

ARTICLE 18. - WATERFRONT RESIDENTIAL OVERLAY, ALL DISTRICTS, W-1

Statement of Intent

The waterfront residential overlay zone is designed to protect the water, tidal shores, and wetlands, to include both tidal and nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams of the county by providing for environmentally safe and orderly waterfront development.

Developmental Concept

To achieve the intent of the waterfront residential overlay and its regulations, certain developmental practices are encouraged. These include: the use of buffer zones for individual lots or community use along the waterfront; the employment of loop roads in developments to minimize the number of highway access points; community water access areas; and, where community or public sewerage systems are not planned, the inclusion of septic fields within each lot.

Application

The waterfront residential overlay regulations apply to those parcels of land in the county recorded on or after May 11, 1988, which are for residential use or residential development and lie within 800 feet of tidal waters and wetlands. In the case of large parcels having a depth of 800 feet or more as measured landward from the shores or wetlands, the regulations apply to the first 800 feet landward from tidal shores and wetlands. Wetlands include tidal and nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams.

Development within the waterfront residential overlay district must conform to the requirements of both **the underlying district and the overlay districts** or the more restrictive of the two.

Boundary line adjustments between or among adjoining parcels created prior to May 11, 1988, to include adjustments which merge two or more pre-existing parcels or lots shall be exempt from the waterfront residential overlay so long as the adjustment does not create a new nonconforming parcel or lot where one did not exist before and so long as the altered parcel or lot remains in compliance within the existing zoning district.

(Ord. of 11-94; Ord. of 11-28-05(1))

18-1. - Use regulations.

In the waterfront residential overlay, all districts, only one main structure and its accessory buildings may be erected on any lot. Structures to be erected or land to be used shall be for the following uses:

18-1-1. Single-family dwellings.

18-1-1A. Individual manufactured homes in nontidal areas, with a special exception.

18-1-2. Parks and playgrounds.

18-1-3. Community boat pier and/or ramp. (Ord. of 2-94)

18-1-4. Clubhouses and other community facilities.

18-1-5. Boat pier, private, 25 feet from ~~extended the~~ property line, one per parcel with four tie-off pilings. (Ord. of 2-94)

18-1-6. Golf courses.

18-1-7. Home occupations, with a special exception.

18-1-8. Public utility booster or relay stations, transformer substations, distribution lines and poles, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewer installations, associated with structures permitted in this district with a special exception.

18-1-9. Accessory buildings ~~are subject to the same setbacks as the main building.~~

18-1-10. Community pier, with a special exception.

18-1-11. Disposal of dredge spoil, with a special exception.

18-1-12. Sales platform, temporary, with Zoning Administrator's approval. (Ord. of 5-28-98)

(Ord. of 10-31-91; Ord. of 2-4-92; Ord. of 12-4-92; Ord. of 4-29-93; Ord. of 1-25-96(1); Ord. of 5-28-98)

18-2. - Area regulations.

18-2-1. Lots within the residential overlay shall have a minimum of two acres (87,120 square feet).

18-2-2. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The zoning administrator may require a greater area if considered necessary by the health official.

18-3. - Setback regulations.

18-3-1. Structures shall be located 75 feet or more from the centerline of any street or road right-of-way, but in no event less than 50 feet from the edge of the right-of-way. This shall be known as the "setback line."

18-3-2. Structures shall be located landward, 100 feet or more measured in the horizontal plane from mean high water of tidal shores, 100 feet from the edge of tidal wetlands, 100 feet from the edge of nontidal wetlands which are connected by surface flow and contiguous to tidal wetlands or tributary streams, and 50 feet from the edge of isolated, nontidal wetlands. This shall be known as the "waterside buffer" and shall be a vegetated buffer with land disturbances regulated by the erosion and sediment control ~~plan~~ ordinance.

18-3-3. Side. The minimum side yard for each main structure **and accessory structures exceeding one-story** shall be 25 feet and the total width of the two required side yards shall be 50 feet or more. The minimum side yard for **one-story** accessory structures shall be five feet. Accessory structures located closer than five feet to the main building are considered part of the main structure. **Accessory structures may be attached to the main structure by uncovered walkways, decks, patios or steps.**

(Ord. of 7-29-93; Ord. of 6-5-97(1); Ord. of 7-27-00)

18-4. - Lot dimension regulations.

18-4-1. The minimum lot width shall be 180 feet at the setback line.

18-4-2. The minimum water frontage for lots, measured in a straight line from the intersection of the side property lines with the mean low water line, shall average 200 feet but in no event be less than 180 feet.

18-5. - Existing lots.

Existing lot size, width and setbacks are exempt from this article for those lots recorded before May 11, 1988. ~~The waterside buffer for lots recorded on, or after, May 11, 1988, but prior to this amendment [May 31, 1990], is 75 feet and [such setbacks] are exempt from these [this] article.~~