

## ***East Waterfront Overlay District (EWOD)***

### **(a) *Purpose***

The intent of the east waterfront overlay district (EWOD) is to improve the physical image of the waterfront community, to protect the environmental sensitivity of the river, to enhance and revitalize the area into an economic focal point within the city by providing for land uses and development that employ the highest and best use of the waterfront properties, and to expand the city's tax base. The district will allow for a variety of commercial uses, including recreational aquatic activities, eating establishments and specialty retail uses. The overlay district is intended to allow for the conversion of the waterfront area into an attractive destination within the community, to improve the image and function of the area, and to apply a more appropriate level of land use compatibility. The district requirements include provisions for buffering, parking, signage and landscaping. New construction within the overlay district must meet all the provisions contained herein. Any new construction or remodeling of existing structures shall be in keeping with the character of the area and the provisions of the overlay district. Where requirements contained in this document create a conflict with other regulations in the zoning code or the comprehensive plan, the more stringent requirement shall apply.

### **(b) *Definition of the East Waterfront District***

The East Waterfront Overlay District, as exhibited in Figure 1, encompasses the area of land bordered on the west by U.S. Highway 19, on the east by Grand Boulevard, on the north by River Gulf Road and the district is bordered on the south by the Pithlachascotee River.

### **(c) *Current zoning and land use for the waterfront district.***

The current zoning for the district is a mix of R2 Residential and C3 Commercial. These districts will remain intact under the overlay district, but will be enhanced and/or modified by the site regulations contained within this document including mixed use ranging from R3 Multi-family to Commercial and allowing for a variety of uses permitted in C1, C2 and C3 zoned areas.

**(d) Permitted uses.**

Permitted uses within the EWOD will be activity generators to minimize traffic. Delivery and pick-up of goods should be kept to a minimum where feasible. The permitted uses shall include:

- (1) Professional Office (e.g. law, accountant, architectural, planning, engineering, brokerage services and similar uses)
- (2) Multi-Family Residences
- (3) Specialty Retail Shops (Boating accessories, Dive Shops, Bait & Tackle, Seafood Market)
- (4) Hotels and Motels
- (5) Neighborhood Scale Retail
- (6) Restaurants and Cafes (no drive-through)
- (7) Coffee / Ice Cream Shops
- (8) Recreational Aquatic activities (fishing charter, watercraft rentals)
- (9) Entertainment Theatres of a non-adult nature
- (10) Art Gallery / Studio
- (11) Antique Shops

**(e) Nonpermitted activities and uses**

Activities and uses that will not be permitted within the EWOD include the following:

- (1) Activities and uses that are not specifically addressed above, or those inconsistent with the applicable and underlying zoning districts and future land use classifications in the City's Land Development Code and Comprehensive Plan, shall be prohibited.

- (2) Additionally, the following uses shall be prohibited:
  - a. Adult entertainment theater and retail establishments
  - b. Commercial or Residential storage or warehousing
  - c. Shooting or target ranges
- (3) Amplified music in unenclosed structures, such as porches, gazebos, decks, verandas or other partially enclosed or open-air areas shall be prohibited, unless otherwise permitted by applicable City ordinances.
- (4) Unimproved parking areas, such as grass, gravel or dirt lots, for on and off site parking, which are legally or illegally non-conforming, or would otherwise not be permitted under current parking standards shall not be permitted to be expanded or extended.
- (5) Adult entertainment shops, nightclubs and other facilities shall not be permitted under the overlay district as an entertainment facility in accordance with §6.08 unless otherwise approved under the provisions of the current Land Development Code.
- (6) Hours of operation for commercial businesses shall begin no earlier than 6:00 a.m. and shall cease prior to 12:00 p.m. in the evening on weekdays and 2:00 a.m. on weekends.

**(f) Existing lots and structures.**

All lots and structures existing at the time that the Waterfront Overlay District is first applied to the property shall not be deemed a zoning nonconformity solely because of the Overlay District. For example, replacement of existing structures with like structures that otherwise conform to the requirements of the underlying district are allowed. All additions, changes, expansions, and alterations to such existing structures must comply with the regulations of the EWOD unless the Board of Adjustment in accordance with §8.06 (A-K) approves the addition, change, expansion or alteration, as if the existing structure were made nonconforming by the Overlay District.

**(g) Site regulation.**

Development Regulations within the Waterfront Overlay District shall be the same as those found in the underlying zoning districts. However, in addition to the regulations dictated in the Land Development Code, the following site regulations and requirements shall apply.

- (1) *Lot size:* The minimum lot area for properties in the special zoning district shall be 5000 sq. ft. with a minimum width of 50 ft. and a minimum length of 100 ft. The minimum lot size for Multi-family shall be 14,500 sq. ft.
- (2) *Height:* The maximum height of any converted or newly constructed structure shall be 72 ft. for all uses within the Special Overlay District R3, C1, C2 and C3. However for those properties located within 100 ft. of the right-of-way for U.S. Highway 19, a maximum height of 45 ft. shall be allowed within the Special Overlay District.
- (3) *Setbacks:* The front setback shall be a minimum of 5 ft. The rear setback minimum shall be 10 ft. The side setback for any structure shall be the minimum of 5 ft. in the Special Overlay District same as in the underlying zoning district. Nonconforming structures shall not be enlarged, enhanced or in any way altered so as to further encroach into the front, rear or side setback.
- (4) *Parking:* A maximum of two parking spaces per 1,000 square feet of building shall be provided on-site. Parking shall be off-site in the proposed parking facility to the greatest extent possible, except in the provision of required handicapped parking and access, which shall be provided and marked to the appropriate standard. All on-site parking shall be composed of either impervious pavement surface or turf-block, or a combination of the two. Turf-block material must be maintained to prevent the growth of any and all vegetation. Handicapped parking shall be entirely composed of impervious surface material.

(5) *Buildings*: All existing uses and buildings shall be “grandfathered” and may remain so long as the building is not destroyed to the extent that 50% or more of the structure must be repaired or replaced.

(6) *Storage*: All storage of equipment or supplies shall be enclosed within the roofline of the principle structure. Storage shall not be permitted on porches, decks or other semi-enclosed areas. Storage sheds, and detached utility structures are strictly prohibited.

**(h) *Signage.***

(1) Only one wall sign shall be permitted on the front façade of the building. The wall sign shall not project outward from the wall to which it is attached more than six inches.

(2) The area of the signboard shall not exceed 25 square feet, nor shall it exceed 10 feet in height. Pole supports for signage should be as decorative as possible, composed of materials consistent with the design of the principle structure and have a landscaping base at the foot of the pole, a minimum of 5 feet wide and 5 feet deep with an area not less than 25 square feet.

(3) One secondary wall mounted sign, not exceeding 25 square feet in area, shall be permitted on any side entrance open to the public.

(4) Signs shall be made of natural wood material, painted wood, or synthetic material with a natural wood appearance. No banners, plywood, wallboard, particleboard, etc. shall be used for signage.

(5) Neon, electronic message board, variable lighting system and other illuminated signs shall be prohibited except where a variance has been granted. Such a variance shall require a special permit from the Building Department, which shall be subject to approval of a variance from the Planning and Zoning Board subject to the City’s standards of variance exception.

**(i) Landscaping:**

- (1) All new construction or alterations within the overlay district shall include perimeter landscaping. A minimum buffer shall be maintained to a height no greater than three feet and no less than one foot in height. Where this requirement creates a conflict with other regulations, the more stringent requirement shall apply.
- (2) Where a non-residential use abuts a residential use, there shall be a continuous landscape screening buffer, a minimum of ten feet wide with a minimum height of four feet within one year from time of planting. This buffer shall not extend nearer to a street right-of-way line than the established building line of the adjoining residential lot. The buffer shall be an evergreen hedge or other similar foliage and shall be maintained to a maximum height of six feet.
- (3) Recommended materials include, but are not limited to, viburnum, ligustrum, burford holly and wax myrtle. Landscape plants must be Florida Grade Number 1 quality or better according to the most recent edition of the Florida Department of Agriculture and Consumer Services Grades and Standards for Nursery Plants, Part I and II.

**(j) Plan submittal.**

- (1) A set of plans addressing items (g) through (i) above shall be submitted to the Board of Adjustment for their approval. Any issues not specifically addressed within this ordinance shall be reviewed on a case-by-case basis by the Board of Adjustment for consistency with the intent of this ordinance.