

#### **4. Summary of the Revised 2013 Manasota and Sandpiper Keys Overlay Code**

The Overlay Code serves as a vehicle to implement initiatives of the Manasota Key Community Plan for the preservation, conservation and future development of the islands in a manner that is consistent with board policy. In adopting the Overlay Code in 2005, the County Commissioners set an approach to construction to minimize the undesirable effects of development on these barrier islands through development standards including building heights, building size, green area buffers, and other regulations tailored to the unique platting and land use on Manasota Key. The Overlay Code *addresses issues unique to the Keys* and therefore sets development standards that differ from the unified Countywide Code provisions.

The Manasota and Sandpiper Key Advisory Committee made recommendations which clarify and condense the provisions of the Overlay Code into a concise stand-alone set of regulations to guide development on Manasota and Sandpiper Keys. The Board of County Commissioners adopted the revised Overlay Code 9.24.13.

##### **Why Changes to Overlay Code?**

- Simplify Code , reduce redundancy
- Retain Key provisions- density, setbacks, limits to number of stories and height caps
- Modest changes to reduce need for variances
- Keep 10 foot green buffer strip, but no longer require “yard” setback to be 100% green.
- Reduce architectural standards- e.g., no extra fire hydrants
- Address unique building elevation requirements on Key
- Clarify height & setback methodology & nonconforming lot standards.
- Address issues raised by the Board of County Commissioners.

**Provisions deleted from the existing Overlay Code as either non-essential or to simplify the workability of the code or as concessions to developers:**

- No longer requires double setbacks for combined lots.
- No longer measures density on combined lots as the sum of the individual densities but as the density appropriate to the total area.
- No longer requires that yard setback areas be entirely green, allowing more coverage of ground area by accessory structures.
- No longer subtracts 10 feet from height cap for rooftop livable space, but requires subtraction equal only to the actual height of rooftop structure.
- No longer requires that extra fire hydrants be provided by developer.
- No longer requires that newspaper kiosks be enclosed in structures.
- No longer have MSF 2, MSF 2.5, and MMF 3.5. Districts. Change is not significant for residential uses, as there were not areas zoned MFS2, 2.5 and MMF 3.5.

- No longer has MMF-T District whose intent was to permit multi-family dwellings, apartments, and tourist-related commercial facilities that accomplish the goals of the Manasota Community Plan. These activities are now covered under MCT.
- Reduces some of the architectural design standards such as requiring that existing parking areas be screened from view, trim standards, lighting on balconies, skylight limitations. Also now allows variances and exceptions from these requirements.
- No longer prohibits accessory uses in front of building facades on deep lots, if screened and set back 150 feet from road right-of-way.
- Exempts Overlay Code from Waterfront Code standards to avoid misinterpretation between the two Codes and sets more appropriate standards for the barrier island and its small lots.

**Provisions clarified/changed to address implementation issues:**

- Nonconforming Lots - Clarifies provisions for nonconforming lots regarding required setbacks. This change recognizes that 65% of the existing lots on Manasota Key are nonconforming and that less restrictive setbacks are needed for them.
  - Creates new columns in each District Standards table to clarify that nonconforming lots must meet the requirements of the Overlay Code and set standards for these lots.
  - Clarifies that small nonconforming lots shall not be required to get a variance just to build on the lot. This affects 16% of the lots on the Key.
  - Reaffirms and clarifies that building on small lots must meet the Overlay Code standards (minimum 10 foot side setback) rather than less stringent setback standards of section 3-9-10.
  - Creates a wider envelope for building using stepped setback methodology that replaces Waterfront Code and Overlay Code provisions.
- Setback Methodology – Exempts Overlay Code from the Waterfront Code (1/2 of the building height) standards. Creates a unique methodology for stepped setbacks approach tied to building height at defined starting point and setback points. Meets multiple objectives - ensures buildings are set back from property lines; limits visual impacts and impacts to access to light and air of construction on waterfront properties; minimizes stormwater runoff on single-family lots; assists with blending new development with low-density residential character of the key. Creates a larger envelope for building on narrow lots while maintaining 10' peripheral landscape strip and total height limits.
- Building Height Methodology – Clarifies height measured using Zero NGVD to the top of its highest constructed element. Changes measurement of rooftop livable space from ten feet to the actual height of the wall or other rooftop structure; and reaffirms that appurtenances (chimneys, elevator shafts, etc.) are also included in calculation of highest constructive

element. Creates exception from height limit for essential rooftop appurtenances for multifamily development, with specific size and height limits.

- Building Height Cap – Increases caps for development seaward of CCCL to address state mandated elevation requirements. Retains 43’ for single family and 48’ for multifamily landward of CCCL. Excludes essential appurtenances from cap requirement for multifamily development with limits. Changes allow for 3 stories over parking for multifamily development on the Key.
- Green Space Offset – Requires green space to offset increase in building height for multifamily development seaward of the CCCL and to offset increase in height from essential appurtenances.
- Peripheral Landscape Strip - Creates a new “Peripheral Landscape Strip” section:
  - Inviolate 10’ green space border for all lots where encroachments prohibited except guttered roof overhangs and sunshades and fences.
  - Renamed as Peripheral Landscape Strip to differentiate from countywide “yards” where encroachments allowed for balconies, stairwells, AC, etc.
  - Clarifies that 10’ border applies to ALL lots including nonconforming lots as originally intended, except where waiver allowed.
- Pilings for Structures. This provision has been totally rewritten to recognize that pile driving is an allowable technique for pilings under the state building code, but that pile driving can adversely affect existing adjacent structures. Requires certified geotechnical analysis, inspection of adjacent properties, proof of insurance prior to pile driving. The Contractor shall be held responsible for any damages, by requiring the posting of a bond, notification to affected properties within 300 feet of the proposed project, pre-inspection of condition of affected properties, on-site seismic testing of properties within 300 feet during demolitions and/or pile driving, and records to county demonstrating compliance with requirements.
- Post-Disaster Redevelopment – Exempts condos that are nonconforming in density from the new density limits. Changes to require single-family and multi-family that meet density limits to comply with development standards in post-disaster build back.
- Permitted Use – Clarifies that parking garages are not permitted in any zoning district; Prohibits motorized watercraft or vehicles rentals. Adds provision that Resorts may have commissary, coffee bar, continental breakfast and other services for their guests.
- Signage Standards– Totally rewritten and simplified to recognize changes to the County Sign Code and address key sign standards needed on the Key. Condensed to appropriate size and location for small roads and slow traffic.
- MES District - Increases the side setback in the Manasota Environmentally Sensitive (MES) District from 10 to 20 feet to be consistent with other open space and rural district standards.

- MCT District: On shallow MCT commercial lots, reduced front yard setback from 25 to 18 feet, consistent with MCG zone in order to allow for more parking when new MCT development occurs. Also set standards for mixed-use development.

**The important provisions retained from 2005 include:**

- Intent – to preserve and protect low-density development and blend future development in an appropriate manner
- Boundary of the Overlay Code
- Zoning Districts unique to the Keys– MES, MSF, MMF, MCG, MCT, MPD (deleted MMF-T)
- Island Density Limits
  - 27% low-density residential, 26% medium-density residential, 7% high-density residential, 6% commercial, 34% parks and preservation.
  - retained downzoning of Condos (MMF Districts) by about 20%
- Maximum structure height Limits
  - Maximum 2 stories for single family and commercial; maximum 3 stories for multi-family and mixed use.
  - Cap on building height. Retained 43' for single family and 48' for multifamily landward of CCCL; Increased caps for development seaward of CCCL to address state mandated elevation requirements.
  - Rooftop uses (e.g. walled sundecks) or appurtenances (e.g. parapets) counted in height limits.
- Yards, Buffers, Green space – Retains yard setbacks. Deletes multiple references to buffer areas, green vegetated areas and replaced with new “peripheral landscape strip.”
- Building Setbacks – Retains yard setbacks for front, side Yard Street, and rear Yard Street, and abutting water to address narrow lots and lots that abut the Gulf of Mexico and Lemon Bay. Clarified/modified the *unique* standards for side yard (interior) and rear yard (interior).
- Permeable Surfaces – Retains provision that driveways and patios outside the building use permeable surfaces for optimum water absorption.
- Permitted Uses – Retains the limits on permitted uses to avoid trip-generating traffic not related to residential and beach-related tourist uses on this small barrier strip of land. E.g. no grooming facilities, no day care facilities, no churches. Retained commercial uses limited to those supporting island/resort needs and services.
- Parking Space Requirements – 2 per single family unit; 2 per Condo unit plus parking for service vehicles & guests, as street parking limited, narrow Island roads, and high demand for spaces in winter season.

- Architectural Design Standards - Retains requirements for driveways; building and façade material and design; architectural accents; fencing and walls; accessory structures; commercial and multifamily buildings.
- Signage Standards – Totally rewritten and simplified to recognize changes to the County Sign Code and address key sign standards needed on the Key. Condensed to appropriate size and location for small roads and slow traffic.
- Other Development Standards - Retains uniform line of construction, no-fill area, bulk limitations, open space/reservation area, accessory structures, and site design standards for underground utilities and spot ground elevation; and Pilings for structures provisions. Sets new requirements for pile driving.
- Development Review Process - Retained, including the role of the Advisory Committee and the Architectural Review Committee.
- Definitions – Retains definitions unique to implementation of the Overlay Code; Created new definition for Peripheral Landscape Strip; setback methodology, building height methodology, minimum finished floor elevation, etc.
- Applicability; conflict with other ordinances – Retains but modifies to ensure that the Overlay Code shall supersede and control in the event of a conflict with the County Code.