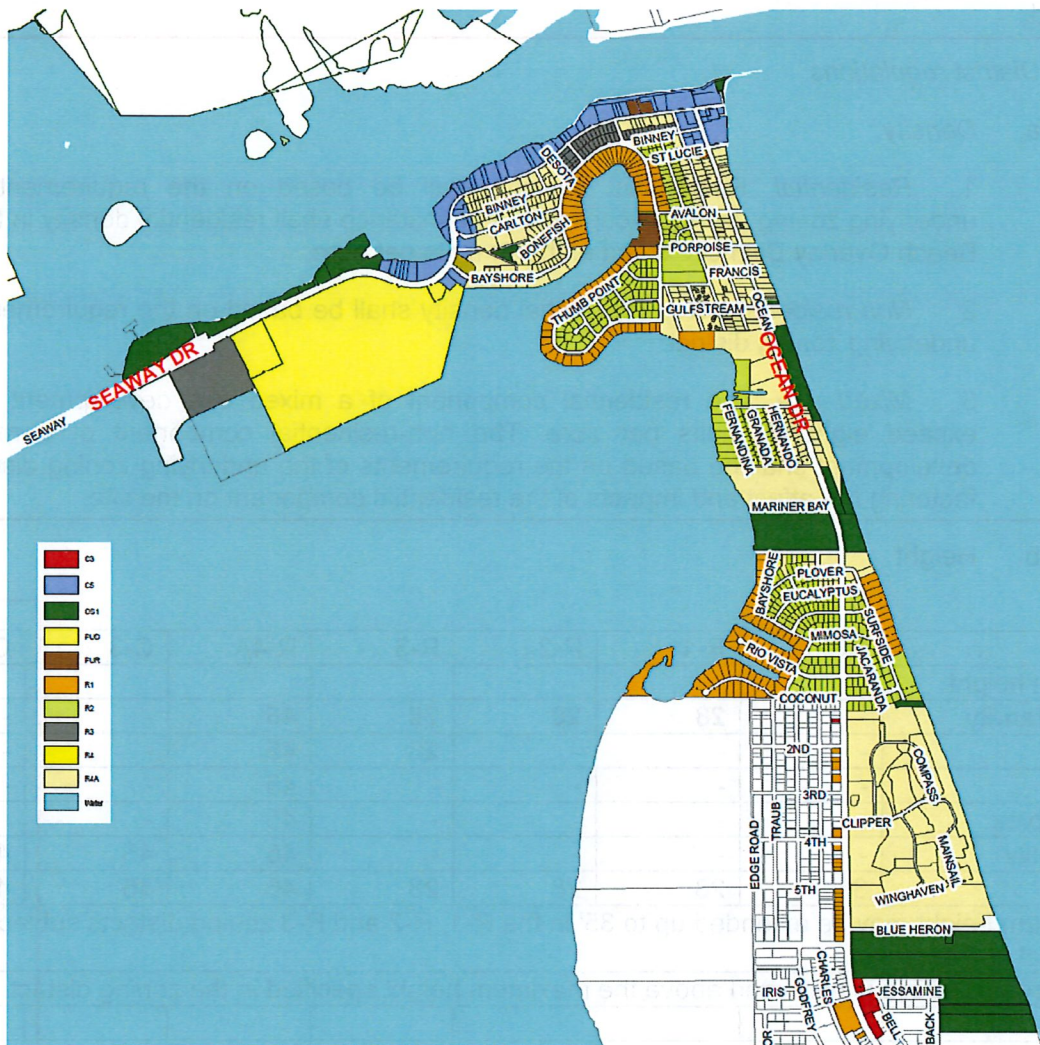


Sec. 22-16. - Designation of overlay districts.

The city's overlay zoning districts stipulate special provisions that, along with the provisions of the basic zoning district and other ordinance regulations, govern the use of property within the city limits.

(a) *South Beach Overlay District.*

(1) *Applicability and purpose.* The purpose of the South Beach Overlay District is to promote good planning and site design that produces quality development that is functional, an asset to the community and in keeping with the general character of South Hutchinson Island. By way of this overlay district, the city seeks to preserve, protect and enhance the unique barrier island environment through regulation of development and redevelopment of lots within the district.



SOUTH BEACH OVERLAY DISTRICT

The standards allow for and promote design integration of the man-made improvements to the land with the natural elements of the land. All new development and changes to existing development in the district that require site plan or building permit approval are subject to the overlay district requirements in addition to other applicable regulations in this Code.

Due to ever-accumulating knowledge about the dynamics of a barrier island community, and new and better information about site design, the city's land development regulations will be monitored and reviewed on an on-going basis in order to assess their reasonability and effectiveness in promoting these purposes.

(2) *Delineation of the district.* The South Beach Overlay District includes all parcels designated in the shaded area as indicated in Figure 1. The boundary of the South Beach Overlay District shall be deemed to automatically adjust pursuant to any annexation approval on South Hutchinson Island.

(3) *District regulations.*

a. *Density.*

1. *Residential.* Residential density shall be based on the requirements of the underlying zoning district except that in no instance shall residential density in the South Beach Overlay District exceed eight (8) units per acre.

2. *Non-residential.* Non-residential density shall be based on the requirements of the underlying zoning district.

3. *Mixed use.* The residential component of a mixed use development shall not exceed eight (8) units per acre. The non-residential component of a mixed use development shall be based on the requirements of the underlying zoning district while factoring the affect and impacts of the residential component on the site.

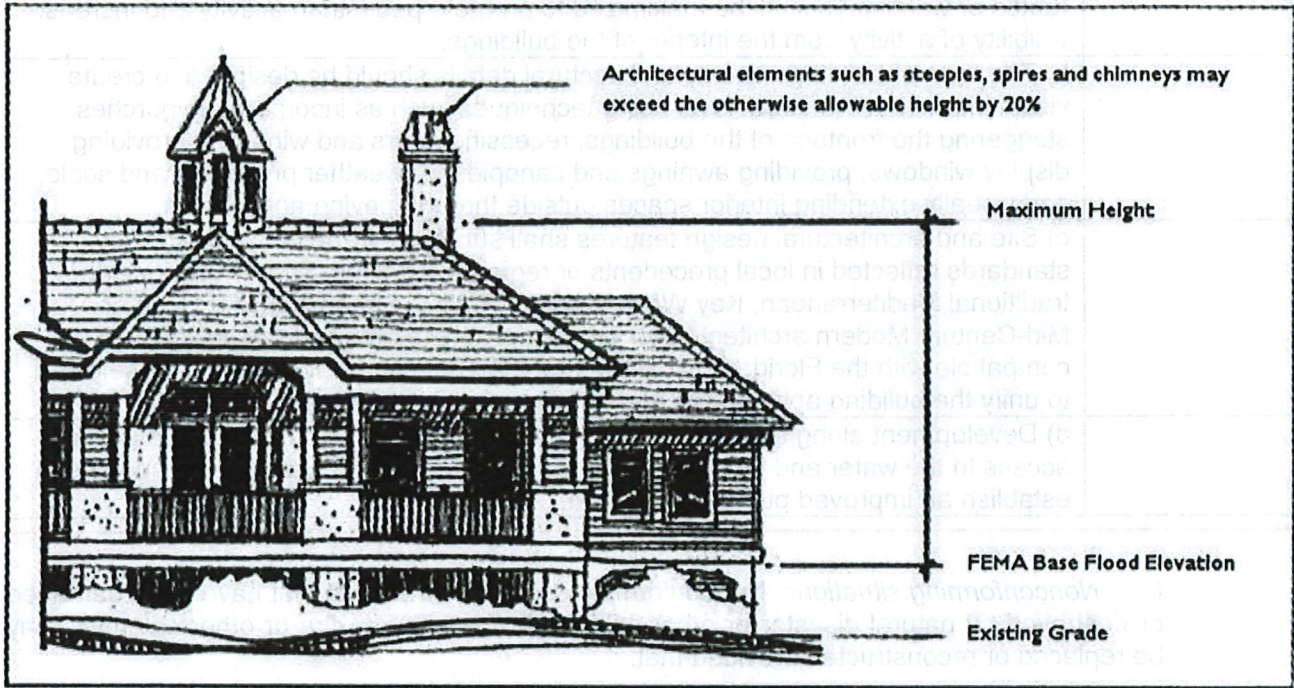
b. *Height.*

	OS-1	R-1	R-2	R-3	R-4A	C-3	C-5
Maximum height							
- Single family	-	28	28	28	45	-	-
- Duplex	-	-	-	28	45	-	-
- Triplex	-	-	-	-	45	-	-
- Quadraplex	-	-	-	-	45	-	-
- Multifamily	-	-	-	-	45	45	45
- Other	35	28	28	28	45	45	45
1. Maximum height may be extended up to 35' in the R-1, R-2 and R-3 zoning districts subject to conditional use approval.							
2. No habitable space is permitted above the maximum height specified in the zoning district.							
Not to Exceed							
- Single family	-	-	-	-	-	-	-
- Duplex	-	-	-	-	-	-	-
- Triplex	-	-	-	-	-	-	-
- Quadraplex	-	-	-	-	-	-	-

- Multifamily	-	-	-	-	4 stories	4 stories	4 stories
- Other	-	-	-	-	4 stories	4 stories	4 stories

c. *Calculation of height.*

1. Maximum structure height shall be calculated from the established FEMA Base Flood Elevation to the highest point of the roof excluding non-habitable architectural design elements of the structure.



MAXIMUM STRUCTURE HEIGHT

2. The height of fences shall be measured from preconstruction grade.

d. *Height in excess of maximum.*

1. Equipment including, but not limited to, satellite dishes and heating and air conditioning equipment may be installed on top of buildings provided that the equipment is screened from horizontal view.
2. Non-habitable architectural elements that contribute stylistically to the building including, but not limited to, bulkheads, parapet walls, false fronts, cupolas, steeples, spires, and chimneys may exceed the maximum height requirement by 20 percent.

e. *Design standards.*

	Standards
1. Single-family residential	None.
2. Multifamily and non-residential	<p>a) Architectural integrity and compatibility with nearby existing buildings both on- and off-site shall be demonstrated. Architectural considerations shall include building siting, massing, proportion, scale, materials, colors, details, facade treatments, fenestration, parapets, site features, lighting and signage. The openness of ground floor facades and view corridors which face pedestrian utilized roadways, circulation routes or waterways shall be maximized to promote pedestrian activity and increase visibility of activity from the interior of the buildings.</p> <p>b) The form of buildings and its architectural details should be designed to create visual interest at the street level using techniques such as incorporating porches, staggering the frontage of the buildings, recessing doors and windows, providing display windows, providing awnings and canopies for weather protection and scale, and visually extending interior spaces outside through paving and glazing.</p> <p>c) Site and architectural design features shall substantially advance design standards reflected in local precedents or regional buildings. These may include traditional Mediterranean, Key West, Mission, Prairie, Streamlined Art Deco or Mid-Century Modern architecture or other appropriate architectural design compatible with the Florida tropical climate. Materials and colors should be selected to unify the building appearance and fit into the pedestrian realm.</p> <p>d) Development along the city's waterfront shall maximize opportunities for public access to the water and facilitate connectivity with adjoining waterfront properties to establish an improved public promenade.</p>

f. *Nonconforming situations.* Nonconforming uses and structures that have been damaged or destroyed by natural disaster or other catastrophic event, i.e., fire or other calamity, may be replaced or reconstructed provided that:

1. The significance of the property owner's hardship is more compelling than, and reasonably overbalances, the public benefit resulting from not allowing the use or structure to be reestablished.
2. Replacement or reconstruction of the use or structure is compatible with the character of the neighborhood and will not jeopardize future development of the area in compliance with the provisions and intent of the city's land development regulations.
3. The value of properties in the vicinity of the replacement or reconstruction will not be adversely affected;
4. No expansion of gross floor area occurs;
5. The degree of nonconformity is not increased;
6. The replacement structure is in compliance with the city's adopted building code, Coastal Construction Control Line and FEMA regulations; and
7. A building permit is issued within twenty-four (24) months after the date of

destruction and the construction is diligently pursued to completion.

g. *Supplemental use regulations.*

1. *Condominium hotels.*

a. *General requirements.*

i. Condo-hotel facilities shall be created, sold and maintained under documentation, including condominium declaration, bylaws, sales brochures, and pre-construction agreements, with form and content approved by the city attorney, which adequately disclose and ensure that the condo-hotel facility will, in all respects, be permanently and exclusively operated as a transient accommodations facility and will not be occupied as a multi-family dwelling.

ii. Condo-hotel facilities must be permanently dedicated in their entirety to the complete control and management of a single hotel or resort hotel operator for operation as a transient accommodations facility.

iii. Condo-hotel facilities shall contain no dwelling units. Only individual sleeping units that are permanently dedicated for rental to the general public for transient occupancy for periods of less than twenty-eight (28) days on a full-time basis by the hotel or resort hotel operator shall be permitted; provided, however, that an owner of an individual sleeping unit in a condo-hotel may be permitted to occupy the owned sleeping unit without rental charge for up to twenty-eight (28) days in any calendar year.

iv. Condo-hotel sleeping units shall not be used for homesteading purposes or home occupational licensing, time share or fractional interests.

v. Condo-hotel facilities shall be licensed by all applicable state and local agencies that license traditional motels, hotels and/or resort hotels prior to the issuance of any certificate of occupancy. All required licenses must be kept current.

vi. Rental of condo-hotel sleeping units shall be subject to all applicable state and local tourist tax collections.

vii. Condo-hotel facilities shall be served by singly metered utility services and with a central telephone system and central cable television system installed in all individual sleeping units.

viii. Individual sleeping units shall not contain any lockable storage closet or cabinet unless access to such closet or cabinet is automatically and uniformly provided to each member of the public who rents the sleeping unit.

ix. Condo-hotel facilities shall provide an internally-oriented lobby/front desk area.

x. Condo-hotel facilities shall utilize a uniform key entry system managed by the hotel or resort hotel operator to receive and disburse keys for each condo-hotel sleeping unit.

xi. All condo-hotel facilities shall offer daily maid service, concierge as well as other customary hospitality services.

xii. The city may require affidavits of compliance with the criteria from the developer, management entity, and/or each condo-hotel sleeping unit purchaser/owner concurrent with annual renewal of any required occupational license.

b. *Conditions of approval.* The city commission may impose limitations on condo-hotel facilities, including but not limited to, the size and number of sleeping units and sleeping areas as well as the types of utility fixtures to ensure the viability of hospitality and transient accommodations and to limit impacts on local services including transportation, potable water, sanitary sewer and hurricane evacuation.

Sec. 22-28. - High Density Residential Zone (R-5).

- (a) *Purpose.* This residential category is intended to encourage the development of multifamily dwellings. Maximum gross densities should generally not exceed fifteen (15) units per acre for conventional developments and eighteen (18) units per acre for innovative residential developments. This zone provides for high density residential uses in locations which have suitable utilities and have good access to arterial or collector streets. Single-family homes, townhomes, duplexes, other residential uses, and various nonresidential uses are allowed when parameters and safeguards in this section are satisfied.
- (b) *Basic use standards.* Uses in an R-5 zone, except innovative residential developments, must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.
- (1) *Lot size.*
- a. The minimum lot area for a single-family dwelling shall be five thousand (5,000) square feet.
 - b. The minimum lot area for a townhome dwelling shall be one thousand five hundred (1,500) square feet.
 - c. The minimum lot area for a duplex shall be seven thousand (7,000) square feet.
 - d. The minimum lot area for a triplex and quadraplex shall be twenty-five hundred (2,500) square feet per unit.
 - e. Multifamily housing developments will utilize a lot with a gross density that shall not exceed fifteen (15) units per acre.
 - f. The minimum lot width for duplexes, triplexes, quadraplexes and multifamily housing developments shall be sixty (60) feet.
 - g. The minimum lot width for townhome developments shall be two hundred (200) feet. Townhome developments shall be subdivided into a minimum lot width of sixteen (16) feet and maximum lot width of twenty-four (24) feet.
 - h. The minimum lot width for other uses will be sixty (60) feet.
 - i. The minimum lot depth for duplexes, triplexes, quadraplexes and multifamily housing developments shall be eighty (80) feet.
 - j. The minimum lot depth for other uses will be seventy (70) feet.
 - k. The minimum lot depth for townhome development shall be ninety (90) feet.
- (2) *Yards.* The following yard requirements shall apply except when a lot has a building over forty-five (45) feet tall. In such cases, side and rear requirements and the minimum distance between residential buildings located on the same property will be increased by one foot for every foot the tallest building on the lot exceeds forty-five (45) feet in height.
- a. The minimum depth of the front yard for townhome developments will be ten (10) feet. The minimum depth of the front yard for other uses shall be twenty-five (25) feet.
 - b. The minimum depth of the side yards for triplexes, quadraplexes and multifamily housing developments shall be ten (10) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet.
 - c. The minimum depth of the side yards on the periphery of the townhome developments shall be ten (10) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet. The minimum depth of the side yard between individual townhome units or lots shall be zero (0) feet.
 - d. The minimum depth of the side yards for other uses shall be six (6) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet.

- e. The minimum depth of the rear yard shall be twenty (20) feet for triplexes, quadrplexes and multifamily housing developments.
- f. The minimum depth of the rear yard for townhome lots that abut an alley shall be zero (0) feet. The minimum depth of the rear yard for townhome lots with all other conditions shall be fifteen (15) feet.
- g. The minimum depth of the rear yard for other uses shall be fifteen (15) feet for a distance equal to thirty (30) per cent of the length of a line which is parallel to the rear lot line, is fifteen (15) feet from the rear lot line and extends to the closest property lines. The minimum depth of the remainder of the rear yard will be five (5) feet, except on double-frontage and waterfront lots it shall be fifteen (15) feet.
- h. The minimum distance between residential buildings shall be twenty (20) feet except that screen porches located on the ground floor may project into the minimum distance. The maximum combined projection between two (2) or more buildings shall be eight (8) feet.

(3) *Lot coverage.*

- a. Buildings in multifamily housing developments shall not cover more than fifty (50) per cent of the lot area.
- b. Buildings for principal residence in townhome developments and townhome dwelling lots shall not cover more than fifty (50) per cent of the lot area. Accessory buildings may cover an additional fifteen (15) per cent of the building site.
- c. Buildings in other developments shall not cover more than forty-five (45) per cent of the lot area.

(4) *Building heights.* No building shall exceed two hundred (200) feet above grade.

(5) *Additional requirements dwelling, townhome.*

- a. *Ownership:* One hundred (100) per cent of the total lot area shall be the minimum area conveyed to the lot owner, including the front yard, back yard and side yard. A homeowners maintenance shall be formed among the unit owners to assure compliance with exterior area maintenance regulations as may be adopted by the association.
- b. *Common area:* Any portion of the original lot not divided among and incorporated into the resulting individual townhome dwelling unit lots shall be held by either of the following or a combination of the following: Each lot owner shall have an undivided interest in the common area, which shall be appurtenant to that lot. The individual interest in the common areas shall not be conveyed separately from the ownership of the said lot; or, a property owners association (POA).
- c. *Parking:* Two (2) parking spaces per dwelling units shall be provided for townhome developments and shall be side-by-side parking and not in-line tandem parking. No off-street parking spaces shall be located between the front of the principal residence and the front property line.
- d. *Access:* When townhome lots abut an alley, the site plan shall include provisions to utilize the alley as a service corridor for the townhome units. When townhome lots do not abut an alley, the site plan shall include a twenty-foot-wide, unobstructed service corridor along the rear of the properties which shall be dedicated to service use. Garages, surface parking and garbage pickup shall be accessed and accommodated by the service corridor.
- e. *Yards:* Front yards of townhome units shall include a porch, stoop or covered entry. Rear yards shall be enclosed by a building wall or garden wall.

(c) *Other applicable use standards.*

- (1) All multifamily housing developments with twenty (20) or more dwelling units shall be subject to site plan review procedures specified in section 22-58.

- (2) Accessory buildings shall comply with all yard, lot coverage and building height requirements of this chapter, except that buildings not on double-frontage lots may be in the rear yard if they are at least five (5) feet from the rear lot line.
- (3) On any lot used for residential purposes, other than a multifamily housing development, no more than one residential building will be allowed on the lot, except one building without kitchen facilities may be allowed as a guest house.
- (4) Every lot shall abut a street other than an alley for at least twenty-five (25) feet, except the minimum frontage for a lot on a cul-de-sac shall be fifteen (15) feet, or the minimum frontage for a townhome development shall be sixteen (16) feet.
- (5) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
- (6) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61.
- (7) Conditional uses will meet the requirements in sections 22-74 through 22-86.
- (8) Signs will comply with standards referred to in section 22-55.
- (9) All other applicable ordinance requirements will also be satisfied.

(Ord. No. H-186, § 30-28, 6-15-81; Ord. No. I-114, §§ 3, 4, 7-1-85; Ord. No. I-222, § 6, 6-1-87; Ord. No. I-461, §§ 3, 4, 6-3-91; Ord. No. J-29, §§ 15—18, 12-7-92; Ord. No. K-24, § 7, 8-21-00; Ord. No. K-148, § 4, 4-15-02; Ord. No. K-464, § 4, 11-18-06; Ord. No. K-495, § 1, 6-18-07; Ord. No. L-82, § 4, 4-20-09; [Ord. No. L-295, § 10, 11-4-13](#))

Sec. 22-33. - Tourist Commercial Zone (C-5).

- (a) *Purpose.* The intent of this district is primarily to provide suitable locations for **tourist facilities and certain tourist related establishments**. In part, this means that areas in the zone should be in close proximity to an arterial or collector street. It also means that the uses allowed should be much more limited than those permitted in a C-3 or C-4 zone. **Regulations for the district are designed to enhance the attractiveness and convenience of the facilities for tourist use.**
- (b) *Basic use standards.* Uses in a C-5 zone, except multifamily housing developments, must meet the requirements of this section. More restrictive requirements, set forth in accordance with other provisions of this chapter, must be satisfied by some conditional uses.
- (1) *Lot size.*
- a. The minimum lot area shall be ten thousand (10,000) square feet.
 - b. The minimum lot width shall be seventy (70) feet.
 - c. The minimum lot depth shall be ninety (90) feet.
- (2) *Yards.*
- a. The minimum depth of the front yard will be twenty-five (25) feet.
 - b. The minimum yard depth (if not the front yard) for portions of the property abutting a public right-of-way or residential district shall be fifteen (15) feet.
- (3) **Lot coverage. Buildings shall not cover more than sixty (60) per cent of the lot area.**
- (4) **Building height. No building shall exceed a height of forty-five (45) feet above grade, except that multifamily housing developments in accordance with the requirements of the R-5 zone may be approved.**
- (c) *Other applicable use standards.*
- (1) Site plan review shall be required for multifamily housing developments and for other uses which have buildings with more than four thousand (4,000) feet of floor area.
 - (2) Accessory buildings shall comply with all yard, lot coverage and building requirements of this chapter.
 - (3) Every lot shall abut a street other than an alley for at least fifty (50) feet.
 - (4) Materials or objects which would detract from the open space character of an uncovered or unenclosed area will not be permitted in such an area.
 - (5) All uses will comply with applicable access, parking and loading standards in sections 22-60 and 22-61.
 - (6) Conditional uses will meet the requirements in sections 22-74 through 22-86.
 - (7) Signs will comply with standards referred to in section 22-55.
 - (8) All other applicable ordinance requirements will also be satisfied.

(Ord. No. H-186, § 30-33, 6-15-81; Ord. No. I-114, § 5, 7-1-85; Ord. No. K-24, § 12, 8-21-00; Ord. No. K-441, § 3, 1-16-07; Ord. No. L-207, § 1, 1-18-11; Ord. No. L-255, § 1, 5-7-12; [Ord. No. L-295, § 15, 11-4-13](#).)