

Strikethrough, Underline and Comments Draft of Manasota Overlay Code

8/23/10

**This document shows all of the changes made to the existing code and explains many of them. A final draft version of this document can be viewed and commented on at:
http://www2.charlottefl.com/CompPlan/main/view_doc.aspx?show_comments=true&docid=72**

Sec. 3-9-53. Manasota and Sandpiper Key zoning district eOverlay Code.

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

Comment [CCBCC1]: Definitions that were the same as the county code or unnecessary were removed

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

Comment [CCBCC2]: This language has replaced "servant's quarters" and "guest house"

Advisory committee: ~~shall mean the~~ Manasota and Sandpiper Key Advisory Committee established by the Board of County Commissioners (Board) on October 12, 2004 pursuant to Resolution Number 2004-212 and amended Resolution Number 2010-045.

~~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.~~

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

Comment [CCBCC3]: Definition added to clarify the use as a special exception

~~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, as the same may be amended from time to time by the Board.

Design requirements: ~~shall mean t~~he architectural design requirements provided for by the Manasota and Sandpiper Key eOverlay code that shall regulate the design of new construction and the repair, rehabilitation or remodeling of existing structures on the Islands.

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

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

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

Driveway crossover: ~~shall mean t~~hat 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 t~~he 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 t~~he Charlotte County portion of Manasota Key and all of Sandpiper Key situated south of the Sarasota-Charlotte County line, west of the Tom Adams Bridge, north of Stump Pass Beach State Park and east of the Gulf of Mexico.

Livable space: ~~shall mean a~~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 MGT 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 Key: The land located south of the Sarasota-Charlotte County line, west of Sandpiper Key, north of Stump Pass Beach State Park and east of the Gulf of Mexico.

~~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.~~

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

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

Comment [CCBCC4]: Definition of mobile and modular homes added for clarity

~~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.~~

Permeable/pervious surface: A paving method for driveways and walkways that allows the substantial movement of water and air through the paving material.

Comment [CCBCC5]: Definition added for clarity

~~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 Tom Adams Bridge and east of Manasota Key Intercoastal Waterway, east of the Lemon Bay Channel and north of Manasota Key.

Setback: shall mean the minimum horizontal distance between the roadfront, rear or side lot lines and the front, rear or sides lines of the building.

Comment [CCBCC6]: "Front" replaces "road" to reflect how setbacks are actually measured

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 t~~he "waterfront property" ordinance codified at section 3-9-98 of the ~~zoning county~~ code.

Zoning atlas: ~~shall mean t~~he official Zoning Atlas of Charlotte County as established by section 3-9-8 of the ~~Charlotte County Code of Laws and Ordinances~~ ~~zoning code~~.

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

(b) Establishment; short title(c) Intent; (d) Boundary. The Manasota and Sandpiper Key Zoning Districts and Overlay Code is hereby established. ~~The short title of this section shall be the "Manasota Key Zoning District Overlay Code."~~ The intent of the Manasota and Sandpiper Key eOverlay code is to serve as a vehicle for the implementation of initiatives for the preservation, conservation and protection of existing low density development and to seek to blend future development with existing development onf the islands as contemplated by the Manasota and Sandpiper Key Community plan (Plan), as accepted by the Board of County Commissioners (Board) on September 21, 2004 and as it may be amended from time to time, in a manner that is consistent with bBoard policy. The area affected by this Manasota and Sandpiper Key eOverlay code shall be the Charlotte County portion of Manasota Key and all of Sandpiper Key situated south of the Sarasota-Charlotte County line, west of the Tom Adams Bridge, north of Stump Pass Beach State Park and east of the Gulf of Mexico, hereinafter referred to as "the islands".~~geographical boundaries of the islands as set forth in the definition of "islands" in subsection 3-9-53(a) above.~~

Comment [CCBCC7]: These sections have been combined and language revised for clarity

(ce) Applicability; Conflict with Other Ordinances. The Manasota and Sandpiper Key eOverlay code shall apply to development and redevelopment on the islands together with all other matters referenced in the Manasota and Sandpiper Key eOverlay code. The terms development shall include 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 Manasota and Sandpiper Key eOverlay code shall apply to the preceding matters notwithstanding the application of another provision(s) of the County Code to said matters.

Comment [CCBCC8]: Language has been revised for clarity

Comment [CCBCC9]: This term is no longer in use; DRC is now site plan review

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

Comment [CCBCC10]: The permitted zoning districts are contained in the table below, rather than listing prohibited zoning districts

The Manasota and Sandpiper Key ~~Zoning District~~ Overlay code shall incorporate several zoning districts, as contained within this section, which shall be the only permissible districts. The zoning

districts allowed are listed in the following table, 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.~~

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

Comment [CCBCC11]: Table reflects new organization of LDRs

(dr) 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 ~~C~~committee.

Comment [CCBCC12]: Sections d-i are needed at the front of the overlay as opposed to their current location in the middle or near the end of the overlay

Comment [CCBCC13]: Advisory committee can act as architectural review committee

(eq) 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.

(fm) Special exceptions (does not apply to the MPD district)
~~(1) The provisions of this subsection 3-9-53(m) shall apply to all zoning districts established by the overlay code.~~

(21) 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(e)~~.

(32) 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 to the zoning official of "approval" or "denial" ~~as to the application~~. The recommendation shall be forwarded to the BZA.

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

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

Comment [CCBCC14]: Language added for clarity

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

Comment [CCBCC15]: Sections g-i have been revised for efficiency and clarity

~~(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.~~

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

(ip) Development review procedure. (1) ~~Preapplication conference.~~ Prior to submitting an application for any type of development to the county, including a special exception or a variance, an applicant shall submit a written request for a preapplication conference to the chair of the advisory committee. The request for review shall be accompanied by sketches, site plans, or any other documentation required by the architectural review advisory committee, or its designee, to perform its review. ~~and The chair shall set such a the preapplication conference for the next scheduled advisory committee meeting or may request the designee to review such items as the committee and the county deem necessary to receive full committee review. The advisory 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 shall review, discuss, and receive give recommendations from the architectural review committee regarding on~~ the proposed development's consistency and compliance with the Manasota and Sandpiper Key eOverlay code. At the conclusion of the review, the architectural review advisory committee, or its designee, will date and sign the applicable sketch, site plan, or other submitted documentation, ~~erand~~ will prepare written comments regarding the proposed development with recommendations or notations as appropriate and a list of the items submitted for review.

Comment [CCBCC16]: Advisory committee can act as architectural review committee

The applicant is required to submit the dated and signed documentation reviewed by the advisory committee, or its designee, along with the written comments from the advisory committee or designee upon submitting the project to the county for development approval. Any changes made between the

~~preapplication conference and the submittal of an application for development approval shall be explained in an attached letter. (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. 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. Any Applications for any development on the islands Manasota or Sandpiper Key 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 Manasota and Sandpiper Key eOverlay code.~~

~~(j) **Manasota and Sandpiper Key Zoning Districts**~~

Comment [CCBCC17]: District listing changed to reflect county order

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

~~(Ak) **Manasota Environmentally Sensitive (MES) zoning and land uses.**~~

Comment [CCBCC18]: Moved here from section (k)

~~i.4 **Establishment of Zoning District; (2) Intent.**~~

The Manasota environmentally sensitive (MES) zoning district is hereby established. 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.* **This section removed in its entirety, zoning atlas was amended in 2005.**~~

~~ii.4 **Principal Uses and Structures.**~~

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

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

~~iii.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 non-commercial piers, docks and wharves that comply with section 3-9-70 of the zoning code, entitled "Boat docks; boathouses; boat lifts."

iv.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.

v.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:

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

~~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.~~

Comment [CCBCC19]: This procedure is addressed in section (f) Special Exceptions

vi.8 Development Standards

The following development standards apply to the MES district. **Table below replaces this paragraph.**

Comment [CCBCC20]: Tables have been developed for clarity

~~(9) Building height.~~ **Included in table below.**

~~(10) Pilings for structures.~~ **Language removed in its entirety due to conflict with FL Building Code**

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

Comment [rr21]: Changed "or" to "and" for clarity

vii. Setbacks, Driveways and Landscaping

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

Comment [CCBCC22]: The term "landscape" replaces "buffer" and "buffer strip". Requirements stated here are contained in the Community Plan, Section 8.9.

viii. Parking Requirements

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

Comment [CCBCC23]: Added here for clarity

(2) Residential Zoning Districts

(A) Manasota Single-Family (MSF) zoning and land uses.

i. (1) Establishment of Zoning District; (2) Intent.

The MSF-1, MSF-2, ~~MSF-2.5~~, 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 uses normally associated with single-family residential dwellings. Each lot lawfully created as of the effective date of the Manasota and Sandpiper Key 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.~~ **This section removed in its entirety, zoning atlas was amended in 2005.**

ii. (4) Principal Uses and Structures.

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

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

Comment [CCBCC24]: Mobile home issue is addressed below

Comment [CCBCC25]: Language added for clarity

iii. (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 Manasota and Sandpiper Key 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:

Comment [CCBCC26]: Language revised for clarity

- ~~(1A)~~ Private garage and storage structures subject to the following standards:
 - ~~a.~~ No metal buildings and/or temporary structures such as canvas awnings or carports shall be allowed.
 - ~~b.~~ Garage or storage Accessory buildings over two hundred fifty (250) square feet must be compatible in appearance and materials to the residence.
 - ~~c.~~ 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.

~~(2B)~~ Greenhouses, the growing of plants and horticultural specialties provided that no sales are conducted on the premises.

3) Gazebos and similar structures.

~~(4C)~~ Swimming pools.

~~(5D)~~ Tennis courts.

6) Boat houses and covered boat storage structures no more than 20 feet in height.

Comment [CCBCC27]: Added as these are discussed in architectural standards

Comment [CCBCC28]: Previous advisory committee requested this addition

iv.(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 (excluding modular homes), commercial parking lots and private clubs.

Comment [CCBCC29]: Modular homes addressed for legal reasons

v.(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 these MSF districts:~~

~~(1A)~~ Cluster houses and patio houses, provided a site plan is approved by the Site Plan Review committee.

~~DRC. The recommendation of the architectural review committee shall be considered by the DRC in connection with this determination.~~

~~(2B)~~ Beach clubs, provided that parking areas are not located within any setbacks.

~~(3C)~~ One (1) ~~guest accessory 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 accessory 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, unless it is used as caretaker housing requiring permanent occupation of the accessory house.

Comment [CCBCC30]: Language revised for clarity

~~(4D)~~ Home occupations in accordance with section 3-9-79 of the zoning code.

~~(5E)~~ Essential services and emergency services.

~~(6F)~~ Such other uses as determined by the ~~z~~oning official (or the ~~z~~oning 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.

~~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.~~

vi.(8) Development Standards

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

	<u>MSF-1</u>	<u>MSF-2</u>	<u>MSF-3.5</u>	<u>MSF-5</u>
<u>Lot (min.) except as otherwise permissible</u>				
<u>Lot area (sq. ft.)</u>	<u>43,560</u>	<u>21,780</u>	<u>12,445</u>	<u>8,712</u>
<u>Lot width (ft.)</u>	<u>125</u>	<u>100</u>	<u>80</u>	<u>70</u>
<u>Yard setbacks (min. ft.)</u>				
<u>Front</u>			<u>25</u>	

Comment [rr31]: This chart format replaces old chart format

Side (interior)	Half the building height (as measured by section 3-9-298(c)(7), but no less than 10			
Side (abutting a road)	20	15		
Rear (interior)	Half the building height (as measured by section 3-9-298(c)(7), but no less than 20			
Rear (abutting road)	25			
Rear (abutting greenbelt)	15			
Side & rear (abutting all water except the Gulf of Mexico)	20			
Side & rear (abutting Gulf of Mexico)	50			
Bulk (max.)				
Lot coverage	35%			
Building length or width (abutting water)	200 ft.			
Building height	43 ft or and 2 stories livable space			
Density (units/acre)	1	2	3.5	5
Accessory Building Setbacks from :				
Rear lot line (ft.)	10			
Side yard	Same as principal building			
Abutting road right-of-way line	Same as principal building			
Abutting water (ft.)	20			

Comment [CCBCC32]: Language changed for clarity and consistency with waterfront ordinance

~~(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) **Waterfront code section moved to (k)(1)(B)**~~

~~(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.~~

Comment [CCBCC33]: This is included in table above

Comment [CCBCC34]: This method of calculating density reduces development rights, which poses legal problems

~~(9) Building height. **Included in table above**~~

~~(10) "No fill" areas. **This section moved to (k)(1)(C).**~~

~~(11) Pilings for structures. **Language removed in its entirety due to conflict with FL Building Code**~~

Comment [CCBCC35]: Added language is from Section 8.9 of the Community Plan

vii.(12) Setbacks, Driveways, and green space Landscaping

~~(1A) All setbacks shall be landscaped. Thirty percent of the front yard and a minimum of ten feet of the side setback areas shall be landscaped with living plant material.~~

~~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.~~

~~2) Sidewalks and opaque walls or fences are permissible within the setback areas.~~

Comment [CCBCC36]: Language eliminated to allow fences to be placed on property lines

Comment [CCBCC37]: Sidewalks already allowed, walls currently allowed only in the front, fences currently not allowed on property lines. This statement will allow all three within the setbacks.

~~(3B) 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 no greater than 24 feet in width is permissible within the front yard setback. 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.~~

Comment [CCBCC38]: Language eliminated as repeat of #1 above "all setbacks shall be landscaped"

~~(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.~~

Comment [CCBCC39]: Wall height is addressed in (k)(2)(E)

~~(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.~~

Comment [CCBCC40]: Language eliminated as repeat of #1 above "all setbacks shall be landscaped"

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

Comment [CCBCC41]: "Buffer strips" replaced with "landscaping". The following 2 sentences will be researched for compliance with community plan language.

Comment [CCBCC42]: This section moved to (k)(2)(E)

viii.(13) 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 subsections ~~3-9-53(hk)(1)(F) and 3-9-53(n)~~ of the ~~Manasota and Sandpiper Key overlay code~~.

(Bg) Manasota Multi-Family (MMF) zoning and land uses.

(i.1) Establishment of Zoning District; (2) Intent.

The ~~MMF-3.5~~, MMF-5, MMF-7.5, MMF-10 and MMF-12 zoning districts are hereby established. MMF districts are intended to be ~~low-medium~~ or high-density residential districts with emphasis on multifamily use. There are variations among the MMF districts in requirements which include differing lot areas, width, yards and uses.

Comment [Rr43]: Low density residential districts relate to single family districts

~~(3) Amendment of zoning atlas.~~ **This section removed in its entirety, zoning atlas was amended in 2005.**

(ii.4) Principal Uses and Structures.

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

- ~~(1A)~~ All principal uses and structures permissible in MSF districts;
- ~~(2B)~~ Two-family ~~dwelling and (C)~~ multiple-family dwellings;
- ~~(3D)~~ Cluster houses; ~~(E)~~ townhouses and ~~(F)~~ patio houses.

(iii.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.

(iv.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.

(v.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:

- ~~(1A)~~ Beach clubs provided no parking is located within any setbacks;
- ~~(2B)~~ Essential services and emergency services
- ~~3)~~ Home occupations in accordance with section 3-9-~~7980.4~~ of the zoning code; and
- ~~(4C)~~ Such other uses as determined by the Zoning official (or the Zoning official's designee) to be:

Comment [CCBCC44]: Added for consistency

- ai. Appropriate by reasonable implication and intent of that district;
- bii. Similar to another use either explicitly permissible in that district or allowed by special exception; and
- ciii. 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.~~

(vi.8) Development Standards

The following development standards shall apply in the MMF districts.

Comment [CCBCC45]: New chart replaces old chart

	<u>MMF-5</u>	<u>MMF-7.5</u>	<u>MMF-10</u>	<u>MMF-12</u>
<u>Lot (min.) except as otherwise permissible</u>				
<u>Lot area (sq. ft.)</u>	<u>8,712</u>	<u>7,500</u>	<u>7,500</u>	<u>7,500</u>
<u>Lot width (ft.)</u>	<u>80</u>			
<u>Yard setbacks (min. ft.)</u>				
<u>Front</u>	<u>30</u>			
<u>Side (interior)</u>	<u>Half the building height (as measured by section 3-9-298(c)(7), but no less than 10</u>			
<u>Side (abutting a road)</u>	<u>15</u>			
<u>Rear (interior)</u>	<u>Half the building height (as measured by section 3-9-298(c)(7), but no less than 15</u>			
<u>Rear (abutting a road)</u>	<u>15</u>			
<u>Rear (abutting greenbelt)</u>	<u>15</u>			
<u>Side & rear (abutting all water except the Gulf of Mexico)</u>	<u>3520</u>			
<u>Side & Rear (abutting the Gulf of Mexico)</u>	<u>50</u>			
<u>Bulk (max.)</u>				
<u>Lot coverage</u>	<u>35%</u>			
<u>Building Width or length (abutting water)</u>	<u>200 ft.</u>			
<u>Building height</u>	<u>52 ft. or and 3 stories of livable space</u>			
<u>Density (units/acre)</u>	<u>5</u>	<u>7.5</u>	<u>10</u>	<u>12</u>

Comment [CCBCC46]: Changed to 20 feet for consistency with other zoning districts and with the waterfront ordinance

~~(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.~~

Comment [rr47]: This method of calculating density reduces development rights, which poses legal problems

~~(C) Waterfront code section moved to (k)(1)(B)~~

~~(9) Building height. Included in table above.~~

~~(10) "No-fill" areas. This section moved to (k)(1)(C).~~

~~(11) Pilings for structures. Language removed in its entirety due to conflict with FL Building Code~~

vii.(12) Setbacks, Driveways and green-space.Landscaping

~~(1A) All setbacks shall be landscaped. Ten percent of the front yard shall be landscaped with living plant material. Foundation plantings shall be installed around buildings to soften their appearance from off-site view.~~

Comment [CCBCC48]: Added language is from Section 8.9 of Community Plan.

~~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.~~

~~(2B) Sidewalks and opaque walls or fences are permissible within the setback areas.~~

Comment [CCBCC49]: Allows sidewalks, fences and walls in setbacks

~~3) 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 crossover no greater than 24 feet in width is permissible within the front yard setback. 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.~~

Comment [CCBCC50]: Language eliminated as repeat of #1 above "all setbacks shall be landscaped"

~~(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.~~

Comment [CCBCC51]: Language eliminated as repeat of #1 above "all setbacks shall be landscaped"

~~(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.~~

Comment [CCBCC52]: "Buffer strips" replaced with "landscaping". The following 2 sentences will be researched for compliance with community plan language.

~~(4E) Setback areas Buffer strips in MMF districts shall not contain conventional detention ponds. Landscaping used in conjunction with low impact stormwater management techniques is permissible areas.~~

Comment [CCBCC53]: Language clarified

~~(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.~~

Comment [CCBCC54]: Language removed, inconsistent with Section 1.8 of Community Plan

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

Comment [CCBCC55]: This section moved to (k)(2)(E)

viii.(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(hk)(21)(F) and 3-9-53(n) of the Manasota and Sandpiper Key overlay code.~~

~~(14) Buffer strips. This paragraph removed, is repeat of section (12)(F) above~~

(C) Manasota Multi-Family Tourist (MMF-T) zoning and land uses.—

Comment [rr56]: This section moved from section (l)

1.(1) Establishment of Zoning District; (2) Intent.

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

ii.(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) ~~category classifications~~ applicable to the land. Generally, permissible uses in the MMF-T district include:

- ~~(1A)~~ All principal permissible uses in the MMF district.
- ~~(2B)~~ Hotels, motels and tourist accommodations.
- ~~(3C)~~ Docking areas and other uses served by potable water and central sewer which protect the environmental qualities of Manasota and/or Sandpiper Key, but excluding: live aboard areas ~~or~~ fuel/lubricant sales.
- ~~(4D)~~ Essential and emergency services.

Comment [rr57]: Sentence rearranged for clarity

iii.(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.

iv.(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.

v.(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 this ~~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):~~

- ~~(1A)~~ Private clubs.
- ~~(2B)~~ Rental of non-motorized water recreational equipment.
- ~~(3C)~~ Restaurants.

vi.(7) Development Standards.

The following development standards shall apply in this district:

<u>Lot Requirements</u>	<u>MMF-T</u>
<u>Lot (min.) except as otherwise permissible</u>	-
<u>Lot area (sq. ft.)</u>	<u>10,000</u>
<u>Lot width (ft)</u>	<u>100</u>
<u>Yard setbacks (min. ft.)</u>	-
<u>Front</u>	<u>30</u>
<u>Side (interior)</u>	<u>Half the building height (as measured by section 3-9-2), but no less than 10</u>
<u>Side (abutting a road)</u>	<u>15</u>
<u>Rear (interior)</u>	<u>Half the building height (as measured by section 3-9-2), but no less than 15</u>
<u>Rear (abutting a road)</u>	<u>15</u>
<u>Rear (abutting greenbelt)</u>	<u>15</u>
<u>Side & rear (abutting water)</u>	<u>35</u>
<u>Bulk (max.)</u>	-
<u>Lot coverage</u>	<u>35%</u>

Comment [rr58]: Recognized as an error, should be same language as other tables

Comment [rr59]: Recognized as error, should be consistent with other tables

Building height	-
Residential/Mixed Use	52 ft or and 3 stories
Commercial	43 ft or and 2 stories
Density (units/acre)	6

Comment [rr60]: A-C are incorporated in table above

~~(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.~~

Comment [CCBCC61]: Addressed in section vii below

~~(E) Section 3-9-53(n), Fire hydrants, **Removed, fire hydrant placement regulated by county code Article 1, Section 3-3**~~

~~(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.~~

Comment [CCBCC62]: This language will be researched for consistency with community plan.

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

Comment [rr63]: Language revised in section viii below.

~~(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.~~

Comment [CCBCC64]: Building height addressed in table above

~~(J) Section 3-9-53(f)(11), Pillings for structures, **Language removed in its entirety due to conflict with FL Building Code**~~

Comment [rr65]: This sentence is addressed in county code

~~(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. Neither a structure nor any portion thereof shall be erected or shall encroach or overhang upon the required setbacks.~~

Comment [rr66]: This has been moved to the definition section

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

Comment [CCBCC67]: Language revised in section vii below.

~~(M) "No fill" areas. **Moved to section (k)(1)(C)**~~

Comment [rr68]: Language removed as unenforceable in zoning code

vii. Setbacks, Driveways and Landscaping

Comment [CCBCC69]: Sections vii and viii added for consistency with MMF district

~~1) All setbacks shall be landscaped. Ten percent of the front yard shall be landscaped with living plant material. Foundation plantings shall be installed around buildings to soften their appearance from off-site view.~~

~~2) Sidewalks and opaque walls or fences are permissible within the setback areas.~~

~~3) One (1) driveway crossover no greater than 24 feet in width is permissible within the front yard setback.~~

~~4) Setback areas shall not contain conventional detention ponds. Landscaping used in conjunction with low impact stormwater management techniques is permissible.~~

viii. Parking Requirements

~~1) For multifamily residences that have been constructed according to FEMA regulations, parking that abuts Gulf Boulevard, Shoreview Drive and North Beach Road is prohibited. Additional parking~~

requirements are set forth in subsection 3-9-53(k)(1)(F) of the Manasota and Sandpiper Key Code. For commercial uses, parking shall follow the requirements of section 3-9-90(d) of the county code.

2(4) Parking areas for commercial uses shall not be located closer than twenty-five (25) feet from lands zoned for single-family and multi-family uses.

(3) Commercial Zoning Districts

(A) Manasota Commercial General (MCG) zoning and land uses.

i.(1) Establishment of Zoning District; (2) Intent.

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

Comment [rr70]: This section moved from section (j)

~~(3) Amendment of zoning atlas. This section removed in its entirety, zoning atlas was amended in 2005.~~

ii.(4) Principal Uses and Structures.

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

Comment [rr71]: Language added for conformity with MMFT district

1(A) Restaurants;

2(B) Professional services;

3(C) Personal services;

4(D) Business services excluding schools, automobile brokers, and laboratories;

5(E) Retail sales and services excluding television service shops, floor covering shops, pawnshops, electrical and lighting fixture shops and pet shops. provided that all merchandise is shall be stored and displayed within fully enclosed buildings and provided further that are excluded;

Comment [rr72]: Sentence rearranged

6(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;

7(G) Private clubs;

8(H) Post offices;

9(I) Banks and other financial institutions;

10(J) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages; and

11(K) Essential and emergency services.

iii.(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.

iv.(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.

v.(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 MCG district:

Comment [CCBCC73]: Language clarified

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

1) Uses appropriate by reasonable implication and intent of this district;

2)ii. Uses S similar to another use either explicitly permissible in this district or allowed by special exception; and

3)iii. Uses N 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.~~

vi.(8) Development Standards.

The following development standards shall apply in the MCG district:

<u>Lot Requirements</u>	<u>MCG</u>
<u>Lot (min.) except as otherwise permissible</u>	-
<u>Lot area (sq. ft.)</u>	<u>12,000</u>
<u>Lot width (ft.)</u>	<u>100</u>
<u>Yard Setbacks (min. ft. except where noted)</u>	
<u>Front (max.)</u>	<u>18</u>
<u>Side (interior)</u>	<u>None</u> As measured by section 3-9-98(c)(7), but no less than 10
<u>side (abutting road)</u>	<u>20</u>
<u>Side (abutting zoning district that allows residential uses)</u>	<u>Half the building height (as determined per section 3-9-2) As measured by section 3-9-98(c)(7) or 25 ft., whichever is greater</u>
<u>Rear (abutting lot)</u>	<u>10</u>
<u>Rear (abutting road)</u>	<u>25</u>
<u>Side & rear (abutting all water except the Gulf of Mexico)</u>	<u>20</u>
<u>Side & rear (abutting the Gulf of Mexico)</u>	<u>50</u>
<u>Bulk (max.)</u>	
<u>Lot coverage</u>	<u>50%</u>
<u>Building length or width (abutting water)</u>	<u>200 ft.</u>
<u>Building height</u>	<u>43 ft or and 2 stories</u>

Comment [rr74]: Table replaces section (A) Development Standards paragraph

~~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.~~ **Included in table above.**

vii. Setbacks and Landscaping

1)(C) ~~All setbacks shall be landscaped. Ten percent of the front yard shall be landscaped with living plant material. Foundation plantings shall be installed around buildings to soften their appearance from off-site view. Landscape buffers and screening shall be required in this district in accordance with the provisions of Article XXII, Chapter 3-5 of the County Code, as may be amended.~~ ~~buffer code.~~

2) ~~Sidewalks and opaque walls or fences are permissible within the setback areas.~~

(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.~~

Comment [CCBCC75]: This is a county code provision

- ~~(E)~~ **Waterfront code paragraph moved to section (k)(1)(B)**
- ~~(F)~~ **Building height. Included in table above**
- ~~(G)~~ **Pilings for structures. Language removed in its entirety due to conflict with FL Building Code**
- ~~(H)~~ **"No Fill" areas. Moved to section (k)(1)(C)**

viii. Parking Requirements

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

- ~~(B)~~ **Manasota Commercial Tourist (MCT) zoning and land uses.**
- ~~i.(1)~~ **Establishment of Zoning District: ~~(2)~~ Intent.**

Comment [rr76]: This section moved from section (i)

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

- ~~(3)~~ **Amendment of zoning atlas. This section removed in its entirety, zoning atlas was amended in 2005.**

ii.(4) Principal Uses and Structures.

Comment [CCBCC77]: Language revised for clarity

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

- ~~1(A)~~ Hotels and motels.
- ~~(B)~~ ~~Multiple family dwellings.~~
- ~~2(C)~~ Professional and business services.
- ~~3(D)~~ Restaurants, pharmacies/drug stores, gift shops.
- ~~4(E)~~ Essential and emergency services.
- ~~5(F)~~ Convenience stores.
- ~~6(G)~~ Private clubs.

Comment [rr78]: This use removed as it is inconsistent with the commercial FLUM

iii.(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.

iv.(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.

v.(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:

- ~~(1A)~~ Nonmotorized recreational rentals.
- ~~(2B)~~ Retail sales and services not otherwise permitted.

~~(3C)~~ 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.

~~(4D)~~ 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.

~~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.~~

vi.(8) Development Standards.

The following development standards shall apply in the MCT district: **Table below replaces development paragraph.**

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

vii.(9) Setbacks and Landscaping ~~buffers and screening~~

1) All setbacks shall be landscaped. Ten percent of the front yard shall be landscaped with living plant material. Foundation plantings shall be installed around buildings to soften their appearance from off-site view. Landscape buffers and screening shall be required in this an MCT-district in accordance with the provisions of Article XXII, Chapter 3-5 of the ~~buffer County eCode, as may be amended.~~

2) Sidewalks and opaque walls or fences are permissible within the setback areas.

3) If an MCT district abuts a residential district, no structure other than screening required by Article XXII, Chapter 3-5 of the ~~buffer County eCode~~ shall be erected closer ~~to~~ the abutting residential

district) than ~~the greater of twenty-five (25) feet or the building height, whichever is greater of the building upon the abutting residentially zoned property.~~

~~(10) *Pilings for structures.* Language removed in its entirety due to conflict with FL Building Code~~

~~(11) *"No Fill" areas.* Moved to section (k)(1)(C)~~

(4) Special Purpose District

(Am) Manasota Provisions for pPlanned dDevelopments Zoning and Land Uses (MPD) on Manasota and Sandpiper Key.

Comment [rr79]: This section moved from section (m). Language throughout this MPD section revised for clarity

i.(1) Establishment of Zoning District: (2) Intent. *planned developments.*

~~The Manasota Planned Ddevelopments zoning district is hereby established. (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). 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.~~

ii.(4) Principal Uses and Structures.

Comment [CCBCC80]: Language clarified, references to previous zoning removed

Uses and structures permissible under the MPD district shall be equivalent to those that would otherwise be permissible on the property or properties prior in lands subject to the rezoning to a MPD. ~~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.~~

iii.(5) 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(4), above, are permissible in this district. Where a MPD contains residential uses, noncommercial then piers, docks and wharves are allowed 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.~~

Comment [rr81]: Sections 6 and 7 not needed in PD section

~~(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.~~

iv.(8) 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:

<u>Lot requirements</u>	<u>MPD</u>
<u>Lot (min.) except as otherwise permissible</u>	-
<u>Lot area (sq. ft.)</u>	150,000
<u>Yard setbacks (min. ft.)</u>	-
<u>Front</u>	40
<u>Side, Rear or between structures</u>	25 ft or half the building height, as defined in this section
<u>Abutting water other than the Gulf of Mexico</u>	25 ft or half the building height, as defined in this section
<u>Abutting the Gulf of Mexico</u>	50
<u>Bulk (max.)</u>	-
<u>Lot coverage</u>	35%
<u>Building length or width (abutting water)</u>	200 ft.
<u>Max. FAR</u>	0.6
<u>Building height</u>	43 ft or and 2 stories for land previously zoned MSF, and 52 ft or and 3 stories for land previously zoned for districts which allowed such height.

Comment [CCBCC82]: Table added for clarity

2) ~~This~~ Floor-area ratio shall be calculated excluding all submerged portions of the MPD site.

3) ~~Mixed use~~ developments will adhere to the fifty-two (52) foot height limit and will include one floor of commercial use.

4) ~~MPD projects will be designed to be compatible with existing development in the area and shall be adaptable to natural features of the area. Compatibility shall mean that development, whether new construction or an addition, should be architecturally and environmentally in scale, setting and character with the neighborhood into which it is placed.~~

v. Setbacks and Landscaping

~~(1A)~~ 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~~ 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.~~

~~(2C) 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.~~

~~(3D) 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 only one (1) main point of access and one emergency entrance per contiguous land rezoned to MPD.~~

~~(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

~~(5F) When the minimum setbacks in subsection iv.1(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.~~

~~(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, Removed, fire hydrant placement regulated by county code Article 1, Section 3-3~~

~~(6N) Setbacks Buffers shall contain landscaped green areas, and shall not contain any other land covering or structures, unless such coverings or structures are expressly permissible by theis overlay code. Front and rear yard areas may contain pools meeting the minimum setbacks set forth in subsection iv.1(E), as it may be amended or replaced.~~

~~Neither a structure nor any portion thereof shall be erected or shall encroach or overhang upon the required setbacks.~~

~~(7Q) Density bonuses. Density bonuses as outlined in subsection 3-9-49(c)(2)(b) shall not be applicable in the Manasota and Sandpiper Key Code Zoning District Overlay.~~

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

vi. Parking Requirements

~~(1J) All land coverings, including parking and circulation areas, must be previous. This requirement shall not apply to areas under the footprints of approved structures.~~

~~(2K) 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.~~

~~(3L)~~ 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, **Language removed in its entirety due to conflict with FL Building Code**

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

~~(P)~~ "No fill" areas. **Moved to section (k)(1)(C)**

(k) Manasota and Sandpiper Key Zoning Districts Overlay

(1e) Site design requirements.

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

Comment [CCBCC83]: Moved from section (o)

(A7) Coastal Construction; Uniform Construction Line.

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

Comment [CCBCC84]: Moved from section (h)

2) 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.

(BC) Waterfront code applicability. 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 Manasota and Sandpiper Key overlay eCode and the waterfront ordinance, the more restrictive section shall apply.

Comment [CCBCC85]: Consolidated from zoning district sections

(C10) "No-fill" Areas. The Multifamily areas affected by this Manasota and Sandpiper Key Code is hereby designated as a "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.

Comment [CCBCC86]: Consolidated from zoning district sections

(D3) 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.

Comment [CCBCC87]: Moved from section (h)

(E5) Interior yards 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.

Comment [CCBCC88]: Moved from section (h)

~~(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.~~

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

(Fr) Off-Street Parking.

~~(1A) Each residential dwelling unit shall provide a minimum of two (2) spaces per unit.~~

~~(2B) In addition to the parking requirement in subsection 3-9-53(h)(A), mMultifamily 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.~~

Comment [CCBCC89]: Consolidated from section (h) and (n)

~~(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.~~

~~(3G) New private roads and parking shall be paved with crushed shell, stone, brick and other porous materials. Porous surfacing must be in accordance with the latest technology allowed by permitting districts on a bed of sand designed and installed in a manner that will permit maximum water absorption into the ground 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. This requirement shall not apply to areas under the footprints of approved structures.~~

~~(4F) To the greatest extent possible, parking on side yards should be screened from view.~~

~~(5H) Leasing or rental of properties on the islands for short-term parking or long-term storage of vehicles or trailers is prohibited.~~

~~(6I) Beach access points on the islands shall not be obstructed by parked cars or any other barriers.~~

~~7) 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.~~

~~(G6) **DRC Open Space/Habitat** (not applicable to the MPD zoning district). All development that is subject to DRC approval site plan review 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.~~

Comment [CCBCC90]: Moved from section (h)

~~(n) **Fire hydrants.** This entire section has been deleted as it is regulated by County Code, Article 1, Section 3-3~~

~~(t) **Signs.** This entire section has been deleted because it duplicates County sign code and, in addition, also may contain illegalities.~~

(2u) Architectural Design Standards.

~~(1) Intent. These Ddesign standards shall be applicable to all new development and to alterations or additions to existing structures exceeding fifty (50) percent of the replacement value of the structure on Manasota and Sandpiper Key. as expressed in this section. These design standards generally~~

Comment [CCBCC91]: Language revised for clarity

~~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. A variance from these architectural design standards shall be permitted only for air conditioning and heating unit placement (F)6c.~~

Comment [CCBCC92]: Will revise to reflect community plan

(2) Applicability. ~~This section has been removed pending revisions to reflect Community Plan language.~~

~~(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.~~

Comment [CCBCC93]: Removed as redundant language

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

Comment [CCBCC94]: Revised to reflect Section 8.7.A of the community plan

- ~~1(4)~~ 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.
- ~~2(4)~~ 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.
- ~~3(4)~~ 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.~~

(BC) Building and facade materials and design.

~~Building facades shall be constructed, maintained and improved according to all of the following:~~

Comment [CCBCC95]: Revised to reflect section 8.1 of community plan

- ~~1(4)~~ 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 ~~discouraged, 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.~~

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

2(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.~~ Trim requirements may be waived if the advisory committee or site plan review committee determines the building type to be a clearly defined architectural style where trim would not be appropriate.

~~3(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.~~

~~4(E)~~ Windows shall be placed on all facades and exterior walls.

~~5(F)~~ All buildings shall have a clearly defined building entrance.

~~6(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.~~

~~7(H)~~ Roofs shall be constructed, maintained and repaired with the following standards:

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

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

~~c.(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.

~~d.(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.

(C) Architectural Accents

1(4) Chimneys shall be constructed within the height limitations and must be vertical.

2(ii) Awnings shall be permanently fixed or retractable awnings over private property and shall have a minimum clearance of eight (8) feet above a sidewalk or walkway and eighteen (18) feet above any driveway.

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

4(iii) Wall art is permitted on exterior walls but strongly discouraged from the front building facade. All wall art visible from public streets should reflect the ~~abutting roadways shall be approved by the architectural review committee. And be in community~~ character or with the coastal setting.

Comment [CCBCC96]: Revised to reflect Section 8.3 of community plan

~~5(v)~~ 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 or walkways.

~~6(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.

~~7(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.

(DJ) 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.~~

~~1(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 ~~accept accent~~ lights that are directed upward to softly illuminate landscaping).

~~2(iii)~~ Fixtures for lighting areas should follow a consistent design theme. Dramatically different styles shall be avoided.

~~3(iv)~~ Light globes must not protrude below shades. Light shades must screen the point source of light to minimize sky glow.

~~4(v)~~ Exterior low level lights should be provided for pedestrian safety.

~~5(vi)~~ Fixtures shall adhere to state, county and local requirements.

~~6(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).

~~7(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.

~~8(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.

(EK) Fencing and Walls.

~~Yard fences and walls shall be constructed, maintained and repaired consistent with the following standards:~~

~~1(i)~~ Materials should resemble wood, wrought iron masonry ~~and/or~~ PVC.

~~2(ii)~~ Chain-link fencing is prohibited ~~except that C~~coated chain link fencing ~~shall only be is~~ permissible to enclose tennis courts and/or swimming pools. ~~(4) Chain-link fences. Except, as provided in this subsection, Chain-link fencing may be utilized for the perimeter of a tennis court or swimming pool~~ and ~~as~~ 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 Growth Management~~ Department.

~~3(iii)~~ Unfinished concrete block shall be prohibited. Concrete block walls shall be split-faced, or finished, and capped.

~~4(iv)~~ Wood fences and walls shall be pressure-treated to prevent deterioration and rot.

Comment [CCBCC97]: Revised to reflect Section 8.4 of community plan

Comment [CCBCC98]: Revised to reflect section 8.5 of community plan

~~5(v)~~ Solid walls and fences on or near the periphery of a lot should maintain shall contain openings that may be utilized by wildlife. Openings at least nine (9) inches wide and six (6) inches tall must be created at the bottom every twenty-five (25) feet ~~of a minimum of~~ to allow for wildlife movement.

~~6(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.

~~7(vii)~~ Fences and walls forward of the front building facade shall not exceed four (4) feet in height.

~~8(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.

(FL) Accessory Structures.

~~Accessory structures shall be installed, constructed, maintained and repaired consistent with all of the standards below:~~

~~(iii) Accessory structures shall not be located forward of the front building facade.~~

~~1(iv)~~ Sheds, gazebos, cabanas, decks and animal houses shall not be installed forward of the front building facade.

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.

~~c.(f)~~ Sheds, gazebos, cabanas, decks and animal houses ~~Accessory structures~~ shall not be located within the setbacks~~buffer area~~.

~~d.(ii)~~ All ~~accessory~~ structures shall be securely anchored to the ground.

~~2(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.

~~3(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 into~~on~~ setbacks areas, buffers or buffer strips.

~~4(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 County Code requirements.

~~5(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.

~~i.~~ In the event ~~C~~community mailboxes are installed and mail delivery is available to properties at the community mailboxes, when available, shall be used for single family residences. No individual mailbox shall be installed along in the public rights-of-way~~when group boxes are available~~.

~~(ii)~~ Multi-family and multi-unit commercial properties development shall use provide group mailbox structures on-site and off the public right-of-way.

Comment [CCBCC99]: Revised to reflect section 8.6 of community plan

d.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.

(GM) 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.~~

Comment [CCBCC100]: Revised to reflect section 8.9 of community plan

1(f) A landscaping plan is required at the time of application submittal for single family or duplex developments~~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.~~

2(iii) All front, side and rear setbacks buffer areas ~~shall be treated with Florida friendly landscape material.~~

(H4) 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.

(1A) Primary building entrances shall be oriented to adjacent roadways.

(2B) Principal buildings shall include a permeable pedestrian pathway along the ~~i~~ front facade linking site to adjacent parking.

(3C) 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.

(4D) Drive-thru facilities shall be prohibited.

(5E) 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.

(6F) 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.

(7G) 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.

(8H) Vending machines, sales booths, media racks and other merchandise displays and utility concessions.

(a.i) Vending machines for beverages, food and sundries intended for merchandise sales and display shall be installed, constructed and ~~r~~eplaced 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.

(b.ii) Washing machines, dryers, and refrigeration units shall be prohibited outside of a fully enclosed structure.

(c.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.~~

Comment [CCBCC101]: Revised to reflect Section 8.6.1 of community plan. MSTU has no jurisdiction over media racks

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