chapter for site plan review requirements.

- d. For multifamily uses, the maximum density is six dwelling units per acre. See article III of this chapter for site plan review requirements.

(5) *Front yard.*

- a. For single-family uses, the minimum front yard setback is 25 feet.
- b. For two-family uses the minimum front yard setback is 25 feet. If garage doors face a street, at least 40 percent of the entire structure facing said street shall have a setback at least 20 feet greater than the minimum setback otherwise required. Where a two-family structure is located on corner lots, the foregoing requirement shall apply only to that street on which the garage fronts. However, in no instance shall a two-family structure have less than 25 percent of the frontage of the building along any street frontage set back less than an additional ten feet beyond the street yard setback otherwise required.
- c. For townhouses, the minimum front yard setback is 25 feet. If garage doors face a street, at least 40 percent of the entire structure facing said street shall have a setback at least 20 feet greater than the minimum setback otherwise required. Where a two-family structure is located on corner lots, the foregoing requirement shall apply only to that street on which the garage fronts. However, in no instance shall a townhouse structure have less than 25 percent of the frontage of the building along any street frontage set back less than an additional ten feet beyond the street yard setback otherwise required.
- d. For multifamily uses, the front yard setback shall be either 25 feet or the height of the building, whichever is greater. When more than one street yard exists (as provided in sections 134-1576 and 134-1577) and the height of a building exceeds 25 feet, the total amount of street yard setbacks shall equal the height of the building times the number of street yards, and any individual street yard setback shall be not less than 25 feet. See also requirements in sections 134-1576 and 134-1577.

(6) *Side yard.*

- a. For single-family uses, the minimum side yard setback is ten feet.
- b. For two-family uses, the minimum side yard setback is ten feet for the one-story portion and 15 feet for the two-story portion.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the side yard setback shall be 20 feet or the height of the building, whichever is greater.

(7) *Rear yard.*

- a. For single-family uses, the minimum rear yard setback is 15 feet.
- b. For two-family uses, the minimum rear yard setback is 15 feet.
- c. For townhouses, the minimum rear yard setback is 15 feet.
- d. For multifamily uses, the minimum rear yard setback is 30 feet.

(8) *Height and overall height.*

- a. For single-family uses, the maximum building height is two stories, not to exceed 23½ feet.
- b. For two-family uses, the maximum building height is two stories, not to exceed 23½ feet.
- c. For townhouses, the maximum building height is two stories, not to exceed 23½ feet.
- d. For multifamily uses, the maximum building height of a one or two-story building is 23½ feet; See special exception provisions in sections 134-227 through 134-233, section 134-952, and article III of this chapter.
- e. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus three feet for a flat roof and eight feet for all other roof styles. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

- a. For single-family uses, the maximum lot coverage is 30 percent.
- b. For two-family uses, the maximum lot coverage is 30 percent.
- c. For townhouses, the maximum lot coverage is 35 percent.
- d. For multifamily uses, the maximum lot coverage is 30 percent.

(10) *Dimensions.* For multifamily building maximum dimensions, see section 134-1871 et seq.

(11) *Landscaped open space.*

- a. For single-family uses, the minimum landscaped open space is 45 percent, of which 50 percent of that percentage is required to be perimeter landscaping within ten feet of the property line. The perimeter landscaped open space requirement shall not apply to lots 20,000 square feet or more in area.
- b. For two-family uses the minimum landscape open space is 40 percent.

- c. For townhouses, the minimum landscaped open space is 35 percent.
- d. For multi-family uses, the minimum landscaped open space is 35 percent.
- e. Additionally, not less than 40 percent of the required front yard must be landscaped open space for single-family and two-family homes in the R-C district and not less than 35 percent must be landscaped open space for all other type of development.

(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-99, §§ 18—20, 4-5-99; Ord. No. 1-01, § 1, 2-19-01; Ord. No. 1-02, § 14, 3-12-02; Ord. No. 1-02, § 15, 3-12-02; Ord. No. 1-03, § 17, 3-11-03; Ord. No. 1-05, § 5, 3-8-05; Ord. No. 3-2012, § 3, 4-11-12; Ord. No. 4-2016, § 4, 4-13-16)

Sec. 134-949. Same—Existing single-family dwelling development.

- (a) A single-family dwelling located in the R-C medium density residential district, which dwelling is nonconforming with any of the schedule of lot, yard, and bulk regulations for this district; may be enlarged with a first-story and/or second-story addition, provided the addition complies with the current schedule of lot, yard, and bulk regulations for this district.
- (b) This section shall not apply to a dwelling that is demolished by more than 50 percent, as determined by cubic footage, in preparation for any proposed addition, exterior renovation, or exterior reconstruction.
- (c) It is the intent of this section to allow a partial exemption to sections 134-416 and 134-417.

(Ord. No. 2-74, § 5.17, 3-26-74; Ord. No. 3-77, § 3, 3-29-77; Ord. No. 7-82, § 4(a), 3-31-82; Ord. No. 1-86, § 3(b), 2-10-86; Ord. No. 1-87, § 3(b), 2-9-87; Ord. No. 1-90, § 3(a), 2-5-90; Ord. No. 1-92, § 3(a), 2-3-92; Ord. No. 1-93, § 3(b), 2-8-93; Ord. No. 1-04, § 5, 3-9-04; Ord. No. 26-10, § 22, 12-15-10)

Sec. 134-950. Same—Exceptions.

In the R-C medium-density residential district, exceptions to the yard regulations in section 134-1548 are as follows:

- (1) Cornices, roof eave overhangs, architectural features, not including balconies or habitable floors, and chimneys may extend 48 inches from the main and/or accessory building into any yard areas.
- (2) Areaways, ramps, or steps to the basement may extend into the side or rear yard area within 24 inches from the adjacent property line, provided no part is over 36 inches above the grade.
- (3) Decorative screens and other architectural features projecting into the rear, side or front yard areas as provided in subsection (1) of this section shall be perforated in a manner so that any vertical projection is at least 50 percent open in area in a vertical plane at any given point.
- (4) There shall be no weather enclosures or other solid enclosures of any nature constructed or installed on or in conjunction with the permitted building projections as provided in subsection (1) of this section. Such prohibited installations shall include, but not be limited to, windows; storm shutters, including fixed or moveable type, roll-down curtains of metal, plastic, fabric or other material; insect screening; or any other temporary or permanent enclosures of any nature. Such prohibited enclosures as described in this subsection shall also not be installed or constructed on any existing open balcony.
- (5) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.
- (6) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.
- (7) First floor ramps, landings, open terraces, and/or steps may extend six feet into the required front, street side and street rear yard setbacks. In addition, unenclosed entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into the required side or rear yard setback.

(Ord. No. 2-74, § 5.32, 3-26-74; Ord. No. 3-77, §§ 4, 5, 3-29-77; Ord. No. 7-82, § 4(d), 3-31-82; Ord. No. 1-96, § 14, 2-5-96; Ord. No. 3-02, § 2, 7-9-02; Ord. No. 19-2021, § 4, 9-13-21)

Sec. 134-951. Awnings or trellises in side or rear yards.

In the R-C medium density residential district, as an exception to the yard regulations in section 134-1548, an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Awnings and/or trellises so erected may not be

converted to permanent additions to the principal structure if such conversion would increase lot coverage of the principal structure above the allowed percentage.

(Ord. No. 2-74, § 5.31(c), 3-26-74; Ord. No. 1-89, § 3(a), 2-6-89; Ord. No. 6-93, § 3(c), 2-9-93)

Sec. 134-952. Exemption to height limitations.

In the R-C medium density residential zoning district, one architectural tower feature may be constructed as an integral part of a single-family or two-family dwelling provided that it does not exceed the allowable overall building height by five feet and is setback an additional five (5) feet on the front, rear, side, and street side and street rear yards; and, such tower has no usable floor area. The area of such tower shall not exceed two percent of the gross floor area of the dwelling. For a two-family dwelling each unit is allowed one architectural tower feature and said tower feature may not exceed 2% of the individual dwelling unit floor area. It is the intention of this section to allow only one tower as an architectural feature on a house and not to allow habitable space in upper areas of a tower on a house. It is also the intent that this section not apply to entry facades or parapets.

(Ord. No. 2-74, § 5.48, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-82, § 4(g), 3-31-82; Ord. No. 2-83, § 4(d), 2-23-83; Ord. No. 1-84, § 3(e), 3-1-84; Ord. No. 1-85, § 3(d), 2-11-85; Ord. No. 1-91, § 3(e), 4-23-91; Ord. No. 1-92, § 3(d), 2-3-92; Ord. No. 1-99, § 17, 4-5-99)

Sec. 134-953. Lot grade, topography and drainage.

In the R-C, medium density residential district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 2-74, § 5.18, 3-26-74; Ord. No. 7-82, § 4(b), 3-31-82; Ord. No. 1-92, § 3(b), 2-3-92; Ord. No. 1-94, § 3(a), 2-7-94; Ord. No. 26-10, § 36, 12-15-10; Ord. No. 19-2021, § 3, 9-13-21)

Sec. 134-954. Supplementary district regulations.

The supplementary district regulations which may be applicable to the R-C medium density residential district are contained in article VIII of this chapter.

Sec. 134-955. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the R-C medium density residential district are contained in article IX of this chapter.

Sec. 134-956. Signs.

The sign regulations which may be applicable in the R-C medium density residential district are contained in article XI of this chapter.

Sec. 134-957. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Secs. 134-958—134-995. Reserved.

DIVISION 6. R-D(1) ~~MODERATE HIGH~~ DENSITY RESIDENTIAL DISTRICT

Sec. 134-996. Purpose.

The purpose of the R-D(1) ~~moderate high-density~~ residential district is to:

- (1) Implement the High-Density Residential Future Land Use designation.
- (2) ~~p~~Provide for residential uses, as that term is defined in section 134-2, and a variety of housing types at a ~~moderate high~~ population density compatible with neighboring housing areas of lower density.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-997. Permitted uses.

The permitted uses in the R-D(1) ~~moderate high-density~~ residential district are as follows:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Townhouses.
- (4) Multi-family dwellings. (Site plan review shall be required. See article III of this chapter.)
- (5) Essential services.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 26-10, § 20, 12-15-10; Ord. No. 16-2012, § 5, 12-12-12)

Sec. 134-998. Accessory uses.

The accessory uses in the R-D(1) moderate high-density residential district are as follows:

- (1) Private nurseries and greenhouses.
- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Charitable events specifically approved by the town manager.
- (5) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(3), (4), 2-7-94; Ord. No. 1-02, § 16, 3-12-02)

Sec. 134-999. Prohibited uses.

The specific prohibited uses of buildings or land in the R-D(1) moderate high-density residential district are as follows:

- (1) No person shall use any portion of any building or accessory building or any land used for residential purposes in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose (with the sole exception of meetings of the corporate ownership of the premises involved), banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.
- (2) Executive/employee/group, vacation/retreats are prohibited in this zoning district.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-

6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(3), (4), 2-7-94)

Sec. 134-1000. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-D(1) ~~moderate~~ high-density residential district are as follows:

- (1) ~~Approved~~ Planned unit development, PUD-2, PUD-3.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Roof-deck automobile parking.
- (8) Municipally owned or operated parking areas.
- (9) Beach ~~cabana~~ houses intended for the use of family and guests only.
- (10) Group home.
- (11) Foster care facility.
- (12) Municipally owned and operated parks and recreation areas.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-96, § 6, 2-5-96; Ord. No. 16-2012, § 13, 12-12-12; Ord. No. 02-2019, § 7, 3-19-19)

Sec. 134-1001. Accessory structures.

- (a) *Accessory structures in R-D(1) district.* Accessory structures in the R-D(1) ~~moderate~~ high-density residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.

(b) *Unattached accessory structures in R-D(1) district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:

- (1) The lot size includes all lots, the maximum story height is two stories, and the maximum building height is 25 feet.
- (2) All enclosed or partially enclosed accessory buildings shall comply with all open yard requirements contained in this chapter for the principal structure for the zoning district in which the buildings are located, except as otherwise provided in this section. The term "enclosed or partially enclosed" means either all or a portion of the building floor area is protected from the weather by permanent construction.
- (3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height may be located within ten feet of a side or rear lot line, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.
- (4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal structure, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter, and except that in the R-D(1) district, enclosed accessory structures may be permitted to be located within that portion of a required side yard that is in excess of the minimum side yard of 30 feet.
- (5) An accessory structure in the R-D(1) district may be located within that portion of a required front yard that is in excess of the minimum 25-foot front yard.
- (6) Accessory structures in the R-D(1) district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings, enclosed accessory structures, the height of which do not exceed plus eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.
- (7) Dish antennas. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average

grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this residential zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

- (8) One dock, as defined in section 134-2 and as regulated in sections 62-62-74, 62-75 and 134-1697, shall be unenclosed accessory structures as defined in this section.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-98, § 9, 2-9-98; Ord. No. 1-99, § 10, 4-5-99; Ord. No. 16-2021, § 6, 8-11-21)

Sec. 134-1002. Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.

In the R-D(1) ~~moderate~~ **high-density** residential district, no accessory structure shall be used as or converted to a dwelling unit. If any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of such accessory structure shall be terminated until a new principal structure and use is established on the lot on which the accessory structure and use is located.

(Ord. No. 2-74, § 5.50(a), 3-26-74; Ord. No. 1-88, § 2, 2-8-88; Ord. No. 1-89, § 3(c), 2-6-89; Ord. No. 1-94, § 3(b), 2-7-94)

Sec. 134-1003. Accessory uses in multifamily dwellings.

Incidental services used in connection with multifamily structures in the R-D(1) ~~moderate~~ **high-density** residential district, including cigar or candy stands, delicatessens,

personal service shops and similar uses, may be permitted provided the following conditions are fulfilled:

- (1) At least 25 dwelling units shall be contained within the building group.
- (2) Not more than five percent of the total floor area within the building shall be so used.
- (3) All such incidental services shall be situated within the interior of the building, so that no part thereof shall be directly accessible to the street or public way.
- (4) No sign or window display shall be discernible from the sidewalk or public way.
- (5) No exterior or external advertising shall be permitted.

(Ord. No. 2-74, § 6.13, 3-26-74)

Sec. 134-1004. Lot, yard and area requirements—Generally.

In the R-D(1) **moderate high-density** residential district, the schedule of lot, yard and area requirements is as given in this section:

- (1) *Lot area.*
 - a. For single-family uses, the minimum lot area is 10,000 square feet.
 - b. For two-family uses, the minimum lot area is 10,000 square feet.
 - c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
 - d. For multifamily uses, the minimum lot area is 40,000 square feet.
- (2) *Lot width.*
 - a. For single-family uses, the minimum lot width is 75 feet.
 - b. For two-family uses, the minimum lot width is 75 feet.
 - c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
 - d. For multifamily uses, the minimum lot width is 150 feet.
- (3) *Lot depth.*
 - a. For single-family uses, the minimum lot depth is 100 feet.
 - b. For two-family uses, the minimum lot depth is 100 feet.
 - c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
 - d. For multifamily uses, the minimum lot depth is 200 feet.

(4) *Density.*

- a. For single-family uses, the maximum density is four dwelling units per acre.
- b. For two-family uses, the maximum density is eight dwelling units per acre.
- c. For townhouses, the maximum density is ten dwelling units per acre. See article III of this chapter for site plan review requirements.
- d. For multifamily uses, the maximum density is ten dwelling units per acre. See article III of this chapter for site plan review requirements.

(5) *Front yard.*

- a. For single-family uses, the minimum front yard setback is 25 feet.
- b. For two-family uses, the minimum front yard setback is 25 feet.
- c. For townhouses, the minimum front yard setback is 25 feet.
- d. For multifamily uses, the front yard setback shall be either 25 feet or the height of the building, whichever is the greater. When more than one street yard exists (as provided in sections 134-1576 and 134-1577) and the height of a building exceeds 25 feet, the total amount of street yard setbacks shall equal the height of the building times the number of street yards, and any individual street yard setback shall be not less than 25 feet. See also requirements in sections 134-1576 and 134-1577.

(6) *Side yard.*

- a. For single-family uses, the minimum side yard setback is ten feet.
- b. For two-family uses, the minimum side yard setback is 12½ feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the side yard setback shall be 30 feet or the height of the building, whichever is greater.

(7) *Rear yard.*

- a. For single-family uses, the minimum rear yard setback is 15 feet.
- b. For two-family uses, the minimum rear yard setback is 15 feet.
- c. For townhouses, the minimum rear yard setback is 15 feet.
- d. For multifamily uses, the minimum rear yard setback is 30 feet.

(8) *Height and overall height.*

- a. For single-family uses, the maximum building height is two stories or 25 feet.
- b. For two-family uses, the maximum building height is two stories or 25 feet.

- c. For townhouses, the maximum building height is two stories or 25 feet.
- d. For multifamily uses, the maximum building height of two-story buildings is 25 feet; the maximum building height of three-story buildings is 35 feet. In this district, the maximum building height for multifamily uses is three stories, with provision for a special exception for up to five stories. See special exception provisions in sections 134-227 through 134-233, section 134-1008, and article III of this chapter.
- e. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

- a. For single-family uses, the maximum lot coverage is 30 percent.
- b. For two-family uses, the maximum lot coverage is 30 percent.
- c. For townhouses, the maximum lot coverage is 35 percent.
- d. For multifamily uses, the maximum lot coverage is 35 percent.

(10) *Dimensions.* For multifamily building maximum dimensions, see section 134-1871 et seq.

(11) *Landscaped open space.*

- a. For single-family uses, the minimum landscaped open space is 40 percent.
- b. For two-family uses, the minimum landscaped open space is 40 percent.
- c. For townhouses, the minimum landscaped open space is 35 percent.
- d. For multifamily uses, the minimum landscaped open space is 35 percent.
- e. Additionally, not less than 40 percent of the required front yard must be landscaped open space for single-family and two-family homes in the R-D(1) district and not less than 35 percent of the required front yard must be landscaped open space for all other type of development.

(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-01, § 1, 2-19-01; Ord. No. 1-02, § 14, 3-12-02; Ord. No. 1-02, § 15, 3-12-02; Ord. No. 1-03, § 18, 3-11-03; Ord. No. 4-2016, § 4, 4-13-16)

Sec. 134-1005. Same—Existing single-family dwelling development.

- (a) A single-family dwelling located in the R-D(1) ~~moderate~~ ~~high-density~~ residential district, which dwelling is nonconforming with any of the schedule of lot, yard and bulk regulations for this district; may be enlarged with a first story and/or second story addition, provided the addition complies with the current schedule of lot, yard and bulk regulations for this district;
- (b) This section shall not apply to a dwelling that is demolished by more than 50 percent, as determined by cubic footage, in preparation for any proposed addition, exterior renovation, or exterior reconstruction.
- (c) It is the intent of this section to allow a partial exemption to sections 134-416 and 134-417.

(Ord. No. 2-74, § 5.17, 3-26-74; Ord. No. 3-77, § 3, 3-29-77; Ord. No. 7-82, § 4(a), 3-31-82; Ord. No. 1-86, § 3(b), 2-10-86; Ord. No. 1-87, § 3(b), 2-9-87; Ord. No. 1-90, § 3(a), 2-5-90; Ord. No. 1-92, § 3(a), 2-3-92; Ord. No. 1-93, § 3(b), 2-8-93; Ord. No. 1-04, § 5, 3-9-04; Ord. No. 26-10, § 23, 12-15-10)

Sec. 134-1006. Same—Exceptions.

In the R-D(1) ~~moderate~~ ~~high-density~~ residential district, exceptions to the yard regulations in section 134-1548 are as follows:

- (1) Cornices, roof eave overhangs, architectural features, not including balconies or habitable floors, and chimneys may extend 48 inches from the main and/or accessory building into any yard areas.
- (2) Areaways, ramps, or steps to the basement may extend into the side or rear yard area within 24 inches from the adjacent property line, provided no part is over 36 inches above the grade.
- (3) Decorative screens and other architectural features projecting into the rear, side or front yard areas as provided in subsection (1) of this section shall be perforated in a manner so that any vertical projection is at least 50 percent open in area in a vertical plane at any given point.
- (4) There shall be no weather enclosures or other solid enclosures of any nature constructed or installed on or in conjunction with the permitted building projections as provided in subsection (1) of this section. Such prohibited installations shall include, but not be limited to, windows; storm shutters, including fixed or moveable type, roll-down curtains of metal, plastic, fabric or other material; insect screening; or any other temporary or permanent enclosures of any nature. Such prohibited enclosures as described in this subsection shall also not be installed or constructed on any existing open balcony.

- (5) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.
- (6) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.
- (7) First floor ramps, landings, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback.

(Ord. No. 2-74, § 5.32, 3-26-74; Ord. No. 3-77, §§ 4, 5, 3-29-77; Ord. No. 7-82, § 4(d), 3-31-82; Ord. No. 1-96, § 14, 2-5-96; Ord. No. 3-02, § 2, 7-9-02; Ord. No. 19-2021, § 4, 9-13-21)

Sec. 134-1007. Awnings or trellises in side or rear yards.

In the R-D(1) ~~moderate~~ **high-density** residential district, as an exception to the yard regulations in section 134-1548, an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Awnings and/or trellises so erected may not be converted to permanent additions to the principal structure if such conversion would increase lot coverage of the principal structure above the allowed percentage.

(Ord. No. 2-74, § 5.31(c), 3-26-74; Ord. No. 1-89, § 3(a), 2-6-89; Ord. No. 6-93, § 3(c), 2-9-93)

Sec. 134-1008. Special exception to height regulations; special exception structures.

- (a) In order to encourage increased open space, landscaped open space, reduced density and lot coverage and architectural detail, the town council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height in the R-D(1) ~~moderate~~ **high-density** density residential district, upon a finding being made by the town council that the proposed increase in height for a contemplated special exception structure is in the public interest, that careful attention is given to architectural detail, and that it meets the standards of sections 134-227 through 134-233 and the following goals and guidelines:
 - (1) Four-story guidelines. Lot coverage not more than 25 percent.
 - (2) Five-story guidelines. Lot coverage not more than 20 percent.

- (b) In no event shall the building height in a R-D(1) ~~moderate high-density~~ exceed five stories and 55 feet, unless increased to a maximum of 62½ feet as follows:
- (1) Three-story/35 feet, plus one additional foot for each foot of ceiling height of each story over eight feet six inches, up to a maximum of 37 feet six inches.
 - (2) Four-story/45 feet, plus one additional foot for each foot of ceiling height of each story over eight feet six inches, up to a maximum of 50 feet.
 - (3) Five-story/55 feet, plus one additional foot for each foot of ceiling height of each story over eight feet six inches, up to a maximum of 62 feet six inches.
- (Ord. No. 2-74, § 5.48, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-82, § 4(g), 3-31-82; Ord. No. 2-83, § 4(d), 2-23-83; Ord. No. 1-84, § 3(e), 3-1-84; Ord. No. 1-85, § 3(d), 2-11-85; Ord. No. 1-91, § 3(e), 4-23-91; Ord. No. 1-92, § 3(d), 2-3-92)

Sec. 134-1009. Lot grade topography and drainage.

In the R-D(1) ~~moderate high-density~~ residential district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 2-74, § 5.18, 3-26-74; Ord. No. 7-82, § 4(b), 3-31-82; Ord. No. 1-92, § 3(b), 2-3-92; Ord. No. 1-94, § 3(a), 2-7-94; Ord. No. 26-10, § 37, 12-15-10; Ord. No. 19-2021, § 3, 9-13-21)

Sec. 134-1010. Supplementary district regulations.

The supplementary district regulations which may be applicable to the R-D(1) ~~moderate high-density~~ residential district are contained in article VIII of this chapter.

Sec. 134-1011. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the R-D(1) ~~moderate high-density~~ residential district are contained in article IX of this chapter.

Sec. 134-1012. Signs.

The sign regulations which may be applicable in the R-D(1) ~~moderate high-density~~ residential district are contained in article XI of this chapter.

Sec. 134-1013. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Sec. 134-1014. Exemption to height limitations.

In the R-D(1) ~~moderate~~ high-density residential district, one architectural tower feature may be constructed as an integral part of a single-family or two-family dwelling provided that it does not exceed the allowable overall building height by five feet and is setback an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower has no usable floor area. The area of such tower shall not exceed two percent of the gross floor area of the dwelling. For a two-family dwelling each unit is allowed one architectural tower feature and said tower feature may not exceed two percent of the individual dwelling unit floor area. It is the intention of this section to allow only one tower as an architectural feature on a house and not to allow habitable space in upper areas of a tower on a house. It is also the intent that this section not apply to entry facades or parapets.

(Ord. No. 1-99, § 17, 4-5-99)

Secs. 134-1015—134-1050. Reserved.

DIVISION 7. R-D(2) HIGH DENSITY RESIDENTIAL DISTRICT

Sec. 134-1051. Purpose.

The purpose of the R-D(2) high-density residential district is to:

- (1) Implement the High-Density Future Land Use designation.
- (2) provide for residential uses, as that term is defined in section 134-2, of a variety of dwelling types, and under carefully controlled conditions, hotels and timesharing uses.
- (3) Provide a Ppermitted population density falls in the lower range of what is generally considered high-density development.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1052. Permitted uses.

The permitted uses in the R-D(2) high-density residential district are as follows:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Townhouses.
- (4) Multi-family dwellings. (Site plan review shall be required. See article III of this chapter.)
- (5) Essential services.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 26-10, § 21, 12-15-10; Ord. No. 16-2012, § 6, 12-12-12)

Sec. 134-1053. Accessory uses.

The accessory uses in the R-D(2) high-density residential district are as follows:

- (1) Private nurseries and greenhouses.
- (2) Private garages.
- (3) Private swimming pools and/or cabanas.
- (4) Newsstands, dining rooms, bars, beauty shops and similar personal service uses for the convenience of tenants and their bona fide guests in a multifamily dwelling.
- (5) Charitable events specifically approved by the town manager.
- (6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(3), (4), 2-7-94; Ord. No. 1-02, § 16, 3-12-02; Ord. No. 5-09, § 2, 4-15-09; Ord. No. 16-2021, § 7, 8-11-21)

Sec. 134-1054. Prohibited uses.

The specific prohibited uses of buildings or land in the R-D(2) high-density residential district are as follows:

- (1) No person shall use any portion of any building or accessory building or any land used for residential purposes in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose (with the sole exception of meetings of the corporate ownership of the premises involved), banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.
- (2) Executive/employee/group, vacation/retreats are prohibited in this zoning district.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-

10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1, 2-9-93; Ord. No. 1-94, § 2(b)(3), (4), 2-7-94)

Sec. 134-1055. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-D(2) high-density residential district are as follows:

- (1) **Approved** Planned unit development, PUD-2, PUD-3.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Accessory commercial uses to hotel uses.
- (8) Municipally owned or operated parking areas.
- (9) Beach **cabana** houses intended for the use of family and guests only.
- (10) Hotels.
- (11) Timesharing uses.
- (12) Roof-deck automobile parking.
- (13) Group home.
- (14) Foster care facility.
- (15) Pedestrian access tunnel to the beach as an accessory use provided that the applicant owns the land on both sides of the roadway, provides unity of title, and provides prior written approval from all governmental agencies having jurisdiction.
- (16) Outdoor cafe seating for dining purposes related to hotels, condo-hotels and dining rooms provided that all requirements and conditions contained in sections 134-2104 and 134-2108 are met.
- (17) Condo-hotels in accordance with section 134-2110.
- (18) Municipally owned and operated parks and recreation areas.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—

(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-96, § 6, 2-5-96; Ord. No. 1-99, § 9, 4-5-99; Ord. No. 5-09, §§ 3, 19, 4-15-09; Ord. No. 16-2012, § 14, 12-12-12; Ord. No. 02-2019, § 8, 3-19-19; Ord. No. 16-2021, § 8, 8-11-21)

Sec. 134-1056. Reserved.

Ord. No. 16-2021, § 9, adopted August 11, 2021, repealed § 134-1056, which pertained to stands, seated dining areas and open counters for eating and drinking and derived from Ord. No. 5-09, § 4, 4-15-09.

Sec. 134-1057. Accessory structures.

- (a) *Accessory structures in R-D(2) district.* Accessory structures in the R-D(2) high-density residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.
- (b) *Unattached accessory structures in R-D(2) district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:
 - (1) The lot size includes all lots, the maximum story height is two stories, and the maximum building height is 25 feet.
 - (2) All enclosed or partially enclosed accessory buildings shall comply with all open yard requirements contained in this chapter for the principal structure for the R-D(2) **high-density residential** zoning district in which the buildings are located, except as otherwise provided in this section. The term "enclosed or partially enclosed" means either all or a portion of the building floor area is protected from the weather by permanent construction.
 - (3) Unenclosed accessory structures shall comply with all open yard requirements contained in this chapter for the principal structure, except that one-story unenclosed accessory structures that do not exceed 15 feet in overall height may be located within ten feet of a side or rear lot line, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter.
 - (4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal structure, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter, and except that in the R-D(2) district enclosed accessory structures may be permitted to be located within that portion of a required side yard that is in excess of the minimum side yards of 30 feet.

- (5) An accessory structure in the R-D(2) **high-density residential** district may be located within that portion of a required front yard that is in excess of the minimum 25-foot front yard.
- (6) Accessory structures in the R-D(2) **high-density residential** district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings, enclosed accessory structures, the height of which do not exceed plus eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.
- (7) Dish antennas. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this residential zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One (1) meter in the metric system of measurement equals 39.37 inches or 3.28 feet.
- (8) One dock, as defined in section 134-2 and as regulated in sections 62-74, 62-75 and 134-1697, shall be unenclosed accessory structures as defined in this section.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92;

Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-98, § 9, 2-9-98; Ord. No. 1-99, § 10, 4-5-99; Ord. No. 5-09, § 4, 4-15-09; Ord. No. 16-2021, § 10, 8-11-21)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1058. Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.

In the R-D(2) high-density residential district, no accessory structure shall be used as or converted to a dwelling unit. Further, if any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of such accessory structure shall be terminated until a new principal structure and use is established on the lot on which the accessory structure and use is located.

(Ord. No. 2-74, § 5.50(a), 3-26-74; Ord. No. 1-88, § 2, 2-8-88; Ord. No. 1-89, § 3(c), 2-6-89; Ord. No. 1-94, § 3(b), 2-7-94; Ord. No. 5-09, § 4, 4-15-09)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1059. Accessory uses in apartment houses, hotels and condo-hotels.

Incidental services used in connection with either apartment houses, hotels or condo-hotels in an R-D(2) high-density residential district, including cigar or candy stands, delicatessens, personal service shops and similar uses, may be permitted provided the following conditions are fulfilled:

- (1) At least 25 dwelling units shall be contained within the building group.
- (2) Not more than five percent of the total floor area within the building shall be so used.
- (3) All such incidental services shall be situated within the interior of the building, so that no part thereof shall be directly accessible to the street or public way, except for outdoor seating for dining purposes in accordance with sections 134-2104 through 134-2108 and section 134-1906.
- (4) No sign or window display shall be discernible from the sidewalk or public way.
- (5) No exterior or external advertising shall be permitted.

(Ord. No. 2-74, § 6.13, 3-26-74; Ord. No. 5-09, §§ 4, 20, 4-15-09)

Editor's note(s)—Ord. No. 5-09, § 4, renumbered the former section 134-1058 as section 134-1059. Subsequently, section 20 of said ordinance changed the title of section

134-1059 from "Accessory uses in apartment houses and hotels" to "Accessory uses in apartment houses, hotels and condo-hotels."

Sec. 134-1060. Lot, yard and area requirements—Generally.

In the R-D(2) high-density residential district, the schedule of lot, yard and area requirements is as given in this section:

(1) *Lot area.*

- a. For single-family uses, the minimum lot area is 10,000 square feet.
- b. For two-family uses, the minimum lot area is 10,000 square feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the minimum lot area is 40,000 square feet.
- e. For timesharing uses, the minimum lot area is 40,000 square feet.
- f. For hotels and condo-hotels, the minimum lot area is 40,000 square feet.

(2) *Lot width.*

- a. For single-family uses, the minimum lot width is 75 feet.
- b. For two-family uses, the minimum lot width is 75 feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the minimum lot width is 150 feet.
- e. For timesharing uses, the minimum lot width is 150 feet.
- f. For hotels and condo-hotels, the minimum lot width is 150 feet.

(3) *Lot depth.*

- a. For single-family uses, the minimum lot depth is 100 feet.
- b. For two-family uses, the minimum lot depth is 100 feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the minimum lot depth is 200 feet.
- e. For timesharing uses, the minimum lot depth is 200 feet.
- f. For hotels and condo-hotels, the minimum lot depth is 200 feet.

(4) *Density.*

- a. For single-family uses, the maximum density is four dwelling units per acre.

- b. For two-family uses, the maximum density is eight dwelling units per acre.
- c. For townhouses, the maximum density is ten dwelling units per acre. See article III of this chapter for site plan review requirements.
- d. For multifamily uses, the maximum density is 13 dwelling units per acre. See article III of this chapter for site plan review requirements.
- e. For timesharing uses, the maximum density is nine dwelling units per acre. See article III of this chapter for site plan review requirements.
- f. For hotels, the maximum density is 26 dwelling units per acre. See article III of this chapter for site plan review requirements.
- g. For condo-hotels, the maximum density is 20 dwelling units per acre. See article III of this chapter for site plan review requirements.

(5) *Front yard.*

- a. For single-family uses, the minimum front yard setback is 25 feet.
- b. For two-family uses, the minimum front yard setback is 25 feet.
- c. For townhouses, the minimum front yard setback is 25 feet.
- d. For multifamily uses, the front yard setback shall be either 25 feet or the height of the building, whichever is the greater. When more than one street yard exists (as provided in sections 134-1576 and 134-1577) and the height of a building exceeds 25 feet, the total amount of street yard setbacks shall equal the height of the building times the number of street yards, and any individual street yard setback shall be not less than 25 feet. See also requirements in sections 134-1576 and 134-1577.
- e. For timesharing uses, the minimum front yard setback is 25 feet.
- f. For hotels, the minimum front yard setback is 25 feet.

(6) *Side yard.*

- a. For single-family uses, the minimum side yard setback is ten feet.
- b. For two-family uses, the minimum side yard setback is 12½ feet.
- c. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.
- d. For multifamily uses, the side yard setback shall be 30 feet or the height of the building, whichever is greater.
- e. For timesharing uses, the minimum side yard setback is 30 feet.
- f. For hotels, the minimum side yard setback is 30 feet.

(7) *Rear yard.*

- a. For single-family uses, the minimum rear yard setback is 15 feet.
- b. For two-family uses, the minimum rear yard setback is 15 feet.
- c. For townhouses, the minimum rear yard setback is 15 feet.
- d. For multifamily uses, the minimum rear yard setback is 30 feet.
- e. For timesharing uses, the minimum rear yard setback is 30 feet.
- f. For hotels, the minimum rear yard setback is 30 feet.

(8) *Height and overall height.*

- a. For single-family uses, the maximum building height is two stories or 25 feet.
- b. For two-family uses, the maximum building height is two stories or 25 feet.
- c. For townhouses, the maximum building height is two stories or 25 feet.
- d. For multifamily uses, the maximum building height of two-story buildings is 25 feet; the maximum building height of three-story buildings is 35 feet. In this district, the maximum building height for multifamily uses is three stories, with provision for a special exception for up to five stories. See special exception provisions in sections 134-227 through 134-233, section 134-1063, and article III of this chapter.
- e. For timesharing uses, the maximum building height is three stories or 35 feet.
- f. For hotels, the maximum building height is three stories or 35 feet.
- g. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

- a. For single-family uses, the maximum lot coverage is 30 percent.
- b. For two-family uses, the maximum lot coverage is 30 percent.
- c. For townhouses, the maximum lot coverage is 35 percent.
- d. For multifamily uses, the maximum lot coverage is 40 percent.
- e. For timesharing uses, the maximum lot coverage is 45 percent.
- f. For hotels, the maximum lot coverage is 45 percent.

(10) *Dimensions.* For multifamily building maximum dimensions, see section 134-1871 et seq.

(11) *Landscaped open space.*

- a. For single-family uses, the minimum landscaped open space is 40 percent.

- b. For two-family uses, the minimum landscaped open space is 40 percent.
- c. For townhouses, the minimum landscaped open space is 35 percent.
- d. For multifamily uses, the minimum landscaped open space is 35 percent.
- e. For timesharing uses, the minimum landscaped open space is 35 percent.
- f. For hotels, the minimum landscaped open space is 35 percent.
- g. Additionally, not less than 40 percent of the required front yard must be landscaped open space for single-family and two-family homes in the R-D(1) district and not less than 35 percent of the required front yard must be landscaped open space for all other type of development.

(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-01, § 1, 2-19-01; Ord. No. 1-02, § 14, 3-12-02; Ord. No. 1-02, § 15, 3-12-02; Ord. No. 1-03, § 19, 3-11-03; Ord. No. 1-04, § 35, 3-9-04; Ord. No. 5-09, §§ 4, 21, 4-15-09; Ord. No. 4-2016, § 4, 4-13-16)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1061. Same—Existing single-family dwelling development.

- (a) A single-family dwelling located in the R-D(2) high-density residential district, which dwelling is nonconforming with any of the schedule of lot, yard and bulk regulations for this district; may be enlarged with a first story and/or second story addition, provided the addition complies with the current schedule of lot, yard and bulk regulations for this district;
- (b) This section shall not apply to a dwelling that is demolished by more than 50 percent, as determined by cubic footage, in preparation for any proposed addition, exterior renovation, or exterior reconstruction.
- (c) It is the intent of this section to allow a partial exemption to sections 134-416 and 134-417.

(Ord. No. 2-74, § 5.17, 3-26-74; Ord. No. 3-77, § 3, 3-29-77; Ord. No. 7-82, § 4(a), 3-31-82; Ord. No. 1-86, § 3(b), 2-10-86; Ord. No. 1-87, § 3(b), 2-9-87; Ord. No. 1-90, § 3(a), 2-5-90; Ord. No. 1-92, § 3(a), 2-3-92; Ord. No. 1-93, § 3(b), 2-8-93; Ord. No. 1-04, § 5, 3-9-04; Ord. No. 5-09, § 4, 4-15-09; Ord. No. 26-10, § 24, 12-15-10)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1062. Same—Exceptions.

In the R-D(2) high-density residential district, exceptions to the yard regulations in section 134-1548 are as follows:

- (1) Cornices, roof eave overhangs, architectural features, not including balconies or habitable floors, and chimneys may extend 48 inches from the main and/or accessory building into any yard areas.
- (2) Areaways, ramps, or steps to the basement may extend into the side or rear yard area within 24 inches from the adjacent property line, provided no part is over 36 inches above the grade.
- (3) Decorative screens and other architectural features projecting into the rear, side or front yard areas as provided in subsection (1) of this section shall be perforated in a manner so that any vertical projection is at least 50 percent open in area in a vertical plane at any given point.
- (4) There shall be no weather enclosures or other solid enclosures of any nature constructed or installed on or in conjunction with the permitted building projections as provided in subsection (1) of this section. Such prohibited installations shall include, but not be limited to, windows; storm shutters, including fixed or moveable type, roll-down curtains of metal, plastic, fabric or other material; insect screening; or any other temporary or permanent enclosures of any nature. Such prohibited enclosures as described in this subsection shall also not be installed or constructed on any existing open balcony.
- (5) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet.
- (6) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area.
- (7) First floor ramps, landings, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a required side or rear yard setback.

(Ord. No. 2-74, § 5.32, 3-26-74; Ord. No. 3-77, §§ 4, 5, 3-29-77; Ord. No. 7-82, § 4(d), 3-31-82; Ord. No. 1-96, § 14, 2-5-96; Ord. No. 3-02, § 2, 7-9-02; Ord. No. 5-09, § 4, 4-15-09; Ord. No. 19-2021, § 4, 9-13-21)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1063. Awnings or trellises in side or rear yards.

In the R-D(2) high-density residential district, as an exception to the yard regulations in section 134-1548, an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Awnings and/or trellises so erected may not be converted to permanent additions to the principal structure if such conversion would increase lot coverage of the principal structure above the allowed percentage.

(Ord. No. 2-74, § 5.31(c), 3-26-74; Ord. No. 1-89, § 3(a), 2-6-89; Ord. No. 6-93, § 3(c), 2-9-93; Ord. No. 5-09, § 4, 4-15-09)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1064. Special exception to height regulations; special exception structures.

- (a) In order to encourage increased open space, landscaped open space, reduced density and lot coverage and architectural detail, the town council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height in the R-D(2) high-density residential district, upon a finding being made by the town council that the proposed increase in height for a contemplated special exception structure is in the public interest, that careful attention is given to architectural detail, and that it meets the standards of sections 134-227 through 134-233 and the following goals and guidelines:
 - (1) Four-story guidelines. Lot coverage not more than 27 percent.
 - (2) Five-story guidelines. Lot coverage not more than 22 percent.
- (b) In no event shall the building height in an R-D(2) **high-density residential** zoning district exceed five stories and 55 feet, unless increased to a maximum of 62½ feet as follows:
 - (1) Three-story/35 feet, plus one additional foot for each foot of ceiling height of each story over eight feet six inches, up to a maximum of 37 feet six inches.
 - (2) Four-story/45 feet, plus one additional foot for each foot of ceiling height of each story over eight feet six inches, up to a maximum of 50 feet.
 - (3) Five-story/55 feet, plus one additional foot for each foot of ceiling height of each story over eight feet six inches, up to a maximum of 62 feet six inches.

(Ord. No. 2-74, § 5.48(l), 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-82, § 4(g), 3-31-82; Ord. No. 2-83, § 4(d), 2-23-83; Ord. No. 1-84, § 3(e), 3-1-84; Ord. No. 1-85, § 3(d), 2-11-85; Ord. No. 1-91, § 3(e), 4-23-91; Ord. No. 1-92, § 3(d), 2-3-92; Ord. No. 5-09, § 4, 4-15-09)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1065. Lot grade topography and drainage.

In the R-D(2), high-density residential district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 2-74, § 5.18, 3-26-74; Ord. No. 7-82, § 4(b), 3-31-82; Ord. No. 1-92, § 3(b), 2-3-92; Ord. No. 1-94, § 3(a), 2-7-94; Ord. No. 5-09, § 4, 4-15-09; Ord. No. 26-10, § 38, 12-15-10; Ord. No. 19-2021, § 3, 9-13-21)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1066. Supplementary district regulations.

The supplementary district regulations which may be applicable to the R-D(2) high-density residential district are contained in article VIII of this chapter.

(Ord. No. 5-09, § 4, 4-15-09)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1067. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the R-D(2) high-density residential district are contained in article IX of this chapter.

(Ord. No. 5-09, § 4, 4-15-09)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1068. Signs.

The sign regulations which may be applicable in the R-D(2) high-density residential district are contained in article XI of this chapter.

(Ord. No. 5-09, § 4, 4-15-09)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1069. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99; Ord. No. 5-09, § 4, 4-15-09)

Editor's note(s)—See note at section 134-1056.

Sec. 134-1070. Exemption to height limitations.

In the R-D(2) high-density residential zoning district, one architectural tower feature may be constructed as an integral part of a single-family or two-family dwelling provided that it does not exceed the allowable overall building height by five feet and is setback an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower has no usable floor area. The area of such tower shall not exceed two percent of the gross floor area of the dwelling. For a two-family dwelling each unit is allowed one architectural tower feature and said tower feature may not exceed two percent of the individual dwelling unit floor area. It is the intention of this section to allow only one towers as an architectural feature on a house and not to allow habitable space in upper areas of a tower on a house. It is also the intent that this section not apply to entry facades or parapets.

(Ord. No. 1-99, § 17, 4-5-99; Ord. No. 5-09, § 4, 4-15-09)

Editor's note(s)—See note at section 134-1056.

Secs. 134-1071—134-11053. Reserved.

DIVISION 8. C-TS TOWN-SERVING COMMERCIAL DISTRICT¹

Sec. 134-1106. Purpose and limitations.

The purpose of the C-TS town-serving commercial district is to:

(1) ~~Implement the Comprehensive Plan Commercial Future Land Use designation.~~

(1)(2) Create, preserve and enhance areas of attractive, small-scale, retail, personal and professional/business services to be developed either as a unit or in individual parcels, providing for the frequently recurring needs of townpersons.

(2)(3) Enhance the general character of the district and its compatibility with its residential surroundings, and, therefore, signs are limited to those accessory to businesses conducted on the premises, including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district, limitations on gross ~~leasable floor area (GLA)~~ (GFA) are imposed.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1107. Permitted uses.

(a) Enumeration; maximum gross ~~leasable floor area~~. The permitted uses in the C-TS town-serving commercial district, with a maximum of 3,000 ~~gross square-feet floor area (GFA)~~ (GLA) ~~gross leasable area (GLA)~~, are as follows:

(1) Retail and service establishments, such as hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores.

(2) Executive office suites, professional services, business services, excluding veterinarian offices, and securities and financial brokerage and trust companies above the first floor.

(3) Offices, professional services, business services and securities and financial brokerage and trust companies in the 200 block of Peruvian Avenue and Bradley Place.

(4) Nonprofit cultural centers.

(5) Professional and studio type schools.

(6) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.

Commented [JM1]: Are offices proposed on the first floor now? Offices on ground floor are typically not seen as desirable in active commercial streets. But some areas in the 200 block they were allowed on first floor.

Commented [JM2R1]: What is Town serving office, retail and personal establishments? who regulates and checks?

Commented [JH3R1]: Based on the size of the establishment

¹Cross reference(s)—Businesses, ch. 22.

(7) Essential services.

(8) Public parks.

~~(9) Residence(s) above the first floor.~~

~~(10) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182. This use will sunset on March 13, 2024, unless extended or modified by town council.~~

(b) Residence(s) above the first floor.

~~(b)(c)~~ *Regulation of existing nonconforming commercial uses.* Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 3,000 ~~gross floor area square feet of gross leasable area (GLA)~~ shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum ~~gross leasable area~~ of 3,000 ~~square feet gross floor area~~, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a ~~gross leasable area building~~ exceeding 3,000 gross floor area ~~square feet~~, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 ~~gross floor area square feet, in a district with a 3,000-square footage limitation,~~ to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 8,000 square feet exists in the C-TS district and the owner wishes to change to an antique store of the same size or subdivide into two 4,000-square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 3,000 ~~square feet maximum gross leasable area (GLA) gross floor area~~ regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total ~~gross leasable area (GLA)~~ to more than 3,000 ~~square feet floor area~~.

Commented [JM4]: Is this remaining?

Commented [JH5R4]: Going to go into the non-conforming section of new Code

Sec. 134-1108. Accessory uses.

The accessory uses in the C-TS town-serving commercial districts are as follows:

- (1) Off-street parking and loading.
- (2) Signs.
- (3) Accessory uses that are customarily incident to the permitted or approved special exception use.

Sec. 134-1109. Special exception uses.

(a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-TS Town-serving commercial districts are as follows:

- (1) Public or private parking lots.
- (2) Auto rental lots.
- (3) Private social, swimming, golf, tennis and yacht clubs.
- (4) Service stations.
- (5) Public structures/uses.
- (6) Essential services related to town-owned municipal buildings and structures.
- (7) Supplemental parking per sections 134-2177 and 134-2182.
- (8) Public or private academic schools located south of 2500 South Ocean Boulevard.
- (9) Drive-in business service facilities.
- (10) Churches, synagogues or other houses of worship.
- (11) Permitted uses, or uses not specifically enumerated under permitted uses in section 134-1107~~8~~ but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 ~~gross floor area~~ **gross floor area square feet (GSF) gross leasable area**.
- (12) Banks and financial institutions, excluding securities or financial brokerage and trust companies.
- (13) Roof-deck automobile parking.
- (14) Outdoor Cafe seating is permitted only for restaurants, and retail specialty food stores, defined in section 134-2 including the sale of prepared food for takeout only, and private, social, swimming, golf, tennis and yacht clubs, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
- (15) Veterinary offices above the first floor.
- (16) Museums occupying building of unique value as designated historical landmarks, as determined by the landmarks preservation commission and the town council.
- (17) Nightclubs.
- (18) Except as provided for in subsection 134-1107(3), offices (excluding executive office suites), professional services, business services and securities or financial brokerage and trust companies on the first floor provided that there are at least 50 percent existing office uses on all floors of the building in which the office use is proposed and more than 50 percent existing office uses on the first floor within 300 feet of the proposed office use within the same zoning district.
- (19) Private parks.
- (20) Outdoor promotional events. See section 134-2115 for additional conditions and criteria.
- (21) Restaurants, excluding formula restaurants, as defined in section 134-2 and bars/lounges.

Commented [JM6]: What does this section even mean?

Commented [JH7R6]: Removing this section

Commented [JM8]: Does this need to stay? Parks in the future?

Commented [JH9R8]: kept

Commented [JM10]: Is this being removed?

Commented [JH11R10]: Yes

(b) An owner or tenant of a property, located within the C-TS district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.

Sec. 134-1110. Accessory structures.

- (a) *Generally.* Enclosed accessory structures in the C-TS Town-serving commercial districts shall comply with front and side yard requirements for the principal structure to which they are accessory and shall not be closer to any rear property line than ten feet.
- (b) *Dish antennas.* A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. Each residential unit or commercial tenant space shall not be limited as to the number of dish antennas of one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet above the average grade; shall be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this commercial zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate).
Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

Sec. 134-1111. Reserved.

Sec. 134-1112. Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications for new buildings or for new building additions or for changes in a permitted use in section 134-1107 which involve more than 2,000 square feet of building floor area of buildings in the C-TS town-serving commercial district shall require a site plan approval in accordance with article III of this chapter. No certificate of occupancy shall be

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issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. The maximum dimension of any structure or group of attached structures shall not exceed 150 feet.

Sec. 134-1113. Lot, yard and area requirements—Generally.

In the C-TS town-serving commercial district, the schedule of lot, yard and area requirements is as given in this section:

- (1) *Lot area.* The minimum lot area is 4,000 square feet.
- (2) *Lot width.* The minimum lot width is 30 feet.
- (3) *Lot depth.* The minimum lot depth is 90 feet.
- (4) *Density.* A single dwelling unit, or multiple dwelling units not to exceed six dwelling units per gross acre. See article III of this chapter for site plan review requirements.
- (5) *Front yard.*
 - a. For one-story buildings, the minimum front yard setback is five feet.
 - b. For two-story buildings, the minimum front yard setback is five feet.
 - c. All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street curbline and the building, exclusive of beautification strips, not more than five feet of which may be on the town street right-of-way, where appropriate, and addition-ally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of the required pedestrian walkway. Where no front yard building setback is approved or required, two feet of the required ten-foot-wide pedestrian walkway, adjacent to the inside (lot side) of the walkway, may be landscaped by placement of potted plants or removable planters. Such potted plants or planters shall include xeriscape landscaping whenever possible.
 - d. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet.
- (6) *Side yard.*
 - a. There is no minimum side yard required for one-story structures, but a side yard shall be five feet if provided. When the side yard of a C-TS property adjoins property zoned in any R district, a ten-foot side yard is required on that side.
 - b. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet. Side yards shall be as calculated or five feet, whichever is greater.
- (7) *Rear yard.*
 - a. For one-story buildings, the minimum rear yard setback is ten feet.
 - b. For two-story buildings, the minimum rear yard setback is ten feet.

- c. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet. Side yards shall be as calculated or five feet, whichever is greater.

(8) *Height and overall height.*

- a. For one-story buildings, the maximum building height is 15 feet.
- b. For two-story buildings, the maximum building height is 25 feet.
- c. In this district, the maximum building height allows one story, with provision for a special exception for two stories. See special exception provisions in sections 134-227 through 134-233 (special exception use), section 134-1115 relating to allowable height and lot coverage, and article III of this chapter (site plan review).
- d. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

- a. For one-story buildings, the maximum lot coverage is 70 percent.
- b. For two-story buildings, the maximum lot coverage is 70 percent.

(10) *Length.*

- a. For one-story buildings, the maximum building length is 150 feet.
- b. For two-story buildings, the maximum building length is 150 feet.
- c. Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each, be considered as a separate building for the purpose of calculating building length.

(11) *Landscaped open space.*

- a. For one-story buildings, the minimum landscaped open space is 15 percent.
- b. For two-story buildings, the minimum landscaped open space is 25 percent.
- c. Additionally, not less than 35 percent of the required front yard must be landscaped open space in the C-TS district.

(12) *Floor area*

- a. For one-story buildings, the maximum gross floor area of buildings is 15,000 square feet.
- b. For two-story buildings, the maximum gross floor area of buildings is 15,000 square feet.
- c. Sub-basements shall be exempt from the maximum floor area requirements. Individual building elements extending above ground from, a single sub-

Commented [JM12]: Floor area makes no sense here. It doesn't acknowledge lot size or distinguish from a series of separate detached buildings.

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basement shall each be considered as a separate building for the purpose of calculating building floor area.

Sec. 134-1114. Same—Exceptions.

- (a) In the C-TS town-serving commercial district, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.
- (b) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to hotels, theaters and places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.
- (c) No projections shall be allowed in the required rear yard except open-type fire escapes, and these must be provided with a counter-balanced bottom section to provide for nine feet of clearance when up.
- (d) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curblin or more than eight feet from the exterior wall of the building, and the installation shall have at least seven feet six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.
- (e) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet; the supporting beams do not obstruct a sidewalk or walkway.
- (f) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area; and, does not block a sidewalk or walkway.

(Ord. No. 2-74, § 5.33(a)—(d), 3-26-74; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 1-91, § 3(c), 4-23-91; Ord. No. 3-02, § 3, 7-9-02)

Sec. 134-1115. Special exception to height regulations; special exception structures.

In order to encourage increased open space, landscaped open space, reduced density and lot coverage and architectural detail, the town council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height in the C-TS town-serving commercial district, upon a finding being made by the town council that the proposed increase in height for a contemplated special exception structure is in the public interest, that careful attention is given to

architectural detail, and that it meets the standards of sections 134-227 through 134-233 and the following goals and guidelines:

Two-story guidelines. Lot coverage not more than 35 percent.

(Ord. No. 2-74, § 5.48, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-82, § 4(g), 3-31-82; Ord. No. 2-83, § 4(d), 2-23-83; Ord. No. 1-84, § 3(e), 3-1-84; Ord. No. 1-85, § 3(d), 2-11-85; Ord. No. 1-91, § 3(e), 4-23-91; Ord. No. 1-92, § 3(d), 2-3-92)

Sec. 134-1116. Supplementary district regulations.

The supplementary district regulations which may be applicable to the C-TS town-serving commercial district are contained in article VIII of this chapter.

Sec. 134-1117. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the C-TS town-serving commercial district are contained in article IX of this chapter.

Sec. 134-1118. Signs.

The sign regulations which may be applicable in the C-TS town-serving commercial district are contained in article XI of this chapter.

Sec. 134-1119. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Sec. 134-1120. Architectural tower features.

In the commercial zoning districts, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets.

(Ord. No. 1-00, § 2, 2-22-00)

Sec. 134-1121. Lot grade topography and drainage.

In the C-TS, commercial town serving district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 19-2021, § 5, 9-13-21)

Secs. 134-1122—134-1155. Reserved.

DIVISION 9. C-WA WORTH AVENUE DISTRICT²

Sec. 134-1156. Purpose.

The purpose of the C-WA Worth Avenue commercial district is to:

- (1) Implement the Comprehensive Plan Commercial Future Land Use designation.
- (2) Adhere to the development standards contained in the Worth Avenue Design Guidelines.
- (3) Preserve and enhance an area of unique quality and character oriented to pedestrian comparison shopping and providing a wide range of retail and service establishments, to be developed whether as a unit or as individual parcels, serving the short-term and long-term needs of townpersons.
- (4) Drive-in retail facilities are not permitted.
- (5) Further it shall be the intent of this district to enhance the town-serving character of the area through use of limitations on maximum gross ~~leasable floor area area (GFA) (GLA)~~, thereby reducing the problems of parking and traffic congestion determined to result from establishments of a region-serving scale.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-05, § 1, 3-8-05)

Sec. 134-1157. Permitted uses.

- (a) *Enumeration; maximum gross ~~leasable floor area~~.* The permitted uses in the C-WA Worth Avenue commercial district, with a maximum of 4,000 ~~gross square feet gross floor area (GFA) of gross leasable area (GLA)~~, are as follows:
- (1) Antiques.
 - (2) Apparel and accessories.
 - (3) Art galleries.
 - (4) Art services.
 - (5) Bed and bath boutiques.
 - (6) Cards/gifts.
 - (7) Crafts.
 - (8) Drugstore/pharmacy.
 - (9) Fabrics.

²Cross reference(s)—Businesses, ch. 22.

- (10) Flowers/florist.
- (11) Furniture.
- (12) Hair styling/beauty salon.
- (13) Interior decorating sales/services.
- (14) Jewelry.
- (15) Kitchenwares.
- (16) Luggage/leather goods.
- (17) News/books.
- (18) Optical goods.
- (19) Perfumery.
- (20) Photographic services/studios.
- (21) Shoes.
- (22) Stationery.
- (23) Essential services.
- (24) Tobacconist.
- (25) Toys.
- (26) TV and electronic items.
- (27) Town-serving offices and professional and business services, including banks and financial institutions, and executive offices above the first floor, excluding veterinarian offices.
- (28) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.

~~(29) Residence(s) above the first floor.~~

~~(30)(29)~~ Combinations of the uses in subsections (a)(1) through (28) of this section.

~~(31) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182. This use will sunset on March 13, 2024, unless extended or modified by town council.~~

(b) Residence(s) above the first floor.

~~(b)(c)~~ *Regulation of existing nonconforming commercial uses.* Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 4,000 square feet of ~~gross-leasable-area (GLA)~~ gross floor area shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum ~~gross leasable area of 4,000 gross floor area square feet~~, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a ~~gross-leasable-area~~ exceeding 4,000 gross floor area square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this

will allow any existing use over 4,000 square feet, in a district with a 4,000 **gross floor area square footage** limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 10,000 square feet exists in the C-WA district and the owner wishes to change to an antique store of the same size or subdivide into two 5,000 square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 4,000 square feet maximum **gross-leasable-area (GLA) gross floor area** regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total **gross-leasable-area (GLA) size of the building** to more than 4,000 square feet.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-02, § 11, 3-12-02; Ord. No. 1-04, §§ 18, 23, 3-9-04; Ord. No. 1-05, § 3, 3-8-05; Ord. No. 2-2011, § 5, 7-13-11; Ord. No. 7-2014, § 6, 5-14-14; Ord. No. 8-2017, § 2, 4-12-17; Ord. No. 17-2019, § 7, 6-12-19; Ord. No. 01-2021, § 4, 2-10-21; Ord. No. 12-2021, § 3, 6-9-21; Ord. No. 20-2021, § 3, 9-13-21)

Sec. 134-1158. Accessory uses.

The accessory uses in the C-WA Worth Avenue district are as follows:

- (1) Off-street parking and loading.
- (2) Signs.
- (3) Accessory uses that are customarily incident to the permitted or approved special exception use.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 5-09, § 8, 4-15-09; Ord. No. 16-2021, § 11, 8-11-21)

Sec. 134-1159. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-WA Worth Avenue district are as follows:

- (1) Pay parking.
 - (2) Public or private parking or storage garages.
 - (3) Private social, swimming, tennis or yacht clubs.
 - (4) Public structures/uses.
 - (5) Essential services related to town-owned municipal buildings and structures.
 - (6) Supplemental parking per sections 134-2177 and 134-2182.
 - (7) Restaurants, nightclubs, lounges/bars, excluding formula restaurants as defined in section 134-2.
 - (8) Museums and nonprofit cultural centers.
 - (9) Permitted uses cited under permitted uses in section 134-1157, which contain greater than 4,000 ~~gross floor area square feet GLA~~ gross leasable area.
 - (10) Uses not specifically enumerated under permitted uses in section 134-1157 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein.
 - (11) Outdoor promotional events. See section 134-2115 for additional conditions and criteria.
 - (12) Roof deck automobile parking.
 - (13) Outdoor cafe seating is permitted only for restaurants, retail specialty food including the sale of prepared food for takeout only, and private, social, swimming, golf, tennis and yacht clubs, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
 - (14) Retail specialty foods, including incidental sale of prepared foods for takeout.
- (b) An owner or tenant of a property, located within the C-WA district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(5), 2-7-94; Ord. No. 1-96, § 17, 2-5-96; Ord. No. 2-98, § 3, 2-27-98; Ord. No. 1-02, § 10, 3-12-02; Ord. No. 1-03, § 3, 3-11-03; Ord. No. 1-04, § 29, 3-9-04; Ord. No. 4-08, § 9, 4-7-08; Ord. No. 5-09, § 9, 4-15-09; Ord.

No. 2-2011, § 6, 7-13-11; Ord. No. 3-2012, § 5, 4-11-12; Ord. No. 10-2012, § 4, 9-11-12; Ord. No. 30-2017, § 3, 1-10-18; Ord. No. 02-2019, § 10, 3-19-19; Ord. No. 17-2019, § 8, 6-12-19; Ord. No. 01-2021, § 5, 2-10-21; Ord. No. 12-2021, § 4, 6-9-21; Ord. No. 16-2021, § 12, 8-11-21)

Sec. 134-1160. Accessory structures.

- (a) *Generally.* Enclosed accessory structures in the C-WA Worth Avenue district shall comply with front and side yard requirements for the principal structure to which they are accessory and shall not be closer to any rear property line than ten feet.
- (b) *Dish antennas.* A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. Each residential unit or commercial tenant space shall not be limited as to the number of dish antennas of one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade; shall be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this commercial zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-99, § 10, 4-5-99)

Sec. 134-1161. Reserved.

Ord. No. 16-2021, § 12, adopted August 11, 2021, repealed § 134-1161, which pertained to stands, seated dining areas and open counters for eating and drinking and derived from Ord. No. 2-74, § 6.61, 3-26-74; Ord. No. 3-77, § 14, 3-29-77; Ord. No. 1-89, § 4(f), 2-6-89; Ord. No. 1-04, § 16, 3-9-04; Ord. No. 5-09, § 10, 4-15-09.

Sec. 134-1162. Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications for new buildings or for new building additions or for changes in a permitted use in section 134-1157 which involve more than 2,000 square feet of building floor area of buildings in the C-WA Worth Avenue district shall require a site plan approval in accordance with article III of this chapter. No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. The maximum dimension of any structure or group of attached structures shall not exceed 150 feet.

(Ord. No. 2-74, § 6.55, 3-26-74; Ord. No. 5-78, § 12, 3-31-78; Ord. No. 7-79, § 14, 3-30-79; Ord. No. 4-80, § 6, 3-31-80; Ord. No. 7-82, § 5(d), 3-31-82; Ord. No. 1-85, § 4(h), 2-11-85)

Sec. 134-1163. Lot, yard and area requirements—Generally.

In the C-WA Worth Avenue district, the schedule of lot, yard and area requirements is as given in this section:

- (1) *Lot area.* The minimum lot area is 4,000-square feet.
- (2) *Lot width.* The minimum lot width is 30 feet.
- (3) *Lot depth.* The minimum lot depth is 90 feet.
- (4) *Density.* A single dwelling unit, or multiple dwelling units not to exceed ten dwelling units per gross acre as provided for in the Worth Avenue design guidelines which are on file in the town clerk's office, and which are incorporated and adopted as part of this chapter as if fully set forth in this chapter. See article III of this chapter for site plan review requirements.
- (5) *Front yard.* All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street curblin and the building, exclusive of beautification strips, not more than five feet of which may be on the town street right-of-way, where appropriate, and additionally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of the required pedestrian walkway. Where no front yard building setback is approved or required, two feet of the required ten-foot-wide pedestrian walkway,

adjacent to the inside (lot side) of the walkway, may be landscaped by placement of potted plants or removable planters. Such potted plants or planters shall include xeriscape landscaping whenever possible. Within the C-WA district, arcades or colonnades may be constructed subject to approval as a special exception over the sidewalks in the required front yard setback, provided they meet the requirements of section 134-1213(e).

- (6) *Side yard.* There is no minimum side yard required for one-story structures, but a side yard shall be five feet if provided.
- (7) *Rear yard.* The minimum rear yard setback is ten feet.
- (8) *Height and overall height.*
 - a. For one-story buildings, the maximum building height is 15 feet.
 - b. For two-story buildings, the maximum building height is 25 feet, allowable as a special exception.
 - c. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.
 - d. Refer to Worth Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.
- (9) *Lot coverage.*
 - a. For one-story buildings, the maximum lot coverage is 75 percent.
 - b. For two-story buildings, the maximum lot coverage is 35 percent for the first floor and 35 percent for the second floor. See special exception provisions in sections 134-227 through 134-233 (special exception use), section 134-1165 relating to allowable height and lot coverage, and article III of this chapter (site plan review).
 - c. Refer to Worth Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.
- (10) *Length.*
 - a. For one-story buildings, the maximum building length is 150 feet.
 - b. For two-story buildings, the maximum building length is 150 feet.

- c. For each multifamily building maximum dimensions, see section 134-1871 et seq.
- d. Refer to Work Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.
- e. Sub-basements are exempt from the maximum building length, requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.

(11) *Landscaped open space.*

- a. For one-story buildings, the minimum landscaped open space is 15 percent.
- b. For two-story buildings, the minimum landscaped open space is 25 percent.
- c. For three-story buildings, the minimum landscaped open space is 25 percent.

(12) *Floor area*

- a. For one-story buildings, the maximum gross floor area of buildings is 15,000 square feet.
- b. For two-story buildings, the maximum gross floor area of buildings is 15,000 square feet.
- c. Refer to Work Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.
- d. Sub-basements are exempt from the maximum, building length, requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.

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(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-04, § 32, 3-9-04; Ord. No. 16-2016, § 3, 12-14-16)

Sec. 134-1164. Same—Exceptions.

Sec. 134-1165. Special exception use to height regulations; special exception structures.

- (a) *Criteria for granting.* In order to encourage increased open space, landscaped open space, reduced density and lot coverage and architectural detail, the town council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height in the C-WA Worth Avenue district, upon a finding being made by the town council that the proposed increase in height for a contemplated special exception structure is in the public interest, that careful attention is given to architectural detail, and that it meets the standards of sections 134-227 through 134-233 and the goals and guidelines in this section.
- (b) *Two-story and three-story construction.* The following shall be applicable to two-story and three-story construction in the C-WA district:
 - (1) First story coverage not more than 35 percent and second story coverage not more than 35 percent. Additional coverage and other special allowances may be granted if the structure is built in accordance with the Worth Avenue Design Guidelines in conformance with section 134-233.
 - (2) A third story and other special allowances may be granted if the structure is built in accordance with the Worth Avenue Design Guidelines in conformance with section 134-233.

Cross reference(s)—Applicability of Worth Avenue design guidelines in C-WA district, § 134-233.

(Ord. No. 2-74, § 5.33, 3-26-74; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 1-91, § 3(c), 4-23-91)

Sec. 134-1166. Supplementary district regulations.

The supplementary district regulations which may be applicable to the C-WA Worth Avenue district are contained in article VIII of this chapter.

Sec. 134-1167. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the C-WA Worth Avenue district are contained in article IX of this chapter.

Sec. 134-1168. Signs.

The sign regulations which may be applicable in the C-WA Worth Avenue district are contained in article XI of this chapter.

Sec. 134-1169. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Sec. 134-1170. Architectural tower features.

In the commercial zoning districts, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets.

(Ord. No. 1-00, § 2, 2-22-00)

Sec. 134-1171. Lot grade topography and drainage.

In the C-WA, commercial worth avenue district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 19-2021, § 5, 9-13-21)

Secs. 134-1172—134-1205. Reserved.

DIVISION 10. C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT³

Sec. 134-1206. Purpose.

The purpose of the C-OPI office, professional and institutional district is to:

- (1) Implement the Comprehensive Plan Commercial Future Land Use designation.
- (2) Provide locations for administrative, professional business and institutional offices which are adequate for the town's needs and convenient for use by town citizens.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1207. Permitted uses.

The permitted uses in the C-OPI office, professional and institutional district are as follows:

- (1) Offices and professional and business services and executive offices, excluding veterinarian offices.
- (2) Brokerage and trust companies.
- (3) Yacht Brokerage with no display of merchandise on premises.
- (4) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.
- (5) Essential services.
- (6) Residence(s) above the first floor.
- (7) ~~Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182 This use will sunset on March 13, 2024, unless extended or modified by town council.~~

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-97, § 3, 2-17-97; Ord. No. 1-00, § 3, 2-22-00; Ord. No. 1-04, § 24, 3-9-04; Ord. No. 7-2014, § 7, 5-14-14; Ord. No. 8-2017, § 3, 4-12-17;

³Cross reference(s)—Businesses, ch. 22.

Ord. No. 17-2019, § 9, 6-12-19; Ord. No. 01-2021, § 6, 2-10-21; Ord. No. 12-2021, § 5, 6-9-21; Ord. No. 20-2021, § 4, 9-13-21)

Sec. 134-1208. Accessory uses.

The accessory uses in the C-OPI office, professional and institutional district are as follows:

- (1) Off-street parking and loading.
- (2) Signs.
- (3) Accessory uses customarily incident to the permitted or approved special exception uses.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 5-09, § 11, 4-15-09; Ord. No. 16-2021, § 11, 8-11-21)

Sec. 134-1209. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-OPI office, professional and institutional district are as follows:

- (1) Public or private parking lot or storage garages.
- (2) Auto rental lot.
- (3) Public structures/uses.
- (4) Essential services related to town-owned municipal buildings and structures.
- (5) Supplemental parking per sections 134-2177 and 134-2182.
- (6) Restaurants, excluding formula restaurants as defined in section 134-2.
- (7) Lounges/bars when associated with full-service restaurants.
- (8) Banks and financial institutions, excluding brokerage and trust companies.
- (9) Institutions.
- (10) Roof-deck automobile parking.
- (11) Outdoor cafe seating for only restaurants, and dining rooms, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
- (12) Dining rooms when not more than 15 percent of the gross floor area of the structure; no exterior or external advertising to be permitted.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-

10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-97, § 3, 2-17-97; Ord. No. 1-03, § 4, 3-11-03; Ord. No. 1-04, §§ 9, 30, 3-9-04; Ord. No. 4-08, § 10, 4-7-08; Ord. No. 5-09, § 12, 4-15-09; Ord. No. 02-2019, § 11, 3-19-19; Ord. No. 17-2019, § 10, 6-12-19; Ord. No. 01-2021, § 7, 2-10-21; Ord. No. 12-2021, § 6, 6-9-21; Ord. No. 16-2021, § 15, 8-11-21)

Sec. 134-1210. Reserved.

Ord. No. 16-2021, § 13, adopted August 11, 2021, repealed § 134-1210, which pertained to stands, seated dining areas and open counters for eating and drinking and derived from Ord. No. 5-09, § 13, 4-15-09.

Sec. 134-1211. Accessory structures.

- (a) *Generally.* Enclosed accessory structures in the C-OPI office, professional and institutional district shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer to any rear property line than ten feet.
- (b) *Dish antennas.* A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. Each residential unit or commercial tenant space shall not be limited as to the number of dish antennas of one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade; shall be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this commercial zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

(Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-99, § 10, 4-5-99; Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1212. Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications for new buildings or for new building additions or for changes in a permitted use in section 134-1207 which involve more than 2,000 square feet of building floor area of buildings in the C-OPI office, professional and institutional district shall require a site plan approval in accordance with article III of this chapter. No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. The maximum dimension of any structure or group of attached structures shall not exceed 150 feet.

(Ord. No. 2-74, § 6.55, 3-26-74; Ord. No. 5-78, § 12, 3-31-78; Ord. No. 7-79, § 14, 3-30-79; Ord. No. 4-80, § 6, 3-31-80; Ord. No. 7-82, § 5(d), 3-31-82; Ord. No. 1-85, § 4(h), 2-11-85; Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1213. Lot, yard and area requirements—Generally.

In the C-OPI office, professional and institutional district, the schedule of lot, yard and area requirements is as given in this section:

- (1) *Lot area.* The minimum lot area is 4,000 square feet.
- (2) *Lot width.* The minimum lot width is 30 feet.
- (3) *Lot depth.* The minimum lot depth is 90 feet.
- (4) *Density.* A single dwelling unit, or multiple dwelling units not to exceed six dwelling units per gross acre. See article III of this chapter for site plan review requirements.
- (5) *Front yard.*
 - a. For one-story buildings, the minimum front yard setback is five feet.
 - b. For two-story buildings, the minimum front yard setback is five feet.
 - c. For three-story buildings, the minimum front yard setback is five feet.

- d. All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street curblin and the building, exclusive of beautification strips, not more than five feet of which may be on the town street right-of-way, where appropriate, and additionally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of the required pedestrian walkway. Where no front yard building setback is approved or required, two feet of the required ten-foot-wide pedestrian walkway, adjacent to the inside (lot side) of the walkway, may be landscaped by placement of potted plants or removable planters. Such potted plants or planters shall include xeriscape landscaping whenever possible.
- e. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet.

(6) *Side yard.*

- a. There is no minimum side yard required for one-story structures, but a side yard shall be five feet if provided. When the side yard of a C-OPI property adjoins property zoned in any R district, a ten-foot side yard is required on that side.
- b. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet. Side yards shall be as calculated or five feet, whichever is greater.

(7) *Rear yard.*

- a. For one-story buildings, the minimum rear yard setback is ten feet.
- b. For two-story buildings, the minimum rear yard setback is ten feet.
- c. For three-story buildings, the minimum rear yard setback is ten feet.
- d. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet.

(8) *Height and overall height.*

- a. For one-story buildings, the maximum building height is 15 feet.
- b. For two-story buildings, the maximum building height is 25 feet.
- c. For three-story buildings, the maximum building height is 35 feet.
- d. In this district, the maximum building height is two stories, with provision for a special exception for three stories. See special exception provisions in

sections 134-227 through 134-233, section 134-1214, and article III of this chapter.

- e. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

- a. For one-story buildings, the maximum lot coverage is 70 percent.
- b. For two-story buildings, the maximum lot coverage is 35 percent.
- c. For three-story buildings, the maximum lot coverage is 25 percent.

(10) *Length.*

- a. For one-story buildings, the maximum building length is 150 feet.
- b. For two-story buildings, the maximum building length is 150 feet.
- c. For three-story buildings, the maximum building length is 150 feet.
- d. Sub-basements are exempt from the maximum, building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.

(11) *Landscaped open space.*

- a. For one-story buildings, the minimum landscaped open space is 15 percent.
- b. For two-story buildings, the minimum landscaped open space is 25 percent.
- c. For three-story buildings, the minimum landscaped open space is 30 percent.
- d. Additionally, not less than 35 percent of the required front yard must be landscaped open space in the C-OPI district.

(12) *Floor area*

- a. For one-story buildings, the maximum gross floor area of buildings is 15,000 square feet.
- b. For two-story buildings, the maximum gross floor area of buildings is 15,000 square feet.
- c. For three-story buildings, the maximum gross floor area of buildings is 30,000 square feet.

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- d. Sub-basements are exempt from the maximum building length, requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.

(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-04, § 33, 3-9-04; Ord. No. 5-09, § 13, 4-15-09; Ord. No. 16-2016, § 4, 12-14-16)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1214. Same—Exceptions

- (a) In the C-OPI office, professional and institutional district, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.
- (b) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to hotels, theaters and places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.
- (c) No projections shall be allowed in the required rear yard except open-type fire escapes, and these must be provided with a counter-balanced bottom section to provide for nine feet of clearance when up.
- (d) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curblin or more than eight feet from the exterior wall of the building, and the installation shall have at least seven feet six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.
- (e) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet; the supporting beams do not obstruct a sidewalk or walkway.
- (f) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area; and, does not block a sidewalk or walkway.

(Ord. No. 2-74, § 5.33(a)—(d), 3-26-74; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 1-91, § 3(c), 4-23-91; Ord. No. 3-02, § 3, 7-9-02; Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1215. Exception to height regulations; special exception structures.

In order to encourage increased open space, landscaped open space, reduced density and lot coverage and architectural detail, the town council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height in the C-OPI office, professional and institutional district, upon a finding being made by the town council that the proposed increase in height for a contemplated special exception structure is in the public interest, that careful attention is given to architectural detail, and that it meets the standards of sections 134-227 through 134-233 and the following goals and guidelines:

Three-story guidelines. Lot coverage not more than 25 percent.

(Ord. No. 2-74, § 5.48, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-82, § 4(g), 3-31-82; Ord. No. 2-83, § 4(d), 2-23-83; Ord. No. 1-84, § 3(e), 3-1-84; Ord. No. 1-85, § 3(d), 2-11-85; Ord. No. 1-91, § 3(e), 4-23-91; Ord. No. 1-92, § 3(d), 2-3-92; Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1216. Supplementary district regulations.

The supplementary district regulations which may be applicable to the C-OPI office, professional and institutional district are contained in article VIII of this chapter.

(Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1217. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the C-OPI office, professional and institutional district are contained in article IX of this chapter.

(Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1218. Signs.

The sign regulations which may be applicable in the C-OPI office, professional and institutional district are contained in article XI of this chapter.

(Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1219. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99; Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1220. Architectural tower features.

In the commercial zoning districts, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets.

(Ord. No. 1-00, § 2, 2-22-00; Ord. No. 5-09, § 13, 4-15-09)

Editor's note(s)—See note at section 134-1210.

Sec. 134-1221. Lot grade topography and drainage.

In the C-OPI, office, professional and institutional district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 19-2021, § 5, 9-13-21)

Secs. 134-1222—134-1255. Reserved.

DIVISION 11. C-PC PLANNED CENTER DISTRICT⁴

Sec. 134-1256. Purpose and intent.

~~It is the intent of the C-PC planned center district to~~

~~The purpose of the C-PC planned center district is to:~~

- ~~(1) Implement the Comprehensive Plan Commercial Future Land Use designation.~~
- (2) Preserve and enhance an area of unique character oriented toward a combination of office, professional and retail uses to be developed either as a unit or as individual parcels. ~~Further, it is the intent of this district to~~
- (3) Enhance the town-serving character of the area through limitation on maximum gross ~~leasable floor area (GLA)(GFA).~~

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1257. Permitted uses.

- (a) The permitted uses in the C-PC planned center district commercial district, with a maximum of 3,000 with no limitations on gross ~~leasable area (GLA) floor area (GFA)~~ are as follows:
- (1) Appliance services.
 - (2) Bookstore/newsstand.
 - (3) Business and professional offices/services and executive office suites, excluding veterinarian offices.
 - (4) Churches, synagogues and other houses of worship.
 - (5) Dance instruction/studio.
 - (6) Drugstore/pharmacy.
 - (7) Florist.
 - (8) Formal wear rental.
 - (9) Furniture.
 - (10) Hardware/home improvements.
 - (11) Hobby shop.
 - (12) Laundry/dry cleaning.
 - (13) Locksmith.

⁴Cross reference(s)—Businesses, ch. 22.

- (14) Medical services.
- (15) Optician/optometrist.
- (16) Picture framing.
- (17) Photocopying.
- (18) Photographic studio.
- (19) Print shop.
- (20) Secretarial services.
- (21) Shoe repair.
- (22) Tobacconist.
- (23) Tailor/dressmaker.
- (24) Temporary help.
- (25) Travel agent.
- (26) Yard goods.
- (27) Maximum 3,000 square feet of ~~GLA GFA~~. All other retail shops, personal services and banks and financial institutions not specifically cited under the permitted uses in subsection.

(b) Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses under subsection (a)(2) of this section which contain more than 3,000 ~~gross floor area square feet of gross leasable area (GLA)~~ shall be classified as existing nonconforming uses (refer to division 2 of article IV of this chapter). However, all future changes of use shall be limited to those uses listed as permitted uses in subsection (a) of this section with a maximum ~~gross leasable area~~ of 3,000 ~~square feet, gross floor area~~, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, or from one generic use (residential, commercial, public/private group use) to another, wherein the new use will involve a ~~gross leasable area building~~ exceeding 3,000 ~~gross floor area square feet~~, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 ~~gross floor area square feet, in a district with a 3,000-square-foot limitation~~, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. No existing commercial use which is subject to the 3,000 ~~square feet~~ maximum ~~gross leasable area (GLA) gross floor area~~ regulation may occupy additional space within 1,500 feet of the existing licensed businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total ~~gross leasable area (GLA) gross floor area~~ to more than 3,000 square feet.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord.

No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-04, § 25, 3-9-04; Ord. No. 7-2014, § 8, 5-14-14; Ord. No. 3-

Sec. 134-1258. Accessory uses.

- (1) Off-street parking and loading.
- (2) Signs.
- (3) Drive-in business service facilities.
- (4) Accessory uses customarily incident to the permitted or approved special exception uses.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1259. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-PC planned center district are as follows:
 - (1) Public or private parking or storage garages.
 - (2) Private, social, swimming, tennis and yacht clubs.
 - (3) Public structures/uses.
 - (4) Essential services related to town-owned municipal buildings and structures.
 - (5) Supplemental parking per sections 134-2177 and 134-2182.
 - (6) Restaurants, excluding formula restaurants as defined in section 134-2, theaters, nightclubs, lounges/bars.
 - (7) Museums.
 - (8) Veterinarian/animal clinic.
 - (9) Auto rental.
 - (10) Banks and financial institutions.
 - (11) All retail and personal service activities exceeding 3,000 square feet gross ~~leasable area~~ floor area not specifically cited under the permitted uses in subsection 134-1257(a)(2).
 - (12) Timesharing uses at a maximum of nine units per acre and hotels at a maximum of 26 units per acre.
 - (13) Roof-deck automobile parking.
 - (14) Nonprofit cultural centers.
 - (15) Veterinarian offices.

- (16) Outdoor seating in conjunction to permitted restaurants. See section 134-1260 for additional conditions.
- (17) Outdoor cafe seating is permitted only for restaurants, retail specialty food including the sale of prepared food for takeout only, and private, social, swimming, golf, tennis and yacht clubs, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
- (18) Dining rooms when not more than 15 percent of the gross floor area of a building; no exterior or external advertising to be permitted.
- (19) Retail specialty foods, including incidental sale of prepared foods for takeout.
- (b) An owner or tenant of a property, located within the C-PC district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-03, § 5, 3-11-03; Ord. No. 4-08, § 11, 4-7-08; Ord. No. 2-2011, § 7, 7-13-11; Ord. No. 3-2012, § 6, 4-11-12; Ord. No. 7-2014, § 8, 5-14-14; Ord. No. 1-2017, § 1, 2-15-17; Ord. No. 3-2017, § 2, 4-12-17; Ord. No. 30-2017, § 4, 1-10-18; Ord. No. 02-2019, § 12, 3-19-19; Ord. No. 01-2021, § 8, 2-10-21; Ord. No. 12-2021, § 8, 6-9-21; Ord. No. 16-2021, § 12, 8-11-21)

Sec. 134-1260. Reserved.

Ord. No. 16-2021, § 12, adopted August 11, 2021, repealed § 134-1260, which pertained to stands, seated dining areas and open counters for eating and drinking and derived from Ord. No. 1-2017, § 2, 2-15-17. Formerly § 134-1260, pertained to accessory structures, and derived from Ord. No. 2-74, § 5.51, 3-26-74; Ord. No. 3-76, § 3, 3-23-76; Ord. No. 5-78, § 11, 3-31-78; Ord. No. 7-79, § 11, 3-30-79; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 7-82, § 4(i), (k), 3-31-82; Ord. No. 1-84, § 3(h), 3-1-84; Ord. No. 1-85, § 3(e), 2-11-85; Ord. No. 1-86, § 3(d), 2-10-86; Ord. No. 1-87, § 3(e), 2-9-87; Ord. No. 1-90, § 3(g), 2-5-90; Ord. No. 1-92, § 3(e), 2-3-92; Ord. No. 1-93, § 3(g), 2-8-93; Ord. No. 1-94, § 3(c), 2-7-94; Ord. No. 1-95, § 1(b), 1-23-95; Ord. No. 1-97, § 5, 2-17-97; Ord. No. 1-99, § 10, 4-5-99.

Sec. 134-1261. Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications for new buildings or for new building additions or for changes in a permitted use in section 134-1257 which involve more than 2,000 square feet of building floor area of buildings in the C-PC planned center district shall require a site plan approval in accordance with article III of this chapter. No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. The maximum dimension of any structure or group of attached structures shall not exceed 150 feet.

(Ord. No. 2-74, § 6.55, 3-26-74; Ord. No. 5-78, § 12, 3-31-78; Ord. No. 7-79, § 14, 3-30-79; Ord. No. 4-80, § 6, 3-31-80; Ord. No. 7-82, § 5(d), 3-31-82; Ord. No. 1-85, § 4(h), 2-11-85)

Sec. 134-1262. Lot, yard and area requirements—Generally.

In the C-PC planned center district, the schedule of lot, yard and area requirements is as given in this section:

- (1) *Lot area.* The minimum lot area is 4,000 square feet.
- (2) *Lot width.* The minimum lot width is 30 feet.
- (3) *Lot depth.* The minimum lot depth is 90 feet.
- (4) *Density.* See article III of this chapter for site plan review requirements.
- (5) *Front yard.* All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street curbline and the building, exclusive of beautification strips, not more than five feet of which may be on the town street right-of-way, where appropriate, and additionally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of the required pedestrian walkway. Where no front yard building setback is approved or required, two feet of the required ten-foot-wide pedestrian walkway, adjacent to the inside (lot side) of the walkway, may be landscaped by placement of potted plants or removable planters. Such potted plants or planters shall include xeriscape landscaping whenever possible.
- (6) *Side yard.* There is no minimum side yard required for one-story structures, but a side yard shall be five feet if provided.
- (7) *Rear yard.*
 - a. For one-story buildings, the minimum rear yard setback is ten feet.
 - b. For two-story buildings, the minimum rear yard setback is ten feet.
- (8) *Height and overall height.*

- a. For one-story buildings, the maximum building height is 15 feet.
- b. For two-story buildings, the maximum building height is 25 feet.
- c. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

- a. For one-story buildings, the maximum lot coverage is 70 percent.
- b. For two-story buildings, the maximum lot coverage is 35 percent.

(10) *Length.* The maximum building length is 150 feet.

(11) *Landscaped open space.*

- a. For one-story buildings, the minimum landscaped open space is 15 percent.
- b. For two-story buildings, the minimum landscaped open space is 25 percent.

(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-04, § 45, 3-9-04)

Sec. 134-1263. Same—Exceptions.

- (a) In the C-PC planned center district, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.
- (b) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to hotels, theaters and places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.
- (c) No projections shall be allowed in the required rear yard except open-type fire escapes, and these must be provided with a counter-balanced bottom section to provide for nine feet of clearance when up.

- (d) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curblin or more than eight feet from the exterior wall of the building, and the installation shall have at least seven feet six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.
 - (e) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet; the supporting beams do not obstruct a sidewalk or walkway.
 - (f) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area; and, does not block a sidewalk or walkway.
- (Ord. No. 2-74, § 5.33(a)—(d), 3-26-74; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 1-91, § 3(c), 4-23-91; Ord. No. 3-02, § 3, 7-9-02)

Sec. 134-1264. Supplementary district regulations.

The supplementary district regulations which may be applicable to the C-PC planned center district are contained in article VIII of this chapter.

Sec. 134-1265. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the C-PC planned center district are contained in article IX of this chapter.

Sec. 134-1266. Signs.

The sign regulations which may be applicable in the C-PC planned center district are contained in article XI of this chapter.

Sec. 134-1267. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Sec. 134-1268. Architectural tower features.

In the commercial zoning districts, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent

of the gross floor area of the building. This section does not apply to entry facades or parapets.

(Ord. No. 1-00, § 2, 2-22-00)

Sec. 134-1269. Lot grade topography and drainage.

In the C-PC, planned center district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 19-2021, § 5, 9-13-21)

Secs. 134-1270—134-1300. Reserved.

*DIVISION 12. C-B COMMERCIAL **BUSINESS** DISTRICT⁵*

Sec. 134-1301. Purpose.

The purpose of the C-B commercial **business** district is to:

(1) Implement the Comprehensive Plan Commercial Future Land Use designation.

(2) Create an environment especially suited to a group of professional and administrative offices compatible in appearance with single-family housing.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1302. Permitted uses.

(a) Enumeration; maximum gross **leasable floor** area. The permitted uses in the C-B commercial district require a site plan and review as required in article III of this chapter.

(b) The permitted uses in the C-B commercial **business** district are as follows:

(1) Business and professional offices/services and executive office suites, excluding veterinarians.

(2) Banks and financial institutions.

(3) Churches, synagogues or other houses of worship.

(4) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.

(5) Essential services.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-04, § 26, 3-9-04; Ord. No. 2-2011, § 8, 7-13-11; Ord. No. 7-2014, § 9, 5-14-14; Ord. No. 8-2017, § 4, 4-12-17; Ord. No. 12-2021, § 9, 6-9-21)

⁵Cross reference(s)—Businesses, ch. 22.

Sec. 134-1303. Accessory uses.

- (a) The accessory uses in the C-B commercial **business** district require a site plan and review as provided in article III of this chapter.
- (b) The accessory uses in the C-B commercial **business** district are as follows:
 - (1) Off-street parking and loading.
 - (2) Signs.
 - (3) Accessory uses customarily incident to the permitted or approved special exception uses.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 5-09, § 14, 4-15-09; Ord. No. 16-2021, § 11, 8-11-21)

Sec. 134-1304. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-B commercial **business** district are as follows:
 - (1) Public or private parking lots or storage garages.
 - (2) Auto rental lot.
 - (3) Supplemental parking per sections 134-2177 and 134- 2182.
 - (4) Public or private academic schools.
 - (5) Hotels at a maximum of 26 units per acre.
 - (6) Timesharing uses at a maximum of nine units per acre.
 - (7) Roof-deck automobile parking.
 - (8) Permitted uses, or uses not specifically enumerated under permitted uses in section 134-1302 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 **square feet** gross **leasable floor** area.
 - (9) Nonprofit cultural centers.
 - (10) Outdoor cafe seating for restaurants, only hotels, condo-hotels, dining rooms provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.
 - (11) Condo-hotels at a maximum of 17 units per acre, in accordance with section 134-2110.
 - (12) Essential services related to town-owned municipal buildings and structures.
 - (13) Dining rooms when not more than 15 percent of the gross floor area of a building; no exterior or external advertising to be permitted.

- (b) An owner or tenant of a property, located within the C-B district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.

Sec. 134-1305. Reserved.

Ord. No. 16-2021, § 13, adopted August 11, 2021, repealed § 134-134-1305, which pertained to stands, seated dining areas and open counters for eating and drinking and derived from Ord. No. 5-09, § 16, 4-15-09.

Sec. 134-1306. Accessory structures.

- (a) *Generally.* Enclosed accessory structures in the C-B commercial **business** district shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer to any rear property line than ten feet.
- (b) *Dish antennas.* A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. Each residential unit or commercial tenant space shall not be limited as to the number of dish antennas of one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade; shall be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this commercial zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

Sec. 134-1307. Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications for new buildings or for new building additions or for changes in a permitted use in section 134-1302 which involve more than 2,000 square feet of building floor area of buildings in the C-B commercial **business** district shall require a site plan approval in accordance with article III of this chapter. No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. The maximum dimension of any structure or group of attached structures shall not exceed 150 feet.

Sec. 134-1308. Lot, yard and area requirements—Generally.

In the C-B commercial **business** district, the schedule of lot, yard and area requirements is as given in this section:

- (1) *Lot area.* The minimum lot area is 15,000 square feet.
- (2) *Lot width.* The minimum lot width is 100 feet.
- (3) *Lot depth.* The minimum lot depth is 150 feet.
- (4) *Density.*
 - a. The maximum density for hotels within C-B commercial district shall be 26 dwelling units per acre.
 - b. See article III of this chapter for site plan review requirements.
- (5) *Front yard.*
 - a. For one-story buildings, the minimum front yard setback is ten feet.
 - b. For two-story buildings, the minimum front yard setback is ten feet.
 - c. The minimum front yard setback is 25 feet when applied to hotel uses and timesharing uses permitted as a special exception in a C-B **business** district.
 - d. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet.
- (6) *Side yard.*
 - a. For one-story buildings, the minimum side yard setback is ten feet.
 - b. For two-story buildings, the minimum side yard setback is ten feet.
 - c. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet. Side yards shall be as calculated or five feet, whichever is greater.

(7) *Rear yard.*

- a. For one-story buildings, the minimum rear yard setback is 15 feet.
- b. For two-story buildings, the minimum rear yard setback is 15 feet.
- c. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet.

(8) *Height and overall height.*

- a. For one-story buildings, the maximum building height is 15 feet.
- b. For two-story buildings, the maximum building height is 25 feet.
- c. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

- a. For one-story buildings, the maximum lot coverage is 60 percent.
- b. For two-story buildings, the maximum lot coverage is 30 percent.
- c. The maximum lot coverage for two-story buildings is 50 percent when applied to hotel uses and timesharing uses permitted as a special exception in a C-B commercial **business** district.

(10) *Length.*

- a. For one-story buildings, the maximum building length is 150 feet.
- b. For two-story buildings, the maximum building length is 150 feet.
- c. Sub-basements are exempt from the maximum building length, requirement. Individual building elements extending above ground from a single sub-basement shall each, be considered as a separate building for the purpose of calculating building length.

(11) *Landscaped open space.*

- a. For one-story buildings, the minimum landscaped open space is 20 percent.
- b. For two-story buildings, the minimum landscaped open space is 30 percent.
- c. Additionally, not less than 35 percent of the required front yard must be landscaped open space in the C-B commercial **business** district.

(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 5-09, § 16, 4-15-09; Ord. No. 16-2016, § 5, 12-14-16; Ord. No. 04-2018, § 21, 4-11-18)

Editor's note(s)—See note at section 134-1305.

Sec. 134-1309. Same—Exceptions

- (a) In the C-B commercial district, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.
- (b) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to hotels, theaters and places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.
- (c) No projections shall be allowed in the required rear yard except open-type fire escapes, and these must be provided with a counter-balanced bottom section to provide for nine feet of clearance when up.
- (d) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curblin or more than eight feet from the exterior wall of the building, and the installation shall have at least seven feet six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.
- (e) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet; the supporting beams do not obstruct a sidewalk or walkway.
- (f) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area; and, does not block a sidewalk or walkway.
- (g) First floor ramps, landings, open terraces, and/or steps may extend six feet into the required front street side and street rear yard setbacks. In addition, unenclosed entry ramps, landings and associated steps not exceeding the minimum required for access may extend four feet into a the required side or rear yard setback.

Editor's note(s)—See note at section 134-1305.

(Ord. No. 2-74, § 5.33(a)—(d), 3-26-74; Ord. No. 4-80, § 4, 3-31-80; Ord. No. 1-91, § 3(c), 4-23-91; Ord. No. 3-02, § 3, 7-9-02; Ord. No. 5-09, § 16, 4-15-09; Ord. No. 19-2021, § 4, 9-13-21)

Editor's note(s)—See note at section 134-1305.

Sec. 134-1310. Commercial buildings.

In addition to the site plan review required by article III of this chapter, the town council shall consider the following guidelines and development requirements in connection with such review of commercial buildings in the C-B commercial **business** zoning district:

- (1) *Maximum dimension.* The maximum dimension of any structure or group of attached structures shall not exceed 150 feet.
- (2) *Distance between buildings.* The side of any building shall be no closer to the side, front, or rear of any other building than 20 feet.

(Ord. No. 2-74, § 6.55(a), 3-26-74; Ord. No. 5-78, § 12, 3-31-78; Ord. No. 7-79, § 14, 3-30-79; Ord. No. 4-80, § 6, 3-31-80; Ord. No. 7-82, § 5(d), 3-31-82; Ord. No. 1-85, § 4(h), 2-11-85; Ord. No. 5-09, § 16, 4-15-09)

Editor's note(s)—See note at section 134-1305.

Sec. 134-1311. Supplementary district regulations.

The supplementary district regulations which may be applicable to the C-B commercial **business** district are contained in article VIII of this chapter.

(Ord. No. 5-09, § 16, 4-15-09)

Editor's note(s)—See note at section 134-1305.

Sec. 134-1312. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the C-B commercial **business** district are contained in article IX of this chapter.

(Ord. No. 5-09, § 16, 4-15-09)

Editor's note(s)—See note at section 134-1305.

Sec. 134-1313. Signs.

The sign regulations which may be applicable in the C-B commercial **business** district are contained in article XI of this chapter.

(Ord. No. 5-09, § 16, 4-15-09)

Editor's note(s)—See note at section 134-1305.

Sec. 134-1314. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99; Ord. No. 5-09, § 16, 4-15-09)

Editor's note(s)—See note at section 134-1305.

Sec. 134-1315. Architectural tower features.

In the commercial **business** zoning districts, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets.

(Ord. No. 1-00, § 2, 2-22-00; Ord. No. 5-09, § 16, 4-15-09)

Editor's note(s)—See note at section 134-1305.

Sec. 134-1316. Lot grade topography and drainage.

In the C-B commercial **business** district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 19-2021, § 5, 9-13-21)

Secs. 134-1317—134-1350. Reserved.

DIVISION 13. C CONSERVATION DISTRICT⁶

Sec. 134-1351. Purpose.

~~The purpose of the C conservation district is to preserve and protect existing undeveloped lands, including the protection of wildlife and ecological habitat and other unique environmental characteristics of the land.~~

The purpose of the C conservation district is to:

~~(1) Implement the Conservation Future Land Use designation of the Town of Palm Beach Comprehensive Plan.~~

~~(1)(2)~~ Preserve and protect existing undeveloped lands, including the protection of wildlife and ecological habitat and other unique environmental characteristics of the land.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1352. Permitted uses.

There are no permitted uses in the C conservation district.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 16-2012, § 7, 12-12-12)

Sec. 134-1353. Accessory uses.

The accessory uses in the C conservation district are other accessory uses customarily incident and approved special exception as a use.

⁶Cross reference(s)—Natural resource protection, ch. 66.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 12-2017, § 1, 5-10-17)

Sec. 134-1354. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C conservation district are as follows:

- (1) Municipally owned and operated parks, and recreation areas.
- (2) All essential services, excluding wireless telecommunication towers and distribution electrical substations.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 4-08, § 5, 4-7-08; Ord. No. 16-2012, § 15, 12-12-12; Ord. No. 12-2017, § 2, 5-10-17; Ord. No. 02-2019, § 14, 3-19-19)

Sec. 134-1355. Prohibited activity.

It shall be unlawful for any person, organization or governmental entity to use, remove, relocate or plant any landscape material on uplands within the conservation district without a permit pursuant to chapter 66 of this Code. This includes the use of mulch, removal of exotic plant material and/or the planting of native landscape material. It shall be unlawful to make any alterations for the purpose of allowing or promoting the use of conservation land for any public or private purpose other than that allowed by special exception use.

(Ord. No. 12-2017, § 3, 5-10-17)

Secs. 134-1356—134-1390. Reserved.

DIVISION 14. PUD PLANNED UNIT DEVELOPMENT DISTRICT

Sec. 134-1391. Purpose.

The purpose of a PUD planned unit development district is to:

Encourage flexibility in the design and development of land in order to encourage its most appropriate use; Facilitate the adequate and economic provision of streets, utilities and public spaces; Preserve the natural and scenic qualities of open areas.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1392. Procedure for approval of planned unit development.

The procedure and requirements for approval of a planned unit development is in article V of this chapter.

Sec. 134-1393. Permitted uses.

The permitted uses in the PUD planned unit development district are as follows:

- (1) Planned unit development, as provided in article V of this chapter.
- (2) Golf course.
- (3) Single-family dwellings.
- (4) Essential services.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 16-2012, § 8, 12-12-12)

Sec. 134-1394. Accessory uses.

The accessory uses in the PUD-planned unit development district are accessory uses customarily incident to the permitted or approved special exception uses.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93)

Sec. 134-1395. Special exception uses.

The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the PUD-planned unit development zoning district are as follows:

- (1)—Private social, swimming, golf, tennis and yacht clubs.
- (2)—Municipally owned and operated parks and recreations areas.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 16-2012, § 16, 12-12-12)

Sec. 134-1396. Lot, yard and area requirements.

In the PUD district, the schedule of lot, yard and area requirements as given in this section apply to single-family permitted uses which are not a part of a PUD application. See article V of this chapter for appropriate standards for all PUD districts.

- (1)—*Lot area.* The minimum lot area is 20,000 square feet.
- (2)—*Lot width.* The minimum lot width is 100 feet.
- (3)—*Lot depth.* The minimum lot depth is 150 feet.
- (4)—*Density.* The maximum density is two dwelling units per acre.
- (5)—*Front yard.* The minimum front yard setback is 30 feet.
- (6)—*Side yard.* The minimum side yard setback is 15 feet.

(7)—*Rear yard.* The minimum rear yard setback is 15 feet.

(8)—*Height and overall height.* The maximum building height is 25 feet, not to exceed two stories.

(9)—*Lot coverage.* The maximum lot coverage is 35 percent.

{Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98}

Sec. 134-1398. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the PUD planned unit development district are contained in article IX of this chapter.

Sec. 134-1399. Signs.

The sign regulations which may be applicable in the PUD planned unit development district are contained in article XI of this chapter.

Sec. 134-1400. Accessory structures.

Dish antennas. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in the PUD zoning districts shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the

manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

(Ord. No. 1-99, § 10, 4-5-99)

Sec. 134-1401. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99)

Sec. 134-1402. Lot grade topography and drainage.

In the PUD, planned unit development district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

(Ord. No. 19-2021, § 5, 9-13-21)

~~Secs. 134-1403—134-1470. Reserved.~~

~~Sec. 134-1403~~

~~[All approved PUD's are vested for their existing development rights. Any proposed amendments to an approved PUD shall be processed pursue to the provisions of this zoning code as amended from time to time].~~

DIVISION 15. BEACH AREA⁷

Sec. 134-1471. Location.

Certain lands in the town lying along the Atlantic Ocean and indicated on the zoning map are defined to be beach area, and are subject to the provisions of this division (see the accompanying zoning map as defined by section 134-752 for the specific location of the beach area).

⁷Cross reference(s)—Beaches and aquatic activities, § 74-136 et seq.

(Ord. No. 2-74, § 5.47, 3-26-74; Ord. No. 5-78, § 4, 3-31-78; Ord. No. 7-82, § 4(f), 3-31-82; Ord. No. 1-89, § 3(b), 2-6-89; Ord. No. 1-90, § 3(f), 2-5-90; Ord. No. 1-91, § 3(d), 4-23-91; Ord. No. 1-92, § 3(c), 2-3-92; Ord. No. 1-93, § 3(f), 2-8-93)

Sec. 134-147~~21~~. Purpose.

The purpose of the BA district is to:

- (1) Implement the Beach Area Future Land Use designation of the Town of Palm Beach Comprehensive Plan.
- (2) To protect certain lands in the Town lying along the Atlantic Ocean and indicated on the Future Land Use and Zoning Maps to be Beach area and are subject to the provisions of this division.

(Ord. No. 2-74, § 5.47, 3-26-74; Ord. No. 5-78, § 4, 3-31-78; Ord. No. 7-82, § 4(f), 3-31-82; Ord. No. 1-89, § 3(b), 2-6-89; Ord. No. 1-90, § 3(f), 2-5-90; Ord. No. 1-91, § 3(d), 4-23-91; Ord. No. 1-92, § 3(c), 2-3-92; Ord. No. 1-93, § 3(f), 2-8-93)

Sec. 134-1472. Permitted uses and structures.

The permitted uses and structures in the Beach Area district are as follows:

- (1) Swimming pools and associated appurtenances associated with a permitted use within 1,500 feet.
- (2) Beach chairs and umbrellas.
- (3) Seawalls, dune cross overs and stairs.
- (4) Special events as defined in section 106-256, and approved by the town.

(Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1473. Special exception uses and structures.

- (a) The special exception uses and structures require a site plan review as provided in article III of this chapter. The special exception uses in the B-A, Beach Area district are as follows:
 - (1) One beach ~~cabana~~ house ~~structure~~.
 - (2) Beach concessions related to an abutting hotel use and only for the use of hotel guests, visitors or those persons associated with the hotel, including the sale of sunblock and lotions; food and drink service; kayak, canoe, paddle board, surfboard, and similar non-motorized watercraft rentals.

(3) Public structures.

(4) Essential services.

(Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1474. Height, width and length limit for properties adjacent to properties in the R-B district.

- (a) No structure or beach building more than one story or exceeding eight feet in height as measured from the natural grade or crown of the road, whichever is less, to the underside of the roof, plus four feet in height to the highest point of the roof, with maximum dimensions no greater than ten feet by 20 feet but occupying not more than 20 percent of the width of the lot shall be constructed on the privately owned property lying east of Ocean Boulevard, except as provided for by special exception under subsection (b). However, this restriction shall not be deemed to apply to public structures and/or buildings approved by the town council, jetties or groins, or other structures for the protection of the beachfront.
- (b) For properties lying east of Ocean Boulevard and having a lot frontage of 125 feet or greater, the maximum size of a beach house may be increased, by approval of a special exception, up to the maximum size set forth in the following table; and, provided further that all other conditions and standards set forth in this section are met, and the special exception is found to meet the standards of sections 134-227 through 134-233.

Table 134-1475		
	ON LOTS OF 125 BUT LESS THAN 150 FEET IN WIDTH	ON LOTS 150 FEET OR GREATER IN WIDTH
a.	Maximum Size: 350 square feet	Maximum Size: 500 square feet
b.	Neither width nor depth shall exceed 20 feet	Maximum dimensions: 20 feet by 25 feet

- (c) Except to the extent that any of the regulations below are in conflict with state statute or DEP rules and regulations or with requirements of the U.S. Fish and Wildlife Commission, all properties described herein shall comply with the following requirements. In regard to the requirements referenced below, in the event of an allegation of conflict between the town rules and the state statute and state rules regarding same, the town shall contact the state and the state will make the final determination in regard to the extent of any conflict.
- (1) No walls, fences, hedges or other structures or growth shall be erected or grown eastwardly of Ocean Boulevard to a height greater than four feet above the

surface of the Ocean Boulevard pavement along which such wall, fence or growth is maintained.

- (2) Beach **cabana** houses in excess of 200 square feet permitted and constructed subsequent to February 8, 1993, shall provide an ocean vista equal to 50 percent of the lot width. Within the vista area, no structure or vegetation shall exceed 30 inches in height measured above Ocean Boulevard.
- (3) To ensure the ecological integrity of the beach area and enhance the ocean vista, all pest plants recognized as category I and category II invasive exotic species by the Florida Exotic Pest Plant Council shall be removed from the property as a part of a construction permit or as provided in section 66-311. The property shall, thereafter, be maintained free of all these species.
- (4) Any trimming required to bring hedges into compliance with this section shall be effectuated no later than September 30, 2009, unless a DEP permit is required, in which case the provisions of subsection (6) shall apply.
- (5) Existing canopy trees exceeding six feet in height should be trimmed to a height of six feet in accordance with DEP rules. Palm trees shall have a minimum of four feet of clear trunk at the time of planting. Compliance shall be met no later than September 30, 2009, unless a DEP permit is required, in which case the provisions of subsection (6) shall apply.
- (6) The applicant shall provide the town with a coastal construction control line (CCCL) permit from the DEP where trimming and maintenance of vegetation requires a CCCL permit. When CCCL permitting is required through the DEP, the property owner shall request the DEP to issue a CCCL permit that will attain the town ocean vista standards to the maximum extent possible and within the shortest time allowable. Any DEP permit conditions, such as plant height specifications, that may deviate from the town's ocean vista regulations shall take precedence over the town requirements. In the event a permit is required, compliance shall be extended to a date five days subsequent to the date upon which the permit is finally acted on by DEP.
- (7) The potential for the trespass of artificial light to marine nesting habitat shall be taken into consideration for any trimming of existing vegetation.
- (8) No parking will be allowed in the beach area district.

(Ord. No. 2-74, § 5.47(a)(1), 3-26-74; Ord. No. 5-78, § 4, 3-31-78; Ord. No. 7-82, § 4(f), 3-31-82; Ord. No. 1-89, § 3(b), 2-6-89; Ord. No. 1-90, § 3(f), 2-5-90; Ord. No. 1-91, § 3(d), 4-23-91; Ord. No. 1-92, § 3(c), 2-3-92; Ord. No. 1-93, § 3(f), 2-8-93; Ord. No. 1-97, § 10, 2-17-97; Ord. No. 1-04, § 1, 3-9-04; Ord. No. 8-09, § 1, 8-12-09; Ord. No. 4-10, § 4, 2-10-10; Ord. No. 31-2011, § 1, 1-11-12; Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1475. Height, width and length limit for properties adjacent to properties in districts other than R-B.

- (a) No structure or beach building more than one story, but not to exceed 16 feet in height to the highest point of the roof, as measured from the natural grade or crown of the road, whichever is less, with maximum dimensions no greater than 20 feet by 25 feet shall be constructed on the privately owned property lying east of Ocean Boulevard, except as provided for by special exception under subsection (b). However, this restriction shall not be deemed to apply to public structures and/or buildings approved by the town council, jetties or groins or other structures for the protection of the beachfront.
- (b) For properties lying east of Ocean Boulevard and having a lot frontage in excess of two times the minimum required under section 134-1474, the maximum size of a beach house may be increased up to a maximum 2,000 square feet, provided however that:
 - (1) The maximum width of the structure along the frontage of Ocean Boulevard shall not exceed 45 feet.
 - (2) The required ocean vista shall exist from the front to rear lot lines equal to 75 percent of the lot width;
 - (3) The beach **cabana** house **structure** shall be set back not less than 35 feet from the west property line; and
 - (4) All other requirements of sections 134-1473 and 134-1474 are met and the special exception is found to meet the standards of sections 134-227 through 134-233.
- (c) Except to the extent that any of the regulations below are in conflict with state statute or DEP rules and regulations or with requirements of the U.S. Fish and Wildlife Commission, all properties described herein shall comply with the following requirements. In regard to the requirements referenced below, in the event of an allegation of conflict between the town rules and the state statute and state rules regarding same, the town shall contact the state and the state will make the final determination in regard to the extent of any conflict.
 - (1) No walls, fences, hedges or other structures or growth shall be erected or grown eastwardly of Ocean Boulevard to a height greater than four feet above the surface of the Ocean Boulevard pavement along which such wall, fence or growth is maintained.
 - (2) Beach houses in excess of 200 square feet permitted and constructed subsequent to February 8, 1993, shall provide an ocean vista equal to 50 percent of the lot width. Within the vista area, no structure or vegetation shall exceed 30 inches in height measured above Ocean Boulevard.

- (3) To ensure the ecological integrity of the Beach area and enhance the ocean vista, all pest plants recognized as category I and category II invasive exotic species by the Florida Exotic Pest Plant Council shall be removed from the property as a part of a construction permit or as provided in section 66-311. The property shall, thereafter, be maintained free of all these species.
- (4) Any trimming required to bring hedges into compliance with this section shall be effectuated no later than September 30, 2009, unless a DEP permit is required, in which case the provisions of subsection (6) shall apply.
- (5) Existing canopy trees exceeding six feet in height should be trimmed to a height of six feet in accordance with DEP rules. Palm trees shall have a minimum of four feet of clear trunk at the time of planting. Compliance shall be met no later than September 30, 2009, unless a DEP permit is required, in which case the provisions of subsection (6) shall apply.
- (6) The applicant shall provide the town with a coastal construction control line (CCCL) permit from the DEP where trimming and maintenance of vegetation requires a CCCL permit. When CCCL permitting is required through the DEP, the property owner shall request the DEP to issue a CCCL permit that will attain the town ocean vista standards to the maximum extent possible and within the shortest time allowable. Any DEP permit conditions, such as plant height specifications, that may deviate from the town's ocean vista regulations shall take precedence over the town requirements. In the event a permit is required, compliance shall be extended to a date five days subsequent to the date upon which the permit is finally acted on by DEP.
- (7) The potential for the trespass of artificial light to marine nesting habitat shall be taken into consideration for any trimming of existing vegetation.
- (8) No parking will be allowed in the beach area district.

(Ord. No. 2-74, § 5.47(a)(2), 3-26-74; Ord. No. 5-78, § 4, 3-31-78; Ord. No. 7-82, § 4(f), 3-31-82; Ord. No. 1-89, § 3(b), 2-6-89; Ord. No. 1-90, § 3(f), 2-5-90; Ord. No. 1-91, § 3(d), 4-23-91; Ord. No. 1-92, § 3(c), 2-3-92; Ord. No. 1-93, § 3(f), 2-8-93; Ord. No. 1-97, § 10, 2-17-97; Ord. No. 1-02, § 1, 3-12-02; Ord. No. 1-04, §§ 2, 3, 3-9-04; Ord. No. 2-05, § 8, 5-10-05; Ord. No. 8-09, § 1, 8-12-09; Ord. No. 4-10, § 5, 2-10-10; Ord. No. 31-2011, § 2, 1-11-12; Ord. No. 17-2019, § 12, 6-12-19)

- (b) Beach house structures shall be set back not less than ten feet from the north property line and shall be set back not less than ten feet from the south property line and shall be setback not less than ten feet from the west property line. However, these restrictions shall not be deemed to apply to public structures and/or buildings approved by the town council, jetties or groins or other structures for the protection of the beachfront. No such beach house structure or lot shall ever be used for any purpose other than private bathing purposes incidental to the ownership thereof, such

use to be an accessory to the residential building located directly across the street therefrom or within a radius of 1,500 feet and with unity of title thereof, or such use to be an accessory use for an association of property owners on the adjacent east-west streets and provided, further, that such beach house structure has been approved as a special exception use in conformance with sections 134-227 through 134-223.

- (c) Temporary tents shall be permitted pursuant to the dimensional and setback requirements for beach structures in this district and the requirements set forth in chapter 18, article XV.

(Ord. No. 2-74, § 5.47(b), 3-26-74; Ord. No. 5-78, § 4, 3-31-78; Ord. No. 7-82, § 4(f), 3-31-82; Ord. No. 1-89, § 3(b), 2-6-89; Ord. No. 1-90, § 3(f), 2-5-90; Ord. No. 1-91, § 3(d), 4-23-91; Ord. No. 1-92, § 3(c), 2-3-92; Ord. No. 1-93, § 3(f), 2-8-93; Ord. No. 16-09, § 5, 11-12-09; Ord. No. 4-10, § 6, 2-10-10; Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1476. Number of beach cabana house buildings and setback.

- (a) Not more than one beach cabana house structure shall be erected on property under single ownership, and not more than one beach cabana house structure shall be erected on a lot in accordance with the following minimum lot frontage requirement:

Table 134-1474	
Beach Area Property Adjacent To	Minimum Lot Frontage (feet)
R-B district	100
R-A district	125
R-AA district	150
All other districts	150

Sec. 134-1477. Supplementary district regulations.

The supplementary district regulations which may be applicable to the Beach area district are contained in article VIII of this chapter.

(Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1478. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the Beach area district are contained in article IX of this chapter.

(Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1479. Signs.

The sign regulations which may be applicable in the Beach area district are contained in article XI of this chapter.

(Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1480. Accessory structures.

Dish antennas located in the Beach area zoning district shall be subject to the dish antenna regulations of the zoning district to which the beach area property is adjacent.

(Ord. No. 1-99, § 10, 4-5-99; Ord. No. 17-2019, § 12, 6-12-19)

Sec. 134-1481. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(Ord. No. 1-99, § 11, 4-5-99; Ord. No. 17-2019, § 12, 6-12-19)

DIVISION 16. CI CULTURAL INSTITUTION DISTRICT

Sec. 134-1482. Purpose.

The purpose of the CI Cultural Institution district is to:

(1) ~~Implement the Private Group Use Future Land Use designation.~~

(2) ~~The intent of the CI district is to p~~Provide for uses such as not-for-profit cultural and art institutions, in a campus setting at a scale and intensity intended to primarily serve the needs of town-persons. A campus shall be defined as the total of all of the property, or lots included in a unity of title approved by the town, that are utilized for such purpose, owned and operated by a single not-for-profit cultural and arts institution. A campus owned by a single not-for-profit cultural and arts institution, or subject to an approved unity of title, shall be considered one parcel of land for the purposes of administering the requirements of this division and thus applied to the entire campus and not on an individual lot by lot basis.

(Ord. No. 006-2024, § 2(Exh. A), 5-15-24)

Sec. 134-1483. Permitted uses.

(1) Not-for-profit cultural and arts institutions are permitted in the CI Cultural Institutional district. For purposes of this Division, a "not-for-profit cultural and arts institution" means any corporation, organization, association, or institution that (a) provides programs or activities in areas directly concerned with the arts or cultural heritage, (b) is not—~~for~~—profit and owned and operated by a single cultural and arts institution that has a tax-exempt status with the Internal Revenue Service, and whose net earnings may not lawfully inure to the benefit of any private shareholder, member, or individual, (c) may include one or more museums, art galleries, performing art centers, libraries, and/or botanical and sculpture gardens, and (d) may include one or more accessory uses that are customarily incidental to and directly supportive of such uses, including cooking facilities, lecture halls, classrooms, storage facilities, offices, off-street parking and loading, and not more than a total of three residential units for purposes of no-charge housing to employees, short-term guests, and artists in residence, all of which shall be subject to the conditions and limitations set forth in this division, and shall be limited to a maximum of three bedrooms and 2,300 square feet per unit.

(Ord. No. 006-2024, § 2(Exh. A), 5-15-24)

Sec. 134-1484. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the CI Cultural Institution district are as follows:

- (1) Outdoor promotional events. See section 134-2115(1) through section 134-2115(8) for additional conditions and criteria.
- (2) Accessory cafe. Not more than one accessory cafe that shall not be open to or advertised as being open to the general public and shall serve only patrons of the not-for-profit cultural and arts institution. The accessory cafe shall offer limited menus that reflect the cafe's purpose of supporting the patrons of the not-for-profit cultural and arts institution. At the discretion of the town council, the accessory cafe may be subject to a declaration of use agreement that addresses the number of seats, hours of operation, and any other conditions of approval imposed by the town council.
- (3) Three-story building. Only one three-story building is permitted per campus. Additions to existing three-story buildings are permitted provided the addition complies with the requirements of this Division.
- (4) Building length greater than 150 feet. Except for any buildings existing on a campus as of the effective date of this ordinance, any new buildings greater than 150 feet in length shall require town council approval for a special exception.

(Ord. No. 006-2024, § 2(Exh. A), 5-15-24)

Secs. 134-1485—134-1487. Reserved.**Sec. 134-1488. Lot, yard and area requirements-generally.**

In the CI Cultural Institution district, the schedule of lot, yard and area requirements is as provided in this section, and for the purposes of this section, "adjoin" shall be defined as having a common property line or being separated only by a public right-of-way.

- (1) Campus area. The minimum area is seven acres or 304,920 square feet.
- (2) Campus width. The minimum width is 300 feet.
- (3) Campus depth. The minimum depth is 300 feet.
- (4) Density. No residential density is permitted other than the residential dwelling unit(s) permitted under section 134-1483 of this division. Residential dwelling units shall be limited to a maximum of three units within the campus, and shall be limited to a maximum of three bedrooms and 2,300 square feet per unit.
- (5) Front yard.

- a. When the front yard of a lot in the campus adjoins property zoned a non-residential zoning district, there is no minimum front yard setback required.
- b. When the front yard of a lot in the campus adjoins two or more intersecting street lines, there is no minimum front yard required.
- c. When the front yard of a lot in the campus adjoins property zoned a residential zoning district, the following shall apply:
 - 1) For one-story buildings, the minimum front yard setback shall be 25 feet.
 - 2) For two-story buildings, the minimum front yard setback shall be 30 feet.
 - 3) For buildings that exceed two stories or 22 feet in height, the front yard setback shall be increased by one foot for each one foot of building height exceeding 22 feet in height. In no case shall the front yard setback be less than 30 feet.

(6) Side yard.

- a. When the side yard of a lot in the campus adjoins property zoned a non-residential zoning district, there is no minimum side yard required.
- b. When the side yard of a lot in the campus adjoins property zoned a residential zoning district, the following shall apply:
 - 1) For one-story buildings, the minimum side yard setback shall be 25 feet.
 - 2) For two-story buildings, the minimum side yard setback shall be 25 feet.
 - 3) For buildings that exceed two stories or 22 feet in height, the minimum side yard setback shall be increased by one foot for each one foot of building height exceeding 22 feet in height.
- c. When the side yard of a lot in the campus adjoins a public or private roadway interior to the campus, there is no minimum side yard required.

(7) Rear yard.

- a. When the rear yard of a lot in the campus adjoins property zoned a non-residential zoning district, the minimum rear yard setback shall be ten feet.
- b. When the rear yard of a lot in the campus adjoins property zoned a residential zoning district, the following shall apply:
 - 1) For one-story buildings, the minimum rear yard setback shall be 25 feet.
 - 2) For two-story buildings, the minimum rear yard setback shall be 30 feet.

- 3) For buildings that exceed two stories or 22 feet in height, the minimum rear yard setback shall be increased by one foot for each one foot of building height above 22 feet exceeding 22 feet in height.
- (8) Separation from single-family use. No three-story buildings, or portion thereof, shall be permitted within 150 feet of a single-family use or single-family residential zoning district. Such distance shall be measured from the property line on which the single-family use or single-family zoning district is located to the building in the CI Cultural Institution district.
- (9) Height and overall height.
- a. For one-story buildings, the maximum building height is 15 feet.
 - b. For two-story buildings, the maximum building height is 30 feet.
 - c. In the CI Cultural Institution district, the maximum building height allowed by right is two stories, with provision for a special exception for three stories with a maximum building height of 45 feet. See special exception provisions in sections 134-226 through 134-233 (special exception use), and article III of this chapter (site plan review).
 - d. Maximum overall height of a building shall be measured as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.
- (10) Lot coverage. The maximum lot coverage for a campus shall be 30 percent.
- (11) Planar break.
- a. Buildings that exceed 150 feet in length shall provide a planar break which consists of recesses or projections in the building. The intent is to provide facade articulation that breaks up the building. Planar breaks shall be a minimum of two feet of recessed or projecting building area, or as determined by the landmarks preservation commission or the architectural commission (as applicable).
 - b. Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.
- (12) Landscaped open space. The minimum landscaped open space for a campus shall be 25 percent. Not less than 35 percent of the required front yard must be

landscaped open space unless a zero front yard setback is provided, then there shall be no required front yard landscaped open space.

(13) Floor area.

- a. For one-story buildings, the maximum gross floor area of buildings is 20,000 square feet.
- b. For two-story and three-story buildings, the maximum gross floor area of buildings is 50,000 square feet.
- c. Sub-basements shall be exempt from the maximum floor area requirements. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.

(Ord. No. 006-2024, § 2(Exh. A), 5-15-24)

Sec. 134-1489. Statue and/or sculpture.

Notwithstanding the requirements contained in section 134-1727 of the town's Code of Ordinances, the following statues or sculptures shall be permitted by right if located in the CI Cultural Institution district and shall not require the review and approval by the landmarks preservation commission or the architectural commission (as applicable):

- (1) Statues or sculptures nine feet or less in height, or
- (2) Statues or sculptures greater than nine feet, but not to exceed 12 feet, and not visible from a public right-of-way.

(Ord. No. 006-2024, § 2(Exh. A), 5-15-24)

Sec. 134-1490. Nonconforming buildings and structures.

In the CI Cultural Institution district, any building or structure located at a cultural and arts institution lawfully in existence on the effective date of this division that is made nonconforming by the passage of this section or any applicable amendment thereto, shall be a legal non-conformity and may be continued, except as otherwise provided in article IV.

(Ord. No. 006-2024, § 2(Exh. A), 5-15-24)

Sec. 134-1491. Parking.

Where there is a conflict between the requirements contained in sections 134-2175 and 134-2176 of the town's Code of Ordinances and this section, the specific requirements of this section shall govern.

In the CI Cultural Institution district, the following uses within any building or structure located on a cultural and arts institution campus are exempt from providing any required parking:

- (1) Accessory cafe.
- (2) Storage facilities or spaces.
- (3) Cooking facilities.
- (4) Residential dwelling unit(s) as permitted under section 134-1483 of this division.
- (5) Building areas utilized for any back of house operational spaces, such as, but not limited to, green rooms, changing rooms, prop storage areas, wet and dry art work spaces, and any areas associated with the operation of a theater or performing arts facility that do not contain seats or access for patrons.

(Ord. No. 006-2024, § 2(Exh. A), 5-15-24)

Sec. 134-1492. Reserved.

Sec. 134-1493. Signs.

- (1) In the CI Cultural Institution district, any sign located at a cultural and arts institution lawfully in existence on the effective date of this ordinance that is made nonconforming by the passage of this section or any applicable amendment thereto, shall be a legal non-conformity and may be continued except as otherwise provided in article IV.
- (2) The town recognizes that different types of cultural and arts institutions require different types of signs, sizes, and styles of signage. The landmarks preservation commission or the architectural commission (as applicable) shall approve a master sign plan that specifies all signage by type, size, quantity, material, and placement throughout the cultural and arts institution campus. Any change to an approved master sign plan or changes to individual signs visible from a public street shall be approved by the landmarks preservation commission (as applicable).

The master sign plan may include different types of signs, sizes, and styles. The design standards below may be considered, but shall not limit the design and placement of such signage:

- a. Campus identification monument signage.
 - 1) Any monument signage shall display the name of the cultural and arts institution with a maximum lettering height of six inches.
 - 2) Monument signs are permitted within the front yard setbacks provided that it does not conflict with the sight triangle requirements of section 134-1637.

- 3) Maximum height of the monument sign shall be four feet above the grade.
- b. Campus identification portal/gateway-mounted signage.
 - 1) One portal/gateway-mounted sign is allowed at main entrances such as driveways, intersecting roads, or other arrival points, identifying the name of the cultural and arts institution with a maximum lettering height of three inches.
- c. Building-mounted building or venue identification signage
 - 1) One building or venue sign is allowed at each publicly accessible entrance to a building with a maximum lettering height of three and a half inches.
- d. Wayfinding and educational signage. Free-standing or wall mounted signs identifying campus circulation or containing educational information are permitted but shall be limited as follows:
 - 1) A maximum lettering height of three inches.
 - 2) A maximum sign height of four feet above the grade.
 - 3) A maximum sign width of two feet.
- e. Donor signs are permitted but shall be limited as follows:
 - 1) A maximum lettering height of three inches.
 - 2) A maximum sign height of two feet above the grade.
 - 3) A maximum dimension of 12 inches by 12 inches.
 - 4) The requirements of this section shall supersede the requirements contained in division 3 of article XI of this chapter.
 - 5) The following signs shall be prohibited on a campus:
 - a. Neon, including neon tubing signs.
 - b. Backlit signs.
 - c. Strobing, blinking or flashing signs.

(Ord. No. 006-2024, § 2(Exh. A), 5-15-24)

Secs. 134-1494—134-1500. Reserved.

DIVISION 17. PR PARKS, AND RECREATION DISTRICT

Sec. 134-1501. Purpose and Intent

- (1) The purpose of the PR Parks and Recreation district is to implement the Recreation Future Land Use designation of the Town of Palm Beach Comprehensive Plan.
- (2) The PR Parks and Recreation district is intended for passive public parks and open space and active recreational uses and activities at a scale and intensity necessary to serve the needs of Town residents and to preserve the natural and scenic resources of the Town.

Sec. 134-1502. Permitted uses.

The permitted uses in the PR Parks and Recreation District are as follows:

- (1) Parks and recreational facilities owned, leased, or operated by the Town, by Palm Beach County, or by the Preservation Foundation.
- (2) Public and private gardens and passive parks.

Sec. 134-1503. Accessory uses.

The accessory uses in the PR Parks and Recreation District are as follows:

- (1) Maintenance buildings for the upkeep of active parks and recreational facilities.

Sec. 134-1504. Special exception uses.

The special exception uses in the PR Parks and Recreation District are as follows:

- (1) Golf courses, including private, semi-private, or public golf courses that are not owned, leased, or operated by the Town or Palm Beach County.
- (2) Indoor fitness centers owned and operated by the Town.
- (3) Ancillary restaurants to the parks and recreational facilities.

Sec. 134-1505. Development parameters

The development standards in the PR Parks and Recreation District are as follows:

- (1) Height.
No building or structure, or part thereof, shall be erected or altered to a height exceeding 30 feet.
- (2) Setbacks and landscape buffers.
The minimum setbacks and landscape buffers shall be determined as part of the review and approval of a site plan by ARCOM, LPC, or Town Council, after considering the proposed use and development of the park, the impact of the proposed use or development upon the adjacent area, and the minimum setbacks and landscape

buffers required for other properties in the adjacent area in order to be compatible with adjacent areas.

DIVISION 18. PF PUBLIC FACILITIES DISTRICT

Sec. 134-1511. Purpose and Intent.

- (1) The purpose of the PF Public Facilities district is to implement the Town of Palm Beach Comprehensive Plan Public Future Land Use designation.
- (2) The PF Public Facilities district includes buildings that are owned, operated, and maintained by the Town of Palm Beach or another government entity for the use of Town persons. These facilities are intended to serve the needs of the Town, providing access to essential governmental services.

Sec. 134-1512. Permitted uses.

The permitted uses in the PF Public Facilities district are as follows:

- (1) Public buildings owned, leased, or operated by the Town or Palm Beach County, such as, but not limited to Town Hall, the Police and Fire Departments.
- (2) Public structures.
- (3) Essential services.

Sec. 134-1513. Development standards.

The development standards in the PF Public Facilities district are as follows:

- (1) Height.
No building or structure, or part thereof, shall be erected or altered to a height exceeding the tallest public building.
- (2) Setbacks and landscape buffers.
The minimum setbacks and landscape buffers shall be determined as part of the review and approval of a site plan by ARCOM, LPC, or Town Council, after considering the proposed use and development of the public facility, the impact of the proposed use or development upon the adjacent area, and the minimum setbacks and landscape buffers required for other properties in the adjacent area in order to be compatible with adjacent areas.

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: January 6, 2026

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building

From: Jennifer Hofmeister, AICP, Planner III

Re: 2025 Comprehensive Plan EAR Policies that Require Placement into Chapter 134, Zoning. (Per Florida Statute)

Date: 12/23/2025

ATTACHMENTS

Staff Report

Draft Ordinance

Proposed Map Series

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation, Safe and Resilient Community, Community Culture and Character, Mobility and Transportation, Environmental Stewardship

Strategic Focus Areas:

Sound Fiscal Management

Cooperative Relationships

Water Resources

Emergency Management

Quality of Life

Community Preservation

On-island Mobility

Management of Environmental Threats

Sustainable Management of Town Assets

Collaborative Town Government

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

On February 12, 2025, the Town Council adopted the 2024 Evaluation and Appraisal Review (EAR)-based Comprehensive Plan. Following the required state evaluation by the Florida Department of Commerce, the state planning agency, the Town was notified on April 4, 2025, that the Town’s Comprehensive Plan was “in compliance” with state law. Pursuant to §163.3202, Fla. Stat., the Town must adopt or amend and enforce land development regulations in the Zoning Code that are consistent with and implement the Comprehensive Plan within one year.

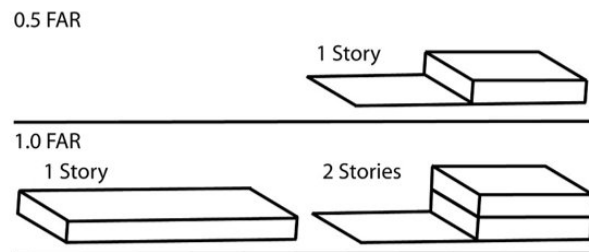
Staff began a thorough examination of the current Zoning Code during the past year. This review is two-fold: (1) to identify the sections of the Code that require changes to maintain consistency with the comprehensive plan; and (2) to bring forward a more contemporary, concise, and easy-to-interpret Zoning Code.

DISCUSSION:

At the Planning and Zoning Commission meeting on December 2, 2025, staff presented the proposed changes to the Zoning Code, which reflected the first “fold” in the review process, namely, to ensure consistency with the comprehensive plan. As mentioned, these changes have a state-mandated deadline. In short and outlined below, the changes consist of the following:

1. Adding to the Purpose of each Zoning District to implement the corresponding Future Land Use category.
2. Changing the R-D(1) residential zoning district title from Moderate Density Residential District to High-Density Residential District.
3. Changing the C-B commercial zoning district title from C-B Commercial District to C-B Commercial Business District.
4. Converting from the Palm Beach acre of 40,000 square feet to 43,560 square feet.
5. Converting from Gross Leasable Area (GLA) to Gross Floor Area (GFA).
6. Removing the Planned Unit Development (PUD) zoning district in its entirety, consistent with the policy directive adopted in the 2024 Comprehensive Plan.
7. Establishing a new Public Facilities Zoning District to correspond to the Public Future Land Use designation.

8. Establishing a new Parks and Recreation Zoning District to correspond to the Recreation Future Land Use designation.
9. Correcting the boundary lines for the Beach Area District. It was also revealed during the Zoning Code review that the Beach Area District did not accurately represent the Beach Area graphically.
10. Making minor adjustments to verbiage when referring to a beach cabana house.
11. Establishing an intensity standard for commercial uses. In this regard, during the EAR process of the comprehensive plan, this became a requirement mandated by the state planning agency, in their Objections, Recommendations and Comments Report (ORC). The ORC report stated that the Town must develop an intensity standard to regulate the size of commercial uses. Staff is recommending that the Town implement the Floor Area Ratio or FAR standard. It is the most professionally recognized intensity standard and a key metric in urban planning that regulates the size of a building on a given plot of land. It is calculated by dividing the total (gross) floor area of a building by the total area of the lot on which it is built. A simple illustration is provided below.



At that meeting, the Planning and Zoning Commission recommended approval of all of the presented changes to the Zoning Code, including staff's recommendation of a FAR of 1.0, with a vote of 6-1. The reason for the dissenting vote was expressed by the Commissioner that a firm FAR of 1.0 may not allow for the historic architecture that makes Palm Beach unique and cherished.

Following the meeting staff examined additional commercial development sites, in particular Via Flagler, to determine the FAR. Various numbers were found that led to the decision that more examination of each commercial district is necessary and that "one size may not fit all". With that, staff presented to the Town Council the following week, on December 9, 2025, revised language to the Town Comprehensive Plan that would meet the state mandate by stating in Policy 1.15, that the Town will implement FAR as the intensity standard for all commercial zoning districts. With this revised policy language, staff will have additional time to determine what the maximum FAR will be for each commercial district.

JH

ORDINANCE NO. 035-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 1. GENERALLY, BY AMENDING SECTION 134-751 TO CHANGE R-D(1) FROM MODERATE RESIDENTIAL TO HIGH-DENSITY RESIDENTIAL, TO CHANGE C-B FROM COMMERCIAL OFFICE TO COMMERCIAL BUSINESS, TO ADD THE COMMON NAMES TO PUD-A, PUD-B, AND PUD-C, TO ADD A NEW PR PARKS AND RECREATION DISTRICT, AND TO ADD A NEW PF PUBLIC FACILITIES DISTRICT; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 1. GENERALLY, BY AMENDING SECTION 134-752, ZONING MAP, TO CHANGE FROM THE 1974 OFFICIAL ZONING MAP TO THE 2024 OFFICIAL ZONING MAP; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 1. GENERALLY, BY AMENDING SECTION 134-755 TO CHANGE THE ACREAGE DEFINITION FROM 40,000 SQUARE FEET TO 43,560 SQUARE FEET; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 2. R-AA LARGE ESTATE RESIDENTIAL DISTRICT BY AMENDING SECTION 134-786, DIVISION 3. R-A ESTATE RESIDENTIAL DISTRICT BY AMENDING SECTION 134-836, AT DIVISION 4. R-B LOW DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-886, AT DIVISION 5. R-C MEDIUM DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-941, AT DIVISION 6. R-D(1) HIGH DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-996, AT DIVISION 7. R-D(2) HIGH DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-1051, AT DIVISION 8. C-TS TOWN-SERVING COMMERCIAL DISTRICT BY AMENDING SECTION 134-1106, AT DIVISION 9. C-WA WORTH AVENUE DISTRICT, BY AMENDING SECTION 134-1156, AT DIVISION 10. C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL, BY AMENDING SECTION 134-1206, AT DIVISION 11. C-PC PLANNED CENTER DISTRICT, BY AMENDING SECTION 134-1256, AT DIVISION 12. C-B COMMERCIAL BUSINESS, BY AMENDING SECTION 134-1301, AT DIVISION 13. CONSERVATION DISTRICT, BY AMENDING SECTION 134-1351, AT DIVISION 15. BEACH AREA, BY AMENDING SECTION 134-1471, AND AT DIVISION 16.- CI CULTURAL INSTITUTION DISTRICT BY AMENDING SECTION 134-1482 TO ADD TO THE PURPOSE OF THE DISTRICT REGULATIONS FOR EACH ZONING DISTRICT THE IMPLEMENTATION OF THE CORRESPONDING TOWN OF PALM BEACH COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATIONS; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 1 GENERALLY, AT DIVISION 2. R-AA LARGE ESTATE RESIDENTIAL DISTRICT BY AMENDING SECTION 134-790, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 3. R-A ESTATE RESIDENTIAL DISTRICT BY AMENDING SECTION 134-840, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 4. R-B LOW DENSITY RESIDENTIAL

DISTRICT BY AMENDING SECTION 134-890, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 5. R-C MEDIUM DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-945, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 6. R-D(1) HIGH-DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-1000, AND AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 7. R-D(2) HIGH-DENSITY RESIDENTIAL DISTRICT BY AMENDING SECTION 134-1055 TO ADD APPROVED TO PLANNED UNIT DEVELOPMENT AND ADD CABANA TO BEACH HOUSES; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 6. R-D(1) TO MODERATE DENSITY RESIDENTIAL DISTRICT BY AMENDING THE DIVISION TITLE FROM MODERATE DENSITY RESIDENTIAL DISTRICT TO R-D(1) HIGH-DENSITY RESIDENTIAL DISTRICT, BY AMENDING SECTION 134-996, SECTION 134-997, SECTION 134-998, SECTION 134-999, SECTION 134-1000, SECTION 134-1001, SECTION 134-1002, SECTION 134-1003, SECTION 134-1004, SECTION 134-1005, SECTION 134-1006, SECTION 134-1007, SECTION 134-1008, SECTION 134-1009, SECTION 134-1010, SECTION 134-1011, SECTION 134-1012, AND SECTION 134-1014 AMENDING THE DIVISION TITLE FROM R-D(1) MODERATE DENSITY RESIDENTIAL DISTRICT TO R-D(1) HIGH DENSITY RESIDENTIAL DISTRICT; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 12. C-B COMMERCIAL DISTRICT BY AMENDING THE DIVISION TITLE TO READ C-B COMMERCIAL BUSINESS DISTRICT, BY AMENDING SECTION 134-1301, SECTION 134-1302, SECTION 134-1303, SECTION 134-1304, SECTION 134-1306, SECTION 134-1307, SECTION 134-1308, SECTION 134-1309, SECTION 134-1310, SECTION 134-1311, SECTION 134-1312, SECTION 134-1313, SECTION 134-1315, AND SECTION 134-1316 TO CHANGE FROM C-B COMMERCIAL DISTRICT TO C-B COMMERCIAL BUSINESS DISTRICT; AT ARTICLE VI, DISTRICT REGULATIONS, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 8. C-TS TOWN-SERVING COMMERCIAL DISTRICT BY AMENDING SECTION 134-1106, AND SECTION 134-1107, SECTION 134-1109, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 9. C-WA WORTH AVENUE COMMERCIAL DISTRICT BY AMENDING SECTION 134-1156 AND SECTION 134-1157, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 11. C-PC PLANNED CENTER DISTRICT BY AMENDING SECTION 134-1256, SECTION 134-1257 AND SECTION 134-1259 TO CONVERT FROM GROSS LEASABLE AREA (GLA) TO GROSS FLOOR AREA (GFA); AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 8. C-TS TOWN SERVING COMMERCIAL DISTRICT, SECTION 134-1107, DIVISION 9. C-WA WORTH AVENUE DISTRICT, SECTION 134-1157 AND DIVISION 10. C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT, SECTION 134-1207 TO REMOVE THE CLAUSE RELATED TO SUPPLEMENTAL OFF-SITE SHARED PARKING THAT SUNSETTED ON MARCH 13, 2024; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 14. PUD PLANNED UNIT DEVELOPMENT DISTRICT TO REMOVE IT IN ITS

ENTIRETY AND REPLACE WITH A NEW SECTION 134-1391; AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 15. BEACH AREA BY REPLACING STRUCTURE OR BEACH BUILDING, BEACH HOUSES, AND BEACH HOUSE BUILDINGS WITH BEACH CABANA HOUSE IN SECTION 134-1473, SECTION 134-1474, SECTION 134-1475, AND SECTION 134-1476; AT ARTICLE VI, DISTRICT REGULATIONS TO ADD A NEW DIVISION 17. PR PARKS AND RECREATION DISTRICT, INCLUDING NEW SECTIONS 1501 THROUGH 1505 AND TO ADD A NEW DIVISION 18. PF PUBLIC FACILITIES DISTRICT SECTIONS 1511 THROUGH 1513; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach has adopted a Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes, known as the Community Planning Act (the "Act"); and

WHEREAS, pursuant to Section 163. 3191 of the Act, the Town of Palm Beach is required to periodically and comprehensively evaluate its Comprehensive Plan to determine if plan amendments are necessary and to notify the state land planning agency as to its determination; and

WHEREAS, in accordance with Section 163. 3191 of the Act, the Town of Palm Beach conducted a recent Evaluation and Appraisal of the Town of Palm Beach Comprehensive Plan and determined that it is necessary and appropriate to amend the Data & Analysis (D&A) as well as the Goals, Objectives, and Policies (GOPs) of the Town of Palm Beach Comprehensive Plan; and

WHEREAS, the Town of Palm Beach's Planning and Zoning Commission issued a Record and Report recommending proposed amendments to the Town of Palm Beach Comprehensive Plan; and

WHEREAS, pursuant to Section 163. 3174(11) of the Act after notice required by law, the Town Council, acting as the Local Planning Agency (LPA), conducted a public hearing on November 13, 2024 wherein it considered the Planning and Zoning Commission's Record and Report and all evidence and testimony regarding the proposed amendments; and

WHEREAS, on February 12, 2025, pursuant to Section 163. 3184(11) of the Act and after notice required by law, the Town Council conducted the second and final public hearing and adopted the Amendments to the Town of Palm Beach Comprehensive Plan (the "Amendments") by Ordinance No. 015-2024; and

WHEREAS, on April 4, 2025, the state land planning agency completed their review of the Amendments and issued Notice of Intent to find the Amendments in compliance;

WHEREAS, pursuant to Section 163.3202 of the Act, within 1 year after submission of its comprehensive plan or revised comprehensive plan for review, the Town shall adopt or amend and enforce land development regulations that are consistent with and implement the Amendments; and

WHEREAS, the Town's Planning, Zoning and Building Staff has proposed certain amendments to the Town's land development regulations to be consistent with and implement the Amendments to the Comprehensive Plan proposed; and

WHEREAS, the Town's Planning and Zoning Commission considered the proposed amendments to the land development regulations at its public meeting on December 2, 2025 and recommended that the Town Council adopt those amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are true and correct and incorporated herein as legislative findings of the Town Council.

Section 2. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 1.- GENERALLY, is hereby amended as follows:

Sec. 134-751. Establishment of districts.

For the purposes of protecting, promoting and improving the public health, safety, morals and the general welfare of the people, the town is divided into the following districts:

R-AA	Large estate residential
R-A	Estate residential
R-B	Low-density residential
R-C	Medium-density residential
R-D(1)	Moderate High-density residential
R-D(2)	High-density residential
C-TS	Commercial—Town serving
C-WA	Commercial—Worth Avenue
C-OPI	Commercial—Offices, professional and institutional
C-PC	Commercial—Planned center
C-B	Commercial, offices -business
C	Conservation
PUD-A	Approved Planned Unit Development -The Breaker's Property

PUD-B	<u>Approved Planned Unit Development – Tres Vidas Property</u>
PUD-C	<u>Approved Planned Unit Development – Sloan’s Curve Property</u>
Beach area	Beach area
PR	<u>Parks and recreation</u>
PF	<u>Public facilities</u>

Sec. 134-752. Zoning map.

- (a) The boundaries of the districts are as shown upon the Official zoning map of the 2024 Comprehensive Plan Map Series, which was adopted by the Town Council on February 12, 2024, as a part of Ordinance No. 15-2024, and amended from time-to-time reference and made a part of this chapter. ~~and is entitled "Amended Zoning Map of the Town of Palm Beach, Florida," which original amended map bears the following legend: "Adopted March 26, 1974, as a part of Ordinance No. 2-74."~~

Sec. 134-755. Application of regulations.

Except as provided in this chapter:

- (5) For the purpose of calculating the permissible number of dwelling units per acre in this chapter, such calculations shall be based on an acre containing ~~40,000~~ 43,560 square feet. When dividing the size of a lot by 43,560 square feet and the total is not a whole number, round down to determine the permissible number of dwelling units.

Section 3. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 2.- R-AA LARGE ESTATE RESIDENTIAL DISTRICT, is hereby amended as follows:

Sec. 134-786. Purpose.

The purpose of the R-AA large estate residential district is to:

- (1) Implement the Single-Family Residential Future Land Use designation.
- (2) ~~p~~Provide for single-family estate residential use, as that term is defined in section 134-2, of spacious character together with publicly operated recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings.
- (3) ~~This district is located to p~~Protect and preserve existing development of estate character and contains vacant land considered appropriate for such development in the future.

Sec. 134-790. Special exception uses.

The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the R-AA large estate residential district are as follows:

- (1) Existing Approved planned unit developments.
- (2) Public structures.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Beach cabana houses intended for the use of family and guests.

Section 4. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 3.- R-A LARGE ESTATE RESIDENTIAL DISTRICT, is hereby amended as follows:

Sec. 134-836. Purpose.

The purpose of the R-A large estate residential district is to:

- (1) Implement the Single-Family Residential Future Land Use designation.
- (2) ~~p~~Provide for single-family estate residential use, as that term is defined in section 134-2, of spacious character together with publicly operated recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings.
- (3) ~~This district is located to p~~Protect and preserve existing development of estate character and contains vacant land considered appropriate for such development in the future.

Sec. 134-840. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-A estate residential district are as follows:

- (1) Existing Approved planned unit developments.
- (2) Public structures, including essential services west of Lake Trail.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Beach cabana houses intended for the use of family and guests.

Section 5. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 4.- R-B LOW DENSITY RESIDENTIAL DISTRICT, is hereby amended as follows:

Sec. 134-886. Purpose.

The purpose of the R-B low-density residential district is to:

- (1) Implement the Single-Family Residential Future Land Use designation.
- (2) ~~p~~**Provide** for low density single-family residential use, as that term is defined in section 134-2, of moderately spacious character together with publicly operated recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings.
- (3) ~~This district is located to~~ ~~p~~**Protect** and preserve existing development of this character and contains vacant land considered appropriate for such development in the future.

Sec. 134-890. Special exception uses.

- (1) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-B low-density residential district are as follows:
- (2) Existing Approved planned unit developments.
- (3) Public structures, including essential services west of Lake Trail.
- (4) Essential services related to town-owned municipal buildings and structures.
- (5) Beach cabana houses intended for the use of family and guests.

Section 6. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 5.- R-C MEDIUM DENSITY RESIDENTIAL DISTRICT, is hereby amended as follows:

Sec. 134-941. Purpose.

The purpose of the R-C medium-density residential district is to:

- (1) Implement the Medium Density Residential Future Land Use designation.
- (2) ~~m~~**Maintain** a generally spacious environment for residential uses, as that term is defined in section 134-2, but, at the same time, permit a desirable variety of housing types.
- (3) Support a P**population**, density and height of buildings that are low enough to be compatible with neighboring single-family development.
- (4) ~~Permitted~~ community facilities, such as park and recreation areas, public schools and essential services that are the same as for the single-family residential districts.

Sec. 134-945. Special exception uses.

- (1) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-C medium-density residential district are as follows:
- (2) Existing Approved planned unit developments.
- (3) Public structures/uses.
- (4) Essential services related to town-owned municipal buildings and structures.
- (5) Public or private academic schools.
- (6) Churches, synagogues and other houses of worship.
- (7) Supplemental parking.
- (8) Nonprofit cultural centers.
- (9) Municipally owned or operated parking areas.
- (10) Beach cabana houses intended for the use of family and guests only.

Sec. 134-946. Accessory structures.

- (a) *Accessory structures in R-C medium-density district.* Accessory structures in the R-C medium-density residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.
- (b) *Unattached accessory structures in R-C medium-density district.* Accessory structures without kitchen facilities may be erected in accordance with the following requirements:

- (4) For corner or through lots the street side yard or rear street yard setback shall be the same for unenclosed and enclosed accessory structures as for the principal structure, with the exception of garden walls and fences, which are regulated by division 5 of article VIII of this chapter, and except that in the R-C medium-density district, enclosed accessory structures may be permitted to be located within that portion of a required side yard that is in excess of the minimum side yard of 20 feet.
- (5) An accessory structure in the R-C medium-density district may be located within that portion of a required front yard that is in excess of the minimum 25-foot front yard.
- (6) Accessory structures in the R-C medium-density district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings, enclosed accessory structures, the height of which do not exceed plus

eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.

Sec. 134-952. Exemption to height limitations.

In the R-C medium-density residential zoning district, one architectural tower feature may be constructed as an integral part of a single-family or two-family dwelling provided that it does not exceed the allowable overall building height by five feet and is setback an additional five (5) feet on the front, rear, side, and street side and street rear yards; and, such tower has no usable floor area. The area of such tower shall not exceed two percent of the gross floor area of the dwelling. For a two-family dwelling each unit is allowed one architectural tower feature and said tower feature may not exceed 2% of the individual dwelling unit floor area. It is the intention of this section to allow only one tower as an architectural feature on a house and not to allow habitable space in upper areas of a tower on a house. It is also the intent that this section not apply to entry facades or parapets.

Section 7. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 6.- R-D(1) MODERATE DENSITY RESIDENTIAL DISTRICT, is hereby amended as follows:

DIVISION 6. R-D(1) MODERATE HIGH DENSITY RESIDENTIAL DISTRICT

Sec. 134-996. Purpose.

The purpose of the R-D(1) moderate high-density residential district is to:

- (1) Implement the High-Density Residential Future Land Use designation.
- (2) ~~p~~Provide for residential uses, as that term is defined in section 134-2, and a variety of housing types at a moderate high population density compatible with neighboring housing areas of lower density.

Sec. 134-997. Permitted uses.

The permitted uses in the R-D(1) moderate high-density residential district are as follows:

Sec. 134-998. Accessory uses.

The accessory uses in the R-D(1) moderate high-density residential district are as follows:

Sec. 134-999. Prohibited uses.

The specific prohibited uses of buildings or land in the R-D(1) **moderate high-density** residential district are as follows:

Sec. 134-1000. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-D(1) **moderate high-density** residential district are as follows:

- (1) **Existing Approved** Planned unit developments.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Roof-deck automobile parking.
- (8) Municipally owned or operated parking areas.
- (9) Beach **cabana** houses intended for the use of family and guests only.

Sec. 134-1001. Accessory structures.

- (a) *Accessory structures in R-D(1) district.* Accessory structures in the R-D(1) **moderate high-density** residential district shall comply in all respects with the lot, yard and bulk requirements of this chapter applicable to the principal structure unless stated otherwise.

Sec. 134-1002. Conversion of accessory structure to dwelling unit; termination of use of accessory structure separated from principal structure.

In the R-D(1) **moderate high-density** residential district, no accessory structure shall be used as or converted to a dwelling unit. If any accessory structure and use is subdivided from the principal structure and use to which it is accessory or, alternately, if the principal structure is demolished or removed, the use of such accessory structure shall be terminated until a new principal structure and use is established on the lot on which the accessory structure and use is located.

Sec. 134-1003. Accessory uses in multifamily dwellings.

Incidental services used in connection with multifamily structures in the R-D(1) **moderate high-density** residential district, including cigar or candy stands, delicatessens, personal service shops and similar uses, may be permitted provided the following conditions are fulfilled:

Sec. 134-1004. Lot, yard and area requirements—Generally.

In the R-D(1) **moderate high-density** residential district, the schedule of lot, yard and area requirements is as given in this section:

Sec. 134-1005. Same—Existing single-family dwelling development.

- (a) A single-family dwelling located in the R-D(1) **moderate high-density** residential district, which dwelling is nonconforming with any of the schedule of lot, yard and bulk regulations for this district; may be enlarged with a first story and/or second story addition, provided the addition complies with the current schedule of lot, yard and bulk regulations for this district;

Sec. 134-1006. Same—Exceptions.

In the R-D(1) **moderate high-density** residential district, exceptions to the yard regulations in section 134-1548 are as follows:

Sec. 134-1007. Awnings or trellises in side or rear yards.

In the R-D(1) **moderate high-density** residential district, as an exception to the yard regulations in section 134-1548, an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Awnings and/or trellises so erected may not be converted to permanent additions to the principal structure if such conversion would increase lot coverage of the principal structure above the allowed percentage.

Sec. 134-1008. Special exception to height regulations; special exception structures.

- (a) In order to encourage increased open space, landscaped open space, reduced density and lot coverage and architectural detail, the town council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height in the R-D(1) moderate high-density density residential district, upon a finding being made by the town council that the proposed increase in height for a contemplated special exception structure is in the public interest, that careful attention is given to architectural detail, and that it meets the standards of sections 134-227 through 134-233 and the following goals and guidelines:

- (b) In no event shall the building height in a R-D(1) moderate high-density exceed five stories and 55 feet, unless increased to a maximum of 62½ feet as follows:

Sec. 134-1009. Lot grade topography and drainage.

In the R-D(1) moderate high-density residential district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

Sec. 134-1010. Supplementary district regulations.

The supplementary district regulations which may be applicable to the R-D(1) moderate high-density residential district are contained in article VIII of this chapter.

Sec. 134-1011. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the R-D(1) moderate high-density residential district are contained in article IX of this chapter.

Sec. 134-1012. Signs.

The sign regulations which may be applicable in the R-D(1) moderate high-density residential district are contained in article XI of this chapter.

Sec. 134-1014. Exemption to height limitations.

In the R-D(1) moderate high-density residential district, one architectural tower feature may be constructed as an integral part of a single-family or two-family dwelling provided that it does not exceed the allowable overall building height by five feet and is setback an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower has no usable floor area. The area of such tower shall not exceed two

percent of the gross floor area of the dwelling. For a two-family dwelling each unit is allowed one architectural tower feature and said tower feature may not exceed two percent of the individual dwelling unit floor area. It is the intention of this section to allow only one tower as an architectural feature on a house and not to allow habitable space in upper areas of a tower on a house. It is also the intent that this section not apply to entry facades or parapets.

Section 8. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 7.- R-D(2) HIGH DENSITY RESIDENTIAL DISTRICT, is hereby amended as follows:

Sec. 134-1051. Purpose.

The purpose of the R-D(2) high-density residential district is to:

- (1) Implement the High-Density Future Land Use designation.
- (2) pProvide for residential uses, as that term is defined in section 134-2, of a variety of dwelling types, and under carefully controlled conditions, hotels and timesharing uses.
- (3) Provide a Ppermitted population density falls in the lower range of what is generally considered high-density development.

Sec. 134-1055. Special exception uses.

The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the R-D(2) high-density residential district are as follows:

- (1) Existing Approved planned unit developments.
- (2) Public structures/uses.
- (3) Essential services related to town-owned municipal buildings and structures.
- (4) Public or private academic schools.
- (5) Churches, synagogues and other houses of worship.
- (6) Supplemental parking.
- (7) Accessory commercial uses to hotel uses.
- (8) Municipally owned or operated parking areas.
- (9) Beach cabana houses intended for the use of family and guests only.

Sec. 134-1057. Accessory structures.

- (2) All enclosed or partially enclosed accessory buildings shall comply with all open yard requirements contained in this chapter for the principal structure for the R-D(2) high-density residential zoning district in which the buildings are located, except as otherwise provided in this section. The term "enclosed or partially enclosed" means either all or a portion of the building floor area is protected from the weather by permanent construction.

- (5) An accessory structure in the R-D(2) high-density residential district may be located within that portion of a required front yard that is in excess of the minimum 25-foot front yard.
- (6) Accessory structures in the R-D(2) high-density residential district used for auto storage; lot coverage computations. In determining the percentage of coverage of a lot by buildings, enclosed accessory structures, the height of which do not exceed plus eight feet above zero datum for the lot, and for which they are designed and used exclusively for the purpose of auto storage, shall be counted, for the purpose of computing maximum lot coverage of buildings, at 50 percent of its roof area, provided that the structure shall be substantially screened through the use of earth berms, ground cover and other means of landscaping, and further provided that the roof thereof shall be landscaped.

Sec. 134-1064. Special exception to height regulations; special exception structures.

- (b) In no event shall the building height in an R-D(2) high-density residential zoning district exceed five stories and 55 feet, unless increased to a maximum of 62½ feet as follows:

Sec. 134-1070. Exemption to height limitations.

In the R-D(2) high-density residential zoning district, one architectural tower feature may be constructed as an integral part of a single-family or two-family dwelling provided that it does not exceed the allowable overall building height by five feet and is setback an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower has no usable floor area. The area of such tower shall not exceed two percent of the gross floor area of the dwelling. For a two-family dwelling each unit is allowed one architectural tower feature and said tower feature may not exceed two percent of the individual dwelling unit floor area. It is the intention of this section to allow only one towers as an architectural feature on a house and not to allow habitable space in upper areas of a tower on a house. It is also the intent that this section not apply to entry facades or parapets.

Section 9. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 8.- C-TS TOWN-SERVING COMMERCIAL DISTRICT, is hereby amended as follows:

Sec. 134-1106. Purpose and limitations.

The purpose of the C-TS town-serving commercial district is to:

(1) Implement the Comprehensive Plan Commercial Future Land Use designation.

~~(1)(2)~~ Create, preserve and enhance areas of attractive, small-scale, retail, personal and professional/business services to be developed either as a unit or in individual parcels, providing for the frequently recurring needs of townpersons.

~~(2)(3)~~ Enhance the general character of the district and its compatibility with its residential surroundings, and, therefore, signs are limited to those accessory to businesses conducted on the premises, including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district, limitations on gross ~~leasable square floor (GLA) (GSF)~~ area are imposed.

Sec. 134-1107. Permitted uses.

(a) Enumeration; maximum gross ~~leasable floor~~ area. The permitted uses in the C-TS town-serving commercial district, with a maximum of 3,000 ~~gross floor area (GFA) (GLA) gross leasable area (GLA)~~, are as follows:

~~(10) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182. This use will sunset on March 13, 2024, unless extended or modified by town council.~~

~~(9) Residence(s) above the first floor.~~

~~(10) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182. This use will sunset on March 13, 2024, unless extended or modified by town council.~~

(b) Residence(s) above the first floor.

~~(b)(c)~~ *Regulation of existing nonconforming commercial uses.* Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 3,000 ~~gross floor area square feet of gross leasable area (GLA)~~ shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum ~~gross leasable area~~ of 3,000 ~~square feet gross floor area~~, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a ~~gross leasable area building~~ exceeding 3,000 gross floor area ~~square feet~~, the contemplated new use shall be subject to prior approval of a special exception application by the town

council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 ~~gross floor area square feet, in a district with a 3,000-square footage limitation,~~ to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 8,000 square feet exists in the C-TS district and the owner wishes to change to an antique store of the same size or subdivide into two 4,000-square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 3,000 ~~square feet maximum gross leasable area (GLA) gross floor area~~ regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total ~~gross leasable area (GLA)~~ to more than 3,000 ~~square feet floor area~~

Sec. 134-1109. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-TS Town-serving commercial districts are as follows:

(11) Permitted uses, or uses not specifically enumerated under permitted uses in section 134-11078 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 ~~gross square floor area (GFA) gross leasable area.~~

Sec. 134-1113. Lot, yard and area requirements—Generally.

In the C-TS town-serving commercial district, the schedule of lot, yard and area requirements is as given in this section:

(12) *Floor area*

- a. For one-story buildings, the maximum gross floor area of buildings is 15,000 square feet.
- b. For two-story buildings, the maximum gross floor area of buildings is 15,000 square feet.
- c. Sub-basements shall be exempt from the maximum floor area requirements. Individual building elements extending above ground from, a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.

Section 9. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 9.- C-WA WORTH AVENUE DISTRICT, is hereby amended as follows:

Sec. 134-1156. Purpose.

The purpose of the C-WA Worth Avenue commercial district is to:

- (1) Implement the Comprehensive Plan Commercial Future Land Use designation.
- (2) Adhere to the development standards contained in the Worth Avenue Design Guidelines.
- (3) Preserve and enhance an area of unique quality and character oriented to pedestrian comparison shopping and providing a wide range of retail and service establishments, to be developed whether as a unit or as individual parcels, serving the short-term and long-term needs of townpersons.
- (4) Drive-in retail facilities are not permitted.
- (5) Further it shall be the intent of this district to enhance the town-serving character of the area through use of limitations on maximum gross ~~leasable floor~~ area (GFA) (GLA); thereby reducing the problems of parking and traffic congestion determined to result from establishments of a region-serving scale.

Sec. 134-1157. Permitted uses.

- (a) *Enumeration; maximum gross ~~leasable floor~~ area.* The permitted uses in the C-WA Worth Avenue commercial district, with a maximum of 4,000 gross square floor area (GFA) of gross leasable area (GLA), are as follows:

~~(31) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182. This use will sunset on March 13, 2024, unless extended or modified by town council.~~

~~(29) Residence(s) above the first floor.~~

~~(30)(29)~~ Combinations of the uses in subsections (a)(1) through (28) of this section.

~~(31) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182 This use will sunset on March 13, 2024, unless extended or modified by town council.~~

- (b) Residence(s) above the first floor.

~~b)(c)~~ *Regulation of existing nonconforming commercial uses.* Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 4,000 square feet of ~~gross leasable area (GLA) gross floor area~~ shall be classified as existing nonconforming uses under article VI of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum ~~gross leasable area of~~ 4,000 gross floor area square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a ~~gross leasable area~~ exceeding 4,000 gross floor area square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 4,000 square feet, in a district with a 4,000 gross

~~floor area square footage~~ limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 10,000 square feet exists in the C-WA district and the owner wishes to change to an antique store of the same size or to subdivide into two 5,000 square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 4,000 square feet maximum ~~gross leasable area (GLA)~~ gross floor area regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total ~~gross leasable area (GLA)~~ size of the building to more than 4,000 square feet

Sec. 134-1163. Lot, yard and area requirements—Generally.

In the C-WA Worth Avenue district, the schedule of lot, yard and area requirements is as given in this section:

(12) *Floor area ratio.*

- a. For one-story buildings, the maximum gross floor area of buildings is 15,000 square feet.
- b. For two-story buildings, the maximum gross floor area of buildings is 15,000 square feet.
- c. Refer to Work Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.
- d. Sub-basements are exempt from the maximum, building length, requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.

Section 10. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 10.- C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT, is hereby amended as follows:

Sec. 134-1206. Purpose.

The purpose of the C-OPI office, professional and institutional district is to:

- (1) Implement the Comprehensive Plan Commercial Future Land Use designation.
- (2) Provide locations for administrative, professional business and institutional offices which are adequate for the town's needs and convenient for use by town citizens.

Sec. 134-1207. Permitted uses.

The permitted uses in the C-OPI office, professional and institutional district are as follows:

- (1) Offices and professional and business services and executive offices, excluding veterinarian offices.
- (2) Brokerage and trust companies.
- (3) Yacht Brokerage with no display of merchandise on premises.
- (4) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.
- (5) (6) Essential services.
- (6) (5) Residence(s) above the first floor.
- ~~(7) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182. This use will sunset on March 13, 2024, unless extended or modified by town council.~~

Sec. 134-1213. Lot, yard and area requirements—Generally.

In the C-OPI office, professional and institutional district, the schedule of lot, yard and area requirements is as given in this section:

(12) Floor area.

- a. For one-story buildings, the maximum gross floor area of buildings is 15,000 square feet.
- b. For two-story buildings, the maximum gross floor area of buildings is 15,000 square feet.
- c. For three-story buildings, the maximum gross floor area of buildings is 30,000 square feet.
- d. Sub-basements are exempt from the maximum building length, requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.

Section 11. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 11.- C-PC PLANNED CENTER DISTRICT, is hereby amended as follows:

Sec. 134-1256. Purpose and intent.

~~It is the intent of the C-PC planned center district to~~

The purpose of the C-PC planned center district is to:

(1) Implement the Comprehensive Plan Commercial Future Land Use designation.

(2) Preserve and enhance an area of unique character oriented toward a combination of office, professional and retail uses to be developed either as a unit or as individual parcels. ~~Further, it is the intent of this district to~~

- (3) Enhance the town-serving character of the area through limitation on maximum gross ~~leasable floor area (GLA)~~(GFA).

Sec. 134-1257. Permitted uses.

- (a) The permitted uses in the C-PC planned center district commercial district, with a maximum of 3,000 with no limitations on gross ~~leasable area (GLA) floor area (GFA)~~ are as follows:

- (27) Maximum 3,000 square feet of ~~GLA GFA~~. All other retail shops, personal services and banks and financial institutions not specifically cited under the permitted uses in subsection.

- (b) *Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses under subsection (a)(2) of this section which contain more than 3,000 ~~gross floor feet of gross leasable area (GLA)~~ shall be classified as existing nonconforming uses (refer to division 2 of article IV of this chapter). However, all future changes of use shall be limited to those uses listed as permitted uses in subsection (a) of this section with a maximum ~~gross leasable area~~ of 3,000 gross ~~floor area square feet~~, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, or from one generic use (residential, commercial, public/private group use) to another, wherein the new use will involve a ~~gross leasable area~~ exceeding 3,000 ~~square feet gross floor area~~, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 gross ~~square feet floor area~~, in a district with a 3,000-~~square-foot gross floor area~~ limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. No existing commercial use which is subject to the 3,000 ~~square feet~~ maximum ~~gross leasable area (GLA) gross floor area~~ regulation may occupy additional space within 1,500 feet of the existing licensed businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total ~~gross leasable area (GLA) gross floor area~~ to more than 3,000 square feet.*

Sec. 134-1259. Special exception uses.

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-PC planned center district are as follows:

- (11) All retail and personal service activities exceeding 3,000 square feet gross ~~leasable area floor area~~ not specifically cited under the permitted uses in subsection 134-1257(a)(2).

Section 12. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 12.- C-B COMMERCIAL DISTRICT, is hereby amended as follows:

DIVISION 12. C-B COMMERCIAL BUSINESS DISTRICT

Sec. 134-1301. Purpose.

The purpose of the C-B commercial business district is to:

(1) Implement the Comprehensive Plan Commercial Future Land Use designation.

(2) Create an environment especially suited to a group of professional and administrative offices compatible in appearance with single-family housing.

Sec. 134-1302. Permitted uses.

(a) Enumeration; maximum gross leasable floor area. The permitted uses in the C-B commercial district require a site plan and review as required in article III of this chapter.

(b) The permitted uses in the C-B commercial business district are as follows:

Sec. 134-1303. Accessory uses.

(a) The accessory uses in the C-B commercial business district require a site plan and review as provided in article III of this chapter.

(b) The accessory uses in the C-B commercial business district are as follows:

Sec. 134-1304. Special exception uses.

(a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-B commercial business district are as follows:

Sec. 134-1306. Accessory structures.

(a) *Generally.* Enclosed accessory structures in the C-B commercial business district shall comply with front and side yard requirements for the principal structure to which they are accessory and shall not be closer to any rear property line than ten feet.

Sec. 134-1307. Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications for new buildings or for new building additions or for changes in a permitted use in section 134-1302 which involve more than 2,000 square feet of building floor area of buildings in the C-B commercial business district shall require a site plan approval in accordance with article III of this chapter. No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. The maximum dimension of any structure or group of attached structures shall not exceed 150 feet.

Sec. 134-1308. Lot, yard and area requirements—Generally.

In the C-B commercial business district, the schedule of lot, yard and area requirements is as given in this section:

- (1) *Lot area.* The minimum lot area is 15,000 square feet.
- (2) *Lot width.* The minimum lot width is 100 feet.
- (3) *Lot depth.* The minimum lot depth is 150 feet.

(5) *Front yard.*

- a. For one-story buildings, the minimum front yard setback is ten feet.
- b. For two-story buildings, the minimum front yard setback is ten feet.
- c. The minimum front yard setback is 25 feet when applied to hotel uses and timesharing uses permitted as a special exception in a C-B business district.

(9) *Lot coverage.*

- a. For one-story buildings, the maximum lot coverage is 60 percent.
- b. For two-story buildings, the maximum lot coverage is 30 percent.
- c. The maximum lot coverage for two-story buildings is 50 percent when applied to hotel uses and timesharing uses permitted as a special exception in a C-B commercial business district.

Sec. 134-1309. – Same – Exceptions.

- (a) In the C-B commercial business district, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.

Sec. 134-1310. – Commercial buildings.

In addition to the site plan review required by article III of this chapter, the town council shall consider the following guidelines and development requirements in connection with such review of commercial buildings in the C-B commercial business zoning district:

Sec. 134-1311. Supplementary district regulations.

The supplementary district regulations which may be applicable to the C-B commercial business district are contained in article VIII of this chapter.

Sec. 134-1312. Off-street parking and loading.

The off-street parking or loading requirements which may be applicable in the C-B commercial business district are contained in article IX of this chapter.

Sec. 134-1313. Signs.

The sign regulations which may be applicable in the C-B commercial business district are contained in article XI of this chapter.

Sec. 134-1315. Architectural tower features.

In the commercial business zoning districts, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets.

Sec. 134-1316. Lot grade topography and drainage.

In the C-B commercial business district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.

Section 13. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 13.- C CONSERVATION DISTRICT, is hereby amended as follows:

Sec. 134-1351. Purpose.

~~The purpose of the C conservation district is to preserve and protect existing undeveloped lands, including the protection of wildlife and ecological habitat and other unique environmental characteristics of the land.~~

The purpose of the C conservation district is to:

- (1) Implement the Conservation Future Land Use designation of the Town of Palm Beach Comprehensive Plan.

(1)(2) Preserve and protect existing undeveloped lands, including the protection of wildlife and ecological habitat and other unique environmental characteristics of the land.

Section 13. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 14.- PUD PLANNED UNIT DEVELOPMENT DISTRICT, is hereby amended as follows:

~~Sec. 134-1391. Purpose.~~

~~The purpose of a PUD planned unit development district is to:~~

~~Encourage flexibility in the design and development of land in order to encourage its most appropriate use; Facilitate the adequate and economic provision of streets, utilities and public spaces; Preserve the natural and scenic qualities of open areas.~~

~~(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a) — (d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a) — (d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f) — (h), 3-1-84; Ord. No. 1-85, § 2(g) — (k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c) — (f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f) — (i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1 — 7, 2-9-93)~~

~~Sec. 134-1392. Procedure for approval of planned unit development.~~

~~The procedure and requirements for approval of a planned unit development is in article V of this chapter.~~

~~Sec. 134-1393. Permitted uses.~~

~~The permitted uses in the PUD planned unit development district are as follows:~~

~~(1) Planned unit development, as provided in article V of this chapter.~~

~~(2) Golf course.~~

~~(3) Single-family dwellings.~~

~~(4) Essential services.~~

~~(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a) — (d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a) — (d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f) — (h), 3-1-84; Ord. No. 1-85, § 2(g) — (k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c) — (f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f) — (i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1 — 7, 2-9-93; Ord. No. 16-2012, § 8, 12-12-12).~~

Sec. 134-1394. Accessory uses.

The accessory uses in the PUD planned unit development district are accessory uses customarily incident to the permitted or approved special exception uses:

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93.

Sec. 134-1395. Special exception uses.

The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the PUD planned unit development zoning district are as follows:

(1)—Private social, swimming, golf, tennis and yacht clubs.

(2)—Municipally owned and operated parks and recreations areas.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 16-2012, § 16, 12-12-12)

Sec. 134-1396. Lot, yard and area requirements.

In the PUD district, the schedule of lot, yard and area requirements as given in this section apply to single-family permitted uses which are not a part of a PUD application. See article V of this chapter for appropriate standards for all PUD districts:

(1)—*Lot area.* The minimum lot area is 20,000 square feet.

(2)—*Lot width.* The minimum lot width is 100 feet.

(3)—*Lot depth.* The minimum lot depth is 150 feet.

(4)—*Density.* The maximum density is two dwelling units per acre.

(5)—*Front yard.* The minimum front yard setback is 30 feet.

(6)—*Side yard.* The minimum side yard setback is 15 feet.

(7)—*Rear yard.* The minimum rear yard setback is 15 feet.

(8)—*Height and overall height.* The maximum building height is 25 feet, not to exceed two stories.

~~(9) *Lot coverage.* The maximum lot coverage is 35 percent.~~

~~(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)–(e), 3-1-84; Ord. No. 1-85, § 2(b)–(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)–(d), 2-6-89; Ord. No. 1-90, § 2(a)–(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2–4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98.~~

~~(4) *Density.* The maximum density is two dwelling units per acre.~~

~~(5) *Front yard.* The minimum front yard setback is 30 feet.~~

~~(6) *Side yard.* The minimum side yard setback is 15 feet.~~

~~(7) *Rear yard.* The minimum rear yard setback is 15 feet.~~

~~(8) *Height and overall height.* The maximum building height is 25 feet, not to exceed two stories.~~

~~(9) *Lot coverage.* The maximum lot coverage is 35 percent.~~

~~(Ord. No. 2-74, schedule A, 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)–(e), 3-1-84; Ord. No. 1-85, § 2(b)–(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)–(d), 2-6-89; Ord. No. 1-90, § 2(a)–(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 1-96, § 8, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2–4, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98.~~

~~Sec. 134-1398. Off-street parking and loading.~~

~~The off-street parking or loading requirements which may be applicable in the PUD planned unit development district are contained in article IX of this chapter.~~

~~Sec. 134-1399. Signs.~~

~~The sign regulations which may be applicable in the PUD planned unit development district are contained in article XI of this chapter~~

~~Sec. 134-1400. Accessory structures.~~

~~*Dish antennas.* A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Such dish antenna which exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and, shall not be located in a required front yard, street side yard~~

~~or rear street yard setback. There shall be no limit on dish antennas one meter or less in diameter and said antenna(s) may be attached or~~

~~unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed 12 feet in height above the average grade, be located no closer than ten feet to any side or rear lot line; and, shall not be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in the PUD zoning districts shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.~~

~~(Ord. No. 1-99, § 10, 4-5-99.~~

~~Sec. 134-1401. Air conditioning and generator equipment.~~

~~Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.~~

~~(Ord. No. 1-99, § 11, 4-5-99)~~

~~Sec. 134-1402. Lot grade topography and drainage.~~

~~In the PUD, planned unit development district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued which addresses the paving and drainage requirements of the town.~~

~~(Ord. No. 19-2021, § 5, 9-13-21)~~

~~Secs. 134-1403—134-1470. Reserved.~~

Sec. 134-1391. Approved PUDs.

All approved PUDs are vested for their existing development rights. Any proposed amendments to an approved PUD shall be processed pursuant to the provisions of this zoning code as amended from time to time.

Section 14. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 15.- BEACH AREA DISTRICT, is hereby amended as follows:

~~Sec. 134-1471. Location.~~

~~Certain lands in the town lying along the Atlantic Ocean and indicated on the zoning map are defined to be beach area, and are subject to the provisions of this division (see the~~

~~accompanying zoning map as defined by section 134-752 for the specific location of the beach area);~~

~~(Ord. No. 2-74, § 5.47, 3-26-74; Ord. No. 5-78, § 4, 3-31-78; Ord. No. 7-82, § 4(f), 3-31-82; Ord. No. 1-89, § 3(b), 2-6-89; Ord. No. 1-90, § 3(f), 2-5-90; Ord. No. 1-91, § 3(d), 4-23-91; Ord. No. 1-92, § 3(c), 2-3-92; Ord. No. 1-93, § 3(f), 2-8-93)~~

Sec. 134-1472. Purpose.

The purpose of the BA district is to:

- (1) Implement the Beach Area Future Land Use designation of the Town of Palm Beach Comprehensive Plan.
- (2) To protect certain lands in the Town lying along the Atlantic Ocean and indicated on the Future Land Use and Zoning Maps to be Beach area and are subject to the provisions of this division.

Sec. 134-1473. Special exception uses and structures.

- (a) The special exception uses and structures require a site plan review as provided in article III of this chapter. The special exception uses in the B-A, Beach Area district are as follows:

- (1) One beach cabana house ~~structure~~.

Sec. 134-1474. Height, width and length limit for properties adjacent to properties in the R-B district.

- (2) Beach cabana houses in excess of 200 square feet permitted and constructed subsequent to February 8, 1993, shall provide an ocean vista equal to 50 percent of the lot width. Within the vista area, no structure or vegetation shall exceed 30 inches in height measured above Ocean Boulevard.

Sec. 134-1475. Height, width and length limit for properties adjacent to properties in districts other than R-B.

- (3) The beach cabana house ~~structure~~ shall be set back not less than 35 feet from the west property line; and

Sec. 134-1476. Number of beach cabana house buildings and setback.

- (a) Not more than one beach cabana house structure shall be erected on property under single ownership, and not more than one beach cabana house structure shall be erected on a lot in accordance with the following minimum lot frontage requirement:

Section 15. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 15.- CI CULTURAL INSTITUTION DISTRICT, is hereby amended as follows:

Sec. 134-1482. Purpose.

The purpose of the CI Cultural Institution district is to:

- (1) Implement the Private Group Use Future Land Use designation.
- (2) ~~The intent of the CI district is to p~~Provide for uses such as not-for-profit cultural and art institutions, in a campus setting at a scale and intensity intended to primarily serve the needs of town-persons. A campus shall be defined as the total of all of the property, or lots included in a unity of title approved by the town, that are utilized for such purpose, owned and operated by a single not-for-profit cultural and arts institution. A campus owned by a single not-for-profit cultural and arts institution, or subject to an approved unity of title, shall be considered one parcel of land for the purposes of administering the requirements of this division and thus applied to the entire campus and not on an individual lot by lot basis.

Section 16. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 17.- PR PARKS AND RECREATION DISTRICT, is hereby amended as follows:

DIVISION 17. PR PARKS, AND RECREATION DISTRICT

Sec. 134-1501. Purpose and Intent

- (1) The purpose of the PR Parks and Recreation district is to implement the Recreation Future Land Use designation of the Town of Palm Beach Comprehensive Plan.
- (2) The PR Parks and Recreation district is intended for passive public parks and open space and active recreational uses and activities at a scale and intensity necessary to serve the needs of Town residents and to preserve the natural and scenic resources of the Town.

Sec. 134-1502. Permitted uses.

The permitted uses in the PR Parks and Recreation District are as follows:

- (1) Parks and recreational facilities owned, leased, or operated by the Town or another governmental agency.
- (2) Public and private gardens and passive parks.

Sec. 134-1503. Accessory uses.

The accessory uses in the PR Parks and Recreation District are as follows:

- (1) Maintenance buildings for the upkeep of active parks and recreational facilities.

Sec. 134-1504. Special exception uses.

The special exception uses in the PR Parks and Recreation District are as follows:

- (1) Golf courses, including private, semi-private, or public golf courses that are not owned, leased, or operated by the Town or Palm Beach County.
- (2) Indoor fitness centers owned and operated by the Town.
- (3) Ancillary restaurants to the parks and recreational facilities.

Sec. 134-1505. Development parameters

The development standards in the PR Parks and Recreation District are as follows:

- (1) Height.

No building or structure, or part thereof, shall be erected or altered to a height exceeding 30 feet.

- (2) Setbacks and landscape buffers.

The minimum setbacks and landscape buffers shall be determined as part of the review and approval of a site plan by ARCOM, LPC, or Town Council, after considering

the proposed use and development of the park, the impact of the proposed use or development upon the adjacent area, and the minimum setbacks and landscape buffers required for other properties in the adjacent area in order to be compatible with adjacent areas.

DRAFT

Section 17. Chapter 134, Zoning Article VI, DISTRICT REGULATIONS, Division 18.- PF PUBLIC FACILITIES DISTRICT, is hereby amended as follows:

DIVISION 18. PF PUBLIC FACILITIES DISTRICT

Sec. 134-1511. Purpose and Intent.

- (1) The purpose of the PF Public Facilities district is to implement the Town of Palm Beach Comprehensive Plan Public Future Land Use designation.
- (2) The PF Public Facilities district includes buildings that are owned, operated, and maintained by the Town of Palm Beach or another government entity for the use of Town persons. These facilities are intended to serve the needs of the Town, providing access to essential governmental services.

Sec. 134-1512. Permitted uses.

The permitted uses in the PF Public Facilities district are as follows:

- (1) Public buildings owned, leased, or operated by the Town or Palm Beach County, such as, but not limited to Town Hall, the Police and Fire Departments.
- (2) Public structures.
- (3) Essential services.

Sec. 134-1513. Development standards.

The development standards in the PF Public Facilities district are as follows:

- (1) Height.
No building or structure, or part thereof, shall be erected or altered to a height exceeding the tallest public building.
- (2) Setbacks and landscape buffers.
The minimum setbacks and landscape buffers shall be determined as part of the review and approval of a site plan by ARCOM, LPC, or Town Council, after considering the proposed use and development of the public facility, the impact of the proposed use or development upon the adjacent area, and the minimum setbacks and landscape buffers required for other properties in the adjacent area in order to be compatible with adjacent areas.

Section 18. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 19. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 20. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 21. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of ____, 2025; and for the Second and Final Reading on this ____ day of ____, 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, President Pro Tem

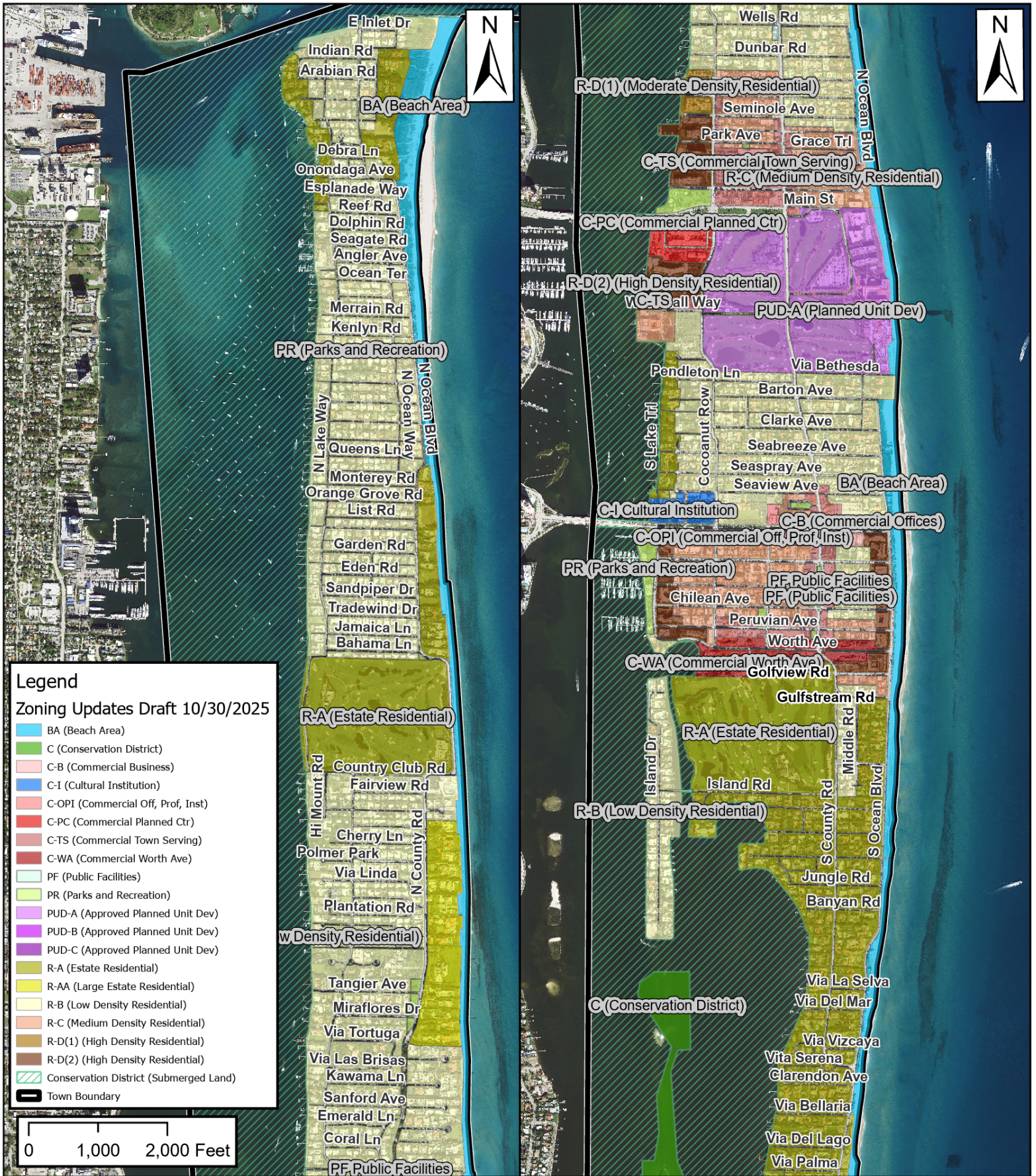
Julie Araskog, Town Council Member

ATTEST:

Bridget Moran, Town Council Member

Kelly Churney, Town Clerk

Edward Cooney, Town Council Member



Planning, Zoning & Building Department

Phone: (561) 838-5431

Email: pzb@townofpalmbeach.com

Website: <https://www.townofpalmbeach.com>

This map contains approximate locations and information based on current available public records.



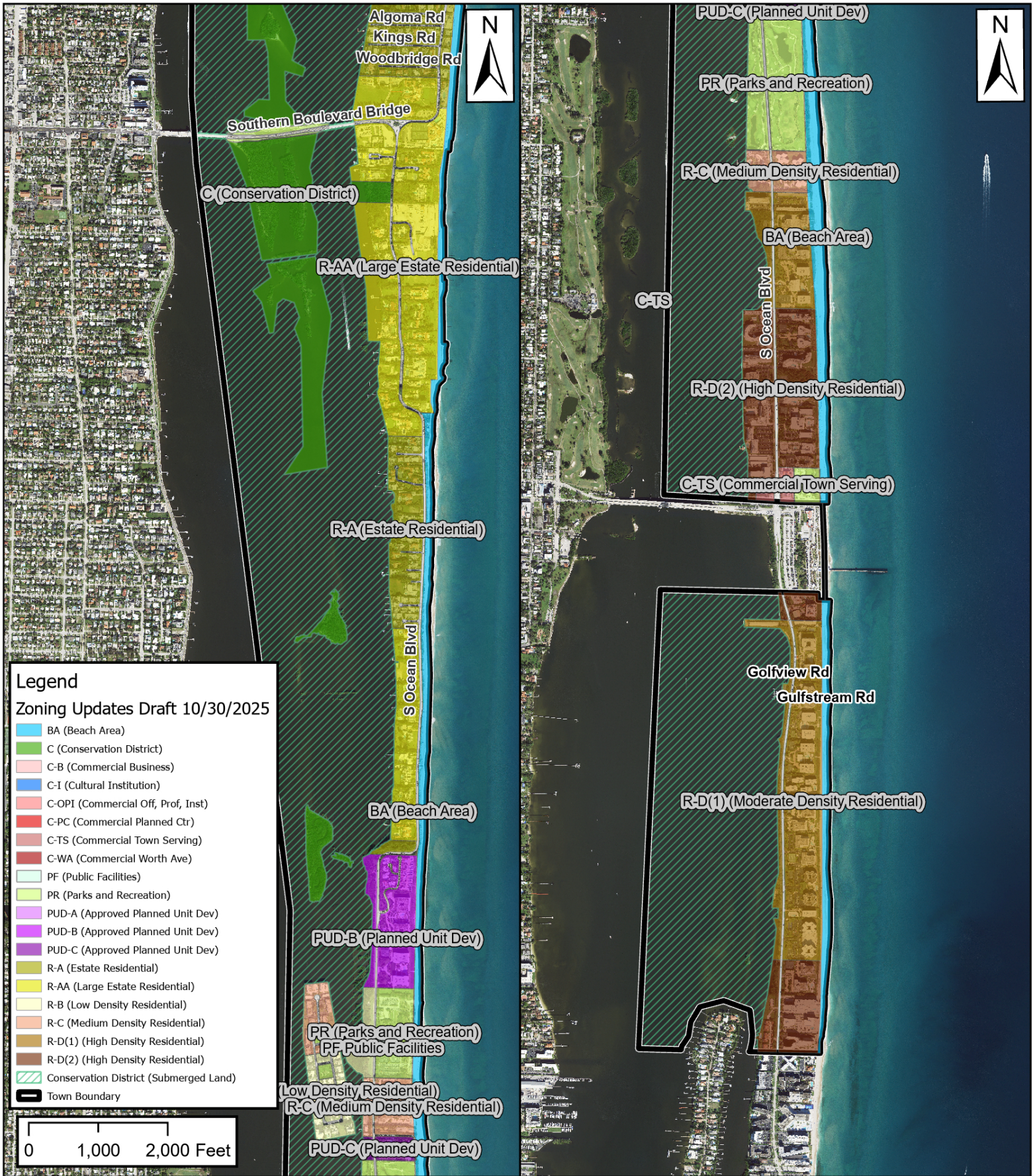
Proposed Zoning Map

GIS Department

Sheet
1 of 2

Date

12/18/2025



Planning, Zoning & Building Department

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This map contains approximate locations and information based on current available public records.



Proposed Zoning Map

GIS Department

Sheet
2 of 2

Date

12/18/2025

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: January 6, 2026

To: Planning and Zoning Commission

Via: Wayne Bergman, Director of Planning, Zoning, & Building

From: Joanne O'Connor, Jones Foster, Town Attorney
Peter Henn, Jones Foster, Attorney

Re: Review and Recommendation of Draft Ordinance No. 034-2025 regarding SB 954 Community Certified Recovery Residences

Date: 12/22/2025

ATTACHMENTS

Memorandum from Town Attorney
SB 954 Community Certified Recovery Residences

STRATEGIC PLAN

Strategic Priorities:
Governmental Leadership and Innovation, Community Culture and Character

Strategic Focus Areas:
Cooperative Relationships
Community Preservation
Quality of Life

FUNDING

No Fiscal Impact

Memo

To: Planning and Zoning Commission
From: Town Attorney, Joanne M. O'Connor
Date: January 6, 2026
Subject: Reasonable Accommodation Procedures and Certified Recovery Residences

The Florida Legislature passed SB 954 (copy attached) requiring updated language on certified recovery residences be adopted by January 1st. Given the regulations the Town already has on Reasonable Accommodations in Section 134-2112 of the Zoning Code, we believe we are fine to bring this Ordinance to you now for your review and consideration and then to the Town Council for first reading later in January and second reading in February.

The draft Ordinance is attached amending Section 134-2112 of the Zoning Code by incorporating certain procedural requirements within SB 954. This draft also includes additional provisions dealing with certified recovery residences, including annual certification and revocation provisions.

This draft Ordinance meets the requirements of SB 954 and is consistent with federal law regarding the Fair Housing Amendments Act and Americans with Disabilities Amendments Act.

E S T .
1 9 2 4

Joanne M. O'Connor
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joconnor@jonesfoster.com

505 South Flagler Drive, Suite 1100 West Palm Beach, FL 33401

jonesfoster.com

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1
2 An act relating to certified recovery residences;
3 amending s. 397.487, F.S.; requiring, by a specified
4 date, the governing body of each county or
5 municipality to adopt an ordinance to establish
6 procedures for the review and approval of certified
7 recovery residences; requiring that such ordinance
8 include a process for requesting reasonable
9 accommodations from any local land use regulation that
10 serves to prohibit the establishment of a certified
11 recovery residence; specifying criteria for the
12 ordinance; providing that the ordinance may establish
13 additional requirements for the review and approval of
14 reasonable accommodation requests; requiring that such
15 additional requirements be consistent with federal law
16 and not conflict with the act; prohibiting the
17 ordinance from requiring public hearings beyond the
18 minimum required by law; providing that the ordinance
19 may include provisions for revocation of a granted
20 accommodation for cause, if the accommodation is not
21 reinstated within a specified timeframe; providing
22 construction; amending s. 397.4871, F.S.; providing
23 that the personnel-to-resident ratio for a certified
24 recovery residence must be met only when the residents
25 are at the residence; providing that a certified
26 recovery residence administrator for Level IV
27 certified recovery residences which maintains a
28 specified personnel-to-patient ratio has a limitation
29 on the number of residents it may manage; providing an

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effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (15) and (16) are added to section 397.487, Florida Statutes, to read:

397.487 Voluntary certification of recovery residences.—

(15) (a) By January 1, 2026, the governing body of each county or municipality shall adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction. The ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence.

(b) At a minimum, the ordinance must:

1. Be consistent with the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

2. Establish a written application process for requesting a reasonable accommodation for the establishment of a certified recovery residence, which application must be submitted to the appropriate local government office.

3. Require the local government to date-stamp each application upon receipt. If additional information is required, the local government must notify the applicant in writing within the first 30 days after receipt of the application and allow the applicant at least 30 days to respond.

4. Require the local government to issue a final written determination on the application within 60 days after receipt of

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a completed application. The determination must:

a. Approve the request in whole or in part, with or without conditions; or

b. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

5. Provide that if a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

6. Require that the application include, at a minimum:

a. The name and contact information of the applicant or the applicant's authorized representative;

b. The property address and parcel identification number;
and

c. A description of the accommodation requested and the specific regulation or policy from which relief is sought.

(c) The ordinance may establish additional requirements for the review or approval of reasonable accommodation requests for establishing a certified recovery residence, provided such requirements are consistent with federal law and do not conflict with this subsection.

(d) The ordinance may not require public hearings beyond the minimum required by law to grant the requested accommodation.

(e) The ordinance may include provisions for the revocation of a granted accommodation of a certified recovery residence for cause, including, but not limited to, a violation of the conditions of approval or the lapse, revocation, or failure to

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maintain certification or licensure required under this section,
if not reinstated within 180 days.

(f) The ordinance and establishment of a reasonable
accommodation process does not relieve the local government from
its obligations under the Fair Housing Amendments Act of 1988,
42 U.S.C. ss. 3601 et seq., and Title II of the Americans with
Disabilities Act, 42 U.S.C. ss. 12131 et seq. The regulation for
which the applicant is seeking a reasonable accommodation must
not facially discriminate against or otherwise disparately
impact the applicant.

(16) The application of this section does not supersede any
current or future declaration or declaration of condominium
adopted pursuant to chapter 718; any cooperative document
adopted pursuant to chapter 719; or any declaration or
declaration of covenant adopted pursuant to chapter 720.

Section 2. Paragraph (c) of subsection (8) of section
397.4871, Florida Statutes, is amended to read:

397.4871 Recovery residence administrator certification.—

(8)

(c) Notwithstanding paragraph (b), a Level IV certified
recovery residence operating as community housing as defined in
s. 397.311(9), which residence is actively managed by a
certified recovery residence administrator approved for 100
residents under this section and is wholly owned or controlled
by a licensed service provider, may:

1. Actively manage up to 150 residents so long as the
licensed service provider maintains a service provider
personnel-to-patient ratio of 1 to 8 and maintains onsite
supervision at the residence during times when residents are at

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the residence ~~24 hours a day, 7 days a week,~~ with a personnel-
to-resident ratio of 1 to 10.

2. Actively manage up to 300 residents, so long as the
licensed service provider maintains a service provider
personnel-to-patient ratio of 1 to 8 and maintains onsite
supervision at the residence during times when residents are at
the residence with a personnel-to-resident ratio of 1 to 6.

A certified recovery residence administrator who has been
removed by a certified recovery residence due to termination,
resignation, or any other reason may not continue to actively
manage more than 50 residents for another service provider or
certified recovery residence without being approved by the
credentialing entity.

Section 3. This act shall take effect July 1, 2025.

ORDINANCE NO. 34-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING BY AMENDING ARTICLE VIII, DIVISION 16. – REASONABLE ACCOMMODATION PROCEDURES AT SECTIONS 134-2112 REASONABLE ACCOMMODATION PROCEDURES TO UPDATE THE TOWN'S REASONABLE ACCOMMODATION PROCEDURES AND CERTIFIED RECOVERY RESIDENCES REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town has the authority, pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Chapter 166, Florida Statutes, to adopt such regulations as it deems appropriate to further the health, safety, and welfare of its residents; and

WHEREAS, the Florida Legislature, by HB 21 (2015), established a voluntary certification program for recovery residences that establishes operational and ethical safeguards for disabled persons and the Town desires to acknowledge and promote such safeguards; and

WHEREAS, in accordance with SB 954 (2025) pertaining to "Certified Recovery Residences," the Town desires to enact an ordinance providing for updated procedures for handling and processing requests for accommodation from the Town's Zoning; and

WHEREAS, "reasonable accommodation" is a statutorily established method by which an individual who is disabled and/or handicapped (as those terms are defined in Title II of the Americans with Disabilities Amendments Act and/or the Fair Housing Amendments Act, hereafter "disabled"), or a provider of services to the disabled qualifying for reasonable accommodations under the referenced statutes, can request a modification or alteration in the application of a specific Code provision, rule, policy, or practice, to them. The proposed accommodation sought by the disabled individual must be reasonable and necessary to afford such person an equal opportunity to use and enjoy housing; and

WHEREAS, the Town hereby desires to adopt within the Town's Zoning Code, and consistent with SB 954 (2025) and the Final Order of the Southern District of Florida in Jeffrey O. v. City of Boca Raton, 511 F. Supp. 2d 1339 (S.D. Fla. 2007), reasonable accommodation procedures that will permit disabled individuals (or qualifying entities) to request reasonable accommodations and, where appropriate based on the facts and law, to receive reasonable accommodations; and

WHEREAS, the Town desires to require annual recertification of reasonable accommodation approvals in order to ensure ongoing protection for the disabled; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed text amendment at a public hearing held on January 6, 2026 and voted to recommend that the changes be approved; and

WHEREAS, the Town Council is charged with protecting the health, safety, and welfare of its residents and believes this Ordinance to be in the best interests of the residents.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The recitations set forth above are true and correct and incorporated herein as legislative findings of the Town Council.

Section 2: Chapter 134 – Zoning, Article VIII. – Supplementary District Regulations, Division 16 – REASONABLE ACCOMMODATION PROCEDURES, Sec. 134-2112 – Reasonable accommodation procedures is hereby amended as follows:

Sec. 134-2112. Reasonable accommodation procedures.

1. This section implements the policy of the Town of Palm Beach for processing of requests for reasonable accommodation to its ordinances, rules, policies, and procedures for persons with disabilities, or a qualifying entity, as provided by the federal Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq. ("FHAA") and Title II of the Americans with Disabilities Amendments Act, 42 U.S.C. ss. 12131 et seq. ("ADAA"). For purposes of this section, a "disabled" individual or person is an individual that qualifies as disabled and/or handicapped under the FHAA and/or ADAA. Any person who is disabled (or qualifying entities) may request a reasonable accommodation with respect to the town's land use or zoning laws, rules, policies, practices and/or procedures as provided by the FHAA and the ADAA pursuant to the procedures set out in this section.
2. A request by an applicant for reasonable accommodation under this section shall be made in writing by completion of a reasonable accommodation request form, which form is maintained by (and shall be submitted to) the town clerk. The reasonable accommodation form shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request. The reasonable accommodation request form shall be substantially in the form set forth in subsection (10) below. The town clerk shall date-stamp each application upon receipt.
3. Should the information provided by the disabled individual to the town include medical information or records, including records indicating the medical condition,

diagnosis or medical history of the disabled individual, such individual may, at the time of submitting such medical information, request that the town, to the extent allowed by law, treat such medical information as confidential information of the disabled individual. The town shall thereafter endeavor to provide written notice to the disabled individual, and/or their representative, of any request received by the town for disclosure of the medical information or documentation which the disabled individual has previously requested be treated as confidential by the town. The town will cooperate with the disabled individual, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the town shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses (whether by retention of outside counsel or allocation of internal resources) in connection therewith, and may comply with any judicial order without prior notice to the disabled individual.

4. The town manager, or his/her designee, shall have the authority to consider and act on requests for reasonable accommodation ~~after a minimum of 30-day notice to all property owners within 300 feet of the property proposed for a reasonable accommodation and after a public hearing to receive comments, input and information from the public (provided, however, the town manager or designee shall not be required to render his or her decision at said public hearing).~~ Each applicant submitting a reasonable accommodation request form shall be responsible for providing a notice affidavit to the town manager, or his/her designee, verifying that all property owners within the 300-foot radius of the proposed property was mailed a proper notice outlining the specific nature of the reasonable accommodation request, including the date, time and location of the public hearing in which said request will be considered and a listing of all property owners; and a corresponding map of property owners within the 300-foot radius. ~~Said property owner list and map is required to be provided from information provided by the Palm Beach County Property Appraisers Office.~~ When a reasonable accommodation request form has been completed and submitted to the town clerk it will be referred to the town manager, or designee, for review and consideration. The town manager, or designee, shall issue a written determination within ~~45~~ 60 days of the date of receipt of a completed application and may, in accordance with federal law: (a) grant the accommodation request; (b) grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request; or (c) deny the request, in accordance with federal law. Any such denial shall be in writing and shall state the grounds therefor, stating with specificity, the evidence based reasons for denial and identifying deficiencies or actions necessary for reconsideration. All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e. the disabled individual or his/her representative) by certified mail, return receipt requested. If reasonably necessary to reach a determination on the request for reasonable accommodation, the town manager, or designee, may, ~~prior to the end of said 45-day period within the first 30 days after receipt of the application,~~ request additional information from the requesting party, specifying in sufficient detail what information is required. The requesting party shall have ~~45-30~~ 45-60 days after the date of the request for additional information to provide the requested information. In the event a request for additional information is made, the ~~45-60~~ 45-60-day period to issue a written determination shall no longer be applicable, and the town manager, or designee,

shall issue a written determination within ~~30~~60 days after receipt of the additional information. If the requesting party fails to provide the requested additional information within said ~~15-30~~-day period, the town manager, or designee, shall issue a written notice advising that the requesting party had failed to timely submit the additional information and, therefore, the request for reasonable accommodation shall be deemed abandoned and/or withdrawn and no further action by the town with regard to said reasonable accommodation request shall be required. ~~If a written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.~~ The deadlines referenced herein may be extended by mutual agreement between the town and the applicant ~~in writing~~.

5. In determining whether the reasonable accommodation request shall be granted or denied, the requesting party shall be required to establish that they are protected under the FHA and/or ADA by demonstrating that they, or the party they represent, are handicapped or disabled, as defined in the FHA and/or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this section the disabled individual must show: (i) a physical or mental impairment which substantially limits one or more major life activities; (ii) a record of having such impairment; or (iii) that they are regarded as having such impairment. Next, the requesting party will have to demonstrate that the proposed accommodations being sought are reasonable and necessary to afford handicapped/disabled persons equal opportunity to use and enjoy housing. The foregoing (as interpreted by the courts) shall be the basis for a decision upon a reasonable accommodation request made by the town manager, or designee, or by the town council in the event of an appeal.
6. Within 30 days after the town manager's, or designee's, determination on a reasonable accommodation request is mailed to the requesting party, such applicant may appeal the decision. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be to the town council who shall, after public notice and a public hearing, render a determination as soon as reasonably practicable, but in no event later than 60 days after an appeal has been filed.
7. There shall be no fee imposed by the town in connection with a request for reasonable accommodation under this section or an appeal of a determination on such request to the town council, and the town shall have no obligation to pay a requesting party's (or an appealing parties, as applicable) attorneys' fees or costs in connection with the request, or an appeal.
8. While an application for reasonable accommodation, or appeal of a determination of same, is pending before the town, the town will not enforce the subject zoning ordinance, rules, policies, and procedures against the applicant.
9. The following general provisions shall be applicable:
 - a. The town shall display a notice in the town's public notice bulletin board (and shall maintain copies available for review in the town clerk's office), advising the public disabled individuals (and qualifying entities) may request reasonable accommodation as provided herein.
 - b. A disabled individual may apply for a reasonable accommodation on his/her own behalf or may be represented at all stages of the reasonable

accommodation process by a person designated by the disabled individual.

- c. The town shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal, and appearing at a hearing etc. to ensure the process is accessible.

d. (10) Reasonable accommodation request form shall be filed with the town to include the following information:

- ~~1~~a. Name of applicant:
- ~~2~~b. Telephone number:
- ~~3~~c. Address:
- ~~4~~d. Address of housing or other location at which accommodation is requested:
- ~~5~~e. Describe qualifying disability or handicap:
- ~~6~~f. Describe the accommodation and the specific regulation(s) and or procedure(s) from which accommodation is sought:
- ~~7~~g. Reasons the reasonable accommodation may be necessary for the individual with disabilities to use and enjoy the housing or other service:
- ~~8~~h. Name address and telephone number of representative if applicable:
- i. If seeking a reasonable accommodation from the definition of family:
 - 1. Proof of state licensure, as applicable to the location for which the reasonable accommodation is requested; or
 - 2. Proof of certification pursuant to Section 397.487, Fla. Stat. as amended, or alternatively, certification under a nationally accredited agency or recognition or sanction by Congress if the accommodation is for or related to a recovery residence, as defined in Section 397.311, Fla. Stat.; and
 - 3. All applicants must provide proof of satisfactory fire, safety, and health inspections as required by Section 397.487, Fla. Stat. or other applicable statute, as amended from time to time for the location for which the reasonable accommodation is requested;
 - 4. If on-site supervisor or manager, provide the name and contact information (phone and email) for each;
- ~~9~~j. Other information:
- ~~10~~k. Signature of disabled individual or representative, if applicable, or qualifying entity:

(11) Revocation of reasonable accommodation.

- (a) Any reasonable accommodation received shall be deemed revoked if the applicant or the property upon which the accommodation is granted is found in violation of any conditions of the approval granting the reasonable

accommodation by a court of law or by any applicable code enforcement case.

(b) Failure to obtain state certification or a required state license, or failure to maintain state certification or a required state license or alternate certification permitted by this section, shall result in revocation of the reasonable accommodation and cessation of operations within sixty (60) days of termination of the license or certification.

(12) Annual certification. All reasonable accommodation requests approved by the town shall be valid for no more than one year and shall require annual recertification each year on or before February 1st. Recertification requests must be filed at least ninety (90) days before the conclusion of the end of the one-year period of effectiveness of the reasonable accommodation approval. The failure of the applicant to timely apply for annual recertification, or the denial of an annual recertification application, shall result in the revocation of the approved reasonable accommodation. Recertification requests shall follow the same submittal, review and procedural requirements as set forth above for new applications. If a reasonable accommodation is for a property which is required to be licensed or certified pursuant to this section or applicable state or federal law, then to be recertified an applicant must provide proof of active licensure or certification consistent with the requirements of sub-section (10)(i).

(13) Revisions. Any changes to the use or property desired by the applicant or identified by the town, state, or any certifying or licensing entity after approval or during the recertification process which require an additional reasonable accommodation or amendment to the original reasonable accommodation approval shall be processed as an amendment to the original approval and such amendment application shall follow the same application and review process set forth herein for an original reasonable accommodation request.

Section 3: Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4: Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 5: Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 6: Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of

the Town of Palm Beach on first reading this 14th day of January, 2026, and for second and final reading this 11th day of February, 2026.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member