
Sec. 78-70. Park Avenue Downtown District (PADD).

- (a) *Purpose and intent.* It is the purpose and intent of the Park Avenue Downtown District to provide for the following:
- (1) Urban development which is reflective of early master plans for a small scale traditional downtown commercial area;
 - (2) Buildings and structures that relate to the pedestrian environment at a human scale which, in conjunction with public investments, help to create a sense of place;
 - (3) The reestablishment and redevelopment of an urban center offering a mixture of retail, personal service, commercial, office, and residential uses;
 - (4) A pedestrian-oriented development pattern;
 - (5) The concentration of a variety of uses, including live performance theaters, restaurants, brewpubs and breweries, offices, arts and crafts, and other retail uses to attract both residents and visitors to the Town's traditional downtown for specialty shopping and entertainment;
 - (6) The prohibition of certain uses which do not support or enhance the specialty shopping, entertainment, arts district, or uses otherwise inconsistent with a pedestrian-oriented traditional downtown development pattern;
- (b) *Permitted and special exception uses.* All principal permitted and special exception uses shall occur within enclosed buildings or structures. This requirement shall not apply to permitted accessory uses such as outdoor seating, the permitted outdoor display of merchandise, mechanical equipment, dumpsters and related refuse disposal equipment, or other uses incidental and subordinate to a principal permitted or special exception use. Permitted and special exception uses within the PADD are established by Table 78-70-1.
- (1) *Conformance with Table 78-70-1.* Following the effective date of this ordinance, all new or existing buildings, structures, and properties shall conform with the uses of Table 78-70-1.
 - (2) *Prohibited uses.* Any use not listed in Table 78-70-1 or not recognized as a similar use pursuant to subsection (3), below is prohibited.
 - (3) *Similar uses.* A use not currently listed in Table 78-70-1, but determined by the community development department to possess similar characteristics to a permitted or special exception use in terms of its size, intensity, density, operating hours, business practices, or other characteristics, may be established in the PADD subject to development regulations herein.
 - (4) *Accessory uses.* Uses customarily incidental and subordinate to the principal uses in Table 78-70-1 and located within the same building or lot is permitted provided it complies with all of the requirements of the principal use. Any accessory structure which is a permitted accessory use, shall be developed or redeveloped consistent with the architectural style, color, materials, etc., of the principal structure.
 - (5) *Applicability of additional standards.* The additional standards noted in the right-hand column of Table 78-70-1 shall apply to each use as indicated, in addition to any other requirements of this Code. Unless otherwise noted herein, section 78-70 shall supersede any section in conflict.
 - (6) *New construction, substantial renovation, or redevelopment.* A site plan is required for any new construction or the substantial renovation or redevelopment of any existing residential or nonresidential structure of more than 2,500 square feet or the expansion of an existing structure in excess of 25 feet in height. Substantial renovation constitutes the following:

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- a. Repair, rehabilitation, restoration, reconstruction, alteration, expansion, or other improvements in excess of 50 percent of the value of the improvements of the property, as determined by the assessed value of the improvements on the property as shown in the then-current certified tax assessment; or
 - b. An increase of greater than 20 percent of the square footage of an existing structure.
- (7) *Waivers.* The intent of this section is to provide for waivers for certain development standards for site plans within this district, provided an applicant meets or exceeds the waiver criteria set forth under subsection b. below, as determined by the town commission.
- a. *Application and review process.* Applications for a waiver shall be submitted together with a site plan to the community development department. Upon the determination of the community development department that the site plan and waiver application are complete, community development shall schedule the site plan and waiver applications for consideration by the planning and zoning board.
 - b. *Review criteria.* In order for a waiver to be approved, the town commission shall find that the application furthers the purpose and intent of the PADD, meets the architectural and site design elements of the PADD, is compatible with the style and characteristics of surrounding structures, provides a public benefit in exchange for each waiver requested and complies with the standards below.
 - 1. *Off-street parking waiver.* Up to ten percent of the number of parking spaces for a specific property and use or uses, as required by Table 78-70-4 may be waived upon the town commission's determination that:
 - (a) The subject property complies with ADA requirements, respective loading requirements for certain uses, and no property shall have less than five parking spaces; and
 - (b) There is a sufficient number of off-street parking spaces in the town's adopted Downtown Parking Master Plan to accommodate the waiver request; and
 - (c) A parking needs analysis for the proposed property and its use or uses demonstrates that up to ten percent less of the parking spaces required pursuant to Table 78-70-4 would be sufficient. The parking needs analysis shall be prepared by a Florida registered engineer or architect, certified (AICP) planner who has the demonstrated qualifications and expertise to perform such an analysis; or
 - (d) The proposed use is an adaptive re-use within an existing structure and there is insufficient space on site to accommodate all of the required parking, provided that a parking needs analysis pursuant to subsection 1.(c) above is submitted and parking is available pursuant to subsection 1.(b) above.
 - 2. *Height waiver.* The town commission may waive up to a 20 percent increase in the height of a building for architectural features, provided:
 - (a) The increased height enhances the structure's architectural features and the commission finds that doing so would improve building aesthetics and massing. Examples of these architectural features include parapets, shielding mechanical equipment, cooling towers, elevator shafts, and other elements; and
 - (b) The increased height would not negatively impact the light, air flow, and aesthetics of abutting single-family dwellings or single-family dwellings across a street or alleyway.

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3. *Structured parking waiver.* For structures in the Core Sub-District, up to four levels (maximum of 40 feet) of structured parking may be excluded from the maximum height of a structure, even if active liner uses are proposed, upon the town commission's determination that all of the following conditions exists:
- (a) The applicant is proposing structured parking to meet the code required parking. In addition to meeting the required parking, an applicant seeking a structured parking waiver shall provision public parking equivalent to a minimum of ten percent of the required parking. This public parking shall be located on the ground floor of the structured parking area, be free of charge, and marked and reserved for public use in perpetuity.
 - (b) Pursuant to a review of shadow studies, the additional height would not significantly impact the light, air flow, and aesthetics of any abutting single-family dwellings or multifamily dwellings or those that are located across a street or alleyway in a manner that creates substantial negative or detrimental impacts, as determined by staff, or as determined by the town commission. This waiver shall not be combined with an off-street parking waiver under subsection 1. above.
4. *Landscaping species waiver.* The commission may grant a waiver of a particular species of vegetation, hedges, or trees, or the quantity, quality, or height requirements of the species required herein where there is a conflict with the requirements of another public agency, or public or private utility, provided the commission finds that public's interest is better served by accepting the public agency, or utility's landscaping species.
- c. *Conditions and mitigation.* The commission may impose conditions or limitations upon the waivers it grants to ensure that the spirit and intent of the PADD. Additionally, the commission may require mitigation on or off site in exchange for the granting of waivers, or as a public benefit.
- (c) *Property development regulations.* The property development regulations listed in Table 78-70-2, Table 78-70-3, and Table 78-70-4 shall be applied to the properties and structures herein depending on their location in the district as identified on Figure 1. When the provisions of the PADD conflict with other applicable regulations, the provisions of the PADD shall prevail.
- (d) *Supplemental development regulations.* These supplemental regulations shall apply to all uses and structures within the PADD:
- (1) *Security bars, shutters, gates, and related equipment.* The use of security bars, shutters, gates, and related equipment visible from a public right-of-way is prohibited.
 - (2) *Storage.* Outdoor storage of goods, materials, and equipment, or the indoor storage of goods, materials, and equipment which are visible from internal sidewalks or public rights-of-way is prohibited.
 - (3) *Underground utilities.* Whenever a property owner initiates new construction or the substantial renovation of property, any existing overhead utility lines, conduits, or cables shall be placed underground as part of any new development or the substantial renovation of existing development.
 - (4) *Ground floor window displays/cover.* Window displays and covers are defined and permitted as follows:

Window display means an aesthetically-logical arrangement of merchandise, goods, commodities or wares, with or without ornamentation or decoration, behind a storefront façade window enclosure for the purposes of attracting customers' attention and advertising products or services through the

intrinsic appeal of the items displayed. Window displays shall not contain signs, as defined herein, nor shall window displays be used to store unarranged commodities suited for interior storage. Window displays shall not conceal more than 75 percent of the windows of any individual unit façade and shall be approved pursuant to the zoning review and approval of a certified Crime Prevention through Environmental Design (CPTED) practitioner.

Window cover means a curtain, blind, shutter, veil, or other concealment device for the purposes of mitigating solar heat or providing privacy. Window covers shall not conceal more than 75 percent of the windows of any individual unit façade and shall be approved pursuant to the zoning review and approval of a certified CPTED practitioner.

- (5) *Alley deliveries.* Deliveries of merchandise and goods in alleys abutting residential zoning districts shall be conducted in the alleyways, when one is available, and limited to the hours of 7:00 a.m. to 7:00 p.m.
 - (6) *Drive-in/drive-through facilities.* Drive-in or drive-through facilities are prohibited on parcels that have frontage on Park Avenue. Drive-through facilities are permitted elsewhere in the PADD as long as they are accessory to the primary use.
 - (7) *Outdoor lighting.* Freestanding outdoor lighting shall be installed in a manner consistent with requirements and specifications of the Florida Building Code. Wall-mounted outdoor lighting fixtures shall be consistent with the architectural style of the principal structure.
 - (8) *Vending machines.* Vending machines or containers of any type dispensing beverages, food, ice, and related consumer products shall not be visible from a public right-of-way. Vending machines may be located in outdoor enclosures, provided such enclosures are constructed utilizing the same architectural style, materials, colors, etc., as the principal structure.
 - (9) *Access.* Properties located in this district which are within the 900 block on the south side and which were developed prior to the effective date of this ordinance may, upon redevelopment, use the adjacent public alleyway as the primary legal access, provided the property has no legal access to Park Avenue.
- (e) *Off-street parking and loading.* Parking and loading requirements for the district are as follows:
- (1) *Loading requirements.* Loading requirements for all uses are established by Table 78-70-4.
 - (2) *Loading spaces.* Loading spaces shall not be located along Park Avenue or other public rights-of-way, excluding alleys. The community development department may approve a loading space located completely or partially in the public portion of an alley, provided it is determined that it does not adversely affect vehicular circulation.
 - (3) *Valet parking.* The commission may authorize the use of valet parking on private property for any use within the district. However such use shall not result in a reduction of more than 50 percent of the on-site parking requirements of the use. A request to establish valet parking associated with a use shall provide the following information:
 - a. The proposed location of the valet parking intake booth or area;
 - b. The location and number of the property's private parking spaces to be used for valet parking;
 - c. If the valet parking spaces are to be located off-site, the applicant shall submit evidence that the proposed off-site valet parking spaces are the subject of an agreement, license, or lease which provides the business which is the subject of the application with the right to use the spaces owned by another property owner for valet parking;
 - d. The impact of the valet parking service on the traffic flow, pedestrians, and users entering and leaving the property;

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- e. The hours of operation of the valet parking service;
 - f. The location and text of any signage demarcating the valet parking spaces or otherwise associated with the valet parking spaces;
 - g. The details on what buffering or screening improvements will be utilized to mitigate the visual and/or noise-related impacts of the valet parking operation on any adjacent residential properties, if any.
 - h. Written acknowledgement identifying an alternative parking solution must be provided to meet parking requirements if the valet spaces become unavailable. Alternatively, an adjustment to site conditions may be required to meet minimum parking requirements.
- (4) *Parking dimensions.* The dimensions for parking spaces, travel aisles, etc., shall meet the requirements in chapter 78, section 78-142-1.
- (5) *Off-street parking spaces.* The number of parking spaces required for a use shall be accommodated on the property owner's property, except as provided herein. Per the waiver process described under subsection (b)(7)b.1. herein, public on-street parking spaces identified in the Downtown Public Parking Master Plan (Table 78-70-5) may be utilized pursuant to subsection (b)(7)b.1. Requests to utilize public on-street parking spaces are subject to the availability of these spaces as documented in the adopted Downtown Parking Master Plan.
- (6) *Shared parking agreements.* Subject to the approval of the commission, a Joint and Cross Access Easement Agreement per section 78-144, or shared parking per section 78-142, may also be utilized to meet the required parking, provided that the agreement is approved by the commission as part of a development order.
- (f) *Signs.* Signs for properties in the PADD shall be subject to the requirements of chapter 70. In addition, properties shall meet Table 78-70-1, which enumerates supplemental signage requirements for select permitted and special exception uses. A master sign plan shall be submitted for all properties to be developed or redeveloped in the PADD and shall demonstrate consistency in the number, size, location, color, copy, etc., or any combination thereof, of signs proposed for a specific use or structure. Any application for substantial renovation of an existing structure containing more than one use shall include a master sign plan. The community development department shall consider the quality and overall design elements of the proposed signs in its review of signage. Signs with dimension or depth are strongly encouraged and preferred.
- (g) *Landscaping requirements.* The provisions of this section are established to provide the PADD with landscaping that reinforces and compliments the visual features of the district, recognizes and provides shelter from the area's climatic characteristics, reinforces and is consistent with the architectural style of the PADD, and encourages pedestrian movement.
- (1) *Street trees and foundation plantings.* Five by five foot street tree planting areas shall be provisioned every 20 feet along the entirety of any façade fronting a public right-of-way. Street tree planting areas shall be landscaped with shade trees from the permitted species list or other species otherwise deemed appropriate by the Town's reviewing landscaping architect. Street tree planting areas shall be buffered from utilities by silva cell systems or structural soils or other similar technology, in coordination with municipal staff and utility company reviews. Alternatively, three palms may be substituted for a shade tree within a street tree planting area but such planting areas shall then be placed every 15 feet along the entirety of any façade fronting a public right-of-way. Developers of ground-floor residential projects may choose to reallocate no more than 15% of the total area required for street tree planting areas for foundation planting areas in the form of hedges or bushes directly abutting the building, as long as at no point the proposed sidewalk width is less than 10 feet.

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- (2) *Alleys and parking lots.* Alleys shall be landscaped consistent with requirements for their proposed use; dumpsters shall be enclosed pursuant to town code requirements. Parking lots, whether principal or accessory uses, shall provide landscaping consistent with the following requirements:
- a. A landscape buffer, at least five feet in width along all sides of the parking lot, excluding that side or sides which abut a building. One or more pedestrian walkways shall be provided through the landscape buffer to connect to any abutting street.
 - b. The landscape buffer shall be protected from vehicular encroachment through the use of curbs or wheel stops.
 - c. Canopy trees shall be installed in the landscape buffer at a maximum of 30 feet on center. The canopy trees, at maturity, shall have an average spread of at least 25 feet and a clear trunk of at least five feet.
 - d. Within the landscape buffer, a group of three palm trees may be substituted for one required canopy tree. Palms must attain a minimum 12 feet in height at maturity. Palms must be resistant to lethal yellowing. Not more than 50 percent of the required canopy trees may be replaced by palm trees.
 - e. Within all landscape buffers, a hedge at a minimum of two feet in height and two feet on center shall be installed. Within two years, the hedge shall attain a minimum height of three feet.
 - f. At least one planter island for each ten parking spaces shall be provided. In addition, planter islands shall be located at each end of each row of parking. Planter islands shall be a minimum of 75 square feet in area. As part of a proposed site plan, the community development department may approve the use of landscape diamonds for interior parking lot tree planting, excluding islands at the end of parking rows. Each planter island shall contain at least one canopy tree for each 100 square feet of area or fraction thereof, in addition to shrubs and ground cover. Landscape diamonds shall be at least 16 square feet in size.
 - g. All landscaping buffers and islands within a parking lot shall be irrigated.
 - h. When accessory parking lots are installed as part of new construction or substantial renovation, the overall landscape plan for the principal structure and parking lot shall be consistent.
 - i. At least 50 percent of the landscape materials within a parking lot shall conform to the materials from the list in subsection (g)(4)j. of this section.
- (3) *Properties along 10th Street:* New development, substantial renovation or redevelopment shall provide a minimum five foot landscape strip directly abutting 10th street, and a minimum six foot sidewalk. Should there be insufficient public right-of-way to accommodate the landscaping and/or sidewalk, the property owner shall provide an easement on its property for the installation of the landscape strip and sidewalk improvements. Materials within the 5 foot landscape strip shall be consistent with the aesthetics established along the 10th Street corridor.
- (4) *New construction and substantial revision.* New construction and substantial renovation or redevelopment as defined in subsection 78-70(b)(6) shall meet the following requirements:
- a. *Area to be landscaped.* At least ten percent of the total lot area, excluding any area utilized to meet the required parking, shall be landscaped.
 - b. *Waiver of required landscaping.* Community development department staff may recommend a waiver of the landscaping requirements subject to the criteria of subsection (b)(7)b.4. above.
 - c. *Landscaping concept.* It is the town commission's intent that landscaping be provided in a manner that:

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1. Is consistent with the landscaping and materials installed by the town along Park Avenue;
 2. Is consistent with the pedestrian-orientation of the PADD;
 3. Is consistent with the landscape principles for urban landscaping in this climate; and
 4. Is consistent with, and enhances, the overall architectural style of the PADD.
- d. *Overall landscaping.* The required area to be landscaped may include any of the following:
1. Entry features;
 2. Massing of landscaping to produce focal points;
 3. Foundation plantings;
 4. Trellises, arbors, and similar structures;
 5. Planter and flower boxes;
 6. Freestanding planters and pottery;
 7. Sidewalk plantings in the form of a five foot landscape strip;
 8. Landscaped courtyards, loggias, patios, and similar open areas available for public use;
 9. Materials installed within publicly owned lands; and
 10. Materials installed at other locations that will benefit the public, pedestrians, and the overall appearance of the Park Avenue Downtown District.
- e. *Approval of landscape plans.* Unless otherwise directed, a development approval shall be granted by the town commission; minor site alterations may be approved administratively.
- f. *Preparation and content of landscape plans.* All landscape plans shall be prepared by a landscape architect licensed by the state. Landscape plans shall include the following elements:
1. Location of all plant material;
 2. Quality of all plant material;
 3. Quantity of all plant material;
 4. Average size of all plant material;
 5. Spacing of all plant material;
 6. Name of all plant material, both common and botanical;
 7. Mulching to be utilized;
 8. Fertilizing to occur;
 9. Planting area preparation;
 10. Location of underground and aboveground utilities, easements, drainage proposed within landscaped area, and other similar improvements affecting the plant material;
 11. Approximate elevation of landscaped areas;
 12. Location of proposed improvements;
 13. Description of general installation techniques to be utilized;
 14. Planting details for trees, palms, shrubs, ground cover, turf, grass, etc.;

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15. Planting details for planting boxes, pottery, etc.;
 16. Location of proposed paving;
 17. Location of proposed walkways from public rights-of-way;
 18. Location of proposed building pass-throughs from the alley to front of buildings;
 19. Location of proposed parking areas, vehicular circulation, and access to public rights-of-way;
 20. Statement regarding proposed irrigation design and equipment specifications;
 21. Statement, if applicable, regarding compatibility of trees and palms with overhead power lines; and
 22. Other information as may be required by the town.
- g. *Installation, maintenance, and plant material quality.* Installation, maintenance, and plant material quality of all landscape materials shall be consistent with article VIII of this chapter.
- h. *Materials utilized.* At least 50 percent of all trees utilized shall be consistent with the species used for the Park Avenue improvements or species utilized or required by the town for alley improvements. The remaining trees shall be selected from the list provided in subsection (g)(4)j. of this section.
- i. *Permitted plant material.* The following landscape materials are permitted within the Park Avenue Downtown District.
- j. *Permitted trees.* Trees may be selected from the list presented below:
1. Beauty Leaf (*Calophyllum inophyllum*);
 2. Black Calabash (*Enallagma latifolia*);
 3. Black Olive (*Bucida buceras*);
 4. Blolly (*Guapira discolor*);
 5. Buttonwood/Silver Buttonwood (*Conocarpus erectus*);
 6. Coconut Palm (*Cocos nucifera "malayan"*);
 7. Cuban Tamarind (*Lysioma sabicu*);
 8. Dahoon Holly (*Ilex Cassine*);
 9. Flowering Dogwood (*Cornus florida*);
 10. Frangipani (*Plumeria spp.*);
 11. Geiger Tree (*Cordia Sebestena*);
 12. Gumbo Limbo (*Bursera simaruba*);
 13. Hackberry (*Celtis laevigata*);
 14. Lignum Vitae (*Guaiaacurn sacaturn*);
 15. Jacaranda (*Jacaranda acutifolia*);
 16. Magnolia (*Magnolia grandiflora*);
 17. Mahogany (*Swietenia mahogani*);

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18. Mimusops (*Manilkara roxburghiana*);
 19. Oak (*Quercus sp.*);
 20. Orchid Tree (*Bauhinia spp.*);
 21. Paradise Tree (*Simarouba glauca*);
 22. Pigeon Plum (*Coccoloba diversifolia*);
 23. Pink Trumpet (*Tabebuia pallida*);
 24. Pitch Apple (*Clusia rosea*);
 25. Red Bay (*Persia burbonia*);
 26. Red Maple (*Acer rubrum*);
 27. Royal Palm (*Roystonea elata*);
 28. Royal Poinciana (*Delonix regia*);
 29. Satin Leaf (*Chrysophyllum oliviforme*);
 30. Sea Grape (*Coccoloba uvifera*);
 31. Sea Hibiscus (*Hibiscus tiliaceus*);
 32. Slash Pine (*Pinus elliotii*);
 33. Soapberry (*Sapindus saponaria*);
 34. Strong Bark (*Baireiro succulenta var. revoluta*);
 35. Stoppers (*Eugenia spp.*);
 36. Tamarind (*Lysiloma tatisilique*);
 37. Tamarind (*Tamarindus indica*);
 38. Tree of Gold (*Tabebuia argentea*);
 39. Twinberry (*Myricanthes fragrans*);
 40. Washington Palm (*Washingtonia robusta*); and
 41. Wax Myrtle (*Myrica cerifera*).
- k. *Bushes and shrubs.* Bushes and shrubs shall be consistent with the species used for the Park Avenue improvements or alley improvements landscape plan adopted by the town.
- l. *Ground cover.* Ground cover shall be consistent with the species used for the Park Avenue improvements or alley improvements landscape plan adopted by the town.
- (h) *Architectural requirements.* All nonresidential and mixed use structures shall meet the design regulations of chapter 78, article XII and this section. Supplemental regulations associated with the PADD's architecture shall be applicable to residential, mixed use and nonresidential and include the following elements:
- (1) An overall, unified design and character and compatibility with surrounding structures aesthetics;
 - (2) Preferred architectural styles shall include Mediterranean Revival along Park Avenue, modern designs or Miami Modern along 10th Street, or any architectural style complimentary of those listed herein that has been approved by the town commission's approval of a site plan;
 - (3) Building massing that addresses the street, creating a pedestrian-oriented environment;

- (4) Ground level retail space or other ground level amenities which are of interest to pedestrians;
- (5) No blank walls, dead spaces, or features that hinder the pedestrian experience;
- (6) The use of common features such as parapet or clay tile roofs, the particular shape of windows and doors, and ornamentation;
- (7) A variety of protective features, attentive to the South Florida climate, such as arcades and awnings, building overhangs, landscaping, and the size, location, and shape of windows and doors, including architectural detailing of the same;
- (8) The use of textured or smooth stucco, roof tiles, painted window frames, and stucco moldings.
- (9) Tones of white, creams, and pastels should be considered for colors.
- (10) For proposed structures in the Core sub-district adjacent to existing buildings requiring the minimum 15 foot interior side yard building setback, the space on the ground floor shall be utilized to create a public or private plaza, or midblock connection.
- (11) Buildings over four stories shall be designed to provide at least one building step-back beginning on the fifth floor when adjacent to a public right-of-way. Step-backs shall serve to soften the facades and better integrate them into the surrounding area and shall be deemed acceptable by staff and by the town commission. Minimum step-back depth shall be 20 feet and may incorporate outdoor living or other features.
- (12) Buildings over four stories shall incorporate a horizontal break in the facade after 200 feet of continuous facade length. The facade separation shall be a minimum break of 40 feet or other dimension that serves to adequately soften the facade and provide architectural air flow.
- (13) Maximum allowable projections and encroachments of architectural elements.

Elements	Front, Street Side, and Rear Setbacks		Interior Side Setback	0 ft. setback (no setback)
	Setback = 10 ft. or less	Setback = greater than 10 ft.		
Bay Windows	3 feet ⁵	3 feet ⁵	3 feet	Upper floor only, 3 ft. into a public right-of-way ²
Balconies	6 feet ⁵	6 feet ⁵	3 feet	Upper floor only, 3 ft. into a public right-of-way ²
Awnings ⁴	6 feet	6 feet	3 feet	24 in. from the face of the curb ²
Stoops	6 feet	6 feet	3 feet	Not Permitted
Stairs	6 feet	8 feet	3 feet	Not Permitted
Porches ¹	6 feet	8 feet	3 feet	Not Permitted
Roof eaves, chimneys, and ramps	May encroach into all setbacks			Roof Eaves only, 3 ft. into a public right-of-way ²
Cornice ³	May encroach into all setbacks			1 ft. into a public right-of-way ²

Notes:
 1. The encroachment of porches shall only be permitted in conjunction with residential units.

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| <ol style="list-style-type: none">2. Right-of-way encroachments shall be a minimum of 11 feet above the sidewalk.3. A cornice line shall project a minimum of 2 inches from the front elevation of the structure.4. The placement of awnings shall take into consideration the overall composition of the facade. Awnings shall be designed to fit between vertical architectural elements or features including but not limited to columns, etc. In no case shall the length of an awning exceed 20 feet.5. Accessory buildings shall be permitted to have balconies or bay windows that encroach a maximum of 3 feet into the rear yard setback. |
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- (j) *Sidewalk café courtyard/outdoor seating located on public property.* Sidewalk cafes/outdoor seating, as defined in section 78-2, may be approved by the commission pursuant to the following:
- (1) *Site plan required.* All tables chairs and other elements associated with a sidewalk café or courtyard shall be shown on a site plan submitted to the community development department, including the following.
 - a. The site plan of the area between the store front and vehicular travel surface or public space, drawn to a minimum scale of 1"= 10,' shall contain the following:
 - b. The sidewalk café or courtyard area occupying the public property, including square footage and dimensions;
 - c. The location of curb, sidewalk, and any utility poles, fire hydrants, landscaping, or other items within the right-of-way and private property, between the curb and the store front including dimensions;
 - d. The location of any of the above items which are within six feet of the proposed use area; and the location of parking spaces (or use of the street or public space) adjacent to the proposed use area;
 - e. A clear delineation of pedestrian pathways and the boundary between private property and the right-of-way including dimensions;
 - f. The proposed location of chairs with tables, and other private features such as but not limited to hostess stands, umbrellas, etc.;
 - g. The proposed location of sidewalk café or courtyard barriers;
 - (2) *Required information:* In addition to the site plan, the following information, shall be provided as part of an application for a sidewalk café or outdoor seating on public property:
 - a. A copy of a valid Lake Park business tax receipt;
 - b. The store front and all openings (doors, windows) and identification on how public sidewalk circulation is being maintained;
 - c. Photographs and/or manufacturer brochures depicting the types of chairs, tables, umbrellas, menu boards and logos, and other temporary private features including, but not limited to, lighting, planters, ropes, stanchions and other equipment to be used in the proposed sidewalk café or courtyard area;
 - d. If the property owner intends to use property in front of its adjacent business, the property owner shall submit a notarized statement from the adjacent property owner(s) indicating the adjacent owner has no objection to the use of the sidewalk in the front of its property; and
 - e. A certificate of liability and property insurance, naming the town and CRA as additional insureds.

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- (3) *Permits:* In addition to the approval of a site plan, the property owner shall obtain a permit from the town to operate outdoors. Permits may be transferred.
- a. Each permit shall be effective for one year from October 1 until September 30. Any new permit application received after October 1 until April 1 shall pay the full cost of the permit fee and the permit shall expire September 30 of the following year. Any new permit application received after April 1 shall pay one-half of the cost of the permit fee and the permit shall expire September 30 of the same year.
 - b. The sidewalk café or courtyard application fee is \$150.00. The permit fee is \$4.75 per square foot of approved sidewalk café or courtyard space.
 - c. Applications to renew permits shall be submitted annually to the town no later than September 1.
 - d. If the town does not receive the required fee for the renewal of a permit by September 1, it shall be considered late and subject to a late fee of ten percent, plus an additional five percent late fee if payment is not received by the first of each month thereafter until paid, provided that the total late fee shall not exceed 20 percent. If a renewal payment is not submitted by October 1st, the town has the right to immediately cancel the sidewalk café or courtyard permit upon written notice to the permit holder.
- (4) *Sidewalk café or courtyard only permitted as an accessory use to a principal use.*
- a. A sidewalk café shall only be established on a property where a legally established business exists and that business is involved in the preparation, processing, or assembly of food and/or beverages on the premises. A sidewalk café may only be established in front of the business or along a side street adjacent to the business, or in front of a public open space plaza adjacent to the business, and such businesses immediately adjacent to the business with which the sidewalk café and courtyard is associated. The sidewalk café or courtyard is prohibited unless there is a five-foot clear pedestrian path and the tables and associated chairs are set back from the pedestrian path a minimum of two feet from the vehicular travel lane and associated curbing. This two-foot setback does not apply when the tables are immediately adjacent to on-street parking.
 - b. Alcoholic beverages are permitted at a sidewalk café or courtyard provided the principal use has a liquor license which encompasses the area where alcoholic beverages are served.
 - c. The use of tables and chairs at a sidewalk café or courtyard shall only be for the customers of the principal use and its adjacent sidewalk. Tables, chairs, umbrellas, barriers and other objects associated with a sidewalk café or courtyard shall be of quality design, materials and workmanship and shall be such that they enhance the visual and aesthetic quality of the urban environment.
 - d. The operators of a sidewalk café or courtyard area shall maintain a clear pedestrian path of a minimum of five feet within the sidewalk or courtyard area. The five-foot clear pedestrian path shall be parallel to the street and/or alley. The five-foot clear pedestrian path shall be situated so as to be adjacent to the curb or commencing from the edge of the building façade for a distance of five feet away from the building. In areas of higher pedestrian traffic or activity or if conditions are such that additional clearance is required to assure safe pedestrian travel, additional clear space may be required to ensure that an adequate clear pedestrian path exists.
 - e. No sidewalk café or courtyard area with tables or chairs shall be located within a "No Table Zone". The "No Table Zone" is that area located at the intersections of Park Avenue with any side street, within 20 feet of the extended curb line of the intersection. The 20 feet will be measured perpendicular to the side street from the extended curb.

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- f. The sidewalk café or courtyard area shall be segregated from the pedestrian pathway by means of barriers such as planters, railings, bollards or other similar moveable fixtures or other clearly visible demarcation. No part of the barrier shall be located within a five foot clear pedestrian pathway.
 - g. In addition to approved business signs, the sidewalk café or courtyard area may have either:
 - i. A wall mounted menu board sign that does not exceed three square feet.
 - ii. A free-standing easel or art object that does not exceed five feet in height that holds a menu board with a sign face not exceeding six square feet. The free-standing easel or art object shall be placed immediately in front of the business in the permitted sidewalk café or courtyard area. These signs shall not require further site plan review and approval and are an exemption to requirements within the town's sign Code. Portable signs shall be prohibited except as allowed in the town Code.
 - h. Food may be carried to tables by patrons or served by a table waiter/waitress. The use of food preparation stations, trash receptacles and cash registers are prohibited within the sidewalk café or courtyard area.
 - i. The use of carpeting, artificial turf, or other services of any kind must be approved as a part of the sidewalk café or courtyard application.
 - j. All services provided to patrons of a sidewalk café or a courtyard area and all seating areas shall occur within the designated sidewalk café or courtyard area, and shall not encroach on the required five foot clear distance for pedestrian passage at any time.
 - k. Hours of operation for food sales shall be the same as the associated principal business hours of operation.
 - l. The area covered by the sidewalk café or courtyard area, including the curb and gutter immediately adjacent to it, shall be maintained in a clean, neat, attractive and orderly manner at all times and the area shall be cleared of all debris and stains on a periodic basis during the day and again at the close of each business day, ensuring a tidy appearance. All items shall be properly secured when the business is not in operation. The property owner shall be responsible for maintaining the area of a sidewalk café or courtyard by pressure cleaning the sidewalk surface on which the sidewalk café or courtyard is located at least once a month or more frequently, if determined by the town, and removing all litter and debris in the sidewalk café or courtyard areas and the landscaped areas adjacent to the sidewalk café or courtyard area.
 - m. No tables, chairs, or any other part of sidewalk café or courtyard shall be attached, chained, or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area.
- (5) *Sidewalk café/courtyard area/outdoor seating located on private property.* A sidewalk café, courtyard area, or outdoor seating area may be established as an accessory use on a property operating a legally established business that prepares, processes or assembles food or beverages on the premises. For a pre-existing business, site plan amendment is required which be approved administratively by community development staff pursuant to the following:
- a. The property owner shall submit a site plan of the area showing the store front and location of the proposed sidewalk café or courtyard, drawn to a minimum scale of 1"= 10'.
 - b. The site plan shall show the location of the sidewalk café, outdoor seating, or courtyard area including its square footage and dimensions; all proposed tables, chairs and other elements.

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- c. The site plan shall identify the store front and all openings (doors, windows) and identification which shows the circulation route for pedestrians on the sidewalk in front of the building.
 - d. The site plan shall note the location of curb, sidewalk, parking lot, and any utility poles, fire hydrants, landscaping, or other items.
 - e. A pedestrian circulation plan demonstrating that pedestrians can safely navigate through the sidewalk café, courtyard or outdoor seating area on any sidewalk is required.
- (6) *Required information:* In addition to a site plan, the following information shall be provided as part of an application:
- a. A copy of a valid Lake Park business tax receipt;
 - b. A notarized statement from property owner which confirms its approval of the use of the property for a sidewalk café, courtyard, or outdoor seating.
 - c. Photographs and/or manufacturer brochures depicting the chairs, tables, umbrellas, menu boards and logos, and other temporary private features including, but not limited to, lighting, planters, ropes, stanchions and other equipment to be used in the proposed sidewalk café or courtyard area;
- (7) *Operations.*
- a. Alcoholic beverages are permitted at a sidewalk café or courtyard provided the principal use has a liquor license which encompasses the area where alcoholic beverages are being served.
 - b. The use of tables and chairs at a sidewalk café or courtyard shall be only for patrons of the principal use and its adjacent sidewalk. Tables, chairs, umbrellas, barriers and other objects associated with a sidewalk café, outdoor seating, or courtyard area shall be of quality design, materials and workmanship and shall be such that they enhance the visual and aesthetic quality of the urban environment.
 - c. In addition to approved business signs, the sidewalk café, outdoor seating or courtyard area may have either:
 - i. A wall mounted menu board sign that does not exceed three square feet.
 - ii. A free-standing easel or art object that does not exceed five feet in height that holds a menu board with a sign face not exceeding six square feet. The free-standing easel or art object shall be placed immediately in front of the business with an approved sidewalk café, outdoor seating, or courtyard area. These signs are not required to be subject to any further site plan review and shall be exempt from the requirements of the town's sign code. Portable signs may be approved only in accordance with the town Code. Food may be carried to tables by patrons or served by a table waiter/waitress. The use of food preparation stations, trash receptacles and cash registers are prohibited within the sidewalk café or courtyard area.
 - d. Hours of operation for food sales shall be the same as the associated principal business hours of operation.
 - e. The area covered by the sidewalk café, outdoor seating, or courtyard area, including the curb and gutter immediately adjacent thereto, shall be maintained in a clean, neat, attractive and orderly manner at all times and the area shall be cleared of all debris and stains on a periodic basis during the day and again at the close of each business day, ensuring a tidy appearance. All items shall be properly secured when the business is not in operation.

TABLE 78-70-1 PERMITTED AND SPECIAL EXCEPTION USES PARK AVENUE DOWNTOWN DISTRICT			
NOTES P = Permitted, may be subject to additional standards. SE = Special Exception Use, Town Commission Approval Required.			
USE CATEGORY	Outer Sub District	Core Sub District	Additional Standards
I. RESIDENTIAL			
Apartment/Townhouse/Dwelling Unit	SE	SE	1
I a. MIXED RESIDENTIAL/COMMERCIAL			
Airbnb's/Bed and Breakfast Inn, within existing single family structure	P	P	2
Live-work unit - studio	SE	SE	3
Live-work unit - apartment	SE	SE	3
II. BUSINESS AND PROFESSIONAL OFFICES			
Business Office	P	P	
Offices for Medical and Dental Practices	P	P	
III. PERSONAL SERVICES			
Barbershop, Beauty Salon, or aesthetician, or spa	P	P	
Dry Cleaning and Laundry, Drop-off and Pickup Only	SE	P	6
Financial Institutions, including Banks and Credit Unions	SE	P	7
Gymnasium, Spa, and Health Club	SE	P	
Parking Lot or Structure, Public or Private	SE	P	8
Printing, Blueprinting, and Related Services	P	P	
Studios, including for Art, Dance, Drama, Interior Design, Music, Photography, Film, Tailoring	P	P	5
IV. RETAIL AND COMMERCIAL			
Art Gallery	P	P	
Bakery	P	P	4
Bicycle or Scooter, Sales and Rental	P	P	9
Coffee Shop	P	P	
Consignment Shop	P	P	
Craft Distillery	SE	P	19

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Deli, café	P	P	
Department Store, including Apparel, Housewares, Dry Goods, Notions, Jewelry, Home Furnishings, etc.	P	P	
Distillery	SE	P	20
Fruit and Vegetable Market	P	P	10
Grocery Store, Specialty	P	P	11
Hotel or Inn	SE	SE	12
Ice Cream Parlor	P	P	
Mail, Shipping and Packing Stores (Private)	P	P	
Microbrewery	SE	P	
Brewery	SE	P	13
Brewpub	SE	P	
Restaurant, General	SE	P	14
Restaurant, Specialty	SE	P	15
Retail, including Apparel, Beauty Supplies, Boutiques, Electronics, Flowers, Gifts, Hobby Supplies, Jewelry, Office Supplies, Music Media, Musical Instruments, etc.	P	P	
Small scale food and beverage production	SE	P	16
Wineries	SE	P	21
V. RECREATION			
Entertainment, Indoor	SE	SE	
Theater, Indoor	SE	P	
VI. CIVIC USES			
Government Offices	P	P	17
Schools, Post-Secondary	SE	SE	18
Train Stations and Accessory Uses	SE	SE	22

Additional standards for Table 78-70-1:

- (1) Residential developments proposed for Park Avenue or 10th Street shall have direct frontage on said street. Additionally, all buildings above two stories intended for primarily residential use shall have a minimum of 50 percent of the first-floor street frontage devoted to nonresidential uses available to the public. Existing single-family homes within the district may continue to exist as a legal nonconforming use and may be improved or renovated until they are redeveloped into a use other than a single-family home.
- (2) Airbnb's or bed and breakfast inns shall be located within existing single-family residential units within the district. Airbnb's and bed and breakfast inns shall meet all of the following review criteria:
 - a. The operator shall reside within the establishment.

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- b. Palm Beach County Fire Prevention Code and Florida Building Code occupancy limitations shall be met. A detailed floor plan shall be submitted for review and inspection. Occupancy will need to be reduced if all requirements cannot be met.
 - c. Parking requirements must be met or occupancy must be reduced.
 - d. Only one professionally produced sign, with a maximum of six square feet in sign face area, and three feet in height (or wall mounted no higher than the location of the main entrance door, indicating the residence name and contact information is permitted. Illumination is permissible only by indirect lighting, such as decorative gooseneck lighting, or other similar decorative lighting fixture. Pastels and bright colors are prohibited.
 - e. An airbnb or bed and breakfast is only permitted to make exterior alterations that are necessary to assure safety of the structure or to enhance compatibility with the surrounding neighborhood.
 - f. Activities such as weddings, receptions, or social events that attract more individuals than the occupancy of the residential unit allows, are prohibited, unless the owner obtains a special event permit from the town.

(3) *Live-work units—Studio and apartment:*

- a. *Live-work studio* units shall have two components: a nonresidential use space and a residential use space, under the same lessee or owner, and shall comply with the following standards:
 - 1. The unit shall be located on the ground floor and shall be directly accessible from the street frontage or courtyard that opens onto street.
 - 2. The nonresidential use's facade shall have a transparent clear glazed area of not less than 70 percent.
 - 3. The conversion of the unit into a residential use is prohibited. Conversion to all nonresidential shall be permitted.
 - 4. The nonresidential component shall be at least 25 percent of the unit's gross square footage.
 - 5. The residential component shall have a minimum gross square footage of 350 square feet and shall include one open space that is a minimum of 180 square feet, exclusive of bathroom, kitchen, or closets.
 - 6. The residential component shall have accessible daylight including at least one window and shall have an exterior exit.
 - 7. A unit shall be constructed so that living portion of the residential unit is securely separated from nonresidential area at times for security purposes.
 - 8. Uses: The nonresidential component of a unit shall be restricted to those nonresidential uses permitted in the PADD which generate pedestrian traffic and conduct business with the general public directly and in person. Such uses include retail, studios, personal services and offices. The lessee or owner shall maintain a permanent commercial storefront and valid business tax receipt for the duration of their lease or ownership.
 - 9. The nonresidential space may be expanded to include the nonresidential space of an abutting live-work unit if the applicant meets all applicable building codes and receives approval from the community development department.
 - 10. Parking: One on-site space shall be required for the residential component. Units with less than 600 gross floor area of commercial shall not be required to provide on-site parking if on-street parking or other public parking exists within 200 feet of the commercial entrance.

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11. Deliveries for nonresidential uses are limited to the hours of 9:00 a.m. to 6:00 p.m. Units shall not be used for storage of any kind of flammable liquids, or toxic hazardous materials, including but not limited to any and all materials, substances, waste or chemicals classified under applicable governmental laws, rules or regulations as hazardous or toxic substances, materials, waste or chemicals.
- b. *Live-work apartment* units are permitted within the upper floors of a structure. The primary use shall remain residential and home-based businesses are permitted in conjunction with the residential use and pursuant to the town code provisions regulating home-based businesses.
- (4) *Bakery*. A bakery shall be limited to retail sales only, and shall primarily sell only products baked on the premises. The sale of sandwiches, salads, soups, and beverages are permitted as an accessory use.
- (5) *Studios*. Studios may provide instruction and host events for the students thereof.
- (6) *Dry cleaning*. Permitted as defined under section 78-2.
- (7) *Financial institutions*. Financial institutions are permitted; however, accessory drive-in or drive-through facilities are prohibited.
- (8) *Parking lot or structure, public or private*. Parking lots shall comply with code section 78-142(c)(10) and parking structures shall comply code section 78-142(c)(13). Where conflicts arise with the requirements of this PADD, code section 78-70 shall govern. Additionally, both parking lots and structures shall comply with the standards listed below:
- a. Vehicular access to parking lots or structures shall be approved by the town engineer.
- b. Landscaping shall be provided pursuant to the town code section 78-251.
- c. The security lighting for commercial parking lots or structures shall be directed downward and away from adjacent residential zoning districts.
- d. A parking lot or structure of less than 50 spaces is subject only to administrative review and approval.
- e. Parking lots or structures with more than 50 spaces are special exception uses pursuant to section 78-184 of the Code, and shall be subject to the approval of the town commission.
- f. Parking structures shall incorporate an architectural design compatible with surrounding properties. The first and second levels of parking structures shall be screened with active liner uses where proposed to be fronting public rights-of-way.
- (9) *Bicycle sales and rental*. Bicycle sales and rental shops may display merchandise outdoors, subject to the following:
- a. The outdoor display shall not exceed more than 50 percent of the width of the storefront;
- b. The outdoor display shall not impede pedestrian traffic; and
- c. There shall be at least five feet of clear area between the outdoor display of bicycles and the edge of pavement or sidewalk.
- (10) *Fruit and vegetable markets*. Fruit and vegetable markets may display merchandise outdoors, subject to the following:
- a. The outdoor display shall be limited to not more than 50 percent of the width of the storefront;
- b. The outdoor display shall not impede pedestrian traffic; and
- c. There shall be at least five feet of clear area between the outdoor display of merchandise and the edge of pavement or sidewalk.

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- (11) *Grocery stores, specialty.* Specialty grocery stores shall comply with the standards listed below:
- a. Be at least 2,000 square feet and shall not exceed 10,000 square feet.
 - b. At least 50 percent of the sales area, including shelves, shall include foods of a specialty or ethnic nature.
 - c. Specialty grocery stores shall stock a wide variety of specialty fresh merchandise, including poultry, beef, vegetables, fruits, breads, dairy products, and similar items of a specialty or ethnic nature. May offer a limited variety of convenience and household goods. May offer florist, bakery, pharmaceutical, and delicatessen goods and services.
 - d. Specialty items that can be offered include baked goods prepared on the premise, candies, cheeses, confections, gourmet foods, fruits and vegetables, ice creams and frozen desserts, and delicatessen items.
 - e. Specialty grocery stores must sell all goods on the premises.
 - f. Accessory sale of food and prepared goods for take-out is permitted.
 - g. On premises consumption is permitted

(12) *Hotel.* Permitted as defined under section 78-2.

(13) *Microbrewery, brewery and brewpub.* Standards for development.

- a. *Applicability.* Breweries are generally divided into four distinct market segments: brewpub, microbrewery, regional (small) brewery and large brewery.
- b. *Brewpub.* In addition to the development standards for restaurants set forth in Table 78-70-1, a brewpub shall comply with the following:
 1. Revenue from food sales shall constitute more than 50 percent of the total business revenues;
 2. No more than 50 percent of the total gross floor area of the establishment shall be used for the brewery function, which includes, but is not limited to, the brewing house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
 3. Where legally permitted, the retail carryout sale of beer produced on the premises is permitted in specialty containers, i.e. growlers or crowlers, holding no more than a U.S. gallon (3,785 ml/128 US fluid ounces).
 4. Brewpubs are limited to the production of no more than 15,000 barrels (465,000 US gallons/17,602.16 hectoliters) of beer per year. A brewpub may sell beer in keg containers larger than a U.S. gallon (3,785 ml/128 US fluid ounces) for the following purposes:
 - (a) Special events, which include the participation of at least three brewers for the primary purpose of the exposition of beers brewed by the brewpub;
 - (b) Town co-sponsored events where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event co-sponsors but is instead, dispensed by employees of the brewpub.
 5. All mechanical equipment which is visible from the street (excluding alleys), or any adjacent residential uses shall be screened using architectural features which are consistent with the principal structure;
 6. Access and loading bays shall not face toward any street, excluding alleys;

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7. Access and loading bays facing any adjacent residential uses, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;
 8. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;
- c. *Microbrewery.* In addition to the development standards relevant to restaurant or retail uses shown in Table 78-70-1, a microbrewery shall comply with the following:
1. The microbrewery shall produce no more than 15,000 barrels (465,000 US gallons/17,602.16 hectoliters) of beer per year;
 2. Microbreweries are permitted only in conjunction with a restaurant, tasting room or retail sales and service:
 - (a) No more than 75 percent of the total gross floor space of the establishment shall be used for the brewery function, which includes, the brewing house, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
 - (b) The facade of an interior accessory use(s) shall be oriented toward the street, excluding alleys, and, if located in a shopping center, to the common space where the public can access the use;
 - (c) Pedestrian connections shall be provided between public sidewalks and the primary entrance(s) to any accessory use(s).
 3. All mechanical equipment visible from the street (excluding alleys), and an adjacent residential use shall be screened using architectural features which shall be consistent with the principal structure;
 4. Access and loading bays shall not face a street, excluding alleys;
 5. Access and loading bays facing a street or an adjacent residential use, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;
 6. Service trucks for the purpose of loading and unloading materials and equipment may only make deliveries between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;
 7. Spent or used grain, which is a natural byproduct of the brewing process, may be stored outdoors for a period of time not to exceed 24 hours. The temporary storage area of spent or used grain shall be:
 - (a) Designated on the approved site plan;
 - (b) Permitted only within the interior side or rear yard building setbacks;
 - (c) Prohibited within any yard directly abutting a residential use;
 - (d) Fully enclosed within a suitable container, secured and screened behind a solid, opaque fence or wall measuring a minimum five feet in height.
- d. *Brewery - Regional (small) and large brewery.* Regional (small) and large breweries may occupy 100 percent of the total gross floor space of a building. A public viewing area which is open to the public

during certain established hours at least five days per week shall be incorporated into the operation so as to qualify the use as an "attraction".

(14) *Restaurant, general.* A general restaurant shall comply with the standards listed below:

- a. Patrons shall be seated at counters or tables.
- b. Patrons shall be served by waiters/waitresses.
- c. A wide variety of cooked to order food shall be available from the menu.
- d. Food generally is not precooked or prepackaged.
- e. Alcoholic beverages may be served, in accordance with a "4COP/SRX" or equivalent license.
- f. Takeout or catering service may be available from the restaurant.
- g. Drive-in/drive-through service is prohibited.
- h. The outdoor seating of patrons is allowed, subject to the following:
 1. The outdoor seating area shall be limited to not more than 100 percent of the frontage of the restaurant;
 2. The outdoor seating shall not impede the use of the sidewalk by pedestrians; and
 3. At least five feet of clear area shall exist between the outdoor seating area and the edge of the right-of-way.

(15) *Restaurant, specialty.* A specialty restaurant shall comply with the standards listed below:

- a. Patron seating shall be limited to counters or tables.
- b. Patrons shall be served by waiters/waitresses.
- c. The menu is generally limited to specialty or ethnic foods, and is cooked to order.
- d. Alcoholic beverages may be served, in accordance with a "4COP/SRX" or equivalent license.
- e. Takeout or catering service may be available from the restaurant.
- f. Drive-in/drive-through service is prohibited.
- g. The service of patrons in an outdoor seating area is permitted, subject to the following:
 1. The outdoor seating area shall be limited to not more than 100 percent of the frontage of the restaurant;
 2. The outdoor seating shall not impede the use of the sidewalk by pedestrians; and
 3. At least five feet of clear area shall exist between the outdoor seating area and the edge of the right-of-way.

(16) *Small scale food and beverage production.* Small scale food and beverage production shall comply with the following:

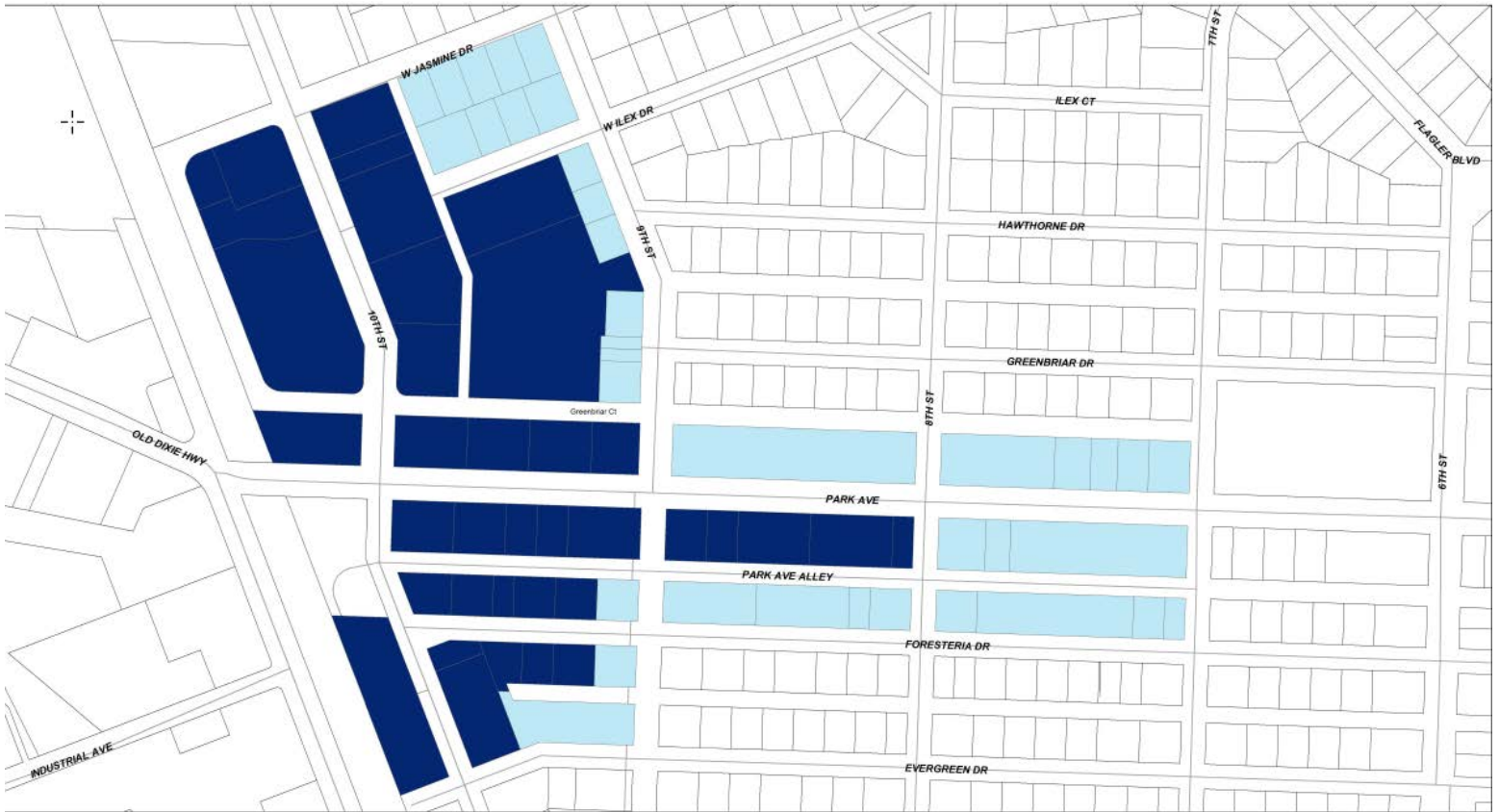
- a. Scale of use. The floor area of the use shall not exceed 30,000 square feet.
- b. Hours of operation near residential. When abutting or within 200 feet of a residential zoning district boundary, measured from property line to property line, the use shall not operate or have any loading or delivery activities between the hours of 9:00 p.m. and 7:00 a.m.
- c. No nuisance created. The use shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.

Documentation evidencing these elements shall be required at the time of application for special exception approval.

- (17) *Government offices.* Administrative government offices, including town offices, law enforcement or fire-rescue facilities, or a post office are permitted on the ground floor of any building or structure.
- (18) *Schools, post-secondary.* Post-secondary, academic and technical schools shall comply with the standards listed below:
- a. All classes and training shall be conducted indoors.
 - b. Schools which involve training in the use of vehicles, heavy equipment, etc., are prohibited.
 - c. All school activities and uses, including classrooms, offices, labs, etc., shall not be located on the ground floor.
- (19) *Craft distillery.* A craft distillery is differentiated from a distillery by production limitations and an on-site sales component. A craft distillery may only sell to customers branded products distilled on its premises in factory-sealed containers for off-premises consumption. Such sales are authorized only on private property contiguous to the licensed distillery premises as identified on the distillery site plan. In addition to meeting the land development regulations for retail use, a distillery shall comply with the following:
- a. Distilleries shall be permitted as defined under section 78-2.
 - b. Distilleries shall only be located within the boundaries of the town's community redevelopment area.
 - c. All mechanical equipment visible from a street (excluding alleys), or any adjacent residential use or zoning district shall be screened using architectural features which are consistent with the principal structure;
 - d. Access and loading bays shall not face toward streets, excluding alleys;
 - e. Access and loading bays facing any adjacent residential use or zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;
 - f. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;
 - g. A craft distillery shall not sell any factory-sealed individual containers of spirits except in face-to-face sales transactions with consumers. Customers are limited to purchasing no more than six individual containers of each branded product in any single transaction.
 - h. [Any] containers sold in face-to-face transactions with consumers must comply shall not exceed 1.75 liters or 59.18 ounces.
- (20) *Distillery.* A public viewing area opened certain hours at least five days per week shall be incorporated in the operation in order to render the use as an "attraction." In addition to meeting the land development regulations for retail use, a distillery shall comply with the following:
- a. All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure;
 - b. Access and loading bays shall not face toward any street, excluding alleys;
 - c. Access and loading bays facing an adjacent residential use or residential zoning district, shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building;

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- d. Service trucks for the purpose of loading and unloading materials and equipment shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;
- (21) *Winery*. In addition to meeting the land development regulations for the use of restaurant, tasting room, or retail use types in the appropriate zoning district, a winery shall comply with the following:
- a. Production shall not exceed 100,000 U.S. gallons of wine per year.
 - b. This use shall only be permitted in conjunction with the principal use of a restaurant, and the restaurant shall have a tasting room which may also include retail sales. The use shall comply with the following:
 1. No more than 75 percent of the total gross floor space of the restaurant shall be used to produce wines and other spirits including, but not limited to, the production house, boiling and water treatment areas, bottling lines, milling and storage, tank areas;
 2. The facade of an interior accessory use(s) (examples listed hereinabove) shall be oriented toward the street, and, if located in a shopping center, to spaces of public access;
 3. Pedestrian connections shall be provided between public sidewalks and the primary entrance(s) to any accessory use(s).
 4. The tasting room or restaurant use shall be contiguous to the winery use.
 - c. All mechanical equipment visible from the street, or public right-of-way, any adjacent residential use or zoning district shall be screened using architectural features which are consistent with the principal structure;
 - d. Access and loading bays shall not be located along primary facades.
 - e. Access and loading bays facing any street, or an adjacent residential use or zoning district, shall have the doors closed at all times, except during the movement of raw materials used for production, and finished products into and out of the building;
 - f. Service trucks loading and unloading materials and equipment are prohibited between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and between 11:00 a.m. and 7:00 p.m. on Sundays and national holidays;
 - g. Spent or used grain may be stored outdoors for more than 24 hours consecutively. The temporary storage shall be:
 1. Shown on the approved site plan that identifies the outdoor areas;
 2. Within the interior side or rear yard or within the minimum building setbacks;
 3. Within any yard directly abutting a residential use or a residential zoning district;
 4. Fully enclosed within a suitable container, secured and screened.
- (22) *Train station*. A train station, as defined in section 78-2, is permitted by special exception on parcels owned by the town. Uses that are customary and incidental to the operation of the facility may be permitted as accessory uses to the train station as part of the special exception request.

Figure 1
PADD Sub-District Regulating Plan



Legend

- PADD Outer Sub District
- PADD Core Sub District
- Town Parcels



As illustrated in Figure 1, the PADD is divided into two sub-districts: the Core Sub-District and the Outer Sub-District.

Within the Core Sub-District, see the property development regulations within Table 78-70-2.

Within the Outer Sub-District, see the property development regulations within Table 78-70-3.

Table 78-70-2 - CORE Sub-District Regulations	
Building Height (Maximum)	12 stories (160 feet). See 78-70(b)(7)b.3. for an additional height waiver for structured parking.
Story Height	Maximum 12 feet per story, 20 feet maximum for ground floor, and top floor or middle floor
Minimum Building Height	New development shall have a minimum building height of two stories.
Building Coverage	90% maximum
Front Setback	15 feet (Maximum)
Side Setback (Interior)	15 feet when adjacent to existing buildings
Side Street Setback	None
Rear Setback	None
Parking Standards	Parking shall be located at the rear of the site
Sidewalk Width (Minimum)	10 feet
Lot Size	1 acre (minimum, or Outer Sub-District Regulations shall apply)
Density	Maximum density shall be 48 dwelling units per acre. The Town Commission may approve a project in excess of 48 units provided that the average density for the entire contiguous Downtown Future Land Use area does not exceed 48 du/acre and the Town Commission finds it in keeping with the purpose and intent established for the PADD.

NOTE

At least 50 percent of the building line of all new construction and any substantial repair, renovation, rehabilitation, or restoration of an existing building shall have a front setback of zero feet. Recesses in the required zero setback building line for architectural features such as doors, courtyards, store front entrances etc., are permitted as part of the overall design of the building.

TABLE 78-70-3 - OUTER Sub-District Regulations	
Building Height (Maximum)	4 stories (56 feet)
Story Height	Maximum 12 feet per story, 20 feet maximum for ground floor
Building Coverage	90% maximum
Front Setback	15 feet (Minimum)
Side Setback (Interior)	None, 15 feet when adjacent to single-family districts*
Side Street Setback	None, 15 feet when adjacent to single-family districts*
Rear Setback	None, 15 feet when adjacent to single-family districts*
Parking Standards	Parking shall be located at the rear of the site, except for townhouse driveways
Sidewalk Width (Minimum)	10 feet
Density	Maximum density shall be 48 dwelling units per acre. The town commission may approve a project in excess of 48 units provided that the average density for the entire contiguous Downtown Future Land Use area

	does not exceed 48 du/acre and the town commission finds it in keeping with the purpose and intent established for the PADD.
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(*) For those yards adjacent to single-family districts, even when separated by a right-of-way, a minimum 15 foot setback is required.

TABLE 78-70-4 REQUIRED OFF-STREET PARKING** AND LOADING SPACES		
Use Category	Off-Street Parking for Residents, Customers and Employees, as applicable(**)	Loading Spaces Required(*)
Residential	1 space per housing unit	None
Live-work units	1 per residential component, see Table 78-70-1 (3) for commercial	None
Business and Professional Offices	1 per 500 SF	1 per 10,000 SF (1)
Personal Services	1 per 500 SF	1 per 10,000 SF
Outdoor Display	None	None
Outdoor Restaurant Seating or other facilities operated by number of seats (example, open-air patios, etc.)	1 per 3 seats	None
Restaurants	1 per 100 SF	1 per 5,000 SF
Retail and Commercial Brewery and similar indoor open areas	1 per 500 SF 1 per 500 SF	1 per 5,000 SF
Hotel/Airbnb/Bed and Breakfast Inn	1 space per rentable room, plus 1 space for each employee (maximum shift), plus 1 guest space per 3 rentable rooms	1 per 10,000 SF
Theater, Indoor	1 per 3 seats	1 per use, excluding movie theaters
NOTES At least one loading space is required for all uses having less than minimum gross square feet. (*) All square footage calculations are based upon the gross square feet of building area. (**) For new development or change in use: Should a project be unable to provide all required parking on-site, the Town may consider the following options: 1) A maximum of 10% of required parking may be satisfied by using unallocated public parking spaces available in the <i>Downtown Public Parking Master Plan</i> identified herein. 2) The project may make a market rate contribution for the construction of additional public parking spaces pursuant to the <i>Downtown Public Parking Master Plan</i> , if said spaces will be available within six months of C.O.		

A reduction of the parking requirements may be sought, provided the property owner or developer provides additional onsite sheltered bike racks and car share/carpooling spaces as part of a Traffic Management Plan (TMP) which demonstrates that there will be adequate parking, A TMP is required if a property owner or developer proposes parking which is less than that which is required by the town code. The TMP shall identify the strategies for reducing single-occupancy vehicle trips and demonstrate the effectiveness of these strategies based upon professionally accepted data and analysis.

FIGURE 2: DOWNTOWN PUBLIC PARKING MASTER PLAN



(Code 1978, § 32-50; Ord. No. 12-1999, § I, 6-16-1999; Ord. No. 19-2001, § 1, 10-17-2001; Ord. No. 27-2001, § 1, 1-2-2002; Ord. No. 11-2006, § 9, 12-6-2006; Ord. No. 06-2008, § 2, 5-7-2008; Ord. No. 14-2008, § 2, 8-20-2008; Ord. No. 19-2009, § 2, 1-6-2010; Ord. No. 13-2012, § 2, 1-6-2013; Ord. No. 04-2017, § 2, 3-15-2017; Ord. No. 12-2017, §§ 2—4, 10-18-2017; Ord. No. 09-2018, § 2, 8-1-2018; Ord. No. 04-2019, § 2, 8-7-2019; Ord. No. 06-2022, § 2, 7-20-2022; Ord. No. 14-2022, § 3, 1-4-2023)