



PLANNING AND ZONING COMMISSION MEETING

TOWN OF PALM BEACH

AUGUST 4, 2026

9:30 AM

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

Gail Coniglio, Chair
William J. Gilbane, Vice Chair
Marilyn N. Beuttenmuller, Member
Barbara Chapman, Member
Martin Klein, Member
Carol LeCates, 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 July 7, 2026, Planning & Zoning Commission Meeting

APPROVAL OF AGENDA

COMMENTS

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

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

UNFINISHED BUSINESS

5. Tranche 5 - Ordinance No. 022-2026 Commercial District Regulations

ANY OTHER BUSINESS

MEETING SCHEDULE

6. The next meeting is scheduled for September 1, 2026

ADJOURNMENT

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

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

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

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: August 4, 2026

To: Planning and Zoning Commission

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

From: Jennifer Hofmeister, AICP, LCAM, Planner III

Re: Minutes of the July 7, 2026, Planning & Zoning Commission Meeting

Date: 7/30/2026

ATTACHMENT

Minutes of the July 7, 2026, Planning & Zoning Commission Meeting

STRATEGIC PLAN

Strategic Priorities:

Governmental Leadership and Innovation

Strategic Focus Areas:

Collaborative Town Government

FUNDING

No Fiscal Impact



TOWN OF PALM BEACH

Minutes of the Planning and Zoning Commission Meeting Held on July 7, 2026

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 9:30 a.m. in the Town Council Chambers.

Members Present: Gail Coniglio, William Gilbane (via Microsoft Teams), Marilyn Beuttenmuller, Jorge Sanchez, Barbara Chapman, Carol LeCates, Martin Klein, Anne Fairfax

Members Absent: Matthew Ailey, Victoria Donaldson

Staff Present: Wayne Bergman, Jennifer Hofmeister, Friederike Mittner, Pat Gayle-Gordon, and Town Attorney Joanne O'Connor

Clerk's Note: Mr. Gilbane appeared via Microsoft Teams and was not permitted to vote. Therefore, Ms. Fairfax voted in his absence.

PLEDGE OF ALLEGIANCE

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

MINUTES

1. Minutes of the June 2, 2026, Planning and Zoning Commission Meeting

Ms. Beuttenmuller requested revisions to the draft minutes to include the previously stated definition of "town serving" and to expand the summary of the discussion regarding primary versus accessory uses for greater clarity. Deputy Town Clerk Gayle-Gordon explained that the minutes under review had been prepared by an outside vendor, while future minutes will be summaries with actions at the Town Council's direction. Ms. Hofmeister agreed to incorporate the requested clarifications, and the Commission raised no objections.

Chair Coniglio inquired about the traffic standards but was informed that it would be discussed during the discussion.

Clerk's Note: Ms. Fairfax arrived at 9:35 a.m.

A motion was made by Mr. Klein and seconded by Ms. Chapman to approve the minutes of the June 2, 2026 meeting as amended. The motion was carried unanimously, 7-0.

APPROVAL OF AGENDA

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

COMMENTS

2. OFFICIALS

The Commission discussed the relationship between the Comprehensive Plan and the Town Code, noting the importance of distinguishing broader policy guidance from enforceable code standards, particularly when evaluating intensity of use. Commissioners also reviewed upcoming code revisions, including the transition from special exceptions to conditional uses, the addition of use-specific regulations, and new Floor Area Ratio (FAR) standards. The discussion also focused on traffic impacts and the development of impact, mobility, and resiliency fees to ensure appropriate mitigation. Overall, the Commission emphasized the importance of clear, consistent, and enforceable code language that provides meaningful standards for applicants and supports effective implementation and compliance.

3. STAFF

There were no staff comments.

4. PUBLIC - 3 MINUTE LIMIT

There were no public comments.

UNFINISHED BUSINESS

5. **12-2026** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Adopted 2024 Town Of Palm Beach Comprehensive Plan, Pursuant To Chapter 163.3191, Florida Statutes, By Amending The Future Land Use Element, The Historic Preservation Element, And The Infrastructure Element And By Amending The Adopted 2024 Comprehensive Plan Map Series To Replace The Future Land Use Map, The Zoning Map And The Archaeological Sites Map; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Here Within; Providing For Codification; Providing An Effective Date.

Jennifer Hofmeister presented the second transmittal hearing for amendments to the 2024 Comprehensive Plan, including updates to the Future Land Use, Historic Preservation, and Infrastructure Elements, the Water Supply Facilities Work Plan, and the Comprehensive Plan map series. She explained that revisions were made in response to state agency comments, including restoring fractional residential density calculations, updating resiliency and potable water policies, and making various technical amendments. Ms. Hofmeister also introduced an

expanded draft Glossary of Terms for the future Land Development Code, intended to consolidate land development terminology and improve consistency throughout the Code. At the request of legal counsel, the Commission first completed action on Ordinances 12-2026 and 13-2026 before continuing its discussion of the glossary. The Commission unanimously recommended approval of both ordinances for Town Council consideration.

Commissioners requested clarification regarding the restoration of fractional density calculations, the purpose and future use of the expanded glossary, and the status of definitions still under review. They generally supported the Comprehensive Plan amendments and the development of a comprehensive glossary, noting that it would improve consistency and clarity as work on the Land Development Code continues.

A motion was made by Mr. Klein and seconded by Ms. LeCates to approve Ordinance No. 012-2026. The motion was carried unanimously, 7-0.

Ms. Beuttenmuller noted that the Comprehensive Plan ordinance title referenced a specific statutory section rather than just the Florida statute chapter and questioned whether the title should be revised to state the Chapter. Ms. Hofmeister explained that the cited Florida Statute section pertains to Comprehensive Plan amendments and that the ordinance has already been advertised. The Commission agreed that staff should review the issue and, if appropriate, make any necessary revisions before Town Council consideration, while determining whether re-advertisement would be required.

6. **13-2026** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Official Zoning Map By Replacing The Existing 1974 Official Zoning Map Of The Town Of Palm Beach Last Updated September 2024 With A New 2026 Official Zoning Map; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Here Within; Providing For Codification; Providing An Effective Date.

Public Comment

Anita Seltzer, 44 Cocoanut Row, requested clarification on the intent of the comprehensive plan and Future Land Use Map, noting that the Future Land Use Map should not be used alone to justify project approval without considering the Town's goals and policies.

Ms. Hofmeister explained the differences between the Future Land Use Map Series and the zoning map, noting that the Future Land Use Map provides broad land-use designations, while the zoning map identifies specific zoning districts and regulations. Town Attorney O'Connor added that the Comprehensive Plan contains goals and policies that may apply across multiple districts, emphasizing that both mapping tools are important resources for residents. Following the discussion, the Commission agreed to move the Ordinance forward for adoption.

A motion was made by Mr. Klein and seconded by Ms. LeCates to recommend approval by the Town Council of Ordinance No. 013-2026.

Ms. LeCates asked why staff reports often reference only the Future Land Use Map when evaluating Comprehensive Plan consistency. Ms. Hofmeister explained that staff considers multiple Comprehensive Plan elements, including concurrency, compatibility, and applicable policies, and noted that future staff reports will more clearly reference those additional factors.

The motion was carried unanimously, 7-0.

7. Presentation & Review of Draft Glossary of Terms Focused on Specific Terminology Related to Non-Residential Uses

Discussion continued regarding the draft Glossary, which now spans 54 pages and consolidates terminology from multiple sections of the Code of Ordinances. Ms. Hofmeister emphasized that the Glossary is an evolving working document, not yet ready for ordinance form, and invited Commissioners to flag any terms needing refinement. Director Bergman noted that the Glossary will continue to expand as the Town updates regulations for the RB districts, the South End, parking, and other land-development topics, and highlighted that several items remain under review.

Commissioners discussed ensuring that definitions, particularly those relating to accessory uses, are clear and enforceable. Several members agreed the draft should be reviewed further over time, with additional feedback submitted to staff as needed. No specific changes were requested at this meeting, and staff confirmed they will continue refining the document and incorporate future comments.

8. Second Review of Proposed Conditional Use Criteria

Ms. Hofmeister reviewed the proposed revisions to the special exception criteria, which would be retitled as conditional use criteria, explaining that the standards were reorganized to improve clarity by focusing on the proposed use, Comprehensive Plan consistency, site planning, and project impacts. The Commission discussed the meaning of "design," Comprehensive Plan consistency requirements, and the Town-serving percentage for conditional uses. Staff and Town Attorney O'Connor clarified the legal framework for evaluating applications and noted that the Town-serving percentage would be revisited as part of the broader commercial regulations update.

Public Comment

Anita Seltzer, 44 Cocoanut Row, suggested clarifying provisions of the draft conditional use criteria, including the definitions of key terms, references to parking impacts, the use of the term "design," the Town-serving requirements, and the standards for imposing conditions.

The Commission discussed the conditional use criteria, including the use of "design," "material," and "immediate," to improve consistency and avoid ambiguity. Commissioners also discussed the legal standards for Comprehensive Plan consistency, the Town-serving percentage requirements, and the Town Council's ability to establish project-specific conditions, while acknowledging that the final approved site design governs compliance.

Public Comment

Anita Seltzer, 44 Cocoanut Row, expressed concern that conditional use criteria should be satisfied before approval and cautioned against relying on post-approval declaration of use agreements to address deficiencies.

No final action was taken, and staff will return with revised language reflecting the Commission's guidance.

NEW BUSINESS

9. **20-2026** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, Article Vi, District Regulations, At Division 6. - R-D(1) High Density Residential District, Section 134-1000; And At Division 7. - R-D(2) High Density Residential District, Section 134-1055, To Remove Public And Private Academic School As Special Exception Uses In The R-D(1) And R-D(2), Respectively; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Ms. Hofmeister reviewed the history of the proposed ordinance removing public and private schools as a special exception use in residential zoning districts. She explained that the ordinance corrects an inadvertent omission from an ordinance and implements the Town Council's direction to prohibit schools in the RD-1 and RD-2 districts town-wide while retaining the special exception option in the C-TS commercial district. The Commission also noted the importance of continuing to evaluate South End traffic impacts as planning efforts move forward.

A motion was made by Ms. Coniglio and seconded by Mr. Klein to approve Ordinance No. 020-2026. The motion was carried unanimously, 7-0.

ANY OTHER BUSINESS

There was no other business to discuss.

MEETING SCHEDULE

10. The next meeting is scheduled for Tuesday, August 4, 2026

ADJOURNMENT

A motion was made by Mr. Klein and seconded by Ms. Chapman to adjourn the meeting at 12:00 PM. The motion was carried unanimously, 7-0.

Respectfully Submitted,

Gail Coniglio, Chair

TOWN OF PALM BEACH

Information for Planning and Zoning Commission Meeting on: August 4, 2026

To: Planning and Zoning Commission

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

From: Jennifer Hofmeister, AICP, LCAM, Planner III
Joanne O'Connor, Town Attorney
Peter Henn, Assistant Town Attorney

Re: Tranche 5 - Ordinance No. 022-2026 Commercial District Regulations

Date: 7/30/2026

ATTACHMENTS

Staff Report

Draft Ordinance No. 022-2026

Strike Through/Underline of Article XI

Clean Version of Article XI

STRATEGIC PLAN

Strategic Priorities:

Community Culture and Character, Governmental Leadership and Innovation

Strategic Focus Areas:

Cooperative Relationships

Quality of Life

Community Preservation

FUNDING

Funded



PROPOSED ORDINANCE NO. 022-2026 –
COMMERCIAL ZONING DISTRICT REGULATIONS
TOWN OF PALM BEACH PZC MEMO

SUMMARY OF PLANNING AND ZONING COMMISSION AGENDA ITEM ON COMMERCIAL ZONING DISTRICT REGULATIONS:

The proposed Ordinance No. 022-2026 provides the revised language that the Planning, Zoning and Building staff and the Planning and Zoning Commission have been working on since May 2025.

The subject Ordinance proposes to amend the Town Code of Ordinances at Chapter 134, Zoning, at Article VI, District Regulations, to create Division 7.5.-Commercial Districts, Sections 134-1101 Through 134-1105, and to amend and repeal certain sections in Divisions 8 through 12 to provide an introduction to all the Town's Commercial Districts. Additionally, the subject revisions provide for the following:

1. A simplified set of regulations that changes the reference of special exceptions to conditional uses.
2. A categorization of the permitted and conditional uses by those that are Town-serving office, Town-serving retail and Town-serving personal service establishments to be consistent with the Town's Comprehensive Plan.
3. Adds prohibited uses to each district.
4. Includes tables detailing the permitted, conditional and prohibited uses and the minimum development standards for each commercial district.
5. Renumbers and relocates sections to more appropriate Articles within the Code of Ordinances.

A clean version of the amended Chapter 134, Zoning, at Article VI, District Regulations, pertaining to the commercial districts, has been included with this agenda item.

ORDINANCE NO. 022-2026

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING, AT ARTICLE VI, DISTRICT REGULATIONS, TO CREATE DIVISION 7.5.-COMMERCIAL DISTRICTS, SECTIONS 134-1101 THROUGH 134-1105, AND TO AMEND AND REPEAL CERTAIN SECTIONS IN DIVISIONS 8 THROUGH 12 TO PROVIDE AN INTRODUCTION TO ALL THE TOWN'S COMMERCIAL DISTRICTS, TO CATEGORIZE PERMITTED AND CONDITIONAL USES BY THOSE THAT ARE TOWN-SERVING OFFICE, TOWN-SERVING RETAIL AND TOWN-SERVING PERSONAL SERVICE ESTABLISHMENTS CONSISTENT WITH THE AMENDED COMPREHENSIVE PLAN, AND TO ADD TABLES DETAILING THE PERMITTED, CONDITIONAL AND PROHIBITED USES AND THE MINIMUM DEVELOPMENT STANDARDS FOR EACH COMMERCIAL DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; 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;

WHEREAS, the Town of Palm Beach has adopted a Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes, known as the Community Planning Act (the "Act");

WHEREAS, pursuant to §163.3191 of the Act, the Town of Palm Beach, Florida, is required to periodically and comprehensively evaluate its Comprehensive Plan to determine if plan amendments are necessary and to notify the state land planning agency as to its determination;

WHEREAS, pursuant to Ordinance No. 012-2026, the Town of Palm Beach Town Council incorporated into the Future Land Use Element, new definitions of Town-serving office, Town-serving retail, and Town-serving personal service establishments through a Comprehensive Plan amendment;

WHEREAS, pursuant to §163.3202 of the Act, within 1 year after submission of its amended Comprehensive Plan, the Town shall adopt or amend and enforce land development regulations that are consistent with and implement the amendments;

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 make changes to its land development regulations;

WHEREAS, Chapter 134 establishes zoning districts for the purpose of protecting, promoting, and improving public health, safety, morals, and the general welfare of the people and the convenience of efficient traffic circulation of people and goods;

WHEREAS, Article VI of Chapter 134 at divisions 8 through 12 provides for land development regulations for each of the established commercial zoning districts by division that include a list of permitted and special exception uses;

WHEREAS, the Town of Palm Beach's Planning and Zoning Commission issued a Record and Report recommending approval of the proposed amendments to the Town Code of Ordinances at Chapter 134, Zoning, at Article VI, District Regulations; and

WHEREAS, the Town of Palm Beach Town Council seeks to create a new division in Article VI of Chapter 134 to provide a simplified set of regulations that changes the reference of special exceptions to conditional uses, categorizes the permitted and conditional uses by those that are Town-serving office, Town-serving retail and Town-serving personal service establishments to be consistent with the Town's Comprehensive Plan, adds prohibited uses to each district; includes tables detailing the permitted, conditional and prohibited uses and the minimum development standards for each commercial district; and renumbers and relocates sections to more appropriate Articles within the Code of Ordinances.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

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

Section 2.

The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning, Article VI, District Regulations by the creation of a new Division 7.5.-Commercial Districts and by the amendment, repeal and renumbering of certain sections in Divisions 8 through 12 as set forth on Exhibit "A" hereto.

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.

Section 6. Effective Date.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this [insert day] day of [insert month], [insert year], and for second and final reading this [insert day] day of [month], [year].

Danielle H. Moore, Mayor

Edward A. Cooney, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Nicki McDonald, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member

Exhibit “A”
PART II - CODE OF ORDINANCES
Chapter 134 - ZONING
ARTICLE VI. - DISTRICT REGULATIONS

DIVISION 7.5 COMMERCIAL DISTRICTS

Sec. 134.1101. 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:

<u>Table 134-1101</u> <u>Commercial Districts</u>		
<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. 134-1102. 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 Town Persons and to be compatible with adjacent residential districts.

Sec. 134-1103. Permitted, Conditional and Prohibited Uses

Within the commercial district there are uses that are permitted by right, those that are considered conditional uses and those that are prohibited 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. 134-229. Table 134-1103 displays the permitted uses as [P], the

conditional uses as [C] and the explicitly stated prohibited uses as [X] and defined in Sec. 134-2. Any use not listed as a permitted or conditional use is considered prohibited.

Table 134-1103 Permitted, Conditional and Prohibited Use					
Uses	C-TS	C-WA	C-OPI	C-PC	C-B
Town-Serving retail establishment 3,000 SF or less (4,000 SF or less for C-WA), excluding formula retail	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Town-Serving personal service establishment 3,000 SF or less (4,000 SF or less for C-WA)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Town-Serving office establishment 3,000 SF or less (4,000 SF or less for C-WA)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Accessory Uses that are subordinate and customarily incident to the primary uses on the same lot.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Essential services	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Public parks	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Storage facility (related to permitted or conditional use in the district, provided said use meets all conditions in section 134-1760 of this chapter)	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>
Residence(s) above the first floor	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>
Cultural and arts institutions and museums	<u>P</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>C</u>
Churches, synagogues, and other houses of worship	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>
Private parks	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

Uses	<u>C-TS</u>	<u>C-WA</u>	<u>C-OPI</u>	<u>C-PC</u>	<u>C-B</u>
Town-Serving retail establishment more than 3,000 SF or (more than 4,000 SF for C-WA), excluding formula retail	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Town-Serving personal service establishment more than 3,000 SF (or more than 4,000 SF for C-WA)	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Town-Serving office establishment more than 3,000 SF or (more than 4,000 SF for C-WA)	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Public or private parking lots	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Outdoor café seating	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Public structures	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Supplemental parking	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Roof-deck automobile parking	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Restaurants, excluding formula restaurants	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u>
Dining rooms when not more than 15 percent of the gross floor area of a hotel	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>
Private clubs	<u>C</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>X</u>
Museums	<u>C</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>X</u>
Timesharing uses	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>
Hotels	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>

Uses	C-TS	C-WA	C-OPI	C-PC	C-B
Condo-hotel	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>
Theaters	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>X</u>
Public or private academic schools (located south of 3500 South Ocean Boulevard)	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Service stations	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Adult retailers	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Auto rental lots	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Drive-in business service facilities	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Executive/employee/group, vacation/retreats	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Formula restaurants	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Formula retail	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Pawn shops	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Retail tobacco or nicotine products dealer and smoke shops	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Tattoo parlors	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

Sec. 134.1104. Commercial Districts Development Standards

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

Table 134-1104 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>2.0</u>	<u>2.0</u>	<u>1.5</u>	<u>0.5</u>	<u>1.5</u>
<u>Minimum Lot Area</u>	<u>2,700 SF</u>	<u>2,700 SF</u>	<u>2,700 SF</u>	<u>2,700 SF</u>	<u>15,000 SF</u>
<u>Maximum Density</u>	<u>6.534 du/acre</u>	<u>10.89 du/acre</u>	<u>6.534 du/acre</u>	<u>28.314 hotel rooms; time-sharing uses; 9.801 units/acre</u>	<u>28.314 hotel rooms; time-sharing uses; 9.801 units/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>

Development Standard	C-TS	C-WA*	C-OPI	C-PC	C-B
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 Cross reference(s)—Applicability of Worth Avenue design guidelines in C-WA district, § 134-233.

**Not subject to waiver, variance or other relief

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

Sec. 134.1105. Conditional Uses Requirement for a New Business Tax Receipt

An owner or tenant of a property, located within a commercial district, which property has received approval of a special exception or a conditional use 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.

DIVISION 8.

C-TS TOWN-SERVING COMMERCIAL DISTRICT

Sec. 134-1106. Purpose and limitations.

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

- (1) Implement the comprehensive plan commercial future land use designation.
- (2) Create, preserve and enhance areas of attractive, small-scale, retail, personal and professional/business services to be developed either as a unit or in individual parcels, providing for the frequently recurring needs of townpersons.
- (3) Enhance the general character of the district and its compatibility with its residential surroundings, and, therefore, signs are limited to those accessory to businesses conducted on the premises, including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district, limitations on gross square floor (GSF) area 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 floor area. The permitted uses in the C-TS town-serving commercial district, with a maximum of 3,000 gross floor area (GFA) are as follows:~~

- ~~(1) Retail and service establishments, such as hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores.~~
- ~~(2) Offices, executive office suites, professional services, business services, excluding veterinarian offices, and securities and financial brokerage and trust companies above the first floor.~~
- ~~(3) Offices, professional services, business services and securities and financial brokerage and trust companies in the 200 block of Peruvian Avenue and Bradley Place.~~
- ~~(4) Nonprofit cultural centers.~~
- ~~(5) Professional and studio type schools.~~
- ~~(6) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.~~
- ~~(7) Essential services.~~
- ~~(8) Public parks.~~
- ~~(9) Residence(s) above the first floor.~~
- ~~(10) Supplemental off-site shared parking as provided for in sections 134-2177 and 134-2182. This use will sunset on March 13, 2024, unless extended or modified by town council.~~

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

~~(c) Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 3,000 gross floor area 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 of 3,000 gross floor area, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, wherein the new use will involve a building exceeding 3,000 gross floor area, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 floor area 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 gross floor area regulation may occupy additional space within 1,500 feet of the existing businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total to more than 3,000 floor area.

(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; Ord. No. 035-2025, § 9, 2-11-26)

Editor's note(s)—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 district are as follows:

- (1)—Off-street parking and loading.
- (2)—Signs.

~~(3) Accessory uses customarily incident to the permitted or approved special exception uses:~~

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

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

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

~~(2) Auto rental lots.~~

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

~~(4) Service stations.~~

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

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

~~(7) Supplemental parking per sections 134-2177 and 134-2182.~~

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

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

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

~~(11) Permitted uses, or uses not specifically enumerated under permitted uses in section 134-11078 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein, which are greater than 3,000 floor area (GFA).~~

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

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

~~(14) Outdoor cafe seating is permitted only for restaurants, 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.~~

~~(15) Veterinarian offices above the first floor.~~

~~(16) Museums occupying building of unique value as designated historical landmarks, as determined by the landmarks preservation commission and the town council.~~

~~(17) Nightclubs.~~

~~(18) Except as provided for in subsection 134-1107(3), offices (excluding executive office suites), professional services, business services and securities or financial brokerage and trust companies on the first floor provided that there are at least 50 percent existing office uses on all floors of the building in which the office use is proposed and more than 50 percent existing office uses on the first floor within 300 feet of the proposed office use within the same zoning district.~~

~~(19) Private parks.~~

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

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

~~proposed and more than 50 percent existing office uses on the first floor within 300 feet of the proposed office use within the same zoning district.~~

~~(19) Private parks.~~

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

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

~~(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.

(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.

(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.~~
- ~~d. For buildings in excess of 15 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 15 feet.~~

~~(6) Side yard:~~

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

~~(7) Rear yard:~~

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

~~(8) Height and overall height:~~

- ~~a. For one-story buildings, the maximum building height is 15 feet.~~
- ~~b. For two-story buildings, the maximum building height is 25 feet.~~
- ~~c. In this district, the maximum building height allows one story, with provision for a special exception for two stories. See special exception provisions in sections 134-227 through 134-233 (special exception use), section 134-1115 relating to allowable height and lot coverage, and article III of this chapter (site plan review).~~

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

~~(9) Lot coverage:~~

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

~~(10) Length:~~

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

~~(11) Landscaped open space:~~

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

~~(12) Floor area:~~

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

~~Sec. 134-1114. Same—Exceptions:~~

- ~~(a) In the C-TS town-serving commercial district, eCornices, 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.~~

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

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

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

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

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

Sec. 134-1107. 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. 134-1108. 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. 134-1109. 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. 134-1110. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.
(Ord. No. 1-99, § 11, 4-5-99)

~~Sec. 134-1120. Architectural tower features.~~

~~In the commercial zoning districts, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets.
(Ord. No. 1-00, § 2, 2-22-00)~~

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

~~In the C-TS, commercial town serving district, the natural grade and topography of a lot shall not be altered to raise and the grade the lot to meet base flood elevation requirements except as provided for in section 134-1600. The grade shall not be raised on a vacant or occupied piece of property unless a building permit is issued that addresses the paving and drainage requirements of the town.
(Ord. No. 19-2021, § 5, 9-13-21)~~

Sec. 134-1111. 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. 134-1112—134-1155. Reserved.***DIVISION 9.******C-WA WORTH AVENUE DISTRICT*****Sec. 134-1156. Purpose.**

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

- (1) Implement the comprehensive plan commercial future land use designation.
- (2) Adhere to the development standards contained in the Worth Avenue Design Guidelines.
- (3) Preserve and enhance an area of unique quality and character oriented to pedestrian comparison shopping and providing a wide range of retail and service establishments, to be developed whether as a unit or as individual parcels, serving the short-term and long-term needs of townpersons.
- (4) Drive-in retail facilities are not permitted.
- (5) Further it shall be the intent of this district to enhance the town-serving character of the area through use of limitations on maximum gross floor area (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; Ord. No. 035-2025, § 9, 2-11-26)

~~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.~~
- ~~(27) Offices and professional and business services, including banks and financial institutions, and executive offices establishments above the first floor, excluding veterinarian offices.~~
- ~~(28) 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) Residence(s) above the first floor.~~
- ~~(30) Combinations of the uses in subsections (a)(1) through (28) of this section.~~

~~(a) — 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 to subdivide into two 5,000 square foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 4,000 square feet maximum gross leasable area (GLA) 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.~~

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

Sec. 134-1158. Accessory uses:

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

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

~~(2) Signs:~~

~~(3) Accessory uses that are customarily incident to the permitted or approved special exception use:~~

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

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

~~(1) Pay parking.~~

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

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

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

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

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

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

~~(8) Museums and nonprofit cultural centers.~~

~~(9) Permitted uses cited under permitted uses in section 134-1157 which contain greater than 4,000 square feet GLA gross leasable area.~~

~~(10) Uses not specifically enumerated under permitted uses in section 134-1157 but having traffic, patronage and intensity of use characteristics similar to those uses cited therein.~~

~~(11) Outdoor promotional events. See section 134-2115 for additional conditions and criteria.~~

~~(12) Roof deck automobile parking.~~

~~(13) Outdoor cafe seating is permitted only for restaurants, retail specialty food including the sale of prepared food for takeout only, and private, social, swimming, golf, tennis and yacht clubs, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.~~

~~(14) Retail specialty foods, including incidental sale of prepared foods for takeout.~~

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

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

6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-94, § 2(b)(5), 2-7-94; Ord. No. 1-96, § 17, 2-5-96; Ord. No. 2-98, § 3, 2-27-98; Ord. No. 1-02, § 10, 3-12-02; Ord. No. 1-03, § 3, 3-11-03; Ord. No. 1-04, § 29, 3-9-04; Ord. No. 4-08, § 9, 4-7-08; Ord. No. 5-09, § 9, 4-15-09; Ord. No. 2-2011, § 6, 7-13-11; Ord. No. 3-2012, § 5, 4-11-12; Ord. No. 10-2012, § 4, 9-11-12; Ord. No. 30-2017, § 3, 1-10-18; Ord. No. 02-2019, § 10, 3-19-19; Ord. No. 17-2019, § 8, 6-12-19; Ord. No. 01-2021, § 5, 2-10-21; Ord. No. 12-2021, § 4, 6-9-21; Ord. No. 16-2021, § 12, 8-11-21)

~~Sec. 134-1211. Accessory structures.~~

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

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

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

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

~~All applications for new buildings or for new building additions or for changes in a permitted use in section 134-1207 which involve more than 2,000 square feet of building floor area of buildings in the C-OPI office, professional and institutional district shall require a site plan approval in accordance with article III of this chapter. No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. The maximum dimension of any structure or group of attached structures shall not exceed 150 feet. (Ord. No. 2-74, § 6.55, 3-26-74; Ord. No. 5-78, § 12, 3-31-78; Ord. No. 7-79, § 14, 3-30-79; Ord. No. 4-80, § 6, 3-31-80; Ord. No. 7-82, § 5(d), 3-31-82; Ord. No. 1-85, § 4(h), 2-11-85; Ord. No. 5-09, § 13, 4-15-09)~~

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

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

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

- ~~(1) *Lot area.* The minimum lot area is 4,000 square feet.~~
- ~~(2) *Lot width.* The minimum lot width is 30 feet.~~
- ~~(3) *Lot depth.* The minimum lot depth is 90 feet.~~
- ~~(4) *Density.* A single dwelling unit, or multiple dwelling units not to exceed ten dwelling units per gross acre as provided for in the Worth Avenue design guidelines which are on file in the town clerk's office, and which are incorporated and adopted as part of this chapter as if fully set forth in this chapter. See article III of this chapter for site plan review requirements.~~
- ~~(5) *Front yard.* All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street 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).~~

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- ~~(6) *Side yard.* There is no minimum side yard required for one-story structures, but a side yard shall be five feet if provided.~~
- ~~(7) *Rear yard.* The minimum rear yard setback is ten feet.~~
- ~~(8) *Height and overall height.*~~
- ~~a. For one-story buildings, the maximum building height is 15 feet.~~
 - ~~b. For two-story buildings, the maximum building height is 25 feet, allowable as a special exception.~~
 - ~~c. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.~~
 - ~~d. Refer to Worth Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.~~
- ~~(9) *Lot coverage.*~~
- ~~a. For one-story buildings, the maximum lot coverage is 75 percent.~~
 - ~~b. For two-story buildings, the maximum lot coverage is 35 percent for the first floor and 35 percent for the second floor. See special exception provisions in sections 134-227 through 134-233 (special exception use), section 134-1165 relating to allowable height and lot coverage, and article III of this chapter (site plan review).~~
 - ~~c. Refer to Worth Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.~~
- ~~(10) *Length.*~~
- ~~a. For one-story buildings, the maximum building length is 150 feet.~~
 - ~~b. For two-story buildings, the maximum building length is 150 feet.~~
 - ~~c. For each multifamily building maximum dimensions, see section 134-1871 et seq.~~
 - ~~d. Refer to Work Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.~~
 - ~~e. Sub-basements are exempt from the maximum building length, requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.~~
- ~~(11) *Landscaped open space.*~~

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- ~~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.~~

~~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 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, aArcades 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.~~

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.~~

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

Sec. 134-116657. 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. 134-116758. 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. 134-116859. Signs.

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

Sec. 134-116960. 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.~~

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.
(Ord. No. 19-2021, § 5, 9-13-21)~~

Sec. 134-1161. Landscape Code

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

Secs. 134-1167—134-1205. Reserved.

DIVISION 10.

C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT

Sec. 134-1206. Purpose.

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

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

-
- (2) Provide locations for administrative, professional business and institutional offices which are adequate for the town's needs and convenient for use by town citizens.

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 035-2025, § 10, 2-11-26)

~~Sec. 134-1207. Permitted uses.~~

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

- ~~(1) Offices and professional and business services and executive offices, excluding veterinarian offices.~~
- ~~(2) Brokerage and trust companies.~~
- ~~(3) Yacht Brokerage with no display of merchandise on premises.~~
- ~~(4) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.~~
- ~~(5) Essential services.~~
- ~~(6) Residence(s) above the first floor.~~

~~(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 1-97, § 3, 2-17-97; Ord. No. 1-00, § 3, 2-22-00; Ord. No. 1-04, § 24, 3-9-04; Ord. No. 7-2014, § 7, 5-14-14; Ord. No. 8-2017, § 3, 4-12-17; Ord. No. 17-2019, § 9, 6-12-19; Ord. No. 01-2021, § 6, 2-10-21; Ord. No. 12-2021, § 5, 6-9-21; Ord. No. 20-2021, § 4, 9-13-21; Ord. No. 035-2025, § 10, 2-11-26)~~

~~Sec. 134-1208. Accessory uses.~~

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

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

~~(2) Signs.~~

~~(3) Accessory uses customarily incident to the permitted or approved special exception uses.~~

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

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

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

~~(2) Auto rental lot.~~

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

~~(4) Essential services related to town-owned municipal buildings and structures.~~

~~(5) Supplemental parking per sections 134-2177 and 134-2182.~~

~~(6) Restaurants, excluding formula restaurants as defined in section 134-2.~~

~~(7) Lounges/bars when associated with full-service restaurants.~~

~~(8) Banks and financial institutions, excluding brokerage and trust companies.~~

~~(9) Institutions.~~

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

~~(11) Outdoor cafe seating for only restaurants, and dining rooms, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.~~

~~(12) Dining rooms when not more than 15 percent of the gross floor area of the structure; no exterior or external advertising to be permitted.~~

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

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

Sec. 134-1210. Reserved.

Sec. 134-1211. Accessory structures.

(a) ~~Generally.~~ Enclosed accessory structures in the C-OPI office, professional and institutional district shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer to any rear property line than ten feet.

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

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

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

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

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

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

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

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

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

- ~~(1) *Lot area.* The minimum lot area is 4,000 square feet.~~
- ~~(2) *Lot width.* The minimum lot width is 30 feet.~~
- ~~(3) *Lot depth.* The minimum lot depth is 90 feet.~~
- ~~(4) *Density.* A single dwelling unit, or multiple dwelling units not to exceed six dwelling units per gross acre. See article III of this chapter for site plan review requirements.~~
- ~~(5) *Front yard.*~~
 - ~~a. For one-story buildings, the minimum front yard setback is five feet.~~
 - ~~b. For two-story buildings, the minimum front yard setback is five feet.~~
 - ~~c. For three-story buildings, the minimum front yard setback is five feet.~~
 - ~~d. All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street 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.~~

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- 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.~~

Sec. 134-1214. Same—Exception:

- (a) ~~In the C-OPI office, professional and institutional 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 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. 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.~~

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.~~

Sec. 134-121607. 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. 134-12~~17~~08. 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. 134-12~~18~~09. 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. 134-12~~19~~10. 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.~~

~~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.~~

Sec. 134-1211. 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.

Secs. 134-1212—134-1255. Reserved.

DIVISION 11.
C-PC PLANNED CENTER DISTRICT

Sec. 134-1256. Purpose.

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

- (1) Implement the comprehensive plan commercial future land use designation.
- (2) Preserve and enhance an area of unique character oriented toward a combination of office, professional and retail uses to be developed either as a unit or as individual parcels.
- (3) Enhance the town-serving character of the area through limitation on maximum gross floor area (GFA).

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 035-2025, § 11, 2-11-26)

~~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 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)~~

~~(27) Maximum 3,000 square feet of GFA. All other retail shops, personal services and banks and financial institutions not specifically cited under the permitted uses in subsection.~~

~~(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 foot 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.~~

Sec. 134-125~~8~~7. Accessory uses.

The accessory uses in the C-PC planned center district are as follows:

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

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

~~Sec. 134-1259. Special exception uses.~~

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

- ~~(1) Public or private parking or storage garages.~~
- ~~(2) Private, social, swimming, tennis and yacht clubs.~~
- ~~(3) Public structures/uses.~~
- ~~(4) Essential services related to town-owned municipal buildings and structures.~~

- ~~(5) Supplemental parking per sections 134-2177 and 134-2182.~~
- ~~(6) Restaurants, excluding formula restaurants as defined in section 134-2, theaters, nightclubs, lounges/bars.~~
- ~~(7) Museums.~~
- ~~(8) Veterinarian/animal clinic.~~
- ~~(9) Auto rental.~~
- ~~(10) Banks and financial institutions.~~
- ~~(11) All retail and personal service activities exceeding 3,000 square feet gross floor area not specifically cited under the permitted uses in subsection 134-1257(a)(2).~~
- ~~(12) Timesharing uses at a maximum of nine units per acre and hotels at a maximum of 26 units per acre.~~
- ~~(13) Roof-deck automobile parking.~~
- ~~(14) Nonprofit cultural centers.~~
- ~~(15) Veterinarian offices.~~
- ~~(16) Outdoor seating in conjunction to permitted restaurants. See section 134-1260 for additional conditions.~~
- ~~(17) Outdoor cafe seating is permitted only for restaurants, retail specialty food including the sale of prepared food for takeout only, and private, social, swimming, golf, tennis and yacht clubs, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.~~
- ~~(18) Dining rooms when not more than 15 percent of the gross floor area of a building; no exterior or external advertising to be permitted.~~
- ~~(19) Retail specialty foods, including incidental sale of prepared foods for takeout.~~
- ~~(b) An owner or tenant of a property, located within the C-PC district, which property has received approval~~
- ~~(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.~~

~~Sec. 134-1260. Reserved.~~

~~Ord. No. 16-2021, § 12, adopted August 11, 2021, repealed § 134-1260, which pertained to stands, seated dining areas and open counters for eating and drinking and derived from Ord. No. 1-2017, § 2, 2-15-17. Formerly § 134-1260, pertained to accessory structures, and derived from Ord. No. 2-74.,~~

~~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.~~

~~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 curblin and the building, exclusive of beautification strips, not more than five feet of which may be on the town street right-of-way, where appropriate, and additionally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of the required pedestrian walkway. Where no front yard building setback is approved or required, two feet of the required ten-foot-wide pedestrian walkway, adjacent to the inside (lot side) of the walkway, may be landscaped by placement of potted plants or removable planters. Such potted plants or planters shall include xeriscape landscaping whenever possible.~~
- ~~(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

Sec. 134-1263. Same—Exceptions

- ~~(a) In the C-PC planned center 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 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.~~

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- ~~(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.~~

Sec. 134-126458. 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. 134-126559. 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. 134-126660. Signs.

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

Sec. 134-126761. 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.~~

~~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.~~

Sec. 134-1262. 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. 134-1263—134-1300. Reserved.

**DIVISION 12.
C-B COMMERCIAL DISTRICT**

Sec. 134-1301. Purpose.

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

- (1) Implement the comprehensive plan commercial future land use designation.
- (2) Create an environment especially suited to a group of professional and administrative offices compatible in appearance with single-family housing.

(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. 035-2025, § 12, 2-11-26)

~~Sec. 134-1302. Permitted uses:~~

- ~~(a)—Enumeration; maximum gross floor area. The permitted uses in the C-B commercial district require a site plan and review as required in article III of this chapter.~~
- ~~(b)—The permitted uses in the C-B commercial business district are as follows:~~

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

~~(2) — Banks and financial institutions.~~

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

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

~~(5) — Essential services.~~

~~(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a) — (d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a) — (d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f) — (h), 3-1-84; Ord. No. 1-85, § 2(g) — (k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c) — (f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f) — (i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1 — 7, 2-9-93; Ord. No. 1-04, § 26, 3-9-04; Ord. No. 2-2011, § 8, 7-13-11; Ord. No. 7-2014, § 9, 5-14-14; Ord. No. 8-2017, § 4, 4-12-17; Ord. No. 12-2021, § 9, 6-9-21; Ord. No. 035-2025, § 12, 2-11-26)~~

~~Sec. 134-1303. Accessory uses.~~

~~(a) — The accessory uses in the C-B commercial business district require a site plan and review as provided in article III of this chapter.~~

~~(b) — The accessory uses in the C-B commercial business district are as follows:~~

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

~~(2) — Signs.~~

~~(3) — Accessory uses customarily incident to the permitted or approved special exception uses.~~

~~(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a) — (d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a) — (d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f) — (h), 3-1-84; Ord. No. 1-85, § 2(g) — (k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c) — (f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f) — (i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1 — 7, 2-9-93; Ord. No. 5-09, § 14, 4-15-09; Ord. No. 16-2021, § 11, 8-11-21; Ord. No. 035-2025, § 12, 2-11-26)~~

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

- ~~(a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-B commercial business district are as follows:~~
- ~~(1) Public or private parking lots or storage garages.~~
 - ~~(2) Auto rental lot.~~
 - ~~(3) Supplemental parking.~~
 - ~~(4) Hotels at a maximum of 26 units per acre.~~
 - ~~(5) Timesharing uses at a maximum of nine units per acre.~~
 - ~~(6) Roof-deck automobile parking.~~
 - ~~(7) 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.~~
 - ~~(8) Nonprofit cultural centers.~~
 - ~~(9) Outdoor cafe seating for only hotels, condo-hotels, dining rooms, provided that all requirements and conditions in sections 134-2104 through 134-2108 are met.~~
 - ~~(10) Condo-hotels at a maximum of 17 units per acre, in accordance with section 134-2110.~~
 - ~~(11) Essential services related to town-owned municipal buildings and structures.~~
 - ~~(12) Dining rooms when not more than 15 percent of the gross floor area of a building; no exterior or external advertising to be permitted.~~
- ~~(b) An owner or tenant of a property, located within the C-B district, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.~~

~~Sec. 134-1305. Reserved.~~

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

Sec. 134-1306.2. Accessory ~~structures~~ uses.

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

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

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

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

~~In the C-B commercial 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.~~

~~(9) Lot coverage.~~

~~a. For one-story buildings, the maximum lot coverage is 60 percent.~~

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- ~~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.~~

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 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.~~

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- ~~(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.~~

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.~~

Sec. 134-131103. 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. 134-131204. 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. 134-131305. 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. 134-131406. 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.~~

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

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

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

~~In the C-B commercial 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)~~

Sec. 134-1307. Landscape Code

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

Secs. 134-1308—134-1350. Reserved.

Exhibit “A”
PART II - CODE OF ORDINANCES
Chapter 134 - ZONING ARTICLE VI. - DISTRICT REGULATIONS

Sec. 134.1101. 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 134-1101 Commercial Districts		
Code Division	Zoning Code Symbol	Zoning District
Division 8	C-TS	Commercial – Town-Serving
Division 9	C-WA	Commercial – Worth Avenue
Division 10	C-OPI	Commercial – Office, Professional, and Institutional
Division 11	C-PC	Commercial- Planned Center
Division 12	C-B	Commercial- Business

Sec. 134-1102. 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 Town Persons and to be compatible with adjacent residential districts.

Sec. 134-1103. Permitted, Conditional and Prohibited Uses

Within the commercial district there are uses that are permitted by right, those that are considered conditional uses and those that are prohibited 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. 134-229. Table 134-1104 displays the permitted uses as [P], the conditional uses as [C] and the explicitly stated prohibited uses as [X] and defined in Sec. 134-2. Any use not listed as a permitted or conditional use is considered prohibited.

Table 134-1103 Permitted, Conditional and Prohibited Use					
Uses	C-TS	C-WA	C-OPI	C-PC	C-B
Town-Serving retail establishment 3,000 SF or less (4,000 SF or less for C-WA), excluding formula retail	P	P	P	P	P
Town-Serving personal service establishment 3,000 SF or less (4,000 SF or less for C-WA)	P	P	P	P	P
Town-Serving office establishment 3,000 SF or less (4,000 SF or less for C-WA)	P	P	P	P	P
Accessory Uses that are subordinate and customarily incident to the primary uses on the same lot.	P	P	P	P	P
Essential services	P	P	P	P	P
Public parks	P	P	P	P	P
Storage facility (related to permitted or conditional use in the district, provided said use meets all conditions in section 134-1760 of this chapter	P	P	P	X	P
Residence(s) above the first floor	P	P	P	X	X
Cultural and arts institutions and museums	P	C	X	C	C
Churches, synagogues, and other houses of worship	C	X	X	X	P
Private parks	C	X	X	X	X

Uses	C-TS	C-WA	C-OPI	C-PC	C-B
Town-Serving retail establishment more than 3,000 SF or (more than 4,000 SF for C-WA), excluding formula retail	C	C	C	C	C
Town-Serving personal service establishment more than 3,000 SF (or more than 4,000 SF for C-WA)	C	C	C	C	C
Town-Serving office establishment more than 3,000 SF or (more than 4,000 SF for C-WA)	C	C	C	C	C
Public or private parking lots	C	C	C	C	C
Outdoor café seating	C	C	C	C	C
Public structures	C	C	C	C	C
Supplemental parking	C	C	C	C	C
Roof-deck automobile parking	C	C	C	C	C
Restaurants, excluding formula restaurants	C	C	C	C	X
Dining rooms when not more than 15 percent of the gross floor area of a hotel	X	X	C	C	C
Private clubs	C	C	X	C	X
Museums	C	C	X	C	X
Timesharing uses	X	X	X	C	C
Hotels	X	X	X	X	C
Condo-hotel	X	X	X	X	C

Uses	C-TS	C-WA	C-OPI	C-PC	C-B
Theaters	X	X	X	C	X
Public or private academic schools (located south of 3500 South Ocean Boulevard)	C	X	X	X	X
Service stations	C	X	X	X	X
Adult retailers	X	X	X	X	X
Auto rental lots	X	X	X	X	X
Drive-in business service facilities	X	X	X	X	X
Executive/employee/group, vacation/retreats	X	X	X	X	X
Formula restaurants	X	X	X	X	X
Formula retail	X	X	X	X	X
Pawn shops	X	X	X	X	X
Retail tobacco or nicotine products dealer and smoke shops	X	X	X	X	X
Tattoo parlors	X	X	X	X	X

Sec. 134.1104. Conditional Uses Requirement for a New Business Tax Receipt

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

Sec. 134.1105. 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**	2.0	2.0	1.5	0.5	1.5
Minimum Lot Area	2,700 SF	2,700 SF	2,700 SF	2,700 SF	15,000 SF
Maximum Density	6.534 du/acre	10.89 du/acre	6.534 du/acre	28.314 hotel rooms; time-sharing uses: 9.801 units/acre	28.314 hotel rooms; time-sharing uses: 9.801 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 Cross reference(s)—Applicability of Worth Avenue design guidelines in C-WA district, § 134-233.

**Not subject to waiver, variance or other relief

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

DIVISION 8.

C-TS TOWN-SERVING COMMERCIAL DISTRICT

Sec. 134-1106. Purpose.

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

- (1) Implement the comprehensive plan commercial future land use designation.
- (2) Create, preserve and enhance areas of attractive, small-scale, retail, personal and professional/business services to be developed either as a unit or in individual parcels, providing for the frequently recurring needs of townpersons.
- (3) Enhance the general character of the district and its compatibility with its residential surroundings, and, therefore, signs are limited to those accessory to businesses conducted on the premises, including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district, limitations on gross square floor (GSF) area 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. 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. 134-1108. 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. 134-1109. 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. 134-1110. Air conditioning and generator equipment.

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

(Ord. No. 1-99, § 11, 4-5-99)

Sec. 134-1111. 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. 134-1112—134-1155. Reserved.

DIVISION 9.
C-WA WORTH AVENUE DISTRICT

Sec. 134-1156. Purpose.

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

- (1) Implement the comprehensive plan commercial future land use designation.
- (2) Adhere to the development standards contained in the Worth Avenue Design Guidelines.
- (3) Preserve and enhance an area of unique quality and character oriented to pedestrian comparison shopping and providing a wide range of retail and service establishments, to be developed whether as a unit or as individual parcels, serving the short-term and long-term needs of townpersons.
- (4) Drive-in retail facilities are not permitted.
- (5) Further it shall be the intent of this district to enhance the town-serving character of the area through use of limitations on maximum gross floor area (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; Ord. No. 035-2025, § 9, 2-11-26)

Sec. 134-1157. 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. 134-1158. 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. 134-1159. Signs.

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

Sec. 134-1160. Air conditioning and generator equipment.

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

(Ord. No. 1-99, § 11, 4-5-99)

Sec. 134-1161. Landscape Code

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

Secs. 134-1172—134-1205. Reserved.

DIVISION 10.

C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT

Sec. 134-1206. Purpose.

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

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

(Ord. No. 2-74, schedule B, 3-26-74; Ord. No. 3-77, § 2, 3-29-77; Ord. No. 5-78, §§ 10, 15, 3-31-78; Ord. No. 7-79, §§ 2, 5, 7, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(a)—(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 035-2025, § 10, 2-11-26)

Sec. 134-1207. 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. 134-1208. 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. 134-1209. 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. 134-1210. Air conditioning and generator equipment.

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

Sec. 134-1211. 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.

Secs. 134-1222—134-1255. - Reserved

DIVISION 11.

C-PC PLANNED CENTER DISTRICT

Sec. 134-1256. Purpose.

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

- (1) Implement the comprehensive plan commercial future land use designation.
- (2) Preserve and enhance an area of unique character oriented toward a combination of office, professional and retail uses to be developed either as a unit or as individual parcels.
- (3) Enhance the town-serving character of the area through limitation on maximum gross floor area (GFA).

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

(d), (g), (h), 3-31-81; Ord. No. 7-82, § 3(a)—(d), 3-31-82; Ord. No. 2-83, § 3(c), 2-23-83; Ord. No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 035-2025, § 11, 2-11-26)

Sec. 134-1257. 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. 134-1258. 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. 134-1259. Signs.

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

Sec. 134-1260. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in sections 134-1728 and 134-1729.
(Ord. No. 1-99, § 11, 4-5-99)

Sec. 134-1161. 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.

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

- (1) Implement the comprehensive plan commercial future land use designation.
- (2) Create an environment especially suited to a group of professional and administrative offices compatible in appearance with single-family housing.

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

No. 1-84, § 2(f)—(h), 3-1-84; Ord. No. 1-85, § 2(g)—(k), 2-11-85; Ord. No. 1-86, § 2(b), (c), 2-10-86; Ord. No. 1-87, § 2(c)—(f), 2-9-87; Ord. No. 2-88, § 1, 2-8-88; Ord. No. 1-89, § 2(a), 2-6-89; Ord. No. 1-90, § 2(f)—(i), 2-5-90; Ord. No. 1-91, § 2(b), 4-23-91; Ord. No. 1-92, § 2, 2-3-92; Ord. No. 6-93, § 2(a)1—7, 2-9-93; Ord. No. 035-2025, § 12, 2-11-26)

Sec. 134-1302. 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. 134-1303. 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. 134-1304. 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. 134-1305. Air conditioning and generator equipment.

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in sections 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. 134-1306. 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.