

## **ORDINANCE NO. 2025-1**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY CONSOLIDATING ZONING AND USE REGULATIONS INTO A CONSOLIDATED USE TABLE; REPEALING CERTAIN PROVISIONS RELATING TO PERMITTED USES, ACCESSORY USES, SPECIAL EXCEPTION USES, AND PROHIBITED USES IN CHAPTER 64, ARTICLE III. – ZONING DISTRICT REGULATIONS; CREATING CHAPTER 65 – USE REGULATIONS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, F.S. Chapter 163, Part II, empowers and requires the Town of Eatonville to plan for the Town’s future development and growth and to adopt and amend its Land Development Code, or elements of portions thereof, to guide the future growth and development of the Town; and

**WHEREAS**, the Planning and Zoning Board, designated as the local planning agency, held a properly noticed public hearing on June 13, 2024, to receive public comment on the subject matter of this Ordinance and to make its recommendation to the Town Council; and

**WHEREAS**, the Town Council held properly noticed public hearings at first and second reading of this Ordinance to review the recommendations of the Planning and Zoning Board and to receive public comment on the subject matter of this Ordinance; and

**WHEREAS**, the Town Council finds and determines that this amendment is internally consistent with the Town’s Comprehensive Plan and is consistent with other controlling law to include, but not limited to Chapter 163, *Florida Statutes*.

**WHEREAS**, the Town Council hereby finds that this Ordinance serves a legitimate governmental purpose and is in the best interests of the public health, safety, and welfare of the citizens of Eatonville, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE:**

**SECTION 1.** The recitals set forth above are hereby adopted as the legislative findings of the Town Council of the Town of Eatonville, Florida.

**SECTION 2.** Chapter 64, Article III, *Zoning District Regulations*, of the Town of Eatonville Land Development Code, is hereby amended and repealed, in part, as shown in Exhibit “A”, attached hereto and incorporated herein by this reference.

**SECTION 3.** Chapter 65, *Use Regulations*, of the Town of Eatonville Land Development Code, is hereby created as shown in Exhibit “B”, attached hereto and incorporated herein by this reference

**SECTION 4.** It is the intent of the Town Council of the Town of Eatonville that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

**SECTION 5.** All Town ordinances or parts thereof in conflict herewith are, to the extent of such conflict, repealed.

**SECTION 6.** If any section, subsection, clause, or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.

**SECTION 7.** This Ordinance shall become effective upon its adoption.

**Upon motion duly made and carried,** the foregoing Ordinance was approved upon its first reading on January 21, 2025.

**Upon motion duly made and carried,** the foregoing Ordinance was approved upon its second reading on \_\_\_\_\_, 2025.

**TOWN OF EATONVILLE**

Attest:

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Angie Gardner, Mayor

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Veronica King, Town Clerk

Approved as to form:

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Clifford B. Shepard, Town Attorney

**EXHIBIT “A”**  
Subpart B - LAND DEVELOPMENT CODE  
Chapter 64 - ZONING  
ARTICLE III. ZONING DISTRICT REGULATIONS

\* \* \* \*

*DIVISION 2. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT*

**Sec. 64-91. Purpose and intent.**

The purpose of the R-1 Single-Family Residential District is to delineate those areas, as defined in the town's comprehensive plan, suitable for residential development of a low density character together with associated accessory and related development uses.

**~~Sec. 64-92. Permitted uses.~~**

~~The following uses shall be permitted by right in the R-1 Single-Family Residential District:~~

- ~~(1) Single-family dwellings.~~
- ~~(2) Parks and recreational areas.~~
- ~~(3) Essential services.~~

**~~Sec. 64-93. Accessory uses.~~**

~~The following uses are permitted accessory uses incidental to the primary use in the R-1 Single-Family Residential District:~~

- ~~(1) Private swimming pool.~~
- ~~(2) Other accessory uses customarily incidental to a permitted use and not involving the conduct of a business except as provided for a home occupation.~~

**~~Sec. 64-94. Special exception uses.~~**

~~Upon application and after a favorable determination by the planning board and town council that all conditions and provisions of special exception uses have been satisfied and that the proposed use is consistent with sound zoning practices, the following uses may be permitted in the R-1 Single-Family Residential District:~~

- ~~(1) Home occupations.~~
- ~~(2) Churches.~~
- ~~(3) Schools, public and private.~~

**Sec. 64-95. Property development requirements.**

Property development regulations addressing minimum lot requirements, minimum floor area, required yards, maximum lot coverage, and maximum height in the R-1 Single-Family Residential District are presented in tabular form in section 64-418.

**Sec. 64-96. Other applicable regulations.**

Other applicable lot and use regulations in the R-1 Single-Family Residential District are set forth in chapter 60, pertaining to supplementary zoning district regulations.

**Sec. 64-97. Prohibited uses.**

In no event, except for a catastrophic loss of existing housing occurring as a result of an act of God, such as hurricanes, tornadoes, fire, wind loss, etc., as so considered, will shortterm residential lodging be permitted within the R-1 Single-Family Residential District.

**Secs. 64-98—64-109. Reserved.**

*DIVISION 3. R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT*

**Sec. 64-110. Purpose and intent.**

The purpose of this district is to delineate those areas as defined in the town's comprehensive plan, where existing development and platting patterns dictate low density residential activities that require somewhat less restrictive development regulations than those established for in the R-1 Single-Family Residential District.

**~~Sec. 64-111. Permitted uses.~~**

~~The following uses shall be permitted by right in the R-2 Single-Family Residential District:~~

- ~~(1) Single-family dwellings.~~
- ~~(2) Parks and recreational areas.~~
- ~~(3) Essential services.~~

**~~Sec. 64-112. Accessory uses.~~**

~~Within the R-2 Single-Family Residential District the following uses are permitted accessory uses incidental to the primary use:~~

- ~~(1) Private swimming pool.~~
- ~~(2) Other accessory uses customarily incidental to a permitted use and not involving the conduct of a business except as provided for a home occupation.~~

**~~Sec. 64-113. Special exception uses.~~**

~~Upon application and after a favorable determination by the planning board and town council that all conditions and provisions of special exception uses have been satisfied and that the proposed use is consistent with sound zoning practices, the following uses may be permitted within the R-2 Single-Family Residential District:~~

- ~~(1) Home occupations.~~
- ~~(2) Churches.~~
- ~~(3) Schools, public and private.~~

~~(4) Adult facilities.~~

**Sec. 64-114. Property development requirements.**

Property development regulations addressing minimum lot requirements, minimum floor area, required yards, maximum lot coverage, and maximum height are presented in tabular form in section 64-418.

**Sec. 64-115. Other applicable regulations.**

As related to the R-2 Single-Family Residential District other applicable lot and use regulations are set forth in chapter 60, pertaining to supplementary zoning district regulations.

**Sec. 64-116. Prohibited uses.**

- (a) In no event, except for a catastrophic loss of existing housing occurring as a result of an act of God, such as hurricanes, tornadoes, fire, wind loss, etc., as so considered, will shortterm residential lodging be permitted within the R-2 Single-Family Residential District.
- (b) Construction of duplexes in the R-2 Single-Family Residential District is prohibited.

**Secs. 64-117—64-145. Reserved.**

*DIVISION 4. R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT*

**Sec. 64-146. Purpose and intent.**

The purpose of the R-3 Multiple-Family Residential District is to delineate those areas, as defined in the town's comprehensive plan, where existing multiple-family development is recommended for continuation on a longterm basis and new multiple-family development is to be encouraged. As noted in the comprehensive plan, however, the primary method for providing new multiple-family development is through the application of the planned unit development provisions.

**~~Sec. 64-147. Permitted.~~**

~~The following uses shall be permitted by right in the R-3 Multiple Family Residential District:~~

- ~~(1) Two family dwellings.~~
- ~~(2) Multiple family dwellings.~~
- ~~(3) Parks and recreational areas.~~
- ~~(4) Essential services.~~
- ~~(5) Nursing homes.~~

**~~Sec. 64-148. Accessory uses.~~**

~~The following uses are permitted accessory uses incidental to the primary use within the R-3 Multiple Family Residential District:~~

- ~~(1) Private swimming pool.~~

- ~~(2) Private recreational facilities for the exclusive use of occupants and guests of a multifamily project.~~
- ~~(3) Off street parking and loading area.~~

**~~Sec. 64-149. Special exception uses.~~**

~~Upon application and after a favorable determination by the planning board and town council that all conditions and provisions of special exception uses have been satisfied and that the proposed use is consistent with sound zoning practices, the following uses may be permitted in the R-3 Multiple-Family Residential District:~~

- ~~(1) Home occupations.~~
- ~~(2) Churches.~~
- ~~(3) Schools, public and private.~~
- ~~(4) General government facilities.~~
- ~~(5) Assisted living facilities (ALFs) for the elderly, aged 65 years or older, pursuant to supplemental criteria included in chapter 60, pertaining to supplemental zoning district regulations.~~
- ~~(6) Short duration residential lodging.~~

**Sec. 64-150. Property development requirements.**

Property development regulations addressing minimum lot requirements, minimum floor area, required yards, maximum lot coverage, and maximum height are presented in tabular form in section 64-418.

**Sec. 64-151. On-site recreation facilities.**

There shall be provided on the site of a multiple-family development an area, either enclosed or unenclosed, devoted to the joint recreation use of the development's residents. These recreational facilities or areas shall consist of a minimum of 350 square feet of space per dwelling unit. Each recreation facility or area shall be developed with passive and active recreation facilities

**Sec. 64-152. Other applicable regulations.**

In reference to the R-3 Multiple-Family Residential District, other applicable lot and use regulations are set forth in chapter 60, pertaining to supplementary zoning district regulations.

**Sec. 64-153. Site plan approval.**

All applications for a day care facility in the R-3 Multiple-Family Residential District or C-3 General Commercial District must receive site plan approval from the town council prior to application for a building permit or business tax receipt.

**Secs. 64-154—64-170. Reserved.**

## *DIVISION 5. C-1 PLANNED COMMERCIAL DISTRICT*

### **Sec. 64-171. Purpose and intent.**

The purpose of this district is to delineate those areas, as identified by the town's comprehensive plan, suitable for large-scale commercial project, including shopping centers and individual commercial development along major roads.

### **~~Sec. 64-172. Permitted uses.~~**

~~The following uses shall be permitted by right in the C-1 Planned Commercial District:~~

- ~~(1) Retail store.~~
- ~~(2) Personal service store.~~
- ~~(3) Business and professional office.~~
- ~~(4) Business and financial service facilities.~~
- ~~(5) Restaurant.~~
- ~~(6) Liquor lounge, package store, or night club.~~
- ~~(7) General government facilities.~~
- ~~(8) Essential services.~~

### **~~Sec. 64-173. Accessory uses.~~**

~~The following uses are permitted accessory uses incidental to the primary use within the C-1 Planned Commercial District:~~

- ~~(1) Off street parking and loading.~~
- ~~(2) Other accessory uses customarily incidental to a permitted use.~~

### **~~Sec. 64-174. Special exception uses.~~**

~~Upon application and after a favorable determination by the planning board and town council that all conditions and provisions of a special exception uses have been satisfied and that the proposed use is consistent with sound zoning practices, the following uses may be permitted:~~

- ~~(1) Shopping centers, provided the minimum lot area is one acre.~~
- ~~(2) Automobile gas or service station.~~
- ~~(3) Pool hall or game room, when located in a shopping center.~~

### **Sec. 64-175. Property development requirements.**

Property development regulations addressing minimum lot requirements, minimum floor area, required yards, maximum lot coverage, and maximum height are presented in tabular form in section 64-418.



**Sec. 64-176. Other applicable regulations.**

Other applicable lot and use regulations related to the C-1 Planned Commercial District are set forth in chapter 60, pertaining to supplementary zoning district regulations.

**~~Sec. 64-177. Prohibited uses.~~**

~~In no event, except for a catastrophic loss of existing housing occurring as a result of an act of God, such as hurricanes, tornadoes, fire, wind loss, etc., as so considered, will shortterm residential lodging be permitted within the C-1 Planned Commercial District.~~

**Secs. 64-178—64-207. Reserved.**

*DIVISION 6. C-2 PLANNED OFFICE DISTRICT*

**Sec. 64-208. Purpose and intent.**

The purpose of the C-2 Planned Office District is to delineate those areas, as identified in the town's comprehensive plan, recommended for development as an office park.

**~~Sec. 64-209. Permitted uses.~~**

~~The following uses shall be permitted by right in the C-2 Planned Office District.~~

- ~~(1) Business and professional office.~~
- ~~(2) Business and financial service facilities.~~
- ~~(3) Pharmacy.~~
- ~~(4) Restaurant.~~
- ~~(5) Essential services.~~

**~~Sec. 64-210. Accessory uses.~~**

~~The following uses are permitted accessory uses incidental to the primary use within the C-2 Planned Office District:~~

- ~~(1) Off-street parking and loading.~~
- ~~(2) Other accessory uses customarily incidental to a permitted use.~~

**~~Sec. 64-211. Special exception uses.~~**

~~The following special exception uses are permitted in the C-2 Planned Office District.~~

- ~~(1) Retail store.~~
- ~~(2) Personal service store.~~

**Sec. 64-212. Property development requirements.**

Property development regulations addressing minimum lot requirements, minimum floor area, required yards, maximum lot coverage, and maximum height are presented in tabular form in section 64-418.

**Sec. 64-213. Other applicable regulations.**

Other applicable lot and use regulations regarding the C-2 Planned Office District are set forth in chapter 60, pertaining to supplementary zoning district regulations.

**~~Sec. 64-214. Prohibited uses.~~**

~~In no event, except for a catastrophic loss of existing housing occurring as a result of an act of God, such as hurricanes, tornadoes, fire, wind loss, etc., as so considered, will shortterm residential lodging be permitted within the C-2 Planned Office District.~~

**Secs. 64-215—64-236. Reserved.**

*DIVISION 7. C-3 GENERAL COMMERCIAL DISTRICT*

**Sec. 64-237. Purpose and intent.**

The purpose of the C-3 General Commercial District is to provide for the commercial development areas along major roads as recommended by the town's comprehensive plan.

**~~Sec. 64-238. Permitted uses.~~**

~~The following uses shall be permitted by right in the C-3 General Commercial District:~~

- ~~(1) Convenience store.~~
- ~~(2) Retail store.~~
- ~~(3) Personal service store.~~
- ~~(4) Business and professional office.~~
- ~~(5) Business and financial service facilities.~~
- ~~(6) Restaurant.~~
- ~~(7) Liquor lounge, package store, or night club.~~
- ~~(8) Plant nursery.~~
- ~~(9) General government facilities.~~
- ~~(10) Hotel or motel.~~
- ~~(11) Essential services.~~
- ~~(12) Day care facilities.~~

**~~Sec. 64-239. Accessory uses.~~**

~~The following are permitted accessory uses incidental to the primary use within the C-3 General Commercial District:~~

- ~~(1) Off-street parking and loading.~~
- ~~(2) Other accessory uses customarily incidental to a permitted use.~~

**Sec. 64-240. Special exception uses.**

~~Upon application and after a favorable determination by the planning board and town council that all conditions and provisions of special exception uses have been satisfied and that the proposed use is consistent with sound zoning practices, the following uses may be permitted within the C-3 General Commercial District:~~

- ~~(1) Automobile gas or service stations.~~
- ~~(2) Mobile homes intended to house business activities provided:~~
  - ~~a. The mobile home will be permitted on the site for a period not to exceed 120 days.~~
  - ~~b. The business must present plans for construction of a permanent structure at the time a request for a temporary mobile home is made.~~
  - ~~c. The business provides a \$1,000.00 bond to be forfeited to the town if the start of construction has not occurred within 60 days of issuance of a temporary mobile home use.~~
- ~~(3) Short duration residential lodging.~~
- ~~(4) Businesses that sell alcoholic beverages for on and off premises consumption.~~

**Sec. 64-241. Property development requirements.**

Property development regulations addressing minimum lot requirements, minimum floor area, required yards, maximum lot coverage, and maximum height are presented in tabular form in section 64-418.

**Sec. 64-242. Other applicable regulations.**

Other applicable lot and use regulations regarding the C-3 General Commercial District are set forth in chapter 60, supplementary zoning district regulations.

**Sec. 64-243. Site plan approval.**

All applications for a day care facility in the R-3 Multiple-Family Residential District or the C-3 General Commercial District must receive site plan approval from the town council prior to application for a building permit or business tax receipt.

**Secs. 64-244—64-264. Reserved.**

*DIVISION 8. I-1 PLANNED INDUSTRIAL DISTRICT*

**Sec. 64-265. Purpose and intent.**

The purpose of the I-1 Planned Industrial District is to provide sites for industrial development in those areas designated by the town's comprehensive plan. This district is intended to accommodate industrial operations engaged in the fabricating, repair, or storage of manufactured goods of such a nature that objectional byproducts of the activity are not a nuisance beyond the lot on which the facility is located.

**~~Sec. 64-266. Permitted uses.~~**

~~The following uses shall be permitted by right in the I-1 Planned Industrial District:~~

- ~~(1) Light manufacturing.~~
- ~~(2) Wholesaling.~~
- ~~(3) Reserved.~~
- ~~(4) Communication antennae and towers.~~
- ~~(5) Data center.~~
- ~~(6) Food commissary.~~

**~~Sec. 64-267. Accessory uses.~~**

~~The following uses are permitted accessory uses incidental to the primary use within the I-1 Planned Industrial District:~~

- ~~(1) Retail sales as an accessory to a permitted wholesale business.~~
- ~~(2) Offices required for the operation of a manufacturing wholesaling or warehousing business.~~
- ~~(3) Other uses customarily incidental to the permitted use.~~

**~~Sec. 64-268. Special exception uses.~~**

~~Upon application and after a favorable determination by the planning board and town council that all conditions and provisions of special exceptions uses have been satisfied and that the proposed use is consistent with sound zoning practices while meeting the conditions as specified for each use, the following uses may be permitted within the I-1 Planned Industrial District:~~

- ~~(1) Automobile repair garages, including automobile painting, carwash and detail service.~~
- ~~(2) Automobile rentals.~~
- ~~(3) Warehousing, mini warehouse, except bulk storage of fuel or toxic or flammable chemicals.~~

**Sec. 64-269. Property development requirements.**

Property development regulations addressing minimum lot requirements, minimum floor area, required yards, maximum lot coverage, and maximum height within the I-1 Planned Industrial District are presented in tabular form in section 64-418.

**Sec. 64-270. Other applicable regulations.**

Other applicable lot and use regulations regarding the I-1 Planned Industrial District are set forth in chapter 60, pertaining to supplemental zoning district regulations.

**~~Sec. 64-271. Prohibited uses.~~**

~~In the I-1 Planned Industrial, the uses and structures prohibited are as follows:~~

- ~~(a) All industrial sites shall provide documentation of proposed work product, itemization of raw materials, analysis of waste by products, storage and treatment facilities, operational plans, etc., as required in article III of chapter 40, pertaining to sewers, at the time of application of site plan approval. The public works director will consider such information at the same time as plans are being reviewed for site development, and deficiencies in this data shall be regarded as an insufficiency for the purpose of site plan review.~~
- ~~(b) Residential uses.~~
- ~~(c) Motels, hotels, roominghouses.~~
- ~~(d) Outside storage, except for automobile dealerships. Any motor vehicles stored outside must be in operating condition at all times.~~
- ~~(e) All uses not specifically or provisionally permitted in this division or any use not in keeping with the industrial character of the district.~~
- ~~(f) Concrete, block, and asphalt plants including batch plants.~~
- ~~(g) Automobile junkyards, scrap yards, and salvage yards, auto body shops.~~
- ~~(h) Any use deemed objectionable because it may be noxious or injurious because of the production or emission of dust, smoke, refuse matter odor, gas fumes, noise, vibration or similar substances or conditions, and any one or combination of these may be prohibited; however, any one of these uses may be permitted if approved by the planning and zoning board and subject to the conditions, restrictions, requirements and safeguards as may be deemed necessary by the planning and zoning board for tile protection of health, safety and general welfare of the area.~~
- ~~(i) Storage of liquefied petroleum products and petrochemical products.~~

**Sec. 64-272. Special exception conditions.**

- ~~(1) Automotive repair.~~
  - ~~a. All repair work and permanent storage of materials merchandise and lubrication repair and servicing equipment shall be conducted within the principal building.~~
  - ~~b. No operator shall permit the storage of motor vehicles for a period in excess of 24 hours unless the vehicles are enclosed in the principal building.~~
  - ~~c. Service or customer vehicles shall be parked on the premises in a manner that will not create traffic hazards or interfere with vehicular maneuvering area necessary to enter or exit the site.~~
  - ~~d. No outdoor work shall be performed except in areas designated for such activity on an approved site plan. Such areas shall be fenced, walled and screened to minimize on and off-site noise, glare, odor, or other impacts.~~
  - ~~e. Additional buffering and screening may be required where such use is located in close proximity to residential or retail commercial uses.~~

~~f. Additional uses, such as RV/boat storage and vehicle sales, are permitted in conjunction with this use, provided that they are permitted in the zoning district and all conditions are satisfied.~~

~~g. Must have a publicly advertised community meeting prior planning and zoning board.~~

~~(2) Automotive dealerships vehicle sales.~~

~~a. All outdoor vehicle display areas shall be identified on the site plan.~~

~~b. Visitor/employee parking shall be provided separately from display areas, and shall also be identified on the site plan.~~

~~c. All display areas visible from a public right of way or adjacent residential use shall be screened such that there is a minimum ten foot wide landscape buffer planted with a minimum of one shade tree every 50 linear feet and a continuous hedge with a minimum height of three feet at time of planting. If the property is located such that the minimum buffer as required by this Land Development Code, landscaping, then the more conservative requirement shall apply.~~

~~d. A lighting plan shall be provided showing all outdoor lighting fixtures, type and wattage. Glare shall be minimized.~~

~~e. Hours of operation shall be restricted if located within 200 feet of a residential district, such that the business hours are 8:00 a.m. to 9:00 p.m. Monday through Saturday, and 10:00 a.m. to 6:00 p.m. on Sundays.~~

~~f. A minimum rear yard buffer area of 50 feet shall be required if adjacent to a residential district or conforming residential use.~~

~~g. All dealership related activities, including office, repair, new car displays and similar uses, other than used car sales shall be on contiguous property and shall not be on Kennedy Boulevard.~~

~~h. Outdoor vehicle display areas may be on turf block or any other approved pervious surface.~~

~~i. Tandem parking for two vehicles shall be permitted for vehicle display areas.~~

~~j. Additional uses, such as RV/boat storage and vehicle repair are permitted in conjunction with this use provided that they are permitted in the zoning district and all conditions are satisfied.~~

~~k. Must have a publicly advertised community meeting prior to planning and zoning board.~~

~~(3) Warehouses, mini. Mini-warehouse developments shall be designed and constructed to comply with the following minimum requirements:~~

~~a. Use limitation. Mini-warehouses are intended exclusively for the storage of personal property and goods by the general public and for incidental storage of goods by small commercial uses. Each user shall have direct access to his rented space during all hours of operation. For each cubicle, no utility service other than lighting and one electrical outlet shall be permitted, except for air conditioning, dehumidifying, or similar equipment. Multiple storage cubicles collected into a single building for the purpose of air conditioning or dehumidification may be distinguished from commercial warehouses~~

- ~~by the provisions of direct access to a secured storage space by the renter. Mini-warehouse developments shall be limited to storage use only. No business activities, such as sales or service, shall be conducted on the premises. The operation of such a facility shall not be deemed to include a transfer and storage business where the use of vehicles is part of the business. Signs advertising individual businesses shall be prohibited. A mini-warehouse shall not be used as a business address for purposes of obtaining a business tax receipt, except for the mini-warehouse development itself. Manufacture, auto repair, or other similar activities are expressly prohibited.~~
- ~~b. *Storage.* All storage on the property shall be kept within an enclosed building. No unattended vehicles shall be permitted on the premises unless stored within an enclosed building.~~
- ~~c. *On-site circulation and driveway widths.*~~
- ~~1. All single-loaded driveways shall be a minimum of 20 feet in width.~~
  - ~~2. All double-loaded driveways shall be a minimum of 30 feet in width.~~
  - ~~3. Traffic direction shall be designated by signing and/or painting on driveway surfaces.~~
  - ~~4. Access to storage cubicles shall only be provided from the interior of the site.~~
- ~~d. *Off-street parking.* Off-street parking shall be in accordance with chapter 3, article III of this land development code, on-site parking.~~
- ~~e. *Landscaping.* Landscape buffer areas shall be provided in order to reduce the visual impact of driveways, storage buildings and security fences common to mini-warehouse developments, a combination landscape screen and decorative masonry wall ranging from three feet to six feet in height may be required in the front yard, along the front yard setback, and along any property line that abuts a residential district or public right-of-way. Where interior landscaping is to be provided, priority shall be given to softening end walls visible from a public right-of-way through foundation plantings, and to landscaping perimeter entryway and management office areas.~~
- ~~f. *Lighting.* All lights shall be shielded to direct light onto the mini-warehouse development and away from adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.~~
- ~~g. *Building treatment.*~~
- ~~1. Only muted earth-tone colored buildings and doors shall be permitted. Color selection shall be subject to the approval of the town planner.~~
  - ~~2. Garage doors or simulated garage doors shall not be permitted on the side of a storage building facing a public right of way.~~
- ~~h. *Hours of operation.* Access to storage facilities shall not be allowed except during approved hours of operation. Hours of operation shall be noted on the site plan submittals and designed to provide maximum safety for users while not interfering with existing or potential users of adjoining properties.~~

- i. ~~Maximum height. Four story, not to exceed 60 feet. Multiple story buildings, exceeding 30 feet in height. In order to exceed the 30-foot height, buildings shall include architectural elements typically associated with office/professional buildings including, but not limited to, archways, windows, banding, decorative roof, and masonry or other finished exterior. Detailed building elevations indicating these elements, as well as materials, colors and dimensions shall be included in the site plan. Loading areas and overhead doors shall not be visible from the public right of way. Mini warehouse developments with two or more buildings shall have consistent and coordinated architectural design. The design of the buildings shall be consistent and compatible with surrounding development. In addition to the architectural requirements, the development will be limited to a maximum impervious area of 40 percent on a site encompassing a minimum area of five acres, when located west of Interstate 4. Additionally, front and side corner setbacks or landscape buffers may be required as follows: Five feet of additional setback or buffer for each story over two stories, not to exceed ten feet per building story.~~

~~(4) Vehicle washing or detailing. Provided that the following minimum standards are met:~~

- a. ~~The site shall be located in a I-1 district except shall not be on Kennedy Boulevard.~~
- b. ~~No runoff of wash water onto adjoining properties shall be permitted.~~
- c. ~~Entrances and exits shall be designed to ensure that waiting lines will not extend into the public right of way.~~
- d. ~~Driveways shall be located at least 50 feet from any intersection.~~
- e. ~~No lighting shall be permitted which shall constitute a nuisance or shall in any way impair safe movement of traffic on any street or highway.~~
- f. ~~Except for uses limited to hand washing of ten or fewer cars a day, all washwater shall be recycled.~~
- g. ~~Site shall provide adequate stacking with a minimum of five spaces.~~

**Secs. 64-273—64-290. Reserved.**

#### *DIVISION 9. PUD PLANNED UNIT DEVELOPMENT DISTRICT*

##### **Sec. 64-291. Purpose and intent.**

The purpose of the PUD Planned Unit Development District is to promote economical and efficient land use for a variety of development types, including the provision of usable open space areas, innovative site planning concepts, and orderly and economical development. The PUD Planned Unit Development District is intended to operate as an overlay district with the base zoning establishing the parameters for permitted uses and intensity of development.

##### **Sec. 64-292. Permitted uses.**

- (a) The following uses shall be permitted in the PUD Planned Unit Development District as established in the overall development plan:
  - (1) Planned residential communities.



- (2) Planned commercial centers.
- (3) Planned industrial parks.
- (b) Within each PUD Planned Unit Development District, individual permitted uses shall be identified as the uses permissible in the base district included within the PUD Planned Unit Development. The base district is that district applied to the property prior to its inclusion in the PUD Planned Unit Development District project.

**Sec. 64-293. Property development requirements.**

Minimum lot sizes, yard areas, minimum and maximum building areas, maximum densities, maximum lot coverage, and maximum building heights shall be described in the written development agreement.

**Sec. 64-294. Minimum application criteria.**

In order to apply for a PUD Planned Unit Development District classification, the following conditions must be met:

- (1) *Unified ownership.* All land within the PUD Planned Unit Development District shall be under the ownership of one person, either by deed, agreement for deed, or contract for purchase. PUD Planned Unit Development District applicants shall present either an opinion of title by an attorney licensed in the state or a certification by an abstractor or a title company, authorized to do business in the state that, at the time of application, unified ownership of the entire area within the proposed PUD Planned Unit Development District is in the applicant or contract seller. Unified ownership shall thereafter be maintained until the recording of the overall development plan or final plat.
- (2) *Site size.* The site shall be a minimum of two acres in size with a frontage of at least 100 feet on a dedicated public thoroughfare.

**Sec. 64-295. Approval procedure.**

The procedure for obtaining approval of a planned unit development shall be as follows:

- (1) *Preapplication stage.* A preapplication meeting is required before a PUD Planned Unit Development District rezoning application can be accepted. After the preapplication meeting, a sketch plan may be submitted for review and comment prior to filing the application for rezoning.
  - a. *Preapplication meeting.* The preapplication meeting is intended to provide an opportunity for an informational exchange between the applicant and the administrative staff. It will be arranged by the planning director. No fee shall be charged. The applicant need not submit any plans or other information. As a minimum, the applicant will be advised of the usual procedures and requirements. Forms, application materials, guidelines, checklists, copies of the comprehensive plan and of the zoning and subdivision regulations will be made available at a reasonable cost.
  - b. *Sketch plan (optional).*

1. After the preapplication meetings, a sketch plan may be submitted to the town. If submitted, written comments on the sketch plan shall be made by the planning director and any other interested departments within 30 days. The planning director shall coordinate this review. If submitted, a sketch plan shall indicate general land use categories and the approximate height, location, architectural character and density of dwelling units, and other structures. The sketch plan shall also show the tentative major street layout, approximate street widths, sites of schools, open space areas and parks, existing structures, waterways, wooded areas, wetlands, floodplain areas, if applicable, total acreage, and existing zoning. Finally, it shall include a vicinity map and any other information deemed appropriate by the applicant.
  2. Written comments on the sketch plan are informational only and are subject to change after a more detailed review of the rezoning application.
- (2) *Application stage.* An application for rezoning to PUD Planned Unit Development District, together with an overall development plan (ODP) and any required application fees shall be submitted to the planning director. If an applicant for rezoning desires concurrent review of an overall development plan (ODP) under the subdivision regulations, he shall so state at the time of application, and shall submit any additional information required by the subdivision regulations. The overall development plan shall consist of a preliminary plan and a written development agreement. These documents shall include the following information:
- a. *Site development plan.* A site development plan shall be submitted according to the provisions of the town's site plan review requirements in chapter 54.
  - b. *Written development agreement.* In addition to the site development plan, a written development agreement shall be prepared following a general format supplied by the town at the preapplication meeting. The development agreement, along with the site development plan, shall govern the development of the PUD Planned Unit Development District and shall regulate the future use of the land. The development agreement shall include any statements or information requested by the town at the preapplication meeting, such as:
    1. Evidence of unified ownership and control.
    2. Statement agreement to:
      - (i) Proceed with the proposed development according to all regulations;
      - (ii) Provide appropriate performance and maintenance guarantees;
      - (iii) Follow all other provisions of this article to the extent not expressly inconsistent with the written development agreement; and bind the applicant's successors in title to his commitments.
    3. The acreage and percentage of the total land area devoted to each of the proposed land uses.
    4. Maximum density for each type of dwelling unit.
    5. Maximum building height.

6. Minimum building spacing and floor areas.
  7. Lot sizes, yard areas, and buffer areas, including perimeter buffers.
  8. Statement regarding the disposition of sewage and stormwater and arrangements for potable water.
  9. When the PUD Planned Unit Development District is planned for phased development, a schedule of the phases.
  10. The proposed language of any covenants, easements, or other restrictions.
  11. Any additional information or statements subsequently deemed necessary by any reviewing department or agency.
- (3) *Post approval stage.* Post approval stage after town approval of the rezoning application to PUD Planned Unit Development District, the site development plan and the written development agreement, both signed by the mayor and attested by the town clerk, shall be recorded in the public records of the county, at the expense of the applicant. The zoning map of the town shall be amended to record the PUD Planned Unit Development District approval by affixing the letters PUD Planned Unit Development District after the base district of the property and identifying the boundaries of the PUD Planned Unit Development District area.

#### **Sec. 64-296. Amendments.**

Minor amendments not altering the intent and purpose of the approved overall development plan may be approved by the planning director after such departmental comment as he deems appropriate. Any other revision of the overall development plan (ODP) or written agreement shall follow the procedures established for initial approval of the PUD Planned Unit Development District.

#### **Secs. 64-297—64-325. Reserved.**

### *DIVISION 10. DC/HO DOWNTOWN CULTURAL/HISTORICAL OVERLAY DISTRICT*

#### **Sec. 64-326. Purpose and intent.**

The purpose of the DC/HO Downtown Cultural/Historical Overlay District is to promote a historically unified theme for development and redevelopment in the downtown central business district that is consistent and compatible with the town's designation as a historic site on the National Historic Register. This DC/HO Downtown Cultural/Historical Overlay District provides for flexibility and creativity in zoning and development performance criteria, as well as provide review procedures, using the base zoning to establish parameters for permitted uses and intensity of development. The DC/HO Downtown Cultural/Historical Overlay District is also intended to provide the flexibility for compatible mixed uses in development subject to the same planning review standards as found in the PUD Planned Unit Development District classification.

#### **Sec. 64-327. Permitted uses.**

~~The permitted uses within the DC/HO Downtown Cultural/Historical Overlay District shall be those as provided for in the individual Zoning district classifications found within the overlay~~

district area. The classifications found within the overlay district area are ~~C-1 Planned Commercial District, C-3 General Commercial District and R-2 Single Family Residential District. In addition, as with PUD Planned Unit Development District Zoning, the permitted uses found within these districts shall be identified as uses permissible within the overlay district are when combined to form multiple use projects. In addition to the permitted uses found within the affected zoning classifications, this article hereby adds the following permitted uses to all zoning classifications found within the boundary of this overlay district, pursuant to the design and appearance standards found herein:~~

- ~~(1) Bed and breakfast style lodging.~~
- ~~(2) Cultural/historic oriented retail shops.~~
- ~~(3) A mixed use structure of low intensity retail use such as, financial retail services, or jewelers on the ground floor and residential on the above floor.~~
- ~~(4) Reserved.~~
- ~~(5) Cultural/historic museums and exhibits.~~
- ~~(6) Automobile charging stations when designed to compatible with the downtown design concept.~~

**~~Sec. 64-328. Special exception uses.~~**

~~(a) Upon application and after a favorable determination by the planning board and town council that all conditions of special exception uses have been satisfied and that the proposed use is consistent with sound zoning practices, the following uses may be permitted within the DC/HO Downtown Cultural/Historical Overlay District, subject to site plan review:~~

- ~~(1) Reserved.~~
- ~~(2) Reserved.~~
- ~~(3) Publicly owned parking lots.~~

~~(b) Further, this chapter recognizes that some uses that are presently permitted in the affected zoning classifications may not be appropriate for inclusion in the town's cultural/historic district consequently, these are hereby prohibited within the DC/HO Downtown Cultural/Historical Overlay District. These include:~~

- ~~(1) Automobile repair businesses, carwashes.~~
- ~~(2) Private standalone parking lots.~~
- ~~(3) Automobile dealerships.~~
- ~~(4) Mobile home parks, dealers, and/or individual mobile homes.~~
- ~~(5) Outside equipment or materials storage of any kind.~~
- ~~(6) Drive-through businesses of any kind including restaurants, banks, pharmacies, liquor stores, convenience stores, etc.~~
- ~~(7) Convenience stores with gas pumps.~~
- ~~(8) Commercial landscape nurseries.~~

~~(9) Plasma Banks, blood banks, pain management clinics.~~

~~(10) Thrift stores, pawnshops.~~

~~(11) Food banks, congregate meal facility, homeless shelters.~~

#### **Sec. 64-329. Property development requirements.**

Within the DC/HO Downtown Cultural/Historical Overlay District minimum lot sizes, yard areas, minimum and maximum building areas, maximum densities, maximum lot coverage, maximum building heights, and proposed architectural standards shall be described in the written development agreement. Standards should closely approximate the standards found in single zoning classifications, and per the appearance standards found herein.

#### **Sec. 64-330. Minimum application criteria.**

In order to meet the review standards for the DC/HO Downtown Cultural/Historical Overlay District, the following conditions must be met:

- (1) *Unified ownership.* All land within the overlay district proposed for each development or redevelopment project for which an application is submitted for review shall be under the ownership of one person or entity, either by deed, agreement for deed, or contract for purchase. Applicants shall present either an opinion of title by an attorney licensed in the state, or a certification by an abstractor or title company, authorized to do business in the state that at any time of application, unified ownership of the entire area within the proposed development or redevelopment is on the name of the applicant or the contract seller. Unified ownership shall thereafter be maintained until the execution of the project as evidenced by a certificate of occupancy, recording of the overall development plan, or a plat of the development.
- (2) *Site size.* The site shall have no required minimum area, but must have at least 50 feet of frontage on a dedicated public thoroughfare within the DC/HO Downtown Cultural/Historical Overlay District.
- (3) *Appearance standards.* The overall design concept of the development or redevelopment should encourage consistency and compatibility to the following architectural design concepts within the DC/HO Downtown Cultural/Historical Overlay District:
  - a. *Historic preservation.* The accurate restoration of an authentic existing pioneering structure, or structures having, or is suitable to obtain a historic designation or listing on the National Register of Historic Places. Such restoration must be consistent with the original appearance of the structure, and associated new construction must be of a consistent type, and done in such a way so as to preserve the original structure's historic designation. The developer should provide photographs and/or other written records, if possible as a means of demonstrating authenticity.
  - b. *Historic reconstruction.* The authentic reconstruction of a pioneering structure that once stood in the site, or was found within the town limits of the town between 1880 and 1920. Said construction must meet current building code requirements while adhering to the exterior appearance of the style which it mimics when

possible. The applicant should be able to present reasonably conclusive evidence of the appearance of the historic structure it seeks to mitigate.

- c. *Period theme design.* The construction of new buildings and appurtenances around the central theme of historic state architecture typical of structures constructed in other places between 1860 and 1920. These architectural styles should propose building design that could have been in the town during that period. Various styles existed during this period which many used in context with the streetscape. Known as "cracker" "carpenter's gothic," "Queen Anne" or "neoclassical revival," etc., these architectural styles are varied. This is intended to be used where no historic or culturally meaningful structure had previously existed. Applicant should provide documentation to support the authenticity of style, color, and materials used. The town shall designate an appropriate party to provide review of the period design standards as plans are submitted for review, and make comments for authenticity.

### **Sec. 64-331. Approval procedure.**

The procedure for obtaining approval of a project within the DC/HO Downtown Cultural/Historic Overlay District shall be as follows:

- (1) *Preapplication stage.* A preapplication meeting is required between the developer and town staff before a project review application can be submitted. After the preapplication meeting, a sketch plan with building elevation concepts may be submitted for review and comment before submitting formal architectural and site engineering drawings for review.
  - a. *Preapplication meeting.* The preapplication meeting is intended to provide an opportunity for an informational exchange between the applicant and the administrative staff. It will be arranged by the planning director. No fee will be charged, and the applicant need not submit any plans or other information at that time. As a minimum, the applicant will be advised of the usual procedures and requirements. Forms, application materials, guidelines, checklists, copies of the comprehensive plan and of zoning and development regulations will be made available at reasonable cost.
  - b. *Sketch plan (optional).* After the preapplication meeting, a sketch plan may be submitted to the town. If submitted, written comments on the sketch plan shall be made by the planning director and any other interested departments within 30 days. Standard review fees as provided for pursuant to this Land Development Code will be charged. The planning director shall coordinate this review. If submitted, the sketch plan shall indicate general land uses, approximate height of structures, locations, setbacks, architectural elevations depicting the proposed character of facades and detailing, development density, vehicular and pedestrian traffic circulation, relationship to the town's (proposed) streetscape, landscape concepts, screening, proposed parking, existing structures, open space, acreage, floodplain areas, if applicable, surrounding zoning, and a vicinity map. Finally, it should include any other information deemed appropriate by the applicant.

Written comments on the sketch plan are informational only and are subject to change after a more detailed review of the development plan application.

- (2) *Application stage.* A development plan application incorporating the above concept plan information, proposed exterior elevations and site engineering plans shall be submitted to the planning director. The development plan shall consist of a preliminary plan and a written development agreement.
  - a. *Site development plan.* A site development plan shall be submitted according to the provisions of the town's site plan review requirements in chapter 54. The site development plan should reference any proposed or existing historical streetscape plans or development proposed or constructed by the town.
  - b. *Written development agreement.* In addition to the site development plan, a written development agreement shall be prepared following a general format supplied by the town at the preapplication meeting. The development agreement, along with the site development plan, shall govern the development of the proposed site.

**Secs. 64-332—64-350. Reserved.**

#### *DIVISION 11. HIGH DENSITY MIXED OFFICE-COMMERCIAL OVERLAY DISTRICTS*

##### **Sec. 64-351. Purpose and intent.**

The purpose of the High Density Mixed Use Overlay District is to provide for the ability to develop high density mixed office-commercial projects where appropriate and provide for the development criteria, without removing the present land use, zoning and development criteria on those parcels. If certain conditions as found herein can be met by the developer, then development review may proceed pursuant to this section as verified in writing by the town's planning and zoning official.

##### **Sec. 64-352. Description of district.**

The High Density Mixed Office-Commercial Overlay District classification is intended to promote a mixture of high intensity office, support retail-commercial and service uses permitted on a selective basis where transportation and utilities are demonstrably available to support proposed development intensities in excess of those permissible under the existing zoning classifications.

##### **~~Sec. 64-353. Permitted uses.~~**

~~The uses permitted in the High Density Mixed Office Commercial Overlay District are as follows:~~

- ~~(1) Office parks and office buildings—professional, business, physician or governmental;~~
- ~~(2) Restaurants with or without lounges;~~
- ~~(3) Personal service uses;~~
- ~~(4) Medical or dental clinics and/or laboratories;~~
- ~~(5) Laundry and dry cleaners;~~

- ~~(6) Quick copy printing shops;~~
- ~~(7) Health and fitness centers;~~
- ~~(8) Garage parking;~~
- ~~(9) Data processing computer centers;~~
- ~~(10) Financial institutions;~~
- ~~(11) Child care centers (deleted);~~
- ~~(12) Hotel or motel complexes with meeting space;~~
- ~~(13) Office showrooms;~~
- ~~(14) Any other use deemed compatible with the intent of this article as determined by the planning and zoning director.~~

#### **Sec. 64-354. Conditional uses.**

The conditional uses in the High Density Mixed Office-Commercial Overlay District are those specified under existing zoning classifications, and are not specified under this division as its purpose is to expand permitted uses under certain conditions. Conditional uses may not be included in proposed development activities under this division in the High Density Mixed Office-Commercial Overlay District, but must be approved under the existing zoning pursuant to the regulations pertaining to that zoning classification.

#### **Sec. 64-355. Building height regulations.**

The maximum height of a building or structure in the High Density Mixed Office-Commercial Overlay District is seven stories when a project or property has lot frontage on a state arterial roadway. The maximum height for a building or structure in projects or properties not fronting on a state arterial road is five stories. Shading studies may be required by the planning and zoning director to determine any effects of shadows cast on neighboring lands or structures. Results of the shading study will be reviewed and approved or denied by the planning and zoning director.

#### **Sec. 64-356. Lot requirements.**

The lot requirements in the High Density Mixed Office-Commercial Overlay District are as follows:

- (1) Minimum lot area: None required except as set forth herein and all other applicable regulations found within this Land Development Code governing related criteria.
- (2) Minimum lot width: 100 feet at front lot line or building line.

#### **Sec. 64-357. Building setback requirements.**

The building setback requirements in the High Density Mixed Office-Commercial Overlay District are as follows:

- (1) *Front yard.* A minimum distance of 25 feet shall be provided from the closer of the front lot line or the existing or planned rights-of-way to the building site.



- (2) *Side yard.* A minimum distance of ten feet shall be provided. If side yard abuts right-of-way, the setbacks shall be the same as front yards.
- (3) *Abutting one-family and two-family residential.* A minimum distance of 30 feet shall be provided from the property line to the building site. Where the building exceeds 30 feet in height, the setback shall be equal to the height of such structure and parking will not be permitted in the first 30 feet closest to the property line. Low intensity lighting for parking lots may be required on a case-by-case basis.

#### **Sec. 64-358. Landscape and buffer requirements.**

All landscape and buffer requirements in the High Density Mixed Office-Commercial Overlay District shall be in accordance with article II of chapter 62, pertaining to landscape regulations and article III of chapter 62, pertaining to tree protection.

#### **Sec. 64-359. Parking regulations.**

Parking in the High Density Mixed Office-Commercial Overlay District may be allowed in any required yard, but shall not encroach into any required landscape area or where otherwise prohibited. For complete design standards see article XI of chapter 60, pertaining to off-street parking.

- (1) *Parking reductions.* In order to reduce overall parking needs, the parking space requirements may be reduced for any site where the owner/developer provides the town with a parking management plan. This plan must demonstrate effective measures to reduce the need for parking on site. Such measures are not limited to the following:
  - a. Cross access for vehicles;
  - b. Pedestrian ways and bicycle facilities;
  - c. Circulation design to integrate adjoining uses;
  - d. Provide transit facilities on site;
  - e. Use of car pooling, van pools or other system which reduces the number of normally required parking spaces;
  - f. Staggered work hours;
  - g. Payments in lieu of parking to a trust fund for structured parking garages, if available;
  - h. Shared parking agreements.
- (2) *On-site loading dock requirements.* A loading dock management plan will be required, if deemed necessary by the planning and zoning director. This plan is to accompany each site plan and graphically depict the proposed loading area and describe the frequency and hours of delivery.

#### **Sec. 64-360. Sign regulations.**

Signs for the High Density Mixed Office-Commercial Overlay District shall conform to the regulations found in chapter 52, pertaining to signs.

**Sec. 64-361. Density intensity regulations.**

Intensity for land uses permitted in the High Density Mixed Office-Commercial Overlay District under this article shall not be less than a minimum floor area ratio of 0.50 (FAR), or exceed a maximum floor area ratio of 1.0 (FAR) without development bonuses, or a maximum of 2.0 (FAR) with all bonuses taken.

**Sec. 64-362. Development of regional impact (DRI) requirements.**

Development of regional impact (DRI) applications are required for properties and/or projects that meet or exceed the development of regional impact (DRI) thresholds found in F.S. § 380.06, developments of regional impact.

**Sec. 64-363. Open space requirements.**

Open space requirements in the High Density Mixed Office-Commercial Overlay District shall not be less than 20 percent of the site area.

**Secs. 64-364—64-374. Reserved.**

## EXHIBIT “B”

### Subpart B - LAND DEVELOPMENT CODE

#### **Chapter 65 - USE REGULATIONS**

Chapter 65 Use Regulations, identifies the land uses that are allowed in each of the zoning districts established in this Land Development Code and any applicable standards that apply to the land uses. Section 65-1, Principal Uses, identifies land uses allowed as principal uses in the various zoning districts and sets out special standards that apply to several of the uses. Section 65-4, Accessory Uses and Structures, identifies land uses and structures commonly allowed as accessory to principal uses and sets out special standards that apply to particular accessory uses and structures. Section 65-6, Temporary Uses and Structures, identifies land uses or structures allowed on a temporary basis and sets out special standards that apply to particular temporary uses and structures.

#### **Sec. 65-1. – Principal Uses.**

(a) Structure of the Principal Use Table.

(1) Organization and Classification. Table 65-1(c): Principal Uses organizes allowable principal uses with the following three-tier classification hierarchy:

- a. Use Classifications. The top-level use classifications are very broad and general (e.g., Residential Uses; Public, Civic, and Institutional Uses; Commercial Uses; Light Industrial, Research and Development, and Warehousing Uses).
- b. Use Categories. Use categories represent major subgroups of the use classifications that have common functional, product, or physical characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics. For example, the Commercial Use Classification is divided into multiple use categories, including Eating, Drinking, and Entertainment and Recreation and Tourism uses.
- c. Use Types. Use types identify specific land uses whose characteristics fit within the various use categories. For example, use types within the Household living category include dwelling, single-family detached; dwelling, two-family (duplex); and dwelling, multifamily. Each use type is defined in Section 65-2, Classification of Principal Uses. Classifying principal uses in this manner provides a systematic basis for determining whether a particular land use not expressly listed should be considered a use that is either sufficiently similar to an existing use type and should be considered an allowed use, or conforms to the functional or physical characteristics of a use category and should be considered an allowed use.

(2) Abbreviations. Table 65-1(c): Principal Use table uses the following abbreviations to designate whether and how a principal use is allowed in a particular zoning district:

<u>P</u>	<u>A “P” under a base zoning district column indicates that the use is allowed as a permitted principal use in the district, subject to any use-</u>
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	<u>specific standards referenced in the right-most column in the row and all other applicable provisions of this LDC.</u>
<u>SE</u>	<u>A “SE” under a base zoning district column indicates that the use is allowable as a principal use in the district only upon approval of a special exception in accordance with Chapter 44, Article IV Special Exception and subject to any use-specific standards.</u>
	<u>A blank cell under a base zoning district column indicates that the use is prohibited as a principal use or special exception in the zoning district.</u>
<u>NP</u>	<u>An “NP” cell under an Overlay District column indicates that the use is prohibited as a principal use or special exception in the zoning district. (A blank cell is also considered prohibited).</u>

- (3) Reference to Use-Specific Standards. A particular use category or use type allowed as a principal use in a zoning district may be subject to additional standards that are specific to the particular use. The applicability of such use-specific standards is noted in the last column of Table 65-1(c): Principal Uses (“Use-Specific Standards”), through a reference to standards in Section 65-3, Standards Specific to Principal Uses.
- (b) Multiple Principal Uses. A development may include a single principal use with one or more accessory uses that are customarily incidental and subordinate to the principal use (e.g., administrative offices as accessory to a school, retail sales, or light manufacturing use). A development may also include multiple principal uses, none of which is necessarily customarily incidental or subordinate to another principal use (e.g., a place of worship combined with a school, or a gas station combined with a convenience store, restaurant, or automotive repair use). A development with multiple principal uses shall include only those principal uses identified in Table 65-1(c): Principal Uses, as allowed in the applicable zoning district. Each principal use is subject to any use-specific standards applicable to the use.

(c) Principal Use Table.

<b>Table 65-1(c): Principal Uses</b> <u>P = permitted use</u> <u>SE = allowed use with approval of special exception</u> <u>Blank cell = use is prohibited</u> <u>NP = not permitted (DT HIST)</u>											
<u>Use Category</u>	<u>Use Type</u>	<u>Residential Districts</u>			<u>Non-Residential Districts</u>				<u>Overlays</u>		<u>Use-Specific Standards</u>
		<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>1-1</u>	<u>HD/MX/</u> <u>OFF</u>	<u>DT HIST</u> <u>CULT</u>	
<u>Residential</u>											
<u>Household Living Uses</u>	<u>Dwelling, single-family detached</u>	P	P						P (1)		
	<u>Dwelling, townhouse</u>			P							
	<u>Dwelling, two-family (duplex)</u>			P							
	<u>Dwelling, three-family (triplex)</u>			P							
	<u>Dwelling, four-family (fourplex)</u>			P							
	<u>Dwelling, multifamily</u>			P							
	<u>Dwelling unit(s) above non-residential</u>									P	
<u>Group Living Uses</u>	<u>Assisted care community</u>		SE	SE							
	<u>Foster care home</u>	P	P	SE							
	<u>Group dwelling or lodging home</u>	SE	SE	SE							
	<u>Group home, small</u>	P	P								
	<u>Group home, large</u>			SE							
<u>Public, Civic, and Institutional</u>											
<u>Community Service Uses</u>	<u>Childcare center</u>	SE	SE				P				
	<u>Community center/civic club</u>						P			P	
	<u>Cultural facility</u>						P			P	
	<u>Government building</u>					P	P	P	P	P	

- (1) A single-family residential home, constructed prior to 2017, shall be that has been permitted to continue as a single family home use.

	<u>Government facilities, general</u>			<u>SE</u>							
	<u>Post office</u>					<u>P</u>	<u>P</u>				
	<u>Religious Institution</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>			<u>P</u>				
<u>Educational Uses</u>	<u>School, higher education (college or university)</u>						<u>P</u>				
	<u>School, secondary (K-12)</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>							
	<u>School, vocational or trade</u>						<u>P</u>	<u>P</u>			
<u>Health Care Uses</u>	<u>Blood or plasma banks</u>						<u>SE</u>	<u>SE</u>			
	<u>Clinic and laboratory</u>						<u>P</u>	<u>P</u>	<u>P</u>		
	<u>Hospital</u>						<u>P</u>				
	<u>Nursing home</u>			<u>P</u>	<u>P</u>						
	<u>Outpatient care facility</u>				<u>P</u>				<u>P</u>		
	<u>Pain management clinic</u>									<u>NP</u>	
<u>Parks and Open Space Uses</u>	<u>Arboretum/botanical garden</u>										
	<u>Aviary/bird sanctuary</u>										
	<u>Community garden</u>	<u>P</u>	<u>P</u>	<u>P</u>							
	<u>Park, community</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	
	<u>Park, neighborhood</u>	<u>P</u>	<u>P</u>	<u>P</u>							
	<u>Park, private</u>			<u>P</u>							
<u>Utility, Transportation, and Communication Uses</u>	<u>Bus or rail terminal, private</u>										
	<u>Newspaper/periodical publishing establishment</u>							<u>P</u>			
	<u>Parking facility, private</u>								<u>P</u>	<u>P</u>	
	<u>Parking facility, public</u>						<u>P</u>		<u>P</u>		
	<u>Solar energy collection facility, large-scale</u>							<u>P</u>			
	<u>Television or radio station</u>						<u>P</u>	<u>P</u>			
	<u>Utility facility, major</u>				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			
	<u>Utility facility, minor</u>				<u>P</u>	<u>P</u>	<u>P</u>				
	<u>Wireless communication facility/tower</u>							<u>P</u>			
<u>Commercial</u>											
<u>Animal Care Uses</u>	<u>Animal kennel</u>							<u>P</u>			

	<u>Veterinary hospital or clinic</u>						<u>P</u>				
<u>Business Support Service Uses</u>	<u>Call center</u>							<u>P</u>	<u>P</u>		
	<u>Conference or training center</u>					<u>P</u>	<u>P</u>				
	<u>Employment agency</u>				<u>P</u>	<u>P</u>					
<u>Eating, Drinking, and Entertainment Uses</u>	<u>Bars, taverns, or nightclubs</u>				<u>P</u>		<u>P</u>				
	<u>Limited service eating and drinking (non-alcoholic) establishments</u>				<u>P</u>	<u>P</u>	<u>P</u>				
	<u>Microbrewery or micro distillery</u>						<u>P</u>				<u>Sec. 65-3(1)b.</u>
	<u>Restaurant, take-out/delivery only</u>				<u>P</u>		<u>P</u>				
	<u>Restaurant, sit-down</u>				<u>P</u>		<u>P</u>		<u>P</u>		
	<u>Restaurant, drive-thru</u>										
<u>Funeral and Mortuary Service Uses</u>	<u>Crematory</u>							<u>P</u>			
	<u>Funeral home</u>							<u>P</u>			
<u>Office Uses</u>	<u>Contractor's office</u>					<u>P</u>	<u>P</u>				
	<u>General business office</u>				<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		
	<u>Professional office</u>				<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		
<u>Personal Service Uses</u>											
	<u>Arts, performing arts, or craft studios</u>				<u>P</u>		<u>P</u>			<u>P</u>	
	<u>Beauty salon, barber shop, or nail salon</u>				<u>P</u>		<u>P</u>		<u>P</u>	<u>P</u>	
	<u>Interior decorating shop</u>				<u>P</u>		<u>P</u>		<u>P</u>	<u>P</u>	
	<u>Laundry or dry-cleaning establishment</u>				<u>P</u>		<u>P</u>		<u>P</u>	<u>P</u>	
	<u>Laundry, self-service</u>				<u>P</u>		<u>P</u>		<u>P</u>		
	<u>Lawn care, pool, or pest control service</u>				<u>P</u>		<u>P</u>				
	<u>Massage therapy establishment</u>				<u>P</u>		<u>P</u>		<u>P</u>	<u>P</u>	
	<u>Personal or household goods repair shop</u>				<u>P</u>		<u>P</u>		<u>P</u>		
	<u>Personal training studio</u>				<u>P</u>				<u>P</u>	<u>P</u>	

	<u>Print shops, job printing, bindery, or silk screening</u>				<u>P</u>		<u>P</u>	<u>P</u>			
	<u>Tattoo or body piercing establishment</u>										
	<u>Travel agency</u>				<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	
<u>Recreation and Lodging Uses</u>	<u>Arena, stadium, or amphitheater</u>						<u>SE</u>				
	<u>Bed &amp; breakfast</u>				<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	
	<u>Hotel or motel</u>							<u>P</u>	<u>P</u>		
	<u>Recreation facility, indoor</u>				<u>SE</u>			<u>P</u>			
	<u>Recreation facility, outdoor</u>						<u>SE</u>				
	<u>Short-term rental unit</u>			<u>SE</u>			<u>SE</u>				
	<u>Theater</u>								<u>P</u>	<u>P</u>	
<u>Retail Sales Uses</u>	<u>Alcoholic beverage retail sales</u>						<u>P</u>				
	<u>Bank or other financial institution</u>				<u>P</u>	<u>P</u>			<u>P</u>		
	<u>Check cashing business</u>				<u>P</u>		<u>P</u>				
	<u>Computer hardware service</u>						<u>P</u>				
	<u>Consumer goods establishment</u>				<u>P</u>		<u>P</u>			<u>P</u>	
	<u>Convenience store without gas</u>						<u>P</u>			<u>P</u>	
	<u>Convenience store with gas</u>						<u>SE</u>			<u>NP</u>	
	<u>Drugstore or pharmacy</u>				<u>P</u>	<u>P</u>					
	<u>Farmer's market</u>				<u>P</u>						
	<u>Grocery store and food market</u>				<u>P</u>		<u>P</u>			<u>P</u>	
	<u>Pawnshop</u>									<u>NP</u>	
	<u>Shopping center</u>				<u>P</u>						
<u>Vehicle Sales, Rental, Service, and Repair Uses</u>	<u>Automobile repair and service garage</u>				<u>SE</u>		<u>SE</u>	<u>SE</u>		<u>NP</u>	<u>Sec. 65-3(2)a.</u>
	<u>Automobile sales/dealership</u>							<u>SE</u>			<u>Sec. 65-3(2)b.</u>
	<u>Automobile rental</u>							<u>SE</u>			



	<u>Car Wash</u>									NP	<u>Sec. 65-3(2)c.</u>
<u>Water-Related Uses</u>	<u>Boat sales, rental, service, or repair</u>							P			<u>Sec. 65-3(1)a.</u>
<u>Industrial</u>											
<u>Industrial Service Uses</u>	<u>Educational, scientific, or industrial research or development</u>							P			
	<u>Industrial service uses</u>							P			
<u>Manufacturing and Production Uses</u>	<u>Manufacturing, assembly, or fabrication, light</u>							P			
<u>Warehouse and Freight Movement Uses</u>	<u>Showroom, wholesale</u>								P		
	<u>Warehouse, mini storage</u>							SE			<u>Sec. 65-3(2)d.</u>
	<u>Warehouse, distribution</u>							P			

## **Sec. 65-2. – Classification of Principal Uses.**

### **(a) Residential Uses Classification.**

- (1) Household Living Uses. The Household Living Uses category includes use types providing for the residential occupancy of a dwelling unit by a single family. Tenancy is generally arranged on a month-to-month or longer basis. Use types include: live-work dwellings, multifamily dwellings, single-family attached (townhome) dwellings, single-family detached dwellings, two-family (duplex) dwellings, and dwelling units within a professional office building for owner or custodian. This use category does not include residential use types that generally involve some level of managed personal care for a larger number of residents (e.g., continuing care communities or large group homes), which are categorized in the Group Living Uses category. Accessory uses common to Household Living Uses include accessory dwelling, home-based businesses, and swimming pools
- (2) Group Living Uses. The Group Living Uses category includes use types providing for the residential occupancy of a group of living units by persons who may or may not constitute a single family and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities (though some do have such facilities), but unlike a hotel/motel, are generally occupied on a monthly or longer basis. Use types include assisted care community, extended care facility, foster home, group dwelling or lodging home, group home, and similar uses. This use category does not include use types where persons generally occupy living units for periods of less than thirty (30) days (e.g., hotel/motels), which are categorized in the Visitor Accommodation Uses category. It also does not include use types where residents or inpatients are routinely provided

more than modest health care services (e.g., nursing homes), which are categorized in the Health Care Uses category. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

(b) Public, Civic, and Institutional Uses Classification.

- (1) Community Service Uses. The Community Service Uses category includes use types of a public, nonprofit, or charitable nature providing a local service (e.g., childcare facility, cultural, recreational, counseling, funeral services, training, religious) directly to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. The category does not include uses with a residential component. Use types include adult day care; banquet facility; childcare center; civic building; community center/civic club; community service facility; cultural facility; government building post office; religious institution; and similar uses. This use category does not include private or commercial health clubs or recreational facilities (categorized in the Recreation/Entertainment Uses category), or counseling in an office setting (categorized in the Office Use category), or passenger terminals for public transportation services (categorized in the Transportation Use category). Accessory uses may include offices, meeting areas, food preparation and dining areas, health and therapy areas, and indoor and outdoor recreational facilities.
- (2) Education Uses. The Educational Uses category includes use types such as public schools and private schools (including charter schools) at the elementary, middle, or high school level that provide State-mandated basic education or a comparable equivalent. This use category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. Accessory uses at all education uses may include offices, play areas, recreational and sport facilities, cafeterias, theaters, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities may additionally include dormitories, food service, laboratories, health care facilities, meeting areas, athletic facilities and fields, maintenance facilities, and supporting uses (e.g., eating establishments, bookstores).
- (3) Health Care Uses. The Health Care Uses category includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical therapy. Care may be provided on an inpatient, overnight, or outpatient basis. Use types include clinic and laboratory; hospital; nursing home; outpatient care facility; pain management clinic; and similar uses. This use category does not include assisted living facilities or similar facilities which focus on providing personal care rather than medical care to residents and are categorized in the Group Living Uses category. Accessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching

facilities, hospices, maintenance facilities, staff residences, and limited accommodations for members of patients' families.

- (4) *Parks and Open Space Uses.* The Parks and Open Space Uses category includes use types focusing on open space areas largely devoted to natural landscaping and outdoor recreation and tending to have few structures. Use types include: arboretum or botanical garden; aviary and bird sanctuary; neighborhood park; community park; and similar uses. This use category does not include golf courses, golf driving ranges, or other primarily outdoor recreational uses (categorized in the Recreation and Lodging Uses category). Accessory uses may include caretaker's quarters, clubhouses, statuary, fountains, maintenance facilities, concessions, and parking.

- (5) *Utility, Transportation, and Communication Uses.*

- a. The Utility Uses category includes both major utilities, which are infrastructure services that provide regional or Town-wide service, and minor utilities, which are infrastructure services that need to be placed in or near where the service is provided. Large-scale solar energy collection systems that constitute a principal use of a lot are included as a special type of major utility use. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, or storage areas.
- b. The Transportation Uses category includes use types providing for passenger terminals for surface or water-based transportation. Accessory uses may include freight handling areas, concessions, offices, maintenance, limited storage, and fueling facilities. Use types include passenger stations/terminals for ground transportation services (e.g., buses); park and ride facilities; and parking facilities (as a principal use). This use category does not include transit-related infrastructure such as bus stops and bus shelters (deemed minor utilities under the Utility Uses category).
- c. The Communication Uses category includes use types that accommodate communication-related uses. Use types include television and radio stations; wireless communication facilities; and related uses.

- (c) *Commercial Uses Classification.*

- (1) *Animal Care Uses.* The Animal Care Uses category is characterized by use types related to the provision of medical services, general care, and boarding services for household pets and domestic animals. Use types include animal kennels (that provide boarding); veterinary hospitals or clinics; and similar uses.
- (2) *Business Support Services Uses.* The Business Support Service Uses category includes use types primarily providing routine business support functions for the day-to-day operations of other businesses, as well as to households. Use types include call center; conference or training center; employment agency; and similar uses.

- (3) *Eating, Drinking, and Entertainment Uses.* The Eating or Drinking Establishment Uses category consists of establishments primarily engaged in the preparation and serving of food or beverages for on- or off-premises consumption. Use types include bars and nightclubs; limited-service eating and drinking establishments; microbreweries and microdistilleries; restaurants, take-out/delivery only; restaurants, sit-down; and similar uses. Accessory uses may include areas for outdoor seating, drive-through service facilities, facilities for live entertainment, and valet parking services.
- (4) *Funeral and Mortuary Service Uses.* The Funeral and Mortuary Services Uses category consists of establishments that provide services related to the death of a human being or animal. Use types include crematories; funeral homes; and similar uses.
- (5) *Office Uses.* The Office Uses category includes office buildings that house activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on the provision of business services, professional services (e.g., accountants, attorneys, engineers, architects, planners), financial services (e.g., lenders, brokerage houses, tax preparers), or small-scale video or audio production services that are entirely conducted indoors (e.g. video editing, podcast recording and production). Use types include contractor's offices; general business offices; professional offices; and similar uses. This use category does not include offices that are a component of or accessory to a principal use in another use category, such as medical/dental offices (categorized in the Health Care Uses category) or banks or other financial institutions (categorized in the Retail Sales and Service Uses category). Accessory uses may include cafeterias, lunch rooms, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the offices.
- (6) *Personal Service Uses.* The Personal Services Uses category consists of establishments primarily engaged in the provision of frequent or recurrent-needed services of a personal nature. Use types include arts, performing arts, or craft studio; beauty salon, barber shop, or nail salon; caterer, interior decorating shop; laundry or dry cleaning pick-up establishment; laundry, self-service; lawn care, pool, or pest control service; personal or household goods repair shop; print shops, job printing, bindery, or silk screening; travel agency; and similar uses.
- (7) *Recreation and Lodging Uses.* The Recreational/Entertainment Uses category includes use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include: arenas, stadiums, or amphitheaters; cinemas; country clubs; golf courses; golf driving ranges; nightclubs; performance arts centers; recreation facilities, recreation facilities, indoor (amusement arcades, amusement centers, aquatics centers health clubs, recreation courts, skating facilities, swimming pools, and similar uses); and recreation facilities, outdoor (archery, baseball batting ranges, athletic fields, miniature golf courses,

recreation courts, swimming pools, and similar uses). It does not include recreational facilities that are accessory to parks (categorized as open space uses), or that are reserved for use by a residential development's residents and their guests (e.g., accessory community swimming pools and other recreation facilities). Accessory uses may include offices, concessions, snack bars, and maintenance facilities.

- (8) *Retail Sales Uses.* The Retail Sales Uses category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer. Use types include alcoholic beverage retail sales; bank or financial institution; carpentry and cabinet shop; computer hardware service; consumer goods establishment; drugstore/pharmacy; farmers' market; grocery store and food market; shopping center; and related uses. This use category does not include sales or service establishments related to vehicles (the Vehicle Services and Sales Uses category), the provision of financial, professional, or business services in an office setting (categorized in the Office Uses category), uses providing recreational or entertainment opportunities (categorized in the Recreation and Tourism Uses category), uses that provide personal services such as dry cleaning or laundry establishments, or product repair or services for consumer and business goods (categorized in the Personal Services Uses category). Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display of merchandise. No non-medical marijuana sales use is permitted.

- (9) *Vehicle Sales, Rental, Service, Repair, and Parking Uses.* The Vehicle Sales and Service Uses category includes use types involving the direct sales and servicing of motor vehicles, including automobiles, trucks, motorcycles, and recreational vehicles, as well as trailers — whether for personal transport, commerce, or recreation. Use types include automotive repair and service garages; automobile service station; bus or rail terminal; mobility services; personal vehicle sales; personal vehicle rentals; and similar uses. Accessory uses may include offices, sales of parts, maintenance facilities, and vehicle storage.

- (10) *Boat Sales, Rental, Service, Repair, and Parking Uses.* The Boat Sales and Service Uses category includes use types involving the direct sales and servicing of boats, including jet ski's, sailboats, motorized boats, as well as trailers — whether for personal transport, commerce, or recreation. Use types include boat sale repair and service garages; boat service station; boat sales; boat rentals; and similar uses. Accessory uses may include offices, sales of parts, maintenance facilities, and boat storage.

(d) *Industrial Classification.*

- (1) *Generally.* All industrial sites shall provide documentation of proposed work product, itemization of raw materials, analysis of waste by products, storage and treatment facilities, operational plans, etc., pertaining to sewers, at the time of application of site plan approval. The public works director will consider such information at the

same time as plans are being reviewed for site development, and deficiencies in this data shall be regarded as an insufficiency for the purpose of site plan review.

- (2) *Industrial Service Uses.* The Industrial Services use category includes use types involving the repair or servicing of industrial or business machinery equipment, products, or by-products, and firms that service consumer goods for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- (3) *Light Industrial.* The Light Industrial use category includes use types involved in the processing, production, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, made for transfer to other plants, or made to order for firms or consumers. This use category does not include heavy manufacturing, which generally has more significant impacts off-site and additional outside storage. Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the site. Accessory uses may include limited retail sales and wholesale sales, offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, and security and caretaker's quarters.
- (4) *Warehouse and Freight Movement Uses.* The Warehouse and Freight Movement Uses category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas. Example use types include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores), distribution warehouses (used primarily for temporary storage pending distribution in response to customer orders), cold storage plants (including frozen food lockers), and outdoor storage (as a principal use). This use category does not include contractor's yards or uses involving the transfer or storage of solid or liquid.

### **Sec. 65-3. – Standards Specific to Principal Uses.**

- (a) The following standards are requirements to be met: (1) Use-Specific Standards OR (2) special exceptions with criteria, they would still require Planning Board recommendation and town council approval. Those special exceptions with criteria will need to have competent substantial evidence for denial if all the conditions are met.
- (b) *Principal Uses Permitted with Conditions.*
  - (1) *Boat sales, service, rental or repair.*
    - a. Boats shall be not stored as a source of parts.
    - b. Discarded parts resulting from any repair work shall be removed promptly from the premises.

- c. The use shall be designed so that service bays are not visible from an adjoining street.
- d. Repair of all boats and equipment shall occur within an enclosed building.
- e. Outdoor boat and equipment storage is allowed in an outdoor storage area that is not visible from roadways and shall be designed to complement the primary building on site.
- f. Boats that are repaired and awaiting removal shall be stored for no more than 30 consecutive days. A boat abandoned by its lawful owner before or during the repair process may remain on site after the 30-day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the boat from the premises using the appropriate legal means.
- g. Additional buffering and screening may be required where such use is located within 500 feet or closer to residential or retail commercial uses such that there is a minimum ten-foot-wide landscape buffer planted with a minimum of one shade tree every 50 linear feet and a continuous hedge with a minimum height of three feet at time of planting. If the property is located such that the minimum buffer as required by this Land Development Code, landscaping, then the more conservative requirement shall apply.
- h. A lighting plan shall be provided showing all outdoor lighting fixtures, type and wattage. Glare shall be minimized.

(2) Microbrewery or microdistillery.

- a. The minimum area of the eating, drinking, and entertainment area of the brewpub or microbrewery shall be at least 1,500 square feet but no more than 65 percent of the total square footage for the establishment.
- b. The establishment shall have fenestration through vision glass, doors, or active outdoor spaces along a minimum of 50 percent of the length of the building side that fronts the street, unless the building in which it is located is an adaptive re-use and the building makes compliance impracticable.
- c. Facilities for off-site distribution of manufactured beer are allowed only if conducted from the rear of the building, with adequate loading and access for the activity.

(c) Principal Uses with Criteria for Special Exceptions.

(1) Automotive repair.

- a. All repair work and permanent storage of materials, merchandise, and lubrication repair and servicing equipment shall be conducted within the principal building.
- b. No operator shall permit the storage of motor vehicles for a period in excess of 24 hours unless the vehicles are enclosed in the principal building.

- c. Service or customer vehicles shall be parked on the premises in a manner that will not create traffic hazards or interfere with the vehicular maneuvering area necessary to enter or exit the site.
- d. No outdoor work shall be performed except in areas designated for such activity on an approved site plan. Such areas shall be fenced, walled and screened to minimize on and off-site noise, glare, odor, or other impacts.
- e. Additional buffering and screening may be required where such use is located in close proximity to residential or retail commercial uses.
- f. Additional uses, such as RV/boat storage and vehicle sales, are permitted in conjunction with this use, provided that they are permitted in the zoning district and all conditions are satisfied.
- g. Must have a publicly advertised community meeting prior to planning and zoning board.

(2) Automotive dealerships vehicle sales.

- a. All outdoor vehicle display areas shall be identified on the site plan.
- b. Visitor/employee parking shall be provided separately from display areas and shall also be identified on the site plan.
- c. All display areas visible from a public right-of-way or adjacent residential use shall be screened such that there is a minimum ten-foot-wide landscape buffer planted with a minimum of one shade tree every 50 linear feet and a continuous hedge with a minimum height of three feet at time of planting. If the property is located such that the minimum buffer as required by this Land Development Code, landscaping, then the more conservative requirement shall apply.
- d. A lighting plan shall be provided showing all outdoor lighting fixtures, type and wattage. Glare shall be minimized.
- e. Hours of operation shall be restricted if located within 200 feet of a residential district, such that the business hours are 8:00 a.m. to 9:00 p.m. Monday through Saturday, and 10:00 a.m. to 6:00 p.m. on Sundays.
- f. A minimum rear yard buffer area of 50 feet shall be required if adjacent to a residential district or conforming residential use.
- g. All dealership-related activities, including office, repair, new car displays and similar uses, other than used car sales shall be on contiguous property and shall not be on Kennedy Boulevard.
- h. Outdoor vehicle display areas may be on turf block or any other approved pervious surface.
- i. Tandem parking for two vehicles shall be permitted for vehicle display areas.



- j. Additional uses, such as RV/boat storage and vehicle repair are permitted in conjunction with this use provided that they are permitted in the zoning district and all conditions are satisfied.
  - k. Must have a publicly advertised community meeting prior to planning and zoning board.
- (3) Vehicle washing or detailing. Provided that the following minimum standards are met:
- a. The site shall be located in a I-1 district, except that it shall not be on Kennedy Boulevard.
  - b. No runoff of wash water onto adjoining properties shall be permitted.
  - c. Entrances and exits shall be designed to ensure that waiting lines will not extend into the public right-of-way.
  - d. Driveways shall be located at least 50 feet from any intersection.
  - e. No lighting shall be permitted which shall constitute a nuisance or shall in any way impair safe movement of traffic on any street or highway.
  - f. Except for uses limited to hand washing of ten or fewer cars a day, all wash water shall be recycled.
  - g. Site shall provide adequate stacking with a minimum of five spaces.
- (4) Warehouses, mini. Mini-warehouse developments shall be designed and constructed to comply with the following minimum requirements:
- a. Use limitation. Mini warehouses are intended exclusively for the storage of personal property and goods by the general public and for incidental storage of goods by small commercial uses. Each user shall have direct access to his rented space during all hours of operation. For each cubicle, no utility service other than lighting and one electrical outlet shall be permitted, except for air conditioning, dehumidifying, or similar equipment. Multiple storage cubicles collected into a single building for the purpose of air conditioning or dehumidification may be distinguished from commercial warehouses by the provisions of direct access to a secured storage space by the renter. Mini-warehouse developments shall be limited to storage use only. No business activities, such as sales or service, shall be conducted on the premises. The operation of such a facility shall not be deemed to include a transfer and storage business where the use of vehicles is part of the business. Signs advertising individual businesses shall be prohibited. A mini-warehouse shall not be used as a business address for purposes of obtaining a business tax receipt, except for the mini-warehouse development itself. Manufacture, auto repair, or other similar activities are expressly prohibited.
  - b. Storage. All storage on the property shall be kept within an enclosed building. No unattended vehicles shall be permitted on the premises unless stored within an enclosed building.

- c. On-site circulation and driveway widths.
  - i. All single-loaded driveways shall be a minimum of 20 feet in width.
  - ii. All double-loaded driveways shall be a minimum of 30 feet in width.
  - iii. Traffic direction shall be designated by signing and/or painting on driveway surfaces.
  - iv. Access to storage cubicles shall only be provided from the interior of the site.
- d. Off-street parking. Off-street parking shall be in accordance with Chapter 60 Article XI, off street parking.
- e. Landscaping. Landscape buffer areas shall be provided in order to reduce the visual impact of driveways, storage buildings and security fences common to mini-warehouse developments, a combination landscape screen and decorative masonry wall ranging from three feet to six feet in height may be required in the front yard, along the front yard setback, and along any property line that abuts a residential district or public right-of-way Where interior landscaping is to be provided, priority shall be given to softening end walls visible from a public right-of-way through foundation plantings, and to landscaping perimeter entryway and management office areas.
- f. Lighting. All lights shall be shielded to direct light onto the mini-warehouse development and away from adjacent property, but it may be of sufficient intensity to discourage vandalism and theft.
- g. Building treatment.
  - i. Only muted earth-tone-colored buildings and doors shall be permitted. Color selection shall be subject to the approval of the town planner.
  - ii. Garage doors or simulated garage doors shall not be permitted on the side of a storage building facing a public right-of-way.
- h. Hours of operation. Access to storage facilities shall not be allowed except during approved hours of operation. Hours of operation shall be noted on the site plan submittals and designed to provide maximum safety for users while not interfering with existing or potential users of adjoining properties.
- i. Maximum height. Four stories, not to exceed 60 feet. Multiple-story buildings, exceeding 30 feet in height. In order to exceed the 30-foot height, buildings shall include architectural elements typically associated with office/professional buildings including, but not limited to, archways, windows, banding, decorative roof, and masonry or other finished exterior. Detailed building elevations indicating these elements, as well as materials, colors and dimensions shall be included in the site plan. Loading areas and overhead doors shall not be visible from the public right-of-way. Mini-warehouse developments with two or more

buildings shall have consistent and coordinated architectural design. The design of the buildings shall be consistent and compatible with surrounding development. In addition to the architectural requirements, the development will be limited to a maximum impervious area of 40 percent on a site encompassing a minimum area of five acres, when located west of Interstate 4. Additionally, front and side corner setbacks or landscape buffers may be required as follows: Five feet of additional setback or buffer for each story over two stories, not to exceed ten feet per building story.

**Sec. 65-4. – Accessory Uses and Structures.**

(a) Structure of the Accessory Uses and Structures Table.

- (1) Organization. Table 65-4(b): Accessory Uses and Structures lists accessory uses and structures alphabetically.
- (2) Abbreviations. Table 65-4(b): Accessory Uses and Structures uses the following abbreviations to designate whether and how an accessory use or structure is allowed in a particular zoning district:

<u>P</u>	<u>A “P” under a base zoning district column indicates that the accessory use or structure is allowed by right in the district, subject to any use-specific standards referenced in the right-most column in the row and all other applicable provisions of this LDC.</u>
<u>SE</u>	<u>A “SE” under a base zoning district column indicates that the use is allowable as an accessory use in the district only upon approval of a special exception in accordance with Chapter 44 Article IV Special Exception and subject to any use-specific standards referenced in Sec. 65.5 Accessory Use standards and special exception conditions.</u>
	<u>A blank cell under a base or the planned development zoning district column indicates that the accessory use or structure is prohibited in the zoning district.</u>
<u>NP</u>	<u>An “NP” cell under an Overlay District column indicates that the use is prohibited as a principal use or special exception in the zoning district. (A blank cell is also considered prohibited).</u>

- (3) Reference to Use-Specific Standards. A particular accessory use or structure that is allowed in a zoning district may be subject to additional standards that are specific to that use or structure. The applicability of such use-specific standards is noted in the last column of Table 65-4(b): Accessory Uses and Structures (“Use-Specific Standards”), through a reference to standards in Section 65-5, Specific Standards for Accessory Uses and Structures.

- (4) *Accessory Uses and Structures Table.* Accessory uses and structures are allowed in each of the zoning districts in accordance with Table 65-4(b): Accessory Uses and Structures Table.

<b>Table 65-4(b): Accessory Uses and Structures</b> <u>P = permitted use</u> <u>SE = allowed use with approval of special exception</u> <u>Blank cell = use is prohibited</u> <u>NP = not permitted (DT HIST)</u>										
<u>Use Type</u>	<u>Residential Districts</u>			<u>Non-Residential Districts</u>			<u>Overlays</u>			<u>Use-Specific Standards</u>
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>I-1</u>	<u>HD/MX/</u> <u>OFF</u>	<u>DT</u> <u>HIST</u> <u>CULT</u>	
<u>Accessory dwelling unit</u>	<u>P</u>	<u>P</u>							<u>P</u>	<u>Sec. 65-5(1)a</u>
<u>Air conditioner compressor unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Automated teller machine (ATM)</u>					<u>P</u>			<u>P</u>		<u>Sec. 65-5(1)b</u>
<u>Bicycle parking rack</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	
<u>Boathouse</u>			<u>P</u>							
<u>Boat dock</u>	<u>P</u>	<u>P</u>	<u>P</u>							
<u>Childcare, home, five or fewer children</u>	<u>P</u>	<u>P</u>	<u>P</u>							
<u>Clubhouse, as accessory to a residential development, golf, or tennis facility</u>			<u>P</u>					<u>P</u>	<u>P</u>	
<u>Community garden</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	
<u>Donation center</u>				<u>P</u>						<u>Sec. 65-5(1)c</u>
<u>Drive-through facility</u>									<u>NP</u>	
<u>Electric vehicle (EV) charging station</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Food dispensing vehicle/cart</u>				<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>Sec. 65-5(1)d</u>
<u>Garage or carport</u>	<u>P</u>	<u>P</u>	<u>P</u>					<u>P</u>	<u>P</u>	
<u>Home garden</u>	<u>P</u>	<u>P</u>	<u>P</u>					<u>P</u>	<u>P</u>	
<u>Home occupation</u>	<u>P</u>	<u>P</u>	<u>P</u>							<u>Sec. 65-5(1)e</u>
<u>Leasing office, as accessory to rental apartment complex</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	
<u>Minor home structure</u>	<u>P</u>	<u>P</u>	<u>P</u>							
<u>Office required for operation of primary use</u>					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Outdoor display of merchandise, as accessory to a retail sales use</u>									<u>NP</u>	

<u>Outdoor mechanical equipment, residential</u>	<u>P</u>	<u>P</u>	<u>P</u>							
<u>Outdoor seating, as accessory to an eating, drinking, and entertainment use</u>				<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	
<u>Outdoor storage, as an accessory use</u>							<u>SE</u>		<u>NP</u>	
<u>Parking structure and lot, private, as an accessory use</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				
<u>Rainwater cistern or barrel</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Retail as an accessory</u>					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Satellite dish, accessory</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Solar energy collection facility, small-scale</u>							<u>P</u>			
<u>Swimming pool and pool screen enclosure, as accessory to single-family or two-family use</u>	<u>P</u>	<u>P</u>	<u>P</u>							

**Sec. 65-5. – Specific Standards for Accessory Uses and Structures.**

(a) Accessory Uses Permitted with Conditions.

(1) Accessory Dwelling Units. In support of this concept, the State of Florida enacted F.S. § 163.31771, which enables a local government to permit ADUs to help meet their affordable housing needs.

- a. Number of ADUs permitted. One (1) ADU is permitted per parcel.
- b. Density Calculation. An ADU is exempt from density calculations.
- c. Maximum Size. The maximum living area for an ADU shall not exceed 60% of the principal dwelling.
- d. Dimensional Standards.
  - i. Attached ADUs shall meet the assigned zoning district's setbacks residential dimensional requirements, by Zoning District in Article 64.
  - ii. Detached ADUs shall meet the assigned zoning district's front and side yard requirements. The rearyard setback for detached ADU's shall be a minimum of 10' from the property line. The maximum height for detached ADUs shall not to exceed the height of the principal structure.
- e. Parking Requirements.
  - i. A minimum of one (1) off-street parking space shall be provided for the ADU, located on the same lot or parcel and served by the same driveway as the principal dwelling unit.

- ii. This space shall be paved or covered with stabilized surface acceptable to the City Engineer. No ADU parking space shall be located to the rear of the unit unless an alley/local street to the unit is possible
  - iii. The minimum parking requirements for off-street parking, Chapter 60 Article XI shall be met without additional parking for the ADU.
- f. Architectural Standards.
- i. Architectural design and exterior finishes of accessory structures shall be consistent and compatible with the principal building. Must have a complementary appearance to that of the principal structure such as wood, stone, and/or manufactured products such as brick, stucco, or decorative concrete block.
  - ii. Entrance features, An ADU is permitted a main entrance in the front façade of the principal structure if the ADU and primary is a shared entryway, if not, the entryway shall be located at the side or rear of the principal structure. This entryway shall contain only one main door on the front façade of the principal structure. An exterior stairway to an ADU, if proposed, shall not be constructed on the front or street side of the principal dwelling unit.
  - iii. Architectural elements such as awnings, parapets, decorative molding, and windows may be utilized to create compatibility and consistency between the appearance of the principal dwelling unit and the ADU.
  - iv. A manufactured principal structure may also have a manufactured ADU. If unit is raised, skirting shall be placed around the base, in compliance with any regulations of the National Flood Insurance Program, to ensure neighborhood compatibility.
  - v. All applications for ADU shall provide architectural drawings of the proposed structure and photographs showing the complete front facade of the existing principal structure.
  - vi. Building Elevations shall be provided for review prior to issuance of permits.
- g. Occupancy Standards. The owner shall maintain a valid homestead exemption on the property. Short-term rentals (30 consecutive days or less) shall be prohibited unless allowed under the Land Development Code.
- h. Impact Fees. Impact fees will be assessed as dictated in the Town of Eatonville's Impact Fee Schedule, unless the ADU is used for affordable rental purposes. If used for affordable rental purposes, impact fees shall be waived for an ADU that meets the following criteria:
- i. An application for a building permit to construct an affordable rental must include an affidavit from the applicant which attests that the unit will be

rented at an affordable rate and/or is not being used as a rental unit (allowing multigenerational living).

- ii. At a minimum, the affordable rate needs to be for a person or persons with moderate-income to an extremely-low-income, very-low-income, or low-income as determined by the Housing for Urban Development Department.
  - i. Addressing and Utilities. The ADU:
    - i. Must have an address and be posted on the unit.
    - ii. May have a separate utility meter, however, it is not required.
  - j. Variances and Nonconformities. For nonconforming structures and lots, an ADU shall be allowed in accordance with the Nonconforming Uses and Structures section of the Land Development Code. Variances shall not be considered for ADUs.
  - k. Building Code. The ADU must comply with the Florida Building Code.
- (2) Automated Teller Machine (ATM). An ATM designed for walk-up use and located in the exterior wall of a building or a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.
- (3) Donation Center. A donation center consists of a maximum of two (2) donation containers that are accessory uses to a commercial development. A donation center shall comply with the following standards:
- a. Generally. The donation center shall:
    - i. Occupy no more than one hundred fifty (150) square feet.
    - ii. Contain no more than two (2) donation containers, which are a maximum of five (5) feet high, six (6) feet wide, and six (6) feet long, and are consistent with the architecture or materials of each building, or screened by a closed fence or wall that meets the standards of Article IV, Fences.
    - iii. If there are two (2) containers, ensure they are arranged side-by-side and not separated by more than one (1) foot.
  - b. Approval. The donation center shall be identified on a approved site plan or survey of an approved building.
  - c. Signage. A donation center may have one (1) sign for each container with copy area that does not exceed four (4) square feet in area and does not extend above the top of the container. The sign shall only include the following information:
    - i. The name, email address, and telephone number of the owner and operator responsible for removing any collected items;
    - ii. Items acceptable for collection; and



- iii. A statement prohibiting the dumping of liquids and other unacceptable items.
  - d. Person Who May Establish. A donation center may be established by the property owner or by a separate person, with written consent of the property owner.
  - e. Ongoing Maintenance. The following maintenance responsibilities apply:
    - i. The container(s) and surrounding area shall be cleaned on a weekly basis or within forty-eight (48) hours following a request from the City or, if the containers are not managed by the property owner, by the property owner.
    - ii. The property owner and any other entity responsible for the donation containers shall be individually and jointly responsible for abating and removing all junk, garbage, trash, debris, excess collected items, and other refuse material in the area surrounding any collection containers.
  - f. Location.
    - i. A donation center is only permitted on level, paved surfaces on lands in a zone district that allows commercial development on which there is an existing development that is twenty-five thousand (25,000) square feet or larger, or in any Residential zone district on lots with a non-residential principal use (i.e., religious institution or other institutional use).
    - ii. A donation center shall be located at least two hundred fifty (250) feet from a lot occupied by a residential use or vacant land in a Residential zone district
  - g. Parking Access. A donation center shall not occupy or block access to parking spaces or drive aisles required by Chapter 60, Article XI, Off-Street Parking.
  - h. Container Standards. Containers and storage bins shall be durable, waterproof, rustproof, covered, and secured from unauthorized entry, and shall be enclosed by use of a receiving door or safety chute to prevent vandalism, and locked so that the contents of the bin cannot be accessed by anyone other than those responsible for the retrieval of the contents. The receiving door on each container shall be oriented toward the interior of the building site and away from the public right-of-way.
  - i. Enforcement. The owner of the donation box and the owner of the private property on which it is located shall be individually and jointly responsible for any violations of the standards of this section or any other applicable provisions of the LDC.
- (4) Food Dispensing Vehicle/Cart. In order to support local entrepreneurship, innovation, and tastes, the town permits food trucks and carts in various areas.
- a. Classifications of food trucks and carts:

- i. *Food Truck:* A vehicle (including trailers) operated by a mobile food vendor to prepare and sell food at multiple locations, typically operating at one location for more than 30 minutes.
- ii. *Lunch Truck:* A vehicle operated by a mobile food vendor to sell pre-packaged food, such as ice cream and sandwiches, at multiple locations, typically operating at one location for less than 30 minutes.
- iii. *Food Cart:* A mobile food vendor that sells pre-packaged food, such as hot dogs or boiled peanuts, from a movable, non-motorized cart.
- b. *Requirements.* To operate a food truck, food trailer, lunch cart or food cart, all the following credentials are required:
  - i. *Hours of Operation:* 6 a.m. – midnight
  - ii. *Frequency:*
    - a. Two times per week, per site, 6 a.m. – 10 p.m.
    - b. Two times per year if school, religious institution, etc., is in residential zoning district.
    - c. Permanent placement requires Planning Division approval.
  - iii. *Setbacks:* All mobile food vendors must be setback a minimum of 5-ft from any public rights-of-way, and 50-ft. from residential zoning districts.
  - iv. *Improved Surface:* All mobile food vendors must locate on an improved parking surface and on an improved property that is not vacant (i.e. vending shall be accessory to an operating principal use).
  - v. *State License:* All mobile food vendors must obtain the required state license prior to obtaining a business tax receipt from the Town of Eatonville.
  - vi. *Business Tax Receipt:* Subsequent to the Town’s business tax receipt, vendors must obtain a business tax receipt from Orange County.
  - vii. *Pedestrian Circulation:* All mobile food vendors may not disrupt the pedestrian circulation, vehicular ingress and egress from a property, or landscaped areas of the property.
  - viii. *Parking Access.* Mobile food vendors may not block access to required parking for the development on which the property they are operating.
  - ix. *Alcohol Sales.* No alcohol is allowed to be sold from mobile food vendors.
  - x. *Signs.* No additional signage is allowed on a development site for mobile food vendors.
  - xi. *Trash.* Mobile food vendors are required to provide trash receptacles for their operation (minimum 48-gallon size), and provide proper disposal of trash and waste associated with their operation. A minimum of one trash can

must be provided; but, more may be needed to adequately serve their operation. Recycling containers shall also be provided for any containers that are recyclable.

- xii. Cleanliness. Vendors must keep clean the subject property where they operate, including rights of ways within 25-ft of the subject property of their operation. This includes grease, trash, paper, cups, cans and any other items associated with the vending operation.
- xiii. Outdoor Storage. All operations shall be contained within the approved vending vehicle approved by the state.
- xiv. Noise. No amplified music, speakers or other noise is allowed as part of the operation.
- xv. Revocation. If at any time the state revokes or suspends food vendor's license, or the license expires, any approval or authorization by the town under this program is revoked or suspended immediately.

(5) Home Occupation.

- a. Purpose. The purpose and intent of these home occupation standards is to: (i) ensure the compatibility of the home occupation with other uses permitted in the Residential districts; (ii) maintain and preserve the character of residential neighborhoods; and (iii) provide peace and domestic tranquility within all residential neighborhoods within the Town and guarantee all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other adverse effects of commercial uses being conducted in residential neighborhoods.
- b. Standards. A home occupation shall be conducted entirely within a dwelling or accessory building on the lot of the occupant conducting the home occupation, and comply with the following:
  - i. The home occupation shall be clearly incidental and subordinate to the use of the dwelling unit by its occupants for residential purposes, and shall under no circumstances change the residential character of the unit.
  - ii. No person other than members of the family residing on the premises shall be engaged in the home occupation.
  - iii. The home occupation shall not change the outside appearance of the building or premises or create other visible evidence of the conduct of the home occupation.
  - iv. A home occupation shall not occupy more than 25 percent of the dwelling unit. A room which has been constructed as an addition to the dwelling, or an attached porch or garage which has been converted into living quarters, shall not be used for a home occupation until two years after the date of its completion, as shown by the records of the Building Division.

- v. Traffic shall not be generated by the home occupation that is in greater volumes than is normally expected by the residential dwelling unit.
- vi. No commercial licensed vehicles shall be used by the home occupation.
- vii. The home occupation shall not use commercially licensed vehicles or vehicles which exceed three-quarter ton, for delivery of materials or supplies to or from the premises.
- viii. The off-street parking needed to accommodate the home occupation generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- ix. No equipment or process shall be used by the home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises. No explosive or combustible material shall be used or stored on the premises.
- x. No demonstration of products for sale is permitted.
- xi. The home occupation shall comply with all applicable occupational licenses and other business taxes.

**Sec. 65-6. – Temporary Uses and Structures.**

(a) Structure of the Temporary Uses and Structures Table.

- (1) Organization. Table 65-6(b): Temporary Uses and Structures lists temporary uses and structures alphabetically.
- (2) Abbreviations. Table 65-6(b): Temporary Uses and Structures uses the following abbreviations to designate whether and how an accessory use or structure is allowed in a particular zoning district:

<u>P</u>	<u>A “P” under a base zoning district column indicates that the temporary use or structure is allowed by right in the district, subject to any use-specific standards referenced in the right-most column in the row and all other applicable provisions of this LDC.</u>
<u>SE</u>	<u>A “SE” under a base zoning district column indicates that the use is allowable as a principal use in the district only upon approval of a special exception in accordance with Chapter 44 Article IV Article IV Special Exception and subject to any use-specific standards referenced in Sec. 65.5 Principal Use standards and special exception conditions.</u>
	<u>A blank cell under a base or the planned development zoning district column indicates that the accessory use or structure is prohibited in the zoning district.</u>

- (3) Reference to Use-Specific Standards. A particular temporary use or structure that is allowed in a zoning district may be subject to additional standards that are specific to that use or structure. The applicability of such use-specific standards is noted in the last column of Table 65-6(b): Temporary Uses and Structures (“Use-Specific Standards”), through a reference to standards in Section 65-7, Specific Standards for Temporary Uses and Structures.
- (b) Temporary Use and Structure Table. Temporary uses and structures are allowed in each of the zoning districts in accordance with Table 65-6(b): Temporary Uses and Structures.

<b>Table 65-6(b): Temporary Uses and Structures</b> P = permitted use SE = allowed use with approval of special exception Blank cell = use is prohibited NP = not permitted (DT HIST)										
Use Type	Residential Districts			Non-Residential Districts			Overlays			Use-Specific Standards
	R-1	R-2	R-3	C-1	C-2	C-3	I-1	HD/MX/ OFF	DT HIST	
Mobile homes intended to house business activities						P				Sec.65-9(1)a.

### **Sec. 65-7. – Specific Standards for Temporary Uses and Structures.**

- (a) Temporary Uses Permitted with Conditions.
- (1) Mobile homes are permitted as a temporary use intended to house business activities provided:
- The mobile home will be permitted on the site for a period not to exceed 120 days.
  - The business must present plans for construction of a permanent structure at the time a request for a temporary mobile home is made.
  - The business provides a \$1,000.00 bond to be forfeited to the Town if the start of construction does not occur within 60 days of issuance of a temporary mobile home use.

