

## ARTICLE 19 – DEFINITIONS

### **Section 19.1. Intent** *[no changes to this section]*

Words and terms used in this Code shall be given the meanings set forth in this section. All words and terms not specifically defined in this section shall be given their common, ordinary meanings, as the context may reasonably suggest. The reference for common, ordinary meanings shall be the latest edition of Webster's New World College Dictionary; Fourth Edition (published May 2004).

### **Section 19.2. Interpretation** *[no changes to this section]*

### **Section 19.3. Definitions** *[added, deleted, and modified definitions are shown here, plus some that are not being modified but are shown here for reference purposes]*

For purposes of this section, the words and terms defined below shall have the following meaning:

#### **(new) USE GROUPS**

Use group means any of the four groups of land uses that the TPG (Traditional Punta Gorda) zoning district employs to define uses that are permitted by right, permitted by right with conditions, permitted by special exception, permitted as accessory uses, or as not permitted. The four use groups are Residential Uses, Lodging Uses, Business Uses, and Civic & Education Uses. Some terms used in these four groups are defined alphabetically in this article; the following terms are defined immediately below as they apply to these four groups:

#### **RESIDENTIAL USES**

##### **RESIDENCES**

A residence is a building or portion of a building used primarily as a non-transient private dwelling. Other uses may be permitted on the same lot if those uses qualify as residential accessory uses. (New residential buildings must comply with limits on height and density and with building-type limitations for each regulating district; see Section 3.3)

##### **ASSISTED LIVING FACILITIES**

An establishment that provides housing for the infirm or elderly and which may also provide meals and limited personal services. Assisted living facilities may be a part of a larger facility such as a nursing home, but for purposes of the TPG zoning district, those additional services may not be provided in the same facility unless they are specifically permitted.

##### **TRANSITIONAL COMMUNITY RESIDENCES**

A transitional community residence provides a relatively temporary (less than a year) living arrangement for unrelated people with disabilities, including those with substance use disorder who have undergone detoxification at another location. A transitional community residence emulates a biological family and integrates residents into the surrounding community. Medical treatment is incidental as in any home. Transitional community residences include, but are not limited to, those residences that comport with this definition that are licensed by the Florida Agency for Persons with Disabilities, the Florida Department of Elder Affairs, the Florida Agency for Health Care Administration, and the Florida Department of Children and Families, under F.S. ch. 419, and sober homes certified by the State's designated credentialing entity established under F.S. § 397.487.

## RESIDENTIAL ACCESSORY USES

Residential accessory uses are any uses of a building or lot that are customarily incidental and subordinate to the permitted residential use. Residential accessory uses include, but are not limited to, the following uses:

- Home-based business that complies with Article 4 of this code.
- Accessory dwelling that complies with Article 4 of this code.
- Day care home, as defined in Article 19.

## LODGING USES

### LODGING ACCESSORY USES

Lodging accessory uses are any uses of a building or lot that are customarily incidental and subordinate to hotels and which, if enclosed, require less than 10 percent of the gross floor area. Lodging accessory uses include, but are not limited to, the following uses:

- Meeting rooms
- Recreational facilities such as swimming pools
- Restaurants

Certain uses within or connected to hotels are not considered lodging accessory uses and are allowed only if specifically permitted as Business Uses in Section 3.3 of this code; these uses include bars, nightclubs, marinas, conference centers, drive-through facilities, etc.

## BUSINESS USES

### STORES & SERVICES, GENERAL

Establishments that sell food or merchandise or provide personal, professional, or business services. The following uses are considered 'Stores & services, general' for purposes of this code:

- Stores & services, large format
- Offices, general and medical
- Restaurants
- Sidewalk café
- Bars and nightclubs
- Adult establishment
- Drive-through facilities
- Convenience stores with fuel
- Amusement facilities (indoor)
- Kennels, indoor/outdoor
- Mini-storage facilities
- Parking (as primary use)
- Nursing homes
- Health care facilities
- Marinas and yacht clubs
- Vehicle and boat sales & service
- Warehousing or distribution
- Light industrial uses

#### **STORES & SERVICES, LARGE FORMAT**

This term has the same meaning as ‘Stores & services, general’ as defined by this code, except that the establishment contains over 30,000 square feet of enclosed floor area or over 10,000 square feet of outdoor sales or outdoor storage area.

#### **OFFICES, GENERAL AND MEDICAL**

An office, general and medical, is a room or group of rooms not within a residence that is used to conduct the affairs of a business, profession, service, or government and that is generally furnished with desks, tables, files, and equipment specific to the enterprise.

#### **CONVENIENCE STORE WITH FUEL**

An establishment that provides limited services primarily to the motoring public such as fuel sales, car washing, or car detailing, and that may also sell merchandise including food and beverages.

#### **NURSING HOMES**

An establishment that provides housing, meals, personal care, and nursing care to ill, disabled, or elderly people. Nursing homes provide around-the-clock care for intermediate and long-term stays. Nursing homes may be a part of a larger facility that also includes an assisted living facility or other ancillary facilities.

#### **VEHICLE AND BOAT SALES & SERVICE**

An establishment whose primary business is selling or servicing new or used vehicles including automobiles, motorcycles, golf carts, light trucks, boats, recreational vehicles, trailers, etc.

#### **LIGHT INDUSTRIAL USES**

Establishments that conduct light manufacturing, but not heavy manufacturing, as those terms are defined alphabetically in Article 19. Also excluded are impound lots, junkyards, scrapyards, auto salvage yards, construction/demolition yards, essential services Class 3, helistops, warehouse/district centers, and other uses with external impacts greater than light manufacturing.

#### **BUSINESS ACCESSORY USES**

Uses and structures which are customarily incidental and subordinate to permitted business uses.

### **CIVIC & EDUCATION USES**

#### **PLACES OF WORSHIP**

A special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis. Some places of worship wish to include related uses such as schools, day care centers, or conference centers; the inclusion of such uses are regulated by Section 3.3 as if they were separate uses.

#### **CONFERENCE CENTERS**

An establishment that hosts public or private events and may also host regional or national meetings or exhibitions. A conference center may be an independent entity or may be associated with or be an integral part of a hotel.

~~(6)~~ **BUILDING TYPE**

~~The standard classification of building construction as All-yard, Side-yard, Rear-yard, Court-yard, and Special Purpose types.~~

~~(60)~~ **DAY CARE CENTERS**

A place licensed by the State, if applicable, where daytime care, which may include some instruction, is provided to 6 or more children or adults who do not reside in the facility, and who are not the legal wards or foster children or relatives of the attendant adult within an occupied residence.

~~(64)~~ **DAY CARE HOME [SMALL]**

A facility in a dwelling unit; licensed by the State, if applicable; providing care for six or fewer children or adults who do not reside in the facility, are present during daytime hours, and do not stay overnight; and which may include some instruction.

~~(63)~~ **DENSITY, GROSS**

The number of dwelling units on the entire area of a tract or parcel of land.

~~( )~~ **DENSITY, INDIVIDUAL LOT**

The net density of individual lots on subdivided blocks is calculated by dividing the number of dwelling units on the lot by the area of the lot plus one-half the area of a public right-of-way abutting that lot.

~~(64)~~ **DENSITY, NET**

The number of dwelling units on a tract or parcel of land minus the area of public rights-of-way, areas of flood hazard, lakes or water bodies, or wetlands under the jurisdiction of the U.S. Army Corps of Engineers.

~~(74)~~ **DISTRICT**

An area delineated on the Zoning Map which sets forth standards and guidelines for all development within. See Section 3.1 for a list of base, overlay, and planned development districts, and see Section 3.2 for a list of regulating districts and overlay districts in the Traditional Punta Gorda (TPG) base district.

~~(408)~~ **HEALTH CARE FACILITY**

A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions. Health care facilities include general or specialty hospitals, public health centers, diagnostic centers, treatment centers, rehabilitation centers, extended care facilities, long-term care facilities, residential health care facilities, outpatient clinics and dispensaries. They may include laundries, cafeterias, gift shops, laboratories, helistops, and medical offices as accessory uses.

~~(113)~~ **HOME OCCUPATION [LIMITED]**

~~An occupation carried on in a dwelling by the resident, provided that the use is limited in extent and incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.~~

~~(145)~~ **MARINA**

Marina means the placement and construction of structure and facilities on a parcel of land intended to establish as the principal use of such land the lease, rental or sale of boat docks located in a directly abutting navigable waters. ~~Marine Park (MP) zoning district.~~ All marinas shall at a minimum provide for permanent, on-site amenities to include: Restroom facilities, shelter from inclement weather, phone service, water and sewer service, trash collection, security lighting, emergency vehicle access and such other amenities as shall be required by the Development Review Committee. All marinas must meet the development standards contained in these zoning regulations (e.g. lot size, lot width, lot depth, etc.) The following definitions are the types of marinas permitted by this code.

- (a) **Marina Industrial** means a marine-oriented establishment engaged in the construction, manufacture, sale, maintenance, repair, docking and storage of commercial boats, barges and watercraft; and accessories including engines, motors, winches, mechanical equipment, supplies, the sale of fuel, lubricants and provisions; (or) receiving, processing, storage and distribution of seafood products. Boats and watercraft used for living purposes shall be in the water and shall meet the requirements of the State Board of Health.
- (b) **Marina Sports** means dockage and storage, wet or dry, of boats and watercraft used for pleasure or sports purposes and accessories, including motors, trailers, equipment and supplies. The sale of fuel and lubricants, provisions, bait and tackle shall be permitted.

~~(150)~~ **MIXED USE**

~~The presence of residential and non-residential uses within the same complex or same building. Mixed use can also refer to different categories of non-residential uses such as institutional, retail, and office within the same complex of building. The advantage of mixed uses is the promotion of architectural compatibility and pedestrian scaled environments.~~

~~(155)~~ **NEIGHBORHOOD COMMERCIAL FUELING STATIONS**

Neighborhood Fueling Stations, by definition, permit retail sale of fuel and convenience products and minor service and repair of motor vehicles.

- (a) Neighborhood Fueling Stations have no more than two fueling pumps per service island.
- (b) Buildings shall meet the relevant design, building and architectural provisions of Article 7.
- (c) Fueling pumps, canopies and associated service areas are prohibited in any required yard

~~(160)~~ **NON-CONFORMING LOT OF RECORD**

A lot described by a plat or a deed that was recorded prior to the effective date of these regulations [or their amendments] that does not meet the minimum lot size or other development requirements of Chapter 26. ~~this Ordinance.~~ [See Article 17, Section 17.6]

~~(164)~~ **NON-CONFORMING USES**

Any actual and active use lawfully being made of any land, building, sign or structure not otherwise abandoned, which exists on the effective date of this Code Ordinance or on the effective date of any amendment thereto, and renders such existing use illegal within a zoning district, or ~~which when the use does not comply in any fashion with all of the conditions for uses (Article 4) and all the standards of general applicability for the use (Article 8) that are provided in Chapter 26. regulations of this Ordinance or any amendments thereto.~~ If the property or structure is vacant or unused after 365 days from ~~on~~ the effective date of this Code Ordinance or any amendment thereto, it shall be conclusively presumed that the use of the property or structure is subject to the provisions of this Code Ordinance or any amendments thereto.

~~(175)~~ **OVERLAY DISTRICT**

A set of regulations which add an additional layer of design provisions to an underlying use district. See Section 3.1 for a list of overlay districts.

~~(210)~~ **REMOTE DOCKING FACILITIES**

A dock or multiple docks where no principal use exists on the upland property directly adjoining the facility, or the adjacent property does not meet the minimum development standards contained in these regulations for development. Remote docking shall also include the anchoring or docking of any live aboard boat except as authorized by Section 8.6 of Chapter 26. in the MP district. A single non-commercial dock ~~constructed in the MP zoning district~~ abutting a vacant property zoned general single family (GS) that meets minimum development standards shall not be considered a remote docking facility and may only be used for a single boat owned by the upland property owner. ~~[See exception in Chapter 6, Section 6-19.]~~