

1 **3-9-53 Manasota and Sandpiper Key Zoning Districts, Zoning Districts Overlay**

2 **(a) Definitions.** Terms used in section 3-9-53 shall have their commonly accepted meaning
3 unless they are defined in this definition section. When terms are defined both in this definition
4 section and elsewhere in the County Code, definitions for such terms in this definition section
5 shall control. The following terms shall have the meanings set forth in this definition section:
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7 **Accessory house:** A guest house, mother-in-law unit, caretaker housing or similar structure.

8 **Advisory committee:** Manasota and Sandpiper Key Advisory Committee established by the
9 Board of County Commissioners (Board) on October 12, 2004 pursuant to Resolution
10 Number 2004-212.

11 **Architectural review committee:** A subcommittee of the advisory committee established to
12 review proposed development and redevelopment to determine compliance with this
13 Manasota overlay code and requirements promulgated by the Board pursuant to the
14 Manasota and Sandpiper Key Code.

15 **Building frontage:** The length of the building which directly faces a street or, for a shopping
16 center which exceeds one hundred thousand (100,000) square feet, an off-street parking
17 area located on the development site. Where a business may not face a street or off-street
18 parking area, the building frontage shall be the main face or front of the business.

19 **BZA:** The Charlotte County Board of Zoning Appeals.

20 **County Code:** The Charlotte County Code of Laws and Ordinances, as the same may be
21 amended from time to time by the Board.

22 **DRC:** The Charlotte County Development Review Committee provided for by section 3-9-5.1 of
23 the zoning code.

24 **Design requirements:** The architectural design requirements provided for by the Manasota
25 and Sandpiper Key Code that shall regulate the design of new construction and the repair,
26 rehabilitation or remodeling of existing structures on the Islands.

27 **Develop or erect:** Either term may be used to mean the following: to build, construct, install,
28 reconstruct, move on, or conduct any physical development of a premises required for a
29 building or other structure, or to excavate, fill, drain, cut or remove trees, brush or other
30 vegetation in preparation for erection or development.

31 **Director:** Director of the growth management department of the county or his/her designee.

32 **Driveway:** A permeable surface designed for use by vehicles that connect a road to a
33 residential structure.

34 **Driveway crossover:** That portion of a driveway located on a setback.

35 **FLUM:** The Future Land Use Map included in the Charlotte County Comprehensive Plan.

36 **Green area:** Green space with improvements that consist of plants, trees, other natural
37 vegetation, open space and, unless otherwise stated, excludes driveways and sidewalks.

38 **Highest constructed element:** The highest point of a building or the highest point of any
39 appurtenances thereto. Appurtenance includes but is not limited to ornamental fixtures and
40 fittings and rooftop equipment such as chimneys, antennas, cupolas, elevator shafts and
41 other mechanical or communications equipment.

42 **Islands:** The Charlotte County portion of Manasota Key and all of Sandpiper Key situated
43 south of the Sarasota-Charlotte County line, west of the Tom Adams Bridge, north of Stump
44 Pass and east of the Gulf of Mexico.

45 **Landscaping strip:** An area of land at least ten (10) feet in width located within the setback
46 area consisting of green, open areas without impermeable surfaces, driveways or private
47 roads. A landscaping strip of a corner lot abutting at least two (2) public roads may contain a
48 sole driveway crossover provided said driveway crossover shall be the only vehicular access
49 permitted for said parcel. Landscaping strips shall meet the requirements of the landscape
50 code.

1 **Livable space:** All usable areas under the roof of a building.
2 **Manasota Key:** The land located south of the Sarasota-Charlotte County line, west of
3 Sandpiper Key, north of Stump Pass and east of the Gulf of Mexico.
4 **Manasota and Sandpiper Key Code:** The Manasota Key Zoning District Overlay code
5 established by this section 3-9-53.
6 **NGVD:** The National Geodetic Vertical Datum on the effective date of this overlay.
7 **Permeable/Pervious Surface:** A paving method for driveways and walkways that allows the
8 substantial movement of water and air through the paving material.
9 **Road:** Any public or private thoroughfare set aside for travel, excluding alleys, as the term
10 "alley" is defined in this subsection. The word "road" includes "streets", "avenue", "lane",
11 "boulevard", "thoroughfare" and "highway".
12 **Rooftop livable space:** All usable areas upon or above the roof of a building including but not
13 limited to decks, swimming pools, fences and railings. Rooftop livable space shall be
14 included as ten (10) feet in the calculation of the structure height.
15 **Sandpiper Key:** The land area located west of the Tom Adams Bridge and east of Manasota
16 Key.
17 **Setback:** An area of a lot within which neither a structure nor any portion thereof shall be
18 erected or shall encroach.
19 **Shared parking:** Parking spaces that are shared by more than one user that allows parking
20 facilities to be used more efficiently.
21 **Sidewalk:** A linear permeable surface within and adjacent to or outside and alongside the
22 boundary of a public or private thoroughfare that is designed for use by pedestrians.
23 **Structure:** Any construction or any production or piece of work artificially built up or composed
24 of parts joined together in some definite manner. "Structure" includes "building," as well as
25 other things constructed or erected on the ground, attached to something having location on
26 the ground or requiring construction or erection on the ground.
27 **Structure height:** The height of a structure as measured from the NGVD to the top of its
28 highest constructed element.
29 **Walkway:** A linear surface utilized by pedestrians for passage over dunes and other beach
30 areas.
31 **Waterfront ordinance:** The "waterfront property" ordinance codified as section 3-9-98 of the
32 zoning code.
33 **Zoning atlas:** The official Zoning Atlas of Charlotte County as established by section 3-9-8 of
34 the Charlotte County Code of Laws and Ordinances.
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1 **(b) Establishment; Short Title; Intent; Boundary.** The Manasota and Sandpiper Key Zoning
 2 Districts and Overlay code is hereby established. The short title of this section shall be the
 3 "Manasota and Sandpiper Key Code." The intent of the Manasota and Sandpiper Key Code is
 4 to serve as a vehicle for the implementation of initiatives for the preservation, conservation and
 5 protection of existing low density development and to seek to blend future development with
 6 existing development on the islands as contemplated by the Manasota and Sandpiper Key
 7 Community Plan (Plan), as accepted by the Board of County Commissioners (Board) on
 8 September 21, 2004 and as it may be amended from time to time, in a manner that is consistent
 9 with Board policy. The area affected by this Manasota and Sandpiper Key Code shall be the
 10 Charlotte County portion of Manasota Key and all of Sandpiper Key situated south of the
 11 Sarasota-Charlotte County line, west of the Tom Adams Bridge, north of Stump Pass and east
 12 of the Gulf of Mexico, hereinafter referred to as "the islands".
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15 **(c) Applicability; Conflict with Other Ordinances.** The Manasota and Sandpiper Key Code
 16 shall apply to development and redevelopment on the islands together with all other matters
 17 referenced in the Manasota and Sandpiper Key Code. The term development shall include
 18 redevelopment, shall be construed liberally and shall include any plat, special exception,
 19 variance, DRC approval, site plan approval, building or sign permit, or any other official action of
 20 Charlotte County that has the effect of permitting development and/or redevelopment or any
 21 application for any of the preceding matters. The Manasota and Sandpiper Key Code shall
 22 apply to the preceding matters notwithstanding the application of another provision(s) of the
 23 County Code to said matters.
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25 The terms of the Manasota and Sandpiper Key Code shall supersede and control in the event
 26 and to the extent of a conflict between the Manasota and Sandpiper Key Code and another
 27 provision of the County Code. In such instances where the Manasota and Sandpiper Key Code
 28 does not address an issue otherwise addressed by the Charlotte County Code of Laws and
 29 Ordinances, development shall be in accordance with the Charlotte County Code of Laws and
 30 Ordinances.
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32 The Manasota and Sandpiper Key Code shall incorporate several zoning districts, as contained
 33 within this section, which shall be the only permissible districts. In keeping with the intent of the
 34 Plan, no single-family residential district shall be rezoned to any other allowable district in the
 35 Manasota and Sandpiper Key Code. The zoning districts allowed are listed in the following
 36 table.
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OPEN SPACE	
MES	Manasota Environmentally Sensitive
RESIDENTIAL	
MSF-1, 2, 3.5, 5	Manasota Single-Family
MMF- 5, 7.5, 10, 12	Manasota Multifamily
MMF-T	Manasota Multifamily-Tourist
COMMERCIAL	
MCG	Manasota Commercial General
MCT	Manasota Commercial Tourist

SPECIAL PURPOSE DISTRICT	
MPD	Manasota Planned Development

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3 **(d) Disaster Recovery.** Following a natural disaster, as determined by the Board, a structure
4 that was legally conforming or legally nonconforming immediately prior to said disaster may be
5 replaced or restored on the original footprint, with no increase in square footage, and in
6 compliance with current height requirements and applicable state and federal standards. If the
7 structure cannot be rebuilt using the same footprint and within the allowed height, approval shall
8 only be granted following the procedures outlined in section 3-9-6.1, Variances. Applications for
9 approval under this procedure shall include a recommendation from the architectural review
10 committee.

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13 **(e) Nonconforming Status.** No provision contained in the newly adopted section 3-9-53 shall
14 create additional nonconforming status (as referenced in section 3-9-10 of the Charlotte County
15 Zoning Code), for any use, density or structure legally permitted and in existence as of the date
16 of adoption of Ordinance No. 2005-010, including any uses or structures developed in
17 accordance with an exception granted by the BCC pursuant to Ordinance No. 2004-066.
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20 **(f) Special Exceptions** (does not apply to the MPD district)

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22 **(1)** Special exceptions shall be subject to the special exception procedures set forth in
23 section 3-9-7 of the zoning code, as modified by this subsection.
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25 **(2)** Special exception applications shall be heard by the advisory committee in their regularly
26 scheduled meetings prior to the public hearing before the BZA. The advisory committee
27 shall issue a recommendation to the zoning official of "approval" or "denial". The
28 recommendation shall be forwarded to the BZA.
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30 **(3)** The recommendation of the advisory committee shall be considered by the BZA in
31 connection with the BZA's hearing on the application.
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33 **(4)** This subsection shall not preclude members of the advisory committee from providing
34 public input at BZA hearings so long as they do not represent that they speak for the
35 advisory committee, unless otherwise requested by the advisory committee to do so.
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38 **(g) Variance procedure.** Variance applications shall be heard by the architectural review
39 committee of the Manasota/Sandpiper Key Advisory Committee in their regularly scheduled
40 meetings prior to the review of the Zoning official. The architectural review and/or advisory
41 committee shall issue a recommendation of approval or denial as to the application. The
42 recommendation shall be forwarded to the Zoning official. The recommendation of the
43 architectural review and/or advisory committee shall be considered by the Zoning official in
44 connection with the Zoning official's consideration of the application.
45

46 **(h) Development Review Procedure.** Prior to submitting an application for any type of
47 development, an applicant shall submit a request for a preapplication conference and shall set
48 such preapplication conference with the architectural review committee or its designee (a
49 member of the architectural review committee duly appointed by the architectural review
50 committee as its representative) to review, discuss, and receive recommendations from the
51 architectural review committee regarding the proposed development's consistency and
52 compliance with the Manasota and Sandpiper Key Code. The request for review shall be

1 accompanied by sketches, site plans, or any other documentation required by the architectural
2 review committee, or its designee, to perform its review.

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4 **(1) Architectural Review Committee (ARC) Review**

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6 **(A)** The architectural review committee, or its designee, shall review the proposed
7 development for consistency and compliance with the Manasota and Sandpiper Key
8 Code. At the conclusion of the review, the architectural review committee, or its
9 designee, will date and sign the applicable sketch, site plan, or other submitted
10 documentation, or will prepare written comments regarding the proposed
11 development with recommendations or notations as appropriate. The architectural
12 review committee's findings shall be submitted to the Growth Management
13 Department as soon as possible but no later than seven (7) days after the fifteen-day
14 review period outlined in subsection (B) below has expired. Recommendations of
15 the architectural review committee and/or the advisory committee shall be in effect
16 for one (1) year following the date of review.

17
18 **(B)** Failure of the architectural review committee to review a request for review of a
19 proposed application within fifteen (15) business days from the date all required
20 information and documentation is received by the county shall forfeit the architectural
21 review committee's right to participate in the review process for the application. Any
22 sketch, site plan, or other documentation submitted to the county for review and
23 approval shall be consistent with the sketch, site plan, or other documentation
24 reviewed and signed by the architectural review committee for the proposed
25 development.

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27 **(C)** Applications for development on the islands shall adhere to the review and process
28 requirements in the County Code that are applicable to the proposed development.
29 All sketches, site plan, or other documentation or written comments, dated and
30 signed by the architectural review committee, or its designee, for that development in
31 connection with the preapplication review shall be included with the application.

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33 **(D)** A complete application shall be reviewed and acted on by the appropriate county
34 staff in the time provided in the County Code for such application with an additional
35 six (6) working days' extension to provide for any additional review required for
36 compliance with this Manasota and Sandpiper Key Code.

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39 **(i) Manasota and Sandpiper Key Zoning Districts**

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41 **(1) Open Space Zoning District**

42
43 **(A) Manasota Environmentally Sensitive (MES)**

44 **i. Establishment of Zoning District; Intent**

45 The Manasota environmentally sensitive (MES) zoning district is hereby established.
46 The purpose and intent of the MES district is to preserve and protect certain land and
47 water areas which have overriding ecological, hydrological, physiographic
48 importance to the public at large. It is intended to preserve and protect open spaces,
49 park lands, wilderness areas, marshlands, watersheds and water recharge areas,
50 scenic areas, beaches and native flora and fauna. It is intended to allow limited
51 public/private recreational/educational uses and their incidental accessory uses and
52 structures.

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ii. Principal Uses and Structures

The following principal uses and structures are permissible in this district:

- 1) Public and private game preserves, fish and wildlife management areas, hatcheries and refuges, parks and open spaces.
- 2) Water conservation areas.
- 3) Single-family residences that meet all development standards contained in this zoning district and the waterfront ordinance.
- 4) Limited educational facilities such as canoeing, hiking, nature study and outdoor education in keeping with the intent of this district.

iii. Accessory Uses and Structures

Uses and structures that are customarily accessory and clearly incidental to the MES principal uses and structures are permissible in this district including non-commercial piers, docks and wharves that comply with section 3-9-70 of the zoning code, entitled "Boat docks; boathouses; boat lifts."

iv. Prohibited Uses and Structures

Any use or structure that is not permissible in this district by way of express language, reasonable implication or by special exception shall be unlawful in this district.

v. Special Exceptions

The recommendation of the architectural review committee shall be considered by the Zoning official (or the Zoning official's designee) in connection with a special exception determination. The following are special exceptions in this district:

- 1) Essential services and emergency services.
- 2) Such other uses as determined by either the Zoning official (or the Zoning official's designee) to be:
 - a. Appropriate by reasonable implication and the intent of this district.
 - b. Similar to another use either explicitly permitted in this district or allowed by special exception.
 - c. Not specifically prohibited in this district.

vi. Development Standards

The following development standards apply to the MES district.

Lot Requirements	MES
Lot (min.) except as otherwise permissible	
Lot area (acres)	10
Lot width (ft.)	250 ft.
Yard Setbacks (min. ft.)	
Front	25
Side	10
Rear	20
Side & rear (abutting all water except the Gulf of Mexico)	20

Side & rear (abutting Gulf of Mexico)	50
Bulk (max.)	
Lot coverage	10%
Building height	43 ft. and 2 stories
Density (units/acre)	0.1

1 **vii. Setbacks, Driveways and Green Space**

- 2 1) All setbacks shall be green areas except where sidewalks and driveways are
- 3 permissible. Neither a structure nor any portion thereof shall be erected or shall
- 4 encroach or overhang upon the required setbacks.
- 5 2) Front yard setbacks may contain one (1) double-lane driveway crossover.
- 6 Opaque walls with a height of four (4) feet or less may be placed within the front
- 7 yard setback.
- 8 3) Landscaping strips shall be utilized. Setback reduction requirements for
- 9 nonconforming lots shall not apply, except where the nonconformity is due to a
- 10 natural disaster.

11 **vii. Parking Requirements**

12 For single-family residences that have been constructed according to FEMA

13 regulations (raised), parking will not be allowed to abut Gulf Boulevard, Shoreview

14 Drive and North Beach Road. Additional parking requirements are set forth in

15 subsection 3-9-53(f)(l) of the Manasota and Sandpiper Key Code.

16 **(2) Residential Zoning Districts**

17 **(A) Manasota Single-Family (MSF)**

18 **i. Establishment of Zoning District; Intent**

19 The MSF-1, MSF-2, MSF-3.5 and MSF-5 zoning districts are hereby established.

20 The MSF districts shall be used for single-family residential dwellings and for other

21 uses normally associated with single-family residential dwellings. Each lot lawfully

22 created as of the effective date of the Manasota and Sandpiper Key Code shall

23 contain no more than one (1) freestanding dwelling unit for use by one (1) family.

24 Nothing herein is intended to prevent the grouping of lots or parcels for residential

25 single-family uses. There are variations among the MSF districts in requirements

26 which include differing lot areas, width, yards and uses.

27 **ii. Principal Uses and Structures**

28 The following principal uses and structures are permissible in the MSF districts:

- 29 1) Single-family dwellings, excluding mobile homes.
- 30 2) Nonprofit parks and playgrounds, as well as nature trails that exclude parking.
- 31 3) Art and music instruction, provided instruction is provided to only one (1) student
- 32 at a time.
- 33 4) Noncommercial piers, docks and wharves that comply with section 3-9-70 of the
- 34 zoning code, entitled "Boat docks; boathouses; boat lifts".

35 **iii. Accessory Uses and Structures**

36 Uses and structures that are customarily accessory and clearly incidental to the MSF

37 principal uses and structures are also permissible within the MSF districts. Detached

38 permanent garage structures are subject to the yard setback requirements of this

39 Manasota and Sandpiper Key Code. All other permissible accessory structures must

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1 be located behind the leading or foremost edge or portion of the living area of the
2 residence and must comply with applicable yard setback requirements. Permissible
3 accessory structures include:

- 4 1) Private garage and storage structures subject to the following standards:
 - 5 a. No metal buildings and/or temporary structures such as canvas awnings or
6 carports shall be allowed.
 - 7 b. Accessory buildings over two hundred fifty (250) square feet must be
8 compatible in appearance and materials to the residence.
 - 9 c. The total maximum coverage area of all accessory structures shall not
10 exceed the greater of one thousand (1,000) square feet or one-half (1/2) the
11 footprint of the principal structure. Nothing herein shall be construed to permit
12 lot coverage in excess of the thirty-five (35) percent maximum lot coverage
13 established, by the development standards set forth below. Owners of a lot
14 that is one (1) acre or more in size may apply for a special exception from the
15 total maximum coverage area limitation established in this subsection.
- 16 2) Greenhouses, the growing of plants and horticultural specialties provided that no
17 sales are conducted on the premises.
- 18 3) Swimming pools.
- 19 4) Tennis courts.
- 20 5) Boat houses and covered boat storage structures no more than 20 feet in height.

21 22 23 **iv. Prohibited Uses and Structures**

24 Any use or structure that is not permissible in MSF districts by way of express
25 language, reasonable implication or by special exception shall be unlawful in the
26 MSF districts. Prohibited uses and structures include but are not limited to
27 manufactured homes, mobile homes, commercial parking lots and private clubs.

28 29 **v. Special Exceptions**

30 The recommendation of the architectural review committee shall be considered by
31 the Zoning official (or the Zoning official's designee) in connection with a special
32 exception determination. The following are special exceptions in this district:

- 33 1) Cluster houses and patio houses, provided a site plan is approved by the DRC.
- 34 2) Beach clubs, provided that parking areas are not located within any setbacks.
- 35 3) One (1) accessory house for each single-family dwelling provided the lot area
36 shall be not less than twice the minimum lot area required for a single-family
37 dwelling. The accessory house is intended for use on a temporary basis and
38 shall not be rented for any period longer than three (3) months during any twelve-
39 month period, unless it is used as caretaker housing requiring permanent
40 occupation of the accessory house.
- 41 4) Home occupations in accordance with section 3-9-79 of the zoning code.
- 42 5) Essential services and emergency services
- 43 6) Such other uses as determined by the Zoning official (or the Zoning official's
44 designee) to be:
 - 45 a. Appropriate by reasonable implication and intent of that district;
 - 46 b. Similar to another use either explicitly permissible in that district or allowed by
47 special exception; and
 - 48 c. Not specifically prohibited in that district.

49 50 **vi. Development Standards**

51 The following development standards apply to the MSF districts.

	MSF-1	MSF-2	MSF-3.5	MSF-5
Lot (min.) except as otherwise permissible				
Lot area (sq. ft.)	43,560	21,780	12,445	8,712
Lot width (ft.)	125	100	80	70
Yard setbacks (min. ft.)				
Front	25			
Side (interior)	Half the building height (as measured by section 3-9-2), but no less than 10			
Side (abutting a road)	20	15		
Rear (interior)	Half the building height (as measured by section 3-9-2), but no less than 20			
Rear (abutting road)	25			
Rear (abutting greenbelt)	15			
Side & rear (abutting all water except the Gulf of Mexico)	20			
Side & rear (abutting Gulf of Mexico)	50			
Bulk (max.)				
Lot coverage	35%			
Building length or width (abutting water)	200 ft.			
Building height	43 ft and 2 stories livable space			
Density (units/acre)	1	2	3.5	5
Accessory Building Setbacks from :				
Rear lot line (ft.)	10			
Side yard	Same as principal building			
Abutting road right-of-way line	Same as principal building			
Abutting water (ft.)	20			

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vii. Setbacks, Driveways and Green Space

- 1) All setbacks shall be green areas except where sidewalks and driveways are permissible. Neither a structure nor any portion thereof shall be erected or shall encroach or overhang upon the required setbacks.
- 2) Front yards may contain one (1) double-lane driveway crossover. Opaque walls or fences with a height of four (4) feet or less may be placed within the front yard setback.
- 3) Landscaping strips shall be utilized. Setback reduction requirements for nonconforming lots shall not apply, except where the nonconformity is due to a natural disaster.

viii. Parking Requirements

For single-family residences that have been constructed according to FEMA regulations (raised), parking will not be allowed to abut Gulf Boulevard, Shoreview

1 Drive and North Beach Road. Additional parking requirements are set forth in
2 subsection 3-9-53(f)(l) of the Manasota and Sandpiper Key Code.
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4 **(B) Manasota Multi-family (MMF)**

5 **i. Establishment of Zoning District; Intent**

6 The MMF-5, MMF-7.5, MMF-10 and MMF-12 zoning districts are hereby established.
7 MMF districts are intended to be low or high-density residential districts with
8 emphasis on multifamily use. There are variations among the MMF districts in
9 requirements which include differing lot areas, width, yards and uses.
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11 **ii. Principal Uses and Structures**

12 The following principal uses and structures are permissible in the MMF districts:

- 13 1) All principal uses and structures permissible in MSF districts;
14 2) Two-family and multiple-family dwellings;
15 3) Cluster houses, townhouses and patio houses.
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17 **iii. Accessory Uses and Structures**

18 Uses and structures that are customarily accessory and clearly incidental to the MMF
19 principal uses and structures are also permissible within the MMF districts.
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21 **iv. Prohibited Uses and Structures**

22 Any use or structure that is not permissible in MMF districts by way of express
23 language, reasonable implication or by special exception shall be unlawful in MMF
24 districts.
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26 **v. Special Exceptions**

27 The recommendation of the architectural review committee shall be considered by
28 the Zoning official (or the Zoning official's designee) in connection with a special
29 exception determination. The following are special exceptions in this district:
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- 31 1) Beach clubs provided no parking is located within any setbacks;
32 2) Essential services and emergency services
33 3) Home occupations in accordance with section 3-9-79 of the zoning code; and
34 4) Such other uses as determined by the Zoning official (or the Zoning official's
35 designee) to be:
36 a. Appropriate by reasonable implication and intent of that district;
37 b. Similar to another use either explicitly permissible in that district or allowed by
38 special exception; and
39 c. Not specifically prohibited in that district.
40

41 **vi. Development Standards**

42 The following development standards shall apply in the MMF districts.
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	MMF-5	MMF-7.5	MMF-10	MMF-12
Lot (min.) except as otherwise permissible				
Lot area (sq. ft.)	8,712	7,500	7,500	7,500
Lot width (ft.)	80			
Yard setbacks (min. ft.)				
Front	30			

Side (interior)	Half the building height (as measured by section 3-9-2), but no less than 10			
Side (abutting a road)	15			
Rear (interior)	Half the building height (as measured by section 3-9-2), but no less than 15			
Rear (abutting a road)	15			
Rear (abutting greenbelt)	15			
Side & rear (abutting all water except the Gulf of Mexico)	20			
Side & Rear (abutting the Gulf of Mexico)	50			
Bulk (max.)				
Lot coverage	35%			
Building Width or length (abutting water)	200 ft.			
Building height	52 ft. and 3 stories of livable space			
Density (units/acre)	5	7.5	10	12

vii. Setbacks, Driveways and Green Space

- 1) All setbacks shall be green areas except where sidewalks and driveways are permissible. Neither a structure nor any portion thereof shall be erected or shall encroach or overhang upon the required setbacks.
- 2) Front yards may contain one (1) double-lane driveway. Opaque walls with a height of four (4) feet or less may be placed within the front yard setback.
- 3) Multifamily developments shall include landscaping strips. Setback reduction requirements for nonconforming lots shall not apply, except where the nonconformity is due to a natural disaster.
- 4) Landscaping strips in MMF districts shall not contain conventional detention ponds. Landscaping used in conjunction with low impact stormwater management techniques is permissible.
- 5) When multifamily residential developments are placed over two (2) or more lots shown on the zoning atlas on the effective date of the Manasota and Sandpiper Key Code, the resulting development shall contain the same number of landscaping strips as would be required if these lots were developed individually. These landscaping strips shall be shown along and parallel to the side boundaries of the project. All yards, interior setbacks and building heights shall apply to these structures, even if all buildings are part of the same development.

viii. Parking Requirements

For multifamily residences that have been constructed (raised) according to FEMA regulations, parking that abuts Gulf Boulevard, Shoreview Drive and North Beach Road is prohibited. Additional parking requirements are set forth in subsection 3-9-53(f)(I) of the Manasota and Sandpiper Key Code.

(C) Manasota Multi-Family Tourist (MMFT)

i. Establishment of Zoning District; Intent

The Manasota multi-family tourist (MMF-T) zoning district is hereby established. This

1 district is intended to permit multi-family dwellings, apartments, and tourist-related
2 commercial facilities that accomplish the goals of the Manasota Community Plan.
3

4 **ii. Principal Uses and Structures**

5 Uses and structures permissible under the MMF-T district shall be those which are
6 also expressly allowed by the Future Land Use Map (FLUM) classifications
7 applicable to the land. Generally, permissible uses in the MMF-T district include:

- 8 1) All principal permissible uses in the MMF district.
9 2) Hotels, motels and tourist accommodations.
10 3) Docking areas and other uses served by potable water and central sewer which
11 protect the environmental qualities of Manasota and/or Sandpiper Key, but
12 excluding live aboard areas or fuel/lubricant sales.
13 4) Essential and emergency services.
14

15 **iii. Accessory Uses and Structures**

16 Uses and structures that are customarily accessory and clearly incidental to the
17 principal permitted uses outlined above, shall be permissible in this district.
18

19 **iv. Prohibited Uses and Structures**

20 Any use or structure that is not permissible in this district by way of express
21 language, reasonable implication or by special exception shall be unlawful in this
22 district. There shall be no special exception or variance procedure to alter this
23 subsection.
24

25 **v. Special Exceptions**

26 The recommendation of the architectural review committee shall be considered by
27 the Zoning official (or the Zoning official's designee) in connection with a special
28 exception determination. The following are special exceptions in this district:

- 29 1) Private clubs.
30 2) Rental of non-motorized water recreational equipment.
31 3) Restaurants.
32

33 **vi. Development Standards**

34 The following development standards shall apply in this district:
35

Lot Requirements	MMF-T
Lot (min.) except as otherwise permissible	
Lot area (sq. ft.)	10,000
Lot width (ft)	100
Yard setbacks (min. ft.)	
Front	30
Side (interior)	Half the building height (as measured by section 3-9-2), but no less than 10
Side (abutting a road)	15
Rear (interior)	Half the building height (as measured by section 3-9-2), but no less than 15
Rear (abutting a road)	15

Rear (abutting greenbelt)	15
Side & rear (abutting all water except the Gulf of Mexico)	20
Side & rear (abutting the Gulf of Mexico)	50
Bulk (max.)	
Lot coverage	35%
Building Width or length (abutting water)	200 ft.
Building height	
Residential/Mixed Use	52 ft and 3 stories
Commercial	43 ft and 2 stories
Density (units/acre)	6

vii. Setbacks, Driveways and Green Space

Rear yards shall be green areas. If the MMF-T development includes only residential uses, then the front yard setback shall contain a green area. Green areas shall not contain any other land covering or structures, unless such coverings or structures are expressly permissible by this Manasota and Sandpiper Key Code, and conform to MMF and MCG land development requirements.

viii. Parking Requirements

- 1) For multifamily residences that have been constructed (raised) according to FEMA regulations, parking that abuts Gulf Boulevard, Shoreview Drive and North Beach Road is prohibited. Additional parking requirements are set forth in subsection 3-9-53(f)(l) of the Manasota and Sandpiper Key Code. For commercial uses, parking shall follow the requirements of section 3-9-90(d) of the county code. Shared parking shall be encouraged for mixed use developments.
- 2) Parking areas for commercial uses shall not be located closer than twenty-five (25) feet from lands zoned for single-family and multi-family uses.

(3) Commercial Zoning Districts

(A) Manasota Commercial General (MCG)

i. Establishment of Zoning District; Intent

The Manasota commercial general (MCG) zoning district is hereby established. The MCG district is intended to provide areas in which the customary and traditional conduct of trade, retail sales and commerce may be carried on without disruption by the encroachment and intrusion of incompatible residential uses and protected from the adverse effects of undesirable industrial uses.

ii. Principal Uses and Structures

The following principal uses and structures are permissible in the MCG district:

- 1) Restaurants;
- 2) Professional services;
- 3) Personal services;
- 4) Business services excluding schools, automobile brokers, and laboratories;

- 5) Retail sales and services excluding television service shops, floor covering shops, pawnshops, electrical and lighting fixture shops and pet shops. All merchandise shall be stored and displayed within fully enclosed buildings;
- 6) Resort marinas that do not include live-aboard dockage, sale of fuel and lubricants, laundry facilities open to the public, rental of personal motorized watercraft, and/or recreational facilities;
- 7) Private clubs;
- 8) Post offices;
- 9) Banks and other financial institutions;
- 10) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages; and
- 11) Essential and emergency services.

iii. Accessory Uses and Structures

Uses and structures that are customarily accessory and clearly incidental to the MCG principal uses and structures are also permissible in this district including a residential dwelling unit within the same structure as the principal use for occupancy by owners or employees of permitted uses.

iv. Prohibited Uses and Structures

Any use or structure that is not permissible in this district by way of express language, reasonable implication or by special exception shall be unlawful in this district.

v. Special Exceptions

The recommendation of the architectural review committee shall be considered by the Zoning official (or the Zoning official's designee) in connection with a special exception determination. The following are special exceptions in this district:

- 1) Uses appropriate by reasonable implication and intent of this district;
- 2) Uses similar to another use either explicitly permissible in this district or allowed by special exception; and
- 3) Uses not specifically prohibited in this district.

vi. Development Standards

The following development standards shall apply in the MCG district:

Lot Requirements	MCG
Lot (min.) except as otherwise permissible	
Lot area (sq. ft.)	12,000
Lot width (ft.)	100
Yard Setbacks (min. ft. except where noted)	
Front (max.)	18
Side (interior)	Half the building height (as measured by section 3-9-2), but no less than 10
side (abutting road)	20
Side (abutting zoning district that allows residential uses)	Half the building height (as determined per section 3-9-2 or 25 ft., whichever is greater

Rear (abutting lot)	10
Rear (abutting road)	25
Side & rear (abutting all water except the Gulf of Mexico)	20
Side & rear (abutting the Gulf of Mexico)	50
Bulk (max.)	
Lot coverage	50%
Building length or width (abutting water)	200 ft.
Building height	43 ft and 2 stories

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vii. Setbacks, Driveways and Green Space

- 1) For any use in the MCG district, neither a structure nor any portion thereof shall be erected or shall encroach or overhang upon the required setbacks.
- 2) If an MCG district abuts a zoning district where residential uses are allowed, no structure other than screening required by the landscape code shall be erected closer (to the residential district) than the greater of twenty-five (25) feet or the building height to the abutting residentially zoned property. Landscaping and screening shall be required in accordance with the landscape code.

viii. Parking Requirements

Off-street parking requirements shall be in accordance with section 3-9-90.

(B) Manasota Commercial Tourist (MCT)

i. Establishment of Zoning District; Intent

The Manasota Commercial Tourist (MCT) zoning district is hereby established. The purpose and intent of the MCT district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for the commercial provision of accommodations and services for tourists and other visitors and short-term or seasonal residents. The term "accommodations" is intended to include housing and various amenities, including recreational facilities and local retail trade in goods and service both general and specific to the locality/tourist attraction or principal activities. Areas designated MCT are expected to be located near or adjacent to a tourist attraction such as Gulf beach frontage, major public or private parks, and other recreational or scenic resources.

ii. Principal Uses and Structures

The following principal uses and structures are permissible in the MCT district:

- 1) Hotels and motels.
- 2) Multiple-family dwellings.
- 3) Professional and business services.
- 4) Restaurants, pharmacies/drug stores, gift shops.
- 5) Essential and emergency services.
- 6) Convenience stores.
- 7) Private clubs.

iii. Accessory Uses and Structures

Uses and structures that are customarily accessory and clearly incidental to the MCT principal uses and structures are also permissible within this district including a

1 residential dwelling unit within the same structure as the principal use for occupancy
2 by owners or employees of permitted uses.

3
4 **iv. Prohibited Uses and Structures**

5 Any use or structure that is not permissible in this district by way of express
6 language, reasonable implication or by special exception shall be unlawful in this
7 district.

8
9 **v. Special Exceptions**

10 The recommendation of the architectural review committee shall be considered by
11 the Zoning official (or the Zoning official's designee) in connection with a special
12 exception determination. The following are special exceptions in this district:

- 13 1) Nonmotorized recreational rentals.
14 2) Retail sales and services not otherwise permitted.
15 3) Parking lots, garages and structures, excluding multilevel parking garages,
16 provided that parking areas are located at ground level and do not encroach on
17 setbacks.
18 4) Such other uses as determined by the Zoning official (or the Zoning official's
19 designee) to be:
20 a. Appropriate by reasonable implication and intent of this district;
21 b. Similar to another use either explicitly permissible in this district or allowed by
22 special exception; and
23 c. Not specifically prohibited in this district.

24
25 **vi. Development Standards**

26 The following development standards shall apply in the MCT district:
27

Lot Requirements for commercial development - MCT	
Lot (min.) except as otherwise permissible	
Lot area (sq. ft.)	12,000
Lot width (ft.)	100
Yard Setbacks (min. ft. except where noted)	
Front (max.)	25
Side (interior)	0
Side (abutting road)	20
Rear (interior)	10
Rear (abutting road)	25
Side & rear (abutting all water except the Gulf of Mexico)	20
Side & rear (abutting the Gulf of Mexico)	50
Bulk (max.)	
Lot coverage	35%
Building length or width (abutting water)	200 ft.
Building height	52 feet and 3 stories of livable space

Lot Requirements for residential and mixed use development - MCT	
Lot (min.) except as otherwise permissible	
Lot area (sq. ft.)	7,500
Lot width (ft.)	80
Yard setbacks (min. ft.)	
Front	30
Side (interior)	Half the building height (as measured by section 3-9-2), but no less than 10
Side (abutting a road)	15
Rear (interior)	Half the building height (as measured by section 3-9-2), but no less than 15
Rear (abutting a road)	15
Side & rear (abutting all water except the Gulf of Mexico)	20
Side & rear (abutting the Gulf of Mexico)	50
Bulk (max.)	
Lot coverage	35%
Building length or width (abutting water)	200 ft.
Building height	52 ft. and 3 stories of livable space
Max. Density (units/acre)	15

vii. Setbacks, Driveways and Green Space

- 1) All setbacks shall be green areas except where sidewalks and driveways are permissible. Neither a structure nor any portion thereof shall be erected or shall encroach or overhang upon the required setbacks.
- 2) Front yards may contain one (1) double-lane driveway is allowed. An opaque wall with a height of four (4) feet or less may be placed within the front yard setback.
- 3) Multifamily developments shall include landscaped areas. Setback reduction requirements for nonconforming lots do not apply, except where the nonconformity is due to a natural disaster.
- 4) Landscaping strips in MCT districts shall not contain conventional detention ponds. Landscaping used in conjunction with low impact stormwater management techniques is permissible.
- 5) Landscaping strips within multifamily residential developments placed on any two (2) or more lots that are shown on the zoning atlas on the effective date of the Manasota and Sandpiper Key Code shall contain the same number of landscaping strips as the original lots would contain if these lots were developed individually. These landscaping strips shall be shown along and parallel to the side boundaries of the project. All yards, interior setbacks and building heights shall apply to these structures, even if all buildings are part of the same development.
- 6) Landscaping and screening shall be required in an MCT district in accordance with the provisions of the landscape code. If an MCT district abuts a residential

1 district, no structure other than screening required by the landscape code shall
2 be erected closer (to the residential district) than the greater of twenty-five (25)
3 feet or the height of the building upon the abutting residentially zoned property.
4

5 **viii. Parking Requirements**

- 6 1) For multifamily residences that have been constructed (raised) according to
7 FEMA regulations, parking that abuts Gulf Boulevard, Shoreview Drive and North
8 Beach Road is prohibited. Additional parking requirements are set forth in
9 subsection 3-9-53(f)(l) of the Manasota and Sandpiper Key Code.
10 2) Off-street parking requirements for commercial development shall be in
11 accordance with section 3-9-90.
12 3) Shared parking in mixed use developments shall be encouraged.
13

14 **(4) Special Purpose District**

15
16 **(A) Manasota Planned Development Zoning and Land Uses (MPD)**

17 **i. Establishment of Zoning District; Intent**

18 The Manasota Planned Development zoning district is hereby established. Approval
19 by the development review committee (DRC) shall be required prior to final MPD
20 approval by the Board. Additionally, the applicant for a MPD shall appear before the
21 Manasota and Sandpiper Key Advisory Committee (MASKAC), prior to MPD concept
22 plan approval, as this approval is outlined by subsection 3-9-49(d)(2). It is the intent
23 of this section to provide an alternative method to develop otherwise permissible land
24 uses in a manner that is flexible yet accomplishes the goals of the Manasota Key
25 Community Plan.
26

27 **ii. Principal Uses and Structures**

28 Uses and structures permissible under the MPD district shall be equivalent to those
29 that would otherwise be permissible on the property or properties prior to rezoning to
30 a MPD. In no case shall multi-family dwellings replace single-family dwellings.
31

32 **iii. Accessory Uses and Structures**

33 Uses and structures that are customarily accessory and clearly incidental to the
34 principal uses approved for the MPD in accordance with subsection ii above, are
35 permissible in this district. Where a MPD contains residential uses, noncommercial
36 piers, docks and wharves are allowed. Such marine structures shall be permitted
37 according to section 3-9-70, County Code, and a recommendation by the MASKAC.
38
39

40 **iv. Development Standards**

41 The following development standards shall apply in addition to those found in
42 subsection 3-9-49.
43

- 44 1) The following development standards shall apply in the MPD district
45

Lot requirements	MPD
Lot (min.) except as otherwise permissible	
Lot area (sq. ft.)	150,000
Yard setbacks (min. ft.)	

Front	40
Side, Rear or between structures	25 ft or half the building height, as defined in this section
Abutting water other than the Gulf of Mexico	25 ft or half the building height, as defined in this section
Abutting the Gulf of Mexico	50
Bulk (max.)	
Lot coverage	35%
Building length or width (abutting water)	200 ft.
Max. FAR	0.6
Building height*	43 ft and 2 stories for land previously zoned MSF, and 52 ft and 3 stories for land previously zoned for districts which allowed such height.

*Includes rooftop livable space as defined in section (a).

- 2) Floor-area ratio shall be calculated excluding all submerged portions of the MPD site.
- 3) Mixed use developments will adhere to the fifty-two (52) foot height limit and will include one floor of commercial use.
- 4) MPD projects will be designed to be compatible with existing development in the area and shall be adaptable to natural features of the area. Compatibility shall mean that development, whether new construction or an addition, should be architecturally and environmentally in scale, setting, and character with the neighborhood into which it is placed.

v. Setbacks, Driveways and Green Space

- 1) Lands subject to a MPD rezoning shall be contiguous whenever possible. If said lands are not contiguous, the twenty-five-foot MPD setback as outlined in subsection 3-9-49(c)(2)(d) shall be applicable whenever the proposed MPD abuts property not zoned MPD. Said MPD setback shall contain the uses and structures permissible in landscaping strips, as defined in this section.
- 2) Lands subject to a MPD rezoning shall meet the minimum lot frontage for the most restrictive zoning district applicable to the property prior to the rezoning to a MPD.
- 3) A minimum of twenty (20) percent of the entire MPD parcel shall be open space, which shall include environmentally sensitive habitats and vegetated areas and shall not be encumbered by an impervious surface. Easements and parking areas are not included in open space calculations.
- 4) There shall be one (1) main point of access and one emergency entrance per contiguous land rezoned to MPD.
- 5) When the minimum setbacks in subsection iv.1) above conflict with other required setbacks, including Waterfront Ordinance (3-9-98), coastal construction control line (CCCL) regulations, and other applicable regulations, the enforceable setback shall be that which results in a greater distance from property lines to structures.

- 1 6) Setbacks shall contain green areas, and shall not contain any other land covering
2 or structures, unless such coverings or structures are expressly permissible by
3 the overlay code. Front and rear yard areas may contain pools meeting the
4 minimum setbacks set forth in subsection iv.1), as it may be amended or
5 replaced.
- 6 7) Density bonuses. Density bonuses shall not be applicable in the Manasota and
7 Sandpiper Key Code.
- 8 8) Failure to obtain final approval for a MPD within 2 years from concept plan
9 approval may cause the County to initiate a rezoning of the property, which shall
10 revert the zoning district back to its original designation.

11
12 **vi. Parking Requirements**

- 13 1) All land coverings, including parking and circulation areas, must be pervious.
14 This requirement shall not apply to areas under the footprints of approved
15 structures.
- 16 2) Parking areas shall not be located closer to lands zoned for single-family uses
17 than the minimum setback as indicated by this district and/or other applicable
18 regulations.
- 19 3) Parking areas shall be located on the same parcel as the proposed use. Parking
20 shall not be a principal use on any given parcel.

21
22
23 **(j) Manasota and Sandpiper Key Zoning Districts Overlay**

24
25 **(1) Site design requirements.**

26 The following design requirements are hereby provided for and shall apply to all zoning
27 districts (except as noted) and development in the area affected by this Manasota and
28 Sandpiper Key Code.

29
30 **(A) Coastal Construction; Uniform Construction Line**

- 31 1) No County development permit shall be issued for construction seaward of the
32 Coastal Construction Line (CCL) until a permit has been issued by the State of
33 Florida.
- 34 2) The islands contain major structures in most parcels. These major structures
35 have created a reasonable continuous and uniform line of construction. Building
36 permits shall not be issued for residential structures which would be entirely or
37 partially located seaward of such a line, or a line traced between the corners of
38 the two (2) nearest buildings along a waterfront.

39
40 **(B) Waterfront code applicability.** Where properties lie within one thousand two
41 hundred (1,200) feet of the waters of the Gulf of Mexico, Gasparilla Sound, or Lemon
42 Bay, structures must also be constructed in accordance with the waterfront
43 ordinance, except for building height. In the event of a conflict between the
44 Manasota and Sandpiper Key Code and the waterfront ordinance, the more
45 restrictive section shall apply.

46
47 **(C) "No-Fill" Areas.** The area affected by this Manasota and Sandpiper Key Code is
48 hereby designated as a "no-fill" area where only pilings and stem walls shall be used
49 for construction except the minimum amount of fill necessary within the building
50 footprint and other facilities as required by federal, state or local statute, ordinance,
51 law, rule, or regulation.

1
2 **(D) Spot Ground Elevations.** The spot ground elevations for new development and for
3 reconstruction that exceeds fifty (50) percent of the replacement value of an existing
4 structure shall be established prior to any clearing of the site by a signed and sealed
5 survey prepared by a surveyor licensed in Florida.
6

7 **(E) Underground Utilities.** Utility lines shall be designed, built and maintained
8 underground.
9

10 **(F) Interior yard use.** Interior yards between structures belonging to the same
11 development may contain swimming pools, active and passive recreation areas and
12 parking areas which utilize permeable surfaces.
13

14 **(G) Off-Street Parking.**

- 15 1) Each residential dwelling unit shall provide a minimum of two (2) spaces per unit.
- 16 2) Multifamily developments shall provide additional parking spaces for services
17 and guests. Service parking requirements shall be the lowest whole number
18 that is greater than or equal to ten (10) percent of the number of units contained
19 within the multifamily project. Guest parking requirements shall be the lowest
20 whole number that is greater than or equal to twenty (20) percent of the number
21 of units contained within the multifamily project. At least one (1) of the guest
22 parking spaces as required by this section shall be handicapped accessible.
- 23 3) New private roads and parking shall be paved with crushed shell, stone, brick
24 and other porous materials. Porous surfacing must be in accordance with the
25 latest technology allowed by permitting districts that will permit maximum water
26 absorption into the ground. Walkways are permissible only when they are
27 necessary to comply with the Americans with Disabilities Act. Asphalt paving is
28 prohibited. This requirement shall not apply to areas under the footprints of
29 approved structures.
- 30 4) Parking is prohibited on any road or alley unless signage indicates that parking is
31 allowed and specifically shown by all-weather strips on pavement or different
32 color pavers. "No parking" signs will be installed by or with authorization from the
33 county. Vehicles in violation of "no parking" signs will be ticketed and towed.
34 Fines and towing charges will be imposed for any vehicle blocking a private
35 driveway or other entrance to private property.
- 36 5) No paid parking will be allowed on private residential property.
- 37 6) Parking of unlicensed and/or unregistered automobiles, recreational vehicles,
38 boats and/or trailers is prohibited.
- 39 7) To the greatest extent possible, parking on side yards should be screened from
40 view.
- 41 8) Leasing or rental of properties on the islands for short-term parking or long-term
42 storage of vehicles or trailers is prohibited.
- 43 9) Beach access points on the islands shall not be obstructed by parked cars or any
44 other barriers.
- 45 10) Except as provided in this subsection, off-street parking shall be in accordance
46 with section 3-9-90 of the zoning code. Subsection 3-9-90(e)(4) of the zoning
47 code, which requires that mandatory parking spaces be graded and paved, shall
48 not apply to the islands. All off-street parking sites shall be located upon
49 permeable surfaces.
50

1 **(H) Open Space/Habitat** (not applicable to the MPD zoning district). All development
2 that is subject to DRC approval must include an open space/habitat reservation area
3 equal to five (5) percent of the total area of the development. Subsection 3-5-363(d)
4 of the County Code (financial contribution in lieu of reservation) shall not apply to the
5 islands.
6

7 **(2) Architectural Design Standards**

8 These design standards generally address the following aspects of development but are
9 not limited to: building facades, building roofs, accessory structures, fences, lighting and
10 commercial structures. These standards shall regulate the appearance and constructive
11 elements of structures on Manasota and Sandpiper Key and be used in addition to those
12 standards expressed in the Charlotte County Zoning Code. Unless otherwise specified
13 within this overlay code, there shall be permitted no variances or exceptions from the
14 requirements set forth within this section.
15

16 **(A) Applicability.** This section shall apply to all zoning districts established by the
17 Manasota and Sandpiper Key Code, in the following instances or combination
18 thereof:

- 19 1) New construction of residential structures and/or fifty (50) percent reconstruction
20 of existing legally established residential structures. Reconstruction of existing
21 residential structures shall not exceed the fifty (50) percent limit within a five-year
22 period. The fifty (50) percent shall be calculated as a reconstruction of at least
23 fifty (50) percent of the square footage of the legally permitted structure, or as
24 fifty (50) percent of the value of the legally permitted structure, whichever is lower
25 in monetary value. The value of the legally permitted structure shall be
26 determined by the highest of either the valuation on the most recent county tax
27 roll, or a certified independent appraisal. The burden of providing said certified
28 independent appraisal shall be with the applicant. In no case shall the value of
29 the land be factored in calculations made pertaining to this subsection.
- 30 2) New construction of commercial structures and/or fifty (50) percent of
31 reconstruction of legally established commercial structures. Reconstruction of
32 existing commercial structures shall not exceed the fifty (50) percent limit within a
33 five-year period. The fifty (50) percent shall be calculated as a reconstruction of
34 at least fifty (50) percent of the square footage of the legally permitted structure,
35 or as fifty (50) percent of the value of the legally permitted structure, whichever is
36 lower in monetary value. The value of the legally permitted structure shall be
37 determined by the highest of either the valuation on the most recent county tax
38 roll, or a certified independent appraisal. The burden of providing said certified
39 independent appraisal shall be with the applicant. In no case shall the value of
40 the land be factored in calculations made pertaining to this subsection.
- 41 3) Additions which consist of less than fifty (50) percent of the total interior square
42 footage to legally established residential single-family and multi-family structures.
43 Additions to existing structures shall not exceed fifty (50) percent of the original
44 square footage within a five-year period for single-family and multi-family
45 structures. Additions shall meet all codes applicable at the time of building permit
46 application.
- 47 4) Additions which consist of less than fifty (50) percent of the total interior square
48 footage to legally established commercial structures. Additions to existing
49 structures shall not exceed fifty (50) percent of the original square footage within
50 a five-year period for commercial structures. Additions shall meet all codes
51 applicable at the time of building permit application.

1
2 **(B) Stormwater Design.** Stormwater ponds and retention areas, where required, shall
3 generally be located in those portions of the site which naturally occur but no closer than
4 ten (10) feet to the property boundary or public right-of-way unless reviewed and
5 approved by the architectural review committee. This requirement shall not apply to
6 drainage swales in single-family districts.
7

8
9 **(C) Driveway Design.** Driveways shall be maintained, repaired, constructed, and
10 installed according to all of the following standards:

- 11 1) Driveways shall be constructed to ensure that no portion of a parked vehicle
12 encroaches onto the public right-of-way or over any public sidewalk/bicycle path
13 intended for public use.
- 14 2) New driveways and driveways where more than fifty (50) percent of their area
15 (not including enclosed garages) is repaired/replaced shall be completely (i.e.
16 entire driveway) constructed of one (1) of a combination of the following
17 materials: porous brick, porous pavers, rock, pebbles, washed crushed shell, or
18 gravel. New asphalt and concrete (porous or non porous) shall be prohibited.
- 19 3) No driveway shall exceed twenty-four (24) feet in width at the portions where it
20 connects to a roadway. Additional internal width may be permitted only to
21 accommodate required turning lanes.
- 22 4) Driveways shall not encroach setbacks, unless they are the only driveway and
23 are only a crossover.
24

25 **(D) Building and facade materials and design.**

- 26 1) Facade walls, excluding doors, windows, and trim. All facades shall be improved
27 and constructed with one (1) or a combination of the following materials:
28 masonry, stucco, vinyl, and/or wood. Specific accent materials shall be allowed
29 pursuant to these standards.
 - 30 a. Masonry. A masonry finish may be allowed on any facade; however,
31 unfinished and exposed concrete block shall be prohibited.
 - 32 b. Wood. A wooden finish may be allowed on any facade pursuant to the
33 additional standards. Wooden panels and board shall be installed in either a
34 flush horizontal or vertical pattern. Slanted wood patterns shall be prohibited
35 unless specifically reviewed and approved by the architectural review
36 committee.
 - 37 c. Stucco. A stucco finish may be allowed on any facade.
 - 38 d. New technologies shall be reviewed and considered by the architectural
39 review committee and/or the Manasota and Sandpiper Key Advisory
40 Committee.
 - 41 e. Neon and florescent colors shall be prohibited.
 - 42 f. No reflective materials shall be used on building facades.
- 43 2) Trim shall be required around all wall openings including, but not limited to,
44 windows, doors, balconies and alcoves except as noted below. Trim shall be
45 installed pursuant to all of the following standards:
 - 46 a. Trim shall resemble wood, masonry stone, stucco or tile.
 - 47 b. Reflective finishes shall be prohibited.
 - 48 c. Trim shall be a minimum of three inches in width.
 - 49 d. Colors: Neon and fluorescent colors shall not be used on any trim or
50 structure. The use of black paint shall be limited to trim.
- 51 3) Accent materials may be used on buildings but shall be limited to twenty (20)

1 percent of any building facade. When using faux finishes, they should resemble
2 indigenous Florida material. No reflective materials shall be used on building
3 facades. Additionally, from time to time, other accent materials may be proposed
4 subject to review and a recommendation for approval by the architectural review
5 committee.

- 6 4) Windows shall be placed on all facades and exterior walls.
- 7 5) All buildings shall have a clearly defined building entrance.
- 8 6) Garage doors are required to be flush or recessed back from the front facade so
9 as not to dominate the architectural design and appearance. Garage door height
10 is limited to ten (10) feet unless reviewed and approved by the architectural
11 review committee.
- 12 7) Roofs shall be constructed, maintained and repaired with the following standards:
 - 13 a. Roofs shall be predominantly opaque in appearance. Glass surfaces such as
14 skylights shall be limited.
 - 15 b. Roof materials shall resemble non reflective metal, wooden shingle,
16 "dimensional" asphalt shingle, barrel tile, concrete tile, slate or new materials
17 reviewed and approved by the architectural review committee.
 - 18 c. Flat roofs shall be exempt from all preceding roof material standards and
19 restrictions provided a parapet or mansard wall is utilized to screen the roof
20 and rooftop equipment. Parapets and mansards are required to be
21 constructed within the height limitations.
 - 22 d. Solar panels shall be installed to be at the same angle of incline as the roof
23 pitch, where possible. Solar panels should be positioned on portions of the
24 roof that are not readily seen from the abutting roadways.

25 26 **(E) Architectural Accents**

- 27 1) Chimneys shall be constructed within the height limitations and must be vertical.
- 28 2) Awnings shall be permanently fixed or retractable awnings over private property
29 and shall have a minimum clearance of eight (8) feet above a sidewalk or
30 walkway and eighteen (18) feet above any driveway.
- 31 3) Antenna structures shall be screened from the abutting roadway.
- 32 4) Wall art is strongly discouraged from the front building facade. All wall art visible
33 from the abutting roadways shall be approved by the architectural review
34 committee and be in character with the coastal setting.
- 35 5) Gutters shall resemble and/or match the building trim or primary facade. Gutters
36 shall not cause water to accumulate on neighboring properties or directly upon
37 driveways, sidewalks or walkways.
- 38 6) Lattice. The space between the first floor of a building and the ground shall be
39 screened with lattice or breakaway walls. Lattice shall be used specifically to
40 conceal structure areas, and shall be the same pattern and appearance through
41 the outside of the structure in which it is attached. Lattice shall be permanently
42 secured to the principal structure. Lattice shall be vinyl or painted wood, and
43 complement the building.
- 44 7) Address numbers. All structures shall post address numbers on the front of
45 building facades in a location either by the front entrance or garage door, and/on
46 signage easily visible and legible from the adjacent roadway.

47 48 **(F) Lighting fixtures, structures and elements.**

- 49 1) An outside lighting plan is required to be submitted to the architectural review
50 committee with or prior to the application submittal.
- 51 2) All outside lighting fixtures shall be installed to orient light downward and to

1 provide glare reduction optics and shielding features. No fixture shall direct light
2 upward or onto adjacent property. (Exemptions shall include small accent lights
3 that are directed upward to softly illuminate landscaping).

- 4 3) Fixtures for lighting areas should follow a consistent design theme. Dramatically
5 different styles shall be avoided.
- 6 4) Light globes must not protrude below shades. Light shades must screen the point
7 source of light to minimize sky glow.
- 8 5) Exterior low level lights should be provided for pedestrian safety.
- 9 6) Fixtures shall adhere to state, county and local requirements.
- 10 7) Lighting on balconies, porches and raised walkways shall be installed no higher
11 than one (1) foot from the floor (i.e. no overhead lighting).
- 12 8) Security lighting shall be permitted throughout the night during non turtle season.
13 During turtle season security lights shall be attached to a motion sensor with
14 limited timing.
- 15 9) Light posts. Light posts shall be installed consistent with the following standards:
16 a. Light posts shall be constructed and installed to resemble wood, polished
17 concrete or painted metal.
18 b. Unfinished and/or unpainted metal and concrete surfaces and untreated
19 wooden posts shall be prohibited.
20 c. Light posts on private property shall not exceed sixteen (16) feet in height.

21 **(G) Fencing and Walls.**

- 22 1) Materials should resemble wood, wrought iron masonry and/or PVC.
- 23 2) Chain-link fencing is prohibited except that coated chain link fencing is
24 permissible to enclose tennis courts and/or swimming pools and as temporary
25 security fencing for a construction-site. In such event, the fence shall be replaced
26 at the first signs of wear or rust. A coated chain-link fence may also include
27 tennis fence netting. All fences require a permit from the Charlotte County
28 Growth Management Department.
- 29 3) Unfinished concrete block shall be prohibited. Concrete block walls shall be split-
30 faced, or finished, and capped.
- 31 4) Wood fences and walls shall be pressure-treated to prevent deterioration and rot.
- 32 5) Solid walls and fences on or near the periphery of a lot shall contain openings
33 that may be utilized by wildlife. Openings at least nine (9) inches wide and six (6)
34 inches tall must be created at the bottom every twenty-five (25) feet to allow for
35 wildlife movement.
- 36 6) Fences and walls shall not exceed six feet of height, measured from the finished
37 grade of the parcel, unless otherwise required as part of a project's approval or
38 original permit.
- 39 7) Fences and wall forward of the front building facade shall not exceed four (4) feet
40 in height.
- 41 8) Fences and walls that abut a body of water shall not exceed four (4) feet in
42 height for portions that extend beyond the building facade.

43 **(H) Accessory Structures**

- 44 1) Accessory structures shall not be located within the setbacks.
- 45 2) All accessory structures shall be securely anchored to the ground.
- 46 3) Accessory structures shall not be located forward of the front building facade.
- 47 4) Sheds, gazebos, cabanas, decks and animal houses.
48 a. Roofing materials shall resemble or be complimentary to the materials used
49 on any existing principal structure on the same property.
50
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- 1 b. Structures should be limited to ten (10) foot in height. However gazebos may
2 be permitted to a maximum of fifteen (15) feet.
- 3 5) Swimming pools, hot tubs, spas, and other water features and their decks shall
4 be installed and constructed consistent with the following standards:
- 5 a. Swimming pools, shall be limited to one (1) vertical accessory including, but
6 not limited to, slides and diving boards. Said accessories shall not exceed
7 eight (8) feet in height.
- 8 b. Pools and spas shall be permanently installed in the ground or within a
9 masonry foundation. Above ground pools or spas are prohibited.
- 10 c. Portable spas shall be modified to adhere to these standards.
- 11 6) Air conditioning and heating units shall be installed according to all the following
12 standards:
- 13 a. Window units shall not be installed on the front facade.
- 14 b. Units shall be screened from off-site view. Window units shall be exempt from
15 this standard.
- 16 c. Consideration shall be given to avoid impacts to adjacent properties; air
17 conditioning and heating units shall not encroach on setbacks or landscaping
18 strips.
- 19 7) Waste receptacles, garbage and trash containers. Waste receptacles shall be
20 installed, constructed, maintained and repaired as follows:
- 21 a. Trash can storage areas shall be completely screened from off-site view, and
22 located in full compliance with the county's dumpster ordinance.
- 23 b. Dumpsters shall be stored and screened within an enclosed area, not in front
24 of the leading edge of the building facade.
- 25 c. Dumpsters and trash containers shall meet other County Code requirements.
- 26 8) Miscellaneous accessory structures shall be consistent with the following
27 standards:
- 28 a. Ramps, where required, shall be concealed with landscaping as much as
29 possible, and shall blend with the scale and architectural features of the
30 building.
- 31 b. Carports. Temporary carports and similar structures shall be prohibited.
- 32 c. Mailboxes.
- 33 i. Community mailboxes, when available, shall be used for single-family
34 residences. No individual mailbox shall be installed in the public right-of-way
35 when group boxes are available.
- 36 ii. Multi-family and commercial development shall provide group mailboxes
37 on-site and off the public right-of-way.
- 38 d. Garden features. Garden features such as arbors, trellises, sculptures, and
39 birdbaths, shall be securely anchored to the ground. Height of garden
40 features shall not exceed eight (8) feet; height of fountains shall not exceed
41 fifteen (15) feet. Heights pertaining to this subsection shall be measured from
42 the finished grade of the site where the feature or fountain is to be located.

43
44 **(I) Landscaping**

- 45 1) A landscaping plan is required to be submitted to the architectural review
46 committee with or prior to the application submittal. All easements existing and
47 proposed must be shown on the plan, and must be drawn to scale with
48 dimensions, distances and acreages. Building structures and stormwater
49 retentions and similar features shall be shown.
- 50 2) Foundation plantings shall be installed around buildings to soften their
51 appearance from off site view.

1 3) All side and rear setbacks shall be treated with Florida friendly landscape
2 material.
3

4 **(J) Commercial Buildings and Multi-Family Residences**

5 Standards of this subsection apply to multi-family residences, commercial structures,
6 and existing structures that involve repair or reconstruction in excess of fifty (50)
7 percent of the structural replacement. New building additions for said structures shall
8 adhere to these standards in all cases as well as adhering to the above community
9 standards.

- 10 1) Primary building entrances shall be oriented to adjacent roadways.
11 2) Principal buildings shall include a permeable pedestrian pathway along the front
12 facade linking site to adjacent parking.
13 3) Loading docks and delivery vehicle parking areas should be located to the rear
14 and side of building. To the extent possible, these elements should not be placed
15 between the front building facade and the roadway.
16 4) Drive-thru facilities shall be prohibited.
17 5) All handicapped-accessible spaces must be located on an accessible route no
18 less than forty-four (44) inches wide so that users will not be compelled to walk or
19 wheel behind parked vehicles.
20 6) Parking lot areas shall be required to be screened with low fencing and/or
21 landscaping whenever areas abut a public right-of-way, residential uses, or
22 property which contains residential density with low fencing and/or landscaping.
23 7) A landscaping plan prepared by a registered landscape architect shall be
24 submitted with all new construction and/or modifications to existing structures
25 that exceed fifty (50) percent of the total structure's replacement value.
26 8) Vending machines, sales booths, media racks and other merchandise displays
27 and utility concessions.
28 a. Vending machines for beverages, food and sundries intended for
29 merchandise sales and display shall be installed, constructed and replaced in
30 kiosks or other enclosures, and screened from view of public right-of-way and
31 neighbors. Such machines shall not be placed along the front or side or rear
32 building facades. Such machines are prohibited on the exterior of any
33 structure.
34 b. Washing machines, dryers, and refrigeration units shall be prohibited outside
35 of a fully enclosed structure.
36 c. Media racks for newspapers, magazines and other printed publications may
37 be placed on the exterior of buildings but must be placed inside of the
38 standardized media containers that are approved by the Manasota Key
39 Municipal Taxing Unit, and the architectural review committee.
40
41 9) Automatic teller machines and other currency dispensing devices shall not be
42 permitted on the exterior structure of any building.
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