

Sec. 98-53B. - COD, Cove Overlay District.

- (a) *Purpose and intent.* The purpose of the Cove Overlay District (COD) is to encourage property development within the area commonly known as the Cove Shopping Center which supports and implements the objectives of the Cove Master Plan. These objectives include: the establishment of the district; enhancing the commercial compatibility with adjacent residential land uses; improving the commercial viability of the district; and providing architectural design guidelines to achieve a compatible and aesthetic environment. Phase I of the Cove Charrette Master Plan is hereby adopted by reference and shall be utilized as an overall statement of intent to guide the architectural design and redevelopment of the Cove Overlay District. The regulations contained herein shall be in addition to any regulations set forth in the City Code and the Land Development regulations. Where there is a conflict in said regulations, the regulations contained herein shall prevail.
- (b) *Applicability.* Within the Cove Overlay District, as shown on the Official Zoning Map as COD, all new construction, site improvements or alteration, expansion, renovation and similar improvements to existing structures shall conform to the requirements of this section.
- (c) *Permitted uses.* The following uses shall be principal uses in the COD district:
- (1) Brewpub provided:
 - a. Revenue from food sales shall constitute more than 50 percent of the total gross sales;
 - b. Live music or entertainment shall only be allowed as an accessory use. All noise generated by live music or entertainment activities shall be fully contained within the indoor space occupied by the brewpub;
 - c. No more than 50 percent of the total gross floor area of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
 - d. Outdoor seating for not in excess of 48 patrons.
 - (2) Church or other house of worship;
 - (3) Dwellings, multiple-family provided that:
 - a. Subject to the Broward County Rules of Flexibility. Density conforms to the requirements of the RM-15 district;
 - b. Retail or restaurant uses are on the ground floor with residences on the second floor or above.
 - (4) Financial institution;
 - (5) Health and fitness club;
 - (6) Marina;
 - (7) Office, business, government and professional;
 - (8) Parking facility, commercial;
 - (9) Parking facility, public;
 - (10) Public park and recreation area;

- (11) Restaurant, including outdoor seating for not in excess of 48 patrons;
 - (12) School, arts;
 - (13) Store, convenience goods;
 - (14) Store, retail (excluding stores which sell firearms or ammunition for firearms);
 - (15) Store, personal service;
 - (16) Theatre;
 - (17) Craft artisan production;
 - (18) Executive office suites;
 - (19) Live/Work unit, provided that the live unit is not on the first floor.
- (d) *Conditional uses.* Upon application and after a favorable determination by the special master or the city commission (where the conditional use is part of the site plan application) that all conditions and provisions of a conditional use have been met, the uses listed below may be permitted as conditional uses in this district. In addition to any provisions listed herein, all proposed conditional uses shall comply with the requirements of this Code, be heard and decided by the zoning appeals special master (or city commission where applicable as part of a site plan) as set forth herein and be consistent with the goals, objectives and policies of the city's comprehensive plan.
- (1) Bar, lounge or saloon; such uses to be specifically exempted from compliance with section 98-104 of the Land Development Code;
 - (2) Child day care center;
 - (3) Hotels, motels and similar tourist accommodations, subject to the dimensional requirements of the RM-25 zoning district;
 - (4) Indoor recreational facility (excluding pool halls);
 - (5) Outdoor seating in excess of 48 seats for a restaurant or brewpub.

For conditional uses, the following additional condition shall be required to be satisfied:

- (i) The property line of the lot or parcel on which any building devoted to the use is located shall be at least 100 feet from a residentially zoned property.
- (e) *Accessory uses:* The following uses shall be permitted accessory uses in the COD district.
- (1) Accessory uses customarily incidental to a principal permitted or approved conditional use.
- (f) *Property development requirements.* The property development regulations addressing minimum lot requirements, minimum floor area, required yards, maximum lot coverage, maximum floor area ratio, minimum landscaping and maximum height shall be the same as those listed for the B-1 zoning district.
- (g) *Other development regulations.*
- (1) *Architectural design guidelines.* Architectural design guidelines for the Cove Overlay District are established as follows:
 - a. Buildings or structures constructed within the COD shall conform to the "Key West" architectural style as set forth in the Cove Charrette Master Plan (Phase I), "Architecture" section. Alterations, additions and similar improvements to existing structures within the district shall conform with

these design guidelines to the extent possible. Said guidelines are incorporated herein by reference.

- b. New structures shall relate harmoniously to the form and scale of architecture in the vicinity.
- c. Exterior building materials and architectural elements considered compatible in the COD shall include:
 - 1. Weathered, lightly stained/painted or natural wood;
 - 2. Metal/batten standing seam roof, exposed rafter tails;
 - 3. Wood trim around doors and windows painted a contrasting color;
 - 4. Lattice work, decorative moldings;
 - 5. Horizontal siding;
 - 6. Wood-clad walls, aluminum siding (that resembles painted wood cladding);
 - 7. Canopies, awnings, roof overhangs;
 - 8. Covered porches slightly above grade with columns and railings;
 - 9. Pitched roofs (especially gable or hip roof end facing the street), mansard roofs should wrap around the entire building perimeter, rooflines should not run in a continuous place for more than 100 feet without offsetting or jogging the roof plane;
 - 10. Predominately vertical, rectangular sash windows;
 - 11. Clear glass windows (88 percent light transmission or more);
 - 12. Light building colors such as pale yellow, white, eggshell, beige, coral, mint/pale greens, pale pink, pale blues; and
 - 13. Arbors, trellises, gazebos, picket fences.
- d. Exterior building materials and architectural elements considered incompatible in the COD shall include:
 - 1. Blue or red barrel tile or metal roofing;
 - 2. Unarticulated facades and blank walls;
 - 3. Overly-articulated facades. Mediterranean stucco detailing, ornate "New Orleans" style metal grill work;
 - 4. Tile, stainless steel (and other glare producing materials used in large areas), exposed split faced concrete block walls;
 - 5. Flat, blank facades with no relief;
 - 6. Gambrel roof, flat roof without pediment, vertical and partial mansard roof (mansard roofs shall wrap around the entire building perimeter);
 - 7. Square or horizontal band windows;
 - 8. Minor glass with less than 88 percent light transmission;
 - 9. Window air conditioning units;
 - 10. Indoor/outdoor carpeting;

11. Chain-link fences;
12. Residential-looking doors on commercial buildings;
13. Log cabin "look."

(h) *Signage.* The following requirements regarding signage in the COD shall apply, in addition to the requirements of Chapter 102 and section 98-53(g).

- (1) A single freestanding sign shall be permitted for the shopping center. This sign shall be designed as a solid, landmark architectural feature utilizing the design, colors and materials of the district and may be in excess of ten feet in height.
- (2) Freestanding signs for individual properties and/or buildings within the district shall be prohibited.
- (3) All building signs located within the COD shall be of a consistent design and color scheme, compatible with the established Key West, architectural design as set forth in the "Cove Overlay District Architectural Design Guidelines" section of this code, and be either;
 - a. Individual cut-out letters; including aluminum plate, formed plastic, reverse channel and channel letters;
 - b. Cut-out corporate logos; and/or
 - c. Sand blasted plaques.
- (4) Legal building signs existing on the effective date of the ordinance from which this section is adopted are considered "grandfathered" until January 1, 2014. As of January 1, 2014, all signs shall comply with the requirements of this section.
- (5) In the event that damage to an existing legal sign that does not comply with the provisions of this section exceeds 50 percent of the value of the sign, such sign shall be rebuilt to comply with the provisions of this section.

(i) *Separation requirements for alcoholic beverage establishments.* The distance separation requirements for alcoholic beverage establishments between other alcoholic beverage establishments set forth within section 98-104 of this Code shall not apply within the Cove Overlay District (COD).

(j) *Public street furniture for restaurants.* The city may grant a revocable license, in a form approved by the city attorney, for the placement of street furniture and related support structures adjacent to operating restaurants in areas of the Cove Shopping Center where there is parallel parking subject to the following conditions:

- (1) The street furniture may include tables, chairs, hardscape decorations, and waste receptacles of a design and location approved by the city commission; and
- (2) Upon request of the city, the applicant shall commit an equivalent number of parking spaces to the spaces that become unavailable or obstructed, for public parking somewhere adjacent to the building occupied by the party wishing to place the street furniture; and
- (3) The street furniture is located directly adjacent to a full-service restaurant; and
- (4) The public at large is permitted to use all exterior tables and seats, irrespective of whether they are patronizing the restaurant that has provided the street furniture and on the same basis as patrons of the restaurant; and

- (5) The applicant signs a maintenance and hold harmless agreement, in a form acceptable to the city attorney, providing for regular maintenance of the street furniture and the regular cleaning of the area where the street furniture is located and the applicant posts a \$5,000.00 bond with the city, in a form acceptable to the city attorney, to secure this obligation; and
- (6) The fire department determines that the proposed street furniture lay out does not pose a fire hazard or endanger the public in case of a fire; and
- (7) There is a demonstration to the city commission that the placement of the street furniture will not impact the flow of traffic; and
- (8) Such other conditions as deemed necessary by the city commission to address public safety and achieve the intent of this section.

(Ord. No. 2009/004, § 1, 2-3-09; Ord. No. 2015/024, § 2(Exh. A), 9-9-15; Ord. No. 2016/024, § 4, 12-6-16; Ord. No. 2018/016, § 2, 6-5-18)