

**§ 223-24.7. Uses permitted by special permit in the Historic District and Landmark Overlay Zone. [Added 5-17-2010 by L.L. No. 4-2010; amended 4-16-2018 by L.L. No. 8-2018; 6-15-2020 by L.L. No. 7-2020; 11-16-2020 by L.L. No. 11-2020]**

The following uses may be permitted by special permit, issued by the Planning Board, in the Historic District and Landmark Overlay Zone:

- A. Specialized business uses of low traffic volume, normally associated with history, the arts or cultural uses, appropriate to the structure and compatible with the neighborhood. Such uses may include:
  - (1) Artists' or artisans' studios.
  - (2) Antique shops.
  - (3) Rare book, coin or stamp shops or similar type uses as determined by the Planning Board.
- B. Residential, hotel or professional uses, provided that they are appropriate to the structure, compatible with the neighborhood and are located on a road that can accommodate increased traffic as determined by the Planning Board. These uses may include the following:
  - (1) Sit-down restaurants not to exceed a seating capacity of 50.
  - (2) Bed-and-breakfast establishments not to exceed 10 guest bedrooms, subject to the requirements of § 223-24.4B, C and E.
  - (3) Professional offices not to exceed 10 employees.
  - (4) Multifamily residential use not to exceed four units.
  - (5) Artist live/work spaces not to exceed four units.
  - (6) Hotel and hotel-related accessory uses and structures with adequate screening of any new structures from surrounding public street views.
- C. Special permits warranted under certain conditions.
  - (1) Notwithstanding the limitations in Subsection B above, and with the exception of Subsection B(2), the Planning Board may approve a special permit for any of the uses listed in said section, and may allow a larger number of seats, employees, dwelling units, or artist live/work spaces, when it determines that such larger number is warranted by one or more of the following:
    - (a) Building(s) size.
    - (b) Building(s) configuration.
    - (c) The nature of the proposed preservation and/or adaptive reuse of the building(s).
    - (d) The historic nature and context of the building(s) and the need for preservation and/or adaptive reuse.

- (2) In approving any such special permit, the Planning Board shall establish such limitations on the number of seats, employees, dwelling units, artist live/work spaces, or accessory uses and structures as it deems warranted.

D. Findings.

- (1) The Planning Board must make the following findings before special permit approval is granted:
  - (a) Any exterior restoration shall maintain the architectural and historic integrity of the structure. Any new construction shall be compatible with neighboring structures.
  - (b) The proposed use is compatible with the neighborhood, and activities permitted within the structure can be adequately buffered from any surrounding residential homes.
  - (c) The resulting traffic generation will not overburden existing roads, and adequate parking can be provided without unduly destroying the landscape or the setting of the structure.
  - (d) The proposed use is appropriate to the structure, will aid in the preservation of the structure and will not result in undue alterations or enlargement of the structure.
- (2) These standards shall be in addition to the general special permit standards set forth in § 223-18 and the standards set forth in § 134-7.

- E. A site plan shall be submitted to accompany any special permit application under this section. The site plan shall be accompanied by schematic architectural drawings which shall show the existing conditions of the property and any existing structure and the proposed restoration or construction. The Planning Board must approve a certificate of appropriateness in order to grant site plan approval as set forth above.<sup>1</sup>

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1. Editor's Note: Former § 223-24.8, Amusement centers containing only vintage amusement devices, added 8-30-2010 by L.L. No. 12-2010, which immediately followed this section, was repealed 1-22-2019 by L.L. No. 1-2019.