



MEMORANDUM

Date: June 25, 2013

To: Charlotte County Board of County Commissioners
Planning and Zoning Board

From: Shaun Cullinan, Planning Manager
Growth Management Department

Subject: Manasota and Sandpiper Key Zoning and Overlay

Growth Management is bringing forward a revision to Section 3-9-53, Chapter 3-9, Article XXXIII, of the Code of Laws and Ordinances of Charlotte County. These revisions have been completed by citizens of Manasota and Sandpiper Key and have been recommended for approval by the Manasota and Sandpiper Key Advisory Committee.

The version submitted by the Advisory Committee has been reformatted by staff to fit the codification requirements. The following changes to the Use Table were also made.

- Changed PC to SE – no Permitted with Conditions in existing code
- Removed Public Building from MES
- Under MCG, made Public Buildings a Special Exception
- Changed "No Lodge, private club. Limited to beach clubs without food or sundry sales" to "Beach clubs without food or sundry sales"
- Changed "Sports marina prohibited. Resort Marina allowed with restrictions" to "Resort Marina"

ORDINANCE
NUMBER 2013- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING SECTION 3-9-53, CHAPTER 3-9, ARTICLE II, DISTRICT REGULATIONS; PROVIDING FOR REVISED DEFINITIONS, ESTABLISHMENT, INTENT, BOUNDARY, CONFLICT WITH OTHER ORDINANCES, ZONING DISTRICT USE AND DEVELOPMENT STANDARDS, SITE DESIGN STANDARDS, ARCHITECTURAL STANDARDS, PILE DRIVING STANDARDS AND SIGN STANDARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

1 **Section 1.** Section 3-9-53, Chapter 3-9, Article XXXIII, of the Code of Laws and Ordinances of Charlotte
2 County, Florida is hereby amended by adding the underlined language and by deleting the stricken language to
3 provide as follows:
4

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

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

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

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

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

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

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

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

21 ~~*Buffer strip* shall mean a side setback of at least ten (10) feet in width located immediately adjacent and~~
22 ~~parallel to the side lot boundary consisting of green, open areas without surfaces, driveways or private roads.~~

23 ~~A buffer strip of a corner lot abutting at least two (2) public roads may contain a sole driveway crossover~~
24 ~~provided said driveway crossover shall be the only vehicular access permitted for said parcel. Buffer strips~~
25 ~~meet the requirements of the buffer code and include vegetation that screens new development from existing~~

1 ~~development.~~

2 ~~BZA shall mean the Charlotte County Board of Zoning Appeals.~~

3 ~~Building setback calculation shall mean the methodology used in the Overlay Code to determine the stepped~~
4 ~~setback required from the property line for a building based on building height and stepped setback~~
5 ~~calculation points.~~

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

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

10 ~~County Code shall mean the Charlotte County Code of Laws and Ordinances.~~

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

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

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

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

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

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

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

24 ~~Height, Building or Structure in this Code shall mean the distance from 0 feet NAVD or 0 feet NAVD~~
25 ~~conversion to the top of the highest constructed element that includes structure, rooftop livable space and~~
26 ~~appurtenances. Maximum building height shall not exceed forty-three (43) feet of structure height for MSF,~~
27 ~~MCG and MCT-Commercial Districts and fifty-two (52) feet of structure height for MMF and MCT-residential~~
28 ~~Districts.~~

29 ~~Highest constructed element shall mean the highest point of a building or the highest point of any rooftop~~
30 ~~livable space or appurtenances thereto. Appurtenance includes but is not limited to ornamental fixtures and~~
31 ~~fittings and rooftop equipment such as chimneys, antennas, cupolas, elevator shafts and other mechanical or~~
32 ~~communications equipment. Rooftop livable space includes all usable area upon or above the roof of a~~
33 ~~building such as decks, swimming pools, walls, fences and railings.~~

34 ~~Islands shall mean the Charlotte County portion of Manasota Key and all of Sandpiper Key situated south of~~
35 ~~the Sarasota-Charlotte County line, west of the Tom Adams Bridge, north of Stump Pass Beach Park and~~
36 ~~east of the Gulf of Mexico.~~

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

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

Manasota and Sandpiper Overlay District shall mean the Manasota Key Zoning District Overlay Code established by section 3-9-53 and as amended into the County Code.

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

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

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

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

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

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

Maximum Building Height within the Manasota and Sandpiper Key Overlay District shall mean the building height shall be measured from 0 feet NGVD (or NAVD conversion) to the top of the highest constructed element.

Maximum Building Height Calculation means the height of a building measured from Zero NGVD or NAVD conversion to the top of the highest constructed element which is the highest point of a building or the highest point of any rooftop livable space or appurtenances thereto.

Minimum Finished Floor Elevation shall mean a distance three (3) feet above the base flood elevation of a structure.

(NAVD 88) which is the vertical control datam established in 1991 by the minimum-constraint adjustment of the Canadian-Mexican-U.S. leveling observations. Conversion software

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

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

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

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

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

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

Rooftop livable space shall mean all usable areas upon or above the roof of a building including but not

1 limited to decks, swimming pools, fences and railings.

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

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

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

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

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

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

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

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

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

21
22 (b) *Establishment; short title.* The Manasota Key Zoning District Overlay Code is hereby established. The short
23 title of this section shall be the "Manasota Key ~~Zoning District~~ Overlay Code."

24
25 (c) *Intent.* The intent of the Manasota Key overlay code is to ~~serve as a vehicle for the~~ implementation of
26 ~~initiatives for the~~ goals, objectives, and policies of the Manasota Key Community Plan to preservation, and
27 protect the existing low-density development and to blend future development with it in an appropriate
28 manner, conservation and future development of the islands as contemplated by the plan in a manner that is
29 consistent with board policy.

30
31 (d) *Boundary.* The area affected by the is Manasota Key overlay code shall be the ~~geographical boundaries of~~
32 the islands as set forth in the definition of "islands" in subsection 3-9-53(a) above area depicted as Manasota
33 and Sandpiper Key on Smart Charlotte 2050 FLUM Series Map #9: Barrier Island Overlay District.

34
35 (e) *Applicability; conflict with other ordinances.* The overlay code shall apply to development and redevelopment
36 on the islands together with all other matters referenced in the overlay code. The terms development and
37 redevelopment shall be construed liberally and shall include any plat, special exception, variance, DRC

1 approval, site plan approval, building or sign permit, or any other official action of Charlotte County that has
2 the effect of permitting development and/or redevelopment or any application for any of the preceding
3 matters. The overlay code shall apply to the preceding matters notwithstanding the application of another
4 provision(s) of the County Code to said matters. Except where expressly provided herein, the terms of the
5 overlay code shall supersede and control in the event and to the extent of a conflict between the overlay code
6 and another provision of the County Code. State and Federal requirements that are more stringent shall
7 supersede the overlay code standards (e.g., Turtle and ADA requirements) ~~The Manasota Key Zoning District~~
8 ~~Overlay shall incorporate several zoning districts which shall be the only permissible districts as contained~~
9 ~~within this section. Zoning districts which are prohibited within the Manasota Key Zoning District Overlay~~
10 ~~include, but are not limited to, the following, as these districts may be replaced or amended:~~

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

21

22 Zoning Districts

23 The following zoning districts are the only zoning districts permitted within with Manasota and Sandpiper Key
24 Overlay District and shall only be permitted in the Manasota and Sandpiper Key Overlay District:

25 (1) Open Space & Rural Districts

26 Manasota Environmentally Sensitive (MES)

27 (2) Residential Districts

28 Manasota Single-Family 1 (MSF-1)

29 Manasota Single-Family 3.5 (MSF-3.5)

30 Manasota Single-Family 5 (MSF-5)

31 Manasota Multifamily 5 (MMF-5)

32 Manasota Multifamily 7.5 (MMF-7.5)

33 Manasota Multifamily 10 (MMF-10)

34 Manasota Multifamily 12 (MMF-12)

35 (3) Commercial Districts

36 Manasota Commercial General (MCG)

37 Manasota Commercial Tourist (MCT)

1 (4) Special Districts

2 Manasota Planned Development (MPD)

3
4 **(f) Intent of Manasota and Sandpiper Key Overlay Zoning Districts:**

5 (1) The intent of the MES district is to preserve and protect certain land and water areas which have
6 overriding ecological, hydrological, physiographic importance to the public at large. It is intended to
7 preserve and protect open spaces, park lands, wilderness areas, marshlands, watersheds and water
8 recharge areas, scenic areas, beaches and native flora and fauna. It is intended to allow limited
9 public/private recreational/educational uses and their incidental accessory uses and structures, but
10 trailers are prohibited.

11 (2) The intent of the MSF district is to provide single-family residential dwellings and for other uses normally
12 associated with single-family residential dwellings. Nothing herein is intended to prevent the grouping of
13 lots or parcels for residential single-family uses.

14 (3) The intent of the MMF district is to provide low-or medium-density residential districts with emphasis on
15 multifamily use. There are variations among the MMF districts in requirements which include differing lot
16 areas, width, yards and uses.

17 (4) The intent of MCG district is to provide areas in which the customary and traditional conduct of trade,
18 retail sales and commerce may be carried on without disruption by the encroachment and intrusion of
19 incompatible residential uses and protected from the adverse effects of undesirable industrial uses.

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

27 (6) The intent of the MPD is to provide an alternative method to develop otherwise permissible a land use in
28 a manner that is flexible yet accomplishes the goals of the Manasota Key Community Plan.

29
30 **(g) District Development Standards**

31 **(1) Open Space and Rural Standards**

	MES
<u>Lot (min.)</u>	
<u>Lot area inside Urban Service Area (acres)</u>	<u>10</u>
<u>Lot area outside Urban Service Area (acres)</u>	<u>40</u>
<u>Lot Width (ft.)</u>	<u>250</u>
<u>Yard (min. ft.)</u>	

<u>Front</u>	<u>25</u>
<u>Side</u>	<u>20</u>
<u>Rear</u>	<u>20</u>
<u>Abutting water</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>Height (ft.)</u>	<u>43</u>
<u>Density inside Urban Service Area (units per acre)</u>	<u>0.1</u>
<u>Density outside the Urban Service Area (units per acre)</u>	<u>0.025</u>

- 1
- 2 A. Only one driveway crossover is permitted within the front yard setback.
- 3 B. Maximum building height shall not exceed forty-three (43) feet of structure height as measured from
- 4 Zero feet NGVD or Zero feet NAVD conversion to the top of the highest constructed element that
- 5 includes structure, rooftop livable space and appurtenances. Building height calculations are
- 6 contained under the development standards of this Code.
- 7 C. The property shall be maintained in natural vegetation rather than landscaped.
- 8 D. Temporary portable structures shall be prohibited in this district.
- 9

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

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

12 ~~hereby established.~~

13 ~~(2) *Intent.* The MSF districts shall be used for single-family residential dwellings and for other uses normally~~

14 ~~associated with single-family residential dwellings. Each lot lawfully created as of the effective date of the~~

15 ~~overlay code shall contain no more than one (1) freestanding dwelling unit for use by one (1) family.~~

16 ~~Nothing herein is intended to prevent the grouping of lots or parcels for residential single-family uses.~~

17 ~~There are variations among the MSF districts in requirements which include differing lot areas, width,~~

18 ~~yards and uses.~~

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

20 ~~(A) Areas of the island that are presently zoned RSF-1 are rezoned to MSF-1;~~

21 ~~(B) Areas of the island that are presently zoned RSF-2 are rezoned to MSF-2;~~

22 ~~(C) Areas of the island that are presently zoned RSF-2.5 are rezoned to MSF-2.5;~~

23 ~~(D) Areas of the island that are presently zoned RSF-3.5 are rezoned to MSF-3.5; and~~

24 ~~(E) Areas of the island that are presently zoned RSF-5 are rezoned to MSF-5;~~

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

26 ~~districts:~~

27 ~~(A) Single-family dwellings, excluding mobile homes.~~

1 ~~(B) Nonprofit parks and playgrounds, as well as nature trails that exclude parking.~~

2 ~~(C) Art and music instruction, provided instruction is provided to only one (1) student at a time.~~

3 ~~(D) Noncommercial boat docks.~~

4 ~~(5) Accessory uses and structures. Uses and structures that are customarily accessory and clearly incidental~~
5 ~~to the MSF principal uses and structures are also permissible within the MSF districts. Detached~~
6 ~~permanent garage structures are subject to the yard setback requirements of this overlay code. All other~~
7 ~~permissible accessory structures must be located behind the leading or foremost edge or portion of the~~
8 ~~living area of the residence and must comply with applicable yard setback requirements. Permissible~~
9 ~~accessory structures include:~~

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

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

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

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

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

24 ~~(C) Swimming pools.~~

25 ~~(D) Tennis courts.~~

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

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

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

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

36 ~~(C) One (1) guest house or one (1) servant's quarters for each single family dwelling provided the lot area~~
37 ~~shall be not less than twice the minimum lot area required for a single family dwelling. The guest~~

~~house or servant's quarters is intended for use on a temporary basis and shall not be rented for any period longer than three (3) months during any twelve-month period.~~

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

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

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

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

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

~~and~~

~~iii.—Not specifically prohibited in that district.~~

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

~~(8) Development standards.~~

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

	MSF-1	MSF-2	MSF-2.5	MSF-3.5	MSF-5
Minimum lot requirements, in square feet (except as otherwise permissible)	43,560	21,780	17,424	12,445	8,712
Width, feet	125	100	100	80	70
Front yard, feet	25	25	25	25	25
Side yard, feet:					
Interior	Half the building height (as measured by section 3-9-2), but no less than 10 feet				
Abutting a road	20	20	20	15	15
Maximum lot coverage by all buildings, percent	35	35	35	35	35
Maximum building height, feet	43	43	43	43	43
Minimum rear yard, feet					
Abutting a lot	Half the building height (as measured by section 3-9-2), but no less than 20 feet				
Abutting a road	25	25	25	25	25
Abutting a greenbelt	15	15	15	15	15
Setbacks from accessory buildings from:					
Rear lot line, feet	10	10	10	10	10
Side yard	Same as principal building				
Abutting road right-of-way line	Same as principal building				
Rear or side line abutting a waterway, feet	20	20	20	20	20

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

3 ~~(i) MSF-3.5: 12,415 square feet; and~~

4 ~~(ii) MSF-5: 8,712 square feet.~~

5 ~~(C) Where properties lie within one thousand two hundred (1,200) feet of the waters of the Gulf of~~
6 ~~Mexico, Gasparilla Sound, or Lemon Bay, structures must also be constructed in accordance with the~~
7 ~~waterfront ordinance, except for building height, which shall be determined according to subsection 3-~~
8 ~~9-53(f)(9) below.~~

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

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

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

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

24 ~~(12) Setbacks, driveways, and green space.~~

25 ~~(A) All setbacks shall be green area buffers, except where sidewalks and driveways are permissible.~~
26 ~~Neither a structure nor any portion thereof shall be erected or shall encroach or overhang upon the~~
27 ~~required setbacks.~~

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

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

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

1 the Manasota Key Zoning District.

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

4 ~~(13) Parking requirements.~~

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

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

9 **(2) Residential District Standards**

10 **A. Single-family**

	<u>MSF-1</u>	<u>MSF3.5</u>	<u>MSF-5</u>	<u>Any Non-Conforming Lot</u>
<u>lot (min)</u>				
<u>Lot area (sq.ft.)</u>	<u>43,560</u>	<u>12,445</u>	<u>8,712</u>	<u>Less than 8,712</u>
<u>Lot Width (ft.)</u>	<u>125</u>	<u>80</u>	<u>70</u>	<u>Less than 70</u>
<u>Yard (min. ft.)</u>				
<u>Front</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Side yard (interior)</u>	<u>Stepped/10 See Below</u>	<u>Stepped/10 See Below</u>	<u>Stepped/10 See Below</u>	<u>10</u>
<u>Side Yard (street)</u>	<u>20</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Rear yard (interior)</u>	<u>Stepped/20 See Below</u>	<u>Stepped/20 See Below</u>	<u>Stepped/20 See Below</u>	<u>10</u>
<u>Rear Yard (street)</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Abutting water</u>	<u>20/50GM See Below</u>	<u>20/50GM See Below</u>	<u>20/50GM See Below</u>	<u>20/50GM See Below</u>
<u>Peripheral Landscape Strip</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Bulk (max.)</u>				
<u>Lot coverage</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>
<u>Height (ft.)</u>	<u>43 See Below</u>	<u>43 See Below</u>	<u>43 See Below</u>	<u>43 See Below</u>
<u>Density (units per acre)</u>	<u>1</u>	<u>3.5</u>	<u>5</u>	<u>Same as District</u>

11
12 a. Side interior setbacks shall be stepped back as a function of building height as measured by the
13 setback calculation provisions under the development standards of this Code, but shall be no less
14 than 10 feet.

15 b. Rear interior setbacks shall be stepped back as a function of building height as measured by the
16 setback calculation provisions under the development standards of this Code, but shall be no less
17 than 20 feet.

18 c. Side and rear yards that abut any water but the Gulf of Mexico shall be at least 20 feet, and those
19 that abut the Gulf of Mexico (GM) shall be at least 50 feet.

20 d. Setback calculation provisions are contained under the development standards of this Code.

1 e. Maximum building height shall not exceed forty-three (43) feet of structure height as measured
2 from Zero feet NGVD or Zero feet NAVD conversion to the top of the highest constructed element
3 that includes structure, rooftop livable space and appurtenances. Building height calculations are
4 contained under the development standards of this Code.

5 f. All properties shall have front, side and rear peripheral landscape strips of no less than 10 feet.
6 Peripheral landscape strip and parking standards are contained under the development
7 standards of this Code. Parking and driveway requirements are specified under the architectural
8 standards of this Code.

9 g. All non-conforming lots less than 70 feet in width or less than the District minimum lot area
10 required shall have front, side, and rear peripheral landscape strips of no less than 10 feet.

11
12 ~~(g) Manasota multifamily (MMF) zoning and land uses.~~

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

15 ~~(2) Intent. MMF districts are intended to be low or high density residential districts with emphasis on~~
16 ~~multifamily use. There are variations among the MMF districts in requirements which include differing lot~~
17 ~~areas, width, yards and uses.~~

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

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

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

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

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

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

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

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

27 ~~(B) Two-family dwellings;~~

28 ~~(C) Multiple family dwellings;~~

29 ~~(D) Cluster houses;~~

30 ~~(E) Townhouses; and~~

31 ~~(F) Patio houses.~~

32 ~~(5) Accessory uses and structures. Uses and structures that are customarily accessory and clearly incidental~~
33 ~~to the MMF principal uses and structures are also permissible within the MMF districts.~~

34 ~~(6) Prohibited uses and structures. Any use or structure that is not permissible in MMF districts by way of~~
35 ~~express language, reasonable implication or by special exception shall be unlawful in MMF districts.~~

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

- ~~(A) Beach clubs provided no parking is located within any setbacks;~~
~~(B) Home occupations in accordance with section 3-9-80.1 of the zoning code; and~~
~~(C) Such other uses as determined by the zoning official (or the zoning official's designee) to be:~~
- ~~i.—Appropriate by reasonable implication and intent of that district;~~
 - ~~ii.—Similar to another use either explicitly permissible in that district or allowed by special exception;~~
- ~~and~~
- ~~iii.—Not specifically prohibited in that district.~~
- ~~The recommendation of the architectural review committee shall be considered by the zoning official (or the zoning official's designee) in connection with this determination.~~

~~(8) Development standards.~~

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

	MMF-3.5	MMF-5	MMF-7.5	MMF-10	MMF-12
Minimum lot requirements, in square feet (except as otherwise permissible)	12,445	8,712	7,500	7,500	7,500
Width, feet	80	80	80	80	80
Front yard, feet	30	30	30	30	30
Minimum side yard, feet:					
Interior	Half the building height (as measured by section 3-9-2), but no less than 10 feet				
Abutting a road	15	15	15	15	15
Side and rear abutting water, feet	35	35	35	35	35
Rear yard, feet:					
Abutting a lot	Half the building height (as measured by section 3-9-2), but no less than 15 feet				
Abutting a road	15	15	15	15	15
Maximum lot coverage by all buildings, percent	35	35	35	35	35
Maximum building height, feet	52	52	52	52	52
Maximum density, units per acre	3.5	5	7.5	10	12/15 in MCT

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

1 ~~replace single-family residences in areas zoned MSF.~~

2 ~~(C) Where properties lie within one thousand two hundred (1,200) feet of the waters of the Gulf of~~
3 ~~Mexico, Gasparilla Sound, or Lemon Bay, structures must also be constructed in accordance with the~~
4 ~~waterfront ordinance, except for building height, which shall be determined according to subsection 3-~~
5 ~~9-53(g)(9) below. In the event of a conflict between the overlay code and the waterfront ordinance,~~
6 ~~the more restrictive section shall apply.~~

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

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

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

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

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

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

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

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

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

35 ~~(F) Buffer strips within multifamily residential developments placed on any two (2) or more lots that are~~
36 ~~shown on the zoning atlas on the effective date of the overlay code shall contain the same number of~~
37 ~~buffer strips as the original lots would contain if these lots were developed individually. These buffer~~

1 ~~strips shall be shown along and parallel to the side boundaries of the project. All yards, interior~~
2 ~~setbacks and building heights shall apply to these structures, even if all buildings are part of the same~~
3 ~~development.~~

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

6 ~~(13) *Parking requirements.*~~

7 ~~(A) For multifamily residences that have been constructed (raised) according to FEMA regulations,~~
8 ~~parking that abuts Gulf Boulevard, Shoreview Drive and North Beach Road is prohibited.~~

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

11 ~~(14) *Buffer strips.* Buffer strips within multifamily residential developments placed on any two (2) or more lots~~
12 ~~that are shown on the zoning atlas on the effective date of the overlay code shall contain the same~~
13 ~~number of buffer strips as the original lots would contain if the lots were developed individually. These~~
14 ~~buffer strips shall be shown along and parallel to the side boundaries of the project. All yards, interior~~
15 ~~setbacks and building heights shall apply to these structures, even if all buildings are part of the same~~
16 ~~development.~~

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

20 ~~(1) *Parking requirements.*~~

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

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

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

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

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

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

~~(G) New private roads shall be paved with crushed shell, stone, brick and other porous materials. Porous surfacing must be on a bed of sand designed and installed in a manner that will permit water absorption through the joints and the sand bed. Walkways are permissible only when they are necessary to comply with the Americans with Disabilities Act. Asphalt paving is prohibited.~~

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

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

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

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

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

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

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

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

B. Multifamily

	<u>MMF-5</u>	<u>MMF-7.5</u>	<u>MMF-10</u>	<u>MMF-12</u>	<u>Non-Conforming</u>
<u>Lot (min.)</u>					
<u>Lot area (sq.ft)</u>	<u>8,712</u>	<u>7,500</u>	<u>7,500</u>	<u>7,500</u>	<u>Less than 7,500</u>
<u>Lot width (ft.)</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>80</u>	<u>Less than 80</u>
<u>Yard (min. ft.)</u>					
<u>Front</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Side yard (interior)</u>	<u>Stepped/10 See Below</u>	<u>Stepped/10 See Below</u>	<u>Stepped/10 See Below</u>	<u>Stepped/10 See Below</u>	<u>10</u>
<u>Side yard (street)</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Rear yard (interior)</u>	<u>Stepped/20 See Below</u>	<u>Stepped/20 See Below</u>	<u>Stepped/20 See Below</u>	<u>Stepped/20 See Below</u>	<u>10</u>
<u>Rear yard (street)</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>

<u>Abutting water</u>	<u>35/50GM See below</u>				
<u>Peripheral Landscape Strip</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Bulk (max.)</u>					
<u>Lot coverage</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>
<u>Height (ft.)</u>	<u>52 See Below</u>				
<u>Density (units per acre)</u>	<u>5</u>	<u>7.5</u>	<u>10</u>	<u>12</u>	<u>Same as district</u>

- a. Side interior setbacks shall be stepped back as a function of building height as measured by the setback calculation provisions of this Code, but shall be no less than 10 feet.
- b. Rear interior setbacks shall be stepped back as a function of building height as measured by the setback calculation provisions of this Code, but shall be no less than 20 feet.
- c. Side and rear yards that abut any water but the Gulf of Mexico shall be at least 35 feet, and those that abut the Gulf of Mexico (GM) shall be at least 50 feet.
- d. Setback areas shall not contain conventional stormwater detention ponds. Landscaping used in conjunction with low impact design stormwater management techniques is permissible.
- e. Setback calculation provisions are contained under the development standards of this Code.
- f. Maximum building height shall not exceed fifty-two (52) feet of structure height as measured from Zero NGVD or Zero NAVD conversion to the top of the highest constructed element that includes structure, rooftop livable space and appurtenances. Building height calculations are contained under the development standards of this Code.
- g. All properties shall have front, side, and rear peripheral landscape strips of no less than 10 feet. Peripheral landscape strip and parking standards are contained under the development standards of this Code. Parking and driveway requirements are specified under architectural standards of this Code.
- h. All non-conforming lots less than 80 feet in width or less than the District minimum lot area required shall have front, side and rear peripheral landscape strips of no less than 10 feet.

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

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

~~(2) *Intent.* The purpose and intent of the MCT district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for the commercial provision of accommodations and services for tourists and other visitors and short-term or seasonal residents. The term "accommodations" is intended to include housing and various amenities, including recreational facilities and local retail trade in goods and service both general and specific to the locality/tourist attraction or principal activities. Areas designated MCT are expected to be located near or adjacent to a tourist attraction such as Gulf beach frontage, major public or private parks, and other recreational or~~

1 scenic resources.

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

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

7 ~~(A) Hotels and motels.~~

8 ~~(B) Multiple family dwellings.~~

9 ~~(C) Professional and business services.~~

10 ~~(D) Restaurants, pharmacies/drug stores, gift shops.~~

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

12 ~~(F) Convenience stores.~~

13 ~~(G) Private clubs.~~

14 ~~(5) Accessory uses and structures. Uses and structures that are customarily accessory and clearly~~
15 ~~incidental to the MCT principal uses and structures are also permissible within this district including a~~
16 ~~residential dwelling unit within the same structure as the principal use for occupancy by owners or~~
17 ~~employees of permitted uses.~~

18 ~~(6) Prohibited uses and structures. Any use or structure that is not permissible in this district by way of~~
19 ~~express language, reasonable implication or by special exception shall be unlawful in this district.~~

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

22 ~~(A) Nonmotorized recreational rentals.~~

23 ~~(B) Retail sales and services not otherwise permitted.~~

24 ~~(C) Parking lots, garages and structures, excluding multilevel parking garages, provided that parking~~
25 ~~areas are located at ground level and do not encroach on side setbacks.~~

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

27 ~~i. Appropriate by reasonable implication and intent of this district;~~

28 ~~ii. Similar to another use either explicitly permissible in this district or allowed by special~~
29 ~~exception; and~~

30 ~~iii. Not specifically prohibited in this district.~~

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

33 ~~(8) Development standards. The development standards, building heights, "no fill" areas, setbacks,~~
34 ~~driveways, greenspace, parking requirements, augering, and buffer strip provisions set forth in~~
35 ~~subsection 3-9-53(g) of the zoning code (MMF) shall apply to residential and mixed use development~~
36 ~~and the development standards in subsection 3-9-45(f) of the zoning code shall apply to commercial~~
37 ~~development with the exception of building height which shall not exceed the lesser of fifty two (52) feet~~

1 in structure height or three (3) stories of livable space. Residential densities within the MCT district shall
2 not exceed fifteen (15) units per gross acre. For any use in the MCT district, neither a structure nor any
3 portion thereof shall be erected or shall encroach or overhang upon the required setbacks.

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

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

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

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

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

21 ~~(2) *Intent.* The MCG district is intended to provide areas in which the customary and traditional conduct of
22 trade, retail sales and commerce may be carried on without disruption by the encroachment and
23 intrusion of incompatible residential uses and protected from the adverse effects of undesirable
24 industrial uses.~~

25 ~~(3) *Amendment of zoning atlas.* The zoning atlas is hereby amended to provide that areas of the island that
26 are presently zoned CG are rezoned to the MCG zoning district, except as provided in subsection 3-9-
27 53(i)(3) of the overlay code.~~

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

30 ~~(A) Restaurants;~~

31 ~~(B) Professional services;~~

32 ~~(C) Personal services;~~

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

34 ~~(E) Retail sales and services, provided that all merchandise is stored and displayed within fully
35 enclosed buildings and provided further that television service shops, floor covering shops,
36 pawnshops, electrical and lighting fixture shops and pet shops are excluded;~~

37 ~~(F) Resort marinas that do not include live-aboard dockage, sale of fuel and lubricants, laundry~~

- facilities open to the public, rental of personal motorized watercraft, and/or recreational facilities;
- (G) Private clubs;
- (H) Post offices;
- (I) Banks and other financial institutions;
- (J) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages; and
- (K) Essential and emergency services.

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

~~(6) Prohibited uses and structures. Any use or structure that is not permissible in this district by way of express language, reasonable implication or by special exception shall be unlawful in this district.~~

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

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

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

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

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

- ~~(A) Minimum lot requirements:

 - Area, square feet12,000
 - Width, feet100~~
- ~~Yard requirements:

 - Maximum front yard, feet18
 - Minimum side yard:
 - InteriorNone
 - Abutting a road, feet20
 - Abutting a zoning district that allows residential usesHalf the building height (as determined per section 3-9-2) or 25 feet, whichever is greater~~
- ~~Minimum rear yard:

 - Abutting a lot, feet10
 - Abutting a road, feet25
 - Side and rear yard, abutting water, feet20~~

Maximum lot coverage, percent50

For any use in the MCG district, neither a structure nor any portion thereof shall be erected or shall encroach or overhang upon the required setbacks.

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

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

(D) ~~If an MCG district abuts a zoning district where residential uses are allowed, no structure other than screening required by the buffer code shall be erected closer (to the residential district) than the greater of twenty five (25) feet or the building height to the abutting residentially zoned property.~~

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

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

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

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

C. Commercial District Standards

	<u>MCG</u>	<u>MCT</u>		<u>MCT</u>
		<u>Commercial use</u>	<u>Residential use</u>	<u>Commercial-Nonconforming</u>
<u>Lot (min.)</u>				
<u>area (sq. ft.)</u>	<u>12,000</u>	<u>12,000</u>	<u>7,500</u>	<u>Less than 7,500</u>
<u>Width (ft.)</u>	<u>100</u>	<u>100</u>	<u>80</u>	<u>Less than 100</u>
<u>Yard (min. ft.)</u>				
<u>Front</u>	<u>18</u>	<u>25</u>	<u>30</u>	<u>25</u>
<u>Side yard (interior)</u>	<u>Stepped/25</u> <u>See below</u>	<u>10</u>	<u>Stepped/25</u> <u>See below</u>	<u>10</u>
<u>Side yard (street)</u>	<u>20</u>	<u>20</u>	<u>15</u>	<u>15</u>
<u>Rear yard (interior)</u>	<u>10</u>	<u>10</u>	<u>½ bld ht/15</u>	<u>10</u>

			<u>see below</u>	
<u>Rear yard (street)</u>	<u>25</u>	<u>25</u>	<u>15</u>	<u>25</u>
<u>Abutting water</u>	<u>20/50 GM</u> <u>See below</u>	<u>20/50 GM</u> <u>See below</u>	<u>35/50 GM</u> <u>See below</u>	<u>20/50 GM</u> <u>See below</u>
<u>Peripheral Landscape Strip</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Abutting property zoned MSF and MCT-residential</u>	<u>25</u>	<u>25</u>	<u>25</u>	<u>25</u>
<u>Bulk (max.)</u>	-	-	-	-
<u>Lot coverage</u>	<u>50%</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>
<u>Height (ft.)</u>	<u>43</u> <u>See Below</u>	<u>43</u> <u>See Below</u>	<u>52</u> <u>See Below</u>	<u>52</u> <u>See Below</u>
<u>Density (units per acre)</u>	<u>0</u>	<u>0</u>	<u>15</u>	<u>0</u>

a. Manasota Commercial General (MCG)

- i. Side yard interior setbacks shall be stepped back as a function of building height as measured by the setback calculation provisions of this Code, but shall be no less than 25 feet.
- ii. Side and rear yards that abut any water but the Gulf of Mexico shall be at least 20 feet, and those that abut the Gulf of Mexico (GM) shall be at least 50 feet.
- iii. Setbacks abutting property zoned Residential shall be equal to 25 feet.
- iv. Setback calculation provisions are contained under the development standards of this Code.
- v. Maximum building height shall not exceed forty-three (43) feet of structure height as measured from Zero NGVD or Zero NAVD conversion to the top of the highest constructed element that includes structure, rooftop livable space and appurtenances. Building height calculations are contained under the development standards of this Code.
- vi. All properties shall have front, side, and rear peripheral landscape strips of no less than 10 feet. Peripheral landscape strip and parking standards are contained under the development standards of this Code.
- vii. All non-conforming MCG lots less than 100 feet in width or less than the District minimum lot area required shall have front, side, and rear peripheral landscape strips of no less than 10 feet.
- viii. All non-conforming MCT-residential lots shall be required to conform to the non-conforming standards as set forth in this Code as they apply to MMF-12 development standards.

b. Manasota Commercial Tourist (MCT)

- i. This district is a mixed-use district. Commercial and residential uses are permitted and the site may be entirely commercial, entirely residential, or mixed use, using the appropriate development standards.
- ii. Setbacks
 - a) Side interior setbacks for residential uses shall be stepped back as a function of building

1 height as measured by the setback calculation provisions of this Code, but shall be no
2 less than 10 feet.

3 b) Rear interior setbacks for residential uses shall be stepped back as a function of building
4 height as measured by the setback calculation provisions of this Code, but shall be no
5 less than 15 feet.

6 c) Side and rear yards that abut any water but the Gulf of Mexico shall be at least 35 feet,
7 and those that abut the Gulf of Mexico (GM) shall be at least 50 feet.

8 iii. Setbacks abutting property zoned Residential shall be 25 feet.

9 iv. Setback calculation provisions are contained under the development standards of this Code.

10 v. Maximum building height for MCT Commercial shall not exceed the lesser of two (2) stories
11 or forty-three (43) feet of structure height as measured by building height calculations
12 contained under the development standards of this Code. Maximum height for MCT
13 residential shall not exceed the lesser of three (3) stories or fifty-two (52) feet of structure
14 height. Building height is measured from Zero NGVD or Zero NAVD conversion to the top of
15 the highest constructed element that includes structure, rooftop livable space and
16 appurtenances. Building height calculations are contained under the development standards
17 of this Code.

18 vi. All properties shall have front, side, and rear peripheral landscape strips of no less than 10
19 feet. Peripheral landscape strip and parking standards are contained under the development
20 standards of this Code. Parking requirements are specified under Architectural standards of
21 this Code.

22 vii. All non-conforming MCT-Commercial lots less than 100 feet in width and/or less than the
23 District minimum lot area required shall have front, side, and rear peripheral landscape strips
24 of no less than 10 feet.

25 viii. All non-conforming MCT-Residential lots less than 80 feet in width or less than the District
26 minimum lot area required shall have front, side, and rear peripheral landscape strips of no
27 less than 10 feet.

28
29 ~~(k) Manasota environmentally sensitive (MES) zoning and land uses.~~

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

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

37 ~~(3) Amendment of zoning atlas. The zoning atlas is hereby amended to provide that areas of the island that~~

1 are presently zoned ES are rezoned to the MES zoning district.

- 2 ~~(4) *Principal uses and structures.* The following principal uses and structures are permissible in this district:~~
- 3 ~~(A) Public and private game preserves, fish and wildlife management areas, hatcheries and refuges,~~
- 4 ~~parks and open spaces.~~
- 5 ~~(B) Water conservation areas.~~
- 6 ~~(C) Single-family residences that meet all development standards contained in this zoning district and~~
- 7 ~~the waterfront ordinance.~~
- 8 ~~(D) Limited educational facilities such as canoeing, hiking, nature study and outdoor education in~~
- 9 ~~keeping with the intent of this district.~~
- 10 ~~(5) *Accessory uses and structures.* Uses and structures that are customarily accessory and clearly~~
- 11 ~~incidental to the MES principal uses and structures are permissible in this district including piers, docks~~
- 12 ~~and wharves that comply with section 3-9-70 of the zoning code, entitled "Boat docks; boathouses; boat~~
- 13 ~~lifts."~~
- 14 ~~(6) *Prohibited uses and structures.* Any use or structure that is not permissible in this district by way of~~
- 15 ~~express language, reasonable implication or by special exception shall be unlawful in this district.~~
- 16 ~~(7) *Special exceptions.* Special exceptions procedures are set forth in subsection 3-9-53(m) of the overlay~~
- 17 ~~code. The following are special exceptions in this district:~~
- 18 ~~(A) Essential services and emergency services.~~
- 19 ~~(B) Such other uses as determined by either the zoning official (or the zoning official's designee) to be:~~
- 20 ~~i. Appropriate by reasonable implication and the intent of this district.~~
- 21 ~~ii. Similar to another use either explicitly permitted in this district or allowed by special exception.~~
- 22 ~~iii. Not specifically prohibited in this district.~~
- 23 ~~The recommendation of the architectural review committee shall be considered by the zoning official (or~~
- 24 ~~the zoning official's designee) in connection with this determination.~~
- 25 ~~(8) *Development standards.* The development standards, building height, "no-fill" areas, setbacks,~~
- 26 ~~driveways, greenspace, augering, and parking requirements for MSF districts set forth in subsection 3-~~
- 27 ~~9-53(f) shall apply to the MES district. Residential densities within the MES district shall be consistent~~
- 28 ~~with those found in section 3-9-28 (environmentally sensitive district) as said section may be amended.~~
- 29 ~~In addition, provisions contained in subsection 3-9-53(h) shall also apply to the MES district.~~
- 30 ~~(9) *Building height.* Building height shall not exceed the lesser of forty three (43) feet of structure height or~~
- 31 ~~two (2) stories of livable space.~~
- 32 ~~(10) *Pilings for structures.* Pilings for structures throughout Manasota and Sandpiper Key shall be augered~~
- 33 ~~into the ground, or otherwise introduced through contemporary technologies that are shown to reduce~~
- 34 ~~the noise and vibration in sufficient amount to meet the intent of this section. The traditional practice of~~
- 35 ~~driving pilings into or onto the ground is hereby prohibited. Notwithstanding the contents of this~~
- 36 ~~subsection, this restriction shall not be applicable to pilings which are installed onto submerged lands as~~
- 37 ~~part of dockage or other marine structures.~~

1 ~~(l) Manasota multi-family tourist (MMF-T) zoning and land uses.~~

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

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

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

9 ~~(A) All principal permissible uses in the MMF district.~~

10 ~~(B) Hotels, motels and tourist accommodations.~~

11 ~~(C) Docking areas excluding: live-aboard areas, fuel/lubricant sales, and other uses served by potable~~
12 ~~water and central sewer which protect the environmental qualities of Manasota and/or Sandpiper~~
13 ~~Key.~~

14 ~~(D) Essential and emergency services.~~

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

17 ~~(5) Prohibited uses and structures. Any use or structure that is not permissible in this district by way of~~
18 ~~express language, reasonable implication or by special exception shall be unlawful in this district. There~~
19 ~~shall be no special exception or variance procedure to alter this subsection.~~

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

24 ~~(A) Private clubs.~~

25 ~~(B) Rental of non-motorized water recreational equipment.~~

26 ~~(C) Restaurants.~~

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

28 ~~(A) Minimum lot size shall be ten thousand (10,000) square feet. When the MMF-T site involves a~~
29 ~~legally nonconforming lot of record, no less than one (1) legally nonconforming lot shall be~~
30 ~~submitted for development/redevelopment.~~

31 ~~(B) Density shall be up to six (6) units per acre.~~

32 ~~(C) Minimum lot width shall be one hundred (100) feet. When the MMF-T site involves a legally~~
33 ~~nonconforming lot of record, no less than one (1) legally nonconforming lot shall be submitted for~~
34 ~~development/redevelopment.~~

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

37 ~~(E) Section 3-9-53(n), Fire hydrants, shall be fully applicable to the MMF-T district. There shall be no~~

1 ~~special exception or variance process to alter this requirement.~~

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

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

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

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

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

16 ~~(K) Green area buffers shall not contain any other land covering or structures, unless such coverings~~
17 ~~or structures are expressly permissible by this code, and conform to MMF and MCG land~~
18 ~~development requirements. Neither a structure nor any portion thereof shall be erected or shall~~
19 ~~encroach or overhang upon the required setbacks.~~

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

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

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

27 ~~(1) Establishment of planned developments. Planned developments (PD) in the Manasota Key Zoning~~
28 ~~District Overlay shall be established pursuant to section 3-9-49. Approval by the development review~~
29 ~~committee (DRC) shall be required prior to final Pd approval by the board of county commissioners.~~
30 ~~Additionally, the applicant for a PD shall appear before the Manasota and Sandpiper Key Advisory~~
31 ~~Committee (MASKAC), prior to PD concept plan approval, as this approval is outlined by subsection 3-~~
32 ~~9-49(d)(2).~~

33 ~~(2) Intent. It is the intent of this section to provide an alternative method to develop otherwise permissible~~
34 ~~land uses in a manner that is flexible yet accomplishes the goals of the Manasota Key Community Plan.~~

35 ~~(3) Amendment of zoning atlas. Rezoning to planned development shall be in accordance to subsection 3-~~
36 ~~9-49(d), with an approval recommendation by the DRC and a recommendation by the MASKAC.~~

37 ~~(4) Principal uses and structures. Uses and structures permissible under the PD district shall be equivalent~~

1 to those that would otherwise be permissible in lands subject to the rezoning to a PD. The following
2 guidelines apply:

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

4 (B) ~~Uses permissible on a PD shall be consistent with those uses which would be otherwise
5 permissible according to the zoning regulations, the Future Land Use Map (FLUM) classification of
6 the property, and other local, state and federal land use regulations as these may be applicable to
7 the property.~~

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

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

14 ~~(5) *Accessory uses and structures.* Uses and structures that are customarily accessory and clearly
15 incidental to the principal uses approved for the PD in accordance with subsection (4), above, are
16 permissible in this district. Where a PD contains residential uses, then piers, docks and wharves shall
17 be for the use of the PD residents only. Such marine structures shall be permitted according to section
18 3-9-70, County Code, and a recommendation by the MASKAG.~~

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

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

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

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

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

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

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

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

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

~~(F) When the minimum setbacks in subsection (E), above, conflict with other required setbacks, including Waterfront Ordinance (3-9-98), coastal construction control line (CCCL) regulations, and other applicable regulations, the enforceable setback shall be that which results in a greater distance from property lines to structures.~~

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

~~(H) Maximum height of all buildings, as building height is defined in this section, shall be the lesser of two (2) stories or forty three (43) feet for land previously zoned MSF, and the lesser of three (3) stories or fifty two (52) feet for land previously zoned for districts which allowed such height. Rooftop livable space shall be included as ten (10) feet in the calculation of the structure height.~~

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

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

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

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

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

~~(N) Buffers shall contain green areas, and shall not contain any other land covering or structures, unless such coverings or structures are expressly permissible by this code. Front and rear yard areas may contain pools meeting the minimum setbacks set forth in subsection (E), as it may be amended or replaced. Neither a structure nor any portion thereof shall be erected or shall encroach or overhang upon the required setbacks.~~

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

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

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

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

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

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

16 ~~(3) At least one (1) on-site hydrant shall be a condition of concept plan approval for multifamily projects which~~
17 ~~contain more than one (1) lot and are developed as planned developments (PD) pursuant to section 3-9-~~
18 ~~49 of the zoning code.~~

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

21 ~~(m) Special exceptions.~~

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

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

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

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

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

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

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

D. Special Purpose District

<u>MPD</u>	
<u>Lot (min.)</u>	
<u>Lot area (sq. ft.)</u>	<u>150,000</u>
<u>Yard (min. ft.)</u>	
<u>Front</u>	<u>40</u>
<u>Side, Rear or between structures</u>	<u>Stepped/25 See Below</u>
<u>Abutting Lemon Bay</u>	<u>Stepped/35 See Below</u>
<u>Abutting the Gulf of Mexico</u>	<u>50</u>
<u>Bulk (max.)</u>	
<u>Lot coverage</u>	<u>35%</u>
<u>Floor Area Ratio</u>	<u>0.6</u>
<u>Building height (ft.)</u>	<u>43 ft. for land previously zoned MSF, and 52 ft. for MMF and MCT-residential. See Below</u>
<u>Density</u>	<u>No greater than existing lot density permitted</u>

- a. Setback calculation provisions are contained under the development standards of this Code.
- b. Maximum height for land previously zoned MSF shall not exceed forty-three (43) feet of structure height as measured by building height calculations contained under the development standards of this Code. Maximum height for land previously zoned MMF or MCT-residential shall not exceed fifty-two (52) feet of structure height as measured by building height calculations contained under the development standards of this Code. Mixed use developments shall adhere to the fifty-two (52) foot height limit and shall include one floor of commercial use. Building height is measured from Zero NGVD or Zero NAVD conversion to the top of the highest constructed element that includes structure, rooftop livable space and appurtenances. Building height calculations are contained under the development standards of this Code.
- c. Floor-area ratio shall be calculated excluding all submerged portions of the MPD site.
- d. 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.
- e. There shall be one (1) main point of access and one emergency entrance per contiguous land

1 rezoned to MPD.

2 f. Lands subject to a MPD rezoning shall be contiguous whenever possible. If said lands are not
3 contiguous, a twenty-five (25) foot MPD setback shall be applicable whenever the proposed MPD
4 abuts property not zoned MPD. Said MPD setback shall contain the uses and structures
5 permissible in the peripheral landscaping strip, as defined in this section. Front and rear yard
6 areas may contain pools or other accessory structures as set forth in the Overlay Code.

7 g. A minimum of twenty (20) percent of the entire MPD parcel shall be open space, which shall
8 include environmentally sensitive habitats and vegetated areas and shall not be encumbered by
9 an impervious surface. Easements and parking areas are not included in open space
10 calculations.

11 h. When the minimum MPD setbacks above conflict with other required setbacks, including coastal
12 construction control line (CCCL) regulations, and other applicable regulations, the enforceable
13 setback shall be that which results in a greater distance from property lines to structures.

14 i. Density bonuses. Density bonuses shall not be applicable in the Manasota and Sandpiper Key
15 Code.

16 j. Failure to obtain final approval for a MPD within 3 years with no extension from concept plan
17 approval may cause the County to initiate a rezoning of the property, which shall revert the zoning
18 district back to its original designation.

19 k. Parking Requirements:

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

22 ii. Parking standards are contained under the development standards of this Code.

23 iii. Parking areas shall be located on the same parcel as the proposed use. Parking shall not be
24 a principal use on any given parcel.

25 l. Principle Uses and Structures: Uses and structures permissible under the MPD district shall be
26 equivalent to those that would otherwise be permissible on the property or properties prior to
27 rezoning to a MPD. In no case shall multi-family dwellings replace single-family dwellings.
28 However, multi-family zones may be rezoned to single-family.

29 m. Accessory Uses and Structures. Uses and structures that are customarily accessory and clearly
30 incidental to the principal uses approved for the MPD are permissible in this district. Where a
31 MPD contains residential uses, noncommercial piers, docks and wharves are allowed. Such
32 marine structures shall be permitted according to County Code, and a recommendation by the
33 Manasota and Sandpiper Key Advisory Committee.

34 n. MPD developments are subject to all other development and design standards contained in the
35 Overlay Code.

36
37 (h) Permitted Uses and Use Table

USE TABLE

USE CATEGORY	SPECIFIC USES	ZONING DISTRICTS				
OPEN & RURAL USES		MES	MSF	MMF	MCG	MCT
	<u>Fishing, fisheries, hatcheries, preserves</u>	<u>SE</u>				
RESIDENTIAL USES		MES	MSF	MMF	MCG	MCT
	<u>Single family, detached, modular</u>	<u>P</u>	<u>P</u>	<u>P</u>		
	<u>Manufactured home (DCA)</u>		<u>P</u>			
	<u>Cluster subdivision</u>		<u>SE</u>			
	<u>Duplex</u>			<u>P</u>		
	<u>Multifamily</u>			<u>P</u>		<u>P</u>
PUBLIC & CIVIC USES		MES	MSF	MMF	MCG	MCT
	<u>Emergency Services</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>P</u>	<u>P</u>
	<u>Public Building</u>				<u>SE</u>	<u>SE</u>
	<u>Fish & Wildlife management area, nature preserve</u>	<u>P</u>				
	<u>Game preserve, public & private</u>	<u>P</u>				
	<u>Outdoor education facility</u>	<u>P</u>				
	<u>Park, recreation facility, park office, maintenance facility, playground, open space</u>	<u>SE</u>				
	<u>Essential services</u>		<u>SE</u>	<u>SE</u>	<u>P</u>	<u>P</u>
COMMERCIAL USES		MES	MSF	MMF	MCG	MCT
	<u>General office, professional services</u>				<u>P</u>	
	<u>Bed and Breakfast, 1 or 2 bedrooms</u>			<u>SE</u>		<u>P</u>
	<u>Bed and Breakfast, 3 or more bedrooms</u>					<u>P</u>
	<u>Hotel, motel, inn</u>				<u>P</u>	<u>P</u>
	<u>Community center</u>			<u>SE</u>		
	<u>Beach clubs without food or sundry sales</u>		<u>SE</u>	<u>SE</u>	<u>P</u>	<u>P</u>
	<u>Recreation, indoor</u>				<u>P</u>	
	<u>Recreation, outdoor</u>				<u>P</u>	
	<u>Recreational vehicle rental, nonmotorized</u>				<u>P</u>	<u>SE</u>
	<u>Restaurant</u>				<u>P</u>	<u>P</u>
	<u>Bar, cocktail lounge, nightclub, tavern</u>				<u>P</u>	<u>P</u>
	<u>General retail sales and service</u>				<u>P</u>	<u>SE</u>
	<u>Business services</u>				<u>SE</u>	
	<u>Convenience store</u>				<u>P</u>	<u>P</u>
	<u>Liquor package store</u>				<u>SE</u>	<u>SE</u>
	<u>Pharmacy</u>					<u>P</u>
	<u>Specialty shops (jewelry, gift, clothing, accessories, etc.)</u>				<u>P</u>	<u>P</u>
	<u>Resort marina</u>				<u>SE</u>	

(1) The permitted uses in the Manasota and Sandpiper Key Overlay Districts are identified in the use table.

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- (2) It is the intent of this section to restrict the allowable uses with the Overlay Code Districts to avoid trip-generating traffic not related to residential and beach-related tourist uses on this small barrier strip.
- (3) Public parks and recreational facilities shall only be allowed in the MES District and only if restricted to meet the intent of the MES District.
- (4) Paid parking shall be prohibited in MSF and MMF Districts. Leasing or rental of properties on the islands for short-term parking or long-term storage of vehicles or trailers shall be prohibited. Multi-story parking garage structures shall be prohibited in all Districts.
- (5) Lodges or private clubs shall be prohibited in all Districts and beach clubs shall be allowed only without food or sundry sales.
- (6) Resorts may have commissary, coffee bar, continental breakfast and other services for their guests.
- (7) Resort Marinas shall be allowed with the following restrictions: no live-aboard dockage; no sale of fuel and lubricants; no provisions, bait & tackle; no service buildings with laundry facilities, showers, toilets; and no rental of motorized watercraft.
- (8) Unless specifically defined in the above use table, additional uses are prohibited.

(p) Development review procedure.

~~(1) *Preapplication conference.*—~~Prior to submitting an application for any type of development, ~~including for~~ a special exception, or ~~for~~ a variance, an applicant shall appear before the Manasota and Sandpiper Key Advisory Committee at a regularly-scheduled public meeting of the Advisory Committee to submit a request for a preapplication conference and shall set such a preapplication conference with the architectural review committee or its designee (a member of the architectural review committee duly appointed by the architectural review committee as its representative) to review, discuss, and receive recommendations from the architectural review advisory committee regarding the proposed development's consistency and compliance with the Manasota Key Comprehensive Plan and the portion of this Code specifically applicable to the Manasota and Sandpiper Key overlay code. ~~The Such~~ 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 committee to perform its review.

~~(2) (2) — *Architectural review committee review.*~~

~~(A) The architectural review committee, or its designee, shall review the proposed development for consistency and compliance with the overlay code.~~ At the conclusion of the review, the architectural review committee, or its designee, will date and sign the applicable sketch, site plan, or other submitted documentation, or will shall prepare written comments regarding the proposed development with recommendations or notations as appropriate, which shall be considered by the County officials in their deliberations. For quasi-judicial items, the Chair of the Advisory Committee or designee may appear to testify at the public hearing. 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

1 ~~fifteen-day review period outlined in subsection 3-9-53(p)(B) has expired.~~

2 ~~**(3) (B)** — Failure of the architectural review committee to review a request for review of a proposed~~
3 ~~application within fifteen (15) business days from the date all required information and documentation is~~
4 ~~received by the county shall forfeit the architectural review committee's right to participate in the review~~
5 ~~process for the application. Any~~All sketches, site plans, or other documentation submitted to the county
6 ~~as part of a development application for review and approval shall be consistent with any information~~
7 ~~submitted to the Advisory Committee for review, except as such may be revised based upon~~
8 ~~recommendations made by the Advisory Committee. the sketch, site plan, or other documentation~~
9 ~~reviewed and signed by the architectural review committee for the proposed development.~~

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

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

18
19 **(i) Development Standards.** These development standards shall apply to all zoning districts within the
20 Manasota Key Overlay Code.

21 **(1) Uniform Line of Construction.** In order to maintain the uniform line of construction of major structures
22 within the Overlay District, no portion of a residential structure shall be located seaward of this line, or of a
23 line traced between the corners of the two nearest buildings along a waterfront.

24 **(2) No-Fill Area.** The entire Manasota and Sandpiper Key Overlay District is designated as a No-fill Area,
25 within which only pilings and stemwalls may be used for all construction, except the minimum amount of
26 fill necessary within the building footprint and for drainfields associated with on-site waste treatment and
27 disposal systems.

28 **(3) Permeable Material.** With the exception of fences and walls, all ground-level amenities such as
29 walkways, patios, new private roads, residential driveways, and all parking spaces outside of the building
30 footprint shall be constructed of permeable materials. Handicapped accessible routes when required by
31 ADA shall be exempt from this requirement.

32 **(4) Bulk Limitations.** No building shall be over 200 feet wide or long in any zoning district.

33 **(5) Open Space/Reservation Area.** All development within the Overlay District subject to Site Plan Review
34 shall include an open space/habitat reservation area equal to five percent of the total area of the
35 development. No financial contribution in lieu of reservation shall be permitted. Peripheral landscape
36 strips and setbacks may not be counted as part of the open space habitat area.

37 **(6) Pilings for Structures.**

- 1 a. Pilings shall conform to construction techniques authorized under the Florida Building Code.
- 2 b. Pilings for structures throughout Manasota and Sandpiper Key shall be augered into the ground, or
- 3 otherwise introduced through contemporary technologies that are shown to reduce the noise and
- 4 vibration in sufficient amount to meet the intent of this section.
- 5 c. If driving pilings into or onto the ground is proposed.
- 6 i. The developer must conduct a detailed geotechnical analysis of the property with a
- 7 certification from a geotechnical engineer that the proposed development activity will have no
- 8 adverse impacts to adjacent properties; and
- 9 ii. Show proof of minimum insurance policy coverage of \$1 million per occurrence and \$5 million
- 10 aggregate.
- 11 iii. If pile driving is deemed appropriate, the Contractor shall be required to notify by mail the
- 12 owner of properties within 300 feet of the outer limits if the subject property and document
- 13 existing conditions of structures, prior to the planned development.
- 14 iv. The contractor must offer all properties within 300 feet an opportunity to have their properties
- 15 inspected by an engineer/inspector prior to pile driving at the builder's expense. The intent of
- 16 this inspection is to create a record of conditions prior to work occurring.
- 17 v. The contractor must also offer all properties within 300 feet an opportunity to have, at
- 18 builder's expense, one on-site seismic reading during the pile driving. A permit to drive piles
- 19 (pile driving) will not be issued until the contractor of record provides to the county by affidavit
- 20 a list of property owners within 300 feet of the project and addresses along with a receipt or
- 21 other proof of mailing and completion of required inspections.
- 22 vi. The contractor of record or the owner-builder shall be the party responsible to insure that the
- 23 notification and offers have been made and that reasonable effort to comply with these
- 24 requirements has occurred. Records of these offers shall be maintained by the contractor or
- 25 owner-builder and be made available to the Building and Zoning Division.
- 26 vii. In addition, the Contractor shall be required to provide the county with an insurance certificate
- 27 showing that the contractor carries comprehensive general liability in the amount of \$1.5
- 28 million for each occurrence, and aggregate and property damage in the amount of \$5 million
- 29 for each occurrence and the \$5 million aggregate. Notwithstanding the contents of this
- 30 subsection, this restriction shall not be applicable to pilings which are installed onto
- 31 submerged lands as part of dockage or other marine structures. For the purposes of this
- 32 Section, "pile driven" constitutes a work effort for driving, impact driving or hammer driving of
- 33 a pile or similar object into the ground used to support or reinforce any structure or building
- 34 including but not limited to treated timber piling, prestressed concrete piling, steel piling,
- 35 driven test piling, concrete sheet piling, steel sheet piling, batter piles, anchor piles, dolphin
- 36 piles, fender piles and guide piles.

37 (7) **Maximum Building Height and Maximum Building Height Calculation.** For the purpose of the

1 Manasota Key Overlay Code, the maximum height of a building shall be measured from Zero NGVD (or
2 NAVD conversion) to the top of the highest constructed element which is the highest point of a building or
3 the highest point of any rooftop livable space or appurtenances thereto.

4 a. Highest constructed element is the highest point of a building or the highest point of any rooftop
5 livable space or appurtenances thereto.

6 b. Rooftop livable space is all usable areas upon or above the roof of a building including but not limited
7 to decks, swimming pools, walls, fences and railings. Rooftop livable space shall be calculated as the
8 actual height of the railing, fence, wall or other rooftop structure.

9 c. Appurtenance includes but is not limited to ornamental fixtures and fittings and rooftop equipment
10 such as chimneys, antennas, cupolas, elevator shafts and other mechanical or communications
11 equipment. The only exception shall be lightning rods that may protrude up 24 inches above the
12 highest constructive element.

13 d. Maximum height for MSF shall not exceed forty-three (43) feet as measured from Zero NGVD (or
14 NAVD conversion) to the top of its highest constructive element. Rooftop livable space and
15 appurtenances shall be included in the calculation of the structure height. Maximum height for MMF
16 or MCT-residential and MPD mixed-use development shall not exceed fifty-two (52) feet as measured
17 from Zero NGVD (or NAVD conversion) to the top of its highest constructive element. Rooftop livable
18 space and appurtenances shall be included in the calculation of the structure height.

19 **(8) Building Setback Calculation.** The Manasota and Sandpiper Key Overlay District shall be exempt from
20 the requirements of the Waterfront Code. In the Overlay District, stepped setbacks shall be required to
21 preserve open vistas on Manasota and Sandpiper Keys by limiting the height and size of structures in the
22 Overlay District.

23 a. The following specific setback requirements and calculations shall be applied:

24 i. Structures shall be set back from the property lines not less than the minimum required yards
25 in this Code. No structure shall be located within 50 feet of the shoreline of the Gulf of
26 Mexico. Structures shall be setback from other water bodies not less than the minimum
27 required by this Code.

28 ii. Setbacks, regardless of actual building elevation required by the Federal Emergency
29 Management Agency (FEMA) or Florida Department of Environmental Protection (FDEP),
30 shall be calculated starting from the minimum finished floor elevation to the top of the highest
31 constructive element. Minimum finished floor elevation shall mean a distance three (3) feet
32 above the base flood elevation of a structure.

33 iii. Setback distance shall be calculated by measuring the horizontal distance from the lot line to
34 the minimum setback at a specified height from the minimum finished floor elevation, as
35 specified in the Table below:

<u>Minimum Yard Setback (feet)</u>	<u>Setback –from Minimum Finished Floor Elevation (MFFE)</u>
<u>(Horizontal Setback Distance)</u>	<u>(Vertical Height Stepped Setback Range)</u>

<u>Yard setback minimum</u>	<u>MFFE to 21 feet above MMFE</u>
<u>Yard setback min. plus 3 feet</u>	<u>21 Feet above MFFE to 30 Feet above MFFE</u>
<u>Yard setback min. plus 6 feet</u>	<u>30 Feet above MFFE to maximum 43' or 52' height depending on the Zoning District</u>

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iv. Single-family development on lots 50 feet in width and single family development on nonconforming lots less than 5,000 square feet or less than 50 feet in width shall be required to meet the Overlay Code Side Yard (interior) and Rear Yard (interior) Setbacks as follows:

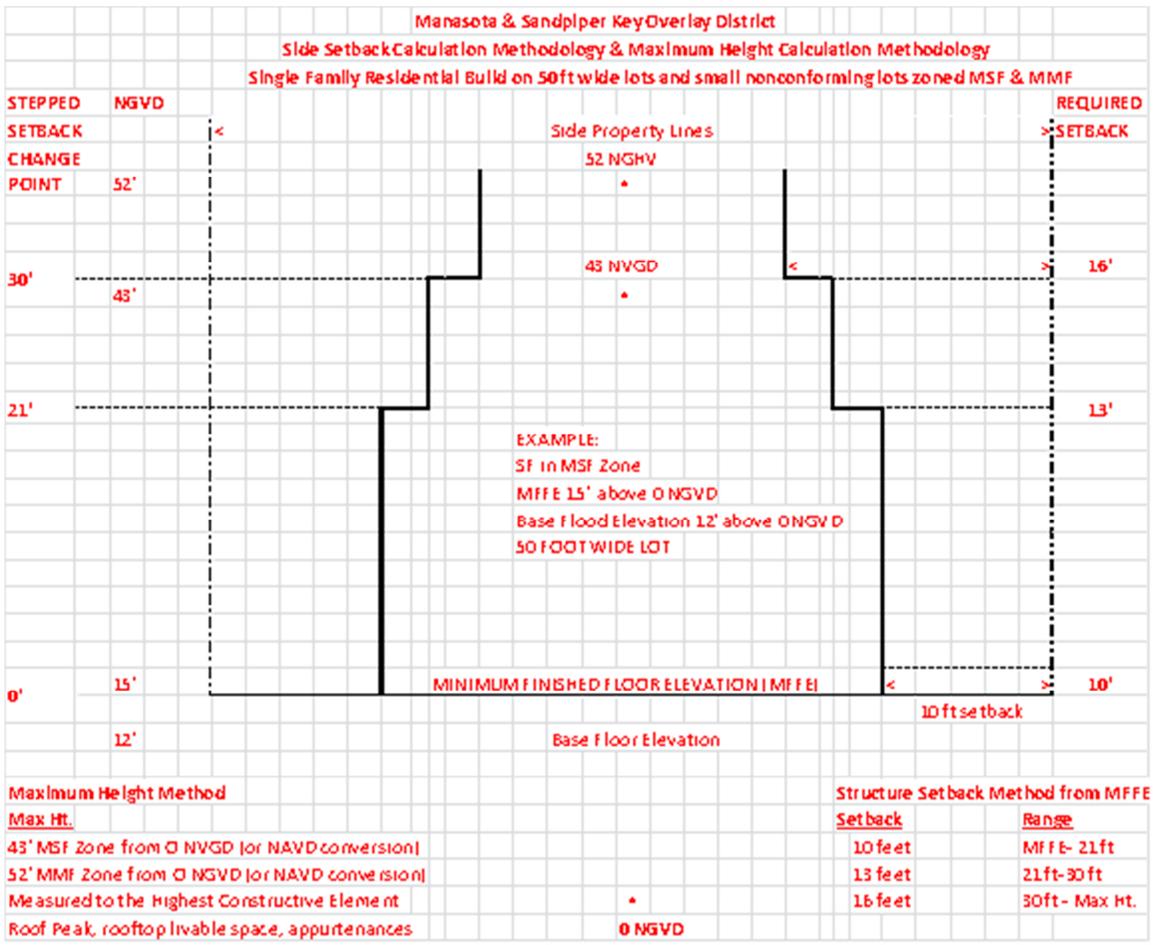
<u>Minimum Setback (ft.)</u>	<u>Setback - from Minimum finished floor elevation (MFFE)</u>
<u>10</u>	<u>From MFFE to 21 feet above MFFE</u>
<u>13</u>	<u>From 21 feet above MFFE to 30 feet above MFFE</u>
<u>16</u>	<u>From 30 feet above MFFE to 35 feet above MFFE or Maximum 43' or 52' height depending on the Zoning District</u>

v. No encroachments shall be allowed within the setbacks, except "guttered roof overhangs" may extend two (2) feet into the setback, sunshades may extend two (2) feet into the setbacks.

vi. No building may be constructed seaward of the coastal construction control line unless a permit has been issued by the State.

vii. All structures on the same development site, except single-story accessory structures, shall have a minimum structure-to-structure setback equal to the height of the taller structure.

viii. No structure shall exceed the maximum building height limit in their zoning district.



(9) Peripheral Landscape Strip. Peripheral landscape strips are required on all lots within the Manasota Overlay District. All properties, conforming and nonconforming, shall have front, side interior and rear interior peripheral landscape strips of no less than ten (10) feet from the property line. No encroachments are allowed within the ten (10) feet peripheral landscape strip including but not limited to structures, accessory structures, AC units, driveways, parking areas, electrical equipment, and holding tanks. All peripheral landscape strips shall be green open areas. Neither a structure nor any portion thereof shall be erected or shall encroach or overhang upon the required peripheral landscape strip. The only exceptions are sidewalks and driveway crossovers where permissible, fences, and "guttered roof overhangs" and sunshades that may extend two (2) feet into the ten (10) foot peripheral landscape strip. Peripheral Landscape strip under this code shall mean a green, open area setback of at least ten (10) feet in width located immediately adjacent and parallel to all sides of the lot boundary that is free of encroachments.

(10) Yard setbacks. Yard setbacks, greater than ten feet peripheral landscape strip, shall be required for structures based on zoning district minimum yard requirements, abutting properties, abutting water, and building height requirement of the Overlay Code. No primary structures shall be allowed to encroach within the greater yard building setback area. Accessory structures, parking, and driveways may be located within the greater yard building setback area as long as County Codes and the Overlay Code

1 district standards and architectural standards are met.

2 **(11) Accessory Structures.** No accessory structures shall be allowed within the ten (10) feet peripheral
3 Landscape Strip. All accessory structures must conform to the side and rear setback requirements of the
4 appropriate zoning district. Detached permanent garages must conform to the front setback requirements
5 of the appropriate zoning district. All other accessory structures must be located behind the leading edge
6 of the living area of the principal structure. Other accessory structure requirements are contained under
7 the Architectural Design Standards below.

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

13 **(12) Nonconforming Lots.**

14 A) The minimum side yard interior setbacks in all districts for conforming and nonconforming lots,
15 including lots less than 5,000 square feet shall be 10 feet. The variance provisions of the County
16 Code provide for relief in hardship cases for nonconforming lots in the Overlay Code.

17 B) Within the Manasota and Sandpiper Key Overlay District, the provisions of the County Code requiring
18 a variance to build on a lot less than 5,000 square feet or less than 50 feet in width shall not apply as
19 long as the building conforms to the requirements for the zoning district in which the lot is located.

20 ~~(+)(13) **Parking Standards.** For any residential development within the Overlay District, each residential~~
21 ~~dwelling unit shall provide a minimum of two (2) spaces per unit. Multifamily developments shall provide~~
22 ~~additional parking spaces for services and guests. Service parking requirements shall be the lowest~~
23 ~~whole number that is greater than or equal to ten (10) percent of the number of units contained within the~~
24 ~~multifamily project. Guest parking requirements shall be the lowest whole number that is greater than or~~
25 ~~equal to twenty (20) percent of the number of units contained within the multifamily project. At least one~~
26 ~~(1) of the guest parking spaces as required by this section shall be handicapped accessible. Beach~~
27 ~~access points on the islands shall not be obstructed by parked cars or any other barriers. Parking of~~
28 ~~unlicensed or unregistered automobiles, recreational vehicles, boats and/or trailers shall be prohibited.(+)~~

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

37 **(14) Disaster Recovery.** Following a natural disaster, as determined by the Board of County Commissioners,

1 the rebuilding of any structure shall be required to comply with the current development standards of this
2 Code. The only exception shall be multifamily developments that are nonconforming due to their density
3 that may be rebuilt with no increase in square footage, so long as they comply with all other development
4 standards of this Code. The provisions of section 3-9-10 of the County Code regarding nonconforming
5 lots shall not apply in the residential districts as long as the building conforms to the requirements (bulk
6 and yard setbacks) for the zoning district in which the lot is located.

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

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

11
12 **(k) Architectural Design Standards.** These architectural design standards shall apply to all new development
13 within the Overlay District and to any alterations or additions to existing structures that exceed 50 percent of
14 the replacement value of the structure. These standards shall regulate the appearance and constructive
15 elements of structures and be used in addition to those expressed elsewhere in this Code.

16 **(1) Driveways and Parking Areas and Walkways/Sidewalks**

17 a. No driveway shall exceed 24 feet in width where it connects with the roadway.

18 b. In MES and MSF Districts, only one (1) driveway crossing is permitted within the front yard setback.
19 In MMF Districts, one driveway crossing allowed every 300 feet within the front yard setback.

20 c. New private roads and parking and driveways where 50% of their area is repaired or replaced shall
21 be paved with crushed shell, stone, brick, or other permeable materials, in accordance with the latest
22 technology allowed by permitting districts, and in a manner that will permit maximum water
23 absorption.

24 d. Walkways are permitted only when they are necessary to comply with the Americans with Disabilities
25 Act. Asphalt paving is prohibited. This requirement shall not apply to areas under the footprints of
26 approved structures.

27 e. Stepping stones are permitted.

28 f. Driveways shall not encroach upon the side Peripheral Landscape Strip. Corner lots may have one
29 (1) driveway crossing off either street but not both.

30 g. Entry walkways shall be no greater than 4 feet in width and shall be constructed of shell, pavers, or
31 other permeable materials. On lots with moderate grade between the elevation of the driveway and
32 the entry door, low rise steps not to exceed four (4) feet in height (including railing) shall be allowed
33 so long as they do not encroach upon the 10 foot side peripheral landscape strip.

34 **(2) Building and Facade Materials and Design**

35 a. All facades, excluding doors, windows, and trim, shall be improved and constructed with one or a
36 combination of the following materials: a. Masonry, although unfinished and exposed concrete block
37 is prohibited; b. Wood; c. Stucco; d. Vinyl.

- 1 b. No reflective materials are permitted on building facades.
- 2 c. All wall openings on traditional buildings, including but not limited to windows, doors, balconies, and
- 3 alcoves are required to have trim installed according to the following standards: a. Trim shall
- 4 resemble wood, masonry stone, stucco, or tile; b. Reflective finishes are prohibited.
- 5 d. All buildings shall have a clearly-defined entrance.
- 6 e. Garage doors shall be flush or recessed with the front facade or recessed so as not to dominate the
- 7 architectural design and appearance. Garage door height is limited to ten feet.
- 8 f. Roofs shall be constructed, maintained, and repaired according to the following standards:
- 9 i. Roofs shall be predominantly opaque. Glass surfaces such as skylights shall be limited.
- 10 ii. Roof materials shall resemble non-reflective metal, wooden shingles, "dimensional" asphalt
- 11 shingles, barrel tile, concrete tile, or slate.
- 12 iii. Flat roofs shall be exempt from all preceding roof material standards provided a parapet or
- 13 mansard wall is used to screen the roof and rooftop equipment. Parapets and mansard walls
- 14 must conform to the height limits.

(3) Architectural Accents

- 15 a. Chimneys must be vertical, and must conform to the height limits.
- 16 b. Awnings shall be permanently affixed and shall have a minimum clearance of eight feet above any
- 17 sidewalk and 18 feet above any driveway.
- 18 c. Gutters shall resemble or match the building trim or primary facade color. Gutters shall not cause
- 19 water to accumulate on neighboring properties or directly upon driveways, sidewalks, or walkways.
- 20 d. The space between the first floor of a building and the ground shall be screened with lattice or
- 21 breakaway walls. Lattice shall be used specifically to conceal structure areas, and shall be the same
- 22 pattern and appearance as the outside of the structure, and shall be permanently affixed to the
- 23 principal structure and be constructed of vinyl or painted wood.
- 24 e. All structures shall post address numbers on the front façade in a location either by the entrance or
- 25 garage door, or signage easily visible and legible from the adjacent roadway.
- 26 f. Sunshades shall be permanently affixed and shall be retractable for use as hurricane shutters
- 27 providing they meet county and state code.

(4) Lighting Fixtures, Structures, and Elements

- 28 a. All outside lighting fixtures shall be installed consistent with the Sea Turtle Lighting standards.
- 29 b. Fixtures for lighting areas shall follow a consistent theme.
- 30 c. Light posts shall be installed consistent with the following standards:
- 31 i. Light posts shall be constructed and installed to resemble wood, polished concrete, or painted
- 32 metal.
- 33 ii. Unfinished or unpainted metal and concrete surfaces and untreated wooden posts are prohibited.
- 34 iii. Light posts on private property shall not exceed 16 feet in height.
- 35 d. Outside lighting fixtures shall be installed to orient light downward and to provide glare reduction
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1 optics and shielding features. No fixture shall direct light upward or onto adjacent property.
2 (Exemptions shall include small accent lights that are directed upward to softly illuminate
3 landscaping.)

4 e. Light globes shall not protrude below shades.

5 **(5) Fencing and Walls**

6 a. Chain link fencing is prohibited. Coated chain link fencing may be used to enclose tennis courts and
7 swimming pools, or as temporary security fencing for construction sites. In such cases, the fence
8 shall be replaced at the first signs of wear or rust. A coated chain link fence may also include tennis
9 fence netting.

10 b. Concrete block walls must be split-faced or finished, and capped. Unfinished concrete block is
11 prohibited.

12 c. Wood fences must be constructed of pressure-treated lumber to prevent deterioration and rot.

13 d. Solid walls and fences on or near the periphery of a lot must contain openings that may be used by
14 wildlife. These openings must be at least nine inches wide and six inches high and must be located
15 every 25 feet along the bottom of the fence or wall.

16 e. Fences and walls that abut a body of water shall not exceed four feet in height for portions that
17 extend beyond the building facade that faces the body of water.

18 f. Fences and walls shall not exceed six feet of height, measured from the finished grade of the parcel.

19 g. Fences and wall forward of the front building facade shall not exceed four (4) feet in height.

20 **(6) Accessory Structures.** All accessory structures must conform to the side and rear setback requirements
21 of the appropriate zoning district.

22 a. Detached permanent garages must conform to the front setback requirements of the appropriate
23 zoning district.

24 b. All other accessory structures must be located behind the leading edge of the living area of the
25 principal structure.

26 c. Accessory structures shall not exceed one-half the footprint of the principal structure or 1,000 square
27 feet, whichever is greater, and shall not exceed the maximum lot coverage allowed by zoning district.
28 Owners of lots greater than one acre in area may apply for a Special Exception to the maximum lot
29 coverage standard.

30 d. Garage and storage structures shall conform to the following standards:

31 i. Metal buildings or temporary structures such as awnings or carports are not permitted.

32 ii. Garage or storage structures over 250 square feet in area must be compatible in appearance and
33 materials with the principal structure.

34 h. Sheds, gazebos, cabanas, and decks must be located behind the front building façade, and may not
35 be located within the Peripheral Landscape Strips.

36 i. Roofing materials must resemble or be complimentary to the materials used on the principal
37 structure.

- 1 j. Gazebos may not exceed 15 feet in height. All other accessory structures may not exceed ten
2 feet in height.
- 3 k. Swimming pools, hot tubs, spas, and other water features and their decks shall be installed and
4 constructed consistent with the following standards:
- 5 i. Swimming pools are limited to one vertical accessory including but not limited to slides and
6 diving boards. Vertical accessories shall not exceed eight feet in height. Swimming pools and
7 pool equipment shall not be located within the Peripheral Landscape Strips.
- 8 ii. Above-ground exterior swimming pools, hot tubs, and spas are prohibited. Exterior swimming
9 pools, hot tubs, and spas must be permanently installed in the ground or within a masonry
10 foundation.
- 11 iii. Portable spas must be modified to conform to these standards.
- 12 l. 9. Air conditioning and heating units must be installed consistent with the following standards:
- 13 i. Units must be screened from off-site view.
- 14 ii. Consideration must be given to avoid impacts to adjacent properties.
- 15 iii. Mechanical equipment shall be expressly prohibited from being considered for a variance or
16 special exception.
- 17 m. Pool equipment and propane tanks of 250 cubic feet or greater shall be screened from off-site
18 view.
- 19 n. Miscellaneous accessory structures must be constructed consistent with the following standards:
- 20 i. Ramps, where required, must be concealed with landscaping to the greatest extent possible,
21 and must blend with the scale and architectural features of the structure.
- 22 ii. Temporary carports and similar structures are prohibited.
- 23 o. No accessory structures shall be permitted within the 10 feet peripheral Landscape Strip.

24 **(7) Commercial and Multifamily Buildings.** In addition to the above architectural design standards, all
25 commercial and multifamily buildings must also conform to the following standards:

- 26 a. Primary building entrances must be oriented towards adjacent roadways.
- 27 b. Loading docks and delivery vehicle parking areas should be located to the rear and side of the
28 building. To the greatest extent possible, these elements should not be placed between the front
29 building facade and the roadway.
- 30 c. Drive-through facilities are prohibited.

31

32 **(t) Signs.**

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

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

36 ~~Alter or alteration: Any change in size, shape, character or use of a structure, including, but not limited~~
37 ~~to a change, rearrangement or reconstruction of the structural parts and the moving from one location or~~

1 ~~position to another. Normal maintenance, painting and repairs to existing signs shall not be deemed~~
2 ~~alterations within the meaning of this section.~~

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

7 ~~*Application:* An application for any subdivision, special exception, variance, development review~~
8 ~~committee approval, site plan approval, planned development rezoning, building permit, sign permit, or~~
9 ~~any other official action of the county having the effect of permitting development of property. A rezoning~~
10 ~~or a future land use map amendment shall not be considered an application herein.~~

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

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

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

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

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

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

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

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

35 ~~(a) *Class "A", primary sign (or primary class "A" sign):* A monument sign (as defined in this~~
36 ~~section), ground sign, or pole (or pylon) sign (as defined in this section), used to convey information~~
37 ~~visually relating to or for the attraction of the public to any place, subject, person, firm, corporation,~~

1 public performance, article, machine or merchandise whatsoever on or related to the premises
2 where the sign is located. Primary class "A" signs are to be utilized as the principal advertising for
3 the parcel or lot where one (1) or more business entities are located on the parcel or lot.

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

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

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

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

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

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

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

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

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

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

37 *Hanging sign:* A sign that hangs down from and is supported by or attached to the underside of a

1 ~~canopy, awning, marquee or a projection from or an extension of a structure.~~

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

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

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

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

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

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

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

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

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

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

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

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

36 ~~*Portable illuminated sign:* A sign which is manifestly designed to be transported, as a trailer is~~
37 ~~transported, on its own wheels although the wheels of such signs may be removed and the remaining~~

1 ~~chassis may be attached permanently to the ground with electrical wiring and illumination as an integral~~
2 ~~part of total construction, and with potential electrical connection to power on the site to which it is~~
3 ~~transported. It is the characteristic of a portable illuminated sign that it is a changeable copy sign.~~

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

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

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

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

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

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

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

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

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

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

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

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

37 ~~*Snipe sign:* Any sign generally of a temporary nature, made of any material when such sign is tacked,~~

1 ~~nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences or other objects~~
2 ~~when advertising matter appearing thereon is not applicable to the present use of the premises upon~~
3 ~~which the sign is located.~~

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

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

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

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

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

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

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

21 ~~(2) *Applicability.*~~

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

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

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

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

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

36 ~~(F) Notwithstanding any other provisions of this section, any sign, display or device allowed under this~~
37 ~~section may contain, in lieu of any other copy, any otherwise lawful noncommercial message that~~

1 does not direct attention to a business operated for profit, or to a commodity or service for sale, and
2 that complies with all other requirements of the Code and this section.

3 ~~(3) General restrictions.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

37 ~~(B) Any sign that constitutes a traffic hazard or a detriment to traffic safety by reason of its size,~~

1 ~~location, movement, coloring or method of illumination, or by obstructing the vision of drivers, or by~~
2 ~~obstructing or detracting from the visibility of any official traffic control device by diverting or tending~~
3 ~~to divert the attention of drivers of moving vehicles from traffic movement on streets, roads,~~
4 ~~intersections or access facilities.~~

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

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

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

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

14 ~~(G) Snipe signs.~~

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

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

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

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

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

21 ~~(K) Roof signs.~~

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

27 ~~(M) Blank temporary signs.~~

28 ~~(N) Signs that omit audible sound, odor or visible matter, such as smoke or steam.~~

29 ~~(O) Class "B" signs.~~

30 ~~(P) Serial signs.~~

31 ~~(Q) Any model residential unit flag(s) or banners(s) on the property of a model residential unit, except~~
32 ~~for the first thirty (30) days after the model receive a certificate of occupancy.~~

33 ~~(R) Neon signs.~~

34 ~~(S) Flashing signs.~~

35 ~~(T) Canopy roof signs.~~

36 ~~(U) Billboards.~~

37 ~~(5) Exempt signs. The following on-site signs may be erected, constructed or installed without first obtaining~~

1 a permit and paying any fees; provided, however, all other provisions of the Code are met and, provided
2 further, that if a sign exceeds the limits contained in this section, an application for a sign permit and
3 payment of the permit fee shall be required:

4 ~~(A) One (1) professional nameplate for each person or entity located at a site, not exceeding two (2)~~
5 ~~square feet in area.~~

6 ~~(B) One (1) identification sign which may also include changeable copy for educational, charitable,~~
7 ~~religious or other similar instructional uses; this sign shall meet all requirements of a secondary~~
8 ~~class "A" sign.~~

9 ~~(C) One (1) sign advertising daily or weekly specials, not exceeding four (4) square feet maximum,~~
10 ~~which sign may be handwritten.~~

11 ~~(D) Street address sign meeting all requirements in the Code governing such signs.~~

12 ~~(E) Dedicatory tablets or memorial plaques setting forth the name or erection date of a building,~~
13 ~~commemorating a person or persons and like uses. Such signs shall be cast in metal or engraved~~
14 ~~in stone or concrete or otherwise suitably inscribed in or on a monumental material.~~

15 ~~(F) A vehicle sign located on a licensed and operable truck, bus, trailer, taxi or other vehicle which is~~
16 ~~being operated or parked at the location of the business, provided that the primary use of said~~
17 ~~vehicle is not for the purpose of the advertisement. Such vehicles shall be registered and operable~~
18 ~~and shall only be parked in paved parking areas immediately surrounding loading/delivery areas or~~
19 ~~in the closest non-handicapped parking space to the primary entrance of the business advertised~~
20 ~~on the vehicle. In no case shall such vehicle be parked in the right of way. Vehicles under this~~
21 ~~section shall be moved on a regular basis.~~

22 ~~(G) Non-advertising directional signs, symbols, or devices relating to traffic, parking, public services,~~
23 ~~facilities or warnings on private property. Such signs include, but are not limited to, "entrance",~~
24 ~~"exit," "slow," "no trespassing," "restrooms," and "telephones." These signs shall not exceed four~~
25 ~~(4) square feet in area or contain any advertising matter.~~

26 ~~(H) Traffic or other directional, wayfinding, or traffic control signs or devices erected by any federal,~~
27 ~~state or local government or department or agency thereof. Such signs shall be mounted on~~
28 ~~decorative poles, and the back of the sign shall be black. Whenever a traffic, wayfinding or~~
29 ~~directional sign is erected on public right-of-way for the benefit of or upon request by a private~~
30 ~~development, the sign shall be paid by the project requesting or benefiting from the sign.~~

31 ~~(I) Political signs shall be regulated pursuant to section 3-9-95 of the Code and F.S. section 106.1435.~~
32 ~~Notwithstanding the cited Code or statute, no political sign shall exceed thirty two (32) square feet~~
33 ~~and shall not be displayed as a class "A" or class "B" sign as defined in section 3-9-95 of the Code.~~

34 ~~(J) Any flag, other than a national or state government flag, or identification sign or insignia of any~~
35 ~~civic, charitable, religious or fraternal organization. No such flag, identification sign or insignia shall~~
36 ~~be placed above a sidewalk, walkway, alley, driveway or public or private roadway or right of way.~~

37 ~~(K) Flags indicating weather conditions.~~

1 ~~(L) One (1) or two (2) national or state government flags displayed per single "principal building", as~~
2 ~~such phrase single "principal building" is defined in section 3-9-2 of the Code. No such pole shall~~
3 ~~be placed above a sidewalk, walkway, alley, driveway or public or private roadway or right-of-way~~
4 ~~so as to obstruct passage or to create a safety hazard. The requirements of Title 36, United States~~
5 ~~Code, Chapter 10, as amended by Public Law 344, 94th Congress approved July 7, 1976, and F.S.~~
6 ~~Chapter 256 concerning United States or state flags shall apply to any flag governed by this~~
7 ~~section.~~

8 ~~(6) Temporary signs.~~

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

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

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

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

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

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

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

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

26 ~~(i) Holiday decorations.~~

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

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

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

1 certificate of occupancy.

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

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

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

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

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

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

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

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

31 ~~(E) Banners or pennants erected in a nonresidential zoning district that meet the restrictions contained~~
32 ~~in this section. No banner or pennant shall be placed above a sidewalk, walkway, alley, driveway,~~
33 ~~or public or private roadway or right of way. No banner or pennant may remain on site for more~~
34 ~~than fourteen (14) consecutive days. A site may not erect banners or pennants more than twice in~~
35 ~~a calendar year. The fourteen-day time limit restrictions and twice-per-calendar-year maximum time~~
36 ~~limit restrictions imposed in this section shall not apply to banners or pennants erected on any~~
37 ~~property owned and operated or leased by any federal, state or local government or agency~~

1 ~~thereof. In accordance with Title 36, United States Code, Chapter 10, as amended by Public Law~~
2 ~~344, 94th Congress approved July 7, 1976, and F.S. Chapter 256, the United States or state flags~~
3 ~~may not be used as a banner or a pennant.~~

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

7 ~~(G) Signs advertising open houses, provided that:~~

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

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

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

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

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

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

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

23 ~~(B) Awnings are permitted as follows:~~

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

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

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

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

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

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

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

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

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

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

- 1 ~~(f) The signage shall otherwise comply with the applicable total sign area regulations.~~
- 2 ~~(ii) A freestanding changeable copy sign is permitted only if incorporated in an otherwise~~
- 3 ~~permitted primary class "A" monument sign, except as provided in subsection 3-9-53(t)(1), as~~
- 4 ~~follows:~~
- 5 ~~(a) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering~~
- 6 ~~or raised wood lettering of typeset machine printed quality; and~~
- 7 ~~(b) The maximum height of the lettering shall be six (6) inches; and~~
- 8 ~~(c) All types of freehand lettering and chalk on chalkboard surfaces are prohibited; and~~
- 9 ~~(d) The sign face may be illuminated or nonilluminated; and~~
- 10 ~~(e) The signage shall otherwise comply with the applicable total sign area regulations. The~~
- 11 ~~changeable copy portion of the primary class "A" sign shall be included in the total area~~
- 12 ~~of which it is a part.~~
- 13 ~~(D) Projecting signs are permitted as follows:~~
- 14 ~~(i) A projecting sign shall not project more than three (3) feet from the face of the building or~~
- 15 ~~structure; and~~
- 16 ~~(ii) A projecting sign shall not project over a public right of way; and~~
- 17 ~~(iii) A projecting sign shall have the minimum clearance of eight (8) feet above a building walkway~~
- 18 ~~and eighteen (18) feet above a driveway; and~~
- 19 ~~(iv) A projecting sign shall project from the wall and be at a ninety (90) degree angle; and~~
- 20 ~~(v) A projecting sign shall not extend vertically above the window sill of the second story of a~~
- 21 ~~building and shall not block the visibility of any other sign.~~
- 22 ~~(vi) The square footage of a projecting sign shall be included as part of the square footage~~
- 23 ~~allowed for secondary class "A" signs.~~
- 24 ~~(E) Window signs. Window signs shall cover no more than twenty (20) percent of the glass area of a~~
- 25 ~~window. All signage shall be included as part of the square footage of a secondary sign.~~
- 26 ~~(F) Primary class "A" signs for residential projects. Large areas on Manasota and Sandpiper Key are~~
- 27 ~~zoned Manasota, multi-family (MMF) or Manasota, commercial tourist (MCT). For residential multi-~~
- 28 ~~family development within areas so designated, the following requirements apply to permanent~~
- 29 ~~signs that advertise the name of the residential development:~~
- 30 ~~(i) One (1) primary class "A" sign shall be permissible for each driveway that connects the~~
- 31 ~~residential development to a public right-of-way.~~
- 32 ~~(ii) Signs for residential developments shall be monument signs.~~
- 33 ~~(iii) Signs for residential developments shall be placed in the general vicinity of driveways for the~~
- 34 ~~project, and within the front green area buffer. Monument signs adhering to the regulations in~~
- 35 ~~this section shall not be considered to represent a structure.~~
- 36 ~~(iv) Signs for residential developments shall not be located on the public right of way, and shall~~
- 37 ~~only contain the name of the residential project, and the street address for the project. In~~

1 addition, each sign face may contain the logo of the residential development where the sign is
2 located. In no case shall more than one (1) such logo per sign face be permissible under this
3 section.

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

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

11 ~~(8) Area/number of signs.~~

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

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

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

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

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

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

29 **Table 3**

Zoning District	Maximum square footage for a primary class "A" sign*	Maximum square footage per secondary class "A" sign
Environmentally Sensitive	25	8
Residential — Multi-Family	75	25
Commercial General	75	25
Commercial Tourist	75	25

~~(1)–~~

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

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

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

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

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

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

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

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

~~(9) Location, height and setbacks.~~

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

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

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

2 ~~(10) Illumination.~~

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

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

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

13 ~~(11) Maintenance.~~

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

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

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

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

34 ~~(12) ——— Permits required; permit fees.~~

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

37 ~~(B) Any person desiring to erect or alter a sign, except those exempt in subsection 3-9-53(t)(5) of the~~

1 Code, shall file an application for a sign permit and pay the application fee to the director. Normal
2 maintenance to existing signs shall not be deemed alterations within the meaning of this section
3 and shall not require a permit or fee.

4 ~~(13) Applications for permits.~~

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

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

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

21 ~~(14) Nonconforming signs.~~

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

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

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

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

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

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

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

2 **(1) Applicability.** These regulations are intended to complement the Charlotte County sign code and
3 address the limited amount of area available to promote the business on the keys.

4 **(2) General Provisions for Signs on Manasota and Sandpiper Key.**

- 5 a. Private and Temporary signs shall not be placed in the Roundabout or public landscaped areas of
6 Beach Rd., Gulf Blvd. or North Beach Road.
- 7 b. Single-faced signs shall be painted black on the back side.
- 8 c. Maximum height of monument signs shall be four (4) ft. above the crown of the road.
- 9 d. All temporary signs and flags shall be removed in the event of a tropical storm, hurricane and
10 flood warnings.
- 11 e. Flags shall not be placed in the public-right-of-way.
- 12 f. Murals and wall art shall not be calculated as sign area if they do not contain text or logos. All
13 wall art visible from the abutting or adjacent road right-of-way shall be reviewed for approval by
14 the Advisory Committee.
- 15 g. Two-sided signs with the same face on each side shall be calculated on only one side.
- 16 h. Dedicatory tablets or memorial plaques setting forth the name or erection date of a building,
17 commemorating a person or persons and like uses shall be cast in metal or engraved in stone or
18 concrete or otherwise inscribed in or on a monumental material.

19 **(3) Residential Signage**

- 20 a. Single Family units and multifamily complex– one freestanding temporary yard sign that does not
21 exceed twelve (12) by eighteen (18) inches. Example: for garage or property sale, lease or
22 rent. An additional sign of 12x 18 inches which is located in their yard on a navigable body of
23 water shall be allowed facing the water.
- 24 b. One (1) sign denoting the architect, engineer or contractor for work under construction, not
25 exceeding four (4) square feet.
- 26 c. Multi-Family units shall be treated as a single unit with the exception of:
 - 27 i. Multifamily developments may have one (1) community sign per three hundred (300) foot of
28 road right-of-way.
 - 29 a) Community signs shall be monument signs, limited to four (4) foot in height and sixteen
30 (16) sq. ft. in area. Community signs shall include eight (8) inch street numbers.
 - 31 b) Community signs may be two-sided providing each side is exactly the same and will
32 count as only one side for sign allocation, and shall not contain any form of advertising.
 - 33 c) Community signs shall not be located in the side peripheral landscape strip area.
 - 34 d) Multifamily communities may have one (1) building wall or fence sign instead of a
35 monument sign. Wall and fence signs shall be limited to sixteen (16) square ft. and shall
36 include the 8 inch street numbers. Wall signs shall not be located above the peak of the
37 roof or highest constructive element.

1 e) Vacant property may have one (1) sign of sixteen (16) square feet.

2 **(4) Nonresidential Signage**

3 a. Each unit is allowed a sign allocation of sixty (60) square feet. Monument signs are
4 preferred. Sign allocation may be flexible where monument signs are inappropriate due to
5 parking viability requirements.

6 b. Each unit is allowed one (1) monument primary sign not to exceed 25 square feet. Non-
7 residential primary signs shall include street numbers of eight (8) inches in height and may
8 contain movable lettering.

9 c. Monument primary signs may be two-sided providing each side is exactly the same and will count
10 as only one (1) side for sign allocation

11 d. Each unit may have one (1) building sign that does not rise above the peak of the roof or highest
12 constructive element. Building signs are limited to thirty-two (32) square feet per sign.

13 **(5) Prohibited signs**

14 a. Neon or flashing signs

15 b. Signs that emit an audible sound or visible matter such as smoke or steam

16 c. Billboards

17 d. Portable illuminated signs, whirling signs, animated signs, or wind signs.

18 b. Temporary signs placed on sidewalks or bike paths.

19 **(6) Traffic or other directional, way finding or traffic control signs** or devices erected by any federal,
20 state or local government shall be mounted on decorative poles and the back of the sign shall be painted
21 black. Whenever such signs are for the benefit of or upon request by private development the sign and
22 pole shall be paid by the project requesting or benefiting from the sign. Chandel poles are not permitted.

23
24 ~~(u) Architectural design standards.~~

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

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

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

37 ~~(A) New construction of residential structures and/or fifty (50) percent reconstruction of existing legally~~

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

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

18 ~~(C) Additions which consist of less than fifty (50) percent of the total interior square footage to legally~~
19 ~~established residential single-family and multi-family structures. Additions to existing structures~~
20 ~~shall not exceed fifty (50) percent of the original square footage within a five-year period for single-~~
21 ~~family and multi-family structures. Additions shall meet all codes applicable at the time of building~~
22 ~~permit application.~~

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

27 ~~(3) Site design.~~

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

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

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

34 ~~(iii) Buffer areas shall not include accessory structures.~~

35 ~~(iv) Stormwater ponds and retention areas, where required, shall generally be located in those portions~~
36 ~~of the site which naturally occur but no closer than ten (10) feet to the property boundary or public~~
37 ~~right-of-way unless reviewed and approved by the architectural review committee. This requirement~~

- 1 ~~shall not apply to drainage swales in single-family districts.~~
- 2 ~~(B) Driveways shall be maintained, repaired, constructed, and installed according to all of the following~~
- 3 ~~standards:~~
- 4 ~~(i) Driveways shall be constructed to ensure that no portion of a parked vehicle encroaches onto the~~
- 5 ~~public right-of-way or over any public sidewalk/bicycle path intended for public use.~~
- 6 ~~(ii) New driveways and driveways where more than fifty (50) percent of their area (not including~~
- 7 ~~enclosed garages) is repaired/replaced shall be completely (i.e. entire driveway) constructed of one~~
- 8 ~~(1) of a combination of the following materials: porous brick, porous pavers, rock, pebbles, washed~~
- 9 ~~crushed shell, or gravel. New asphalt and concrete (porous or non porous) shall be prohibited.~~
- 10 ~~(iii) No driveway shall exceed twenty-four (24) feet in width at the portions where it connects to a~~
- 11 ~~roadway. Additional internal width may be permitted only to accommodate required turning lanes.~~
- 12 ~~(iv) Driveways shall not encroach buffer strip areas, unless they are the only driveway and are only a~~
- 13 ~~crossover.~~
- 14 ~~(C) Building and facade materials. Building facades shall be constructed, maintained and improved~~
- 15 ~~according to all of the following:~~
- 16 ~~(i) Facade walls, excluding doors, windows, and trim. All facades shall be improved and constructed~~
- 17 ~~with one (1) or a combination of the following materials: masonry, stucco, vinyl, and/or wood.~~
- 18 ~~Specific accent materials shall be allowed pursuant to these standards.~~
- 19 ~~(a) Masonry. A masonry finish may be allowed on any facade; however, unfinished and exposed~~
- 20 ~~concrete block shall be prohibited.~~
- 21 ~~(b) Wood. A wooden finish may be allowed on any facade pursuant to the additional standards.~~
- 22 ~~Wooden panels and board shall be installed in either a flush horizontal or vertical pattern. Slanted~~
- 23 ~~wood patterns shall be prohibited unless specifically reviewed and approved by the architectural~~
- 24 ~~review committee.~~
- 25 ~~(c) Stucco. A stucco finish may be allowed on any facade.~~
- 26 ~~(d) New technologies shall be reviewed and considered by the architectural review committee and/or~~
- 27 ~~the Manasota and Sandpiper Key Advisory Committee.~~
- 28 ~~(e) Neon and florescent colors shall be prohibited.~~
- 29 ~~(f) No reflective materials shall be used on building facades.~~
- 30 ~~(ii) Trim shall be required around all wall openings including, but not limited to, windows, doors,~~
- 31 ~~balconies and alcoves except as noted below. Trim shall be installed pursuant to all of the following~~
- 32 ~~standards:~~
- 33 ~~(a) Trim shall resemble wood, masonry stone, stucco or tile.~~
- 34 ~~(b) Reflective finishes shall be prohibited.~~
- 35 ~~(c) Trim shall be a minimum of three inches in width.~~
- 36 ~~(d) Colors: Neon and fluorescent colors shall not be used on any trim or structure. The use of black~~
- 37 ~~paint shall be limited to trim.~~

- ~~(D) Accent materials. Accent materials may be used on buildings but shall be limited to twenty (20) percent of any building facade. When using faux finishes, they should resemble indigenous Florida material. No reflective materials shall be used on building facades. Additionally, from time to time, other accent materials may be proposed subject to review and a recommendation for approval by the architectural review committee.~~
- ~~(E) Windows shall be placed on all facades and exterior walls.~~
- ~~(F) All buildings shall have a clearly defined building entrance.~~
- ~~(G) Garage doors are required to be flush or recessed back from the front facade so as not to dominate the architectural design and appearance.~~
- ~~(i) Garage door height is limited to ten (10) feet unless reviewed and approved by the architectural review committee.~~
- ~~(H) Roofs shall be constructed, maintained and repaired with the following standards:~~
- ~~(i) Roofs shall be predominantly opaque in appearance. Glass surfaces such as skylights shall be limited.~~
- ~~(ii) Roof materials shall resemble non reflective metal, wooden shingle, "dimensional" asphalt shingle, barrel tile, concrete tile, slate or new materials reviewed and approved by the architectural review committee.~~
- ~~(iii) Flat roofs shall be exempt from all preceding roof material standards and restrictions provided a parapet or mansard wall is utilized to screen the roof and rooftop equipment. Parapets and mansards are required to be constructed within the height limitations.~~
- ~~(iv) Solar panels shall be installed to be at the same angle of incline as the roof pitch, where possible. Solar panels should be positioned on portions of the roof that are not readily seen from the abutting roadways.~~
- ~~(I) Architectural accents:~~
- ~~(i) Chimneys shall be constructed within the height limitations and must be vertical.~~
- ~~(ii) Antenna structures shall be screened from the abutting roadway and shall be subject to the district height limitations.~~
- ~~(iii) Wall art is strongly discouraged from the front building facade. All wall art visible from the abutting roadways shall be approved by the architectural review committee. And be in character with the coastal setting.~~
- ~~(iv) Gutters shall resemble and/or match the building trim or primary facade. Gutters shall not cause water to accumulate on neighboring properties or directly upon driveways or sidewalks.~~
- ~~(v) Lattice. The space between the first floor of a building and the ground shall be screened with lattice or breakaway walls. Lattice shall be used specifically to conceal structure areas, and shall be the same pattern and appearance through the outside of the structure in which it is attached.~~
- ~~(vi) Lattice shall be permanently secured to the principal structure. Lattice shall be vinyl or painted wood, and complement the building.~~

- ~~(vii) Address numbers. All structures shall post address numbers on the front of building facades in a location either by the front entrance or garage door, and/on signage easily visible and legible from the adjacent roadway.~~
- ~~(J) Lighting. Lighting fixtures, structures and elements shall be constructed, installed, maintained and replaced consistent with all of the following standards:~~
- ~~(i) An outside lighting plan is required to be submitted to the architectural review committee with or prior to the application for approval.~~
- ~~(ii) All outside lighting fixtures shall be installed to orient light downward and to provide glare reduction optics and shielding features. No fixture shall direct light upward or onto adjacent property. (Exemptions shall include small accent lights that are directed upward to softly illuminate landscaping).~~
- ~~(iii) Fixtures for lighting areas should follow a consistent design theme. Dramatically different styles shall be avoided.~~
- ~~(iv) Light globes must not protrude below shades. Light shades must screen the point source of light to minimize sky glow.~~
- ~~(v) Exterior low level lights should be provided for pedestrian safety.~~
- ~~(vi) Fixtures shall adhere to state, county and local requirements.~~
- ~~(vii) Lighting on balconies, porches and raised walkways shall be installed no higher than one (1) foot from the floor (i.e. no overhead lighting).~~
- ~~(viii) Security lighting shall be permitted throughout the night during non turtle season. During turtle season security lights shall be attached to a motion sensor with limited timing.~~
- ~~(ix) Light posts. Light posts shall be installed consistent with the following standards:~~
- ~~(a) Light posts shall be constructed and installed to resemble wood, polished concrete or painted metal.~~
- ~~(b) Unfinished and/or unpainted metal and concrete surfaces and untreated wooden posts shall be prohibited.~~
- ~~(c) Light posts on private property shall not exceed sixteen (16) feet in height.~~
- ~~(K) Fencing and walls. Yard fences and walls shall be constructed, maintained and repaired consistent with the following standards:~~
- ~~(i) Materials should resemble wood, wrought iron masonry and/or PVC.~~
- ~~(ii) Coated chain link fencing shall only be permissible to enclose tennis courts and/or swimming pools.~~
- ~~(iii) Unfinished concrete block shall be prohibited. Concrete block walls shall be split faced, or finished, and capped.~~
- ~~(iv) Wood fences and walls shall be pressure treated to prevent deterioration and rot.~~
- ~~(v) Solid walls and fences should maintain openings at the bottom every twenty five (25) feet of a minimum of nine (9) inches wide and six (6) inches tall to allow for wildlife movement.~~
- ~~(vi) Fences and walls shall not exceed six feet of height, measured from the finished grade of the~~

- 1 parcel, unless otherwise required as part of a project's approval or original permit.
- 2 ~~(vii) Fences and wall forward of the front building facade shall not exceed four (4) feet in height.~~
- 3 ~~(viii) Fences and walls that abut a body of water shall not exceed four (4) feet in height for portions that~~
- 4 ~~extend beyond the building facade.~~
- 5 ~~(L) Accessory structures. Accessory structures shall be installed, constructed, maintained and repaired~~
- 6 ~~consistent with all of the standards below:~~
- 7 ~~(i) Accessory structures shall not be located within the buffer area.~~
- 8 ~~(ii) All accessory structures shall be securely anchored to the ground.~~
- 9 ~~(iii) Accessory structures shall not be located forward of the front building facade.~~
- 10 ~~(iv) Sheds, gazebos, cabanas, decks and animal houses.~~
- 11 ~~(a) Sheds, gazebos, cabanas and animal houses roofing materials shall resemble or be complimentary~~
- 12 ~~to the materials used on any existing principal structure on the same property.~~
- 13 ~~(b) Structures should be limited to ten (10) foot in height. However gazebos may be permitted to a~~
- 14 ~~maximum of fifteen (15) feet.~~
- 15 ~~(v) Swimming pools, hot tubs, spas, and other water features and their decks shall be installed and~~
- 16 ~~constructed consistent with the following standards:~~
- 17 ~~(a) Swimming pools, shall be limited to one (1) vertical accessory including, but not limited to, slides~~
- 18 ~~and diving boards. Said accessories shall not exceed eight (8) feet in height.~~
- 19 ~~(b) Pools and spas shall be permanently installed in the ground or within a masonry foundation. Above~~
- 20 ~~ground pools or spas are prohibited.~~
- 21 ~~(c) Portable spas shall be modified to adhere to these standards.~~
- 22 ~~(vi) Air conditioning and heating units shall be installed according to all the following standards:~~
- 23 ~~(a) Window units shall not be installed on the front facade.~~
- 24 ~~(b) Units shall be screened from off site view. Window units shall be exempt from this standard.~~
- 25 ~~(c) Consideration shall be given to avoid impacts to adjacent properties; air conditioning and heating~~
- 26 ~~units shall not encroach on setbacks, buffers or buffer strips.~~
- 27 ~~(vii) Waste receptacles, garbage and trash containers. Waste receptacles shall be installed,~~
- 28 ~~constructed, maintained and repaired as follows:~~
- 29 ~~(a) Trash can storage areas shall be completely screened from off-site view, and located in full~~
- 30 ~~compliance with the county's dumpster ordinance.~~
- 31 ~~(b) Dumpsters shall be stored and screened within an enclosed area, not in front of the leading edge of~~
- 32 ~~the building facade.~~
- 33 ~~(c) Dumpsters and trash containers shall meet other Code requirements.~~
- 34 ~~(viii) Miscellaneous accessory structures shall be consistent with the following standards:~~
- 35 ~~(a) Ramps, where required, shall be concealed with landscaping as much as possible, and shall blend~~
- 36 ~~with the scale and architectural features of the building.~~
- 37 ~~(b) Carports. Temporary carports and similar structures shall be prohibited.~~

- ~~(c) Mailboxes. Community mailboxes, when available, shall be used for single-family residences. No individual mailbox shall be installed in the public right-of-way when group boxes are available.~~
- ~~(d) Multi-family and commercial development shall provide group mailboxes on-site and off the public right-of-way.~~
- ~~(e) Garden features. Garden features such as arbors, trellises, sculptures, and birdbaths, shall be securely anchored to the ground. Height of garden features shall not exceed eight (8) feet; height of fountains shall not exceed fifteen (15) feet. Heights pertaining to this subsection shall be measured from the finished grade of the site where the feature or fountain is to be located.~~
- ~~(M) Landscaping. Landscaping on Manasota and Sandpiper Key shall be subject to the provisions and standards of the Charlotte County Zoning Code. In addition to such zoning standards, landscaping on the Keys shall be installed, repaired and maintained consistent with the guidelines in this section.~~
- ~~(i) A landscaping plan is required to be submitted to the architectural review committee with or prior to the application for approval. All easements existing and proposed must be shown on the plan, and must be drawn to scale with dimensions, distances and acreages. Building structures and stormwater retentions and similar features shall be shown.~~
- ~~(ii) Foundation plantings shall be installed around buildings to soften their appearance from off site view.~~
- ~~(iii) All side and rear buffer areas shall be treated with Florida friendly landscape material.~~
- ~~(4) Commercial buildings and multi-family residences. Standards of this subsection apply to multi-family residences, commercial structures, and existing structures that involve repair or reconstruction in excess of fifty (50) percent of the structural replacement. New building additions for said structures shall adhere to these standards in all cases as well as adhering to the above community standards.~~
- ~~(A) Primary building entrances shall be oriented to adjacent roadways.~~
- ~~(B) Principal buildings shall include a permeable pedestrian pathway along its front facade linking site to adjacent parking.~~
- ~~(C) Loading docks and delivery vehicle parking areas should be located to the rear and side of building. To the extent possible, these elements should not be placed between the front building facade and the roadway.~~
- ~~(D) Drive-thru facilities shall be prohibited.~~
- ~~(E) All handicapped accessible spaces must be located on an accessible route no less than forty-four (44) inches wide so that users will not be compelled to walk or wheel behind parked vehicles.~~
- ~~(F) Parking lot areas shall be required to be screened with low fencing and/or landscaping whenever areas abut a public right-of-way, residential uses, or property which contains residential density with low fencing and/or landscaping.~~
- ~~(G) A landscaping plan prepared by a registered landscape architect shall be submitted with all new~~

1 ~~construction and/or modifications to existing structures that exceed fifty (50) percent of the total~~
2 ~~structure's replacement value.~~

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

5 ~~(i) Vending machines for beverages, food and sundries intended for merchandise sales and display~~
6 ~~shall be installed, constructed and replaced in kiosks or other enclosures, and screened from view~~
7 ~~of public right-of-way and neighbors. Such machines shall not be placed along the front or side or~~
8 ~~rear building facades. Such machines are prohibited on the exterior of any structure.~~

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

11 ~~(iii) Media racks for newspapers, magazines and other printed publications may be placed on the~~
12 ~~exterior of buildings but must be placed inside of the standardized media containers that are~~
13 ~~approved by the Manasota Key Municipal Taxing Unit, and the architectural review committee.~~

14 ~~(iv) Automatic teller machines and other currency dispensing devices shall not be permitted on the~~
15 ~~exterior structure of any building.~~

16 ~~(5) Variance applications shall be heard by the architectural review committee of the~~
17 ~~Manasota/Sandpiper Key Advisory Committee in their regularly scheduled meetings prior to the~~
18 ~~review of the zoning official. The architectural review and/or advisory committee shall issue a~~
19 ~~recommendation of approval or denial as to the application. The recommendation shall be~~
20 ~~forwarded to the zoning official. The recommendation of the architectural review and/or advisory~~
21 ~~committee shall be considered by the zoning official in connection with the zoning official's~~
22 ~~consideration of the application.~~

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Section 2. Conflict with Other Ordinances. The provisions of this Ordinance shall supersede any provision of exiting ordinances in conflict herewith to the extent of said conflict.

Section 3. Severability. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect upon its filing with the Office of the Secretary of State, State of Florida.

PASSED AND DULLY ADOPTED this _____ day of _____, 2013.

BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA
By: _____

ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners
By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:
By: _____
Janette S. Knowlton, County Attorney