



1           WHEREAS, during the implementation of the revised overlay code, some issues  
2 have arisen;

3           WHEREAS, the citizens of Manasota and Sandpiper Key, through the Manasota  
4 and Sandpiper Key Advisory Committee, submitted revisions to the existing Section 3-9-  
5 53, Manasota Key Zoning District Overlay;

6           WHEREAS, staff is recommending that Chapter 3-9 of the Code of Laws and  
7 Ordinances of Charlotte County, Florida, be amended by revising Section 3-9-50 and  
8 renaming it to Manasota and Sandpiper Key Zoning District Overlay;

9           WHEREAS, On January 12, 2015, the Charlotte County Planning and Zoning  
10 Board has recommended approval of the revisions recommended by the Advisory  
11 Committee; and

12           WHEREAS, the Board considered the revisions in public hearings on February  
13 24, 2015 and March 24, 2015; and

14           WHEREAS, the Board has determined that the changes are consistent with the  
15 County's Comprehensive Plan, will promote the Manasota and Sandpiper Key's  
16 aesthetic and visual environment and character, and is in the best interests of the  
17 County and its citizens.

18           NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners  
19 of Charlotte County, Florida:

20           Section 1. , Section 3-9-50 of Chapter 3-9, Article II, of the Code of Laws and  
21 Ordinances of Charlotte County, Florida is hereby amended by replacing it in its entirety  
22 with the following new Section 3-9-50 as follows:  
23  
24  
25

1 | **3-9-5350. – Manasota and Sandpiper Key Zoning District Overlay-**  
2

3 | **(a) Definitions.** When terms are defined both in this Section 3-9-53-50 and elsewhere in the  
4 County Code, definitions for such terms in this subsection shall control. The following terms  
5 shall have the meanings set forth in this subsection:

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

8 *Appurtenances* shall mean something added to another, more important thing on a building  
9 that is customarily incidental and subordinate to a principal building.

10 *Building setback calculation* shall mean the methodology used in the Overlay Code to  
11 determine the stepped setback required from the property line for a building based on building  
12 height and stepped setback calculation points.

13 Design requirements shall mean the architectural design requirements provided for by the  
14 overlay code that shall regulate the design of new construction and the repair, rehabilitation or  
15 remodeling of existing structures on Manasota and Sandpiper Keys.

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

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

19 *Height, Building or Structure* in this Code shall mean the distance from 0 feet NGVD to the  
20 top of the highest constructed element.

21 *Highest constructed element* shall mean the highest point of a building or the highest point of  
22 any rooftop livable space or appurtenances thereto.

23 *Manasota Key Overlay Code* shall mean the Manasota and Sandpiper Key Zoning District  
24 Overlay Code established by section 3-9-53-50 and as amended into the County Code.

25 *Manasota Key* shall mean the land located south of the Sarasota-Charlotte County line,  
26 west of Sandpiper Key, north of Stump Pass Beach State Park and east of the Gulf of Mexico.

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

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

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

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

1           *Manasota planned development* or MPD shall mean the planned development zoning  
2 district established by the Overlay Code.

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

5           *Maximum Building Height* within the Manasota and Sandpiper Key Overlay District shall  
6 mean the building height as measured from 0 feet NGVD to the top of the highest constructed  
7 element.

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

11           *Minimum Finished Floor Elevation* shall mean the lowest floor for which a building permit  
12 may be issued which on Manasota Key in the A-Zones is the minimum lowest floor elevation or  
13 Base Flood Elevation (BFE); and in the V-Zone (governed by Florida DEP seaward of the  
14 coastal construction control line) is the least horizontal shore parallel structural member plus the  
15 thickness of the structure which for this code shall be a vertical measurement of 2-two feet from  
16 the Lowest Horizontal Structural Member (LHSM).

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

19           *Overlay code* shall mean the Manasota and Sandpiper Key Zoning District Overlay Code  
20 established by this section 3-9-~~53~~50.

21           *Peripheral Landscape Strip* shall mean the required green open area of at least ~~ten~~ (10)  
22 feet in width located immediately adjacent and parallel to all sides of the lot boundary that is free  
23 of encroachments. The 10-foot wide green open area is a vegetated landscape strip. Vegetated  
24 landscaping means grass, ground cover, mulch, shrubs, vines, hedges, and/or trees.

25           *Plan* shall mean the Manasota Community Plan as accepted by the board on September  
26 21, 2004 and as it may be amended from time to time.

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

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

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

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

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

5            *Structure height* – See Height, structure above.

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

8  
9            **(b) Establishment; short title:** The Manasota and Sandpiper Key Zoning District Overlay Code  
10 is hereby established. The short title of this section shall be “Manasota and Sandpiper –Key  
11 Overlay Code.”

12  
13            **(c) Intent.** The intent of the Manasota and Sandpiper Key Overlay Code is to implement the  
14 goals, objectives, and policies of the Manasota Key Community Plan to preserve and protect the  
15 existing low-density development and to blend future development with it in an appropriate  
16 manner.

17  
18            **(d) Boundary.** The area affected by the Manasota and Sandpiper Key Overlay Code shall be  
19 the area depicted as Manasota and Sandpiper Key on Smart Charlotte 2050 FLUM Series Map  
20 #9: Barrier Island Overlay District.

21  
22            **(e) Applicability; conflict with other ordinances.** The overlay code shall apply to  
23 development and redevelopment on the islands together with all other matters referenced in the  
24 overlay code. The terms development and redevelopment shall be construed liberally and shall  
25 include any plat, special exception, variance, waiver, site plan approval, building or sign permit,  
26 or any other official action of Charlotte County that has the effect of permitting development  
27 and/or redevelopment or any application for any of the preceding matters. The overlay code  
28 shall apply to the preceding matters notwithstanding the application of another provision(s) of  
29 the County Code to said matters. Except where expressly provided herein, the terms of the  
30 overlay code shall supersede and control in the event and to the extent of a conflict between the  
31 overlay code and another provision of the County Code.

32  
33            **Zoning Districts**

1 The following zoning districts are the only zoning districts permitted within the Manasota and  
2 Sandpiper Key Overlay District and shall only be permitted in the Manasota and Sandpiper Key  
3 Overlay District.

4

5 (1) Open Space & Rural Districts

6 Manasota Environmentally Sensitive (MES)

7 (2) Residential Districts

8 Manasota Single-Family 1 (MSF-1)

9 Manasota Single-Family 3.5 (MSF-3.5)

10 Manasota Single-Family 5 (MSF-5)

11 Manasota Multifamily 7.5 (MMF-7.5)

12 Manasota Multifamily 10 (MMF-10)

13 Manasota Multifamily 12 (MMF-12)

14 (3) Commercial Districts

15 Manasota Commercial General (MCG)

16 Manasota Commercial Tourist (MCT)

17 (4) Special Districts

18 Manasota Planned Development (MPD)

19

20 **(f) Intent of Manasota and Sandpiper Key Overlay Districts:**

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

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

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

33 (4) The *intent* of MCG district is to provide areas in which the customary and traditional conduct  
34 of trade, retail sales and commerce may be carried on without disruption by the encroachment

1 and intrusion of incompatible residential uses and protected from the adverse effects of  
 2 undesirable industrial uses.

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

11 (6) The *intent* of the MPD district is to retain standards that maintain current densities and  
 12 zoning districts consistent with the goals of the Manasota Key Community Plan and provide  
 13 standards for new planned developments.

14

15 **(g) District Development Standards**

16 **(1) Open Space & Rural District Standard.** The following numerical requirements apply  
 17 subject to the provisions below.

	MES
<b>Lot (min Acres)</b>	
Lot are inside Urban Service Area	40
Lot area outside Urban Service Area	40
Lot Width (ft.)	250
<b>Yard (min. ft.)</b>	
Front	25
Side	20
Rear	20
Abutting water	20
Side & rear abutting Gulf of Mexico	50
<b>Bulk (max.)</b>	
Lot Coverage	10%
Height (ft.)	43 ft.
Density (units per acre)	0.025

18 a. Only one driveway crossover is permitted within the front yard setback.

19 b. Maximum building height shall not exceed ~~forty-three~~ (43) feet for MSF Zones  
 20 landward of the CCCL as measured from Zero feet NGVD to the top of the

highest constructed element. Building height calculations are contained under the development standards of this Code.

c. The property shall be maintained in natural vegetation rather than landscaped.

d. Temporary portable structures and mobile homes shall be prohibited in this district.

**(2) Residential District Standards**

**A. Single-family.** The following numerical requirements apply subject to the provisions below.

	<b>MSF-1</b>	<b>MSF-3.5</b>	<b>MSF-5</b>	<b>Non-Conforming</b>
<b>lot (min)</b>				
<b>Lot area (sq.ft.)</b>	<b>43,560</b>	<b>12,445</b>	<b>8,712</b>	<b>Less than 8,712</b>
<b>Lot Width (ft.)</b>	<b>125</b>	<b>80</b>	<b>70</b>	<b>Less than 70</b>
<b>Yard (min. ft.)</b>				
<b>front</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>
<b>Side yard (interior)</b>	<b>Stepped/10 See Below</b>	<b>Stepped/10 ft. See Below</b>	<b>Stepped/10 See Below</b>	<b>10</b>
<b>Side Yard (street)</b>	<b>20</b>	<b>15</b>	<b>15</b>	<b>15</b>
<b>Rear yard (interior)</b>	<b>Stepped/20 See Below</b>	<b>Stepped/20 ft. See Below</b>	<b>Stepped/20 See Below</b>	<b>10</b>
<b>Rear Yard (street)</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>
<b>Abutting water</b>	<b>20/50GM See Below</b>	<b>20/50GM See Below</b>	<b>20/50GM See Below</b>	<b>20/50GM See Below</b>
<b>Peripheral Landscape Strip</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>
<b>Bulk (max.)</b>				
<b>Lot coverage</b>	<b>35%</b>	<b>35%</b>	<b>35%</b>	<b>35%</b>
<b>Height (ft.)</b>	<b>48/43 See Below</b>	<b>48/43 See Below</b>	<b>48/43 See Below</b>	<b>48/43 See Below</b>
<b>Density (units/acre)</b>	<b>1</b>	<b>3.5</b>	<b>5</b>	<b>Same as District</b>
<b><u>Setbacks for accessory building from:</u></b>				
<b><u>Rear (interior) lot line, feet</u></b>	<b><u>20</u></b>	<b><u>20</u></b>	<b><u>20</u></b>	<b><u>20</u></b>

<u>Side yard</u>	<u>Same as principal building</u>			
<u>Abutting road right-of-way line</u>	<u>Same as principal building</u>			
<u>Rear or side line abutting Bay or waterway</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>Rear or side line abutting Gulf</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

- ~~a. Side interior setbacks shall be stepped back as a function of building height as measured by the setback calculation provisions under the development standards 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 under the development standards of this Code, but shall be no less than 20 feet.~~
- a. All setbacks (front, side, and rear) are subject to the stepped setback provisions set forth under the Development Standards, Section (j) (8) of this Code. Stepped setbacks are a function of building height.
- ~~b. 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.~~
- ~~c. Setback calculation provisions are contained under the development standards of this Code.~~
- ~~c. Maximum building height shall not exceed forty-eight (48) feet for all MSF Zones seaward of the Florida DEP Coastal Construction Control Line (CCCL) and forty-three (43) feet for MSF Zones landward of the CCCL as measured from Zero feet NGVD to the top of the highest constructed element. Building height calculations are contained under the development standards of this Code.~~
- d. 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 the architectural standards of this Code.

e. All non-conforming lots less than 70 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.

f. All new development and any improvement to an existing development that totals over 1,000 square feet of pervious pavers shall be required to submit a drainage plan that shows the how stormwater is contained on site during normal rainfall events.

g. Accessory structures are also subject to other applicable provisions in this code including: (h) Permitted Uses, (j) (11) Development Standards, and (k)(6) Architectural Design Standards.

**B. Multifamily.** The following numerical requirements apply subject to the provisions below.

	MMF-7.5	MMF-10	MMF-12	ALL MMF Non-Conforming
<b>Lot (min.)</b>				
Lot area (sq.ft.)	7,500	7,500	7,500	Less than 7,500
Lot width (ft.)	80	80	80	Less than 80
<b>Yard (min. ft.)</b>				
Front	30	30	30	30
Side yard (interior)	Stepped/10 See Below	Stepped/10 See Below	Stepped/10 See Below	10
Side yard (street)	15	15	15	15
Rear yard (interior)	Stepped/20 See Below	Stepped/20 See Below	Stepped/20 See Below	10
Rear yard (street)	15	15	15	15
Abutting water	35/50GM See below	35/50GM See below	35/50GM See below	35/50GM See below
Peripheral Landscape Strip	10	10	10	10
<b>Bulk (max.)</b>				
Lot coverage	35%	35%	35%	35%
Height (ft.)	55/48 See Below	55/48 See Below	55/48 See Below	55/48 See Below
Density (unit per acre)	7.5	10	12	Same as district

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.~~

a. All setbacks (front, side, and rear) are subject to the stepped setback provisions set forth under the Development Standards, Section (j) (8) of this Code. Stepped setbacks are a function of building height.

~~e.b.~~ 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.c.~~ No stormwater management systems shall be located within the Peripheral Landscape Strip. No side Yard setback areas shall contain conventional stormwater detention ponds.

~~e.d.~~ Maximum building height shall not exceed fifty-five (55) feet for all MMF Zones seaward of the Florida DEP Coastal Construction Control Line (CCCL) and forty-eight (48) feet for MMF Zones landward of the CCCL as measured from Zero feet NGVD to the top of the highest constructed element. Building height calculations are contained under the development standards of this Code.

~~f.e.~~ 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.

~~g.f.~~ 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.

~~h.g.~~ For non-conforming MMF lots 50 feet wide or less, the owner may request an administrative waiver of up to 20% of the side setback (~~2~~ two feet on each side) to redress hardships associated with meeting driveways and parking requirements for multifamily development. Waiver limits are contained in the Development Standards of this Code.

~~i. 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.~~

**C. Commercial District Standards**

MCG	MCT	MCT	MCT	MCT
	Commercial use	Commercial-Nonconforming	Residential use	Mixed Use

<b>Lot (min.)</b>					
area (sq. ft.)	12,000	12,000	less than 12,000	7,500	12,000
Width (ft.)	100	100	less than 100	80	100
<b>Yard (min.ft.)</b>					
Front	18	25	<b>See Note 1</b>	30	25
Side yard (interior)	<del>Stepped/25</del> See below	10	10	<del>Stepped/10</del> See below	10
Side yard (street)	20	20	20	15	20
Rear yard (interior)	10	10	10	<del>stepped/20</del> see below	10
Rear yard (street)	25	25	25	15	25
Abutting water	20/50 GM See below	20/50 GM See below	20/50 GM See Below	35/50 GM See below	35/50 GM -R 20/50- GM -C <b>See Note 3</b>
Peripheral Landscape Strip	10	10	10	10, <b>See Note 2</b>	10
Abutting property zoned MSF and MCT-residential	25	25	25	NA	25
<b>Bulk (max.)</b>					
Lot coverage	50%	35%	35%	35%	35%
Height (ft.)	48/43 See Below	48/43 See Below	48/43 See Below	55/48 See Below	55/48
Density (units/acre)	0	0	0	15	15

1 **Note 1.** MCT Commercial lots 85 feet or less in depth shall utilize the 18 foot Front Yard  
2 standard of the MCG zoning district. All others shall meet the 25 foot Front Yard standards of  
3 the MCT commercial zone.

4 **Note 2.** MCT Residential lots 50 feet wide or less may apply for a 20 % administrative side  
5 setback waiver in hardship cases.

6 **Note 3.** On MCT Mixed Use lots, first floor MCT Commercial use setback shall be 20 feet from  
7 the Bay and upper floor MCT Residential setback shall be 35 feet from the Bay.”

8 **a. Manasota Commercial General (MCG)**

- 9 i. All setbacks (front, side, and rear) are subject to the stepped setback provisions set forth  
10 under the Development Standards, Section (j) (8) of this Code. Stepped setbacks are a  
11 function of building height. ~~Side yard interior setbacks shall be stepped back as a~~

1 ~~function of building height as measured by the setback calculation provisions of this~~  
2 ~~Code, but shall be no less than 25 feet.~~

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

5 iii. ~~Setbacks abutting property zoned Residential shall be equal to 25 feet.~~

6 ~~iv. Setback calculation provisions are contained under the development standards of this~~  
7 ~~Code.~~

8 ~~v.iv.~~ Maximum building height shall not exceed ~~forty-eight (48)~~ feet for all MCG Zones  
9 seaward of the Florida DEP Coastal Construction Control Line (CCCL) and forty-three  
10 (43) feet for MCG Zones landward of the CCCL as measured from Zero feet NGVD to  
11 the top of the highest constructed element. Building height calculations are contained  
12 under the development standards of this Code.

13 ~~vi.v.~~ All properties shall have front, side, and rear Peripheral Landscape Strips of no less than  
14 10 feet. Peripheral Landscape Strip and parking standards are contained under the  
15 development standards of this Code.

16 ~~vii.vi.~~ All ~~non-conforming~~ MCG lots, including nonconforming less than 100 feet in width or less  
17 than the District minimum lot area required shall have front, side, and rear Peripheral  
18 Landscape Strips of no less than 10 feet.

### 19 **b. Manasota Commercial Tourist (MCT)**

20 i. This district is a mixed-use district. Commercial and residential uses are permitted and  
21 the site may be entirely commercial, entirely residential, or mixed use, using the  
22 appropriate development standards.

23 ii. Setbacks

24 ~~a) Side interior setbacks for residential uses shall be stepped back as a function of~~  
25 ~~building height as measured by the setback calculation provisions of this Code,~~  
26 ~~but shall be no less than 10 feet.~~

27 a) All setbacks (front, side, and rear) are subject to the stepped setback provisions  
28 set forth under the Development Standards, Section (j) (8) of this Code. Stepped  
29 setbacks are a function of building height.

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

1 |           e)b) \_\_\_\_\_ Side and rear yards that abut any water but the Gulf of Mexico shall be at  
2 |           least 35 feet, and those that abut the Gulf of Mexico (GM) shall be at least 50  
3 |           feet.

4 |   iii.   Setbacks for MCT-Commercial and MCT-Mixed Use abutting property zoned Residential  
5 |       shall be 25 feet.

6 |   iv.   Setback calculation provisions are contained under the development standards of this  
7 |       Code.

8 |   v.   Maximum building height shall not exceed ~~forty-eight (48)~~ feet of structure height for  
9 |       MCT-Commercial Districts seaward of the Coastal Construction Control Line; ~~forty-three~~  
10 |      ~~(43)~~ feet of structure height for MCT-Commercial Districts landward of the CCCL.  
11 |      Maximum building height shall not exceed ~~fifty-five (55)~~ feet of structure height for MCT-  
12 |      Residential and MCT-Mixed Use Districts seaward of the Coastal Construction Control  
13 |      Line, and ~~forty-eight (48)~~ feet of structure height for MCT-Residential and MCT-Mixed  
14 |      Use Districts landward of the CCCL. Height shall be measured from Zero feet NGVD to  
15 |      the top of the highest constructed element. Building height calculations are contained  
16 |      under the development standards of this Code.

17 |   vi.   All properties shall have front, side, and rear Peripheral Landscape Strips of no less than  
18 |       10 feet. Peripheral Landscape Strip and parking standards are contained under the  
19 |       development standards of this Code. Parking requirements are specified under  
20 |       Architectural standards of this Code.

21 |   vii.  All non-conforming MCT-Commercial lots less than 100 feet in width and/or less than the  
22 |       District minimum lot area required shall have front, side, and rear Peripheral Landscape  
23 |       Strips of no less than 10 feet.

24 |   viii. All non-conforming MCT-Residential lots less than 80 feet in width or less than the  
25 |       District minimum lot area required shall have front, side, and rear Peripheral Landscape  
26 |       Strips of no less than 10 feet.

27 |   ix.   All non-conforming MCT-residential lots shall be required to conform to the non-  
28 |       conforming standards as set forth in this Code as they apply to MMF-12 development  
29 |       standards.

30 |   x.   For non-conforming MCT-residential lots 50 feet wide or less, the owner may request an  
31 |       administrative waiver of up to 20% of the side setback (~~2-two~~ feet on each side) to  
32 |       redress hardships associated with meeting driveways and parking requirements for  
33 |       multifamily development. Waiver limits are contained in the Development Standards of  
34 |       this Code.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

**Special Purpose District**

**Manasota Planned Development Zoning and Land Uses (MPD).** The following numerical requirements apply subject to the provisions below.

<b>Lot Requirements</b>	<b>MPD</b>
<b>Lot (min.)</b>	
Lot area (sq. ft.)	150,000
<b>Yard (min. ft.)</b>	
Front	40
Side, Rear or between structures	<del>Stepped/25</del> See Below
Abutting Lemon Bay	<del>Stepped/35</del> See Below
Abutting the Gulf of Mexico	50
<b>Bulk (max.)</b>	
Lot coverage	35%
Floor Area Ratio	0.6
Building Height (ft.)	48 ft./43 ft. for land previously zoned MSF, and 55/48 ft. for MMF and MCT-residential and MCT-Mixed Use. <del>See Below</del>
Density	No greater than existing lot density permitted

- a. All setbacks (front, side, and rear) are subject to the stepped setback provisions set forth under the Development Standards, Section (j) (8) of this Code. Stepped setbacks are a function of building height.
- ~~a. Setback calculation provisions are contained under the development standards of this Code.~~
- b. Maximum building height shall not exceed forty-eight (48) feet for lands previously MSF Zones seaward of the Florida DEP Coastal Construction Control Line (CCCL) and forty-three (43) feet for MSF Zones landward of the CCCL. Maximum height shall not exceed fifty-five (55) feet for lands previously MMF and MCT-Residential Zones seaward of the CCCL and forty-eight (48) feet for MMF and MCT-Residential landward of the CCCL. MCT-Mixed Use developments shall not exceed the fifty-five (55) seaward of the CCCL and forty-eight (48) feet landward of the CCCL and shall include one floor of commercial use. Maximum height shall be measured from Zero feet NGVD to the top of the highest constructed element. 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.

- 1 e. There shall be one (1) main point of access and one emergency entrance per contiguous land  
2 rezoned to MPD.
- 3 f. Lands subject to a MPD rezoning shall be contiguous whenever possible. If said lands are not  
4 contiguous, a ~~twenty-five (25)~~ foot MPD setback shall be applicable whenever the proposed  
5 MPD abuts property not zoned MPD. Said MPD setback shall contain the uses and structures  
6 permissible in the peripheral landscaping strip, as defined in this section. Front and rear yard  
7 areas may contain pools or other accessory structures as set forth in the Overlay Code.
- 8 g. A minimum of ~~twenty (20)~~ percent of the entire MPD parcel shall be open space, which shall  
9 include environmentally sensitive habitats and vegetated areas and shall not be encumbered by  
10 an impervious surface. Easements and parking areas are not included in open space  
11 calculations.
- 12 h. When the minimum MPD setbacks above conflict with other required setbacks, including coastal  
13 construction control line (CCCL) regulations, and other applicable regulations, the enforceable  
14 setback shall be that which results in a greater distance from property lines to structures.
- 15 i. Density bonuses. Density bonuses shall not be applicable in the Manasota and Sandpiper Key  
16 Code.
- 17 j. Failure to obtain final approval for a MPD within ~~3~~three years with no extension from concept  
18 plan approval may cause the County to initiate a rezoning of the property, which shall revert to  
19 the zoning district back to its original designation.
- 20 k. Parking Requirements: i) All land coverings, including parking and circulation areas, must be  
21 pervious. This 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. iii) Parking  
23 areas shall be located on the same parcel as the proposed use. Parking shall not be a principal  
24 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.

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

3

4 **(h) Permitted Uses and Use Table**

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

USE TABLE						
USE CATEGORIES	SPECIFIC USES	MES	MSF	MMF	MCG	MCT
OPEN & RURAL USES						
	Fishing, Fisheries, hatcheries, preserves	SE				
RESIDENTIAL USES						
	Single family, detached, modular	P	P	P		
	Manufactured home (DCA)		P			
	Cluster Subdivision		SE			
	Duplex			P		
	Multifamily			P		P
	<u>Other: Guest House</u>		SE			
	<u>Other: Home Occupation</u>		SE	SE		
PUBLIC & CIVIC USES						
	Emergency Services	SE	SE	SE	P	P
	Public Building				SE	SE
	Fish & WL mgt. area, nature preserve	P				
	game preserve, public & private	P				
	Outdoor Education facility	P				
	Park, recreation facility, park office, maintenance facility, playground, open space	SE				
	Essential Services		SE	SE	P	P
COMMERCIAL						

USES						
	Bed and Breakfast 1 or 2 bedroom			SE		P
	Bed and Breakfast 3or more bedrooms					P
	Hotel, motel, inn				P	P
	Beach clubs without food or sundry sales		SE	SE	P	P
	Recreation, Indoor				P	
	Recreation, Outdoor				P	
	Recreation vehicle rental, non-motorized only				P	SE
	Restaurant				P	P
	Bar, cocktail lounge, nightclub, tavern				P	P
	<del>General retail sales &amp; service</del>	-	-	-	<del>P</del>	<del>SE</del>
	Real Estate Services & property management				P	P
	<del>Business services</del>	-	-	-	<del>SE</del>	-
	Convenience Store				P	P
	Liquor, package store				SE	SE
	Pharmacy					P
	Specialty Shops <del>(jewelry, gift, clothing, accessories, etc.)</del>				P	P

1 (2) It is the intent of this section to restrict the allowable uses with the Overlay Code Districts to avoid trip-  
2 generating traffic not related to residential and beach-related tourist uses on this small barrier strip.

3 (3) Unless specifically defined in the above table and this subsection, additional uses and structures are  
4 prohibited.

5 (4) Public parks and recreational facilities shall only be allowed in the MES District and only by special exception  
6 and only if restricted to meet the intent of the MES District.

7 (45) Paid parking shall be prohibited in ~~MSF and MMF Districts~~ on any parcel within the Overlay District, except on  
8 public recreation lands. Leasing or rental of upland properties on the islands for short-term parking or long-  
9 term storage of vehicles or trailers shall be prohibited in all Districts. Multi-story parking garage structures  
10 shall be prohibited in all Districts.

11 (56) Lodges or private clubs shall be prohibited in all Districts and beach clubs shall be allowed only without food  
12 or sundry sales.

13 (67) Hotel/Motel/Inn uses may have commissary, coffee bar, continental breakfast and other services for their  
14 guests.

1 | (78) Sport marinas and Resort marinas shall be prohibited. However, leasing of dock space in the MCT district  
2 | only on lots adjacent to coastal waters not on the Gulf of Mexico is permitted as a special exception with the  
3 | following restrictions: no live-aboard dockage; no sale of fuel and lubricants; no provisions, bait & tackle; no  
4 | service buildings with laundry facilities, showers, toilets; no rental of motorized watercraft; and no launching of  
5 | boats from the site. A condition of the permit is adequate parking for leased dock spaces. Private  
6 | noncommercial boat docks are permissible in MES, MSF, MMF, and MCT-Residential Districts for the  
7 | exclusive use of the property owner or someone with a legal interest greater than a lease hold interest and  
8 | are prohibited from being rented.

9 | (89) The rental, sale, or repair of motorized vehicles, including but not limited to boats, jet skis, scooters, and  
10 | segways, is prohibited. Non-motorized recreational rentals, including but not limited to kayaks, canoes, and  
11 | bicycles, is allowed in the MCG District and, as a special exception in MCT District.

12 | (10) Home Occupations are allowed by Special Exception in MSF and MMF zones. In addition to meeting the  
13 | requirements of the County Code, the applicant must provide documentation that the proposed home  
14 | occupation does not involve employees or clients who visit the premises and will not generate parking space  
15 | demands. (e.g., telemarketing verses music teacher); or if lot is twice the minimum lot size, demonstrate that  
16 | there is adequate parking for the number of clients expected to be serviced.

17 | (11) One guest house or one servant's quarters for each single-family dwelling are allowed by special exception,  
18 | provided the lot area shall be not less than twice the minimum lot area required for a single-family dwelling;  
19 | and the guest house or servant's quarters is intended for use on a temporary basis. The guest house and  
20 | principal dwelling shall not be rented separately.

21 | (12) Restaurant Outdoor Seating is an allowable use for restaurants and bars, and, whether covered or  
22 | uncovered, shall be required to be reviewed by the Advisory Committee for compliance with the setback,  
23 | paving and other requirements of the Code. Outdoor and under-structure exterior bar areas are allowed, but  
24 | shall be required to meet the setback, paving, height, and other requirements of the Code and be reviewed by  
25 | the Advisory Committee.

26 | (13) Specialty shops include small jewelry, gift, clothing, accessories, coffee, bakery, ice cream, and the like,  
27 | beach tourist-related shops. Such other beach tourist-related shops, as determined by the Zoning Official with  
28 | concurrence by the Advisory Committee, may be permitted by special exception.

29 | (14) Accessory structures and Accessory Uses. Accessory structures shall be required to meet the standards set  
30 | forth under (j) and (k) of this Code.

31 | a) Uses and structures that are customarily accessory and clearly incidental to the MSF principal uses and  
32 | structures are also permitted within the MSF districts and include: private garages and storage structures,  
33 | greenhouses; swimming pools and hot tubs; and tennis courts, subject to standards under (j) and (k) of this  
34 | Code.

35 | b) Uses and structures that are customarily accessory and clearly incidental to the MMF principal uses and  
36 | structures are also permitted within the MMF districts and include private garages and storage structures,  
37 | swimming pools and hot tubs, and tennis courts, subject to standards under (j) and (k) of this Code.

1 c) Uses and structures that are customarily accessory and clearly incidental to the MCT principal uses and  
2 structures are also permitted within this district including a residential dwelling unit within the same  
3 structure as the principal use for occupancy by owner or employee of permitted uses, parking lots, and  
4 outdoor dining areas.

5 d) Uses and structures that are customarily accessory and clearly incidental to the MCG principal uses and  
6 structures are also permitted in this district, including a residential dwelling unit within the same structure  
7 as the principal use for occupancy by owner or employee of permitted uses, parking lots, and outdoor  
8 dining areas.

9 e) Uses and structures that are customarily accessory and clearly incidental to the MES principal uses and  
10 structures are permissible in this district including private noncommercial boat dock but not piers, docks  
11 and wharves.

12 f) Accessory structures are required to be setback within the yards including, but not limited to, detached  
13 garages and carports, storage structures, swimming pools and hot tubs, with or without screen enclosures;  
14 green houses, and tennis courts.

15 g) Only the following accessory uses are permitted within the required yards on Manasota and Sandpiper  
16 Keys: 1) stairways may project up to four feet in a required front or rear yard, but not into the required side  
17 yards. Guttered roof overhangs may project up to two feet into a required front or rear yard on all lots; and  
18 may project up to two feet into the side yard and PLS on lots fifty feet wide or less. Where elevated, these  
19 uses must meet the stepped setback and maximum height requirements of this Code.

20 (15) Uses and structures permissible under the MPD district shall be equivalent to those that would otherwise be  
21 permissible on the property or properties prior to rezoning to a MPD. Unless specifically defined in the above  
22 use table, additional uses are prohibited.

23  
24 **(i) Development Review Procedure**

25 (1) Prior to submitting an application to the County for any type of development, for a Special  
26 Exception, or for a Variance, an applicant shall appear before the Manasota and Sandpiper Key  
27 Advisory Committee at a regularly-scheduled public meeting of the Advisory Committee to review,  
28 discuss, and receive recommendations from the Advisory Committee regarding the proposed  
29 development's consistency with the Manasota Key Community Plan and ~~the portions of this Code~~  
30 ~~specifically applicable to the Manasota and Sandpiper Key Overlay Code~~ this Article. Such request  
31 for review shall be accompanied by documentation required by the Advisory Committee to perform  
32 its review. At the conclusion of the review, the Advisory Committee shall prepare written comments  
33 regarding the proposed development with recommendations or notations, as appropriate, which  
34 shall be considered by the County ~~officials in their deliberations~~ during the review process.

1 | (2)\_ All sketches, site plans, or other documentation submitted to the County as part of a development  
2 | application shall be consistent with any information submitted to the Advisory Committee for review,  
3 | except as such may be revised based upon recommendations made by the Advisory Committee.

4 | (3) All new applications, whether previously reviewed or not, shall be reviewed by the Advisory  
5 | Committee.

7 | **(j) Development Standards.** These development standards shall apply to all zoning districts within the  
8 | Manasota and Sandpiper Key Overlay Code.

9 | **(1) Uniform Line of Construction.** In order to maintain the uniform line of construction of major  
10 | structures within the Overlay District, no portion of a residential structure shall be located  
11 | seaward of this line, or of a line traced between the corners of the two nearest buildings along  
12 | the Gulf of Mexico, except as permitted by DEP.

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

17 | **(3) ~~Permeable Pervious Material.~~** With the exception of fences and walls, all ground-level amenities  
18 | such as walkways, patios, new private roads, residential driveways, and all parking spaces  
19 | outside of the building footprint shall be constructed of ~~permeable pervious materials~~ to improve  
20 | drainage and runoff. The use of pavers for parking lots, driveways, patios and pools shall be  
21 | subject to Advisory Committee review and county permit and shall be certified by the supplier to  
22 | be pervious and installed to maximize onsite water absorption. When pavers are installed, the  
23 | contractor must provide a letter certifying that the pavers are pervious and that the pavers will be  
24 | installed to maximize on-site water absorption. The only exceptions to the use of pervious pavers  
25 | shall be a three-foot perimeter around a pool; H~~and~~handicapped accessible routes when required by  
26 | ADA. ~~shall be exempt from this requirement.~~

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

28 | **(5) Open Space/Reservation Area.** All development within the Overlay District subject to Site Plan  
29 | Review shall include an open space/habitat reservation area equal to five percent of the total  
30 | area of the development. No financial contribution in lieu of reservation shall be permitted.  
31 | Peripheral Landscape Strips and setbacks may be counted as part of the open space habitat  
32 | area unless the lot is greater than one -quarter acre.

33 | **(6) Pilings for Structures.**

34 | a. Pilings shall conform to construction techniques authorized under the Florida Building Code.

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

viii) The contractor of record must complete an application for pile driving on the form prescribed by the County. The application shall contain notice provisions, geotechnical data, and insurance requirements as enumerated above.

ix) 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.

**(7) Maximum Building Height, Maximum Stories and Maximum Building Height Calculation.**

For the purpose of the Manasota and Sandpiper Key Overlay Code, the maximum height of a building shall be measured from Zero NGVD to the top of the highest constructed element.

- a. Highest constructed element is the highest point of a building or the highest point of any rooftop livable space or appurtenances thereto.
- b. Rooftop livable space is all usable areas upon or above the roof of a building including but not limited to decks, swimming pools, walls, fences and railings. Rooftop livable space shall be calculated as the actual height of the railing, fence, wall or other rooftop structure.
- c. Appurtenance includes but is not limited to ornamental fixtures and fittings and rooftop equipment such as chimneys, antennas, cupolas, elevators, other mechanical or communications equipment.
- d. Only the following essential appurtenances shall be allowed above the rooftop or highest constructed element on Manasota Key, to exceed the height cap for the property, in the MMF and MCT-residential Zones associated with multi-family development: Stairs at no greater than 7-seven feet; elevator shafts at no greater than 4 feet; AC units at no greater than 4.5 feet; and mechanical pipes no greater than 2-two feet; and lightning rods no greater than 2-two feet. These appurtenances shall not be allowed on any facade. All appurtenances shall be located near the center of the roof, behind a line of sitesight. The "line of sitesight" shall be 15 degrees from the street front façade and 30 degrees from all other facades. For all essential appurtenances that exceed the building height cap, there shall be a horizontal green space offset equal to the square footage of the height of the appurtenance that protrudes above the highest constructed element times the widest or longest dimension of the appurtenance. For example, if a stairway protrudes 7-seven feet above the highest constructed element and is ten feet at its greatest width or length dimension, the green space offset required shall be 70 square feet. The green space offset can be located anywhere on the property outside the Peripheral Landscape Strip.
- e. Maximum building height shall not exceed ~~forty-eight (48)~~ feet of structure height for MSF, MCG and MCT-Commercial Districts seaward of the Coastal Construction Control Line; ~~forty-three~~

1 | ~~(43)~~ feet of structure height for MSF, MCG and MCT-Commercial Districts landward of the  
2 | Coastal Construction Control Line; ~~fifty-five (55)~~ feet of structure height for MMF, MCT-  
3 | Residential and MCT-Mixed Use Districts seaward of the Coastal Construction Control Line, and  
4 | ~~Forty-eight (48)~~ feet of structure height for MMF, MCT-Residential and MCT-Mixed Use Districts  
5 | landward of the Coastal Construction Control Line.

6 | f. The maximum number of stories shall be no greater than three-~~(3)~~ stories over parking in MMF,  
7 | MCT-Residential and MCT-Mixed Use Zones; and no greater than two ~~(2)~~ stories over parking  
8 | in MSF, MCG, and MCT-Commercial Zones.

9 | g. In unique circumstances, due to ground level or elevation requirements, the 48 foot NGVD  
10 | height limit may be exceeded such that a 35 foot building envelope may be met from finished  
11 | floor to the top of the roof on multi-family development projects landward of the CCCL.

12 | h. In unique circumstances, where any portion of a building is located in two flood zones, one  
13 | being seaward of the CCCL, the seaward maximum height shall apply to the entire building.

14 | i. There shall be a required green space off-set of one linear foot for each foot of structure height  
15 | in excess of fifty-two (52) feet in the MMF, MCT-Residential and MCT-Mixed Use Zones  
16 | seaward of the CCCL to be added in the front yard, in addition to the 10 foot Peripheral  
17 | Landscape Strip. For every foot of additional building height over 52 feet, there shall be a  
18 | horizontal foot of green space added to the entire width of the front yard immediately adjacent to  
19 | the 10 foot Peripheral Landscape Strip. For example, if a structure is built to the maximum  
20 | height of 55 feet, seaward of the CCCL, three feet of green space shall be added to the 10 foot  
21 | Peripheral Landscape Strip, resulting in a 13 foot green space setback along the entire width of  
22 | the front yard.

23 | ~~i.j.~~ Height limits for accessory structures are specified under (k) of this Code.

24 | **(8) - Building Setback Calculation.** The Manasota and Sandpiper Key Overlay District shall be  
25 | exempt from the requirements of the Waterfront Code. In the Overlay District, stepped setbacks  
26 | shall be required to preserve open vistas on Manasota and Sandpiper Keys by limiting the  
27 | height and size of structures in the Overlay District. The stepped setback was designed to  
28 | eliminate the need for variances tied to roof overhangs, balcony rails, and other side building  
29 | features, as well as to allow flexibility for architectural designs. For single family construction,  
30 | gambrel and peaked roofs are encouraged.

31 | a. The following specific stepped setback requirements and calculations shall be applied:

32 | i. Structures shall be set back from the property lines not less than the minimum required  
33 | yards in this Code. No structure shall be located within 50 feet of the shoreline of the Gulf

1 of Mexico. Structures shall be setback from other water bodies not less than the minimum  
2 required by this Code.

3 ii. Stepped setbacks, regardless of actual building elevation required by the Federal  
4 Emergency Management Agency (FEMA) or Florida Department of Environmental  
5 Protection (FDEP), shall be calculated as follows: In FEMA-governed zones starting at two  
6 feet above the minimum finished-lowest floor elevation or Base Floor Elevation (BFE) to the  
7 top of the highest constructive element. In FDEP V-Zones, starting at two feet above the  
8 least horizontal shore parallel structural member (LHSM) to the top of the highest  
9 constructed element.

10 ~~iii. Minimum Finished Floor Elevation (MFFE) shall mean the lowest floor for which a building~~  
11 ~~permit may be issued which on Manasota Key in the A-Zones is the minimum lowest floor~~  
12 ~~elevation; and in the V-Zone (governed by Florida DEP seaward of the coastal construction~~  
13 ~~control line) is the least horizontal shore parallel structural member plus the thickness of the~~  
14 ~~structure which for this code shall be a vertical measurement of 2 feet from the lowest~~  
15 ~~horizontal structural member.~~

16 ~~iv.iii.~~ Setback distance shall be calculated by measuring the horizontal distance from the lot line  
17 to the minimum setback at a specified height from two feet above the minimum finished  
18 floor elevation (MFFE), as specified in the Table below:

Minimum Yard Setback (feet) (Horizontal Setback Distance)	Setback –Starting Point is 2 feet above <del>MFFE</del> <u>BFE or LHSM</u> (Vertical Height Stepped Setback Range)
Yard setback minimum	2 feet above <del>MFFE</del> <u>BFE or LHSM</u> to 21 feet above starting point
Yard setback min. plus 3 feet	21 Feet to 30 Feet above starting point
Yard setback min. plus 6 feet	30 Feet above starting point to maximum height cap depending on the Zoning District and CCCL

19 ~~v.iv.~~ No encroachments shall be allowed within the building setbacks as calculated herein,  
20 except “guttered roof overhangs” and sunshades may extend two (2) feet into the setbacks  
21 at each stepped setback. For multifamily development on lots 50 foot wide or less, the  
22 stepped setback may be reduced to from 16 feet to 15 feet on one side only, exclusively to  
23 accommodate an elevator shaft or stairwell.

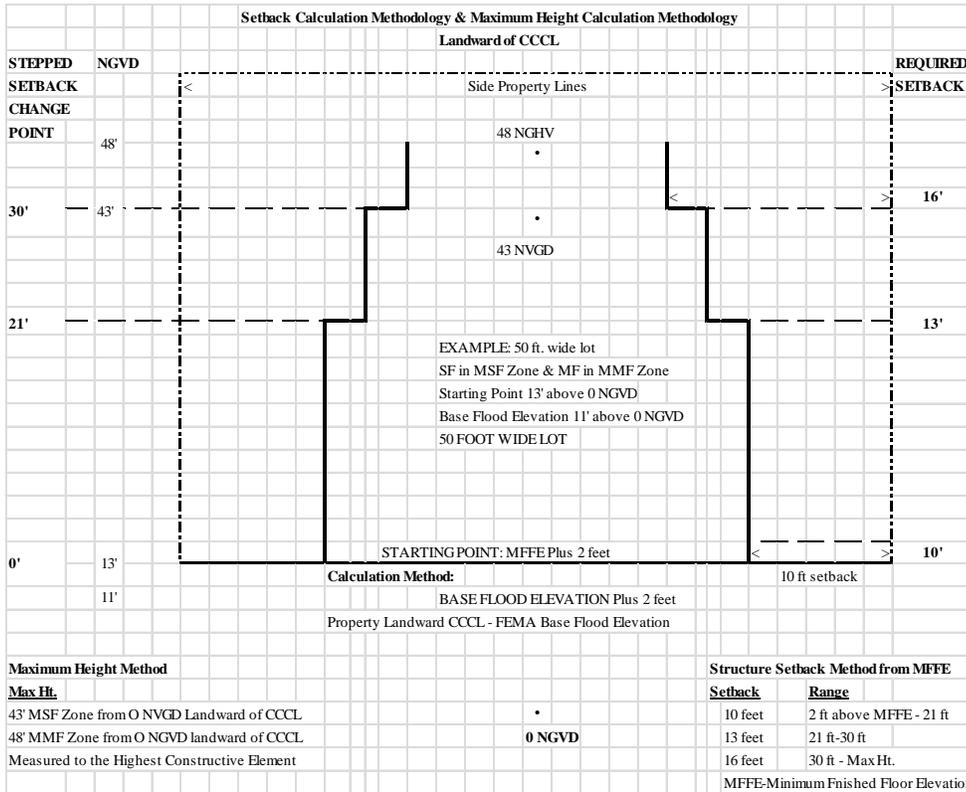
24 ~~vi.v.~~ No building may be constructed seaward of the coastal construction control line unless a  
25 permit has been issued by the State.

26 ~~vi.~~ All principle structures on the same development site, except single-story accessory  
27 structures, shall have a minimum structure-to-structure setback equal to the height of the

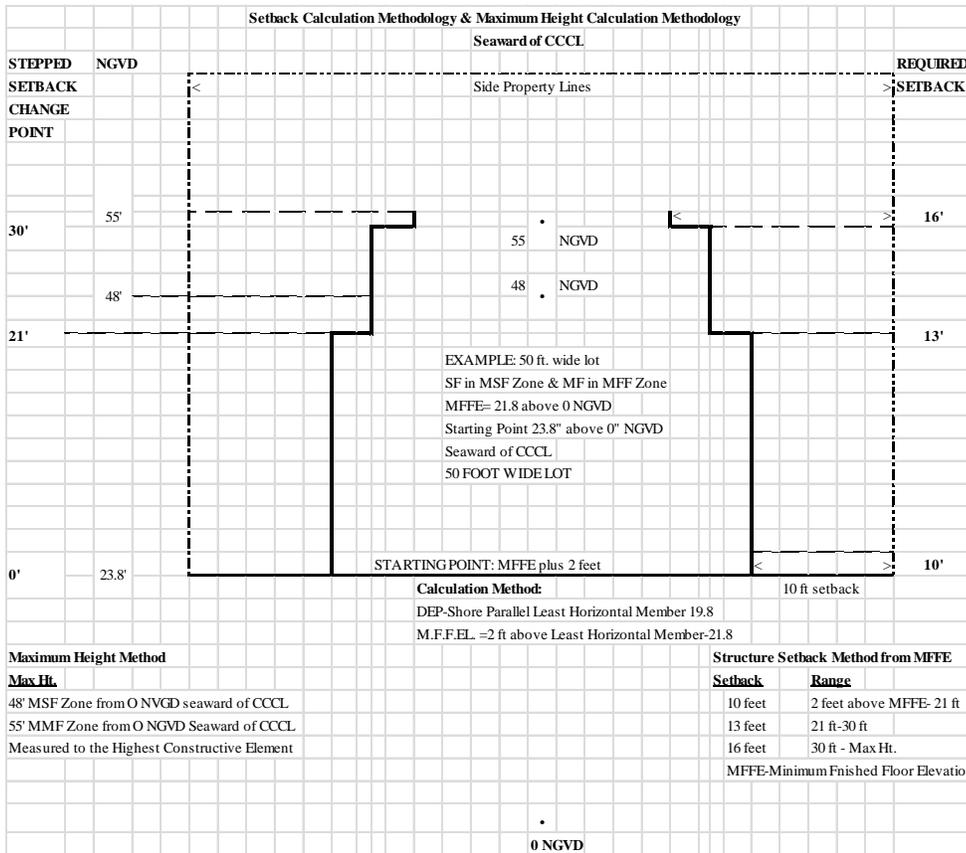
1  
2  
3  
4  
5

taller structure. For this purpose, height of the structure being measured from finished floor elevation to the peak of the roof. No structure shall exceed the maximum building height limit in their zoning district.

vii. Stepped setback requirements apply to all setbacks (front, side and rear).



6  
7



1

2 **(9) Peripheral Landscape Strip.** Peripheral Landscape Strips are required on all lots within the

3 Manasota Overlay District. All properties, conforming and nonconforming, shall have front, side

4 interior and rear interior Peripheral Landscape Strips of no less than ~~ten (10)~~ feet from the property

5 line. Peripheral Landscape Strips shall be located immediately adjacent and parallel to all sides of

6 a lot boundary. All Peripheral Landscape Strips shall be green open areas. A 10-foot wide green

7 open area with a vegetated landscape strip along the entire 10-foot perimeter is required and

8 intended to screen and separate new development or improvements to existing development from

9 adjacent existing development and from the public right-of-way. Vegetated landscaping means

10 grass, ground cover, mulch, shrubs, vines, hedges, or trees. Pavement, sand, shell, rock, and

11 aggregate shall not be considered approved landscape material for the 10-foot Peripheral

12 Landscape Strip, except that clean shell and native beach shell may be used in lieu of mulch

13 around shrubs. No encroachments shall be allowed within the ~~ten (10)~~ feet Peripheral Landscape

14 Strip including but not limited to structures, accessory structures, AC units, driveways, parking

15 areas, pools and pool accessories, electrical equipment, signage, stormwater management

16 systems, and holding tanks. Neither a structure nor any portion thereof shall be erected or shall

17 encroach or overhang upon the required Peripheral Landscape Strip. The only exceptions shall be:

18 a. Dune walkovers, sidewalks and driveway crossovers, where permissible.

- b. Fences.
- c. Guttered roof overhangs that may extend two (2) feet into the Peripheral Landscape Strip, only on lots 50 feet wide or less.
- d. Sunshades that may extend two (2) feet into the Peripheral Landscape Strip only on lots 50 feet wide or less.
- e. For non-conforming multifamily lots 50 feet wide or less, the owner may request an administrative waiver of up to 20% of the side setback (2 feet on each side) to redress hardships associated with meeting driveways and parking requirements for multifamily development. Waiver limits are as follows: No portion of the waiver areas shall be used for habitable space, for an increase in building envelope of livable area from the first floor to the highest constructed element or be permanently enclosed or roofed, and; the waiver request must document need for additional space exclusively for parking and driveway use that does not increase the livable space envelope and offers the least invasive design option regarding encroachment into the side Peripheral Landscape Strips.

**(10) Yard setbacks.** Yard setbacks, greater than ~~ten~~ 10 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, however appurtenances and mechanical equipment for the primary structure, which are typically allowed within required yards may be located within the greater yard setback. Accessory structures, parking, and driveways may be located within the greater yard building setback area as long as County Codes and the Overlay Code district standards and architectural standards are met.

**(11) Accessory Structures.** No accessory structures or uses, other than fences shall be allowed within the ~~ten~~ 10 ~~foot~~ (10) feet Peripheral Landscape Strip. All accessory structures must conform to the side and rear setback requirements of the appropriate zoning district as well as the stepped setback requirements of this code; exceptions are specified under Section (h)(13)g) above. Detached permanent garages must conform to the front setback requirements of the appropriate zoning district. All other accessory structures must be located behind the leading edge of the living area of the principal structure. The only exception is on lots 300 feet or greater in depth which may have screened accessory structures located in front of the building façade provided they are located at least 150 feet from the county right of way. Other accessory structure requirements are contained under the Architectural Design Standards below. Multifamily developments when permitted in any zoning district are permitted to contain a clubhouse, recreation room or similar community room to serve the residents of the development.

1 **(12) Nonconforming Lots.** It is the intent of this section to specify provisions of the Overlay Code that  
2 supersede the county nonconforming provisions and exceptions to Yards provisions and which  
3 sections of the county code remain in place. It is also the intent to include provisions unique to  
4 nonconforming lots in the Overlay boundary. Other than the administrative waiver provided for in  
5 this Overlay code, it is the intent that all lots contain a 10 foot Peripheral Landscape Strip.

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

10 B) The minimum side yard interior setbacks in all districts for conforming and nonconforming lots,  
11 including lots less than 5,000 square feet shall be 10 feet. The only exception is provided for  
12 under the administrative waiver procedure for MMF and MCT-residential lots in this Code. In  
13 these cases, documentation shall be provided to indicate why the administrative waiver is  
14 warranted; and an administrative variance shall be not granted in addition to the administrative  
15 waiver.

16 C) The variance provisions of the County Code under 3-9-6.1 provide for relief in hardship cases  
17 for nonconforming lots in the Overlay Code. The administrative variance under 3-9-6.1 (g) shall  
18 not be permitted for side yard variances which result in a side yard of less than 10 feet, and the  
19 provisions contained in Sec. 3-9-10.(c)(3)a.5-e and Sec.3-9-75(2)3-9-5.3(2) shall not apply  
20 when they would result in a side yard of less than 10 feet.

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

32 **(14) –Disaster Recovery.** Following a natural disaster, as determined by the Board of County  
33 Commissioners, multifamily developments that are nonconforming due to their density may be  
34 rebuilt with no increase in square footage, so long as they comply with as many other development

standards of this Code as possible, while still allowing the overall pre-disaster density which existed to be retained. In redevelopment of the site, first priority shall be given to establishing the Peripheral Landscape Strip, to the greatest extent possible. Documentation shall be provided to indicate where a particular development standard cannot be met.

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

**(16) 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. There shall be a minimum of one spot elevation per site, with additional spot ground elevations provided at every one foot of elevation change within the site.

**(17) Density on barrier islands.** Transfer of density units to Manasota and Sandpiper Keys is prohibited. The transfer of density units within the overlay boundary is also prohibited. The Overlay Code in 2005 set density limits for these coastal high-hazard areas that shall not be increased.

**(k) Architectural Design Standards.**

**Applicability.** These architectural design standards shall apply to all new development within the Overlay District, including but not be limited to new development, new structures and to any alterations or additions to existing structures that exceed 50 percent of the replacement value of the structure. These standards shall regulate the appearance and constructive elements of structures and be used in addition to those expressed elsewhere in this Code.

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

- a. No driveway shall exceed 24 feet in width where it connects with the roadway.
- b. In MES and MSF Districts, only one ~~(1)~~ driveway crossing is permitted within the front yard setback. In MMF Districts, one driveway crossing allowed every 300 feet within the front yard setback.
- c. New private roads and parking and driveways, and those where 50% percent of their original area is repaired or replaced shall be paved with crushed shell, stone, brick, or other permeable pervious materials, to in accordance with the latest technology allowed by permitting districts, improve drainage and runoff and in a manner that will permit maximum water absorption. Pervious 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. New asphalt and concrete (porous or nonporous) shall be prohibited. Concrete walkways are permitted only when ADA compliance is required. Parking lot, driveway, patio and pool pavers shall be subject to

1 Advisory Committee review. When pavers are installed, the contractor must provide a letter  
2 certifying that the pavers are pervious and that the pavers will be installed to maximize on-site  
3 water absorption. Developments built before 2008 that have asphalt driveways, are exempt from  
4 the pervious surface requirements of the section when repairing or replacing their asphalt  
5 driveways, though encouraged to address runoff issues associated with driveways.

6 d. Walkways are permitted within the Peripheral Landscape Strip only when they are necessary to  
7 comply with the Americans with Disabilities Act. Asphalt paving is prohibited. This requirement  
8 shall not apply to areas under the footprints of approved structures.

9 e. Stepping stones are permitted.

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

12 g. Entry walkways shall be clearly defined and shall no greater than 4 feet in width and shall be  
13 constructed of shell, pavers, or other permeable materials. On lots with moderate grade  
14 between the elevation of the driveway and the entry door, low rise steps not to exceed four (4)  
15 feet in height (including railing) shall be allowed so long as they do not encroach upon the 10  
16 foot side Peripheral Landscape Strip.

17 h. A single dune walkover per lot, where applicable, is permitted.

## 18 **(2) Building and Facade Materials and Design**

19 a. All facades, excluding doors, windows, and trim, shall be improved and constructed with one or  
20 a combination of the following materials: i. Masonry, although unfinished and exposed concrete  
21 block is prohibited; ii. Wood; iii. Stucco; iv. Vinyl. All additions shall be required to resemble  
22 material uses on the existing structure on the same property.

23 b. No reflective materials are permitted on building facades.

24 c. All wall openings on traditional buildings, including but not limited to windows, doors, balconies,  
25 and alcoves are required to have trim installed according to the following standards: a. Trim  
26 shall resemble wood, masonry stone, stucco, or tile; b. Reflective finishes are prohibited.

27 d. All buildings shall have a clearly-defined entrance with numbers facing the street.

28 e. Garage doors shall be flush or recessed with the front facade or recessed so as not to dominate  
29 the architectural design and appearance. Garage door height is limited to ten feet.

30 f. Roofs shall be constructed, maintained, and repaired according to the following standards:

31 i. Roofs shall be made of non-reflective materials. Skylights or other glass roof surfaces shall  
32 be limited to ~~5%~~ percent of the roof and not located on the front of the building.

- 1           ii. Roof materials shall resemble non-reflective metal, wooden shingles, “dimensional” asphalt  
2           shingles, barrel tile, concrete tile, or slate, and roof additions shall be required to resemble  
3           or material uses on the existing structure on the same property.  
4           iii. Flat roofs shall be exempt from all preceding roof material standards provided a parapet or  
5           mansard wall is used to screen the roof and rooftop equipment. Parapets and mansard walls  
6           must conform to the height limits.

7           **(3) Architectural Accents**

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

23           **(4) Lighting Fixtures, Structures, and Elements**

- 24           a. All outside lighting fixtures shall be installed consistent with the Sea Turtle Lighting standards.  
25           b. Fixtures for lighting areas shall follow a consistent theme.  
26           c. Light posts shall be installed consistent with the following standards:  
27           i. Light posts shall be constructed and installed to resemble wood, polished concrete, or painted  
28           metal.  
29           ii. Unfinished or unpainted metal and concrete surfaces and untreated wooden posts are  
30           prohibited.  
31           iii. Light posts on private property shall not exceed 16 feet in height.  
32           d. Outside lighting fixtures shall be installed to orient light downward and to provide glare reduction  
33           optics and shielding features. No fixture shall direct light upward or onto adjacent property.

1 (Exemptions shall include small accent lights that are directed upward to softly illuminate  
2 landscaping.)

3 e. Light globes shall not protrude below shades.

4 **(5) Fencing and Walls**

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

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

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

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

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

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

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

20 **(6) Accessory Structures.** In addition to the accessory requirements contained under the  
21 development standards above, accessory structures must meet the following architectural design  
22 standards:

23 a. The total area of accessory structures shall not exceed one-half the footprint of the principal  
24 structure or 1,000 square feet, whichever is greater, and shall not exceed the maximum lot  
25 coverage allowed by zoning district when combined with area of the principal structure. Owners  
26 of lots greater than one acre in area may apply for a Special Exception to exceed the maximum  
27 lot coverage standard.

28 b. Metal buildings or temporary structures such as awnings or carports are not permitted.  
29 Accessory structures must be built with materials designed to withstand salt and high winds.

30 c. Garage or storage structures over 250 square feet in area must be compatible in appearance  
31 and materials with the principal structure.

32 d. Sheds, gazebos, cabanas, and decks must be located behind the front building façade, and  
33 may not be located within the Peripheral Landscape Strips. The only exception is on lots 300

1 feet or greater in depth which may have screened accessory structures located in front of the  
2 building façade provided they are located at least 150 feet from the county right of way.

3 e. Roofing materials must resemble or be complimentary to the materials used on the principal  
4 structure.

5 f. Gazebos, detached garages, and detached screened pool enclosures may not exceed 15 feet  
6 in height from finished grade. All other accessory structures may not exceed ten feet in height.

7 g. Swimming pools, hot tubs, spas, and other water features and their decks shall be installed and  
8 constructed consistent with the following standards:

9 i. Swimming pools are limited to one vertical accessory including but not limited to slides and  
10 diving boards. Vertical accessories shall not exceed eight feet in height. Swimming pools  
11 and pool equipment shall not be located within the Peripheral Landscape Strips.

12 ii. Above-ground exterior swimming pools, hot tubs, and spas are prohibited. Exterior  
13 swimming pools, hot tubs, and spas must be permanently installed in the ground or within a  
14 masonry foundation.

15 iii. Portable spas must be modified to conform to these standards.

16 h. Air conditioning and heating units must be installed consistent with the following standards:

17 i. Units must be screened from off-site view.

18 ii. Consideration must be given to avoid impacts to adjacent properties.

19 iii. Mechanical equipment shall be expressly prohibited from being considered for a variance or  
20 special exception.

21 i. Pool equipment and propane tanks of 250 cubic feet or greater shall be screened from off-site  
22 view.

23 j. Miscellaneous accessory structures must be constructed consistent with the following  
24 standards:

25 k. Ramps, where required, must be concealed with landscaping to the greatest extent possible,  
26 and must blend with the scale and architectural features of the structure.

27 l. No accessory structures shall be permitted within the 10 feet Peripheral Landscape Strip.

28 m. Above roof appurtenances on Commercial Buildings shall be screened from view.

29 m.n. New Dumpsters shall be stored and screened within an enclosed area, not in front of the  
30 leading edge of the building façade. Waste receptacles, garbage and trash containers shall be  
31 screened from off-site view and meet all other County code requirements. All existing dumpsters  
32 that cannot be moved to meet the new requirements shall be required to be screened with an  
33 enclosure that exceeds the height of the Dumpster.

34 **(7) Commercial and Multifamily Buildings**

1 In addition to the above architectural design standards, all commercial and multifamily buildings must  
2 also conform to the following standards:

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

8  
9 **(l) Landscaping**

10 Landscaping on Manasota and Sandpiper Keys shall be subject to the provisions and standards of the  
11 Charlotte County Code. In addition to such standards, all landscaping on the Keys shall be installed,  
12 repaired and maintained consistent with the guidelines in this section.

13 (1) A landscaping plan is required to be submitted to the Advisory Committee with or prior to the  
14 application for approval for all new development and modifications to existing structures that exceed  
15 fifty percent of the total structure's assessed value.

16 (2) The landscape plan must be drawn to scale with dimensions, distances and scale, and shall identify  
17 the type and location of existing and proposed vegetation and other landscape features including  
18 the proposed green vegetation in the PLS, the landscape plan for the yards, as well as all  
19 easements, building structures, accessory structures, stormwater retention, and similar features.

20 (3) The proposed plantings in the Peripheral Landscape Strip shall meet the objectives to screen and  
21 separate new development or improvements to existing development from adjacent existing  
22 development and from the public right-of-way. Vegetated landscaping means grass, ground cover,  
23 mulch, shrubs, vines, hedges, or trees. Pavement, sand, shell rock, and aggregate shall not be  
24 considered approved landscape material for the 10-foot Peripheral Landscape Strip, except that  
25 clean shell and native beach shell may be used in lieu of mulch around shrubs.

26 (4) Developers shall meet the one tree point per 2,000 square feet of development site. A "buy-out"  
27 option from this requirement shall be prohibited.

28 (5) Foundation plantings shall be installed around buildings to soften their appearance from offsite  
29 view.

30 (6) Peripheral Landscape Strips and yard areas shall be treated with Florida friendly landscape  
31 material.

32 (7) Commercial buildings and multi-family residence requirements, in addition to be requirements  
33 above:

1 a. A landscaping plan, signed and sealed by a landscape design professional, shall be submitted  
2 with all new construction and/or modifications to existing structures that exceed fifty percent of  
3 the total structure's assessed value.

4 b. Parking lot areas shall be screened with low fencing and/or landscaping whenever such areas  
5 abut public rights-of-way, existing residential uses, or property zoned for residential use. One  
6 tree is required for every 35 feet of perimeter landscape strip abutting a public right-of-way.

7 **(m) Signs Standards**

8 (1) Applicability. These regulations are intended to complement the Charlotte County sign code and  
9 address the limited amount of area available to promote the business on the keys. Any sign on  
10 Manasota & Sandpiper Key that is erected, constructed, installed, altered or moved shall conform to  
11 the provisions of the Overlay Code. Any inconsistencies between the Charlotte County code and  
12 any other building, electric codes adopted by the County, the most restrictive shall apply.

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

14 a. Private and temporary signs shall not be placed in the roundabout nor shall they be placed on  
15 any public right of way, including along Beach Rd, Gulf Blvd, or North Beach Road, and shall  
16 not exceed four square feet.-

17 b. Single-faced signs shall be painted black on the back side.

18 c. All new free-standing signs shall be monument signs. Maximum height of monument signs shall  
19 be four (4)-ft. above the crown of the road. Eight inch street names and number may be placed  
20 on top of these monument signs.

21 d. Traffic or other directional sign, symbols or devices relating to traffic, parking, public services,  
22 facilities or warnings shall be painted black on the rear when visible to the general public and be  
23 mounted on decorative poles. Whenever a traffic or way finding directional sign is erected on  
24 public right of way for the benefit of or upon request by a private development or individual, the  
25 sign shall be paid by the project requesting or benefiting from the sign and be on decorative  
26 poles paid by them.

27 e. No sign including an exempt sign shall be constructed, erected or interferes with any utility,  
28 communication, cable or storm water infrastructure.

29 e.f. All temporary signs and flags shall be removed in the event of a tropical storm, hurricane and  
30 flood warnings.

31 g. Flags shall not be placed in the public-right-of-way.

32 h. Non advertising directional signs, symbols or devices related to traffic, parking or warnings on  
33 private property: entrances, exits, slow, no trespassing or no parking shall not exceed 3 ft. sq.

1 d.i. Political signs shall be limited to four ft. sq. and be remove in 10 days after the election and may  
2 be erected no more than 45 days prior to election.

3 e.j. Murals and wall art shall not be calculated as sign area if they do not contain text or logos. All  
4 wall art visible from the abutting or adjacent road right-of-way shall be reviewed for approval by  
5 the Advisory Committee to ensure that wall art visible from the road shall be in character with  
6 the coastal setting.

7 f.k. Two-sided signs with the same face on each side shall be calculated on only one side. With  
8 respect to a double-faced (back-to-back) sign, there can be no separation between the backs of  
9 each face of the sign other than the structural support to which each sign is attached.

10 l. Normal maintenance to existing conforming signs shall not be deemed alterations within this  
11 code.

12 m. Dedicatory tablets or memorial plaques setting forth the name or erection date of a building,  
13 commemorating a person or persons and like uses shall be cast in metal or engraved in stone  
14 or concrete or otherwise inscribed in or on a monumental material, not to exceed four square  
15 feet.

16 n. No signs shall be exempt from obtaining a permit on Manasota and Sandpiper Key.

17 g.o. Sign area shall be calculated as the area within the smallest regular geometric shape or  
18 combination of shapes which encompasses all the display elements (letters, numbers, figures,  
19 characters, corporate logos, etc.) of the sign, including blank areas between display elements.  
20 The area of the sign shall include all changing copy features such as letter boards or light  
21 boards. Only the eight inch street names and numbers placed on top of non-residential signs  
22 shall not be calculated as part of the total allowed square footage.-

### 23 (3) Residential Signage

24 a. Single Family units and multifamily complex– one freestanding temporary yard sign that does  
25 not exceed ~~twelve (12)~~ by ~~eighteen (18)~~ inches. Example: for garage or property sale, lease or  
26 rent. An additional sign of 12x-18 inches which is located in their yard on a navigable body of  
27 water shall be allowed facing the water.

28 b. One ~~(1)~~ sign denoting the architect, engineer or contractor for work under construction, not  
29 exceeding four ~~(4)~~-square feet.

30 c. Multi-Family units shall be treated as a single unit with the exception of:

31 i. Multifamily developments may have one ~~(1)~~ community sign per ~~three hundred (300)~~ foot of  
32 road right-of-way and street name. Eight inch street names and numbers may be placed on top  
33 of these signs.

1 |       iii. Community signs shall be monument signs, limited to four ~~(4)~~ foot in height and ~~sixteen (16)~~  
2 |       square feet in area. Community signs shall include eight ~~(8)~~-inch street numbers.

3 |       iii. Community signs may be two-sided providing each side is exactly the same and will count  
4 |       as only one side for sign allocation, and shall not contain any form of advertising.

5 |       iv. Community signs shall not be located in the side Peripheral Landscape Strip area.

6 |       iv. Residential signs may not be internally lit. Community signs may have low level ground –up  
7 |       lighting providing the light does not illuminate above or beyond the sign. All lit signs must  
8 |       comply with the County sea turtle lighting code and must provide two copies of the lighting  
9 |       plan to the County.

10 |       vi. Multifamily communities may have one ~~(1)~~ building wall or fence sign instead of a monument  
11 |       sign. Wall and fence signs shall be limited to ~~sixteen (16)~~ square ft. and shall include the 8  
12 |       inch street numbers. Wall signs shall not be located above the peak of the roof or highest  
13 |       constructive element. Wall signs shall not project horizontally beyond the building wall.

14 |       vii. Vacant property may have one ~~(1)~~ sign of ~~sixteen (16)~~ square feet.

15 | (4) Nonresidential Signage

16 |       a. Each unit is allowed a sign allocation of ~~sixty (60)~~ square feet. ~~Monument signs are preferred.~~  
17 |       Free standing signs must be monument signs. Sign allocation may be flexible where monument  
18 |       signs are inappropriate due to parking viability requirements.

19 |       b. Each unit is allowed one ~~(1)~~ monument primary sign not to exceed 25 square feet. Non-  
20 |       residential primary signs shall include street name and numbers of eight (8) inches in height and  
21 |       may contain movable lettering. Eight inch street names and numbers may be placed on top of  
22 |       these signs. These street names and number shall not be calculated as part of the total allowed  
23 |       square footage.

24 |       c. Monument primary signs may be two-sided providing each side is exactly the same and will  
25 |       count as only one ~~(1)~~ side for sign allocation. No portion of any monument sign shall be allowed  
26 |       to encroach onto a private walkway or driveway or within the public right-of-way.

27 |       d. Each unit may have one ~~(1)~~ building sign that does not rise above the peak of the roof or  
28 |       highest constructive element and does not project horizontally beyond the end of the building  
29 |       wall. Building signs are limited to ~~thirty-two (32)~~ square feet per sign. The sign allocation for  
30 |       each property combined between wall and free standing sign shall be 60 square feet. No portion  
31 |       of any wall sign shall be allowed to encroach onto a private walkway or driveway.

32 |       e. Monument signs shall not be located in the Peripheral Landscape area.

33 |       f. Wall signs shall not be located on the side or rear of a building which abuts to a residentially-  
34 |       zoned property.

- 1 g. Changeable copy signs are limited to a maximum of eight sq. ft. per sign face with a maximum  
2 letter height of eight inches and shall be included in the sign allocation. Sign face may be  
3 illuminated with low level internal lighting that does not create a problem for our turtle friendly  
4 neighborhood.
- 5 h. Only in MCG & MCT commercial zoning districts may existing pole or pylon signs installed  
6 before February 2005 be replaced, and only when parking will obscure sign face of a monument  
7 signs.
- 8 i. Banners, pendants, feather flags and sail flags in MCG & MCT commercial zoning districts, so  
9 long as they are sited on private property and do not fly over the public right of way, sidewalks  
10 or streets, and no more than one of these per 50 foot of frontage. No more than one of these  
11 allowed per 50 foot of frontage with a maximum of two per business property, and each banner,  
12 pendant, feather, flag and sail signs shall be no greater than 24 square feet, provided they may  
13 be flown no more than two times per calendar year and for no more than 30 days per permit.  
14 National and state flags are excluded from this requirement.
- 15 d.j. Vacant property may have one sign of sixteen 16 square feet.

16 (5) Prohibited signs

- 17 a. Neon, chasing, animated -or flashing signs
- 18 b. Signs that emit an audible sound or visible matter such as smoke or steam
- 19 c. Billboards
- 20 d. Portable illuminated signs, whirling signs, animated signs, or wind signs.
- 21 e. Temporary signs placed on sidewalks or bike paths.
- 22 f. Signs above the roof or mansard of the building.
- 23 g. New Pole or Pylon signs, except as provided in (4)(h) above.
- 24 h. Any sign prohibited by state or federal law.
- 25 i. Any sign creating a traffic hazard by obstructing vision in any sight triangle.
- 26 j. Any sign from preventing free ingress or egress from any door, window, fire escape or other  
27 entrance or exit to any building, or any sign attached to a standpipe or fire escape.
- 28 k. Any sign that is obscene, such as a sign depicting nudity or sexual conduct.
- 29 l. Any sign that constitutes a public nuisance, such as signs that produce hazardous amounts of  
30 glare, advertise an illegal activity, convey false information, or lead the public into errors of  
31 conduct, thought or judgment, especially by intentionally deceiving.
- 32 m. Any sign that emits a sound, smell or smoke.

1 n. Any sign that has been abandoned, including primary signs, unless the signs panel within the  
2 abandoned sign structure has been removed and replaced with a sign panel or neutral color  
3 containing no message.

4 o. Any sign designed with mechanized or electric changeable copy to display more than one  
5 image on an ongoing basis where any information flashes, fades, dissolves, or scrolls or signs  
6 that move or create the illusion of movement, or signs that are or appear to be animated or  
7 projected.

8 p. Any sign affixed to a tree or utility pole.

9 q. Portable signs which are manifestly designed to be transported as a trailer, on its own wheels  
10 even where the wheels may be removed and the remaining chassis may be permanently  
11 attached to the ground.

12 r. Primary signs with a noncommercial message.

13 s. Any off-premise sign.

14 e.t. Any vehicular sign located on a truck, bus, trailer, taxi or other vehicle used for the purpose of  
15 advertisement on private property or on the public right of way. The only exception is a vehicle  
16 used as transportation for the owner or employee of the business that is moved daily on and off  
17 the property.

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

23

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

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 \_\_\_\_\_, 2015.

BOARD OF COUNTY COMMISSIONERS OF  
CHARLOTTE COUNTY, FLORIDA

By: \_\_\_\_\_  
William G. Truex, Chairman

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