



1           WHEREAS, in 2014, Section 3-9-53 was renumbered to 3-9-50 pursuant to  
2 Ordinance Number 2014-041; and

3           WHEREAS, during the implementation of the revised Overlay Code, some issues  
4 have arisen; and

5           WHEREAS, the citizens of Manasota and Sandpiper Key, through the Advisory  
6 Committee, submitted revisions to the existing Section 3-9-50, Manasota Key Zoning  
7 District Overlay; and

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

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

14           WHEREAS, the Board considered the revisions in public hearings on February  
15 24, 2015 and March 24, 2015; and

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

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

22           Section 1. Chapter 3-9, Article II, of the Code of Laws and Ordinances of  
23 Charlotte County, Florida, is hereby amended by revising Section 3-9-50, Manasota Key  
24 Zoning District Overlay, and renaming as Section 3-9-50, Manasota and Sandpiper Key

1 Zoning District Overlay, by adding the underlined language and by ~~deleting the stricken~~  
2 ~~language~~ as follows:

3

4 **3-9-~~5350~~.** – Manasota and Sandpiper Key Zoning District Overlay.

5

6 **(a) Definitions.** When terms are defined both in this Section 3-9-~~53-50~~ and elsewhere in the  
7 Code of Laws and Ordinances of Charlotte County, Florida County (“Code”), definitions for such  
8 terms in this subsection shall control. The following terms shall have the meanings set forth in  
9 this subsection:

10 *Advisory ~~C~~ommittee* shall mean the Manasota and Sandpiper Key Advisory Committee  
11 established by the ~~board~~ Board of County Commissioners of Charlotte County, Florida (“Board”)  
12 on October 12, 2004 pursuant to Resolution Number 2004-212.

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

15 *Building setback calculation* shall mean the methodology used in the Manasota and  
16 Sandpiper Key Zoning District Overlay (“Overlay Code”) to determine the stepped setback  
17 required from the property line for a building based on building height and stepped setback  
18 calculation points.

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

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

24 *Driveway ~~C~~rossover* shall mean that portion of a driveway located on a setback.

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

27 *Highest ~~C~~onstructed ~~E~~lement* shall mean the highest point of a building or the highest point of  
28 any rooftop livable space or appurtenances thereto.

29 *Manasota and Sandpiper Key Overlay Code* shall mean the Manasota and Sandpiper Key  
30 Zoning District Overlay Code established by Section 3-9-~~53-50~~ and as amended into the  
31 ~~County~~ Code.

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

1        ~~Manasota Commercial General~~ or MCG shall mean the commercial general zoning  
2 district established by the ~~Overlay Code~~.

3        ~~Manasota Commercial Tourist~~ or MCT shall mean the commercial tourist zoning district  
4 established by the ~~Overlay Code~~.

5        ~~Manasota Environmentally Sensitive~~ or MES shall mean the environmentally sensitive  
6 zoning district established by the ~~Overlay Code~~.

7        ~~Manasota Multifamily~~ or MMF shall mean the multifamily zoning districts established by  
8 the overlay code.

9        ~~Manasota Planned Development~~ or MPD shall mean the planned development zoning  
10 district established by the Overlay Code.

11        ~~Manasota Single-family~~ or MSF shall mean the single-family zoning district established  
12 by the ~~Overlay Code~~.

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

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

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

25        NGVD shall mean the National Geodetic Vertical Datum on the effective date of this  
26 ~~Overlay Code~~.

27        ~~Overlay Code~~ shall mean the Manasota and Sandpiper Key Zoning District Overlay Code  
28 established by this ~~Section 3-9-5350~~.

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

33        *Plan* shall mean the Manasota Community Plan as accepted by the ~~Board~~ on September  
34 21, 2004 and as it may be amended from time to time.

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

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

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

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

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

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

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

16  
17 **(b) Establishment; short title:** The Manasota and Sandpiper Key Zoning District Overlay Code  
18 is hereby established. The short title of this ~~S~~section shall be "Manasota and Sandpiper -Key  
19 Overlay Code."  
20

21 **(c) Intent.** The intent of the Manasota and Sandpiper Key Overlay Code is to implement the  
22 goals, objectives, and policies of the Manasota Key Community Plan to preserve and protect the  
23 existing low-density development and to blend future development with it in an appropriate  
24 manner.  
25

26 **(d) Boundary.** The area affected by the Manasota and Sandpiper Key Overlay Code shall be  
27 the area depicted as Manasota and Sandpiper Key on Smart Charlotte 2050 FLUM Series Map  
28 #9: Barrier Island Overlay District.  
29

30 **(e) Applicability; conflict with other ordinances.** The ~~O~~verlay ~~C~~ode shall apply to  
31 development and redevelopment on the islands together with all other matters referenced in the  
32 ~~overlay~~ Overlay Code. The terms "development" and "redevelopment" shall be construed  
33 liberally and shall include any plat, special exception, variance, waiver, site plan approval,  
34 building or sign permit, or any other official action of Charlotte County that has the effect of

1 permitting development and/or redevelopment or any application for any of the preceding  
2 matters. The Overlay Code shall apply to the preceding matters notwithstanding the  
3 application of another provision(s) of the ~~County~~ Code to said matters. Except where expressly  
4 provided herein, the terms of the Overlay Code shall supersede and control in the event and  
5 to the extent of a conflict between the Overlay Code and another provision of the ~~County~~  
6 Code.

7

## 8 **Zoning Districts**

9 The following zoning districts are the only zoning districts permitted within the Manasota and  
10 Sandpiper Key Overlay District and shall only be permitted in the Manasota and Sandpiper Key  
11 Overlay District.

12

### 13 (1) Open Space & Rural Districts

14 Manasota Environmentally Sensitive (MES)

### 15 (2) Residential Districts

16 Manasota Single-Family 1 (MSF-1)

17 Manasota Single-Family 3.5 (MSF-3.5)

18 Manasota Single-Family 5 (MSF-5)

19 Manasota Multifamily 7.5 (MMF-7.5)

20 Manasota Multifamily 10 (MMF-10)

21 Manasota Multifamily 12 (MMF-12)

### 22 (3) Commercial Districts

23 Manasota Commercial General (MCG)

24 Manasota Commercial Tourist (MCT)

### 25 (4) Special Districts

26 Manasota Planned Development (MPD)

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

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

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

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

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

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

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

22

23 **(g) District Development Standards**

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

	MES
<b>Lot (min <del>a</del>Acres)</b>	
<del>Lot are inside Urban Service Area</del>	<del>40</del>
Lot area outside Urban Service Area	40
Lot Width (ft.)	250
<b>Yard (min. ft.)</b>	
Front	25
Side	20
Rear	20

Abutting <u>W</u> water	20
Side & <u>R</u> rear <u>A</u> abutting Gulf of Mexico	50
<b>Bulk (max.)</b>	
Lot Coverage	10%
Height (ft.)	43 ft.
Density (units per acre)	0.025

- 1 a. Only one driveway crossover is permitted within the front yard setback.
- 2 b. Maximum building height shall not exceed ~~forty-three (43)~~ feet for MSF Zones
- 3 landward of the Florida Department of Environmental Protection Coastal
- 4 Construction Control Line ("CCCL") as measured from Zero feet NGVD to the top
- 5 of the highest constructed element. Building height calculations are contained
- 6 under the development standards of this Overlay Code.
- 7 c. The property shall be maintained in natural vegetation rather than landscaped.
- 8 d. Temporary portable structures and mobile homes shall be prohibited in this
- 9 district.

10 **(2) Residential District Standards**

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

	MSF-1	MSF-3.5	MSF-5	Non-Conforming
lot (min)				
Lot <u>A</u> area (sq.ft.)	43,560	12,445	8,712	Less than 8,712
Lot Width (ft.)	125	80	70	Less than 70
Yard (min. ft.)				
<u>F</u> front	25	25	25	25
Side <u>Y</u> yard (interior)	<del>Stepped/10</del> <del>See Below</del>	<del>Stepped/10</del> <del>ft. — See</del> <del>Below</del>	<del>Stepped/10</del> <del>See Below</del>	10
Side Yard (street)	20	15	15	15
Rear <u>Y</u> yard (interior)	<del>Stepped/20</del> <del>See Below</del>	<del>Stepped/20</del> <del>ft. — See</del> <del>Below</del>	<del>Stepped/20</del> <del>See Below</del>	10
Rear Yard (street)	25	25	25	25
Abutting <u>W</u> water	<del>20/50GM</del> <del>See Below</del>	<del>20/50GM</del> <del>See Below</del>	<del>20/50GM</del> <del>See Below</del>	<del>20/50GM</del> <del>See Below</del>
Peripheral Landscape Strip	10	10	10	10

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

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- ~~a. Side interior setbacks shall be stepped back as a function of building height as measured by the setback calculation provisions under the development standards of this Code, but shall be no less than 10 feet.~~
- ~~b. Rear interior setbacks shall be stepped back as a function of building height as measured by the setback calculation provisions under the development standards of this Code, but shall be no less than 20 feet.~~
- a. All setbacks (front, side, and rear) are subject to the stepped setback provisions set forth under the Development Standards, Section (j) (8) of this Overlay Code. Stepped setbacks are a function of building height.
- ~~c. b. Side and rear yards that abut any water but the Gulf of Mexico shall be at least 20 feet, and those that abut the Gulf of Mexico (GM) shall be at least 50 feet.~~
- ~~d. Setback calculation provisions are contained under the development standards of this Code.~~

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

f.d. All properties shall have front, side and rear ~~p~~Peripheral ~~l~~Landscape ~~s~~Strips of no less than 10 feet. Peripheral ~~l~~Landscape ~~s~~Strip and parking standards are contained under the development standards of this Overlay Code. Parking and driveway requirements are specified under the architectural standards of this Overlay Code.

e. All non-conforming lots less than 70 feet in width or less than the District minimum lot area required shall have front, side, and rear ~~p~~Peripheral ~~l~~Landscape ~~s~~Strips of no less than 10 feet.

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

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

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

	MMF-7.5	MMF-10	MMF-12	<u>ALL MMF</u> Non-Conforming
<b>Lot (min.)</b>				
Lot <u>A</u> area (sq.ft.)	7,500	7,500	7,500	Less than 7,500
Lot <u>W</u> idth (ft.)	80	80	80	Less than 80
<b>Yard (min. ft.)</b>				
Front	30	30	30	30
Side <u>Y</u> ard (interior)	<del>Stepped/10</del> <del>See Below</del>	<del>Stepped/10</del> <del>See Below</del>	<del>Stepped/10</del> <del>See Below</del>	10
Side <u>Y</u> ard (street)	15	15	15	15
Rear <u>Y</u> ard (interior)	<del>Stepped/20</del> <del>See Below</del>	<del>Stepped/20</del> <del>See Below</del>	<del>Stepped/20</del> <del>See Below</del>	10
Rear <u>Y</u> ard (street)	15	15	15	15

Abutting <u>W</u> ater	35/50GM <del>See below</del>	35/50GM <del>See below</del>	35/50GM <del>See below</del>	35/50GM <del>See below</del>
Peripheral Landscape Strip	10	10	10	10
<b>Bulk (max.)</b>				
Lot <u>C</u> overage	35%	35%	35%	35%
Height (ft.)	55/48 <del>See Below</del>	55/48 <del>See Below</del>	55/48 <del>See Below</del>	55/48 <del>See Below</del>
Density (unit per acre)	7.5	10	12	Same as district

1 ~~a. Side interior setbacks shall be stepped back as a function of building height as~~  
2 ~~measured by the setback calculation provisions of this Code, but shall be no less~~  
3 ~~than 10 feet.~~

4 ~~b. Rear interior setbacks shall be stepped back as a function of building height as~~  
5 ~~measured by the setback calculation provisions of this Code, but shall be no less~~  
6 ~~than 20 feet.~~

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

10 ~~e.b.~~ Side and rear yards that abut any water but the Gulf of Mexico shall be at least 35  
11 feet, and those that abut the Gulf of Mexico (GM) shall be at least 50 feet.

12 ~~d.c.~~ No stormwater management systems shall be located within the pPeripheral  
13 landscape sStrip. No side yYard setback areas shall contain conventional  
14 stormwater detention ponds.

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

20 ~~f.e.~~ All properties shall have front, side, and rear pPeripheral landscape sStrips of no  
21 less than 10 feet. Peripheral landscape sStrip and parking standards are contained  
22 under the development standards of this Overlay Code. Parking and driveway  
23 requirements are specified under architectural standards of this Overlay Code.

24 ~~g.f.~~ All non-conforming lots less than 80 feet in width or less than the District minimum lot  
25 area required shall have front, side and rear pPeripheral landscape sStrips of no  
26 less than 10 feet.

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

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

**C. Commercial District Standards**

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

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

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

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

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

9 i. ~~All setbacks (front, side, and rear) are subject to the stepped setback provisions set forth~~  
10 ~~under the Development Standards, Section (j) (8) of this Code. Stepped setbacks are a~~  
11 ~~function of building height. Side yard interior setbacks shall be stepped back as a~~  
12 ~~function of building height as measured by the setback calculation provisions of this~~  
13 ~~Code, but shall be no less than 25 feet.~~

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

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

17 ~~iv. Setback calculation provisions are contained under the development standards of this~~  
18 ~~Code.~~

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

24 ~~vi.v.~~ All properties shall have front, side, and rear pPeripheral lLandscape sStrips of no less  
25 than 10 feet. Peripheral lLandscape sStrip and parking standards are contained under  
26 the development standards of this Overlay Code.

27 ~~vii.vi.~~ All ~~non-conforming~~ MCG lots, including nonconforming less than 100 feet in width or less  
28 than the District minimum lot area required shall have front, side, and rear pPeripheral  
29 lLandscape sStrips of no less than 10 feet.

30 **b. Manasota Commercial Tourist (MCT)**

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

34 ii. Setbacks

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

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

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

10 ~~e)b)~~ Side and rear yards that abut any water but the Gulf of Mexico shall be at  
11 least 35 feet, and those that abut the Gulf of Mexico (~~GM~~) shall be at least 50  
12 feet.

13 iii. Setbacks for MCT-Commercial and MCT-Mixed Use abutting property zoned Residential  
14 shall be 25 feet.

15 iv. Setback calculation provisions are contained under the development standards of this  
16 Overlay Code.

17 v. Maximum building height shall not exceed ~~forty-eight (48)~~ feet of structure height for  
18 MCT-Commercial Districts seaward of the ~~Coastal Construction Control Line~~CCCL; ~~forty-~~  
19 ~~three (43)~~ feet of structure height for MCT-Commercial Districts landward of the CCCL.  
20 Maximum building height shall not exceed ~~fifty-five (55)~~ feet of structure height for MCT-  
21 Residential and MCT-Mixed Use Districts seaward of the ~~Coastal Construction Control~~  
22 ~~Line~~CCCL, and ~~forty-eight (48)~~ feet of structure height for MCT-Residential and MCT-  
23 Mixed Use Districts landward of the CCCL. Height shall be measured from Zero feet  
24 NGVD to the top of the highest constructed element. Building height calculations are  
25 contained under the development standards of this Overlay Code.

26 vi. All properties shall have front, side, and rear ~~p~~Peripheral ~~l~~Landscape ~~s~~Strips of no less  
27 than 10 feet. Peripheral ~~l~~Landscape ~~s~~Strip and parking standards are contained under  
28 the development standards of this Overlay Code. Parking requirements are specified  
29 under Architectural standards of this Overlay Code.

30 vii. All non-conforming MCT-Commercial lots less than 100 feet in width and/or less than the  
31 District minimum lot area required shall have front, side, and rear ~~p~~Peripheral  
32 ~~l~~Landscape ~~s~~Strips of no less than 10 feet.

- viii. All non-conforming MCT-Residential lots less than 80 feet in width or less than the District minimum lot area required shall have front, side, and rear ~~p~~Peripheral ~~L~~andscape ~~s~~Strips of no less than 10 feet.
- ix. All non-conforming MCT-residential lots shall be required to conform to the non-conforming standards as set forth in this Overlay Code as they apply to MMF-12 development standards.
- x. For non-conforming MCT-residential lots 50 feet wide or less, the owner may request an administrative waiver of up to 20% of the side setback (~~2~~-two feet on each side) to redress hardships associated with meeting driveways and parking requirements for multifamily development. Waiver limits are contained in the ~~d~~Development ~~s~~Standards of this Overlay Code.

**Special Purpose District**

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

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

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

~~a. Setback calculation provisions are contained under the development standards of this Code.~~

- 1 | b. Maximum building height shall not exceed ~~forty-eight (48)~~ feet for lands previously MSF Zones  
2 | seaward of the ~~Florida DEP Coastal Construction Control Line (CCCL)~~ and ~~forty-three (43)~~ feet  
3 | for MSF Zones landward of the CCCL. Maximum height shall not exceed ~~fifty-five (55)~~ feet for  
4 | lands previously MMF and MCT-Residential Zones seaward of the CCCL and ~~forty-eight (48)~~  
5 | feet for MMF and MCT-Residential landward of the CCCL. MCT-Mixed Use developments shall  
6 | not exceed the ~~fifty-five (55)~~ feet seaward of the CCCL and ~~forty-eight (48)~~ feet landward of the  
7 | CCCL and shall include one floor of commercial use. Maximum height shall be measured from  
8 | Zero feet NGVD to the top of the highest constructed element. Building height calculations are  
9 | contained under the development standards of this Overlay Code.
- 10 | c. Floor-area ratio shall be calculated excluding all submerged portions of the MPD site.
- 11 | d. Lands subject to a MPD rezoning shall meet the minimum lot frontage for the most restrictive  
12 | zoning district applicable to the property prior to the rezoning to a MPD.
- 13 | e. There shall be one ~~(4)~~ main point of access and one emergency entrance per contiguous land  
14 | rezoned to MPD.
- 15 | f. Lands subject to a MPD rezoning shall be contiguous whenever possible. If said lands are not  
16 | contiguous, a ~~twenty-five (25)~~ foot MPD setback shall be applicable whenever the proposed  
17 | MPD abuts property not zoned MPD. Said MPD setback shall contain the uses and structures  
18 | permissible in the peripheral landscaping strip, as defined in this Ssection. Front and rear yard  
19 | areas may contain pools or other accessory structures as set forth in ~~the this~~ Overlay Code.
- 20 | g. A minimum of ~~twenty (20)~~ percent of the entire MPD parcel shall be open space, which shall  
21 | include environmentally sensitive habitats and vegetated areas and shall not be encumbered by  
22 | an impervious surface. Easements and parking areas are not included in open space  
23 | calculations.
- 24 | h. When the minimum MPD setbacks above conflict with other required setbacks, including ~~coastal~~  
25 | ~~construction control line (CCCL)~~ regulations, and other applicable regulations, the enforceable  
26 | setback shall be that which results in a greater distance from property lines to structures.
- 27 | i. Density bonuses. Density bonuses shall not be applicable in the ~~Manasota and Sandpiper Key~~  
28 | Overlay Code.
- 29 | j. Failure to obtain final approval for a MPD within ~~3~~ three years with no extension from concept  
30 | plan approval may cause the County to initiate a rezoning of the property, which shall revert to  
31 | the zoning district back to its original designation.
- 32 | k. Parking Requirements: i) All land coverings, including parking and circulation areas, must be  
33 | pervious. This requirement shall not apply to areas under the footprints of approved structures.  
34 | ii) parking standards are contained under the development standards of this Overlay Code. iii)

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

- l. Principle Uses and Structures: Uses and structures permissible under the MPD district shall be equivalent to those that would otherwise be permissible on the property or properties prior to rezoning to a MPD. In no case shall multi-family dwellings replace single-family dwellings. However, multi-family zones may be rezoned to single-family.
- m. Accessory Uses and Structures: Uses and structures that are customarily accessory and clearly incidental to the principal uses approved for the MPD are permissible in this district. Where a MPD contains residential uses, noncommercial ~~piers, docks and wharves~~ are allowed. Such marine structures shall be permitted according to ~~County the~~ Code and a recommendation by the ~~Manasota and Sandpiper Key~~ Advisory Committee.
- n. MPD developments are subject to all other development and design standards contained in the Overlay Code.

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

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

USE TABLE						
USE CATEGORIES	SPECIFIC USES	MES	MSF	MMF	MCG	MCT
OPEN & RURAL USES						
	Fishing, Fisheries, hatcheries, preserves	SE				
RESIDENTIAL USES						
	Single family, detached, modular	P	P	P		
	Manufactured home (DCA)		P			
	Cluster Subdivision		SE			
	Duplex			P		
	Multifamily			P		P
	<u>Other: Guest House</u>		<u>SE</u>			
	<u>Other: Home Occupation</u>		<u>SE</u>	<u>SE</u>		
PUBLIC & CIVIC USES						

	Emergency Services	SE	SE	SE	P	P
	Public Building				SE	SE
	Fish & WL mgt. area, nature preserve	P				
	game preserve, public & private	P				
	Outdoor Education facility	P				
	Park, recreation facility, park office, maintenance facility, playground, open space	SE				
	Essential Services		SE	SE	P	P
<b>COMMERCIAL USES</b>						
	Bed and Breakfast 1 or 2 bedroom			SE		P
	Bed and Breakfast 3 or more bedrooms					P
	Hotel, motel, inn				P	P
	Beach clubs without food or sundry sales		SE	SE	P	P
	Recreation, Indoor				P	
	Recreation, Outdoor				P	
	Recreation vehicle rental, non-motorized only				P	SE
	Restaurant				P	P
	Bar, cocktail lounge, nightclub, tavern				P	P
	<del>General retail sales &amp; service</del>	-	-	-	<del>P</del>	<del>SE</del>
	Real Estate Services & property management				P	P
	<del>Business services</del>	-	-	-	<del>SE</del>	-
	Convenience Store				P	P
	Liquor, package store				SE	SE
	Pharmacy					P
	Specialty Shops <del>(jewelry, gift, clothing, accessories, etc.)</del>				P	P

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

- 1 | (3) Unless specifically defined in the above table and this subsection, additional uses and structures are  
2 | prohibited.
- 3 | (4) Public parks and recreational facilities shall only be allowed in the MES District and only by special exception  
4 | and only if restricted to meet the intent of the MES District.
- 5 | (45) Paid parking shall be prohibited in MSF and MMF Districts on any parcel within the Overlay District, except on  
6 | public recreation lands. Leasing or rental of upland properties on the islands for short-term parking or long-  
7 | term storage of vehicles or trailers shall be prohibited in all Districts. Multi-story parking garage structures  
8 | shall be prohibited in all Districts.
- 9 | (56) Lodges or private clubs shall be prohibited in all Districts and beach clubs shall be allowed only without food  
10 | or sundry sales.
- 11 | (67) Hotel/Motel/Inn uses may have commissary, coffee bar, continental breakfast and other services for their  
12 | guests.
- 13 | (78) Sport marinas and Resort marinas shall be prohibited. However, leasing of dock space in the MCT district  
14 | only on lots adjacent to coastal waters not on the Gulf of Mexico is permitted as a special exception with the  
15 | following restrictions: no live-aboard dockage; no sale of fuel and lubricants; no provisions, bait & tackle; no  
16 | service buildings with laundry facilities, showers, toilets; no rental of motorized watercraft; and no launching of  
17 | boats from the site. A condition of the permit is adequate parking for leased dock spaces. Private  
18 | noncommercial boat docks are permissible in MES, MSF, MMF, and MCT-Residential Districts for the  
19 | exclusive use of the property owner or someone with a legal interest greater than a lease hold interest and  
20 | are prohibited from being rented.
- 21 | (89) The rental, sale, or repair of motorized vehicles, including but not limited to boats, jet skis, scooters, and  
22 | segways, is prohibited. Non-motorized recreational rentals, including but not limited to kayaks, canoes, and  
23 | bicycles, is allowed in the MCG District and, as a special exception in MCT District.
- 24 | (10) Home Occupations are allowed by Special Exception in MSF and MMF zones. In addition to meeting the  
25 | requirements of the Code, the applicant must provide documentation that the proposed home occupation  
26 | does not involve employees or clients who visit the premises and will not generate parking space demands  
27 | (e.g., telemarketing verses music teacher); or if lot is twice the minimum lot size, demonstrate that there is  
28 | adequate parking for the number of clients expected to be serviced.
- 29 | (11) One guest house or one servant's quarters for each single-family dwelling are allowed by special exception,  
30 | provided the lot area shall be not less than twice the minimum lot area required for a single-family dwelling;  
31 | and the guest house or servant's quarters is intended for use on a temporary basis. The guest house and  
32 | principal dwelling shall not be rented separately.
- 33 | (12) Restaurant Outdoor Seating is an allowable use for restaurants and bars, and, whether covered or  
34 | uncovered, shall be required to be reviewed by the Advisory Committee for compliance with the setback,  
35 | paving and other requirements of this Overlay Code. Outdoor and under-structure exterior bar areas are  
36 | allowed, but shall be required to meet the setback, paving, height, and other requirements of this Overlay  
37 | Code and be reviewed by the Advisory Committee.

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

4 (14) Accessory structures and Accessory Uses. Accessory structures shall be required to meet the standards set  
5 forth under (j) and (k) of this Overlay Code.

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

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

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

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

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

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

28 g) Only the following accessory uses are permitted within the required yards on Manasota and Sandpiper  
29 Key: 1) stairways may project up to four feet in a required front or rear yard, but not into the required side  
30 yards. Guttered roof overhangs may project up to two feet into a required front or rear yard on all lots; and  
31 may project up to two feet into the side yard and peripheral landscape strip on lots fifty feet wide or less.  
32 Where elevated, these uses must meet the stepped setback and maximum height requirements of this  
33 Overlay Code.

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

1 **(i) Development Review Procedure**

2 (1) The County zoning staff shall refer an applicant for any development that requires a site plan to the  
3 Advisory Committee for a pre-application consultation. Prior to submitting an application to the  
4 County for any type of development, including ~~for~~ a Special Exception, ~~or for~~ a Variance, or a  
5 Letter of No Objection, an applicant shall appear before the ~~Manasota and Sandpiper Key~~ Advisory  
6 Committee at a regularly-scheduled public meeting of the Advisory Committee to review, discuss,  
7 and receive recommendations from the Advisory Committee regarding the proposed  
8 development's consistency with the Manasota Key Community Plan and ~~the portions of this Code~~  
9 specifically applicable to the Manasota and Sandpiper Key Overlay Code ~~Code~~ this Overlay Code. Such  
10 request for review shall be accompanied by documentation required by the Advisory Committee to  
11 perform its review. At the conclusion of the review, the Advisory Committee shall prepare written  
12 comments regarding the proposed development with recommendations or notations, as  
13 appropriate, which shall be considered by the County ~~officials in their deliberations~~ during the  
14 review process.

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

18 (3) All new applications, whether previously reviewed or not, shall be reviewed by the Advisory  
19 Committee.

21 **(j) Development Standards.** These development standards shall apply to all zoning districts within the  
22 ~~Manasota Key~~ Overlay Code.

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

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

31 (3) **Permeable Pervious Material.** With the exception of fences and walls, all ground-level amenities  
32 such as walkways, patios, new private roads, residential driveways, and all parking spaces  
33 outside of the building footprint shall be constructed of permeable pervious materials t-o improve  
34 drainage and runoff. The use of pavers for parking lots, driveways, patios and pools shall be

1 subject to Advisory Committee review and County permit and shall be certified by the supplier to  
2 be pervious and installed to maximize onsite water absorption. When pavers are installed, the  
3 contractor must provide a letter certifying that the pavers are pervious and that the pavers will be  
4 installed to maximize on-site water absorption. The only exceptions to the use of pervious pavers  
5 shall be a three-foot perimeter around a pool; Handicapped accessible routes when required by  
6 ADA ~~shall be exempt from this requirement.~~

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

8 **(5) Open Space/Reservation Area.** All development within the Overlay District subject to Site Plan  
9 Review shall include an open space/habitat reservation area equal to five percent of the total  
10 area of the development. No financial contribution in lieu of reservation shall be permitted.  
11 Peripheral ~~L~~andscape ~~s~~Strips and setbacks may be counted as part of the open space habitat  
12 area unless the lot is greater than one -quarter acre.

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

- 14 a. Pilings shall conform to construction techniques authorized under the Florida Building Code.
- 15 b. Pilings for structures throughout Manasota and Sandpiper Key shall be augered into the  
16 ground, or otherwise introduced through contemporary technologies that are shown to reduce  
17 the noise and vibration in sufficient amount to meet the intent of this ~~section~~Section.
- 18 c. If driving pilings into or onto the ground is proposed,
- 19 i) The developer must conduct a detailed geotechnical analysis of the property with a  
20 certification from a geotechnical engineer that the proposed development activity will  
21 have no adverse impacts to adjacent properties; and
- 22 ii) Show proof of minimum insurance policy coverage of \$1 million per occurrence and \$5  
23 million aggregate.
- 24 iii) If pile driving is deemed appropriate, the ~~c~~Contractor shall be required to notify by mail  
25 the owner of properties within 300 feet of the outer limits if the subject property and  
26 document existing conditions of structures, prior to the planned development.
- 27 iv) The contractor must offer all properties within 300 feet an opportunity to have their  
28 properties inspected by an engineer/inspector prior to pile driving at the builder's  
29 expense. The intent of this inspection is to create a record of conditions prior to work  
30 occurring.
- 31 v) The contractor must also offer all properties within 300 feet an opportunity to have, at  
32 builder's expense, one on-site seismic reading during the pile driving. A permit to drive  
33 piles (pile driving) will not be issued until the contractor of record provides to the ~~C~~County

1 by affidavit a list of property owners within 300 feet of the project and addresses along  
2 with a receipt or other proof of mailing and completion of required inspections.

3 | vi) The C contractor of record or the owner-builder shall be the party responsible to insure  
4 that the notification and offers have been made and that reasonable effort to comply with  
5 these requirements has occurred. Records of these offers shall be maintained by the  
6 contractor or owner-builder and be made available to the Building and Zoning Division.

7 vii) In addition, the Contractor shall be required to provide the county with an insurance  
8 certificate showing that the contractor carries comprehensive general liability in the  
9 amount of \$1.5 million for each occurrence, and aggregate and property damage in the  
10 amount of \$5 million for each occurrence and the \$5 million aggregate. For the purposes  
11 of this Section, "pile driven" constitutes a work effort for driving, impact driving or  
12 hammer driving of a pile or similar object into the ground used to support or reinforce  
13 any structure or building including but not limited to treated timber piling, prestressed  
14 concrete piling, steel piling, driven test piling, concrete sheet piling, steel sheet piling,  
15 batter piles, anchor piles, dolphin piles, fender piles and guide piles.

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

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

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

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

- 25 a. Highest constructed element is the highest point of a building or the highest point of any rooftop  
26 livable space or appurtenances thereto.
- 27 b. Rooftop livable space is all usable areas upon or above the roof of a building including but not  
28 limited to decks, swimming pools, walls, fences and railings. Rooftop livable space shall be  
29 calculated as the actual height of the railing, fence, wall or other rooftop structure.
- 30 c. Appurtenance includes but is not limited to ornamental fixtures and fittings and rooftop  
31 equipment such as chimneys, antennas, cupolas, elevators, or other mechanical or  
32 communications equipment.
- 33 d. Only the following essential appurtenances shall be allowed above the rooftop or highest  
34 constructed element on Manasota Key, to exceed the height cap for the property, in the MMF

1 and MCT-residential Zones associated with multi-family development: Stairs at no greater than  
2 ~~7-seven~~ feet; elevator shafts at no greater than ~~4-four~~ feet; AC units at no greater than 4.5 feet;  
3 and mechanical pipes no greater than ~~2-two~~ feet; and lightning rods no greater than ~~2-two~~ feet.  
4 These appurtenances shall not be allowed on any facade. All appurtenances shall be located  
5 near the center of the roof, behind a line of ~~sitesight~~. The “line of ~~sitesight~~” shall be 15 degrees  
6 from the street front façade and 30 degrees from all other facades. For all essential  
7 appurtenances that exceed the building height cap, there shall be a horizontal green space  
8 offset equal to the square footage of the height of the appurtenance that protrudes above the  
9 highest constructed element times the widest or longest dimension of the appurtenance. For  
10 example, if a stairway protrudes ~~7-seven~~ feet above the highest constructed element and is ten  
11 feet at its greatest width or length dimension, the green space offset required shall be 70 square  
12 feet. The green space offset can be located anywhere on the property outside the ~~pPeripheral~~  
13 ~~ILandscape sStrip~~.

- 14 e. Maximum building height shall not exceed ~~forty-eight (48)~~ feet of structure height for MSF, MCG  
15 and MCT-Commercial Districts seaward of the ~~Coastal Construction Control LineCCCL~~; ~~forty-~~  
16 ~~three (43)~~ feet of structure height for MSF, MCG and MCT-Commercial Districts landward of the  
17 ~~Coastal Construction Control LineCCCL~~; ~~fifty-five (55)~~ feet of structure height for MMF, MCT-  
18 Residential and MCT-Mixed Use Districts seaward of the ~~Coastal Construction Control~~  
19 ~~LinCCCL~~e, and ~~Forty-eight (48)~~ feet of structure height for MMF, MCT-Residential and MCT-  
20 Mixed Use Districts landward of the ~~Coastal Construction Control LineCCCL~~.
- 21 f. The maximum number of stories shall be no greater than three ~~(3)~~ stories over parking in MMF,  
22 MCT-Residential and MCT-Mixed Use Zones; and no greater than two ~~(2)~~ stories over parking  
23 in MSF, MCG, and MCT-Commercial Zones.
- 24 g. In unique circumstances, due to ground level or elevation requirements, the 48 foot NGVD  
25 height limit may be exceeded such that a 35 foot building envelope may be met from finished  
26 floor to the top of the roof on multi-family development projects landward of the CCCL.
- 27 h. In unique circumstances, where any portion of a building is located in two flood zones, one  
28 being seaward of the CCCL, the seaward maximum height shall apply to the entire building.
- 29 i. There shall be a required green space off-set of one linear foot for each foot of structure height  
30 in excess of ~~fifty-two (52)~~ feet in the MMF, MCT-Residential and MCT-Mixed Use Zones  
31 seaward of the CCCL to be added in the front yard, in addition to the 10 foot ~~pPeripheral~~  
32 ~~ILandscape sStrip~~. For every foot of additional building height over 52 feet, there shall be a  
33 horizontal foot of green space added to the entire width of the front yard immediately adjacent to  
34 the 10 foot ~~pPeripheral ILandscape sStrip~~. For example, if a structure is built to the maximum

1 height of 55 feet, seaward of the CCCL, three feet of green space shall be added to the 10 foot  
2 ~~p~~Peripheral ~~l~~Landscape ~~s~~Strip, resulting in a 13 foot green space setback along the entire width  
3 of the front yard.

4 ~~h.i.~~ Height limits for accessory structures are specified under (k) of this Code.

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

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

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

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

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

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

Minimum Yard Setback (feet)	Setback –Starting Point is 2 feet above <del>MFFE</del> <u>BFE or LHSM</u>
(Horizontal Setback Distance)	(Vertical Height Stepped Setback Range)

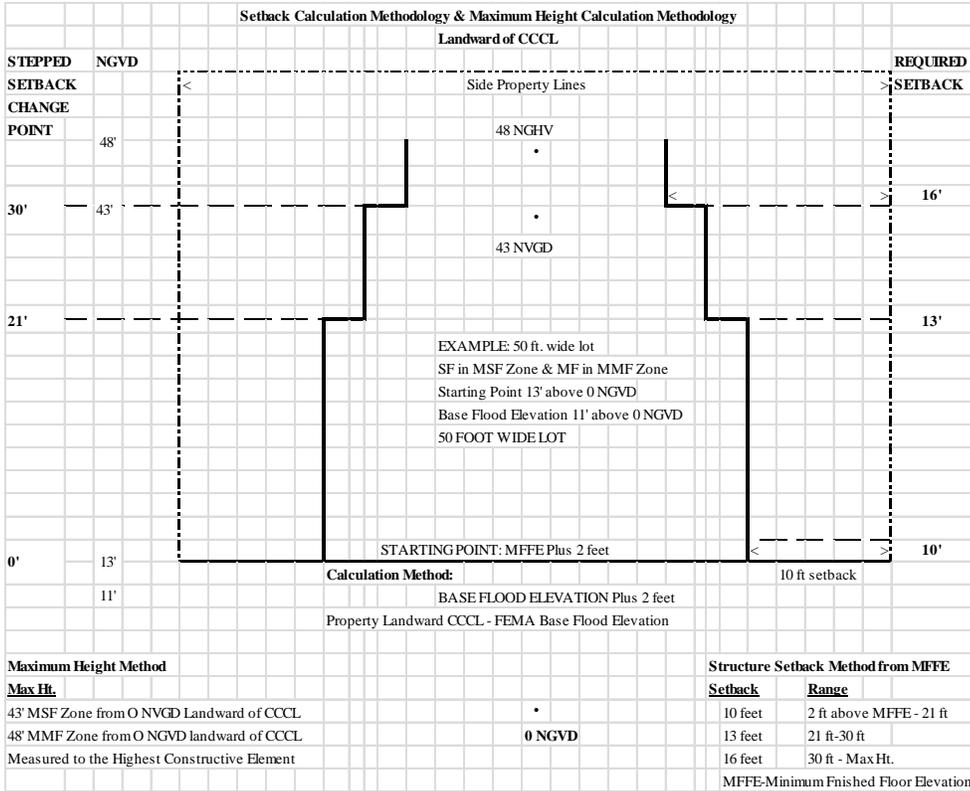
Yard <del>S</del> etback <del>M</del> inimum	2 feet above <del>MFFE-BFE or LHSM</del> to 21 feet above <del>S</del> starting <del>P</del> oint
Yard <del>S</del> etback <del>M</del> in. <del>P</del> plus 3 feet	21 <del>f</del> Feet to 30 <del>f</del> Feet above starting point
Yard <del>S</del> etback <del>M</del> in. <del>P</del> plus 6 feet	30 <del>f</del> Feet above starting point to maximum height cap depending on the Zoning District and CCCL

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

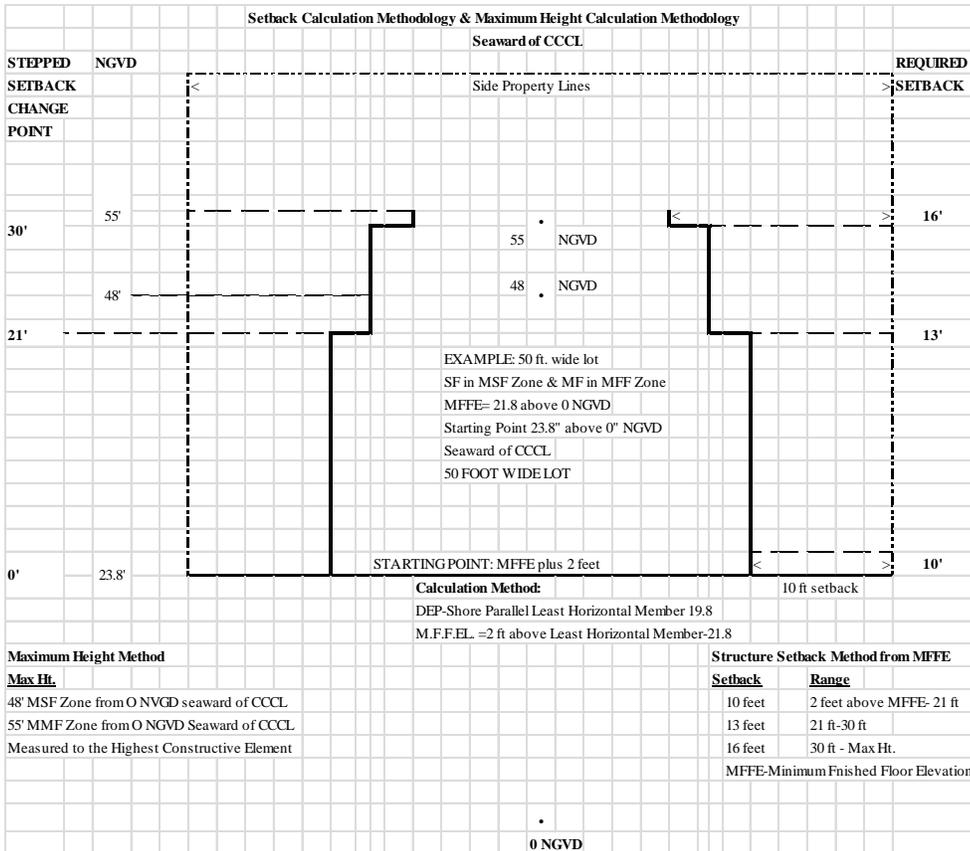
6 ~~vi~~.v. No building may be constructed seaward of the ~~coastal construction control line~~CCCL  
7 unless a permit has been issued by the State.

8 vi. All principle structures on the same development site, except single-story accessory  
9 structures, shall have a minimum structure-to-structure setback equal to the height of the  
10 taller structure. For this purpose, height of the structure being measured from finished floor  
11 elevation to the peak of the roof. No structure shall exceed the maximum building height  
12 limit in their zoning district.

13 vii. Stepped setback requirements apply to all setbacks (front, side and rear).  
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1 **(9) Peripheral Landscape Strip.** Peripheral ~~l~~andscape ~~s~~Strips are required on all lots within the  
2 Manasota and Sandpiper Key Overlay District. All properties, conforming and nonconforming, shall  
3 have front, side interior and rear interior ~~p~~Peripheral ~~l~~andscape Strips of no less than ~~ten~~ (10) feet  
4 from the property line. Peripheral ~~l~~andscape ~~s~~Strips shall be located immediately adjacent and  
5 parallel to all sides of a lot boundary. All ~~p~~Peripheral ~~l~~andscape ~~s~~Strips shall be green open  
6 areas. A 10-foot wide green open area with a vegetated landscape strip along the entire 10-foot  
7 perimeter is required and intended to screen and separate new development or improvements to  
8 existing development from adjacent existing development and from the public right-of-way.  
9 Vegetated landscaping means grass, ground cover, mulch, shrubs, vines, hedges, or trees.  
10 Pavement, sand, shell, rock, and aggregate shall not be considered approved landscape material  
11 for the 10-foot peripheral landscape strip, except that clean shell and native beach shell may be  
12 used in lieu of mulch around shrubs. No encroachments shall be allowed within the ~~ten~~ (10) feet  
13 ~~p~~Peripheral ~~l~~andscape ~~s~~Strip including but not limited to structures, accessory structures, AC  
14 units, driveways, parking areas, pools and pool accessories, electrical equipment, signage,  
15 stormwater management systems, and holding tanks. Neither a structure nor any portion thereof  
16 shall be erected or shall encroach or overhang upon the required ~~p~~Peripheral ~~l~~andscape ~~s~~Strip.

17 The only exceptions shall be:

- 18 a. Dune walkovers, sidewalks and driveway crossovers, where permissible.
- 19 b. Fences.
- 20 c. Guttered roof overhangs that may extend two (2) feet into the Peripheral ~~l~~andscape ~~s~~Strip,  
21 only on lots 50 feet wide or less.
- 22 d. Sunshades that may extend two (2) feet into the Peripheral ~~l~~andscape ~~s~~Strip only on lots  
23 50 feet wide or less.
- 24 e. For non-conforming multifamily lots 50 feet wide or less, the owner may request an  
25 administrative waiver of up to 20% of the side setback (2-two feet on each side) to redress  
26 hardships associated with meeting driveways and parking requirements for multifamily  
27 development. Waiver limits are as follows: No portion of the waiver areas shall be used for  
28 habitable space, for an increase in building envelope of livable area from the first floor to the  
29 highest constructed element or be permanently enclosed or roofed, and; the waiver request  
30 must document need for additional space exclusively for parking and driveway use that does  
31 not increase the livable space envelope and offers the least invasive design option  
32 regarding encroachment into the side Peripheral ~~l~~andscape ~~s~~Strips.

33 **(10) Yard setbacks.** Yard setbacks, greater than ~~ten~~ 10 feet Peripheral ~~l~~andscape ~~s~~Strip, shall be  
34 required for structures based on zoning district minimum yard requirements, abutting properties,

1 abutting water, and building height requirement of the Overlay Code. No primary structures shall  
2 be allowed to encroach within the greater yard building setback area, however appurtenances and  
3 mechanical equipment for the primary structure, which are typically allowed within required yards  
4 may be located within the greater yard setback. Accessory structures, parking, and driveways may  
5 be located within the greater yard building setback area as long as County Codes and the Overlay  
6 Code district standards and architectural standards are met.

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

19 **(12) Nonconforming Lots.** It is the intent of this section to specify provisions of the Overlay Code that  
20 supersede the ~~C~~County nonconforming provisions and exceptions to Yards provisions and which  
21 sections of the ~~e~~county ~~e~~Code remain in place. It is also the intent to include provisions unique to  
22 nonconforming lots in the Overlay boundary. Other than the administrative waiver provided for in  
23 this Overlay ~~C~~code, it is the intent that all lots contain a 10 foot ~~p~~Peripheral ~~l~~Landscape ~~s~~Strip.

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

28 B) The minimum side yard interior setbacks in all districts for conforming and nonconforming lots,  
29 including lots less than 5,000 square feet shall be 10 feet. The only exception is provided for  
30 under the administrative waiver procedure for MMF and MCT-residential lots in this Overlay  
31 Code. In these cases, documentation shall be provided to indicate why the administrative  
32 waiver is warranted<sub>;</sub> and an administrative variance shall be not granted in addition to the  
33 administrative waiver.

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

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

17 **(14) -Disaster Recovery.** Following a natural disaster, as determined by the Board ~~of County~~  
18 ~~Commissioners~~, multifamily developments that are nonconforming due to their density may be  
19 rebuilt with no increase in square footage, so long as they comply with as many other development  
20 standards of this Overlay Code as possible, while still allowing the overall pre-disaster density  
21 which existed to be retained. In redevelopment of the site, first priority shall be given to  
22 establishing the pPeripheral landscape sStrip, to the greatest extent possible. Documentation  
23 shall be provided to indicate where a particular development standard cannot be met.

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

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

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

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**(k) Architectural Design Standards.**

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

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

- a. No driveway shall exceed 24 feet in width where it connects with the roadway.
- b. In MES and MSF Districts, only one ~~(1)~~ driveway crossing is permitted within the front yard setback. In MMF Districts, one driveway crossing allowed every 300 feet within the front yard setback.
- c. New private roads and parking and driveways, and those where 50% ~~percent~~ of their original area is repaired or replaced shall be paved with crushed shell, stone, brick, or other permeable pervious materials, ~~to in accordance with the latest technology allowed by permitting districts, improve drainage and runoff~~ and in a manner that will permit maximum water absorption. Pervious surfacing must be on a bed of sand designed and installed in a manner that will permit water absorption through the joints and the sand bed. New asphalt and concrete (porous or nonporous) shall be prohibited. Concrete walkways are permitted only when ADA compliance is required. Parking lot, driveway, patio and pool pavers shall be subject to Advisory Committee review. When pavers are installed, the contractor must provide a letter certifying that the pavers are pervious and that the pavers will be installed to maximize on-site water absorption. Developments built before 2008 that have asphalt driveways, are exempt from the pervious surface requirements of the Section when repairing or replacing their asphalt driveways, though encouraged to address runoff issues associated with driveways.
- d. Walkways are permitted within the pPeripheral iLandscape sStrip only when they are necessary to comply with the Americans with Disabilities Act. Asphalt paving is prohibited. This requirement shall not apply to areas under the footprints of approved structures.
- e. Stepping stones are permitted.
- f. Driveways shall not encroach upon the side pPeripheral iLandscape sStrip. Corner lots may have one ~~(1)~~ driveway crossing off either street but not both.
- g. Entry walkways shall be clearly defined and shall no greater than 4 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 (4)

~~feet in height (including railing) shall be allowed so long as they do~~ not encroach upon the 10 foot side ~~p~~Peripheral ~~l~~Landscape ~~s~~Strip.

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

## (2) Building and Facade Materials and Design

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

b. No reflective materials are permitted on building facades.

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

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

e. 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.

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

i. 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.

ii. Roof materials shall resemble non-reflective metal, wooden shingles, “dimensional” asphalt shingles, barrel tile, concrete tile, or slate. and roof additions shall be required to resemble or material uses on the existing structure on the same property.

iii. Flat roofs shall be exempt from all preceding roof material standards provided a parapet or mansard wall is used to screen the roof and rooftop equipment. Parapets and mansard walls must conform to the height limits.

## (3) Architectural Accents

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

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

c. 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.

d. 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

1 appearance as the outside of the structure, and shall be permanently affixed to the principal  
2 structure and be constructed of vinyl or painted wood.

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

5 f. Sunshades shall be permanently affixed and shall be retractable for use as hurricane shutters  
6 providing they meet County and State Code.

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

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

9 b. Fixtures for lighting areas shall follow a consistent theme.

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

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

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

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

16 d. Outside lighting fixtures shall be installed to orient light downward and to provide glare reduction  
17 optics and shielding features. No fixture shall direct light upward or onto adjacent property.  
18 (Exemptions shall include small accent lights that are directed upward to softly illuminate  
19 landscaping.)

20 e. Light globes shall not protrude below shades.

21 **(5) Fencing and Walls**

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

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

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

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

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

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

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

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

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

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

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

16 d. Sheds, gazebos, cabanas, and decks must be located behind the front building façade, and  
17 may not be located within the pPeripheral lLandscape sStrips. The only exception is on lots 300  
18 feet or greater in depth which may have screened accessory structures located in front of the  
19 building façade provided they are located at least 150 feet from the Ccounty right of way.

20 e. Roofing materials must resemble or be complimentary to the materials used on the principal  
21 structure.

22 f. Gazebos, -detached garages, and detached screened pool enclosures may not exceed 15 feet  
23 in height from finished grade. All other accessory structures may not exceed ~~ten~~ 10 feet in  
24 height.

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

27 i. Swimming pools are limited to one vertical accessory including but not limited to slides and  
28 diving boards. Vertical accessories shall not exceed eight feet in height. Swimming pools  
29 and pool equipment shall not be located within the pPeripheral lLandscape sStrips.

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

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

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

- 1 i. Units must be screened from off-site view.
- 2 ii. Consideration must be given to avoid impacts to adjacent properties.
- 3 iii. Mechanical equipment shall be expressly prohibited from being considered for a variance or
- 4 special exception.
- 5 i. Pool equipment and propane tanks of 250 cubic feet or greater shall be screened from off-site
- 6 view.
- 7 j. Miscellaneous accessory structures must be constructed consistent with the following
- 8 standards:
- 9 k. Ramps, where required, must be concealed with landscaping to the greatest extent possible,
- 10 and must blend with the scale and architectural features of the structure.
- 11 l. No accessory structures shall be permitted within the 10 feet ~~p~~Peripheral ~~l~~andscape ~~s~~Strip.
- 12 m. Above roof appurtenances on Commercial Buildings shall be screened from view.
- 13 ~~m-n.~~ New Dumpsters shall be stored and screened within an enclosed area, not in front of the
- 14 leading edge of the building façade. Waste receptacles, garbage and trash containers shall be
- 15 screened from off-site view and meet all other County code requirements. All existing dumpsters
- 16 that cannot be moved to meet the new requirements shall be required to be screened with an
- 17 enclosure that exceeds the height of the Dumpster.

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

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

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

26  
 27 **(l) Landscaping**

28 Landscaping on Manasota and Sandpiper Keys shall be subject to the provisions and standards of the  
 29 Overlay Code. In addition to such standards, all landscaping on the Manasota and Sandpiper Key shall  
 30 be installed, repaired and maintained consistent with the guidelines in this Section.

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

1 (2) The landscape plan must be drawn to scale with dimensions, distances and scale, and shall identify  
2 the type and location of existing and proposed vegetation and other landscape features including  
3 the proposed green vegetation in the peripheral landscape strip, the landscape plan for the yards,  
4 as well as all easements, building structures, accessory structures, stormwater retention, and  
5 similar features.

6 (3) The proposed plantings in the peripheral landscape strip shall meet the objectives to screen and  
7 separate new development or improvements to existing development from adjacent existing  
8 development and from the public right-of-way. Vegetated landscaping means grass, ground cover,  
9 mulch, shrubs, vines, hedges, or trees. Pavement, sand, shell rock, and aggregate shall not be  
10 considered approved landscape material for the 10-foot peripheral landscape strip, except that  
11 clean shell and native beach shell may be used in lieu of mulch around shrubs.

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

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

16 (6) Peripheral landscape strips and yard areas shall be treated with Florida friendly landscape material.

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

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

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

25 **(m) Signs Standards**

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

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

32 a. Private and temporary signs shall not be placed in the roundabout nor shall they be placed on  
33 any public right of way, including along Beach Road, Gulf Boulevard, or North Beach Road, and  
34 shall not exceed four square feet.-

- 1 b. Single-faced signs shall be painted black on the back side.
- 2 c. All new free-standing signs shall be monument signs. Maximum height of monument signs shall
- 3 be four ~~(4)~~ ft. above the crown of the road. Eight inch street names and number may be placed
- 4 on top of these monument signs.
- 5 d. Traffic or other directional sign, symbols or devices relating to traffic, parking, public services,
- 6 facilities or warnings shall be painted black on the rear when visible to the general public and be
- 7 mounted on decorative poles. Whenever a traffic or way finding directional sign is erected on
- 8 public right of way for the benefit of or upon request by a private development or individual, the
- 9 sign shall be paid by the project requesting or benefiting from the sign and be on decorative
- 10 poles paid by them.
- 11 e. No sign including an exempt sign shall be constructed, erected or interferes with any utility,
- 12 communication, cable or storm water infrastructure.
- 13 ~~e.f.~~ All temporary signs and flags shall be removed in the event of a tropical storm, hurricane and
- 14 flood warnings.
- 15 g. Flags shall not be placed in the public-right-of-way.
- 16 h. Non advertising directional signs, symbols or devices related to traffic, parking or warnings on
- 17 private property: entrances, exits, slow, no trespassing or no parking shall not exceed three
- 18 square feet.
- 19 ~~d.i.~~ Political signs shall be limited to four square feet and be remove in 10 days after the election
- 20 and may be erected no more than 45 days prior to election.
- 21 ~~e.i.~~ Murals and wall art shall not be calculated as sign area if they do not contain text or logos. All
- 22 wall art visible from the abutting or adjacent road right-of-way shall be reviewed for approval by
- 23 the Advisory Committee to ensure that wall art visible from the road shall be in character with
- 24 the coastal setting.
- 25 ~~f.k.~~ Two-sided signs with the same face on each side shall be calculated on only one side. With
- 26 respect to a double-faced (back-to-back) sign, there can be no separation between the backs of
- 27 each face of the sign other than the structural support to which each sign is attached.
- 28 i. Normal maintenance to existing conforming signs shall not be deemed alterations within this
- 29 Overlay Code.
- 30 m. Dedicatory tablets or memorial plaques setting forth the name or erection date of a building,
- 31 commemorating a person or persons and like uses shall be cast in metal or engraved in stone
- 32 or concrete or otherwise inscribed in or on a monumental material, not to exceed four square
- 33 feet.
- 34 n. No signs shall be exempt from obtaining a permit on Manasota and Sandpiper Key.

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

7 (3) Residential Signage

- 8 a. Single Family units and multifamily complex– one freestanding temporary yard sign that does  
9 not exceed ~~twelve (12)~~ by ~~eighteen (18)~~ inches. ~~For E~~example, for garage or property sale,  
10 lease or rent. An additional sign of 12x-18 inches which is located in their yard on a navigable  
11 body of water shall be allowed facing the water.
- 12 b. One ~~(1)~~ sign denoting the architect, engineer or contractor for work under construction, not  
13 exceeding four ~~(4)~~-square feet.
- 14 c. Multi-Family units shall be treated as a single unit with the exception of:
- 15 i. Multifamily developments may have one ~~(1)~~ community sign per ~~three hundred (300)~~ foot of  
16 road right-of-way ~~and street name. Eight inch street names and numbers may be placed on top~~  
17 of these signs.
- 18 ii. Community signs shall be monument signs, limited to four ~~(4)~~ foot in height and ~~sixteen (16)~~  
19 square feet in area. Community signs shall include eight ~~(8)~~-inch street numbers.
- 20 iii. Community signs may be two-sided providing each side is exactly the same and will count  
21 as only one side for sign allocation, and shall not contain any form of advertising.
- 22 iv. Community signs shall not be located in the side ~~p~~Peripheral ~~l~~Landscape ~~s~~Strip area.
- 23 iv. Residential signs may not be internally lit. Community signs may have low level ground –up  
24 lighting providing the light does not illuminate above or beyond the sign. All lit signs must  
25 comply with the County sea turtle lighting code and must provide two copies of the lighting  
26 plan to the County.
- 27 vi. Multifamily communities may have one ~~(1)~~ building wall or fence sign instead of a monument  
28 sign. Wall and fence signs shall be limited to ~~sixteen (16)~~ square ft. and shall include the 8  
29 inch street numbers. Wall signs shall not be located above the peak of the roof or highest  
30 constructive element. ~~Wall signs shall not project horizontally beyond the building wall.~~
- 31 vii. Vacant property may have one ~~(1)~~ sign of ~~sixteen (16)~~-square feet.

32 (4) Nonresidential Signage

- 1 a. Each unit is allowed a sign allocation of ~~sixty (60)~~ square feet. ~~Monument signs are preferred.~~  
2 Free standing signs must be monument signs. Sign allocation may be flexible where monument  
3 signs are inappropriate due to parking viability requirements.
- 4 b. Each unit is allowed one ~~(1)~~ monument primary sign not to exceed 25 square feet. Non-  
5 residential primary signs shall include street name and numbers of eight ~~(8)~~ inches in height and  
6 may contain movable lettering. Eight inch street names and numbers may be placed on top of  
7 these signs. These street names and number shall not be calculated as part of the total allowed  
8 square footage.
- 9 c. Monument primary signs may be two-sided providing each side is exactly the same and will  
10 count as only one ~~(1)~~ side for sign allocation. No portion of any monument sign shall be allowed  
11 to encroach onto a private walkway or driveway or within the public right-of-way.
- 12 d. Each unit may have one ~~(1)~~ building sign that does not rise above the peak of the roof or  
13 highest constructive element and does not project horizontally beyond the end of the building  
14 wall. Building signs are limited to ~~thirty-two (32)~~ square feet per sign. The sign allocation for  
15 each property combined between wall and free standing sign shall be 60 square feet. No portion  
16 of any wall sign shall be allowed to encroach onto a private walkway or driveway.
- 17 e. Monument signs shall not be located in the peripheral landscape strip.
- 18 f. Wall signs shall not be located on the side or rear of a building which abuts to a residentially-  
19 zoned property.
- 20 g. Changeable copy signs are limited to a maximum of eight sq. ft. per sign face with a maximum  
21 letter height of eight inches and shall be included in the sign allocation. Sign face may be  
22 illuminated with low level internal lighting that does not create a problem for our turtle friendly  
23 neighborhood.
- 24 h. Only in MCG & MCT commercial zoning districts may existing pole or pylon signs installed  
25 before February, 2005 be replaced, and only when parking will obscure sign face of a  
26 monument signs.
- 27 i. Banners, pendants, feather flags and sail flags in MCG & MCT commercial zoning districts, so  
28 long as they are sited on private property and do not fly over the public right of way, sidewalks  
29 or streets, and no more than one of these per 50 foot of frontage. No more than one of these  
30 allowed per 50 foot of frontage with a maximum of two per business property, and each banner,  
31 pendant, feather, flag and sail signs shall be no greater than 24 square feet, provided they may  
32 be flown no more than two times per calendar year and for no more than 30 days per permit.  
33 National and state flags are excluded from this requirement.
- 34 d.i. Vacant property may have one sign of 16 square feet.

1 (5) Prohibited signs

- 2 a. Neon, chasing, animated -or flashing signs
- 3 b. Signs that emit an audible sound or visible matter such as smoke or steam
- 4 c. Billboards
- 5 d. Portable illuminated signs, whirling signs, animated signs, or wind signs.
- 6 e. Temporary signs placed on sidewalks or bike paths.
- 7 f. Signs above the roof or mansard of the building.
- 8 g. New pole or pylon signs, except as provided in (4)(h) above.
- 9 h. Any sign prohibited by state or federal law.
- 10 i. Any sign creating a traffic hazard by obstructing vision in any sight triangle.
- 11 j. Any sign from preventing free ingress or egress from any door, window, fire escape or other
- 12 entrance or exit to any building, or any sign attached to a standpipe or fire escape.
- 13 k. Any sign that is obscene, such as a sign depicting nudity or sexual conduct.
- 14 l. Any sign that constitutes a public nuisance, such as signs that produce hazardous amounts of
- 15 glare, advertise an illegal activity, convey false information, or lead the public into errors of
- 16 conduct, thought or judgment, especially by intentionally deceiving.
- 17 m. Any sign that emits a sound, smell or smoke.
- 18 n. Any sign that has been abandoned, including primary signs, unless the signs panel within the
- 19 abandoned sign structure has been removed and replaced with a sign panel or neutral color
- 20 containing no message.
- 21 o. Any sign designed with mechanized or electric changeable copy to display more than one
- 22 image on an ongoing basis where any information flashes, fades, dissolves, or scrolls or signs
- 23 that move or create the illusion of movement, or signs that are or appear to be animated or
- 24 projected.
- 25 p. Any sign affixed to a tree or utility pole.
- 26 q. Portable signs which are manifestly designed to be transported as a trailer, on its own wheels
- 27 even where the wheels may be removed and the remaining chassis may be permanently
- 28 attached to the ground.
- 29 r. Primary signs with a noncommercial message.
- 30 s. Any off-premise sign.
- 31 e.t. Any vehicular sign located on a truck, bus, trailer, taxi or other vehicle used for the purpose of
- 32 advertisement on private property or on the public right of way. The only exception is a vehicle
- 33 used as transportation for the owner or employee of the business that is moved daily on and off
- 34 the property.

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

6  
7  
8 Section 2. Conflict with Other Ordinances. The provisions of this Ordinance shall  
9 supersede any provision of exiting ordinances in conflict herewith to the extent of said conflict.

10  
11 Section 3. Severability. If any subsection, sentence, clause, phrase, or portion of this  
12 Ordinance is for any reason held invalid or unconstitutional by any court of competent  
13 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and  
14 such holding shall not affect the validity of the remainder of this Ordinance.

15  
16 Section 4. Effective Date. This Ordinance shall take effect upon its filing with the Office  
17 of the Secretary of State, State of Florida.

1 PASSED AND DULLY ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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BOARD OF COUNTY COMMISSIONERS OF  
CHARLOTTE COUNTY, FLORIDA

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

ATTEST:

Barbara T. Scott, Clerk of  
Circuit Court and Ex-Officio  
Clerk to the Board of County  
Commissioners

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Janette S. Knowlton, County Attorney  
*LR2015-3205*