

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. 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(s) 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) Any structure in which an adult establishment is the principal or accessory use shall be separated by a distance of at least 3,000 feet measured by direct airline from any residential ~~or mixed-use~~ district and from the following principal or accessory uses, defined as protected uses for purposes of this section: dwelling units, elementary and secondary schools, religious institutions, child care centers, parks and playgrounds.
- (c) Any structure in which an adult establishment is the principal or accessory use shall be separated by a distance of at least 1,000 feet from any other adult establishment.
- (d) The distance of separation from residential and mixed use zoning districts and from the protected uses listed shall be measured from the closest point of the lot occupied by an adult establishment to the nearest residential or mixed use zoning district or the property line of a protected use. The distance of separation between adult establishments shall be measured from the closest points of the lots occupied by adult establishments utilizing an airline measurement.
- (e) No more than one adult establishment may be located within the same structure or on the same lot.
- (f) In the interest of public health and safety, mini-motion picture booths shall be constructed without doors, and shall orient the customer entrance of each booth toward the principal sales counter.
- (g) All openings shall have an opaque glazing to discourage visibility of the interior.
- (h) The maximum floor area of each use shall be 3,000 square feet.
- (i) No exterior signage or building element shall be pornographic in nature or convey any such idea or element.
- (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]

- ~~(a) — Outdoor amusement land parcels will be separated by an opaque screen at least 6 feet in height from any abutting property located in a residential or mixed use district.~~
- (a) Landscape buffer area of 20 foot, planted in accordance with the provisions of Buffer Area [Section 12.4(f)(2)], shall be required between the property line and any area where outdoor amusement areas are located.
- (b) Fences or Privacy walls, are permitted at a minimum setback of 10 feet from all property lines and meet the provisions of Fences and Privacy Walls [Section 8.5].
1. Privacy walls are limited to a maximum of 6 feet in height.
 2. Fences are limited to a maximum 8 feet in height.
- (c) ~~(b) — No outdoor amusement facilities, such as miniature golf courses, skateboard courses, sports courts, or mechanical rides shall be located within 200 feet of any abutting property located in a single family residential district dwelling.~~
- (d) ~~(c) — Hours of operation will be no earlier than 6:00 a.m. and no later than 12:00 midnight.~~

Section 4.5. Group Homes (aka Community Residential Home per FS 419.001)

- ~~(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.~~

- (a) They must be registered with the State of Florida Department of Human Resources.
- (b) Group Homes with six or fewer unrelated individuals which meet the standard of Community Residential Home per FS 419.001 are required:
 - 1. To obtain a Local Business Tax receipt
 - 2. To NOT be within a 1,000 foot radius of any other six or fewer residents Group Home
 - 3. To NOT be within a 1,200 foot radius of any Group Home with 7 to 14 residents
- (c) Group Homes with 7 to 14 residents may be located in any residential district and are required:
 - 1. To be licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration
 - 2. To obtain a Local Business Tax receipt
 - 3. To NOT be within 1,200 foot radius of any other Group Home

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

- (a) Permitted in Highway Commercial and Interchange Commercial Overlay districts.
- (b) The size of any single surface parking lot shall be limited to 3 acres, unless divided by a street, principal building, or 15 foot buffer area.
- (c) No outdoor public address system shall be permitted; all communication shall be by pager, cell phone or other such personal electronic devices.
- (d) Maximum front yard may exceed 25 foot Highway Commercial principle when the resulting area is designated to accommodate outside display of vehicles only.
 - (1). Area shall not exceed 165 feet in depth
 - (2). Surfaced with brick, concrete pavers, ~~or stamped concrete~~, stamped asphalt or other decorative material as approved by the Zoning Official or their designee. ~~with a faux stone pattern.~~
 - (3). ~~The outside display Area must be separated from all adjacent streets and vehicular areas by a landscaped area at least 12 feet wide planted with approved ground covers 2 to 3 foot in height continuous curvilinear hedge, planted with at least 35 shrubs and at least 4 trees per 100 linear feet. In no case may the display area encroach closer than 12 feet to the adjoining~~

~~right-of-way.~~

- (e) Vehicles may be stored on an approved parking surface without marked parking stalls when such area is located to the rear of the site.
 - (1). Required internal landscaping [~~Section 12.4 (a) (2)~~] is not required; however, such requirement shall be transferred towards increased landscaping along the perimeter of the storage area.
 - (2). In no case shall an individual storage area exceed 3 acres in area.
- (f) Detached repair facilities, paint and body shops shall be internal or to the rear of the site as far from address-street(s) and not a parking lot, outside display areas, storage area or dwelling units, residentially zoned property.
- (g) Loading and unloading of vehicles shall be located to the rear of buildings to contain noise onsite. Deliveries shall not restrict traffic movements along primary any street frontages or residential streets.
- (h) The 70 percent frontage build-out provision of Section 3.10(g)(8) shall not apply.

Section 4.7. Bars and Nightclubs

- (a) No bar or nightclub shall be permitted within 300 feet of any off-site one- or two-family residential dwelling unit, church, or other civic use building.
- (b) Parking requirements may be satisfied using ~~shared parking, off-street parking areas, or on-street parking~~ Off-Site and Shared Parking Areas. These types of arrangements require City Council review and recommendation of the Planning and Zoning Board. These parking areas are permitted anywhere within the Highway Commercial (HC) and TPG districts and need to meet the provisions of Off-Site and Shared Parking Areas [Section 10.4]~~the submittal of a parking plan indicating method to prevent the encroachment of parking into any adjacent residential areas.~~

Section 4.8. Bed and Breakfast Inns

- (a) Single family ~~homes-dwellings~~ 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-dwellings~~ 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

~~The outdoor service area of a car wash shall be placed and landscaped in accordance with the standards for on-site parking.~~

- (a) Automatic car washes must be contained within an enclosed building.
- (b) Outdoor service areas including but not limited to drying, detailing, and vacuuming areas shall be
1. Located to the rear or side of the primary structure;
 2. Landscaped in accordance with the requirements for Parking Area [Section 12.4 (a)]; and,
 3. Buffered from adjacent residential uses by a 20 foot landscape buffer in accordance with the requirements of Buffer Area [Section 12.4(f)].

Section 4.10 Cemetery

- (a) ~~Funeral homes Embalming or with or without cremation facilities are not permitted except where permitted by right.~~
- (b) Landscape buffer area of 10 foot, planted in accordance with the provisions of Buffer Area [Section 12.4(f) (2)], shall be required between the property line and any area where grave plots, columbaria, or mausoleums are located.
- (c) Fences or privacy walls, are permitted at a minimum setback of 10 feet from all property lines and meet the provisions of fences and privacy walls [Section 8.5].
1. Privacy walls are limited to a maximum of 6 feet in height.
 2. Fences are limited to a maximum 8 feet in height.
 - ~~1. Brick walls between 1.5 feet and 4 feet in height are permitted.~~
 - ~~2. Wood or wrought iron fences between 2.5 feet and 8 feet are permitted.~~
 3. Setbacks from all street rights-of-way and adjacent properties to a wall or grave shall be a minimum of 8 feet.

Section 4.11. Places of Worship Churches

- (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 ~~or similar mission driven retail uses 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

- (a) Buildings incidental to the principal structure shall be behind a line a minimum of 20 feet from the front facade of the structure, and if more than one, shall be arranged to create secondary gathering spaces within the lot.
- (b) Parking shall be located towards the interior of the lot. On-street parking may be used to fulfill parking requirements. Parking may not occur within any front street setback or corner side setback.
- (c) ~~Front~~ Street setbacks may be altered to preserve views or significant trees.
- (d) Civic Use development over 3 acres shall provide 90% of the Article 10 parking requirement on-site.

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

~~Required to provide a t~~Traffic impact analysis is required involving all streets within 1 mile of the site and indicate method intended to resolve ~~the any~~ conflicts. These shall be accepted as determined by the City and/or Florida Department of Transportation.

Section 4.14. Convenience Store/Service Station/Repair Garage

- (a) Major service and repair of motor vehicles is not permitted.
- (b) Buildings shall meet the relevant provisions ~~building principles~~ of Article 7.
- ~~(c) Gasoline pumps, canopies, and associated service areas are prohibited in any established yard abutting a street.~~
- (d) The number of positions where vehicles can be parked while fueling is limited to 12.

Section 4.15 Country Club

- (a) A country club building shall form a central gathering place for a neighborhood.
- (b) Parking shall be to the rear and/or side of the principal building.
- (c) The principal building shall face the fronting street and shall not be setback a distance that inhibits pedestrian access.
- (d) Accessory structures including but not limited to maintenance buildings, cart barns and similar structures shall be screened from adjacent properties and rights of way by both:
 - 1. Opaque fencing or privacy wall in conformance with the requirements of Fences and Privacy Walls [Section 8.5].
 - 2. Landscape buffer of 15 foot in width in conformance with the requirements of Buffer Area [Section 12.4 (f)].

Section 4.16. Day Care Centers

- (a) Day care centers for children can only be located on lots which provide ample open area ~~in the form of a rear yard of at least a minimum of 2,500 square feet in order to provide an outdoor recreational area.~~ Day care centers located adjacent to parks ~~and adult day care centers~~ are exempt from this provision.
- (b) Paved and marked on-street parking may be used to fulfill parking requirements where such on-street parking is available, ~~unless otherwise prohibited by code.~~ Parking off of the paved road, but within the grassed area of a right-of-way shall not be used to fulfill any parking requirements.
- (c) ~~Rear yards~~ Outdoor recreational areas shall be fenced or walled ~~for child care facilities.~~ The minimum height for such walls or fences shall meet all state requirements but shall not exceed 6 feet. ~~Required recreational areas shall only~~

~~be allowed within rear yards.~~

- (d) ~~Any side of an outdoor recreational area adjacent to a street shall have a landscape buffer of 10 foot in width in conformance with the requirements of Buffer Area [Section 12.4 (f)] in addition to the required fence or privacy wall. All equipment shall be stored in the rear yard. Front yards shall not be used as playground or recreational areas.~~

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 on the side of a building and two lanes on the rear of a building and shall be screened from off-site view.~~
- (b) ~~Stacking spaces Vehicle storage for drive-through facilities 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 shall be constructed over the drive-through facility at the and service window area. Porte-cochere shall:~~
1. ~~Be a minimum of 20-feet in width length along the direction of vehicular travel.~~
 2. ~~Extend the width of the drive through lane(s).~~
 3. ~~Be integrated structurally into the building, and matching the architectural design of the building.~~
 4. ~~The porte-cochere May encroach up to one half the width of into the required side yard setback.~~

Section 4.18. Essential Service 1 and 2

- (a) Utility distribution lines, which deliver service to the end user from a substation fed by a transmission line providing service to an area larger than the individual parcel or project area, should be installed underground, unless subsurface conditions make underground installation not possible or practical.
- (b) Facilities used for the operation of essential services should, whenever possible, be located on interior properties rather than on properties aligned with other lots that have continuous street frontage.
- (c) Buildings and other structures which cannot adhere to the scale, volume, spacing,

setback and typology of existing buildings along fronting streets shall provide an opaque screen to shield the view from all public rights-of-way and from abutting properties.

Section 4.19. Helistop

A helistop shall be permitted provided it complies with all applicable Federal Aviation Administration regulations and guidelines.

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

- (a) Require City Council approval except within the Highway Commercial and Interchange Commercial Overlay district.
- (b) No outdoor kennels shall be located within a minimum of 600 feet from any existing residence.
- (c) Kennels shall be designed to effectively buffer all noise audible to surrounding properties. Methods such as the use of sound barrier material such as bark-block and/or other approved insulation shall be used.
- (d) The animals shall be boarded in kennel units with insulation to further abate noise.
- (e) The minimum lot size shall be subject to the minimum lot area and dimension regulations of the zoning regulating district in which the use is located.
- (f) No building, structure, or outdoor dog run shall be closer than the minimum setbacks of the applicable zoning regulating district.
- (g) Safety fences up to a height of six feet are required.
- (h) Landscape Buffer shall be required of 15 feet in width planted in accordance with the provisions of Section 12.4 (f).
- (i) Kennels shall be limited to the boarding and grooming of domesticated dogs, cats and birds. Farm animals or exotic animals are expressly prohibited.
- (j) No animal having a disease harmful to humans shall be boarded or maintained in

the facility.

- (k) The kennel shall have flushing drains which shall be connected to an approved sanitary facility and other physical elements to properly dispose of cleaning waste.

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) Service areas will be separated by an opaque screen from the view from any street and from abutting properties.
- (b) 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

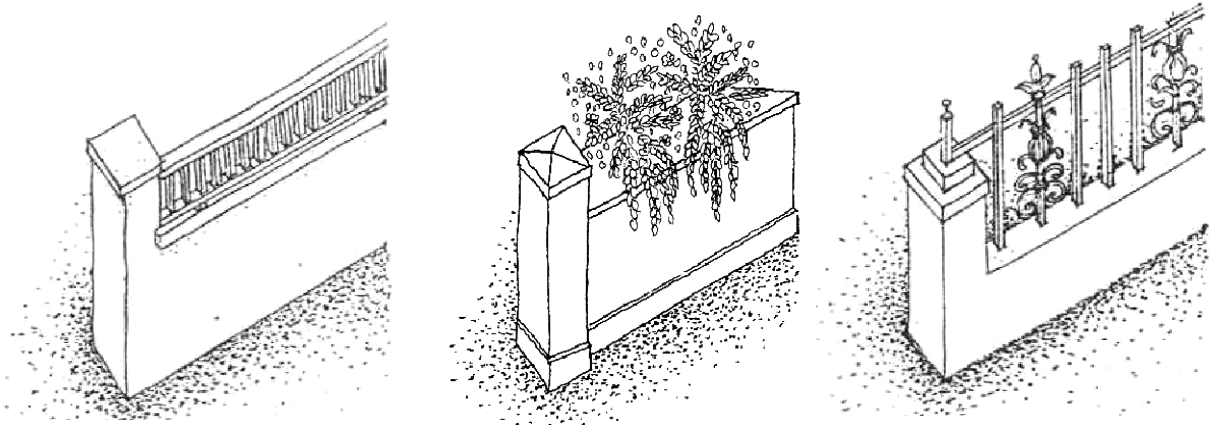
- (a) Neighborhood commercial fueling stations, by definition, permit retail sale of fuel and convenience products and the minor service and repair of motor vehicles.
- ~~1. Neighborhood commercial fueling stations have no more than two fueling pumps per service islands.~~
1. The number of positions where vehicles can be parked while fueling is limited to 6.
 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

- (a) Outdoor storage shall not be placed in any established yard and no closer than 40 feet from an abutting street right-of-way.
- (b) The area of outdoor storage shall be screened from view from the street/s and from all abutting properties by a fence or privacy wall and a landscape buffer of 30 foot in width in conformance with the requirements of Buffer Area [Section 12.4 (f)] ~~by an opaque screen 30 feet in width following the buffer requirements of Article 12.~~

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 10₂, ~~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 uses 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 Reserved

~~All recreational facilities shall be treated as parks in design and landscaping. All structures associated with a recreational facility shall be located toward the perimeter of the lot. Recreational facilities are encouraged to be built adjoining school campuses, parks, greenbelts, parkways, greenways, or waterfronts. Parking shall be located behind structures, or along the perimeter of the lot.~~

Section 4.30. Rental Cottage Reserved

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

Section 4.31. Sidewalk Café

- ~~(a) Shall require approval by the Development Review Committee for outdoor dining. Permitted hours of operation are from 6:00 am to 11:00 pm.~~
- ~~(b) If dogs are to be allowed, then compliance with the provisions of Section 8.27 Outdoor Dining, Local Exemption to Allow Dogs in Designated Areas is required. 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) 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.~~

~~(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.~~

~~(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

(a) The establishment of temporary sales lots for farmers markets, Christmas trees, and other seasonal agricultural products, plus related goods, are permitted upon the issuance of a temporary use permit by the Zoning Official. The following conditions apply:

1. Christmas tree sales, produce stands, and similar temporary retail sales are permitted as temporary uses.
2. Truck trailers and flat beds are not permitted except for short-term delivery services.
3. Temporary uses utilizing a tent or similar canopy shall secure approval from the Punta Gorda Fire Department prior to approval.
4. Temporary uses shall be permitted for a maximum of 6 months. An extension may be granted for an additional 6 months upon application to the Urban Design Division.
5. Produce Stands may be permitted for a maximum of 6 months but may be re-permitted upon submission of a new application.
6. Temporary uses shall present proof of property owner approval prior to the issuance of a Use Permit.
7. Any and all uses herein shall be of a non-permanent nature.

Section 4.33. Water Related Structures

See Chapter 6 of City Code of Ordinances.

Section 4.34. Wireless Communication Facilities

(a) Require City Council approval via special exception process [Section 16.8]

(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) No wireless communications facility shall be sited within 1 mile of another wireless communications facility except as a component of existing public utility infrastructure.
- (f) All ancillary structures shall be screened with a 6 foot in height opaque screen of landscaping and wood fence, or wall, or any combination thereof.
- (g) All facilities shall be located outside of all front and side yards and shall provide buffering around all ground facilities.
- (h) Each applicant for approval of an alternate facility shall provide the City an inventory of its existing and future facilities that are either within the City or within 2 miles of the City. Information to be shown includes the location, height and design of each facility
- (i) All facilities will permit a minimum of 3 service providers, with all equipment for same built internal to the facility design.

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

- ~~(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) — Covered trash receptacles of sufficient size to accommodate a day's worth of trash 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 Reserved

- (a) ~~Up to four tables or one picnic table or equivalent seating of the appropriate size for the site may be placed outside of the building on private property providing seating for no more than eight people, provided a minimum 48 inch clear pathway is maintained. All tables or seating shall be placed adjacent to the building and shall not be placed in such a manner to impede parking or pedestrian ingress/egress.~~
- (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) ~~Covered trash receptacles of sufficient size to accommodate a day's worth of trash 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 Reserved

- (a) ~~Up to four tables or one picnic table or equivalent seating of the appropriate size for the site may be placed outside of the building on private property providing seating for no more than eight people, provided a minimum 48 inch clear pathway is maintained. All tables or seating shall be placed adjacent to the building and shall not be placed in such a manner to impede parking or pedestrian ingress/egress.~~
- (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 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) — Covered trash receptacles of sufficient size to accommodate a day's worth of trash 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 Reserved

- ~~(a) — 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.~~
- ~~(b) — All tables or seating shall be placed adjacent to the building and shall not be placed in such a manner to impede parking or pedestrian ingress/egress.~~
- ~~(c) — There shall be no consumption of alcoholic beverages 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) — Covered trash receptacles of sufficient size to accommodate a day's worth of trash shall be supplied outside in order to ensure the site is maintained in a clean, litter free manner.~~

Section 4.39 Permanent Canopy Shade Structures

Permanent canopy shade structures associated with outdoor recreational facilities ~~[Section 4.29] 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 Automotive/Boat/Manufactured Home Sales and/or Service [Section 4.6] or Car Washes [Section 4.9] ~~auto-oriented and auto-dependent is a use~~ permitted by Special Exception in the Highway Commercial District (HC) and Interchange Commercial (IC).

- (a) Recreational facilities means land, improvements and equipment, whether publicly or privately owned, used for active or passive outdoor recreation by multiple families. It includes, but is not limited to tennis, bocce ball and shuffleboard courts, ball fields and picnic areas. Recreational facilities

constructed as an accessory use or structure to single family residences shall not be considered recreational facilities for the purpose of this Section.

- (b) School playground shall include public and private schools or pre-schools which provide a daily curriculum of study with breaks for outdoor recreation.
- (c) Shade structures must meet all Florida Building Code requirements as determined by the Building Official as including but not limited to the following conditions:
 - 1. The frame, fabric, method of attachment, and the anchoring of the frame must meet all applicable Florida Building Code requirements. Risk Category 1 for our area (108 mph).
 - ~~2. The fabric and method of attachment must be rated for winds of at least 75 mph.~~
 - 2. The owner must submit a letter of agreement to remove the fabric covering if winds are forecast to exceed 75 mph or upon the order of the Chief Building Official.
- (d) The canopy providing shade shall be a tensioned fabric top shade which must be UV fade resistant and unaffected by cleaning products and must be replaced when it becomes 25% discolored or unsightly as determined by the Zoning Official or designee. Additionally:
 - 1. Fabric must be kept clean and free of mildew, mold or any other debris.
 - 2. Fabric must be kept taut and not sag or flap in the wind.
 - 3. Fabric must be replaced if it becomes torn or tattered as determined by the Zoning Official or designee.
 - 4. Fabric must meet all applicable Florida Building Fire Code requirements. The fabric covering shall meet the flame propagation performance criteria contained in NFPA 701. This information must be contained on a label affixed to the fabric and a printed copy of the certification submitted with the permit application.
- (e) The support structure must be made of corrosion-resistant metals such as galvanized or stainless steel or aluminum and have a powder coated surface. Unfinished support structures are prohibited.
- (f) Shade structure must have a sloped top, angled top, peaked top or be curvilinear. Flat topped structures are prohibited.
- (g) Shade structure must meet all setback requirements.
- (h) Pop-up tents or any structures which do not have a permanently anchored support structure which meets the above standards are specifically prohibited except when approved as part of a temporary special event or temporary business event with required tent permit issued by the Fire Department.

- (i) In addition to paragraphs (c) through (h) above, the following apply to permanent canopy shade structures associated with auto-oriented and auto-dependent when permitted as a use by Special Exception in the Highway Commercial District (HC):
1. Shade structure must be located behind the primary building and not visible from any public right-of-way.
 2. Shade structure shall be no taller in height than the primary structure on the property.
 3. Shade structure shall be setback a minimum of 50 feet from any side lot line and 50 feet from the rear property line.
 4. Canopy shall be square or rectangular in shape and no larger than 1,000 square feet in area.
 5. Electrical power and plumbing are not permitted to be installed upon or under any shade structure.
 6. No more than one shade structure shall be permitted per property.
 7. No text, graphic or other marking shall be on the canopy and no signage is permitted on or hanging from any shade structure.

Section 4.40 Mobile Food Dispensing Vehicles

- (a) **Definitions.** Located in Article 19 Section 19.9 Mobile Food Dispensing Vehicles
- (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 with a valid Local Business Tax receipt may be operated within the City of Punta Gorda in the following areas:
1. ~~By staff 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 upon the review and approval of the Development Review Committee.
 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, or Temporary Use permit.
 3. Public property concession services agreement granted by the City of Punta Gorda.

4. 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) **Mobile Food Dispensing Vehicle Requirements.** Prior to the dispensing of any food or beverage from any mobile food dispensing vehicle within the City of Punta Gorda, Mobile Vendors must have a valid Local Business Tax Receipt from the City of Punta Gorda for each mobile food dispensing vehicle. To obtain a Local Business Tax Receipt, or renewal thereof, Mobile Vendors must submit the following with a completed Local Business Tax Receipt application and annual renewal:

1. Proof of a current and valid license for a mobile food dispensing vehicle granted by the State of Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, the State of Florida Department of Agriculture and Consumer Affairs, or any successor agency, for each mobile food dispensing vehicle to be operated within the City.
2. A site plan for each location the Mobile Vendor will operate a mobile food dispensing vehicle, depicting the specific location on each property where the vehicle will be parked for the purposes of dispensing food and/or beverages. It shall be a violation of this Section to operate a mobile food dispensing vehicle at any location other than as depicted on the site plan approved and made a part of the Local Business Tax Receipt issued by the City of Punta Gorda.
3. A notarized affidavit, on a form to be provided by the City Clerk, signed by each owner of the property upon which a mobile food dispensing vehicle will be parked for the purposes of dispensing food and/or beverages, indicating that the Mobile Vendor has the owner's permission to operate on the owner's premises in the location depicted on the approved site plan. The owner's notarized affidavit shall also include the following:
 - a. The property owner shall allow the Mobile Vendor, its employees, and customers access to bathroom facilities on the property owner's property, where available.
 - b. The property owner shall allow the Mobile Vendor access to solid waste collection facilities on the subject property, where available. If solid waste collection facilities are not available at the subject property, the property owner will ensure that the Mobile Vendor removes all solid waste generated by its operation from the owner's property daily.
 - c. The property owner shall ensure that the owner's property will be continuously maintained in a neat, clean, and orderly manner.
 - d. That the location approved by the property owner for the parking of a mobile food dispensing vehicle for the purposes of dispensing food and/or beverages is not otherwise allocated to another tenant of the subject property, and is not an area required for parking, loading or unloading, or vehicular access to such facilities under the provisions of the

City of Punta Gorda Land Development Regulations.

- e. The property owner shall notify the City Clerk in writing at any time that the owner revokes his/her authorization given to the Mobile Vendor.
 - f. An acknowledgement by the property owner that only mobile food dispensing vehicles which have a current Local Business Tax Receipt issued by the City of Punta Gorda may be allowed to operate on the property and that the property owner will be deemed to be in violation of this Section if mobile food dispensing vehicles are allowed to operate on the owner's premises without a currently valid Local Business Tax Receipt issued by the City of Punta Gorda.
 - g. Upon the sale of the property on which the Mobile Vendor has permission to operate, the City's authorization to operate a mobile food dispensing vehicle upon such property shall be suspended until the Mobile Vendor obtains and files with the City Clerk a notarized affidavit from the new owner of the property containing all of the information required in this Paragraph 3.
3. The make, model and year of each mobile food dispensing vehicle for which a Local Business Tax Receipt is sought.
- (d) Exemptions. Mobile food dispensing vehicles which are operated within the City of Punta Gorda only when expressly approved as part of a Special Event, Business Event, Grand Opening Event Temporary Promotional Event, Temporary Use permit, are exempt from the requirements of Section 4.40(c), but shall be required to comply with the requirements outlined within the City of Punta Gorda Event Manual. Any Mobile Vendor operating under a public property concession services agreement approved by the City of Punta Gorda, is exempt from the requirements of Section 4.40(c), and shall be required to comply with the provisions of said agreement.
- (e) Transfer or Change of Owner. A Mobile Vendor may apply for a transfer or change of ownership of an issued Local Business Tax Receipt when necessary to change the prior approved ownership. The application for transfer or change of ownership shall include all of the information required in Section 4.40(c), together with the required transfer or change in ownership fee pursuant to Chapter 12, Section 12.9, Punta Gorda Code.
- (f) Food Dispensing Vehicle Operating Standards. The following standards shall apply to the operation of all mobile food dispensing vehicles within the City of Punta Gorda:
- 1. No food or beverages may be dispensed from a mobile food dispensing vehicle unless said vehicle is operating under staff approval and a current and valid Local Business Tax Receipt issued pursuant to the provisions of this Section and Chapter 12, Punta Gorda Code. This requirement shall not apply to mobile food dispensing vehicles that are exempt under the provisions of Section 4.40(d).
 - 2. The current Local Business Tax Receipt must be prominently displayed on the authorized mobile food dispensing vehicle at all times and must be presented for inspection upon the request of any City of Punta Gorda Code Compliance officer or Police officer. This

requirement shall not apply to mobile food dispensing vehicles that are exempt under the provisions of Section 4.40(d).

3. Mobile food dispensing vehicles shall only dispense food or beverages at the location(s) specified on the approved site plan which was approved with the Special Exception and Local Business Tax Receipt application. This requirement shall not apply to mobile food dispensing vehicles that are exempt under the provisions of Section 4.40(d).
4. Mobile Vendors shall keep mobile food dispensing vehicles and the premises upon which food or beverages are dispensed in a sanitary, clean, neat, and orderly condition. Mobile Vendors shall be responsible for the removal of all litter in the vicinity of their vehicles.
5. Mobile Vendors shall provide solid waste receptacles on or near mobile food dispensing vehicles when dispensing food or beverages.
6. Mobile food dispensing vehicles shall not be parked in such a location so as to interfere with required parking, loading and unloading zones, no parking zones, or the vehicular access to such spaces.
7. No mobile food dispensing vehicle shall operate upon any premises where the owner thereof has revoked prior authorization to the Mobile Vendor.
8. The use of sound equipment, bells or other devices that produce sound, which is audible outside of a mobile food dispensing vehicle shall be prohibited. This requirement shall not apply to mobile food dispensing vehicles that are exempt under the provisions of Section 4.40(d).
9. Mobile food dispensing vehicles may not dispense food or beverages in any area that is a public right-of-way or City park or other public property unless expressly authorized by the City. This requirement shall not apply to mobile food dispensing vehicles that are exempt under the provisions of Section 4.40(d).
10. Mobile Vendors shall operate mobile food dispensing vehicles in accordance with all terms and conditions specified in the applicable license granted for said vehicle by the State of Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, the State of Florida Department of Agriculture and Consumer Affairs, or any successor agency.
11. Except for mobile food dispensing vehicles which are operating 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, all mobile food dispensing vehicles must vacate the premises approved for their operation when not actively conducting business.
12. A mobile food dispensing vehicle shall be deemed to be "not actively conducting business" when said vehicle is unoccupied by an employee of the Mobile Vendor. Mobile food dispensing vehicles which are operating 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 shall vacate the premises approved for their operation when required to do so in the document authorizing their activity.

13. Mobile food dispensing vehicles are authorized to display a maximum of one (1) City approved sign, no smaller than 1-foot by 1-foot, or larger than 3-foot by 3-foot that is attached to the mobile food dispensing vehicle. Additionally, a single portable sign shall be permitted within the parameters of the Punta Gorda Code regulations for portable signs.
 14. The use of any temporary canopies, tents or any other temporary shade structure in conjunction with an approved mobile food dispensing vehicle is prohibited.
 15. The sale, dispensing or distribution of intoxicating beverages including but not limited to liquor, wine and beer from a mobile food dispensing vehicle is prohibited.
- (g) Prohibition. It shall be unlawful to operate, or allow to be operated, any mobile food dispensing vehicle within the City of Punta Gorda, Florida except in full conformity with the provisions of this Section.
- (h) Enforcement. shall be made in accordance with the provisions of City of Punta Gorda Code of Ordinances, Chapter 9A Code Enforcement, penalty may include suspension or revocation of outdoor dining permit issuance of an Order to cease and discontinue all mobile food dispensing operations immediately. Said Order may be valid for a period of up to two (2) years; and shall order the City Clerk to revoke all Local Business Tax Receipts authorizing the use of mobile food dispensing vehicles within the City of Punta Gorda held by said Mobile Vendor for a period of two (2) years.
- (i) ~~In addition to all other remedies available for the enforcement of the violations of the provisions of the City of Punta Gorda Code of Ordinances, any person who violates the provisions of this Section shall be guilty of a noncriminal infraction. Enforcement of the provisions of this Section may be through means of citations issued for non-criminal infractions. Such citations may be issued by any Police Officer or Code Compliance Officer of the City:~~
- a. ~~The citation given to any violator shall specify the violation and the civil penalty therefor and shall notify the violator:~~
 - i. ~~That the civil penalty must be paid at the Office of the City Clerk no later than ten (10) days after the date the citation is issued unless the violation is appealed to the Code Enforcement Board, giving the address of the City Clerk's office;~~
 - ii. ~~That any appeal must be filed with the Code Compliance Division within ten (10) days after the date the citation is issued, and~~
 - iii. ~~That, if found guilty of the violation by the Code Enforcement Board on an appeal, the violator shall pay the assessed civil penalty as well as the cost of the appeal in the amount of Fifty Dollars \$50.00.~~
 - b. ~~Any person who elects to contest a citation may appear before the City of Punta Gorda Code Enforcement Board to present evidence, provided a hearing is requested in writing, through the Code Compliance Division within ten (10) days after the date of the citation. The Code Enforcement~~

~~Board, after a hearing, shall make a determination as to whether a violation has been committed and, upon a finding that the violator is guilty, shall impose the civil penalty therefor, along with the cost of the appeal in the amount of Fifty Dollars \$50.00. Any person who receives a citation for a violation of any provision of this Section and neither pays the civil penalty nor files a written appeal of the citation within ten (10) days after the date of the citation shall be deemed to have violated this Section.~~

~~c. Any person who violates any provision of this Section shall be assessed a civil penalty as follows:~~

- ~~i. First offense \$ 100.00~~
- ~~ii. Second offense \$ 500.00~~
- ~~iii. Each subsequent offense \$1000.00~~

~~(j). Additional Remedies. In addition to all other enforcement remedies available to enforce violations of this Section, a finding by the City of Punta Gorda Code Enforcement Board during any hearing to enforce violations of this Section committed by a Mobile Vendor, that said Mobile Vendor is a repeat violator as that term is defined in Chapter 162, Florida Statutes, the City of Punta Gorda Code Enforcement Board shall be empowered to issue an Order to cease and discontinue all mobile food dispensing operations immediately. Said Order may be valid for a period of up to two (2) years; and shall order the City Clerk to revoke all Local Business Tax Receipts authorizing the use of mobile food dispensing vehicles within the City of Punta Gorda held by said Mobile Vendor for a period of two (2) years.~~

Section 4.41 Warehouse/Distribution District Centers

(a) Except for development in the Maker Village within the Traditional Punta Gorda (TPG) zoning district, a warehouses/distribution center shall be separated at least 200 feet from any residential development, measured from the closest point of the lot occupied by the warehouse/distribution center to the closest point of lots in residential development.