



PLANNING AND ZONING COMMISSION MEETING

TOWN OF PALM BEACH

FEBRUARY 3, 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 of the December 2, 2025, Planning & Zoning Commission meeting
2. Minutes of the January 6, 2026, Planning & Zoning Commission meeting

APPROVAL OF AGENDA

COMMENTS

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

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

UNFINISHED BUSINESS

6. Zoning Code Items - Quick Fixes #8-14
 - 6.1 Quick Fix #12: Basements - Amended to Address Flood Vents Openings
 - 6.2 Quick Fix #14: Front / Rear Setbacks

NEW BUSINESS

7. Discussion of Proposed Changes to the Commercial Zoning Districts

ANY OTHER BUSINESS

MEETING SCHEDULE

8. The next meeting is scheduled for Monday, March 2, 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

Minutes of the Planning and Zoning Commission Meeting Held on December 2, 2025

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 09:30 AM in the Town Council Chambers.

Members Present: Gail Coniglio, William Gilbane, Marilyn Beuttenmuller, Barbara Chapman, Carol LeCates, Nicki McDonald, Jorge Sanchez, Victoria Donaldson, Matthew Ailey, Anne Fairfax

Staff Present: Wayne Bergman, James Murphy, Jennifer Hofmeister, Pat Gayle-Gordon

PLEDGE OF ALLEGIANCE

Deputy Town Clerk Gayle-Gordon gave the Invocation. Chair Coniglio led the Pledge of Allegiance.

MINUTES

1. Minutes from the November 4, 2025, Planning & Zoning Meeting.

A motion was made by Ms. Beuttenmuller and seconded by Ms. McDonald to approve the minutes of the November 4, 2025, meeting as presented. The motion was carried unanimously, 7-0.

APPROVAL OF AGENDA

Wayne Bergman, Director of Planning, Zoning, and Building, requested that items nos. 5 and 6 be heard in reverse order. The commissioners agreed with this change.

A motion was made by Mr. Gilbane and seconded by Mr. Sanchez to approve the agenda as amended. The motion was carried unanimously, 7-0.

COMMENTS

2. OFFICIALS

There were no comments heard at this time.

3. STAFF

There were no comments heard at this time.

4. PUBLIC - 3 MINUTE LIMIT

There were no comments heard at this time.

UNFINISHED BUSINESS

5. Zoning Code Items - Quick Fixes #8-14

5.1 Quick Fix #12: Basements

Mr. Bergman stated that the issue of basements is overly complex. He said the goals, which entail codifying current Planning and Zoning Board Interpretations, clarifying the definitions, and aligning with FEMA and Building Codes. Subsequently, he provided three options: prohibiting basements entirely, simplifying basement regulations, and aligning them with FEMA regulations for permitted locations, or leaving the existing code as it is currently written. He presented staff comments and recommendations regarding basements. He stated that this discussion would be simply about the regulation of basements, specifically whether one is allowed on a property.

Mr. Bergman stated that, as a result of the discussion, a revision will be made to reflect that the basement shall not count toward CCR or floor area.

Ms. LeCates reiterated her concerns about drainage. She had doubts about excavating in a flood zone and did not think basements could be considered without taking into account flooding and stormwater in the dune infrastructure. Mr. Bergman disagreed; he said these two matters were not the same, and the objective was to improve the code. He suggested going to impervious surface coverage. He said the code currently allows underground parking to expand beyond the building. He stated that underground parking is beneficial for the South End's multi-family buildings.

There was consensus that the extension beyond the walls of the structure should not be included in the calculation of the landscape open space.

Mr. Bergman inquired whether areas beyond the walls of the structure should be included in the calculation of lot coverage.

Mr. Murphy spoke about the Ambassador project and said that when looking at a project, from what can be seen versus what cannot be seen, there are fundamental differences in the zoning regulations. He stated that there needed to be some regulation for below-grade structures, but that lot coverage needs to be different than above-grade coverage.

Mr. Bergman stated that that would count as lot coverage, but at a different percentage, which he would present at the next Planning and Zoning Commission meeting.

Ms. LeCates stated it is a very nice, simple solution, but from a coastal engineering viewpoint, she was not supportive. However, she proposed an alternative, which would be permitting a first-story covered parking garage at ground level with an increased height allowance for the building, which would only be available if a covered garage was constructed as the first story. Mr. Bergman noted there were advantages to having underground parking. If an owner were to develop property in that way, perhaps incentives could be provided for placing a percentage of the required parking underground.

Mr. Bergman stated that lot coverages for below and above ground would be presented at the next meeting for further discussion and consideration. He added that the discussion about incentives could be continued at a future meeting.

Ms. McDonald inquired for clarification regarding parking. Ms. Hofmeister stated that she had referred to the current parking code, which is antiquated, and is being addressed by Kimley-Horn. She said that, additionally, the sign code and subdivision regulations will be other elements that will comprise the new land development regulations. Ms. Fairfax noted that she felt traffic signage was significantly over-regulated. She also asked about the Kimley-Horn parking studies and whether any type of focus group or other outreach would be conducted as part of their study. Ms. Hofmeister said it is not currently part of the plan, but she could discuss soliciting additional public input.

6. Zoning Code Items – Quick Fix #15

Ms. Hofmeister provided an overview of the zoning code changes related to the adopted 2024 comprehensive plan policy amendments. She then presented and explained the eleven proposed changes. The Town Council will consider the changes at its upcoming meeting.

Mr. Sanchez noted that if the Palm Beach Acre was 40,000 square feet, in the RB District, that would yield approximately 92% of the original Palm Beach Acre. He asked if subdividing into four lots would be permitted, and Mr. Bergman responded that there would be no change in density.

Chair Coniglio asked whether the discussed zoning district titles, including lakeside differences and allowances, would be incorporated into the document. Mr. Bergman responded that staff is reviewing the RB and Single-Family Residential districts and expects future changes, but the eleven amendments presented today will codify those provisions already approved in the comprehensive plan.

Chair Coniglio asked why someone would want to go three stories if the footprint of the building and the square footage are reduced, and secondly, she wondered what happens when that building does not want a parking lot or that calculation within the lot size. She wondered if that would be considered a zoning relief. Ms. Hofmeister responded that there are opportunities for underground parking. However, lot coverage is what sets the standard.

Ms. Fairfax thought it might be helpful to have local architects review and provide input on the proposed changes. Ms. Hofmeister stated that the state requirement is to set an intensity standard. Mr. Bergman agreed with Ms. Hofmeister regarding the floor area ratio. He noted that staff would have no issue taking the proposed changes to the Architectural Commission (ARCOM) and the Landmarks Preservation Commission (LPC) for their feedback. However, the zoning code changes are time-sensitive. He agreed with the recommended maximum FAR of 1.0, which would allow for opportunities for architectural design creativity with a minimum need for

zoning relief. Ms. Hofmeister added that this is a good starting point and there will still be opportunities to make adjustments if deemed necessary. Mr. Bergman reiterated that today's discussion concerns commercially zoned districts where lot sizes are known. He acknowledged that the south end could be redeveloped in many different ways, and currently, there is only a small piece of commercially zoned property in that area.

Mr. Gilbane thought this would be an ongoing challenge.

Peter Henn, of Jones and Foster, stated that local government has the right to change its zoning code. If a 1.0 FAR is established today, that is not carved in stone and may not be relied upon unless it can create a vested right through certain approvals. However, Ms. Hofmeister has demonstrated that a 1.0 FAR works in most situations.

A motion was made by Mr. Gilbane and seconded by Mrs. Coniglio to accept the staff's recommendation for the comprehensive plan adjustments to the zoning code to comply with the State, with the understanding that the zoning code is being revised and will be revisited soon. The motion passed 6-1 with Mr. Sanchez dissenting.

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

ANY OTHER BUSINESS

Ms. LeCates suggested that additional supplemental information be provided to help tie together the information being presented by staff, including a brief summary of the problem and the proposed solution.

Ms. Beuttenmuller suggested that staff provide clarity regarding the cause versus the benefits of any proposed changes to basements.

MEETING SCHEDULE

7. The next meeting is scheduled for January 6, 2026.

ADJOURNMENT

A motion was made by Mr. Sanchez and seconded by Mr. Gilbane to adjourn the meeting at 11:26 AM. The motion was carried unanimously, 7-0.

Respectfully Submitted,

Gail Coniglio, Chair



TOWN OF PALM BEACH

Minutes of the Planning and Zoning Commission Meeting Held on January 6, 2026

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 09:30 AM in the Town Council Chambers.

Members Present: Chair Gail Coniglio, Vice Chair William Gilbane, Matthew Ailey, Marilyn Beuttenmuller, Victoria Donaldson, Jorge Sanchez, Barbara Chapman, Carol LeCates

Members Absent: Anne Fairfax

Clerk's Note: Ms. Donaldson will be a voting member due to a vacancy created by Ms. McDonald's resignation from the Commission.

PLEDGE OF ALLEGIANCE

Deputy Town Clerk Gayle-Gordon gave the Invocation. Chair Coniglio led the 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.

A motion was made by Mr. Gilbane and seconded by Mr. Sanchez to defer the minutes of the December 2, 2025 meeting to the February 3, 2026, meeting. The motion was carried unanimously, 7-0.

APPROVAL OF AGENDA

A motion was made by Ms. Beuttenmuller and seconded by Ms. Donaldson to approve the agenda as presented. The motion was carried unanimously, 7-0.

COMMENTS

2. OFFICIALS

Chair Coniglio acknowledged the attendance of former Commission member, Nicki McDonald, expressed appreciation for her service and stated that she looks forward to Ms. McDonald's leadership on the Town Council.

3. STAFF

There were none.

4. PUBLIC - 3 MINUTE LIMIT

There were none.

GENERAL BUSINESS

UNFINISHED BUSINESS

5. Zoning Code Items - Quick Fixes #8-14

James Murphy, Assistant Director of Planning, Zoning and Building, presented an overview of an existing RB district zoning provision that allowed new development to reduce the front setback by up to five feet in exchange for an equal increase in the rear yard. At Town Council's request, staff reviewed options to retain, delete, or convert the provision to a waiver requiring review by the Architectural Review Commission (ARCOM) or the Landmarks Preservation Commission (LPC).

Mr. Murphy explained that while the provision was a useful design tool, each request should be reviewed on a case-by-case basis by the design commissions. He emphasized that the change would eliminate the matter-of-right approach, require mailed notice to neighboring property owners, and increase transparency. He outlined proposed waiver language and criteria for ARCOM and LPC, noting that any shift would need to be compatible with neighborhood character. The applicant would bear the burden of providing a neighborhood analysis demonstrating that the request would not be disruptive or out of character.

Mr. Sanchez stated that this was an excellent presentation and that most of the town's streets have character. He thought this approach would encourage more courtyard-style homes.

Ms. Chapman expressed concern that Section 2c allowed discretionary approval for both floors, whereas the original code language requires a 30-foot setback for the second floor and a 20-foot setback for the first floor. She questioned whether the language would allow both floors to be at the minimum setback and raised concerns about looming second stories. Mr. Murphy explained that the intent was to shift mass toward the rear of the property and that the front yard could visually absorb the change. She preferred to see the lesser setback remain at one story.

Mr. Gilbane recalled that Bob Garrison had previously helped explain the second story setback issue, noting that differing setbacks could create awkward architectural “pop-up” elements. He asked that staff consult with architects on the 10 versus 20 foot second floor setback, stating that Mr. Garrison’s explanation had changed his perspective and was an important consideration.

Mr. Gilbane also raised concerns about the corner lots in the RB district, noting that front, side, and rear yard requirements can be confusing and visually challenging, particularly where the longest frontage is along a street that is not the property’s address. He emphasized that this condition is common in town and creates unique design issues for corner lots.

Mr. Murphy said one of the examples used was a corner lot condition that did utilize it in both instances, and corner lots have very burdensome setbacks because they create two front yards. He explained that the proposal would continue to allow use of both existing standards already in the code. He noted that, in response to the question about architects, his initial presentation included interviews with fifteen local architects who regularly use this provision, with opinions evenly divided among favorable, neutral and unfavorable. Some architects agreed that the front yard could visually absorb a second story, which led to the proposed edit. He added that the criteria were later presented to ARCOM and emphasized that the work was informed by input from practicing local architects, not developed in a vacuum. Mr. Gilbane noted that some commissioners were not present for that presentation and agreed that revisiting the visuals may be helpful in a future presentation.

Ms. Donaldson wondered how the provision applied to setbacks, specifically for front porches. Mr. Murphy explained that front porches were allowed under the provision and were not treated as separate front-yard extensions. He noted that porches typically do not have foundations and would be included and reviewed as part of the overall structure. Ms. Donaldson noted that porches were not currently listed as allowable encroachments in the zoning code and questioned whether it would be worthwhile to explicitly include them to avoid confusion. Mr. Murphy responded that he did not feel it was necessary to itemize every possible element covered by the discretionary reduction. He clarified that his earlier reference was related to foundations.

Chair Coniglio was concerned because she had not yet seen a house in the North end be rebuilt. She loved the idea of a courtyard but felt there was potential for two-story, box-like structures with little architectural character. She questioned whether ARCOM could effectively require additional architectural features for second stories when allowing the five-foot setback reduction.

Mr. Murphy responded that under the current zoning code, homes could already be built five feet closer to the street, including two-story homes, without ARCOM review. He explained that, following field visits and interviews directed by the Town Council, staff proposed adding guardrails through four review criteria. These criteria would allow ARCOM to deny requests that failed to meet standards related to view corridors and neighborhood compatibility. He emphasized that staff was not changing the underlying entitlement but rather adding review criteria to provide ARCOM with discretion to determine when a proposal did not work for a particular street.

Mr. Murphy stated that he would bring the item back the following month with revisions, noting that the most significant potential change appeared to be limiting the provision to a one-story encroachment rather than allowing two stories. He suggested either continuing the discussion at

the next meeting or providing additional visuals, adding that he did not believe there was sufficient information yet to decide between one or two stories and that the visuals would be helpful in informing the decision.

6. Zoning Code Items – Quick Fix #15

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

Jennifer Hofmeister, Planner III, presented zoning code changes, stating that this item was being brought back as a result of discussion during the last meeting. She explained that the zoning code amendments reflected policy changes adopted by the Town Council and included 11 revisions, with the most significant being the floor area ratio (FAR). She noted that staff had recommended a maximum FAR of 1.0 in response to a requirement from the state planning agency to establish an intensity standard as part of the ORC report.

Ms. Hofmeister explained that multiple examples had been presented, and the Commission had recommended moving forward with an FAR of 1.0 along with the other proposed code changes, with Mr. Sanchez dissenting. In response, staff reviewed additional project, including Via Flagler, which slightly exceeded an FAR of 1.0 due to setbacks, courtyards, and underground parking. She stated that other sites on Royal Palm Way met the FAR standard, while additional projects on Worth Avenue exceeded it due to the absence of parking and setback opportunities.

She noted that the presentation was subsequently made to Town Council, and staff carefully considered Mr. Sanchez's concerns that a one-size-fits-all approach might be inappropriate. She explained that staff examined different commercial zoning districts, including C-WA to determine whether varying maximums might be warranted. She emphasized that the purpose of establishing a maximum FAR was to meet state requirements and reduce the need for variances, noting that, similar to residential density, exceeding the maximum intensity would require rezoning rather than variances.

Ms. Hofmeister stated that staff saw opportunities for improved design, such as allowing underground parking to support better building articulation without exceeding a maximum FAR but emphasized that the appropriate FAR values required further study. She explained that to meet state requirements while allowing time to refine standards, the ordinance moving forward to the Town Council would remove the FAR of 1.0 from all sections of the code.

She further stated that staff would return in the following month or shortly thereafter with a proposed policy language for the Comprehensive Plan (Policy 1.15) establishing FAR as an intensity standard in all commercial districts. This approach would allow time to determine appropriate maximum FARs for each district. She noted that state law would then require zoning code amendments within one year, though staff intended to proceed sooner as part of ongoing updates to the commercial zoning regulations.

She added that this timing aligned well with the pending water supply plan update from the City of West Palm Beach, which would require corresponding amendments to the infrastructure element of the Comprehensive Plan. Staff planned to combine these Comprehensive Plan updates

and return to the Commission in the coming months, and she concluded and offered to answer any questions.

Chair Coniglio wondered whether the higher FAR examples in the 300 block of Worth Avenue were older buildings. Ms. Hofmeister said the Everglades Club was older while other shows, such as Via Flagler, were relatively new. Chair Coniglio questioned whether projects with FARs of approximately 1.3 to 1.8 were developed under older code standards and expressed concern that the higher FARs could incentivize new development to build to the maximum allowed. She added that she was not comfortable with the higher FAR numbers and requested some visual comparisons showing what an FAR of 1.0, 1.1, and 1.8 would look like so she could better understand the scale of potential impacts. She acknowledged staff's explanation and agreed that updated parking regulations would be an important factor, particularly on Worth Avenue, where parking opportunities are limited. She noted that any desire to add second stories to existing single-story buildings would need to be carefully evaluated in that context.

Mr. Gilbane emphasized that his overarching concern was the intensification of development on the island, where limited land availability caused use, floor area, and intensity issues to converge. He felt that parking restrictions that were used to control growth from 1970, had left the island with a traffic problem, which he believed related back to intensity of use and how the Town Code and Comprehensive Plan deal with increased intensity. He said uses do matter, parking does matter and if not managed, there would be unintended consequences.

Ms. Hofmeister stated that there are limitations with Worth Avenue and that architectural design is what makes Palm Beach unique. However, there are limitations to parking and there will be further limitations in the future. Mr. Gilbane expressed concern that additional parking would bring more vehicles. She stated that is why staff and Kimley Horn are studying parking. Ms. Hofmeister reminded the commission that this discussion was about commercial, and that finding a balance was imperative. She noted that all of the challenges are interconnected.

Chair Coniglio wondered if there could be value in approaching the parking with a like for like perspective. She stated that existing retail and local businesses operated within established square footage and parking parameters, and that new businesses could be required to meet the same standards. She noted that current conditions had been manageable and questioned whether increasing the FAR (floor area ratio) to allow for additional stories would result in additional traffic and greater intensification of use. In addition, she added the community could generally function within the existing density and intensity of use. In response, Ms. Hofmeister explained that FAR as an intensity standard did not necessarily increase the number of people or activity but rather regulated the relationship of building mass to the site. She also pointed out that the town has not had an intensity standard.

The consensus of the commission was that the FAR is valuable.

Mr. Sanchez said the ownership of a property has to be considered, where there is no way to prohibit the property owner from building a second story. Also, the second aspect is that there are more and more commercial buildings on the island that are being converted to residential. He said that there needs to be accommodations for the businesses and services that are needed by island residents.

Ms. Donaldson felt that FAR was important as it establishes a maximum, but she noted it does not account for intensity of use. She did not feel that mass and volume was the way to define an intensity standard. She was more accustomed to seeing FAR with residential uses rather than commercial. Ms. Hofmeister noted that building use and floor area were directly related, as different uses such as office, retail or restaurants which carried different parking requirements, along with setback and parking constraints. Ms. Donaldson asked if building size was already fully regulated through existing zoning standards such as height, number of stories, setbacks, and parking. Ms. Hofmeister responded that if those standards were sufficient, there would not be so many requests for variances. She said that establishing a maximum intensity through floor area ration would provide more clearly defined limits on development.

Motion was made by Mr. Gilbane and seconded by Mr. Sanchez to approve the Quick Fix # 15 as presented and to be brought to the Town Council at the January 13, 2026 council meeting. The Motion was carried unanimously, 7-0.

Public Comments

Anita Seltzer, 44 Cocanut Row, urged the Commission to balance property rights with the Comprehensive Plan and Strategic Plan, emphasizing that planning principles should guide zoning decisions. She wondered how allowing second stories on commercial buildings aligned with the intent of the Comprehensive Plan, including where additional intensity or residential uses were appropriate. She asked the Commission to remember the work invested in the plan and cautioned that use agreements approved by the Town Council had effectively increased intensity and shifted enforcement burdens onto residents, in her opinion.

A brief discussion ensued about the details of Ordinance 35-2025, which was presented to the Planning and Zoning Commission last month. Ms. Hofmeister stated that the FAR had been removed, and that most of the ordinance revisions were technical, reflecting terminology changes needed to accommodate a future FAR standard. She stated that the only substantive change was shifting from leasable area to floor area. She noted that the Commission had recommended moving forward with the ordinance in the prior month, and that it was brought back without a FAR value to allow further evaluation of appropriate standards for each commercial district. She clarified that Ordinance 35-2025 was introduced previously without an FAR number, had not been amended, and now included a number for first reading before the Town Council the following week. Chair Coniglio asked about page 25 of 61 regarding special exception uses. She stated that she believed schools had been removed and noted that the related discussion had never been incorporated into the ordinance. She explained that the discussion about commercial uses had been paused and would be addressed when the commercial zoning update resumed. She stated that due to time constraints, staff focused only on the necessary changes tied to adopted Comprehensive Plan policies. She also noted that permitted and special exception uses, including town-serving office, personal service and retail, remained unchanged and would be revisited as part of the future commercial zoning update.

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.

Peter Henn, Town Attorney, presented the draft Ordinance and requested that the Commission approve it and forward it to the Town Council for adoption. He discussed new state law which would require all local governments to amend their codes to address certified recovery residences, even if none currently existed locally. He stated that the draft ordinance had three parts: updating code language to track state statutory requirements, modernizing reasonable accommodation procedures to allow administrative review rather than public notice and hearings, and adding provisions to better regulate certified recovery residences operated by corporate entities.

He noted that the reasonable accommodation changes were intended to avoid unnecessarily public or embarrassing processes for individuals needing accommodations, while still complying with federal law. He explained that additional provisions were included to ensure certified recovery residences were properly licensed and monitored, since federal law did not allow the Town to prohibit them. He emphasized that most of the ordinance tracked required statutory language, that compliance was mandatory, and that staff was seeking a recommendation forward to the Town Council.

Mr. Gilbane stated that this would be a business operating in a place where currently it would be prohibited. Mr. Henn explained that the certified recovery residences were treated as residential uses under the law, even though they were often viewed as commercial in practice. He provided an example and stated that under current law, the Town Manager would generally be required to grant a reasonable accommodation absent a compelling reason to deny it. He acknowledged that while such uses were often perceived as commercial, legally they were residential. Mr. Gilbane referred to a provision in the town’s zoning code which addresses unrelated parties cohabitating. He was concerned about this type of use. He further explained that town residents would be very surprised to learn that this is an allowed use under the zoning code, having multiple tenants in one single-family residence coming and going. He questioned where those vehicles would be parked and referenced the ripple effect this use would have on the town.

Mr. Henn stated that the town would have no choice in this matter, as this use would be protected under the law. He said the way the statute is written, they still have to go through architectural review and approval. He stated that everything in the ordinance ties back to the definition of family. There is not a sunset provision, however that may be added as a condition of approval. His opinion was that it would not be unreasonable to do so. He stated that legal could develop draft language for consideration.

Chair Coniglio asked whether additional criteria, such as occupancy limits, could be applied to sober homes classified as family use to protect residential neighborhoods. She acknowledged that state and federal mandates exist but expressed concern that such uses could negatively impact surrounding property values. Mr. Henn responded that the issue required further research and

noted that while examples such as two occupants per bedroom were typical, higher occupancies would trigger enforcement through fire, building and other related codes.

Chair Coniglio asked about the use of condominiums. Mr. Henn said under the law there would be no way to stop someone from using an individual condominium unit for this purpose.

Mr. Gilbane raised the question of whether the tenants would be registered to somehow regulate the number of people. He noted that it would be important to not create a transient operation. He noted that the town does not allow Airbnbs for a similar reason. Mr. Henn said he did not believe there were any such provisions in federal law.

Chair Coniglio asked if there could be restrictions based on use. Mr. Henn said the town could look at limiting the number of bedrooms for a certain zoning district, but it would have to be done uniformly.

Mr. Gilbane said that if someone is making money from this, the use becomes commercial. He felt that residential property owners have rights, also.

Mr. Henn explained that the proposed ordinance language on page 59 requires anyone seeking a reasonable accommodation to meet the definition of family to provide proof of state licensure, certifications, fire safety compliance and identification of a supervisor. He stated that, if state standards were met, this was the full extent of the Town's authority under federal law. He also emphasized that the Fair Housing Act and Americans with Disabilities Act limited local discretion, that the Town could not prohibit such uses outright, and that any denial would likely result in federal litigation over whether the accommodation was reasonable.

Ms. Chapman wondered whether a for-profit nursing home or rehabilitation center could operate in a residential district. Mr. Henn explained that individuals who fell under the Fair Housing Act or Americans with Disabilities Act were intended to be integrated into residential communities, not limited to commercial areas.

Ms. Hofmeister noted that the Town allows group homes, as a special exception, and it is limited to up to six occupants.

Motion was made by Ms. Beuttenmuller and seconded by Ms. Donaldson to recommend approval of Ordinance No. 034-2025 by the Town Council. The Motion was carried unanimously, 7-0.

ANY OTHER BUSINESS

There was none.

MEETING SCHEDULE

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

ADJOURNMENT

A motion was made by Ms. LeCates and seconded by Mr. Sanchez to adjourn the meeting at 11:21 AM. The motion was carried unanimously, 7-0.

Respectfully Submitted,

Gail Coniglio, Chair

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: February 3, 2026

To: Planning and Zoning Commission

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

From: Planning, Zoning, & Building Staff

Re: Quick Fix #12: Basements - Amended to Address Flood Vents Openings

Date: 1/22/2026

ATTACHMENTS

Staff Report

Draft Ordinance No. 003-2026 (QF 12 Basement)

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Community Culture and Character

Strategic Focus Areas:

Emergency Management

Quality of Life

Community Preservation

FUNDING

No Fiscal Impact

**STAFF REQUEST:**

Staff is proposing to amend the definition section and general regulation section of the zoning code (Chapter 134) regarding basements to acknowledge that basements can be designed and configured with FEMA-required flood vent openings, along with vehicular and pedestrian access, light and mechanical equipment openings and utility openings. If acceptable, staff suggests that the Town Council consider approving the ordinance on First Reading.

DISCUSSION:

The Town regulations for basements are complex and spread throughout Chapter 134, Zoning and Chapter 50, Floods. Staff brought this matter forward to the PZC and Town Council a few times over the past six months to comprehensively address the existing conflicts and deficiencies in the zoning regulations for basement regulations, seeing that the outdated zoning code does not match the present-day requirements of the Florida Building Code, FEMA regulations and Chapter 50, Floods. Matters like drainage, stormwater management, properties where basements might be appropriate (and not appropriate), setbacks, lot coverage, landscape open space and other concerns have somewhat stalled the full basement matter from moving forward with the PZC on a comprehensive scale.

Specifically, the current strictly permissive zoning regulations on basements do not recognize flood vents as required openings in basement walls. The recent application for the Ambassador / Edgewater properties demonstrated under the current code that if a basement contained any wall openings, other than vehicle access, pedestrian access, or fire escape access, it could not be classified as a basement and would therefore count as a story. The lower-level parking garages under the approved buildings for this project were required by FEMA regulations to have flood vents (large direct openings to the adjacent ground) through the exterior basement walls and the lower-level garage was to be considered a basement. The application was accepted and processed only after a hold harmless agreement was executed between the applicant and the Town with the understanding that the Town zoning code would need to be updated to correct this matter by acknowledging that basement garages may require FEMA-mandated flood vents – and yet could still be defined as a basement.

The goal of this Quick Fix is to align our basement regulations with FEMA requirements, define flood vents, and recognize the possible openings that may be required in basement walls. The proposed changes to the code address primarily basement parking garages, like the ones proposed south of Sloan's Curve for multifamily buildings.

Ordinance No. 003-2026 is ready for approval on First Reading.

WRB

ORDINANCE NO. XXX-2025

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, SECTION 134-2, DEFINITIONS AND RULES OF CONSTRUCTION; SECTIONS 134-113, 134-1163, 134-1213, 134-1308, AND 134-1488 TO REMOVE SUB-BASEMENT EXEMPTIONS IN THE C-TS, C-WA, C-OPI, C-B, AND CI ZONING DISTRICTS; SECTIONS 134-1607 THROUGH 134-1611 TO CONSOLIDATE BASEMENT REGULATIONS AND EXCEPTIONS; AND SECTION 134-2179 TO REMOVE UNNECESSARY REGULATIONS ON SUB-BASEMENT PARKING; 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 have examined the regulations of the Town pertaining to basements; and

WHEREAS, federal (FEMA) and state (the Florida Building Code) regulations address the ability to have a basement on a property and, where allowed, limit the maximum size of the basement or enclosure; and

WHEREAS, the Town’s existing basement regulations are complex, including different rules for basements and sub-basements and rules dependent upon the zoning district and building location, and spread throughout Chapter 134, Zoning and Chapter 50, Floods; and

WHEREAS, Town staff recommends the current basement regulations be amended to create uniform standards for basements throughout all zoning districts, to remove the sub-basement category, to better align the zoning regulations with federal and state requirements, and to address underground parking garages; and

WHEREAS, the Town's Planning and Zoning Commission considered the proposed amendment to the basement regulations at its meeting of October 7, 2025, and recommended adoption.

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, Section 134-2, Definitions and Rules of Construction, is amended by modifying the definition of Basement and adding a definition for Flood Vent:

"Sec. 134-2. – Definitions and Rules of Construction.

Basement means ~~floor-area~~ a level situated under a building, such ~~floor-area~~ level having exterior perimeter walls and having a floor level at or below the level of the contiguous exterior ground outside of the building and having one-half or more of its floor-to ceiling height below the average level of all of the exterior ground of the lot comprising the subject building development site. Basements will always be the lowest level of a building and only one basement level can exist below any building, unless used entirely for underground vehicle parking. For additional regulations ~~and the exceptions to the regulations~~ of basements see sections 134-1608, 134-1609 and 134-1611. See also sub-basement. This Basement definition and regulations contained herein apply also to subgrade Enclosures as described in Chapter 50, Floods.

Flood Vent means a designed opening in a foundation wall that allows floodwaters to automatically flow into and out of an enclosed area below the Base Flood Elevation (BFE). These vents are crucial for relieving hydrostatic pressure and preventing damage to the foundation during a flood.

Section 3. Chapter 134, Zoning, Sections 134-1113, 134-1163, 134-1213, 134-1308, and 134-1488, Lot, Yard and Area Requirements – Generally in the C-TS, C-WA, C-OPI, C-B, and CI Zoning Districts, are amended as follows:

“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:

(10) Length.

~~*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.*~~

(12) Floor area.

~~*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.*~~

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:

(10) Length.

~~*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.*~~

(12) Floor area.

~~*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.*~~

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:

(10) Length.

~~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.~~

(12) Floor area.

~~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.~~

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

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

(10) Length.

~~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.~~

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.

(11) Planar break.

~~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.~~

(13) Floor area.

~~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 4. Chapter 134, Zoning, Sections 134-1607 through 134-1611, Permitted Exceptions, Basements, Multilevel and Split-Level Structures, Basement Exceptions, and Sub-Basement Exceptions, are amended as follows:

“Sec. 134-1607. - Permitted exceptions.

Permitted exceptions to height regulations in this chapter in districts other than R-AA, R-A and R-B shall be as follows:

~~(2) —When any building is constructed on a tract of land extending from Lake Worth to any north-south street, for the purposes of identifying height, if there is a subbasement and a basement, the basement shall be considered a story. This subsection does not allow any increase in building or story heights as measured from the public street.~~

Sec. 134-1608. - Basements.

~~(a) In all zoning districts except the R-B zoning district, a basement as defined in section 134-2 shall not be considered a story with regards to height regulations contained in this chapter if the basement ceiling does not exceed plus four feet above zero datum for the subject lot. The ability to construct a Basement in the Town of Palm Beach is regulated by FEMA’s National Flood Insurance Program (NFIP), Chapter 44 of the Code of Federal Regulations (44 CFR), Chapter 50 – Floods, Town of Palm Beach Code of Ordinances, and the Florida Building Code. Therefore, Basements, if compliant with the above regulations, may only be permitted in:~~

- ~~1. In the FEMA “X” Flood Zone and landward of the Coastal Construction Control Line; or~~
- ~~2. In locations where the Basement Finished Floor Elevation equals or exceeds the FEMA Base Flood Elevation for the location plus one foot of freeboard; or~~
- ~~3. In locations where subgrade Enclosures, limited in size and in use, are permitted by the above-listed regulations and codes.~~

~~(b) Basements shall not be considered as a story with regard to height regulations contained within this chapter.~~

~~(c) Basement area and space shall not contribute to floor area and shall not be included in any **Floor Area Ratio or Cubic Content Ratio** calculations.~~

~~(bd) The exterior walls of a bBasement shall be setback from all property lines as required for the building situated over the basement, and minimum door openings in the basement walls shall be limited to those essential to permit one automobile entry access driveway and one automobile exit driveway for each separated under building parking area, plus pedestrian lobby entries and required fire escape exit ways except that a portion of a Basement may be situated outside the outer walls of the main building above it, provided the following conditions are met:-~~

1. The Basement is used only for parking and building access; and
2. The Basement shall have at least 51 percent of its floor area within the confines of the outer walls of the main portion of the building located above the Basement; and
3. The Basement exterior walls are not visible from neighboring properties and public right of ways; and
4. The Basement maintains a minimum ten foot setback to all property lines; and
5. The portion of the Basement outside of the walls of the main building and above the basement shall not count as landscape open space but shall count toward required lot coverage.

(e) Openings in Basement walls are restricted to those minimal but essential openings to allow vehicle and pedestrian access, cut-outs for mechanical systems, and required Flood vents.

Sec. 134-1609. – Reserved. Multilevel and split level structures.

~~(a) Multilevel or split level structures may be constructed in the R-B district under the following conditions:~~

~~(1) No portion of the structure may have more than two stories in vertical alignment;~~

~~(2) A basement entirely located under and hidden by the dune shall not count as a story; and~~

~~(3) The structure must meet all applicable lot, yard and bulk regulations for two-story construction in the district.~~

~~(b) Where single-family and two-family multilevel or split level structures may be constructed in R districts, other than the R-B district, they may be so constructed under the following conditions:~~

~~(1) No portion of the structure may have more than two habitable stories in vertical alignment;~~

~~(2) A basement entirely located under and hidden by the dune shall not count as a story; and~~

~~(3) The structure must meet all applicable lot, yard and bulk regulations for two-story construction in the district.~~

Sec. 134-1610. - Basement exception Reserved.

~~(a) In all R zoning districts, including the R-B zoning district, a basement as defined in section 134-2 which is entirely under and hidden by the dune shall not count as a story.~~

~~(b) — A portion of a basement may be situated outside the outer walls of the main building above it provided the following conditions are met:~~

- ~~(1) — The basement shall have at least 51 percent of its floor area within the confines of the outer walls of the main portion of the building located above the basement; and~~
- ~~(2) — The portion of the basement outside exterior walls, outside of the outside walls of the main portion of the building located above the basement, shall be hidden from view from outside all elevations of the building neighboring properties and public rights of way; and~~
- ~~(3) — The developed grade outside the walls of that portion of the basement that is outside of the walls of the main portion of the building located above the basement shall not be raised or altered more than two feet above the natural grade in order to be hidden from view;~~
- ~~(4) — The portion of the basement outside walls of the main building above the basement shall be excluded in the calculations for landscape open space requirements and shall count toward required setbacks and lot coverage.~~

Sec. 134-1611. — Sub-basement exception Reserved.

~~(1) — For residential and, time-share development or redevelopment, and for commercial development within the C-PC, planned commercial district. No portion of a sub-basement may be located beyond the confines of the outer walls of the first floor above it except under the following conditions:~~

- ~~a. — The sub-basement shall have at least 51 percent of its floor area within the confines of the outer walls of the main portion of the building located above the sub-basement.~~
- ~~b. — The sub-basement shall be entirely hidden from view from any elevation of the building.~~
- ~~c. — The developed grade outside the walls of that portion of the sub-basement that is outside the walls of the main portion of the building located above the sub-basement shall not be raised or altered in order to be hidden from view, more than two feet above the natural grade.~~
- ~~d. — The portion, of the sub-basement outside of the outside walls of the main building above the sub-basement shall not be allowed to count in the calculations for landscape open space requirements and shall count toward lot coverage.~~
- ~~e. — The sub-basement shall be setback a minimum of five feet from a property line.~~

~~(2) For development or redevelopment in commercial, zoning districts with the exception of the C-PC, planned commercial district, a sub-basement shall be allowed under the following conditions:~~

- ~~a. The maximum lot coverage of a proposed sub-basement shall not exceed a maximum of 70 percent. Said lot coverage shall only be for the sub-basement and shall not count toward the maximum lot coverage of the portion of the buildings above said sub-basement.~~
- ~~b. The sub-basement shall be entirely hidden from view from any elevation of the building.~~
- ~~c. The portion of the sub-basement outside of the outside walls of the main building above the sub-basement shall be allowed, to count in the calculations for landscape open space requirements.~~
- ~~d. The sub-basement shall be setback a minimum, of five feet from a property line.”~~

Section 5. Chapter 134, Zoning, Section 134-2179(a), Utilization of Yards, is amended as follows:

“Sec. 134-2179. - Utilization of yards.

~~(a) Underground facilities in sub-basements. Underground facilities in sub-basements: Provided the ground level at the lowest point of the public sidewalk abutting the property or the public street, if there is no public sidewalk, is maintained, required off-street parking facilities may be located in a sub-basement under required yards. Roofs of such sub-basements shall be sodded, landscaped and maintained, and there shall be no visible evidence of such underground facility from a public street or sidewalk. No such underground facility shall be closer than five feet to any property line.~~

~~(b)”~~

Section 6. 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 7. 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 8. Codification.

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

Section 9. 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

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: February 3, 2026

To: Planning and Zoning Commission

Via: James Murphy, Assistant Director of Planning, Zoning, & Building

From: Planning, Zoning, & Building Staff

Re: Quick Fix #14: Front / Rear Setbacks

Date: 1/22/2026

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



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. 004-2026 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. 004-2026 is ready for approval on First Reading.

WRB/JGM

ORDINANCE NO. 004-2026

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 as a right decrease of the required front yard setback by as much as five feet by increasing the rear yard setback by a corresponding number of feet; 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 February 3rd, 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, provided the criteria identified in subsection 5(c) below is met.
- 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, provided the criteria identified in subsection 5(c) below is met.
- 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 as identified in subsections 5(a) and 5(b) above, 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 because similar front yard alignments already exist on the the block, or would not be visually disruptive to the street, 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 shown in relation to the existing built conditions of the block, inclusive of the width of the street and the properties along both sides of the right-of-way. The number of neighboring properties to include in the analysis 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 applicable.

(b)(9) Rear yard.

- a. The minimum rear yard setback for the first story is ten10 feet except as provided for in subsection 5(a) and 5(c).
- b. The minimum rear yard setback for the second story is 15 feet except as provided for in subsection 5(b) and 5(c).

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 11th day of February, 2026; and for the Second and Final Reading on this 4th day of March, 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, CMC, Town Clerk

Edward Cooney, Town Council Member

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: February 3, 2026

To: Planning and Zoning Commission

Via:

From: Jennifer Hofmeister, AICP, LCAM, Planner III

Re: Discussion of Proposed Changes to the Commercial Zoning Districts

Date: 1/27/2026

ATTACHMENTS

Staff Report

Chapter 134 Commercial Districts as Amended on Jan. 27th

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Community Culture and Character, Mobility and Transportation

Strategic Focus Areas:

Quality of Life

Community Preservation

On-island Mobility

FUNDING

No Fiscal Impact



STAFF DIRECTIVE:

At the May 6, 2025 Planning and Zoning Commission meeting, staff presented the initial discussion of the proposed refinements to the commercial zoning districts in Chapter 134. The discussion focused on the permitted and special exception uses. Following that meeting, staff turned attention to the immediate need to amend sections of the district regulations to maintain consistency with the Updated 2024 Comprehensive Plan as state mandated. In addition, staff worked with the Planning and Zoning Commission and Town Council on code changes referred to “Quick Fixes” or “Tranches”. As those changes have either been adopted or are in the process of adoption by Town Council, staff has resumed focus on the commercial zoning districts to create a contemporary and integrated set of commercial zoning district regulations.

Staff anticipates that the review of the commercial districts will take a few months of discussion and editing with the Planning and Zoning Commission.

DISCUSSION:

Noticeably the most significant change to the commercial district regulations is the creation of a series of tables. These tables are contained within a new Introduction section that applies to all 5 commercial zoning districts. There are 3 tables that consist of the following:

1. Table 134-1102 summarizes the nomenclature for each of the commercial districts.
2. Table 134-1104 lists the permitted, conditional (F/K/A special exception uses) and prohibited uses.
3. Table 134-1105 lists all the commercial district development regulations.

The first of the proposed tables, Table 134-1102, identifies the commercial districts, as shown below.

Table 134-1102 Commercial Districts		
Code Division	Zoning Code Symbol	Zoning District
<u>Division 8</u>	<u>C-TS</u>	<u>Commercial – Town-Serving</u>
<u>Division 9</u>	<u>C-WA</u>	<u>Commercial – Worth Avenue</u>
<u>Division 10</u>	<u>C-OPI</u>	<u>Commercial – Office, Professional, and Institutional</u>
<u>Division 11</u>	<u>C-PC</u>	<u>Commercial- Planned Center</u>
<u>Division 12</u>	<u>C-B</u>	<u>Commercial- Business</u>

The second table, Table 134-1104, identifies the permitted, conditional and prohibited uses. These uses are also now defined in the proposed Glossary of Terms as follows:

Use (conditional) means a land use, structure or activity that is not automatically permitted in a specific zoning district but may be allowed if it meets particular conditions, ensuring it is compatible with surrounding properties. These uses require a public hearing and approval from the Town Council.

Use (permitted) means any land use, structure, or activity expressly authorized within a specific zoning district without needing variances or public hearings, “use by right”.

Use (prohibited) means any land use, structure, or activity that is not allowed within a specific zoning district. They include those explicitly listed in Table 134-1104 as prohibited or not listed as either a permitted or conditional use.

Further, the Town-serving establishments are also defined as such:

Town-serving means establishments, principally oriented to serving the needs of townpersons and not substantially relying on the patronage of non-townpersons. Commercial establishments which are 3,000 square-feet or less in the C-OPI, C-PC, C-TS and C-B zoning districts, or 4,000 square feet or less in the C-WA zoning district are assumed to meet the intent of the first part of this definition. Town-serving commercial establishments shall attract no less than the established percentage defined in the Zoning Code of their customers/members/clients from among townpersons.

Town-serving (office establishments) means businesses oriented to serving the needs of townpersons and not substantially relying on the patronage of non-townpersons primarily engaged in the provision of services that include but not necessarily be limited to providing such professional services as attorneys, doctors, veterinarians, insurance agents, real estate brokers, financial advisors, trust advisors, consultants, interior designers, architects, engineers, or similar office services.

Town-serving (personal service establishments) means businesses oriented to serving the needs of townpersons and not substantially relying on the patronage of non-townpersons primarily engaged in the provision of services to individuals dealing with their personal needs. Personal services would include, but not necessarily be limited to, hairstyling or beauty services, tailor/dressmaker, travel agent, cleaning services, dance studio, gyms and workout studios or similar personal services.

Town-serving (retail establishments) means businesses that are principally oriented to serving the needs of townpersons and not substantially relying on the patronage of non-townpersons selling commodities or goods to ultimate consumers. Retail services would include, but not necessarily be limited to, clothing stores, retail specialty food stores

(excluding restaurants), other general merchandise stores, or similar retail services as determined by the Planning, Zoning and Building Director.

Town-serving (retail specialty foods) means establishments that focus on selling a specific category of products for pick-up or fast casual dining, for instance coffee shops, pickup windows associated with a primary restaurant, and diners.

As noted in Table 134-1104, a list of prohibited uses are identified that is applicable to all commercial zoning districts.

Table 134-1104 Zoning Districts Permitted, Conditional and Prohibited Use					
Uses	C-TS	C-WA	C-OPI	C-PC	C-B
<u>Town-serving retail establishment 3,000 SF or less (4,000 SF or less for C-WA)</u>	P	P	P	P	P
<u>Town-serving personal service establishment 3,000 SF or less (4,000 SF or less for C-WA)</u>	P	P	P	P	P
<u>Town-serving office establishment 3,000 SF or less (4,000 SF or less for C-WA)</u>	P	P	P	P	P
<u>Essential services</u>	P	P	P	P	P
<u>Public parks</u>	P	P	P	P	P
<u>Storage facility (related to permitted or conditional use in the district provided said use meets all additional conditions in section 134-1760 of this chapter)</u>	P	P	P		P
<u>Residence(s) above the first floor</u>	P	P	P		
<u>Non-profit cultural facilities</u>	P			C	C
<u>Churches, synagogues, and other houses of worship</u>	C				P
<u>Town-serving retail establishment 3,000 SF or more (4,000 SF or more for C-WA)</u>	C	C	C	C	C
<u>Town-serving personal service establishment 3,000 SF or more (4,000 SF or more for C-WA)</u>	C	C	C	C	C
<u>Town-serving office establishment 3,000 SF or more (4,000 SF or more for C-WA)</u>	C	C	C	C	C
<u>Public or private parking lots</u>	C	C	C	C	C
<u>Outdoor café seating</u>	C	C	C	C	C
<u>Public structures</u>	C	C	C	C	C
<u>Supplemental parking</u>	C	C	C	C	C
<u>Roof-deck automobile parking</u>	C	C	C		C

Zoning Districts	C-TS	C-WA	C-OP	C-PC	C-B
<u>Restaurants, excluding formula restaurants</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>Dining rooms when not more than 15 percent of the gross floor area</u>			<u>C</u>	<u>C</u>	<u>C</u>
<u>Private clubs</u>	<u>C</u>	<u>C</u>		<u>C</u>	
<u>Museums</u>		<u>C</u>		<u>C</u>	
<u>Hotels</u>				<u>C</u>	<u>C</u>
<u>Timesharing uses</u>				<u>C</u>	<u>C</u>
<u>Theaters</u>				<u>C</u>	
<u>Private parks</u>	<u>C</u>				
<u>Public or private academic schools (located south of 3500 South Ocean Boulevard)</u>	<u>C</u>				
<u>Service stations</u>	<u>C</u>				
<u>Auto rental lots</u>					
<u>Drive-in business service facilities</u>					
<u>Executive/employee/group vacation/retreats</u>					
<u>Pawn shops</u>					
<u>Retail tobacco or nicotine products dealer and smoke shops</u>					
<u>Tattoo parlors</u>					

The commercial districts' development regulations have been summarized into Table 134-1105 and many of the sections have been extrapolated and relocated to other code sections. Those areas will be examined in the coming months. There are notations as to where these sections will be relocated within the Code of Ordinances.

JH

Table 134-1105 Commercial Districts Lot, Yard And Area Requirements - Generally					
Development Standard	C-TS	C-WA*	C-OPI	C-PC	C-B
<u>Maximum FAR</u>	<u>TBD</u>	<u>TBD</u>	<u>TBD</u>	<u>TBD</u>	<u>TBD</u>
<u>Minimum Lot Area</u>	<u>2,700 SE</u>	<u>2,700 SE</u>	<u>2,700 SE</u>	<u>2,700 SE</u>	<u>15,000 SE</u>
<u>Maximum Density</u>	<u>6 du/acre</u>	<u>10 du/acre</u>	<u>6 du/acre</u>	<u>26 hotel rooms; time-sharing uses: 9 units/acre</u>	<u>26 hotel rooms; time-sharing uses: 9 units/acre; condo-hotel: 17 units per acre</u>
<u>Minimum Lot Width</u>	<u>30 ft</u>	<u>30 ft</u>	<u>30 ft</u>	<u>30 ft</u>	<u>100 ft</u>
<u>Minimum Lot Depth</u>	<u>90 ft</u>	<u>90 ft</u>	<u>90 ft</u>	<u>90 ft</u>	<u>150 ft</u>
<u>Minimum Front Yard Setback</u>	<u>10 ft</u>	<u>10 ft</u>	<u>5 ft</u>	<u>10 ft</u>	<u>10 ft</u> <u>25 ft for hotel and time-sharing uses</u>
<u>Minimum Side Yard Setback</u>	<u>n/a**</u>	<u>n/a**</u>	<u>n/a**</u>	<u>n/a**</u>	<u>n/a**</u>
<u>Minimum Rear Yard Setback</u>	<u>10 ft</u>	<u>10 ft</u>	<u>10 ft</u>	<u>10 ft</u>	<u>15 ft</u>
<u>Maximum Height</u>	<u>15 ft for 1-story building; 25 ft for 2-story</u>	<u>15 ft for 1-story building; 25 ft for 2-story, 35 ft for 3-story*</u>	<u>15 ft for 1-story building; 25 ft for 2-story, 35 ft for 3-story</u>	<u>15 ft for 1-story building; 25 ft for 2-story</u>	<u>15 ft for 1-story building; 25 ft for 2-story***</u>
<u>Maximum Lot Coverage</u>	<u>70%</u>	<u>75%</u>	<u>70%</u>	<u>70%</u>	<u>60%</u>
<u>Maximum Building Length</u>	<u>150 ft</u>	<u>150 ft</u>	<u>150 ft</u>	<u>150 ft</u>	<u>150 ft</u>
<u>Landscaped Open Space</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>

*See Worth Avenue Design Guidelines

**Side setback shall be 10 feet if adjacent to a residential zoning district

***Development standards must be consistent with Declaration of Use Agreements (DOUA)

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Sec. 134.1102. Introduction to the Commercial Districts

The following districts are established to preserve and promote the desired commercial uses and their development patterns in the following commercial areas:

Table 134-1102 Commercial Districts		
<u>Code Division</u>	<u>Zoning Code Symbol</u>	<u>Zoning District</u>
<u>Division 8</u>	<u>C-TS</u>	<u>Commercial – Town-Serving</u>
<u>Division 9</u>	<u>C-WA</u>	<u>Commercial – Worth Avenue</u>
<u>Division 10</u>	<u>C-OPI</u>	<u>Commercial – Office, Professional, and Institutional</u>
<u>Division 11</u>	<u>C-PC</u>	<u>Commercial- Planned Center</u>
<u>Division 12</u>	<u>C-B</u>	<u>Commercial- Business</u>

Sec. 134-1103. Purpose and Intent.

The purpose of the commercial districts is to implement the Comprehensive Plan Commercial Future Land Use designation by preserving and enhancing the unique quality and character of the commercial districts. The commercial districts are intended to be oriented to meet the needs and convenience of townpersons and to be compatible with adjacent residential districts.

Sec. 134-1104. Permitted, Conditional and Prohibited Uses

Within the commercial district there are uses that are permitted by right and those that are considered conditional uses. Conditional uses requires a more detailed review to ensure the use implements the purpose and intent of the zoning district(s) and is consistent and compatible with the Conditional Use Criteria provided for in Sec. 134-XXX. Table 134-1104 displays the permitted uses as [P], the conditional uses as [C] and the explicitly stated prohibited uses as blank [] and defined in Sec. 134-2. Any use not listed as a permitted or conditional use is considered prohibited.

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Table 134-1104 Zoning Districts Permitted, Conditional and Prohibited Use					
Uses	C-TS	C-WA	C-OPI	C-PC	C-B
<u>Town-serving retail establishment 3,000 SF or less (4,000 SF or less for C-WA)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Town-serving personal service establishment 3,000 SF or less (4,000 SF or less for C-WA)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Town-serving office establishment 3,000 SF or less (4,000 SF or less for C-WA)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Essential services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Public parks</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Storage facility (related to permitted or conditional use in the district provided said use meets all additional conditions in section 134-1760 of this chapter)</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
<u>Residence(s) above the first floor</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Non-profit cultural facilities</u>	<u>P</u>			<u>C</u>	<u>C</u>
<u>Churches, synagogues, and other houses of worship</u>	<u>C</u>				<u>P</u>
<u>Town-serving retail establishment 3,000 SF or more (4,000 SF or more for C-WA)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Town-serving personal service establishment 3,000 SF or more (4,000 SF or more for C-WA)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Town-serving office establishment 3,000 SF or more (4,000 SF or more for C-WA)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Public or private parking lots</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Outdoor café seating</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Public structures</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Supplemental parking</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Roof-deck automobile parking</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>

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Zoning Districts	<u>C-TS</u>	<u>C-WA</u>	<u>C-OPI</u>	<u>C-PC</u>	<u>C-B</u>
<u>Restaurants, excluding formula restaurants</u>	<u>C</u>	<u>C</u>	<u>C</u>		
<u>Dining rooms when not more than 15 percent of the gross floor area</u>			<u>C</u>	<u>C</u>	<u>C</u>
<u>Private clubs</u>	<u>C</u>	<u>C</u>		<u>C</u>	
<u>Museums</u>		<u>C</u>		<u>C</u>	
<u>Hotels</u>				<u>C</u>	<u>C</u>
<u>Timesharing uses</u>				<u>C</u>	<u>C</u>
<u>Theaters</u>				<u>C</u>	
<u>Private parks</u>	<u>C</u>				
<u>Public or private academic schools (located south of 3500 South Ocean Boulevard)</u>	<u>C</u>				
<u>Service stations</u>	<u>C</u>				
<u>Auto rental lots</u>					
<u>Drive in business service facilities</u>					
<u>Executive/employee/group, vacation/retreats</u>					
<u>Pawn shops</u>					
<u>Retail tobacco or nicotine products dealer and smoke shops</u>					
<u>Tattoo parlors</u>					

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Sec. 134.1105. Commercial Districts Development Standards

The following table outlines the minimum development standards applicable to each commercial district.

Table 134-1105 Commercial Districts Lot, Yard And Area Requirements - Generally					
Development Standard	C-TS	C-WA*	C-OPI	C-PC	C-B
Maximum FAR	TBD	TBD	TBD	TBD	TBD
Minimum Lot Area	2,700 SF	2,700 SF	2,700 SF	2,700 SF	15,000 SF
Maximum Density	6 du/acre	10 du/acre	6 du/acre	26 hotel rooms; time-sharing uses: 9 units/acre	26 hotel rooms; time-sharing uses: 9 units/acre
Minimum Lot Width	30 ft	30 ft	30 ft	30 ft	100 ft
Minimum Lot Depth	90 ft	90 ft	90 ft	90 ft	150 ft
Minimum Front Yard Setback	10 ft	10 ft	5 ft	10 ft	10 ft 25 ft for hotel and time-sharing uses
Minimum Side Yard Setback	n/a**	n/a**	n/a**	n/a**	n/a**
Minimum Rear Yard Setback	10 ft	10 ft	10 ft	10 ft	15 ft
Maximum Height	15 ft for 1-story building; 25 ft for 2-story	15 ft for 1-story building; 25 ft for 2-story, 35 ft for 3-story*	15 ft for 1-story building; 25 ft for 2-story, 35 ft for 3-story	15 ft for 1-story building; 25 ft for 2-story	15 ft for 1-story building; 25 ft for 2-story***
Maximum Lot Coverage	70%	75%	70%	70%	60%
Maximum Building Length	150 ft	150 ft	150 ft	150 ft	150 ft
Landscaped Open Space	15%	15%	15%	15%	15%

*See Worth Avenue Design Guidelines

**Side setback shall be 10 feet if adjacent to a residential zoning district

***Development standards must be consistent with Declaration of Use Agreements (DOUA)

DRAFT WORK IN PROGRESS

DIVISION 8. C-TS TOWN-SERVING COMMERCIAL DISTRICT

Sec. 134-1106. Purpose ~~and limitations intent~~.

- (1) 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) Enhance the general character of the district and its compatibility with its 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 area.~~ The permitted uses in the C-TS town-serving commercial district, with a maximum of 3,000 gross ~~leasable floor~~ area ~~(GLA)~~ (GFA), are as follows:

(1) ~~Town-serving R~~retail establishments. ~~and service establishments, such as hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores.~~

(2) ~~Town-serving personal service establishments.~~

~~(2) (3) Town-serving office establishments. 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)(5)~~ 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.

~~(7) (6)~~ Essential services.

~~(8) (7)~~ Public parks.

~~(9) (8)~~ Residence(s) above the first floor.

~~(b) 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 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, 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 3,000 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 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) 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.~~ **Edit and move to the non-conforming section of new Procedures Section.**

(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, § 4, 2-5-96; Ord. No. 1-98, § 5, 2-9-98; Ord. No. 1-02, § 9, 3-12-02; Ord. No. 1-04, §§ 17, 22, 3-9-04; Ord. No. 1-05, § 2, 3-8-05; Ord. No. 4-08, § 8, 4-7-08; Ord. No. 5-2011, § 3, 3-9-11; Ord. No. 2-2011, § 3, 7-13-11; Ord. No. 7-2014, § 5, 5-14-14; Ord. No. 13-2015, § 1, 5-13-15; Ord. No. 8-2017, § 1, 4-12-17; Ord. No. 17-2019, § 5, 6-12-19; Ord. No. 01-2021, § 2, 2-10-21; Ord. No. 12-2021, § 1, 6-9-21; Ord. No. 20-2021, § 2, 9-13-21)

Editor's note— Ord. No. 7-2014, § 5, adopted May 14, 2014, set out provisions amending subsection 134-1108(a)(2). To correct a scrivener's error, and at the editor's discretion, these provisions have been included as amending subsection 134-1107(a)(2).

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.~~

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~~(3) (1) Accessory u~~Uses that are subordinate and customarily incident to the permitted or approved special exception primary uses on the same lot.

(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, § 5, 4-15-09; [Ord. No. 16-2021](#), § 11, 8-11-21)

Sec. 134-1109. ~~Special exception~~ Conditional uses.

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

~~(1) Public or private parking lots or storage garages.~~

~~(2) Auto rental lots.~~

~~(3)(2) Private social, swimming, golf, tennis and yacht clubs.~~

~~(4) (3) Service stations.~~

~~(5) (4) Public structures/uses.~~

~~(6) Essential services related to town-owned municipal buildings and structures.~~

~~(7) (5) Supplemental parking per sections 134-2177 and 134-2182 as defined in section 134-2.~~

~~(8)(6) Public or private academic schools located south of 2500 South Ocean Boulevard.~~

~~(9) Drive-in business service facilities.~~

~~(10)(7) Churches, synagogues or other houses of worship.~~

~~(11) (8) Permitted commercial use establishments 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 footage gross leasable area.~~

~~(12) Banks and financial institutions, excluding securities or financial brokerage and trust companies.~~

~~(13) (9) Roof-deck automobile parking.~~

~~(14) (10) Outdoor Cafe seating is permitted only for restaurants, private clubs, and town-serving 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) (11) Museums occupying building of unique value as designated historical landmarks, as determined by the landmarks preservation commission and the town council.~~

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~~(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) (12) Private parks.~~

~~(20) Outdoor promotional events. See section 134-2115 for additional conditions and criteria.~~

~~(21) (13) Restaurants, excluding formula restaurants, as defined in section 134-2 and bars/lounges.~~

~~(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. Moved to Chapter 114 Taxation.~~

(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, § 3, 2-5-96; Ord. No. 1-98, § 5, 2-9-98; Ord. No. 1-02, § 8, 3-12-02; Ord. No. 1-03, § 2, 3-11-03; Ord. No. 1-04, § 28, 3-9-04; Ord. No. 1-07, § 3, 4-10-07; Ord. No. 5-09, § 6, 4-15-09; Ord. No. 5-2011, § 4, 3-9-11; Ord. No. 2-2011, § 4, 7-13-11; Ord. No. 3-2012, § 4, 4-11-12; Ord. No. 7-2014, § 5, 5-14-14; Ord. No. 13-2015, § 2, 5-13-15; [Ord. No. 24-2016](#), § 2, 1-11-17; Ord. No. [30-2017](#), § 2, 1-10-18; Ord. No. [02-2019](#), § 9, 3-19-19; Ord. No. [17-2019](#), § 6, 6-12-19; [Ord. No. 01-2021](#), § 3, 2-10-21; [Ord. No. 12-2021](#), § 2, 6-9-21; [Ord. No. 16-2021](#), § 12, 8-11-21; [Ord. No. 034-2024](#), § 2, 12-11-24; [Ord. No. 006-2025](#), § 5, 7-9-25)

Editor's note— Ord. No. 13-2015, § 2, adopted May 13, 2015, set out provisions intended for use as subsection 134-1109(a)(15). To maintain the current subsection 134-1109(a)(15) as added by Ord. No. 7-2014, § 5, adopted May 14, 2014, and at the editor's discretion, these provisions have been included herein as subsection 134-1109(a)(19).

Sec. 134-1110. Prohibited Uses.

(a) Auto Rental Lots

(b) Drive in business service facilities.

(c) Pawn shops.

(d) Retail Tobacco or Nicotine Products Dealer and Smoke Shops.

(e) Tattoo parlors.

Sec. 134-11101. Accessory ~~structures~~ uses.

- (a) Generally. ~~Enclosed a~~Accessory structures uses in the C-TS town-serving commercial 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 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. Move to a new section within Supplementary Regulations.~~

(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. 134-1111. 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 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. **Move to Site Plan Approval process in Procedures Section.**

~~(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. 134-1113. 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 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. **Incorporate into Landscape Code**~~
 - ~~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. **Incorporate into Landscape Code**~~
- ~~(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.~~ **Incorporate into Supplementary Regulations.**

~~(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.~~ **Incorporate into Landscape Code**

~~(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.~~

Moved dimension regulations to Table 134-1105.

Sec. 134-1114. Same—Exceptions.

- (a) ~~In the C-TS town-serving commercial district, c~~~~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) ~~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.~~ **Added (g) to this section and move to Supplementary Regulations.**

~~(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.~~ **Modified and moved to Revised Section 134-1119(12)**

~~(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. 134-11162. 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. 134-11173. 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. 134-11184. 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. 134-11195. 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.~~

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~~(Ord. No. 1-00, § 2, 2-22-00)~~ **Moved to revised Sec. 134-1112(g) to be moved to Supplementary Regulations**

~~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 that addresses the paving and drainage requirements of the town.~~

~~(Ord. No. 19-2021, § 5, 9-13-21)~~ **This is addressed in section 134-1600.**

Sec. 134-1116. Landscape Code

The landscaping requirements which may be applicable in the C-TS town-serving commercial district are contained in division 3 of chapter 66.

~~Secs. 134-1122—134-1155. Reserved.~~

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DIVISION 9. C-WA WORTH AVENUE DISTRICT

Sec. 134-1156. Purpose **and intent**.

The purpose of the C-WA Worth Avenue district is to preserve and enhance an area of unique quality and character oriented to pedestrian comparison shopping and providing a wide range of retail and **personal** service establishments, ~~to be developed whether as a unit or as individual parcels~~, serving the short-term and long-term needs of townpersons. ~~Drive-in retail facilities are not permitted~~. Further it shall be the intent of this district to enhance the town-serving character of the area through use of limitations on the maximum gross ~~leasable floor~~ area ~~(GLA)~~ **(GFA)**, 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 area.~~ The permitted uses in the C-WA Worth Avenue commercial district, with a maximum of 4,000 gross ~~leasable floor 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.~~
- ~~(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.~~

(1) Town-serving retail establishments.

(2) Town-serving personal service establishments.

~~(27) (3) Town-serving offices and professional and business services, including banks and financial institutions, and executive offices establishments above the first floor; excluding veterinarian offices.~~

~~(28)(4) Storage facility related to a permitted or special exception conditional use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.~~

~~(29) (5) Residence(s) above the first floor.~~

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

(6) Essential services.

~~(b) 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) 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 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 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 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) 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 4,000 square feet.~~ Edit and move to the non-conforming section of new
Procedures Section.

(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) (1) Accessory u~~Uses that are subordinate and customarily incident to the permitted or approved special exception primary uses on the same lot.

(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.~~ Conditional Uses.

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

~~(1) Pay parking.~~

~~(2)(1)~~ Public or private parking or storage garages.

~~(3)(2)~~ Private social, swimming, tennis or yacht clubs.

~~(4)(3)~~ Public structures/uses.

~~(5) Essential services related to town-owned municipal buildings and structures.~~

~~(6)(4)~~ Supplemental parking per sections 134-2177 and 134- 2182.

~~(7)(5)~~ Restaurants, nightclubs, lounges/bars, excluding formula restaurants as defined in section 134-2, nightclubs, lounges/bars.

~~(8)(6)~~ Museums

~~(7) Nonprofit cultural centers.~~

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- ~~(9)(8)~~ Permitted uses cited under permitted uses in section 134-1157 which contain greater than 4,000 gross floor area (GFA) ~~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)~~ ~~(9)~~ Roof deck automobile parking.
- ~~(13)~~ ~~(10)~~ Outdoor cafe seating ~~is permitted only~~ for restaurants, and ~~town-serving~~ retail specialty food stores, 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, ~~including incidental sale of prepared foods for takeout.~~
- ~~(14)~~ ~~Retail specialty foods, including incidental sale of prepared foods for takeout.~~

(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. Prohibited Uses.

- (a) Auto Rental Lots
- (b) Drive in business service facilities.
- (c) Pawn shops.
- (d) Retail Tobacco or Nicotine Products Dealer and Smoke Shops.

Sec. 134-1160~~1~~. Accessory ~~structures~~ uses.

- ~~(a)~~ ~~Generally.~~ Enclosed a Accessory structures uses 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 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. **Moved to Supplementary Regulations 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. 1-99, § 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. **Moved to Site Plan Approval process in Procedures Section.**

~~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:

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- ~~(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 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. 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).~~ **Incorporate into Landscape Code**
- ~~(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.~~ **Incorporate into Supplementary Regulations**
 - ~~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.~~ **Include Worth Avenue Guidelines into the Code.**
- ~~(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.~~ **Include Worth Avenue Guidelines into the Code.**

~~(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.~~

Moved dimension regulations to Table 134-1105.

Sec. 134-11642. Same—Exceptions.

- ~~(a) In the C-WA Worth Avenue district, cCornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they~~

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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 curbline 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) Within the C-WA district, a~~Arcades or colonnades may be constructed, subject to approval as a special exception, over sidewalks or ways, provided that they shall not project nearer than three feet to the face of the street curbline or more than ten feet, but not less than seven feet, from the exterior wall as measured from the exterior face of the building to the exterior face of the arcade or colonnade, and provided that no support shall be nearer than three feet to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance. The design of such arcades or colonnades shall be based upon the Worth Avenue Design Guidelines and shall be subject to review and approval by the architectural commission. The Worth Avenue Design Guidelines are incorporated and adopted as part of this chapter as if fully set forth in this chapter.
- ~~(f) 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.~~ **Added (f) and moved to Supplementary Regulations.**

Sec. 134-1165. Special exception 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.~~ **Reference to the Worth Avenue Design Guidelines are within Table 135-1105.**

Sec. 134-116~~62~~. 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. 134-116~~73~~. 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. 134-116~~84~~. Signs.

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

Sec. 134-116~~95~~. 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.~~ **Moved to revised Sec. 134-1162(f) to be relocated to Supplementary Regulations.**

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 that addresses the paving and drainage requirements of the town. Addressed in Sec. 134-1600.~~
(Ord. No. 19-2021, § 5, 9-13-21)

Sec. 134-1166. Landscape Code

The landscaping requirements which may be applicable in the C-Worth Avenue district are contained in division 3 of chapter 66.

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DIVISION 10.

C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT

Sec. 134-1206. Purpose ~~and intent.~~

The purpose of the C-OPI office, professional and institutional district is to provide locations for administrative, professional business and institutional offices which are adequate for the town's needs and convenient for use by ~~town citizens~~ townpersons.

Sec. 134-1207. Permitted uses.

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

- (1) Town-serving retail establishments.
- (2) Town-serving personal service establishments.
- ~~(1)(3) Town-serving oOffices establishments 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.
- ~~(6)(5)~~ Essential services.
- ~~(5)(6)~~ Residence(s) above the first floor.

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)(1) U~~Accessory uses that are subordinate and customarily incident to the permitted or approved special exception primary uses on the same lot.

Sec. 134-1209. ~~Special exception.~~ Conditional Uses.

~~The special exception uses require a site plan review as provided in article III of this chapter.~~
~~The special exception uses~~ Conditional 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)(2)~~ Public structures ~~/uses.~~
- ~~(4) — Essential services related to town-owned municipal buildings and structures.~~
- ~~(5)(3)~~ Supplemental parking ~~per sections 134-2177 and 134-2182 as defined in Sec. 134-2.~~
- ~~(6)(4)~~ 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.~~

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~~(9) —Institutions.~~

~~(10)(5)~~ Roof-deck automobile parking.

~~(11)(6)~~ 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)(7)~~ Dining rooms when not more than 15 percent of the gross floor area of the structure; no exterior or external advertising to be permitted.

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Sec. 134-1210. Reserved. Prohibited Uses.

(a) Auto Rental Lots

(b) Drive in business service facilities.

(c) Pawn shops.

(d) Retail Tobacco or Nicotine Products Dealer and Smoke Shops.

Sec. 134-1211. Accessory structures uses.

~~(a) —Generally.~~ Enclosed accessory ~~structures~~ uses 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. **Moved to Supplementary Uses Section.**

~~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.~~ **Moved to Site Plan Approval process in Procedures.**

~~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 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.~~ **Incorporate into Landscape Code**
 - ~~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 30,000 square feet.~~
 - ~~b. For two-story buildings, the maximum gross floor area of buildings is 30,000 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.~~

Moved dimension regulations to Table 134-1105.

~~Sec. 134-1214. Same—Exception:~~

- ~~(a) In the C-OPI office, professional and institutional district, cCornices, 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 curbline 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) 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.~~ **Added (g) and moved to Supplementary Regulations**

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.~~ **Revised and moved to Sec. 134-1209(8).**

Sec. 134-12162. 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.

Sec. 134-12173. 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.
Editor's note(s)—See note at section 134-1210.

Sec. 134-12184. 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.

Sec. 134-12195. 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.

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.~~ Moved to revised Sec. 134-1162(f) to be relocated to Supplementary Regulations.

~~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.~~ Addressed in Sec. 134-1600

Sec. 134-1216. Landscape Code

The landscaping requirements which may be applicable in the C-OPI office, professional and institutional district are contained in division 3 of chapter 66.

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DIVISION 11.
C-PC PLANNED CENTER DISTRICT

Sec. 134-1256. Purpose and intent.

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

- ~~(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.~~
- ~~(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.~~
- (1) Town-serving retail establishments.
- (2) Town-serving personal service establishments.
- (3) Town-serving office establishments.

~~(27) (4) Essential services.~~

~~(5) Public parks.~~

~~(28) Maximum 3,000 square feet of GLA. 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 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, 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, 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 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) 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) to more than 3,000 square feet. Edit and move to the non-conforming section of new Procedures Section.~~

Sec. 134-1258. Accessory uses.

~~(1) Off-street parking and loading.~~

~~(2) Signs.~~

~~(3) Drive-in business service facilities.~~

~~(3)(1) U~~**Accessory**~~uses that are subordinate and customarily incident to the permitted or approved special exception primary uses on the same lot.~~

Sec. 134-1259. Special exception Conditional uses.

~~(a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception Conditional 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.~~

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- (4) Essential services ~~related to town-owned municipal buildings and structures.~~
 - (5) Supplemental parking ~~per sections 134-2177 and 134-2182 as defined in Sec. 134-2.~~
 - (6) Restaurants, excluding formula restaurants as defined in section 134-2, ~~theaters, nightclubs, lounges/bars.~~
 - ~~(7) Theaters.~~
 - ~~(7)(8) Museums.~~
 - ~~(8) Veterinarian/animal clinic.~~
 - ~~(9) Auto rental.~~
 - ~~(10) Banks and financial institutions.~~
 - ~~(11)(9)~~ All retail and personal service ~~activities establishments~~ exceeding 3,000 square feet gross ~~leasable floor~~-area square feet not specifically cited under the permitted uses in subsection 134-1257(a)(2).
 - ~~(12)~~ (10) Timesharing uses at a maximum of nine units per acre and hotels at a maximum of 26 units per acre.
 - ~~(13)(11)~~ Roof-deck automobile parking.
 - ~~(14)~~ (12) Nonprofit cultural centers.
 - ~~(15) Veterinarian offices.~~
 - ~~(16) Outdoor seating in conjunction to permitted restaurants. See section 134-1260 for additional conditions.~~
 - ~~(17)~~ (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.
 - ~~(18)~~ (14) 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.~~ **Moved to Chapter 114 - Taxation.**

Sec. 134-1260. Reserved. Prohibited Uses.

- (a) Auto Rental Lots
- (b) Drive in business service facilities.
- (c) Pawn shops.
- (d) Retail Tobacco or Nicotine Products Dealer and Smoke Shops.

Ord. No. 16-2021, § 12, adopted August 11, 2021, repeated § 134-1260, which pertained to ~~stands, seated dining areas and open counters for eating and drinking and derived from~~

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~~Ord. No. 1-2017, § 2, 2-15-17. Formerly § 134-1260, pertained to accessory structures, and derived from Ord. No. 2-74.,~~

~~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.~~ **Moved to Site Plan Approval process in Procedures Section.**

~~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.~~ **Incorporate into Landscape Code**
- ~~(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~~

Moved dimension regulations to Table 134-1105.

Sec. 134-1263. Same—Exceptions

- ~~(a) In the C-PC planned center district, c~~G~~ornices, 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~~e ~~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) 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.~~ Added (g) and moved to Supplementary Regulations.

Sec. 134-12640. 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. 134-12651. 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. 134-12662. Signs.

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

Sec. 134-12673. 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.~~ Moved to revised Sec. 134-1162(f) to be relocated to Supplementary Regulations.

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.~~ Addressed in Sec. 134-1600.

Sec. 134-1116. Landscape Code

The landscaping requirements which may be applicable in the C-PC planned center district are contained in division 3 of chapter 66.

Secs. 134-1270—134-1300. Reserved.

DIVISION 12.
C-B COMMERCIAL DISTRICT

Sec. 134-1301. Purpose ~~and intent.~~

The purpose of the C-B commercial district is to 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 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 district are as follows:
- ~~(1) Town-serving retail establishments.~~
 - ~~(2) Town-serving personal service establishments.~~
 - ~~(3) Town-serving office establishments. Business and professional offices/services and executive office suites, excluding veterinarians.~~
 - ~~(2) Banks and financial institutions.~~
 - ~~(3)(4)~~ Churches, synagogues or other houses of worship.
 - ~~(4)(5)~~ 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)~~ Public parks.
 - ~~(5)(7)~~ Essential services.

Sec. 134-1303. Accessory uses.

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

Sec. 134-1304. ~~Special exception Conditional uses.~~

- ~~(a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception Conditional uses in the C-B commercial district are as follows:~~
- ~~(1)~~ Public or private parking lots or storage garages.
 - ~~(2) Auto rental lot.~~
 - ~~(3)(2)~~ Supplemental parking as defined in section 134-2.
 - ~~(4) Public or private academic schools.~~
 - ~~(5)(3)~~ Hotels at a maximum of 26 units per acre.
 - ~~(6)(4)~~ Timesharing uses at a maximum of nine units per acre.
 - ~~(7)(5)~~ 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 area.~~
- ~~(9)(6) Nonprofit cultural centers.~~
- ~~(10)(7) 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)(9) Essential services related to town-owned municipal buildings and structures.~~
- ~~(13) (8) 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. **Moved to Chapter 114 Taxation.**~~

Sec. 134-1305. ~~Reserved.~~ Prohibited Uses.

- (a) Auto Rental Lots
- (b) Drive in business service facilities.
- (c) Pawn shops.
- (d) Retail Tobacco or Nicotine Products Dealer and Smoke Shops.

~~Ord. No. 16-2021, § 13, adopted August 11, 2021, repeated § 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~~ **uses.**

- (a) *Generally.* Enclosed accessory ~~structures~~ **uses** in the C-B commercial 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. **Moved to Supplementary Section.**

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 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. **Moved to site plan approval process in Procedures section.**

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

In the C-B commercial 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 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.~~

Incorporate into Supplementary Regulations

~~(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 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 district.~~

Moved dimension regulations to Table 134-1105.

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.~~
- (h) ~~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.~~ **Added (h) and moved to Supplementary Regulations**

~~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 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.~~ **Addressed in Table 134-2.**

Sec. 134-13~~1107~~. Supplementary district regulations.

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

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

Sec. 134-13~~1208~~. Off-street parking and loading.

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

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

Sec. 134-13~~1309~~. Signs.

The sign regulations which may be applicable in the C-B commercial 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. 134-13~~1410~~. 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 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.~~ **Moved to revised Sec. 134-309(g) to be relocated to Supplementary Regulations.**

~~(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.~~ **Moved to Sec. 134-1309(h)**

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

~~In the C-B commercial 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) **Addressed in Sec. 134-1600**

Sec. 134-1311. Landscape Code

The landscaping requirements which may be applicable in the C-B commercial business are contained in division 3 of chapter 66.

~~Secs. 134-1317—134-1350. Reserved.~~