

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

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

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

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

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

Board shall mean the Board of County Commissioners of Charlotte County.

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

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

Buffer strip shall mean a side setback of at least ten (10) feet in width located immediately adjacent and parallel to the side lot boundary consisting of green, open areas without surfaces, driveways or private roads. A buffer strip of a corner lot abutting at least two (2) public roads may contain a sole driveway crossover provided said driveway crossover shall be the only vehicular access permitted for said parcel. Buffer strips meet the requirements of the buffer code and include vegetation that screens new development from existing development.

BZA shall mean the Charlotte County Board of Zoning Appeals.

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

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

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

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

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

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

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

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

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

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

Highest constructed element shall mean the highest point of a building or the highest point of any appurtenances thereto. Appurtenance includes but is not limited to ornamental fixtures and fittings and rooftop equipment such as chimneys, antennas, cupolas, elevator shafts and other mechanical or communications equipment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Structure height shall mean the height of a structure as measured from the NGVD to the top of its highest constructive element. Rooftop livable space shall be included as ten (10) feet in the calculation of the structure height.

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

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

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

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

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

(c) Intent. The intent of the overlay code is to serve as a vehicle for the implementation of initiatives for the preservation, conservation and future development of the islands as contemplated by the plan in a manner that is consistent with board policy.

(d) Boundary. The area affected by this overlay code shall be the geographical boundaries of the islands as set forth in the definition of "islands" in subsection 3-9-53(a) above.

(e) Applicability; conflict with other ordinances. The overlay code shall apply to development and redevelopment on the islands together with all other matters referenced in the overlay code. The terms development and redevelopment shall be construed liberally and shall include any plat, special exception, variance, DRC approval, site plan approval, building or sign permit, or any other official action of Charlotte County that has the effect of permitting development and/or redevelopment or any application for any of the preceding matters. The overlay code shall apply to the preceding matters notwithstanding the application of another provision(s) of the County Code to said matters. Except where expressly provided herein, the terms of the overlay code shall supersede and control in the event and to the extent of a conflict between the overlay code and another provision of the County Code. The Manasota Key Zoning District Overlay shall incorporate several zoning districts which shall be the only permissible districts as contained within this section. Zoning districts which are prohibited within the Manasota Key Zoning District Overlay include, but are not limited to, the following, as these districts may be replaced or amended:

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

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

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

(2) *Intent.* The MSF districts shall be used for single-family residential dwellings and for other uses normally associated with single-family residential dwellings. Each lot lawfully created as of the effective date of the overlay code shall contain no more than one (1) freestanding dwelling unit for use by one (1) family. Nothing herein is intended to prevent the grouping of lots or parcels for residential single-family uses. There are variations among the MSF districts in requirements which include differing lot areas, width, yards and uses.

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

- (A) Areas of the island that are presently zoned RSF-1 are rezoned to MSF-1;
- (B) Areas of the island that are presently zoned RSF-2 are rezoned to MSF-2;

- 2.5;
- (C) Areas of the island that are presently zoned RSF-2.5 are rezoned to MSF-3.5; and
- (D) Areas of the island that are presently zoned RSF-3.5 are rezoned to MSF-5;
- (E) Areas of the island that are presently zoned RSF-5 are rezoned to MSF-5;

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

- (A) Single-family dwellings, excluding mobile homes.
- (B) Nonprofit parks and playgrounds, as well as nature trails that exclude parking.
- (C) Art and music instruction, provided instruction is provided to only one (1) student at a time.
- (D) Noncommercial boat docks.

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

- (A) Private garage and storage structures subject to the following standards:
 - i. No metal buildings and/or temporary structures such as canvas awnings or carports shall be allowed.
 - ii. Accessory buildings over two hundred fifty (250) square feet must be compatible in appearance and materials to the residence.
 - iii. The total maximum coverage area of all accessory structures shall not exceed the greater of one thousand (1,000) square feet or one-half (1/2) the footprint of the principal structure. Nothing herein shall be construed to permit lot coverage in excess of the thirty-five (35) percent maximum lot coverage established by the development standards set forth in subsection 3-9-53(f) below. Owners of a lot that is one (1) acre or more in size may apply for a special exception from the total maximum coverage area limitation established in this subsection.
- (B) Greenhouses, the growing of plants and horticultural specialties provided that no sales are conducted on the premises.
- (C) Swimming pools.
- (D) Tennis courts.

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

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

- (A) Cluster houses and patio houses, provided a site plan is approved by the DRC. The recommendation of the architectural review committee shall be considered by the DRC in connection with this determination.
- (B) Beach clubs, provided that parking areas are not located within any setbacks.

(C) One (1) guest house or one (1) servant's quarters for each single-family dwelling provided the lot area shall be not less than twice the minimum lot area required for a single-family dwelling. The guest house or servant's quarters is intended for use on a temporary basis and shall not be rented for any period longer than three (3) months during any twelve-month period.

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

(E) Essential services and emergency services.

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

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

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

iii. Not specifically prohibited in that district.

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

(8) *Development standards.*

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

TABLE INSET:

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

Rear lot line, feet	10	10	10	10	10
Side yard	Same as principal building				
Abutting road right-of-way line	Same as principal building				
Rear or side line abutting a waterway, feet	20	20	20	20	20

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

- (i) MSF-3.5: 12,445 square feet; and
- (ii) MSF-5: 8,712 square feet.

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

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

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

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

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

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

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

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

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

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

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

(13) *Parking requirements.*

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

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

(g) *Manasota multifamily (MMF) zoning and land uses.*

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

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

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

- 3.5; (A) Areas of the island that are presently zoned RMF-3.5 are rezoned to MMF-
- 7.5; (B) Areas of the island that are presently zoned RMF-5 are rezoned to MMF-5;
- 10; and (C) Areas of the island that are presently zoned RMF-10 are rezoned to MMF-
- 12. (D) Areas of the island that are presently zoned RMF-12 are rezoned to MMF-
- (E) Areas of the island that are presently zoned RMF-15 are rezoned to MMF-

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

- (A) All principal uses and structures permissible in MSF districts;
- (B) Two-family dwellings;
- (C) Multiple-family dwellings;
- (D) Cluster houses;
- (E) Townhouses; and
- (F) Patio houses.

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

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

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

- (A) Beach clubs provided no parking is located within any setbacks;
- (B) Home occupations in accordance with section 3-9-80.1 of the zoning code;

and

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

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

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

(8) *Development standards.*

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

TABLE INSET:

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

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

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

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

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

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

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

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

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

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

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

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

(F) Buffer strips within multifamily residential developments placed on any two (2) or more lots that are shown on the zoning atlas on the effective date of the overlay code

shall contain the same number of buffer strips as the original lots would contain if these lots were developed individually. These buffer strips shall be shown along and parallel to the side boundaries of the project. All yards, interior setbacks and building heights shall apply to these structures, even if all buildings are part of the same development.

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

(13) *Parking requirements.*

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

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

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

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

(1) *Parking requirements.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (A) Hotels and motels.
- (B) Multiple-family dwellings.
- (C) Professional and business services.
- (D) Restaurants, pharmacies/drug stores, gift shops.
- (E) Essential and emergency services.
- (F) Convenience stores.
- (G) Private clubs.

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

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

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

- (A) Nonmotorized recreational rentals.
- (B) Retail sales and services not otherwise permitted.
- (C) Parking lots, garages and structures, excluding multilevel parking garages, provided that parking areas are located at ground level and do not encroach on side setbacks.
- (D) Such other uses as determined by the zoning official (or the zoning official's designee) to be:
 - i. Appropriate by reasonable implication and intent of this district;
 - ii. Similar to another use either explicitly permissible in this district or allowed by special exception; and
 - iii. Not specifically prohibited in this district.

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

(8) *Development standards.* The development standards, building heights, "no fill" areas, setbacks, driveways, green space, parking requirements, augering, and buffer strip provisions set forth in subsection 3-9-53(g) of the zoning code (MMF) shall apply to residential and mixed use development and the development standards in subsection 3-9-45(f) of the zoning code shall apply to commercial development with the exception of building height which shall not exceed the lesser of fifty-two (52) feet in structure height or three (3) stories of livable space. Residential densities within the MCT district shall not exceed fifteen (15) units per gross acre. For any use in the MCT district, neither a structure nor any portion thereof shall be erected or shall encroach or overhang upon the required setbacks.

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

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

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

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

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

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

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

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

- (A) Restaurants;
- (B) Professional services;
- (C) Personal services;
- (D) Business services excluding schools, automobile brokers, and laboratories;
- (E) Retail sales and services, provided that all merchandise is stored and displayed within fully enclosed buildings and provided further that television service shops, floor covering shops, pawnshops, electrical and lighting fixture shops and pet shops are excluded;
- (F) Resort marinas that do not include live-aboard dockage, sale of fuel and lubricants, laundry facilities open to the public, rental of personal motorized watercraft, and/or recreational facilities;
- (G) Private clubs;
- (H) Post offices;
- (I) Banks and other financial institutions;
- (J) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages; and
- (K) Essential and emergency services.

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

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

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

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

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

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

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

(A) Minimum lot requirements:

Area, square feet . . . 12,000

Width, feet . . . 100

Yard requirements:

Maximum front yard, feet . . . 18

Minimum side yard:

Interior . . . None

Abutting a road, feet . . . 20

Abutting a zoning district that allows residential uses . . . Half the building height (as determined per section 3-9-2) or 25 feet, whichever is greater

Minimum rear yard:

Abutting a lot, feet . . . 10

Abutting a road, feet . . . 25

Side and rear yard, abutting water, feet . . . 20

Maximum lot coverage, percent . . . 50

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

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

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

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

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

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

(G) *Pilings for structures.* Pilings for structures throughout Manasota and Sandpiper Key shall be augered into the ground, or otherwise introduced through contemporary technologies that are shown to reduce the noise and vibration in sufficient amount to meet the

intent of this section. The traditional practice of driving pilings into or onto the ground is hereby prohibited. Notwithstanding the contents of this subsection, this restriction shall not be applicable to pilings which are installed onto submerged lands as part of dockage or other marine structures.

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

(k) *Manasota environmentally sensitive (MES) zoning and land uses.*

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

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

(3) *Amendment of zoning atlas.* The zoning atlas is hereby amended to provide that areas of the island that are presently zoned ES are rezoned to the MES zoning district.

(4) *Principal uses and structures.* The following principal uses and structures are permissible in this district:

(A) Public and private game preserves, fish and wildlife management areas, hatcheries and refuges, parks and open spaces.

(B) Water conservation areas.

(C) Single-family residences that meet all development standards contained in this zoning district and the waterfront ordinance.

(D) Limited educational facilities such as canoeing, hiking, nature study and outdoor education in keeping with the intent of this district.

(5) *Accessory uses and structures.* Uses and structures that are customarily accessory and clearly incidental to the MES principal uses and structures are permissible in this district including piers, docks and wharves that comply with section 3-9-70 of the zoning code, entitled "Boat docks; boathouses; boat lifts."

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

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

(A) Essential services and emergency services.

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

i. Appropriate by reasonable implication and the intent of this district.

ii. Similar to another use either explicitly permitted in this district or allowed by special exception.

iii. Not specifically prohibited in this district.

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

(8) *Development standards.* The development standards, building height, "no-fill" areas, setbacks, driveways, green space, augering, and parking requirements for MSF districts set forth in subsection 3-9-53(f) shall apply to the MES district. Residential densities within the MES district shall be consistent with those found in section 3-9-28 (environmentally sensitive district) as said section may be amended. In addition, provisions contained in subsection 3-9-53(h) shall also apply to the MES district.

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

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

(I) *Manasota multi-family tourist (MMF-T) zoning and land uses.*

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

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

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

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

(B) Hotels, motels and tourist accommodations.

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

(D) Essential and emergency services.

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

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

(6) *Special exceptions.* Special exceptions procedures are set forth in subsection 3-9-53(o) of the overlay code. The following are special exceptions in the MMF-T district, and shall

be approved in this district according to the provisions of Section 3-9-7, and a favorable recommendation by the Manasota and Sandpiper Key Advisory Committee (MASKAC):

- (A) Private clubs.
- (B) Rental of non-motorized water recreational equipment.
- (C) Restaurants.

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

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

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

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

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

(E) Section 3-9-53(n), Fire hydrants, shall be fully applicable to the MMF-T district. There shall be no special exception or variance process to alter this requirement.

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

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

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

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

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

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

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

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

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

(1) *Establishment of planned developments.* Planned developments (PD) in the Manasota Key Zoning District Overlay shall be established pursuant to section 3-9-49. Approval by the development review committee (DRC) shall be required prior to final Pd approval by the

board of county commissioners. Additionally, the applicant for a PD shall appear before the Manasota and Sandpiper Key Advisory Committee (MASKAC), prior to PD concept plan approval, as this approval is outlined by subsection 3-9-49(d)(2).

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

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

(4) *Principal uses and structures.* Uses and structures permissible under the PD district shall be equivalent to those that would otherwise be permissible in lands subject to the rezoning to a PD. The following guidelines apply:

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

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

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

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

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

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

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

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

(A) Lands subject to a PD rezoning shall be contiguous whenever possible. If said lands are not contiguous, the twenty-five-foot PD setback as outlined in subsection 3-9-49(c)(2)(d) shall be applicable whenever the proposed PD abuts property not zoned PD. Said

PD setback shall contain the uses and structures permissible in buffer strips, as defined in this section.

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

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

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

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

TABLE INSET:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(m) Special exceptions.

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

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

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

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

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

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

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

(p) Development review procedure.

(1) *Preapplication conference.* Prior to submitting an application for any type of development, including a special exception or a variance, an applicant shall submit a request for a preapplication conference and shall set such a preapplication conference with the architectural review committee or its designee (a member of the architectural review committee duly appointed by the architectural review committee as its representative) to review, discuss, and receive recommendations from the architectural review committee regarding the proposed development's consistency and compliance with the overlay code. The request for review shall be accompanied by sketches, site plans, or any other documentation required by the architectural review committee, or its designee, to perform its review.

(2) *Architectural review committee review.*

(A) The architectural review committee, or its designee, shall review the proposed development for consistency and compliance with the overlay code. At the conclusion of the review, the architectural review committee, or its designee, will date and sign the applicable sketch, site plan, or other submitted documentation, or will prepare written comments regarding the proposed development with recommendations or notations as appropriate. The architectural review committee's findings shall be submitted to the community development department as soon as possible but no later than seven (7) days after the fifteen-day review period outlined in subsection 3-9-53(p)(B) has expired.

(B) Failure of the architectural review committee to review a request for review of a proposed application within fifteen (15) business days from the date all required information and documentation is received by the county shall forfeit the architectural review committee's right to participate in the review process for the application. Any sketch, site plan, or other documentation submitted to the county for review and approval shall be consistent with the sketch, site plan, or other documentation reviewed and signed by the architectural review committee for the proposed development.

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

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

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

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

(t) *Signs.*

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

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

Alter or alteration: Any change in size, shape, character or use of a structure, including, but not limited to a change, rearrangement or reconstruction of the structural parts and the moving from one location or position to another. Normal maintenance, painting and repairs to existing signs shall not be deemed alterations within the meaning of this section.

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

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

Area of sign: The area of any sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed including the frame around the sign, but not any supporting structure or brace. For designs consisting of individual letters or symbols attached to or painted on a surface, building wall or window, or signs in which the letters or symbols extend beyond the frame, the area shall be considered to be that of the smallest geometric shape which encompasses all of the letters and symbols. Address numbers and their accompanying background shall not be considered in the area of a

sign, provided that they are projected from, and not contained in, the primary display area of the sign, they are only address numbers and not entire addresses, and they meet the area requirements for address numbers contained in this Manasota Key Zoning District Overlay Code.

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

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

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

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

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

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

Class "A" signs (on-site):

(a) *Class "A", primary sign (or primary class "A" sign):* A monument sign (as defined in this section), ground sign, or pole (or pylon) sign (as defined in this section), used to convey information visually relating to or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever on or related to the premises where the sign is located. Primary class "A" signs are to be utilized as the principal advertising for the parcel or lot where one (1) or more business entities are located on the parcel or lot.

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

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

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

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

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

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

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

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

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

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

Hanging sign: A sign that hangs down from and is supported by or attached to the underside of a canopy, awning, marquee or a projection from or an extension of a structure.

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

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

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

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

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

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

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

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

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

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

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

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

Portable illuminated sign: A sign which is manifestly designed to be transported, as a trailer is transported, on its own wheels although the wheels of such signs may be removed and the remaining chassis may be attached permanently to the ground with electrical wiring and illumination as an integral part of total construction, and with potential electrical connection to power on the site to which it is transported. It is the characteristic of a portable illuminated sign that it is a changeable copy sign.

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

Prohibited sign: Any sign which is not permitted.

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

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

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

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

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

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

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

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

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

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

Snipe sign: Any sign generally of a temporary nature, made of any material when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences or other objects when advertising matter appearing thereon is not applicable to the present use of the premises upon which the sign is located.

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

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

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

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

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

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

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

(2) *Applicability.*

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

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

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

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

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

(F) Notwithstanding any other provisions of this section, any sign, display or device allowed under this section may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with all other requirements of the Code and this section.

(3) *General restrictions.*

(A) Prior to the erection, construction, installation, or alteration of any sign, a permit shall be applied for and obtained from the county building division, subject

to the prior approval of the zoning official and MASKAC, or its designee. The proposed sign shall be in accordance with all applicable provisions of the Code, unless such sign is specifically exempt in this section from the requirement for a permit. Normal maintenance as defined by the Florida Building Code, painting or repairs to existing signs, which do not alter the message, size, or height of the sign, shall not be deemed alterations within the meaning of this section, unless the activity involves removal and reinstallation of a sign face. Signs must be erected, constructed, installed or altered in accordance with a properly issued permit within one year from the issuance of the permit.

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

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

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

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

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

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

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

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

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

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

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

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

(B) Any sign that constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, coloring or method of illumination, or by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any official traffic control device by diverting or tending to divert the attention of drivers of moving vehicles from traffic movement on streets, roads, intersections or access facilities.

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

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

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

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

(G) Snipe signs.

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

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

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

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

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

(K) Roof signs.

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

(M) Blank temporary signs.

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

(O) Class "B" signs.

(P) Serial signs.

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

(R) Neon signs.

(S) Flashing signs.

(T) Canopy roof signs.

(U) Billboards.

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

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

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

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

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

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

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

(G) Non-advertising directional signs, symbols, or devices relating to traffic, parking, public services, facilities or warnings on private property. Such signs include, but are not limited to, "entrance", "exit," "slow," "no trespassing,"

"restrooms," and "telephones." These signs shall not exceed four (4) square feet in area or contain any advertising matter.

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

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

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

(K) Flags indicating weather conditions.

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

(6) *Temporary signs.*

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

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

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

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

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

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

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

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

(i) Holiday decorations.

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

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

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

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

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

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

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

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

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

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

(D) Flags, other than national or state government flags, that meet the restrictions contained in this section. Such flags shall only be allowed at a ratio of

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

(E) Banners or pennants erected in a nonresidential zoning district that meet the restrictions contained in this section. No banner or pennant shall be placed above a sidewalk, walkway, alley, driveway, or public or private roadway or right-of-way. No banner or pennant may remain on-site for more than fourteen (14) consecutive days. A site may not erect banners or pennants more than twice in a calendar year. The fourteen-day time limit restrictions and twice-per-calendar-year maximum time limit restrictions imposed in this section shall not apply to banners or pennants erected on any property owned and operated or leased by any federal, state or local government or agency thereof. In accordance with Title 36, United States Code, Chapter 10, as amended by Public Law 344, 94th Congress approved July 7, 1976, and F.S. Chapter 256, the United States or state flags may not be used as a banner or a pennant.

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

(G) Signs advertising open houses, provided that:

- (i) No more than three (3) signs, not exceeding four (4) square feet each, may be erected, constructed or installed on the property where the open house is being conducted; and
- (ii) No more than three (3) off-site directional signs, not exceeding two (2) square feet each, shall be allowed; and
- (iii) All signs shall contain the name of the real estate broker or firm conducting the open house; and
- (iv) All signs relating to an open house shall be removed each day at the close of the open house or by dusk, whichever occurs first; and
- (v) No sign shall be nailed, fastened or affixed to any tree, utility pole, street sign or any traffic control device.

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

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

(B) Awnings are permitted as follows:

- (i) Permanently fixed or retractable awnings over private property are permitted; and
 - (ii) Permanently fixed or retractable awnings shall have a minimum clearance of eight (8) feet above a sidewalk or walkway and eighteen (18) feet above any driveway; and
 - (iii) Any lettering larger than three (3) inches in height or symbols exceeding four (4) square feet in area shall be included in the total area of signage allowed on the face of the building.
- (C) Changeable copy signs (or reader boards) are permitted only as follows:
- (i) Changeable copy sign incorporated in the primary class "A" sign as follows:
 - (a) Changeable copy signage limited to a maximum of thirty-two (32) square feet, with a two-side maximum;
 - (b) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality; and
 - (c) The maximum height of the lettering shall be six (6) inches; and
 - (d) All types of freehand lettering and chalk on chalkboard surfaces are prohibited; and
 - (e) The sign face may be illuminated or nonilluminated; and
 - (f) The signage shall otherwise comply with the applicable total sign area regulations.
 - (ii) A freestanding changeable copy sign is permitted only if incorporated in an otherwise permitted primary class "A" monument sign, except as provided in subsection 3-9-53(t)(1), as follows:
 - (a) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality; and
 - (b) The maximum height of the lettering shall be six (6) inches; and
 - (c) All types of freehand lettering and chalk on chalkboard surfaces are prohibited; and
 - (d) The sign face may be illuminated or nonilluminated; and
 - (e) The signage shall otherwise comply with the applicable total sign area regulations. The changeable copy portion of the primary class "A" sign shall be included in the total area of which it is a part.
- (D) Projecting signs are permitted as follows:
- (i) A projecting sign shall not project more than three (3) feet from the face of the building or structure; and
 - (ii) A projecting sign shall not project over a public right-of-way; and
 - (iii) A projecting sign shall have the minimum clearance of eight (8) feet above a building walkway and eighteen (18) feet above a driveway; and
 - (iv) A projecting sign shall project from the wall and be at a ninety (90) degree angle; and
 - (v) A projecting sign shall not extend vertically above the window sill of the second story of a building and shall not block the visibility of any other sign.

(vi) The square footage of a projecting sign shall be included as part of the square footage allowed for secondary class "A" signs.

(E) Window signs. Window signs shall cover no more than twenty (20) percent of the glass area of a window. All signage shall be included as part of the square footage of a secondary sign.

(F) Primary class "A" signs for residential projects. Large areas on Manasota and Sandpiper Key are zoned Manasota, multi-family (MMF) or Manasota, commercial tourist (MCT). For residential multi-family development within areas so designated, the following requirements apply to permanent signs that advertise the name of the residential development:

(i) One (1) primary class "A" sign shall be permissible for each driveway that connects the residential development to a public right-of-way.

(ii) Signs for residential developments shall be monument signs.

(iii) Signs for residential developments shall be placed in the general vicinity of driveways for the project, and within the front green area buffer. Monument signs adhering to the regulations in this section shall not be considered to represent a structure.

(iv) Signs for residential developments shall not be located on the public right-of-way, and shall only contain the name of the residential project, and the street address for the project. In addition, each sign face may contain the logo of the residential development where the sign is located. In no case shall more than one (1) such logo per sign face be permissible under this section.

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

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

(8) *Area/number of signs.*

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

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

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

- (i) With respect to a V-type sign, up to ninety-degree angle, the two (2) sides are to be separated by a distance no less than one (1) foot and with the sign being totally intersected at one point: and
- (ii) With respect to a double-faced (back-to-back) sign, there can be no separation between the backs of each face of the sign other than the structural supports to which each sign face is attached.

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

Table 3
TABLE INSET:

<i>Zoning District</i>	<i>Maximum square footage for a primary class "A" sign*</i>	<i>Maximum square footage per secondary class "A" sign</i>
Environmentally Sensitive	25	8
Residential Multi-Family	75	25
Commercial General	75	25
Commercial Tourist	75	25
Planned Development	75	25

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

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

- (i) *Primary class "A" signs.*
 - (a) The number of square feet of area allowed for the primary class "A" sign shall be limited to one (1) square foot per linear foot of total building frontage of the lot or parcel. In no event shall the area of the primary class "A" sign which is not a monument sign exceed seventy-five (75) square feet.
 - (b) There shall be no more than one (1) primary class "A" sign for any parcel or lot, regardless of how many buildings or businesses are located on such parcel or lot. In addition, there shall be no more than one (1) primary class "A" sign for any one (1) building, regardless of the number of parcels or lots on which the building is located, except as provided in subsection 3-9-53(t)(3)(H).
- (ii) *Secondary class "A" signs.*
 - (a) An individual nonresidential occupant located within a multiple-occupancy structure of two (2) or more establishments shall not be permitted an individual primary class "A" sign, but may display an

individual secondary class "A" sign on the building in which the occupant is located.

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

(9) *Location, height and setbacks.*

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

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

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

(10) *Illumination.*

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

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

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

(11) *Maintenance.*

(A) An owner shall maintain a sign in substantially similar condition as when the sign was originally permitted and erected. Such maintenance shall include periodic painting and replacement, including both the sign area and structure, or supporting structure, when necessary to achieve the substantially similar appearance as the originally permitted signs. The owner shall promptly repair, replace or remove any broken, worn or illegible elements of a sign, or sign

awning or canopy. If the owner of the sign and the owner of the premises on which the sign is located are not the same, each shall be jointly and severally responsible for sign maintenance.

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

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

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

(12) *Permits required; permit fees.*

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

(B) Any person desiring to erect or alter a sign, except those exempt in subsection 3-9-53(t)(5) of the Code, shall file an application for a sign permit and pay the application fee to the director. Normal maintenance to existing signs shall not be deemed alterations within the meaning of this section and shall not require a permit or fee.

(13) *Applications for permits.*

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

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

(C) On receipt of an application, the director shall forward the application to the Manasota and Sandpiper Key Advisory Committee, or its designee, pursuant to the provisions of section 3-9-53 of the Code. The director shall also forward the

application to the appropriate county staff that shall review the application and may make an inspection of the site to determine compliance of the proposed sign with the existing laws and regulations, and to determine the location and size of any existing signs on the premises.

(14) *Nonconforming signs.*

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

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

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

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

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

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

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

(u) *Architectural design standards.*

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

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

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

(A) New construction of residential structures and/or fifty (50) percent reconstruction of existing legally established commercial structures. Reconstruction of existing residential structures shall not exceed the fifty (50) percent limit within a five-year period. The fifty (50) percent shall be calculated as a reconstruction of at least fifty (50) percent of the square footage of the legally permitted structure, or as fifty (50) percent of the value of the legally permitted

structure, whichever is lower in monetary value. The value of the legally permitted structure shall be determined by the highest of either the replacement valuation on the most recent county tax roll, or a certified independent appraisal. The burden of providing said certified independent appraisal shall be with the applicant. In no case shall the value of the land be factored in calculations made pertaining to this subsection.

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

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

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

(3) *Site design.*

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

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

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

(iii) Buffer areas shall not include accessory structures.

(iv) Stormwater ponds and retention areas, where required, shall generally be located in those portions of the site which naturally occur but no closer than ten (10) feet to the property boundary or public right-of-way unless reviewed and approved by the architectural review committee. This requirement shall not apply to drainage swales in single-family districts.

(B) Driveways shall be maintained, repaired, constructed, and installed according to all of the following standards:

- (i) Driveways shall be constructed to ensure that no portion of a parked vehicle encroaches onto the public right-of-way or over any public sidewalk/bicycle path intended for public use.
- (ii) New driveways and driveways where more than fifty (50) percent of their area (not including enclosed garages) is repaired/replaced shall be completely (i.e. entire driveway) constructed of one (1) of a combination of the following materials: porous brick, porous pavers, rock, pebbles, washed crushed shell, or gravel. New asphalt and concrete (porous or non porous) shall be prohibited.
- (iii) No driveway shall exceed twenty-four (24) feet in width at the portions where it connects to a roadway. Additional internal width may be permitted only to accommodate required turning lanes.
- (iv) Driveways shall not encroach buffer strip areas, unless they are the only driveway and are only a crossover.

(C) Building and facade materials. Building facades shall be constructed, maintained and improved according to all of the following:

- (i) Facade walls, excluding doors, windows, and trim. All facades shall be improved and constructed with one (1) or a combination of the following materials: masonry, stucco, vinyl, and/or wood. Specific accent materials shall be allowed pursuant to these standards.
 - (a) Masonry. A masonry finish may be allowed on any facade; however, unfinished and exposed concrete block shall be prohibited.
 - (b) Wood. A wooden finish may be allowed on any facade pursuant to the additional standards. Wooden panels and board shall be installed in either a flush horizontal or vertical pattern. Slanted wood patterns shall be prohibited unless specifically reviewed and approved by the architectural review committee.
 - (c) Stucco. A stucco finish may be allowed on any facade.
 - (d) New technologies shall be reviewed and considered by the architectural review committee and/or the Manasota and Sandpiper Key Advisory Committee.
 - (e) Neon and florescent colors shall be prohibited.
 - (f) No reflective materials shall be used on building facades.
- (ii) Trim shall be required around all wall openings including, but not limited to, windows, doors, balconies and alcoves except as noted below. Trim shall be installed pursuant to all of the following standards:
 - (a) Trim shall resemble wood, masonry stone, stucco or tile.
 - (b) Reflective finishes shall be prohibited.
 - (c) Trim shall be a minimum of three inches in width.
 - (d) Colors: Neon and fluorescent colors shall not be used on any trim or structure. The use of black paint shall be limited to trim.

(D) Accent materials. Accent materials may be used on buildings but shall be limited to twenty (20) percent of any building facade. When using faux finishes, they should resemble indigenous Florida material. No reflective materials shall be used on building facades. Additionally, from time to time, other accent materials may be proposed subject to review and a recommendation for approval by the architectural review committee.

- (E) Windows shall be placed on all facades and exterior walls.
- (F) All buildings shall have a clearly defined building entrance.
- (G) Garage doors are required to be flush or recessed back from the front facade so as not to dominate the architectural design and appearance.
 - (i) Garage door height is limited to ten (10) feet unless reviewed and approved by the architectural review committee.
- (H) Roofs shall be constructed, maintained and repaired with the following standards:
 - (i) Roofs shall be predominantly opaque in appearance. Glass surfaces such as skylights shall be limited.
 - (ii) Roof materials shall resemble non reflective metal, wooden shingle, "dimensional" asphalt shingle, barrel tile, concrete tile, slate or new materials reviewed and approved by the architectural review committee.
 - (iii) Flat roofs shall be exempt from all preceding roof material standards and restrictions provided a parapet or mansard wall is utilized to screen the roof and rooftop equipment. Parapets and mansards are required to be constructed within the height limitations.
 - (iv) Solar panels shall be installed to be at the same angle of incline as the roof pitch, where possible. Solar panels should be positioned on portions of the roof that are not readily seen from the abutting roadways.
- (I) Architectural accents:
 - (i) Chimneys shall be constructed within the height limitations and must be vertical.
 - (ii) Antenna structures shall be screened from the abutting roadway and shall be subject to the district height limitations.
 - (iii) Wall art is strongly discouraged from the front building facade. All wall art visible from the abutting roadways shall be approved by the architectural review committee. And be in character with the coastal setting.
 - (iv) Gutters shall resemble and/or match the building trim or primary facade. Gutters shall not cause water to accumulate on neighboring properties or directly upon driveways or sidewalks.
 - (v) Lattice. The space between the first floor of a building and the ground shall be screened with lattice or breakaway walls. Lattice shall be used specifically to conceal structure areas, and shall be the same pattern and appearance through the outside of the structure in which it is attached.
 - (vi) Lattice shall be permanently secured to the principal structure. Lattice shall be vinyl or painted wood, and complement the building.
 - (vii) Address numbers. All structures shall post address numbers on the front of building facades in a location either by the front entrance or garage door, and/on signage easily visible and legible from the adjacent roadway.
- (J) Lighting. Lighting fixtures, structures and elements shall be constructed, installed, maintained and replaced consistent with all of the following standards:
 - (i) An outside lighting plan is required to be submitted to the architectural review committee with or prior to the application for approval.

- (ii) All outside lighting fixtures shall be installed to orient light downward and to provide glare reduction optics and shielding features. No fixture shall direct light upward or onto adjacent property. (Exemptions shall include small accent lights that are directed upward to softly illuminate landscaping).
- (iii) Fixtures for lighting areas should follow a consistent design theme. Dramatically different styles shall be avoided.
- (iv) Light globes must not protrude below shades. Light shades must screen the point source of light to minimize sky glow.
- (v) Exterior low level lights should be provided for pedestrian safety.
- (vi) Fixtures shall adhere to state, county and local requirements.
- (vii) Lighting on balconies, porches and raised walkways shall be installed no higher than one (1) foot from the floor (i.e. no overhead lighting).
- (viii) Security lighting shall be permitted throughout the night during non turtle season. During turtle season security lights shall be attached to a motion sensor with limited timing.
- (ix) Light posts. Light posts shall be installed consistent with the following standards:
 - (a) Light posts shall be constructed and installed to resemble wood, polished concrete or painted metal.
 - (b) Unfinished and/or unpainted metal and concrete surfaces and untreated wooden posts shall be prohibited.
 - (c) Light posts on private property shall not exceed sixteen (16) feet in height.

(K) Fencing and walls. Yard fences and walls shall be constructed, maintained and repaired consistent with the following standards:

- (i) Materials should resemble wood, wrought iron masonry and/or PVC.
- (ii) Coated chain link fencing shall only be permissible to enclose tennis courts and/or swimming pools.
- (iii) Unfinished concrete block shall be prohibited. Concrete block walls shall be split-faced, or finished, and capped.
- (iv) Wood fences and walls shall be pressure-treated to prevent deterioration and rot.
- (v) Solid walls and fences should maintain openings at the bottom every twenty-five (25) feet of a minimum of nine (9) inches wide and six (6) inches tall to allow for wildlife movement.
- (vi) Fences and walls shall not exceed six feet of height, measured from the finished grade of the parcel, unless otherwise required as part of a project's approval or original permit.
- (vii) Fences and wall forward of the front building facade shall not exceed four (4) feet in height.
- (viii) Fences and walls that abut a body of water shall not exceed four (4) feet in height for portions that extend beyond the building facade.

(L) Accessory structures. Accessory structures shall be installed, constructed, maintained and repaired consistent with all of the standards below:

- (i) Accessory structures shall not be located within the buffer area.
- (ii) All accessory structures shall be securely anchored to the ground.

- (iii) Accessory structures shall not be located forward of the front building facade.
- (iv) Sheds, gazebos, cabanas, decks and animal houses.
 - (a) Sheds, gazebos, cabanas and animal houses roofing materials shall resemble or be complimentary to the materials used on any existing principal structure on the same property.
 - (b) Structures should be limited to ten (10) foot in height. However gazebos may be permitted to a maximum of fifteen (15) feet.
- (v) Swimming pools, hot tubs, spas, and other water features and their decks shall be installed and constructed consistent with the following standards:
 - (a) Swimming pools, shall be limited to one (1) vertical accessory including, but not limited to, slides and diving boards. Said accessories shall not exceed eight (8) feet in height.
 - (b) Pools and spas shall be permanently installed in the ground or within a masonry foundation. Above ground pools or spas are prohibited.
 - (c) Portable spas shall be modified to adhere to these standards.
- (vi) Air conditioning and heating units shall be installed according to all the following standards:
 - (a) Window units shall not be installed on the front facade.
 - (b) Units shall be screened from off-site view. Window units shall be exempt from this standard.
 - (c) Consideration shall be given to avoid impacts to adjacent properties; air conditioning and heating units shall not encroach on setbacks, buffers or buffer strips.
- (vii) Waste receptacles, garbage and trash containers. Waste receptacles shall be installed, constructed, maintained and repaired as follows:
 - (a) Trash can storage areas shall be completely screened from off-site view, and located in full compliance with the county's dumpster ordinance.
 - (b) Dumpsters shall be stored and screened within an enclosed area, not in front of the leading edge of the building facade.
 - (c) Dumpsters and trash containers shall meet other Code requirements.
- (viii) Miscellaneous accessory structures shall be consistent with the following standards:
 - (a) Ramps, where required, shall be concealed with landscaping as much as possible, and shall blend with the scale and architectural features of the building.
 - (b) Carports. Temporary carports and similar structures shall be prohibited.
 - (c) Mailboxes. Community mailboxes, when available, shall be used for single-family residences. No individual mailbox shall be installed in the public right-of-way when group boxes are available.
 - (d) Multi-family and commercial development shall provide group mailboxes on-site and off the public right-of-way.

(e) Garden features. Garden features such as arbors, trellises, sculptures, and birdbaths, shall be securely anchored to the ground. Height of garden features shall not exceed eight (8) feet; height of fountains shall not exceed fifteen (15) feet. Heights pertaining to this subsection shall be measured from the finished grade of the site where the feature or fountain is to be located.

(M) Landscaping. Landscaping on Manasota and Sandpiper Key shall be subject to the provisions and standards of the Charlotte County Zoning Code. In addition to such zoning standards, landscaping on the Keys shall be installed, repaired and maintained consistent with the guidelines in this section.

(i) A landscaping plan is required to be submitted to the architectural review committee with or prior to the application for approval. All easements existing and proposed must be shown on the plan, and must be drawn to scale with dimensions, distances and acreages. Building structures and stormwater retentions and similar features shall be shown.

(ii) Foundation plantings shall be installed around buildings to soften their appearance from off site view.

(iii) All side and rear buffer areas shall be treated with Florida friendly landscape material.

(4) *Commercial buildings and multi-family residences.* Standards of this subsection apply to multi-family residences, commercial structures, and existing structures that involve repair or reconstruction in excess of fifty (50) percent of the structural replacement. New building additions for said structures shall adhere to these standards in all cases as well as adhering to the above community standards.

(A) Primary building entrances shall be oriented to adjacent roadways.

(B) Principal buildings shall include a permeable pedestrian pathway along its front facade linking site to adjacent parking.

(C) Loading docks and delivery vehicle parking areas should be located to the rear and side of building. To the extent possible, these elements should not be placed between the front building facade and the roadway.

(D) Drive-thru facilities shall be prohibited.

(E) All handicapped-accessible spaces must be located on an accessible route no less than forty-four (44) inches wide so that users will not be compelled to walk or wheel behind parked vehicles.

(F) Parking lot areas shall be required to be screened with low fencing and/or landscaping whenever areas abut a public right-of-way, residential uses, or property which contains residential density with low fencing and/or landscaping.

(G) A landscaping plan prepared by a registered landscape architect shall be submitted with all new construction and/or modifications to existing structures that exceed fifty (50) percent of the total structure's replacement value.

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

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

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

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

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

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

(Ord. No. 2005-010, § 1, 2-15-05; Ord. No. 2005-067, § 1, 8-16-05; Ord. No. 2006-006, § 1, 1-17-06; Ord. No. 2006-007, § 1, 1-17-06; Ord. No. 2006-069, §§ 1--4, 8-15-06; Ord. No. 2007-015, §§ 1--7, 4-17-07)