

## 504 Zoning Districts

### 3. Commercial Area.

#### a. Purpose.

The area where future commercial development outside of the village district shall take place. Residential use, except for mobile home parks, will be allowed in the Commercial zoning district. All commercial uses or services must meet the land area of the minimum lot size for a single-family residence.

#### b. Permitted Uses.

1. Accessory Apartment
2. Adult Entertainment Establishment (subject to the provisions of Section 601)
3. Agriculture
4. Amusement Facility
5. Automobile Sales
6. Automotive Repair Services and Garages
7. Bed and Breakfast
8. Boarding and Lodging Facility
9. Boarding Stable
10. Campground
11. Cemetery
12. Commercial School
13. Commercial Tower
14. Community Garden
15. Community Living Facility
16. Contractor's Yard
17. Convalescent or Rest Home
18. Day Care Facility
19. Duplex
20. Essential Services
21. Flea Market
22. Home Occupation
23. Hotel
24. Individual Private Campsite
25. Library
26. Light Manufacturing (subject to the limitations set forth in Section 508)
27. Kennel
28. Manufactured Housing
29. Marina
30. Medical Marijuana Registered Caregiver (subject to the provisions of Section 614)
31. Mineral Exploration
32. Mineral Extraction
33. Mobile Home

34. Mobile Vendor
35. Multi-family Dwelling
36. Municipal Facility
37. Museum
38. Nursing Home
39. Personal Services
40. Place of Worship
41. Private Utility Substation
42. Public Facility
43. Recreational Facility, Indoor
44. Recreational Facility, Outdoor
45. Recreational Facility, Public
46. Residential Dwelling Unit
47. Residential Institution
48. Restaurant
49. Retail Use
50. School
51. Seasonal Dwelling
52. Service Business
53. Solar Energy System, Accessory
54. Solar Farm, Medium
55. Solar Farm, Large
56. Timber Harvesting
57. Wholesale Sales
58. Yard Sale

c. Dimensional Standards.

1. Minimum Lot Size: 40,000 sq ft
2. Net residential density:
  - a. Duplex Dwelling: 30,000 sq ft per dwelling unit
  - b. Multi-family Dwelling: 20,000 sq ft per unit, plus 10,000 sq ft per unit for common space (including roads). In addition to the requirements and regulations set forth in this ordinance, the provisions set forth in Title 30-A MSRA §4364, also apply to affordable housing developments. Multi-family Dwelling developments designated as affordable housing and intended to meet the requirements of Title 30-A MSRA §4364 are eligible for a density bonus. Refer to Section 611 Multi-Family Dwelling for this required density bonus.
3. Minimum Road Frontage: 100 ft
4. Setbacks:
  - a. Minimum Front Setback measured from the right-of-way: 20 ft
  - b. Minimum Side and Rear Setback: 20 ft
  - c. The Code Enforcement Officer may allow for reductions from the Minimum Front, Side and Rear Setback requirements as set forth in Section 208.2 and 208.3.

**Commented [JT1]:** This was settled on 9/19/23

5. Maximum Height: 55 ft
6. Back Lots – does not apply to subdivisions approved after 1986 a.
  - a. Access via Right-of-Way: 20 ft minimum in width
  - b. Minimum Setbacks: 20 ft
  - c. Maximum Height: 55 ft

d. District Standards

- a. When the installation of a sidewalk is not practical at the time of application, the applicant may enter into an agreement with the Town opting to escrow the total cost of materials and installation in the name of the Town of Naples and as agreed to by the Road Commissioner. Escrowed funds would then be used at the Town's discretion for a future sidewalk installation when and where it may be more practical for the Town's needs. The agreement and escrow would satisfy the sidewalk construction requirement for development application approval.

4. Residential Growth Area.

a. Purpose.

The area of the town where residential growth shall be encouraged. The area will allow all types of residential development including mobile home parks.

b. Permitted Uses.

1. Accessory Apartment
2. Agriculture
3. Bed and Breakfast
4. Boarding and Lodging Facility
5. Cemetery
6. Commercial Tower
7. Community Living Facility
8. Community Garden
9. Convalescent or Rest Home
10. Day Care Facility
11. Duplex
12. Essential Services
13. Home Occupation
14. Individual Private Campsite
15. Library
16. Manufactured Housing
17. Medical Marijuana Registered Caregiver (subject to the provisions of Section 614)
18. Mineral Exploration
19. Mobile Home
20. Mobile Home Park
21. Multi-family Dwelling
22. Municipal Facility

23. Museum
  24. Nursing Home
  25. Place of Worship
  26. Public Facility
  27. Residential Dwelling Unit
  28. Residential Institution
  29. School
  30. Seasonal Dwelling
  31. Solar Energy System, Accessory
  32. Solar Farm, Medium
  33. Timber Harvesting
  34. Yard Sale
- c. Dimensional Standards.
1. Minimum Lot Size: 40,000 sq ft
  2. Net residential density:
    - a. Duplex Dwelling: 30,000 sq ft per dwelling unit
    - b. Multi-family Dwelling: 20,000 sq ft per unit, plus 10,000 sq ft per unit for common space (including roads). In addition to the requirements and regulations set forth in this ordinance, the provisions set forth in Title 30-A MSRA §4364, also apply to affordable housing developments. Multi-family Dwelling developments designated as affordable housing and intended to meet the requirements of Title 30-A MSRA §4364 are eligible for a density bonus. Refer to Section 611 Multi-Family Dwelling for this required density bonus.
  3. Minimum Road Frontage: 100 ft
  4. Setbacks:
    - a. Minimum Front Setback measured from the right-of-way: 20 ft
    - b. Minimum Side and Rear Setback: 20 ft
    - c. The Code Enforcement Officer may allow for reductions from the Minimum Front, Side and Rear Setback requirements as set forth in Section 208.2 and 208.3.
  5. Maximum Height: 55 ft
  6. Back Lots – does not apply to subdivisions approved after 1986 a.
    - a. Access via Right-of-Way: 20 ft minimum in width
    - b. Minimum Setbacks: 20 ft
    - c. Maximum Height: 55 ft

**Commented [JT2]:** This was settled on 9/19/23

5. Village District Area.

a. Purpose.

The Village District area shall be a mixed residential, commercial and municipal service area. Architectural design matching the historical character and small-town image of the area shall be applied to all new construction and maintenance of existing buildings. Campgrounds, Flea Markets, and Gas Stations are prohibited in the Village Zoning District.

b. Permitted Uses.

1. Residential Uses:

- a. Single family detached dwellings, which may include manufactured housing, but shall not include mobile homes or doublewides.
- b. Two family dwellings which may include manufactured housing, but shall not include mobile homes or doublewides.
- c. Multi-family dwellings which may include manufactured housing but shall not include mobile homes or doublewides.

2. Commercial Uses:

- a. Retail businesses, street vendors with less than 64 square feet of sales area, pushcarts, service businesses, and professional offices.

3. Municipal and Other Governmental Uses

4. Institutional Uses

5. Mixed Uses Including Home Occupations:

- a. Residential use and non-residential use are permitted on the same lot in the Village District (this includes only those uses otherwise allowed in the Village District).

6. Accessory Apartment

7. Amusement Facility

8. Aquaculture

9. Bed and Breakfast

10. Boarding and Lodging Facility

11. Cemetery

12. Community Living Facility

13. Day Care Facility

14. Duplex

15. Essential Services

16. Governmental Facility

17. Home Occupation

18. Hotel

19. Library

20. Manufactured Housing

21. Marina

22. Medical Marijuana Registered Caregiver (subject to Section 614)

23. Mineral Exploration

- 24. Multi-family Dwelling
- 25. Municipal Facility
- 26. Museum
- 27. Place of Worship
- 28. Public Facility
- 29. Residential Dwelling Unit
- 30. Restaurant
- 31. Retail Use
- 32. Seasonal Dwelling
- 33. Solar Energy System, Accessory
- 34. Timber Harvesting
- 35. Yard Sale

c. Prohibited Uses

- 1. All uses not specifically permitted in 504.5.b are prohibited. In addition, commercial towers, new and used motor vehicle sales, unlicensed massage businesses, street vendors utilizing more than 64 square feet of sales area, and any uses prohibited in the Naples Shoreland Zoning Section 15 G are not permitted in the Village District.

d. Dimensional Standards. The following space and bulk standards shall apply in the Village District:

- 1. Minimum Lot Size:
  - a. Lots without access to public water and sewer: 40,000 sq ft
  - b. Lots served by public water and sewer: 15,000 sq ft

2. Net Residential Density:

- a. Duplex Dwelling: 30,000 sq ft per dwelling unit.
- b. Multi-Family Dwelling: 20,000 sq ft per unit, plus 10,000 sq ft per unit for common space (including roads). In addition to the requirements and regulations set forth in this ordinance, the provisions set forth in Title 30-A MSRA §4364, also apply to affordable housing developments. Multi-family Dwelling developments designated as affordable housing and intended to meet the requirements of Title 30-A MSRA §4364 are eligible for a density bonus. Refer to Section 611 Multi-Family Dwelling for this required density bonus.

2-3. Setbacks:

- a. Minimum Front Setback measured from the right-of-way: 20 ft
- b. Minimum Side and Rear Setbacks: 20 ft
- c. The Code Enforcement Officer may allow for reductions from the Minimum Front, Side and Rear Setback requirements as set forth in Section 208.2 and 208.3.

3-4. Minimum Road Frontage: 100 ft

4-5. Maximum Height: 55 ft

5-6. Maximum building coverage: 50%

6-7. Maximum impervious area: 75%

Commented [JT3]: This was settled on 9/19/23