CHAPTER 3. ZONING OVERLAY DISTRICTS

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Article 3.1 General Provisions

3.1.1 Zoning Overlay Districts Established

Zoning Overlay Districts defined in this Chapter and delineated on the official Zoning Map are shown below.

	OVERLAY DISTRICTS
AZOD	Punta Gorda Airport Zoning Overlay District
BRZOD	Babcock Ranch Zoning Overlay District
CHZOD	Charlotte Harbor Zoning Overlay District
ECAPZOD	Enterprise Charlotte Airport Park Zoning Overlay District
LGIZOD	Little Gasparilla Island Zoning Overlay District
MSKZOD	Manasota and Sandpiper Key Zoning Overlay District
PSZOD	Parkside Zoning Overlay District
~~PSCWOD~~SPCWZOD	~~Prairie and~~ Shell and Prairie Creek Watershed Zoning Overlay District
SCGZOD	South County Gateway Zoning Overlay District
17ZOD	US 17 Zoning Overlay District
41ZOD	US 41 Zoning Overlay District
WZOD	Waterfront Zoning Overlay District

3.1.2 Applicability

The terms of an Overlay District shall apply to all development within that Zoning Overlay District, as described and depicted on the official Zoning Map.

3.1.3 Conflict with Other Sections of this Code

Except where expressly provided, the terms of ~~an~~ a Zoning Overlay District shall supercede and control in the event of a conflict between the Zoning Overlay District and another provision of this Code. Where ~~an~~ a Zoning Overlay District is silent upon any provision, the provisions of the remainder of this Code shall be in effect.

Article 3.2 Punta Gorda Airport Overlay District

3.2.1 Intent

The intent and purpose of the Punta Gorda Airport Overlay District is to reduce airport hazards through the creation of zones of restricted height and to provide for the health, safety, and welfare of the general public by establishing land use standards and sound reduction requirements with respect to exterior noise resulting from the legal and normal operations of the Charlotte County Airport.

3.2.2 Boundary

The area included in the Punta Gorda Airport Overlay District shall be the area as depicted in Figure 3A.

3.2.3 Airport Height Zones

An area located in more than one airport height zone shall be considered to be in the zone with the more restrictive height limitation.

A. Primary Zone

1. The Primary Zone shall be an area longitudinally centered on a runway, extending 200 feet beyond each end of that runway, with the width specified for the most precise approach existing or planned for either end of the ruway. Widths of the Primary Zone of all runways shall be:
   - **a.** 1,000 feet for Runway 3 or any other precision instrument runway.
   - **b.** 500 feet for Runways 15, 21, and 33 or any other nonprecision instrument runway with visibility minimums greater than 0.75 statute miles.
2. No structure or obstruction shall be permitted within the Primary Zone unless part of the landing and take-off area and of a greater height than the nearest point on the runway centerline.

B. Horizontal Zone

1. The Horizontal Zone shall be an area with an outer boundary constructed by swinging arcs with a radius of 10,000 feet from the center of each end of the Primary Zone of each runway and connecting the adjacent arcs by lines tangent to those arcs.
2. No structure or obstruction greater than 150 feet above the airport height shall be permitted within the Horizontal Zone.

C. Conical Zone

1. The Conical Zone shall be an area outward from the outer boundary of the Horizontal Zone for a distance of 4,000 feet.
2. At the inner boundary of the Conical Zone, no structure or obstruction greater than 150 feet above the airport height shall be permitted.
3. For every 20 feet of horizontal distance measured outward from the inner boundary of the Conical Zone, one additional foot of structure height is permitted.
4. No structure or obstruction greater than 350 feet above the airport height shall be permitted in the Conical Zone.

D. Approach Zone

1. The Approach Zone shall be an area longitudinally centered on the extended runway centerline and extending outward from each end of the Primary Zone. The approach zone shall extend horizontally for a distance of:
   - **a.** 50,000 feet for Runway 3 or any other precision instrument runway.
   - **b.** 10,000 feet for Runways 15, 21, and 33 or any other nonprecision instrument runway, other than utility.

2. The width of the inner edge of the Approach Zone shall be equal to the width of the outer edge of the Primary Zone and shall expand expand uniformly to a width of:
   a. 16,000 feet for Runway 3 or any other precision instrument runway.
   b. 3,500 feet for Runways 15, 21, and 33 or any other nonprecision instrument runway having visibility minimums greater than 0.75 statute miles.
3. At the inner edge of the Approach Zone, no structure or obstruction greater than the runway height shall be permitted.
4. Heights of structures or obstructions in the Approach Zone may increase with horizontal distance outward from the inner edge as follows:
   a. For Runway 3 or any other precision instrument runway, for every 50 feet of horizontal distance for the first 10,000 feet and then every 40 feet of horizontal distance thereafter, one additional foot of structure height is permitted.
   b. For Runways 15, 21, and 33 or any other nonprecision runway, other than utility, for every 34 feet of horizontal distance, one additional foot of structure height is permitted.

E. Transitional Zone

1. The Transitional Zone shall be an area outward from the edge of the Primary Zone and Approach Zones, connecting them to the Horizontal Zone.
2. At the inner edge of the Transitional Zone, height limitations shall be equal to the height permitted in the adjoining Primary Zone or Approach Zone.
3. For ever seven feet of horizontal distance measured at right angles to the runway centerline and extended centerline, one additional foot of structure height is permitted, until the height matches the height of the Horizontal Zone or Conical Zone or for a horizontal distance of 5,000 feet from the side of the part of the precision Approach Zone that extends beyond the Conical Zone.

F. Other Areas

In addition to the specific height restrictions established by this Article, no structure or obstruction shall be permitted anywhere in the County that would cause a minimum obstruction or clearance altitude, a minimum descent altitude, a minimum vectoring altitude, or a decision height to be raised.

G. Airport Land Use Restrictions

Notwithstanding any other provision of this Code, no use may be made of land or water within any zone established by this Article in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to every permitted use:

1. All lights or illumination used in conjunction with streets, parking, signs, or other uses of land or structuresshall be arranged and operated in such a manner that they are not misleading or dangerous to aircraft operating from a public airport or in the vicinity thereof.
2. No operations from any land use shall produce smoke, glare, or other visual hazards within three statute miles of any usable runway of a public airport without prior notice to the airport manager not less than 24 hours beforehand. Said notice shall state the exact location, type of activity, duration, and date of occurrence. No such occurrence may be of duration of more than four hours without prior written approval of the airport manager.
3. No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.
4. Sanitary landfills whall be considered an incompatible land use if located within areas established for the airport through the application of the following criteria:
   a. Landfills located within 10,000 feet of any runway used or planned to used by turbojet or turboprop aircraft.

b. Landfills located within 5,000 feet of any runway used or planned to be used only by piston-type aircraft.

c. Landfills outside the above perimeters but within conical surfaces described by FAR Part 77 and applied to an airport will be reviewed on a case-by-case basis.

d. Any landfill located so that it places the runways or approach and departure patterns of an airport between bird feeding, water, or roosting areas.

H. Lighting

Notwithstanding any other provisions of the Article, the owner of any structure over 200 feet above ground level shall install lighting in accordance with Federal Aviation Administration Advisory Circular 70/7460-1, as amended, on such structure. Additionally, high intensity white obstruction lights shall be installed on a structure which exceeds 749 feet above mean sea level, in accordance with Federal Aviation Administration Advisory Circular 70/7460-1, as amended, on such structure.

I. Variances

Any person desiring to erect or increase the height of any structure, or use his property in a manner not consistent with this Article, may apple to the Board of Zoning Appeals for a variance from these regulations. No application for variance may be considered until and unless a copy of the application has been furnished to the airport manager.

J. Hazard Marking and Lighting

Any permit or variance granted shall require the owner to light the structure in accordance with Federal Aviation Administration Advisory Circular 70/7460-1, as amended. The permit may be conditioned to permit the County or the City of Punta Gorda, at its own expense, to install, operate, and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.

3.2.4 Compatible Land Uses

A. Noise Zones

Noise Zones have been created to minimize the effects of airplane noise on surrounding structures and occupants and are more fully depicted in Figure 3B.

1. Noise Zone A is that area beginning at the outermost boundary of the airport and extending outward from there to include an area with a noise level of 75 Ldn or greater. Land uses within this Noise Zone should be limited to those that are not noise sensitive.
2. Noise Zone B is that area beginning at the outermost boundary of Noise Zone A and extending outward from there to include an area with a noise level of between 70 Ldn and 75 Ldn. Land uses within this Noise Zone should require a site-specific analysis, avigation easements, and appropriate sound level reduction measures to determine appropriate construction.
3. Noise Zone C is that area beginning at the outermost boundary of Noise Zone B and extending outward from there to include an area with a noise level of between 65 Ldn and 70 Ldn. Land uses within this Noise Zone should include appropriate noise attenuation measures during construction.
4. Overflight areas are centered on the airport runways, extending for 500 on either side of the centerline and for 3,000 feet beyond the runway ends in either direction.
5. In determining the location of Noise Zone boundaries in Figure 3B, the following rules shall apply:

   a. Where Noise Zone boundaries are shown to follow streets or alleys, the centerline of such street or alley, as they existed on May 8, 1989, shall be the Noise Zone boundary.

b. Where Noise Zone boundaries are shown to enter or cross platted blocks, property lines of lots, as they existed on May 8, 1989, shall be the Noise Zone boundary.

6. Where Noise Zone boundaries are shown on any platted lot, or on any unsubdivided property less than ten acres in area, the provisions of the more restrictive Noise Zone shall apply to the entire platted lot or unsubivided property. Where Noise Zone boundaries are shown on unsubdivided property ten acres or larger in size, the location of the site shall determine which Noise Zone shall apply.

B. Land Use Restrictions

Land uses shall be permitted within the Noise Zones according to the Land Use Guidance Chart. Those activities and land uses not specifically listed in the chart are permitted or restricted in the appropriate Noise Zones based upon their similarity to noise tolerance as exhibited by the activities and land uses listed in the chart. The permitting of a use within a Noise Zone by the Land Use Guidance Chart does not override the Permitted Use Chart adopted within this Code.

	Land Use Noise Zone			Noise Zone Located in Overflight Areas		
Land Use	**A**	**B**	**C**	**A**	**B**	**C**
RESIDENTIAL						
Single family detached						
Townhouses – attached						SSA
Duplex	NA	SLR-30	SLR-25	NA	NA	SLR-25
Mobile home	NA	NA	SLR-30	NA	NA	NA/SSA
Multifamily	NA	SLR-30	SLR-25	NA	NA	SLR-25/SSA
Motels – residential	NA	SLR-30	SLR-25	NA	NA	SLR-25
					SSA	SSA
Motels - tourist	NA	SLR-30/SSA	SLR-25	NA	SLR-30/SSA	SLR-25/SSA
Other residential	NA	SLR-30	SLR-25	NA	SLR-30	SLR-25
MANUFACTURING						
Professional and scientific	NA	SSA	SSA	NA	NA	SSA
Chemical and allied products						
Petroleum Refining	SSA	Permitted	Permitted	NA	NA	NA
General manufacturing	SSA	Permitted	Permitted	NA	SSA	SSA
TRANSPORTATION, COMMUNICATIONS, AND UTILITIES						
Transportation related uses	Permitted	Permitted	Permitted	SSA	SSA	Permitted
Communication facilities	NA	SSA	Permitted	NA	SSA	SSA
Radio/television	NA	SSA	SSA	NA	NA	SSA
Electric generation plants	SSA	SSA	Permitted	SSA	SSA	Permitted
TRADE						
Building materials, hardware						
Automotive	SSA	Permitted	Permitted	SSA	SSA	Permitted
Retail trade						
General merchandise	NA	SSA	Permitted	NA	SSA	SSA
Petroleum stations	SSA	Permitted	Permitted	NA	NA	NA
Wholesale trade	SSA	Permitted	Permitted	SSA	SSA	SSA
RESOURCE PRODUCTION						
Agricultural	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Animal and poultry breeding	NA	NA	Permitted /SSA	NA	NA	SSA
SERVICES						
Medical and health in-patient care	NA	NA	SLR-30/SSA	NA	NA	NA

Medical and health out-patient care	NA	NA	SLR-30	NA	NA	NA
Educational and religious activities	NA	NA/SSA	SLR-25	NA	NA/SSA	NA/SSA
Correctional institutions	NA	SLR-30	SLR-25	NA	SLR-30	SLR-25
Repair services						
Contract Construction	SSA	Permitted	Permitted	NA	SSA	Permitted
CULTURAL, RECREATION, AND ENTERTAINMENT						
Entertainment assembly (outdoors)						
Cultural entertainment assembly (outdoors)	NA	NA	NA	NA	NA	NA
Entertainment assembly (indoors)						SSA
Cultural entertainment assembly (indoors)	NA	NA	SLR-30	NA	NA	SLR-30
Sport activities	SSA	Permitted	Permitted	SSA	SSA	SSA
Playgrounds and neighborhood parks	NA	Permitted	Permitted	NA	SSA	SSA
Community and regional parks	SSA	Permitted	Permitted	SSA	SSA	Permitted

Permitted: Land use permitted without restrictions
SSA: Land use permitted following a site-specific analysis of noise conditions and appropriate sound reduction
NA: Land use permitted with noise attenuation included in construction
Blank: Land use not permitted
SLR-30: Land use permitted with appropriate Sound Level Requirements
SLR-25: Land use permitted with appropriate Sound Level Requirements

C. Sound Level Requirements for Structures

1. **General**

a. All construction, alteration, moving, demolition, repair, and use of any building or structure within the County shall be subject to these requirements, except any work located primarily within a public right of way, public utility towers and poles, and mechanical equipment not specifically regulated by this Section.

b. General buildings or structures to which additions, alterations, or repqirs are made shall comply with all Sound Level requirements, except as they may be specifically exempted.

c. Additions, alterations, or repairs made to existing buildings or structures that exceed 50 percent of the value of the existing building or structure within any three-year period shall be made to conform to the Sound Level requirements.

d. Alterations or repairs made to existing buildings or structures that are less than or equal to 50 percent of the value of the existing building or structure may be made with the same materials as those that the building or structure was originally constructed.

e. No more than 50 percent of the roof covering of any building or structure may be replaced in any three-year period unless the next roof covering is made to conform to the Sound Level requirements.

f. Buildings and structures in existence as of May 8, 1989 may have their exising use or occupancy continued if such use or occupancy was legal at that time, provided such continued use is not dangerous to life.

g. Buildings or structures moved into an identified Noise Zone shall comply with the Sound Level requirements of the Noise Zone they have been moved into.

2. **Methods of Construction**

The Community Development Department, Building Section, may approve any method of construction provided for in the adopted recommended material and construction list, as amended. The Building Section may require that sufficient evidence or proof be submitted to substantiate any claims made as to the performance of submitted construction methods.

3. **Sound Level Requirements**

a. The Sound Level Requirments (SLRs) of the Land Use Guidance Chart may be achieved by any suitable combination of building design, choice of building materials, and execution of construction details in accordance with established architectural and acoustical princpals. The SLRs shall apply to all occupied rooms having one or more exterior walls or ceilings, when furnished in accordance with the intended final usage of the room.

b. No building or structure for which an SLR-25, SLR-30, or SLR-35 is required by the Land Use Guidance Chart may be constructed, altered, moved, demolished, or repaired without issuance of the applicable required permits, which shall not be issued unless and until conformance with the applicable SLRs is indicated by plans and specifications and when such plans and specifications will result in a sound level reduction for the applicable rooms at least as great as that required by the Land Use Guidance Chart.

c. For calculations undertaken for purposes of meeting the requirements of this Section, the Building Section may use the assumed outside spectrum shown in Figure 3C ***[?]***. Such calculations shall take into account the area of exposed room surfaces, the sound transmission loss characteristics of exposed room surfaces, and the amount of sound absorption in the room. For rooms in residential structures, it may be assumed that the ratio of sound absorption in each room to the room floor area is as follows:

Octave Frequency Band, Hz	Sound Absorption Floor Area
63	0.03
125	0.50
250	0.75
500 and higher	1.00

In the calculations, allowance shall be made for a decrement of at least two decibels for sound leaks and flanking sound transmission paths.

D. Administration and Enforcement

1. The Building Section may require field tests by a qualified acoustical consultant to verify that any new construction meets the appropriate SLRs prior to granting a Certificate of Occupancy. Such field tests shall be completed at the expense of the applicant.

2. Verification tests shall be performed according to the following procedure:

a. For the purpose of standardization, field tests required by this Article may use the aircraft noise prevailing outside the building to vary the noise level reduction requirements.

b. Using the noise signal generated by an individual aircraft operation (flyover event), outside and inside noise levels may be measured simultaneously. The difference between the maximum noise levesl outside and inside the room for the flyover event should be taken as the measured SLR for the flyover event, provided that the maximum inside noise level exceeds, by at least seven decibels, the background noise level of the absence of the flyover.

c. The SLR should be determined for at least four flyover events for each room tensted. The resulting SLR value assigned to the room would be the mean of the individual flyover event SLR values.

d. For occupied rooms in residential structures, the inside noise level should be measured with a single microphone four feet above the floor near the center of the room or eight feet into the room from the exterior most directly exposed to the aircraft noise, whichever distance from the most directly exposed wall is smaller. The outside noise level should be measured at an unobstructed location approximately five feet above the level of the floor of the room under test and eight feet outside the exterior wall most directly exposed to the aircraft noise source near the center of the wall.

e. For structures in which several rooms are to be evaluated, the tests need only be conducted in those rooms whose exterior walls are most directly exposed to the noise source. If noise level reduction requirements are met for these rooms, the tests need not be repeated for rooms of similar construction which are not as directly exposed to the flyover event.

f. For structures where a number of rooms receive nearly equal exposure to aircraft noise, tests need be constructed in only two of the near-identical rooms.

g. For residential units, it will usually be sufficient to conduct tests in two rooms. One of the rooms to be tested shall be the bedroom most directly exposed to aircraft noise. The other room to be tested shall be the living room, dining room, or family room, whichever is most directly exposed to the aircraft noise source.

h. When the noise level reduction is measured in an unfurnished room or a room furnished less than normally, the adjusted noise level reduction shall be compted adding ten times the logarithm to the base 10 of the ratio of the floor area of the room to the sound absorption in the unfurnished room, but in any event such correction shall not exceed two decibels. The adjusted noise level reduction value shall be used in determining compliance with the SLR requirements. If the noise level reduction is measured in a furnished room, no adjustment in the noise level reduction shall be made.

E. Notification of Potential Noise Impact

1. No residential development shall be permitted within Noise Zone A.
2. Constructive knowledge shall be made available to all purchasers of residential property as provided for in Chapter 475.25, F.S., and Public Law 96-163 (49 U.S.C. 2101). Public notice through the use of maps depicting noise-impacted areas shall be available at the Community Development Department, and a listing of all residential property within noise-impacted areas shall be made available to the public records of Charlotte County, annotating all residential property within Noise Zones B and C.
3. A listing of all residential property within Noise Zones B and C shall be compiled from public records of the County Property Appraiser. It shall be updated at least once each year, and this listing will be used by title companies, real estate agencies, and individuals to determine the notice required to be given to prospective purchasers of residential property. A disclosure statement for all residential property located in Noise Zones B and C shall be completed and shall be filed with the property deed.

F. Future Uses

No change shall be made in the use of land and no structure shall be altered or otherwise established in any Noise Zone except in accordance with the provisions of this Article.

G. Variances

In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions, requirements, and safeguards in conformity with this Article and its intent, including avigation easements if deemed necessary.

Article 3.3 Babcock Ranch Zoning Overlay District

RESERVED

Article 3.4 Charlotte Harbor Zoning Overlay District

3.4.1 Intent

The intent and purpose of the Charlotte Harbor Zoning Overlay District is to meet the intent of the Charlotte Harbor Community Redevelopment Plan, providing a comprehensive approach to planning future development, improvements to transportation, utilities, and other public infrastructure in the Charlotte Harbor area.

3.4.2 Boundary

The area included in the Charlotte Harbor Zoning Overlay District shall be the area as depicted as the Charlotte Harbor Community Redevelopment Area on Smart Charlotte 2050 FLUM Series Map #X: Community Redevelopment Areas.

3.4.3 Zoning Districts

The following zoning districts are the only zoning districts permitted within the Charlotte Harbor Zoning Overlay District:

A. Open Space Districts

Environmentally Sensitive (ES)

B. Residential Districts

Residential Single-family 1 (RSF-1)

Coastal Residential 3.5 (CR-3.5)

Residential Single-family 3.5 (RSF-3.5)

C. Commercial Districts

Commercial General (CG)

D. Industrial Districts

Industrial General (IG)

E. Mixed-Use Districts

Charlotte Harbor Mixed Use (CHMU)

Charlotte Harbor Neighborhood Business Residential (CHNBR)

Charlotte Harbor Riverwalk (CHRW)

Planned Development (PD)

3.4.4 Signs

A. Applicability

Signs shall be installed in accordance with the Sign provisions of this Code. In addition, the standards of this Section shall apply.

B. General

1. **Height**
   - **a.** Monument signs shall not exceed ten feet in height.
   - **b.** Other primary freestanding signs shall not exceed 15 feet in height, except in the Environmentally Sensitive zoning district, in which case the sign shall not exceed ten feet in height.
2. **Other Provisions**
   - **a.** No sign shall be located in a required side or rear yard where the lot abuts or is separated only by a right-of-way from a residential use.
   - **b.** Any primary-freestanding sign containing a changeable message device must be a monument sign.

C. **Non-residential Signage**

1. **Area of Signs**

a. Monument signs shall be allowed one square foot of sign area per linear foot of total building frontage–, plus an additional 30 percent of the initial area calculation.

b. Other primary freestanding signs shall be allowed one square foot of sign area per linear foot of total building frontage.

c. Primary building signs shall be allowed one square foot of sign area per linear foot of unit frontage.

d. Additional signage shall be allowed one square foot of sign area per _____of _____.

e. The maximum square footage of signs allowed in each zoning district within the Charlotte Harbor CRA is depicted in the following table:

Zoning District	Monument Signs	Other Primary Freestanding Signs	Primary Building Signs	Additional Signage
Environmentally Sensitive	98	25	8	?
CH Neighborhood Business/Residential	98	50	15	?
Commercial General	98	75	50	?
CH Riverwalk	98	75	50	?
CH Mixed Use	98	75	50	?
Industrial Light	98	75	50	?
Planned Development	98	75	50	?

2. **Primary Signs**

a. One primary-freestanding sign shall be allowed for each road frontage on which the lot abuts, provided that at least 100 feet separates the signs.

b. One primary-building sign per occupant on the lot shall be allowed for each road frontage on which the lot abuts.

c. There shall be no more than one primary freestanding sign for any one building, regardless of the number of lots on which the building is located, except as provided in this Section.

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

i. Changeable copy sign for a theater or cinema incorporated in a primary building sign as follows:

1) Changeable copy signage limited to a maximum of eight square feet per sign face.

2) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality.

3) The maximum height of the lettering shall be ten inches.

4) This facade-mounted changeable copy sign may be part of a marquee.

ii. Changeable copy sign incorporated in the primary freestanding sign for a theater or cinema as follows:

1) Changeable copy signage limited to a maximum eight square feet per auditorium or screen to a building maximum of 75 square feet per building.

2) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality.

3) The maximum height of the lettering shall be six inches.

iii. A freestanding changeable copy sign is permitted only if incorporated in an otherwise permitted primary monument sign, except as provided below:

1) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality.

2) The maximum height of the lettering shall be six inches.

e. Projecting signs are permitted provided they do not project more than three feet from the face of the building or structure.

f. Signs on awnings or canopies are permitted provided, however, any area which contains lettering, registered trademarks or service marks or copyrights, symbols, or internal illumination shall be considered a sign and shall comply with all the requirements of this Section and shall be included in the total signage of primary signs.

D. Additional Signage

1. Window signs shall cover no more than 20 percent of the glass area of a window.

E. Prohibited Signs

1. Snipe signs.
2. Portable illuminated signs, revolving or whirling signs, animated signs, or wind signs.
3. Roof signs.
4. Serial signs.
5. Any model residential unit flag(s) or banners(s) on the property of a model residential unit, except for the first 30 days after the model receives a certificate of occupancy.
6. Neon signs.
7. Flashing signs.
8. All types of freehand lettering and chalk on chalkboard surfaces.

F. Signs Exempt From Permits

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

1. One professional nameplate for each person or entity located at a site, not exceeding two square feet in area.
2. Dedicatory tablets or memorial plaques setting forth the name or erection date of a building, commemorating a person or persons, and like uses. Such signs shall be cast in metal or engraved in stone or concrete or otherwise suitably inscribed in or on a monumental material and affixed to the applicable building.
3. A maximum of two entrance signs giving the name of a subdivision, provided that:
   - **a.** No such sign exceeds 12 square feet.
   - **b.** Such sign shall be located only at the main entrance.

c. Such sign shall not contain any other advertising.

4. One sign, not exceeding 24 square feet in area, advertising a model residential unit located on the same parcel as the model and located a minimum of ten feet from any adjoining property lines. The sign may not be erected until commencement of construction. No other sign, banner, flag or pennant shall be permitted in residential zoning districts after the 30-day period for the grand opening of residential model units, except as permitted in this Section.

3.4.5 Required Front Yards

A. Front yards for all nonresidential zoning districts shall have a minimum setback distance of zero feet and a maximum setback distance of nine feet, unless the Landscape and Buffering provisions of this Code require a greater distance.

B. Projects with a required front yard of zero to nine feet but which have a buffer requirement of greater than nine feet shall propose an alternative design that reallocates required buffer material to allow structures to comply with the required front setback. The reallocated material shall equal that which would have otherwise been required for the linear frontage that complies with the front setback requirement and shall be based on the minimum buffer for the applicable type, with the facade to be considered as the required wall or fence. In addition, up to an additional ten percent of the property's linear frontage buffer material may also be reallocated on-site. To receive approval, the proposed alternative design must be reviewed by County staff in order to determine the design's ability to comply with the purpose and intent of the Overlay District.

C. At least 75 percent of the front facade of any building is required to be no more than nine feet from the lot line.

3.4.6 Designated No-Fill Area

A Designated No-Fill Area is established within the Charlotte Harbor Zoning Overlay District, 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. The Designated No-Fill Area is depicted on Smart Charlotte 2050 FLUM Series Map #X: Charlotte Harbor CRA Planning Sub-districts.

3.4.7 Development Standards

A. Design Guidelines

All new construction and the repairs, rehabilitation, or remodeling of existing structures shall be consistent with the adopted Charlotte Harbor Zoning Overlay District Design Guidelines.

B. Additional Heights

1. Structure heights within the Riverwalk sub-planning district for development sites that immediately abut the Charlotte Harbor shoreline may be increased if they conform to the following mandatory and optional provisions. In no case may the maximum height of the project exceed 90 feet, regardless of the number of provisions met. Development sites that include multiple lots shall be considered to abut the Charlotte Harbor shoreline if at least one lot within the development site abuts and the project is intended to develop in one phase. These provisions may also be used for additions of land that have been previously developed according to these standards.

	Requirement	Additional Height Allowed
Mandatory	Interior side yards shall contain a minimum of 7.5 feet of green space and not contain any structural elements of any floor or roof of the structure.	10 ft.

	A 12-foot wide easement shall be dedicated parallel and immediately adjacent to the Charlotte Harbor shoreline for public access. This easement shall be for the completion of a complete walkway system that links all of the waterfront developments. Building setbacks shall be measured from the edges of the easement closest to the building.	10 ft.
Optional	At least 50% of the lowest habitable floor space of a development shall be accessible to the general public in a use other than residential or hotel.	15 ft.
	Proportionate fair-share funding of the U.S. 41 Revitalization Plan in an amount equal to one linear foot of the U.S. 41 Revitalization Plan for every linear foot that the project abuts a public right-of-way. The monetary amount per linear foot of the U.S. 41 Revitalization Plan shall be determined according to the County's approved estimate for the project that is valid at the time the project receives Site Plan Review approval. Upon expiration of that approval, if applicable, the amount per linear foot shall be recalculated at the time of the next Site Plan Review approval.	10 ft.
	Funding or construction of the shoreline walkway system within the required 12-foot easement. Private construction of this walkway must be consistent with the Riverwalk Concept Plan and the minimum design standards established.	10 ft.

2. Structure heights within the Riverwalk sub-planning district for development sites that do not abut the Charlotte Harbor shoreline may be increased if they conform to the following mandatory and optional provisions. In no case may the maximum height of the project exceed 90 feet, regardless of the number of provisions met. These provisions shall be used for additions of land to existing waterfront projects that have not been developed according to the waterfront property standards.

	Requirement	Additional Height Allowed
Mandatory	Interior side yards shall contain a minimum of 7.5 feet of green space and not contain any structural elements of any floor or roof of the structure.	10 ft.
	Allow public parking on at least 50% of any non-residential parking between 6:00 PM and 12:00 AM Monday through Thursday and between 6:00 PM and 2:00 AM Friday	10 ft.

	through Sunday, interconnect parking lots with adjacent parking lots or provide the ability to connect parking lots to adjacent vacant property, and minimize the number of access points between parking lots and public streets. This provision may not be used for additions of land to existing waterfront developments that have not been developed according to the waterfront property standards	
Optional	At least 50% of the lowest habitable floor space of a development shall be accessible to the general public in a use other than residential or hotel.	15
	Proportionate fair-share funding of the U.S. 41 Revitalization Plan in an amount equal to one linear foot of the U.S. 41 Revitalization Plan for every linear foot that the project abuts a public right-of-way. The monetary amount per linear foot of the U.S. 41 Revitalization Plan shall be determined according to the County's approved estimate for the project that is valid at the time the project receives Site Plan Review approval. Upon expiration of that approval, if applicable, the amount per linear foot shall be recalculated at the time of the next Site Plan Review approval.	10
	Funding or construction of the shoreline walkway system within the required 12-foot easement. Private construction of this walkway must be consistent with the Riverwalk Concept Plan and the minimum design standards established.	10

3. Structure heights within the Gateway sub-planning district for development sites not zoned CR-3.5 may be increased if they conform to the following mandatory and optional provisions. In no case may the maximum height of the project exceed 90 feet, regardless of the number of provisions met.

	Requirement	Additional Height Allowed
Mandatory	Allow public parking on at least 50% of any non-residential parking between 6:00 PM and 12:00 AM Monday through Thursday and between 6:00 PM and 2:00 AM Friday through Sunday, interconnect parking lots with adjacent parking lots or provide the ability to connect parking lots to adjacent vacant property, and minimize the number of access points between parking lots and public streets. This provision may not be used for additions of land to existing waterfront developments that have not been developed according to the waterfront property standards	10 ft.

Optional	At least 50% of the lowest habitable floor space of a development shall be accessible to the general public in a use other than residential or hotel.	15
	Proportionate fair-share funding of the U.S. 41 Revitalization Plan in an amount equal to one linear foot of the U.S. 41 Revitalization Plan for every linear foot that the project abuts a public right-of-way. The monetary amount per linear foot of the U.S. 41 Revitalization Plan shall be determined according to the County's approved estimate for the project that is valid at the time the project receives Site Plan Review approval. Upon expiration of that approval, if applicable, the amount per linear foot shall be recalculated at the time of the next Site Plan Review approval.	10
	Funding or construction of the shoreline walkway system within the required 12-foot easement. Private construction of this walkway must be consistent with the Riverwalk Concept Plan and the minimum design standards established.	10

C. Residential dwelling units shall be located on a higher floor than office or commercial uses.

Article 3.5 Enterprise Charlotte Airport Park Zoning Overlay District

3.5.1 Intent

The intent of the Enterprise Charlotte Airport Park (ECAP) Zoning Overlay District is to enhance and promote economic development and provide for quality and consistency in development while still maintaining flexibility in design standards.

3.5.2 Boundary

The boundary of the ECAP Zoning Overlay District shall be the area depicted as Enterprise Charlotte Airport Park on Smart Charlotte 2050 FLUM Series Map #8: Special Area Overlay Districts.

3.5.3 Zoning Districts

The Enterprise Charlotte Airport Park Zoning District is the only zoning district permitted within the ECAP Overlay District.

3.5.4 Development Standards

A. Applicability

All development standards are applicable throughout the ECAP Zoning Overlay District regardless of Use Category, unless otherwise exempted. All development standards shall be integrated into the overall project concept, including detached structures, satellite buildings, and site infrastructure.

B. Exemptions

The following types of development are exempt from part or all of the ECAP Zoning Overlay District development standards.

1. **Airport Service Function Area**

   All development within the Airport Service Function Area is exempt from these standards. Portions of structures that extend outside the Airport Service Funtion Area are not exempt from these standards.

2. **Renovations**

   If a building undergoes a facade renovation, a reconfiguration of parking and loading areas, or the expansion, addition, or redevelopment of an existing building then these development standards shall not apply unless the cost of the work exceeds 50 percent of the value of the existing structure. In such a case, the development standards shall only apply to that portion of the structure undergoing the work.

3. **Economic Industrial Development**

   Economic Industrial Developments, as defined by this Code, except that such developments shall conform to the following landscaping standards:

   a. A Type II buffer, modified to include a single hedgerow of shrubs instead of 15 shrubs per 100 linear feet, shall be planted along all property boundaries adjacent to a public right of way.

   b. One hundred square feet of building perimeter plantings shall be required per 10,000 square feet of building footprint. Where this standard is unachievable due to traffic circulation, required plantings may be shifted to the perimeter of the site, plantings may be made within a public right of way within the ECAP Overlay District, or payment may be made to the ECAP Landscape Fund in lieu of planting. Any landscape plans detailing plantings within a public right of way are subject to approval by the County Engineer in addition to the standard landscape plan approval process.

4. **Aircraft Hangars**

Aircraft hangars, except that they shall be of an earth tone color that is light in hue and tone so that the structure blends into the surroundings. In the event that airplane hangars make up only a portion of a particular development, only the hangars shall be exempt.

5. **Bona Fide Agricultural Operations**

Nothing contained herein shall be intended or construed to violate or conflict with the Florida Right to Farm Act, Chapter 823, F.S., or the Florida Agricultural Land and Practices Act, Chapter 163, F.S.

C. Landscaping and Buffers

1. Buffers shall be based upon adjacent use categories according to the following table:

		Adjacent Use Category							
		CR	**I**	**D**	**O**	**A**	**ROW**	**AG[1]**	**B[2]**
Proposed Use Category	**CR**	none	I	I	I	I	ROW	none	III
	I	II	none	none	II	none	ROW	none	IV
	D	II	none	none	II	none	ROW	none	IV
	O	I	I	I	none	I	ROW	none	III
	A	III	none	none	III	none	ROW	none	V

[1] AG refers to adjacent agricultural uses and vacant lots within the ECAP Overlay District
[2] B refers to the boundary of the ECAP Overlay District, except for I-75, U.S. 17, and Jones Loop Road

2. Buffer types are established in the following table:

	Buffer Type per 100 linear feet					
	I	**II**	**III**	**IV**	**V**	**ROW**
Min Width (ft.)	10	20	25	15	30	15
Min. no. of trees	4 accent	5 canopy plus 2 accent	5 canopy plus 3 accent	5 canopy plus 3 accent	10 canopy plus 4 accent	4 canopy
Wall or fence	N	N	N	6-ft. wall	N	N
Min. no. of shrubs	0	15	Single hedge	20	Double hedge	Single hedge

3. To promote vegetative screening, buffers shall be designed to encourage tree groupings adjacent to loading areas.

4. A Type II buffer is required adjacent to I-75, modified to include a single hedge. Buffer width may be contracted along portions of the property line, provided that it is expanded along other portions such that the minimum buffer width is maintained, on average.

5. A developer may exercise the option to pay into the ECAP Landscape Fund for up to 50 percent of the required buffer plantings, in lieu of installing the required buffer plantings on the development site, except for buffer plantings adjacent to the boundary of the ECAP Overlay District, public rights of way, and I-75. The specific dollar amount to be paid into the ECAP Landscape Fund shall be adopted by the Board of County Commissioners by separate resolution.

6. The development of individual lots within a platted subdivision or individual leased lots within a parent tract under unified control does not require buffers pursuant to this Section, provided that the platted subdivision or parent tract contains a buffer around the perimeter that meets the following conditions:

a. The perimeter buffer shall contain a Type V buffer, except that only a single hedge is required.

b. The width of ingress and egress lanes shall be excluded when determining the length of the perimeter buffer.

c. Perimeter buffers shall be installed on each perimeter lot within a subdivision or leased lot within a parent tract prior to issuance of a Certificate of Occupancy for that lot.

7. Landscaping shall be installed around buildings to soften the hard lines of structures according to the following standards:

a. Buildings shall be landscaped with 100 square feet of planting area for every 1,500 square feet of building area at ground level.

b. Planting areas shall be no less than four feet wide.

c. Seating courtyards, eating areas, and courtyards may be incorporated within planting areas. These shall not count towards the required planting areas.

d. Planting areas shall be located adjacent to the primary building facade to the maximum extent possible, including building entrance areas, plazas, and courtyards.

D. Design Requirements

1. All development in the ECAP Zoning Overlay District shall conform to the Site Development Standards chapter of this Code, with the exception of the landscaping and buffering standards. All design requirements shall be incorporated into all use categories unless specifically exempted.

2. Buildings and development sites should exhibit a consistent design. A development's appearance must be considered in terms of basic massing, shape, and character versus an attempt to mimic a particular style. Design elements throughout a development must be consistent with the nature of the chosen style and building materials.

3. **Outdoor Storage**

a. Permitted only when completely screened with a Type IV buffer.

b. Aircraft parking and parking of vehicles for lease or rent as part of a properly permitted use shall not be considered outdoor storage.

c. Where items are stored in stacks or piles, the height shall not exceed 15 feet.

E. ECAP Landscape Fund

~~a.~~1. The ECAP Landscape fund is intended to allow for additional landscape enhancements on Piper Road, including entry features. Other public areas and rights of way may be included as funding allows.

~~b.~~2. Contributions may be made to the Landscape Fund in lieu of installing required landscaping plantings as may be required by the ECAP Overlay District.

~~c.~~3. Landscaping projects paid for by the Landscape Fund shall be identified and installed on an annual basis as funding allows.

~~d.~~4. The Landscape Fund may be used for the design and permitting of an overall landscaping plan as well as for the installation and maintenance of landscape plantings.

Article 3.6 Little Gasparilla Island Zoning Overlay District

~~**Standards being developed**~~

3.6.1 Intent and Purpose

The intent and purpose of the Little Gasparilla Island Zoning Overlay District ~~Overlay (LGI Overlay Code)~~ is to provide development standards for commercial uses not typically allowed within a residential zoning district in order to maintain the unique community on Little Gasparilla Island.

3.6.2 Boundary

The LGI Zoning Overlay ~~Code~~District shall only apply to the area depicted as Little Gasparilla Island on Smart Charlotte 2050 FLUM Series Map #9: Barrier Island Overlay District, including that area of Little Gasparilla Island located south of Don Pedro State Park~~Little Gasparilla Island~~.

3.6.3 General Island-wide Development Standards

Metal buildings and metal paneling are prohibited. This does not apply to roofing material. Accessory buildings over 125 square feet shall be compatible in appearance with the primary structure.

3.6.4 Specific Special Exception Development Standards

A. Home occupations shall be limited to allowing customers to visit only between the hours of 9:00 AM and 5:00 PM.~~subject to the following condition:~~

~~Customers shall only visit between the hours of 9:00 a.m. and 5:00 p.m.~~

B. Golf cart rental, sales, and service shall be subject to the following conditions:

1. The total maximum size for a principal structure shall be 1,000 square feet.
2. The maximum lot coverage for the entire operation, including but not limited to, any structures, paved areas, and outside storage and display areas, shall be 60 percent of the lot.

C. Barge and ferry landing sites shall be subject to the following conditions:

1. Minimum water frontage shall be at least 50 feet.
2. Docks and landing ramps shall be set back at least 15 feet from side lot lines.
3. Hours of operation shall be limited to between 7:00 AM and 7:00 PM.
4. The parking and the storage of vehicles, equipment, or material on the site for longer than 24 hours is prohibited.

3.6.5 General Special Exception Development Standards

A. Principal structures shall be compatible in appearance with~~imitate~~ residential dwellings. This shall not apply to buildings used for Essential and Emergency Services.

B. Accessory structures shall not exceed 20 feet in height.

C. No less than three off-street golf cart parking spaces shall be provided per use. A golf cart parking space is defined as an area ten ~~(10)~~ feet long by six ~~(6)~~ feet wide. The total number of parking spaces shall be appropriate for the approved use.

D. A walking path at least four feet wide shall be provided from the parking area to the main entrance of the use.

E. A landscaped buffer at least five feet in width or a ~~100%~~ fully-opaque fence at least six feet high shall be required along rear and side ~~yard property boundaries~~lot lines. ~~; c~~Chain link fencing with some type of screening material shall not be used to satisfy this requirement. If using landscaping, the following conditions apply:

1. A continuous hedge shall be planted within the buffer to provide screening between the use and adjacent properties.

2. The hedge species shall be a minimum of 24 inches upon planting and be spaced and maintained in order to form a continuous, solid visual screen within one year from planting.

3. The hedge shall be a type that reaches at least 60 inches upon maturity.

F. No outdoor light pole or standard shall be higher than ten feet.

G. -All lights shall be shielded to prevent glare onto neighboring properties, and shall be in accordance with ~~Chapter 3-5, Article XII,~~ the Sea Turtle Protection provisions of this Code.

H. Signs shall conform to the Signs provisions of ~~the County~~ this Code except as specified below:

1. The only Additional Signage allowed is window signs. ~~Window signs shall display only the proprietor's name, business name, and property address.~~ All letters and numbers shall be no more than two inches in height.

2. Signs shall not be lighted.

3. No more than one building sign is permitted and they shall be constructed of the same material as the predominant material of the principal building.

4. Building sign colors shall ~~reflect~~be consistent with the predominant colors of the principal structure.

5. Building signs shall not exceed three square feet in area.

6. No directional signs are permitted.

3.6.6 Development Review Procedure

The LGI Advisory Committee, or its designee, shall review all applications for a ~~s~~Special ~~e~~Exception use for consistency and compliance with the LGI Zoning Overlay ~~Code~~District and the LGI Community Plan. The LGI Advisory Committee, or its designee, shall prepare written comments to the appropriate ~~Charlotte~~ County agencies regarding the proposed development, with recommendations as appropriate. Such comments, however, shall not be dispositive. The LGI Advisory Committee review shall not delay the timeframe for review by the staff and approval~~/~~ or denial by the Board of Zoning Appeals.

Article 3.7 Manasota and Sandpiper Key Zoning Overlay District

3.7.1 Intent

The intent of the Manasota and Sandpiper Key Zoning Overlay District is to restrict the allowable uses to avoid trip-generating traffic not related to residential and beach-related tourist uses on this small barrier strip.

3.7.2 Boundary

The area affected by the Manasota Key Zoning Overlay District shall be the area depicted as Manasota and Sandpiper Key on Smart Charlotte 2050 FLUM Series Map #9: Barrier Island Overlay District.

3.7.3 Zoning Districts

The following zoning districts are the only zoning districts permitted within the Manasota and Sandpiper Key Zoning Overlay District:

A. Open Space Districts

Manasota Environmentally Sensitive (MES)

B. 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)

C. Commercial Districts

Manasota Commercial General (MCG)

Manasota Commercial Tourist (MCT)

D. Mixed-Use Districts

Manasota Planned Development (MPD)

3.7.4 Development Review Procedure

A. Prior to submitting an application to the County for any type of development, for a Special Exception, or for a Variance, an applicant shall appear at a regularly-scheduled meeting of the Manasota and Sandpiper Key Advisory Committee to review, discuss, and receive recommendations from the Advisory Committee regarding the proposed development's consistency with the Manasota Key Community Plan and this Article. Such request for review shall be accompanied by documentation required by the Advisory Committee to perform its review. At the conclusion of the review, the Advisory Committee shall prepare written comments regarding the proposed development with recommendations or notations, as appropriate, which shall be considered by the County during the review process.

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

3.7.5 Development Standards

A. Applicability

These development standards shall apply to all zoning districts within the Manasota and Sandpiper Key Zoning Overlay District.

B. Uniform Line of Construction

In order to maintain the uniform line of construction of major structures within the Zoning 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 nearest buildings along the Gulf of Mexico, except as permitted by DEP.

C. No-Fill Area

The entire Manasota and Sandpiper Key Zoning 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.

D. ~~Permeable~~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 ~~permeable~~ pervious materials. Handicapped accessible routes when required by ADA shall be exempt from this requirement.

E. Bulk Limitations

No building shall be over 200 feet wide or long in any zoning district.

F. Open Space/Reservation Area

All development within the Zoning Overlay District subject to Site Plan Review shall include an open space/habitat reservation area equal to five 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 acre.

G. Pilings for Structures

1. Pilings shall conform to construction techniques authorized under the Florida Building Code.
2. 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.
3. If driving pilings into or onto the ground is proposed:
   - **a.** 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
   - **b.** Show proof of minimum insurance policy coverage of $1 million per occurrence and $5 million aggregate.
   - **c.** If pile driving is deemed appropriate, the Contractor shall be required to notify by mail the owner of properties within 300 feet of the outer limits if the subject property and document existing conditions of structures, prior to the planned development.
   - **d.** The contractor must offer all properties within 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.
   - **e.** The contractor must also offer all properties within 300 feet an opportunity to have, at builder's expense, one 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 300 feet of the project and addresses along with a receipt or other proof of mailing and completion of required inspections.

f. The contractor of record or the owner-builder shall be the party responsible to insure 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.

g. 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 $1.5 million for each occurrence, and aggregate and property damage in the amount of $5 million for each occurrence and the $5 million 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.

h. 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.

i. Notwithstanding the contents of this subsection, this restriction shall not be applicable to pilings which are installed onto submerged lands as part of dockage or other marine structures.

H. Maximum Building Height, Maximum Stories and Maximum Building Height Calculation

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

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

2. 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.

3. Appurtenance includes but is not limited to ornamental fixtures and fittings and rooftop equipment such as chimneys, antennas, cupolas, elevators, other mechanical or communications equipment.

4. Only the following essential appurtenances shall be allowed above the rooftop or highest constructed element on Manasota Key, to exceed the height cap for the property, in the MMF and MCT-residential Zones associated with multi-family development: Stairs at no greater than 7 feet; elevator shafts at no greater than 4 feet; AC units at no greater than 4.5 feet; and mechanical pipes no greater than 2 feet; and lightning rods no greater than 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 site. The "line of sighte" shall be 15 degrees from the street front façade and 30 degrees from all other facades. For all essential appurtenances that exceed the building height cap, there shall be a horizontal green space offset equal to the square footage of the height of the appurtenance that protrudes above the highest constructed element times the widest or longest dimension of the appurtenance. For example, if a stairway protrudes 7 feet above the highest constructed element and is ten feet at its greatest width or length dimension, the green space offset required shall be 70 square feet. The green space offset can be located anywhere on the property outside the Peripheral Landscape Strip.

5. Maximum building height shall not exceed forty-eight (48) feet of structure height for MSF, MCG and MCT-Commercial Districts seaward of the Coastal Construction Control Line; forty-three (43) feet of structure height for MSF, MCG and MCT-Commercial Districts landward of the Coastal Construction Control Line; fifty-five (55) feet of structure height for MMF, MCT-Residential and MCT-Mixed Use Districts seaward of the Coastal Construction Control Line, and Forty-eight (48) feet of structure height for MMF, MCT-Residential and MCT-Mixed Use Districts landward of the Coastal Construction Control Line.

6. 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.

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

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

9. There shall be a required green space off-set of one 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 10 foot Peripheral Landscape Strip. For every foot of additional building height over 52 feet, there shall be a horizontal foot of green space added to the entire width of the front yard immediately adjacent to the 10 foot Peripheral Landscape Strip. For example, if a structure is built to the maximum height of 55 feet, seaward of the CCCL, three feet of green space shall be added to the 10 foot Peripheral Landscape Strip, resulting in a 13 foot green space setback along the entire width of the front yard.

I. Building Setback Calculation

The Manasota and Sandpiper Key Zoning Overlay District shall be exempt from the requirements of the Waterfront Code. In the Zoning 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 Zoning 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.

1. The following specific stepped setback requirements and calculations shall be applied:

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

   b. 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 starting at two feet above the minimum finished floor elevation to the top of the highest constructive element.

   c. Minimum Finished Floor Elevation (MFFE) 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; and in the V-Zone (governed by Florida DEP seaward of the coastal construction control line) is the least horizontal shore parallel structural member plus the thickness of the structure which for this code shall be a vertical measurement of 2 feet from the lowest horizontal structural member.

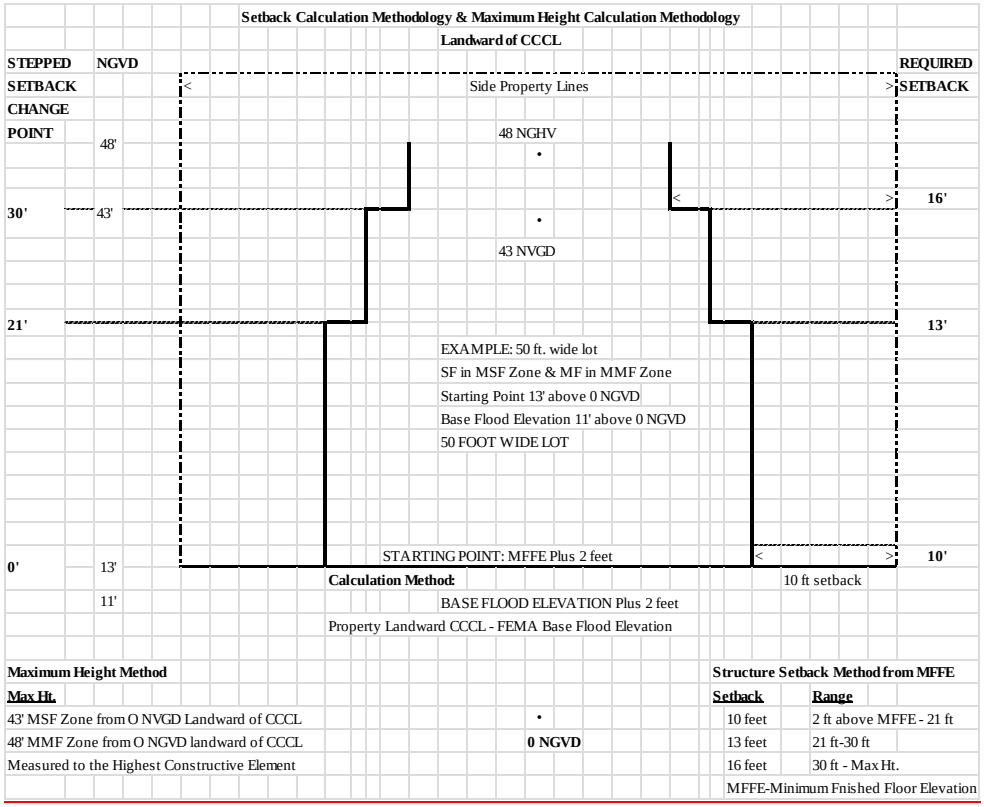
d. Setback distance shall be calculated by measuring the horizontal distance from the lot line to the minimum setback at a specified height from two feet above the minimum finished floor elevation (MFFE), as specified in the Table below:

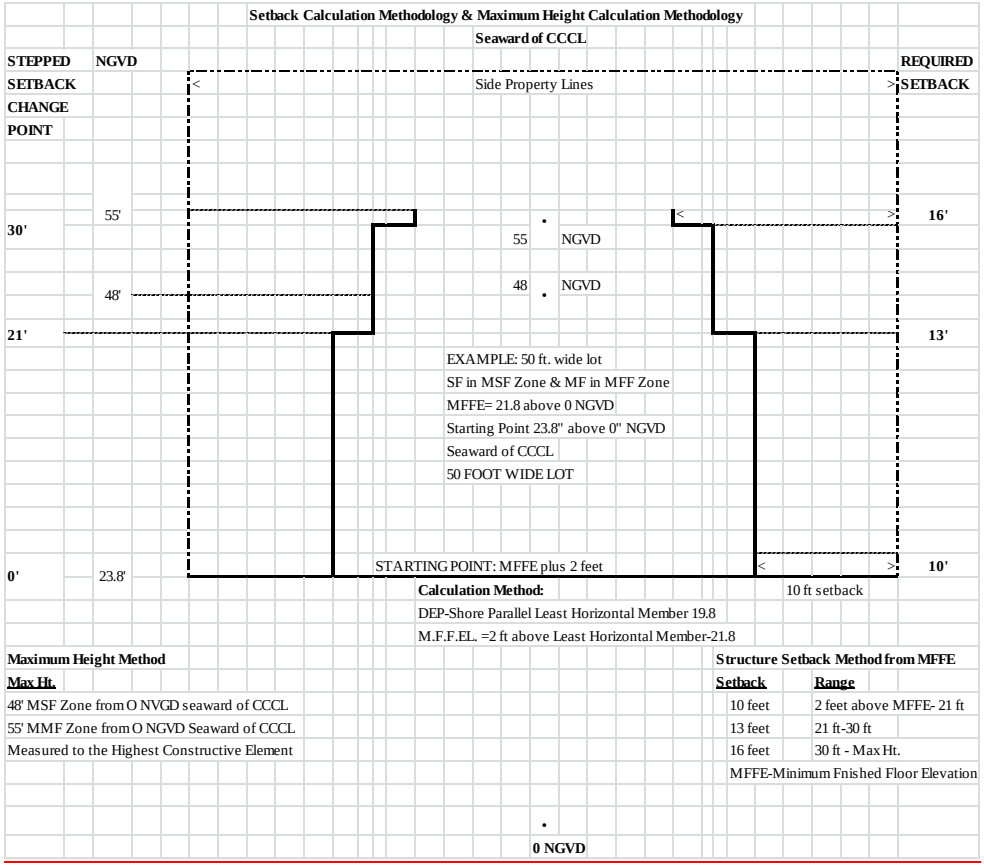
Minimum Yard Setback (feet) (Horizontal Setback Distance)	Setback –Starting Point is 2 feet above MFFE (Vertical Height Stepped Setback Range)
Yard setback minimum	2 feet above MFFE to 21 feet above starting point
Yard setback min. plus 3 feet	21 Feet to 30 Feet above starting point
Yard setback min.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

e. 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 50 foot wide or less, the stepped setback may be reduced to from 16 feet to 15 feet on one side only, exclusively to accommodate an elevator shaft or stairwell.

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

g. 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.





J. Peripheral Landscape Strip

Peripheral Landscape Strips are required on all lots within the Manasota and Sandpiper Key Zoning Overlay District. All properties, conforming and nonconforming, shall have front, side interior and rear interior Peripheral Landscape Strips of no less than ten (10) feet from the property line. Peripheral Landscape Strips shall be located immediately adjacent and parallel to all sides of a lot boundary. All Peripheral Landscape Strips shall be green open areas. No encroachments shall be allowed within the ten (10) feet Peripheral Landscape Strip including but not limited to structures, accessory structures, AC units, driveways, parking areas, pools and pool accessories, electrical equipment, signage, 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:

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

livable space envelope and offers the least invasive design option regarding encroachment into the side Peripheral Landscape Strips.

K. Yard setbacks

Yard setbacks, greater than ten feet Peripheral Landscape Strip, shall be required for structures based on zoning district minimum yard requirements, abutting properties, abutting water, and building height requirement of the Overlay Code. No primary structures shall be allowed to encroach within the greater yard building setback area, 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.

L. Accessory Structures

No accessory structures shall be allowed within the ten-foot Peripheral Landscape Strip. All accessory structures must conform to the side and rear setback requirements of the appropriate zoning district. 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 except is on lots 300 feet or greater in depth which may have screened accessory structures located in front of the building façade provided they are located at least 150 feet from the county right of way. Other accessory structure requirements are contained under the Architectural Design Standards below. Multifamily developments when permitted in any zoning district are permitted to contain a clubhouse, recreation room or similar community room to serve the residents of the development.

M. 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 county 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 10 foot Peripheral Landscape Strip.

1. Within the Manasota and Sandpiper Key Zoning Overlay District, the provisions of the County Code requiring a variance to build on a lot less than 5,000 square feet or less than 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.

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

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

N. Parking Standards

For any residential development within the Zoning Overlay District, each residential dwelling unit shall provide a minimum of two 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 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 20 percent of the number of units contained within the multifamily project. At least one 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.

Paid parking shall be prohibited in MSF and MMF Districts. Leasing or rental of properties on the islands for short-term parking or long-term storage of vehicles or trailers shall be prohibited. Multi-story parking garage structures shall be prohibited in all Districts.

O. Disaster Recovery

Following a natural disaster, as determined by the BCC, 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 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.

P. Underground Utilities

Electrical wires that connect poles with structures shall be placed underground.

Q. Spot Ground Elevations

The spot ground elevations for new development and for reconstruction that exceeds 50 percent of the replacement value of an existing structure shall be established prior to any clearing of the site by a signed and sealed survey prepared by a surveyor licensed in Florida. There shall be a minimum of one spot elevation per site, with additional spot ground elevations provided at every one foot of elevation change within the site.

3.7.6 Architectural Design Standards

A. Applicability

These architectural design standards shall apply to all new development within the Zoning Overlay District and to any alterations or additions to existing structures that exceed 50 percent of the replacement value of the structure. These standards shall regulate the appearance and constructive elements of structures and be used in addition to those expressed elsewhere in this Code.

B. Driveways and Parking Areas and Walkways/Sidewalks

1. No driveway shall exceed 24 feet in width where it connects with the roadway.
2. In MES and MSF Districts, only one driveway crossing is permitted within the front yard setback. In MMF Districts, one driveway crossing allowed every 300 feet within the front yard setback.
3. New private roads and parking and driveways, and those where 50 percent of their area is repaired or replaced shall be paved with crushed shell, stone, brick, or other permeable materials, in accordance with the latest technology allowed by permitting districts, and in a manner that will permit maximum water absorption.
4. 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.
5. Stepping stones are permitted.
6. Driveways shall not encroach upon the side Peripheral Landscape Strip. Corner lots may have one driveway crossing off either street but not both.

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

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

C. Building and Facade Materials and Design

1. All facades, excluding doors, windows, and trim, shall be improved and constructed with one or a combination of the following materials:

   a. Masonry, although unfinished and exposed concrete block is prohibited.

   b. Wood.

   c. Stucco.

   d. Vinyl.

2. No reflective materials are permitted on building facades.

3. 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:

   Trim shall resemble wood, masonry stone, stucco, or tile.

   Reflective finishes are prohibited.

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

5. 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 feet.

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

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

   b. Roof materials shall resemble non-reflective metal, wooden shingles, "dimensional" asphalt shingles, barrel tile, concrete tile, or slate.

   c. 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.

D. Architectural Accents

1. Chimneys must be vertical, and must conform to the height limits.

2. Awnings shall be permanently affixed and shall have a minimum clearance of eight feet above any sidewalk and 18 feet above any driveway.

3. 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.

4. The space between the first floor of a building and the ground shall be screened with lattice or breakaway walls. Lattice or breakaway walls shall be used specifically to conceal appurtenances placed below the first floor and the ground, and shall be the same pattern 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.

5. All structures shall post address numbers on the front façade in a location either by the entrance or garage door, or signage easily visible and legible from the adjacent roadway.

6. Sunshades shall be permanently affixed and shall be retractable for use as hurricane shutters providing they meet county and state code.

E. Lighting Fixtures, Structures, and Elements

1. All outside lighting fixtures shall be installed consistent with the Sea Turtle Lighting standards.

2. Fixtures for lighting areas shall follow a consistent theme.

3. Light posts shall be installed consistent with the following standards:

4. i. Light posts shall be constructed and installed to resemble wood, polished concrete, or painted metal.

5. ii. Unfinished or unpainted metal and concrete surfaces and untreated wooden posts are prohibited.

6. iii. Light posts on private property shall not exceed 16 feet in height.

7. 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.)

8. Light globes shall not protrude below shades.

F. Fencing and Walls

1. Chain link fencing is prohibited. Coated chain link fencing may be used to enclose tennis courts and swimming pools, or as temporary security fencing for construction sites. 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.

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

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

4. 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 inches wide and six inches high and must be located every 25 feet along the bottom of the fence or wall.

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

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

7. Fences and wall forward of the front building facade shall not exceed four feet in height.

G. Accessory Structures

In addition to the accessory requirements contained under the development standards above, accessory structures must meet the following architectural design standards:

1. The total area of accessory structures shall not exceed one-half the footprint of the principal structure or 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 acre in area may apply for a Special Exception to exceed the maximum lot coverage standard.

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

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

4. Sheds, gazebos, cabanas, and decks must be located behind the front building façade, and may not be located within the Peripheral Landscape Strips. The only exception is on lots 300 feet or greater in depth which may have screened accessory structures located in front of the building façade provided they are located at least 150 feet from the county right of way.

5. Roofing materials must resemble or be complimentary to the materials used on the principal structure.

6. Gazebos may not exceed 15 feet in height. All other accessory structures may not exceed ten feet in height.

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

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

   b. 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.

   c. Portable spas must be modified to conform to these standards.

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

   a. Units must be screened from off-site view.

   b. Consideration must be given to avoid impacts to adjacent properties.

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

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

10. Miscellaneous accessory structures must be constructed consistent with the following standards:

11. 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.

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

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

H. Commercial and Multifamily Buildings

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

1. Primary building entrances must be oriented towards adjacent roadways.

2. 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.

3. Drive-through facilities are prohibited.

3.7.7 Signs Standards

A. Applicability

These regulations are intended to complement the Charlotte County sign code and address the limited amount of area available to promote the business on the keys.

B. General Provisions for Signs on Manasota and Sandpiper Key

1. 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 Rd, Gulf Blvd, or North Beach Road.
2. Single-faced signs shall be painted black on the back side.
3. Maximum height of monument signs shall be four (4) ft. above the crown of the road.
4. All temporary signs and flags shall be removed in the event of a tropical storm, hurricane and flood warnings.
5. Flags shall not be placed in the public-right-of-way.
6. Murals and wall art shall not be calculated as sign area if they do not contain text or logos. All wall art visible from the abutting or adjacent road right-of-way shall be reviewed for approval by the Advisory Committee to ensure that wall art visible from the road shall be in character with the coastal setting.
7. Two-sided signs with the same face on each side shall be calculated on only one side
8. 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.

C. Residential Signage

1. Single Family units and multifamily complex– one freestanding temporary yard sign that does not exceed twelve (12) by eighteen (18) inches. Example: for garage or property sale, lease or rent. An additional sign of 12x 18 inches which is located in their yard on a navigable body of water shall be allowed facing the water.
2. One (1) sign denoting the architect, engineer or contractor for work under construction, not exceeding four (4) square feet.
3. Multi-Family units shall be treated as a single unit with the exception of:
4. Multifamily developments may have one (1) community sign per three hundred (300) foot of road right-of-way.
   - **a.** Community signs shall be monument signs, limited to four (4) foot in height and sixteen (16) square feet in area. Community signs shall include eight (8) inch street numbers.
   - **b.** Community signs may be two-sided providing each side is exactly the same and will count as only one side for sign allocation, and shall not contain any form of advertising.
   - **c.** Community signs shall not be located in the side Peripheral Landscape Strip area.
   - **d.** 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 ft. and shall include the 8 inch street numbers. Wall signs shall not be located above the peak of the roof or highest constructive element.
   - **e.** Vacant property may have one (1) sign of sixteen (16) square feet.

D. Nonresidential Signage

1. Each unit is allowed a sign allocation of sixty (60) square feet. Monument signs are preferred. Sign allocation may be flexible where monument signs are inappropriate due to parking viability requirements.
2. Each unit is allowed one (1) monument primary sign not to exceed 25 square feet. Non- residential primary signs shall include street numbers of eight (8) inches in height and may contain movable lettering.
3. 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
4. Each unit may have one (1) building sign that does not rise above the peak of the roof or highest constructive element. Building signs are limited to thirty-two (32) square feet per sign.

E. Prohibited signs

1. Neon or flashing signs
2. Signs that emit an audible sound or visible matter such as smoke or steam
3. Billboards
4. Portable illuminated signs, whirling signs, animated signs, or wind signs.
5. Temporary signs placed on sidewalks or bike paths.

F. 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. Chanel poles are not permitted.

~~Standards being developed~~

Article 3.8 Parkside Zoning Overlay District

RESERVED

Article 3.9 Shell and Prairie Creek Watershed Zoning Overlay District

3.9.1 Intent

The intent and purpose of Shell and Prairie Creek Watershed Zoning Overlay District is to protect the quantity and quality of water that flows into the Hendrickson Dam Reservoir, which retains the potable water supply for customers of the City of Punta Gorda Utility Department.

3.9.2 Boundary

The area included in the Shell and Prairie Creek Watershed Zoning Overlay District shall be that area described in Smart Charlotte 2050 FLUM Series Map #4: Watershed Overlay District. The area consists of those portions of the Shell Creek and Prairie Creek watersheds that were studied in association with the Shell and Prairie Creek Watersheds Management Plan and which drain into the Hendrickson Dam Reservoir. It also consists of Long Island Marsh and Tippen Bay, both of which are important headwaters of Prairie Creek.

3.9.3 Permitted and Restricted Uses and Structures

The Zoning Overlay District has three levels of regulation. Level 1 regulations apply to the entire Zoning Overlay District. Level 2 regulations apply to Long Island Marsh, Tippen Bay, and an area within a one-half mile setback from either side of the delineated creek system. Level 3 regulations apply to properties adjacent to the delineated creek system. The regulations of the broader levels apply also to the narrower levels.

A. Level 1

1. Uses permitted within the Overlay District are those allowed under the Preservation, Resource Conservation, Agriculture, Mineral Resource Extraction, and the Rural Community Mixed Use Future Land Use Map categories and those uses allowed by the Rural Settlement Overlay District.
2. The production, manufacture, creation, or transmission of any substance identified and prohibited by the Florida Department of Environmental Protection, Florida Administrative Code Rule, or USEPA Rule, or that has an adverse affect to any surface water or ground water, or is hazardous or toxic to humans, animals, or the environment is prohibited.
3. Requests to produce, manufacture, create, or transmit any substance that could fall under the prohibition of the above subsections will be reviewed on a case-by-case basis by the County, with input from the City of Punta Gorda, and other agencies and departments as may be necessary.
4. The storage and use of such substances as may otherwise be prohibited above but which are necessary and incidental to a permitted use is permitted with the following conditions:
   - **a.** All such activities shall comply with State and Federal regulations regarding the installation and use of such substance.
   - **b.** The maximum amount of substance stored shall be no more than that necessary to satisfy the requirements of the permitted use it is intended for.
   - **c.** The substance shall only be used on the property on which the substance is stored or other land under common ownership or management.
   - **d.** The substance shall not be transferred to, sold, or used by another property owner.
5. The manufacture and storage of biofuel by an agricultural operation may be allowed, subject to the following conditions:
   - **a.** The agricultural operation must be utilizing or will utilize agricultural and manufacturing Best Management Practices.
   - **b.** The production and storage of not more than 250 gallons for domestic and business use, not commercial use, shall be permitted by right.

c. The production and storage of more than 250 gallons may be permitted by special exception. The property owner shall provide information as to the location of the machinery and safety containment features associated with the production and storage of the biofuel. Safety of the water source is the main concern in regards to this use; therefore, this use will be reviewed by the City of Punta Gorda and the recommendations of the City will be used in the determination by the County staff as to whether to recommend approval or denial of the permit and by the Board of Zoning Appeals as to whether to grant approval of the permit.

6. Excavations for the purpose of providing surface water reservoirs for crop irrigation are encouraged.

7. All agricultural uses are encouraged to utilize Best Management Practices as created by the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, and the Florida Division of Forestry.

B. Level 2

1. Site Plan Review is required for all single-family and two-family dwellings.

~~1.~~2. Agricultural Best Management Practices are required.

~~2.~~3. The following are prohibited:

a. Increases of intensity through plan amendments, rezonings, or special exceptions.

b. Increases in density through plan amendments or rezonings. Density on all properties in this area is restricted to that allowed as of March 22, 2011, including any density allowed by the Agriculture FLUM for Conservation Subdivisions.

c. Major commercial excavations.

d. The production and storage of more than 250 gallons of biofuel.

~~3.~~4. The prohibited uses listed above may be allowed by the ~~Board of County Commissioners~~BCC between one-quarter mile and one-half mile of the delineated creek system on a case-by-case basis if it can be demonstrated through generally accepted, science-based analysis that the proposed use will have no negative affect on the quality or quantity of water within the Hendrickson Dam Reservoir. This use will be reviewed by the City of Punta Gorda and the recommendations of the City will be used in the determination by County staff regarding any recommendation of approval or denial of the use and by the ~~Board of County Commissioners~~BCC or Hearing Examiner, as applicable, regarding approval or denial of the permit.

~~4.~~5. In no case shall the prohibited uses listed above be allowed within one-quarter mile of the delineated creek system.

C. Level 3

1. All septic systems, including all components of that system, shall be set back 200 feet from the mean high water mark of the delineated creek system.

2. The storage or use of any hazardous or toxic substance within 200 feet of the delineated creek system is prohibited. This includes storage and use of all household chemicals and any pesticide, fertilizer, or herbicide whose label states that it is hazardous or toxic. Bona fide agricultural uses using Best Management Practices and permitted by State agencies for the application of such pesticides, fertilizers, or herbicides are exempt from this provision.

3. A naturally-vegetated buffer of at least 75 feet shall be maintained between any residential use and the creek shoreline, and a naturally-vegetated buffer of at least 25 feet is required along the delineated edge of any wetlands that may intrude into the property from a generally accepted shoreline. One access to the waters of the creek may be permitted, provided that the access is no wider than eight feet and the surface is permeable.

4. Hardening of the shoreline is prohibited, as is the construction of any structures adjacent to the shoreline other than a boat dock or barbed wire fencing for agriculture.

Article 3.10 South County Gateway Zoning Overlay District

RESERVED

~~Article 3.10~~Article 3.11 U.S. 17 Zoning Overlay District

RESERVED

~~Article 3.11~~Article 3.12 U.S. 41 Zoning Overlay District

~~3.11.1~~3.12.1 Intent

The intent and purpose of the U.S. 41 Overlay District is to improve and enhance the appearance of the U.S. 41 commercial corridor between the Sarasota County line and the Charlotte Harbor Zoning Overlay District by promoting the development and redevelopment of land within the corridor, enhancing the corridor's overall appearance, and improving the corridor's functional operation.

~~3.11.2~~3.12.2 Applicability

The requirements of this Overlay District shall apply to all new development and renovations to existing development that are valued at more than 50 percent of the appraised value of the property, excepting single-family development.

~~3.11.3~~3.12.3 Boundary

The area included in the U.S. 41 Overlay District shall be the area as depicted on Smart Charlotte 2050 FLUM Series Map #8: Special Area Overlay Districts.

~~3.11.4~~3.12.4 Prohibited Uses

A. On lots zoned CG and II, Special Exceptions are prohibited, except that an outdoor market or exhibition space may be permitted through Special Exception. This use shall only be allowed to operate one day of the week.

B. The following uses are prohibited within 100 feet, not including right-of-way, of an adjacent residential use or zoning:

1. Composting facility
2. Outdoor retail sales
3. Mini-transfer station
4. Mass transit station
5. Recreation, outdoor
6. Bar, cocktail lounge, nightclub, tavern
7. Lumber yard
8. Service station, gas sales
9. Motor vehicle repair, service
10. Motor vehicle wash

~~3.11.5~~3.12.5 New Zoning Within the Overlay District

Amendments to an industrial zoning district are prohibited within the Overlay. A Planned Development zoning district shall not be used to permit an industrial use or any prohibited Special Exception use.

~~3.11.6~~3.12.6 Development and Architectural Standards

A. Outdoor display, storage, and sales are prohibited within all commercial zoning districts except that a maximum of three sidewalk, clearance, or tent sales per year may be allowed per business with a Temporary Use permit.

B. Vehicles in sales, rental or service lots shall be parked at least 20 feet from a property line adjacent to a right-of-way. For these businesses, landscaping is required along the front of any parking area visible from a right-of-way. The landscaping shall be at least 5 feet in width consisting of native ornamental grasses and shrubs planted to create a continuous hedge. These plants shall be maintained at a height of at least 4 feet. If the vehicles that are stored or displayed are larger than a passenger vehicle, such as boats or RVs, understory trees shall also be planted every 15 feet.

C. All service and repair business shall be conducted in a fully enclosed building and doors shall remain closed.

D. Bay and service doors shall not face US 41, the US 41 frontage road, or any residential use or zoning district, unless there is no alternative siting option.

E. Metal panels are a prohibited building material.

F. Any building constructed within 100 feet of a residential use or zoning must be designed to imitate a residential structure. If a portion of a structure is within the 100 feet, the entire structure is affected by this requirement.

G. Vehicle access to a road along which residential uses front (residential road) is allowed only if the lot does not have access to a road along which no residential uses front.

H. Buffers along lot lines adjacent to a residential use or zoning shall include an opaque wall or fence as part of the buffer, except along the lot frontage where main access to the lot is located.

I. Pedestrian access shall be provided from residential roads.

J. Refuse collection and equipment or refuse storage areas shall be located at the rear of the property, no less than ten feet from any lot line.

K. Pole or standing lights will be no higher than ten feet.

~~3.11.7~~3.12.7 Lot Standards

Lots standards within the U.S. 41 Overlay District are as follows:

Lot (min.)	Lots fronting U.S. 41 and U.S. 41 Access Road	Lots fronting a residential road
Lot area (sq. ft.)	7,500	10,000
Lot width (ft.)	50	80
Yards (min. ft.)		
Front	10	15
Side (interior)	0 if adjacent to commercial or industrial zoning, 20 if adjacent to residential zoning	0 if adjacent to commercial or industrial zoning, 20 if adjacent to residential zoning
Side (street)	10	15
Rear (interior)	0 if adjacent to commercial or industrial zoning, 20 if adjacent to residential zoning	0 if adjacent to commercial or industrial zoning, 20 if adjacent to residential zoning
Rear (street)	10	10
Abutting water	20	20
Yards (max. ft.)		
Front	15	20
Bulk (max.)		
Lot coverage	60%	60%
Height (ft.)	38 within 100 feet of residential use or zoning, otherwise 60	38 within 100 feet of residential use or zoning, otherwise 60

~~3.11.8~~3.12.8 Signs

A. The following are sign requirements for commercial and multifamily development that front on a residential road.

1. Only monument signs are permitted as primary freestanding signs. Such signs shall be limited to twenty-four square feet in area, six feet in height, and only one per lot frontage.
2. The monument sign structure shall be of the same color and material as the predominant color and material of the principal building.
3. Primary building signs shall not exceed six square feet in total.
4. No signage shall be internally illuminated.
5. No additional signage is permitted.

B. The following are sign requirements for commercial and multifamily development with primary frontage on U.S. 41 or the U.S. 41 access road and additional frontage on a residential road.

1. Primary freestanding signs and additional signage are not permitted within 100 feet of a residential use or zoning.
2. Primary building signs facing a residential use or zoning shall not exceed six square feet in total.
3. One sign not exceeding six square feet shall be allowed on the required buffer wall.

~~3.11.9~~3.12.9 Parking

A. Businesses fronting a residential road shall place a Type ~~B~~ A buffer along the edge of the parking lot adjacent to the road.

~~Article 3.12~~Article 3.13 Waterfront Zoning Overlay District

~~3.12.1~~3.13.1 Intent

The intent and purpose of the Waterfront Zoning Overlay District is to preserve open vistas onto the County's major waterbodies by limiting the height and size of structures near the waterfront.

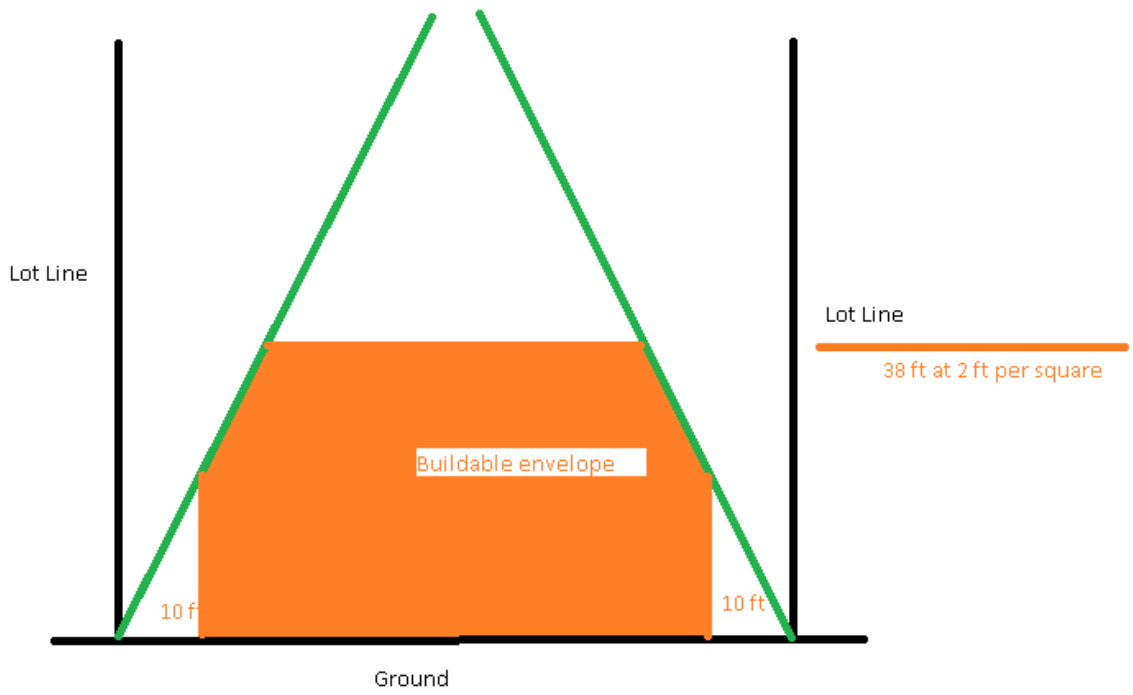
~~3.12.2~~3.13.2 Boundary

The area included in the Waterfront Zoning Overlay District shall be that area as depicted on Smart Charlotte 2050 FLUM Series Map #8: Special Area Overlay Districts, more specifically including all land on the barrier islands and within 1,200 feet of the shoreline of the Gulf of Mexico, Charlotte Harbor, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, and Coral Creek.

~~3.12.3~~3.13.3 Development Standards

A. No structure shall exceed 38 feet in height.

B. Principal structures shall be constructed so that they fit within a notional building envelope that is formed by two planes beginning at the side lot lines, angled at 60 degrees from the ground and extended to their intersection. Structures shall be set back from all side property lines not less than the minimum required yard.



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

D. No structure shall be located within 50 feet of the shoreline of the Gulf of Mexico. No building may be constructed seaward of the coastal construction control line unless a permit has been issued by the State.

E. No structure shall exceed 200 feet in width or length on lots abutting the shorelines of the Gulf of Mexico, Lemon Bay, Placida Harbor, Gasparilla Sound, Charlotte Harbor, the Myakka River, the Peace River, Red Fish Cove, or Coral Creek.

~~3.12.4~~3.13.4 Exceptions

A. The height restrictions of this Article shall not apply to the Manasota and Sandpiper Key Overlay District.

B. The height restrictions of this Article shall not apply to the Riverwalk District of the Charlotte Harbor Overlay District if the development complies with the performance standards of that Article.