

Sec. 3-9-98. Waterfront property.

- (a) Marine businesses and waterfront industrial uses are permitted to build up to the seawall, bulkhead or bulkhead line of any creek, canal, river, lake or other body of water, natural or artificial, in the county.
- (b) Where the provisions of this section are deemed inconsistent with either the Manasota Key Zoning District Overlay or the Charlotte Harbor Riverwalk zoning district, the provision of the latter shall apply.
- (c) The following requirements shall apply, in addition to all other zoning requirements, to any lot, or portion of lot, located anywhere on a barrier island or within one thousand two hundred (1,200) feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek.
 - (1) No residential or commercial building shall exceed thirty-five (35) feet in height from the lowest habitable floor for which a building permit can be issued to the highest point of a flat roof and mansard roof, or to the mid point height between the eaves and ridge of gable, hip and gambrel roofs. In no event shall any area above thirty-five (35) feet be used or made available for storage or human occupancy. No boat storage facility shall exceed forty-eight (48) feet in height from average natural surrounding grade. This restriction shall not apply to properties located in the Riverwalk District of the Charlotte Harbor Community Redevelopment Area, identified in section 3-9-50.5(c), if the development complies with the performance standards of that code.
 - (2) Buildings shall be set back from property lines abutting streets not less than the greater of the distance required by the applicable zoning district or a distance equal to the height of any setback calculation point, as such term is defined in subsection (b)(7) hereof. This restriction shall not apply to properties located in the Charlotte Harbor Community Redevelopment Area.
 - (3) Buildings shall be set back from side property lines not abutting streets not less than the greater of the distance required by the zoning classification or a distance equal to one-half ($\frac{1}{2}$) the height of any setback calculation point. No building shall be constructed or located within twenty (20) feet or a distance equal to the height of any setback calculation point, whichever is greater, of the mean high waterline of Charlotte Harbor, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek.
 - (4) No building except single-story accessory structures shall be constructed a lesser distance from another building on the same lot than a distance equal to the height of the higher building.
 - (5) No building shall be constructed or located within fifty (50) feet or a distance equal to the height of any setback calculation point, whichever is greater, of the mean high water line of the Gulf of Mexico. No building may be constructed seaward of the coastal construction control line unless a permit has been issued by the state.
 - (6) No building shall exceed two hundred (200) feet in width or length on properties abutting the shorelines of the Gulf of Mexico, Lemon Bay, Placida Harbor, Gasparilla Sound, Charlotte Harbor, the Myakka River, the Peace River, Red Fish Cove, or Coral Creek.
 - (7) For purposes of this subsection 3-9-98(b), a setback calculation point shall be defined as any given point on the outside of a building located between the lowest minimum habitable floor elevation for which a building permit may be issued and the highest point of the roof structure. For purposes of this subsection 3-9-98(b), a height of a setback calculation point shall be calculated by measuring the vertical distance from the lowest minimum habitable floor elevation to the chosen setback calculation point. For purposes of this subsection 3-9-98(b), a setback distance based on the height of a setback calculation point (or fraction thereof) shall be calculated by measuring the horizontal distance from the chosen setback calculation point to the applicable property line. Diagram "A", attached to Ordinance No. 2002-008 and incorporated herein, shall be used for purposes of illustration, and not of limitation, of the calculation of setbacks for side property lines pursuant hereto. For purposes of determining whether setback requirements have been met under subsections 3-9-98(b)(2), (b)(3) and (b)(5), any setback for

a building must meet the applicable requirement regardless of which setback calculation point or points are used in the calculation of the setback.

- (d) Any existing beachfront or waterfront lot of record as of January 1, 1998, not less than fifty (50) feet wide and not less than fifteen thousand (15,000) square feet in area in any district permitting multiple-family, two-family or single-family residential uses may be divided into two (2) lots, each of which shall have not less than the minimum lot area required for the district in which the lot is located. There shall be permitted one (1) driveway easement not less than ten (10) feet in width along either side lot line of the total parcel, which driveway shall connect to a public road. Side yards not less than five (5) feet from the driveway easement shall be required for all buildings. Rear yards and front yards may be perpendicular to the driveway easement as required for the district in which the property is located.
- (e) The provisions of this section 3-9-98 shall apply only in the unincorporated areas of Charlotte County.