

**Revision of Manasota  
and Sandpiper Key  
Zoning District Overlay Code**

**Applicant  
Charlotte County Board of  
County Commissioners**

**Legislative**

**Commission Dist. III**



## MEMORANDUM

Date: January 29, 2009

To: Honorable Board of County Commissioners  
The Planning and Zoning Board

From: Roxann Read, Planner II

Subject: Revisions to Section 3-9-53, Manasota Key zoning district overlay

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Over the last 11 months, bimonthly meetings have been held with the MASKAC to discuss many issues that occurred during the revision of the overlay. Staff and the MASKAC have reorganized the layout, consolidated redundant language, removed language as unnecessary, removed language as being inapplicable to a land development regulation, and added or reworded some items. The Department partnered with the County Attorney's office for the review. Many drafts of the revision were studied and commented on by the MASKAC and county staff. Over the months, Inga Williams, Principal Planner, Derek Rooney, Assistant County Attorney, and Jeff Ruggieri, Growth Management Department Director, attended MASKAC meetings to answer questions and explain planning and legal issues. A draft was posted on the Manasota web page of the county website in December 2008 and approximately 40 individuals identified as property owners association representatives as well as professional builders, architects and attorneys were notified by email about the proposed draft and were requested to send in comments.

During review, several sections of the code were found to be unenforceable and were removed (i.e. fire hydrants & prohibition to pile drive); these still remain as unresolved issues with the public and advisory committee. Another unresolved issue remains in the code but is recommended for removal by the attorney's office. It is the language detailing how density on platted lots to be combined for development will be determined in the MSF and MMF sections of the code. This language poses a risk for lawsuits because it potentially reduces the overall density of combined lots. This language remains in the revised code but is listed as an unresolved issue in the attached Matrix. The sign code section was removed because it was almost entirely duplicative with the existing county-wide sign code. The County Attorney's office was concerned that any differences between the codes could be potentially illegal. It was recommended to the MASKAC that they and the residents decide if they would like to include any special standards on signage consistent with the intent of the community plan. This could be included back into the overlay code and would act in conjunction with the county-wide sign code; MASKAC indicated acceptance of this approach.

### **GROWTH MANAGEMENT DEPARTMENT**

Planning Division

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A public meeting with Growth Management and the MASKAC was held on January 7, 2009, at Tringali Community Center to give residents a chance to voice their opinion regarding the proposed draft. Approximately 1,700 notices were sent to property owners on Manasota and Sandpiper Keys. The notice also indicated the location of the draft code on the County's website and instructed how the public could send in written comments. At the public meeting, the three main issues of concern to the residents were 1) pile driving, 2) regulating fire hydrants, and 3) setbacks. It was explained that county staff had determined that regulating fire hydrants and pile driving did not belong in a land development regulation and that county staff would explore other ways to help the residents with those issues, however they still remain in the Unresolved Issues Matrix as a topic for discussion. It was also explained that the setback issue was an error and had been corrected.

**ATTACHMENTS:**

**1) Revised Code**

The code has been considerably altered in format. Because a strikethrough version would be almost incomprehensible, staff has only indicated new or reworded language in the revision. This language is underlined (and for those with color copies, in red font). The underlined language indicates changes in existing wording or brand new additions to the code. For an indication of how the code was reorganized and what sections, sentences, or words were deleted, please review the Code Section Spreadsheet.

**2) Unresolved Issues Matrix**

This matrix lists five outstanding issues that staff and the public/committee would like Board direction on (other smaller issues may exist). The matrix lists the issue, the public/committee comment, staff comment and alternative actions to help the Board formulate their decision. Two emails are attached to this matrix, one is from Vince LaPorta, Deputy Building Director and one is from Michael Bonakoske, Englewood Fire Chief.

**3) Code Section Spreadsheet.**

This attachment outlines the sections of the existing code. For each section: 1) it is explained where it moved, and/or 2) what, if any, information was deleted, and/or, 3) any additions made to the sections, and/or 4) an indication if there were no changes made. Any changes to existing wording or new additions have been underlined in the Revised Code attachment.

**4) Existing Code**

No explanation needed

## Economic Impact Statement

### A. Costs

#### 1. Monetary--private sector

None of the additions to the code should result in increased costs to the private sector.

#### 2. Non-monetary--private sector

The revision will require the private sector to become familiar with a new code.

#### 3. Monetary--public sector

None

#### 4. Non-monetary--public sector

The revision will require the public sector to become familiar with a new code.

### B. Benefits

#### 1. Monetary--private sector

None

#### 2. Non-monetary--private sector

The reorganized overlay code is easier to read and follow than the existing overlay code. Redundant language has been removed to create a clear, concise code. Tables have been created to clearly define development standards.

#### 3. Monetary--public sector

Several legal actions against the county have resulted from the overlay adoption in 2005. The draft revision attempts to limit future legal actions, thereby limiting taxpayer cost.

#### 4. Non-monetary--public sector

The reorganized overlay code is easier to read and follow than the existing overlay code. Redundant language has been removed to create a clear, concise code. The residents of Manasota and Sandpiper Keys should be able to better understand the overlay and its implications.

### C. Specific groups which will be impacted

Island property owners  
Property owners associations  
Manasota and Sandpiper Key Advisory Committee  
Architectural Review Committee  
Developers  
Architects/Engineers/Builders



1 **Attachment 1**  
2 **Revised Code**  
3

4 **3-9-53 Manasota and Sandpiper Key Zoning Districts and Zoning Districts Overlay**

5 **(a) Definitions.** Terms used in section 3-9-53 shall have their commonly accepted meaning  
6 unless they are defined in this definition section. When terms are defined both in this definition  
7 section and elsewhere in the County Code, definitions for such terms in this definition section  
8 shall control. The following terms shall have the meanings set forth in this definition section:  
9

10 **Accessory house:** A guest house, mother-in-law unit, caretaker housing or similar structure.

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

14 **Architectural review committee (ARC):** A subcommittee of the advisory committee  
15 established to review proposed development and redevelopment to determine compliance  
16 with this Manasota overlay code and requirements promulgated by the Board of County  
17 Commissioners pursuant to the Manasota and Sandpiper Key Code.

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

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

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

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

27 **Driveway crossover:** That portion of a driveway located within a setback.

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

29 **Green area:** Green space with improvements that consist of plants, trees, other natural  
30 vegetation, open space and, unless otherwise stated, excludes impermeable surfaces,  
31 driveways and sidewalks.

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

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

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

40 **Manasota Key:** The land located south of the Sarasota-Charlotte County line, west of  
41 Sandpiper Key, north of Stump Pass and east of the Gulf of Mexico.

42 **Manasota and Sandpiper Key Code:** The Manasota and Sandpiper Key Zoning Districts and  
43 Overlay code established by this section 3-9-53.

44 **NGVD:** The National Geodetic Vertical Datum on the effective date of this overlay.

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

47 **Road:** Any public or private thoroughfare set aside for travel, excluding alleys. The word "road"  
48 includes "streets", "avenue", "lane", "boulevard", "thoroughfare" and "highway".

49 **Rooftop livable space:** All usable areas upon or above the roof of a building including but not  
50 limited to decks, swimming pools, fences and railings. Rooftop livable space shall be

1 included as ten (10) feet in the calculation of the structure height.

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

4 **Setback:** A green area of a lot within which neither a structure nor any portion thereof shall be  
5 erected or shall encroach, unless otherwise stated in this code. A setback shall be at least  
6 ten (10) feet in width. The setback of a corner lot abutting at least two (2) public roads may  
7 contain a sole driveway crossover provided said driveway crossover shall be the only  
8 vehicular access permitted for said parcel. All landscaping shall meet the requirements of the  
9 landscape code. This requirement does not apply to the side interior setback in the MCT  
10 zoning district.

11 **Shared parking:** Parking spaces that are shared by more than one user that allows parking  
12 facilities to be used more efficiently.

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

15 **Site Plan Review:** The site plan review process provided in section 3-9-5.1 of the zoning code.

16 **Structure:** Any construction or any production or piece of work artificially built up or composed  
17 of parts joined together in some definite manner. "Structure" includes "building," as well as  
18 other things constructed or erected on the ground, attached to something having location on  
19 the ground or requiring construction or erection on the ground.

20 **Structure height:** The height of a structure as measured from the NGVD to the top of its  
21 highest constructed element. Rooftop livable space shall be included as ten (10) feet in the  
22 calculation of the structure height.

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

25 **Waterfront ordinance:** The "waterfront property" ordinance codified as section 3-9-98 of the  
26 zoning code.

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

29  
30 **(b) Establishment; Short Title; Intent; Boundary.** The Manasota and Sandpiper Key Zoning  
31 Districts and Overlay code is hereby established. The short title of this section shall be the  
32 "Manasota and Sandpiper Key Code." The intent of the Manasota and Sandpiper Key Code is  
33 to serve as a vehicle for the implementation of initiatives for the preservation, conservation and  
34 protection of existing low density development and to seek a harmonious blend between future  
35 development and existing development on the islands in a manner that is contemplated by the  
36 Manasota and Sandpiper Key Community Plan (Plan) and in a manner that is consistent with  
37 Board policy. The Plan was accepted by the Board of County Commissioners (Board) on  
38 September 21, 2004, and may be amended from time to time. The requirements of the  
39 Manasota and Sandpiper Key Code shall apply to all development permitted after September  
40 21, 2004. The area affected by this Manasota and Sandpiper Key Code shall be the Charlotte  
41 County portion of Manasota Key and all of Sandpiper Key situated south of the Sarasota-  
42 Charlotte County line, west of the Tom Adams Bridge, north of Stump Pass and east of the Gulf  
43 of Mexico, hereinafter referred to as "the islands".

44  
45 **(c) Applicability; Conflict with Other Ordinances.** The Manasota and Sandpiper Key Code  
46 shall apply to development and redevelopment on the islands together with all other matters  
47 referenced in the Manasota and Sandpiper Key Code. The term development shall include  
48 redevelopment, shall be construed liberally, and shall include any plat, special exception,  
49 variance, site plan approval, building or sign permit, or any other official action of Charlotte  
50 County that has the effect of permitting development or any application for any of the preceding  
51 matters. The Manasota and Sandpiper Key Code shall apply to the preceding matters

1 notwithstanding the application of another provision(s) of the County Code to said matters.

2  
3 The terms of the Manasota and Sandpiper Key Code shall supersede and control in the event  
4 and to the extent of a conflict between the Manasota and Sandpiper Key Code and another  
5 provision of the County Code. In such instances where the Manasota and Sandpiper Key Code  
6 does not address an issue otherwise addressed by the Charlotte County Code of Laws and  
7 Ordinances, development shall be in accordance with the Charlotte County Code of Laws and  
8 Ordinances.

9  
10 The Manasota and Sandpiper Key Code shall incorporate several zoning districts, as contained  
11 within this section, which shall be the only permissible districts. In keeping with the intent of the  
12 Plan, no single-family residential district shall be rezoned to any other allowable district in the  
13 Manasota and Sandpiper Key Code. The zoning districts allowed are listed in the following  
14 table.

<b>OPEN SPACE</b>	
<u>MES</u>	<u>Manasota Environmentally Sensitive</u>
<b>RESIDENTIAL</b>	
<u>MSF-1, 2, 3.5, 5</u>	<u>Manasota Single-Family</u>
<u>MMF- 5, 7.5, 10, 12</u>	<u>Manasota Multifamily</u>
<u>MMF-T</u>	<u>Manasota Multifamily-Tourist</u>
<b>COMMERCIAL</b>	
<u>MCG</u>	<u>Manasota Commercial General</u>
<u>MCT</u>	<u>Manasota Commercial Tourist</u>
<b>SPECIAL PURPOSE DISTRICT</b>	
<u>MPD</u>	<u>Manasota Planned Development</u>

15  
16  
17  
18 **(d) Disaster Recovery.** Following a natural disaster, as determined by the Board, a structure  
19 that was legally nonconforming immediately prior to said disaster may be replaced or restored  
20 on the original footprint, with no increase in square footage, and in compliance with current  
21 height requirements and applicable state and federal standards. If the structure cannot be  
22 rebuilt using the same footprint and within the allowed height, approval shall only be granted  
23 following the procedures outlined in section 3-9-6.1, Variances. Applications for approval under  
24 this procedure shall include a recommendation from the ARC.

25  
26 **(e) Nonconforming Status.** No provision contained in section 3-9-53 shall create additional  
27 nonconforming status (as referenced in section 3-9-10 of the Charlotte County Zoning Code),  
28 for any use, density or structure legally permitted and in existence as of the date of adoption of  
29 Ordinance No. 2005-010, including any uses or structures developed in accordance with an  
30 exception granted by the BCC pursuant to Ordinance No. 2004-066.

31  
32 **(f) Special Exceptions** (does not apply to the MPD district)

- 33  
34 (1) Special exceptions shall be subject to the special exception procedures set forth in  
35 section 3-9-7 of the zoning code, as modified by this subsection.  
36  
37 (2) Special exception applications shall be heard by the advisory committee in their regularly  
38 scheduled meetings prior to the public hearing before the BZA. The advisory committee

1 shall issue a recommendation to the Zoning Official of "approval" or "denial". The  
2 recommendation shall be forwarded to the BZA.

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

6  
7 (4) This subsection shall not preclude members of the advisory committee from providing  
8 public input at BZA hearings so long as they do not represent that they speak for the  
9 advisory committee, unless otherwise requested by the advisory committee to do so.

10  
11 (g) **Variance procedure.** Variance applications shall be heard by the Manasota and Sandpiper  
12 Key Advisory Committee in their regularly scheduled meetings prior to the review of the Zoning  
13 Official. The advisory committee shall issue a recommendation of approval or denial as to the  
14 application. The recommendation shall be forwarded to the Zoning Official. The  
15 recommendation of the advisory committee shall be considered by the Zoning Official in  
16 connection with the Zoning Official's consideration of the application.

17  
18 (h) **Development Review Procedure.** Prior to submitting an application for any type of  
19 development, an applicant shall submit a request for a preapplication conference and shall set  
20 such preapplication conference with the ARC or its designee (a member of the ARC duly  
21 appointed by the ARC as its representative) to review, discuss, and receive recommendations  
22 from the ARC regarding the proposed development's consistency and compliance with the  
23 Manasota and Sandpiper Key Code. The request for review shall be accompanied by sketches,  
24 site plans, or any other documentation required by the ARC, or its designee, to perform its  
25 review.

26  
27 (1) **Architectural Review Committee (ARC) Review**

28  
29 (A) The ARC, or its designee, shall review the proposed development for consistency  
30 and compliance with the Manasota and Sandpiper Key Code. At the conclusion of  
31 the review, the ARC, or its designee, will date and sign the applicable sketch, site  
32 plan, or other submitted documentation, or will prepare written comments regarding  
33 the proposed development with recommendations or notations as appropriate. The  
34 ARC's findings shall be submitted to the Growth Management Department as soon  
35 as possible but no later than seven (7) days after the fifteen-day review period  
36 outlined in subsection (B) below has expired. Recommendations of the ARC and/or  
37 the advisory committee shall be in effect for one (1) year following the date of review.

38  
39 (B) Failure of the ARC to review a proposed application within fifteen (15) business days  
40 from the date all required information and documentation is received by the  
41 committee's designee shall forfeit the ARC's right to participate in the review process  
42 for the application. Any sketch, site plan, or other documentation submitted to the  
43 county for review and approval shall be consistent with the sketch, site plan, or other  
44 documentation reviewed and signed by the ARC for the proposed development.

45  
46 (C) Applications for development on the islands shall adhere to the review and process  
47 requirements in the County Code that are applicable to the proposed development.  
48 All sketches, site plan, or other documentation or written comments, dated and  
49 signed by the ARC, or its designee, for that development in connection with the  
50 preapplication review shall be included with the application.

51

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

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

6  
7 (1) **Open Space Zoning District**

8  
9 (A) **Manasota Environmentally Sensitive (MES)**

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

11 The Manasota environmentally sensitive (MES) zoning district is hereby established.  
12 The purpose and intent of the MES district is to preserve and protect certain land and  
13 water areas which have overriding ecological, hydrological, physiographic  
14 importance to the public at large. It is intended to preserve and protect open spaces,  
15 park lands, wilderness areas, marshlands, watersheds and water recharge areas,  
16 scenic areas, beaches and native flora and fauna. It is intended to allow limited  
17 public/private recreational/educational uses and their incidental accessory uses and  
18 structures.

19  
20 ii. **Principal Uses and Structures**

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

- 22 1) Public and private game preserves, fish and wildlife management areas,  
23 hatcheries and refuges, parks and open spaces.  
24 2) Water conservation areas.  
25 3) Single-family residences.  
26 4) Limited educational facilities such as canoeing, hiking, nature study and outdoor  
27 education in keeping with the intent of this district.

28  
29 iii. **Accessory Uses and Structures**

30 Uses and structures that are customarily accessory and clearly incidental to the MES  
31 principal uses and structures are permissible in this district including non-commercial  
32 piers and docks that comply with section 3-9-70 of the zoning code, entitled "Boat  
33 docks; boathouses; boat lifts" and boat houses and covered boat storage structures  
34 no more than 20 feet in height.

35  
36 iv. **Prohibited Uses and Structures**

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

40  
41 v. **Special Exceptions**

42 The recommendation of the ARC shall be considered by the Zoning Official (or the  
43 Zoning Official's designee) in connection with a special exception determination.  
44 The following are special exceptions in this district:

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

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**vi. Development Standards**

The following development standards apply to the MES district.

Lot Requirements	MES
<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
<u>Side &amp; rear (abutting all water except the Gulf of Mexico)</u>	<u>20</u>
<u>Side &amp; rear (abutting Gulf of Mexico)</u>	<u>50</u>
<b>Bulk (max.)</b>	
Lot coverage	<u>5%</u>
<u>Building length or width</u>	<u>200 ft.</u>
Building height	43 ft. <u>and</u> 2 stories
Density (units/acre)	0.1

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

- 1) All setbacks shall be green, landscaped 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 yard setbacks may contain one (1) double-lane driveway crossover. Opaque walls with a height of four (4) feet or less may be placed within the front yard setback.
- 3) 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 Drive and North Beach Road. Additional parking requirements are set forth in subsection 3-9-53(k)(1)(G) of the Manasota and Sandpiper Key Code.

**(2) Residential Zoning Districts**

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

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

The MSF-1, MSF-2, MSF-3.5 and MSF-5 zoning districts are hereby established. The MSF districts shall be used for single-family residential dwellings and for other

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

## 8 **ii. Principal Uses and Structures**

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

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

## 16 **iii. Accessory Uses and Structures**

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

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

## 43 **iv. Prohibited Uses and Structures**

44 Any use or structure that is not permissible in MSF districts by way of express  
45 language, reasonable implication or by special exception shall be unlawful in the  
46 MSF districts.  
47

## 48 **v. Special Exceptions**

49 The recommendation of the ARC shall be considered by the Zoning Official (or the  
50 Zoning Official's designee) in connection with a special exception determination.  
51

The following are special exceptions in this district:

- 1) Cluster houses and patio houses, provided a site plan is approved.
- 2) Beach clubs, provided that parking areas are not located within any setbacks.
- 3) One (1) accessory house for each single-family dwelling provided the lot area shall be not less than twice the minimum lot area required for a single-family dwelling. The accessory house is intended for use on a temporary basis and shall not be rented for any period longer than three (3) months during any twelve-month period, unless it is used as caretaker housing requiring permanent occupation of the accessory house.
- 4) Home occupations in accordance with section 3-9-79 of the zoning code.
- 5) Essential services and emergency services
- 6) 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 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)	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			
<u>Side &amp; rear (abutting all water except the Gulf of Mexico)</u>	<u>20</u>			
<u>Side &amp; rear (abutting Gulf of Mexico)</u>	<u>50</u>			
<b>Bulk (max.)</b>				
Lot coverage	35%			
<u>Building length or width</u>	<u>200 ft.</u>			
Building height	43 ft <u>and</u> 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

The number of units allowed on each buildable MMF lot shall be determined by the lowest whole (nonfractional) number resulting from multiplying the gross acreage of said lot by the density provided for the lot by the zoning district or the FLUM classification, whichever is most restrictive. For projects involving several lots, parcels or tracts, the number of units allowed for the entire project shall be calculated by adding the total number of whole (nonfractional) units allowable for each individual lot, parcel or tract, not by the total acreage of the project.

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

- 1) All setbacks shall be green, landscaped 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) 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 Drive and North Beach Road. Additional parking requirements are set forth in subsection 3-9-53(k)(1)(G) 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 low 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 including boat houses and covered boat storage structures no more than 20 feet in height.

**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.

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**v. Special Exceptions**

The recommendation of the **ARC** 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) Beach clubs provided no parking is located within any setbacks;
- 2) Home occupations in accordance with section 3-9-79 of the zoning code; and
- 3) 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)	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			
<u>Side &amp; rear (abutting all water except the Gulf of Mexico)</u>	<u>35</u>			
<u>Side &amp; Rear (abutting the Gulf of Mexico)</u>	<u>50</u>			
<b>Bulk (max.)</b>				
Lot coverage	35%			
<u>Building length or width</u>	<u>200 ft.</u>			
Building height	52 ft. <u>and</u> 3 stories of livable space			
Density (units/acre)	5	7.5	10	12

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The number of units allowed on each buildable MMF lot shall be determined by the lowest whole (nonfractional) number resulting from multiplying the gross acreage of said lot by the density provided for the lot by the zoning district or the FLUM

1 classification, whichever is most restrictive. For projects involving several lots,  
2 parcels or tracts, the number of units allowed for the entire project shall be calculated  
3 by adding the total number of whole (nonfractional) units allowable for each  
4 individual lot, parcel or tract, not by the total acreage of the project.

5  
6 **vii. Setbacks, Driveways and Green Space**

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

23  
24 **viii. Parking Requirements**

25 For multifamily residences that have been constructed (raised) according to FEMA  
26 regulations, parking that abuts Gulf Boulevard, Shoreview Drive and North Beach  
27 Road is prohibited. Additional parking requirements are set forth in subsection 3-9-  
28 53(k)(1)(G) of the Manasota and Sandpiper Key Code.

29  
30 **(C) Manasota Multi-Family Tourist (MMF-T)**

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

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

35  
36 **ii. Principal Uses and Structures**

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

- 40 1) All principal permissible uses in the MMF district.  
41 2) Hotels, motels and tourist accommodations.  
42 3) Docking areas and other uses served by potable water and central sewer which  
43 protect the environmental qualities of Manasota and/or Sandpiper Key, but  
44 excluding live aboard areas or fuel/lubricant sales.  
45 4) Essential and emergency services.

46  
47 **iii. Accessory Uses and Structures**

48 Uses and structures that are customarily accessory and clearly incidental to the  
49 principal permitted uses outlined above, shall be permissible in this district including  
50 boat houses and covered boat storage structures no more than 20 feet in height.  
51

**iv. Prohibited Uses and Structures**

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

**v. Special Exceptions**

The recommendation of the **ARC** 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) Private clubs.
- 2) Rental of non-motorized water recreational equipment.
- 3) Restaurants.

**vi. Development Standards**

The following development standards shall apply in this district:

Lot Requirements	MMF-T
<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)	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
<u>Side &amp; rear (abutting all water except the Gulf of Mexico)</u>	<b>35</b>
<u>Side &amp; rear (abutting the Gulf of Mexico)</u>	<b>50</b>
<b>Bulk (max.)</b>	
Lot coverage	35%
<u>Building length or width</u>	<b>200 ft.</b>
Building height	
Residential/Mixed Use	52 ft <b>and</b> 3 stories
Commercial	43 ft <b>and</b> 2 stories
Density (units/acre)	6

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

3 Rear yards shall be green areas. If the MMF-T development includes only residential  
4 uses, then the front yard setback shall contain a green area. Green areas shall not  
5 contain any other land covering or structures, unless such coverings or structures  
6 are expressly permissible by this Manasota and Sandpiper Key Code, and conform  
7 to MMF and MCG land development requirements.  
8

9 **viii. Parking Requirements**

- 10 1) For multifamily residences that have been constructed (raised) according to  
11 FEMA regulations, parking that abuts Gulf Boulevard, Shoreview Drive and North  
12 Beach Road is prohibited. Additional parking requirements are set forth in  
13 subsection 3-9-53(k)(1)(G) of the Manasota and Sandpiper Key Code. For  
14 commercial uses, parking shall follow the requirements of section 3-9-90(d) of  
15 the county code. Shared parking shall be encouraged for mixed use  
16 developments.  
17 2) Parking areas for commercial uses shall not be located closer than twenty-five  
18 (25) feet from lands zoned for single-family and multi-family uses.  
19 3) All land coverings, including parking and circulation areas, must be pervious.  
20 This requirement shall not apply to areas under the footprints of approved  
21 structures.  
22

23 **(3) Commercial Zoning Districts**

24  
25 **(A) Manasota Commercial General (MCG)**

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

27 The Manasota commercial general (MCG) zoning district is hereby established. The  
28 MCG district is intended to provide areas in which the customary and traditional  
29 conduct of trade, retail sales and commerce may be carried on without disruption by  
30 the encroachment and intrusion of incompatible residential uses and protected from  
31 the adverse effects of undesirable industrial uses.  
32

33 **ii. Principal Uses and Structures**

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

- 35 1) Restaurants;  
36 2) Professional services;  
37 3) Personal services;  
38 4) Business services excluding schools, automobile brokers, and laboratories;  
39 5) Retail sales and services excluding television service shops, floor covering  
40 shops, pawnshops, electrical and lighting fixture shops and pet shops. All  
41 merchandise shall be stored and displayed within fully enclosed buildings;  
42 6) Resort marinas that do not include live-aboard dockage, sale of fuel and  
43 lubricants, laundry facilities open to the public, rental of personal motorized  
44 watercraft, and/or recreational facilities;  
45 7) Private clubs;  
46 8) Post offices;  
47 9) Banks and other financial institutions;  
48 10) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of  
49 alcoholic beverages; and  
50 11) Essential and emergency services.  
51

1 **iii. Accessory Uses and Structures**

2 Uses and structures that are customarily accessory and clearly incidental to the  
3 MCG principal uses and structures are also permissible in this district including a  
4 residential dwelling unit within the same structure as the principal use for occupancy  
5 by owners or employees of permitted uses.  
6

7 **iv. Prohibited Uses and Structures**

8 Any use or structure that is not permissible in this district by way of express  
9 language, reasonable implication or by special exception shall be unlawful in this  
10 district.  
11

12 **v. Special Exceptions**

13 The recommendation of the **ARC** shall be considered by the Zoning Official (or the  
14 Zoning Official's designee) in connection with a special exception determination.  
15 The following are special exceptions in this district:

- 16 1) Uses appropriate by reasonable implication and intent of this district;  
17 2) Uses similar to another use either explicitly permissible in this district or allowed  
18 by special exception; and  
19 3) Uses not specifically prohibited in this district.  
20

21 **vi. Development Standards**

22 The following development standards shall apply in the MCG district:  
23

Lot Requirements	MCG
<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)	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
<u>Side &amp; rear (abutting all water except the Gulf of Mexico)</u>	<u>20</u>
<u>Side &amp; rear (abutting the Gulf of Mexico)</u>	<u>50</u>
<b>Bulk (max.)</b>	
Lot coverage	50%
<u>Building length or width</u>	<u>200 ft.</u>
Building height	43 ft <u>and</u> 2 stories

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2 Marine businesses are not allowed to build to seawall and no structure shall be  
3 placed within setbacks.  
4

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

- 6 1) For any use in the MCG district, neither a structure nor any portion thereof shall  
7 be erected or shall encroach or overhang upon the required setbacks.  
8 2) If an MCG district abuts a zoning district where residential uses are allowed, no  
9 structure other than screening required by the landscape code shall be erected  
10 closer (to the residential district) than the greater of twenty-five (25) feet or the  
11 building height to the abutting residentially zoned property. Landscaping and  
12 screening shall be required in accordance with the landscape code.  
13

14 **viii. Parking Requirements**

15 Off-street parking requirements shall be in accordance with section 3-9-90.  
16

17 **(B) Manasota Commercial Tourist (MCT)**

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

19 The Manasota Commercial Tourist (MCT) zoning district is hereby established. The  
20 purpose and intent of the MCT district is to permit the designation of suitable  
21 locations for and to facilitate the proper development and use of land for the  
22 commercial provision of accommodations and services for tourists and other visitors  
23 and short-term or seasonal residents. The term "accommodations" is intended to  
24 include housing and various amenities, including recreational facilities and local retail  
25 trade in goods and service both general and specific to the locality/tourist attraction  
26 or principal activities. Areas designated MCT are expected to be located near or  
27 adjacent to a tourist attraction such as Gulf beach frontage, major public or private  
28 parks, and other recreational or scenic resources.  
29

30 **ii. Principal Uses and Structures**

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

- 32 1) Hotels and motels.  
33 2) Multiple-family dwellings.  
34 3) Professional and business services.  
35 4) Restaurants, pharmacies/drug stores, gift shops.  
36 5) Essential and emergency services.  
37 6) Convenience stores.  
38 7) Private clubs.  
39

40 **iii. Accessory Uses and Structures**

41 Uses and structures that are customarily accessory and clearly incidental to the MCT  
42 principal uses and structures are also permissible within this district including a  
43 residential dwelling unit within the same structure as the principal use for occupancy  
44 by owners or employees of permitted uses and boat houses and covered boat  
45 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 this district by way of express  
49 language, reasonable implication or by special exception shall be unlawful in this  
50 district.  
51

**v. Special Exceptions**

The recommendation of the **ARC** 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) 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 for residential and mixed use development - MCT</b>	
<b>Lot (min.) except as otherwise permissible</b>	
Lot area (sq. ft.)	7,500
Lot width (ft.)	80
<b>Yard setbacks (min. ft.)</b>	
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
<u>Side &amp; rear (abutting all water except the Gulf of Mexico)</u>	<u>35</u>
<u>Side &amp; rear (abutting the Gulf of Mexico)</u>	<u>50</u>
<b>Bulk (max.)</b>	
Lot coverage	35%
<u>Building length or width</u>	<u>200 ft.</u>
Building height	52 ft. <u>and</u> 3 stories of livable space
Max. Density (units/acre)	15

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Lot Requirements for commercial development - MCT	
<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
<u>Side &amp; rear (abutting all water except the Gulf of Mexico)</u>	<u>20</u>
<u>Side &amp; rear (abutting the Gulf of Mexico)</u>	<u>50</u>
<b>Bulk (max.)</b>	
Lot coverage	35%
<u>Building length or width</u>	<u>200 ft.</u>
Building height	52 feet <u>and</u> 3 stories of livable space

\*see "setback" in definition section

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

- 1) All setbacks shall be green, landscaped 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.
- 4) Setbacks in MCT districts shall not contain conventional detention ponds.
- 5) Landscaping 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 amount of landscaping as the original lots would contain if these lots were developed individually. Landscaping 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 and buffer code. If an MCT district abuts a residential district, 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 height of the building upon the abutting residentially zoned property.

**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(k)(1)(G) of the Manasota and Sandpiper Key Code.
- 2) Off-street parking requirements for commercial development shall be in accordance with section 3-9-90.
- 3) Shared parking in mixed use developments shall be encouraged.

**(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. Site plan approval shall be required prior to final MPD approval by the Board. Additionally, the applicant for a MPD shall appear before the Manasota and Sandpiper Key Advisory Committee (MASKAC), prior to MPD concept plan approval, as this approval is outlined by subsection 3-9-49(d)(2). 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 and docks are allowed. Such marine structures shall be permitted according to section 3-9-70, County Code, and a recommendation by the MASKAC. Boat houses and covered boat storage structures no more than 20 feet in height are also permitted as an accessory use.

**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
Lot (min.) except as otherwise permissible	
<u>Lot area (sq. ft.)</u>	<u>150,000</u>

<b>Yard setbacks (min. ft.)</b>	
Front	40
Side, Rear or abutting water other than the Gulf of Mexico	25 ft
<u>Abutting the Gulf of Mexico</u>	<u>50</u>
<b>Bulk (max.)</b>	
Lot coverage	35%
<u>Building length or width</u>	<u>200 ft.</u>
Max. FAR	0.6
Building height	43 ft <u>and</u> 2 stories for land previously zoned MSF, and 52 ft <u>and</u> 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.
- 5) Marine businesses are not allowed to build to seawall and must not be placed within setbacks.

**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 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

1 structures.

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

12  
13 **vi. Parking Requirements**

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

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.

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

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

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

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

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

**(H) Open Space/Habitat** (not applicable to the MPD zoning district). All development that is subject to site plan approval must include an open space/habitat reservation

1 area equal to five (5) percent of the total area of the development. Subsection 3-5-  
2 363(d) of the County Code (financial contribution in lieu of reservation) shall not  
3 apply to the islands.  
4

5 **(2) Architectural Design Standards**

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

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

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

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

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

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

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

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

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

#### 20 **(E) Architectural Accents**

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

#### 42 **(F) Lighting fixtures, structures and elements.**

- 43 1) An outside lighting plan is required to be submitted to the [ARC](#) with or prior to the
- 44 application submittal.
- 45 2) All outside lighting fixtures shall be installed to orient light downward and to
- 46 provide glare reduction optics and shielding features. No fixture shall direct light
- 47 upward or onto adjacent property. (Exemptions shall include small accent lights
- 48 that are directed upward to softly illuminate landscaping).
- 49 3) Fixtures for lighting areas should follow a consistent design theme. Dramatically
- 50 different styles shall be avoided.
- 51 4) Light globes must not protrude below shades. Light shades must screen the point

1 source of light to minimize sky glow.

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

### 16 (G) Fencing and Walls.

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

### 39 (H) Accessory Structures

- 40 1) Accessory structures shall not be located within the setbacks.
- 41 2) All accessory structures shall be securely anchored to the ground.
- 42 3) Accessory structures shall not be located forward of the front building facade.
- 43 4) Sheds, gazebos, cabanas, decks and animal houses.
- 44 a. Roofing materials shall resemble or be complimentary to the materials used
- 45 on any existing principal structure on the same property.
- 46 b. Structures should be limited to ten (10) foot in height. However gazebos may
- 47 be permitted to a maximum of fifteen (15) feet.
- 48 5) Swimming pools, hot tubs, spas, and other water features and their decks shall
- 49 be installed and constructed consistent with the following standards:
- 50 a. Swimming pools, shall be limited to one (1) vertical accessory including, but
- 51 not limited to, slides and diving boards. Said accessories shall not exceed

1 eight (8) feet in height.

2 b. Pools and spas shall be permanently installed in the ground or within a  
3 masonry foundation. Above ground pools or spas are prohibited.

4 c. Portable spas shall be modified to adhere to these standards.

5 6) Air conditioning and heating units shall be installed according to all the following  
6 standards:

7 a. Window units shall not be installed on the front facade.

8 b. Units shall be screened from off-site view. Window units shall be exempt from  
9 this standard.

10 c. Consideration shall be given to avoid impacts to adjacent properties; air  
11 conditioning and heating units shall not encroach on setbacks.

12 7) Waste receptacles, garbage and trash containers. Waste receptacles shall be  
13 installed, constructed, maintained and repaired as follows:

14 a. Trash can storage areas shall be completely screened from off-site view, and  
15 located in full compliance with the county's dumpster ordinance.

16 b. Dumpsters may not be located within 10 ft. of any property line.

17 c. Dumpsters shall be stored and screened within an enclosed area, not in front  
18 of the leading edge of the building facade.

19 d. Dumpsters and trash containers shall meet other County Code requirements.

20 8) Miscellaneous accessory structures shall be consistent with the following  
21 standards:

22 a. Ramps, where required, shall be concealed with landscaping as much as  
23 possible, and shall blend with the scale and architectural features of the  
24 building.

25 b. Carports. Temporary carports and similar structures shall be prohibited.

26 c. Mailboxes.

27 i. Community mailboxes, when available, shall be used for single-family  
28 residences. No individual mailbox shall be installed in the public right-of-way  
29 when group boxes are available.

30 ii. Multi-family and commercial development shall provide group mailboxes  
31 on-site and off the public right-of-way.

32 d. Garden features. Garden features such as arbors, trellises, sculptures, and  
33 birdbaths, shall be securely anchored to the ground. Height of garden  
34 features shall not exceed eight (8) feet; height of fountains shall not exceed  
35 fifteen (15) feet. Heights pertaining to this subsection shall be measured from  
36 the finished grade of the site where the feature or fountain is to be located.

37  
38 **(I) Landscaping**

39 1) A landscaping plan is required to be submitted to the ARC with or prior to the  
40 application submittal. All easements existing and proposed must be shown on  
41 the plan, and must be drawn to scale with dimensions, distances and acreages.  
42 Building structures and stormwater retentions and similar features shall be  
43 shown.

44 2) Foundation plantings shall be installed around buildings to soften their  
45 appearance from off site view.

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

48  
49 **(J) Commercial Buildings and Multi-Family Residences**

50 Standards of this subsection apply to multi-family residences, commercial structures,  
51 and existing structures that involve repair or reconstruction in excess of fifty (50)

1 percent of the structural replacement. New building additions for said structures shall  
2 adhere to these standards in all cases as well as adhering to the above community  
3 standards.

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



**Attachment 2  
Unresolved Issues Matrix**

ISSUE	PUBLIC/COMMITTEE COMMENTS	STAFF COMMENTS	POSSIBLE ALTERNATIVE ACTIONS
Pile Driving	Prohibit pile driving	Pile driving prohibition cannot be enforced	1) Insert the following sentence "Pile driving shall be prohibited as a method of establishing structure foundations"
			2) Ask Attorney's Office to research and conclude if language can be placed in the existing noise ordinance (Chapter 2-5, Article V, Code of Laws and Ordinances) regulating pile driving to certain hours of the day/months of the year
			3) Allow this to be a civil matter and allow existing Property and Home Owners' Associations to amend their association covenants
			4) Try to request a change to the building code through the State process - good for one year unless adopted statewide (See attached email from Vince LaPorta, Deputy Building Official)
Fire hydrants	Provide an adequate number of fire hydrants	Fire hydrant placement and fee assessment is already regulated by County code	1) Reinsert the section from the old code regarding fire hydrants into the new code; Section (n) old code
			2) Ask MASKAC to work with Englewood Water District and Fire District to formulate a plan to resolve the issue
			3) Ask Attorney's Office to research and conclude if language can be placed in the existing fire ordinance (Chapter 3-3, Article I, Code of Laws and Ordinances) creating specific standards regarding fire hydrant placement and assessments for Manasota and Sandpiper Keys

<p>Second (emergency) entrance for PD developments</p>	<p>Obscure secondary, emergency entrance with low level plantings</p>	<p>PD developments need a second entrance for safety reasons. Englewood Fire District Fire Chief does not endorse obscuring the entrance (see attached email from Fire Chief Michael Bonakoske)</p>	<p>1) Incorporate language into the code requiring low level plantings for secondary, emergency entrances</p> <p>2) Incorporate language providing for a maximum lane width for the second entrance instead of a minimum lane width and provide guidance on location of entrance related to adjacent existing uses.</p>
<p>Aggregating lots for development</p>	<p>Keep current language that requires density to be calculated and rounded down for each individual lot prior to aggregation</p>	<p>Language must be consistent with comprehensive plan which encourages the aggregation of platted lots; existing language is problematic and could and has resulted in takings claims</p>	<p>1) Remove existing language and allow the density to be counted as it is across the remainder of the county, which utilizes aggregated acreage and rounds down after aggregation</p> <p>2) Insert the following sentence "for projects involving several lots, parcels or tracts, the number of units allowed for the entire project shall be calculated by adding the total number of whole units allowable to each individual lot, parcel or tract; <u>however, the allowable density cannot be reduced by more than 20%*</u>" *new language</p>
<p>Allowing structures within setbacks</p>	<p>Require that setbacks contain no structures except for driveway &amp; sidewalk crossover</p>	<p>The language is very strict and does not allow awnings or roof overhangs to intrude into the setback, in some instances a 4 foot opaque wall and/or fence can be placed in the front setback in some zoning districts but not within side or rear setback</p>	<p>1) Retain the language as it is written</p> <p>2) Include language allowing walls/fences to be placed along all property lines in all zoning districts within the setback</p> <p>3) Include language allowing awnings and/or roof overhangs to intrude into the setback</p>

Message

**Read, Roxann**

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**To:** Michael Bonakoske**Subject:** RE: low level plantings to obscure entrances on Manasota Key

-----Original Message-----

**From:** Michael Bonakoske [mailto:bonakoske@englewood-fire.com]**Sent:** Tuesday, January 27, 2009 12:08 PM**To:** Read, Roxann**Subject:** RE: low level plantings to obscure entrances on Manasota Key

Roxann,

The entrance needs to conform to the existing code used by the rest of the county. Our policy is not to have the engines go off road for any reason and a 3 ft. tall tree would be against policy and possibly damage the unit. Some of our units weigh more than 40,000 lbs. and need a low angle of departure to clear the body. If you have any other questions please call me to discuss this issue. Thanks.

Michael Bonakoske

Fire Chief

Englewood Area Fire Control District

516 Paul Morris Dr.

Englewood, Fl 34223

(941) 474-3311

(941) 473-2600 Fax

1/29/2009

## Read, Roxann

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**To:** LaPorta, Vince  
**Subject:** RE: Suggested Ordinance Manasota Key; Statutes & Constitution :View Statutes :->2008->Ch0553->Section 73 : Online Sunshine

-----Original Message-----

From: LaPorta, Vince  
Sent: Thursday, January 29, 2009 10:53 AM  
To: Read, Roxann  
Cc: Williams, Inga; Evetts, Jim  
Subject: Suggested Ordinance Manasota Key; Statutes & Constitution :View Statutes :->2008->Ch0553->Section 73 : Online Sunshine

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=Ch0553/SEC73.HTM&Title=-%3e2008-%3eCh0553-%3eSection%2073#0553.73](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0553/SEC73.HTM&Title=-%3e2008-%3eCh0553-%3eSection%2073#0553.73)

Roxann here is an email sent to Jim Evetts from Kira Honse, Attorneys office about the technical amendment.  
Also above is the link to the Florida Statues F.S. 553.73 which has the process that must be followed to accomplish a technical amendment to the Florida Building Code. I would start reading from paragraph 3.  
This should be what you need.

Vincent N. LaPorta  
Deputy Building Official  
Charlotte County Building  
Construction Services  
18400 Murdock Circle  
Port Charlotte, FL. 33948  
941-743-1214  
VinceL@CharlotteFL.com

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From: Honse, Kira  
Sent: Thursday, January 15, 2009 11:38 AM  
To: Evetts, Jim  
Subject: RE: Suggested Ordinance Manasota Key

Jim,  
  
I took a look at this. The proposal would involve an administrative amendment as well as technical amendment. I believe the technical amendment might be considered discriminatory. A financial impact statement would have to be prepared. In addition on the provisions would probably violate Chapter 489 licensing - requiring 5 years of experience.

When you get back into the office, let's chat about this if it is still an issue for you.

Kira

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Select Year: 2008 

## The 2008 Florida Statutes

[Title XXXIII](#)  
REGULATION OF TRADE, COMMERCE, INVESTMENTS,  
AND SOLICITATIONS

[Chapter 553](#)  
BUILDING CONSTRUCTION  
STANDARDS

[View Entire  
Chapter](#)

### **1553.73 Florida Building Code.--**

(1)(a) The commission shall adopt, by rule pursuant to ss. [120.536\(1\)](#) and [120.54](#), the Florida Building Code which shall contain or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section.

(b) The technical portions of the Florida Accessibility Code for Building Construction shall be contained in their entirety in the Florida Building Code. The civil rights portions and the technical portions of the accessibility laws of this state shall remain as currently provided by law. Any revision or amendments to the Florida Accessibility Code for Building Construction pursuant to part II shall be considered adopted by the commission as part of the Florida Building Code. Neither the commission nor any local government shall revise or amend any standard of the Florida Accessibility Code for Building Construction except as provided for in part II.

(c) The Florida Fire Prevention Code and the Life Safety Code shall be referenced in the Florida Building Code, but shall be adopted, modified, revised, or amended, interpreted, and maintained by the Department of Financial Services by rule adopted pursuant to ss. [120.536\(1\)](#) and [120.54](#). The Florida Building Commission may not adopt a fire prevention or lifesafety code, and nothing in the Florida Building Code shall affect the statutory powers, duties, and responsibilities of any fire official or the Department of Financial Services.

(d) Conflicting requirements between the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code of the state established pursuant to ss. [633.022](#) and [633.025](#) shall be resolved by agreement between the commission and the State Fire Marshal in favor of the requirement that offers the greatest degree of lifesafety or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction. If the commission and State Fire Marshal are unable to agree on a resolution, the question shall be referred to a mediator, mutually agreeable to both parties, to resolve the conflict in favor of the provision that offers the greatest lifesafety, or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction.

(e) Subject to the provisions of this act, responsibility for enforcement, interpretation, and regulation of the Florida Building Code shall be vested in a specified local board or agency, and the words "local government" and "local governing body" as used in this part shall be construed to refer exclusively to such local board or agency.

(2) The Florida Building Code shall contain provisions or requirements for public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings, historical

buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, hospice residential and inpatient facilities and units, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. Further, the Florida Building Code must provide for uniform implementation of ss. 515.25, 515.27, and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required therein, which are consistent with the intent of s. 515.23. Technical provisions to be contained within the Florida Building Code are restricted to requirements related to the types of materials used and construction methods and standards employed in order to meet criteria specified in the Florida Building Code. Provisions relating to the personnel, supervision or training of personnel, or any other professional qualification requirements relating to contractors or their workforce may not be included within the Florida Building Code, and subsections (4), (5), (6), (7), and (8) are not to be construed to allow the inclusion of such provisions within the Florida Building Code by amendment. This restriction applies to both initial development and amendment of the Florida Building Code.

(3) The commission shall select from available national or international model building codes, or other available building codes and standards currently recognized by the laws of this state, to form the foundation for the Florida Building Code. The commission may modify the selected model codes and standards as needed to accommodate the specific needs of this state. Standards or criteria referenced by the selected model codes shall be similarly incorporated by reference. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be specifically set forth in the Florida Building Code. The Florida Building Commission may approve technical amendments to the code, subject to the requirements of subsections (7) and (8), after the amendments have been subject to the following conditions:

(a) The proposed amendment has been published on the commission's website for a minimum of 45 days and all the associated documentation has been made available to any interested party before any consideration by any Technical Advisory Committee;

(b) In order for a Technical Advisory Committee to make a favorable recommendation to the commission, the proposal must receive a three-fourths vote of the members present at the Technical Advisory Committee meeting and at least half of the regular members must be present in order to conduct a meeting;

(c) After Technical Advisory Committee consideration and a recommendation for approval of any proposed amendment, the proposal must be published on the commission's website for not less than 45 days before any consideration by the commission; and

(d) Any proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120.

The commission shall incorporate within sections of the Florida Building Code provisions which address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

(4)(a) All entities authorized to enforce the Florida Building Code pursuant to s. 553.80 shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans

review and inspections as established by the commission by rule. Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations of this paragraph. Local amendments shall be more stringent than the minimum standards described herein and shall be transmitted to the commission within 30 days after enactment. The local government shall make such amendments available to the general public in a usable format. The State Fire Marshal is responsible for establishing the standards and procedures required in this paragraph for governmental entities with respect to applying the Florida Fire Prevention Code and the Life Safety Code.

(b) Local governments may, subject to the limitations of this section, adopt amendments to the technical provisions of the Florida Building Code which apply solely within the jurisdiction of such government and which provide for more stringent requirements than those specified in the Florida Building Code, not more than once every 6 months. A local government may adopt technical amendments that address local needs if:

1. The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the Florida Building Code. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates by evidence or data that the geographical jurisdiction governed by the local governing body exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code, that the local need is addressed by the proposed local amendment, and that the amendment is no more stringent than necessary to address the local need.
2. Such additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.
3. Such additional requirements may not introduce a new subject not addressed in the Florida Building Code.
4. The enforcing agency shall make readily available, in a usable format, all amendments adopted pursuant to this section.
5. Any amendment to the Florida Building Code shall be transmitted within 30 days by the adopting local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public. Local technical amendments shall not become effective until 30 days after the amendment has been received and published by the commission.
6. Any amendment to the Florida Building Code adopted by a local government pursuant to this paragraph shall be effective only until the adoption by the commission of the new edition of the Florida Building Code every third year. At such time, the commission shall review such amendment for consistency with the criteria in paragraph (8)(a) and adopt such amendment as part of the Florida Building Code or rescind the amendment. The commission shall immediately notify the respective local government of the rescission of any amendment. After receiving such notice, the respective local government may readopt the rescinded amendment pursuant to the provisions of this paragraph.
7. Each county and municipality desiring to make local technical amendments to the Florida Building Code shall by interlocal agreement establish a countywide compliance review board to review any amendment to the Florida Building Code, adopted by a local government within the county pursuant to this paragraph, that is challenged by any substantially affected party for purposes of determining the amendment's compliance with this paragraph. If challenged, the local

technical amendments shall not become effective until time for filing an appeal pursuant to subparagraph 8. has expired or, if there is an appeal, until the commission issues its final order determining the adopted amendment is in compliance with this subsection.

8. If the compliance review board determines such amendment is not in compliance with this paragraph, the compliance review board shall notify such local government of the noncompliance and that the amendment is invalid and unenforceable until the local government corrects the amendment to bring it into compliance. The local government may appeal the decision of the compliance review board to the commission. If the compliance review board determines such amendment to be in compliance with this paragraph, any substantially affected party may appeal such determination to the commission. Any such appeal shall be filed with the commission within 14 days of the board's written determination. The commission shall promptly refer the appeal to the Division of Administrative Hearings for the assignment of an administrative law judge. The administrative law judge shall conduct the required hearing within 30 days, and shall enter a recommended order within 30 days of the conclusion of such hearing. The commission shall enter a final order within 30 days thereafter. The provisions of chapter 120 and the uniform rules of procedure shall apply to such proceedings. The local government adopting the amendment that is subject to challenge has the burden of proving that the amendment complies with this paragraph in proceedings before the compliance review board and the commission, as applicable. Actions of the commission are subject to judicial review pursuant to s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.

9. An amendment adopted under this paragraph shall include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

10. In addition to subparagraphs 7. and 9., the commission may review any amendments adopted pursuant to this subsection and make nonbinding recommendations related to compliance of such amendments with this subsection.

(c) Any amendment adopted by a local enforcing agency pursuant to this subsection shall not apply to state or school district owned buildings, manufactured buildings or factory-built school buildings approved by the commission, or prototype buildings approved pursuant to s. 553.77(3). The respective responsible entities shall consider the physical performance parameters substantiating such amendments when designing, specifying, and constructing such exempt buildings.

(5) The initial adoption of, and any subsequent update or amendment to, the Florida Building Code by the commission is deemed adopted for use statewide without adoptions by local government. For a building permit for which an application is submitted prior to the effective date of the Florida Building Code, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

(6)(a) The commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 3 years. When updating the Florida Building Code, the commission shall select the most current version of the International Building Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are adopted by the International Code Council, and

the National Electrical Code, which is adopted by the National Fire Protection Association, to form the foundation codes of the updated Florida Building Code, if the version has been adopted by the applicable model code entity and made available to the public at least 6 months prior to its selection by the commission. The commission shall select the most current version of the International Energy Conservation Code (IECC) as a foundation code; however, the IECC shall be modified by the commission to maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901.

(b) Codes regarding noise contour lines shall be reviewed annually, and the most current federal guidelines shall be adopted.

(c) The commission may modify any portion of the foundation codes only as needed to accommodate the specific needs of this state, maintaining Florida-specific amendments previously adopted by the commission and not addressed by the updated foundation code. Standards or criteria referenced by the codes shall be incorporated by reference. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be set forth in the Florida Building Code. The commission may approve technical amendments to the updated Florida Building Code after the amendments have been subject to the conditions set forth in paragraphs (3)(a)-(d). Amendments to the foundation codes which are adopted in accordance with this subsection shall be clearly marked in printed versions of the Florida Building Code so that the fact that the provisions are Florida-specific amendments to the foundation codes is readily apparent.

(d) The commission shall further consider the commission's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments and shall incorporate such interpretations, statements, decisions, and amendments into the updated Florida Building Code only to the extent that they are needed to modify the foundation codes to accommodate the specific needs of the state. A change made by an institute or standards organization to any standard or criterion that is adopted by reference in the Florida Building Code does not become effective statewide until it has been adopted by the commission. Furthermore, the edition of the Florida Building Code which is in effect on the date of application for any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit.

(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect no sooner than 6 months after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

(f) Provisions of the foundation codes, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be modified to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, modify the provisions to enhance those construction requirements.

(7) Notwithstanding the provisions of subsection (3) or subsection (6), the commission may address issues identified in this subsection by amending the code pursuant only to the rule adoption procedures contained in chapter 120. Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, amend the provisions to enhance

those construction requirements. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments. The commission may approve amendments that are needed to address:

- (a) Conflicts within the updated code;
  - (b) Conflicts between the updated code and the Florida Fire Prevention Code adopted pursuant to chapter 633;
  - (c) The omission of previously adopted Florida-specific amendments to the updated code if such omission is not supported by a specific recommendation of a technical advisory committee or particular action by the commission;
  - (d) Unintended results from the integration of previously adopted Florida-specific amendments with the model code;
  - (e) Changes to federal or state law; or
  - (f) Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.
- (8)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:
1. Is needed in order to accommodate the specific needs of this state.
  2. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
  3. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
  4. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
  5. Does not degrade the effectiveness of the Florida Building Code.

Furthermore, the Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions, final orders, declaratory statements, and interpretations of hearing officer panels under s. 553.775(3)(c), but shall do so only to the extent that incorporation of interpretations is needed to modify the foundation codes to accommodate the specific needs of this state. Amendments approved under this paragraph shall be adopted by rule pursuant to ss. 120.536(1) and 120.54, after the amendments have been subjected to the provisions of subsection (3).

- (b) A proposed amendment shall include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance.

(c) The commission may not approve any proposed amendment that does not accurately and completely address all requirements for amendment which are set forth in this section. The commission shall require all proposed amendments and information submitted with proposed amendments to be reviewed by commission staff prior to consideration by any technical advisory committee. These reviews shall be for sufficiency only and are not intended to be qualitative in nature. Staff members shall reject any proposed amendment that fails to include a fiscal impact statement. Proposed amendments rejected by members of the staff may not be considered by the commission or any technical advisory committee.

(d) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, amend the provisions to enhance those construction requirements.

(9) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(a) Buildings and structures specifically regulated and preempted by the Federal Government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility by persons with disabilities shall apply to such mobile or modular structures.

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code.

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt

by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law.

(10)(a) In the event of a conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as applied to a specific project, the conflict shall be resolved by agreement between the local building code enforcement official and the local fire code enforcement official in favor of the requirement of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.

(b) Any decision made by the local fire official and the local building official may be appealed to a local administrative board designated by the municipality, county, or special district having firesafety responsibilities. If the decision of the local fire official and the local building official is to apply the provisions of either the Florida Building Code or the Florida Fire Prevention Code and the Life Safety Code, the board may not alter the decision unless the board determines that the application of such code is not reasonable. If the decision of the local fire official and the local building official is to adopt an alternative to the codes, the local administrative board shall give due regard to the decision rendered by the local officials and may modify that decision if the administrative board adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the local administrative board adopts alternatives to the decision rendered by the local fire official and the local building official, such alternatives shall provide an equivalent degree of lifesafety and an equivalent method of construction as the decision rendered by the local officials.

(c) If the local building official and the local fire official are unable to agree on a resolution of the conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code, the local administrative board shall resolve the conflict in favor of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.

(d) All decisions of the local administrative board, or if none exists, the decisions of the local building official and the local fire official, are subject to review by a joint committee composed of members of the Florida Building Commission and the Fire Code Advisory Council. If the joint committee is unable to resolve conflicts between the codes as applied to a specific project, the matter shall be resolved pursuant to the provisions of paragraph (1)(d).

(e) The local administrative board shall, to the greatest extent possible, be composed of members with expertise in building construction and firesafety standards.

(f) All decisions of the local building official and local fire official and all decisions of the administrative board shall be in writing and shall be binding upon all persons but shall not limit the authority of the State Fire Marshal or the Florida Building Commission pursuant to paragraph (1)(d) and ss. 633.01 and 633.161. Decisions of general application shall be indexed by building and fire code sections and shall be available for inspection during normal business hours.

(11) Except within coastal building zones as defined in s. 161.54, specification standards developed by nationally recognized code promulgation organizations to determine compliance with engineering criteria of the Florida Building Code for wind load design shall not apply to one or two family dwellings which are two stories or less in height unless

approved by the commission for use or unless expressly made subject to said standards and criteria by local ordinance adopted in accordance with the provisions of subsection (4).

(12) The Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements, and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

(13) The general provisions of the Florida Building Code for buildings and other structures shall not apply to commercial wireless communication towers when such general provisions are inconsistent with the provisions of the code controlling radio and television towers. This subsection is intended to be remedial in nature and to clarify existing law.

**History.**--s. 4, ch. 74-167; s. 3, ch. 75-85; s. 1, ch. 77-365; s. 225, ch. 79-400; s. 1, ch. 80-106; s. 6, ch. 82-197; s. 2, ch. 84-273; s. 1, ch. 85-97; s. 33, ch. 86-191; s. 1, ch. 87-287; s. 1, ch. 88-142; s. 1, ch. 89-369; s. 2, ch. 91-172; s. 41, ch. 91-220; s. 49, ch. 95-144; s. 1, ch. 97-177; ss. 39, 40, 65, ch. 98-287; s. 61, ch. 98-419; ss. 73, 74, 75, ch. 2000-141; s. 62, ch. 2000-154; ss. 25, 34, 35, 36, ch. 2001-186; ss. 2, 3, 4, 5, ch. 2001-372; s. 86, ch. 2002-1; ss. 1, 14, ch. 2002-293; s. 66, ch. 2003-1; s. 663, ch. 2003-261; s. 7, ch. 2005-147; s. 1, ch. 2005-191; s. 4, ch. 2006-65; s. 7, ch. 2007-1; s. 4, ch. 2007-187; s. 140, ch. 2008-4; s. 10, ch. 2008-191; s. 108, ch. 2008-227.

<sup>1</sup>**Note.**--Section 23, ch. 2008-191, provides that "[t]he repeal of s. 553.731, Florida Statutes, by this act, does not diminish or authorize changes that diminish the provisions of the Florida Building Code relating to wind resistance or water intrusion which were adopted pursuant to chapter 2007-1, Laws of Florida."



### Attachment 3 - Code Section Spreadsheet

EXISTING CODE REFERENCE	REVISIONS TO MANASOTA CODE
Title	Changed title to more accurately reflect the nature of the overlay
	Definition Section
(a)	<p>Eliminated unused and unnecessary definitions</p> <ul style="list-style-type: none"> <li>"Alley" is already defined in Sec. 3-9-2</li> <li>"Board" is already defined in Sec. 3-9-2</li> <li>"Buffer", this needs no definition</li> <li>"Buffer Code", this needs no definition</li> <li>"Buffer Strip", this definition was combined with the "Green area" definition</li> <li>"BZA" defined in Sec. 3-9-2 as "Board of Zoning Appeals"</li> <li>"DRC" changed to Site Plan Review due to upcoming county initiated change</li> <li>"Design requirements" needs no definition</li> <li>"Environmentally sensitive", reference to this was removed from the code</li> <li>"Lot" is defined in 3-9-2</li> <li>"MASTU" was removed, no longer incorporated in the code</li> <li>"Overlay code" defined in subsection (b)</li> <li>"Plan" defined in subsection (b)</li> <li>"Zoning code" does not need to be defined</li> </ul> <p>Manasota zoning district definitions were removed; it is unnecessary to define a zoning district</p> <p>All references (definitions) to any regular county-wide zoning districts were removed</p> <p>Some new definitions were included and some were reworded</p>
(b), (c) and (d)	Combined "Establishment, Short Title, Intent & Boundary" to be concise; clarified that overlay applies to new development only; added language to protect single family character; new code (b)
(e)	Removed reference to DRC approval due to upcoming county initiated change to site plan approval; added clarified language; added language to prevent rezoning of MSF properties; new code (c)
(e)(1) - (10)	Eliminated prohibited zoning district list; existing code language specifies that only Manasota zoning districts can be used on the islands; created table listing zoning districts; new code (c)
(f)	Moved MSF zoning district standards to new location (after MES); new code (i)(2)(A)
(f)(1)&(2); (g)(1)&(2); (i)(1)&(2); (j)(1)&(2); (k)(1)&(2); (l)(1)&(2); (m)(1)&(2)	Combined "Establishment of Zoning District" and "Intent" in all zoning districts
(f)(3); (g)(3); (i)(3); (j)(3); (k)(3); (m)(3)	Eliminated "Amendment of Zoning Atlas" sections because the zoning atlas has already been amended when the overlay went into effect originally

(f)(3)(C)	Eliminated MSF 2.5 due to nonuse of districts
(f)(4)	Added language to clarify
(f)(5);(g)(5); (i)(5); (k)(5); (l)(4); (m)(5)	Added language regarding height restrictions for boat houses and storage structure
(f)(6)	Eliminated last sentence as an unnecessary addition
(f)(7)	Changed "guest house" and "servant's quarters" to "accessory house"
(f)(8)(A) & (g)(8)(A)	Revised development standards table for clarity (all zoning districts)
(f)(8)(A); (g)(8)(A); (i)(8); (j)(8); (k)(8); (l)(7); (m)(8)	Added setbacks from the Gulf of Mexico, setbacks from all other water and building length and width maximum to each new district table
(f)(8)(B)	Eliminated this paragraph because it is stated in development standards table
(f)(8)(C); (g)(8)(C); (j)(8)(e);	All waterfront ordinance sections have been combined and placed in a new section; new code section (j)(1)(B)
(f)(8)(D); (g)(8)(B)	Removed the language "In no case shall multiple-family dwellings replace single-family residences in areas zoned MSF", new language added to new code section (c) prohibiting rezoning of single-family zoning districts to any other zoning district
(f)(9); (g)(9); (j)(8)(F); (k)(9); (l)(7)(H); (m)(8)(H)	Building height is now part of the development standards table; Changed building height language from "or" to "and" for clarity
(f)(10); (g)(10); (i)(11); (j)(8)(H); (l)(7)(M); (m)(8)(P);(u)(3)(A)(i)	No Fill paragraph applies to all areas and is located under "site design requirements", new code (j)(1)(C)
(f)(11); (g)(11); (i)(10); (j)(8)(G); (k)(10);(l)(7)(J); (m)(8)(M)	Pillings for structures paragraphs removed from all sections - recommended to be added to noise ordinance
(f)(12)(A);(g)(12)(A); (i)(8); (m)(8)(N)	The word "landscaped" has been added to clarify setbacks
(f)(12)(B)	"Front yards shall contain 25 ft. wide green area buffers or shall comply with section 3-9-32 of the zoning code (residential, single-family), whichever is more restrictive" has been removed because the front yard setback is 25 ft. and (f)(12)(A) requires setbacks to be green areas. "Front yards shall comply with the waterfront ordinance" has been removed as redundant. Fences have been added to structures permitted within the front setback.
(f)(12)(C); (g)(12)(C)	This paragraph has been removed because the least rear setback is 15 ft. and all setbacks are required to be green.
(f)(12)(D); (g)(12)(D); (k)(8)	This language has been clarified by the committee; new code section (i)(1)(A)(vii)3, (i)(2)(A)(vii)3, (l)(2)(B)(vii)3
(f)(12)(E);(g)(12)(G)	This paragraph has been removed. It is stated in new code (j)(2)(G)5
(f)(13)(A)&(B); (g)(13)(A)&(B)	No changes
(g)	Moved MMF zoning district standards to new location (after MSF); new code (j)(2)(B)
(g)(3)(A)	Eliminated MMF 3.5 due to nonuse of districts
(g)(4),(6),(7)	No changes
(g)(8)(B)	No changes

(g)(12)(B)	"Front yards shall contain 25 ft. wide green area buffers or shall comply with section 3-9-32 of the zoning code (residential, single-family), whichever is more restrictive" has been removed because the front yard setback is 25 ft. and (g)(12)(A) requires setbacks to be green areas. "Front yards shall comply with the waterfront ordinance" has been removed as redundant.
(g)(12)(E); (i)(8)	This paragraph has been revised to allow for low impact development
(g)(12)(F)	This language has been clarified
(g)(14)	Eliminated because it reiterated same language as (g)(12)(F)
(h)	Expanded "common to all zoning districts" section (sections repeated in every zoning district have been put here) – now called "Site Design Requirements", new code (j)(1). Other portions of this section have been moved to the beginning of the document for clarity
(h)(1) & (n)	"Off Street parking" section combined with "Parking Requirements" section – now applies to all zoning districts; new code (j)(1)(G)
(h)(1)(A)-(F), (H), (I)	No changes
(h)(1)(G)	No changes except porous surfacing language has been revised
(h)(2), (3), (5)	"Spot ground elevations", "Underground utilities", "Interior Yard Use" sections now apply to all zoning districts - in new code (j)(1)(D),(E),(F)
(h)(4)	No changes, in new code (j)(2)(G)2
(h)(6)	"DRC" name changed to "Open Space/Habitat", in new code (j)(1)(H)
(h)(7)	Added permit language to "Coastal Construction" section – this portion now applies to all zoning districts, new code (j)(1)(A)
(i)	Moved MCT zoning district standards to new location; new code (i)(3)(B)
(i)(4),(6),(7)	No changes
(i)(8);(j)(8); (k)(8)	Created development standards table
(i)(9)	Took "buffer" out
(j)	Moved MCG to new location; new code (i)(3)(A)
(j)(4),(5),(6),(7)	No change
(j)(7)(A)	Eliminated as redundant
(j)(7)(A)i-iii	No change
(j)(8); (m)(8)	Added marine businesses cannot build to sea wall; new code (i)(4)(A)(iv)5 & (i)(3)(A)(vi)
(k)	Moved MES to new location; new code (i)(1)(A)
(k)(4)	Removed part of 4(C) "that meet all development standards contained in this zoning district and the waterfront ordinance" as redundant language
(k)(6),(7)	No change
(k)(8)	Reduced lot coverage in MES to 5% maximum
(l)	Moved MMF-T to new location; new code (i)(2)(C)
(l)(3)	Clarified language in (l)(3)(C)
(l)(5),(6)	No change
(l)(7)(A) - (D),(H)	Created development standards table
(l)(7)(E); (m)(8)(l); (n)	This section was removed because fire hydrant placement is already regulated in the county code, Article 1, Section 3-3
(l)(7)(F)	No change, new code (i)(2)(C)(viii)3
(l)(7)(G),(l)	No change

(l)(7)(H)	Hotel/motel sentence has been eliminated as these are commercial uses. Rooftop livable space sentence has been moved to definition section
(l)(7)(K)	No change, moved to Setbacks, Driveways and Green Space paragraph
(l)(7)(L);(m)(8)(O)	Moved to new code (j)(1)(E)
(m)	Changed PD zoning district to "MPD" to be consistent with other zoning districts; moved to new location; new code (i)(4)(A)
(m)(4)(A)	No change
(m)(4)(B)-(D);(m)(8)(A)-(C)	Removed language that referred to "previous zoning district"; there were multiple sections repeating the same intent
(m)(5)	Removed "wharves"
(m)(6)(7)	Eliminated these sections as not compatible with MPD zoning district standards
(m)(8)(D)	A 2nd (emergency) access has been added for safety
(m)(8)(E),(G)	Created development table
(m)(8)(F),(Q)	No change
(m)(8)(H)	Created development table; rooftop livable space is now in definition section
(m)(8)(J)-(L)	No change, moved to Parking Requirements in new code (i)(4)(A)(vi)
(m)(8)(N)	Changed "buffer" to "setback"
(m)(8)	Added minimum lot area for MPD, 20% open space requirement, 2 year time limit for approvals and compatibility language
(n)	This section was removed because fire hydrant placement is already regulated in the county code, Article 1, Section 3-3
(m)	Special exceptions paragraph has been moved to beginning of document for clarity (note: this is the 2nd (m) - numbering error was found while revising document) (m)(1) has been removed as redundant; added language for clarity
(n)	Off-Street parking paragraph has been moved to Site Design Requirements section new code (j)(1)(G) (note: this is the 2nd (n) - numbering error was found while revising document)
(o)	Design requirements paragraph has been moved to Site Design Requirements new code (j)(1). Some statements removed due to redundancy and reworded for clarity.
(p)	Development review procedure moved to beginning of document new code (h). In paragraph (p)(2)(B), "is received by the county" is replaced by "is received by the committee's designee". Language added for clarity.
(q)	Nonconforming status moved to beginning of document, new code (e)
(r)	Disaster recovery moved to beginning of document, new code (d); removed language "conforming or legally" in first sentence because legally conforming structures may or may not need a variance request to expand their footprint depending on what they are requesting
(t)	Eliminated sign code portion of the ordinance and sign code definitions until further legal research can be conducted
(u)(1)&(2)	No change except for elimination of "replacement" in replacement valuation and some rewording for conciseness and clarity
(u)(3)(A)(ii)&(iii)	Eliminated as redundant

(u)(3)(A)(iv)	No change, moved to Stormwater Design, new code (j)(2)(B)
(u)(3)(B)	No change, moved to new code (j)(2)(C)
(u)(3)(C)-(H)	No change, moved to new code (j)(2)(D)
(u)(3)(I)	No change, moved to new code (j)(2)(E), added walkways to list of surfaces where water cannot accumulate, new code (j)(2)(E)5
(u)(3)(J)	No change, moved to new code (j)(2)(F)
(u)(3)(K)	Removed the words "and wall" in subsection (iv); combined chain link fencing language from (h)(4); new code (j)(2)(G)
(u)(3)(L)	No change except added language regarding dumpsters cannot be located within 10 ft. of property line, new code (j)(2)(H)
(u)(3)(M)	No change, moved to new code (j)(2)(I)
(u)(4)	No change, moved to new code (j)(2)(J)
(u)(5)	Removed reference to the architectural review committee and followed the language for Special Exceptions by having the review done by the advisory committee; moved to beginning of new code; new code (g)



## Attachment 4 - Existing Code

### **Sec. 3-9-53. Manasota Key zoning district overlay.**

**(a) Definitions.** Terms used in section 3-9-53 shall have their commonly accepted meaning unless they are defined in this subsection 3-9-53(a). When terms are defined both in this subsection 3-9-53(a) and elsewhere in the County Code, definitions for such terms in this subsection shall control. The following terms shall have the meanings set forth in this subsection:

*Advisory committee* shall mean the Manasota and Sandpiper Key Advisory Committee established by the board on October 12, 2004 pursuant to Resolution Number 2004-212.

*Alley* shall mean any public or private right-of-way intended to be used as a secondary means of access or service to abutting properties and not intended for general traffic circulation.

*Architectural review committee* shall mean a subcommittee of the advisory committee established to review proposed development and redevelopment to determine compliance with this overlay code and requirements promulgated by the board pursuant to the overlay code.

*Board* shall mean the Board of County Commissioners of Charlotte County.

*Buffer* shall mean a setback, as defined in subsection 3-9-53(a), together with the physical improvements required for the setback by the overlay code.

*Buffer code* shall mean section 3-5-391, et seq. of the County Code.

*Buffer strip* shall mean a side setback of at least ten (10) feet in width located immediately adjacent and parallel to the side lot boundary consisting of green, open areas without surfaces, driveways or private roads. A buffer strip of a corner lot abutting at least two (2) public roads may contain a sole driveway crossover provided said driveway crossover shall be the only vehicular access permitted for said parcel. Buffer strips meet the requirements of the buffer code and include vegetation that screens new development from existing development.

*BZA* shall mean the Charlotte County Board of Zoning Appeals.

*Commercial general* or *CG* shall mean the commercial general zoning district provided for by section 3-9-42 of the zoning code.

*Commercial tourist* or *CT* shall mean the commercial tourist zoning district provided for by section 3-9-45 of the zoning code.

*County Code* shall mean the Charlotte County Code of Laws and Ordinances.

*Design requirements* shall mean the architectural design requirements provided for by the overlay code that shall regulate the design of new construction and the repair, rehabilitation or remodeling of existing structures on the Islands.

*DRC* shall mean the Charlotte County Development Review Committee provided for by section 3-9-5.1 of the zoning code.

*Driveway* shall mean a permeable surface designed for use by vehicles that connect a road to a residential structure.

*Driveway crossover* shall mean that portion of a driveway located on a setback.

*Environmentally sensitive* or *ES* shall mean the environmentally sensitive zoning district provided for by section 3-9-28 of the zoning code.

*FLUM* shall mean the Future Land Use Map included in the Charlotte County Comprehensive Plan.

*Green area buffer* shall mean a buffer with improvements that consist of plants, trees, other natural vegetation, open space and, unless otherwise stated, excludes driveways and sidewalks.

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

*Islands* shall mean 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 Park and east of the Gulf of Mexico.

*Livable space* shall mean all usable areas under the roof of a building.

*Lot* shall mean a piece, parcel, tract or plot of ground contained within the property lines of a specific area as described by metes and bounds or by lot, block and subdivision identification as recorded in the public records of Charlotte County, Florida, including land within easements, but excluding land within any street, road or other right-of-way. The term includes a "plot," "parcel" or "tract."

*Manasota commercial general* or *MCG* shall mean the commercial general zoning district established by the overlay code.

*Manasota commercial tourist* or *MCT* shall mean the commercial tourist zoning district established by the overlay code.

*Manasota environmentally sensitive* or *MES* shall mean the environmentally sensitive zoning district established by the overlay code.

*Manasota multifamily* or *MMF* shall mean the multifamily zoning districts established by the overlay code.

*Manasota single-family* or *MSF* shall mean the single-family zoning districts established by the overlay code.

*MSTU* shall mean the Manasota Sandpiper Taxing Unit Fund Number 1373.

*NGVD* shall mean the National Geodetic Vertical Datum on the effective date of this overlay.

*Overlay code* shall mean the Manasota Key Zoning District Overlay Code established by this section 3-9-53.

*Plan* shall mean the Manasota Community Plan as accepted by the board on September 21, 2004 and as it may be amended from time to time.

*Residential multifamily* or *RMF* shall mean the multifamily zoning districts provided for by section 3-9-33 of the zoning code.

*Residential single-family* or *RSF* shall mean the single-family zoning districts provided for by section 3-9-32 of the zoning code.

*Road* shall mean any public or private thoroughfare set aside for travel, excluding alleys, as the term "alley" is defined in this subsection. The word "road" includes "streets," "avenue," "lane," "boulevard," "thoroughfare" and "highway."

*Rooftop livable space* shall mean all usable areas upon or above the roof of a building including but not limited to decks, swimming pools, fences and railings.

*Sandpiper Key* shall mean the land area located south and west of the Intercoastal Waterway, east of the Lemon Bay Channel and north of Manasota Key.

*Setback* shall mean the minimum horizontal distance between the road, rear or side lot lines and the front, rear or side lines of the building.

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

*Structure* shall mean any construction or any production or piece of work artificially built up or composed of parts joined together in some definite manner. "Structure" includes "building," as well as other things constructed or erected on the ground, attached to something having location on the ground or requiring construction or erection on the ground.

*Structure height* shall mean the height of a structure as measured from the NGVD to the top of its highest constructive element. Rooftop livable space shall be included as ten (10) feet in the calculation of the structure height.

*Walkway* shall mean a linear surface utilized by pedestrians for passage over dunes and other beach areas.

*Waterfront ordinance* shall mean the "waterfront property" ordinance codified at section 3-9-98 of the zoning code.

*Zoning atlas* shall mean the official Zoning Atlas of Charlotte County as established by section 3-9-8 of the zoning code.

*Zoning code* shall mean chapter 3-9 of the County Code.

**(b) Establishment; short title.** The Manasota Key Zoning District Overlay Code is hereby established. The short title of this section shall be the "Manasota Key Zoning District Overlay Code."

**(c) Intent.** The intent of the overlay code is to serve as a vehicle for the implementation of initiatives for the preservation, conservation and future development of the islands as contemplated by the plan in a manner that is consistent with board policy.

**(d) Boundary.** The area affected by this overlay code shall be the geographical boundaries of the islands as set forth in the definition of "islands" in subsection 3-9-53(a) above.

**(e) Applicability; conflict with other ordinances.** The overlay code shall apply to development and redevelopment on the islands together with all other matters referenced in the overlay code. The terms development and redevelopment shall be construed liberally and shall include any plat, special exception, variance, DRC approval, 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 overlay code shall apply to the preceding matters notwithstanding the application of another provision(s) of the County Code to said matters. Except where expressly provided herein, the terms of the overlay code shall supersede and control in the event and to the extent of a conflict between the overlay code and another provision of the County Code. The Manasota Key Zoning District Overlay shall incorporate several zoning districts which shall be the only permissible districts as contained within this section. Zoning districts which are prohibited within the Manasota Key Zoning District Overlay include, but are not limited to, the following, as these districts may be replaced or amended:

- (1) Commercial Intensive (CI), section 3-9-43; and
- (2) Commercial Highway (CH), section 3-9-44; and
- (3) Industrial Light (IL), section 3-9-47; and
- (4) Industrial General (IG), section 3-9-48; and
- (5) Industrial Office Park (IOP), section 3-9-46; and
- (6) Mobile Home Park (MHP), Mobile Home Subdivision (MHS), Mobile Home Conventional (MHC); and
- (7) Recreational Vehicle Park; and
- (8) Office Medical and Institutional; and
- (9) Commercial Office Park; and
- (10) Commercial Neighborhoods.

**(f) Manasota single-family (MSF) zoning and land uses.**

(1) *Establishment of zoning districts.* The MSF-1, MSF-2, MSF-2.5, MSF-3.5 and MSF-5 zoning districts are hereby established.

(2) *Intent.* The MSF districts shall be used for single-family residential dwellings and for other uses normally associated with single-family residential dwellings. Each lot lawfully created as of the effective date of the overlay code shall contain no more than one (1) freestanding dwelling unit for use by one (1) family. Nothing herein is intended to prevent the grouping of lots or parcels for residential single-family uses. There are variations among the MSF districts in requirements which include differing lot areas, width, yards and uses.

- (3) *Amendment of zoning atlas.* The zoning atlas is hereby amended to provide as follows:
- (A) Areas of the island that are presently zoned RSF-1 are rezoned to MSF-1;
  - (B) Areas of the island that are presently zoned RSF-2 are rezoned to MSF-2;
  - (C) Areas of the island that are presently zoned RSF-2.5 are rezoned to MSF-2.5;
  - (D) Areas of the island that are presently zoned RSF-3.5 are rezoned to MSF-3.5; and
  - (E) Areas of the island that are presently zoned RSF-5 are rezoned to MSF-5;

(4) *Principal uses and structures.* The following principal uses and structures are permissible in the MSF districts:

- (A) Single-family dwellings, excluding mobile homes.
- (B) Nonprofit parks and playgrounds, as well as nature trails that exclude parking.
- (C) Art and music instruction, provided instruction is provided to only one (1) student at a time.
- (D) Noncommercial boat docks.

(5) *Accessory uses and structures.* Uses and structures that are customarily accessory and clearly incidental to the MSF principal uses and structures are also permissible within the MSF districts. Detached permanent garage structures are subject to the yard setback requirements of this overlay code. All other permissible accessory structures must be located behind the leading or

foremost edge or portion of the living area of the residence and must comply with applicable yard setback requirements. Permissible accessory structures include:

(A) Private garage and storage structures subject to the following standards:

i. No metal buildings and/or temporary structures such as canvas awnings or carports shall be allowed.

ii. Accessory buildings over two hundred fifty (250) square feet must be compatible in appearance and materials to the residence.

iii. The total maximum coverage area of all accessory structures shall not exceed the greater of one thousand (1,000) square feet or one-half ( 1/2) the footprint of the principal structure. Nothing herein shall be construed to permit lot coverage in excess of the thirty-five (35) percent maximum lot coverage established by the development standards set forth in subsection 3-9-53(f) below. Owners of a lot that is one (1) acre or more in size may apply for a special exception from the total maximum coverage area limitation established in this subsection.

(B) Greenhouses, the growing of plants and horticultural specialties provided that no sales are conducted on the premises.

(C) Swimming pools.

(D) Tennis courts.

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

(7) *Special exceptions.* Special exceptions procedures are set forth in subsection 3-9-53(m) of the overlay code. The following are special exceptions in the MSF districts:

(A) Cluster houses and patio houses, provided a site plan is approved by the DRC. The recommendation of the architectural review committee shall be considered by the DRC in connection with this determination.

(B) Beach clubs, provided that parking areas are not located within any setbacks.

(C) One (1) guest house or one (1) servant's quarters for each single-family dwelling provided the lot area shall be not less than twice the minimum lot area required for a single-family dwelling. The guest house or servant's quarters is intended for use on a temporary basis and shall not be rented for any period longer than three (3) months during any twelve-month period.

(D) Home occupations in accordance with section 3-9-79 of the zoning code.

(E) Essential services and emergency services.

(F) Such other uses as determined by the zoning official (or the zoning official's designee) to be:

i. Appropriate by reasonable implication and intent of that district;

ii. Similar to another use either explicitly permissible in that district or allowed by special exception; and

iii. Not specifically prohibited in that district.

The recommendation of the architectural review committee shall be considered by the zoning official (or the zoning official's designee) in connection with this determination.

(8) *Development standards.*

(A) The following development standards apply to the MSF districts.

TABLE INSET:

	MSF-1	MSF-2	MSF-2.5	MSF-3.5	MSF-5
Minimum lot requirements, in	43,560	21,780	17,424	12,445	8,712

square feet (except as otherwise permissible)					
Width, feet	125	100	100	80	70
Front yard, feet	25	25	25	25	25
Side yard, feet:					
Interior	Half the building height (as measured by section 3-9-2), but no less than 10 feet				
Abutting a road	20	20	20	15	15
Maximum lot coverage by all buildings, percent	35	35	35	35	35
Maximum building height, feet	43	43	43	43	43
Minimum rear yard, feet					
Abutting a lot	Half the building height (as measured by section 3-9-2), but no less than 20 feet				
Abutting a road	25	25	25	25	25
Abutting a greenbelt	15	15	15	15	15
Setbacks from accessory buildings from:					
Rear lot line, feet	10	10	10	10	10
Side yard	Same as principal building				
Abutting road right-of-way line	Same as principal building				
Rear or side line abutting a waterway, feet	20	20	20	20	20

(B) Lots created subsequent to the effective date of the overlay code shall contain the following minimum lot areas:

- (i) MSF-3.5: 12,445 square feet; and
- (ii) MSF-5: 8,712 square feet.

(C) Where properties lie within one thousand two hundred (1,200) feet of the waters of the Gulf of Mexico, Gasparilla Sound, or Lemon Bay, structures must also be constructed in accordance with the waterfront ordinance, except for building height, which shall be determined according to subsection 3-9-53(f)(9) below.

(D) For projects involving several lots, parcels or tracts, the number of units allowed for the entire project shall be calculated by adding the total number of whole (nonfractional) units allowable to each individual lot, parcel or tract, not by the total acreage of the project. In no case shall multiple-family dwellings replace single-family residences in areas zoned MSF.

(9) *Building height.* Building height shall not exceed the lesser of forty-three (43) feet of structure height or two (2) stories of livable space.

(10) *"No-fill" areas.* MSF districts are hereby designated as "no-fill" areas where only pilings and stem walls shall be used for construction except the minimum amount of fill necessary within the

building footprint and other facilities as required by federal, state or local statute, ordinance, law, rule, or regulation.

(11) *Pilings for structures.* Pilings for structures throughout Manasota and Sandpiper Key shall be augered into the ground, or otherwise introduced through contemporary technologies that are shown to reduce the noise and vibration in sufficient amount to meet the intent of this section. The traditional practice of driving pilings into or onto the ground is hereby prohibited. Notwithstanding the contents of this subsection, this restriction shall not be applicable to pilings which are installed onto submerged lands as part of dockage or other marine structures.

(12) *Setbacks, driveways, and green space.*

(A) All setbacks shall be green area buffers, 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.

(B) Front yards shall contain twenty-five-foot wide green area buffers or shall comply with section 3-9-32 of the zoning code (residential, single-family), whichever is more restrictive. The only exception to this requirement shall be that one (1) double-lane driveway crossover is allowed. Front yards shall comply with the waterfront ordinance. Opaque walls with a height of four (4) feet or less may be used in addition to and within the front green area buffer.

(C) Rear yards shall contain a ten-foot wide green area buffer or comply with section 3-9-32 of the zoning code (residential, single-family), whichever is more restrictive.

(D) Buffer strips shall be utilized. Minimum side yards of lots that are nonconforming because of width, where the nonconformity is due to a natural disaster, shall not be less than ten (10) percent of the lot width but not less than five (5) feet wide. The provisions of subsection 3-9-75 shall not apply within the Manasota Key Zoning District.

(E) Walls or fences on or near the periphery of a lot shall contain openings that may be utilized by wildlife.

(13) *Parking requirements.*

(A) For single-family residences that have been constructed according to FEMA regulations (raised), parking will not be allowed to abut Gulf Boulevard, Shoreview Drive and North Beach Road.

(B) Additional parking requirements are set forth in subsections 3-9-53(h)(1) and 3-9-53(n) of the overlay code.

**(g) Manasota multifamily (MMF) zoning and land uses.**

(1) *Establishment of zoning districts.* The MMF-3.5, MMF-5, MMF-7.5, MMF-10 and MMF-12 zoning districts are hereby established.

(2) *Intent.* MMF districts are intended to be low-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.

(3) *Amendment of zoning atlas.* The zoning atlas is amended to provide as follows:

(A) Areas of the island that are presently zoned RMF-3.5 are rezoned to MMF-3.5;

(B) Areas of the island that are presently zoned RMF-5 are rezoned to MMF-5;

(C) Areas of the island that are presently zoned RMF-10 are rezoned to MMF-7.5;

(D) Areas of the island that are presently zoned RMF-12 are rezoned to MMF-10; and

(E) Areas of the island that are presently zoned RMF-15 are rezoned to MMF-12.

(4) *Principal uses and structures.* The following principal uses and structures are permissible within the MMF districts:

(A) All principal uses and structures permissible in MSF districts;

- (B) Two-family dwellings;
- (C) Multiple-family dwellings;
- (D) Cluster houses;
- (E) Townhouses; and
- (F) Patio houses.

(5) *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.

(6) *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.

(7) *Special exceptions.* Special exceptions procedures are set forth in subsection 3-9-53(m) of the overlay code. The following are special exceptions in the MMF districts:

- (A) Beach clubs provided no parking is located within any setbacks;
- (B) Home occupations in accordance with section 3-9-80.1 of the zoning code; and
- (C) Such other uses as determined by the zoning official (or the zoning official's designee) to be:

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

The recommendation of the architectural review committee shall be considered by the zoning official (or the zoning official's designee) in connection with this determination.

(8) *Development standards.*

- (A) The following development standards shall apply in the MMF districts.

TABLE INSET:

	MMF-3.5	MMF-5	MMF-7.5	MMF-10	MMF-12
Minimum lot requirements, in square feet (except as otherwise permissible)	12,445	8,712	7,500	7,500	7,500
Width, feet	80	80	80	80	80
Front yard, feet	30	30	30	30	30
Minimum side yard, feet:					
Interior	Half the building height (as measured by section 3-9-2), but no less than 10 feet				
Abutting a road	15	15	15	15	15
Side and rear abutting water, feet	35	35	35	35	35
Rear yard, feet:					

Abutting a lot	Half the building height (as measured by section 3-9-2), but no less than 15 feet				
Abutting a road	15	15	15	15	15
Maximum lot coverage by all buildings, percent	35	35	35	35	35
Maximum building height, feet	52	52	52	52	52
Maximum density, units per acre	3.5	5	7.5	10	12/15 in MCT

(B) The number of units allowed on each buildable MMF lot shall be determined by the lowest whole (nonfractional) number resulting from multiplying the gross acreage of said lot by the density provided for the lot by the zoning district or the FLUM classification, whichever is most restrictive. For projects involving several lots, parcels or tracts, the number of units allowed for the entire project shall be calculated by adding the total number of whole (nonfractional) units allowable for each individual lot, parcel or tract, not by the total acreage of the project. In no case shall multiple-family dwellings replace single-family residences in areas zoned MSF.

(C) Where properties lie within one thousand two hundred (1,200) feet of the waters of the Gulf of Mexico, Gasparilla Sound, or Lemon Bay, structures must also be constructed in accordance with the waterfront ordinance, except for building height, which shall be determined according to subsection 3-9-53(g)(9) below. In the event of a conflict between the overlay code and the waterfront ordinance, the more restrictive section shall apply.

(9) *Building height.* Building height shall not exceed the lesser of fifty-two (52) feet of structure height or three (3) stories of livable space.

(10) *"No-fill" areas.* Multifamily areas are hereby designated as "no-fill" areas where only pilings and stem walls shall be used for all construction except for the minimum amount of fill necessary within the building footprint and other facilities as required by federal, state or local statute, ordinance, law, rule, or regulation.

(11) *Pilings for structures.* Pilings for structures throughout Manasota and Sandpiper Key shall be augered into the ground, or otherwise introduced through contemporary technologies that are shown to reduce the noise and vibration in sufficient amount to meet the intent of this section. The traditional practice of driving pilings into or onto the ground is hereby prohibited. Notwithstanding the contents of this subsection, this restriction shall not be applicable to pilings which are installed onto submerged lands as part of dockage or other marine structures.

(12) *Setbacks, driveways and green space.*

(A) All setbacks shall be green area buffers, except for sidewalks and one (1) driveway. Neither a structure nor any portion thereof shall be erected or shall encroach or overhang upon the required setbacks.

(B) Except as provided in this subsection, front yards shall contain thirty-foot wide green area buffers and shall comply with section 3-9-33 of the zoning code (residential, multifamily) or comply with subsection 3-9-98(b) of the waterfront ordinance, whichever is more restrictive. The only exception to this requirement shall be that one (1) double-lane driveway is allowed. Opaque walls with a height of four (4) feet or less may be used in addition to and within the front yard green area buffer.

(C) Rear yards shall have a fifteen-foot wide green area buffer or shall comply with section 3-9-33 (residential, multifamily) of the zoning code, whichever is more restrictive.

(D) Multifamily developments shall include buffer strips. Minimum side yards of lots that are nonconforming because of width, where the nonconformity is due to a natural disaster, shall not be less than ten (10) percent of the lot width but not less than five (5) feet wide. The provisions of subsection 3-9-75 shall not apply within the Manasota Key Zoning District.

(E) Buffer strips in MMF districts shall not contain stormwater management areas.

(F) Buffer 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 overlay code shall contain the same number of buffer strips as the original lots would contain if these lots were developed individually. These buffer 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.

(G) Walls or fences on or near the periphery of a lot shall contain openings that may be utilized by wildlife.

(13) *Parking requirements.*

(A) 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.

(B) Additional parking requirements are set forth in subsections 3-9-53(h)(2) and 3-9-53(n) of the overlay code.

(14) *Buffer strips.* Buffer 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 overlay code shall contain the same number of buffer strips as the original lots would contain if the lots were developed individually. These buffer 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.

**(h) Provisions common to MES, MSF, MCT, and MMF districts.** The provisions of this subsection 3-9-53(h) shall apply to MES, MSF, MCT, and MMF zoning districts. Provisions in this subsection that do not explicitly and exclusively refer to residential uses shall also be applicable in the MCG zoning district.

(1) *Parking requirements.*

(A) Each residential dwelling unit shall provide a minimum of two (2) spaces per unit.

(B) In addition to the parking requirement in subsection 3-9-53(h)(A), multifamily developments shall provide additional parking spaces for services and guests. Service parking requirements shall be the lowest whole number that is greater than or equal to ten (10) percent of the number of units contained within the multifamily project. Guest parking requirements shall be the lowest whole number that is greater than or equal to twenty (20) percent of the number of units contained within the multifamily project. At least one (1) of the guest parking spaces as required by this section shall be handicapped accessible.

(C) Parking is prohibited on any road or alley unless signage indicates that parking is allowed and specifically shown by all-weather strips on pavement or different color pavers. "No parking" signs will be installed by or with authorization from the county. Vehicles in violation of "no parking" signs will be ticketed and towed. Fines and towing charges will be imposed for any vehicle blocking a private driveway or other entrance to private property.

(D) No paid parking will be allowed on private residential property.

(E) Parking of unlicensed and/or unregistered automobiles, recreational vehicles, boats and/or trailers is prohibited.

(F) To the greatest extent possible, parking on side yards should be screened from view.

(G) New private roads shall be paved with crushed shell, stone, brick and other porous materials. Porous surfacing must be on a bed of sand designed and installed in a manner that will permit water absorption through the joints and the sand bed. Walkways are permissible only when

they are necessary to comply with the Americans with Disabilities Act. Asphalt paving is prohibited.

(H) Leasing or rental of properties on the islands for short-term parking or long-term storage of vehicles or trailers is prohibited.

(I) Beach access points on the islands shall not be obstructed by parked cars or any other barriers.

(2) *Underground utilities.* Electrical wires that connect poles with structures shall be placed underground.

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

(4) *Chain-link fences.* Except, as provided in this subsection, chain-link fencing is prohibited. Chain-link fencing may be utilized for the perimeter of a tennis court or swimming pool and temporary security fencing for a construction-site. In such event, the fence shall consist of coated chain-link material and shall be replaced at the first signs of wear or rust. A coated chain-link fence may also include tennis fence netting. All fences require a permit from the Charlotte County Community Development Department.

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

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

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

**(i) Manasota commercial tourist (MCT) zoning and land uses.**

(1) *Establishment of zoning district.* The Manasota commercial tourist (MCT) zoning district is hereby established.

(2) *Intent.* 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.

(3) *Amendment of zoning atlas.* The zoning atlas is hereby amended to provide that areas of the island that are presently zoned CT and areas within Sandpiper Key that are presently zoned commercial general are rezoned to MCT.

(4) *Principal uses and structures.* The following principal uses and structures are permissible in the MCT district:

- (A) Hotels and motels.
- (B) Multiple-family dwellings.
- (C) Professional and business services.
- (D) Restaurants, pharmacies/drug stores, gift shops.
- (E) Essential and emergency services.
- (F) Convenience stores.
- (G) Private clubs.

(5) *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.

(6) *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.

(7) *Special exceptions.* Special exceptions procedures are set forth in subsection 3-9-53(m) of the overlay code. The following are special exceptions in this district:

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

The recommendation of the architectural review committee shall be considered by the zoning official (or the zoning official's designee) in connection with this determination.

(8) *Development standards.* The development standards, building heights, "no fill" areas, setbacks, driveways, green space, parking requirements, augering, and buffer strip provisions set forth in subsection 3-9-53(g) of the zoning code (MMF) shall apply to residential and mixed use development and the development standards in subsection 3-9-45(f) of the zoning code shall apply to commercial development with the exception of building height which shall not exceed the lesser of fifty-two (52) feet in structure height or three (3) stories of livable space. Residential densities within the MCT district shall not exceed fifteen (15) units per gross acre. For any use in the MCT district, neither a structure nor any portion thereof shall be erected or shall encroach or overhang upon the required setbacks.

(9) *Landscape buffers and screening.* Landscape buffers and screening shall be required in an MCT district in accordance with the provisions of the buffer code. If an MCT district abuts a residential district, no structure other than screening required by the buffer code shall be erected closer (to the residential district) than the greater of twenty-five (25) feet or the height of the building upon the abutting residentially zoned property.

(10) *Pilings for structures.* Pilings for structures throughout Manasota and Sandpiper Key shall be augered into the ground, or otherwise introduced through contemporary technologies that are

shown to reduce the noise and vibration in sufficient amount to meet the intent of this section. The traditional practice of driving pilings into or onto the ground is hereby prohibited. Notwithstanding the contents of this subsection, this restriction shall not be applicable to pilings which are installed onto submerged lands as part of dockage or other marine structures.

(11) *"No-Fill" areas.* MCT districts are hereby designated as "no-fill" areas where only pilings and stem walls shall be used for construction except the minimum amount of fill necessary within the building footprint and other facilities as required by federal, state or local statute, ordinance, law, rule, or regulation.

**(j) *Manasota commercial general (MCG) zoning and land uses.***

(1) *Establishment of zoning district.* The Manasota commercial general (MCG) zoning district is hereby established.

(2) *Intent.* 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.

(3) *Amendment of zoning atlas.* The zoning atlas is hereby amended to provide that areas of the island that are presently zoned CG are rezoned to the MCG zoning district, except as provided in subsection 3-9-53(i)(3) of the overlay code.

(4) *Principal uses and structures.* The following principal uses and structures are permissible in the MCG district:

- (A) Restaurants;
- (B) Professional services;
- (C) Personal services;
- (D) Business services excluding schools, automobile brokers, and laboratories;
- (E) Retail sales and services, provided that all merchandise is stored and displayed within fully enclosed buildings and provided further that television service shops, floor covering shops, pawnshops, electrical and lighting fixture shops and pet shops are excluded;
- (F) 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;
- (G) Private clubs;
- (H) Post offices;
- (I) Banks and other financial institutions;
- (J) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages; and
- (K) Essential and emergency services.

(5) *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.

(6) *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.

(7) *Special exceptions.* Special exceptions procedures are set forth in subsection 3-9-53(m) of the overlay code. The following are special exceptions in the MCG district:

(A) Such uses as determined by the zoning official (or the zoning official's designee) to be:

- i. Appropriate by reasonable implication and intent of this district;
- ii. Similar to another use either explicitly permissible in this district or allowed by special exception; and
- iii. Not specifically prohibited in this district.

The recommendation of the architectural review committee shall be considered by the zoning official (or the zoning official's designee) in connection with this determination.

(8) *Development standards.* The following development standards shall apply in the MCG district:

(A) Minimum lot requirements:

Area, square feet . . . 12,000

Width, feet . . . 100

Yard requirements:

Maximum front yard, feet . . . 18

Minimum side yard:

Interior . . . None

Abutting a road, feet . . . 20

Abutting a zoning district that allows residential uses . . . Half the building height (as determined per section 3-9-2) or 25 feet, whichever is greater

Minimum rear yard:

Abutting a lot, feet . . . 10

Abutting a road, feet . . . 25

Side and rear yard, abutting water, feet . . . 20

Maximum lot coverage, percent . . . 50

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.

(B) *Building height.* Building height shall not exceed the lesser of forty-three (43) feet of structure height or two (2) stories of livable space.

(C) Landscape buffers and screening shall be required in accordance with the buffer code.

(D) If an MCG district abuts a zoning district where residential uses are allowed, no structure other than screening required by the buffer 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.

(E) Where properties lie on a barrier island or within one thousand two hundred (1,200) feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with the waterfront ordinance except for building height.

(F) Building height shall not exceed the lesser of forty-three (43) feet of structure height or two (2) stories of livable space.

(G) *Pilings for structures.* Pilings for structures throughout Manasota and Sandpiper Key shall be augered into the ground, or otherwise introduced through contemporary technologies that are shown to reduce the noise and vibration in sufficient amount to meet the intent of this section. The traditional practice of driving pilings into or onto the ground is hereby prohibited. Notwithstanding the contents of this subsection, this restriction shall not be applicable to pilings which are installed onto submerged lands as part of dockage or other marine structures.

(H) *"No-Fill" areas.* MCG areas are hereby designed as "no-fill" areas where only pilings and stem walls shall be used for all construction except for the minimum amount of fill necessary within the building footprint and other facilities as required by federal, state or local statute, ordinance, law, rule, or regulation.

**(k) Manasota environmentally sensitive (MES) zoning and land uses.**

(1) *Establishment of zoning district.* The Manasota environmentally sensitive (MES) zoning district is hereby established.

(2) *Intent.* The purpose and intent of the MES district is to preserve and protect certain land and water areas which have overriding ecological, hydrological, physiographic importance to the public at large. It is intended to preserve and protect open spaces, park lands, wilderness areas, marshlands, watersheds and water recharge areas, scenic areas, beaches and native flora and fauna. It is intended to allow limited public/private recreational/educational uses and their incidental accessory uses and structures.

(3) *Amendment of zoning atlas.* The zoning atlas is hereby amended to provide that areas of the island that are presently zoned ES are rezoned to the MES zoning district.

(4) *Principal uses and structures.* The following principal uses and structures are permissible in this district:

(A) Public and private game preserves, fish and wildlife management areas, hatcheries and refuges, parks and open spaces.

(B) Water conservation areas.

(C) Single-family residences that meet all development standards contained in this zoning district and the waterfront ordinance.

(D) Limited educational facilities such as canoeing, hiking, nature study and outdoor education in keeping with the intent of this district.

(5) *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 piers, docks and wharves that comply with section 3-9-70 of the zoning code, entitled "Boat docks; boathouses; boat lifts."

(6) *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.

(7) *Special exceptions.* Special exceptions procedures are set forth in subsection 3-9-53(m) of the overlay code. The following are special exceptions in this district:

(A) Essential services and emergency services.

(B) Such other uses as determined by either the zoning official (or the zoning official's designee) to be:

i. Appropriate by reasonable implication and the intent of this district.

ii. Similar to another use either explicitly permitted in this district or allowed by special exception.

iii. Not specifically prohibited in this district.

The recommendation of the architectural review committee shall be considered by the zoning official (or the zoning official's designee) in connection with this determination.

(8) *Development standards.* The development standards, building height, "no-fill" areas, setbacks, driveways, green space, augering, and parking requirements for MSF districts set forth in subsection 3-9-53(f) shall apply to the MES district. Residential densities within the MES district shall be consistent with those found in section 3-9-28 (environmentally sensitive district) as said section may be amended. In addition, provisions contained in subsection 3-9-53(h) shall also apply to the MES district.

(9) *Building height.* Building height shall not exceed the lesser of forty-three (43) feet of structure height or two (2) stories of livable space.

(10) *Pilings for structures.* Pilings for structures throughout Manasota and Sandpiper Key shall be augered into the ground, or otherwise introduced through contemporary technologies that are shown to reduce the noise and vibration in sufficient amount to meet the intent of this section. The traditional practice of driving pilings into or onto the ground is hereby prohibited. Notwithstanding the contents of this subsection, this restriction shall not be applicable to pilings which are installed onto submerged lands as part of dockage or other marine structures.

**(I) *Manasota multi-family tourist (MMF-T) zoning and land uses.***

(1) *Establishment of zoning district.* The Manasota multi-family tourist (MMF-T) zoning district is hereby established.

(2) *Intent.* This district is intended to permit multi-family dwellings, apartments, and tourist-related commercial facilities that accomplish the goals of the Manasota Community Plan.

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

- (A) All principal permissible uses in the MMF district.
- (B) Hotels, motels and tourist accommodations.
- (C) Docking areas excluding: live aboard areas, fuel/lubricant sales, and other uses served by potable water and central sewer which protect the environmental qualities of Manasota and/or Sandpiper Key.
- (D) Essential and emergency services.

(4) *Accessory uses and structures.* Uses and structures that are customarily accessory and clearly incidental to the principal permitted uses outlined above, shall be permissible in this district.

(5) *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. There shall be no special exception or variance procedure to alter this subsection.

(6) *Special exceptions.* Special exceptions procedures are set forth in subsection 3-9-53(o) of the overlay code. The following are special exceptions in the MMF-T district, and shall be approved in this district according to the provisions of Section 3-9-7, and a favorable recommendation by the Manasota and Sandpiper Key Advisory Committee (MASKAC):

- (A) Private clubs.
- (B) Rental of non-motorized water recreational equipment.
- (C) Restaurants.

(7) *Development standards.* The following development standards shall apply in this district:

- (A) Minimum lot size shall be ten thousand (10,000) square feet. When the MMF-T site involves a legally nonconforming lot of record, no less than one (1) legally nonconforming lot shall be submitted for development/redevelopment.
- (B) Density shall be up to six (6) units per acre.
- (C) Minimum lot width shall be one hundred (100) feet. When the MMF-T site involves a legally nonconforming lot of record, no less than one (1) legally nonconforming lot shall be submitted for development/redevelopment.

(D) Buffer strips shall be utilized. Rear yards shall be green area buffers. If the MMF-T development includes only residential uses, then the front yard setback shall contain only a green area buffer.

(E) Section 3-9-53(n), Fire hydrants, shall be fully applicable to the MMF-T district. There shall be no special exception or variance process to alter this requirement.

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

(G) Parking shall conform to the requirements of the MMF district for residential areas, and for the requirements of the MCG for commercial uses.

(H) Maximum height of all buildings, as building height is defined in this section, shall be as follows: the lesser of three (3) stories or fifty-two (52) feet for residential or mixed uses; or the lesser of two (2) stories or forty-three (43) feet for commercial projects that do not include residential dwelling units. For purposes of height pursuant to this subsection, hotels and motels shall not be considered residential dwelling units. Rooftop livable space shall be included as ten (10) feet in the calculation of the structure height.

(I) Parking areas shall not be located closer than twenty-five (25) feet from lands zoned for single-family and multi-family uses.

(J) Section 3-9-53(f)(11), Pilings for structures, shall be fully applicable to the MMF-T district. There shall be no special exception or variance process to alter this requirement.

(K) Green area buffers shall not contain any other land covering or structures, unless such coverings or structures are expressly permissible by this code, and conform to MMF and MCG land development requirements.

(L) Utility power/electricity wires in the MMF-T district shall be designed, built and maintained underground.

(M) "No-fill" areas. MMF-T areas are hereby designated as "no-fill" areas where only pilings and stem walls shall be used for construction except the minimum amount of fill necessary within the building footprint and other facilities as required by federal, state or local statute, ordinance, law, rule or regulation.

**(m) Provisions for planned developments (PD) on Manasota and Sandpiper Key.**

(1) *Establishment of planned developments.* Planned developments (PD) in the Manasota Key Zoning District Overlay shall be established pursuant to section 3- 9-49. Approval by the development review committee (DRC) shall be required prior to final Pd approval by the board of county commissioners. Additionally, the applicant for a PD shall appear before the Manasota and Sandpiper Key Advisory Committee (MASKAC), prior to PD concept plan approval, as this approval is outlined by subsection 3-9-49(d)(2).

(2) *Intent.* 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.

(3) *Amendment of zoning atlas.* Rezoning to planned development shall be in accordance to subsection 3-9-49(d), with an approval recommendation by the DRC and a recommendation by the MASKAC.

(4) *Principal uses and structures.* Uses and structures permissible under the PD district shall be equivalent to those that would otherwise be permissible in lands subject to the rezoning to a PD. The following guidelines apply:

(A) In no case shall multi-family dwellings replace single-family dwellings.

(B) Uses permissible on a PD shall be consistent with those uses which would be otherwise permissible according to the zoning regulations, the Future Land Use Map (FLUM)

classification of the property, and other local, state and federal land use regulations as these may be applicable to the property.

(C) Where a PD involves property with different zoning and FLUM classifications, the uses and structures permissible on each parcel shall be consistent with those uses that the previous zoning and FLUM classifications would have allowed as principal permitted uses. Special exceptions are detailed below.

(D) A rezoning to a PD shall not authorize new uses to the lands subject to such rezoning. The PD district shall be used to provide a flexible mechanism for site design.

(5) *Accessory uses and structures.* Uses and structures that are customarily accessory and clearly incidental to the principal uses approved for the PD in accordance with subsection (4), above, are permissible in this district. Where a PD contains residential uses, then piers, docks and wharves shall be for the use of the PD residents only. Such marine structures shall be permitted according to section 3-9-70, County Code, and a recommendation by the MASKAC.

(6) *Prohibited uses and structures.* Any use or structure that was not permissible on the lands subject to a rezoning to PD prior to the rezoning shall be considered a prohibited use and/or structure. There shall be no special exception or variance procedure to alter this subsection.

(7) *Special exceptions.* Uses permissible by special exception include those that would have been permissible by a special exception according to the zoning and FLUM designations of lands subject to the PD prior to the rezoning to a PD. Where a PD involves property with different zoning and FLUM classifications, the uses and structures permissible on each parcel shall be consistent with those uses that the previous zoning and FLUM classification would have allowed as principal permitted uses.

(8) *Development standards.* The following development standards shall apply in addition to those found in subsection 3-9-49:

(A) Lands subject to a PD rezoning shall be contiguous whenever possible. If said lands are not contiguous, the twenty-five-foot PD setback as outlined in subsection 3-9-49(c)(2)(d) shall be applicable whenever the proposed PD abuts property not zoned PD. Said PD setback shall contain the uses and structures permissible in buffer strips, as defined in this section.

(B) Whenever the PD setback provisions result in a narrower buffer strip than would otherwise be required of the project under its current zoning, the buffer strip provisions shall supersede the PD setback requirement.

(C) Lands subject to a PD rezoning shall meet the minimum lot frontage for the most restrictive zoning district applicable to the property prior to the rezoning to a PD.

(D) There shall be only one (1) point of access per contiguous land rezoned to PD.

(E) Minimum setbacks for principal and accessory structures within the PD district shall be as follows:

TABLE INSET:

Front	40 feet
Side	25 feet or as required by 3-9-98
Rear	25 feet or as required by 3-9-98
Abutting water	25 feet or as required by 3-9-98

(F) When the minimum setbacks in subsection (E), 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.

(G) Maximum lot coverage shall be thirty-five (35) percent provided that a floor-area ratio of 0.60 is not exceeded. This floor-area ratio shall be calculated excluding all submerged portions of the PD site.

(H) Maximum height of all buildings, as building height is defined in this section, shall be the lesser of two (2) stories or forty-three (43) feet for land previously zoned MSF, and the lesser of three (3) stories or fifty-two (52) feet for land previously zoned for districts which allowed such height.

Rooftop livable space shall be included as ten (10) feet in the calculation of the structure height.

(I) Subsection 3-9-53(n), Fire hydrants, shall be fully applicable to the PD district. There shall be no special exception or variance process to alter this requirement.

(J) All land coverings, including parking and circulation areas, must be previous. This requirement shall not apply to areas under the footprints of approved structures.

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

(L) Parking areas shall be located on the same parcel as the proposed use. Parking shall not be a principal use on any given parcel.

(M) Section 3-9-53(f)(11), Pilings for structures, shall be fully applicable to the PD district. There shall be no special exception or variance process to alter this requirement.

(N) Buffers shall contain green areas, and shall not contain any other land covering or structures, unless such coverings or structures are expressly permissible by this code. Front and rear yard areas may contain pools meeting the minimum setbacks set forth in subsection (E), as it may be amended or replaced.

(O) Utility power/electricity wires in planned developments shall be designed, built and maintained underground.

(P) "No-fill" areas. Manasota PD areas are hereby designated as "no-fill" areas where only pilings and stem walls shall be used for construction except the minimum amount of fill necessary within the building footprint and other facilities as required by federal, state or local statute, ordinance, law, rule or regulation.

(Q) Density bonuses. Density bonuses as outlined in subsection 3-9-49(c)(2)(b) shall not be applicable in the Manasota Key Zoning District Overlay.

**(n) Fire hydrants.** The provisions of this subsection 3-9-53(n) shall apply to MSF, MMF, MCT, MES, MCG, MMF-T, and PD zoning districts.

(1) Multifamily projects and/or structures that are more than two hundred (200) feet from an existing hydrant shall include a fire hydrant. The two hundred (200) feet shall be measured along a practicable distance between the existing hydrant and the proposed development. The location of these hydrants shall be determined by the fire department that serves the location of the proposed project.

(2) Developers of multi-family projects and/or structures that are two hundred (200) feet or closer to an existing hydrant shall pay a fee to MSTU. This fee shall be equal to the cost which would be incurred in providing a fire hydrant on Manasota and/or Sandpiper Key. The cost of this hydrant shall be set by the Englewood Fire Marshall or an appropriate contractor. All fees that are collected shall be used exclusively for fire hydrant infrastructure on the Islands. The two hundred (200) feet shall be measured along a practicable distance between the existing hydrant and the proposed development. The location of these hydrants shall be determined by the Englewood Fire Department.

(3) At least one (1) on-site hydrant shall be a condition of concept plan approval for multifamily projects which contain more than one (1) lot and are developed as planned developments (PD) pursuant to section 3-9-49 of the zoning code.

(4) Fire hydrants required in connection with multifamily developments shall be installed prior to or in conjunction with the construction of the development.

**(m) Special exceptions.**

(1) The provisions of this subsection 3-9-53(m) shall apply to all zoning districts established by the overlay code.

(2) Special exceptions shall be subject to the special exception procedures set forth in section 3-9-7 of the zoning code, as modified by this subsection 3-9-53(o).

(3) Special exception applications shall be heard by the advisory committee in their regularly scheduled meetings prior to the public hearing before the BZA. The advisory committee shall issue a recommendation of "approval" or "denial" as to the application. The recommendation shall be forwarded to the BZA.

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

(5) This subsection shall not preclude members of the advisory committee from providing public input at BZA hearings.

**(n) Off-street parking.** Except as provided in this subsection, off-street parking shall be in accordance with section 3-9-90 of the zoning code. Subsection 3-9-90(e)(4) of the zoning code, which requires that mandatory parking spaces be graded and paved, shall not apply to the islands. All off-street parking sites shall be located upon permeable surfaces.

**(o) Design requirements.** The design requirements are hereby provided for and shall apply throughout the islands. The design requirements shall be established by resolution of the board and may be amended by resolution of the board at such times as the board deems necessary. In the event of a conflict between the overlay code and the design requirements, the overlay code and resolutions enacted pursuant to the overlay code shall prevail to the extent of the conflict.

**(p) Development review procedure.**

(1) *Preapplication conference.* Prior to submitting an application for any type of development, including a special exception or a variance, an applicant shall submit a request for a preapplication conference and shall set such a preapplication conference with the architectural review committee or its designee (a member of the architectural review committee duly appointed by the architectural review committee as its representative) to review, discuss, and receive recommendations from the architectural review committee regarding the proposed development's consistency and compliance with the overlay code. The request for review shall be accompanied by sketches, site plans, or any other documentation required by the architectural review committee, or its designee, to perform its review.

(2) *Architectural review committee review.*

(A) The architectural review committee, or its designee, shall review the proposed development for consistency and compliance with the overlay code. At the conclusion of the review, the architectural review committee, or its designee, will date and sign the applicable sketch, site plan, or other submitted documentation, or will prepare written comments regarding the proposed development with recommendations or notations as appropriate. The architectural review committee's findings shall be submitted to the community development department as soon as possible but no later than seven (7) days after the fifteen-day review period outlined in subsection 3-9-53(p)(B) has expired.

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

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

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

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

**(r) Disaster recovery.** Following a natural disaster, as determined by the board of county commissioners, a structure that was legally conforming or legally nonconforming immediately prior to said disaster may be replaced or restored on the original footprint, with no increase in square footage, and in compliance with current height requirements and applicable state and federal standards. If the structure cannot be rebuilt using the same footprint and within the allowed height, approval shall only be granted following the procedures outlined in section 3-9-6.1, Variances. Applications for approval under this procedure shall include a recommendation from the architectural review committee of the Manasota Key/Sandpiper Key Advisory Committee.

**(t) Signs.**

(1) *Definitions.* The following terms shall have the meanings set forth in this subsection:

*Access (vehicular):* The principal means of vehicular ingress and egress to abutting property from a street, right-of-way or easement.

*Alter or alteration:* Any change in size, shape, character or use of a structure, including, but not limited to a change, rearrangement or reconstruction of the structural parts and the moving from one location or position to another. Normal maintenance, painting and repairs to existing signs shall not be deemed alterations within the meaning of this section.

*Animated sign:* A sign which utilizes motion of any part by any means, including wind power, or displays color changing, flashing, oscillating or intermittent lighting, electronic messages (except time and temperature), moving images, or which emits visible smoke, vapor, particles, noise or sounds. The definition of animated sign shall not include changeable copy signs with no other features of animation.

*Application:* An application for any subdivision, special exception, variance, development review committee approval, site plan approval, planned development rezoning, building permit, sign permit, or any other official action of the county having the effect of permitting

development of property. A rezoning or a future land use map amendment shall not be considered an application herein.

*Area of sign:* The area of any sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed including the frame around the sign, but not any supporting structure or brace. For designs consisting of individual letters or symbols attached to or painted on a surface, building wall or window, or signs in which the letters or symbols extend beyond the frame, the area shall be considered to be that of the smallest geometric shape which encompasses all of the letters and symbols. Address numbers and their accompanying background shall not be considered in the area of a sign, provided that they are projected from, and not contained in, the primary display area of the sign, they are only address numbers and not entire addresses, and they meet the area requirements for address numbers contained in this Manasota Key Zoning District Overlay Code.

*Awning:* A covering either permanently attached to the building or which can be raised or retracted to position against the building when not in use.

*Awning canopy:* Awning with the long axis projecting perpendicular to the building rather than parallel and requiring posts or poles to support the end of the canopy furthest away from the building.

*Banner, flag or pennant:* Any cloth, plastic, paper or similar material intended for use as a sign used for advertising purposes attached to, or appended on or from, any structure, staff, pole, line or framing.

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

*Canopy roof:* A freestanding structure attached to or covering a building designed to provide pedestrian and vehicular protection.

*Canopy sign:* A sign painted on or attached to a canopy or awning.

*Class "A" signs (on-site):*

(a)*Class "A", primary sign (or primary class "A" sign):* A monument sign (as defined in this section), ground sign, or pole (or pylon) sign (as defined in this section), used to convey information visually relating to or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever on or related to the premises where the sign is located. Primary class "A" signs are to be utilized as the principal advertising for the parcel or lot where one (1) or more business entities are located on the parcel or lot.

(b)*Class "A", secondary sign (or secondary class "A" sign):* A sign (as defined in this section) other than a class "A" primary sign which is attached to a building, and which is used to convey information visually relating to or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever on or related to the premises where the sign is located. Secondary class "A" signs provide advertising for individual occupants or businesses on a parcel or lot. Secondary class "A" signs are not monument signs, ground signs, or pole (or pylon) signs. Secondary class "A" signs can include, but are not limited to, window or wall signs.

*Class "B" sign (off-site):* A sign (as defined in this section) used to convey information visually relating to or for the attraction of the public to any place, person, firm, corporation, public performance, article, machine or merchandise whatsoever at a location or premises other than where the sign is located or to portray any message not directly related to the premises where the sign is located.

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

*Community identification signs:* Signs which identify Manasota and/or Sandpiper Key or specific or separate subdivision developments within Manasota and/or Sandpiper Key, typically by landscaped entry features, fountains and the like.

*Director:* Director of the community development department of the county or his/her designee, or such other person or position as may be determined by the county administrator to be the director for purposes of this Manasota Key Zoning District Overlay Code.

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

*Exempt sign:* A sign that has been exempted from permit requirements or inspection fees, but is required to comply with all other provisions of the Code or this Manasota Key Zoning District Overlay Code.

*Facade-mounted changeable copy sign:* A sign mounted on the front wall of a building on which the sign copy changes periodically. The sign copy shall only relate to events occurring or to occur within the premises.

*Flashing sign:* A sign designed to attract attention by the inclusion of a flashing, changing, revolving or flickering light source or a change of light intensity.

*Freestanding changeable copy sign:* A freestanding sign on which the sign copy changes periodically.

*Hanging sign:* A sign that hangs down from and is supported by or attached to the underside of a canopy, awning, marquee or a projection from or an extension of a structure.

*Height of a sign:* Height of the vertical distance measured from the average ground level or crown of the adjoining road on which the property fronts, whichever is greater, to the top of the sign, including supports and design features and embellishments.

*Identification sign:* A sign that depicts the name and/or address of a building, an occupant or an establishment on the premises where the sign is located as a means of identifying said building, occupant or establishment.

*Illuminated sign:* A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source, including indirect lighting, neon, incandescent lights, backlighting and reflectorized signs which depend upon automobile headlights for an image.

*Indirectly illuminated sign:* A sign illuminated with a light directed primarily toward such sign, including back lighted signs, and so shielded that no direct rays from the light are visible elsewhere than on the lot where said illumination occurs.

*Marquee:* A marquee is a permanent roof-like structure attached to, supported by, and projecting from a building and providing protection from the elements.

*Marquee sign:* A sign attached to or painted on the face of a marquee and not projected above or beneath the marquee face.

*Model residential unit flags:* Flag(s) or banner(s) attracting attention to or advertising a model residential or business unit, which unit is intended to remain on the property.

*Monument sign:* A freestanding, self-supporting sign, supported by columns and a base which is placed on or at ground level and not attached to any building wall, fence or other structure, and in a fixed location. The definition of a monument sign and a pole sign are mutually exclusive. Not all ground signs are monument signs; however, all monument signs are ground signs. This definition does not include portable or trailer type signs.

*Nonconforming sign:* Any sign which complied with the provisions of section 3-9-95 of the Code, or its predecessor, when first permitted and which was properly permitted under all applicable county, state, or federal regulations, but due to subsequent adoption of this Manasota Key Zoning District Overlay Code, no longer complies with the Code, is deemed a nonconforming sign.

*Nonilluminated sign:* A sign which has no source of illumination, either directly or indirectly.

*Pole (or pylon) sign:* A sign supported by at least one (1) upright pole, pylon or post which is secured to the ground and the bottom of the sign face is at least six (6) feet above the finished grade level, excluding Class "B" signs. The definitions of pole sign and monument sign are mutually exclusive.

*Political or campaign sign:* A sign related to a candidate for public office or measure on an election ballot that meets all requirements of section 3-9-95 of the Code and the special standards as defined in this subsection 3-9-53(t).

*Portable illuminated sign:* A sign which is manifestly designed to be transported, as a trailer is transported, on its own wheels although the wheels of such signs may be removed and the remaining chassis may be attached permanently to the ground with electrical wiring and illumination as an integral part of total construction, and with potential electrical connection to power on the site to which it is transported. It is the characteristic of a portable illuminated sign that it is a changeable copy sign.

*Portable sign:* A sign which has no permanent attachment and by its design and use is not intended to be permanently attached to a building or the ground, including, but not limited to, A-frame signs, pole attachments, searchlights, and stands.

*Prohibited sign:* Any sign which is not permitted.

*Projecting sign:* A sign attached to a building or other structure and extending horizontally more than twelve (12) inches beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached. Projecting signs shall conform to regulations contained in subsection 3-9-53(t)(7)(D).

*Real estate sign:* A sign that advertises the sale, rental or development of the premises upon which it is located.

*Revolving or whirling sign:* A sign that revolves or turns by means of an external source of power, other than wind.

*Rider:* A small supplemental sign affixed to a real estate sign which conveys a message such as "Sale Pending", name of agent, and the like.

*Roof sign:* A sign erected, constructed and maintained wholly upon the roof or above the roof or roof line of any building.

*Serial sign:* Any use of a series of two (2) or more signs placed in a line generally parallel to the road or in a similar fashion, and displaying words or a message, part of which is contained on each sign.

*Sign:* Any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, logo, symbol, device, stripe, line, trademark, reading matter or illuminated service, which is so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that it is used to convey information visually or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, which is displayed in any manner whatsoever, exposed to public view, whether or not legible. For the purposes of the Manasota Key Zoning District Overlay Code, the term "sign" shall include all structural members.

The following, however, shall not be considered "signs" within the context of the Manasota Key Zoning District Overlay Code:

(a) Legal notices, traffic, or informational signs or devices erected or required by federal, state or local government;

(b) Integral decorative or architectural feature of buildings; however, letters, registered trade or service or copyright marks, moving parts, and parts internally illuminated or decorated with gaseous tube or other lights shall be considered signs, notwithstanding that they are an integral part of the building.

*Snipe sign:* Any sign generally of a temporary nature, made of any material when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences or other objects when advertising matter appearing thereon is not applicable to the present use of the premises upon which the sign is located.

*Street frontage:* That portion of the principal structure that directly faces a street.

*Temporary signs:* Any sign that is intended to remain on a property for a period not to exceed a total of thirty (30) calendar days.

*Time and temperature sign:* A sign conveying a lighted message of time, temperature, tide change, barometric pressure or similar information by means of electrical impulse at changing intervals of not less than four (4) seconds in duration. Information displayed for four seconds or greater shall not be deemed a flashing sign.

*Trespassing or caution sign:* A sign intended to warn off trespassers or to point out a hazard on the premises upon which the sign is located.

*Wall sign:* A sign that is painted on, incorporated into, or affixed parallel to any wall of a building or other structure and with the furthest limit of the exterior face not projecting more than twelve (12) inches from the building or structure.

*Wind sign:* Any sign or display, including but not limited to flags, banners, balloons, streamers and rotating devices, fastened in such a manner so as to move upon being subjected to air movement, whether natural or induced.

*Window sign:* A sign painted or placed on the inside or outside of a window that is visible from the exterior of the building.

(2) *Applicability.*

(A) Any sign located in Manasota/Sandpiper Key that is erected, constructed, installed or altered shall conform to the provisions and conditions of this section.

(B) These regulations are intended to complement, not supersede, all other regulations and requirements applicable to signs, including, but not limited to, building and electrical codes, adopted by the county. Where there may be any inconsistency between this section and any other regulation or requirement, the more restrictive provisions shall apply.

(C) This section shall also supersede those regulations applicable to signs set forth in section 3-9-95 of the Code, except where otherwise indicated.

(D) In the event of any conflict between the provisions of this subsection and the Manasota Key design requirements, the provisions of the Manasota Key Community Plan or its enacting resolutions and ordinances shall prevail to the extent of such conflict.

(E) The requirements of this section shall be limited to properties located within the Charlotte County portion of Manasota Key and the entirety of Sandpiper Key, as illustrated in the architectural design guidelines.

(F) Notwithstanding any other provisions of this section, any sign, display or device allowed under this section may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with all other requirements of the Code and this section.

(3) *General restrictions.*

(A) Prior to the erection, construction, installation, or alteration of any sign, a permit shall be applied for and obtained from the county building division, subject to the prior approval of the zoning official and MASKAC, or its designee. The proposed sign shall be in accordance with all applicable provisions of the Code, unless such sign is specifically exempt in this section from the requirement for a permit. Normal maintenance as defined by the Florida Building Code, painting or repairs to existing signs, which do not alter the message, size, or height of the sign, shall not be deemed alterations within the meaning of this section, unless the activity involves removal and reinstallation of a sign face. Signs must be erected, constructed, installed or altered in accordance with a properly issued permit within one year from the issuance of the permit.

(B) No sign attached to a building shall project horizontally beyond the end of the wall or vertically above the finished floor level of the second habitable floor.

(C) No sign shall be located in a required side or rear yard where the lot abuts or is separated only by a right-of-way from a residential use.

(D) No sign of any type or classification, including an exempt sign, shall be erected, altered or maintained in such a location or position so that an unfinished side may be visible from off the site containing the sign.

(E) No sign shall be constructed or erected in a manner that interferes with any utility, communications or cable infrastructures without the prior authorization of the applicable utility, communications, or cable company.

(F) No private sign, including an exempt sign, shall be erected, altered or maintained over or upon any public property or public right-of-way, unless otherwise permitted in subsection 3-9-53(t)(9)(A).

(G) No class "B" signs shall be permitted in any zoning district on Manasota and/or Sandpiper Key.

(H) One (1) primary class "A" sign shall be allowed for each street frontage on which the lot or parcel containing the primary class "A" sign abuts. In addition, one (1) secondary class "A" sign per occupant on the lot or parcel shall be allowed for each street frontage on which the lot or parcel abuts, if otherwise allowed under this section.

(I) National and state flags, as the term "flag" is defined in F.S. section 256.08, shall be displayed in accordance with Title 36, United States Code, Chapter 10, as amended by Public Law 344, 94th Congress, approved July 7, 1977, and F.S. Chapter 256.

(J) Any primary class "A" sign containing a changeable message device must be a monument sign.

(K) No private signs shall be placed on public or private right-of-way.

(4) *Prohibited signs.* The following shall be prohibited:

(A) Any sign prohibited under F.S. Chapter 479 pertaining to outdoor advertising.

(B) Any sign that constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, coloring or method of illumination, or by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any official traffic control device by diverting or tending to divert the attention of drivers of moving vehicles from traffic movement on streets, roads, intersections or access facilities.

(C) Any sign that constitutes a traffic or pedestrian hazard or a detriment to traffic or pedestrian safety by obstructing the vision of pedestrians.

(D) Any sign preventing free ingress or egress from any door, window, fire escape or other entrance or exit to any building, or any sign attached to a standpipe or fire escape.

(E) Any sign which is obscene or constitutes a public nuisance.

(F) Any primary class "A" or secondary class "A" sign advertising an establishment no longer in business or a product no longer available. Such signs must have the facing(s) removed or be razed completely within thirty (30) days after the establishment is no longer in business or the product is no longer available.

(G) Snipe signs.

(H) Portable illuminated signs, revolving or whirling signs, animated signs or wind signs.

(I) More than two (2) national or state government flags displayed per principal building.

(J) Signs erected on the right-of-way of any public or private street, road or right-of-way, except:

(i) Signs required by federal, state or local law to be erected by a governmental agency; and

(ii) As specifically allowed in subsection 3-9-53(t)(5)(D), (G) and (H) or subsection 3-9-95(i)(14) of the Code.

(K) Roof signs.

(L) Any sign that is attached, painted on, or placed onto or inside a parked vehicle that is used primarily for advertising any matter other than the sale or rental of the vehicle itself. This is not intended to prohibit vehicle signs on a truck, bus, trailer, taxi or other vehicle parked on its own premises while in the course of business, provided that the primary use of the vehicle is not for the purpose of advertisement. Vehicles must be operable and licensed.

(M) Blank temporary signs.

- (N) Signs that emit audible sound, odor or visible matter, such as smoke or steam.
- (O) Class "B" signs.
- (P) Serial signs.
- (Q) Any model residential unit flag(s) or banners(s) on the property of a model residential unit, except for the first thirty (30) days after the model receive a certificate of occupancy.
- (R) Neon signs.
- (S) Flashing signs.
- (T) Canopy roof signs.
- (U) Billboards.

(5) *Exempt signs.* The following on-site signs may be erected, constructed or installed without first obtaining a permit and paying any fees; provided, however, all other provisions of the Code are met and, provided further, that if a sign exceeds the limits contained in this section, an application for a sign permit and payment of the permit fee shall be required:

- (A) One (1) professional nameplate for each person or entity located at a site, not exceeding two (2) square feet in area.
- (B) One (1) identification sign which may also include changeable copy for educational, charitable, religious or other similar instructional uses; this sign shall meet all requirements of a secondary class "A" sign.
- (C) One (1) sign advertising daily or weekly specials, not exceeding four (4) square feet maximum, which sign may be handwritten.
- (D) Street address sign meeting all requirements in the Code governing such signs.
- (E) Dedicatory tablets or memorial plaques setting forth the name or erection date of a building, commemorating a person or persons and like uses. Such signs shall be cast in metal or engraved in stone or concrete or otherwise suitably inscribed in or on a monumental material.
- (F) A vehicle sign located on a licensed and operable truck, bus, trailer, taxi or other vehicle which is being operated or parked at the location of the business, provided that the primary use of said vehicle is not for the purpose of the advertisement. Such vehicles shall be registered and operable and shall only be parked in paved parking areas immediately surrounding loading/delivery areas or in the closest non-handicapped parking space to the primary entrance of the business advertised on the vehicle. In no case shall such vehicle be parked in the right-of-way. Vehicles under this section shall be moved on a regular basis.
- (G) Non-advertising directional signs, symbols, or devices relating to traffic, parking, public services, facilities or warnings on private property. Such signs include, but are not limited to, "entrance", "exit," "slow," "no trespassing," "restrooms," and "telephones." These signs shall not exceed four (4) square feet in area or contain any advertising matter.
- (H) Traffic or other directional, wayfinding, or traffic control signs or devices erected by any federal, state or local government or department or agency thereof. Such signs shall be mounted on decorative poles, and the back of the sign shall be black. Whenever a traffic, wayfinding or directional sign is erected on public right-of-way for the benefit of or upon request by a private development, the sign shall be paid by the project requesting or benefiting from the sign.
- (I) Political signs shall be regulated pursuant to section 3-9-95 of the Code and F.S. section 106.1435. Notwithstanding the cited Code or statute, no political sign shall exceed thirty-two (32) square feet and shall not be displayed as a class "A" or class "B" sign as defined in section 3-9-95 of the Code.
- (J) Any flag, other than a national or state government flag, or identification sign or insignia of any civic, charitable, religious or fraternal organization. No such flag, identification sign or insignia shall be placed above a sidewalk, walkway, alley, driveway or public or private roadway or right-of-way.
- (K) Flags indicating weather conditions.
- (L) One (1) or two (2) national or state government flags displayed per single "principal building", as such phrase single "principal building" is defined in section 3-9-2 of the Code. No such pole shall be placed above a sidewalk, walkway, alley, driveway or public or private roadway

or right-of-way so as to obstruct passage or to create a safety hazard. The requirements of Title 36, United States Code, Chapter 10, as amended by Public Law 344, 94th Congress approved July 7, 1976, and F.S. Chapter 256 concerning United States or state flags shall apply to any flag governed by this section.

(6) *Temporary signs.*

(A) The community development director may issue a permit to erect a temporary sign, as follows:

(i) The director may require reasonable conditions as are necessary to protect the public health, safety and general welfare, and public and private property; and

(ii) A permit approval shall not exceed thirty (30) days within any six-month period; and

(iii) Temporary on-site signs shall be allowed to address grand openings or special occasions, such as civic events or promotions, car, boat or craft shows, carnivals, parking lot sales, annual and semiannual promotions or other similar events, provided that:

(a) The temporary sign may be erected not more than fourteen (14) days prior to the event and shall be removed not more than twenty-four (24) hours after the event closes; and

(b) A maximum of two (2) signs shall be allowed on-site in such a manner as to not create any traffic or pedestrian hazard, limited to an area of twenty-four (24) square feet for each sign.

(iv) All otherwise permitted signs may be used as temporary signs, provided that the sign shall otherwise comply with all requirements for that sign, pursuant to the requirements listed in this section.

(B) The following shall not be deemed temporary signs and shall not be subject to the preceding requirements of this section:

(i) Holiday decorations.

(ii) One (1) sign denoting the architect, engineer and contractor for work under construction on the premises where the construction occurs, not exceeding twenty-four (24) square feet plus individual signs of subcontractors not exceeding four (4) square feet each. No signs under this subsection are to be erected on a site until work authorized under a building permit issued for the site has commenced. All signs under this section shall be removed no later than one week after a certificate of occupancy is issued or, for repairs, remodeling or additions, one (1) week after the final inspection.

(iii) Signs advertising current or future construction or financing on a parcel, provided that:

(a) In any residential zoning district, one (1) sign not exceeding four (4) square feet shall be allowed for a period not to exceed six (6) months or until issuance of the certificate of occupancy, whichever occurs first, which sign shall be removed upon issuance of final certificate of occupancy.

(b) In any nonresidential zoning district, one (1) sign shall be allowed per street frontage, not exceeding ten (10) square feet and not exceeding a time period of six (6) months or until issuance of final certificate of occupancy, whichever occurs first, which sign shall be removed upon issuance of final certificate of occupancy.

(iv) Signs advertising property for sale or rent, provided that:

(a) One (1) sign not exceeding four (4) square feet in area, excluding the rider, shall be allowed per single-family residential lot or residence, except lots or residences which are located on navigable bodies of water shall be allowed one (1) additional sign of four (4) square feet facing the body of water on which the property abuts.

(b) One (1) sign not exceeding twenty (20) square feet in area shall be allowed per parcel or lot of property zoned or used as a nonresidential use of five (5) acres or larger in area. The foregoing shall not apply to individual, nonresidential units.

(c) One (1) sign not exceeding ten (10) square feet in area shall be allowed per parcel, lot or individual nonresidential unit for property zoned for or used as a nonresidential use of less than five (5) acres in area.

(d) All signs shall be removed no later than one (1) week after the sale or lease of the property.

(C) Signage in connection with tent sales, pursuant to section 3-9-95.1 of the Code, shall only be displayed during the duration of the tent sale.

(D) Flags, other than national or state government flags, that meet the restrictions contained in this section. Such flags shall only be allowed at a ratio of two (2) per fifty-foot of road frontage, and the number of flags shall not exceed eight (8) at any location. No flag shall be placed above a sidewalk, walkway, alley, driveway or public or private roadway or right-of-way. A site may not erect flags more than twice in a calendar year. No such flag may remain on-site for more than fourteen (14) days. In the event flags are erected on a site for less than fourteen (14) days, the remaining days shall be forfeited and cannot be applied to a second event. The fourteen-day and twice-per-calendar-year maximum time limit restrictions imposed in this section shall not apply to flags erected on any property owned and operated or leased by any federal, state, or local government or agency thereof.

(E) Banners or pennants erected in a nonresidential zoning district that meet the restrictions contained in this section. No banner or pennant shall be placed above a sidewalk, walkway, alley, driveway, or public or private roadway or right-of-way. No banner or pennant may remain on-site for more than fourteen (14) consecutive days. A site may not erect banners or pennants more than twice in a calendar year. The fourteen-day time limit restrictions and twice-per-calendar-year maximum time limit restrictions imposed in this section shall not apply to banners or pennants erected on any property owned and operated or leased by any federal, state or local government or agency thereof. In accordance with Title 36, United States Code, Chapter 10, as amended by Public Law 344, 94th Congress approved July 7, 1976, and F.S. Chapter 256, the United States or state flags may not be used as a banner or a pennant.

(F) A temporary sign advertising activities of educational, religious, civic, fraternal, service, charitable or other nonprofit organizations or institutions may be permitted, if not in violation of other provisions of the Manasota Key Zoning District Overlay Code.

(G) Signs advertising open houses, provided that:

(i) No more than three (3) signs, not exceeding four (4) square feet each, may be erected, constructed or installed on the property where the open house is being conducted; and

(ii) No more than three (3) off-site directional signs, not exceeding two (2) square feet each, shall be allowed; and

(iii) All signs shall contain the name of the real estate broker or firm conducting the open house; and

(iv) All signs relating to an open house shall be removed each day at the close of the open house or by dusk, whichever occurs first; and

(v) No sign shall be nailed, fastened or affixed to any tree, utility pole, street sign or any traffic control device.

(7) *Permitted permanent signs.* The following permanent signs are permitted if not otherwise prohibited or defined as a temporary or an exempt sign under this section, subject to the performance standards and requirements provided in the applicable Section permitting such sign and any applicable requirements of the Manasota Key Zoning District Overlay Code:

(A) Class "A" primary signs and class "A" secondary signs are permitted.

(B) Awnings are permitted as follows:

(i) Permanently fixed or retractable awnings over private property are permitted; and

(ii) Permanently fixed or retractable awnings shall have a minimum clearance of eight (8) feet above a sidewalk or walkway and eighteen (18) feet above any driveway; and

(iii) Any lettering larger than three (3) inches in height or symbols exceeding four (4) square feet in area shall be included in the total area of signage allowed on the face of the building.

(C) Changeable copy signs (or reader boards) are permitted only as follows:

(i) Changeable copy sign incorporated in the primary class "A" sign as follows:

(a) Changeable copy signage limited to a maximum of thirty-two (32) square feet, with a two-side maximum;

(b) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality; and

(c) The maximum height of the lettering shall be six (6) inches; and

(d) All types of freehand lettering and chalk on chalkboard surfaces are prohibited; and

(e) The sign face may be illuminated or nonilluminated; and

(f) The signage shall otherwise comply with the applicable total sign area regulations.

(ii) A freestanding changeable copy sign is permitted only if incorporated in an otherwise permitted primary class "A" monument sign, except as provided in subsection 3-9-53(t)(1), as follows:

(a) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality; and

(b) The maximum height of the lettering shall be six (6) inches; and

(c) All types of freehand lettering and chalk on chalkboard surfaces are prohibited; and

(d) The sign face may be illuminated or nonilluminated; and

(e) The signage shall otherwise comply with the applicable total sign area regulations. The changeable copy portion of the primary class "A" sign shall be included in the total area of which it is a part.

(D) Projecting signs are permitted as follows:

(i) A projecting sign shall not project more than three (3) feet from the face of the building or structure; and

(ii) A projecting sign shall not project over a public right-of-way; and

(iii) A projecting sign shall have the minimum clearance of eight (8) feet above a building walkway and eighteen (18) feet above a driveway; and

(iv) A projecting sign shall project from the wall and be at a ninety (90) degree angle; and

(v) A projecting sign shall not extend vertically above the window sill of the second story of a building and shall not block the visibility of any other sign.

(vi) The square footage of a projecting sign shall be included as part of the square footage allowed for secondary class "A" signs.

(E) Window signs. Window signs shall cover no more than twenty (20) percent of the glass area of a window. All signage shall be included as part of the square footage of a secondary sign.

(F) Primary class "A" signs for residential projects. Large areas on Manasota and Sandpiper Key are zoned Manasota, multi-family (MMF) or Manasota, commercial tourist (MCT). For residential multi-family development within areas so designated, the following requirements apply to permanent signs that advertise the name of the residential development:

(i) One (1) primary class "A" sign shall be permissible for each driveway that connects the residential development to a public right-of-way.

(ii) Signs for residential developments shall be monument signs.

(iii) Signs for residential developments shall be placed in the general vicinity of driveways for the project, and within the front green area buffer. Monument signs adhering to the regulations in this section shall not be considered to represent a structure.

(iv) Signs for residential developments shall not be located on the public right-of-way, and shall only contain the name of the residential project, and the street address for the project. In addition, each sign face may contain the logo of the residential development where the sign is located. In no case shall more than one (1) such logo per sign face be permissible under this section.

(v) Signs for residential developments shall be erected perpendicularly to the nearest right-of-way edge, and in a manner that they are visible to pedestrians, bicycle riders, and drivers. Each sign shall be double-faced. There shall not be an angle formed by both faces of each sign. The only exception to this rule shall be made for those signs which are mounted flatly on the four-foot high wall that is permissible as part of the front green area buffer.

(vi) Secondary class "A" signs in residential developments shall be used only for way-finding in the interior of a residential project, and shall not be visible from the exterior of the site.

(8) *Area/number of signs.*

(A) The area of a sign (also referred to as surface area) shall be computed as including the entire area within the periphery of a single simple geometric form comprising all of the display area of the sign. The geometric form shall include all of the elements of the matter displayed, any address information, and blank masking, but not including frames or structural elements of the sign bearing no advertising matter.

(B) Murals, including those which contain text, logos or other corporate symbols, shall be counted towards the total square footage allowed for secondary A signs.

(C) In the case of two-sided signs where all faces advertise a single facility, product or service, only one (1) face shall count toward the total aggregate area so long as:

(i) With respect to a V-type sign, up to ninety-degree angle, the two (2) sides are to be separated by a distance no less than one (1) foot and with the sign being totally intersected at one point: and

(ii) With respect to a double-faced (back-to-back) sign, there can be no separation between the backs of each face of the sign other than the structural supports to which each sign face is attached.

The maximum square footage of signs allowed in each zoning district within the Manasota Key Planning Area is depicted in Table 3, below:

Table 3  
TABLE INSET:

<i>Zoning District</i>	<i>Maximum square footage for a primary class "A" sign*</i>	<i>Maximum square footage per secondary class "A" sign</i>
Environmentally Sensitive	25	8
Residential Multi-Family	75	25
Commercial General	75	25
Commercial Tourist	75	25
Planned Development	75	25

(iii) Primary and secondary class "A" signs are prohibited for single-family and duplexes, except in conjunction with a special exception or otherwise allowed in the Code.

(D) In addition to the limitations of Table 1, above, the following restrictions shall also apply:

(i) *Primary class "A" signs.*

(a) The number of square feet of area allowed for the primary class "A" sign shall be limited to one (1) square foot per linear foot of total building frontage of the lot or parcel. In no event shall the area of the primary class "A" sign which is not a monument sign exceed seventy-five (75) square feet.

(b) There shall be no more than one (1) primary class "A" sign for any parcel or lot, regardless of how many buildings or businesses are located on such parcel or lot. In addition, there shall be no more than one (1) primary class "A" sign for any one (1) building, regardless of the number of parcels or lots on which the building is located, except as provided in subsection 3-9-53(t)(3)(H).

(ii) *Secondary class "A" signs.*

(a) An individual nonresidential occupant located within a multiple-occupancy structure of two (2) or more establishments shall not be permitted an individual primary class "A" sign, but may display an individual secondary class "A" sign on the building in which the occupant is located.

(E) Address numbers. Each commercial business shall install address numbers on a primary class "A" sign with lettering of six (6) inches or more in height. Address numbers, or other address information for a commercial building, displayed on the primary display area of a sign shall not exceed three (3) square feet in area comprised of the following dimensions: a maximum of one (1) foot high by a maximum of three (3) feet wide, or a maximum of three (3) feet high by a maximum of one (1) foot wide. Address numbers, or other address information for a building, and the accompanying background of sign face shall be included in the calculation of area of any sign in which they are contained or from which they are projected. Address numbers projected from the top of the primary display area of a sign shall be used in calculating the height of that sign.

(9) *Location, height and setbacks.*

(A) A sign shall have a minimum clearance of eight (8) feet above a sidewalk or other walkway above a driveway, or public or private roadway.

(B) Unless otherwise specified in this subsection 3-9-53(t), any primary class "A" sign shall be eight (8) feet in height. This shall not be a maximum height, but a uniform height for all primary class "A" signs in Manasota or Sandpiper Key. No address numbers or type on the display area of a primary class "A" sign shall be used in the calculation of the height of such sign, provided such address numbers meet all other applicable height and area requirements of the Code.

(C) Monument signs shall not exceed eight (8) feet in height.

(10) *Illumination.*

(A) A sign may be lighted internally or externally, but illumination shall be shielded or indirect to prevent glare, reflection or shining onto any road, street, or adjacent property, unless otherwise regulated elsewhere in the Code.

(B) A sign in any residential district may not be illuminated, except for a sign identifying a place open to the public, a sign giving the name of a subdivision or community identification sign, a sign erected in conjunction with an approved special exception, principally permitted land uses or signs used in connection with essential services. Any sign permitted to be lighted may be lighted only indirectly in a downward manner that will prevent glare, reflection or shining onto any street, beach, or adjacent property.

(C) Illumination used for signs shall be fully compliant with the turtle ordinance and/or plan.

(11) *Maintenance.*

(A) An owner shall maintain a sign in substantially similar condition as when the sign was originally permitted and erected. Such maintenance shall include periodic painting and replacement, including both the sign area and structure, or supporting structure, when necessary to achieve the substantially similar appearance as the originally permitted signs. The owner shall promptly repair, replace or remove any broken, worn or illegible elements of a sign, or sign awning or canopy. If the owner of the sign and the owner of the premises on which the sign is located are not the same, each shall be jointly and severally responsible for sign maintenance.

(B) The community development director may give an owner of the sign and the owner of the premises on which the sign is located written notice of the failure of the owner of the sign to fulfill the maintenance obligation and order the owner of the sign to forthwith repair, replace or remove the sign. In the event that the owner of the sign fails, refuses or neglects to repair, replace or remove the sign as ordered within thirty (30) days of the date of the notice, the director may, on behalf of the county, cause the sign to be removed.

(C) Any sign that poses an immediate hazard or danger to either person or property, the director may, in the director's sole discretion, remove the sign without notice. The owner of the sign and the owner of the premises on which the sign is located and removed as allowed above shall be jointly and severally liable to the county for the actual cost of the removal of the sign.

(D) Any remedy for failure to maintain a sign or to abate a hazardous or dangerous sign contained in this subsection 3-9-53(t) shall not constitute the county's sole or exclusive remedy, and the county may avail itself of any available remedies at law or in equity.

(12) *Permits required; permit fees.*

(A) All signs, except those exempt in subsection 3-9-53(t)(5), shall require a sign permit and the payment of a fee.

(B) Any person desiring to erect or alter a sign, except those exempt in subsection 3-9-53(t)(5) of the Code, shall file an application for a sign permit and pay the application fee to the director. Normal maintenance to existing signs shall not be deemed alterations within the meaning of this section and shall not require a permit or fee.

(13) *Applications for permits.*

(A) Applications for sign permits shall be in a form approved by the director. The application shall include a complete description of the proposed sign and any existing signs and a site plan indicating the proposed and existing signs' size and type and location on the property, elevations of all sign faces detailing height, width, length, square footage per sign face, size of lettering, colors, lighting utilized, including total lumens (wattage) as shown on the drawings and specifications for construction of the sign, sealed by a licensed engineer, the proximity of existing utility infrastructures with regard to the location of a sign, and the written consent of the owner of the property on which the sign is to be erected. The application for a temporary sign shall also include the date the sign is placed and the date it is to be removed.

(B) The board shall determine the application fee for any sign permit.

(C) On receipt of an application, the director shall forward the application to the Manasota and Sandpiper Key Advisory Committee, or its designee, pursuant to the provisions of section 3-9-53 of the Code. The director shall also forward the application to the appropriate county staff that shall review the application and may make an inspection of the site to determine compliance of the proposed sign with the existing laws and regulations, and to determine the location and size of any existing signs on the premises.

(14) *Nonconforming signs.*

(A) A person may continue to maintain a nonconforming sign; provided, however, that nonconforming signs are disfavored and that on occurrence of the first of any of the following events, the person shall make the sign conform to this section:

(i) The sign is enlarged, reworded, or the message of the sign changed (except only an exempt sign, or any changeable sign or a time and temperature sign), redesigned or altered pursuant to subsection (iv) below.

(ii) The sign is abandoned, removed, dismantled or relocated.

(iii) The sign is determined by the director to be a hazard to life, safety, property or welfare of the public;

(iv) The sign has deteriorated or is damaged and the cost of repair or restoration, including actual market cost of labor and materials, of the sign equals or exceeds fifty (50) percent of the current value of the sign as determined by the Charlotte County Property Appraiser's Office or as determined by a qualified appraiser.

(v) The sign is a primary or secondary class "A" sign which advertises or calls attention to an occupant, a business, service, product or performance or event no longer in existence or available on the premises.

(vi) When there is a change in ownership of the sign or the property on which the sign is located.

**(u) Architectural design standards.**

(1) *Intent.* Design standards shall apply to all development as expressed in this section. These design standards generally address the following aspects of development but are not limited to: building facades, building roofs, accessory structures, fences lighting, site arrangement, and commercial structures. These standards shall regulate the appearance and constructive elements of structures on Manasota and Sandpiper Key and be used in addition to those standards expressed in the Charlotte County Zoning Code. If there are any conflicts or inconsistencies between this document and the Charlotte County Zoning Code, the more stringent shall apply.

The provisions of this subsection shall apply to all zoning districts established by the Manasota Key Zoning District Overlay Code ("Overlay Code"). Unless otherwise specified within this Code, there shall be permitted no variances or exceptions from the requirements set forth within this section.

(2) *Applicability.* This section shall apply to all zoning districts established by the Overlay Code, in the following instances or combination thereof:

(A) New construction of residential structures and/or fifty (50) percent reconstruction of existing legally established commercial structures. Reconstruction of existing residential structures shall not exceed the fifty (50) percent limit within a five-year period. The fifty (50) percent shall be calculated as a reconstruction of at least fifty (50) percent of the square footage of the legally permitted structure, or as fifty (50) percent of the value of the legally permitted structure, whichever is lower in monetary value. The value of the legally permitted structure shall be determined by the highest of either the replacement valuation on the most recent county tax roll, or a certified independent appraisal. The burden of providing said certified independent appraisal shall be with the applicant. In no case shall the value of the land be factored in calculations made pertaining to this subsection.

(B) New construction of commercial structures and/or fifty (50) percent of reconstruction of legally established commercial structures. Reconstruction of existing commercial structures shall not exceed the fifty (50) percent limit within a five-year period. The fifty (50) percent shall be calculated as a reconstruction of at least fifty (50) percent of the square footage of the legally permitted structure, or as fifty (50) percent of the value of the legally permitted structure, whichever is lower in monetary value. The value of the legally permitted structure shall be determined by the highest of either the replacement valuation on the most recent county tax roll, or a certified independent appraisal. The burden of providing said certified independent appraisal shall be with the applicant. In no case shall the value of the land be factored in calculations made pertaining to this subsection.

(C) Additions which consist of less than fifty (50) percent of the total interior square footage to legally established residential single-family and multi-family structures. Additions to existing

structures shall not exceed fifty (50) percent of the original square footage within a five-year period for single-family and multi-family structures. Additions shall meet all codes applicable at the time of building permit application.

(D) Additions which consist of less than fifty (50) percent of the total interior square footage to legally established commercial structures. Additions to existing structures shall not exceed fifty (50) percent of the original square footage within a five-year period for commercial structures. Additions shall meet all codes applicable at the time of building permit application.

(3) *Site design.*

(A) Structures shall be placed and arranged consistent with all of the following standards:

(i) No-fill areas. All classifications are designated as no-fill areas where only pilings and stem wall shall be used for construction except the minimum amount of fill necessary within the building footprint and other facilities as required by federal, state or local regulations.

(ii) Buffer strip areas shall be green areas except where sidewalks and driveway are permissible. All sidewalks and driveway shall be permeable.

(iii) Buffer areas shall not include accessory structures.

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

(B) Driveways shall be maintained, repaired, constructed, and installed according to all of the following standards:

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

(ii) New driveways and driveways where more than fifty (50) percent of their area (not including enclosed garages) is repaired/replaced shall be completely (i.e. entire driveway) constructed of one (1) of a combination of the following materials: porous brick, porous pavers, rock, pebbles, washed crushed shell, or gravel. New asphalt and concrete (porous or non porous) shall be prohibited.

(iii) No driveway shall exceed twenty-four (24) feet in width at the portions where it connects to a roadway. Additional internal width may be permitted only to accommodate required turning lanes.

(iv) Driveways shall not encroach buffer strip areas, unless they are the only driveway and are only a crossover.

(C) Building and facade materials. Building facades shall be constructed, maintained and improved according to all of the following:

(i) Facade walls, excluding doors, windows, and trim. All facades shall be improved and constructed with one (1) or a combination of the following materials: masonry, stucco, vinyl, and/or wood. Specific accent materials shall be allowed pursuant to these standards.

(a) Masonry. A masonry finish may be allowed on any facade; however, unfinished and exposed concrete block shall be prohibited.

(b) Wood. A wooden finish may be allowed on any facade pursuant to the additional standards. Wooden panels and board shall be installed in either a flush horizontal or vertical pattern. Slanted wood patterns shall be prohibited unless specifically reviewed and approved by the architectural review committee.

(c) Stucco. A stucco finish may be allowed on any facade.

(d) New technologies shall be reviewed and considered by the architectural review committee and/or the Manasota and Sandpiper Key Advisory Committee.

(e) Neon and florescent colors shall be prohibited.

(f) No reflective materials shall be used on building facades.

(ii) Trim shall be required around all wall openings including, but not limited to, windows, doors, balconies and alcoves except as noted below. Trim shall be installed pursuant to all of the following standards:

- (a) Trim shall resemble wood, masonry stone, stucco or tile.
- (b) Reflective finishes shall be prohibited.
- (c) Trim shall be a minimum of three inches in width.
- (d) Colors: Neon and fluorescent colors shall not be used on any trim

or structure. The use of black paint shall be limited to trim.

(D) Accent materials. Accent materials may be used on buildings but shall be limited to twenty (20) percent of any building facade. When using faux finishes, they should resemble indigenous Florida material. No reflective materials shall be used on building facades. Additionally, from time to time, other accent materials may be proposed subject to review and a recommendation for approval by the architectural review committee.

(E) Windows shall be placed on all facades and exterior walls.

(F) All buildings shall have a clearly defined building entrance.

(G) Garage doors are required to be flush or recessed back from the front facade so as not to dominate the architectural design and appearance.

(i) Garage door height is limited to ten (10) feet unless reviewed and approved by the architectural review committee.

(H) Roofs shall be constructed, maintained and repaired with the following standards:

(i) Roofs shall be predominantly opaque in appearance. Glass surfaces such as skylights shall be limited.

(ii) Roof materials shall resemble non reflective metal, wooden shingle, "dimensional" asphalt shingle, barrel tile, concrete tile, slate or new materials reviewed and approved by the architectural review committee.

(iii) Flat roofs shall be exempt from all preceding roof material standards and restrictions provided a parapet or mansard wall is utilized to screen the roof and rooftop equipment. Parapets and mansards are required to be constructed within the height limitations.

(iv) Solar panels shall be installed to be at the same angle of incline as the roof pitch, where possible. Solar panels should be positioned on portions of the roof that are not readily seen from the abutting roadways.

(I) Architectural accents:

(i) Chimneys shall be constructed within the height limitations and must be vertical.

(ii) Antenna structures shall be screened from the abutting roadway and shall be subject to the district height limitations.

(iii) Wall art is strongly discouraged from the front building facade. All wall art visible from the abutting roadways shall be approved by the architectural review committee. And be in character with the coastal setting.

(iv) Gutters shall resemble and/or match the building trim or primary facade. Gutters shall not cause water to accumulate on neighboring properties or directly upon driveways or sidewalks.

(v) Lattice. The space between the first floor of a building and the ground shall be screened with lattice or breakaway walls. Lattice shall be used specifically to conceal structure areas, and shall be the same pattern and appearance through the outside of the structure in which it is attached.

(vi) Lattice shall be permanently secured to the principal structure. Lattice shall be vinyl or painted wood, and complement the building.

(vii) Address numbers. All structures shall post address numbers on the front of building facades in a location either by the front entrance or garage door, and/on signage easily visible and legible from the adjacent roadway.

(J) Lighting. Lighting fixtures, structures and elements shall be constructed, installed, maintained and replaced consistent with all of the following standards:

(i) An outside lighting plan is required to be submitted to the architectural review committee with or prior to the application for approval.

(ii) All outside lighting fixtures shall be installed to orient light downward and to provide glare reduction optics and shielding features. No fixture shall direct light upward or onto adjacent property. (Exemptions shall include small accent lights that are directed upward to softly illuminate landscaping).

(iii) Fixtures for lighting areas should follow a consistent design theme. Dramatically different styles shall be avoided.

(iv) Light globes must not protrude below shades. Light shades must screen the point source of light to minimize sky glow.

(v) Exterior low level lights should be provided for pedestrian safety.

(vi) Fixtures shall adhere to state, county and local requirements.

(vii) Lighting on balconies, porches and raised walkways shall be installed no higher than one (1) foot from the floor (i.e. no overhead lighting).

(viii) Security lighting shall be permitted throughout the night during non turtle season. During turtle season security lights shall be attached to a motion sensor with limited timing.

(ix) Light posts. Light posts shall be installed consistent with the following standards:

(a) Light posts shall be constructed and installed to resemble wood, polished concrete or painted metal.

(b) Unfinished and/or unpainted metal and concrete surfaces and untreated wooden posts shall be prohibited.

(c) Light posts on private property shall not exceed sixteen (16) feet in height.

(K) Fencing and walls. Yard fences and walls shall be constructed, maintained and repaired consistent with the following standards:

(i) Materials should resemble wood, wrought iron masonry and/or PVC.

(ii) Coated chain link fencing shall only be permissible to enclose tennis courts and/or swimming pools.

(iii) Unfinished concrete block shall be prohibited. Concrete block walls shall be split-faced, or finished, and capped.

(iv) Wood fences and walls shall be pressure-treated to prevent deterioration and rot.

(v) Solid walls and fences should maintain openings at the bottom every twenty-five (25) feet of a minimum of nine (9) inches wide and six (6) inches tall to allow for wildlife movement.

(vi) Fences and walls shall not exceed six feet of height, measured from the finished grade of the parcel, unless otherwise required as part of a project's approval or original permit.

(vii) Fences and wall forward of the front building facade shall not exceed four (4) feet in height.

(viii) Fences and walls that abut a body of water shall not exceed four (4) feet in height for portions that extend beyond the building facade.

(L) Accessory structures. Accessory structures shall be installed, constructed, maintained and repaired consistent with all of the standards below:

(i) Accessory structures shall not be located within the buffer area.

(ii) All accessory structures shall be securely anchored to the ground.

(iii) Accessory structures shall not be located forward of the front building facade.

(iv) Sheds, gazebos, cabanas, decks and animal houses.

(a) Sheds, gazebos, cabanas and animal houses roofing materials shall resemble or be complimentary to the materials used on any existing principal structure on the same property.

(b) Structures should be limited to ten (10) foot in height. However gazebos may be permitted to a maximum of fifteen (15) feet.

(v) Swimming pools, hot tubs, spas, and other water features and their decks shall be installed and constructed consistent with the following standards:

(a) Swimming pools, shall be limited to one (1) vertical accessory including, but not limited to, slides and diving boards. Said accessories shall not exceed eight (8) feet in height.

(b) Pools and spas shall be permanently installed in the ground or within a masonry foundation. Above ground pools or spas are prohibited.

(c) Portable spas shall be modified to adhere to these standards.

(vi) Air conditioning and heating units shall be installed according to all the following standards:

(a) Window units shall not be installed on the front facade.

(b) Units shall be screened from off-site view. Window units shall be exempt from this standard.

(c) Consideration shall be given to avoid impacts to adjacent properties; air conditioning and heating units shall not encroach on setbacks, buffers or buffer strips.

(vii) Waste receptacles, garbage and trash containers. Waste receptacles shall be installed, constructed, maintained and repaired as follows:

(a) Trash can storage areas shall be completely screened from off-site view, and located in full compliance with the county's dumpster ordinance.

(b) Dumpsters shall be stored and screened within an enclosed area, not in front of the leading edge of the building facade.

(c) Dumpsters and trash containers shall meet other Code requirements.

(viii) Miscellaneous accessory structures shall be consistent with the following standards:

(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. Community mailboxes, when available, shall be used for single-family residences. No individual mailbox shall be installed in the public right-of-way when group boxes are available.

(d) Multi-family and commercial development shall provide group mailboxes on-site and off the public right-of-way.

(e) 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.

(M) Landscaping. Landscaping on Manasota and Sandpiper Key shall be subject to the provisions and standards of the Charlotte County Zoning Code. In addition to such zoning standards, landscaping on the Keys shall be installed, repaired and maintained consistent with the guidelines in this section.

(i) A landscaping plan is required to be submitted to the architectural review committee with or prior to the application for approval. 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.

(ii) Foundation plantings shall be installed around buildings to soften their appearance from off site view.

(iii) All side and rear buffer areas shall be treated with Florida friendly landscape material.

(4) *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.

(A) Primary building entrances shall be oriented to adjacent roadways.

(B) Principal buildings shall include a permeable pedestrian pathway along its front facade linking site to adjacent parking.

(C) 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.

(D) Drive-thru facilities shall be prohibited.

(E) 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.

(F) 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.

(G) 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.

(H) Vending machines, sales booths, media racks and other merchandise displays and utility concessions.

(i) Vending machines for beverages, food and sundries intended for merchandise sales and display shall be installed, constructed and replaced in 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.

(ii) Washing machines, dryers, and refrigeration units shall be prohibited outside of a fully enclosed structure.

(iii) Media racks for newspapers, magazines and other printed publications may be placed on the exterior of buildings but must be placed inside of the standardized media containers that are approved by the Manasota Key Municipal Taxing Unit, and the architectural review committee.

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

(5) Variance applications shall be heard by the architectural review committee of the Manasota/Sandpiper Key Advisory Committee in their regularly scheduled meetings prior to the review of the zoning official. The architectural review and/or advisory committee shall issue a recommendation of approval or denial as to the application. The recommendation shall be forwarded to the zoning official. The recommendation of the architectural review and/or advisory committee shall be considered by the zoning official in connection with the zoning official's consideration of the application.

(Ord. No. 2005-010, § 1, 2-15-05; Ord. No. 2005-067, § 1, 8-16-05; Ord. No. 2006-006, § 1, 1-17-06; Ord. No. 2006-007, § 1, 1-17-06; Ord. No. 2006-069, §§ 1--4, 8-15-06; Ord. No. 2007-015, §§ 1--7, 4-17-07)