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ORDINANCE
NUMBER 2024 - 038

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHARLOTTE COUNTY CODE CHAPTER 3-9, SECTION 3-9-50, MANASOTA AND SANDPIPER KEY ZONING DISTRICT OVERLAY; AMENDING SECTION 3-9-50(a), DEFINITIONS; AMENDING SECTION 3-9-50(f)(6), INTENT OF THE MPD DISTRICT; AMENDING SECTION 3-9-50(g), DISTRICT DEVELOPMENT STANDARDS; AMENDING SECTIONS 3-9-50(g)(1) OPEN SPACE AND RURAL DISTRICT STANDARD AND (g)(2) RESIDENTIAL DISTRICT STANDARDS, ADDRESSING MAXIMUM HEIGHT; AMENDING SECTION 3-9-50(g)(2), SIDE YARD SETBACKS; AMENDING SECTION 3-9-50(g)(2)a.2., SIDE YARD SETBACKS ABUTTING WATER FOR LEGALLY NON-CONFORMING LOTS; AMENDING SECTION 3-9-50(g)(2)b., MULTIFAMILY, ADDRESSING HEIGHT, BUILDING AND STRUCTURE AND PERIPHERAL LANDSCAPE STRIP; AMENDING 3-9-50(g)(2)c., COMMERCIAL DISTRICT STANDARDS, ADDRESSING HEIGHT, BUILDING AND STRUCTURE AND PERIPHERAL LANDSCAPE STRIP; AMENDING SECTION 3-9-50(g)(2)c.1., MANASOTA COMMERCIAL GENERAL (MCG) AND SECTION 3-9-50(g)(2)c.2., MANASOTA COMMERCIAL TOURIST (MCT); AMENDING SECTION 3-9-50, SPECIAL PURPOSE DISTRICT, (3) MANASOTA PLANNED DEVELOPMENT ZONING AND LAND USES (MPD); AMENDING SECTION 3-9-50(i) DEVELOPMENT STANDARDS; AMENDING SECTION 3-9-50(i)(7), MAXIMUM BUILDING HEIGHT AND MAXIMUM STORIES; AMENDING SECTION 3-9-50(i)(8), PERIPHERAL LANDSCAPE STRIP; AMENDING SECTION 3-9-50(i)(9), YARD SETBACKS; AMENDING SECTION 3-9-50(i)(10) ACCESSORY STRUCTURES; AMENDING SECTION 3-9-50(i)(11), NONCONFORMING LOTS; AMENDING SECTION 3-9-50(i)(13) DISASTER RECOVERY; ADOPTING SECTION 3-9-50(i)(17), NON-CONFORMING STRUCTURES; AMENDING SECTION 3-9-50(j), ARCHITECTURAL DESIGN STANDARDS; PETITION TLDR-24-02; COMMISSION DISTRICT III; APPLICANT: BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ROGER D. EATON, CHARLOTTE COUNTY CLERK OF
CIRCUIT COURT

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RECITALS

WHEREAS, the Manasota and Sandpiper Key zoning district overlay (“Overlay Code”) (previously known as Manasota Key zoning district overlay) was originally adopted by the Board of County Commissioners of Charlotte County, Florida (“Board”) on February 5, 2005; and

WHEREAS, Manasota and Sandpiper Key was severely impacted by hurricanes Helene and Milton requiring rebuilding of hundreds of homes, businesses, and other structures; and

WHEREAS, the Board instructed staff to review the Overlay Code and propose amendments that will clarify and facilitate rebuilding that complies with the Property Rights element of the County's Comprehensive Plan and other federal, state and local laws and regulations; and

WHEREAS, the Board finds that the Overlay Code allow for a reasonable planned development rezoning process to encourage redevelopment of properties subject to the code's provisions; and

WHEREAS, Petition TLDR-24-02 was heard by the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and analysis provided by County Staff and the evidence presented to the P&Z Board, the P&Z Board recommended approval on November 18, 2024; and

WHEREAS, in a public hearing held on Tuesday, November 26, 2024, the Board reviewed Petition TLDR-24-02 and, based on the findings and analysis provided by County Staff and the evidence presented to the Board, the Board finds the approval of Petition TLDR-24-02 is consistent with the County's Comprehensive Plan and is in the best interests of the County and its citizens.

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

Section 1. Adoption. Chapter 3-9, Zoning, Article II, District Regulations, Section 3-9-150, Manasota and Sandpiper Key zoning district overlay, of the Code of Laws and Ordinances of Charlotte County, Florida, is hereby amended by adding the underlined language and by ~~deleting the stricken~~ language as provided in Exhibit "A" which is attached hereto.

Section 2. Codification. The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Charlotte County, Florida, and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 3. Conflict with Other Ordinances. The provisions of this Ordinance shall supersede any provision of existing ordinances in conflict herewith to the extent of said conflict.

94 Section 4. Severability. If any subsection, sentence, clause,
95 phrase, or portion of this Ordinance is for any reason held invalid or
96 unconstitutional by any court of competent jurisdiction, such portion shall be
97 deemed a separate, distinct, and independent provision and such holding shall
98 not affect the validity of the remainder of this Ordinance.

99 Section 5. Effective Date. This Ordinance shall take effect upon
100 filing in the Office of the Secretary of State, State of Florida.

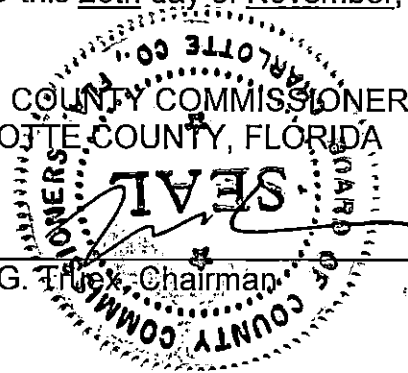
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PASSED AND DULY ADOPTED this 26th day of November, 2024.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: William G. Truex Chairman
FOR



ATTEST:

Roger D. Eaton, Clerk of the Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners

By: Kimberly
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
LR2024-0929
Kw

Sec. 3-9-50. - Manasota and Sandpiper Key zoning district overlay.

- (a) *Definitions.* When terms are defined both in this section 3-9-50 and elsewhere in the Code of Laws and Ordinances of Charlotte County, Florida ("Code"), definitions for such terms in this subsection shall control. The following terms shall have the meanings set forth in this subsection:

~~Advisory committee shall mean the Manasota and Sandpiper Key Advisory Committee established by the Board of County Commissioners of Charlotte County, Florida ("board") on October 12, 2004, pursuant to Resolution Number 2004-242.~~

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

~~Building setback calculation shall mean the methodology used in the Manasota and Sandpiper Key zoning district overlay ("overlay code") to determine the stepped setback required from the property line for a building based on building height and stepped setback calculation points.~~

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

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

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

Design Flood Elevation means the elevation of the design flood, including wave height, relative to the datum specified on the community's legally designated flood hazard map.

Freeboard means an additional amount of height above the Base Flood Elevation to elevate a structure used as a factor of safety so that above the Base Flood in determining the level at which above a structure's lowest floor the minimum must be elevated or floodproofed to be in accordance with state or community floodplain management regulations.

Height, building or structure in this Code shall mean the distance from zero (0) feet NGVD to the top of the highest constructed element, the vertical distance measured from the lowest minimum habitable floor elevation for which a building permit may be issued to the highest point of a flat roof and mansard roof, or to the mid-point height between the eaves or the top of the external wall, whichever is higher, and the ridge of gable, hip, shed, and gambrel roofs.

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

High-rise Building means a building of five or more habitable floors.

Manasota and Sandpiper Key Overlay Code shall mean the Manasota and Sandpiper Key zoning district overlay code established by section 3-9-50 and as amended into the Code.

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

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

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

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

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



Manasota planned development or MPD shall mean the planned development zoning district established by the overlay code.

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

~~*Maximum building height* within the Manasota and Sandpiper Key overlay district shall mean the building height as measured from zero (0) feet NGVD to the top of the highest constructed element.~~

~~*Maximum building height calculation* means the height of a building measured from zero (0) NGVD to the top of the highest constructed element which is the highest point of a building or the highest point of any rooftop livable space or appurtenances thereto.~~

~~*Minimum finished floor elevation* shall mean the lowest floor for which a building permit may be issued which on Manasota Key in the A-zones is the minimum lowest floor elevation or base flood elevation (BFE); and in the V-zone (governed by Florida DEP seaward of the coastal construction control line (CCCL)) is the least horizontal shore parallel structural member plus the thickness of the structure which for this overlay code shall be a vertical measurement of thirty (30) inches from the lowest horizontal structural member (LHSM).~~

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

Overlay code shall mean the Manasota and Sandpiper Key zoning district overlay code established by this section 3-9-50.

Peripheral landscape strip shall mean the required green open area of at least ten (10) five feet in width located immediately adjacent and parallel to all sides of the lot boundary that is free of encroachments. The ten (10) five-foot wide green open area is a vegetated landscape strip. Vegetated landscaping means grass, ground cover, mulch, shrubs, vines, hedges, synthetic pervious turf, and/or trees. Synthetic pervious turf shall consist of pervious material on a manufacturer approved pervious base made of impervious material. Bases such as concrete or asphalt are not permitted. Synthetic pervious turf must be installed according to relevant manufacturer specifications. Sand infill is required. The synthetic pervious turf shall mimic the color of natural grass; other colors are prohibited.

Pervious pavers shall mean pervious, porous, or permeable pavers with pavers systems that meets or exceeds a product infiltration rate of three (3) inches per hour and absorbed onsite.

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

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

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

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

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

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

~~*Structure height*. See "height, structure" above.~~

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

- (b) *Establishment; short title.* The Manasota and Sandpiper Key zoning district overlay code is hereby established. The short title of this section shall be "Manasota and Sandpiper Key Overlay Code."
- (c) *Intent.* The intent of the Manasota and Sandpiper Key Overlay Code is to implement the goals, objectives, and policies of the Manasota Key Community Plan to preserve and protect the existing low-density development and to blend future development with it in an appropriate manner.
- (d) *Boundary.* The area affected by the Manasota and Sandpiper Key Overlay Code shall be the area depicted as Manasota and Sandpiper Key on Smart Charlotte 2050 FLUM Series Map #9: Barrier Island Overlay District.
- (e) *Applicability; conflict with other ordinances.* The overlay code shall apply to development and redevelopment on the islands together with all other matters referenced in the overlay code. The terms "development" and "redevelopment" shall be construed liberally and shall include any plat, special exception, variance, waiver, site plan approval, building or sign permit, or any other official action of Charlotte County that has the effect of permitting development and/or redevelopment or any application for any of the preceding matters. The overlay code shall apply to the preceding matters notwithstanding the application of any other ~~another~~ provision(s) of the Code to said matters. Except where expressly provided herein, the terms of the overlay code shall supersede and control in the event and to the extent of a conflict between the overlay code and another provision of the Code.

Zoning Districts

The following zoning districts are the only zoning districts permitted within the Manasota and Sandpiper Key overlay district and shall only be permitted in the Manasota and Sandpiper Key overlay district.

- (1) *Open space and rural districts.*
 - Manasota environmentally sensitive (MES).
- (2) *Residential districts.*
 - Manasota single-family 1 (MSF-1).
 - Manasota single-family 3.5 (MSF-3.5).
 - Manasota single-family 5 (MSF-5).
 - Manasota multifamily 7.5 (MMF-7.5).
 - Manasota multifamily 10 (MMF-10).
 - Manasota multifamily 12 (MMF-12).
- (3) *Commercial districts.*
 - Manasota commercial general (MCG).
 - Manasota commercial tourist (MCT).
- (4) *Special districts.*
 - Manasota planned development (MPD).
- (f) *Intent of Manasota and Sandpiper Key overlay districts.*
 - (1) The *intent* of the MES district is to preserve and protect certain land and water areas which have overriding ecological, hydrological, or physiographic importance to the public at large. It is intended to preserve and protect open spaces, park lands, wilderness areas, marshlands, watersheds and water recharge areas, scenic areas, beaches and native flora and fauna. It is

intended to allow limited public/private recreational/educational uses and their incidental accessory uses and structures.

- (2) The *intent* of the MSF district is to provide single-family residential dwellings and for other uses normally associated with single-family residential dwellings. Nothing herein is intended to prevent the grouping of lots or parcels for residential single-family uses.
- (3) The *intent* of the MMF district is to provide low or medium-density residential districts with emphasis on multifamily use. There are variations among the MMF districts in requirements which include differing lot areas, width, yards and uses.
- (4) The *intent* of MCG district is to provide areas in which the customary and traditional conduct of trade, retail sales and commerce may be carried on without disruption by the encroachment and intrusion of incompatible residential uses and protected from the adverse effects of undesirable industrial uses.
- (5) The *intent* of the MCT district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for the commercial provision of accommodations and services for tourists and other visitors and short-term or seasonal residents. The term "accommodations" is intended to include housing and various amenities, including recreational facilities and local retail trade in goods and service both general and specific to the locality/tourist attraction or principal activities. Areas designated MCT are expected to be located near or adjacent to a tourist attraction such as Gulf of Mexico beach frontage, major public or private parks, and other recreational or scenic resources.
- (6) The *intent* of the MPD district is to ~~retain standards that maintain current densities and zoning districts consistent with the goals of the Manasota Key community plan and provide standards for new planned developments~~ provide a viable option for redevelopment of the keys.

(g) *District development standards.*

- (1) *Open space and rural district standard.* The following numerical requirements apply subject to the provisions below.

	MES
Lot (min acres)	
Lot is inside urban service area	10
Lot area outside urban service area	40
Lot width (ft.)	250
Yard (min. ft.)	
Front	25
Side	20
Rear	20

Abutting water	20
Side & rear abutting Gulf of Mexico	50
Bulk (max.)	
Lot Coverage	10%
Height, <u>Building and Structure</u> (ft.)	43 ft. <u>38</u>
Density (units per acre)	0.025

a. Only one (1) driveway crossover is permitted within the front yard setback. ~~b. — Maximum building height shall not exceed forty three (43) feet for MSF zones landward of the Florida Department of Environmental Protection coastal construction control line ("CCCL") as measured from zero (0) feet NGVD to the top of the highest constructed element. Building height calculations are contained under the development standards of this overlay cod~~

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

~~c~~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.

	MSF-1	MSF-3.5	MSF-5	Non-Conforming
Lot (min)				
Lot area (sq. ft.)	43,560	12,445	8,712	Less than 8,712
Lot width (ft.)	125	80	70	Less than 70
Yard (min. ft.)				
Front	25	25	25	25
Side Yard (interior)	40 <u>7.5</u>	40 <u>7.5</u>	40 <u>7.5</u>	<u>40-10% of the lot width or 5, whichever is greater</u>
Side Yard (street)	20	15	15	<u>10% of the lot width or 5, whichever is greater</u> 45

Rear Yard (interior)	20	20	20	10
Rear Yard (street)	25	25	25	25
Abutting Water	20/50GM	20/50GM	20/50GM	20/50GM
Peripheral Landscape Strip	<u>10-5</u>	<u>10-5</u>	<u>10-5</u>	<u>10-5</u>
Bulk (max.)				
Lot Coverage	35%	35%	35%	35%
Height (ft.)	<u>48/43-38</u>	<u>48/43-38</u>	<u>48/43-38</u>	<u>48/43-38</u>
Density (units/acre)	1	3.5	5	Same as District
Setbacks for Accessory Building From:				
Rear (interior) Lot Line, feet	20	20	20	20
Side Yard	Same as principal building	Same as principal building	Same as principal building	Same as principal building
Abutting Road Right-of-way Line	Same as principal building	Same as principal building	Same as principal building	Same as principal building
Rear or Side Line Abutting Bay or Waterway	20	20	20	20
Rear or Side Line Abutting Gulf	50	50	50	50

1. ~~All setbacks (front, side, and rear) are subject to the stepped setback provisions set forth under the development standards, section (i)(8) of this overlay code. Stepped setbacks are~~

~~a function of building height~~For legally non-conforming lots, the side yard setback shall be 10% of the lot width or five feet, whichever is greater.

2. Side and rear yards that abut any water but the Gulf of Mexico shall be at least twenty (20) feet, and those that abut the Gulf of Mexico (GM) shall be at least fifty (50) feet, except for side yards abutting any water for legally non-conforming lots, the side yard setback shall be 10% of the lot width or five feet, whichever is greater.
3. ~~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 overlay code.~~
43. All properties shall have front, side and rear peripheral landscape strips of no less than ten (10) five feet. Peripheral landscape strip and parking standards are contained under the development standards of this overlay code. Parking and driveway requirements are specified under the architectural standards of this overlay code.
5. ~~All non-conforming lots less than seventy (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 ten (10) feet.~~
64. All new development and any improvement to an existing development that totals over one thousand (1,000) square feet of pervious pavers shall be required to submit a drainage plan that shows how the pervious system meets or exceeds a product infiltration rate of three (3) inches per hour and absorbed onsite; and minimal subgrade slope not to exceed one (1) percent for parking, vehicular traffic areas and patios.
75. Accessory structures are also subject to other applicable provisions in this overlay code including: (h) permitted uses, (i)(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
Lot (min.)				
Lot Area (sq. ft.)	7,500	7,500	7,500	Less than 7,500
Lot Width (ft.)	80	80	80	Less than 80
Yard (min. ft.)				
Front	30	30	30	30
Side Yard (interior)	10	10	10	10
Side Yard (street)	15	15	15	15
Rear Yard (interior)	20	20	20	10

Rear Yard (street)	15	15	15	15
Abutting Water	35/50GM	35/50GM	35/50GM	35/50GM
Peripheral Landscape Strip	40-5	5-40	40-5	40-5
Bulk (max.)				
Lot Coverage	35%	35%	35%	35%
Height, building and structure (ft.)	55/48-45	55/48-45	55/48-45	55/48-45
Density (unit per acre)	7.5	10	12	Same as district

1. For legally non-conforming lots, the side yard setback shall be 10% of the lot width or five feet, whichever is greater. All setbacks (front, side, and rear) are subject to the stepped setback provisions set forth under the development standards, section (i)(8) of this [overlay] code. Stepped setbacks are a function of building height.
2. Side and rear yards that abut any water but the Gulf of Mexico shall be at least thirty-five (35) feet, and those that abut the Gulf of Mexico (GM) shall be at least fifty (50) feet, except for side yards abutting any water for legally non-conforming lots, the side yard setback shall be 10% of the lot width or five feet, whichever is greater.
3. No stormwater management systems shall be located within the peripheral landscape strip. No side yard setback areas shall contain conventional stormwater detention ponds.
4. ~~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 (0) feet NGVD to the top of the highest constructed element. Building height calculations are contained under the development standards of this overlay code.~~
54. All properties shall have front, side, and rear peripheral landscape strips of no less than ten (40) five feet. Peripheral landscape strip and parking standards are contained under the development standards of this overlay code. Parking and driveway requirements are specified under architectural standards of this overlay code.

c. *Commercial district standards.*

	MCG	MCT	MCT	MCT	MCT
		Commercial use	Commercial-Nonconforming	Residential use	Mixed Use
Lot (min.)					

Area (sq. ft.)	12,000	12,000	less than 12,000	7,500	12,000
Width (ft.)	100	100	less than 100	80	100
Yard (min. ft.)					
Front	18	25	See Note 1	30	25
Side Yard (interior)	25	10	10	10	10
Side Yard (street)	20	20	20	15	20
Rear Yard (interior)	10	10	10	20 see below	10
Rear Yard (street)	25	25	25	15	25
Abutting Water	20/50 GM	20/50 GM	20/50 GM	35/50 GM	35/50 GM - R 20/50 GM-C See Note 3
Peripheral Landscape Strip	40-5	40-5	40-5	40-5 , See Note 2	40-5
Abutting Property Zoned MSF and MCT-residential	25	25	25	NA	25
Bulk (max.)					
Lot Coverage	50%	35%	35%	35%	35%
Height, Building and Structure (ft.)	48/43 45	48/43 <u>45</u>	48/43 <u>45</u>	55/48 <u>45</u>	55/48 <u>45</u>
Density (units/acre)	0	0	0	15	15

Note 1. MCT commercial lots eighty-five (85) feet or less in depth shall utilize the eighteen-foot front yard standard of the MCG zoning district. All others shall meet the twenty-five-foot front yard standards of the MCT commercial zone.

Note 2. ~~For legally non-conforming lots, the side yard setback shall be 10% of the lot width or five feet, whichever is greater. MCT residential lots fifty (50) feet wide or less may apply for a twenty (20) percent administrative side setback waiver in~~

hardship cases. Note 3. On MCT-mixed use lots, first floor MCT-commercial use setback shall be twenty (20) feet from the bay and upper floor MCT-residential setback shall be thirty-five (35) feet from the bay.

1. *Manasota commercial general (MCG).*

- i. ~~All setbacks (front, side, and rear) are subject to the stepped setback provisions set forth under the development standards, section (i)(8) of this [overlay] code. Stepped setbacks are a function of building height.~~
- ii. Side and rear yards that abut any water but the Gulf of Mexico shall be at least twenty (20) feet, and those that abut the Gulf of Mexico shall be at least fifty (50) feet, except for legally non-conforming lots, the side yard setback shall be 10% of the lot width or five feet, whichever is greater.
- iii. Setbacks abutting property zoned residential shall be equal to twenty-five (25) feet.
- iv. ~~Maximum building height shall not exceed forty-eight (48) feet for all MCG zones seaward of the CCCL and forty-three (43) feet for MCG 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 overlay code.~~
- iiiv. All properties shall have front, side, and rear peripheral landscape strips of no less than ten (10) five feet. Peripheral landscape strip and parking standards are contained under the development standards of this overlay code.
- vi. ~~All MCG lots, including nonconforming less than one hundred (100) feet in width or less than the district minimum lot area required shall have front, side, and rear peripheral landscape strips of no less than ten (10) feet.~~

2. *Manasota commercial tourist (MCT).*

- i. This district is a mixed-use district. Commercial and residential uses are permitted and the site may be entirely commercial, entirely residential, or mixed use, using the appropriate development standards.
- ii. Setbacks.
 - ba) Side and rear yards that abut any water but the Gulf of Mexico shall be at least thirty-five (35) feet, and those that abut the Gulf of Mexico shall be at least fifty (50) feet. except for side yards abutting any water for legally non-conforming lots, the side yard setback shall be 10% of the lot width or five feet, whichever is greater.
- iii. Setbacks for MCT-commercial and MCT-mixed use abutting property zoned residential shall be twenty-five (25) feet.
- iv. ~~Setback calculation provisions are contained under the development standards of this overlay code.~~
- v. ~~Maximum building height shall not exceed forty-eight (48) feet of structure height for MCT-commercial districts seaward of the CCL; forty-three (43) feet of structure height for MCT-commercial districts landward of the CCCL. Maximum building height shall not exceed fifty-five (55) feet of structure height for MCT-residential and MCT-mixed use districts seaward of the CCL, and forty-eight (48) feet of structure height for MCT-residential and MCT-mixed use districts landward of the CCCL. Height shall be measured from zero (0) feet NGVD to the top of the highest constructed element. Building height calculations are contained under the development standards of this overlay code.~~
- ivi. All properties shall have front, side, and rear peripheral landscape strips of no less than ten (10) five feet. Peripheral landscape strip and parking standards are contained under the development standards of this overlay code. Parking requirements are specified under architectural standards of this overlay code.

- ~~vii. All non-conforming MCT commercial lots less than one hundred (100) feet in width and/or less than the district minimum lot area required shall have front, side, and rear peripheral landscape strips of no less than ten (10) feet.~~
- ~~viii. All non-conforming MCT residential lots less than eighty (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 ten (10) feet.~~
- ~~ix. All non-conforming MCT-residential lots shall be required to conform to the non-conforming standards as set forth in this overlay code as they apply to MMF-12 development standards.~~
- ~~x. For non-conforming MCT residential lots fifty (50) feet wide or less, the owner may request an administrative waiver of up to twenty (20) percent of the side setback (two (2) 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 overlay code.~~

Special Purpose District

- (3) Manasota planned development zoning and land uses (MPD). The development standards shall be established via the rezoning process. The minimum open space shall be 10% or as determined by the Board of County Commissioners. The minimum size shall be 150,000 square feet. Uses and structures shall be established via the rezoning process and shall be consistent with the Comprehensive Plan. The following numerical requirements apply subject to the provisions below.

Lot Requirements	MPD
Lot (min.)	
Lot Area (sq. ft.)	150,000
Yard (min. ft.)	
Front	40
Side, Rear or Between Structures	25 See Below
Abutting Lemon Bay	35 See Below
Abutting the Gulf of Mexico	50
Bulk (max.)	
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 MGT residential and MGT Mixed Use.
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 (i)(8) of this overlay code. Stepped setbacks are a function of building height.~~
- b. ~~Maximum building height shall not exceed forty-eight (48) feet for lands previously MSF zones seaward of the 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 MGT residential zones seaward of the CCCL and forty-eight (48) feet for MMF and MGT residential landward of the CCCL. MGT mixed use developments shall not exceed the fifty-five (55) feet seaward of the CCCL and forty-eight (48) feet landward of the CCCL and shall include one (1) 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 overlay code.~~
- c. ~~Floor area ratio shall be calculated excluding all submerged portions of the MPD site.~~
- d. ~~Lands subject to a MPD rezoning shall meet the minimum lot frontage for the most restrictive zoning district applicable to the property prior to the rezoning to a MPD.~~
- e. ~~There shall be one (1) main point of access and one (1) emergency entrance per contiguous land rezoned to MPD.~~
- f. ~~Lands subject to a MPD rezoning shall be contiguous whenever possible. If said lands are not contiguous, a twenty-five foot MPD setback shall be applicable whenever the proposed MPD abuts property not zoned MPD. Said MPD setback shall contain the uses and structures permissible in the peripheral landscaping strip, as defined in this section. Front and rear yard areas may contain pools or other accessory structures as set forth in this overlay code.~~
- g. ~~A minimum of twenty (20) percent of the entire MPD parcel shall be open space, which shall include environmentally sensitive habitats and vegetated areas and shall not be encumbered by an impervious surface. Easements and parking areas are not included in open space calculations.~~
- h. ~~When the minimum MPD setbacks above conflict with other required setbacks, including CCCL regulations, and other applicable regulations, the enforceable setback shall be that which results in a greater distance from property lines to structures.~~
- i. ~~Density bonuses. Density bonuses shall not be applicable in the overlay code.~~
- j. ~~Failure to obtain final approval for a MPD within three (3) years with no extension from concept plan approval may cause the county to initiate a rezoning of the property, which shall revert to the zoning district back to its original designation.~~
- k. ~~Parking requirements:~~
 - i) ~~All land coverings, including parking and circulation areas, must be pervious. This requirement shall not apply to areas under the footprints of approved structures.~~
 - ii) ~~Parking standards are contained under the development standards of this overlay code.~~
 - iii) ~~Parking areas shall be located on the same parcel as the proposed use. Parking shall not be a principal use on any given parcel.~~
- l. ~~Principle uses and structures: Uses and structures permissible under the MPD district shall be equivalent to those that would otherwise be permissible on the property or properties prior to~~

~~rezoning to a MPD. In no case shall multi-family dwellings replace single-family dwellings. However, properties zoned multi-family zones may be rezoned to single-family.~~

~~m. Accessory uses and structures: Uses and structures that are customarily accessory and clearly incidental to the principal uses approved for the MPD are permissible in this district. Where a MPD contains residential uses, noncommercial docks are allowed. Such marine structures shall be permitted according to the Code.~~

~~n. MPD developments are subject to all other development and design standards contained in the overlay code. (h) Permitted uses and use table.~~

(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
<i>Open and Rural Uses</i>						
	Fishing, Fisheries, hatcheries, preserves	SE				
<i>Residential Uses</i>						
	Single family, detached, modular	P	P	P		
	Manufactured home (DCA)		P			
	Cluster Subdivision		SE			
	Duplex			P		
	Multifamily			P		P
	Other: Guest House		SE			
	Other: Home Occupation		SE	SE		
<i>Public and Civic Uses</i>						
	Emergency Services	SE	SE	SE	P	P
	Public Building				SE	SE
	Fish and WL mgt. area, nature preserve	P				
	Game preserve, public and private	P				

	Outdoor Education facility	P				
	Park, recreation facility, park office, maintenance facility, playground, open space	SE				
	Essential Services		SE	SE	P	P
<i>Commercial Uses</i>						
	Bed and Breakfast 1 or 2 bedroom			SE		P
	Bed and Breakfast 3 or 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
	Real Estate Services & property management				P	P
	Convenience Store				P	P
	Liquor, package store				SE	SE
	Pharmacy					P
	Specialty Shops				P	P

- (2) It is the intent of this section to restrict the allowable uses with the overlay code districts to avoid trip-generating traffic not related to residential and beach-related tourist uses on this small barrier strip.
- (3) Unless specifically defined in the above table and this subsection, additional uses and structures are prohibited.
- (4) Public parks and recreational facilities shall only be allowed in the MES district and only by special exception and only if restricted to meet the intent of the MES district.
- (5) Paid parking shall be prohibited on any parcel within the overlay district, except on public recreation lands. Leasing or rental of upland properties on the islands for short-term parking or

long-term storage of vehicles or trailers shall be prohibited in all districts. Multi-story parking garage structures shall be prohibited in all districts.

- (6) Lodges or private clubs shall be prohibited in all districts and beach clubs shall be allowed only without food or sundry sales.
- (7) Hotel/motel/inn uses may have commissary, coffee bar, continental breakfast and other services for their guests.
- (8) Sport marinas and resort marinas shall be prohibited. However, leasing of dock space in the MCT district only on lots adjacent to coastal waters not on the Gulf of Mexico is permitted as a special exception with the following restrictions: no live-aboard dockage; no sale of fuel and lubricants; no provisions, bait and tackle; no service buildings with laundry facilities, showers, toilets; no rental of motorized watercraft; and no launching of boats from the site. A condition of the permit is adequate parking for leased dock spaces. Private noncommercial boat docks are permissible in MES, MSF, MMF, and MCT-residential districts for the exclusive use of the property owner or someone with a legal interest greater than a lease hold interest and are prohibited from being rented.
- (9) The rental, sale, or repair of motorized vehicles, including but not limited to boats, jet skis, scooters, and segways, is prohibited. Non-motorized recreational rentals, including but not limited to kayaks, canoes, and bicycles, is allowed in the MCG district and, as a special exception in MCT district.
- (10) Home occupations are allowed by special exception in MSF and MMF zones. In addition to meeting the requirements of the Code, the applicant must provide documentation that the proposed home occupation does not involve employees or clients who visit the premises and will not generate parking space demands (e.g., telemarketing verses music teacher); or if lot is twice the minimum lot size, demonstrate that there is adequate parking for the number of clients expected to be serviced.
- (11) One (1) guest house or one (1) servant's quarters for each single-family dwelling are allowed by special exception, provided the lot area shall be not less than twice the minimum lot area required for a single-family dwelling; and the guest house or servant's quarters is intended for use on a temporary basis. The guest house and principal dwelling shall not be rented separately.
- (12) Restaurant outdoor seating is an allowable use for restaurants and bars, and, whether covered or uncovered, shall be required to be reviewed for compliance with the setback, paving and other requirements of this overlay code. Outdoor and under-structure exterior bar areas are allowed, but shall be required to meet the setback, paving, height, and other requirements of this overlay code.
- (13) Specialty shops include small jewelry, gift, clothing, accessories, coffee, bakery, ice cream, and the like, beach tourist-related shops. Such other beach tourist-related shops, as determined by the zoning official, may be permitted by special exception.
- (14) Accessory structures and accessory uses. Accessory structures shall be required to meet the standards set forth under (i) and (k) of this overlay code.
 - a. Uses and structures that are customarily accessory and clearly incidental to the MSF principal uses and structures are also permitted within the MSF districts and include: private garages and storage structures, greenhouses; swimming pools and hot tubs; and tennis courts, subject to standards under (i) and (k) of this overlay code.
 - b. Uses and structures that are customarily accessory and clearly incidental to the MMF principal uses and structures are also permitted within the MMF districts and include private garages and storage structures, swimming pools and hot tubs, and tennis courts, subject to standards under (i) and (k) of this overlay code.
 - c. Uses and structures that are customarily accessory and clearly incidental to the MCT principal uses and structures are also permitted within this district including a residential

dwelling unit within the same structure as the principal use for occupancy by owner or employee of permitted uses, parking lots, and outdoor dining areas.

- d. Uses and structures that are customarily accessory and clearly incidental to the MCG principal uses and structures are also permitted in this district, including a residential dwelling unit within the same structure as the principal use for occupancy by owner or employee of permitted uses, parking lots, and outdoor dining areas.
- e. Uses and structures that are customarily accessory and clearly incidental to the MES principal uses and structures are permissible in this district including private noncommercial boat dock but not piers, docks and wharves.
- f. Accessory structures are required to be setback within the yards including, but not limited to, detached garages and carports, storage structures, swimming pools and hot tubs, with or without screen enclosures; green houses, and tennis courts.
- g. Only the following accessory uses are permitted within the required yards on Manasota and Sandpiper Key: 1) stairways may project up to four (4) feet in a required front or rear yard, but not into the required side yards. Guttered roof overhangs may project up to two (2) feet into a required front or rear yard on all lots; and may project up to two (2) feet into the side yard and peripheral landscape strip on lots fifty (50) feet wide or less. ~~Where elevated, these uses must meet the stepped setback and maximum height requirements of this overlay code.~~

~~(15) Uses and structures permissible under the MPD district shall be equivalent to those that would otherwise be permissible on the property or properties prior to rezoning to a MPD.~~

- (i) *Development standards.* These development standards shall apply to all zoning districts within the overlay code.
 - (1) *Uniform line of construction.* In order to maintain the uniform line of construction of major structures within the overlay district, no portion of a residential structure shall be located seaward of this line, or of a line traced between the corners of the two (2) nearest buildings along the Gulf of Mexico, except as permitted by DEP.
 - (2) *No-fill area.* The entire overlay district is designated as a no-fill area, within which only pilings and stemwalls may be used for all construction, except the minimum amount of fill necessary within the building footprint and for drainfields associated with on-site waste treatment and disposal systems.
 - (3) *Pervious material.* With the exception of fences and walls, all ground-level amenities such as walkways, patios, new private roads, residential driveways, and all parking spaces outside of the building footprint shall be constructed of pervious materials to improve drainage and runoff. Pavers for parking lots, driveways, patios and pools shall be installed to meet or exceed product filtration rate of three (3) inches per hour; and minimal subgrade slope not to exceed one (1) percent for parking, vehicular traffic areas and patios. The only exceptions to the use of pervious pavers shall be a three-foot perimeter around a pool and handicapped accessible routes when required by ADA.

Diagram 1: Permeable Paving System

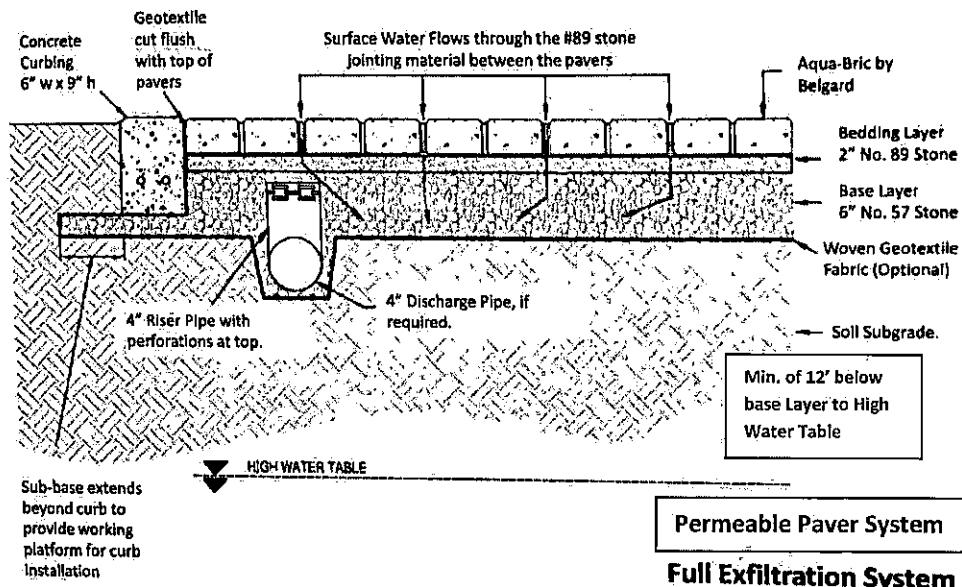


Diagram 2: Permeable Pavers with Storage Base

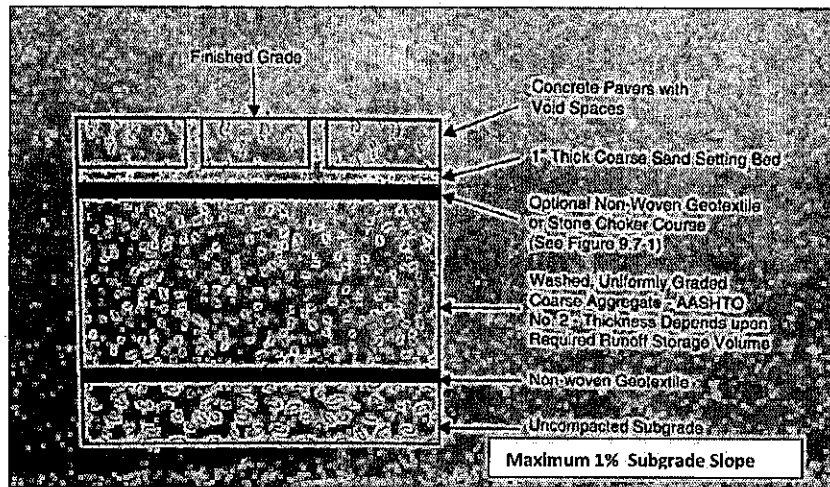
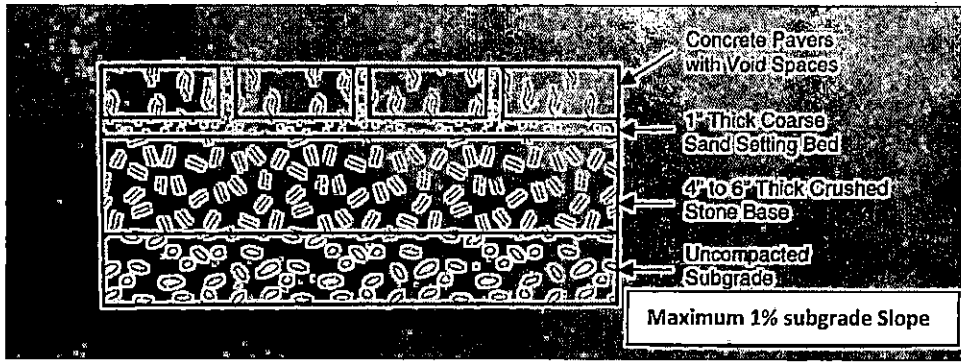


Diagram 3: Pervious Pavers without Storage Base



- (4) *Bulk limitations.* No building shall be over two hundred (200) feet wide or long in any zoning district.
- (5) *Open space/reservation area.* All development within the overlay district subject to site plan review shall include an open space/habitat reservation area equal to five (5) percent of the total area of the development. No financial contribution in lieu of reservation shall be permitted. Peripheral landscape strips and setbacks may be counted as part of the open space habitat area unless the lot is greater than one-quarter ($\frac{1}{4}$) acre.
- (6) *Pilings for structures.*
 - a. Pilings shall conform to construction techniques authorized under the Florida Building Code.
 - b. Pilings for structures throughout Manasota and Sandpiper Key shall be augered into the ground, or otherwise introduced through contemporary technologies that are shown to reduce the noise and vibration in sufficient amount to meet the intent of this section.
 - c. If driving pilings into or onto the ground is proposed,
 1. The developer must conduct a detailed geotechnical analysis of the property with a certification from a geotechnical engineer that the proposed development activity will have no adverse impacts to adjacent properties; and
 2. Show proof of minimum insurance policy coverage of one million five hundred thousand dollars (\$1,500,000.00) per occurrence and five million dollars (\$5,000,000.00) aggregate.
 3. If pile driving is deemed appropriate, the contractor shall be required to notify by mail the owner of properties within three hundred (300) feet of the outer limits if the subject property and document existing conditions of structures, prior to the planned development.
 4. The contractor must offer all properties within three hundred (300) feet an opportunity to have their properties inspected by an engineer/inspector prior to pile driving at the builder's expense. The intent of this inspection is to create a record of conditions prior to work occurring.
 5. The contractor must also offer all properties within three hundred (300) feet an opportunity to have, at builder's expense, one (1) on-site seismic reading during the pile driving. A permit to drive piles (pile driving) will not be issued until the contractor of record provides to the county by affidavit a list of property owners within three hundred (300) feet of the project and addresses along with a receipt or other proof of mailing and completion of required inspections.
 6. The contractor of record or the owner-builder shall be the party responsible to ~~insure~~ensure that the notification and offers have been made and that reasonable effort to comply with these requirements has occurred. Records of these offers shall be

maintained by the contractor or owner-builder and be made available to the building and zoning division.

7. In addition, the contractor shall be required to provide the county with an insurance certificate showing that the contractor carries comprehensive general liability in the amount of one million five hundred thousand dollars (\$1,500,000.00) for each occurrence, and aggregate and property damage in the amount of five million dollars (\$5,000,000.00) for each occurrence and the five million dollars (\$5,000,000.00) aggregate. For the purposes of this section, "pile driven" constitutes a work effort for driving, impact driving or hammer driving of a pile or similar object into the ground used to support or reinforce any structure or building including but not limited to treated timber piling, prestressed concrete piling, steel piling, driven test piling, concrete sheet piling, steel sheet piling, batter piles, anchor piles, dolphin piles, fender piles and guide piles.
8. 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.
9. 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 and maximum stories, and maximum building height calculation. For the purpose of the overlay code, the maximum height of a building shall be measured from zero (0) 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, or 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 seven (7) feet; elevator shafts at no greater than four (4) feet; AC units at no greater than four and one-half (4½) feet; and mechanical pipes no greater than two (2) feet; and lightning rods no greater than two (2) 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 sight. The "line of sight" shall be fifteen (15) degrees from the street front facade and thirty (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 seven (7) feet above the highest constructed element and is ten (10) feet at its greatest width or length dimension, the green space offset required shall be seventy (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 CCCL; forty-three (43) feet of structure height for MSF, MCG and MCT commercial districts landward of the CCCL; fifty-five (55) feet of structure height for MMF, MCT residential and MCT mixed use districts seaward of the CCCL, and forty-eight (48) feet of structure height for MMF, MCT Residential and MCT mixed use districts landward of the CCCL.~~

- f.—a. The maximum number of stories shall be no greater than three (3) stories over parking in MMF, MCT-residential and MCT-mixed use zones; and no greater than two (2) stories over parking in MSF, MCG, and MCT-commercial zones. High-rise buildings are prohibited within all zones on Manasota and Sandpiper Key.
- b. Vertical Buildable Area is the area above the footprint of the structure measured from the design flood elevation plus resilient freeboard, if any, to the maximum Building and Structure Height of 38 feet under MES, MSF-1, MSF-3.5, and MSF-5 zones, and 45 feet under MMF-7.5, MMF-10, MMF-12, MCG, and MCT zones.
- c. Calculation of the maximum vertical buildable area: For AE and X Zone, the maximum vertical buildable area is measured from the finished floor to which is added no more than five feet of resilient freeboard plus the Building and Structure Height. For VE, Coastal A Zones and seaward of the Coastal Construction Control line, the maximum vertical buildable area is measured from the lowest horizontal structural member to which is added no more than seven feet of resilient freeboard.
- d. Calculation of the maximum building height: the maximum building height is the minimum elevation requirements of the Florida Building Code plus the maximum Vertical Buildable Area.
- g. ~~In unique circumstances, due to ground level or elevation requirements, the forty-eight (48) foot NGVD height limit may be exceeded such that a thirty-five foot building envelope may be met from finished floor to the top of the roof on multi-family development projects landward of the CCCL.~~
- h. ~~In unique circumstances, where any portion of a building is located in two (2) flood zones, one (1) being seaward of the CCCL, the seaward maximum height shall apply to the entire building.~~
- i. ~~There shall be a required green space off set of one (1) linear foot for each foot of structure height in excess of fifty-two (52) feet in the MMF, MCT-residential and MCT-mixed use zones seaward of the CCCL to be added in the front yard, in addition to the ten-foot peripheral landscape strip. For every foot of additional building height over fifty-two (52) feet, there shall be a horizontal foot of green space added to the entire width of the front yard immediately adjacent to the ten-foot peripheral landscape strip. For example, if a structure is built to the maximum height of fifty-five (55) feet, seaward of the CCCL, three (3) feet of green space shall be added to the ten-foot peripheral landscape strip, resulting in a thirteen-foot green space setback along the entire width of the front yard.~~
- j. ~~Height limits for accessory structures are specified under (k) of this [overlay] code.~~
- (8) ~~*Building setback calculation.* The overlay district shall be exempt from the requirements of the waterfront property code. In the overlay district, stepped setbacks shall be required to preserve open vistas on Manasota and Sandpiper Keys by limiting the height and size of structures in the overlay district. The stepped setback was designed to eliminate the need for variances tied to roof overhangs, balcony rails, and other side building features, as well as to allow flexibility for architectural designs. For single family construction, gambrel and peaked roofs are encouraged.~~
- a. ~~The following specific stepped setback requirements and calculations shall be applied:~~
 - 1. ~~Structures shall be set back from the property lines not less than the minimum required yards in this overlay code. No structure shall be located within fifty (50) feet of the shoreline of the Gulf of Mexico. Structures shall be set back from other water bodies not less than the minimum required by this overlay code.~~
 - 2. ~~Stepped setbacks, regardless of actual building elevation required by the Federal Emergency Management Agency (FEMA) or Florida Department of Environmental Protection (FDEP), shall be calculated as follows: In FEMA-governed zones starting at two (2) feet above the minimum lowest floor elevation or base floor elevation (BFE) to the top of the highest~~

~~constructive element. In FDEP V Zones, starting at thirty (30) inches above the least horizontal shore parallel structural member (LHSM) to the top of the highest constructed element.~~

3. ~~Setback distance shall be calculated by measuring the horizontal distance from the lot line to the minimum setback at a specified height from two (2) feet above the minimum finished floor elevation (MFFE), as specified in the table below:~~

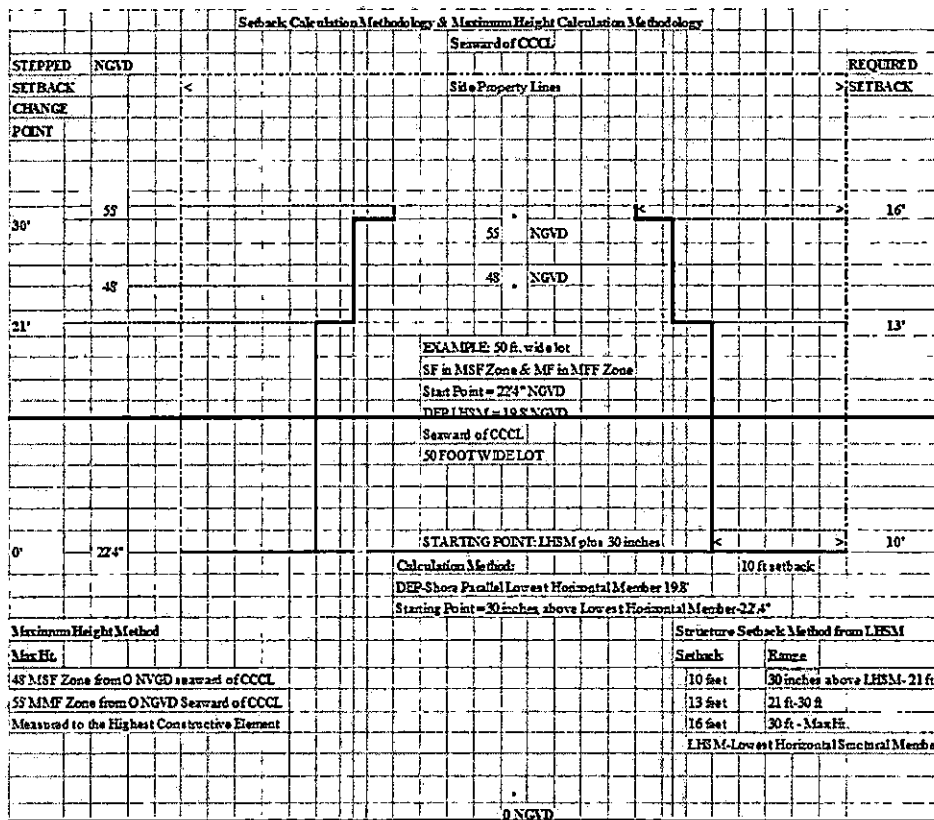
Minimum Yard Setback (feet)	Setback Starting Point is two feet above BFE (Landward of CCCL) or 30 inches above LHSM (Seaward of CCCL)
(Horizontal Setback Distance)	(Vertical Height Stepped Setback Range)
Yard Setback Minimum	Two feet above BFE or 30 inches above LHSM to 21 feet above Starting Point
Yard 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

4. ~~No encroachments shall be allowed within the building setbacks as calculated herein, except "guttered roof overhangs" and sunshades may extend two (2) feet into the setbacks at each stepped setback. For multifamily development on lots fifty foot wide or less, the stepped setback may be reduced to from sixteen (16) feet to fifteen (15) feet on one (1) side only, exclusively to accommodate an elevator shaft or stairwell.~~

5. ~~No building may be constructed seaward of the CCCL unless a permit has been issued by the state.~~

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

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



(89) *Peripheral landscape strip.* Peripheral landscape strips are required on all lots within the Manasota and Sandpiper Key overlay district. All properties, conforming and nonconforming, shall have front, side interior and rear interior peripheral landscape strips of no less than ten (10) five feet from the property line. Peripheral landscape strips shall be located immediately adjacent and parallel to all sides of a lot boundary. All peripheral landscape strips shall be either synthetic pervious turf or green open areas. A tenfive-foot wide synthetic pervious turf, or green open area with a vegetated landscape strip along the entire tenfive-foot perimeter is required and intended to screen and separate new development or improvements to existing development from adjacent existing development and from the public right-of-way. Vegetated landscaping means grass, ground cover, mulch, shrubs, vines, hedges, synthetic pervious turf, or trees. Pavement, sand, shell, rock, and aggregate shall not be considered approved landscape material for the tenfive-foot peripheral landscape strip, except that clean shell and native beach shell may be used in lieu of mulch around shrubs. No encroachments shall be allowed within the tenfive-foot peripheral landscape strip including, but not limited to, structures, accessory structures, AC units, driveways, parking areas, pools and pool accessories, electrical equipment, signage, stormwater management systems, and holding tanks. Neither a structure nor any portion thereof shall be erected or shall encroach or overhang upon the required peripheral landscape strip. The only exceptions shall be:

- Dune walkovers, sidewalks and driveway crossovers, where permissible.
- Fences.
- Guttered roof overhangs that may extend two (2) feet into the peripheral landscape strip, only on lots fifty (50) feet wide or less.
- Sunshades that may extend two (2) feet into the peripheral landscape strip only on lots fifty (50) feet wide or less.

e. ~~For non-conforming multifamily lots fifty (50) feet wide or less, the owner may request an administrative waiver of up to twenty (20) percent of the side setback (two (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 or 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.~~

(409) *Yard setbacks.* Yard setbacks, greater than ~~ten~~five-foot 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.

(4110) *Accessory structures.* No accessory structures or uses, other than fences shall be allowed within the ~~ten~~five-foot 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 overlay code; exceptions are specified under section (h)(14)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 three hundred (300) feet or greater in depth which may have screened accessory structures located in front of the building facade provided they are located at least one hundred fifty (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.

(4211) *Nonconforming lots.* It is the intent of this section to specify provisions of the overlay code that supersede the county nonconforming provisions and exceptions to yards provisions and which sections of the Code remain in place. It is also the intent to include provisions unique to nonconforming lots in the overlay boundary. ~~Other than the administrative waiver provided for in this overlay code, it is the intent that all lots contain a ten~~five-foot peripheral landscape strip. Within the Manasota and Sandpiper Key overlay district, the provisions of the county code requiring a variance to build on a lot less than five thousand (5,000) square feet or less than fifty (50) feet in width shall not apply as long as the building conforms to the requirements for the zoning district in which the lot is located.

a. ~~Within the Manasota and Sandpiper Key overlay district, the provisions of the county code requiring a variance to build on a lot less than five thousand (5,000) square feet or less than fifty (50) feet in width shall not apply as long as the building conforms to the requirements for the zoning district in which the lot is located.~~

b. ~~The minimum side yard interior setbacks in all districts for conforming and nonconforming lots, including lots less than five thousand (5,000) square feet shall be ten (10) feet. The only exception is provided for under the administrative waiver procedure for MMF and MCT residential lots in this overlay code. In these cases, documentation shall be provided to indicate why the administrative waiver is warranted, and an administrative variance shall not be granted in addition to the administrative waiver.~~

c. ~~The variance provisions of the Code under section 3-9-6.3 provide for relief in hardship cases for nonconforming lots in the overlay code. The administrative variance under 3-9-6.3(g) shall not be permitted for side yard variances which result in a side yard of less than ten (10)~~

~~feet, and the provisions contained in section 3-9-10.(c)(3)a. and section 3-9-5.3(2) shall not apply when they would result in a side yard of less than ten (10) feet.~~

(4312) *Parking standards.* For any residential development within the overlay district, each residential dwelling unit shall provide a minimum of two (2) spaces per unit. Multifamily developments shall provide additional parking spaces for services and guests. Service parking requirements shall be the lowest whole number that is greater than or equal to ten (10) percent of the number of units contained within the multifamily project. Guest parking requirements shall be the lowest whole number that is greater than or equal to twenty (20) percent of the number of units contained within the multifamily project. At least one (1) of the guest parking spaces as required by this section shall be handicapped accessible. Beach access points on the islands shall not be obstructed by parked cars or any other barriers. Parking of unlicensed or unregistered automobiles, recreational vehicles, boats and/or trailers shall be prohibited. Parking standards for commercial structures shall meet the Code requirements.

(134) *Disaster recovery.* Following a natural disaster, as determined by the board, ~~multifamily developments that are nonconforming due to their density may be rebuilt with no increase in square footage, so long as they comply with as many other development standards of this overlay 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. properties which have been deemed by the appropriate County department to be destroyed or substantially damaged and require removal or reconstruction shall be reconstructed in conformance with the regulations contained herein with the following exceptions: a structure and/or use that was legally nonconforming at the time of the disaster may be replaced or restored on the original footprint, which shall mean the maximum dimensional limits of the original structure at ground level, including pool decks, attached, permitted carports and garages, but not including detached structures. For all non-conforming uses, there shall be no increase in square footage or residential density greater than the permitted, pre-disaster footprint. All construction shall comply with applicable county, state and federal laws and ordinances. All structures rebuilt under this provision must meet or exceed all design flood elevations as applicable pursuant to the Florida Building Code.~~

(4514) *Underground utilities.* Electrical wires that connect poles with structures shall be placed underground.

(4615) *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 (1) spot elevation per site, with additional spot ground elevations provided at every one (1) foot of elevation change within the site.

(4716) *Density on barrier islands.* There shall be no transfer of density units into Manasota and Sandpiper Key from other areas of the county. Transferring density between Manasota Key and Sandpiper Key is prohibited. In addition to the requirements set forth in the county's transfer of density units code, the transfer of density units within Manasota Key or Sandpiper Key shall not be used contrary to the intent of the Manasota community plan and shall comply with the following criteria:

- a. Density units from category I hurricane storm surge zone cannot be transferred into a tropical storm surge zone; and
- b. Density units from an AE flood zone cannot be transferred into a VE flood zone; and
- c. No transfers of density from a less to a more restrictive flood zone; and
- d. All development standards set forth in this section shall apply.

(17) Non-conforming structure(s) and legally non-conforming uses below the required designated flood elevation may be elevated pursuant to the Florida Building Code, applicable county, state and federal laws and ordinances within the original footprint. Non-conforming structure(s) and legally conforming uses below the required designated flood elevation may be elevated pursuant to the Florida Building Code, applicable county, state and federal laws and ordinances.

(j) *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. These standards shall regulate the appearance and constructive elements of structures and be used in addition to those expressed elsewhere in this overlay code.

(1) *Driveways and parking areas and walkways/sidewalks.*

- a. No driveway shall exceed twenty-four (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 (1) driveway crossing allowed every three hundred (300) feet within the front yard setback.
- c. New private roads and parking and driveways, and those where fifty (50) percent of their original area is repaired or replaced shall be paved with crushed shell, stone, brick, or other pervious materials, to improve drainage and runoff 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. When pavers are installed, the contractor must provide a letter certifying that the pavers are pervious and that the pavers will be installed to maximize on-site water absorption. Developments built before 2008 that have asphalt driveways, are exempt from the pervious surface requirements of the section when repairing or replacing their asphalt driveways, though encouraged to address runoff issues associated with driveways.
- d. Walkways are permitted within the peripheral landscape strip only when they are necessary to comply with the Americans with Disabilities Act. Asphalt paving is prohibited. This requirement shall not apply to areas under the footprints of approved structures.
- e. Stepping stones are permitted.
- f. Driveways shall not encroach upon the side peripheral landscape strip. Corner lots may have one (1) driveway crossing off either street but not both.
- g. Entry walkways shall be clearly defined and shall not encroach upon the ~~ten~~five-foot side peripheral landscape strip.
- h. A single dune walkover per lot, where applicable, is permitted.

(2) *Building and facade materials and design.*

- a. All facades, excluding doors, windows, and trim, shall be improved and constructed with one (1) or a combination of the following materials: i. Masonry, although unfinished and exposed concrete block is prohibited; ii. Wood; iii. Stucco; iv. Vinyl. All additions shall be required to resemble material uses on the existing structure on the same property.
- b. No reflective materials are permitted on building facades.
- c. All wall openings on traditional buildings, including but not limited to windows, doors, balconies, and alcoves are required to have trim installed according to the following standards: a. Trim shall resemble wood, masonry stone, stucco, or tile; b. Reflective finishes are prohibited.
- ~~d. All buildings shall have a clearly defined entrance with numbers facing the street.~~

- de. Garage doors shall be flush or recessed with the front facade or recessed so as not to dominate the architectural design and appearance. Garage door height is limited to ten (10) feet.
- fe. Roofs shall be constructed, maintained, and repaired according to the following standards:
 1. Roofs shall be made of non-reflective materials. Skylights or other glass roof surfaces shall be limited to five (5) percent of the roof and not located on the front of the building.
 2. Roof materials shall resemble non-reflective metal, wooden shingles, "dimensional" asphalt shingles, barrel tile, concrete tile, or slate, and roof additions shall be required to resemble or material uses on the existing structure on the same property.
 3. Flat roofs shall be exempt from all preceding roof material standards provided a parapet or mansard wall is used to screen the roof and rooftop equipment. ~~Parapets and mansard walls must conform to the height limits.~~
- (3) *Architectural accents.*
 - a. ~~Chimneys must be vertical, and must conform to the height limits.~~
 - ba. Awnings shall be permanently affixed and shall have a minimum clearance of eight (8) feet above any sidewalk and eighteen (18) feet above any driveway on commercial properties.
 - cb. Gutters shall resemble or match the building trim or primary facade color. Gutters shall not cause water to accumulate on neighboring properties or directly upon driveways, sidewalks, or walkways.
 - dc. ~~The space between the first floor of a building and the ground shall be screened with lattice or breakaway wall. Lattice or breakaway walls shall be used specifically to conceal appurtenances placed below between the first floor and the ground, and they shall be the same pattern such as material and color and appearance as the outside of the structure, and shall be permanently affixed to the principal structure and be constructed of vinyl or painted wood.~~
 - e. ~~All structures shall post address numbers on the front facade in a location either by the entrance or garage door, or signage easily visible and legible from the adjacent roadway.~~
 - fd. Sunshades shall be permanently affixed and shall be retractable for use as hurricane shutters providing they meet county and state code.
- (4) *Lighting fixtures, structures, and elements.*
 - a. All outside lighting fixtures shall be installed consistent with the sea turtle lighting standards.
 - b. Fixtures for lighting areas shall follow a consistent theme.
 - c. Light posts shall be installed consistent with the following standards:
 1. Light posts shall be constructed and installed to resemble wood, polished concrete, or painted metal.
 2. Unfinished or unpainted metal and concrete surfaces and untreated wooden posts are prohibited.
 3. Light posts on private property shall not exceed sixteen (16) feet in height.
 - d. Outside lighting fixtures shall be installed to orient light downward and to provide glare reduction optics and shielding features. No fixture shall direct light upward or onto adjacent property. (Exemptions shall include small accent lights that are directed upward to softly illuminate landscaping.)
 - e. Light globes shall not protrude below shades.
- (5) *Fencing and walls.*

- a. Chain link fencing is prohibited. Coated chain link fencing may be used to enclose tennis courts and swimming pools. In such cases, the fence shall be replaced at the first signs of wear or rust. A coated chain link fence may also include tennis fence netting. Temporary security fences for construction sites installed for six (6) months or less shall not be required to be coated chain link fencing.
 - b. Concrete block walls must be split-faced or finished, and capped. Unfinished concrete block is prohibited.
 - c. Wood fences must be constructed of pressure-treated lumber to prevent deterioration and rot.
 - d. Solid walls and fences on or near the periphery of a lot must contain openings that may be used by wildlife. These openings must be at least nine (9) inches wide and six (6) inches high and must be located every twenty-five (25) feet along the bottom of the fence or wall.
 - e. Fences and walls that abut a body of water shall not exceed four (4) feet in height for portions that extend beyond the building facade that faces the body of water.
 - f. Fences and walls shall not exceed six (6) feet of height, measured from the finished grade of the parcel.
 - g. Fences and wall[s] forward of the front building facade shall not exceed four (4) feet in height.
- (6) *Accessory structures.* In addition to the accessory requirements contained under the development standards above, accessory structures must meet the following architectural design standards:
- a. The total area of accessory structures shall not exceed one-half ($\frac{1}{2}$) the footprint of the principal structure or one thousand (1,000) square feet, whichever is greater, and shall not exceed the maximum lot coverage allowed by zoning district when combined with area of the principal structure. Owners of lots greater than one (1) acre in area may apply for a special exception to exceed the maximum lot coverage standard.
 - b. Metal buildings or temporary structures such as awnings or carports are not permitted. Accessory structures must be built with materials designed to withstand salt and high winds.
 - c. Garage or storage structures over two hundred fifty (250) square feet in area must be compatible in appearance and materials with the principal structure.
 - d. Sheds, gazebos, cabanas, and decks must be located behind the front building facade, and may not be located within the peripheral landscape strips. The only exception is on lots three hundred (300) feet or greater in depth which may have screened accessory structures located in front of the building facade provided they are located at least one hundred fifty (150) feet from the county right-of-way.
 - e. Roofing materials must resemble or be complimentary to the materials used on the principal structure.
 - f. Gazebos, detached garages, and detached screened pool enclosures may not exceed fifteen (15) feet in height from finished grade. All other accessory structures may not exceed ten (10) feet in height.
 - g. Swimming pools, hot tubs, spas, and other water features and their decks shall be installed and constructed consistent with the following standards:
 - 1. Swimming pools are limited to one (1) vertical accessory including but not limited to slides and diving boards. Vertical accessories shall not exceed eight (8) feet in height. Swimming pools and pool equipment shall not be located within the peripheral landscape strips.
 - 2. Above-ground exterior swimming pools, hot tubs, and spas are prohibited. Exterior swimming pools, hot tubs, and spas must be permanently installed in the ground or within a masonry foundation.

3. Portable spas must be modified to conform to these standards.
- h. Air conditioning and heating units must be installed consistent with the following standards:
 1. Units must be screened from off-site view.
 2. Consideration must be given to avoid impacts to adjacent properties.
 3. Mechanical equipment shall be expressly prohibited from being considered for a variance or special exception.
- i. Pool equipment and propane tanks of two hundred fifty (250) cubic feet or greater shall be screened from off-site view.
- j. Miscellaneous accessory structures must be constructed consistent with the following standards:
 - ~~k. 1.~~ Ramps, where required, must be concealed with landscaping to the greatest extent possible, and must blend with the scale and architectural features of the structure.
 - ~~2.~~ ~~1.~~ No accessory structures shall be permitted within the ~~ten~~five-foot peripheral landscape strip.
 - ~~m. 3.~~ Above roof appurtenances on commercial buildings shall be screened from view.
 - ~~n. 4.~~ New dumpsters shall be stored and screened within an enclosed area, not in front of the leading edge of the building facade. Waste receptacles, garbage and trash containers shall be screened from off-site view and meet all other County Code requirements. All existing dumpsters that cannot be moved to meet the new requirements shall be required to be screened with an enclosure that exceeds the height of the dumpster.
- (7) *Commercial and multifamily buildings.* In addition to the above architectural design standards, all commercial and multifamily buildings must also conform to the following standards:
 - a. Primary building entrances must be oriented towards adjacent roadways.
 - b. Loading docks and delivery vehicle parking areas should be located to the rear and side of the building. To the greatest extent possible, these elements should not be placed between the front building facade and the roadway.
 - c. Drive-through facilities are prohibited.
- (k) *Landscaping.* Landscaping on Manasota and Sandpiper Keys shall be subject to the provisions and standards of the overlay code. In addition to such standards, all landscaping on the Manasota and Sandpiper Key shall be installed, repaired and maintained consistent with the guidelines in this section.
 - (1) A landscaping plan is required for all new development and modifications to existing structures that exceed fifty (50) percent of the total structure's assessed value.
 - (2) The landscape plan must be drawn to scale with dimensions, distances and scale, and shall identify the type and location of existing and proposed vegetation and other landscape features including the proposed green vegetation in the peripheral landscape strip, the landscape plan for the yards, as well as all easements, building structures, accessory structures, stormwater retention, and similar features.
 - (3) The proposed plantings in the peripheral landscape strip shall meet the objectives to screen and separate new development or improvements to existing development from adjacent existing development and from the public right-of-way. Vegetated landscaping means grass, ground cover, mulch, shrubs, vines, hedges, synthetic pervious turf, or trees. Pavement, sand, shell rock, and aggregate shall not be considered approved landscape material for the ~~ten~~five-foot peripheral landscape strip, except that clean shell and native beach shell may be used in lieu of mulch around shrubs.

- (4) Developers shall meet the one (1) tree point per two thousand (2,000) square feet of development site. A "buy-out" option from this requirement shall be prohibited. On nonconforming lots less than five thousand (5,000) square feet, a minimum of two (2) tree points shall be required.
 - (5) Foundation plantings shall be installed around buildings to soften their appearance from offsite view.
 - (6) Peripheral landscape strips and yard areas shall be treated with Florida friendly landscape material.
 - (7) Commercial buildings and multi-family residence requirements, in addition to the requirements above:
 - a. A landscaping plan, signed and sealed by a landscape design professional, shall be submitted with all new construction and/or modifications to existing structures that exceed fifty (50) percent of the total structure's assessed value.
 - b. Parking lot areas shall be screened with low fencing and/or landscaping whenever such areas abut public rights-of-way, existing residential uses, or property zoned for residential use. One (1) tree is required for every thirty-five (35) feet of perimeter landscape strip abutting a public right-of-way.
- (l) *Signs standards.*
- (1) *Applicability.* These regulations are intended to complement the county sign code and address the limited amount of area available to promote the business on the key. Any sign on Manasota and Sandpiper Key that is erected, constructed, installed, altered or moved shall conform to the provisions of the overlay code. Any inconsistencies between the overlay code and any other building, electric codes adopted by the county, the most restrictive shall apply.
 - (2) *General provisions for signs on Manasota and Sandpiper Key.*
 - a. Private and temporary signs shall not be placed in the roundabout nor shall they be placed on any public right-of-way, including along Beach Road, Gulf Boulevard, or North Beach Road, and shall not exceed four (4) square feet.
 - b. Single-faced signs shall be painted black on the back side.
 - c. All new free-standing signs shall be monument signs. Maximum height of monument signs shall be four (4) feet above the crown of the road. Eight-inch street names and number may be placed on top of these monument signs.
 - d. Traffic or other directional sign, symbols or devices relating to traffic, parking, public services, facilities or warnings shall be painted black on the rear when visible to the general public and be mounted on decorative poles. Whenever a traffic or way finding directional sign is erected on public right-of-way for the benefit of or upon request by a private development or individual, the sign shall be paid by the project requesting or benefiting from the sign and be on decorative poles paid by them.
 - e. No sign including an exempt sign shall be constructed, erected or interferes with any utility, communication, cable or stormwater infrastructure.
 - f. ~~All temporary signs and flags shall be removed in the event of a tropical storm, hurricane and flood warnings.~~
 - g. ~~Flags shall not be placed in the public right-of-way.~~
 - hg. Nonadvertising directional signs, symbols or devices related to traffic, parking or warnings on private property: entrances, exits, slow, no trespassing or no parking shall not exceed three (3) square feet.
 - i. ~~Political signs shall be limited to four (4) square feet and be removed in ten (10) days after the election and may be erected no more than forty five (45) days prior to election.~~

hj. —Murals and wall art shall not be calculated as sign area if they do not contain text or logos.

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

jl. —Normal maintenance to existing conforming signs shall not be deemed alterations within this overlay code.

km. —Dedicatory tablets or memorial plaques setting forth the name or erection date of a building, commemorating a person or persons and like uses shall be cast in metal or engraved in stone or concrete or otherwise inscribed in or on a monumental material, not to exceed four (4) square feet.

ln. —No signs shall be exempt from obtaining a permit on Manasota and Sandpiper Key.

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

(3) —*Residential signage.*

a. —Single-family units and multifamily complex—one freestanding temporary yard sign that does not exceed twelve (12) by eighteen (18) inches. For example, for garage or property sale, lease or rent. An additional sign of twelve (12) by eighteen (18) inches which is located in their yard on a navigable body of water shall be allowed facing the water.

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

c. —Multifamily units shall be treated as a single unit with the exception of:

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

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

3. —Community signs may be two-sided providing each side is exactly the same and will count as only one (1) side for sign allocation, and shall not contain any form of advertising.

4. —Community signs shall not be located in the side peripheral landscape strip area.

5. —Residential signs may not be internally lit. Community signs may have low level ground-up lighting providing the light does not illuminate above or beyond the sign. All lit signs must comply with the county sea turtle lighting code and must provide two (2) copies of the lighting plan to the county.

6. —Multifamily communities may have one (1) building wall or fence sign instead of a monument sign. Wall and fence signs shall be limited to sixteen (16) square feet and shall include the eight-inch street numbers. Wall signs shall not be located above the peak of the roof or highest constructive element. Wall signs shall not project horizontally beyond the building wall.

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

(4) —*Nonresidential signage.*

- a. ___—Each unit is allowed a sign allocation of sixty (60) square feet. Freestanding signs must be monument signs. Sign allocation may be flexible where monument signs are inappropriate due to parking viability requirements.
- b. ___—Each unit is allowed one (1) monument primary sign not to exceed twenty-five (25) square feet. Non-residential primary signs shall include street name and numbers of eight (8) inches in height and may contain movable lettering. Eight-inch street names and numbers may be placed on top of these signs. These street names and number shall not be calculated as part of the total allowed square footage.
- c. ___—Monument primary signs may be two-sided providing each side is exactly the same and will count as only one (1) side for sign allocation. No portion of any monument sign shall be allowed to encroach onto a private walkway or driveway or within the public right-of-way.
- d. ___—Each unit may have one (1) building sign that does not rise above the peak of the roof or highest constructive element and does not project horizontally beyond the end of the building wall. Building signs are limited to thirty-two (32) square feet per sign. The sign allocation for each property combined between wall and freestanding sign shall be sixty (60) square feet. No portion of any wall sign shall be allowed to encroach onto a private walkway or driveway.
- e. ___—Monument signs shall not be located in the peripheral landscape strip.
- f. ___—Wall signs shall not be located on the side or rear of a building which abuts to a residentially-zoned property.
- g. ___—Changeable copy signs are limited to a maximum of eight (8) square feet per sign face with a maximum letter height of eight (8) inches and shall be included in the sign allocation. Sign face may be illuminated with low level internal lighting that does not create a problem for our turtle friendly neighborhood.
- h. ___—Only in MCG and MCT commercial zoning districts may existing pole or pylon signs installed before February, 2005, be replaced, and only when parking will obscure sign face of a monument signs.
- i. ___—Banners, pendants, feather flags and sail flags are permitted in MCG and MCT commercial zoning districts, so long as they are sited on private property and do not fly over the public right-of-way, sidewalks or streets, and no more than one (1) of these per fifty (50) feet of frontage. No more than one (1) of these allowed per fifty (50) feet of frontage with a maximum of two (2) per business property, and each banner, pendant, feather, flag and sail signs shall be no greater than twenty-four (24) square feet, provided they may be flown no more than two (2) times per calendar year and for no more than thirty (30) days per permit. National and state flags are excluded from this requirement.
- j. ___—Vacant property may have one (1) sign of sixteen (16) square feet.
- (5) ___—*Prohibited signs.*
 - a. ___—Neon, chasing, animated or flashing signs.
 - b. ___—Signs that emit an audible sound or visible matter such as smoke or steam.
 - c. ___—Billboards.
 - d. ___—Portable illuminated signs, whirling signs, animated signs, or wind signs.
 - e. ___—Temporary signs placed on sidewalks or bike paths.
 - f. ___—Signs above the roof or mansard of the building.
 - g. ___—New pole or pylon signs, except as provided in (4)h. above.
 - h. ___—Any sign prohibited by state or federal law.
 - i. ___—Any sign creating a traffic hazard by obstructing vision in any sight triangle.

- j. ___—Any sign from preventing free ingress or egress from any door, window, fire escape or other entrance or exit to any building, or any sign attached to a standpipe or fire escape.
 - k. ___—Any sign that is obscene, such as a sign depicting nudity or sexual conduct.
 - l. Any sign that constitutes a public nuisance, such as signs that produce hazardous amounts of glare, advertise an illegal activity, convey false information, or lead the public into errors of conduct, thought or judgment, especially by intentionally deceiving.
 - m. Any sign that emits a sound, smell or smoke.
 - n. Any sign that has been abandoned, including primary signs, unless the signs panel within the abandoned sign structure has been removed and replaced with a sign panel or neutral color containing no message.
 - o. Any sign designed with mechanized or electric changeable copy to display more than one (1) image on an ongoing basis where any information flashes, fades, dissolves, or scrolls or signs that move or create the illusion of movement, or signs that are or appear to be animated or projected.
 - p. Any sign affixed to a tree or utility pole.
 - q. Portable signs which are manifestly designed to be transported as a trailer, on its own wheels even where the wheels may be removed and the remaining chassis may be permanently attached to the ground.
 - r. Primary signs with a noncommercial message.
 - s. Any off-premise sign.
 - t. Any vehicular sign located on a truck, bus, trailer, taxi or other vehicle used for the purpose of advertisement on private property or on the public right-of-way. The only exception is a vehicle used as transportation for the owner or employee of the business that is moved daily on and off the property.
- (6) *Street signage.* Traffic or other directional, way finding or traffic control signs or devices erected by any federal, state or local government shall be mounted on decorative poles and the back of the sign shall be painted black. Whenever such signs are for the benefit of or upon request by private development the sign and pole shall be paid by the project requesting or benefiting from the sign. Channel poles are not permitted.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

November 27, 2024

Roger D. Eaton
Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Dear Roger Eaton,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2024-038, which was filed in this office on November 27, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL



Ticket# 3944019-1
BCC 11.26
5 x 12.5
Submitted by: Heather Bennett
Publish: 11/11/24
163352 3944020

**PUBLISHER'S AFFIDAVIT OF
PUBLICATION STATE OF FLORIDA COUNTY
OF CHARLOTTE:**

Before the undersigned authority personally appeared Amber Douglas, who on oath says that she is the Legal Advertising Representative of The Daily Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Legal Notice that was published in said newspaper in the issue(s)

11/11/24

as well as being posted online at www.yoursun.com and www.floridapublicnotices.com.

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

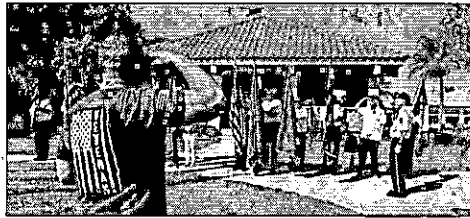
(Signature of Affiant)

Sworn and subscribed before me this 11th day of
November, 2024

(Signature of Notary Public)



Personally known X OR Produced Identification



A veteran salutes the flags during their presentation at the Nov. 11 Veterans Day observation at Patriots Park.

AREA NEWS BRIEFS

Veterans Day events, benefits taking place

There are several events and observances around the area on and around Veterans Day.

A Catholic Mass will be held at Sarasota National Cemetery on Veterans Day. Opening ceremonies will begin at 2:45 p.m.

The Military Heritage Museum Veterans tribute 11 a.m. on Veterans Day, with a free hot dog lunch for the first 100 attendees at noon. There is no charge to attend the ceremony.

American Legion NO. 159 will host a Veterans Day ceremony at 11 a.m. Monday at Patriots Park in Venice. The ceremony will feature a series of tributes, including the

presentation of colors, musical performances, and a keynote address by Army veteran Kendra Simpkins-Walsh.

Patriots Park is at 800 Venetia Bay Boulevard.

There are also local specials, freebies and promotions on offer to veterans for Veterans Day and during the weekend:

- Free passport photos, non-certified copies and notary services for eligible documents for veterans with the Charlotte County Clerk, throughout November.

- Free car washes through today for military personnel and veterans at Waters Carwash in Venice.
- Healing Field of Honor at Laidley Park with the Punta Gorda Rotary through today. It is a

display of flags to honor veterans.

- 11% discount on Monday at Winn-Dixie on qualifying grocery transactions, with valid military documentation.

- Free cheese or pepperoni pizza for military personnel and veterans at Oak & Stone on Veterans Day. All military personnel also get 10% off of purchases year-round.

- Free Florida Aquarium in Tampa: Entry for eligible military personnel on Veterans Day. Must be redeemed in-person at ticket window.

Chef Warren event canceled

ENGLEWOOD — The Friends of the Englewood Charlotte Library have cancelled "Thankful Thanksgiving" presentation by Chef Warren that had been set for Nov. 13 at the Tringali Community Building.

Quarter auction benefits NPHS Project Graduation

NORTH FORT — The Kiwanis Club of North Fort is sponsoring a quarter auction at 2 p.m. Nov. 16 at the North Port Senior Educational Center.

No one under 18 years of age is permitted inside. Proceeds to benefit North Port High School Project Graduation to ensure all seniors get to attend the event for free.

For more information or to become a vendor, email Shelley Prada at pradabkg@gmail.com.

Legion post plans Murder Mystery dinner

ROTONDA WEST — American Legion Post 113 has a fundraising murder mystery dinner for 4 p.m. Nov. 12 at the post, 3436 Indiana Road, Rotonda West.

The mystery will be performed by The Murder Mystery Company. The theme is "Death of a Gangster." Tickets are \$25. The public is invited. For more information, call 941-697-3616.

Great Garage Sale set for Dec. 7

PORT CHARLOTTE — Charlotte County Community Services will host the sixth annual Great Garage Sale from 8 a.m. to noon Dec. 7 at the Charlotte Sports Park, 2300 El Jobbe Road in Port Charlotte.

Admission is free for shoppers. For vendors, the cost is \$25 per 10-by-40-foot space. Vendors need to bring their own tables, chairs, shade, food and water.

To reserve a vendor space, visit CharlotteCountyFL.gov/recprograms.

Staff Report



Charlie says... I have an electrical friend who always reads the newspaper. He likes to keep up on CURRENT affairs.

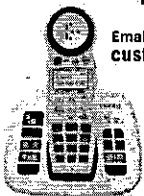


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NOTICE OF PUBLIC MEETING AND HEARING FOR ONE OR MORE OF THE FOLLOWING MATTERS: PROPOSED CHANGES TO THE FUTURE LAND USE MAP AND COMPREHENSIVE PLAN ELEMENTS, DEVELOPMENTS OF REGIONAL IMPACT OR CHANGES THERETO, REZONINGS, TRANSFER OF DENSITY UNITS (TDU), PRELIMINARY AND FINAL PLATS, DEVELOPER AGREEMENTS, STREET AND PLAT VACATIONS, DRC FINAL DETAIL PLANS OR CHANGES THERETO, TEXT AMENDMENTS AND STREET NAMING

A PUBLIC MEETING AND HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON TUESDAY, NOVEMBER 26, 2024, AT 2:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE MEETING AND HEARING WILL BE HELD IN COMMISSION CHAMBERS, ROOM 119, FIRST FLOOR, BUILDING A, THE CHARLOTTE COUNTY ADMINISTRATION CENTER, 18500 MURDOCK CIRCLE, PORT CHARLOTTE, FLORIDA. THE BOARD IS NOT BOUND TO CONSIDER THE PETITIONS IN THE ORDER LISTED IN THIS NOTICE. ANY OF THESE PETITIONS MAY BE CONSIDERED AS SOON AS THE MEETING COMMENCES.

COPIES OF SAID PETITIONS WITH COMPLETE LEGAL DESCRIPTIONS AND SUBSEQUENT STAFF REPORTS WILL BE AVAILABLE FOR REVIEW AT THE CHARLOTTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES. A MEETING AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: <http://www.charlottecountyfl.gov/boards-committees/planning-zoning-board/agenda.html>.

ALL INTERESTED PERSONS ARE URGED TO ATTEND. THE PUBLIC IS WELCOME TO SPEAK; TIME LIMITS ARE SET BY BOARD RULES. IF YOU HAVE SPECIFIC QUESTIONS OR COMMENTS, YOU ARE ENCOURAGED TO CONTACT A STAFF PERSON AT ANY TIME IN ADVANCE OF THE PUBLIC HEARING(S). PLEASE CALL 941-764-4903 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

PETITIONS

LAND USE CONSENT AGENDA

FP-23-07-08

Quasi-Judicial

Commission District I

SYP at BRC, LLC, a Delaware limited liability company, is requesting Final Plat approval for a commercial subdivision to be named, Babcock Ranch Community Shoppes at Yellow Pine, being a replat of Tract E-18 and a portion of Tract 1-41, Babcock Ranch Community Cypress Parkway, as recorded in Plat Book 23, Page 15A, through 15K and consisting of one lot. The proposed subdivision is a commercial development that received Preliminary Plat approval from the Board of County Commissioners under FP-23-07-08 on January 23, 2024. There is no Developer's Agreement or Infrastructure associated with this plat. This site contains 16,088 acres and is generally located north of Cypress Parkway, east of SR 31, west of Curry Preserve Drive, and south of Lake Babcock Drive, in the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment I, within the East County area, and in Commission District I.

CSZ-24-05

Quasi-Judicial

Commission District I

A Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of a Sending Zone for five parcels, four parcels located at 7022, 7100, 7120, and 7140 Riverside Drive, and one parcel located northwest of Seminole Gulf Railroad and north of Riverside Drive, in the Punta Gorda Area containing 25.39+ acres; for calculation and severance of 119 density units, pursuant to Section 3-9-150(d)(1)(i) (Transfer of Density Units) of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-24-05; Applicant: Ainger Landing, Inc.; providing an effective date.

CSZ-24-06

Quasi-Judicial

Commission District III

A Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of a Sending Zone for three parcels located at 12901, 12951, and 13001 Gasparilla Road, in the West County Area containing 162.23+ acres; for calculation and severance of 338 density units, pursuant to Section 3-9-150(d)(1)(i) (Transfer of Density Units) of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-24-06; Applicant: Apery Partners LLC; providing an effective date.

LAND USE REGULAR AGENDA

PV-24-03

Legislative

Commission District I

John P. and Holly D. Keith are requesting to vacate a portion of Harbour Heights Section 11, Replat of Part Two, consisting of lots 2 through 17, block 1878, as recorded in Plat Book 6, Pages 13A through 13D, of the Public Records of Charlotte County, Florida. The applicant is requesting a plat vacation in order to comply with a settlement agreement with the County in association with Resolution Number 2024-023. The property consists of 82,698.9+ square feet or 1.90+ acres and is located at 27163 San Carlos Drive, in Commission District I.

Z-24-13

Quasi-Judicial

Commission District IV

An Ordinance pursuant to Section 125.06, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family 3.5 (RSF-3.5) (109,767+ acres) and Residential Multi-family 10 (RMF-10) (9,384+ acres) to Parks and Recreation (PKR), for properties located at 1120 and 1185 Centennial Boulevard, in the Port Charlotte area, within the Murdock Village Community Redevelopment Area (CRA), containing 119,347+ acres; Commission District IV; Petition No. Z-24-13; Applicant: Tina Powell, Charlotte County Parks & Natural Resources Division Manager; providing an effective date.

TLDR-24-02 Revisions to Manassas and Sandpiper Key Zoning District Overlay III

Legislative

Commission District

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Charlotte County Code Chapter 3-9, by amending Section 3-9-50, Manassas and Sandpiper Key Zoning District Overlay to (a) amend (a) Definitions by removing the definition of "building setback calculation", "height", "highest constructed element", "maximum building height", "maximum building height calculation", "minimum finished floor elevation", "NGVD", "setback", and "structure height", which have been established in Section 3-9-2; (b) amend the maximum height to 36 feet under the MES, MSF-1, MSF-3.5, MSF-5 zoning, and amend code where needed to reflect proposed height; (c) amend the maximum height to 45 feet under the MCG and MCT zoning, and amend code where needed to reflect proposed height; (d) reduce the side yard setback for interior lots from 10 feet to 7.5 feet, and 10% of the lot width or five feet, whichever is greater for all non-conforming lots; (e) reduce the width of the side yard setback any water for legally non-conforming lots to 10% of the lot width or five feet, whichever is greater; (f) reduce the width of Perennial Landscape Strip from 10 feet to five feet; (g) amend the MPO requirements to be user friendly; (h) remove (7) Maximum building height under (i) Development standards; (i) update (12) Nonconforming lots under (i) Development standards to remove the variance requirements; (j) remove the administrative waiver requirement; (k) amend (14) Disaster recovery to ensure legal non-conforming structure and/or use can be rebuilt under (i) Development standards; (l) create new subsection (18) the requirement for non-conforming structures to be rebuilt under (i) Development standards; and (m) amend other subsections for consistency. Application number: TLDR-24-02; Commission District III; Applicant: Charlotte County Board of County Commissioners, providing an effective date.

SHOULD ANY AGENCY OR PERSON DECIDE TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING, A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, A VERBATIM RECORD OF THE PROCEEDING IS REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Port Security Deck, Building A of the Murdock Administration Complex. An one meeting other reasonable accommodation or auxiliary aids and services please contact our office at 941.764.4191; TDD/TTY 941.343.1234, or by email to David L. Jey@CharlotteCountyFL.gov.

