

**ORDINANCE NO. 22-XXX**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, CHAPTER 125 – ZONING, ARTICLE IV, BASIC ZONING DISTRICTS, SECTION 125-197, EDGARTOWN SETTLEMENT (ES) ZONING DISTRICT; AMENDING SAID SECTION TO CLARIFY PURPOSE FOR THE ORDINANCE; AMENDING THE INTENSITY AND DIMENSIONAL STANDARDS; REORGANIZING CHART 1-1, USES ALLOWED; AMENDING USE DEFINITIONS, CLASSIFICATIONS, AND STANDARDS AS TO RESIDENTIAL USES, CHILDCARE, COMMERCIAL USES, AND OVERNIGHT ACCOMODATIONS; AMENDING REGULATIONS REGARDING PERMISSABLE NOISE AND HOURS OF INDOOR AND OUTDOOR ENTERTAINMENT AT EATING AND DRINKING ESTABLISHMENTS WITHIN THE DISTRICT; REORGANIZING EXISTING SUBSECTIONS AND CREATING SUBSECTIONS (g) THROUGH (o); PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 125-197 has been amended from time to time since it was formally adopted by Ordinance L-270; and

**WHEREAS**, the City of Fort Pierce Planning Board held a properly noticed hearing at a regularly scheduled meeting to consider the revisions, and at their \_\_\_\_\_, 2022, meeting, voted \_\_\_\_\_ to recommend Approval of the request.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida:

**SECTION 1.** Chapter 125 – Zoning, Article IV, Basic Zoning Districts, Edgartown Settlement (ES) Zoning District, Section 125-197, Subsection (a) is hereby amended as follows:

- (a) *Purpose.* The Edgartown Settlement zoning district is intended to provide for a mix of uses integrating small scale, compatible commercial uses, public uses, and accessory dwelling units into an existing urban residential neighborhood with access to multi-modal transit options and adjacency to a mixed use downtown area; to create new housing units while respecting the scale of the neighborhood; to increase the housing stock in a manner that is less intense than alternatives; to allow more efficient use of existing housing stock and infrastructure; to provide a mix of housing that responds to changing family needs and smaller households; and to provide a broader range of accessible and more affordable housing.

**SECTION 2.** Chapter 125 – Zoning, Article IV, Basic Zoning Districts, Edgartown Settlement (ES) Zoning District, Section 125-197, Subsection (b) is hereby amended as follows:

~~(b) — *Density calculations.* Density is calculated based on the ES boundaries, as defined on Map 1-1, per future land use density caps of the subject properties. A total of 137 dwelling units are permitted within the map area, regardless of lot configuration and size. Maximum density is not calculated based on each lot as it is subdivided.~~

(b) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this sub-section, except where the context clearly indicates a different meaning:

Accessory dwelling unit (ADU). A second dwelling subordinate in size to the principal dwelling unit on the lot, located in an accessory structure.

Accessory structure. A structure located on the same lot with the main building, detached or attached, and is subordinate and incidental to the primary or accessory uses of the site.

Artisan manufacturing. On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations, on site-retail or storage, and occupying no more than 1,000 square feet of gross floor area.

Catering. An establishment that supplies food to be consumed off-premises.

Childcare. Day care home or day care center (as licensed by the state) which provides regular shelter, care, activity, and supervision for children. Academic instruction may or may not be included.

Community Garden. Vacant land used for vegetable, fruit or flower gardening by individuals or groups in order to strengthen the community food system.

Cultural/community. Uses of a public, nonprofit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis.

Detached dwelling. A principal residential building containing one dwelling unit.

Detached garage. An accessory structure detached from the primary structure onsite which is designed for the storage of vehicles.

Eating and drinking establishment; brewpub. A restaurant or pub which also brews beer on-site.

Eating and drinking establishment; neighborhood bistro. An eating establishment that may serve wine, beer, or other alcohol, but does not have a separate bar with seating.

Eating and drinking establishment; wine and cigar bar. A bar that serves only wine and beer and may or may not serve food.

Habitable space. An insulated, finished living space.

Microbrewery. A craft beer brewery with a production of less than 15,000 barrels per year.

Mixed use. A structure which contains a commercial or public use on the ground floor, with residential uses located above and/or to the rear of the commercial or public use on the ground floor.

Office. A location at which the affairs of a business, profession, service industry or government are conducted.

Overnight accommodations, bed and breakfast. Overnight accommodations, serving breakfast, and located in an owner-occupied residential structure, offering up to eight guest rooms.

Overnight accommodations, boutique hotel. Overnight accommodations which include an amenity such as a restaurant or spa, offering up to 18 rooms and located within a structure of residential building typology.

Overnight accommodations, vacation rental. Vacation rentals shall be as defined in Chapter 22, Article X – Short Term and Vacation Rental Regulations.

Park and open space. A public or private area of land, with or without buildings, opens to the public for outdoor active or passive recreational uses.

Pedicabs. Any vehicle with three or more wheels propelled solely by human power, which is used for transporting passengers for consideration.

Primary use. A permitted or conditional use of a property as defined by the ES use table, classifications, definitions, and standards.

Retail sales, service, and repair (light). Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal or repair services to the general public.

Rowhouse. A single dwelling unit in a rowhouse group.

Rowhouse group. At least three and no more than six contiguous rowhouses located on conforming rowhouse lots.

Two-unit residential. A structure used for two separate dwelling units, having the exterior appearance of a detached dwelling, each unit having private egress or a common stairwell egress.

Urban food production. The use of land for growing crops for sale off premises to support the community food system.

**SECTION 3.** Chapter 125 – Zoning, Article IV, Basic Zoning Districts, Edgartown Settlement (ES) Zoning District, Section 125-197, Subsection (d) is hereby amended as follows:

~~(d) — Intensity and dimensional standards.~~

~~(1) — Lot types.~~

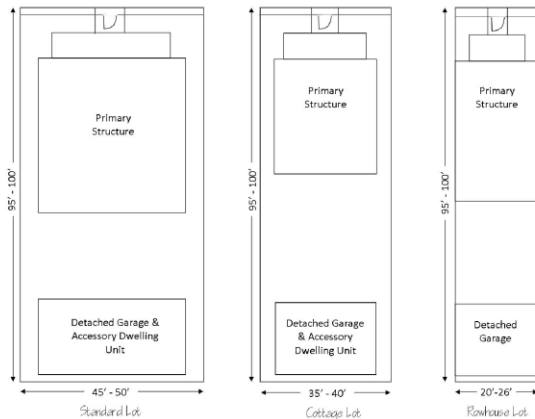
~~a. — Standard lot: 45 feet to 50 feet wide lots reflective of the existing historic development pattern of the neighborhood. Standard lots are permitted fronting on any vehicular right-of-way and require rear alley access for new subdivision. Standard lots permit up to a 2½ story primary structure as well as a detached garage with an accessory dwelling unit located above the garage. Up to three separate primary uses are permitted: two uses in the primary structure, and one in the accessory dwelling unit. Accessory uses are permitted in addition to the primary permitted uses.~~

~~b. — Cottage lot: 35 feet to 40 feet wide lots which permit a small scale, tightly knit pedestrian court type of housing. Cottage lots are permitted fronting a pedestrian-only right-of-way in groups of at least three contiguous lots. Rear access alley access is required for new subdivision. Cottage lots permit a 1½ story primary structure as well as a detached garage with an accessory dwelling unit located above the garage. Up to two separate primary uses are permitted: One use in the primary structure and one use in the~~

~~accessory dwelling unit. Accessory uses are permitted in addition to the primary permitted uses.~~

~~c. Rowhouse lot: 20-foot wide lot in a group of at least three but no more than ten contiguous lots (rowhouse group), with separate dwelling units attached horizontally in a linear arrangement to one or more rowhouse units. Rowhouse groups are permitted along any vehicular right-of-way and require rear alley access for new subdivision. Each lot permits a two-story connected rowhouse and a detached garage. Accessory dwelling units are not permitted. One use is permitted on a rowhouse lot in the primary structure. Accessory uses are permitted in addition to the primary use.~~

~~Edgartown Settlement (ES) Zoning District Lot Types~~



~~(2) Dimensional standards.~~

	Standard	Cottage	Rowhouse
Lot area, minimum	4,275 s.f.	3,325 s.f.	1,900 s.f.
Lot width, minimum	45'	35'	20'
Lot depth, minimum	95'	95'	95'
Lot coverage, maximum	60 percent	50 percent	70 percent
Build-to, front, including porch	6'	6'	6'
Build-to, side corner	8'	6'	6'
Build-to, side corner including porch	6'	6'	6'
Setback, side, minimum	5'	4'	0'
Setback, rear, primary structure, minimum	40'	40'	40'
Build-to, rear, detached garage	2'	2'	2'
Building height, maximum	2.5 stories	1.5 stories	2 stories
Accessory dwelling permitted	Yes	Yes	No
Uses allowed per lot (total)	3	2	1
Dwelling units per lot	2	2	1
Lot area per dwelling	2137	1662	1900
Fence/wall height, front yard	4'	4'	N/A

Fence/wall setback, front yard	2'	2'	N/A
Fence/wall height, rear yard	6'	6'	6'

a. ~~Additional dimensional standards and definitions.~~

~~1. *Alleys.* Functional public-access alleys which connect a property to a public right-of-way are required prior to any subdivision of land, and when constructing a rear-access garage/accessory dwelling unit. If an alley does not yet exist, the applicant shall work with the planning department to secure required land, plat and construct said alley portion to city standards.~~

~~2. *Building height.* Measured from base flood elevation (BFE) to top of eave. First story may measure up to 12 feet in height; subsequent stories may measure up to nine feet in height. Roofs and incorporated architectural features such as cupolas and widows walks are not included in building height unless habitable space is incorporated within, such as a half-story. Half stories shall be incorporated into a sloped roof line with dormers and gables, and may exceed nine feet at the peak of roof. All new construction shall follow historic construction patterns of building the first floor elevation at least 1½ feet to two feet above grade on a stem wall or pillars even if BFE is lower. In such case, building height shall be measured from first floor elevation.~~

~~3. *Contextual build-to/setback.* When subject lot is adjacent to lots with existing structures, the director of planning may permit a contextual setback/build-to based on an average of the requirement and the adjacent properties.~~

~~4. *Porches.* All new construction shall incorporate an open, covered, eight feet deep front porch. On corner lots, open, covered side porches are encouraged but not required.~~

~~5. *Parking.* No off-street parking is required for any use. Any proposed off-street parking shall be located to the rear of the property behind the primary structure, and served by an alley.~~

~~6. *Uses allowed per lot, total.* Indicates the total number of primary uses (does not include accessory uses) allowed on a specific lot type. For instance, a standard lot could have one commercial use, and two residential dwelling units, or two commercial uses and one residential dwelling unit. The combination of uses is limited only by dwelling units per lot, imposed by density constraints. Accessory uses, regulated by separate standards, are allowed in addition to primary uses.~~

~~7. *Variances.* The historic preservation board shall have the power to waive, with or without conditions, subdivision and general dimensional standards in the Edgartown Settlement zoning district of those properties designated by the city commission as historic sites, either individual sites or buildings within districts under the following standards for review. The proposed variance shall further the continued preservation of the historic site or historic district more appropriately than adherence to the subject regulation. The board shall only grant such variances when an application for a certificate of appropriateness has been issued to promote preservation, rehabilitation or restoration. In carrying out this responsibility, the historic preservation board must follow the same procedures specified for the board of adjustment in division 3 of article II of this chapter.~~

(d) Uses allowed.

(1) *Permitted uses.* Uses identified with a "P" in Chart 1-1, use table are permitted as-of-right, subject to any listed use standards and all other applicable standards of this Code.

(2) *Conditional uses.* Uses identified with a "C" in Chart 1-1, use table may be allowed if reviewed and approved in accordance with conditional use criteria and

procedures of the land development regulations. Conditional uses are subject to compliance with any listed use standards and all other applicable standards of this Code.

(3) Accessory uses. Uses identified with an "A" in Chart 1-1, use table are subordinate to a primary use of the property, shall not be located within any front facade bay, and are subject to any listed use standard, and to all other applicable standards of this Code. All accessory uses shall be located either within the rear section of the primary structure, within the rear yard or within an accessory structure at the rear of the property. Few customers, especially the general public, come to the site to access the use. All accessory uses in total may occupy no more than 20 percent of the parcel's total lot area.

<u>Chart 1-1 Uses Allowed</u>	
<u>P – Permitted Use; C – Conditional Use; A – Accessory Use</u>	
<u>RESIDENTIAL</u>	
<u>Detached dwelling</u>	<u>P</u>
<u>2—4 Units</u>	<u>P</u>
<u>Rowhouse</u>	<u>P</u>
<u>Vertical or horizontal mixed use</u>	<u>P</u>
<u>Accessory dwelling unit/detached garage</u>	<u>A</u>
<u>PUBLIC AND CIVIC</u>	
<u>Cultural/Community</u>	<u>P</u>
<u>Community garden</u>	<u>P</u>
<u>Childcare</u>	<u>P</u>
<u>Park and open space</u>	<u>P</u>
<u>COMMERCIAL/BUSINESS</u>	
<u>Adaptive re-use of historic structure</u>	<u>C</u>
<u>Artisan manufacturing</u>	<u>A</u>
<u>Catering</u>	<u>A</u>
<u>Office</u>	<u>P</u>
<u>Pedicabs</u>	<u>P</u>
<u>Retail sales</u>	<u>P</u>
<u>Retail service</u>	<u>P</u>
<u>Retail repair (light)</u>	<u>P</u>
<u>Urban food production</u>	<u>A</u>
<u>Brewpub</u>	<u>P</u>

<u>Neighborhood bistro</u>	<u>P</u>
<u>Wine/Cigar bar</u>	<u>P</u>
<u>ACCOMMODATION</u>	
<u>Bed and breakfast</u>	<u>P</u>
<u>Boutique hotel</u>	<u>P</u>
<u>Vacation rental</u>	<u>P</u>

**SECTION 4.** Chapter 125 – Zoning, Article IV, Basic Zoning Districts, Edgartown Settlement (ES) Zoning District, Section 125-197, Subsection (e) is hereby amended as follows:

~~(e) — Uses allowed.~~

~~(1) — Permitted uses. Uses identified with a "P" in chart 1-1, use table are permitted as-of-right, subject to any listed use standards and all other applicable standards of this Code.~~

~~(2) — Conditional uses. Uses identified with a "C" in chart 1-1, use table may be allowed if reviewed and approved in accordance with conditional use criteria and procedures of the land development regulations. Conditional uses are subject to compliance with any listed use standards and all other applicable standards of this Code.~~

~~(3) — Accessory uses. Uses identified with an "A" in chart 1-1, use table are subordinate to a primary use of the property, shall not be located within any front facade bay, are subject to any listed use standards, and to all other applicable standards of this Code. All accessory uses shall be located either within the rear section of the primary structure, within the rear yard (subject to approval by the director of planning) or within an accessory structure at the rear of the property, accessible by an alley. Few customers, especially the general public, come to the site to access the use. All accessory uses in total may occupy no more than 20 percent of the parcel's total lot area.~~

<del>Chart 1-1 Uses Allowed</del>	
<del>Residential</del>	<del>Permitted/Conditional/Accessory</del>
<del>Detached dwelling</del>	<del>P</del>
<del>2—4 Units</del>	<del>P</del>
<del>Rowhouse</del>	<del>P</del>
<del>Vertical mixed use</del>	<del>P</del>
<del>Accessory dwelling unit/detached garage</del>	<del>A</del>
<del>Public and Civic</del>	<del>Permitted/Conditional/Accessory</del>
<del>Cultural/Community</del>	<del>P</del>
<del>Community garden</del>	<del>P</del>
<del>Childcare</del>	<del>P</del>
<del>Park and open space</del>	<del>P</del>
<del>Commercial</del>	<del>Permitted/Conditional/Accessory</del>
<del>Adaptive re-use of historic structure</del>	<del>G</del>
<del>Artisan manufacturing</del>	<del>A</del>
<del>Catering</del>	<del>A</del>
<del>Eating and drinking establishments</del>	<del>Permitted/Conditional/Accessory</del>
<del>Brewpub</del>	<del>P</del>
<del>Neighborhood bistro</del>	<del>P</del>

Wine/Cigar bar	P
Office	P
Overnight Accommodations	Permitted/Conditional/Accessory
Bed and breakfast	P
Boutique hotel	P
Vacation rental	P
Pedicabs	P
Retail sales	P
Retail service	P
Retail repair (light)	P
Urban food production	A

~~(4) — Use definitions, classifications and standards.~~

~~a. — Residential uses.~~

~~1. — Detached dwelling. A principal residential building containing one dwelling unit.~~

~~2. — Two-unit residential. A structure used for two separate dwelling units, having the exterior appearance of a detached dwelling, each unit having private egress or a common stairwell egress.~~

~~3. — Rowhouse. A single dwelling unit in a rowhouse group.~~

~~(i) — Use standards.~~

~~A. — Rowhouse group. A rowhouse group must be comprised of at least three and no more than ten contiguous rowhouses located on conforming rowhouse lots.~~

~~B. — Site design. Each unit's entrance is located on its fully exposed front facade, within a covered porch, and has a fully exposed rear facade opening to a private, fenced or walled rear yard and detached garage with access to a functioning alley.~~

~~4. — Vertical mixed use. A structure which contains a commercial or public use on the ground floor, with residential uses located above and/or to the rear of the commercial or public use on the ground floor.~~

~~5. — Accessory dwelling unit (ADU). A second dwelling subordinate in size to the principal dwelling unit on the lot, located in an accessory structure with access to a rear-access alley. Such structure shall be designed to respect the historic, small-scale residential detached building typology in the Edgartown Settlement Preservation Area, as well as the architectural design of the primary structure on the site. Accessory dwelling units may or may not include a detached garage. A detached garage may be constructed without an incorporated accessory dwelling unit. Accessory dwelling units are encouraged in the ES zoning district to:~~

~~(i) — Create new housing units while respecting the scale of the neighborhood;~~

~~(ii) — Increase the housing stock in a manner that is less intense than alternatives;~~

~~(iii) — Allow more efficient use of existing housing stock and infrastructure;~~

~~(iv) — Provide a mix of housing that responds to changing family needs and smaller households;~~

~~(v) — Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and~~

~~(vi) — Provide a broader range of accessible and more affordable housing.~~

~~6. — Use standards.~~

~~(i) — Build-to-line, rear: two feet.~~

~~(ii) — Build-to, side corner: eight feet; or with porch: six feet.~~

~~(iii) — Setback, side: five feet.~~

~~(iv) — Building height. No greater than height of principal structure unless granted variance. Maximum height of proposed structure may not exceed the maximum height allowed on subject lot. The historic preservation board will act as the decision-making body for this variance.~~

~~(v) — Massing. No greater than mass of principal structure unless granted variance. The historic preservation board will act as the decision-making body for this variance.~~

~~(vi) — Parking. No additional parking is required for the ADU.~~

~~(vii) — Architectural compatibility. Architectural style and building materials shall be compatible with the primary structure's architectural style. Architectural compatibility is not synonymous with an exact mimicking of the primary structure's design and materials.~~

~~(viii) — Variance standards.~~

~~A. — Only properties which contain contributing historic structures are eligible for building height or massing variances. Detached garages without ADUs incorporated may also be eligible for building height and massing variances if located on a site with a contributing historic structure.~~

~~B. — Shall be sited, designed and landscaped in such a manner that size and/or height does not overwhelm the principal structure as viewed from the right-of-way.~~

~~b. — *Public and civic uses.*~~

~~1. — *Cultural/community.* Uses of a public, nonprofit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis.~~

~~2. — *Community garden.* Vacant land used for vegetable, fruit or flower gardening by individuals or groups in order to strengthen the community food system.~~

~~3. — *Use standards.*~~

~~(i) — *Compatibility.* No adverse impacts to adjacent properties such as persistent odor, light, vibration, visual blight or chemical drift.~~

~~(ii) — *Xeriscape.* Water source shall be reclaimed on-site or off-site water, i.e., rain barrel, sub-grade or landscape-screened cistern, etc.~~

~~(iii) — *Top soil retention.* Site shall be configured in such a way that no exposed soil shall be prone to stormwater runoff.~~

~~(iv) — *Outdoor storage.* All equipment and materials shall be enclosed within a permitted structure. Compost shall be screened with landscaping.~~

~~(v) — *Ownership.* Owner of site shall provide a written agreement allowing the site to be used as a community garden.~~

~~c. — *Childcare.* Day care home or day care center (as licensed by the state) which provides regular shelter, care, activity and supervision for children. Academic instruction may or may not be included.~~

~~1. — Use standards.~~

~~(i) — *Arrival and departure.* Site design must provide for the safe arrival and departure of children.~~

~~A. — *Traffic.* Drop-off areas must be arranged so that an adult can remove a child from the pedestrian side of the vehicle and proceed directly to the front entrance on a sidewalk.~~

~~B. — *Security.* The entrance must be readily identifiable and accessible to emergency personnel. The location must allow for all entrances and exits to be secured, with a secured play yard perimeter and controlled access.~~

~~(ii) — *Exterior play yards.* The site shall provide an outdoor play yard and amenities. Play yards should provide for a variety of developmentally appropriate activities and amenities per the below standards:~~

~~A. — *Sunlight and shade.* Play yards should have exposure to both shade and sunlight. Additional shade trees or tree pruning may be required to create a balance of shade and sun in the play yard.~~

~~B. — *Amenities.* Select three or more amenities below for the outdoor play yard:~~

~~1. — *Open or screened porch.* Porches are highly desirable play elements as they provide for outdoor play in inclement or hot weather. Porches are a significant architectural symbol of a nurturing environment and provide a transition to the natural elements.~~

~~2. — *Circulation.* Dedicated, hard surface, connected pathways for wheeled toys of at least five feet in width, allowing two tricycles to pass, as well as provision of wheeled toys to ride, and a wheeled-toy parking area off the paths.~~

~~3. — *Shaded seating.* Provide seating in a shaded area with views to other areas of the play yard. Such seating may include benches, tables and chairs, picnic table, and/or chair and easel.~~

~~4. — *Sand and water play.* Sand and/or water tables at children's height with areas for sand and/or water, flat surface building area, storage areas for spoons, shovels, toy vehicles, buckets. Sand tray area must be fitted with removable cover to protect from rodent or small animal intrusion.~~

~~5. — *Dramatic play area.* Stage and/or shaded play house structure with seating, including props for dramatic play. Play house area should be adjacent to circulation paths to incorporate paths and parking areas into make-believe play.~~

~~6. — *Large motor play area.* Options include superstructure playground equipment with climbing obstacles, climb-through tunnels and slides, berms that create small hills, large rocks for climbing, or open, grassy yard area for running and games.~~

~~7. — *Infant play area.* Separate space consisting of soft exterior paving materials that protect crawling children and provide a comfortable surface for seating, exposed to the natural element but shaded from direct sun. Appropriate activities within the area include crawling spaces with slight inclines or undulations; low barriers to climb over, pull up bars, low platforms, and low slope slides. A place hard enough to use wheeled and push toys may also be included.~~

~~8. — *Children's garden.* Garden area for planting, tending and harvesting of fruits, vegetables and flowers.~~

~~9. — *Quiet space.* Quieter space set apart from active area such as a labyrinth walking path, shaded or sunny seating niches for reading, or easels for art.~~

~~C. — *Alternative compliance.* When play yard areas cannot be provided in compliance with these criteria due to site constraints, the center may propose access to alternate play areas for large motor skill development. These may include public parks with appropriate play equipment within one-fourth mile of the childcare center, provided safe pedestrian routes with adequate sidewalks and crosswalks are identified.~~

~~D. — *Fencing.* Play yards must be enclosed by fences to define and secure the play yard. Chainlink is not an acceptable material. The material chosen must have no sharp exposed connections. When play yards are located adjacent to a street, raised planters should be incorporated into fencing design to create a more secure barrier between an errant vehicle and children in the play yard.~~

~~d. — *Park and open space.* A public or private area of land, with or without buildings, opens to the public for outdoor active or passive recreational uses.~~

~~e. — *Commercial uses.*~~

~~1. — Use standards, applicable to all commercial uses, in addition to use standards for specific primary uses.~~

~~(i) — *Size:* 2,000 square feet, max per tenant.~~

~~(ii) — *Hours of operation:* No business may operate between the hours of 11:00 p.m. and 7:00 a.m.~~

~~(iii) — *Parking, off-street; not required.* When provided, parking shall be located to the rear of the primary structure and accessed by a rear access alley.~~

~~(iv) — *Parking, on-street.* If on-street parking is not present on all adjacent rights-of-way, the applicant shall be required to install adopted streetscape improvements for deficient street, including on-street parking, street trees, lighting and sidewalks.~~

~~(v) — *Compatibility.* No adverse impacts to adjacent properties such as persistent light, odor, vibration, noise or visual blight.~~

~~2. — Adaptive re-use of a historic structure. Provides for a wider variety of allowed uses than those allowed in the existing zoning district for structures designated as contributing or individually designated historic structures on the city register of historic places. A proposed use not listed as permitted or conditional in the ES zoning district may be applied for through this adaptive re-use conditional use process. The historic preservation board will act as the decision-making body for this conditional use.~~

~~(i) — Use standards.~~

~~A. — *Architectural character.* The proposed use and any subject alterations shall maintain the architectural character of the historic property and modifications shall be governed by the Secretary of the Interior's Standards for the Treatment of Historic Properties.~~

~~B. — *Historic character.* The proposed use shall promote the preservation of the historic character of the historic district or, if the structure is individually designated, shall benefit the character of the surrounding neighborhood.~~

~~C. — *Comprehensive plan.* The proposed conditional use is consistent with the comprehensive plan.~~

~~D. — *Concurrency.* The proposed conditional use will not cause the level of service of public facilities that are subject to concurrency requirements to drop below levels of service established by the comprehensive plan.~~

~~E. — *Compatibility.* The proposed conditional use at the proposed location will not result in adverse impacts to adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may exist in the future.~~

~~Existing regulations are in place to mitigate potential adverse impacts of the proposed conditional use, or reasonable conditions can be imposed and enforced to mitigate potential adverse impacts.~~

~~3. — Artisan manufacturing. On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations or storage, and occupying no more than 1,000 square feet of gross floor area.~~

~~(i) — Use classifications (examples). Cabinetry; art fabrication; microbrewing without a retail or restaurant component; ceramics.~~

~~4. Catering. An establishment that supplies food to be consumed off-premises.~~

~~5. Eating and drinking establishment; brewpub. A restaurant or pub which also brews beer on-site.~~

~~(i) Use standards.~~

~~Table of Use Standards~~

<del>Size, Restaurant/Pub</del>	<del>1,500 s.f. max interior; 800 s.f. max exterior</del>
<del>Size, Brewing facilities</del>	<del>2,000 s.f. max; up to 4,000 s.f. with Conditional Use</del>
<del>Location, Restaurant/Pub</del>	<del>Front facade bay</del>
<del>Location, Brewing facilities</del>	<del>Accessory to restaurant/pub and located to the rear of restaurant/pub. May be integrated into design of restaurant/pub area. Brewing facilities may also be located in an accessory structure to the rear of the site.</del>
<del>Hours of Operation</del>	<del>No later than 11:00 p.m.</del>
<del>Live Entertainment</del>	<del>Outside: Acoustic only and permitted no later than 9:00 p.m.</del>
	<del>Inside: No music audible outside establishment after 9:00 p.m.</del>

~~6. Eating and drinking establishment; neighborhood bistro. An eating establishment that may serve wine, beer or other alcohol, but does not have a separate bar with seating.~~

~~(i) Use standards.~~

<del>Size:</del>	<del>1,500 s.f. max interior; 800 s.f. max exterior</del>
<del>Hours of Operation:</del>	<del>7:00 a.m. to 11:00 p.m.</del>
<del>Live Entertainment:</del>	<del>Acoustic only, permitted outside until 9:00 p.m., permitted inside until 11:00 p.m.; no music of any kind may be audible outside establishment after 9:00 p.m.</del>

~~7. Eating and drinking establishment; wine and cigar bar. A bar that serves only wine and beer, and may or may not serve food.~~

~~(i) Use standards.~~

<del>Size:</del>	<del>1,500 s.f. max, interior; 800 s.f. max, exterior.</del>
<del>Hours of operation:</del>	<del>No later than 11:00 p.m.</del>
<del>Live entertainment:</del>	<del>Acoustic only, permitted outside until 9:00 p.m., permitted inside until 11:00 p.m.; no music of any kind may be audible outside establishment after 9:00 p.m.</del>
<del>Mixed Use:</del>	<del>If mixed use, premises shall be fitted with filtration system so as to not allow smoke odors to leave the premises and infiltrate surrounding or attached businesses or residences. Smoking is not permitted on outdoor areas if part of a mixed use site.</del>

~~8.— *Office.* A location at which the affairs of a business, profession, service industry or government are conducted.~~

~~9.— *Overnight accommodations, bed and breakfast.* Overnight accommodations, serving breakfast, and located in an owner-occupied residential structure, offering up to eight guest rooms.~~

~~10.— *Overnight accommodations, boutique hotel.* Overnight accommodations which include an amenity such as a restaurant or spa, offering up to 18 rooms and located within a structure of residential building typology.~~

~~11.— *Overnight accommodations, vacation rental.* A detached dwelling or apartment within a building of residential building typology which is rented out for the purposes of providing accommodations for less than six months to tourists.~~

~~(i) — Use standards.~~

~~A.— A separate entrance shall be provided for each unit to the exterior or to an interior, secure common area.~~

~~B.— A business license shall be required for each vacation rental unit.~~

~~C.— Such units shall be managed by either a state-licensed property management agent or the owner-occupant residing in another unit, and shall collect and pay all applicable taxes.~~

~~D.— Current contact information for the management agency or owner-occupant shall be displayed in an accessible location outside the vacation rental.~~

~~12.— *Pedicabs.* Any vehicle with three or more wheels propelled solely by human power, which is used for transporting passengers for consideration, subject to the use standards found in section 125-157(2)c.1.B.~~

~~13.— *Retail sales.* Companies or individuals involved in the sale, lease or rental of new or used products, or providing personal or repair services to the general public.~~

~~(i) — Use classifications (examples):~~

~~A.— *Sales oriented.* Examples of sales-oriented retail sales and service include stores selling, leasing or renting consumer, home and business goods including alcoholic beverages; antiques; small appliances; art; art supplies; baked goods; bicycles; books; cameras; carpet and floor coverings; crafts; clothing; computers; convenience goods; dry goods; electronic equipment; fabric; flowers; garden supplies; gifts; groceries; hardware; household products; jewelry; medical supplies; microbreweries with a retail off-premises sales component; musical instruments; neighborhood commercial sales; pet food and/or pets; pharmaceuticals; photo finishing; picture frames; plants; printed material; produce; sporting goods; seafood retailers and markets; stationery; tobacco and related products and videos.~~

~~B.— *Personal service oriented.* Examples of personal service-oriented retail sales and service include animal grooming facilities; health clubs; business, driving, trade and other commercial schools; dance, art, fitness/wellness, gymnastic, yoga or music studios or classes; dry cleaning and laundry drop-off establishments; hair, nail, tanning and personal care services; laundromats; massage therapy; funeral homes; neighborhood commercial services; photocopy, blueprint and quick-sign services; photographic studios; security services and small-scale catering.~~

~~C.— *Repair oriented.* Examples of repair-oriented retail sales and service include locksmiths; small appliances and electronics, bicycles, canvas products, clocks, computers, jewelry, musical instruments, shoes, televisions and watches; and tailors, milliners and upholsterers.~~

~~D.— *Uses not included.* Adult entertainment; large-scale catering; laundry and dry-cleaning plants; lumber yards and other building material sales that sell primarily to~~

~~contractors and do not have a retail orientation; repair and service of motor vehicles, motorcycles, recreational vehicles, boats, light and medium trucks; sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; tattoo or piercing services; exterior freestanding vending machines.~~

~~14. — *Urban food production.* The use of land for growing crops or raising small livestock for sale off premises to support the community food system.~~

~~(i) — Use classifications (examples).~~

~~A. — Gardens to produce food, feed or fiber; raising small animals of less than 20 pounds; apiculture of one hive; aquaculture.~~

~~B. — Uses not included. Community gardens, gardens or fruit trees for any animal which causes excessive noise or odor, such as roosters or peacocks.~~

~~(ii) — Use standards.~~

~~A. — *Size.* No more than ten percent of the site may be dedicated to the use.~~

~~B. — *Compatibility.* No adverse impacts to adjacent properties such as persistent odor, light, vibration visual blight or chemical drift.~~

~~C. — *Xeriscape.* Irrigation source shall be reclaimed on-site or off-site water, i.e., rain barrel, sub-grade or landscape screened cistern, etc.~~

~~D. — *Top soil retention.* Site shall be configured in such a way that no exposed soil shall be prone to erosion.~~

~~E. — *Buffer.* Use shall be buffered from view from any adjacent right-of-way or property by appropriate fencing and/or landscaping.~~

~~F. — *Outdoor storage.* All equipment and materials shall be enclosed within a permitted structure. Compost shall be screened with vegetation or enclosed within a bin.~~

(e) *Density calculations.* Density is calculated based on the ES boundaries, as defined on Figure 1-1, per future land use density caps of the subject properties. A total of 137 dwelling units are permitted within the map area, regardless of lot configuration and size. Maximum density is not calculated based on each lot as it is subdivided.

**SECTION 5.** Chapter 125 – Zoning, Article IV, Basic Zoning Districts, Edgartown Settlement (ES) Zoning District, Section 125-197, Subsection (f) is hereby amended as follows:

~~(f) — *Ancillary definitions.*~~

~~*Accessory structure* means a structure located on the same lot with the main building, detached or attached, and is subordinate and incidental to the primary or accessory uses of the site.~~

~~*Apiculture* means beekeeping of one or more hives along with associated equipment for the extraction of honey.~~

~~*Aquaculture* means the farming of aquatic organisms such as fish, crustaceans, mollusks and aquatic plants. Aquaculture involves cultivating freshwater and saltwater populations under controlled conditions.~~

~~*Community food system* means a local or regional food system in which food production, processing, distribution and consumption are integrated to enhance the environmental, economic, social and nutritional health of a particular place. Four aspects distinguish community food systems from the globalized food systems: food security, proximity, self-reliance and sustainability.~~

~~(1) — Food security is a key goal of community food systems. While food security traditionally focuses on individual and household food needs, community food security addresses food access within a community context, especially for low-income households. It has a simultaneous goal of developing local food systems.~~

~~(2) — Proximity refers to the distance between various components of the food system. In community food systems such distances are generally shorter than those in the dominant or global food system. This proximity increases the likelihood that enduring relationships will form between different stakeholders in the food system; farmers, processors, retailers, restaurateurs, consumers, etc.~~

~~(3) — Self-reliance refers to the degree to which a community meets its own food needs. While the aim of community food systems is not total self-sufficiency (where all food is produced, processed, marketed and consumed within a defined boundary), increasing the degree of self-reliance for food, to be determined by a community partnership, is an important aspect of a community food system.~~

~~(4) — Sustainability refers to following agricultural and food system practices that do not compromise the ability of future generations to meet their food needs. Sustainability includes environmental protection, profitability, ethical treatment of food system workers, and community development. Sustainability of the food and agriculture system is increased when a diversified agriculture exists near strong and thriving markets, when non-renewable inputs required for every step in the food system are reduced, when farming systems rely less on agri-chemical fertilization and pest control, and when citizen participation in food system decision-making is enhanced.~~

~~Detached garage means an accessory structure detached from the primary structure onsite which is designed for the storage of vehicles, which has legal access to and is served by a rear access alley.~~

~~Habitable space means insulated, finished living space.~~

~~Microbrewery means craft beer brewery with a production of less than 15,000 barrels per year, accessory to either a restaurant/pub (brewpub) or to a retail, off-premises sales establishment located on the front facade. Microbreweries may also be an accessory use to an alternate primary use if no retail or restaurant component is proposed, provided it meets the use standards of accessory use. Shall include a filtration system so as to not allow odors to leave the premises.~~

~~Primary use means a permitted or conditional use of a property as defined by the ES use table, classifications, definitions and standards.~~

(f) Development standards.

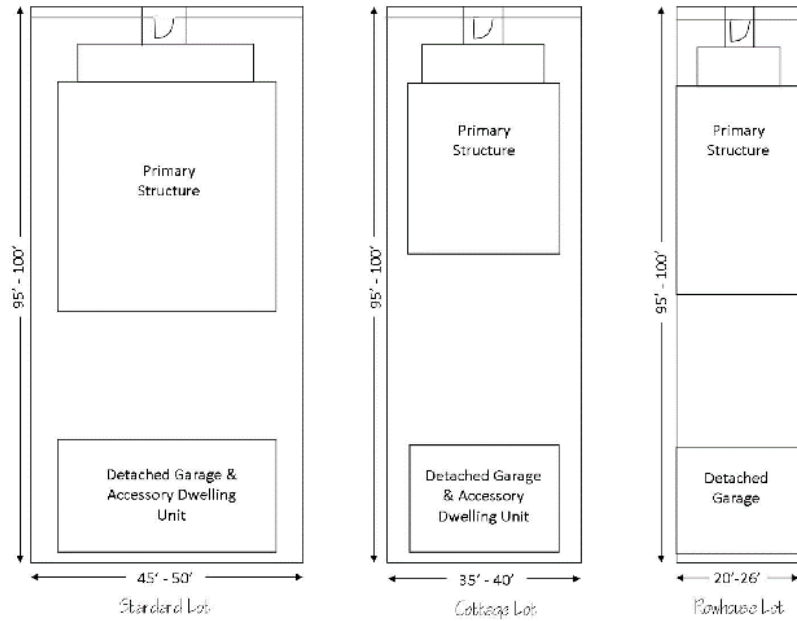
(1) Standard lot: 45 feet to 50 feet wide lots reflective of the existing historic development pattern of the neighborhood. Standard lots are permitted fronting on any vehicular right-of-way. Standard lots permit up to a 2½ story primary structure as well as a detached garage with an accessory dwelling unit located above the garage. Up to three separate primary uses are permitted: two uses in the primary structure, and one in the accessory dwelling unit. Accessory uses are permitted in addition to the primary permitted uses.

(2) Cottage lot: 35 feet to 40 feet wide lots which permit a small scale, tightly knit pedestrian court type of housing. Cottage lots are permitted fronting a pedestrian-only right-of-way in groups of at least three contiguous lots. Cottage lots permit a two-story primary structure as well as a detached garage with an accessory dwelling unit located above the garage. Up to two separate primary uses are permitted: One use in the primary structure and one use in the accessory dwelling unit. Accessory uses are permitted in addition to the primary permitted uses.

(3) Rowhouse lot: 20 feet wide lot in a group of at least three but no more than six contiguous lots (rowhouse group), with separate dwelling units attached horizontally in a linear arrangement. Rowhouse groups are permitted along any vehicular right-of-way. Each lot permits a two-story connected rowhouse and a detached garage. Accessory dwelling units are not permitted. One primary use is permitted on a rowhouse lot in the primary structure. Accessory uses are permitted in addition to the primary use.

(4) Lot types:

**Edgartown Settlement (ES) Zoning District Lot Types**



(5) Lot dimensional standards.

	<u>Standard</u>	<u>Cottage</u>	<u>Rowhouse</u>
<u>Lot area, minimum</u>	<u>4,275 s.f.</u>	<u>3,325 s.f.</u>	<u>1,900 s.f.</u>
<u>Lot width, minimum</u>	<u>45'</u>	<u>35'</u>	<u>20'</u>
<u>Lot depth, minimum</u>	<u>95'</u>	<u>95'</u>	<u>95'</u>
<u>Lot coverage, maximum</u>	<u>60 percent</u>	<u>60 percent</u>	<u>70 percent</u>
<u>Build-to, front, including porch</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>
<u>Build-to, side corner including porch</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>
<u>Setback, side, minimum</u>	<u>5'</u>	<u>4'</u>	<u>0'</u>
<u>Setback, rear, primary structure, minimum</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>
<u>Build-to, rear, detached garage</u>	<u>2'</u>	<u>2'</u>	<u>2'</u>
<u>Building height, maximum</u>	<u>2.5 stories</u>	<u>1.5 stories</u>	<u>2 stories</u>
<u>Accessory dwelling permitted</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u>Uses allowed per lot (total)</u>	<u>3</u>	<u>2</u>	<u>1</u>
<u>Dwelling units per lot</u>	<u>2</u>	<u>2</u>	<u>1</u>
<u>Fence/wall height, front yard</u>	<u>4'</u>	<u>4'</u>	<u>N/A</u>
<u>Fence/wall setback, front yard</u>	<u>2'</u>	<u>2'</u>	<u>N/A</u>
<u>Fence/wall height, rear and side yard</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>

(6) Additional dimensional standards and definitions.

a. Building height. Measured from first floor elevation to top of eave. Roofs and incorporated architectural features such as cupolas and widow's walks are not included in building height unless habitable space is incorporated within half stories shall be incorporated into a sloped roof line with dormers and gables. All new construction shall follow historic construction patterns of building the first-floor elevation at least 1½ feet to two feet above grade on a stem wall or pillars even if base floor is lower.

b. Contextual build-to/setback. When subject lot is adjacent to lots with existing structures, the planning director may permit a contextual setback/build-to based on an average of the requirement and the adjacent properties.

c. Porches. All new construction shall incorporate an open, covered, minimum eight feet deep front porch. On corner lots, open, covered side porches are encouraged but not required.

d. Parking. No off-street parking is required for any use. Any proposed off-street parking shall be located to the rear of the property behind the primary structure.

e. Uses allowed per lot, total. Indicates the total number of primary uses (does not include accessory uses) allowed on a specific lot type. For instance, a standard lot could have one commercial use, and two residential dwelling units, or two commercial uses and one residential dwelling unit. The combination of uses is limited only by dwelling units per lot, imposed by density constraints. Accessory uses, regulated by separate standards, are allowed in addition to primary uses.

f. Variations. The historic preservation board shall have the power to waive, with or without conditions, subdivision, and dimensional standards in the Edgartown Settlement zoning district. The proposed variance shall further the continued preservation of the historic site and historic district more appropriately than adherence to the subject regulation. The board shall only grant such variations when an application for a certificate of appropriateness has been issued to promote preservation, rehabilitation, or restoration. In carrying out this responsibility, the historic preservation board must follow the same procedures specified for the board of adjustment in division 3 of article II of this chapter.

**SECTION 6.** Chapter 125 – Zoning, Article IV, Basic Zoning Districts, Edgartown Settlement (ES) Zoning District, Section 125-197, Subsection (g) is hereby created as follows:

(g) Residential use standards.

(1) Rowhouse standards. Each unit's entrance is located on its fully exposed front facade, within a covered porch, and has a fully exposed rear facade opening to a private, fenced or walled rear yard.

(2) Accessory dwelling unit (ADU) use standards. ADU should be designed to respect the historic, small scale residential detached building typology in the Edgartown Settlement zoning district, as well as the architectural design of the primary structure on the site. Accessory dwelling units may or may not include a detached garage. A detached garage may be constructed without an incorporated accessory dwelling unit.

(3) ADU Development Standards.

- a. Build-to line, rear: two feet.
- b. Build-to, side corner: eight feet; or with porch: six feet.
- c. Setback, side: five feet.
- d. Building height. No greater than height of principal structure unless granted variance. Maximum height of proposed structure may not exceed the maximum height allowed on subject lot. The historic preservation board will act as the decision-making body for this variance.
- e. Massing. No greater than mass of principal structure unless granted variance. The historic preservation board will act as the decision-making body for this variance.
- f. Parking. No additional parking is required for the ADU.
- g. Architectural compatibility. Architectural style and building materials shall be compatible with the primary structure's architectural style.

**SECTION 7.** Chapter 125 – Zoning, Article IV, Basic Zoning Districts, Edgartown Settlement (ES) Zoning District, Section 125-197, Subsection (h) is hereby created as follows:

(h) Public and Civic use standards.

(1) Community Garden standards.

- a. Entrance. Each unit's entrance located on its fully exposed front facade, within a covered porch, and has a fully exposed rear facade opening to a private, fenced or walled rear yard.
- b. Compatibility. Community Gardens shall be subject to the compatibility standards for general commercial uses set forth in Section 125-197(i)(6).
- c. Xeriscape. Water source shall be reclaimed on-site of off-site water, i.e., rain barrel, sub-grade, or landscape-screened cistern, etc.
- d. Topsoil retention. Site shall be configured in such a way that no exposed soil shall be prone to stormwater runoff.
- e. Outdoor storage. All equipment and materials shall be enclosed within a permitted structure. Compost shall be screened with landscaping.
- f. Ownership. Owner of site shall provide a written agreement allowing the site to be used as a community garden.

(2) Childcare. Day care home or day care center standards

- a. Arrival and departure. Site design must provide for the safe arrival and departure of children.

b. Traffic. Drop off areas must be arranged so that an adult can remove a child from the pedestrian side of the vehicle and proceed directly to the front entrance on a sidewalk.

c. Security. The entrance must be readily identifiable and accessible to emergency personnel. The location must allow for all entrances and exits to be secured, with a secured play yard perimeter and controlled access.

d. Exterior play yards. The site shall provide an outdoor play yard and amenities. Play yards should provide for a variety of developmentally appropriate activities and amenities.

e. Fencing. Play yards must be enclosed by fences to define and secure the play yard. Chain-link is not an acceptable material. The material chosen must have no sharp exposed connections. When play yards are located adjacent to a street, raised planters should be incorporated into fencing design to create a more secure barrier between an errant vehicle and children in the play yard.

f. Alternative compliance. When play yard areas cannot be provided in compliance with these criteria due to site constraints, the center may propose access to alternate play areas for large motor skill development. These may include public parks with appropriate play equipment within one-fourth mile of the childcare center, provided safe pedestrian routes with adequate sidewalks and crosswalks are identified.

**SECTION 8.** Chapter 125 – Zoning, Article IV, Basic Zoning Districts, Edgartown Settlement (ES) Zoning District, Section 125-197, Subsection (i) is hereby created as follows:

(i) Commercial general use standards.

(1) Applicability. These standards are applicable to all commercial uses, except as modified by applicable standards for specific primary uses.

(2) Floor Area: 2,000 square feet, maximum per tenant.

(3) Hours of operation: No business may operate between the hours of 11:00 p.m. and 7:00 a.m.

(4) Parking, off-street; not required. When provided, parking shall be located to the rear of the primary structure.

(5) Parking, on-street. If on-street parking is not present on all adjacent rights-of-way, the applicant shall be required to install adopted streetscape improvements for deficient street, including on-street parking, street trees, lighting, and sidewalks.

(6) Compatibility. No business may operate in such a manner that it generates persistent light, odor, vibration, noise, or visual blight of such a nature that it adversely affects the comfort, repose, health, or safety of persons occupying an adjacent property, as deemed by a reasonable person. Compliance with Chapter 26, Article II of this Code shall meet this compatibility requirement regarding the generation of noise.

(7) Adaptive re-use of a historic structure. Provides for a wider variety of allowed uses than those allowed in the existing zoning district for structures

designated as contributing or individually designated historic structures on the city register of historic places. A proposed use not listed as permitted or conditional in the ES zoning district may be applied for through this adaptive re-use conditional use process. The historic preservation board will act as the decision-making body for this conditional use based on the following criteria:

a. *Architectural character.* The proposed use and any subject alterations shall maintain the architectural character of the historic property and modifications shall be governed by the Secretary of the Interior's Standards for the Treatment of Historic Properties.

b. *Historic character.* The proposed use shall promote the preservation of the historic character of the historic district or, if the structure is individually designated, shall benefit the character of the surrounding neighborhood.

c. *Comprehensive plan.* The proposed conditional use is consistent with the comprehensive plan.

d. *Concurrency.* The proposed conditional use will not cause the level of service of public facilities that are subject to concurrency requirements to drop below levels of service established by the comprehensive plan.

e. *Compatibility.* The proposed conditional use at the proposed location will not result in adverse impacts to adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may exist in the future.

f. *Impact.* Existing regulations are in place to mitigate potential adverse impacts of the proposed conditional use, or reasonable conditions can be imposed and enforced to mitigate potential adverse impacts.

**SECTION 9.** Chapter 125 – Zoning, Article IV, Basic Zoning Districts, Edgartown Settlement (ES) Zoning District, Section 125-197, Subsection (j) is hereby created as follows:

(j) *Eating and drinking establishment; brewpub, use standards.*

<u>Size, Restaurant/Pub</u>	<u>1,500 s.f. max interior; 800 s.f. max exterior</u>
<u>Size, Brewing facilities</u>	<u>2,000 s.f. max; up to 4,000 s.f. with Conditional Use</u>
<u>Location, Restaurant/Pub</u>	<u>Front facade bay</u>
<u>Location, Brewing facilities</u>	<u>Accessory to restaurant/pub and located to the rear of restaurant/pub. May be integrated into design of restaurant/pub area. Brewing facilities may also be located in an accessory structure to the rear of the site.</u>
<u>Hours of Operation</u>	<u>Between 7.00 a.m. and 11.00 p.m. only</u>
<u>Entertainment Indoor</u>	<u>Permitted subject to Chapter 26, Article II, Noise.</u>

<u>Entertainment Outdoor</u>	<u>Permitted subject to Chapter 26, Article II, Noise, except that no outdoor entertainment shall occur after 9.00 p.m.</u>
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**SECTION 10.** Chapter 125 – Zoning, Article IV, Basic Zoning Districts, Edgartown Settlement (ES) Zoning District, Section 125-197, Subsection (k) is hereby created as follows:

(k) Eating and drinking establishment; neighborhood bistro, use standards.

<u>Size:</u>	<u>1,500 s.f. max interior; 800 s.f. max exterior</u>
<u>Hours of Operation:</u>	<u>Between 7:00 a.m. to 11:00 p.m. only.</u>
<u>Entertainment Indoor</u>	<u>Permitted subject to Chapter 26, Article II, Noise.</u>
<u>Entertainment Outdoor</u>	<u>Permitted subject to Chapter 26, Article II, Noise, except that no outdoor entertainment shall occur after 9.00 p.m.</u>

**SECTION 11.** Chapter 125 – Zoning, Article IV, Basic Zoning Districts, Edgartown Settlement (ES) Zoning District, Section 125-197, Subsection (l) is hereby created as follows:

(l) Eating and drinking establishment; wine and cigar bar, use standards.

<u>Size:</u>	<u>1,500 s.f. max, interior; 800 s.f. max, exterior.</u>
<u>Hours of operation:</u>	<u>Between 7:00 a.m. to 11:00 p.m. only.</u>
<u>Entertainment Indoor</u>	<u>Permitted subject to Chapter 26, Article II, Noise.</u>
<u>Entertainment Outdoor</u>	<u>Permitted subject to Chapter 26, Article II, Noise, except that no outdoor entertainment shall occur after 9.00 p.m.</u>
<u>Mixed Use:</u>	<u>If mixed use, premises shall be fitted with filtration system so as to not allow smoke odors to leave the premises and infiltrate surrounding or attached businesses or residences. Smoking is not permitted on outdoor areas if part of a mixed-use site.</u>

**SECTION 12.** Chapter 125 – Zoning, Article IV, Basic Zoning Districts, Edgartown Settlement (ES) Zoning District, Section 125-197, Subsection (m) is hereby created as follows:

(m) Vacation rental use standards. Vacation rentals shall be subject to the standards in Chapter 22, Article X – Short Term and Vacation Rental Regulations.

**SECTION 13.** Chapter 125 – Zoning, Article IV, Basic Zoning Districts, Edgartown Settlement (ES) Zoning District, Section 125-197, Subsection (n) is hereby created as follows:

(n) Retail sales, service, and repair (light) use standards.

Use classifications (examples, similar and not limited to):

(1) Sales Oriented. Examples of sales-oriented retail sales and service include stores selling, leasing or renting consumer, home and business goods including alcoholic beverages; antiques; small appliances; art; art supplies; baked goods; bicycles; books; cameras; carpet and floor coverings; crafts; clothing; computers; convenience goods; dry goods; electronic equipment; fabric; flowers; garden supplies; gifts; groceries; hardware; household products; jewelry; medical supplies; microbreweries with a retail off-premises sales component; musical instruments; neighborhood commercial sales; pet food and/or pets; pharmaceuticals; photo finishing; picture frames; plants; printed material; produce; sporting goods; seafood retailers and markets; stationery; tobacco; and related products and videos.

(2) Personal service oriented. Examples of personal service-oriented retail sales and service include animal grooming facilities; health clubs; business, driving, trade and other commercial schools; dance, art, fitness/wellness, gymnastic, yoga or music studios or classes; dry-cleaning and laundry drop-off establishments; hair, nail, tanning and personal care services; laundromats; massage therapy; funeral homes; neighborhood commercial services; photocopy, blueprint and quick-sign services; photographic studios; security services; and small-scale catering.

(3) Repair oriented. Examples of repair-oriented retail sales and service include locksmiths; small appliances and electronics, bicycles, canvas products, clocks, computers, jewelry, musical instruments, shoes, televisions, and watches; and tailors, milliners, and upholsterers.

(4) Uses not included. Adult entertainment; large-scale catering; laundry and dry-cleaning plants; lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation; repair and service of motor vehicles, motorcycles, recreational vehicles, boats, light and medium trucks; sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; tattoo or piercing services; and exterior freestanding vending machines.

**SECTION 14.** Chapter 125 – Zoning, Article IV, Basic Zoning Districts, Edgartown Settlement (ES) Zoning District, Section 125-197, Subsection (o) is hereby created as follows:

(o) Urban food production use standards.

(1) Size. No more than ten percent of the site may be dedicated to the use.

(2) Compatibility. Urban food production shall be subject to the compatibility standards for general commercial uses set forth in Section 125-197(i)(6).

(3) Xeriscape. Irrigation source shall be reclaimed on-site or off-site water, i.e., rain barrel, sub-grade, or landscape-screened cistern, etc.

(4) Topsoil retention. Site shall be configured in such a way that no exposed soil shall be prone to erosion.

(5) Buffer. Use shall be buffered from view from any adjacent right-of-way or property by appropriate fencing and/or landscaping.

(6) Outdoor storage. All equipment and materials shall be enclosed within a permitted structure. Compost shall be screened with vegetation or enclosed within a bin.

(7) Uses not included. Gardens or fruit trees for any animal which causes excessive noise or odor, such as roosters or peacocks.

**SECTION 15.** All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

**SECTION 16.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 17.** This Ordinance shall take effect immediately upon passage.

APPROVED AS TO  
FORM AND CORRECTNESS:

\_\_\_\_\_  
Tanya M. Earley, Esq.  
City Attorney

STATE OF FLORIDA COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 22-033 was duly advertised by title only in the St. Lucie News Tribune on \_\_\_\_\_, 2022; copy of said Ordinance was made available at the Office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on \_\_\_\_\_, 2022; and was duly introduced, read by title only, and passed on second and final reading on \_\_\_\_\_, 2022, by the City Commission of Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Linda Hudson, Mayor

ATTEST:

\_\_\_\_\_  
Linda W. Cox  
City Clerk

(SEAL)