



AGENDA  
PLANNING COMMISSION  
MONDAY, SEPTEMBER 27, 2010, 2:00 PM  
City Council Chambers

NOTE: Anyone wishing to address the Council on any agenda item may do so at the appropriate time during the meeting. Those who choose to speak must state their name for the record. Each person will be allowed to speak once on each subject up to a maximum of three minutes.

I. CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
  - 1. October 25, 2010

II. APPROVAL OF MINUTES

- A. [Meeting of August 23, 2010](#)

III. PUBLIC HEARINGS

- A. [ZA-12-10 - AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, REPEALING ORDINANCE 1610-09; AND AMENDING CHAPTER 26, ARTICLE 11, "SIGN STANDARDS", CODE OF ORDINANCES, CITY OF PUNTA GORDA, FLORIDA; AMENDING CHAPTER 26, ARTICLE 11, SECTION 11.3, "PERMITTED SIGNS", CODE OF ORDINANCES, CITY OF PUNTA GORDA, FLORIDA ADDING A NEW SUBSECTION 11.3\(r\). RELATING TO PORTABLE SIGNS; PROVIDING PERMIT REQUIREMENTS FOR PORTABLE SIGNS; PROVIDING FOR PORTABLE SIGNS WITHIN COMMERCIALY ZONED DISTRICTS; PROVIDING STANDARDS FOR THE LOCATION, DESIGN, USE AND MAINTENANCE OF PORTABLE SIGNS; PROVIDING FOR THE DISCONTINUANCE AND REMOVAL OF NONCONFORMING PORTABLE SIGNS; AMENDING CHAPTER 26, ARTICLE 11, SECTION 11.4, "CC SIGNAGE", SUBSECTION 11.4\(e\) \(5\), CODE OF ORDINANCES, CITY OF PUNTA GORDA, FLORIDA DELETING REFERENCES TO PORTABLE SIGNS, DELETING THE SUNSET PROVISION, AND ALLOWING THE INSTALLATION OF A WALL MOUNTED MENU SIGN; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.](#)

[CONTINUED FROM THE 08/23/2010 MEETING](#)

- B. [ZA-16-10 - AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING](#)

CHAPTER 26 OF THE CITY CODE OF ORDINANCES KNOWN AS "THE LAND DEVELOPMENT REGULATIONS", ARTICLE 3, REGULATING DISTRICTS, SECTION 3.13, SRO, SPECIAL RESIDENTIAL OVERLAY DISTRICT, SUBSECTION (s) REAL ESTATE SIGNS, AND AMENDING ARTICLE 11, SIGN STANDARDS, SECTION 11.3, PERMITTED SIGNS, SUBSECTION (I), REAL DIRECTIONAL ESTATE SIGNS, EXTENDING THE PROVISIONS FOR OFF-PREMISES OPEN HOUSE SIGNS ON DEVELOPED PRIVATE PROPERTY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- C. ZA-17-10 - AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING CHAPTER 26, CODE OF ORDINANCES, CITY OF PUNTA GORDA, FLORIDA, KNOWN AS "THE LAND DEVELOPMENT REGULATIONS"; AMENDING ARTICLE 19, SECTION 19.3, "DEFINITIONS" TO PROVIDE A NEW DEFINITION FOR THE TERM "RESTAURANT" AND RENUMBERING ACCORDINGLY; AMENDING ARTICLE 3, REGULATING DISTRICTS, SECTION 3.9, CC, CITY CENTER DISTRICT, SECTION 3.9(c), USES PERMITTED WITH CONDITIONS, ADDING SUBSECTIONS (12), (13), (14) AND (15) TO INCLUDE PERMANENT NON-SEATING PUBLIC FOOD SERVICE ESTABLISHMENTS, CONVENIENCE STORES WITH LIMITED FOOD SERVICE, CONVENIENCE STORES WITH SIGNIFICANT FOOD SERVICE, AND FOOD OUTLETS WITH LIMITED FOOD SERVICES; THEREBY ALLOWING CERTAIN RESTAURANTS TO BE LOCATED WITHIN 200 FEET FROM A NEIGHBORHOOD RESIDENTIAL ZONING DISTRICT BOUNDARY; AMENDING ARTICLE 4, "USES PERMITTED WITH CONDITIONS", ADDING NEW SECTIONS 4.35, 4.36, 4.37, AND 4.38 TO PROVIDE CONDITIONS FOR PERMANENT NON-SEATING PUBLIC FOOD SERVICE ESTABLISHMENTS, CONVENIENCE STORES WITH LIMITED FOOD SERVICE, CONVENIENCE STORES WITH SIGNIFICANT FOOD SERVICE, AND FOOD OUTLETS WITH LIMITED FOOD SERVICES TO BE LOCATED WITHIN 200 FEET FROM A NEIGHBORHOOD RESIDENTIAL ZONING DISTRICT BOUNDARY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

IV. NEW BUSINESS

V. UNFINISHED BUSINESS

VI. STAFF COMMENTS

A. CRA Status Report

VII. COMMITTEE/BOARD COMMENTS

VIII. CITIZENS' COMMENTS

IX. ADJOURNMENT

Anyone wishing to address the Board/Committee on any agenda item may do so at the appropriate time during the meeting. Those who choose to speak must state their name for the record. Each person will be allowed to speak once on each subject up to a maximum of three minutes.

At public hearings, any member of the audience who wishes to speak will be recognized and heard. All persons must be sworn in prior to offering testimony. The following motion format is recommended for use by a Board/Committee member in a quasi-judicial proceeding: Based on the evidence and testimony presented at this Public Hearing for Item # \_\_\_\_\_, I move that we recommended to the City Council (approval/approval with conditions/denial) of this request. □

If any person decides to appeal any decision made by this Board/Committee with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record

includes the testimony and evidence upon which the appeal is to be based.  
In accordance with the Americans with Disabilities Act and Florida Statute 286.26, persons with disabilities needing special accommodations to participate in this proceeding should contact the Office of the City Clerk at (941) 575-3369.



PLANNING COMMISSION  
CITY OF PUNTA GORDA  
9/27/2010

 Print

Approval of Minutes\*

Title: Meeting of August 23, 2010

Funds: N/A

Summary:

Recommended Action: For Commisison Approval

Department/Division: Urban Design

**EXHIBITS:**

1.  [Minutes from August 23, 2010](#)
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**PLANNING COMMISSION  
MEETING  
AUGUST 23, 2010**

**MEMBERS PRESENT:** Lynne Matthews, Chairman  
John Burrage, Massey Loughman, Bill Schindler,  
Charles Thomas, Charles Zajicek, Edward Zapke

**OTHERS PRESENT:** Teri Tubbs, Zoning Official  
Joan LeBeau, Chief Planner  
Dennis Murphy, Growth Management Director  
Mayor Harvey Goldberg

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting - September 27, 2010

**APPROVAL OF MINUTES**

- A. Meeting of July 26, 2010
  - Mr. Zapke MOVED, Mr. Loughman SECONDED approval of the July 26, 2010 minutes.  
MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARINGS**

- Recording Secretary Smith swore in all participants.
- A. ZA-12-10 - An Ordinance of the City of Punta Gorda, Florida, Repealing Ordinance #1610-09; and amending Chapter 26, Article 11, Sign Standards, Code of Ordinances, City of Punta Gorda, Florida; amending Chapter 26, Article 11, Section 11.3, Permitted Signs, Code of Ordinances, City of Punta Gorda, Florida, adding a new Subsection 11.3(r), relating to portable signs; providing permit requirements for portable signs; providing for portable signs within commercially zoned districts; providing standards for the location, design, use and maintenance of portable signs; providing for the discontinuance and removal of non-conforming portable signs; amending Chapter 26, Article 11, Section 11.4, CC Signage, Subsection 11.4(e)(5), Code of Ordinances, City of Punta Gorda, Florida, deleting references to portable signs, deleting the sunset provision and allowing the installation of a wall mounted menu sign; providing for conflict and severability; and providing an effective date.
- Ms. Teri Tubbs, Zoning Official, announced several deficiencies had been discovered after adoption of Ordinance #1610-09, noting certain clarifications were also found to be necessary. She outlined the proposed amendments as follows: (1) provision moved to Section 11.3, Permitted Signs, as same was originally inserted under City Center (CC) signage but was applicable to all commercial zoning districts; (2) requirement for

a “no charge” permit to be used for tracking purposes as opposed to imposing additional permitting costs on businesses; (3) permitted location of portable signs clarified to help ensure public safety and to prevent same from being used as off-premise signage; (4) maximum dimensions to include sign frames, wheels and/or handles; (5) removed limitation of only “A” frame signs as several other designs were already in use which met the intent of City Code but prohibited any signs which spun, twirled or rotated as well as temporary corrugated plastic board signs with wire posts; (6) businesses currently using such signage to come into compliance within 90 days of adoption of ordinance; (7) sunset provision removed. She clarified the proposed amendments were intended to clarify areas and to allow certain signs which were currently in use to continue to be used as same met the regulation’s intent. She continued any permitting costs associated with such signage were removed, as these amendments were intended to assist businesses by allowing an additional, promotional tool. She concluded the Urban Design Division recommended approval of ZA-12-10.

- Ms. Matthews inquired if it was standard procedure to require \$300,000 in liability insurance, as stated in Section 26-11.3(r)(3)(a).
- Ms. Tubbs replied affirmatively, explaining same represented a rider placed on a business’s general liability policy.
- Ms. Matthews inquired if existing sign owners were already paying same.
- Ms. Tubbs replied some may not be aware of same; thus, it would be necessary to advise them of the requirement.
- Mr. Thomas commented such riders were often costly, acknowledging the requirement applied only to items placed in the right-of-way (ROW), such as was often seen downtown.
- Ms. Matthews asked if the existing signs at Cubby’s Homemade Ice Cream required this insurance.
- Ms. Tubbs replied she believed only one was in the ROW.
- Ms. Matthews opined it would be cost prohibitive for many small businesses.
- Mr. Schindler countered most businesses would already have this insurance.
- Ms. Matthews disagreed, pointing out this was additional.
- Mr. Schindler maintained he felt the cost would not be significant.
- Ms. Matthews responded she was aware from personal experience that adding such a rider was expensive.
- Mr. Thomas asked if the City’s Risk Management Division was recommending this requirement.

- Ms. Tubbs replied it was standard for anything located in the City ROW, advising this provision was included in the original ordinance and was simply carried forward into the proposed ordinance.
  - Mr. Thomas pointed out Section 26-11.4(e)(5)(c) required the City to be named as an additional insured but had not specified an amount.
  - Mr. Schindler inquired if the City would be liable if a business owner did not have that type of insurance.
  - Ms. Tubbs replied such a rider would provide an extra layer of protection for the City, acknowledging any incident would likely cause suit to be filed against all parties, including the City.
  - Ms. Matthews called three times for anyone to speak on ZA-12-10.
  - Mr. Schindler MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
  - Mr. Zajicek asked if business owners had reviewed the proposed ordinance.
  - Ms. Tubbs replied she had not held a meeting specific to ZA-12-10; however, plans were in place to meet with the Punta Gorda Chamber of Commerce (PGCC) to review any upcoming changes to the sign code, including ZA-12-10.
  - Mr. Zapke inquired if the PGCC received copies of the Commission's agenda material.
  - Ms. Tubbs replied affirmatively, adding the entire agenda packet was also available on line.
  - Mr. Burrage MOVED, Mr. Zapke SECONDED to find ZA-12-10 consistent with the Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented.
  - Mr. Zajicek suggested the matter be tabled until after review by the PGCC.
  - Mr. Zapke countered the PGCC had already been provided with copies of the ordinance via the Commission's agenda packet.
  - Ms. Matthews added she was aware certain members of the PGCC were not in total agreement.
  - VOTING AYE: Burrage, Zapke, Thomas.
  - VOTING NAY: Loughman, Schindler, Zajicek, Matthews.
  - MOTION FAILED.
  - Mr. Zajicek MOVED, Mr. Loughman SECONDED to continue ZA-12-10 to September 27, 2010. MOTION CARRIED UNANIMOUSLY.
- B. ZA-15-10 - An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 26 of the City Code of Ordinances known as the Land Development Regulations, Article 3, Regulating Districts, amending Subsection 3.13, SRO, Special Residential Overlay

District, amending Subsection 3.13(p), Temporary Buildings and Above Ground Swimming Pools, adding a definition for “kiddie pools”; providing for conflict and severability; and providing an effective date.

- Ms. Tubbs announced with use of the recently adopted ordinance regulating above ground pools, staff discovered there was no clear definition of kiddie pools as referenced within that ordinance; thus, ZA-15-10 was proposed to define kiddie pool as any pool which was capable of holding a maximum depth of 24 inches of water or less. She noted this clarification was consistent with the Florida Swimming Pool Code as to depth. She concluded with staff’s recommendation for approval.
- Mr. Zapke opined the term kiddie pool was not specific, opining such types of pools could be quite large.
- Ms. Tubbs pointed out it was required to be located on the lanai and within the setbacks.
- Ms. Zapke stated he would like to see a requirement for the walls to be inflatable and specific diameter restrictions.
- Ms. Matthews pointed out many kiddie pools were constructed of pre-molded plastic.
- Mr. Burrage commented his neighbor had a kiddie pool which encompassed the entire lanai.
- Ms. Matthews confirmed the proposed ordinance addressed only the definition of kiddie pools. She then called three times for anyone to speak on ZA-15-10.
- Mr. Burrage MOVED, Mr. Loughman SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Burrage MOVED, Mr. Zajicek SECONDED to find ZA-15-10 consistent with the Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

#### **NEW BUSINESS**

- A. An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 23, Traffic, Code of Ordinances, City of Punta Gorda, Florida, adding a new Section 23-21, prohibiting the parking of vehicles and trailers with signs, graphics or printing in certain areas of non-residential zoned properties; amending Section 23-14(a), relating to penalties; amending Section 23-14(c), relating to citation contests; amending Section 23-19, holding registered owners responsible for violations; providing for conflict and severability; and providing an effective date.
- Ms. Tubbs drew members’ attention to the proposed ordinance, as delineated in the agenda material, stating same was drafted by the City Attorney for the Commission’s information and comments. She mentioned the review process did not include a

formal public hearing before the Commission as the proposal was for an amendment to Chapter 23, Traffic, of the City Code. She explained the intent was to address traffic safety hazards presented by signage in or on vehicles as well as the aesthetic blight and visual clutter created by such signs. She clarified the ordinance would limit the location of any vehicle or trailer if same had any sign, graphics or printing larger than three square feet in area per side, unless parked temporarily; however, the ordinance did not apply to vehicles and trailers parked in the rear of any building, within an enclosure, garage or carport which was walled on at least three sides or within any approved loading or delivery areas. She pointed out the ordinance allowed the temporary parking of such vehicles in the public right-of-way (ROW) as necessary to conduct business and contained a provision which permitted temporary parking of such vehicles associated with any approved special event. She stated the ordinance provided for a civil penalty as follows: first offense, written warning; second offense, \$100; third offense, \$250; any subsequent offense, \$500. She concluded the ordinance was scheduled to be heard at the September 15, 2010 City Council meeting.

- Mr. Schindler opined this was a compromise to what had been proposed in the past and represented the best way to satisfy business owners and citizens.
- Mr. Burrage concurred.
- Mr. Zapke asked if Code Compliance Officers and the Police Department would be responsible for enforcement.
- Ms. Tubbs replied affirmatively, confirming same would be done on both a complaint and sight basis.
- Ms. Matthews inquired what would happen to the trolleys parked at Gregg's Automotive.
- Ms. Tubbs replied they would have to be moved to the rear of the property.
- Mr. Zajicek commented on Section 23-21, questioning the meaning of "certain areas."
- Ms. Tubbs replied the ordinance described that term, confirming the language had been drafted by the City Attorney.
- Mr. Thomas commented the City should first research what had been done in other communities.
- Ms. Tubbs responded a significant amount of research had been done relative to other municipalities, many of which included such restrictions in their sign codes and had been legally challenged. She stated the proposed amendment had been written in a manner so as to avoid same.

- Ms. Matthews confirmed this would not apply to government vehicles, questioning why it was legal for the Police Department to park a vehicle on a vacant lot as was the case on Ryan Boulevard.
- Ms. Tubbs responded she would speak with the Police Chief regarding same.
- Mr. Zajicek inquired about the commercial vehicles parked behind the Century Link building.
- Ms. Tubbs replied vehicles were allowed to be parked behind the building, further noting by doing so they were meeting the intent of the Code.
- Ms. Matthews confirmed staff needed nothing further from the Commission.
- Mr. Schindler inquired if this had been reviewed by any other committee.
- Ms. Tubbs replied staff and the City Attorney met with the PGCC and local businesses to obtain input in an effort to make it as useable as possible.
- Mr. Burrage recalled an earlier version had been discussed at the LDR Review Committee meeting, opining this version was a result of that Committee's discussion.

#### **UNFINISHED BUSINESS**

##### A. Evaluation & Appraisal Report (EAR) Update

- Ms. Joan LeBeau, Chief Planner, drew members' attention to the EAR update, as delineated in the agenda material, noting same was a result of input received at the July 15, 2010 public workshop.
- Mr. Zapke interjected there were a number of typographical and spelling errors.
- Ms. LeBeau stated staff would correct those errors. She outlined the EAR process, major issues and citizen/staff input, as delineated in the agenda material, providing a PowerPoint presentation to review same. She continued City Council would be provided with a letter at their September 1, 2010 meeting, stating same would represent the City's letter of understanding to the Department of Community Affairs (DCA), contingent upon Council's approval. She stated DCA would then either approve the EAR or request further changes. She noted the draft EAR would be presented to the Commission in either December 2010 or January 2011, concluding progress would be delineated on the City's web site.
- Mr. Burrage commented it was interesting there had been no public input on schools or intergovernmental coordination items.
- Ms. Matthews asked if the City was considering purchase of the City Marketplace property.
- Ms. LeBeau explained several suggestions regarding same were made at the public workshop.
- Ms. Matthews expressed opposition to the City doing so.

- Mr. Thomas opined the property was cheaper now than six years earlier.
- Ms. Matthews disagreed, opining the owner had made more money than he paid for the property by selling small parcels.
- Mr. Zajicek then observed nothing relative to water quality.
- Ms. LeBeau responded water quality was addressed during development of the Comprehensive Plan itself, adding policies were already in place.

**STAFF COMMENTS**

- A. Community Redevelopment Agency (CRA) Project Status Report
- Mr. Zapke expressed confusion as to the Department of Environmental Protection's (DEP's) concerns relative to the east mooring field.
  - Mr. Dennis Murphy, Growth Management Director, explained DEP's concerns stemmed from objects which were placed in the water which could potentially move. He announced virtually all permits were in hand.

**MEMBER COMMENTS**

- Mr. Schindler spoke in opposition to the possibility of the City's purchase of the City Marketplace property.

**CITIZEN COMMENTS**

- Mayor Harvey Goldberg pointed out the suggestion to purchase the City Marketplace property had been made by the public rather than by City Council or the CRA, advising the property may be foreclosed on in the near future. He stated there had been some interest in the property, adding the last offer had been \$4.9 million.
- Ms. Matthews asked if ownership of the parcel slated for the Hilton Hotel had transferred.
- Mayor Goldberg expressed uncertainty regarding same.

**ADJOURNMENT**

- Meeting Adjourned: 2:46 p.m.

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Lynne Matthews, Chairman

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Karen Smith, Recording Secretary

PLANNING COMMISSION  
CITY OF PUNTA GORDA  
9/27/2010

 Print

Public Hearings\*

Title: ZA-12-10 - AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, REPEALING ORDINANCE 1610-09; AND AMENDING CHAPTER 26, ARTICLE 11, "SIGN STANDARDS", CODE OF ORDINANCES, CITY OF PUNTA GORDA, FLORIDA; AMENDING CHAPTER 26, ARTICLE 11, SECTION 11.3, "PERMITTED SIGNS", CODE OF ORDINANCES, CITY OF PUNTA GORDA, FLORIDA ADDING A NEW SUBSECTION 11.3(r). RELATING TO PORTABLE SIGNS; PROVIDING PERMIT REQUIREMENTS FOR PORTABLE SIGNS; PROVIDING FOR PORTABLE SIGNS WITHIN COMMERCIAL ZONED DISTRICTS; PROVIDING STANDARDS FOR THE LOCATION, DESIGN, USE AND MAINTENANCE OF PORTABLE SIGNS; PROVIDING FOR THE DISCONTINUANCE AND REMOVAL OF NONCONFORMING PORTABLE SIGNS; AMENDING CHAPTER 26, ARTICLE 11, SECTION 11.4, "CC SIGNAGE", SUBSECTION 11.4(e)(5), CODE OF ORDINANCES, CITY OF PUNTA GORDA, FLORIDA DELETING REFERENCES TO PORTABLE SIGNS, DELETING THE SUNSET PROVISION, AND ALLOWING THE INSTALLATION OF A WALL MOUNTED MENU SIGN; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

CONTINUED FROM THE 08/23/2010 MEETING

Funds: N/A

Summary: The Planning Commission continued this item until after staff had met with the Punta Gorda Chamber of Commerce and area businesses. This meeting was held on September 2, 2010. Discussion regarding and update for new ordinances that had been adopted as to permitted signage as well as draft ordinances and portable signs were discussed.

After the Planning Commission raised concerns regarding the liability insurance requirement, staff checked with the City's risk manager to find out what was necessary to ensure the City was properly covered in the event someone was injured or someone's property was damaged due to a sign that was approved to be located on the City right-of-way.

Risk Management advised that \$100,000.00 liability rider naming the City as additional insured along with a 'hold harmless' letter would be sufficient. The draft ordinance calls for \$300,000 insurance.

No concerns were raised regarding the portable signs by the Punta Gorda Chamber or the businesses in attendance at the meeting.

Recommended Action: Staff recommends approval of ZA-12-10 with an amendment to the amount of liability insurance required reducing it from \$300,000 to \$100,000.

Department/Division: David C. Hilston, AICP  
Urban Design Manager

**EXHIBITS:**

1.  [Public Hearing Notice](#)
  2.  [Proposed Ordinance](#)
  3.  [Excerpt of Minutes from the Planning Commission Meeting on 08/23/2010](#)
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# SUN NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

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

Before the undersigned authority personally appeared Diane Brinckman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, The Arcadian, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Hearing, was published in said newspaper in the issues of:

August 6, 13, 2010

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

  
(Signature of Affiant)

Sworn and subscribed before me this 13th day of August, 2010.

  
(Signature of Notary Public)



Comm# DD0780576  
Expires 4/20/2012  
Florida Notary Assn., Inc

  
Amber Freeman

Personally known AND Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

A copy of this notice is available for inspection at the Office of the City Clerk at the above address. In accordance with the Americans with Disabilities Act and Florida Statute 286.26, special accommodations may be made by contacting the Office of the City Clerk at (941) 575-3369.  
SUE FOSTER  
CITY CLERK  
CITY OF PUNTA GORDA  
Publish: FRIDAY, August 6, 2010  
FRIDAY, August 13, 2010  
102469 2450695 Page 4

**Notice of Public Hearing**  
**YOU ARE HEREBY** notified that the Punta Gorda Planning Commission will hold a Public Hearing on **Monday, August 23, 2010** at 2:00 PM and City Council will hold a Public Hearing on **Wednesday, September 15, 2010** at 9:00 AM or as soon thereafter as may be heard to consider the following requests:  
**ZA-12-10 - AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, REPEALING ORDINANCE 1610-09; AND AMENDING CHAPTER 26, ARTICLE 11, "SIGN STANDARDS", CODE OF ORDINANCES, CITY OF PUNTA GORDA, FLORIDA; AMENDING CHAPTER 26, ARTICLE 11, SECTION 11.3, "PERMITTED SIGNS", CODE OF ORDINANCES, CITY OF PUNTA GORDA, FLORIDA ADDING A NEW SUBSECTION 11.3(r). RELATING TO PORTABLE SIGNS; PROVIDING PERMIT REQUIREMENTS FOR PORTABLE SIGNS; PROVIDING FOR PORTABLE SIGNS WITHIN COMMERCIAL ZONED DISTRICTS; PROVIDING STANDARDS FOR THE LOCATION, DESIGN, USE AND MAINTENANCE OF PORTABLE SIGNS; PROVIDING FOR THE DISCONTINUANCE AND REMOVAL OF NONCONFORMING PORTABLE SIGNS; AMENDING CHAPTER 26, ARTICLE 11, SECTION 11.4, "CC SIGNAGE" SUBSECTION 11.4(e)(5), CODE OF ORDINANCES, CITY OF PUNTA GORDA, FLORIDA DELETING REFERENCES TO PORTABLE SIGNS, DELETING THE SUNSET PROVISION, AND ALLOWING THE INSTALLATION OF A WALL MOUNTED MENU SIGN; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**  
**ZA-15-10 - AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING CHAPTER 26 OF THE CITY CODE OF ORDINANCES KNOWN AS "THE LAND DEVELOPMENT REGULATIONS", ARTICLE 3, REGULATING DISTRICTS, AMENDING SUBSECTION 3.13, SRO, SPECIAL RESIDENTIAL OVERLAY DISTRICT, AMENDING SUBSECTION 3.13.(p) TEMPORARY BUILDINGS AND ABOVE GROUND SWIMMING POOLS, ADDING A DEFINITION FOR "KIDIE POOLS"; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**  
Said hearing will be held in City Council Chambers at 326 West Marion Avenue. Any persons desiring to be heard on this matter may appear at the above time and place.  
NOTE: If an appeal is to be made of any decision made at this meeting, a verbatim record of the proceeding may be required.

CITY OF PUNTA GORDA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, REPEALING ORDINANCE 1610-09; AND AMENDING CHAPTER 26, ARTICLE 11, "SIGN STANDARDS", CODE OF ORDINANCES, CITY OF PUNTA GORDA, FLORIDA; AMENDING CHAPTER 26, ARTICLE 11, SECTION 11.3, "PERMITTED SIGNS", CODE OF ORDINANCES, CITY OF PUNTA GORDA, FLORIDA ADDING A NEW SUBSECTION 11.3(r). RELATING TO PORTABLE SIGNS; PROVIDING PERMIT REQUIREMENTS FOR PORTABLE SIGNS; PROVIDING FOR PORTABLE SIGNS WITHIN COMMERCIALY ZONED DISTRICTS; PROVIDING STANDARDS FOR THE LOCATION, DESIGN, USE AND MAINTENANCE OF PORTABLE SIGNS; PROVIDING FOR THE DISCONTINUANCE AND REMOVAL OF NONCONFORMING PORTABLE SIGNS; AMENDING CHAPTER 26, ARTICLE 11, SECTION 11.4, "CC SIGNAGE", SUBSECTION 11.4(e)(5), CODE OF ORDINANCES, CITY OF PUNTA GORDA, FLORIDA DELETING REFERENCES TO PORTABLE SIGNS, DELETING THE SUNSET PROVISION, AND ALLOWING THE INSTALLATION OF A WALL MOUNTED MENU SIGN; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Punta Gorda desires to support and promote local businesses through provisions allowing additional portable signage by removing the sunset provision currently in place; and

WHEREAS, while allowing the additional signage it is recognized that certain regulations and restrictions are necessary to ensure public safety and aesthetic concerns are addressed; and

WHEREAS, to remove the sunset provision and provide for review for such signs, Ordinances 1610-09 must be repealed in its entirety; and

WHEREAS, an amendment to Chapter 26, Article 11, Sections 11.3 and 11.4, Code of Ordinances, City of Punta Gorda, Florida, are necessary to achieve these goals; and

WHEREAS, pursuant to the provisions of Section 163.3194(2), Florida Statutes, the Planning Commission serving as the Local Planning Agency for the City of Punta Gorda, Florida, has reviewed the regulations proposed herein and has found said regulations to be consistent with the adopted Comprehensive Plan of the City of Punta Gorda;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, THAT:

I. Chapter 26, Article 11, Section 11.3, Code of Ordinances, City of Punta Gorda, Florida is hereby amended by the addition of a new Subsection (r) to read as follows:

(r) Portable Signs [Permitted in all commercial zoning districts for commercial uses]

- (1) All businesses located in any commercial zoning district may have one (1) portable sign located outside of the business after obtaining a no-charge sign permit for such sign. The sign must be designed and wind-proofed in a manner so as to withstand normal thunderstorm conditions or gusts of wind.
- (2) The sign shall be displayed only during the business hours of operation specified on the issued sign permit.
- (3) Sign Location. The sign must be located in a manner as to not interfere with pedestrian or vehicular traffic or the visibility triangle as defined in Section 8.18 of this Chapter. A minimum 48" clear pedestrian walkway shall be maintained at all times. Signs may not be placed within twelve (12) inches of any curb or edge of pavement in the absence of curbs. Signs shall not be located more than twenty (20) feet from the wall of the building within which the permittee's business is located. Signs must be placed within the side lot lines of the property upon which the permittee's establishment is located, or within the extension of said side lot lines, if the sign is to be located in the right-of-way. Signs shall not be placed where they interfere with the opening of car doors, or interfere with the use of any exit, fire hydrant, loading zone, bicycle rack, sidewalk ramp, wheelchair ramp, or similar public facility
  - a. Before a permit may be issued for a sign to be located within a public right-of-way, the business must provide the City of Punta Gorda with proof of Comprehensive General Liability insurance with limits of at least \$300,000 per occurrence naming the City of Punta Gorda as an additional insured and an agreement to indemnify and hold the City harmless in any claim or cause of action against the City arising from the placement of such signs. Failure to maintain such insurance shall be grounds for revocation of the sign permit.
  - b. Businesses located on the interior of an enclosed mall or building shall not be permitted to display portable signage outside of the confines of the mall or building unless they have ground floor public street frontage to accommodate such temporary signage.
  - c. Any business located on the corner of two public streets is permitted to have a portable sign on each street side of the business.
- (4) The sign face area shall be of dimensions not to exceed twenty-four (24) inches in width and forty-eight (48) inches in height. The sign together with its frame, including wheels, frames and handles shall not exceed thirty (30) inches in width and forty-eight (48) inches in height as measured from finished grade.
- (5) Portable sign design shall be any professionally manufactured sign that meets the sign dimension and weight requirements as outlined herein such as, but not limited to, an 'A' frame sign, a portable chalkboard or whiteboard, a sign on a weighted stand, a 'spring' design or 'swinger' design. Corrugated plastic board with wire posts is not permitted to be used. Any sign that is designed to spin, twirl or rotate in the wind is prohibited.
- (6) No sign may be electrically powered or internally illuminated.

(7) All portable signs must be maintained without chips, fading, tears, cracks, missing letters and must be cleaned on a regular basis to ensure they do not create visual blight on the neighborhood.

(8) Any business with a portable sign in use as of the effective date of this Subsection shall make said sign conform to the provisions of this Subsection and obtain a no-charge sign permit within ninety (90) days of the effective date of this Subsection. After ninety (90) days from the effective date of this Subsection, all unpermitted signs shall be unlawful and must be removed immediately.

II. Chapter 26, Article 11, Section 11.4.(e) (5) is hereby amended to read as follows:  
[additions are shown as underlined, deletions are shown as strikethroughs]:

Article 11                      Sign Standards

Section 11.4 (e)              Other CC Signage Provisions

(5) In addition to any permitted Portable Sign, restaurants may have one (1) portable restaurant wall mounted display case featuring the actual menu attached to the exterior wall of the building housing the restaurant. Such display case shall not exceed a total area of two (2) square feet. The case may be lighted. ~~menu sign to display the menu and daily specials for the restaurant.~~

a. ~~The sign shall be displayed only during hours of operation of the restaurant.~~

b. ~~The sign may be displayed on private property or within the right of way in a manner as not to interfere with pedestrian or vehicular traffic.~~

c. ~~If a sign is placed in the right of way in front of a business, the business must provide the City with a copy of their liability insurance naming the City as additionally insured.~~

d. ~~The sign shall be A-frame in design with a dimension not to exceed 24 inches wide and 48 inches high.~~

e. ~~Sign shall not be electrically powered.~~

f. ~~A wall mounted display case featuring the actual menu may be attached to the building wall and shall not exceed a total area of 2 square feet. The case may be lighted.~~

g. ~~The provisions of this paragraph (5) shall automatically sunset one year from the date of adoption for the purposes of review by the City Council.~~

III. Ordinance 1610-09 is hereby repealed in its entirety.

IV. It is the declared intent of the City Council that, if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

V. Any ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
HARVEY GOLDBERG, Mayor

ATTEST:

\_\_\_\_\_  
SUE FOSTER, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID M. LEVIN, City Attorney

## Excerpt of Minutes

### Planning Commission Meeting AUGUST 23, 2010

**MEMBERS PRESENT:** Lynne Matthews, Chairman  
John Burrage, Massey Loughman, Bill Schindler,  
Charles Thomas, Charles Zajicek, Edward Zapke

**OTHERS PRESENT:** Teri Tubbs, Zoning Official  
Joan LeBeau, Chief Planner  
Dennis Murphy, Growth Management Director  
Mayor Harvey Goldberg

#### **PUBLIC HEARINGS**

- Recording Secretary Smith swore in all participants.
- A. ZA-12-10 - An Ordinance of the City of Punta Gorda, Florida, Repealing Ordinance #1610-09; and amending Chapter 26, Article 11, Sign Standards, Code of Ordinances, City of Punta Gorda, Florida; amending Chapter 26, Article 11, Section 11.3, Permitted Signs, Code of Ordinances, City of Punta Gorda, Florida, adding a new Subsection 11.3(r), relating to portable signs; providing permit requirements for portable signs; providing for portable signs within commercially zoned districts; providing standards for the location, design, use and maintenance of portable signs; providing for the discontinuance and removal of non-conforming portable signs; amending Chapter 26, Article 11, Section 11.4, CC Signage, Subsection 11.4(e)(5), Code of Ordinances, City of Punta Gorda, Florida, deleting references to portable signs, deleting the sunset provision and allowing the installation of a wall mounted menu sign; providing for conflict and severability; and providing an effective date.
- Ms. Teri Tubbs, Zoning Official, announced several deficiencies had been discovered after adoption of Ordinance #1610-09, noting certain clarifications were also found to be necessary. She outlined the proposed amendments as follows: (1) provision moved to Section 11.3, Permitted Signs, as same was originally inserted under City Center (CC) signage but was applicable to all commercial zoning districts; (2) requirement for a “no charge” permit to be used for tracking purposes as opposed to imposing additional permitting costs on businesses; (3) permitted location of portable signs clarified to help ensure public safety and to prevent same

from being used as off-premise signage; (4) maximum dimensions to include sign frames, wheels and/or handles; (5) removed limitation of only “A” frame signs as several other designs were already in use which met the intent of City Code but prohibited any signs which spun, twirled or rotated as well as temporary corrugated plastic board signs with wire posts; (6) businesses currently using such signage to come into compliance within 90 days of adoption of ordinance; (7) sunset provision removed. She clarified the proposed amendments were intended to clarify areas and to allow certain signs which were currently in use to continue to be used as same met the regulation’s intent. She continued any permitting costs associated with such signage were removed, as these amendments were intended to assist businesses by allowing an additional, promotional tool. She concluded the Urban Design Division recommended approval of ZA-12-10.

- Ms. Matthews inquired if it was standard procedure to require \$300,000 in liability insurance, as stated in Section 26-11.3(r)(3)(a).
- Ms. Tubbs replied affirmatively, explaining same represented a rider placed on a business’s general liability policy.
- Ms. Matthews inquired if existing sign owners were already paying same.
- Ms. Tubbs replied some may not be aware of same; thus, it would be necessary to advise them of the requirement.
- Mr. Thomas commented such riders were often costly, acknowledging the requirement applied only to items placed in the right-of-way (ROW), such as was often seen downtown.
- Ms. Matthews asked if the existing signs at Cubby’s Homemade Ice Cream required this insurance.
- Ms. Tubbs replied she believed only one was in the ROW.
- Ms. Matthews opined it would be cost prohibitive for many small businesses.
- Mr. Schindler countered most businesses would already have this insurance.
- Ms. Matthews disagreed, pointing out this was additional.
- Mr. Schindler maintained he felt the cost would not be significant.
- Ms. Matthews responded she was aware from personal experience that adding such a rider was expensive.
- Mr. Thomas asked if the City’s Risk Management Division was recommending this requirement.

- Ms. Tubbs replied it was standard for anything located in the City ROW, advising this provision was included in the original ordinance and was simply carried forward into the proposed ordinance.
- Mr. Thomas pointed out Section 26-11.4(e)(5)(c) required the City to be named as an additional insured but had not specified an amount.
- Mr. Schindler inquired if the City would be liable if a business owner did not have that type of insurance.
- Ms. Tubbs replied such a rider would provide an extra layer of protection for the City, acknowledging any incident would likely cause suit to be filed against all parties, including the City.
- Ms. Matthews called three times for anyone to speak on ZA-12-10.
- Mr. Schindler MOVED, Mr. Zajicek SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Zajicek asked if business owners had reviewed the proposed ordinance.
- Ms. Tubbs replied she had not held a meeting specific to ZA-12-10; however, plans were in place to meet with the Punta Gorda Chamber of Commerce (PGCC) to review any upcoming changes to the sign code, including ZA-12-10.
- Mr. Zapke inquired if the PGCC received copies of the Commission's agenda material.
- Ms. Tubbs replied affirmatively, adding the entire agenda packet was also available on line.
- Mr. Burrage MOVED, Mr. Zapke SECONDED to find ZA-12-10 consistent with the Comprehensive Plan and to recommend approval of same based upon the evidence and testimony presented.
- Mr. Zajicek suggested the matter be tabled until after review by the PGCC.
- Mr. Zapke countered the PGCC had already been provided with copies of the ordinance via the Commission's agenda packet.
- Ms. Matthews added she was aware certain members of the PGCC were not in total agreement.
- VOTING AYE: Burrage, Zapke, Thomas.
- VOTING NAY: Loughman, Schindler, Zajicek, Matthews.
- MOTION FAILED.
- Mr. Zajicek MOVED, Mr. Loughman SECONDED to continue ZA-12-10 to September 27, 2010. MOTION CARRIED UNANIMOUSLY

PLANNING COMMISSION  
CITY OF PUNTA GORDA  
9/27/2010

III-B

 Print

Public Hearings\*

Title: ZA-16-10 - AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING CHAPTER 26 OF THE CITY CODE OF ORDINANCES KNOWN AS "THE LAND DEVELOPMENT REGULATIONS", ARTICLE 3, REGULATING DISTRICTS, SECTION 3.13, SRO, SPECIAL RESIDENTIAL OVERLAY DISTRICT, SUBSECTION (s) REAL ESTATE SIGNS, AND AMENDING ARTICLE 11, SIGN STANDARDS, SECTION 11.3, PERMITTED SIGNS, SUBSECTION (l), REAL DIRECTIONAL ESTATE SIGNS, EXTENDING THE PROVISIONS FOR OFF-PREMISES OPEN HOUSE SIGNS ON DEVELOPED PRIVATE PROPERTY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Funds: N/A

Summary: At their November 5, 2008 City Council meeting, the Punta Gorda City Council adopted an ordinance to allow off-premises open house signs to be located on private property in an effort to assist the real estate market in this economic time.

The ordinance was to sunset on November 5, 2010; however as the economic conditions have not changed much over the past two years, therefore Council has determined an extension to the sunset provision be made to allow the use of off-premises directional signs for open houses for 2 more years.

Recommended Action: Staff recommends approval of ZA-16-10.

Department/Division: Urban Design

**EXHIBITS:**

1.  [Public Hearing Notice](#)
2.  [SRO District Map](#)
3.  [Proposed Ordinance](#)

## Notice of Public Hearing

**YOU ARE HEREBY** notified that the Punta Gorda Planning Commission will hold a Public Hearing on **Monday, September 27, 2010** at 2:00 PM and City Council will hold a Public Hearing on **Wednesday, October 20, 2010** at 9:00 AM or as soon thereafter as may be heard to consider the following request:

**ZA-16-10** – AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING CHAPTER 26 OF THE CITY CODE OF ORDINANCES KNOWN AS “THE LAND DEVELOPMENT REGULATIONS”, ARTICLE 3, REGULATING DISTRICTS, SECTION 3.13, SRO, SPECIAL RESIDENTIAL OVERLAY DISTRICT, SUBSECTION (s) REAL ESTATE SIGNS, AND AMENDING ARTICLE 11, SIGN STANDARDS, SECTION 11.3, PERMITTED SIGNS, SUBSECTION (I), REAL DIRECTIONAL ESTATE SIGNS, EXTENDING THE PROVISIONS FOR OFF-PREMISES OPEN HOUSE SIGNS ON DEVELOPED PRIVATE PROPERTY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Said hearing will be held in City Council Chambers at 326 West Marion Avenue. Any persons desiring to be heard on this matter may appear at the above time and place.

NOTE: If an appeal is to be made of any decision made at this meeting, a verbatim record of the proceeding may be required.

A copy of this notice is available for inspection at the Office of the City Clerk at the above address. In accordance with the Americans with Disabilities Act and Florida Statute 286.26, special accommodations may be made by contacting the Office of the City Clerk at (941) 575-3369.

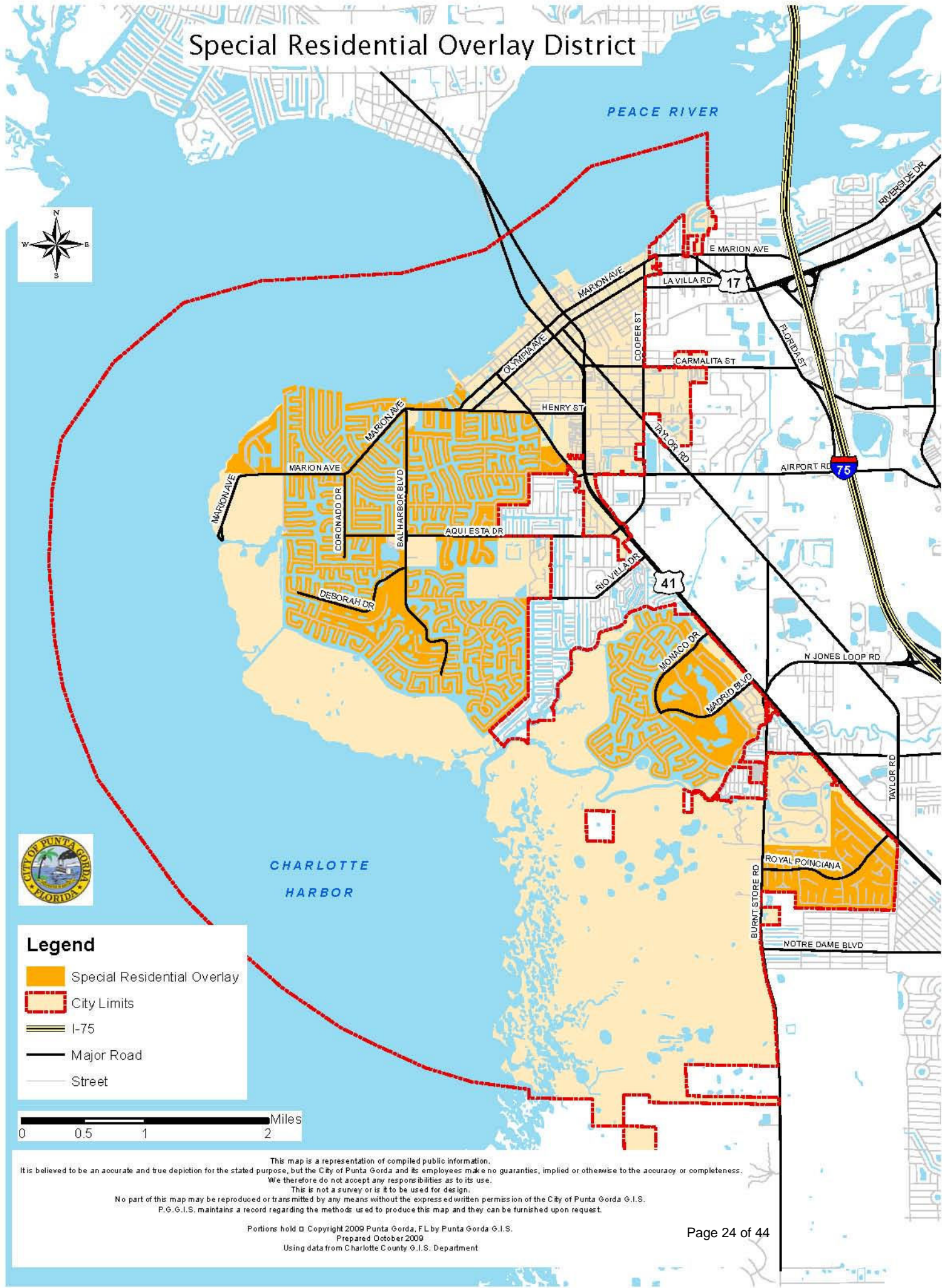
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SUE FOSTER  
CITY CLERK  
CITY OF PUNTA GORDA

Run 2 times: **FRIDAY, September 10, 2010**  
**FRIDAY, September 17, 2010**

Bill City of Punta Gorda  
Legal Line Ad - 3 proofs  
Acct. 00103005124901

# Special Residential Overlay District



## Legend

- Special Residential Overlay
- City Limits
- I-75
- Major Road
- Street



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but the City of Punta Gorda and its employees make no guarantees, implied or otherwise to the accuracy or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design.

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CITY OF PUNTA GORDA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING CHAPTER 26 OF THE CITY CODE OF ORDINANCES KNOWN AS “THE LAND DEVELOPMENT REGULATIONS”, ARTICLE 3, REGULATING DISTRICTS, SECTION 3.13, SRO, SPECIAL RESIDENTIAL OVERLAY DISTRICT, SUBSECTION (s) REAL ESTATE SIGNS, AND AMENDING ARTICLE 11, SIGN STANDARDS, SECTION 11.3, PERMITTED SIGNS, SUBSECTION (I), REAL DIRECTIONAL ESTATE SIGNS, EXTENDING THE PROVISIONS FOR OFF-PREMISES OPEN HOUSE SIGNS ON DEVELOPED PRIVATE PROPERTY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, economic conditions nationwide have become of such great concern that the federal government has found the issuance of an economic stimulus to be of substantial public benefit; and

WHEREAS, locally, the real estate market has been substantially affected by the economic downturn, resulting in a significant decline in the sale of existing homes and thus, a decline in the construction of new homes; and

WHEREAS, the City Council of the City of Punta Gorda has found that the use of “Open House” signs is particularly useful in assisting in the sale of residential property; and

WHEREAS, the City Council has found that to increase their effectiveness, “Open House” signs may need to be located away from the property being sold; and

WHEREAS, with the current economic conditions the prohibition for off-premises signs for open houses may create a hardship for real estate sales; and

WHEREAS, it has been determined that an extension of the temporary amendments to Chapter 26, Section 3.13 and Section 11.3, as adopted in Ordinances 1571-08 and 1572-08 on November 5, 2008, to allow limited off-premises open house signs on developed private property would be helpful to the local economy and hence fosters a legitimate public interest; and

WHEREAS, pursuant to the provisions of Section 163.3194(2), Florida Statutes, the Planning Commission serving as the Local Planning Agency for the City of Punta Gorda, Florida, has reviewed the regulations proposed herein and has found said regulations to be consistent with the adopted Comprehensive Plan of the City of Punta Gorda;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, THAT:

I. Chapter 26, Article 3, Section 3.13(s) is hereby amended to read as follows:

Section 3.13 SRO, Special Residential Overlay District

Subsection (s) Real Estate Signs

(2) Off-premises Directional Open House Signs

Off Premises directional open house signs shall be permitted in addition to a real estate sign pursuant to the provisions of ~~Paragraph (2) below~~ this Subsection.

Off-premises directional signs promoting an open house shall be allowed on developed private property with the permission of the private property owner within the limitations below:

- i) Such signs shall contain the name of the person or company placing the sign and contact information. This may be a business card attached thereto, or any other form.
- ii) Such sign shall not exceed three (3) square foot in area and 36 inches in height.
- iii) Such sign shall not contain any attachments such as, but not limited to streamers, flags or balloons.
- iv) Such sign shall not be placed within the public right-of-way.
- v) Such sign shall not be placed on undeveloped lots or vacant land.
- vi) Open house signs are permitted only on Saturdays, Sundays and holidays and shall be placed on the off-premises developed private property with the permission of the private property owner no earlier than 11:30 AM and shall be removed no later than 5:30 PM.
- vii) Any off-premises signs placed in the City right-of-way in violation of this Article shall be deemed a public nuisance and may be seized by the enforcement official or other representative of the City and be disposed of summarily. The person owning or placing the sign may be charged both with a violation of this Article and with the cost of removing and disposing of the sign.
- viii) The provisions of this Paragraph (2) shall automatically sunset two years from the date of the adopted hereof on November 5, 2012.

II. Chapter 26, Article 11, Section 11.3(l) is hereby amended to read as follows:

Section 11.3 Permitted Signs

Subsection (l) Real Estate Signs [Permitted for all uses]

(4) Off-premises Directional Open House Signs

This Section shall not limit any off-premises directional open house signs which shall be permitted in addition to a real estate sign pursuant to the provisions of this Subsection.

Off-premises directional signs promoting an open house shall be allowed on developed private property with the permission of the private property owner within the limitations below:

- i) Such signs shall contain the name of the person or company placing the sign and contact information. This may be a business card attached thereto, or any other form.
- ii) Such sign shall not exceed three (3) square foot in area and 36 inches in height.

- iii) Such sign shall not contain any attachments such as, but not limited to streamers, flags or balloons.
- iv) Such sign shall not be placed within the public right-of-way.
- v) Such sign shall not be placed on undeveloped lots or vacant land.
- vi) Open house signs are permitted only on Saturdays, Sundays and holidays and shall be placed on the off-premises developed private property with the permission of the private property owner no earlier than 11:30 AM and shall be removed no later than 5:30 PM.
- vii) Any off-premises signs placed in the City right-of-way in violation of this Article shall be deemed a public nuisance and may be seized by the enforcement official or other representative of the City and be disposed of summarily. The person owning or placing the sign may be charged both with a violation of this Article and with the cost of removing and disposing of the sign.
- viii) The provisions of this Paragraph (4) shall automatically sunset two years from the date of the adopted hereof on November 5, 2012.

III. It is the declared intent of the City Council that, if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

IV. Any ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

V. This ordinance shall take effect immediately upon its adoption.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
HARVEY GOLDBERG, Mayor

ATTEST:

\_\_\_\_\_  
SUE FOSTER, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID M. LEVIN, City Attorney

PLANNING COMMISSION  
CITY OF PUNTA GORDA  
9/27/2010

III-C



Public Hearings\*

Title: ZA-17-10 - AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING CHAPTER 26, CODE OF ORDINANCES, CITY OF PUNTA GORDA, FLORIDA, KNOWN AS "THE LAND DEVELOPMENT REGULATIONS"; AMENDING ARTICLE 19, SECTION 19.3, "DEFINITIONS" TO PROVIDE A NEW DEFINITION FOR THE TERM "RESTAURANT" AND RENUMBERING ACCORDINGLY; AMENDING ARTICLE 3, REGULATING DISTRICTS, SECTION 3.9, CC, CITY CENTER DISTRICT, SECTION 3.9(c), USES PERMITTED WITH CONDITIONS, ADDING SUBSECTIONS (12), (13), (14) AND (15) TO INCLUDE PERMANENT NON-SEATING PUBLIC FOOD SERVICE ESTABLISHMENTS, CONVENIENCE STORES WITH LIMITED FOOD SERVICE, CONVENIENCE STORES WITH SIGNIFICANT FOOD SERVICE, AND FOOD OUTLETS WITH LIMITED FOOD SERVICES; THEREBY ALLOWING CERTAIN RESTAURANTS TO BE LOCATED WITHIN 200 FEET FROM A NEIGHBORHOOD RESIDENTAIL ZONING DISTRICT BOUNDARY; AMENDING ARTICLE 4, "USES PERMITTED WITH CONDITIONS", ADDING NEW SECTIONS 4.35, 4.36, 4.37, AND 4.38 TO PROVIDE CONDITIONS FOR PERMANENT NON-SEATING PUBLIC FOOD SERVICE ESTABLISHMENTS, CONVENIENCE STORES WITH LIMITED FOOD SERVICE, CONVENIENCE STORES WITH SIGNIFICANT FOOD SERVICE, AND FOOD OUTLETS WITH LIMITED FOOD SERVICES TO BE LOCATED WITHIN 200 FEET FROM A NEIGHBORHOOD RESIDENTAIL ZONING DISTRICT BOUNDARY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Funds: N/A

Summary: At the May 24, 2010 Planning Commission meeting, staff brought this item as a discussion item for your comments and input. Based on that discussion, staff took the comments made to the City Council who agreed with the recommendations from the Planning Commission and to draft the ordinance.

The amendments in the ordinance are as follows:

- Clarifies definitions for the various types of restaurants;

- Allows permanent non-seating public food service establishments, convenience stores with limited food service, convenience stores with significant food service and food outlets with limited food service as uses permitted with conditions in the City Center zoning district;
- Amends Article 4, Conditions to specify what is permitted for each food outlet location
- The amendments will allow limited restaurant uses to be located within 200 feet of the Neighborhood Residential zoning district.

Recommended Action: Punta Gorda Urban Design Division recommends approval of ZA-17-10.

Department/Division: David C. Hilston, AICP  
Urban Design Manager

**EXHIBITS:**

1.  [public hearing notice](#)
  2.  [Buffer Zone Map](#)
  3.  [Proposed Ordinance](#)
  4.  [Excerpt of the May 24, 2010 Planning Commission Meeting](#)
  5.  [Excerpt of the June 16, 2010 City Council Meeting](#)
-

## Notice of Public Hearing

**YOU ARE HEREBY** notified that the Punta Gorda Planning Commission will hold a Public Hearing on **Monday, September 27, 2010** at 2:00 PM and City Council will hold a Public Hearing on **Wednesday, October 20, 2010** at 9:00 AM or as soon thereafter as may be heard to consider the following request:

**ZA-17-10** – AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING CHAPTER 26, CODE OF ORDINANCES, CITY OF PUNTA GORDA, FLORIDA, KNOWN AS “THE LAND DEVELOPMENT REGULATIONS”; AMENDING ARTICLE 19, SECTION 19.3, “DEFINITIONS” TO PROVIDE A NEW DEFINITION FOR THE TERM “RESTAURANT” AND RENUMBERING ACCORDINGLY; AMENDING ARTICLE 3, REGULATING DISTRICTS, SECTION 3.9, CC, CITY CENTER DISTRICT, SECTION 3.9(c), USES PERMITTED WITH CONDITIONS, ADDING SUBSECTIONS (12), (13), (14) AND (15) TO INCLUDE PERMANENT NON-SEATING PUBLIC FOOD SERVICE ESTABLISHMENTS, CONVENIENCE STORES WITH LIMITED FOOD SERVICE, CONVENIENCE STORES WITH SIGNIFICANT FOOD SERVICE, AND FOOD OUTLETS WITH LIMITED FOOD SERVICES; THEREBY ALLOWING CERTAIN RESTAURANTS TO BE LOCATED WITHIN 200 FEET FROM A NEIGHBORHOOD RESIDENTIAL ZONING DISTRICT BOUNDARY; AMENDING ARTICLE 4, “USES PERMITTED WITH CONDITIONS”, ADDING NEW SECTIONS 4.35, 4.36, 4.37, AND 4.38 TO PROVIDE CONDITIONS FOR PERMANENT NON-SEATING PUBLIC FOOD SERVICE ESTABLISHMENTS, CONVENIENCE STORES WITH LIMITED FOOD SERVICE, CONVENIENCE STORES WITH SIGNIFICANT FOOD SERVICE, AND FOOD OUTLETS WITH LIMITED FOOD SERVICES TO BE LOCATED WITHIN 200 FEET FROM A NEIGHBORHOOD RESIDENTIAL ZONING DISTRICT BOUNDARY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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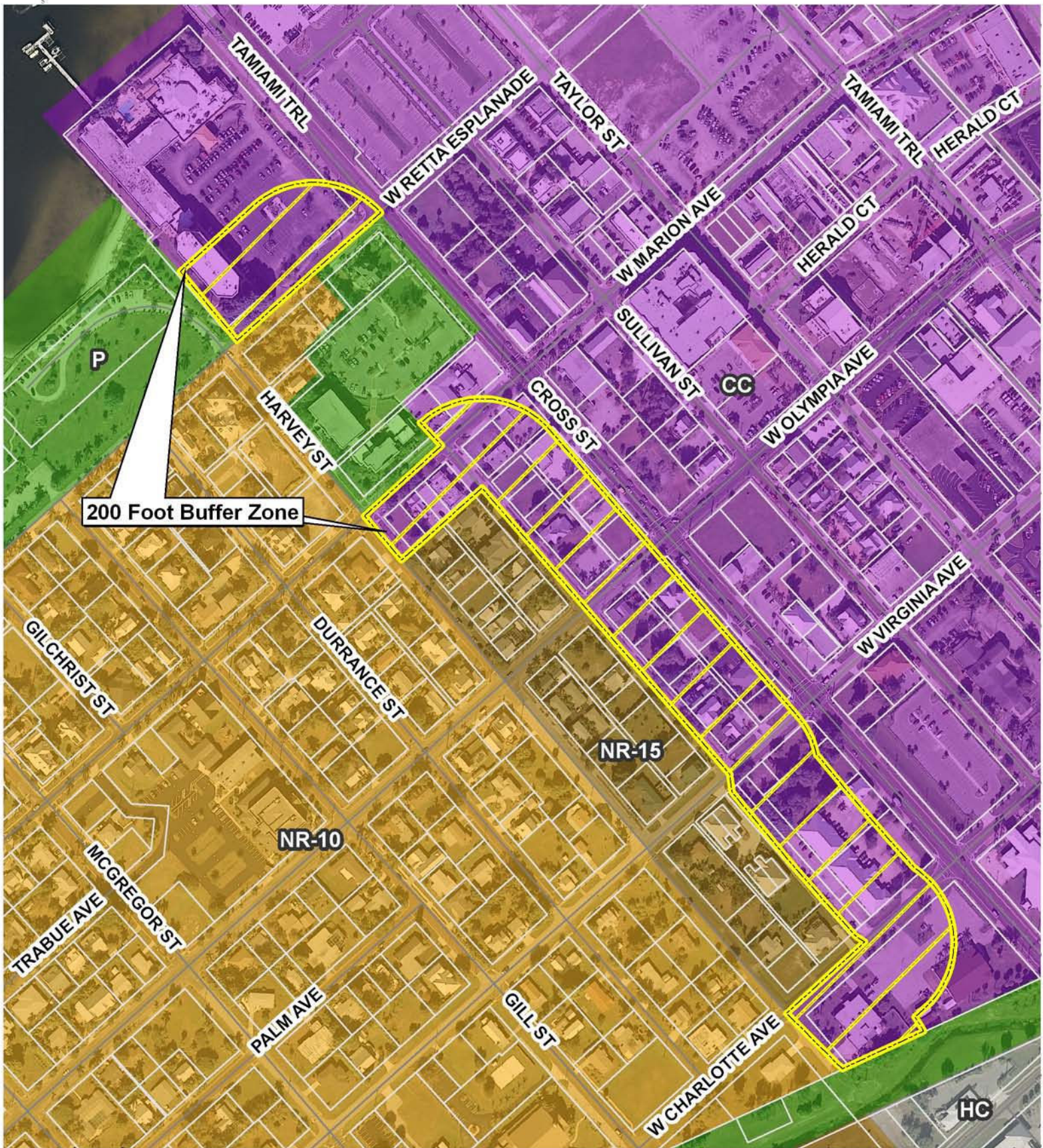
  
SUE FOSTER  
CITY CLERK  
CITY OF PUNTA GORDA

Run 2 times: **FRIDAY, September 10, 2010**  
**FRIDAY, September 17, 2010**

Bill City of Punta Gorda  
Legal Line Ad - 3 proofs  
Acct. 00103005124901



# Area Effectuated by 200 Foot Buffer Zone



### Legend

200 Ft Buffer Zone

### Zoning Classification Name

#### Mixed-Use Classification

- City Center
- Special Purpose
- Neighborhood Center
- Highway Commercial

### Residential Classification

- Neighborhood Residential-15
- Neighborhood Residential-10
- Public
- Property Accounts
- Streets



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but the City of Punta Gorda and its employees make no guarantee, implied or otherwise to the accuracy or completeness of this information. This is not a survey or a deed of record.

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 Prepared June 2010 by Michael S. Austin  
 Using data from Charlotte County G.I.S. Department

CITY OF PUNTA GORDA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING CHAPTER 26, CODE OF ORDINANCES, CITY OF PUNTA GORDA, FLORIDA, KNOWN AS “THE LAND DEVELOPMENT REGULATIONS”; AMENDING ARTICLE 19, SECTION 19.3, “DEFINITIONS” TO PROVIDE A NEW DEFINITION FOR THE TERM “RESTAURANT” AND RENUMBERING ACCORDINGLY; AMENDING ARTICLE 3, REGULATING DISTRICTS, SECTION 3.9, CC, CITY CENTER DISTRICT, SECTION 3.9(c), USES PERMITTED WITH CONDITIONS, ADDING SUBSECTIONS (12), (13), (14) AND (15) TO INCLUDE PERMANENT NON-SEATING PUBLIC FOOD SERVICE ESTABLISHMENTS, CONVENIENCE STORES WITH LIMITED FOOD SERVICE, CONVENIENCE STORES WITH SIGNIFICANT FOOD SERVICE, AND FOOD OUTLETS WITH LIMITED FOOD SERVICES; THEREBY ALLOWING CERTAIN RESTAURANTS TO BE LOCATED WITHIN 200 FEET FROM A NEIGHBORHOOD RESIDENTIAL ZONING DISTRICT BOUNDARY; AMENDING ARTICLE 4, “USES PERMITTED WITH CONDITIONS”, ADDING NEW SECTIONS 4.35, 4.36, 4.37, AND 4.38 TO PROVIDE CONDITIONS FOR PERMANENT NON-SEATING PUBLIC FOOD SERVICE ESTABLISHMENTS, CONVENIENCE STORES WITH LIMITED FOOD SERVICE, CONVENIENCE STORES WITH SIGNIFICANT FOOD SERVICE, AND FOOD OUTLETS WITH LIMITED FOOD SERVICES TO BE LOCATED WITHIN 200 FEET FROM A NEIGHBORHOOD RESIDENTIAL ZONING DISTRICT BOUNDARY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Center District has been established to encourage the redevelopment and expansion of the traditional town center; and

WHEREAS, a broad array of uses are expected in a pattern which integrates shops, restaurants, services, work places, civic, educational facilities in a pedestrian-oriented environment; and

WHEREAS, certain limited restaurant uses would be desirable within close proximity to a Neighborhood Residential (“NR”) zoning district, provided certain safeguards and conditions were in place to ensure that such uses would not be disruptive or detrimental to the residential uses; and

WHEREAS, a review of the currently permitted principal uses finds that restaurants are not permitted in areas closer than 200 feet from a NR district boundary without obtaining a Special Exception approval; and

WHEREAS, to encourage the continued redevelopment of the City Center District and to permit small restaurants to open in the City Center District within 200 feet of the Neighborhood Residential District without requiring Special Exception review and approval, an amendment to Chapter 26, Article 3, Section 3.9, Code of Ordinances, City of Punta Gorda, Florida is necessary; and

WHEREAS, to ensure such small restaurants are not disruptive or detrimental to the residential neighborhood, certain conditions and safeguards are necessary and an amendment to Chapter 26, Article 4, Code of Ordinances, City of Punta Gorda, Florida is necessary by adding such uses and conditions; and

WHEREAS, to effectuate the intent of this Ordinance, an amendment to Chapter 26, Article 19, Section 19.3, Code of Ordinances, City of Punta Gorda, Florida is necessary to add a definition of the term "Restaurant" and to provide various categories of restaurants therein; and

WHEREAS, pursuant to the provisions of Section 163.3194(2), Florida Statutes, the Planning Commission serving as the Local Planning Agency for the City of Punta Gorda, Florida, has reviewed the regulations proposed herein and has found said regulations to be consistent with the adopted Comprehensive Plan of the City of Punta Gorda;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, THAT:

I. Chapter 26, Article 19, Section 19.3, Code of Ordinances, City of Punta Gorda, Florida, is hereby amended by the addition of a new subsection (210) to read as follows and renumbering existing subsections (210) through (263) accordingly: [additions are shown as underlined, deletions are shown as strikethroughs]:

(210) RESTAURANTS

Public food service establishments that fit into one of the following categories:

(a) Permanent non-seating public food service establishments which are those fixed public food service establishments for which the sole service provided is intended as take-out or delivery, or which do not otherwise provide accommodations for consumption of food by customers on the premises, or premises under the control of the operator.

(b) Permanent seating public food service establishments which are those public food service establishments that provide and maintain accommodations for consumption of food on the premises of the establishment or under the control of the establishment. Permanent seating establishments are further divided into the following categories:

(1) Convenience store with limited food service. A convenience store where food is prepared and intended for individual portion service, but limited to the display of snack foods or pastries, and/or heating or cooking of hot dogs, sausages, prepackaged pizza or meat pastries, regardless of whether consumption is on or off the premises and where the total number of seats for customers indoors and outdoors does not exceed eight (8) seats.

(2) Convenience store with significant food service. A convenience store that in addition to the display of snack foods or pastries, and/or heating or cooking of hot dogs,

sausages, prepackaged pizza or meat pastries, has retail food processing activities consisting of on-site cooking or other preparation of hot entrees, chicken (fried, roasted, or grilled), sandwiches, salads, or desserts for consumption on or off the premises. The term also applies establishments where the food is prepared off-site and brought to a location for sale on individual customer order or by buffet-style display.

(3) Food outlet with limited food service. Any commercial establishment other than a convenience store that has retail food processing activities consisting of on-site cooking or other preparation of hot entrees, chicken (fried, roasted, or grilled), sandwiches, salads, baked goods, or desserts for consumption on or off the premises and has total combined seating, indoors and outdoors, of no greater than 40 seats. The term also applies establishments where the food is prepared off-site and brought to a location for sale on individual customer order or by buffet-style display. This category includes, but is not limited to such establishments as traditional sit-down restaurants, delicatessens, bakeries, pizzerias, meat and seafood markets, hot beverage shops, confectionaries, tea rooms, and frozen dessert shops.

(4) Food outlet with significant food service. Any commercial establishment other than a convenience store that has retail food processing activities consisting of on-site cooking or other preparation of hot entrees, chicken (fried, roasted, or grilled), sandwiches, salads, baked goods, or desserts for consumption on or off the premises and has total combined seating, indoors and outdoors, of greater than 40 seats. The term also applies establishments where the food is prepared off-site and brought to a location for sale on individual customer order or by buffet-style display. This category includes, but is not limited to such establishments as traditional sit-down restaurants, delicatessens, bakeries, pizzerias, meat and seafood markets, hot beverage shops, confectionaries, tea rooms, and frozen dessert shops.

II. Chapter 26, Article 3, Section 3.9 (c), Code of Ordinances, City of Punta Gorda, Florida is hereby added by the addition to four new subsections, (12), (13), (14) and (15), to read as follows: [additions are shown as underlined, deletions are shown as strikethroughs]:

- (c) Uses Permitted with Conditions.
- (1) Bed and breakfast inns
  - (2) Sidewalk cafes
  - (3) Cemetery
  - (4) Essential services 1 and 2
  - (5) Neighborhood commercial fueling stations, excluding major service and repair of motor vehicles
  - (6) Parking lot as a principal use
  - (7) Temporary outdoor sales of seasonal agricultural products and customary accessory products
  - (8) Mixed use buildings; up to 2 residential units; or with a 2 to 1 ratio of non-residential floor area to residential floor area
  - (9) Parking structure
  - (10) Bars and nightclubs more than 200 feet from a NR District boundary
  - (11) Group home
  - (12) Permanent non-seating public food service establishments
  - (13) Convenience stores with limited food service

- (14) Convenience stores with significant food service
- (15) Food outlets with limited food service

III. Chapter 26, Article 4, Code of Ordinances, City of Punta Gorda, Florida, is hereby amended by the addition of four new Sections, Sections 4.35, 4.36, 4.37 and 4.38, to read as follows: [additions are shown as underlined, deletions are shown as strikethroughs]:

**Section 4.35. Permanent Non-seating Public Food Service Establishments Located Within 200 Feet From a Neighborhood Residential Zoning District Boundary**

- (a) There shall be no alcoholic beverage consumption on premises.
- (b) There shall be no music that can be heard outside the confines of the interior of the establishment permitted with this use.
- (c) There shall be no entertainment associated with this use.
- (d) Trash receptacles shall be supplied outside in order to ensure the site is maintained in a clean, litter free manner.
- (e) There shall be no tables or seats provided for on-premises consumption of food or beverages.

**Section 4.36. Convenience Store with Limited Food Service Located Within 200 Feet From a Neighborhood Residential Zoning District Boundary**

- (a) Up to four (4) tables may be placed outside of the building on private property providing seating for no more than eight (8) people, provided a minimum 48” clear pathway is maintained.
- (b) Tables and chairs located outside of any store must be approved by Urban Design as to design and are required to be of a consistent style and color and maintained in a clean and orderly fashion.
- (c) There shall be no alcoholic beverage consumption on premises.
- (d) There shall be no music that can be heard outside the confines of the interior of the establishment permitted with this use.
- (e) There shall be no entertainment associated with this use.
- (f) Trash receptacles shall be supplied outside in order to ensure the site is maintained in a clean, litter free manner.

**Section 4.37. Convenience Store with Significant Food Service Located Within 200 Feet From a Neighborhood Residential Zoning District Boundary**

- (a) Up to four (4) tables may be placed outside of the building on private property providing seating for no more than eight (8) people, provided a minimum 48” clear pathway is maintained.
- (b) Tables and chairs located outside of any store must be approved by Urban Design as to design and are required to be of a consistent style and color and maintained in a clean and orderly fashion.
- (c) Additionally, tables providing seating for up to sixteen (16) people may be located inside the establishment.
- (d) There shall be no alcoholic beverage consumption on premises.
- (e) There shall be no music that can be heard outside the confines of the interior of the establishment permitted with this use.

- (f) There shall be no entertainment associated with this use.
- (g) Trash receptacles shall be supplied outside in order to ensure the site is maintained in a clean, litter free manner.

**Section 4.38. Food Outlet with Limited Food Service Located Within 200 Feet From a Neighborhood Residential Zoning District Boundary**

- (a) Up to four (4) tables may be placed outside of the building on private property providing seating for no more than eight (8) people, provided a minimum 48” clear pathway is maintained.
- (b) Tables and chairs located outside of any establishment must be approved by Urban Design as to design and are required to be of a consistent style and color and maintained in a clean and orderly fashion.
- (c) Additionally, tables providing seating for up to thirty-two (32) people may be located inside the establishment.
- (d) There shall be no outdoor consumption of alcoholic beverages.
- (e) There shall be no music that can be heard outside the confines of the interior of the establishment permitted with this use.
- (f) There shall be no entertainment associated with this use.
- (g) Trash receptacles shall be supplied outside in order to ensure the site is maintained in a clean, litter free manner.

IV. It is the declared intent of the City Council that, if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

V. Any ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
HARVEY GOLDBERG, Mayor

ATTEST:

\_\_\_\_\_  
SUE FOSTER, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID M. LEVIN, City Attorney

**EXCERPT – EXCERPT - EXCERPT**

**PLANNING COMMISSION  
MEETING  
MAY 24, 2010**

**MEMBERS PRESENT:** Lynne Matthews, Chairman  
John Burrage, Massey Loughman, Charles Thomas,  
Edward Viola, Charles Zajicek, Edward Zapke

**MEMBERS ABSENT:** Heinz Schmidt

**OTHERS PRESENT:** Teri Tubbs, Zoning Official  
David Hilston, Urban Design Manager  
Dennis Murphy, Growth Management Director  
Lisa Hannon, Zoning Coordinator  
Mayor Harvey Goldberg  
Bill Schindler, Alternate Commission Member  
James Getz, Barbara McCann

**NEW BUSINESS**

- A. Neighborhood Convenience Store and Deli in the City Center (CC) Zoning District
- Ms. Tubbs announced an existing convenience store/deli in the CC zoning district sold prepared foods, adding many of their customers preferred to consume same before leaving. She stated once customers began to consume prepared food on the premises of such a retail establishment, the literal definition was that of a restaurant. She mentioned most dictionaries defined restaurants as “a business establishment where meals or refreshments may be purchased and are eaten.” She explained if this use was determined to be that of a restaurant, a special exception would be required to have tables in place for their customers, adding in this case, the store was located less than 200 feet from the Neighborhood Residential (NR) zoning district. She clarified staff wished to help promote this business and hoped to determine if there was a reasonable way to accommodate this use without creating unintended consequences. She drew members’ attention to a draft amendment to the CC zoning district, as delineated in the agenda material, stating same provided a proposal to allow this use without requiring a special exception. She specified Section 26-3.9(a)(9) as follows: “This is not intended to prohibit a convenience store/deli from placing up to four (4) tables outside of the deli. See Uses Permitted with Conditions.” She further pointed out the proposed addition of Section 4.26, Neighborhood Convenience Store and Deli.

- Mr. Burrage commented the proposed Section 4.26 singled out a certain part of the locality, suggesting additional verbiage such as "... Deli, Ice Cream Parlor, Coffee or Tea Shops, etc."
- Ms. Tubbs responded the applicable section of City Code was very straightforward with regard to restaurants, asking if members wished to include additional uses which would not be determined as detrimental to a neighborhood residential district, i.e., ice cream shops.
- Mr. Burrage explained he simply did not wish to exclude businesses such as tea shops or ice cream stores, for example.
- Ms. Matthews asked if the new 7-11 convenience store would fall under this category.
- Ms. Tubbs replied it would not.
- Mr. Zapke commented on the U.S. 41 business corridor and the City's efforts to provide conformity among the various business districts, suggesting same be included in this proposal.
- Ms. Tubbs replied current City Code did not prohibit such a use in that zoning district.
- Mr. Zapke clarified staff's proposal was to prohibit consumption of alcoholic beverages on site, asking who would be responsible for enforcement of same. He further questioned where liability would fall in the event individuals were found to be consuming alcoholic beverages on site, i.e., the store owner or the customer. He asked if such sites would be subject to open container laws.
- Ms. Tubbs replied the store owner would be liable as would the individual possessing an open container, adding the Urban Design Division reviewed all alcoholic beverage licenses to ensure the proper type of license was in place. She explained certain types of alcoholic beverage licenses allowed the sale of beer and wine but did not allow on-site consumption.
- Mr. Zapke asked if any provision had been made to ensure the outside premises were maintained as far as cleanliness and appearance as was the case with the recently approved 7-11 convenience store.
- Ms. Tubbs replied a standard provision existed requiring all commercial properties to be kept neat and trash free; however, same could be emphasized.
- Mr. Zapke requested the proposed ordinance specify such a requirement.
- Ms. Matthews agreed.
- Mr. Zajicek questioned the result if the deli obtained a different type of alcoholic beverage license, stating it seemed there would be a conflict.

- Ms. Tubbs replied application for a license allowing on-premise consumption would constitute operation of far more than a simple deli. She assured members any such applications entailed much more scrutiny.
- Mr. Zajicek opined enforcement of on-premise consumption would be problematic.
- Ms. Tubbs responded such enforcement was the business owner's responsibility.
- Consensus of the Commission was approval of staff's recommendation contingent upon comments made this date.

**EXCERPT – EXCERPT - EXCERPT**

**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, JUNE 16, 2010 9:00 A.M.**

**COUNCILMEMBERS PRESENT:** Goldberg, Albers, Wallace, Friedman, McCormick

**CITY EMPLOYEES PRESENT:** Dave Drury, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Dennis Murphy, Growth Management; Butch Arenal, Police; Robert Hancock, Fire; City Attorney Levin; City Manager Kunik; City Clerk Foster

**UNFINISHED BUSINESS**

**Discussion regarding Restaurants within 200 feet of the Neighborhood Residential Zoning District**

Ms. Tubbs stated restaurants were described as a business where meals or refreshments may be purchased and were eaten, adding same was prohibited within the City Center (CC) zoning district if they were closer than 200 feet from a Neighborhood Residential (NR) zoning district. She advised there was currently a convenience store/deli selling prepared foods in the CC district which was located within 200 feet of the NR district, adding many of the customers preferred to eat their lunches on the premises prior to returning to work. She explained staff and the Planning Commission discussed same and recommended this establishment and other similar establishments such as ice cream or coffee shops be allowed to locate tables outside of their business so long as the property was kept clean of litter and there was no negative impact on adjacent residential properties. She then drew members to the proposed language for an amendment, as delineated in the agenda material, requesting direction.

**Mayor Goldberg** voiced approval with proceeding with same.

Consensus of members was to direct staff to proceed.

PLANNING COMMISSION  
CITY OF PUNTA GORDA  
9/27/2010

 Print

Staff Comments\*

Title: CRA Status Report  
Funds: N/A  
Summary: CRA Status Report Update  
Recommended Action: No Action Required  
Department/Division: Teri Tubbs  
Zoning Official

**EXHIBITS:**

1.  [CRA Status Report Update](#)
-

## CRA Update September 1, 2010

### **CITY MARKETPLACE SITE**

*Redevelopment of the Punta Gorda Shopping Mall site following approved Development Agreement parameters. Project involves retrofitting site into a neo-traditional urban center, following a pedestrian retail focus aligned closely with the downtown area. Parking and pedestrian improvements, site redevelopment, street extension, and demolition encompassing a 40-50 million dollar private investment*

Staff has received inquiries from potential developers; no conceptual plans have been submitted at this time.

Hilton Garden was given a timeline extension to August 1, 2011 to apply for building permit & construction start by January 1, 2012.

### **DAY DOCKS AT LAISHLEY MARINA**

*Floating docks located along US 41 northbound that will extend approximately 350' beyond the current boat ramp and tie into the peninsula out at the harbor.*

Received verbal approval from FDOT, awaiting official document. The Airspace Agreement has been signed by FDOT Secretary and forwarded to FDEP and Army Corps of Engineers. FDEP notified the City that the agreement must also be approved by the Florida Cabinet; combining the application with that of the East Mooring Field as one submission all concerns of DEP and Army Corp have been addressed, DEP cannot approve locally. Weiler Engineering retained to assist in permitting the Land Lease through Tallahassee. FDEP permit has been received and preparing bid package. Invitation to bid issued April 14, bid responses due May 12. All bids rejected; will be rebid upon receipt of engineering specifications for piles. New bids were received and opened on August 25, 2010 and are under review. (9-1-10)

### **DOWNTOWN FLOODING MITIGATION**

*Scope to include study, design, permitting, and partial construction of drainage improvements. This project is funded by a Hazard Mitigation Grant (HMPG) through the State of Florida; matching grant funds required equal 75% State funding, 25% City funding.*

Project is 90% complete; Nesbit Street is re-opened; currently doing "clean-up" work on west side of project. Project is substantially complete. Tideflex valve installation behind Justice Center and removal of pipe bulkheads/bladders remain. Project is complete with only minor sod issues remaining to be addressed. (7-7-10) Project is complete, inspections and certifications are in process (8-4-10) Project is complete, as-builts have been submitted to FEMA, final FEMA inspection anticipated in September. (9-1-10)

### **EAST MOORING FIELD**

*Construction of a mooring field east of U.S. 41 northbound and lying off of Laishley Park. CRA approved Rules and Regulations and Management Plan.*

Awaiting permits from FDEP; to be reviewed as part of submerged land lease-approval projected for Governor's Cabinet May 25, 2010. City Attorney and Engineer attended Cabinet Aides Meeting 06/02/10 and Cabinet meeting 06/08/10; approval has been granted. (7/7/10) Engineer is working on specifications for bid documents. (8-4-10) Army Corp of Engineers Permit has been received; Pre-bid meeting is scheduled for August 30, 2010. (9-1-10)

### **EAST PUNTA GORDA STREET LIGHTING**

*Install decorator lighting on Mary Street and Showalter. This is an American Recovery Reinvestment Act (ARRA) – Stimulus funded project administered through the Community Development Block Grant Program (CDBG-R).*

Funding approved; design complete. Environmental, as required by CDBG, has been completed; RFP has been submitted to Procurement for bid process. Procurement rejected request to bid due to insufficient scope, staff reworking bid specifications. Design plans completed and forwarded to Procurement for letting. (7/7/10) Design plans completed; construction is being completed 'in house'; materials have been ordered and work has begun. (8-4-10) Preliminary work has been completed, rain has slowed work, will install light poles when weather clears; awaiting receptacle delivery. (9-1-10)

### **EXTENSION OF RETTA ESPLANADE**

*Redevelopment of the Punta Gorda Shopping Mall site involves extending Retta Esplanade through urban center, following a pedestrian urban style street with parking along its edges. Involves parking and pedestrian improvements, landscaping, street extensions and placing traffic signals at its 2 intersections with US 41* Construction has started – removing existing pavements between Taylor and US 41N. Construction continues. (7/7/10) Construction complete; road is open. Awaiting FPL to hook-up decorator lighting. (8-4-10) FPL has completed connections for decorator lighting (9-1-10)

### **HARBORWALK – EAST SIDE**

*Additional work at the Patty Avenue trailhead to Laishley Park to include parking* 60% plans completed; preliminary compass rose design and concrete color selection is underway. 60% comments have been forwarded to Engineers 90% plans being reviewed by staff Comments forwarded back to Engineer and staff anticipates 100% plans by May 28. 100% plans have been reviewed at DRC; comments have been forwarded to engineers and will be incorporated into the final construction plans. (7/7/10) Final construction plans received; bid package has been submitted to Procurement. (8-4-10) Pre-bid meeting has been scheduled for August 27, 2010, bids are due by September 3, 2010. (9-1-10)

### **HARBORWALK – West SIDE**

*Phase 3 of the Harborwalk Project, Best Western to Fisherman's Village* Survey completed; preliminary design concept presented to CRA March 3, 2010. Weiler Engineering will host community meeting at 7 pm at the PGICC on March 31, 2010 to discuss the preliminary plans and the conceptual plans for the future of the existing Bay Front Center, Boat Club and Sailing Center. The meeting will give the public an opportunity to view the conceptual plans, ask questions and provide feedback. Weiler Engineering presented 30% plans to CRA at May 5, 2010 meeting. Engineer and staff met with Boat Club representatives on May 26. 30% plans received by staff for review. Engineer and staff met with Boat Club representatives on May 26. 30% plans have been reviewed and engineers are working on 60% plans (7/7/10). 60% plans presented to City Council 7-7-10; DRC reviewed on July 23<sup>rd</sup>, comments have been forwarded to engineer. (8-4-10).

### **OLYMPIA AVENUE STREETScape**

*Enhancement of the signature potential of Olympia between US 41N and US41S. Details include pedestrian improvements, landscaping, and intersection improvements. The improvements will elevate the character and quality of the street.*

Design 60% complete; FDOT/Staff comments have been forwarded to Engineering for incorporation into plans. Draft LAP Agreement submitted to Legal for review; 90% plans have been submitted to FDOT. Design 100% complete and was reviewed by DRC on Friday, June 26<sup>th</sup>; LAP Agreement was reviewed by City Council on July 1, 2010. LAP Agreement approved by City Council on July 1, 2010 and submitted to FDOT for signature; awaiting Notice to Proceed with construction from FDOT. (8-4-10)

### **LINEAR PARK**

*Develop 10+ acre site along abandoned railroad right-of-way into a public park site to link the City's pedestrian system. This project will be completed in four Phases.*

*Phase I – Retta to Olympia - \$410,000*

*Phase II – Olympia to Shreve – This section will be constructed by Marina Park Management LLC*

*Phase III – Shreve to McKenzie – \$TBD – this phase will require the purchase of right-of-way*

#### Phase IV – McKenzie to US 41 - \$TBD

Plans have been reviewed by DRC for Linear Park 2 & 3; Staff has reviewed completed plans; 100% plans submitted to FDOT (Ft Myers) for their review.

Will resubmit for TIGER grant and will place on MPO project list to be eligible for FDOT LAP funds should TIGER grant funding not be received. Substantial completion walk through was conducted on Thursday, May 27 and a punch list was submitted to contractor. Anticipate completion of Phase I by July 1, 2010. Discussion of whether or not to move forward with application for TIGER II grant held at 6/2/10 Council Meeting Design for Phase 4, Shreve to McKenzie has been awarded to Weiler Engineering. (07/07/10)

Phase I is substantially complete; punch-list items remaining are artificial turf and wayfinding signage; prime contractor is working on resolving outstanding issues and anticipates submitting a solution and timeline for completion by the end of July. Liquidated Damages are being charged to prime contractor for delay of completion. (8-4-10)

Contractor has ordered new wayfinding signage and is in process of replacing artificial turf.

Completion is anticipated first of September (9-1-10).

- Plans have been reviewed by DRC for Linear Park 2 & 3. Staff has reviewed completed plans; 100% plans submitted to FDOT (Ft. Myers) for review. Discussion was held at City Council meeting 6/2/10 regarding Tiger II grant. Council voted not to move forward with the application due to the grant requirements. Anticipated hearing if grant funds from 'leftover' stimulus monies will be available by December, 2010. (9-1-10)
- Design for Phase 4, Shreve to McKenzie, design contract awarded to Weiler Engineering. Engineers have scheduled a meeting with SWFWMD for August 31<sup>st</sup>, 30% plans are completed and will be submitted for review in September. (9-1-10)

#### **URBAN WAYFINDING**

*Develop a wayfinding and signage program for the downtown core retail area. The overall program should address orientation signage, wayfinding signage for parking, pedestrian directional signage, and where appropriate historical markers and interpretative panels. As in other areas, banners related to the special sub-districts within the downtown shall be considered.*

*Develop wayfinding and signage program within the CRA - \$100,000*

*Implement Phase 1, City Center/Downtown aspects - \$150,000*

*Implement Phase 2, City Center/Downtown aspects - \$100,000*

*Implements Phase 3, other applications - \$50,000*

Received FDOT approval and permit for installation; contractor and staff are reviewing contract to identify changes resulting from FDOT review process. Fisherman's Village and Visual Arts Center have been added to sign list. Poles for frangible bases have been ordered. Signs are in manufacturing; expected installation 6-8 weeks. Under construction, project 65% complete.

Specialty metal work, fasteners, bracket, etc. have been manufactured; sign posts fabricated; artwork and text has been proofed. HCC pedestrian kiosk map completed.

- Mock sign was mounted and installed on Marion Avenue for staff review week of June 11th. (7/7/10) Signs are being manufactured (8-4-10)
- Installation contractor has field verified sign locations (9-1-10)