



Bird Key Improvement Association

Handbook for Owners and Contractors

Prepared by
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April 15, 2011

*Owners and contractors must ensure they are
using the most recent version of Bird Key rules and regulations.*

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1. Introduction

This Handbook has been prepared as an aid to owners of homes and property on Bird Key. The purpose is to help owners and their contractors adhere to the various rules and regulations relating to construction and landscaping work for homes on Bird Key. **This Handbook is based on the most recent declarations and by-laws for Bird Key as of the date on the cover of this document. Owners and contractors should ensure that no further revisions of this book or the governing documents have been issued.**

Bird Key is not a source of information about the City of Sarasota and other entity requirements. Owners and contractors should contact the City for that information. The website (<http://www.sarasotagov.com/Business/Content/Building/BuildingHP.html>) references many of the City requirements.

Bird Key has its own rules and restrictions that in some cases are different from the City of Sarasota. You must adhere to these requirements to do work on Bird Key. Complying with only City requirement is not sufficient to satisfy restrictions herein. Fines, liens and legal action may result if you fail to comply with these Bird Key restrictions.

Additional information on Bird Key as well as electronic versions of this Handbook and various forms, may be found on the Bird Key web site at: <http://www.bkia.org> or by visiting the Bird Key Office during business hours.

Your comments and suggestions for improving this Handbook are invited.

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2. Building and Landscaping Permits

This section contains information regarding getting and complying with a BKIA permit. The following pages contain information on the following areas:

- Letter to All Owners
- Table Regarding When Permits Are Required
- Permit Process Explained
- New Construction Permit Requirements
- Permit Restrictions
- Permit Application and Owner Agreement
- Sample Approval Letter
- Display of Permits
- Permit Duration
- Changes to Plans and Permitted Work

The following pages address each of these areas in detail.



Dear BKIA Home Owner,

Bird Key is one of the most prestigious communities in Sarasota and your association wants to maintain its stature. Thus, since its creation in 1959 the BKIA has required building permits for many activities on the Key. Permits help us maintain set backs, building heights, and a safe and aesthetically pleasing neighborhood for all.

This letter is to remind you that **BKIA permits are required for most construction and landscaping work that you may undertake**. Further, you and not your contractors are responsible for obtaining these permits before work commences. A table of activities requiring a Bird Key permit is on page 2 of this letter. Note in some cases you must file a copy of the City of Sarasota Permit with Bird Key in lieu of a BKIA permit. In all cases, permits must be displayed in a permit box or visible on the front of the house until work is finished.

We have had situations where people have not obtained a BKIA permit before starting work. In several situations, we could have saved owners thousands of dollars in project costs had they been aware of the full scope of what their project entailed. In several other cases, the Board refused an “after the fact” variance requiring that planned construction work end far short of what the owner wanted. In some cases, we could have prevented City fines of thousands of dollars. Further, with proper permit applications we can avoid some legal actions. We have a routine inspection program that helps find work underway that does not have a permit. However, we have been too late in some cases to prevent situations like these. If we do not see the work during construction but discover it after completion, the need for compliance still exists.

Accordingly, the Board voted unanimously on February 19, 2004, to change the fees on permits that are issued after work has commenced on Bird Key without the required BKIA permit. When the permit is obtained after work has started, the permit fee will be three times the normal permit fee with a minimum of one hundred dollars. There is no change to the permit fees for those permits obtained before work starts.

Permit applications are available at the Bird Key office as well as on the Internet at www.bkia.org. Applicants should allow thirty days for a permit to be approved.

Thank you for your continued efforts to maintain your properties and continued efforts to keep improving them as the stature of Bird Key continues to increase.

Sincerely yours,
Jack Laurie, President
Bird Key Improvement Association, Inc.

**Table 1 – Construction Projects and Permit or Notification Requirements
For Bird Key Improvement Association – Effective March 15, 2009**

<u>Type of Project</u>	<u>Bird Key Requirement</u>	<u>City of Sarasota Requirement</u>
1. Home Demolition	Permit	Permit
2. Tree Removal (over 14” circumference)	None	Permit
3. Lot Elevation Changes	None	Permit
4. Drainage or Runoff Changes	None	Permit
5. Home – New or Exterior Renovations	Permit	Permit
6. Home – Additions	Permit	Permit
7. Interior Renovations	None	Permit
8. Roof (Removal/Installation)	Permit	Permit
9. Aerials/Antennas/Lightning Rods (non-dish)	Permit	Permit
10. Driveways (Removal/Installation)	Permit	Permit
11. Landscaping	Permit	Permit
12. Fences and Walls (all types)	Permit	Permit
13. Pools, Patios, Decks	Permit	Permit
14. Pool Cages (Removal/Installation)	Permit	Permit
15. Docks (fixed or floating)	Permit	Permit
16. Boat Lifts (all types)	Permit	Permit
17. Seawalls/Caps (new/repair)	Permit	Permit
18. Wells	None	Permit
19. Irrigation Systems	None	Permit
20. Pool Heaters (all types)	Permit	Permit
21. Painting	Permit	None
22. Garage/Estate Sales	Permit	None

Permit Process Explained

The BKIA issues permits after inspecting the application and all submitted materials. Usually a site visit is conducted. The following steps are usually conducted to issue a permit.

1. Owner Submits BKIA Permit Application and Owner Agreement (see form on following pages)
 - a. The agreement on page 9 must be signed and notarized.
 - b. A check for required permit fee must accompany the application.
 - c. The attached checklist of items may help owners in their permitting process since supplemental material is required for most applications (e.g., plans, layouts, sketches, elevations, drainage plans, etc.) [See following pages for list].
 - d. When new fill is brought into Bird Key, the permit application must include environmental certification of the new soil as to source, and insect and vermin infestation.
2. Bird Key Improvement Association's Architecture and Landscaping Committees review permit applications and attachments
 - a. Reviews are made to verify compliance with BKIA by-laws and restrictions.
 - b. BKIA may also check to ensure that various City rules and regulations have been complied with.
 - c. In rare situations, BKIA must engage an outside architectural or engineering firm to examine plans and submissions; in these cases, the owner is responsible for the review costs that must be paid prior to issuance of the permit.
 - d. Up to 30 days should be allowed to issue the BKIA permit.
3. BKIA issues an approval letter and permit to the Owner (see sample on page 11). This permit must be displayed at the site as discussed on the following pages.
4. BKIA must be notified within ten days of the completion of the work.

Materials to Be Provided With Permit Application

1. Sketches or diagrams to help BKIA understand what you intend to do.
2. A copy of all City of Sarasota building permits as issued for associated work. **[Note: this requires that City of Sarasota permits be obtained prior to obtaining a BKIA permit.]**
3. When seeking a landscaping permit, Landscape Plans to scale showing major plantings, trees, fences, walls, other hardscape, driveway, and other detail.

The following must be submitted with permit applications for **new homes or additions** to or exterior renovations of an existing home.

4. All other architectural drawings required by the City of Sarasota that must be signed and sealed by a Florida licensed architect ensuring compliance to all BKIA regulations.
5. A current sealed/signed survey showing:
 - a) Total square feet of lot and existing elevation
 - b) Adjacent lot elevations
 - c) V-zone construction certificate (if required)
6. One set of sealed/authenticated plans and specifications for the proposed permitted property (as required by City of Sarasota). The set must consist of the following to meet BKIA requirements:
 - a. Plot plans (to scale) showing existing and proposed structure
 - b. Set back distances to scale (include adjacent structures)
 - c. Total floor area of structure
 - d. Total area of impervious surface (structure and landscaping)
7. Proposed storm water runoff plan with control details designed and sealed by a Florida Licensed engineer
8. A separate Landscape permit is issued. The permit may be applied for while other construction is progressing. Detailed landscape plans are needed. (Please note, landscaping must be completed within 60 days after the Certificate of Occupancy is issued.)
9. A signed and notarized copy of the contract showing the total price of the contract for the work to be completed.

Permit Application and Owner Agreement

Applicant Name: _____ Relationship _____ Date: _____

Home # _____ Work# _____ Cell# _____

Permit Address: _____ Lot _____ Blk _____

Homeowner Name: _____ Full Time Resident? Yes _____ No _____

Mailing Address: _____ Email _____

Home # _____ Work# _____ Cell# _____

Purpose of Permit: _____

Est Cost: _____ Est Start Date: _____ Est Completion Date: _____

Builder - G/ C: Name _____ License#: _____

Builder - G/ C: Address: _____ Email _____

Builder - G/ C Office #: _____ Cell#: _____ Fax#: _____

I hereby apply for a Bird Key Improvement Association, Inc. (BKIA) Building Permit for the above referenced property. I make the following representations and understand and agree to the following:

1. I attest that I am the homeowner of the above property, that the address is correct, and I have read and understand the applicable provisions of the "Declarations, Articles of Incorporation, By Laws and Rules and Regulations of BKIA" (the Documents)
2. I understand that it is my personal responsibility to assure that the project conforms to the BKIA documents and the approved plans on file in the BKIA office dated _____.
3. This process can take up to 30 days.

I understand that failure to comply with all provisions of the BKIA documents and approved permitted plans will subject me to potential fines and/or liens, as well as possible legal proceedings and that the project will have to be corrected to so comply.

(Applicant Signature)

(Date)

The foregoing instrument was signed and acknowledged before me this ___ day of _____, 20___. He / she is personally known to me - or - has produced _____ as identification.

He / she did / did not take an oath.

NOTARY:

State of Florida Notary / Seal _____ Stamp:
County of Sarasota

Permit Fees

Fees for permits and construction administration fees for BKIA as stated in the by-laws and declaration are as follows:

One dollar for each thousand dollars of the project cost, with a ten dollar minimum.

As noted earlier in this document, separate permits must be drawn for pool, pool cage, landscaping, walls, fencing, dock, davits, seawall, etc.

A construction plans administration fee will be charged for projects (e.g., re-roofing) which require an outside architect's review.

SAMPLE ONLY

Approval Letter

Resident:

Date:

Re: (Address)

Permit#:

Dear Owner,

The Directors of BKIA has approved your requested permit for work at the above-indicated property, and as shown on the plans submitted to the Architectural Committee. Please note, however:

1. Only work that is detailed on the submitted and approved plans may be performed with this permit.
2. You are bound to the restrictions and limitations listed in the signed and notarized BKIA permit application and agreement, and permit work restrictions.

The attached permit must be posted on a Permit Board along side of the City Permit and must be so placed as to be visible from the front of the house. The only permitted sign will be on the front of the permit box itself, and only by the General Contractor/Builder/Owner.

Failure to begin a consistent program within ninety (90) days will invalidate this permit and plans and fees will have to be resubmitted.

You will be held responsible for assuring that the construction site is kept neat, free of debris, and provided with a silt/soil barrier around the property.

You must submit within ten (10) days of work completion a notification of the fact. Use the enclosed form to so comply. The Architectural Committee will re-inspect said property for BKIA compliance.

Under the best circumstances, construction projects will produce noise and discomfort to surrounding neighbors. We know you want to be a good neighbor and that you will treat your neighbors in the same way you want to be treated. We appreciate your anticipated cooperation.

Bird Key Improvement Association, Inc.

Board Member

Board Member

Display of Permits

Bird Key requires that **building and landscaping permits be prominently displayed at the premises**. Thus, owners (and their contractors) undertaking construction should comply with the following:

1. A Permit Board must be provided for all projects that require a permit. For major construction projects this must be installed in the yard in the front of the work site. Permits must be accessible for inspection by BKIA.
2. All permits (City and BKIA) should be posted in the Permit Board along with copies of all associated drawings, plans and contracts.
3. Advertising signs are allowed on Permit Board front. No other signs are permitted except “No Trespassing” signs should the builder wish to have these displayed at the site.

Permit Duration

A Bird Key permit is good for only **90 days** from the date of issue to the actual start of the approved work. A new permit will be required if this does not occur. A letter requesting an extension may be submitted prior to the end of the 90 days. If no architectural or other material changes have been made to the project an extension letter will be issued by BKIA.

Once started, work must be conducted on a continuous basis in order to maintain a permit’s status. Cessation of work at the site for more than **45 days** may nullify the permit and subject owners to fines for non-completion and requires that owners and/or contractors resubmit their applications for permits. **Once started, Bird Key wants to see the work progress at a rapid pace and be completed in a timely manner. Permits expire at 18 months from the date of issue but extensions may be granted.**

Changes to Plans and Permitted Work

When material changes are made to the work for which a permit has been issued, the owner must submit the changes for BKIA approval. BKIA will consider the project as “new” and thus changes to the permits must be obtained. Failure to have a proper permit may result in fines. Material changes are those that change the exterior dimensions in any way, change the look or character of a property, or expand the project to include other work for which a permit would normally be required.

3. Work Site Requirements

This section contains information regarding work site and the conduct of work. The following pages contain information on the following areas:

- Hazards
- Staging Areas Prohibited on Other Properties
- Hours of Work and Noise
- Parking
- Portable Toilets
- Debris and Site Cleanliness

The following pages address each of these areas in detail.

Hazards

Safety is paramount at each worksite. Owners and contractors must take the requisite steps to protect the site and adjacent properties from hazard or damage, particularly during times of high winds, hurricanes, or other storms. In particular, roof tiles, plywood, and other unattached structural material must be removed and secured when such storms are expected.

Staging Areas Prohibited on Other Properties

No vacant properties other than an owner's own land may be used as a staging point or car parking area.

In exceptional situations, BKIA will permit other properties to be so used, but such use must be petitioned and written approval obtained prior to such use. Written permission from an owner must be obtained prior to requesting approval from BKIA for such use.

Hours of Work and Noise

No work that produces exterior noise will commence before 8:00 am nor continue past 6:00 pm Monday through Friday and 5:00PM on Saturday. No work is allowed on Sunday. Exception to these times may be made if work is of an interior nature.

No audio equipment will be played at a site at a volume that will cause an adjacent resident to complain of the noise.

Parking

Emergency vehicles must have full and open access to all areas of Bird Key at all times. Thus, all vehicles associated with a project and not parked on the construction site must **park on only one side of the street**, heading in the proper direction and not blocking driveways or mailboxes. Any non-compliance will result in Bird Key notifying the Sarasota Police and requesting that violating vehicles be ticketed or towed.

Portable Toilets

Portable toilets must be located at least fifteen (15) feet from the curb. Where available, toilets should be screened by available landscaping to minimize their view from the street and from adjacent properties. Contractors must build concealing walls or fences for the toilets or place the toilets inside the structure as soon as practical.

Debris and Site Cleanliness

No construction debris will accumulate on any lot for a period in excess of 24 hours, unless concealed in a Board approved container (i.e., dumpster). Once filled, said container will be removed within one day. Construction materials and/or debris containers/dumpsters may not be left in the street.

Building sites shall be policed daily for blowing debris and for bottles, cans, packing materials, and other construction debris that is unsightly or that may blow from the site into adjacent properties. No leftover food or food bags will be left on sites unless placed inside a covered trashcan.

4. Building Height Limits

Bird Key Requirement

BKIA limits the height of buildings to 37 feet in height, to the highest ridge line, excluding decorative features such as chimneys, cupola's, etc., which may not exceed six (6) feet in height, measured from the elevation of the street center line.

Presently, the City measures building heights in a completely different manner from Bird Key. **The result is that by using only City measurements, a home of Bird Key could be twelve feet higher than allowed on Bird Key. Be sure proper Bird Key measurements are followed.**

The Figure and Table on the following page shows some of the many different reference points for measuring a house height.

Every property is different. There are slight variations of the street elevation across Bird Key. Owners must have a licensed surveyor carefully layout and compute what they can do with their specific property and still comply with Bird Key regulations.

The Impact of FEMA on Bird Key Building

FEMA (Federal Emergency Management Agency) has designated Bird Key as having four different FEMA zones (these overlay the residential zones that the City has designated). Each of these zones has different “**Minimum Flood Elevations**” that refer to the height of the first residential floor (the part you walk on) above mean sea level. The FEMA zone you are in can be found on your site survey or this information is available at the Bird Key Office. Since homes are limited to two stories, the combined FEMA and height restrictions will likely impact ceiling heights of the two allowed living levels. For some homes (i.e., those in Zone V17) a lower floor or basement is required so that the FEMA first floor height for the living space of the home is satisfied. Normally, these ground floors are required to have breakaway walls.

Most Bird Key streets are 8.0 feet above mean sea level (MSL) to the crown of the street. Thus, home heights are limited to 45 feet above mean sea level. The table and figure on a following page shows the relative heights in the diagram for the four FEMA zones on Bird Key.

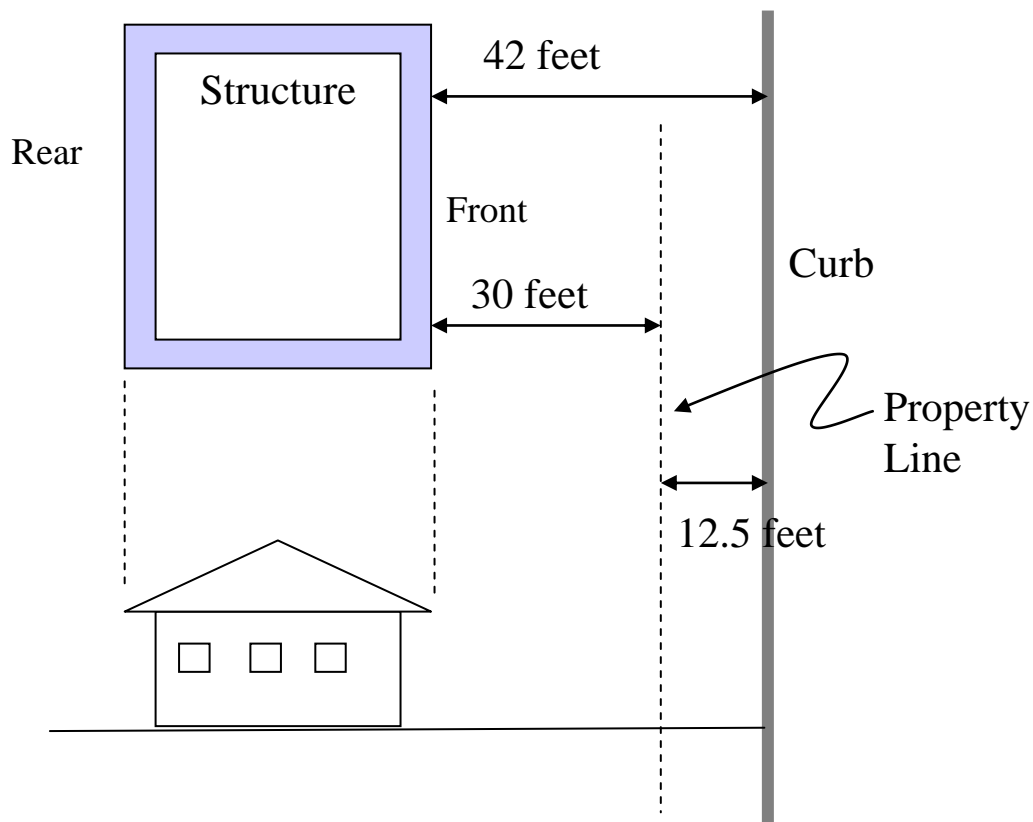
Owners and builders should note that the vertical space for living gets smaller as you move from right to left in the above table. This corresponds to moving from inland homes to homes with increasing bay front exposure. Thus, new bay front homes have more severe ceiling height limitations within the home than garden homes on Bird Key. Owners and builders should be aware of this when designed and planning new home construction.

Setback Requirements

Front Setback

The Bird Key setback requirement is 42 feet from the dirt side of the curb to the *closest point of any part of the house, including the eaves*. **The Bird Key front setback is more stringent than the City's Setback.**

The diagram below may help clarify various measurements to the front of a structure on a Bird Key property.

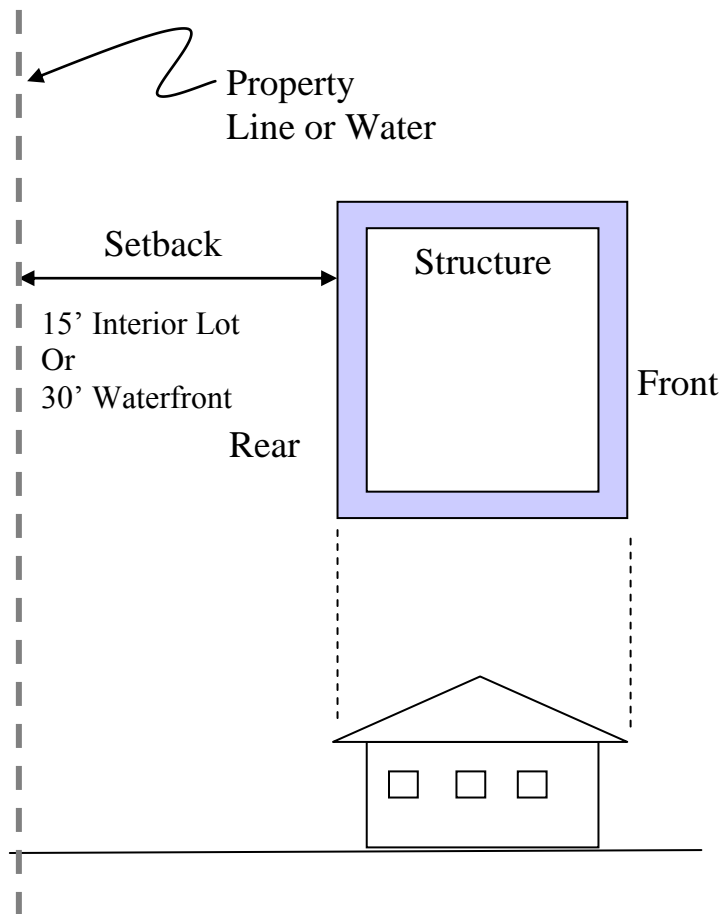


Rear Setback

The setback requirement for Bird Key structures is 15 feet from the property line for interior lots (garden homes) and **30 feet from the rear property line for waterfront property** (canal or bay front homes). The figure illustrates measurement.

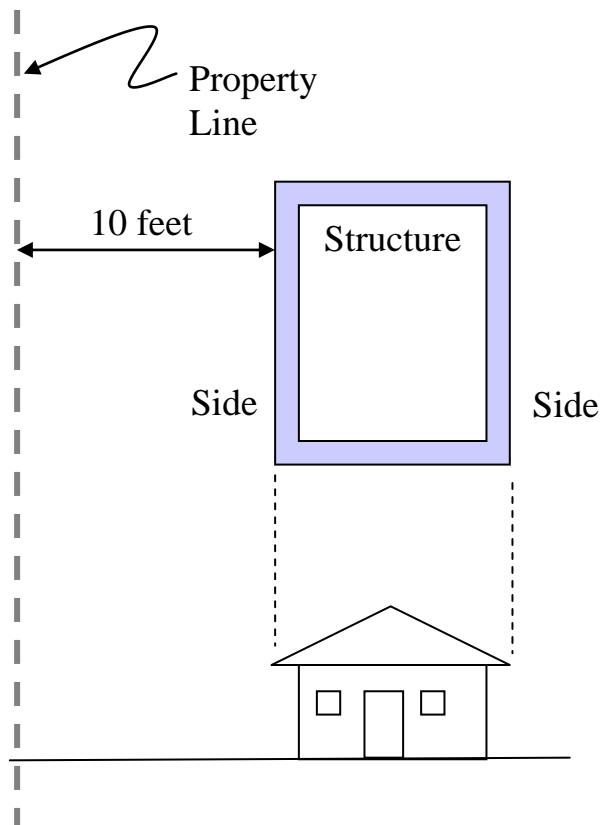
A structure is any part of the house, including the pool cage. Waterfront structures must be 30 feet from the water side of the retaining wall or the edge of the water. In both cases this is to the nearest part of the house, including the eaves.

Note: Pool cages on interior (garden) lots may be constructed to within five (5) feet of the rear property line. The side setback remains ten (10) feet.



Side Setback

The Bird Key side setback is more stringent than the City and is measured differently. All Bird Key measurements are from the side property line to the closest point of the structure. A **minimum** of ten feet to any part of the structure is required. This includes eaves.



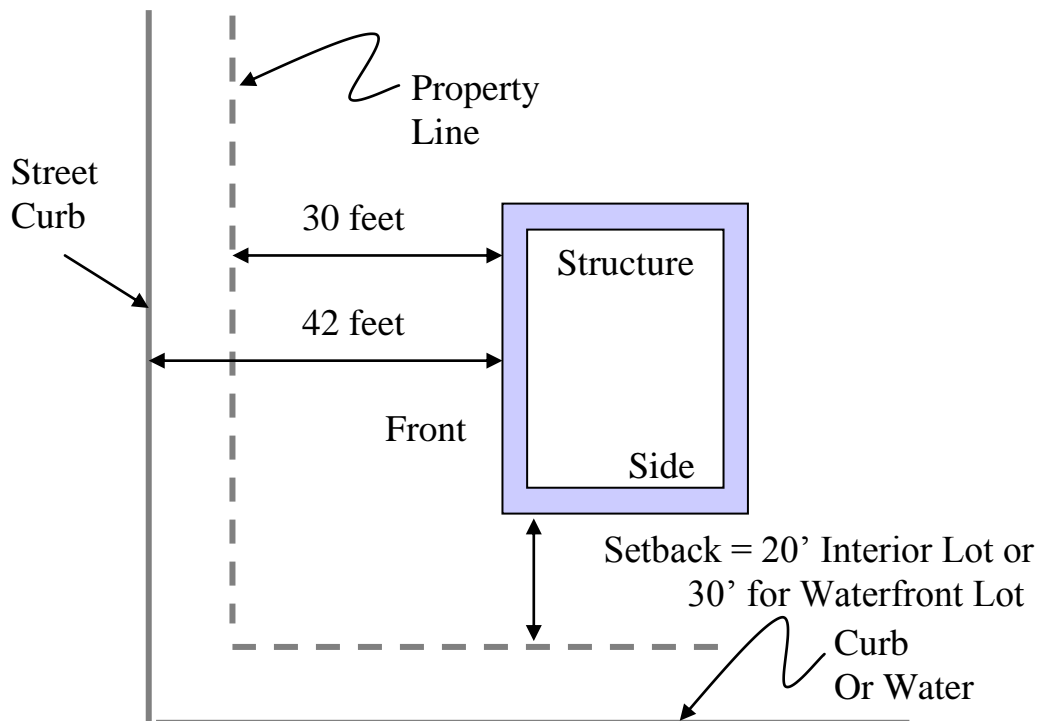
Corner Lot Setbacks (waterfront and interior)

Bird Key requirements for corner lots are different from the City of Sarasota. The reader should note a 12.5 foot measurement from the curb to the property line is present throughout Bird Key. This is a City of Sarasota law.

The designated front of the structure must be 30 feet from the property line to any part of the home, including the eaves. This is the case for both interior and waterfront homes.

For **interior lots**, the side of the structure must be 20 feet from the property line to the any part of the house.

For **waterfront lots**, Bird Key by-laws have the same setbacks as interior lots.



Pool Cage Setbacks

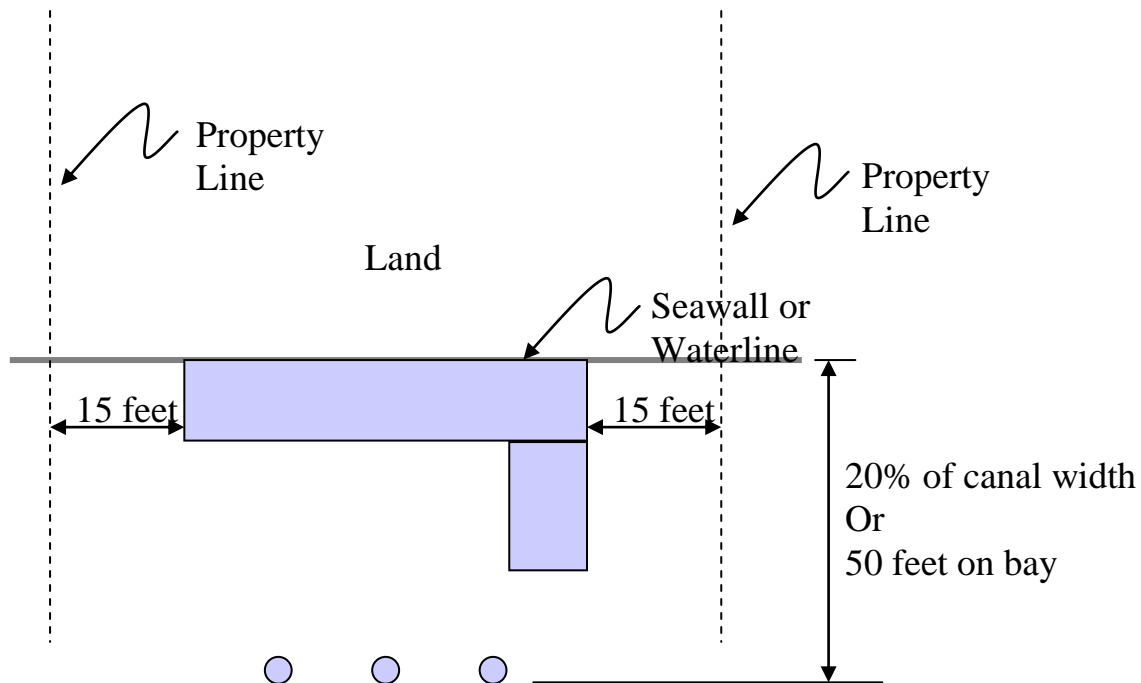
Bird Key considers pool cages as an integral part of the main building structure since they must be attached to a building. No detached pool cages are allowed. Thus, pool cages must adhere to all of the setbacks that a building structure must meet except garden lots which may have a 5 foot rear setback for the pool cage.

Docks and Pilings

With many homes on the water, Bird Key is especially concerned about how these waterfront homes look from both land and the water, as well as the preserving safe waterways around the Key.

In the measurements below, the terminology “docks” is meant to include docks **and** related piling, lifts, walkways, ramps, stairs, or any other structure outside the seawall or waterline.

Docks and pilings may not extend within 15 feet of the extended side property boundary. Docks and pilings may not extend more than 20 percent of the width of a canal into that canal. Docks may not extend more than 50 feet into the bay.



6. **Roofs**

Bird Key regulations do not allow for installation of an asphalt shingle roof, wood shingles or flat metal roofs. These products may not be used on new, renovated or replacement roofs. Barrel tile, metal barrel style and other roofing alternatives exist that are acceptable for roofing projects.

Further, unsightly, unrepaired and uncompleted roofs on Bird Key are considered a nuisance which must be repaired, cleaned or finished in an acceptable manner.

If you are contemplating a roofing project on Bird Key and you are uncertain about these requirements, please contact the office.

7. Fences and Walls

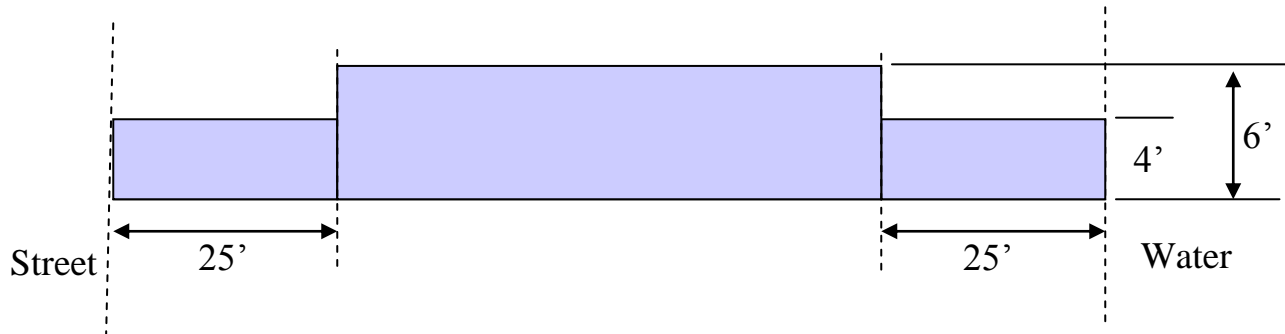
Bird Key restrictions emphasize **open sight lines**. For this reason open fences rather than walls are favored along property lines. There are numerous opportunities to establish both privacy and territorial claims, without destroying sight lines. Owners and contractors/designers are encouraged to discuss their plans for fences or walls with BKIA.

Further, bare walls are discouraged. Walls should be landscaped to offset the starkness of a long and undecorated expanse to your neighbors.

Chain link fences are not permitted.

Dimensionally, **fences or walls must be no higher than 48 inches within 25 feet of a street or water boundary, nor should they exceed six feet elsewhere.** Fence heights should be measured from the lower average property grade of each adjacent property.

Columns, pilasters, lights and decorations must not exceed 18" above the wall or fence. Owners requesting permits for fences or walls are required to submit detailed plans of the unit, including dimensions, design, and structure, as well as related landscape plans for the unit.



8. Driveways and Landscaping

Permits must be obtained for landscaping projects or any project that changes the exterior appearance of a residence.

BKIA does not support landscaping that does not enhance the Key. Landscaping must support the green belt that runs across the Key without encroaching on the sight lines so important to our community. It should not be left in an unkept condition. Landscaping should not be based solely on rocks, shells, or gravel without a green belt appearance included.

Similarly, driveways of gravel, stones, shells, asphalt or other unsuitable building materials are discouraged and unlikely to be approved. BKIA strongly supports the replacement or renovation of these types of driveways by owners.

To enhance the Key, BKIA is allowing residents to create a taller “green wall” using trees and landscaping between homes up to a height of 12 feet, providing the landscaping is maintained and does not appear unkempt. Within 25 feet of a street or waterway, all landscaping except trees must be kept below four feet in height.

New construction will not be permitted without a landscape plan. The landscaping must be completed within 60 days of issuance of the Certificate of Occupancy. Xeriscape landscaping is allowed and permitted. Shutting off the water to the lawn and plants and calling it xeriscape is not allowed. Xeriscape is defined as Florida plant life, not just rocks, sand, shell and/or gravel.

9. Penalties for Non-Compliance

Permits

Failure to obtain a Bird Key permit can result in job shut down by BKIA and/or permit fees **three times** the normal permit fee with a **minimum** of **one hundred dollars**. Other legal action may also be taken if rules and regulations are not followed. Any legal expenses to ensure compliance will be at the homeowner's expense.

Nuisances

While every attempt will be made to have a nuisance removed without fines, owners who repeatedly ignore attempts by BKIA to remediate a nuisance situation, may face fines of up to \$100 per day. Liens to enforce BKIA's power to levy these fines may also be imposed on those properties that do not settle in a timely manner, including the removal of the nuisance.

For construction and landscaping projects, nuisances include but are not limited to chronic violations regarding maintenance of a building site in a suitable manner, noise, blowing debris, unaddressed hazardous situations, chronic parking violations, and placement of portable toilets or other construction equipment where they pose a nuisance to neighbors.

Delays

Any work stoppage of more than 45 days, regardless of cause, will be considered a delay and subject to fines and penalties as outlined in the Declaration and Bylaws of the Association.