

ARTICLE 4 – USES PERMITTED WITH CONDITIONS

Section 4.1. Purpose

The City of Punta Gorda finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or operation.

Such conditions ensure compatibility among building types so that different uses may be located in proximity to one another without adverse effects to either. Each use shall be permitted in compliance with the conditions listed in this Article, provided the use is identified as being “permitted with conditions” in the zoning district where the use is located. Some zoning districts may state that uses requiring special exceptions are also subject to the applicable provisions of Article 4.

Section 4.2. Accessory Dwelling

- (a) An accessory dwelling may be attached, within, or separate from the principal dwelling.
- (b) Outside the Traditional Punta Gorda (TPG) zoning district, the principal use of the lot shall be a detached or attached single-family dwelling or duplex. The TPG zoning district may allow other principal uses to have an accessory dwelling.
- (c) No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit(s).
- (d) The accessory dwelling shall be owned by the same person as the principal dwelling.
- (e) The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
- (f) Outside the TPG zoning district, a detached accessory dwelling shall be housed in a building not exceeding 650 square feet of first floor area [maximum footprint] or 50% of the first floor area of the principal dwelling, whichever is greater; the structure may be dwelling only or may combine dwelling with garage, workshop, studio, or similar use. Within the TPG zoning district, a detached accessory dwelling may be housed only in the “Accessory Cottage” building type.
- (g) A detached accessory dwelling shall be located in the established rear yard ~~and meet the standards for the applicable building and lot type of Article 7.~~

Section 4.3. Adult Establishments

Studies have shown that adult establishments tend to have serious deleterious effects upon nearby residential areas and uses where juveniles congregate, specifically schools, religious institutions, child care centers, parks and playgrounds. Further, studies have shown that lowered property values and increased crime tend to accompany geographic concentrations of adult establishments. It is the intent of this section to establish regulations to prevent the concentration of adult establishments and to separate adult establishments from residential areas, schools, religious institutions, child care centers, parks and playgrounds.

- (a) Adult establishments are permitted as a special exception in the ~~HC zones~~ Highway Commercial (HC) zoning district and the Flex Commercial Corridor regulating district in the TPG zoning district. and require City Council approval.
- (b) - (i) *[no changes to these subsections]*
- (j) Establishments shall meet the relevant architectural requirements of Article 7, or if in the Traditional Punta Gorda (TPG) zoning district, shall meet all standards in Article 3.

Section 4.4. Amusement Facilities [Outdoor]

[no changes to this section]

Section 4.5. Group Homes

- (a) Five or less unrelated individuals other than the homeowner are allowed in a group home.
- (b) These facilities may be located in any residential district.
- (c) They must be registered with the State of Florida Department of Human Resources.
- (d) All adjacent property owners shall be notified.
- (e) Any establishment that houses more than five individuals or where the property owner does not reside at the residence, or where there is not a permanent lessee who has obtained a lease agreement for at least one year, will be considered an institutional facility and shall only be permitted to operate in the NC and CC Districts.
- (f) Group homes shall not be located within a mile radius from another group home or home similar in nature.
- (g) A Local Business Tax Receipt must be obtained prior to operating a group home.
- (h) Requirements in the Traditional Punta Gorda (TPG) zoning district in Section 3.3 supersede the group home requirements in this section.

Section 4.6. Automotive/Boat/Manufactured Home Sales and/or Service

[no changes to this section]

Section 4.7. Bars and Nightclubs

[no changes to this section]

Section 4.8. Bed and Breakfast Inns

- (a) Single family homes used as bed and breakfast inns shall be designated on the local register of historic places located in a historic district, and must have a minimum conditioned floor area of 1,500 square feet and designated as a contributing structure to the district.
- (b) Single family homes used as bed and breakfast inns may not subdivide existing rooms into less than 200 square feet.
- (c) The bed and breakfast inn shall be owner-occupied.
- (d) All guest parking shall be to the rear of the home. Where on-street parking is permitted, the length of the street in front of the lot may be counted as parking. There shall be one space per room of lodging.

Section 4.9. Car Wash

[no changes to this section]

Section 4.10 Cemetery

[no changes to this section]

Section 4.11. Churches and Places of Worship

- (a) The scale and activity level of ~~churches~~ places of worship is a function of size and the range of accessory uses associated with the institution. Very high activity levels have the potential to be disruptive to residential and small scale mixed use areas. To diminish disruptive impacts by ensuring appropriate location and design standards, the development and expansion of religious institutions and accessory uses in residential, Traditional Punta Gorda (TPG) CC, and NC Neighborhood Center (NC) zoning districts shall meet the following standards:
- (1) ~~Churches~~ Places of worship shall meet the applicable standards of Article 7 Architectural Provisions for civic buildings and lot type as well as all general building principles of Article 7.4.
 - (2) Exterior lighting shall be directed or screened so as to protect the privacy of the private living areas and associated open spaces of adjacent residential properties.
 - (3) Accessory dwelling units for persons associated with or employed by the church may be provided no greater than the density allowances for the zoning or regulating district at a ratio of 1 unit for each 3 acres of site; these limits do not apply to the placement of convents, rectories, parsonages or similar uses on the site.
 - (4) Accessory uses such as ~~church~~ place of worship offices, religious bookstores serving the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, and day care centers on the same site or sites contiguous to the principal use shall be permitted. ~~wherever churches are permitted and shall meet the civic building and lot type principles of Article 7.~~ Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such.
 - (5) ~~Place of worship Church~~ accessory uses which are not permitted as principal uses in a district shall adhere to the following restrictions: no merchandise or merchandise display shall be visible from outside the building and no business or identification sign pertaining to the accessory uses shall be visible from outside the building.
 - (6) Application for a building permit shall include a comprehensive site plan which addresses the required standards and conditions for the main site and all abutting holdings.

Section 4.12. Civic Uses

[no changes to this section]

Section 4.13. Commercial and Office Structures Exceeding 30,000 Square Feet [individually or in combination]

[no changes to this section]

Section 4.14. Convenience Store/Service Station/Repair Garage

[no changes to this section]

Section 4.15. Country Club

[no changes to this section]

Section 4.16. Day Care Centers

[no changes to this section]

Section 4.17. Drive-Through Window Facilities

- (a) Drive-through ~~windows~~ facilities must be located on the side or rear of a building and shall be limited to one lane and screened from off-site view.
- (b) ~~Stacking spaces~~ ~~Vehicle storage~~ for drive-through window uses shall be provided in compliance with Section 10.8 and located outside of and physically separated from the right-of-way of any street. This area shall not interfere with the efficient internal circulation of traffic on the site, adjacent property, or adjacent street right-of-way.
- (c) Drive-through ~~window~~ facilities shall be screened from off-site view and street right of ways by a landscaped buffer with a minimum width of 10 feet, extending the entire length of the drive-through cueing or stacking area.
- (d) A permanent porte-cochere structure may be constructed over the drive-through and service window area. It shall be a minimum of 20-feet in width, extend the width of the drive, be integrated structurally into the building, and match the architectural design of the building. The porte-cochere may encroach into the side yard setback.

Section 4.18. Essential Service 1 and 2

[no changes to this section]

Section 4.19. Helistop

[no changes to this section]

Section 4.20. Hotels/Motels/Inns

- (a) Shall be separated at least 750 feet from any residential district, measured from the closest point of the lot occupied by the hotel or motel to the closest point of lots in residential districts.
- (b) Hotels in the Traditional Punta Gorda (TPG) City Center zoning district, Interchange Commercial Overlay district, and any Planned Development districts are not subject to the separation standards of this section.

Section 4.21. Kennels, Indoor/Outdoor

[no changes to this section]

Section 4.22 Home-Based Businesses Limited Home Occupations

- (a) ~~There is no traffic generated by the occupation.~~ Additional parking spaces are not required for the business, but any on-site parking spaces that serve the home-based business must comply with requirements of this code. Any vehicles or trailers parked at or near the business must be parked in legal parking spaces that comply with all restrictions in this code that apply to the home, and they may not be parked over a sidewalk. Heavy equipment (commercial, industrial, or agricultural vehicles, equipment, or machinery) may not be parked or stored where it would be visible from the street or neighboring property.
- (b) ~~The occupation is conducted by the resident owner or an authorized tenant only. If said occupation is to be conducted by a non-owner tenant then written authorization shall be required from the property owner.~~ The activities of the home-based business must be secondary to the property's use as a home. An employee or proprietor of the business must live in the home.
- (c) ~~There are no employees.~~ Up to two non-resident employees or independent contractors may also work at the business. The business may also have remote employees that neither live in the home nor work on-site.
- (d) ~~There is~~ No special signage is allowed for a home-based business; signage is regulated by Article 11.
- (e) ~~No change in residential character.~~ As viewed from the street, the use of the home must be consistent with the uses of the surrounding residential area. External modifications to a home to accommodate a home-based business must conform with the residential character and architectural aesthetics of the neighborhood.
- (f) ~~No advertising using the home address of the home occupation.~~ The business must comply with all local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids.
- (g) ~~No on-site storage of goods and merchandise related to home occupation.~~ The business may not conduct retail transactions from a structure other than the home.

Section 4.23. Reserved Mixed Use Buildings

- (a) ~~All mixed use buildings shall have at least two occupiable stories with a minimum of fifty percent of the street level floor area dedicated to retail use. Office uses are permitted at the street level and/or on upper levels in combination with retail and residential use. Residential uses shall be placed on upper floors.~~
- (b) ~~The building shall be architecturally compatible with buildings within 100 linear feet and shall be located on a right-of-way a minimum of 60 feet in width with marked on-street parking.~~

Section 4.24. Neighborhood and Outdoor Recreation

- (a) ~~Buildings constructed in association with neighborhood recreation or outdoor recreation shall meet the Building Styles provisions of Article 7.~~
- (a) ~~(b)~~ Service areas will be separated by an opaque screen from the view from any street and from abutting properties.
- (b) ~~(c)~~ Chain link and similar fencing materials, if used, shall be planted on exterior side with evergreen shrubs minimum three feet in height and six feet on center at installation.

Section 4.25. Neighborhood Commercial Fueling Stations

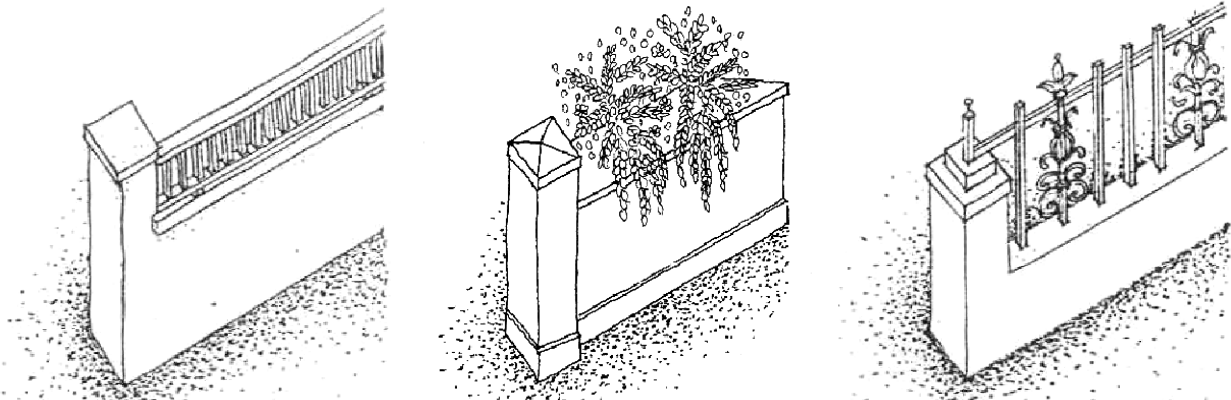
- (a) Neighborhood commercial fueling stations, by definition, permit retail sale of fuel and convenience products and the minor service and repair of motor vehicles.
 - (1) Neighborhood commercial fueling stations have no more than two fueling pumps per service islands.
 - (2) Buildings shall meet the relevant design, building, and architectural provisions of Article 7.
 - (3) Fueling pumps, canopies, and associated service areas are prohibited in any required yard.

Section 4.26. Outdoor Storage

[no changes to this section]

Section 4.27. Parking Lot as a Principal Use Within Commercial and Mixed Use Districts

- (a) Parking lots not associated with a building shall adhere to the standards of Article 10, ~~except that parking lots shall be constructed to the prevailing established setback line for structures within 300 feet in either direction on the same side of the street. The prevailing established setback applies for both the fronting street and any abutting side street.~~
- (b) ~~Within the City Center District~~ Parking lots shall be screened by vegetation that complies with ~~adhere to the standards of 12.4.(a)(1).~~ and In the Downtown Core of the Traditional Punta Gorda (TPG) zoning district, however, parking lots shall instead be screened from public view using a solid 3-foot high masonry wall no taller than 4 feet using a design acceptable to the Urban Design Manager; several wall concepts are illustrated here.



- (c) Multi-story parking lots must comply with the parking structure requirements in Section 4.28

Section 4.28. Parking Structure

- (a) Parking structures shall be wrapped by retail, office, and/or other permitted uses along street edges. In the Downtown Core of the Traditional Punta Gorda (TPG) zoning district, these users shall be contained in a building that meets the standards for the “Liner” building type.
- (b) Within the TPG outside of the Downtown Core, a minimum of 60 percent of any primary façade adjoining a street shall incorporate at least two of the following:
 - (1) Transparent windows, with clear or lightly-tinted glass, where pedestrian oriented businesses are located along the ground-level façade of the parking structure

- (2) Display windows that showcase art, memorabilia, or merchandise not necessarily available on-site
- (3) Decorative metal grille-work or similar detailing which provides texture and partially and/or fully covers the parking structure openings
- (4) Art or architectural treatment such as sculpture, mosaic, glass block, opaque art glass, relief work, or similar features
- (5) Vertical trellis or other landscaping or pedestrian plaza area

Section 4.29. Recreational Facilities

[no changes to this section]

Section 4.30. Reserved ~~Rental Cottage~~

- ~~(a) Minimum floor area shall be 480 square feet.~~
- ~~(b) The principal building shall be owner-occupied.~~

Section 4.31. Sidewalk Café

- (a) Permitted hours of operation are from 6:00 am to 11:00 pm.
- (b) Shall maintain at least a four foot clear and unobstructed passageway between the café and any obstructions; including but not limited to street trees, bike racks, lampposts, sign posts, and other existing fixtures. ~~When located at a street corner, a ten foot setback from the corner shall be maintained along both frontages.~~
- (c) No portion of an umbrella shall be less than seven feet above the sidewalk ~~or extend into or over the pedestrian right-of-way.~~
- (d) ~~Movable individual metal~~ tables and chairs shall be utilized to allow temporary removal ~~and use of the right-of-way~~ for public events, construction activity, repair, or any other purpose.
- (e) A sidewalk café shall not extend into the area in front of an adjoining structure without the written consent of the adjoining property owner.
- ~~(f) The café area shall be completely surrounded by an architecturally compatible, three foot in height enclosure. No enclosures shall be required if the applicant proposes to limit the café area to one row of tables and chairs abutting the wall of the establishment and no alcohol will be served.~~
- ~~(f)~~ (g) Shall provide proof of liability insurance coverage in the amount of at least \$1,000,000 with the City named as an additional insured.
- ~~(g)~~ (h) Outdoor seating ~~less than 15% of interior seating~~ is deemed accessory and exempt from impact fees and additional parking requirements.

Section 4.32. Temporary Uses and Outdoor Sales of Seasonal Agricultural

[no changes to this section]

Section 4.33. Water Related Structures

[no changes to this section]

Section 4.34. Wireless Communication Facilities

- (a) Require City Council approval.
- (b) Wireless communications facilities may not exceed 40 feet in height in the Neighborhood Center (NC) NC district and 110 feet in height in the Highway Commercial (HC) HC, and Public (P) P and SP Districts. Facilities shall be constructed using a monopole design with all antenna installed on the interior of the facility.
- (c) Alternate wireless communications facilities may be integrated into existing or newly developed structures not intended for human occupancy (i.e. church bell towers, steeples, street lights, water towers, electrical transmission towers) in the NC, HC, and P and SP districts. All such facilities shall be disguised, hidden and designed to detract attention of all components using stealth design elements. Alternate facility designs must be presented in full drawing, accompanied by an impact analysis of the proposed alternate facility indicating the structure's visual impact on the surrounding environment prior to review by the City Council.
- (d) Free standing wireless communications facilities in HC and SP Districts shall be setback a distance equal to the total height measured from grade elevation from all adjoining properties of differing designation.
- (e) - (i) *[no changes to these subsections]*

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

[this section is being deleted in its entirety]

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

[this section is being deleted in its entirety]

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

[this section is being deleted in its entirety]

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

[this section is being deleted in its entirety]

Section 4.39 Permanent Canopy Shade Structures

Permanent canopy shade structures associated with recreational facilities or school playgrounds is a use permitted with conditions in the Environmental Preserve District (EP), Traditional Punta Gorda District (TPG), General Single-Family Residential District (GS), General Multi-Family Residential District (GM),

Manufactured Home District (MH), ~~Neighborhood Residential District (NR)~~, Neighborhood Center District (NC), ~~City Center District (CC)~~, Highway Commercial District (HC), ~~Special Purpose District (SP)~~ and Public District (P). In addition, permanent canopy shade structures associated with auto-oriented and auto-dependent is a use permitted by Special Exception in the Highway Commercial District (HC).

(a) - (i) *[no changes to these subsections]*

Section 4.40 Mobile Food Dispensing Vehicles

(a) **Definitions.** *[no changes to this subsection]*

(b) **Mobile Food Dispensing Vehicles Allowed.** Notwithstanding any provision of the Punta Gorda Code to the contrary, and subject to the requirements of this Section, Mobile Food Dispensing Vehicles may be operated within the City of Punta Gorda in the following areas:

- (1) By staff approval on developed properties in the Neighborhood Center (NC) Zoning District, ~~the City Center Zoning District~~, the Highway Commercial (HC) Zoning District, the Interchange Commercial Overlay District, and the following regulating districts in the Traditional Punta Gorda (TPG) ~~the Special Purpose (SP)~~ Zoning District: Downtown Core, Village Center, Flex Commercial Corridor, and Maker Village.
- (2) Any other zoning district within the City of Punta Gorda if expressly approved as part of a Special Event, Business Event, Grand Opening Event, Temporary Promotional Event, Temporary Use permit, or public property concession services agreement granted by the City of Punta Gorda.
- (3) A Mobile Food Dispensing Vehicle may also be operated in any zoning district at an active construction site with a valid building permit provided the duration of selling food and beverages is limited to no more than one hour per day at any one such site.

(c) - (i) *[no changes to these subsections]*

Section 4.41 Warehouse/District Centers

[no changes to this section]