

1 **3-9-53 Manasota and Sandpiper Key Overlay Code**

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:  
6

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 and amended Resolution Number 2010-045.

11 **Beach club:** A membership establishment, not available for use by the general public,  
12 providing for recreational and social activities related to and in close proximity to the beach.

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

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

16 **Design requirements:** The architectural design requirements provided for by the Manasota  
17 and Sandpiper Key Overlay code that shall regulate the design of new construction and the  
18 repair, rehabilitation or remodeling of existing structures on the Islands.

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

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

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

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

24 **Islands:** The Charlotte County portion of Manasota Key and all of Sandpiper Key situated  
25 south of the Sarasota-Charlotte County line, west of the Tom Adams Bridge, north of Stump  
26 Pass Beach State Park and east of the Gulf of Mexico.

27 **Livable space:** All usable areas under the roof of a building.

28 **Manasota Key:** The land located south of the Sarasota-Charlotte County line, west of  
29 Sandpiper Key, north of Stump Pass Beach State Park and east of the Gulf of Mexico.

30 **Modular homes:** Homes that are designed, built, permitted and inspected to Florida Building  
31 Code standards and must be installed on permanent foundations.

32 **Mobile homes:** Homes that are built to U.S. Department of Housing and Urban Development  
33 (HUD) standards and are installed on temporary foundations.

34 **Permeable/Pervious Surface:** A paving method for driveways and walkways that allows the  
35 substantial movement of water and air through the paving material.

36 **Sandpiper Key:** The land area located west of the Tom Adams Bridge and east of Manasota  
37 Key.

38 **Setback:** The minimum horizontal distance between the front, rear or side lot lines and the  
39 front, rear or sides of the building.

40 **Sidewalk:** A linear permeable surface within and adjacent to or outside and alongside the  
41 boundary of a public or private thoroughfare that is designed for use by pedestrians.

42 **Walkway:** A linear surface utilized by pedestrians for passage over dunes and other beach  
43 areas.

44 **Waterfront ordinance:** The "waterfront property" ordinance codified as section 3-9-98 of the  
45 county code.

46 **Zoning atlas:** The official Zoning Atlas of Charlotte County as established by section 3-9-8 of  
47 the Charlotte County Code of Laws and Ordinances.

**(b) Establishment; Intent; Boundary.** The Manasota and Sandpiper Key Zoning Districts and Overlay code is hereby established. The intent of the Manasota and Sandpiper Key Overlay code is to serve as a vehicle for the implementation of initiatives for the preservation, conservation and protection of existing low density development and to seek to blend future development with existing development on the islands as contemplated by the Manasota and Sandpiper Key Community Plan (Plan), as accepted by the Board of County Commissioners (Board) on September 21, 2004 and as it may be amended from time to time, in a manner that is consistent with Board policy. The area affected by this Manasota and Sandpiper Key Overlay code shall be the Charlotte County portion of Manasota Key and all of Sandpiper Key situated south of the Sarasota-Charlotte County line, west of the Tom Adams Bridge, north of Stump Pass Beach State Park and east of the Gulf of Mexico, hereinafter referred to as “the islands”.

**(c) Applicability; Conflict with Other Ordinances.** The Manasota and Sandpiper Key Overlay code shall apply to development and redevelopment on the islands together with all other matters referenced in the Manasota and Sandpiper Key Overlay code. The term development shall include redevelopment, shall be construed liberally and shall include any plat, special exception, variance, site plan approval, building or sign permit, or any other official action of Charlotte County that has the effect of permitting development and/or redevelopment or any application for any of the preceding matters. The Manasota and Sandpiper Key Overlay code shall apply to the preceding matters notwithstanding the application of another provision(s) of the County Code to said matters.

The terms of the Manasota and Sandpiper Key Overlay code shall supersede and control in the event and to the extent of a conflict between the Manasota and Sandpiper Key Overlay code and another provision of the County Code. In such instances where the Manasota and Sandpiper Key Overlay code does not address an issue otherwise addressed by the Charlotte County Code of Laws and Ordinances, development shall be in accordance with the Charlotte County Code of Laws and Ordinances.

The Manasota and Sandpiper Key Overlay code shall incorporate several zoning districts, as contained within this section, which shall be the only permissible districts. The zoning districts allowed are listed in the following table.

| 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       |

**(d) Disaster Recovery.** Following a natural disaster, as determined by the Board of County Commissioners, a structure that was legally conforming or legally nonconforming immediately

1 prior to said disaster may be replaced or restored on the original footprint, with no increase in  
2 square footage, and in compliance with current height requirements and applicable state and  
3 federal standards. If the structure cannot be rebuilt using the same footprint and within the  
4 allowed height, approval shall only be granted following the procedures outlined in section 3-9-  
5 6.1, Variances. Applications for approval under this procedure shall include a recommendation  
6 from the advisory committee.

7  
8 **(e) Nonconforming Status.** No provision contained in the newly adopted section 3-9-53 shall  
9 create additional nonconforming status (as referenced in section 3-9-10 of the Charlotte County  
10 Zoning Code), for any use, density or structure legally permitted and in existence as of the date  
11 of adoption of Ordinance No. 2005-010, including any uses or structures developed in  
12 accordance with an exception granted by the BCC pursuant to Ordinance No. 2004-066.

13  
14 **(f) Special Exceptions** (does not apply to the MPD district)

15  
16 (1) Special exceptions shall be subject to the special exception procedures set forth in  
17 section 3-9-7 of the zoning code, as modified by this subsection.

18  
19 (2) Special exception applications shall be heard by the advisory committee in their regularly  
20 scheduled meetings prior to the public hearing before the BZA. The advisory committee  
21 shall issue a recommendation to the zoning official of "approval" or "denial". The  
22 recommendation shall be forwarded to the BZA.

23  
24 (3) The recommendation of the advisory committee shall be considered by the BZA in  
25 connection with the BZA's hearing on the application.

26  
27 (4) This subsection shall not preclude members of the advisory committee from providing  
28 public input at BZA hearings, provided they do not speak for the advisory committee,  
29 unless otherwise requested by the advisory committee to do so.

30  
31 **(g) Variance.** Upon appropriate application in writing and upon meeting the criteria for  
32 variance contained in this section and section 3-9-6.1 of the County Code, an applicant may  
33 obtain a variance from the terms and provisions of this Manasota and Sandpiper Key Overlay  
34 code.

35  
36 **(h) Appeals.** Any party aggrieved by a decision regarding the administration, interpretation  
37 or enforcement of this Manasota and Sandpiper Key Overlay code may appeal such decision as  
38 a decision of the zoning official or an act of an administrative official pursuant to the applicable  
39 provisions of the County Code governing such appeal or appeals.

40  
41 **(i) Development Review Procedure.** Prior to submitting an application for any type of  
42 development to the county, the applicant shall submit a written request for a preapplication  
43 conference to the chair of the advisory committee. The request shall be accompanied by  
44 sketches, site plans, or any other documentation required by the advisory committee, or its  
45 designee, to perform its review. The chair shall set the preapplication conference for the next  
46 scheduled advisory committee meeting or may request the designee to review such items as  
47 the committee and the county deem necessary to receive full committee review. The advisory  
48 committee, or its designee, shall review and give recommendations on the proposed  
49 development's consistency and compliance with the Manasota and Sandpiper Key Overlay  
50 code. At the conclusion of the review, the advisory committee, or its designee, will date and  
51 sign the applicable sketch, site plan, or other submitted documentation, and will prepare written

1 comments regarding the proposed development with recommendations or notations as  
2 appropriate and a list of the items submitted for review.

3  
4 The applicant is required to submit the dated and signed documentation reviewed by the  
5 advisory committee, or its designee, along with the written comments from the advisory  
6 committee or designee upon submitting the project to the county for development approval. Any  
7 changes made between the preapplication conference and the submittal of an application for  
8 development approval shall be explained in an attached letter. Any application for any  
9 development on Manasota or Sandpiper Key shall adhere to the review and process  
10 requirements in the County Code that are applicable to the proposed development. A complete  
11 application shall be reviewed and acted on by the appropriate county staff in the time provided  
12 in the County Code for such application with an additional six (6) working days' extension to  
13 provide for any additional review required for compliance with this Manasota and Sandpiper Key  
14 Overlay code.

15  
16  
17 **(j) Manasota and Sandpiper Key Zoning Districts**

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

20  
21 **(A) Manasota Environmentally Sensitive (MES)**

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

23 The Manasota environmentally sensitive (MES) zoning district is hereby established.  
24 The purpose and intent of the MES district is to preserve and protect certain land and  
25 water areas which have overriding ecological, hydrological, physiographic  
26 importance to the public at large. It is intended to preserve and protect open spaces,  
27 park lands, wilderness areas, marshlands, watersheds and water recharge areas,  
28 scenic areas, beaches and native flora and fauna. It is intended to allow limited  
29 public/private recreational/educational uses and their incidental accessory uses and  
30 structures.

31  
32 **ii. Principal Uses and Structures**

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

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

41  
42 **iii. Accessory Uses and Structures**

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

47  
48 **iv. Prohibited Uses and Structures**

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

1  
2 **v. Special Exceptions**

3 The following are special exceptions in this district:

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

11 **vi. Development Standards**

12 The following development standards apply to the MES district.  
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14

| <b>Lot Requirements</b>                                    | <b>MES</b>           |
|--|----------------------|
| <b>Lot (min.) except as otherwise permissible</b>          |                      |
| Lot area (acres)   | 10                   |
| Lot width (ft.)  | 250 ft.              |
| <b>Yard Setbacks (min. ft.)</b>                            |                      |
| Front  | 25                   |
| Side   | 10                   |
| Rear   | 20                   |
| Side & rear (abutting all water except the Gulf of Mexico) | 20                   |
| Side & rear (abutting Gulf of Mexico)                      | 50                   |
| <b>Bulk (max.)</b>   |                      |
| Lot coverage   | 10%                  |
| Building height  | 43 ft. and 2 stories |
| Density (units/acre)                                       | 0.1                  |

15  
16 **vii. Setbacks, Driveways and Landscaping**

- 17 1) All setbacks shall be landscaped. Thirty percent of the front yard and a minimum  
18 of ten feet of the side setback areas shall be landscaped with living plant  
19 material.  
20 2) Sidewalks and opaque walls or fences are permissible within the setback areas.  
21 3) One (1) driveway crossover no greater than 24 feet in width is permissible within  
22 the front yard setback.  
23

24 **vii. Parking Requirements**

25 For single-family residences that have been constructed according to FEMA  
26 regulations, parking will not be allowed to abut Gulf Boulevard, Shoreview Drive and  
27 North Beach Road. Additional parking requirements are set forth in subsection 3-9-  
28 53(k)(1)(F) of the Manasota and Sandpiper Key Code.  
29

30 **(2) Residential Zoning Districts**

31 **(A) Manasota Single-Family (MSF)**  
32

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

2           The MSF-1, MSF-2, MSF-3.5 and MSF-5 zoning districts are hereby established.  
3           The MSF districts shall be used for single-family residential dwellings and for other  
4           uses normally associated with single-family residential dwellings. Each lot lawfully  
5           created as of the effective date of the Manasota and Sandpiper Key Code shall  
6           contain no more than one (1) freestanding dwelling unit for use by one (1) family.  
7           Nothing herein is intended to prevent the grouping of lots or parcels for residential  
8           single-family uses. There are variations among the MSF districts in requirements  
9           which include differing lot areas, width, yards and uses.

10  
11           **ii. Principal Uses and Structures**

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

- 13           1) Single-family dwellings.  
14           2) Nonprofit parks and playgrounds, as well as nature trails that exclude parking.  
15           3) Art and music instruction, provided instruction is provided to only one (1) student  
16           at a time.  
17           4) Noncommercial piers, docks and wharves that comply with section 3-9-70 of the  
18           zoning code, entitled "Boat docks; boathouses; boat lifts".

19  
20           **iii. Accessory Uses and Structures**

21           Uses and structures that are customarily accessory and clearly incidental to the MSF  
22           principal uses and structures are also permissible within the MSF districts. Detached  
23           permanent garage structures are subject to the yard setback requirements of this  
24           Manasota and Sandpiper Key Code. All other permissible accessory structures must  
25           be located behind the leading edge of the living area of the residence and must  
26           comply with applicable yard setback requirements. Permissible accessory structures  
27           include:

- 28           1) Private garage and storage structures subject to the following standards:  
29           a. No metal buildings and/or temporary structures such as canvas awnings or  
30           carports shall be allowed.  
31           b. Garage or storage buildings over two hundred fifty (250) square feet must be  
32           compatible in appearance and materials to the residence.  
33           c. The total maximum coverage area of all accessory structures shall not  
34           exceed the greater of one thousand (1,000) square feet or one-half (1/2) the  
35           footprint of the principal structure. Nothing herein shall be construed to permit  
36           lot coverage in excess of the thirty-five (35) percent maximum lot coverage  
37           established, by the development standards set forth below. Owners of a lot  
38           that is one (1) acre or more in size may apply for a special exception from the  
39           total maximum coverage area limitation established in this subsection.  
40           2) Greenhouses, the growing of plants and horticultural specialties provided that no  
41           sales are conducted on the premises.  
42           3) Gazebos and similar structures.  
43           4) Swimming pools.  
44           5) Tennis courts.  
45           6) Boat houses and covered boat storage structures no more than 20 feet in height.

46  
47           **iv. Prohibited Uses and Structures**

48           Any use or structure that is not permissible in MSF districts by way of express  
49           language, reasonable implication or by special exception shall be unlawful in the  
50           MSF districts. Prohibited uses and structures include but are not limited to mobile  
51           homes (excluding modular homes), commercial parking lots and private clubs.

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3 **v. Special Exceptions**

4 The following are special exceptions in this district:

- 5 1) Cluster houses and patio houses, provided a site plan is approved by the Site  
6 Plan Review committee.  
7 2) Beach clubs, provided that parking areas are not located within any setbacks.  
8 3) One (1) accessory house 'for each single-family dwelling provided the lot area  
9 shall be not less than twice the minimum lot area required for a single-family  
10 dwelling. The accessory house 'is intended for use on a temporary basis and  
11 shall not be rented for any period longer than three (3) months during any twelve-  
12 month period, unless it is used as caretaker housing requiring permanent  
13 occupation of the accessory house.  
14 4) Home occupations in accordance with section 3-9-79 of the zoning code.  
15 5) Essential services and emergency services  
16 6) Such other uses as determined by the Zoning official (or the Zoning official's  
17 designee) to be:  
18 a. Appropriate by reasonable implication and intent of that district;  
19 b. Similar to another use either explicitly permissible in that district or allowed by  
20 special exception; and  
21 c. Not specifically prohibited in that district.

22 **vi. Development Standards**

23 The following development standards apply to the MSF districts.

|  | MSF-1  | MSF-2  | MSF-3.5 | MSF-5 |
|--|--|--------|---------|-------|
| <b>Lot (min.) except as otherwise permissible</b>          |  |        |         |       |
| Lot area (sq. ft.)   | 43,560   | 21,780 | 12,445  | 8,712 |
| Lot width (ft.)  | 125  | 100    | 80      | 70    |
| <b>Yard setbacks (min. ft.)</b>                            |  |        |         |       |
| Front  | 25   |        |         |       |
| Side (interior)  | As measured by section 3-9-98(c)(7), but no less than 10 |        |         |       |
| Side (abutting a road)                                     | 20   | 15     |         |       |
| Rear (interior)  | As measured by section 3-9-98(c)(7), 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   |        |         |       |
| <b>Bulk (max.)</b>   |  |        |         |       |
| 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     |

| <b>Accessory Building Setbacks from :</b> |                            |
|---|----------------------------|
| 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 Landscaping**

- 1) All setbacks shall be landscaped. Thirty percent of the front yard and a minimum of ten feet of the side setback areas shall be landscaped with living plant material.
- 2) Sidewalks and opaque walls or fences are permissible within the setback areas.
- 3) One (1) driveway crossover no greater than 24 feet in width is permissible within the front yard setback.

**viii. Parking Requirements**

For single-family residences that have been constructed according to FEMA regulations, parking will not be allowed to abut Gulf Boulevard, Shoreview Drive and North Beach Road. Additional parking requirements are set forth in subsection 3-9-53(k)(1)(F) of the Manasota and Sandpiper Key Code.

**(B) Manasota Multi-family (MMF)**

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

The MMF-5, MMF-7.5, MMF-10 and MMF-12 zoning districts are hereby established. MMF districts are intended to be medium or high-density residential districts with emphasis on multifamily use. There are variations among the MMF districts in requirements which include differing lot areas, width, yards and uses.

**ii. Principal Uses and Structures**

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

- 1) All principal uses and structures permissible in MSF districts;
- 2) Two-family and multiple-family dwellings;
- 3) Cluster houses, townhouses and patio houses.

**iii. Accessory Uses and Structures**

Uses and structures that are customarily accessory and clearly incidental to the MMF principal uses and structures are also permissible within the MMF districts.

**iv. Prohibited Uses and Structures**

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

**v. Special Exceptions**

The following are special exceptions in this district:

- 1) Beach clubs provided no parking is located within any setbacks;
- 2) Essential services and emergency services
- 3) Home occupations in accordance with section 3-9-79 of the zoning code; and
- 4) Such other uses as determined by the Zoning official (or the Zoning official's

designee) to be:

- a. Appropriate by reasonable implication and intent of that district;
- b. Similar to another use either explicitly permissible in that district or allowed by special exception; and
- c. Not specifically prohibited in that district.

**vi. Development Standards**

The following development standards shall apply in the MMF districts.

|  | MMF-5  | MMF-7.5 | MMF-10 | MMF-12 |
|--|--|---------|--------|--------|
| <b>Lot (min.) except as otherwise permissible</b>          |  |         |        |        |
| Lot area (sq. ft.)   | 8,712  | 7,500   | 7,500  | 7,500  |
| Lot width (ft.)  | 80   |         |        |        |
| <b>Yard setbacks (min. ft.)</b>                            |  |         |        |        |
| Front  | 30   |         |        |        |
| Side (interior)  | As measured by section 3-9-98(c)(7), but no less than 10 |         |        |        |
| Side (abutting a road)                                     | 15   |         |        |        |
| Rear (interior)  | As measured by section 3-9-98(c)(7), 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   |         |        |        |
| <b>Bulk (max.)</b>   |  |         |        |        |
| 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 Landscaping**

- 1) All setbacks shall be landscaped. Ten percent of the front yard shall be landscaped with living plant material. Foundation plantings shall be installed around buildings to soften their appearance from off-site view.
- 2) Sidewalks and opaque walls or fences are permissible within the setback areas.
- 3) One (1) driveway crossover no greater than 24 feet in width is permissible within the front yard setback.
- 4) Setback areas shall not contain conventional detention ponds. Landscaping used in conjunction with low impact stormwater management techniques is permissible.

**viii. Parking Requirements**

1 For multifamily residences that have been constructed according to FEMA  
2 regulations, parking that abuts Gulf Boulevard, Shoreview Drive and North Beach  
3 Road is prohibited. Additional parking requirements are set forth in subsection 3-9-  
4 53(k)(1)(F) of the Manasota and Sandpiper Key Code.

5  
6 **(C) Manasota Multi-Family Tourist (MMFT)**

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

8 The Manasota multi-family tourist (MMF-T) zoning district is hereby established. This  
9 district is intended to permit multi-family dwellings, apartments, and tourist-related  
10 commercial facilities that accomplish the goals of the Manasota Community Plan.

11  
12 **ii. Principal Uses and Structures**

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

- 16 1) All principal permissible uses in the MMF district.  
17 2) Hotels, motels and tourist accommodations.  
18 2) Docking areas and other uses served by potable water and central sewer which  
19 protect the environmental qualities of Manasota and/or Sandpiper Key, but  
20 excluding live aboard areas or fuel/lubricant sales.  
21 3) Essential and emergency services.

22  
23 **iii. Accessory Uses and Structures**

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

26  
27 **iv. Prohibited Uses and Structures**

28 Any use or structure that is not permissible in this district by way of express  
29 language, reasonable implication or by special exception shall be unlawful in this  
30 district. There shall be no special exception or variance procedure to alter this  
31 subsection.

32  
33 **v. Special Exceptions**

34 The following are special exceptions in this district:

- 35 1) Private clubs.  
36 2) Rental of non-motorized water recreational equipment.  
37 3) Restaurants.

38  
39  
40 **vi. Development Standards**

41 The following development standards shall apply in this district:

42

| <b>Lot Requirements</b>                           | <b>MMF-T</b> |
|---|--------------|
| <b>Lot (min.) except as otherwise permissible</b> |              |
| Lot area (sq. ft.)                                | 10,000       |
| Lot width (ft)                                    | 100          |
| <b>Yard setbacks (min. ft.)</b>                   |              |
| Front   | 30           |

|                              |  |
|------------------------------|--|
| Side (interior)              | As measured by section 3-9-98(c)(7), but no less than 10 |
| Side (abutting a road)       | 15   |
| Rear (interior)              | As measured by section 3-9-98(c)(7), but no less than 15 |
| Rear (abutting a road)       | 15   |
| Rear (abutting greenbelt)    | 15   |
| Side & rear (abutting water) | 35   |
| <b>Bulk (max.)</b>           |  |
| Lot coverage                 | 35%  |
| Building height              |  |
| Residential/Mixed Use        | 52 ft and 3 stories                                      |
| Commercial                   | 43 ft and 2 stories                                      |
| Density (units/acre)         | 6  |

**vii. Setbacks, Driveways and Landscaping**

- 1) All setbacks shall be landscaped. Ten percent of the front yard shall be landscaped with living plant material. Foundation plantings shall be installed around buildings to soften their appearance from off-site view.
- 2) Sidewalks and opaque walls or fences are permissible within the setback areas.
- 3) One (1) driveway crossover no greater than 24 feet in width is permissible within the front yard setback.
- 4) Setback areas shall not contain conventional detention ponds. Landscaping used in conjunction with low impact stormwater management techniques is permissible.

**viii. Parking Requirements**

- 1) For multifamily residences that have been constructed 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(k)(1)(F) 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.
- 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**

Uses and structures permissible under the MCG district shall be those which are also expressly allowed by the Future Land Use Map (FLUM) category applicable to the

land. Generally, permissible uses in the MCG district include:

- 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-premise 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 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:

| <b>Lot Requirements</b>                            | <b>MCG</b>   |
|--|--|
| <b>Lot (min.) except as otherwise permissible</b>  |  |
| Lot area (sq. ft.)                                 | 12,000   |
| Lot width (ft.)                                    | 100  |
| <b>Yard Setbacks (min. ft. except where noted)</b> |  |
| Front (max.)                                       | 18   |
| Side (interior)                                    | As measured by section 3-9-98(c)(7), but no less than 10 |
| side (abutting road)                               | 20   |

|  |   |
|--|---|
| Side (abutting zoning district that allows residential uses) | As measured by section 3-9-98(c)(7) 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  |
| <b>Bulk (max.)</b>   |   |
| Lot coverage   | 50%   |
| Building length or width (abutting water)                    | 200 ft.   |
| Building height  | 43 ft and 2 stories   |

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3 **vii. Setbacks and Landscaping**

- 4 1) All setbacks shall be landscaped. Ten percent of the front yard shall be  
5 landscaped with living plant material. Foundation plantings shall be installed  
6 around buildings to soften their appearance from off-site view. Landscape  
7 buffers and screening shall be required in this district in accordance with the  
8 provisions of Article XXII, Chapter 3-5, of the County Code, as may be amended.  
9 2) Sidewalks and opaque walls or fences are permissible within the setback areas.

10  
11 **viii. Parking Requirements**

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

13  
14 **(B) Manasota Commercial Tourist (MCT)**

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

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

26  
27 **ii. Principal Uses and Structures**

28 Uses and structures permissible under the MCT district shall be those which are also  
29 expressly allowed by the Future Land Use Map (FLUM) category applicable to the  
30 land. Generally, permissible uses in the MCT district include:

- 31 1) Hotels and motels.  
32 2) Professional and business services.  
33 3) Restaurants, pharmacies/drug stores, gift shops.  
34 4) Essential and emergency services.  
35 5) Convenience stores.  
36 6) Private clubs.

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**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 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 following are special exceptions in this district:

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

**vi. Development Standards**

The following development standards shall apply in the MCT district:

| <b>Lot Requirements</b>                                    | <b>MCT</b> |
|--|------------|
| <b>Lot (min.) except as otherwise permissible</b>          |            |
| Lot area (sq. ft.)   | 12,000     |
| Lot width (ft.)  | 100        |
| <b>Yard Setbacks (min. ft. except where noted)</b>         |            |
| 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         |
| <b>Bulk (max.)</b>   |            |
| Lot coverage   | 35%        |
| Building length or width (abutting water)                  | 200 ft.    |

|                 |  |
|-----------------|--|
| Building height | 52 feet and 3 stories of livable space |
|-----------------|--|

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**vii. Setbacks and Landscaping**

- 1) All setbacks shall be landscaped. Ten percent of the front yard shall be landscaped with living plant material. Foundation plantings shall be installed around buildings to soften their appearance from off-site view. Landscape buffers and screening shall be required in this district in accordance with the provisions of Article XXII, Chapter 3-5, of the County Code, as may be amended.
- 2) Sidewalks and opaque walls or fences are permissible within the setback areas.
- 3) If an MCT district abuts a residential district, no structure other than screening required by Article XXII, Chapter 3-5, of the County Code shall be erected closer to the abutting residential district than twenty-five feet or the building height, whichever is greater.

**(4) Special Purpose District**

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

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

The Manasota Planned Development zoning district is hereby established. It is the intent of this section to provide an alternative method to develop otherwise permissible land uses in a manner that is flexible yet accomplishes the goals of the Manasota Key Community Plan.

**ii. Principal Uses and Structures**

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

**iii. Accessory Uses and Structures**

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

**iv. Development Standards**

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

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

| Lot requirements                                  | MPD     |
|---|---------|
| <b>Lot (min.) except as otherwise permissible</b> |         |
| Lot area (sq. ft.)                                | 150,000 |
| <b>Yard setbacks (min. ft.)</b>                   |         |
| 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  |
| <b>Bulk (max.)</b>                           |   |
| 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. |

- 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 and Landscaping**

- 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 setbacks, 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.
- 6) Setbacks shall contain landscaped, and shall not contain any other land covering or structures, unless such coverings or structures are expressly permissible by

1 the overlay code. Front and rear yard areas may contain pools meeting the  
2 minimum setbacks set forth in subsection iv.1), as it may be amended or  
3 replaced.

4 **7) Density bonuses. Density bonuses shall not be applicable in the Manasota  
5 and Sandpiper Key Code.**

6 8) Failure to obtain final approval for a MPD within 2 years from concept plan  
7 approval may cause the County to initiate a rezoning of the property, which shall  
8 revert the zoning district back to its original designation.

9  
10 **vi. Parking Requirements**

11 1) All land coverings, including parking and circulation areas, must be pervious.  
12 This requirement shall not apply to areas under the footprints of approved  
13 structures.

14 2) Parking areas shall not be located closer to lands zoned for single-family uses  
15 than the minimum setback as indicated by this district and/or other applicable  
16 regulations.

17 3) Parking areas shall be located on the same parcel as the proposed use. Parking  
18 shall not be a principal use on any given parcel.

19  
20 **(k) Manasota and Sandpiper Key Zoning Districts Overlay**

21  
22 **(1) Site design requirements.**

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

26  
27 **(A) Coastal Construction; Uniform Construction Line**

28 1) No County development permit shall be issued for construction seaward of the  
29 Coastal Construction Line (CCL) until a permit has been issued by the State of  
30 Florida.

31 2) The islands contain major structures in most parcels. These major structures  
32 have created a reasonable continuous and uniform line of construction. Building  
33 permits shall not be issued for residential structures which would be entirely or  
34 partially located seaward of such a line, or a line traced between the corners of  
35 the two (2) nearest buildings along a waterfront.

36  
37 **(B) Waterfront code applicability.** Where properties lie within one thousand two  
38 hundred (1,200) feet of the waters of the Gulf of Mexico, Gasparilla Sound, or Lemon  
39 Bay, structures must also be constructed in accordance with the waterfront  
40 ordinance, except for building height. In the event of a conflict between the  
41 Manasota and Sandpiper Key Code and the waterfront ordinance, the more  
42 restrictive section shall apply.

43  
44 **(C) "No-Fill" Areas.** The area affected by this Manasota and Sandpiper Key Code is  
45 hereby designated as a "no-fill" area where only pilings and stem walls shall be used  
46 for construction except the minimum amount of fill necessary within the building  
47 footprint and other facilities as required by federal, state or local statute, ordinance,  
48 law, rule, or regulation.

49  
50 **(D) Spot Ground Elevations.** The spot ground elevations for new development and for  
51 reconstruction that exceeds fifty (50) percent of the replacement value of an existing

1 structure shall be established prior to any clearing of the site by a signed and sealed  
2 survey prepared by a surveyor licensed in Florida.

3  
4 **(E) Interior yard use.** Interior yards between structures belonging to the same  
5 development may contain swimming pools, active and passive recreation areas and  
6 parking areas which utilize permeable surfaces.

7  
8 **(F) Off-Street Parking.**

- 9 1) Each residential dwelling unit shall provide a minimum of two (2) spaces per unit.  
10 2) Multifamily developments shall provide additional parking spaces for guests.  
11 Guest parking requirements shall be the lowest whole number that is greater  
12 than or equal to twenty (20) percent of the number of units contained within the  
13 multifamily project. At least one (1) of the guest parking spaces as required by  
14 this section shall be handicapped accessible.  
15 3) New private roads and parking shall be paved with crushed shell, stone, brick  
16 and other porous materials. Porous surfacing must be in accordance with the  
17 latest technology allowed by permitting districts that will permit maximum water  
18 absorption into the ground. Walkways are permissible only when they are  
19 necessary to comply with the Americans with Disabilities Act. Asphalt paving is  
20 prohibited. This requirement shall not apply to areas under the footprints of  
21 approved structures.  
22 4) To the greatest extent possible, parking on side yards should be screened from  
23 view.  
24 5) Leasing or rental of properties on the islands for short-term parking or long-term  
25 storage of vehicles or trailers is prohibited.  
26 6) Beach access points on the islands shall not be obstructed by parked cars or any  
27 other barriers.  
28 7) Except as provided in this subsection, off-street parking shall be in accordance  
29 with section 3-9-90 of the zoning code.  
30

31 **(G) Open Space/Habitat** (not applicable to the MPD zoning district). All development  
32 that is subject to site plan review must include an open space/habitat reservation  
33 area equal to five (5) percent of the total area of the development. Subsection 3-5-  
34 363(d) of the County Code (financial contribution in lieu of reservation) shall not  
35 apply to the islands.  
36

37 **(2) Architectural Design Standards**

38 These design standards shall be applicable to all new development and to alterations or  
39 additions to existing structures exceeding fifty (50) percent of the replacement value of  
40 the structure on Manasota and Sandpiper Key. These standards shall regulate the  
41 appearance and constructive elements of structures on Manasota and Sandpiper Key  
42 and be used in addition to those standards expressed in the Charlotte County Code. A  
43 variance from these architectural design standards shall be permitted only for air  
44 conditioning and heating unit placement (F)6c.  
45

46 **(A) Driveway Design.** Driveways shall be maintained, repaired, constructed, and  
47 installed according to all of the following standards:

- 48 1) Driveways shall be constructed to ensure that no portion of a parked vehicle  
49 encroaches onto the public right-of-way or over any sidewalk/bicycle path  
50 intended for public use.

- 1           2) New driveways and driveways where more than fifty (50) percent of the area (not  
2 including enclosed garages) is repaired/replaced shall be completely (i.e. entire  
3 driveway) constructed of one (1) of a combination of the following materials:  
4 porous brick, porous pavers, rock, pebbles, washed crushed shell, or gravel.  
5 New asphalt and concrete (porous or non porous) shall be prohibited.
- 6           3) No driveway shall exceed twenty-four (24) feet in width at the portions where it  
7 connects to a roadway.

8  
9           **(B) Building and facade materials and design.**

- 10           1) Facade walls, excluding doors, windows, and trim. All facades shall be improved  
11 and constructed with one (1) or a combination of the following materials:  
12 masonry, stucco, vinyl, or wood. Specific accent materials shall be allowed  
13 pursuant to these standards.
  - 14           a. Masonry. A masonry finish may be allowed on any facade; however,  
15 unfinished and exposed concrete block shall be prohibited.
  - 16           b. Wood. A wooden finish may be allowed on any facade pursuant to the  
17 additional standards. Wooden panels and board shall be installed in either a  
18 flush horizontal or vertical pattern. Slanted wood patterns shall be  
19 discouraged.
  - 20           c. Stucco. A stucco finish may be allowed on any facade.
  - 21           d. No reflective materials shall be used on building facades.
- 22           2) Trim shall be required around all wall openings including, but not limited to,  
23 windows, doors, balconies and alcoves except as noted below. Trim shall be  
24 installed pursuant to all of the following standards:
  - 25           a. Trim shall resemble wood, masonry stone, stucco or tile.
  - 26           b. Reflective finishes shall be prohibited.
  - 27           c. Trim shall be a minimum of three inches in width.
  - 28           d. Trim requirements may be waived if the advisory committee or site plan  
29 review committee determines the building type to be a clearly defined  
30 architectural style where trim would not be appropriate.
- 31           3) Accent materials may be used on buildings but shall be limited to twenty (20)  
32 percent of any building facade. When using faux finishes, they should resemble  
33 indigenous Florida material.
- 34           4) Windows shall be placed on all facades and exterior walls.
- 35           5) All buildings shall have a clearly defined building entrance.
- 36           6) Garage doors are required to be flush or recessed back from the front facade so  
37 as not to dominate the architectural design and appearance. Garage door height  
38 is limited to ten (10) feet.
- 39           7) Roofs shall be constructed, maintained and repaired with the following standards:
  - 40           a. Roofs shall be predominantly opaque in appearance. Glass surfaces such as  
41 skylights shall be limited.
  - 42           b. Roof materials shall resemble non reflective metal, wooden shingle,  
43 "dimensional" asphalt shingle, barrel tile, concrete tile or slate.
  - 44           c. Flat roofs shall be exempt from all preceding roof material standards and  
45 restrictions provided a parapet or mansard wall is utilized to screen the roof  
46 and rooftop equipment. Parapets and mansards are required to be  
47 constructed within the height limitations.
  - 48           d. Solar panels shall be installed to be at the same angle of incline as the roof  
49 pitch, where possible. Solar panels should be positioned on portions of the  
50 roof that are not readily seen from the abutting roadways.

1 **(C) Architectural Accents**

- 2 1) Chimneys shall be constructed within the height limitations and must be vertical.
- 3 2) Awnings shall be permanently fixed or retractable awnings over private property
- 4 and shall have a minimum clearance of eight (8) feet above a sidewalk or
- 5 walkway and eighteen (18) feet above any driveway.
- 6 3) Antenna structures shall be screened from the abutting roadway.
- 7 4) Wall art is permitted on exterior walls but strongly discouraged from the front
- 8 building facade. All wall art visible from public streets should reflect the
- 9 community character or coastal setting.
- 10 5) Gutters shall resemble or match the building trim or primary facade. Gutters shall
- 11 not cause water to accumulate on neighboring properties or directly upon
- 12 driveways, sidewalks or walkways.
- 13 6) Lattice. The space between the first floor of a building and the ground shall be
- 14 screened with lattice or breakaway walls. Lattice shall be used specifically to
- 15 conceal structure areas, and shall be the same pattern and appearance through
- 16 the outside of the structure in which it is attached. Lattice shall be permanently
- 17 secured to the principal structure. Lattice shall be vinyl or painted wood, and
- 18 complement the building.
- 19 7) Address numbers. All structures shall post address numbers on the front of
- 20 building facades in a location either by the front entrance or garage door, and/on
- 21 signage easily visible and legible from the adjacent roadway.
- 22

23 **(D) Lighting fixtures, structures and elements.**

- 24 1) All outside lighting fixtures shall be installed to orient light downward and to
- 25 provide glare reduction optics and shielding features. No fixture shall direct light
- 26 upward or onto adjacent property. (Exemptions shall include small accent lights
- 27 that are directed upward to softly illuminate landscaping).
- 28 2) Fixtures for lighting areas should follow a consistent design theme. Dramatically
- 29 different styles shall be avoided.
- 30 3) Light globes must not protrude below shades. Light shades must screen the point
- 31 source of light to minimize sky glow.
- 32 4) Exterior low level lights should be provided for pedestrian safety.
- 33 5) Fixtures shall adhere to state, county and local requirements.
- 34 6) Lighting on balconies, porches and raised walkways shall be installed no higher
- 35 than one (1) foot from the floor (i.e. no overhead lighting).
- 36 7) Security lighting shall be permitted throughout the night during non turtle season.
- 37 During turtle season security lights shall be attached to a motion sensor with
- 38 limited timing.
- 39 8) Light posts. Light posts shall be installed consistent with the following standards:
- 40 a. Light posts shall be constructed and installed to resemble wood, polished
- 41 concrete or painted metal.
- 42 b. Unfinished and/or unpainted metal and concrete surfaces and untreated
- 43 wooden posts shall be prohibited.
- 44 c. Light posts on private property shall not exceed sixteen (16) feet in height.
- 45

46 **(E) Fencing and Walls.**

- 47 1) Materials should resemble wood, wrought iron masonry or PVC.
- 48 2) Chain-link fencing is prohibited except that coated chain link fencing is
- 49 permissible to enclose tennis courts and/or swimming pools and as temporary
- 50 security fencing for a construction-site. In such event, the fence shall be replaced
- 51 at the first signs of wear or rust. A coated chain-link fence may also include

1 tennis fence netting. All fences require a permit from the Charlotte County  
2 Growth Management Department.

- 3) Unfinished concrete block shall be prohibited. Concrete block walls shall be split-  
4 faced, or finished, and capped.
- 4) Wood fences and walls shall be pressure-treated to prevent deterioration and rot.
- 5) Solid walls and fences on or near the periphery of a lot shall contain openings  
6 that may be utilized by wildlife. Openings at least nine (9) inches wide and six (6)  
7 inches tall must be created at the bottom every twenty-five (25) feet to allow for  
8 wildlife movement.
- 6) Fences and walls shall not exceed six feet of height, measured from the finished  
9 grade of the parcel, unless otherwise required as part of a project's approval or  
10 original permit.
- 7) Fences and walls forward of the front building facade shall not exceed four (4)  
11 feet in height.
- 8) Fences and walls that abut a body of water shall not exceed four (4) feet in  
12 height for portions that extend beyond the building facade.

#### 13 **(F) Accessory Structures**

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

**(G) Landscaping**

- 1) A landscaping plan is required at the time of application submittal for single family or duplex developments. All easements existing and proposed must be shown on the plan, and must be drawn to scale with dimensions, distances and acreages. Building structures and stormwater retentions and similar features shall be shown.
- 2) All front, side and rear setbacks shall be treated with Florida friendly landscape material.

**(H) Commercial Buildings and Multi-Family Residences**

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

- 1) Primary building entrances shall be oriented to adjacent roadways.
- 2) Principal buildings shall include a permeable pedestrian pathway along the front facade linking site to adjacent parking.
- 3) Loading docks and delivery vehicle parking areas should be located to the rear and side of building. To the extent possible, these elements should not be placed between the front building facade and the roadway.
- 4) Drive-thru facilities shall be prohibited.
- 5) All handicapped-accessible spaces must be located on an accessible route no less than forty-four (44) inches wide so that users will not be compelled to walk or wheel behind parked vehicles.
- 6) Parking lot areas shall be required to be screened with low fencing and/or landscaping whenever areas abut a public right-of-way, residential uses, or property which contains residential density with low fencing and/or landscaping.
- 7) A landscaping plan prepared by a registered landscape architect shall be submitted with all new construction and/or modifications to existing structures that exceed fifty (50) percent of the total structure's replacement value.
- 8) Vending machines, sales booths, media racks and other merchandise displays and utility concessions.
  - a. Vending machines for beverages, food and sundries intended for merchandise sales and display shall be installed, constructed and placed in

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kiosks or other enclosures, and screened from view of public right-of-way and neighbors. Such machines shall not be placed along the front or side or rear building facades. Such machines are prohibited on the exterior of any structure.

- b. Washing machines, dryers, and refrigeration units shall be prohibited outside of a fully enclosed structure.
- c. Media racks for newspapers, magazines and other printed publications may be placed on the exterior of buildings but must be placed inside of standardized media containers.

9) Automatic teller machines and other currency dispensing devices shall not be permitted on the exterior structure of any building.

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