

Primary Zoning Use and Structure Table 1

P= Permitted Use

A= Allowed primary use in a PD district if approved as part of a PD Plan

SE = Special exception

Blank cell= primary use is prohibited

Primary Uses	A-1	R-1A	R-1	R-2	R-3	RNC	C-1	C-2	I-1	I-2	MUC	MUTC	PD	USE SPECIFIC STANDARDS
RESIDENTIAL USES														
Accessory Dwelling Unit	SE	SE	SE	P	P	P					P	P	A	See 3.2.3.A.1
Bed and Breakfast		SE	SE	SE	SE	SE	P	P			P	P		See 3.2.3.A.2
Group Living				SE	SE	SE	SE	SE			SE	SE	A	See 3.2.3.A.3
Mixed-use dwelling (Live/Work/Store)							P	P	P		P	P	A	See 3.2.3.A.44.2.3 .A.3
Mobile Home Park														
Multiple-Family					P						P	P	A	
Single-Family Dwelling	P	P	P	P	P	P					P	P	A	
Townhouse					P	P					P	P	A	
Two-Family Dwelling/Duplex				P	P	P						P	A	
COMMERCIAL USES														
Business and Professional Office							P	P	P	P	P	P	A	
Childcare facility							P	P			P	P	A	See 3.2.3.A.1.1
Clinic							P	P				P	A	
Drive-Through Facilities													A	
Dry cleaning (Pick-up, Drop-off)							P	P			P	P		
Funeral Homes							P	P	P	P			A	
Gasoline Service Station														
Hospital/Medical Center							P	P	P	P				
Hotel/ Motel							P	P	P	P	P	P	A	
Indoor Commercial Recreation							P	P	P	P	P	SE	A	
Live/work/Store (mixed use)							P	P			P	P	A	
Places of Public Assembly							P	P			P	P	A	See 3.2.3.A.1.3
Pub/Tavern/Bar							SE				SE	SE	A	See 3.2.3.A.1.4
Restaurant (with or without beer and/or wine)							P	P			P	P	A	
Restaurant (with on-premise consumption of Liquor)							SE				SE	SE	A	See 3.2.3.A.1.5

Primary Zoning Uses and Structures														USE SPECIFIC STANDARDS
	A-1	R-1A	R-1	R-2	R-3	RNC	C-1	C-2	I-1	I-2	MUC	MUTC	PD	
Retail Sales & Services (Indoor Only)						P	P	P	P	P	P	P	A	
Vehicle sales (new)														
Vehicle sales (used)														
Vehicle rental														
Vehicle repair – minor														
Vehicular repair – major (indoor only)														
Vehicle storage facility														
Vehicle parking, commercial							P	P	P	P	P	P	A	Sec 3.2.3.A.1.6
Vehicle wash and detailing														
INDUSTRIAL USES														
Consolidated Storage									P	P				See 3.2.3.A.1.
Laundry & Dry-Cleaning Plant									P	P				
Manufacturing – Indoor Only									P	P				
Telecommunication Towers and Service Facilities									SE	SE				See 3.2.3.A.1.2
Warehouse/Indoor Storage									P	P				
Wholesale, Construction and Light Industrial – Indoor Only									P	P				
PUBLIC AND SEMI PUBLIC USES														
College or University							P	P					A	
Libraries, Cultural Facilities		P	P	P	P	P	P	P			P	P	A	
Educational facilities – Elementary and Secondary)											P	P		
Government Owned facility							P	P			P	P	A	
Hospital														
Parks -and recreation	P	P	P	P	P	P	P	P			P	P	A	
Post Office				P	P	P	P	P			P	P		
Public Service or Utility, general and essential	P	P	P	P	P	P	P	P	P	P	P	P	A	

Primary Zoning Uses and Structures														USE SPECIFIC STANDARDS
	A-1	R-1A	R-1	R-2	R-3	RNC	C-1	C-2	I-1	I-2	MUC	MUTC	PD	
Telecommunication Towers and Service Facilities									SE	SE				See 3.2.3.A.1.2
Vocational or Trade School							P	P	P	P			A	
AGRICULTURE USES														
Agriculture	P													
Cemetery	SE													
Community Garden					P	P					P	P		See 3.2.3.A.1.1
Farmer's Market							P	P	P	P	P	P		See 3.2.3.A.1.2
Limited Agriculture	P	P	P	P	P	P					P	P		

3.2.1.4 Standards for Specific Primary Uses

A. RESIDENTIAL

1. Accessory Dwelling Unit (ADU)

- a. Zoning District. A single-family dwelling shall exist on the lot or will be constructed in conjunction with the ADU. The ADU is treated as a second principal use on the lot.
- b. Location. The ADU may be attached to or detached from the principal dwelling as required in the applicable design district.
- c. Size shall be determined by the applicable design district.

2. Bed and Breakfast

Application may be made to the Town of Oakland for a “Bed and Breakfast” establishment as a Special Exception as set forth in Table 1, Principal Use Table, set for above. Such applications are subject to the regular Special Exception process, and shall conform to the following

Building Size(Gross floor Area)	Max. Guest Rooms
1,200-1,800 sq. ft.	1
1,801-2,400 sq.ft.	2
2,401-3,000 sq.ft.	3
3,001-3,600 sq.ft.	4
over 3,600 sq.ft.	5

- a. Area. The maximum number of rooms for guests shall be as follows:
- b. Length of visit. Rentals will be on a transient basis in compliance with Chapter 509, Florida Statutes.
- c. Cooking facilities. Cooking facilities shall be approved and licensed by the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, or applicable State agency.

- d. Signage. Signage for bed and breakfast establishments shall be limited to one (1) sign, no greater than six (6) feet in height, with a copy area no greater than four (4) square feet. Sign must be set back a minimum of five (5) feet from the right-of-way line. Signage must be included as a part of the Special Exception application, and is subject to approval by the Town Commission. Low-voltage illumination may be provided, subject to approval.
- e. Codes, permits and licenses.
 - (1) All guestrooms shall have smoke detectors and fire extinguishers in accordance with State Fire Marshall codes.
 - (2) Septic tank usage must be permitted through Orange County Health Department.
 - (3) All bed and breakfast facilities are required to be licensed by the Town, County and State and meet all applicable codes, ordinances, and statutes.
 - (4) All bed and breakfast facilities shall be required to submit to the Town documentation of yearly inspections conducted by, or required by, State and County agencies. Submittal to Town Hall should coincide with the yearly application for an Occupational License.
 - (5) Repeated code enforcement action against a property having approval for a bed and breakfast shall be grounds for revocation of such approval. Said action shall be at the discretion of the Town Commission.
- b. Residency and lavatories. The owner or the owners' agent must reside on the premises. Guests may have shared lavatories; however, in no instance shall the owner and guests have shared lavatory facilities.
- c. Residential character. Structures receiving bed and breakfast approval must maintain their residential character and are subject to the review of the ARB. Additionally, there must not be an adverse impact on adjacent residential properties as a result of activities associated with the bed and breakfast.
- d. Parking. Applicants must demonstrate ability to provide a minimum of two (2) parking spaces for the owner's bedroom, and one (1) space per rental bedroom. Paved parking may be required at the discretion of the Town Commission.

3. **Group Living**

- a. The external appearance of all structures and the building site on which the facility is located shall be consistent with the general character of the Design District in which it is located. Exterior building materials, building bulk, landscaping, fences and walls, parking areas, and general design of the facility shall all be visually and

functionally compatible with the surrounding uses.

- b. The facility shall not be occupied by any person who has been convicted of, entered a plea of guilty or *nolo contendere* to, or has been found guilty by reason of insanity of a forcible felony under Ch. 776, Fla. Stat., a felony of the second degree under Ch. 800, Fla. Stat., or any of the sex offenses set forth under Ch. 794, Fla. Stat., regardless of whether an adjudication of guilt on imposition of sentence was suspended, deferred, or withheld.
- c. Signage shall comply with Article 4 Section 4.4 Signs.
- d. Dining, living, and sleeping room areas shall conform to all applicable requirements established and determined by the Department of Health and Rehabilitative Services.
- e. Distance between locations shall conform with the following standards:
 - (1) A facility in a Residential district shall be a minimum of 1,500 feet from any other such facility.
 - (2) A facility in a Nonresidential district shall be a minimum of 1,500 feet from any other such facility adjacent to or located within a Residential district, and a minimum of 300 feet from a facility located in a Nonresidential district.
 - (3) For the purposes of this requirement, distance measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the subject facility to the nearest property line of the other facility.

Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in a single-family or multifamily zone district and treated for development review purposes like a single family home, provided the home is not located within a radius of 1,000 feet of another existing community residential home with six or fewer residents, or is not located within a radius of 1,200 feet of another existing community residential home. Such homes with six or fewer residents are not required to comply with the notification provisions of Ch. 419, Fla. Stat. if, before licensure, the sponsoring agency provides the Town with the most recently published data compiled from the licensing entities as defined in Ch. 419, Fla. Stat, that identifies all community residential homes within the Town in order to show the proposed use complies with the distance requirements of this subsection and state law.

4. Mixed Use Dwelling (live/work/store)

- a. The residential portion of the building shall not occupy over 60 percent of the gross

floor area.

- b. The nonresidential portion of the building shall comply with all applicable nonresidential building code requirements.
- c. Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.
- d. Drive-through facilities are prohibited.
- e. Any nonresidential off-street parking shall be located as far as practicable from Neighborhood General Design District.

B. Commercial Uses

1. Child care facility

- a. A child care facility shall have an outdoor play area that complies with the following standards:
 - (1) The area shall include a fence that is at least three- and one-half feet in height that completely encloses the play area, that is designed so all persons entering the play area are within direct line of sight from the child care facility classroom areas
 - (2) The area shall not locate play equipment within the required yard setback.
- b. Parking areas and vehicular circulation patterns shall comply with the following standards:
 - (1) Design shall enhance the safety of children as they arrive at and leave the facility.
 - (2) A designated pickup and delivery area, providing at least one parking space for every 20 children shall be located adjacent to the childcare facility in such a way that children do not have to cross vehicular traffic to enter or exit the facility.
- c. No outdoor play activities shall be conducted after 8:00 p.m.
- d. If located on the site of a place of worship, the facility is allowed as an accessory use only if the use is compatible with adjacent land uses in terms of hours of operation, noise, lighting, parking, traffic impacts, and similar considerations.
- e. It shall comply with all applicable State and federal laws.
- f. If the child care facility is required to receive approval of a special exception permit in accordance with a special exception, it shall comply with the following standards in addition to the requirements for approval of a special exception
 - (1) The facility shall comply with all applicable State and federal laws.
 - (2) The facility shall be compatible with and similar in character and scale to surrounding land uses.

- g. The maximum number of children to attend the facility shall be limited by applicable Florida Statutes and in Residential districts by the number of persons per household, as projected in Oakland's Comprehensive Plan and the maximum number of dwellings per acre permitted in the Future Land Use District in which the proposed site is located, whichever is lower. Capacity of persons in the facility shall be determined by the Orange County Fire Marshall.

2. Parking facility (as a principle use)

- a. Parking of motor vehicles shall be the primary use of the facility. Except as otherwise expressly provided in this LDR, no other business shall be conducted in the parking facility—including, but not limited to, sales, repair, servicing, washing, or display of vehicles, or storage of goods.
- b. A parking facility shall not be located contiguous to a single-family residential development or zoning district.

3. Public Assembly

- a. Public assembly uses including all necessary support facilities including but not limited to drainage and parking shall be located a minimum distance of 500 feet from State Road 50/Colonial Drive.
- b. The Town Commission shall have the authority to grant modifications to any of the standards listed in this section in order to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. Sec. 2000, as amended. In granting such a modification, the Town Commission may require conditions consistent with the federal act that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

4. Pub/Tavern/Bar – On-Premise Consumption of Liquor

- a. A Pub/Tavern/Bar is defined as an establishment with on-premise consumption of liquor whereby more than 50 percent of revenue from the sale of alcoholic beverages. At minimum, such establishment must include a light food fare preparation area and must sell such light fare for on-premise consumption. Light fare shall include a range of soft drinks and hot coffee. Non-cooked food such as deli sandwiches, wraps, salads, fruit, vegetables and similar foods shall also be available.

5. Restaurants with On-Premise Consumption of Liquor

- a. Restaurants with on-premise consumption of liquor must derive at least 51 percent of gross food and beverage revenue from the sale of food and nonalcoholic beverages. Such establishments shall not operate as a package store and may not sell intoxicating beverages after the hours of serving or consumption of food have elapsed. License may not be moved to a new location.

6. Vehicle Parking (Commercial)

- a. No commercial or personal vehicle with signage placed thereon shall be parked in a manner along a public street to be visible as an advertising device.

C. Industrial Uses

1. Consolidated storage (self-service storage)

Self-service storage facilities shall comply with the following standards:

- a. Such use requires Industrial Zoning District.
- b. If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.
- c. The only commercial uses permitted on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial, office or industrial activity on the site.
- d. Individual storage bays or private postal boxes within a self-service storage facility shall not be considered premises for the purpose of assigning a legal address.
- e. No more than one security or caretaker quarters may be developed on the site and shall be integrated into the building's design.
- f. Except as otherwise authorized in this subsection, all property stored on the site shall be enclosed entirely within enclosed buildings.
- g. Hours of public access to a self-storage establishment abutting a Residential district or existing residential development shall be restricted to the hours between 6:00 A.M. and 10:00 P.M.
- h. Garage doors serving individual storage units shall be perpendicular to a public or private street so as to not be visible from adjacent streets.
- i. Windows may not exceed 20 percent of any street-facing façade and shall not be reflective.
- j. Overall design and architectural standards are subject to review and approval of the ARB and Design Manual. A maximum of two colors (excluding roof colors) shall be used on wall facades visible from off-site areas. Colors shall be neutral and shall not be used to call attention to the establishment.
- k. Perimeter or exterior walls visible from an arterial street or residential development shall not include metal as a primary material.

2. Telecommunication Towers

- a. The following provisions shall govern the submission and issuance of a special exception use relating to communication towers.

- i. In granting a special exception, the Town Commission may impose conditions, including such conditions as are necessary to minimize any adverse effect of the proposed telecommunication tower on adjoining properties.
 - ii. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a professional engineer licensed in the State of Florida.
- b. In addition to any information required for applications for special exception uses, applicants for communication towers shall submit the following information. The application may utilize any combination of site plans surveys, maps, technical reports, or written narratives necessary to convey the following information:
 - 1. A scaled map clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to the County or other municipalities), Comprehensive Plan classification of the site and all properties within the applicable separation distance set forth in this Article of the Zoning Code, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures existing or proposed, topography, parking, and any other information deemed by the Town of Oakland to be necessary to access compliance with this article.
- c. A current tax map and aerial as provided by the Orange County Property Appraiser's office showing the location of the proposed tower.
- d. Legal description of the parent tract and leased parcel (if applicable)
- e. The setback distance between the proposed tower and the nearest residential unit, and nearest residentially zoned property.
- f. The separation distance from other towers within a two mile radius shall be shown on an updated site plan or map.
- g. The applicant shall also identify the type of construction of the existing towers and the owner/operator of the existing towers.
- h. A landscape plan showing specific landscape materials.
- i. Method of fencing, finished color, and the method of illumination (if applicable).
- j. A notarized statement by the applicant service provider as to whether construction of the tower will accommodate co-location of additional antennas for future users.
- k. Distance from Residential. All telecommunication towers shall be located at

least twice the tower height from any residentially developed or residentially zoned property. Tower height shall be measured from the natural grade of the property.

- l. Setbacks. Accessory buildings must satisfy the minimum design district setback requirements. Communication tower anchors and guyed supports must meet the zoning classification and or design district minimum yard size requirements as determined by the Planning Director.
- m. Separation of Towers. All towers constructed after the passage of these regulations maybe located on an adjacent parcel of land to one where a tower already exists. providing all of the provisions of these regulations are met.
- n. Height Limitations and Method to Determine Height
 - i. Measurement of communication tower height shall include the antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the finished grade is more than three (3) feet above the natural grade, measurement shall be from the natural grade. The height of a communication tower shall not exceed more than one hundred (100) feet.

D. Agriculture Uses

1. Community Garden

- a. Accessory buildings shall be limited to sheds for the storage of tools, greenhouses, and seasonal farm stands. The combined area of all buildings and other structures shall not exceed 15 percent of the parcel area.
- a. Areas used for communal composting shall be limited to ten percent of the parcel area.
- b. Perimeter fences, including trellises, are allowed in community gardens, subject to the standards in Sec. 4.7 Walls and Fences.
- c. Before a community garden is issued a permit, the community garden shall have an established set of operating rules addressing the governance structure of the garden, hours of operation, assignment of garden plots, and maintenance and security requirements and responsibilities.

2. Farmers' market

- b. Vehicular access to the subject property shall not be by means of streets internal to a development with single-family detached dwellings.
- c. Stalls, sales tables, and any other outdoor facilities related to the market shall be located at least 25 feet from any abutting street.
- d. Items for sale shall not be displayed or stored within customer pathways.
- e. Before issuance of a permit for the farmers' market, it shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.