

**PLANNING COMMISSION  
MEETING  
APRIL 26, 2021**

**MEMBERS PRESENT:** Harvey Goldberg, Chairman  
Joseph Comeaux, Bradford Gamblin, Donna Peterman,  
Roger Peterson, Paul Sacilotto, Edward Weiner

**OTHERS PRESENT:** City Attorney David Levin  
Lisa Hannon, Zoning Official

**CALL TO ORDER/ANNOUNCEMENTS**

- Mr. Goldberg called the meeting to order at 2:00 p.m.
- A. Roll Call
  - 1. Election of Chair and Vice Chair
    - Recording Secretary Pues opened the floor for nomination of Chair.
    - Mr. Gamblin NOMINATED Mr. Goldberg for Chair.
    - As there were no other nominations, Mr. Goldberg was appointed Chair by acclamation.
    - Recording Secretary Pues opened the floor for nomination of Vice Chair.
    - Mr. Comeaux NOMINATED Ms. Peterman for Vice Chair.
    - As there were no other nominations, Ms. Peterman was appointed Vice Chair by acclamation.
- B. Next Scheduled Meeting
  - 1. May 24, 2021

**CITIZENS COMMENTS ON AGENDA ITEMS ONLY**

- None.

**APPROVAL OF MINUTES**

- A. January 25, 2021
  - Mr. Weiner MOVED, Ms. Peterman SECONDED approval of the January 25, 2021, minutes.  
MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARING**

- Recording Secretary Pues swore in all participants.
- D. ZA-01-2021 – An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26, Article 11 “Sign Standards,” Punta Gorda Code; rewriting and reorganizing the same in its entirety; providing for conflict and severability; and providing an effective date.
  - Ms. Lisa Hannon, Zoning Official, entered the staff report, as delineated in the agenda material, into the record by reference, noting the City Attorney recommended the City’s amended sign code regulations be content neutral and non-discriminatory, provide

consistency and promote the public health, safety and welfare. She stated the sign code was simplified and staff updated definitions for equal enforcement and clarity of regulation. She recalled concerns raised at the previous meeting included the size and number of residential signs, profane or obscene language and the potential for visual blight. She reviewed the changes City Council requested at their March 3, 2021, meeting, noting the proposed ordinance would move forward for City Council's consideration. She then reviewed staff's findings and provided a presentation outlining permitted and unpermitted sign types as well as placement for residential and commercial signs, pointing out an error in the Iconic Signs slide which stated Unique Sign Designs were limited to the Community Redevelopment Area.

- Ms. Peterman confirmed a certain number of signs and/or flags could be placed in perpetuity.
- Mr. Goldberg commented positively on the abandoned sign definition as well as the statement on indecent speech and obscene language. He then questioned which category would apply to the electric sign at the Visual Arts Center (VAC).
- Ms. Hannon responded same was permitted as the VAC was considered an educational institution.
- Mr. Gamblin inquired as to the flags and signage at the Military Heritage Museum.
- Ms. Hannon replied same was approved within their Planned Development ordinance.
- Mr. Goldberg inquired whether political signs from previous elections would be considered abandoned signs.
- City Attorney David Levin responded theoretically there should be no time limit on any political signs, explaining State Statute specifically provided that signs placed by candidates needed to be removed within 30 days after the candidate withdrew from candidacy, eliminated from or elected to office; however, that Statute did not apply to campaign signs placed by non-candidates.
- A lengthy discussion ensued regarding regulation of political and obscene signs within the City in accordance with State Statutes and the United States Constitution, with City Attorney Levin clarifying the definition of "special events" as it related to elections as well as "indecent language" and "fighting words" according to United States Supreme Court decisions.
- City Attorney Levin explained a previous court ruling was included in the definition of indecent language, noting a sign visible from the public right-of-way which used indecent language inappropriate for an individual less than seventeen years old could be prohibited.

- Mr. Comeaux inquired whether symbols for controversial topics and movements were considered indecent language.
- City Attorney Levin stated the definition of “fighting words” on line 270 should include graphics, noting some recognizable symbols were clearly intended to incite a reaction; however, certain symbols in isolation might not be commonly understood. He expressed uncertainty whether the City would be successful in defending regulation of symbols which were not as well recognized.
- Discussion continued regarding signs and symbols which might be considered indecent and would be defensible in court if the City were to be sued for restricting same, with City Attorney Levin verifying threatening symbols or graphics would be covered under the definition of “fighting words” and ethnicity would be added to the list of epithets within same.
- Mr. Gamblin inquired what to do when a vehicle was wrapped with threatening language and parked in a driveway.
- City Attorney Levin opined the City might have the right to cite a vehicle wrapped with “fighting words” based on the Supreme Court’s decision same was not protected speech.
- Mr. Comeaux spoke in favor of taking a common sense approach, acknowledging some decisions would need to be decided by the courts.
- Mr. Sacilotto noted there were individuals who would test the ordinance, suggesting a review take place a year from now to evaluate the results.
- City Attorney Levin recalled discussions regarding individuals who wore shirts with indecent language on them while walking around in public where children might see it, explaining he amended the draft to prohibit same. He explained the courts had decided individuals holding signs could not be prohibited; however, he opined shirts and signs with indecencies could be regulated if they were in the public right-of-way.
- Ms. Peterman recalled conversations regarding the number of yard signs allowed, questioning whether there would be less or more if the ordinance passed.
- City Attorney Levin opined the number of signs placed on residential properties would remain stable, with most individuals displaying signs during the political season and removing them afterward. He reiterated individuals who continued to display political signs could not be prohibited from doing so.
- Mr. Peterson confirmed profanity on a shirt directed at an individual would be a violation, inquiring whether the Police Department could be contacted if he were to witness same.
- City Attorney Levin replied the Police Department had the authority to enforce the ordinance once same was adopted.
- Mr. Weiner requested clarification of 11.11(h)(4)(a) and (b).

- Ms. Hannon replied no internally-illuminated façade signs, such as those with channel set letters, were permitted within the City Center Zoning District, acknowledging there were some existing nonconforming signs.
- Mr. Weiner then drew members' attention to Section 11.11(k) which stated a ground sign's base could not be less than 100% of the width of the sign face, noting a person could hide behind a sign with a 10-foot-wide base. He opined if the sign was reduced in width to 80% or arched, the chance of a criminal hiding behind same would diminish.
- Ms. Hannon agreed to work with the City Attorney and Mr. Mitchell Austin, Principal Planner, to address that issue.
- Mr. Weiner opined the word "landscape" should be removed from Section 11.11(k)(2). He then questioned whether there was a landscape code for signs in Chapter 26.
- Ms. Hannon responded in the negative, noting there was a landscape code for signs in the Interchange Commercial Overlay District, and there were landscape requirements for any commercial or multi-family residential developments not specific to the sign code.
- Mr. Weiner verified an apartment complex could be developed with a monument sign with no landscaping.
- Ms. Hannon stated provisions regarding landscaping around the base of monument signs could be added.
- Mr. Weiner then drew members' attention to Section 11.17(a), inquiring as to nonconforming signs which had been permitted by Charlotte County which were annexed into the City.
- Ms. Hannon replied same were usually addressed in a pre-annexation agreement, noting City Council could determine whether a requestor could keep their existing nonconforming sign. She stated a requirement for nonconforming signs to be replaced upon annexation could be proposed to City Council.
- Mr. Weiner suggested a time limit be set for nonconforming signs to be replaced following annexation into the City.
- City Attorney Levin drew attention to Section 11.2(c)(5), which concerned signs on vehicles, indicating he would add, "Except as otherwise provided herein," to the beginning of the sentence. He stated he would add text to the end of Section 11.5(z) to state, "this prohibition includes signs in or on any vehicle".
- Mr. Comeaux verified signs and flags would be synonymous by definition.
- City Attorney Levin noted he was disinclined to address parked vehicles with flags on them at this point.
- Ms. Hannon stated there were requirements for displaying flags.
- Mr. Comeaux inquired as to decorative flags for holidays or sports teams.

- City Attorney Levin replied those would need to adhere to the requirements for displaying flags, adding they could be addressed if a problem arose.
- Discussion continued regarding decorative flags.
- City Attorney Levin concluded members should include some of the suggestions in a motion if they desired same to be incorporated into their recommendation to City Council.
- Mr. Goldberg called three times for public comment.
- Mr. Gamblin MOVED, Mr. Sacilotto SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Sacilotto MOVED, Mr. Gamblin SECONDED to recommend City Council approve the ordinance as presented subject to the changes recommended by the City Attorney. MOTION CARRIED UNANIMOUSLY.

### QUASI-JUDICIAL PUBLIC HEARINGS

- Recording Secretary Pues swore in all participants.
- A. AX-01-2021 An Ordinance of the City Council of Punta Gorda, Florida, annexing within the municipal limits of Punta Gorda, 16.8+/- acres of city-owned property located in Charlotte County, Florida, commonly known as the city of Punta Gorda Public Works & Utilities Campus, and addressed as 3130 & 3132 Cooper Street, as more particularly described in Exhibit "A", in accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; redefining the boundary lines of said city in conformance therewith; amending the official boundary map of the City of Punta Gorda, Florida; directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; providing for conflict and severability; and providing an effective date.
- Ms. Lisa Hannon, Zoning Official, entered the staff report into the record in its entirety, providing a detailed review of staff's findings and conclusions. She stated the property was already within the utilities service area and the structures were owned by the City, noting the request required a large scale Comprehensive Plan amendment and rezoning amendment, which ran concurrent with this request. She stated the request supported the City's Strategic Plan, concluding staff and the Development Review Committee (DRC) recommended approval of AX-01-2021.
- Mr. Goldberg called three times for public comment.
- Mr. Weiner MOVED, Ms. Peterman SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.

- Mr. Comeaux MOVED, Ms. Peterman SECONDED to find AX-01-2021 was consistent with the Comprehensive Plan and to recommend approval of this request based on the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.
- B. CP-01-2021 An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the future land use map to reflect the change in the current designations of Low Intensity Industrial/County (LII/County) to Public/City (P/City) for 16.8 + acres, being a portion of land lying in Charlotte County, Florida, being all of Block C, all of Tracts C and D, portions of Blocks A, B, D, E, F, H, & I, and portions of Tracts B and E, all in Coral Ridge Unit No. 2, according to the plat thereof, recorded in Plat Book 5, Page 36, of the Public Records of Charlotte County, Florida, and said parcel also being a portion of those lands encompassed by Resolution No. 89-16PV, a resolution to vacate a portion of Coral Ridge Unit No. 2 as recorded in Official Records Book 1046, Page 276, of the Public Records of Charlotte County, Florida, and all of Cooper Street Commerce Park, a condominium, according to the Declaration of Condominium thereof, as recorded in the Official Records Book 3231, Page 1963, and subsequent amendments thereto, of the Public Records of Charlotte County, Florida, all being more particularly described in the boundary survey attached hereto, and addressed as 3130 & 3132 Cooper Street; providing for conflict and severability; and providing an effective date.
- Ms. Hannon announced this request was a companion to AX-01-2021, which had precipitated the need for the Comprehensive Plan amendment. She reviewed staff's findings and conclusions, noting any additional development would require approval from the DRC. She concluded staff and the DRC recommended approval of CP-01-2021 and transmittal of the petition to the Department of Economic Opportunity and related reviewing agencies, adding the staff report was entered into the recorded in its entirety by reference.
- Mr. Goldberg called three times for public comment.
- Mr. Gamblin MOVED, Ms. Peterman SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Gamblin MOVED, Mr. Weiner SECONDED to find CP-01-2021 was consistent with the Comprehensive Plan and to recommend approval of this request and transmittal to the Department of Economic Opportunity. MOTION CARRIED UNANIMOUSLY.
- C. Z-01-2021 - An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning 16.8 + acres, being a portion of land lying in Charlotte County, Florida, being all of Block C, all of Tracts C & D, portions of Blocks A, B, D, E, F, H, & I, and portions of

Tracts B & E, all in Coral Ridge Unit No. 2, according to the plat thereof, recorded in Plat Book 5, Page 36, of the Public Records of Charlotte County, Florida, and said parcel also being a portion of those lands encompassed by Resolution No. 89-16PV, a resolution to vacate a portion of Coral Ridge Unit No. 2 as recorded in Official Records Book 1046, Page 276, of the Public Records of Charlotte County, Florida, and all of Cooper Street Commerce Park, a condominium, according to the Declaration of Condominium thereof, as recorded in the Official Records Book 3231, Page 1963, and subsequent amendments thereto, of the Public Records of Charlotte County, Florida, all being more particularly described in the boundary survey attached hereto, and addressed as 3130 & 3132 Cooper Street, from its current Charlotte County zoning classification of Industrial General/County (IG/County) to Public/City (P/City); providing for conflict and severability; and providing an effective date.

- Ms. Hannon entered the staff report into the record by reference in its entirety, noting this request accompanied AX-01-2021 and CP-01-2021. She reviewed staff's findings and conclusions, concluding staff and the DRC recommended approval of Z-01-2021 based on their findings and conclusions.
- Mr. Weiner pointed out this agenda item's summary also mentioned 3134 Cooper Street, which was not included in the summaries for AX-01-2021 and CP-01-2021.
- Ms. Hannon explained 3134 Cooper Street was a previous address which had been vacated per the resolution cited in the ordinance. She stated the Legal Division had reviewed same, adding she would update the presentation for the City Council meeting.
- Mr. Goldberg called three times for public comment.
- Mr. Sacilotto MOVED, Mr. Gamblin SECONDED to close the public hearing. MOTION CARRIED UNANIMOUSLY.
- Mr. Sacilotto MOVED, Mr. Comeaux SECONDED to find Z-01-2021 was consistent with the Comprehensive Plan and to recommend approval to Council based on the evidence and testimony presented. MOTION CARRIED UNANIMOUSLY.

#### **NEW BUSINESS**

- No items.

#### **UNFINISHED BUSINESS**

- No items.

#### **STAFF COMMENTS**

- None.

#### **COMMITTEE/BOARD COMMENTS**

- Messrs. Comeaux and Weiner thanked staff for their effort on the sign ordinance.

- Ms. Peterman commented positively on the ability to require signs placed by candidates to be removed, suggesting same be communicated.
- Mr. Goldberg agreed, opining the sign code ordinance would benefit the City.
- Mr. Sacilotto stated he was impressed with staff's response to rectify member's concerns following the previous meeting.
- Mr. Peterson agreed, noting same was important for the community to understand.

**CITIZENS' COMMENTS**

- None.

**ADJOURNMENT**

- Meeting Adjourned: 3:41 p.m.

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Harvey Goldberg, Chairman

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Leah Pues, Recording Secretary