

## ARTICLE V - ZONING: USE, DENSITY AND INTENSITY

### SECTION 5.1 ESTABLISHMENT OF ZONING DISTRICTS

The incorporated area of the Town of Pierson is hereby divided into the zoning districts specified below, in the manner shown on the Official Zoning Map.

#### ZONING DISTRICTS

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### SECTION 5.2 OFFICIAL ZONING MAP

#### 5.2.1 Identification of Official Zoning Map

A. The Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the seal of the Town under the following words: "This is to certify that this is the Official Zoning Map referred to in Article V of the Unified Land Development Regulations of the Town of Pierson, Florida."

B. If, in accordance with Section, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Town Council with an entry on the Official Zoning Map as follows: "On [date], by official action of the Town Council the following change was made to the Official Zoning Map: [brief description of change]", which entry shall be signed by the Mayor and attested by the Town Clerk. No amendment of this Ordinance which involves matters portrayed on the Official Zoning Map shall become effective until after such change and entry has been made to the Official Zoning Map, or matter thereon shown, except in conformity with the procedures set forth in this Article.

C. Regardless of the existence of purported copies of this Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be secured in the office of the **Town**

<sup>1</sup> As amended per Ordinance 07-08, October 23, 2007.

<sup>2</sup> As amended per Ordinance 07-09, November 27, 2007.

Clerk, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Town.

D. In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Council may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the seal of the Town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted [date of adoption of map being replaced] as part of Ordinance No. \_\_\_ of the Town of Pierson, Florida."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

### **5.2.2 Interpretation of District Boundaries**

The following rules of interpretation shall be used to locate the district boundaries shown on the Official Zoning Map:

A. Boundaries Following Streets: Boundaries following, or approximately following the center lines of streets shall be construed to follow those center lines. If a street is vacated, the district boundary shall be construed to remain in its same location, except when ownership of the vacated street is divided other than at the center, in which case, the boundary shall be construed to move with the ownership.

B. Boundaries Following Lot Lines: Boundaries following, or approximately following, platted lot lines shall be construed to follow those lot lines.

C. Boundaries Following Town Limits: Boundaries following, or approximately following Town limits shall be construed to follow those Town limits.

D. Boundaries Following Water Bodies: Boundaries following, or approximately following, the shorelines of water bodies shall be construed to follow and move with those shorelines. Boundaries following, or approximately following, the center lines of streams, rivers, canals, lakes, or other bodies of water, shall be construed to follow and move with those center lines.

E. Boundaries Entering Any Body of Water: Boundaries entering any body of water, but not continuing to intersect with other zoning boundaries, shall be construed to extend in the same direction in which they entered the body of water, until they intersect with other zoning boundaries.

F. Increase of Incorporated Area by Municipal Annexation: If Town limits change through annexation, no different use or change in density may be made of the property annexed until an appropriate zoning classification for it has been assigned in the manner prescribed by law.

G. Boundaries Parallel to or Extensions of Above Features: Boundaries apparently parallel to, or extensions of the features indicated in A through F above, shall be construed to be parallel to, or extensions of those features, as the case may be.

H. Other Cases: Boundaries splitting existing lots in subdivisions and any other boundaries not determined by the above rules, shall be determined by reference to the expressed distances on, or the scale of the Official Zoning Map. If the existing lot will not accommodate any of the uses permitted in the multiple classifications indicated thereon, a rezoning to an appropriate classification, as determined by the Town, shall be required.

## **SECTION 5.3 SCOPE**

These regulations shall apply uniformly to all premises.

### **5.3.1 Zoning Affects All Premises**

No premises shall hereafter be used or occupied, and no principal building or accessory structure shall be hereafter erected, constructed, moved, or altered except in conformity with this article.

### **5.3.2 Interpretation of Uses and Structures Permitted**

A requested use or structure that is not expressly permitted in a classification shall be prohibited in that classification.

### **5.3.3 Yard, Lot Coverage, Floor Area, and Building Height Requirements**

Every principal or accessory structure to be erected upon a lot shall meet all yard, lot coverage, floor area and building height requirements of its classification unless otherwise expressly permitted by these Regulations.

### **5.3.4 Multiple Use of Required Space Prohibited**

No part of a yard, or other required open space, or of the off-street parking or loading spaces for one structure, shall be included as part of a yard, open space, or off-street parking or loading space requirements for any other structure.

### **5.3.5 Reduction of Lot Area and Width Prohibited**

No lot existing on the effective date of this Ordinance shall be reduced in area and width below the minimum requirements of its classification, except lots made up of combinations of non-conforming lots (refer to Section 5.4.1, A.) or Cluster Subdivision lots (refer to the definition of "Subdivision, Cluster").

## **SECTION 5.4 NON-CONFORMITY**

### **5.4.1 Types of Non-Conformity**

Within the classifications established by these Regulations, there may exist: (a) lots, (b) uses of premises, and (c) structures which lawfully existed before these Regulations was effective or amended, but which would be prohibited, regulated or restricted under the terms of these Regulations. These non-conformities may continue in their present condition, but shall not be enlarged, expanded, extended or used for adding other structures or uses prohibited elsewhere in the same classification.

There are three types of non-conformity:

#### **A. Non-conforming Lots:**

In any classification, principal and accessory structures otherwise authorized under these regulations may be erected or constructed on any single non-conforming lot which existed, separate and apart from other adjoining lots owned by the same person, on the effective date of adoption or amendment of this Ordinance, if all classification requirements other than lot area or width are met. If more than one non-conforming lot with continuous frontage exists in a single ownership, at the time of passage or amendment of these Regulations, the land involved must be combined to meet all classification requirements.

#### **B. Non-conforming Lots Created by Eminent Domain Proceedings:**

Any lot or parcel which shall be made non-conforming as a result of eminent domain proceedings instituted by the Town of Pierson or any other governmental agency, or through voluntary conveyance by such lot or parcel owner in lieu of formal eminent domain proceedings, which lot or parcel except for such eminent domain or voluntary conveyance would be an otherwise conforming lot or parcel, shall be deemed to be a conforming lot or parcel for all purposes under these Regulations. However, all yard

requirements of the district in which the lot or parcel is located shall control any new construction or building addition.

**C. Non-conforming Use of a Premises:**

In any classification, a lawful principal or accessory use of a premises existing on the effective date of adoption or amendment of these Regulations, but not permitted thereafter, may continue, or be resumed if destroyed, provided:

1. It is not enlarged, increased, or extended to occupy a greater area than was occupied on the effective date of adoption or amendment of these Regulations;
2. It is not moved in whole or part to any portion of the lot other than that occupied by such use on the effective date of adoption or amendment of these Regulations; and
3. No additional structure is constructed or erected in connection with such non-conforming use.

This section shall not be construed to permit the continued parking of any vehicles or watercraft in violation of the applicable provisions of these Regulations after its effective date.

**D. Non-conforming Structure:**

In any classification, a lawful structure existing on the effective date of adoption or amendment of this Ordinance, that could not thereafter be built because of classification dimensional or other requirements, may still be used, provided:

1. It is not enlarged or altered in a way which increases its non-conformity; (it may be altered to decrease its non-conformity, however.)
2. If it is damaged in excess of sixty-five (65) percent of its then assessed value, any reconstruction shall comply with these Regulations;
3. If it is moved for any reasons, or for any distance, it shall thereafter conform to these Regulations.

**E. Involuntary Moves:**

Section 5.4.1, B and C are not intended to apply to involuntary movements of uses or structures as a result of condemnation actions or other litigation.

**5.4.2 Abandonment of Non-Conforming Use of A Premises**

Whenever a non-conforming use of a premises has been discontinued for a period of one (1) year, it shall not thereafter be re-established and any future use shall conform to these Regulations. This limitation, however, shall not apply to modified or new uses established in existing structures when the following conditions are met:

1. Such uses are deemed no more objectionable than the previously existing nonconforming use. Modified or new uses may be deemed to be no more objectionable than the previously existing non-conforming use when:
  - i) The parking demand for the modified or new use will not be greater and the modified or new use will not generate more traffic than the previously existing non-conforming use;
  - ii) The modified or new use will not be an expansion in size, impact or effect of a non-conforming use upon the surrounding neighborhood including, without limitation, objectionable conditions, glare, visual pollution, noise pollution, air emissions, vehicular traffic, storage of

equipment, materials and refuse and on-street parking;

iii) In a business or industrial district, the modified or new use will not constitute an activity included under a different category of permitted use in Section 5.5 District Regulations, and the modified or new use will be similar in operation to the previously discontinued use including, without limitation, hours of operation, parking needs, trips generated, number of employees, and noise impact on adjacent properties, or iv) In a residential district, the modified or new use will add an additional dwelling unit or will require additional parking.

2. The structure housing such use and other physical features of the site represent a "substantial" investment in property improvements, and it would not be financially feasible and practicable to adapt such improvements (or use by any permitted principal use or permitted special exception; and

3. The structure housing such use meets, or can be repaired to meet, the municipal code requirements for the use proposed; and

4. The structure housing such use has a viable, useful life beyond the date of discontinuance; and

5. Buffers and building appearances exist, or are proposed, that will provide reasonable compatibility with the neighborhood in which the structure is located.

These determinations shall be made by the Town Council.<sup>3</sup>

## **SECTION 5.5 DISTRICT REGULATIONS**

The following district classifications and their included regulations are established:

### **5.5.1 C, Conservation Classification**

#### **A. Purpose and Intent:**

The purpose and intent of the C classification is to encourage and promote the conservation of the wetlands ecological communities, and to preserve those conditions and characteristics which promote water quality maintenance, wildlife resource habitats, and flood storage. Additionally, it is intended to discourage and prevent urban development on lands that are unsafe for such use because of a potential for flooding, inadequate accessibility, ground instability, or other conditions.

#### **B. Permitted Principal Uses and Structures:**

In the C classification, only the following uses and structures are permitted, notwithstanding applicable regulations of the County, State or Federal governments:

Single family dwellings constructed on pilings or column footings where necessary to elevate floor level above the applicable regulatory flood elevation.

Essential utility services.

Access drives for single family residences.

Elevated boardwalks.

Aquatic preserves.

Fishing, hunting and wildlife management areas.

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<sup>3</sup> As amended by Ordinance 01-01, February 28, 2001.

Historical sites and structures.

Nature preserves and passive recreational activities and facilities.

Facilities for the study of historic and ecological sites.

Silviculture activities, on privately owned lands only, meeting the requirements set forth in Section 5.6.8.

Publicly owned lands that lie within any Conservation district shall be used only for resource-based, passive recreation and open space uses such as walkways, piers and docks elevated on pilings.

**C. Permitted Special Exceptions:**

Public utility uses and structures (Refer to Section 5.6.6, C).

**D. Prohibited Uses:**

The following uses are prohibited in any C district:

Land uses requiring the generation, use or storage of toxic or hazardous materials or waste shall be prohibited in any Conservation district.

**E. Dimensional Requirements:**

1. Minimum Lot Size for Single Family Dwellings:
  - a. Area - twenty (20) acres; however, the minimum lot area may be as small as one (1) acre when development is clustered and the maximum density set for in 5.5.1, F is not exceeded.
  - b. Width - 150 ft.
2. Minimum Yard Size:
  - a. Front - 30 ft.
  - b. Rear - 50 ft.
  - c. Side - 25 ft.
  - d. Waterfront - 50 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: While it is intended that lands in this classification be maintained to the greatest degree possible in a natural, undisturbed condition, no maximum lot coverage requirement is specified.
5. Minimum Floor Area - None.

**F. Maximum Density:** one (1) dwelling unit per twenty (20) acres.

**G. Off-Street Parking and Loading Requirements:** Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

**H. Development Plan Review:** A development plan shall be submitted and reviewed pursuant to the requirements of Section 3.3.

**I. Development Plan Review Standards:** In addition to the standards listed in Section 3.3, the Town Council shall consider the following standards in determining whether a site plan for development in a C district shall be approved:

1. Clustering of development on upland portions of lots shall be required when wetland areas exist on a site.

2. For privately owned lots of record on August 27, 1991 that lie entirely within wetlands or do not contain sufficient uplands to permit use of the property without developing in the wetlands, then the amount of development shall be limited to the minimum amount necessary to permit construction of a dwelling on pilings. The Town may vary setback requirements to allow transfer of the density from the wetlands to the upland portion of the site; however, when setback reductions cannot accommodate the location of the dwelling, compensatory mitigation of wetlands of the same type, form and function shall be required. Creation of new wetlands as mitigation shall avoid ecologically valuable uplands including, but not limited to bird nesting colonies, migratory wildlife corridors and rare or endangered ecosystems.
3. The development does not involve the unnecessary removal or destruction of any natural vegetation. Clearing of vegetation may occur anywhere within twenty-five (25) feet of the area actually covered by the principal building and within the area used for vehicular access to the building site, not exceeding twenty (20) feet in width.
4. A minimum twenty-five (25) feet wide upland buffer of native vegetation has been maintained adjacent to wetlands and water bodies.
5. The flood storage capacity of the site is not reduced by the addition of fill material to the site.
6. The natural drainage patterns are maintained to the greatest extent possible.
7. Adequate erosion control measures are put into effect.
8. Sanitary sewer systems, including septic tanks, are designed so that they can continue to function during flood conditions without discharging inadequately treated effluent.
9. Any structures erected, placed or constructed on the site are likely to withstand the flood depth, pressure, velocity, impact and uplift forces associated with the regulatory flood.

### **5.5.2 ELD, Environmentally Limited Development Area Classification**

#### **A. Purpose and Intent:**

The purpose and intent of the ELD classification is to promote an approach to the development and use of lands that is sensitive to certain inherent environmental constraints including, but not limited to, poor soil conditions, high erosion potential, flood hazards, wildlife habitat suitability, etc. Creative development techniques, including cluster development, which fulfill this purpose and intent should be encouraged.

#### **B. Permitted Principal Uses and Structures:**

In any ELD district, no premises shall be used except for the following uses and structures:

Single family dwellings, and their customary accessory uses or structures.

Nature preserves and passive recreational activities and facilities.

Facilities for the study of historic and ecological sites.

Silviculture activities, on privately owned lands only, meeting the requirements set forth in Section 5.6.8.

#### **C. Permitted Special Exceptions:**

Residential cluster subdivisions not exceeding 0.8 dwelling units per acre (1 dwelling unit per 1-1/4 acres) of usable land in the project area may be permitted as a Special Exception provided the requirements set forth below and in Section 5.6.6, I. are met. (See the definition of "Density").

1. Sixty (60) percent or more of the total project area shall be retained as common open space. All such area shall be permanently dedicated to the residents of the project area or to the

general public for environmental preservation or recreational use, whichever is determined by the Town Council to be most appropriately related to the purpose and intent of this zoning classification and the goals and objectives of the Town's Comprehensive Plan. The method of dedication and the provisions for maintenance of the common open space shall be approved by the Council upon recommendation of the Town Attorney.

2. The application for Special Exception clearly demonstrates with appropriate engineering data and other documentation that the proposed development will better serve the purpose and intent of this zoning classification.
3. The increased residential density permitted by this Special Exception does not place an undue burden on roads, utilities and other public facilities.
4. Dimensional requirements for any dwelling type developed under this Special Exception provision shall be the same as the dimensional requirements for similar dwelling types in the R-4 districts.

**D. Dimensional Requirements:**

1. Minimum Lot Size:
  - a. Area - two and one-half (2-1/2) acres.
  - b. Width - 150 ft.
2. Minimum Yard Size:
  - b. Front - 30 ft.
  - c. Rear - 50 ft.
  - d. Side - 20 ft.
  - e. Waterfront - 50 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed fifteen (15) percent.
5. Minimum Floor Area - 1,000 sq. ft.

**E. Off-Street Parking and Loading Requirements:** Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

**F. Development Plan Review:** A development plan shall be submitted and reviewed pursuant to the requirements of Section 3.3.

**5.5.3 A-1, Agricultural Classification**

**A. Purpose and Intent:**

The purpose and intent of the A-1 classification is to promote and protect agricultural and horticultural production in areas where soils are particularly well suited for such uses, and where such uses are already well established. Low density residential development consistent with the character of proposed and existing A-1 zoned areas is also appropriate.



**B. Permitted Principal Uses and Structures:**

In any A-1 district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Commercial agricultural and horticultural production

Single family dwellings and customary accessory buildings incidental thereto.

Ferneries and horticultural nurseries

Family business offices.

Parks and recreation areas and facilities accessory to residential developments.

Essential utility services.

Silviculture activities, on privately owned lands only, meeting the requirements set forth in Section 5.6.8.

**C. Permitted Special Exceptions:**

Home Occupations.

Public Uses.

Public Utility Uses and Structures (refer to Section 5.6.6, C).

Recreation Areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.6, D).

Residential Cluster Subdivisions (refer to Section 5.6.6, H).

Accessory Mobile Homes for Farmworkers or Security Personnel (refer to Section 5.6.6, L).

Community Residential Homes (refer to Section 5.6.6, K).

Child care centers (refer to Section 5.6.6, A).

Fern packing house (refer to Section 5.6.6, M).

Bed and Breakfast Homestays (refer to Section 5.6.6, O).<sup>4</sup>

**D. Dimensional Requirements:**

1. Minimum Lot Size:
  - a. Area - 5 acres
  - b. Width - 300 ft.
  - c. Depth - None
2. Minimum Yard Size:
  - a. Front - 30 ft.
  - b. Rear - 30 ft.
  - c. Side - 20 ft.
  - d. Waterfront - 25 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings

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<sup>4</sup> As amended by Ordinance 96-1 on February 13, 1996.

shall not exceed 20%.

5. Minimum Floor Area - None.

**E. Off-Street Parking and Loading Requirements:** Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

#### **5.5.4 RR, Rural Residential Development Classification**

##### **A. Purpose and Intent:**

The purpose and intent of the RR classification is to provide low density residential developments, preserving the character of existing or rural residential neighborhoods.

##### **B. Permitted Principal Uses and Structures:**

In any RR district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Single family dwellings and customary accessory buildings incidental thereto.

Ferries and horticultural nurseries

Family business offices.

Parks and recreation areas and facilities accessory to residential developments.

Essential utility services.

Silviculture activities, on privately owned lands only, meeting the requirements set forth in Section 5.6.8.

##### **C. Permitted Special Exceptions:**

Home Occupations.

Public Uses.

Public Utility Uses and Structures (refer to Section 5.6.6, C).

Recreation Areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.6, D).

Residential Cluster Subdivisions (refer to Section 5.6.6, H).

Keeping of livestock or fowl for commercial breeding, food production, or sale (refer to Section 5.6.6, I).

Community Residential Homes (refer to Section 5.6.6, K).

Houses of worship (refer to Section 5.6.6, B).

Child care centers (refer to Section 5.6.6, A).

Fern packing house (refer to Section 5.6.6, M).

Bed Breakfast Homestays (refer to Section 5.6.6, O).<sup>5</sup>

##### **D. Dimensional Requirements:**

1. Minimum Lot Size:
  - a. Area - 1 acre

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<sup>5</sup> As amended by Ordinance 96-1 on February 13, 1996.

- b. Width - 200 ft.
- c. Depth - 200 ft.
2. Minimum Yard Size:
  - a. Front - 30 ft.
  - b. Rear - 30 ft.
  - c. Side - 20 ft.
  - d. Waterfront - 25 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 20%.
5. Minimum Floor Area - 1,500 sq. ft.<sup>6</sup>

**E. Off-Street Parking and Loading Requirements:** Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

### **5.5.5A R-E, Low Density Single Family Estate Development Classification<sup>7</sup>**

#### **A. Purpose and Intent:**

The purpose and intent of the R-E classification is to provide areas within the Town for new low density single family residential estate development with larger minimum floor area requirements and to encourage developers to create and enforce covenants and restrictions for architectural/design standards and property maintenance.

#### **B. Permitted Principal Uses and Structures:**

In any R-E district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Single family dwellings and customary accessory buildings incidental thereto.

Parks and recreation areas and facilities accessory to residential developments.

Essential utility services.

#### **C. Permitted Special Exceptions:**

Home Occupations.

Public Uses.

Public Utility Uses and Structures (refer to Section 5.6.6, C).

Recreation Areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.6, D).

Residential Cluster Subdivisions (refer to Section 5.6.6, H).

Community Residential Homes (refer to Section 5.6.6, K).

Houses of worship (refer to Section 5.6.6, B).

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<sup>6</sup> As amended per Ordinance 08-06, October 14, 2008.

<sup>7</sup> As amended per Ordinance 07-08, October 23, 2007.

**D. Dimensional Requirements:**

1. Minimum Lot Size:
  - a. Area - 22,000 sq. ft.
  - b. Width - 100 ft.
  - c. Depth - 100 ft.
2. Minimum Yard Size:
  - a. Front - 30 ft.
  - b. Rear - 30 ft.
  - c. Side - 10 ft.
  - d. Waterfront - 25 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 30%.
5. Minimum Floor Area - 1,800 sq. ft.

**E. Off-Street Parking and Loading Requirements:** Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

**5.5.5 R-1, Low Density Single Family Residential Development Classification**

**A. Purpose and Intent:**

The purpose and intent of the R-1 classification is to provide low density residential developments, preserving the character of existing or proposed residential neighborhoods.

**B. Permitted Principal Uses and Structures:**

In any R-1 district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Single family dwellings and customary accessory buildings incidental thereto.

Ferries and horticultural nurseries

Family business offices.

Parks and recreation areas and facilities accessory to residential developments.

Essential utility services.

**C. Permitted Special Exceptions:**

Home Occupations.

Public Uses.

Public Utility Uses and Structures (refer to Section 5.6.6, C).

Recreation Areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.6, D).

Residential Cluster Subdivisions (refer to Section 5.6.6, H).

Community Residential Homes (refer to Section 5.6.6, K).

Houses of worship (refer to Section 5.6.6, B).

Child care centers (refer to Section 5.6.6, A).

Fern packing house (refer to Section 5.6.6, M).

Bed and Breakfast Homestays (refer to Section 5.6.6, O).<sup>8</sup>

**D. Dimensional Requirements:**

1. Minimum Lot Size:
  - a. Area - 22,000 sq. ft.
  - b. Width - 100 ft.
  - c. Depth - 100 ft.
2. Minimum Yard Size:
  - a. Front - 30 ft.
  - b. Rear - 30 ft.
  - c. Side - 10 ft.
  - d. Waterfront - 25 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 30%.
5. Minimum Floor Area - 1,200 sq. ft.

**E. Off-Street Parking and Loading Requirements:** Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

**5.5.6 R-2, Low-Medium Density Single Family Residential Development Classification**

**A. Purpose and Intent:**

The purpose and intent of the R-2 classification is to provide low-medium density residential developments, preserving the character of existing or proposed residential neighborhoods.

**B. Permitted Principal Uses and Structures:**

In any R-2 district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Single family dwellings and customary accessory buildings incidental thereto.

Fermeries and horticultural nurseries

Family business offices.

Parks and recreation areas and facilities accessory to residential developments.

Essential Utility Services.

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<sup>8</sup> As amended by Ordinance 96-1 on February 13, 1996.

**C. Permitted Special Exceptions:**

Home Occupations.

Public Uses.

Public utility uses and structures (refer to Section 5.6.6, C).

Recreational Areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.6, D).

Residential cluster subdivisions (refer to Section 5.6.6, H).

Community Residential Homes (refer to Section 5.6.6, K).

Houses of worship (refer to Section 5.6.6, B).

Child care centers (refer to Section 5.6.6, A).

Fern packing house (refer to Section 5.6.6, M).

Bed and Breakfast Homestays (refer to Section 5.6.6, O).<sup>9</sup>

**D. Dimensional Requirements:**

1. Minimum Lot Size:
  - a. Area - 16,500 sq. ft.
  - b. Width - 100 ft.
  - c. Depth - 100 ft.
2. Minimum Yard Size:
  - a. Front - 30 ft.
  - b. Rear - 25 ft.
  - c. Side - 10 ft.
  - d. Waterfront - 25 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 35%.
5. Minimum Floor Area - 1,200 sq. ft.

**E. Off-Street Parking and Loading Requirements:** Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

**5.5.7 R-3, Medium Density Single Family Residential Development Classification**

**A. Purpose and Intent:**

The purpose and intent of the R-3 classification is to provide medium density residential development, preserving the character of existing or proposed residential neighborhoods.

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<sup>9</sup> As amended by Ordinance 96-1 on February 13, 1996.

**B. Permitted Principal Uses and Structures:**

In any R-3 district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Single family dwellings and customary accessory buildings incidental thereto.

Ferneries and horticultural nurseries

Family business offices.

Parks and recreation areas and facilities accessory to residential developments.

Essential utility services.

**C. Permitted Special Exceptions:**

Home Occupations.

Public uses.

Public utility uses and structures (refer to Section 5.6.6, C).

Recreational areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.6, D).

Community Residential Homes (refer to Section 5.6.6, K).

Houses of worship (refer to Section 5.6.6, B).

Child care centers (refer to Section 5.6.6, A).

Fern packing house (refer to Section 5.6.6, M).

Bed and Breakfast Homestays (refer to Section 5.6.6, O).<sup>10</sup>

**D. Dimensional Requirements:**

1. Minimum Lot Size:
  - a. Area - 14,520 sq. ft.
  - b. Width - 85 ft.
  - c. Depth - 100 ft.
2. Minimum Yard Size:
  - a. Front - 30 ft.
  - b. Rear - 25 ft.
  - c. Side - 20 ft. combined; minimum of 8 ft. on any one side
  - d. Waterfront - 25 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 35%.
5. Minimum Floor Area - 1,000 sq. ft.

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<sup>10</sup> As amended by Ordinance 96-1 on February 13, 1996.

**E. Off-Street Parking and Loading Requirements:** Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

### **5.5.8 MH-1, Medium Density Mobile Home Classification**

#### **A. Purpose and Intent:**

The intent of this classification is to provide for the development of mobile home parks and subdivisions.

#### **B. Permitted Principal Uses and Structures:**

Mobile home subdivisions.

Parks and recreation areas and facilities accessory to residential developments.

Essential utility services.

#### **C. Permitted Accessory Uses and Structures:**

Uses customarily associated with, dependent on and incidental to, the permitted principal use.

Mobile home community management offices.

Mobile home community service facilities, including laundries, recreation halls, swimming pools, tennis courts, cabanas, maintenance and utility buildings, carports and garages.

#### **D. Special Exceptions:**

Public utility uses and structures (refer to Section 5.6.6, C).

Recreation areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.6, D).

Schools (parochial or private) (refer to Section 5.6.6, E).

Nursing homes, boarding houses and adult congregate living facilities approved and licensed by the appropriate state agency (refer to Section 5.6.6, F).

#### **E. Dimensional Requirements:**

1. Minimum Project Size: ten (10) acres.
2. Minimum Lot Size:
  - a) Area - 14,520 sq. ft.
  - b) Width - 85 ft.
  - c) Depth - 100 ft.
3. Minimum Yard Size:
  - a) Front - 25 ft.
  - b) Rear - 25 ft.
  - c) Side - 20 ft. combined; minimum of 8 ft. on any one side.
  - d) Waterfront - 50 ft.
4. Maximum Building Height - 35 ft.
5. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 35%.



6. Minimum Floor Area - 600 sq. ft.

**F. Off-Street Parking and Loading Requirements:** Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

**G. Landscape Buffer Requirements:** A landscaped buffer area meeting the requirements of Section 5.6.5 shall be constructed.

**H. Development Plan Review:** A development plan shall be submitted and reviewed pursuant to the requirements of Section 3.3.

### **5.5.9 MH-2, Medium Density Mixed Residential Development Classification**

#### **A. Purpose and Intent:**

The intent of this classification is to provide for the development of residential areas with a mixture of mobile homes, conventional, site built single family dwellings, and factory-built single family dwellings.

#### **B. Permitted Principal Uses and Structures:**

Mobile homes.

Site-built, single family dwellings.

Factory-built, single family dwellings.

Parks and recreation areas and facilities accessory to residential developments.

Essential utility services.

#### **C. Permitted Accessory Uses and Structures:**

Uses customarily associated with, dependent on and incidental to, the permitted principal use.

Mobile home community management offices.

Mobile home community service facilities, including laundries, recreation halls, swimming pools, tennis courts, cabanas, maintenance and utility buildings, carports and garages.

#### **D. Special Exceptions:**

Public utility uses and structures (refer to Section 5.6.6, C).

Recreation areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.6, D).

Schools (parochial or private) (refer to Section 5.6.6, E).

Nursing homes, boarding houses and adult congregate living facilities approved and licensed by the appropriate state agency (refer to Section 5.6.6, F).

#### **E. Dimensional Requirements:**

1. Minimum Project Size: ten (10) acres.
2. Minimum Lot Size:
  - a) Area - 14,520 sq. ft.
  - b) Width - 85 ft.
  - c) Depth - 100 ft.
3. Minimum Yard Size:

- a) Front - 25 ft.
- b) Rear - 25 ft.
- c) Side - 20 ft. combined; minimum of 8 ft. on any one side.
- d) Waterfront - 50 ft.
4. Maximum Building Height - 35 ft.
5. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 35%.
6. Minimum Floor Area - 600 sq. ft.

**F. Off-Street Parking and Loading Requirements:** Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

**G. Landscape Buffer Requirements:** A landscaped buffer area meeting the requirements of Section 5.6.5 shall be constructed.

**H. Development Plan Review:** A development plan shall be submitted and reviewed pursuant to the requirements of Section 3.3.

#### **5.5.10A B-1A, General Retail Commercial (Low Intensity) Development Classification<sup>11</sup>**

##### **A. Purpose and Intent:**

The purpose and intent of the B-1A classification is to provide areas for business, retail, office and other commercial enterprises which support the resident and transient populations of the Town and surrounding areas at relatively low intensity. This land use classification is most appropriately applied outside the central areas of the Town.

##### **B. Permitted Principal Uses and Structures:**

In any B-1A district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Automobile service stations (Type A & C).

Business and personal services.

Clinic, medial or dental.

Community facilities.

Essential utility services.

Financial institutions.

Hotel, motels and similar lodgings.

Offices and business uses.

Parks, recreation and open space.

Restaurants (Type A & B).

Retail sales and services.

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<sup>11</sup> As amended per Ordinance 07-09, November 27, 2007.

**C. Prohibited Uses:**

The following uses are prohibited in any B-1A district:

Manufacturing or refining of ammonia, bleaching powder, chlorine, asphalt, brick, terra-cotta, tile or pottery (except handicrafts), cement, gypsum, lime, plaster of Paris, coke creosote, dextrin, glucose, starch, dye, explosives or fireworks (or storage of explosives or fireworks), fertilizer, gas (fuel or illuminating), in excess of one thousand (1,000) cubic feet per day or storage in excess of ten thousand (10,000) cubic feet, except in a municipal or public service plant, gelatin or glue or size from fish or animal refuse or offal, hair hydrochloric, nitric, picric, sulphuric or sulphurous acid, lamp black, linoleum or oilcloth, match, pyroxylin or articles thereof or storage in excess of five hundred (500) pounds, rubber, or treatment thereof involving offensive odor, tar, turpentine or varnish; blast furnace, coal, junk or wood yard; distillation of bones, coal, wood or tar or manufacture of any of their products; drop forge, fat, grease, lard, or tallow manufacture, refining or rendering; flour or gristmill; hot rolling mill; incineration, reduction or dumping of dead animals, garbage, offal or refuse except by the Town or its agents or when accumulated and consumed on the same premises without the emission of odor; lumber yard or mill; petroleum or other inflammable liquids -- production or refining of or storage above ground in excess of one thousand (1,000) gallons; slaughtering or stock yards; tanning, curing or storage of raw hides or skins; tire recapping.

Sale and storage of guns, firearms, ammunition, explosives, fireworks and gunpowder.

Also prohibited are any other uses detrimental to a neighborhood because of odor, smoke, dust fumes, fire, vibration, or hazardous because of danger of fire or explosion.

**D. Permitted Special Exceptions:**

Child care centers (refer to Section 5.6.6, A).

Commercial recreational uses and structures.

Houses of worship (refer to Section 5.6.6, B).

Only one single family dwelling for the owner or manager of a permitted principal use.

Utility, transportation and communication facilities (refer to Section 5.6.6, C).

Schools, public or private

**E. Dimensional Requirements:**

1. Minimum Lot Size:
  - a. Area - 10,000 sq. ft.
  - b. Width - 100 ft.
2. Minimum Yard Size:
  - a. Front - 35 ft.
  - b. Side & Rear - 10 ft. unless abutting any residentially zoned property, then 35 ft.
  - c. Waterfront - 25 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Floor Area Ratio (F.A.R.): The F.A.R. shall not exceed .35.

**F. Off-Street Parking and Loading Requirements:** Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

**G. Landscape Buffer Requirement:** Landscaped buffers meeting the requirements of Section 5.6.5 shall be constructed.

**H. Development Plan Review:** A development plan shall be submitted and reviewed pursuant to the requirements of Section 3.3.

**I. Parcels located in the US Highway 17 corridor Overlay District as shown on Exhibit “A”, Ordinance 09-01, are required to meet the requirements of Section 5.6.10.<sup>12</sup>**

### **5.5.10 B-1, General Commercial Development Classification**

#### **A. Purpose and Intent:**

The purpose and intent of the B-1 classification is to provide areas for a broad range of retail commercial and business establishments which meet the frequent needs of the residents of Pierson.

#### **B. Permitted Principal Uses and Structures:**

In any B-1 district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Automobile service stations (Type A & C).

Business and personal services.

Car washes.

Essential utility services.

Financial institutions.

General offices.

Laundry and dry cleaning establishments.

Restaurants (Type A & B).

Retail sales and services.

Any dwelling existing on or before March 28, 2006.<sup>13</sup>

Automobile sales and repair.<sup>14</sup>

Veterinary Clinic<sup>15</sup>

#### **C. Prohibited Uses:**

The following uses are prohibited in any B-1 district:

Manufacturing or refining of ammonia, bleaching powder, chlorine, asphalt, brick, terra-cotta, tile or pottery (except handicrafts), cement, gypsum, lime, plaster of Paris, coke creosote, dextrin, glucose, starch, dye, explosives or fireworks (or storage of explosives or fireworks), fertilizer, gas (fuel or illuminating), in excess of one thousand (1,000) cubic feet per day or storage in excess of ten thousand (10,000) cubic feet, except in a municipal or public service plant, gelatin or glue or size from fish or animal refuse or offal, hair hydrochloric, nitric, picric, sulphuric or sulphurous acid, lamp black, linoleum or oilcloth, match, pyroxylin or articles thereof or storage in excess of five hundred (500) pounds, rubber,

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<sup>12</sup> As amended by Ordinance 08-09, October 14, 2008

<sup>13</sup> As amended by Ordinance 06-06, March 28, 2006.

<sup>14</sup> As amended by Ordinance 06-09, July 25, 2006

<sup>15</sup> As amended by Ordinance 07-12, November 27, 2007

or treatment thereof involving offensive odor, tar, turpentine or varnish; blast furnace, coal, junk or wood yard; distillation of bones, coal, wood or tar or manufacture of any of their products; drop forge, fat, grease, lard, or tallow manufacture, refining or rendering; flour or gristmill; hot rolling mill; incineration, reduction or dumping of dead animals, garbage, offal or refuse except by the Town or its agents or when accumulated and consumed on the same premises without the emission of odor; lumber yard or mill; petroleum or other inflammable liquids -- production or refining of or storage above ground in excess of one thousand (1,000) gallons; slaughtering or stock yards; tanning, curing or storage of raw hides or skins; tire recapping.

Sale and storage of guns, firearms, ammunition, explosives, fireworks and gunpowder.

Also prohibited are any other uses detrimental to a neighborhood because of odor, smoke, dust fumes, fire, vibration, or hazardous because of danger of fire or explosion.

**D. Permitted Accessory Uses and Structures:**

Any accessory use customarily incidental to a permitted principal use.

One detached single family dwelling (a “standard dwelling” or “manufactured residential building”) or one dwelling unit within or attached to a permitted principal building.<sup>16</sup>

**E. Permitted Special Exceptions:<sup>17</sup>**

Child care centers (refer to Section 5.6.6, A).

Clinic, medical or dental.

Entertainment and recreational uses and structures.

Houses of worship (refer to Section 5.6.6, B).

Mini-warehouses (refer to Section 5.6.6, G).

Nursing homes and adult congregate living facilities (refer to Section 5.6.6, F).

Public uses.

Public utility uses and structures (refer to Section 5.6.6, C).

Schools (parochial or private) (refer to Section 5.6.6, E).

**F. Dimensional Requirements:**

1. Minimum Lot Size:
  - a. Area - 10,000 sq. ft.
  - b. Width - 100 ft.
2. Minimum Yard Size:
  - a. Front - 35 ft.
  - b. Side & Rear - 10 ft. unless abutting any residentially zoned property, then 35 ft.
  - c. Waterfront - 25 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 35%.

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<sup>16</sup> As amended by Ordinance 06-06, March 28, 2006.

<sup>17</sup> Same

**G. Off-Street Parking and Loading Requirements:** Off-street parking and loading space meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

**H. Landscape Buffer Requirement:** Landscaped buffers meeting the requirements of Section 5.6.5 shall be constructed.

**I. Development Plan Review:** A development plan shall be submitted and reviewed pursuant to the requirements of Section 3.3.

**J. Parcels located in the US Highway 17 corridor Overlay District as shown on Exhibit “A”, Ordinance 09-01, are required to meet the requirements of Section 5.6.10.<sup>18</sup>**

### **5.5.11 B-2, Heavy Commercial and Industrial Development Classification**

#### **A. Purpose and Intent:**

The purpose and intent of the B-2 classification is to provide areas for the operation of heavy commercial, manufacturing, processing, storage, wholesaling, and distribution uses. The regulations are intended to prevent frictions between uses within the districts and to protect nearby residential areas, schools and other incompatible uses from the potentially harmful or annoying effects of uses permitted in the B-2 districts.

#### **B. Permitted Principal Uses and Structures:<sup>19</sup>**

In any B-2 district, no premises shall be used except for the following uses and their customary accessory uses or structures:

Automobile service stations (Type A & C).

Building material sales for buildings and yards.

Cold storage and freezer locker plants.

Contractor and construction offices and equipment storage.

Farm machinery, sales and service.

Food and beverage processing and distribution, except the slaughter of animals.

Printing, engraving and publishing establishments.

Paint and body shops.

Open storage of non-combustible materials.

Sale and storage of guns, firearms, ammunition, explosives, fireworks and gunpowder.

Wholesale sales.

Warehousing and distribution.

Light manufacturing and assembly.

Essential utility services.

Any dwelling existing on or before March 28, 2006.<sup>20</sup>

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<sup>18</sup> As amended per Ordinance 09-01, January 13, 2009.

<sup>19</sup> As amended per Ordinance 97-1, January 14, 1997

Automobile sales and repair.<sup>21</sup>

**C. Prohibited Uses:**

The following uses are prohibited in any B-2 district:

Manufacturing or refining of ammonia, bleaching powder, chlorine, asphalt, brick, terra-cotta, tile or pottery (except handicrafts), cement, gypsum, lime, plaster of Paris, coke creosote, dextrin, glucose, starch, dye, explosives or fireworks (or storage of explosives or fireworks), fertilizer, gas (fuel or illuminating), in excess of one thousand (1,000) cubic feet per day or storage in excess of ten thousand (10,000) cubic feet, except in a municipal or public service plant, gelatin or glue or size from fish or animal refuse or offal, hair hydrochloric, nitric, pectic, sulphuric or sulphurous acid, lamp black, linoleum or oilcloth, match, pyroxylin or articles thereof or storage in excess of five hundred (500) pounds, rubber, or treatment thereof involving offensive odor, tar, turpentine or varnish; blast furnace, coal, junk or wood yard; distillation of bones, coal, wood or tar or manufacture of any of their products; drop forge, fat, grease, lard, or tallow manufacture, refining or rendering; flour or gristmill; hot rolling mill; incineration, reduction or dumping of dead animals, garbage, offal or refuse except by the Town or its agents or when accumulated and consumed on the same premises without the emission of odor; lumber yard or mill; petroleum or other inflammable liquids -- production or refining of or storage above ground in excess of one thousand (1,000) gallons; slaughtering or stock yards; tanning, curing or storage of raw hides or skins; tire recapping.

Also prohibited are any other uses detrimental to a neighborhood because of odor, smoke, dust fumes, fire, vibration, or hazardous because of danger of fire or explosion.

**D. Permitted Accessory Uses and Structures:**

Any accessory use customarily incidental to a permitted principal use.

Storage yards, provided such areas are enclosed by a fence at least six (6) feet high, which screens the storage yard from vision.

One detached single family dwelling (a “standard dwelling” or “manufactured residential building”) or one dwelling unit within or attached to a permitted principal building.<sup>22</sup>

**E. Permitted Special Exceptions:**

Animal hospitals (refer to Section 5.6.6, J).

**F. Dimensional Requirements:**

1. Minimum Lot Size:
  - a. Area - 30,000 sq. ft.
  - b. Width - 150 ft.
  - c. Depth - 150
2. Minimum Yard Size:
  - a. Front Yard - 25 ft.
  - b. Side Yard - 10 ft. unless abutting any residentially zoned property; then 35 ft.
  - c. Rear Yard - 20 ft. unless abutting any residentially zoned property; then 35 ft.

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<sup>20</sup> As amended by Ordinance 06-06, March 28, 2006.

<sup>21</sup> As amended by Ordinance 06-09, July 25, 2006.

<sup>22</sup> As amended by Ordinance 06-06, March 28, 2006.

- d. Waterfront Yard - None.
3. Maximum Building Height - 35 ft.
4. Maximum Floor Area Ratio (F.A.R.): The F.A.R. shall not exceed 0.35.
5. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 35%.

**G. Off-Street Parking and Loading Requirements:** Off-street parking and loading requirements meeting the requirements of Sections 6.4.10 and 5.6.5, C. shall be constructed.

**H. Landscape Buffer Requirements:** A landscaped buffer area meeting the requirements of Section 5.6.5 shall be constructed.

**I. Development Plan Review:** A development plan shall be submitted and reviewed pursuant to the requirements of Section 3.3.

**J. Parcels located in the US Highway 17 corridor Overlay District as shown on Exhibit “A”, Ordinance 09-01, are required to meet the requirements of Section 5.6.10.<sup>23</sup>**

## **SECTION 5.6 GENERAL PROVISIONS**

### **5.6.1 Exceptions to Minimum Yard or Lot Coverage Requirements**

Every part of every yard shall be open and unobstructed from the ground up by any structure, except as follows:

#### **A. Accessory Structures**

On any lot, accessory structures other than fences and walls are not permitted within front or side yards. They may be located within rear yards not less than ten (10) feet from any property line. They may also be located within any portion of the building area except that portion lying streetward of: a) a line extending across the face of the principal structure nearest the street, or b) a line fifty (50) feet from and parallel to the street right-of-way line, whichever is nearest the street.

#### **B. Fences, Walls and Hedges**

Except where regulated elsewhere in these Regulations or other ordinances of the Town of Pierson, fences, walls and hedges may be permitted in any required yard or along the edge of any required yard as follows:

1. Fences and walls of solid-face construction are permitted not exceeding four (4) feet in height along front lot lines and along that portion of side lot lines which extends from the front lot line to the front building line; and not exceeding six (6) feet in height along that portion of side lot lines that extend from the front building line to the rear lot line and along rear lot lines.
2. Hedges are permitted not exceeding four (4) feet in height along front lot lines and along that portion of side lot lines which extend from the front lot line to the front building line, except corner lots when the height on the two (2) street lines is not to exceed three (3) feet; and not exceeding eight (8) feet in height along that portion of side lot lines that extend from the front building line to the rear lot line and along rear lot lines.

#### **C. Off-Street Parking Spaces in Yards**

In all zoning classifications, off-street parking spaces may be located in yards to the extent permitted by

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<sup>23</sup> As amended per Ordinance 09-01, January 13, 2009.



Section 6.4.10 and in compliance with Section 5.6.5, C.

**D. Breezeways and Porte Cocheres**

Breezeways and porte cocheres are permitted in front and rear yards. No breezeway or porte cochere shall be permitted to extend or project to within fifteen (15) feet of any street right-of-way line. A clear space of not less than nine (9) feet shall be provided below all such structures. Breezeways may be designed so that they provide for a covered entrance into any building provided, however, that such breezeways shall not be designed so as to be considered as, or function as, an outdoor covered patio area. In addition, no porte cochere shall be designed so as to be considered as, or function as, a carport.

**E. Screened Swimming Pool Enclosures**

Any swimming pool enclosure which consists of screening on at least three or more sides shall be considered as an accessory building for the purposes of these Regulations, except that such screened swimming pool enclosure may be attached to an integral part of the principal building itself.

**F. Outdoor Covered Patio Area**

Outdoor covered patio areas at finished grade may be attached to the principal building provided such outdoor covered patio areas are located within the rear yards and are completely open on all sides not adjacent to the principal building. Any other outdoor covered patio area which is attached to the principal building, or any patio area which is fully enclosed and attached to the principal building, shall be subject to all the requirements of these Regulations for principal buildings. Any fully enclosed patio area which is not attached to the principal building shall be considered as an accessory building and subject to all of the requirements of these Regulations for accessory buildings.

**G. Building Overhangs**

1. Sills or belt courses may project up to twelve (12) inches into a required yard.
2. Movable awnings may project up to three (3) feet into a required yard except that where such yard is less than six (6) feet in width such projection shall not exceed one-half the width of the yard.
3. Chimneys, fireplaces or pilasters may project up to two (2) feet into a required yard.
4. Fire escapes, stairways and balconies which are not covered or not enclosed may project up to five (5) feet into a required front or rear yard, or up to three feet eight inches (3 ft. 8 in.) into a required side yard.
5. Hoods, canopies or marquees may project up to three (3) feet into a required yard, but shall not be closer than one (1) foot to any lot line.

**H. Accessory Structures for Automobile Service Stations**

Accessory structures for automobile service stations may be located in yards to the extent permitted by Section 5.6.7.

**5.6.2 Exception to Minimum Lot Size for Homestead Subdivisions**

In any A-1 or RR zoning district, any parcel or lot may be subdivided to allow transfer of each resulting lot to an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel or lot to said individual, notwithstanding the minimum lot size requirement for the A-1 or RR zoning district in which the property is located. However, under no circumstances shall the subdivision of a parcel or lot under this provision result in any parcels or lots smaller than one-half (1/2) acre.

### **5.6.3 Obstruction to Visibility on Corner Lots**

On any corner lot, no structure or shrubbery shall obstruct vision between three (3) and ten (10) feet in height above the centerline grades of adjacent streets within a triangular area formed by the intersecting street right-of-way lines and a straight line joining those right-of-way lines at points located twenty-five (25) feet from the intersection of those rights-of-way lines.

The Development Code Administrator may relax restrictions of this section or impose additional restrictions upon the height or location of structures and shrubbery where such structures or shrubbery are deemed to constitute an impairment to visibility that is conducive to traffic safety hazards.

### **5.6.4 Compound Uses**

Two or more principal uses shall be permitted on any single lot in any B-1 and B-2 district, provided the entire area on which the uses are to be established is under single ownership, and provided each such use shall meet the minimum requirements for off-street parking, loading and unloading facilities, and shall meet the minimum lot and building requirements for the district in which the property is located. In all other zoning classifications, only one principal structure may be erected or constructed on a single lot.

### **5.6.5 Landscaping Requirements**

The following regulations shall apply where landscaped buffers or off-street parking areas are required:

#### **A. Plant Materials**

All required plant materials shall be Florida No. 1 grade, or better, according to the current "Grades and Standards for Nursery Plants", State of Florida, Department of Agriculture, Tallahassee, except where in the discretion of the Development Code Administrator natural vegetation is adequate to provide the necessary visual screening.

1. Trees. Tree species shall be a minimum of six (6) ft. in height immediately after planting. Palms shall be considered trees. Also, trees planted within twelve (12) ft. of publicly-maintained streets or other public improvements shall be selected from a "List of Trees" available at the Town Building Department.
2. Shrubs and Hedges. Shrubs and hedges shall be a minimum of two (2) ft. in height, immediately after planting. Plants shall be spaced no more than three (3) ft. apart measured from center to center.
3. Ground Covers. Ground covers may include any plant materials that reach an average height of not more than twelve (12) inches. They may be used in lieu of grass. Ground covers must present a finished appearance and provide reasonably complete coverage at time of planting.
4. Lawn Grass. Grassed areas shall be planted with any species of grass common to Central Florida. They may be sodded, plugged, sprigged or seeded, except that sod is required in swales and other areas subject to soil erosion. Unless sod or grass seed is used, nursegrass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

#### **B. Landscaped Buffer Area**

Where a landscaped buffer area is required, the following regulations shall apply:

1. A landscaped buffer area shall be established along the entire length of, and contiguous to, any property line. It shall be not less than eight (8) ft. in width measured at right angles to the property line and landscaped with any combination of the plant materials described in Section 5.6.5, A. and other materials such as stone, gravel or mulch.

2. When a landscaped buffer area abuts any residential district, it shall include a visual screen constructed of plant materials or a decorative screening wall or fence.
3. If plant materials are used for screening, they shall be selected and located to provide, at the time of planting, a visual barrier that is at least three (3) ft. above the average ground level of the buffer area, and capable of reaching a height of six (6) ft. Such planting may be placed on an earthen berm to achieve the required height.
4. If a decorative wall or fence is used for screening, it shall be six (6) ft. high. If a masonry wall is used, the top two (2) ft. shall be no more than fifty (50) percent solid, and shrubs or vines shall be planted abutting such wall on the street side, at a planting interval of no more than ten (10) ft.

### **C. Landscaping of Off-Street Parking Areas**

Required off-street parking areas having off-street parking spaces for more than eight (8) vehicles, shall have interior landscaped areas covering 10% of the total off-street parking area, excluding any required landscaped buffer areas. A portion of the interior landscaped area shall be located at the ends of each row of interior parking spaces not abutting the perimeter of the parking area. Those landscaped row ends shall have a minimum area of one-hundred (100) sq. ft. with no width less than six (6) ft. and no length less than seventeen and one-half (17.5) ft. if it abuts one parking space, or thirty (35) ft. if it abuts two parking spaces. Interior landscaped areas, other than those at row ends, shall have a minimum area of seventy-five (75) sq. ft. with no dimension less than six (6) ft. Two (2) ft. of these landscaped areas may be part of the required depth of each abutting parking space, provided wheel stops or curbs are used to protect them.

Each landscaped area shall include at least one (1) tree. The remaining area shall be landscaped with shrubs less than four (4) ft. high, grass, ground cover, or other materials, such as stone, gravel or mulch. All trees shall be clear of branches for the first five (5) ft. of height above the ground.

Where the strict application of this subsection will seriously limit the function of the parking area, the required landscaping may be located near the perimeter of the paved area.

### **D. Irrigation System**

A workable underground irrigation system shall be installed in any area required to be landscaped.

### **E. Landscape Plan**

When landscaped areas are required by these Regulations, a landscape plan shall be submitted with the application for a site development plan approval. The plan shall indicate the type, size, and location of plant materials and shall include plans and specifications for an irrigation system. No building permit shall be issued by the Development Code Administrator for any structure until the plan is approved by the Town Council.

### **F. Maintenance**

Where landscaped areas are required by these Regulations the owner or his tenant or agent, if any, shall be jointly and severally responsible for maintenance. Required landscaped areas shall be maintained in a healthy, neat, and orderly condition as indicated on the approved site plan, and shall be kept free from refuse or debris.

### **G. Guarantee of Installation of Improvements**

No Certificate of Occupancy shall be issued by the Development Code Administrator until the landscape and irrigation improvements shown on the approved landscape plan are installed.

### **5.6.6 Special Exceptions**

The following uses or structures are permitted as special exceptions only when listed or permitted as special exceptions in Section 5.5 and meet the requirements set forth below and in Article 10.

#### **A. Child Care Centers are permitted as special exceptions, provided:**

1. They are designed and constructed according to the standards adopted pursuant to Section 402.30 et seq. Florida Statutes and Section 10C-10.20 et seq. Florida Administrative Code.
2. Access is provided directly from one of the Town's major thoroughfares such that traffic generated by the child care center will not be directed through any single family residential area.

#### **B. Houses of Worship are permitted, provided:**

1. No principal or accessory building shall be located less than fifty (50) feet from any property line.
2. Unless waived by the Town Council, off-street parking areas meeting the requirements of Sections 6.4.10 and 5.6.5, C., and landscaped buffer areas meeting the requirements of Section 5.6.5 shall be constructed.
3. Access is provided directly from one of the Town's major thoroughfares such that traffic generated by the house of worship or cemetery will not be directed through any single family residential areas.

#### **C. Public Utility Uses and Structures are permitted as special exceptions, provided:**

1. Unless waived by the Town Council, a landscaped buffer area meeting the requirements of Section 5.6.5 is required.

#### **D. Golf Courses, Country Clubs, Swim Clubs, Tennis Clubs, and Similar Recreational Uses are permitted as special exceptions, provided:**

1. The total lot area covered with principal and accessory buildings shall not exceed fifteen (15) percent.
2. No dwelling units shall be provided on the premises, except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the principal building.
3. No principal or accessory building, swimming pool or tennis court shall be located less than fifty (50) feet from any lot line.
4. All artificial lights shall be directed away from adjoining properties.
5. Unless waived by the Town Council, off-street parking areas meeting the requirements of Sections 6.4.10 and 5.6.5, C., and landscaped buffer areas meeting the requirements of Section 5.6.5 shall be constructed.

#### **E. Schools (Parochial or Private) are permitted as special exceptions, provided:**

1. No principal or accessory building shall be located less than fifty (50) feet from any property line.
2. Unless waived by the Town Council, off-street parking areas meeting the requirements of Sections 6.4.10 and 5.6.5, C., and landscaped buffer areas meeting the requirements of Section 5.6.5 shall be constructed.
3. Access is provided directly from one of the Town's major thoroughfares such that traffic

generated by the school will not be directed through any single family residential area.

**F. Nursing Homes, Boarding Houses, and Adult Congregate Living Facilities are permitted as special exceptions, provided:**

1. Maximum residential occupancy shall not exceed thirty (35) residents per acre.
2. No principal or accessory building shall be located less than forty-five (45) feet from any property line.
3. Unless waived by the Town Council, off-street parking and loading areas meeting the requirements of Sections 6.4.10 and 5.6.5, C., and landscaped buffer areas meeting the requirements of Section 5.6.5 shall be constructed.

**G. Mini-Warehouses are permitted as special exceptions, provided:**

1. They shall be limited to dead storage use only. No activities such as miscellaneous or garage sales shall be conducted on the premises. The servicing, repair, sale, exchange or distribution of any goods, materials, equipment or vehicles shall not be conducted on the premises. The operation of a mini-warehouse shall in no way be deemed to include a transfer and storage business where the use of a vehicle is part of such business.
2. Minimum yard requirements shall be the same as for any permitted principal structure in the district in which the mini-warehouse is located.
3. No advertising signs shall be permitted on the premises except those identifying the nature of the mini-warehouse business itself; and such sign(s) shall be permitted only in accordance with Article X.

**I. Residential Cluster Subdivisions are permitted as special exceptions, provided:**

1. The project area shall be a minimum of three (3) acres.
2. The minimum lot size shall be sixty-five hundred (6,500) square feet.
3. Dimensional requirements for lots and buildings shall be as provided in the R-3 classification.
4. Common open space shall be provided in an amount equal to the sum of the area by which each lot is reduced below the minimum size otherwise permitted in the applicable zoning classification.
5. Common open space shall be permanently dedicated to residents of the project area or to the general public for environmental preservation or recreational use, whichever is determined by the Town Council at the time of subdivision approval to be most appropriately related to the goals, objectives and policies of the Town's Comprehensive Plan. The method of dedication and provisions for maintenance of the common open space shall be approved by the Town Council upon recommendation of the Town Attorney.

**J. Animal hospitals are permitted as special exceptions, provided:**

1. No structures pens, kennels or boarding kennels shall be located closer than fifty (50) feet from any property line.
2. None of the above structures shall be located closer than five hundred (500) feet from any residential property line.
3. Open kennels shall be screened from view.

**K. Community Residential Homes are permitted as special exceptions, provided:**

1. They conform to existing zoning regulations applicable to other uses in the zoning district.
2. They meet applicable licensing criteria established and determined by the Florida Department of Health and Rehabilitative Services, including requirements that the home be located to assure the safe care and supervision of all clients in the home.
3. Placement of the community residential home at the proposed location would not result in such a concentration of community residential homes that the nature and character of the area would be substantially altered. A home that is located within a radius of twelve hundred (1,200) feet of another existing community residential home in a multi-family zoning district shall be an over-concentration of such homes that substantially alters the nature and character of the area. A home that is located within a radius of five hundred (500) feet of an area of single-family zoning substantially alters the character of the area.
4. All distance requirements in this section shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.

**L. Accessory Mobile Homes for Farmworkers and Security Personnel, provided:**

1. A bona fide agricultural operation does exist on the premises; and the mobile home is to be used only for residency by a person or persons employed on the premises and family members.
2. No mobile home used for such residency by farmworkers or security personnel shall be closer than fifty (50) feet to any other dwelling unit.
3. No mobile home used for such residency by farmworkers or security personnel shall be closer than one hundred (100) feet to any property line of the premises on which it is placed.
4. Potable water and sewage disposal facilities shall be in compliance with all applicable provisions of Florida Law.
5. If not already in existence, a visual screen of native plant materials meeting the requirements of Section 5.6.5, located between the dwelling(s) and all adjoining property lines shall be planted and maintained.
6. The area between the ground and the floor of the mobile home shall be enclosed with skirting.
7. There is a demonstrated need for farmworkers or security personnel to reside on the premises. The applicant shall provide information to the Development Regulations Administrator describing the nature of the agricultural operation on the premises and demonstrating that need.
8. No more mobile homes shall be permitted on the premises than are needed to accommodate farmworkers and/or security personnel actually employed on the premises. In no case shall the number of dwelling units on the premises, including the principal dwelling and accessory mobile homes, exceed one (1) per acre. However, the mobile homes may be clustered on the premises.

**M. Fern Packing House, provided:**

1. No principal or accessory building shall be located less than seventy-five (75) feet from any property line.
2. Unless waived by the Town Council, off-street parking areas meeting the requirements of Sections 6.4.10 and 5.6.5, C., and landscaped buffer areas meeting the requirements of

Section 5.6.5 shall be constructed.

3. The servicing, repair, sale, exchange or distribution of any goods, materials, equipment or vehicles, except for those directly related to the receipt, processing and distribution of ferns and other ornamental horticultural products, shall not be conducted on the premises.

**N. Home Occupations, provided:**

1. Only the following types of occupations may be permitted as home occupations:
  - a. arts and crafts;
  - b. the giving of instruction or training to one person at a time, e.g., art and music instruction;
  - c. repair of small appliances, electronic equipment, clocks and watches, jewelry, bicycles, and similar items, but not including motor vehicles, lawn mowers, major appliances, boats and boat motors;
  - d. fabrication of articles commonly classified as handicrafts;
  - e. business and professional services, including accounting, law, architecture, engineering, urban planning, financial planning, and similar services;
  - f. personal services;
  - g. any occupation which utilizes telecommunications or postal/package delivery services as the principal means of interacting with clients and customers;
2. A home occupation shall not be conducted in any accessory building.
3. Only persons who reside in the dwelling unit shall be employed or act as an independent contractor in said dwelling unit permitted as a home occupation. Other employees or independent contractors of the home occupation may be permitted provided that said persons do not assemble upon the premises for the purpose of conducting business.
4. The home occupation shall be clearly incidental and subordinate to the residential use, and shall under no circumstances change the residential character of the dwelling.
5. The floor area devoted to the home occupation shall not exceed fifteen (15) percent of the floor area of the dwelling.
6. There shall be no change in the outside appearance of the premises. Home occupations may permit one non-illuminated, on premises sign, not exceeding two (2) square feet in area.
7. All storage of materials or supplies used in the home occupation shall be done in enclosed buildings and within the space limitations in sub-paragraph 5 above. No products shall be displayed on the premises.
8. No equipment shall be used in the home occupation which creates fire hazards, electrical interference, noise, vibration, glare, fumes, or odors detectable to the normal senses off the lot if the occupation is conducted in a single family dwelling or mobile home. 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, or causes fluctuations in line voltage off premises.
9. No vehicular traffic shall be generated by the home occupation in greater volumes than would normally be generated by the dwelling unit. Said volume of traffic shall not exceed 5 trip ends per dwelling unit per day. The Town Council may allow as a condition of the requisite Special Exception, a volume of traffic greater than that typically generated by the

dwelling unit. Notwithstanding any provisions to the contrary, no more than two (2) vehicles associated with the home occupation may be kept on the premises. Any need for parking generated by the conduct of the home occupation shall be met off the street.

10. The home occupation shall not adversely affect the habitability or value of the surrounding properties nor alter the essential residential character of the neighborhood.
11. Any violation of these conditions shall constitute grounds for revocation of the special exception permit.

**O. Bed and Breakfast Homestays, provided:**

1. The structure occupied by the Bed and Breakfast Homestay shall be classified as a single-family dwelling. The external appearance of the B&B structure and building site shall maintain the general residential character of the surrounding neighborhood. Exterior building materials, bulk, landscaping, fences and walls, and general design shall be similar to those of surrounding single family residential dwellings. No B&B shall occupy more than one principal building.
2. The owner or manager shall live on the premises.
3. Separate toilet and bathing facilities for the exclusive use of guests shall be provided.
4. Rentals shall be on a daily basis. The maximum stay for an individual guest shall be thirty (30) days in a twelve (12) month period.
5. Cooking facilities shall be approved by the County Health Department. Cooking shall be for guests and residents only. No cooking facilities shall be allowed in guest bedrooms.
6. Neither hired receptions nor parties shall be permitted in Bed and Breakfast Homestays located in residential zoning districts.
7. Bed and Breakfast Homestays shall comply with appropriate health permits, building and fire codes, and business licenses, including but not limited to a license from the Florida Department of Business Regulations, Division of Hotels and Restaurants applicable to such use.
8. In addition to the parking required for the residence, one (1) parking space shall be provided for each guest room. The Planning Commission may vary the parking requirement based on site constraints including, but not limited to, small yards and inadequate space for parking, so long as off-street parking is available. Guest parking shall not be permitted between the street and the principal structure. Use of tandem parking (one car parked directly behind another) may be permitted.
9. Signs shall be used for identification purposes only, and shall conform with the provisions of Article X(Signs).
10. The maximum number of rooms for guests shall be as follows:



<u>Building Size</u>	<u>Maximum Number of Guest Rooms</u>
less than 2000 sq. ft.	1
2000-2399 sq. ft.	2
2400-2799 sq. ft.	3
2800 sq. ft. or larger	4

11. The special use permit is non-transferable.
12. The minimum distance between ACLFs shall be one thousand two hundred (1,200) feet measured in a direct line between properties.
13. To assist in the administration of these Regulations, no B&B shall be allowed to operate within the Town without having first obtained an occupational license. The Development Regulations Administrator shall maintain a registration list and location map of all existing and new B&Bs.<sup>24</sup>

#### **5.6.7 Automobile Service Stations**

The following regulations shall apply to automobile service stations, Types A, B, and C.

##### **A. Location of Principal and Accessory Structures**

1. Principal or accessory structures shall not be erected within twenty-five (25) feet of any property zoned for residential use.
2. No accessory structures shall be erected closer than ten (10) feet to a street right-of-way. If accessory structures are erected within any front yard, they shall be removed before the property is converted to a use other than an automobile service station.

##### **B. Points of Access**

The number of points of access for one (1) automobile service station shall not exceed two (2) for each one hundred (100) feet of street frontage. Each point of access shall be no more than thirty (30) feet wide and be located at no less than twenty five (25) feet from the intersection of street rights-of-way. Each point of access shall be located no less than fifteen (15) feet from any other property line, or twelve (12) feet from any other point of access. On county maintained roads, clearance for additional points of access shall first be obtained from the County of Volusia.

##### **C. Landscape Buffer Requirements**

Where lots to be used for service stations abut any property zoned for residential use, a landscaped buffer area meeting the requirements of Section 5.6.5 shall be constructed.

##### **D. Permanent Storage of Materials, Merchandise and Equipment**

All materials, merchandise and equipment, other than motor vehicle fuels, shall be stored within the principal building.

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<sup>24</sup>As amended by Ordinance 96-1 on February 13, 1996.

### **E. Trash Facilities**

Adequate, enclosed trash facilities shall be provided on the site.

### **F. Parking of Vehicles or Vehicles Offered for Sale or Rent at Type A and B Stations Only**

Wreckers, service or customer vehicles, or vehicles offered for sale or rent, may be parked on the premises but shall be parked in a manner that will not create a traffic hazard or interfere with any vehicular maneuvering area necessary for gasoline pump areas, service bays, or with any required off-street parking spaces. No more than two (2) motor vehicles may be offered for sale on the premises at any one time unless otherwise authorized by the provisions of this Ordinance, and in conformity with all applicable state regulations.

A truck or trailer rental service, established primarily for the transporting of household goods, shall be permitted, subject to the following:

1. The required minimum lot area shall be increased by four hundred eighty (480) square feet for the parking of each rental truck proposed, and fifty (50) square feet for each rental trailer proposed.
2. On corner lots, no vehicles offered for sale or rent shall be parked within a yard abutting a street.

### **5.6.8 Silviculture Activities**

Silviculture activities (timber cultivation and harvesting) may be undertaken on privately owned lands provided they are conducted in a manner compatible with the need to protect and conserve natural resources associated with wetlands and surface waters, as more particularly set forth below.

A. Silviculture activities shall follow the best management practices outlined in the publications titled "Silviculture Best Management Practices Manual" (Revised May 1990, Florida Department of Agriculture and Consumer Services, Division of Forestry) and "Management Guidelines for Forested Wetlands in Florida" (December 1988, Florida Department of Agriculture and Consumer Services, Division of Forestry and Florida Forestry Association) except that:

1. the Primary Streamside Management Zone criteria shall be applied within one hundred fifty (150) feet of Outstanding Florida Waters and Class I and II Waters as classified by the Florida Department of Environmental Regulation and;
2. the Primary Streamside Management Zone criteria shall be applied within seventy-five (75) feet of perennial streams greater than thirty (30) feet in width for Class III Waters.

B. In order to maintain the overall ecological integrity of the wetlands community, select cuts, small clear cuts or other irregularly shaped harvesting techniques will be allowed provided:

1. viable populations of the endangered and threatened species and species of special concern found on-site can be maintained on-site;
2. harvests are planned to provide for varying age and height diversity, supporting a variety of vegetative successional stages within the overall wetland ecosystem;
3. the natural hydrology and hydroperiod of wetlands are maintained and state water quality standards are not violated;
4. there is no conversion of wetland systems to upland systems; and
5. there is no conversion to other wetland systems except for the beneficial alteration of degraded wetlands to wetlands compatible with the type, form, and function of adjacent wetlands.

### **5.6.9 Community Residential Homes**

#### **A. Definitions.**

Community Residential Home - A dwelling unit licensed to serve clients of the Florida Department of Health and Rehabilitative Services (HRS), providing a living environment for 7-14 residents who operate as the functional equivalent of a family, including such supervision and care by support staff as may be necessary to meet the physical, emotional and social needs of the residents.

Categories of Community Residential Homes, licensed by HRS and included under Chapter 419, F.S. are as follows:

1. Aging and Adult Services Program (AA)
    - a. Adult Congregate Living Facility (ACLF) licensed by Office of Licensure and Certification (OLC) and governed by Florida Administrative Code (FAC) 10A-5.
    - b. Adult Foster Home (10A-14, FAC).
  2. Alcohol Drug Abuse and Mental Health Program
    - a. Residential Treatment Facility (RTF), Levels II and IV (10E-4, FAC).
  3. Children, Youth and Families Program (CYF)
    - a. Residential Child Care Agency Facility (governed by 10M-9, FAC; excluding runaway and emergency shelters, family foster and maternity homes).
  4. Developmental Services Program (DS)
    - a. Intermediate Care Facility for the Mentally Retarded/Developmentally Disabled (ICF/DD) (10D-38, FAC).
    - b. Developmental Services Residential Facilities
- (1) Foster Care Facility (10F-6, FAC).
- (2) Group Home (10F-6, FAC).

Resident - As used in the definition of Community Residential Home, the term resident shall mean any of the following:

1. An aged person as defined in s. 400.618(3), F.S.
2. A physically handicapped or disabled person as defined in s. 760.22(5)(a), F.S.
3. A developmentally disabled person as defined in s. 393.063(6), F.S.
4. A non-dangerous mentally ill person as defined in s. 394.455(3), F.S.
5. A dependent child as defined in s. 39.01(8) and (10), F.S.

Delinquent children, alcohol or drug abusers, and dangerous mentally ill persons are specifically excluded from this definition.

#### **B. Location**

1. Homes of six or fewer residents that otherwise meet the definition of a community residential home are regarded as single-family units and non-commercial residences for the purpose of these Regulations and are defined as community residential homes by the HRS. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in any single-family or multi-family zoning district as permitted principal uses, provided that such homes shall not be located within a radius of

one thousand (1,000) feet of another existing such home with six or fewer residents.

2. Except as provided in 5.6.9, B., 1, community residential homes may be permitted only as Special Exceptions when specific provision for such homes is made in a particular zoning district.

#### **5.6.10. US Highway 17 Corridor Overlay District<sup>25</sup>**

##### **Purpose and Applicability:**

The intent of the US Highway 17 Corridor Overlay District, COD, is to provide regulations for the development/redevelopment of commercially zoned properties that front the corridor that will: protect the corridor's Level of service, LOS, as a major arterial roadway; protect abutting residential development from negative impacts such as noise and light penetration; provide for architectural and signage guidelines that are intended to preserve and enhance the character of the community; prohibit certain uses that are not in keeping with the character of the community that may portray a negative image to the traveling public; and preserve/enhance the quality of life and property values within the corridor.

The requirements of this Section shall apply to all parcels or lots adjoining the US Highway 17 Corridor, the limits of which are depicted on Exhibit "A" and the requirements of this section are supplemental to existing zoning regulations within the District. All development must be in compliance with the standards of the underlying zoning district and the additional requirements of the Overlay District. In the event of any conflict between the provisions of this section and other requirements of this Article, the provisions of this section shall prevail. All proposed development within the COD, unless waived by the Town Council, is subject to Development Plan review per Section 3.4.5. The following shall apply in the COD:

##### **A. Architectural Standards:**

1. Commercial metal buildings shall be prohibited;
2. For purposes of this section, a recognized architectural style shall be one which is recognized by design professionals as having a basis in classical, historical or academic architectural design philosophies. Any architecture that is exotic and clearly out of character with the community character shall not be considered as acceptable. Examples of exotic and unacceptable architecture include architecture that does not resemble a typical structure, but resembles out-of-place structures like igloos, tepees, medieval castles, caves and the like; or that resembles an exaggerated plant, animal, fish, edible food or other such item such as giant oranges, ice cream cones, dinosaurs and the like. This subsection shall not apply to public improvements.
3. Accessory structures. These structures shall be similar in style, color, and building material to their principal structures.
4. Exterior walls. All exterior walls shall be constructed of finished materials such as stucco, natural brick or stone, finished concrete, horizontal wood siding or other similar material including synthetic materials similar in appearance and durability. Exposed smooth concrete block or metal finishes shall not be permitted, except where determined to be an integral feature of a recognized architectural style. For any facade facing a street, parking lot or residential property line, wall planes need to be encouraged punctuated by two (2) or more of the following techniques:

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<sup>25</sup> Amended per Ordinance 08-09, October 14, 2008.

- a. Use of windows of style and proportions in keeping with the chosen architectural style. Retail establishments must incorporate store front windows at pedestrian level where adjacent to streets or interior sidewalks.
  - b. Use of ground level arcades or porches.
  - c. Use of protected or recessed entries.
  - d. Use of vertical elements (including architectural features such as pilasters, columns, canopies, porticos, arcades, colonnades and/or parapets) on or in front of expansive blank walls to interrupt facades into modules of less than sixty (60) feet.
  - e. Use of multiple wall plane offsets and projections of at least three (3) feet each.
  - f. Retaining a clear distinction between roof, body and base of a building.
5. Roofs: The use of hip or gable roofs is highly encouraged. Pitches in excess of 6:12 are desirable. The use of dormers, metal roof material or dimensional shingles to help break-up large roof planes, is encouraged. Flat roofs shall include parapet or partial roofs to provide architectural interest and to screen rooftop equipment when viewed at the property lines from standing height.
6. Signage. Pylon signs are prohibited. Signage is limited to ground mounted monument signs not to exceed six feet in height and 10 feet in width with copy area limited to 32 square feet per side. Mansard signage shall not exceed 32 square feet in area. Signage shall be so located to insure that visibility is not impaired. For buildings with multiple tenants, a uniform signage plan shall be submitted for approval by the Town.

**B. Dumpster and waste containers.**

Dumpster and waste containers shall be screened by a wall or a fence with vegetative screening around it. The vegetative screening shall be installed on at least three (3) sides of the utility equipment, and shall be located outside any wall or fence. Such vegetative screening shall include shrubs which will achieve a height of five (5) feet within one (1) year, planted with a spacing not exceeding five (5) feet on center, or as an alternative, another form of vegetative screening that creates an effective visual screen.

**C. Loading docks.**

Loading docks shall be located or constructed at the rear of the building, and shall be oriented as much as possible as to be concealed from adjacent residential uses.

**D. Access standards.**

The Town shall strive to limit new access points from existing roadways through the use of shared access, secondary access between adjacent uses, and reasonable spacing between primary access points. The following standards shall be applied to reduce traffic congestion and safety issues, reduce the amount of pavement in driveways, as well as to reduce the visual impacts of strip development caused by multiple access points.

1. For corner parcels less than one (1) acre in size, access only from local streets shall be allowed.
2. A single, multi-use driveway connection shall be required to serve adjacent commercial uses unless one (1) of the uses is an existing site with a driveway access not located along the joint property line. In cases where such multi-use driveway would result in the removal of a protected tree with a caliper greater than sixteen (16) inches, it need not be located along the joint property line.
3. Driveway pavement width for access ways shall not exceed twenty-four (24) feet, excluding landscape medians and appropriately designed aprons and needed turn lanes, unless it is determined by the Town's Engineer or his/her designee that wider pavement width is needed to accommodate needed turning radii. Pavement width may exceed

twenty-four (24) feet when a curbed median strip with shade trees spaced every twenty-five (25) feet are provided, but driveway lanes may not exceed twelve (12) feet in width excluding appropriately designed aprons and needed turn lanes.

4. Cross-access. New site plans must provide vehicular and pedestrian cross-access to existing and future adjacent development. Cross-access shall take the form of an interconnection between parking lot access aisles located at least twenty-five (25) feet from the r/w line.
5. Sidewalks. With the exception that sidewalks shall be constructed within the property parallel to the abutting roadway frontage, all other standards of Section 6.4.9.F., shall apply.

**E. Parking standards.**

The following standards shall help to reduce the amount of paved parking areas and visual blight associated with commercial parking needs.

1. During the site plan review process, the Town may allow minimum parking requirements to be reduced by up to twenty-five (25) percent for complementary uses (weekday and evening/weekend uses), when such uses can share their available parking areas, and such parking areas are convenient to the associated uses.
2. Required sidewalks abutting roadways shall be constructed in accordance with the specifications outlined in Section 6.4.9. Off-street parking and loading facilities shall be constructed in accordance with Section 6.4.10 with the exception that packed shell or marl material may not be used.

**F. Utility service drops.**

Utility service drops shall be installed underground and shall be done in a manner, which protects index trees.

**G. Landscaping requirements.**

Development plans shall include a landscaping plan in accordance with Section 5.6.5 with the exception that in addition to landscaping, a decorative, opaque wall or fence is required along the rear and/or side property lines when the project abuts residential development.

**H. Prohibited Uses.**

The following uses are prohibited: tattoo parlors and body piercing establishments; adult businesses including but not limited to adult amusement centers.

**I. Variances.**

Variances shall be available as provided under Section 10.2 provided however, in considering variance applications, consideration and flexibility shall be extended to adjust setbacks, structures and parking in order to preserve an index tree canopy. Further, the provisions of this section are not intended to deprive an applicant from seeking a special exception where not otherwise in conflict with this section.

**J. Relationship to other requirements.**

This section is supplemental to all other requirements of existing adopted ordinances and codes.

**K. Vesting.**

The provisions of this section shall apply to all new construction/redevelopment and any particular use not in existence on any particular lot or parcel on the effective date of this section.

1. Projects deemed vested.
  - (a) Projects having received a building permit prior to the effective date of this section shall be allowed to complete construction under the terms of that permit so long as the permit remains valid.
  - (b) Any project having an approved site development plan post adoption of the Land Development Code; or detailed engineering plans, specifications and calculations prepared in accordance with Town's and other applicable regulations, codes and standards, which sets forth the specific improvements to be made in conjunction

----- *Article V - Use, Density and Intensity* -----

with development as they affect the existing site, its boundary conditions, landscaping plans and tree coverage, shall be deemed to be vested.

**L. Non-Conformity.**

The provisions of Section 5.4, Non-Conformity shall apply to the COD. Normal maintenance and repair of structures is permitted in accordance with the provisions of Section 5.4.1.D., Non-conforming structure.