

(f) Fences, Privacy Walls, and Hedges. Section 8.5 of this code address fences, privacy walls, and hedges. Those regulations apply in the TPG zoning district, with the following clarifications:

- (1) Regulations for “residential districts” shall apply to these TPG regulating districts:
 - a. Neighborhood Transition
 - b. Traditional Residential
 - c. Residential Edge
- (2) Regulations for “non-residential districts” shall apply to these TPG regulating districts:
 - a. Downtown Core
 - b. Village Center
 - c. Flex Commercial Corridor
 - d. Maker Village

(g) Parking and Loading Standards.

- (1) Requirements for on-site parking spaces are provided in Article 10, as modified for the TPG zoning district by Section 10.6. Where on-site parking is required, it must be located in accordance with the parking location and setback criteria for that district and constructed in accordance with all the relevant standards in Article 10.
- (2) If an on-site loading area is provided, it must meet the location and setback criteria for an on-site parking area.
- (3) Requirements for on-site bicycle parking are provided in Article 10.

(h) Landscaping Standards. Article 12 of this code provides landscaping standards. Certain city-wide landscaping standards are modified for the TPG zoning district, as specified in Article 12.

(i) Review Process.

- (1) A Development Plan (in accordance with Article 16) must be obtained prior to the issuance of a building permit for the following building types:

Cottage Court	Medium Footprint Mixed-Use	Warehouse
Courtyard Apartment	Liner	Civic/ Institutional

- (2) A Development Plan is not required before constructing the following building types in existing subdivisions (Southwest Florida Water Management District permit or exemption may be required for certain Building Types and lot sizes):

Accessory Cottage	Triplex/ Fourplex	Small Footprint Mixed-Use
House	Multiplex	Neighborhood Shopfront
Duplex	Loft	Main Street Shopfront
Rowhouse	Live/Work	[intentionally left blank]

- a. Applications to construct a building type that does not require a Development Plan will be reviewed by Zoning through the normal building permit process. Before further processing of such applications, the Urban Design Director or designee shall issue a written finding after determining that the relevant standards of the TPG zoning district and other provisions of this code have been met. Before making this determination, the Urban Design Director may seek the advice of other relevant City Departments.
 - b. These applications are subject to most of the same requirements in this code as applications requiring a Development Plan, such as floodplain management (Chapter 7), certificates of appropriateness (Section 16.3), and concurrency (Section 16.4). These applications may require prior approval from the Southwest Florida Water Management District or other agencies.
- (3) A request for a minor variation of one or more TPG standards may be included in the application for a Development Plan or in the application for a building type not requiring a Development Plan.
- a. Minor deviations not exceeding 10% of numerical standards may be approved by the Zoning Official or designee only in response to unusual conditions or to accept an alternative approach that achieves comparable results as the standard in the code.
 - b. Deviations affecting density and building height may not exceed the maximum density or height allowed by Section 3.2.
 - c. The Zoning Official must document acceptable minor deviations in a written finding.
- (4) Appeals of administrative decisions made by City staff related to the provisions of the Traditional Punta Gorda Zoning District must be made in accordance with the process documented in Section 16.2.
- (5) If an application varies from specific requirements of the TPG zoning district beyond the authority of the Zoning Official to approve as a minor variation, an application may be submitted for the City Council to consider one or more specific code modifications for the site in accordance with the process documented in Section 16.7 Application for Ordinance Text Amendments or Section 16.11 Zoning Map Amendments. Properties within the Traditional Punta Gorda Zoning District are specifically excluded from the provisions of

Article 5 Planned Development and Section 16.6 Application for Planned Development.

(j) Development Mitigation Requirements.

(1) Intent. To ensure that development within the Traditional Punta Gorda zoning district is in accordance with community expectations and the principles developed in the Citywide Master Plan (2019) with respect to exemplary urban design, economically productive, and community benefiting land uses, this section outlines the required developer mitigation and procedures for granting additional building height and residential density.

(2) Eligibility.

a. Properties within the Traditional Punta Gorda (TPG) zoning district that fall within the regulating districts:

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| 1. Downtown Core | [Section 3.2(c)(2)] |
| 2. Village Center | [Section 3.2(c)(3)] |
| 3. Flex Commercial Corridor | [Section 3.2(c)(4)] |
| 4. Maker Village | [Section 3.2(c)(5)] |

may achieve additional residential density and building height for certain building types by meeting the proscribed developer mitigation requirements. Those building types include the Medium Footprint Mixed Use Building and the Liner Building as an accessory to Medium Footprint Mixed-Use (MFMU) buildings.

b. Beyond the limitations within the regulating districts listed above there are two overlay districts that are eligible for additional height and density with additional requirements:

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|--------------------------------|-----------------------|
| 5. Medical Overlay District | [Section 3.2(c) (11)] |
| 6. Waterfront Overlay District | [Section 3.2(c) (12)] |

The Medical Overlay District is within the Village Center Regulating District. The Waterfront Overlay District covers portions of the Downtown Core and Village Center regulating districts.

c. Properties within the Main Street Historic District, a sub-district of the Historic Districts Overlay [Section 3.2(c) (10)] are ineligible for Development Mitigation provisions of this section. The Main Street Historic District Overlay is within the Downtown Core Regulating District.

(3) Allowances for Additional Building Height and Density. Qualifying development which meets the requirements may achieve additional building height and residential density. These requirements, with their available additional development allowances, can be found in the corresponding Regulating Districts in Section 3.2(c) TPG Regulating Districts.

(4). Development Mitigation Categories

1. Additional public parking spaces. The public parking provisions require the submission of an agreement to the Zoning Official or designee which must be approved by City Council or designee. Public Parking agreement must be considered for the following criteria:
 - a. Spaces must meet or exceed the number of spaces required by the calculations delineated in Section 3.2 (c) for the specific development.
 - b. Spaces must be made available to the general public for a minimum of 10 hours per day.
 - c. Spaces must not be assigned to other uses or users during the hours of availability to the general public.
 - d. Spaces may be provided on-site by the developer, off-site, or through fee in lieu.
 - e. Agreements which included the provision of off-site public parking must include copies of the proposed agreement between the developer and the 3rd party provider of the proposed public parking spaces.
 - f. Agreements which rely on fee-in-lieu will establish a per public parking space fee to be set by the City Council.
2. Public Day Dock. The Day Dock provisions require the submission of an agreement to the Zoning Official or their designee which must be approved by City Council or designee. Day Dock agreement must be considered for the following criteria:
 - a. Day Dock space must meet or exceed the number of slips required by the calculations delineated in Section 3.2 (c) for the specific development. If linear dock space rather than slips are being provided, a minimum of 35 linear feet to linear dock space shall counted as the equivalent of one (1) slip.
 - b. Day Dock spaces may not be allocated or rented for a period exceeding 24 hours.
 - c. Day Dock spaces may not be assigned to other uses or users.
 - d. Day Dock spaces must be provided within a properly permitted marina facility including meeting or exceeding any and all permit or submerged land lease requirements.
3. Additional building setbacks from the street. Depending on the increased height of the proposed building, there is an additional setback to be added in addition to the underlying setback minimum as delineated within each applicable regulating district in Section 3.2(c) with approval by the Zoning Official or designee.

4. Additional public open space. Depending on the increased height of the proposed building, there is an additional open space area requirement to be added in addition to the underlying open space minimum as delineated within each applicable regulating district in Section 3.2(c) with approval by the Zoning Official or designee.

(k) Neighborhood Flooding.

The Floodplain Management Code of the City of Punta Gorda [Chapter 7, Article V] includes construction and site design requirements for new buildings, facilities, and other site improvements to minimize future flood damage to a proposed building and its site. The following provisions are intended to assist in minimizing flood risk to surrounding buildings and sites from new construction within the historically platted areas that are encompassed by the TPG zoning district.

- (1) In the Traditional Residential, Residential Edge, and Neighborhood Transition regulating districts, a fill permit must be obtained from the city when fill material is to be placed on lots that would raise the elevation more than an average of 6 inches above adjoining lots.
 - a. The fill permit application must show how normal rainfall will infiltrate into the ground within the lot using one or more of the following methods or equivalent solution:
 - b. Gutters and downspouts that collect rainwater must discharge into:
 1. Exfiltration trenches (aka French drains)
 2. Other subsurface drainfield(s)
 3. Sodded lawns
 4. Clean (washed) gravel or sand over a well-drained base
 5. Porous (pervious) paving
 - c. Roof areas not served by gutters and downspouts must not drain to impervious surfaces and must not drain to pervious surfaces that are sloped in excess of 5%. Surfaces not meeting these requirements must be designed to detain or deflect rainfall, for instance through the use of earthen ridges, curbs, or retaining walls that prevent average rainfall from running onto adjoining lots or streets.
- (2) In the Downtown Core, Village Center, and Maker Village Regulating Districts, development and redevelopment on parcels 1 acre or smaller may use either of the following methods instead of providing conventional detention/retention basins:
 - a. Rainfall is collected from roofs of buildings and directed to depressed and permeable landscaped areas or to underground infiltration chambers instead of to hard and impermeable surfaces; or
 - b. At least 50% of hard surfaces on the site (excluding buildings) are

surfaced with one of the following permeable surfaces placed over a well-drained base:

1. Porous (pervious) asphalt or concrete.
2. Paving brick or blocks laid with sufficient space between each unit to allow for infiltration of stormwater.
3. Clean (washed) angular gravel (such as FDOT #57 stone). When used for parking spaces or aisles, gravel surfaces shall be stabilized.
4. Proprietary cellular or modular porous paving systems installed in accordance with manufacturers' specifications.

- (l) Nonconformities. Article 17 of this code address nonconformities; those regulations apply in the TPG zoning district.

Section 3.3. EP, Environmental Preserve District

This district is composed of environmentally sensitive areas. It is intended to preserve and protect open spaces, park lands, wilderness areas, marshlands, watersheds and water recharge areas, scenic areas, beaches, and native flora and fauna.

(a). Permitted Principal Uses and Structures

- (1). Public and private game preserves and wildlife management areas, fish hatcheries, refuges, parks and open spaces
- (2). Nature conservation areas, water reservoirs and control structures, drainage, and water wells
- (3). Noncommercial piers, docks, wharves
- (4). Single-family homes, excluding mobile homes
- (5). Any governmental use

(b). Permitted Accessory Uses and Structures. Uses and structures which are customarily incidental and subordinate to permitted uses.

(c). Uses Permitted with Conditions

- (1). Accessory dwelling unit
- (2). Cemetery
- (3). Essential services 1 and 2
- (4). Civic uses
- (5). Recreational facilities
- (6). Home-based business
- (7). Permanent canopy shade structure associated with recreational facilities or school playgrounds

(d). Prohibited Uses and Structures. Any use or structure not specifically, provisionally or by reasonable implication permitted herein.

- (e). General Requirements.
 - (1). Buildings are exempt from the requirements of Article 7.
 - (2). Owners of property zoned EP may apply for approval of transfer of development rights.
 - (3). With the exception of single family residences, all permitted uses require development plan approval.

- (f). Special Exceptions. The following uses are also subject to applicable provisions of Article 4 of this Chapter.
 - (1). Campgrounds, recreation areas and hunting or fishing camps
 - (2). Sports marinas and commercial fisheries
 - (3). Plant nurseries
 - (4). Riding academies and/or commercial stables
 - (5). Schools
 - (6). Churches, provided parcel area shall not be less than 2 acres [no temporary revival establishments]
 - (7). And any such other uses as deemed appropriate in the district by the Zoning Official.

- (g). Development Standards.
 - (1). Maximum residential density, 1 unit per 10 acres. Where a lot or parcel is coded in part EP and the balance as any residential district, no permanent structure shall be located on that part coded EP; provided, however, that in determining the total number of residential units permitted on the residentially coded portions of the lot or parcel, the area of the entire tract, including the EP, may be utilized in computing the density permitted in the residential area. However, in no event shall the maximum density of the entire parcel exceed twice the maximum density permitted for the area zoned for residential use.
 - (2). Minimum lot area, 10 acres and a lot width of 250 feet.
 - (3). Minimum front, side, and rear yard, 50 feet.
 - (4). Maximum coverage by all buildings, 10 percent.
 - (5). Maximum height, 35 feet above base flood elevation [BFE].

Section 3.3. RESERVED

Section 3.4. GS, General Single - Family Residential District

The General Single-Family Residential District is coded to permit the completion and/or annexation of conventional single-family residential subdivisions existing or approved by the Punta Gorda City Council prior to the effective date of these regulations. The General Single-Family Residential District is established solely to accommodate completion of previously approved development of lands within the district. The district

is not intended to be available for future re-zonings, nor as a means of expanding the boundaries of existing GS Districts.

(a). Permitted Principal Uses and Structures

- (1). Single-family homes, excluding mobile home
- (2). Non-commercial docks and boat lifts. No utilities shall be supplied to said docks and lifts until completion of a single family dwelling upon the adjacent upland property. Use of a generator to operate a lift shall be limited to the hours of 6:00 a.m. until 8:00 p.m. Owners or occupants of the adjacent upland property may not rent docks to be used by third parties

(b). Permitted Accessory Uses and Structures

- (1). Non-commercial hobbies and crafts
- (2). Other uses and structures which are customarily incidental and subordinate to permitted uses

(c). Uses Permitted with Conditions

- (1). Essential services 1 and 2
- (2). Home-based business
- (3). Group home
- (4). Permanent canopy shade structures associated with recreational facilities or school playgrounds

(d). Prohibited Uses and Structures. Any use or structure not specifically, provisionally or by reasonable implication permitted herein.

(e). General Requirements

- (1). Buildings are exempt from the architectural requirements of Article 7.
- (2). Development in the GS District which is approved but not yet built is permitted minor modifications through the administrative process. Such development, if redesigned, must conform to all of the requirements of the GS District.
- (3). With the exception of single family and two family residences, all permitted uses require development plan approval.

(f). Special Exceptions. The following uses are also subject to applicable provisions of Article 4 of this Chapter.

- (1). Yacht clubs, golf courses, including executive or par-3 golf courses and country clubs, not including miniature golf courses or practice driving ranges not associated with golf courses, provided that any required parking area or building is located at least 100 feet from any other residentially zoned property line.
- (2). Schools, kindergarten through high school with educational curriculums.
- (3). Childcare or day care facility.

- (4). Civic uses.
- (5). Neighborhood and outdoor recreation not associated with an approved subdivision development plan.
- (6). Recreational facilities not associated with an approved subdivision development plan.
- (7). Churches, provided lot is a minimum of 2 acres [no temporary revival establishments].
- (8). A third driveway for a single-family property if a proposed home is located on a minimum of 150 feet of street frontage on a single street.
- (9). And any such other uses as deemed appropriate in the district by the Zoning Official.

(g). Development Standards

- (1). Minimum lot area:
 - a. 9,600 square feet for GS - 3.5
 - b. 7,200 square feet for GS - 5
- (2). Minimum front yard: 25 feet
- (3). Minimum side yard:
 - a. Abutting another lot or greenbelt: 7.5 feet
 - b. Abutting a street or waterway: 25 feet
- (4). Minimum rear yard:
 - a. Abutting another lot or greenbelt: 15 feet
 - b. Abutting a waterway, street, or a golf course: 25 feet
- (5). Minimum lot width, 80 feet
- (6). Maximum percentage of lot coverage; 55 percent
- (7). Maximum height; 35 feet above BFE
- (8). Maximum residential density [dwelling units/acre expressed as du/a]
 - a. GS - 3.5: 3.5 du/a
 - b. GS - 5: 5 du/a

Section 3.5. GM, General Multi-Family Residential District

The General Multi-Family Residential District is coded to permit the completion and/or annexation of conventional multi-family residential development within the district. The district is intended to be medium to high-density residential, with emphasis on multi-family use. The district is not intended to be available for future code amendments, nor as a means of expanding the boundaries of existing GM Districts.

- (a). Permitted Principal Uses and Structures.
 - (1). Single-family dwellings, excluding mobile homes [shall maintain all setback requirements of GM District].
 - (2). Two-family dwellings/duplexes.
 - (3). Multi-family dwellings, for developments greater than 4 dwellings or 0.26 acres require DRC approval, Southwest Florida Water Management District Permit Required for any multi-family development
- (b). Permitted Accessory Uses and Structures.
 - (1). Private greenhouses and growing of plants and the horticultural specialties for on-premises use only.
 - (2). Non-commercial hobbies and crafts.
 - (3). Non-commercial boat docks and lifts. No utilities shall be supplied to said docks and lifts until completion of a single family or multi-family dwelling upon the adjacent upland property. Use of a generator to operate a lift shall be limited to the hours of 6:00 a.m. until 8:00 p.m. Owners or occupants of the adjacent upland property may not rent docks to be used by third parties.
 - (4). Other uses and structures which are customarily incidental and subordinate to permitted uses.
- (c). Uses Permitted with Conditions
 - (1). Essential services 1 and 2
 - (2). Home-based business
 - (3). Group home
 - (5). Permanent canopy shade structures associated with recreational facilities or school playgrounds
- (d). Prohibited Uses and Structures. Any use or structure not specifically, provisionally or by reasonable implication permitted herein.
- (e). General Requirements
 - (1). Buildings are exempt from the architectural requirements of Article 7
 - (2). Development in the GM District but not yet built is permitted minor modifications through the administrative process. Such development, if redesigned, must conform to all of the requirements of this Article for the GM District
 - (3). With the exception of single family and two family residences, all permitted uses require development plan approval
- (f). Special Exceptions. The following uses are also subject to applicable provisions of Article 4 of this Chapter.
 - (1). Yacht clubs, golf courses, including executive or par-3 golf courses and country clubs, not including miniature golf courses or practice driving ranges not associated with golf courses,

provided that any required parking area or building is located at least one hundred feet from any other residentially zoned property.

- (2). Schools, kindergarten through high school with educational curriculums.
- (3). Childcare or day care facilities.
- (4). Nursing homes provided no structure shall be closer than 50 feet to any boundary line of the property and no off-street parking shall be located closer than 25 feet to any boundary line of the property.
- (5). Rooming or boarding houses, subject to all the requirements as outlined in Article 8 of this Chapter.
- (6). Buildings exceeding 200 feet in length or width.
- (7). Civic buildings.
- (8). Parks and playgrounds
- (9). Neighborhood and outdoor recreation not associated with an approved development.
- (10). Recreational facilities not associated with an approved development.
- (11). Churches, provided parcel area shall not be less than 2 acres [no temporary revival establishments].
- (12). And any such other uses as deemed appropriate in the district by the Zoning Official.

(g). Development Standards.

- (1). Minimum lot size: 8,000 square feet.
- (2). Minimum lot width: 80 feet.
- (3). Minimum front yard: 25 feet.
- (4). Minimum rear yard:
 - a. abutting another yard, 25 feet;
 - b. abutting a waterway, a street, or a golf course: 25 feet
- (5). Minimum side yard abutting another lot and between buildings, one-half building height but not less than 10 feet
- (6). Maximum height:
 - a. 40 feet above BFE to the top of the tie beam for flat, gable, hip, mansard, and gambrel roofs.
 - b. 3 habitable floors below the tie beam.
 - c. Pitched type roofs are limited to a maximum 6:12 pitch with a maximum height of 10 feet measured from the top of the tie beam to the highest point of the roof line.
- (7). Maximum lot coverage; 55 percent.
- (8). Maximum density [dwelling units/acre expressed as du/a]:
 - a. GM - 5: 5 du/a
 - b. GM - 10: 10 du/a

c. GM - 15: 15 du/a

- (9). No multiple-family residential structure may exceed 200 feet in length or width; except as approved by special exception.

Section 3.6. MH, Mobile Home District

The Mobile Home District is established to provide for the development of neighborhoods which utilize mobile housing as its principal building type. Mobile housing may only occur in a MH District. The intent is to treat mobile housing with the same considerations applied to homes built to standards set forth in the building code and those codified in this Ordinance. Additionally, regulations for recreational vehicle parks are included herein to ensure compatibility with adjacent properties and compliance with state regulations.

(a). Permitted Principal Uses and Structures.

- (1). Manufactured homes.
- (2). Modular homes.
- (3). Mobile homes.
- (4). Essential service 1 and 2.
- (5). Park office and maintenance facilities.

(b). Permitted Accessory Uses and Structures.

- (1). Parking.
- (2). Swimming pools, parks and playgrounds, community rooms.
- (3). Workshop.
- (4). Enclosed storage structures and storage garage facilities, with use limited to park residents. Any enclosed storage areas shall not exceed five (5) percent of the total park area.
- (5). Marinas accessory to the residential uses.
- (6). Sale of groceries and sundries and coin operated laundry facilities restricted in their use to the occupants of the district. Such establishments shall not occupy more than 2 percent of the area of the neighborhood and present no visible evidence from any street outside the neighborhood of its commercial character.
- (7). Additions of mobile home type construction including cabanas, carports, and storage units. The length and height of such additions shall not exceed the length and height of the home to which it is attached.

(c). Uses Permitted with Conditions

- (1). Home-based business
- (2). Group home
- (3). Permanent canopy shade structures associated with recreational facilities or school playgrounds

(d). General Requirements

- (1). Buildings shall comply with the manufactured housing principles of Article 7.
 - (2). For proposed neighborhoods, an application to classify property to the MH District shall require a site plan that shows the location and hierarchy of streets and public spaces, location of residential, non-residential, and civic building lots, street sections and/or plans, phasing, and any other information which may be required to evaluate the subdivision's adherence to the standards of this Ordinance and the subdivision Ordinance.
 - (3). All permitted uses require development plan approval.
 - (4). Streets shall be designed to the standards of Article 9.
- (f). Special Exceptions. The following uses are also subject to applicable provisions of Article 4 of this Chapter.
- (1). Reserved.
- (g). Development Standards – New Development.
- (1). Minimum lot area; 8,000 square feet.
 - (2). Minimum front yard, 20 feet; side and rear yard, 5 feet; abutting a street, 20 feet.
 - (3). Minimum lot width at building line; 40 feet.
 - (4). Minimum lot width at R-O-W, 40 feet.
 - (5). Maximum height, 26 feet above BFE.
 - (6). Minimum development size; 3 acres for new developments.
 - (7). Maximum development size; 25 acres for new developments.
 - (8). Maximum density, 6 units per acre.
- (h). Recreational Vehicle/Campsite Park Development Standards. In addition to the general development standards required under this Section 3.6, the following development standards are required for a recreational vehicle/campsite park:
- (1) Intent. This District is intended to provide for areas which have been developed for the parking of recreational vehicles, travel trailers, motor homes, camping tents and park trailers, as defined in Section 320.01, Florida Statutes, occupied as temporary living quarters in an environment of outdoor recreation and limited residential character. It is intended to provide for an atmosphere which provides for recreational amenities, on-site conveniences and limited residential occupation. It is the further intent of these regulations that the individual lots not be subdivided for individual ownership, but be retained in a form of common ownership.
 - (2) Permitted and principal uses and structures.
 - a. Recreational vehicles.
 - b. Travel trailers.
 - c. Motor homes.
 - d. Camping tents.
 - e. Park trailers.

- f. Park recreational facilities including community rooms, courts for games, docks, piers, swimming pools, bath houses, boat launching areas, etc.
 - g. Management offices and maintenance facilities.
 - h. Manager's residence (a single mobile home may be allowed for a manager's residence only).
 - i. Essential Services 1 and 2.
- (3) Permitted accessory uses and structures. Accessory uses and structures are permitted if they are customarily accessory to permitted uses and structures; are located on the same parcel as the recreational vehicle park; are not likely to attract visitors in large numbers; and involve operations of a recreational vehicle park including the following:
- a. Laundry facilities, sale of groceries and sundries, sale of LP (liquefied petroleum) gas, all of which are subject to the following:
 - 1. Such establishments and their associated parking areas related primarily to their operations shall not occupy more than two (2) percent of the area of the park;
 - 2. Such establishment shall be used primarily by occupants of the park;
 - 3. The commercial nature of such establishment shall not be visible from any street outside the park so as to attract customers other than the occupants of the park;
 - 4. Such establishment shall not be located closer than one hundred (100) feet from any public street and shall be accessible only from a street within the park.
 - b. Enclosed storage structures and garage facilities located on a designated common area with the use to be limited to the park management and the residents, limited to no more than 5% of the total area of the park.
 - c. Detached and freestanding screen rooms and/or cabanas, provided that such structures are totally independent from the recreational vehicle and shall be constructed and located in such a manner as not to impede the immediate removal of any recreational vehicle from its designated site. For purposes of this section, temporary flashing materials installed between the RV unit and free standing screen rooms shall not constitute an attachment. In addition, screening materials within RV Parks may include a traditional skeletal structure of aluminum or any engineered approved lightweight material designed to fasten screen, plastic, vinyl or acrylic.

- d. Storage structures not exceeding 50 square feet may be allowed, provided that they are detached and located as an improvement on all recreational vehicle lots. The location and size of the storage structures shall be uniform and the same on all lots.
 - e. Concrete slabs, decks and patios, provided such structures are detached and structurally independent from the accompanying recreational vehicles and in no way impede the immediate removal of said recreational vehicles from the site.
 - f. Open storage areas for recreational equipment and vehicles, the use of which is limited to the park residents, provided that said area is designated on the approved development plan for the recreational vehicle park and that no such area shall exceed two percent of the total park area and no such area shall be visible from the public right-of-way or adjacent properties.
- (i) Prohibited uses and structures. Any use or structure not expressly or by reasonable implication permitted herein or permitted by special exception, including, but not limited to:
- (1) Year around occupation of a recreational vehicle.
 - (2) Any recreational vehicle in excess of 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards.
 - (3) Permanently attached screen rooms and/or cabanas including any form of rigid awnings which are not designed for transportation down the highway.
 - (4) All detached and freestanding, independent structures on the recreational vehicle site must be removed within ten days of termination of the tenant's lease or rental agreement.
- (j) Development Standards.
- (1) Minimum park area: 20 acres
 - (2) Minimum lot area: 2100 square feet
 - (3) Minimum lot width: 35 feet
 - (4) Minimum yard requirements:
 - a. No structure or recreational vehicle shall be located closer than 35 feet to any park boundary abutting a public road nor closer than 25 feet to an exterior park boundary.
 - b. No structure or recreational vehicle shall be located closer than 10 feet to any other structure or closer than 8 feet to the pavement line of any internal street, excluding driveways and patio slabs

which are not in excess of 6 inches above the existing finished grade of the recreational vehicle site.

- (5) Maximum height: 26 feet above BFE
 - (6) Maximum density: 8 sites per acre
- (k) Development Standards – Existing Mobile Home Park Development Prior to April 20, 2005.
- (1) Minimum lot area: 4,000 square feet.
 - (2) Minimum yard requirements:
 - a. No structure or site shall be located closer than 25 feet to a park boundary or setback buffer.
 - b. No structure shall be located closer than 10 feet to any other structure or to the pavement line of any internal street.
 - (3) Minimum lot width: 50 feet.
 - (4) Maximum height, 26 feet measure above Base Flood Elevation.
 - (5) Maximum density: 6 units per acre.

Section 3.7. NR, Neighborhood Residential District

- a) Permitted Principal Uses and Structures.
- (1) Single family detached homes, excluding mobile homes
 - (2) Duplex homes
 - (3) Multi-family homes [multi-family homes are only permitted within NR-15 areas]
- (b) Permitted Accessory Uses and Structures
- (1) Non-commercial hobbies and crafts.
 - (2) Other uses and structures which are customarily incidental and subordinate to permitted uses
 - (3) Detached garages or sheds shall be constructed in the rear yard only, or in the instance of corner lots, shall be located closest to the interior lot line and furthest from the street and shall be setback a minimum of 3 feet from side and rear property lines
 - a. The aggregate floor area of all accessory structures, with the exception of pools, patios and open decks shall not exceed one-half of the total floor area of the principal structure
 - b. With the exception of detached garages and fences, all other accessory structures shall follow yard setback requirement
- (c) Uses Permitted with Conditions
- (1) Bed and breakfast Inns
 - (2) Essential services, class 1 & 2
 - (3) Limited home occupations

- (4) Rental cottages (in outbuildings)
 - (5) Water-related structures
 - (6) Accessory dwellings
 - (7) Group home
 - (8) Permanent canopy shade structures associated with recreational facilities or school playgrounds
- (d) Prohibited Uses and Structures. Any use or structure not specifically, provisionally or by reasonable implication permitted herein
- (e) Special Exceptions. The following uses are also subject to applicable provisions of Article 4 of this Chapter.
- (1) Structures up to 3 stories in height in NR-10 zoning (permitted by right in NR-15 zoning).
 - (2) Churches provided parcel area shall not be less than 2 acres [no temporary revival establishments].
 - (3) Civic uses.
 - (4) Country club.
 - (5) Recreational facilities not associated with a residential multi-family development.
 - (6) Childcare or day care facilities.
 - (7) Home occupations, other than “Limited Home Occupations”, including music, art or similar instruction provided no sound or noise can be heard outside of the dwelling unit.
 - (8) A third driveway for a single-family property if a proposed home is located on a minimum of 150 feet of street frontage on a single street.
 - (9) And any such other uses as deemed appropriate in the district by the Zoning Official.
- (f) Development Standards.
- (1) Minimum lot area; 3,500 square feet or as identified on the original lot of record. For lots which have structures listed on the Florida Master Site File, the minimum lot area shall be the lot or combination of lots containing principal and accessory uses as a single building site.
 - (2) Minimum front yard is 10 feet; Maximum front yard is 25 feet; For corner lots, the minimum front yard setback of 10 feet applies to all front yards abutting property lines adjacent to a street, and the maximum 25-foot front yard setback applies to only two of the property lines adjacent to a street.
 - (3) Minimum side yard is 5 feet.
 - (4) Minimum rear yard:
 - a. Abutting an alley: 10 feet
 - b. All other cases: 15 feet
 - (5) Minimum setback from water areas is 25 feet.
 - (6) Minimum lot width at the street, 25 feet.
 - (7) Minimum lot width at the setback line, 40 feet
 - (8) Maximum height:
 - a. NR-10: 35 feet above BFE [may build to 3 stories with a Special Exception.]
 - b. NR-15:

1. 40 feet above BFE to the top of the tie beam for flat, gable, hip, mansard, and gambrel roofs.
 2. 3 habitable floors below the tie beam.
 3. Pitched type roofs are limited to a maximum 6:12 pitch with a maximum height of 10 feet measured from the top of the tie beam to the highest point of the roof line.
- (9) Maximum density [dwelling units/acre expressed as du/a]
- a. NR-10: 10 du/a
 - b. NR-15: 15 du/a

Section 3.8. NC, Neighborhood Center District

The Neighborhood Center District is provided for the location of pedestrian scaled shops, services, small workplaces, and residential buildings central to a neighborhood [or grouping of neighborhoods] and within walking distance of dwellings. The neighborhood center district shall be developed on an interconnected pattern of streets and typically limited to approximately ¼ mile in radius. Uses in the neighborhood center district will have a primary market area of 1 mile and are intended to service the daily needs of the residents of the surrounding neighborhood. The pedestrian is expected to be able to walk from one end of the district to the other in 10-15 minutes.

- (a) Permitted Principal Uses and Structures.
- (1) Commercial uses where individual buildings are limited to a maximum of 10,000 square feet in total floor area.
 - (2) Office uses where individual buildings are limited ~~up~~ to a maximum of 10,000 square feet in total floor area.
 - (3) Combination of commercial and office projects, with or without multi-family development, up to 15,000 square feet in total floor area.
 - (4) Restaurants, excluding drive-through.
 - (5) Conference centers.
 - (6) Hospital and medical uses.
 - (7) Bed and breakfast inns.
 - (8) Single-family and duplex dwellings.
 - (9) Multi-family uses where individual buildings are limited to a maximum of 15,000 square feet
 - (10) Civic uses on lots not exceeding 3 acres.
 - (11) Research and development.
 - (12) Service organizations.
 - (13) Indoor theaters.
 - (14) Vocational and technical schools/centers.
 - (15) Parks.
 - (16) Recreation facilities.

- (17) Banks without drive-through facility.
 - (18) Essential services 1 and 2.
 - (19) Pharmacies
- (b) Permitted Accessory Uses and Structures.
- (1) Daycare home serving 3 or fewer persons
 - (2) Drive-through windows, excluding those associated with restaurants
 - (3) Home-based business
 - (4) Marina accessory to residential uses
 - (5) Outdoor dining areas
 - (6) Multi-family homes
 - (7) Office space accessory to principal uses permitted in district.
 - (9) Other uses and structures which are customarily incidental and subordinate to permitted uses.
- (c) Uses Permitted with Conditions.
- (1) Accessory dwelling.
 - (2) Churches.
 - (3) Day care centers.
 - (4) Car wash.
 - (5) Wireless communication facilities.
 - (6) Helistop.
 - (7) Neighborhood commercial fueling stations.
 - (8) Nightclubs and bars.
 - (9) Sidewalk cafes.
 - (10) Parking structures.
 - (11) Civic uses exceeding 3 acres.
 - (12) Hotels/Motels/Inns.
 - (13) Essential services 1 and 2.
 - (14) Group home.
 - (15) Permanent canopy shade structures associated with recreational facilities or school playgrounds.
 - (16) Stalls or merchandise stands for outdoor sale of goods at street front
- (e) General Requirements. Buildings shall comply with the following architectural provisions of Article 7.
- (1) Building principles where applicable by use.

- (f) Special Exceptions. The following uses may be permitted by Special Exception and upon approval shall be subject to applicable provisions of Article 4 in this Chapter.
 - (1) Marina
 - (2) Bank with drive through facility.
 - (3) Eating establishment with drive through facility.
 - (4) Emergency care facility.
 - (5) Heliport.
 - (6) Parking structure, private.
 - (7) Service station.
 - (8) Theatre, outdoor.
 - (9) And any such other uses as deemed appropriate in the district by the Zoning Official.

- (g) Development Standards.
 - (1) Minimum lot area; No minimum.
 - (2) Minimum front yard, 10 feet; Maximum front yard, 25 feet.
 - (3) Minimum side yard, 0 feet; abutting a street, 10 feet.
 - (4) Minimum rear yard, 20 feet [Exception: building which abuts an alley, 0 feet].
 - (5) Waterfront setback, 25 feet for all permanent and accessory structures.
 - (6) Minimum setback for a detached garage, 3 feet, except for waterfront areas as set forth above.
 - (7) Frontage build-out shall be 45 percent of the street face. When a parcel has more than one (1) street frontage and only one (1) side lot line, the frontage requirement may be on the primary street only.
 - (8) All lots must front along a minimum of 25 feet of publicly dedicated right-of-way in order to be built on.
 - (9) Minimum lot width at building line, 25 feet.
 - (10) Maximum height of 2 stories, 35 feet above BFE
 - (11) Maximum density, 15 units per acre.
 - (12) Development standards for single-family and duplex dwelling units and accessory structures shall be as outlined in Section 3.7, NR District.

Section 3.9. Reserved

Section 3.10. HC, Highway Commercial District

- (a) Permitted Principal Uses and Structures.
 - (1) Commercial developments up to 30,000 square feet in total floor area.
 - (2) Professional and business office projects and medical or dental clinics up to 30,000 square feet in total floor area with no associated outside on-site storage of related equipment.
 - (3) Retail

- (4) Restaurants
- (5) Post offices
- (6) Garden shops, including the sale of plants, fertilizers, and customary garden supplies, equipment, and furniture. Storage and sales areas for plants and live vegetation may be outside the building(s)
- (7) Indoor commercial recreational facilities such as motion picture theatres, swimming pools, bowling alleys, billiards, indoor pickleball courts, gyms, health spas and clubs, and similar uses
- (8) Vocational, trade, business schools, colleges, and universities
- (9) Package stores for the sale of liquor
- (10) Banks and other financial institutions
- (11) Animal hospitals with the boarding of animals in completely enclosed buildings
- (12) Adult congregate living facilities
- (13) Funeral homes, crematoria
- (14) Laundromats and dry-cleaning facilities
- (15) Child and adult daycare facilities
- (16) Photocopying facilities
- (17) Pharmacies
- (18) Art galleries, museums, community centers, libraries, live stage production theatres
- (19) Bars, cocktail lounges, nightclubs, and taverns for on-premises consumption of alcoholic beverages greater than one thousand (1,000) feet from a church or school
- (20) Essential and emergency services

(b) Permitted Accessory Uses.

- (1) Warehousing, accessory to merchandise showroom, within an enclosed building, outdoor storage specifically prohibited unless approved by Special Exception.
- (2) Outdoor dining areas.
- (3) Uses and structures which are customarily incidental and subordinate to permitted uses.

(c) Uses Permitted with Conditions.

- (1) Commercial and office uses exceeding 30,000 square feet, within the categories listed in (a) (1) and (2) above.
- (2) Automotive/Boat/ Manufactured home sales and/or service excluding tandem wheel or dual wheel vehicles usually associated with commercial or industrial uses and associated services, provided that all servicing or repair is done within a completely enclosed building.

- (3) Convenience stores/service stations/repair garages.
 - (4) Drive-through window facilities, including drive-through or fast food restaurants.
 - (5) Essential services, 1 & 2.
 - (6) Hotels/Motels/Inns.
 - (7) Parking structure.
 - (8) Temporary uses and outdoor sales of seasonal agricultural products.
 - (9) Permanent canopy shade structures associated with recreational facilities or school playgrounds.
 - (10) Mobile food dispensing vehicles on a development property with the permission of the property owner and subject to the applicable provisions of Article 4 of this Chapter
 - (11) Car Wash
- (d) Prohibited Uses and Structures. Any use or structure not specifically, provisionally or by reasonable implication permitted herein or permissible by special exception.
- (e) General Requirements. Buildings shall comply with the Architectural Provisions of Article 7.
- (f) Special Exceptions: The following uses are also subject to applicable provisions of Article 4 of this Chapter.
- (1). Churches.
 - (2). Package stores for sale of alcoholic beverages.
 - (3). Marinas.
 - (4). Bars and nightclubs.
 - (5). Sales and display in other than completely enclosed buildings of any merchandise otherwise allowed as a permitted use in this district.
 - (6). And any such other uses as deemed appropriate in the district by the Zoning Official.
 - (7). Motor bus terminals.
 - (8). Adult Establishments.
 - (9). Miniature golf courses.
 - (10). Helistop.
 - (11). Wireless communication facilities.
 - (12). Kennels, Indoor/outdoor.
 - (13). Private clubs and lodges, and libraries (but not adult clubs, bottle clubs or adult bookstores, or any other use that may be considered detrimental).
 - (14). Permanent shade structures associated with auto-oriented and auto-dependent uses.
- (g) Development Standards.
- (1). Minimum lot area, all development, 20,000 square feet.

- (2). Minimum front yard, 10 feet.
- (3). Minimum side yard, 5 feet; abutting a street, 10 feet.
- (4). Minimum rear yard, 25 feet.
- (5). Accessory structure setback, 5 feet.
- (6). Waterfront setback, 25 feet for all permanent structures.
- (7). All lots must front along a minimum of 35 feet of publicly dedicated right-of-way in order to be built on. Minimum lot width at the building line shall be 50 feet.
- (8). Frontage build-out shall be 45 percent of the street face. When a parcel has more than one (1) street frontage and only one (1) side lot line, the frontage requirement may be on the primary street only.
- (9). Maximum height of 2 stories, or 35 feet above BFE.

Section 3.11. Reserved

Section 3.12. Public District

This District is intended to apply to land owned by Municipal, County, State, Federal governments or their agencies. It is further intended not to prohibit, restrict, or hinder these governments or agencies from free use of such publicly owned properties.

- (a) Permitted Principal Uses and Structures.
 - (1) Schools.
 - (2) Parks, tennis courts, athletic grounds.
 - (3) Playgrounds.
 - (4) Publicly owned utilities.
 - (5) Public auditoriums.
 - (6) All other civic uses.
- (b) Permitted Accessory Uses and Structures. Uses and structures which are customarily incidental and subordinate to permitted uses.
- (c) Uses Permitted with Conditions.
 - (1) Permanent canopy shade structures associated with recreational facilities or school playgrounds.
- (f) General Requirements. Buildings shall comply with the Civic building principles of Article 7.
- (g) Development Standards: as approved by City Council

Section 3.13. SRO, Special Residential Overlay District

The Special Residential Overlay District is established to provide control to land subdivided within the City through the approval and recording of several plats of subdivision entitled

“Punta Gorda Isles,” Sections 1 through 12, 14, 15, 17, 18, 24, 26 and 27.

- (a). Minimum Area Requirements. The method of determining the square feet of proposed buildings and structures or additions and enlargements thereto shall be to multiply the outside horizontal dimensions of the building or structure at each floor level. Garages, carports, roofed screened porches and the like shall not be taken into account in calculating the minimum square foot area as required by the zoning rules and regulations.
 - (1) Section 1-8, block 8 lots 3-17, block 9 lots 2-39, block 10 lots 7-25, block 11 lots 13-27, block 12 lots 19-33, block 13 lots 24-38, block 14 lots 36-42, block 15 lots 1-18, and block 19 lots 46-49; minimum of 1,500 square feet of living area.
 - (2) Section 10, block 90 lots 1-39; minimum of 2,000 square feet of living area.
 - (3) Section 9A, block 88 lots 1-5; minimum of 2,000 square feet per building, with the living area of any single dwelling no less than 1,000 square feet.
 - (4) Section 18, minimum of 800 square feet for multi-family and 1,000 square feet for single-family.
 - (5) All other lots, minimum of 1,200 square feet for single-family and 1,000 square feet for multi-family per unit. Square footage is defined as the area which is air conditioned.
- (b) Roof Materials.
 - (1). Except in PGI Section 18, asphalt shingle roofs shall be prohibited for any single-family house
 - (2). Multi-family structures may also have flat, built up roofs; and aluminum pan and built up roofs shall be allowed on structures when they are:
 - a. Less than a 3:12 pitch
 - b. Not visible from the public right-of-way.
 - (3). In addition, roof coverings on existing structures with roof coverings that are not in compliance with this Subsection, may be replaced using like kind material [i.e. asphalt shingle for asphalt shingle, etc.].
- (c) Driveways. Driveways in single-family districts shall be constructed of concrete and/or concrete pavers; driveways and parking lots in multiple-family districts may be constructed of asphalt.
- (d) Setbacks. Provided the front setback of the principal structure is maintained at 25 feet, permits shall be issued for pools, patios, pool cages and patio cages in rear yards to within 20 feet of a waterway or golf course. Pool cages and patio cages as those terms are used herein are defined as a skeletal structure of aluminum or any engineered approved lightweight material designed to fasten screen.
 - (1) Additionally, aluminum or pre-finished vinyl pergolas, or pergolas constructed of wood may not be permitted within 20 feet of a waterway or

golf course. The overhang of the pergola cannot encroach more than one foot into the required 20' setback.

- (2) The term pergola as used herein is a structure formed by two rows of vertical posts or columns to support an open framework of beams and cross rafters. Pergolas may have louvered beams and/or cross rafters which would allow the louvers to be partially or completely opened or closed to provide shade or protection from rain.
 - (3) Roof-overs are prohibited. Roof-overs as used herein means a solid roof surface that does not have louvers or any method of movement and which includes aluminum pan roofs, tile or metal roofs or built-up roofs, or any other solid roof.
 - (4) No pergola may be enclosed or used as a carport, storage shed, boat shelter or the like.
- (e) Sod. No parking strips, drives or paved areas are allowed, except as shown on the plot plan of the approved building plans and specifications. A minimum of 6 feet of sod shall abut any seawall. All City rights-of-ways shall be sodded. Underground sprinkler systems are required for maintenance of sodded or landscaped areas, except in PGI Section 18 where it shall be at the option of the residential owner. No areas of landscape shall be contoured as to allow the washing of materials from landscaped areas into canals and swales. No drainage configuration of impervious area shall be configured to create hydrostatic pressure against a seawall. Yards in which the owner has decided not to landscape must be fully sodded.
- (f) Garages. Except in multiple-family districts, no garage or carport shall be erected which is separated from the main building.
- (g) Parking of Vehicles and Trailers. No land, except that which is both zoned and used for commercial or industrial purposes, shall be used for the parking of any commercial truck, trailer, cart, school bus, or any other commercial vehicle, or any converted private vehicle except as provided by this district. Converted private vehicles, by whatever name designated, include vehicles which have been partially or completely converted from a private vehicle to a vehicle used for transporting goods or articles [such as ladders, wheelbarrows, tools, equipment, supplies or other materials] if such vehicle so converted is used in or incidental to the operation of a business. This prohibition shall include all trailers except as otherwise permitted in this Section. This is not intended to prevent the parking of any such vehicle or trailer within a completely enclosed garage, nor temporary parking of vehicles or trailers when loading or unloading for a period of less than four hours.

“Truck” shall include any motor vehicle designed or used principally for carrying things other than passengers, except that a pickup truck used exclusively as a means of private transportation is excluded here from. This is not intended to prevent the parking of truck/s within a completely enclosed garage, nor the temporary parking of vehicles when a person is visiting a resident for less than 4 hours, or when construction is being done on the premises for work being done

under a proper building permit during daylight hours or because of emergency at other times.

- (h) **Parking on Developed Property.** No vehicle may be parked in the front, side or rear yard of any developed property zoned for residential purposes, except in those areas designated as parking strips, drives or paved areas on the plot plan of the approved building plans and specifications for such property.
- (i) **Parking on Vacant Land or ROW.** Except as provided herein, no vehicle shall be kept or parked on vacant land zoned for residential purposes or on a public right-of-way in the special Residential Overlay District between the hours of 1:00 a.m. and 5:00 a.m. Within a 30 day period, a residence may have a single vehicle, other than a vehicle for human habitation, kept or parked off the paved road but within the public right-of-way on up to two occasions between the hours of 1:00 a.m. and 5:00 a.m., upon notification to the Punta Gorda Police Department, identifying the residence by address and the vehicle by license number and description. Keeping or parking a single vehicle, other than a vehicle for human habitation, off the paved road but within the public right-of-way between the hours of 1:00 a.m. and 5:00 a.m., beyond the two occasions provided for above, but limited to a cumulative period not exceeding seven occasions within a thirty day period, shall require a permit issued by the City, the fee for which shall be set by resolution of the City Council. The permit shall be affixed in a conspicuous place on the street side of said vehicle. Residents or visiting non-residents may obtain a parking permit by filing an application at the City Code Compliance Division or, on evenings, weekends and holidays, by calling the Punta Gorda Police Department, identifying the residence by address and the vehicle by license number and description. No vehicle shall encroach upon or block a public sidewalk or paved roadway.

Government contractors engaged by the City of Punta Gorda, the Punta Gorda Isles or Burnt Store Isles Canal Maintenance Assessment Districts are hereby authorized to stage equipment overnight on vacant lands upon issuance of a temporary permit by the City Manager or his/her designee. The permit shall be affixed in a conspicuous place on said equipment. The duration of the temporary permit shall be determined by the City Manager or his/her designees based on the impending canal maintenance projects within a particular area.

- (j) **Parking of Camping Trailers, etc.** A residence may have a single vehicle for human habitation kept or parked on the premises, on the paved driveway within the front yard, or within the public right-of-way off the paved roadway between the hours of 7:00 am and 7:00 pm. No vehicle for human habitation shall be parked in a manner such that the vehicle encroaches upon or blocks a public sidewalk or paved roadway. No vehicle for human habitation, except vans 19 feet or less in length shall be kept or parked on a premises or within a public right-of-way between the hours of 7:00 pm and 7:00 am, unless parked entirely within the confines of a garage or carport, or upon obtaining a no-charge permit from the City.
 - (1) Upon obtaining a permit the vehicle may be parked on the driveway of any premises for a cumulative period not exceeding 7 nights in a 30-day period, with a "night" meaning from 7:00 p.m. to 7:00 a.m. The permit

shall be affixed to the vehicle in a conspicuous place on the street side thereof. Residents or visiting non-residents may obtain a parking permit by filing an application at the City Code Compliance Division or, on weekends or evenings, by calling the Police Department and identifying the vehicle by license number and giving the description of the vehicle and location thereof

- (k) Advertising on Vehicles. The parking of passenger cars and pickup trucks used primarily as vehicles for private transportation with commercial advertising signs thereon in residential areas outside the confines of a garage or carport is permitted providing that such signs do not exceed an overall dimension of 8 inches by 16 inches if permanently affixed. If larger, such sign must be removed [i.e., magnetic, snap-on, etc.] if vehicle is parked outdoors between the hours of 6:00 p.m. and 6:00 a.m.
- (l) Storage of Vehicles and Watercraft. Except as otherwise provided herein, it shall be unlawful for any person to park, store, keep, maintain, or permit to be parked, stored, kept or maintained on the property of a single or multiple family residence, or on a vacant lot in a residential area, any watercraft, boat or empty boat trailer. Any watercraft, boat or empty boat trailer may be parked or stored entirely within the confines of a garage or carport, or as permitted below:
 - (1) Small watercraft may be stored entirely on the dock, but not on the seawall cap, rear, side or front yards of the premises.
 - (2) Small watercraft such as kayaks, canoes and paddleboards may be stored on a small watercraft storage rack which has been placed on the dock of the premises.
 - (3) A maximum of two (2) racks are permitted for docks up to eighty (80) linear feet in length and there shall be no limit on the number of racks for docks exceeding eighty (80) linear feet in length.
 - (4) A maximum of two (2) small watercraft can be stored on a single small watercraft storage rack.
 - (5) Small watercraft storage racks may be attached to the independent dock facility, but may not be attached to the seawall or seawall cap in any manner.
 - (6) The small watercraft storage racks must be kept in good repair.
 - (7) Watercraft may only be stored waterward of the seawall, either on a lift or davits, or in the water.
 - (8) Small watercraft such as kayaks, paddleboards or canoes may be placed on a roof rack on a vehicle parked in the driveway overnight; however, watercraft may not be left on the vehicles for more than two consecutive days.
 - (9) A residence may have a single watercraft kept or parked on the premises, on the paved driveway, or within the public right-of-way off of the paved roadway between the hours of 7:00 a.m. and 7:00 p.m.
 - (10) No watercraft shall be kept or parked on the premises, nor within a public right-of-way between the hours of 7:00 p.m. and 7:00 a.m., unless parked entirely within the confines of a garage or carport, or upon obtaining a permit without charge from the City. Upon obtaining a permit the watercraft may be parked on the driveway of any premises or in the right-

of-way, off of the paved roadway for up to two nights (7:00 p.m. to 7:00 a.m.) on no more than four occasions per calendar year. The issued permit shall specify the date and time that the permit will expire. Permits may not be combined to allow a watercraft to remain on the driveway of any premises or in the right-of-way for more than two consecutive days. Upon the expiration, the watercraft must be removed from the property and right-of-way. No new permit shall be issued sooner than two days from the expiration of a prior permit. The permit shall be affixed to the watercraft in a conspicuous place on the street side thereof. No vehicle shall encroach upon or block a public sidewalk or paved roadway.

- (11). Residents or visiting non-residents may obtain a parking permit by phone or by the internet from the City Code Compliance Division, or on weekends or evenings, by calling the Police Department and providing a description of the watercraft and location thereof. If the Police find a resident or visitor in violation of this Ordinance, they shall forward a report to the Code Compliance Division for follow-up on the next regular work day. The Code Compliance Division shall then make contact with the resident and inform them of the regulations.
 - (12). The provisions of this paragraph shall not apply to vehicles parked on the premises of churches, clinics, schools, public libraries, public buildings, public and club swimming pools, private clubs, golf courses, utilities, and parks and recreational areas, while the persons transported thereby are attending or participating in activities or being treated or served on those premises, nor to business trucks or trailers permitted to be parked at any time in a space prepared or designated on said premises, if such vehicles are used or operated by or for the operation of the places or institutions designated, except that such vehicles cannot be used primarily for personal transportation.
- (m) Fences, Walls and Hedges. No solid boundary wall shall be permitted. Hedges shall be permitted to heights as provided in Chapter 26, Article 8, Section 8.5 of this Code. Fences shall be allowed in side and rear yards of any developed property but shall not be allowed in any front yard. Front yards extend from the architectural front of a building, on each front corner, to the fronting street or right-of-way.
- (1) Fence panels shall not exceed forty-eight (48) inches in height and the maximum vertical clearance between finished grade and the bottom of the panel shall be no more than four (4) inches. Fence posts shall not exceed fifty-four (54) inches above finished grade.
 - (2) Fence material shall be either vinyl coated chain link, aluminum, vinyl, finished wood picket or wrought iron picket, decorative post with rope or plastic chain, or split rail. Agricultural grade welded wire, solid panel, lattice, shadowbox, uncoated chain link and slatted chain link fencing are specifically prohibited.
 - (3) Except for decorative post and split rail, fences shall be installed with the structural supports facing inside the subject property and the finished surface facing adjacent properties and public rights-of-way.

- (4) All wood fencing shall be constructed using new decay-resistant or pressure-treated material and shall be finished with either a clear coat, wood stain or be painted and maintained without discolored or rotting wood, and shall not be missing pieces.
 - (5) All fences shall be maintained in sound condition and good repair no matter when they were constructed. Any fence or privacy wall found to be in disrepair must be repaired or removed within 14 days of written notification to the property owner.
 - (6) Any fence or wall being used as a residential swimming pool barrier in accordance with State law shall be permitted to meet the minimum barrier requirements required by the "Residential Swimming Pool Safety Act" codified as Chapter 515, Florida Statutes and Sections 454.2.17.1.1 through 454.2.17.14, Florida Building Code/
- (n) Garbage Containers/Clothes Drying. All garbage and trash containers shall be stored inside of the garage or behind a buffer screen which shall consist of a solid masonry wall architecturally compatible with the house or opaque panel fence material not to exceed six feet in height from finished grade, eight feet in length and four feet in width. Garbage and trash containers may also be screened with 100% landscape screening so that they are not visible at grade from the streets and adjoining properties at the time of installation and shall be maintained in such condition.
- Oil tanks and bottle gas tanks shall be placed in the ground or landscaped with 100 percent landscape screening so that they are not visible from streets and adjoining properties at time of installation and shall be maintained in such condition. The landscape and buffer provisions as stated will be strictly enforced.
- On non-waterfront lots, no outdoor drying shall be allowed except in required rear yards, but not less than 40 feet from a street. On waterfront lots, the clothes drying area shall be in the required side yard and shall be shielded from view through the use of shrubbery.
- (o) Water Wells. On all property except golf courses, digging or drilling of water wells is prohibited. The installation of geothermal closed loop well systems are allowed in all zoning districts as an approved energy conservation system. This system is not to be confused with a conventional irrigation or water well which is prohibited in the special zoning districts.
 - (p) Accessory Buildings, Structures and Above Ground Swimming Pools. Except as may be permitted elsewhere by the zoning rules and regulations, no tents, temporary or accessory buildings or structures, or above ground swimming pools shall be erected, assembled, inflated or installed in the SRO zoning district. This prohibition includes any type of storage container placed outside of the primary structure. This prohibition does not include solid waste disposal containers when used for their intended purpose, nor dock boxes, subject to the following limitations.
- Dock boxes are only permitted if located on a dock. Dock boxes are not permitted to be located or attached to a seawall or seawall cap. The height of the dock box shall not exceed 36 inches in height from the bottom of the box.

For the purposes of this subdivision, the term "above ground pool" shall mean any pool the top of which exceeds 12 inches above the finished grade of the property. Pools constructed within concrete stem walls shall not be considered to be an above ground pool.

Spas and portable/temporary pools (e.g., "kiddie" pools) are allowed only if they are placed on a lanai or deck and meet all setback requirements. The term "kiddie pool" shall mean any pool that is capable of holding a maximum of 24 inches of water or less.

All swimming pools, spas and "kiddie" pools must be constructed and/or used in accordance with all State, Federal and local regulations.

- (q) Utilities Service Lines. There shall be no new overhead street crossings for secondary electrical, telephone service drops, and cable television service drops. The cost to place service underground shall be borne by the individual property owner, or other person or entity as required by state law.
- (r) Watercraft. Any watercraft which is inoperative or unregistered or appears to be in a state of decay and/or abandonment, or any watercraft which is disabled due to renovation or reconstruction to the extent it cannot reasonably return to open water within 14 days, as determined by the applicable department head, shall be prohibited on any waterway, shore, private and public property unless within a completely enclosed garage or building.
- (s) Reserved. ~~Real Estate Signs.~~

[subsection 3.13(s) was repealed by Ordinance 1966-2021]

- (t) Walkways in Rear Yards. Upon submittal and approval of a required building permit, a 5 foot in width, concrete, paver block, or other material walkway may be installed from the rear of the home to the seawall as per the following calculations:

(1)	Up to 50' frontage	1 sidewalk
(2)	Over 50' to 190' frontage	2 sidewalks
(3)	Over 190' to 250' frontage	3 sidewalks
(4)	Anything greater than 250' frontage	4 sidewalks

No walk shall exceed five feet in width and walks shall be separated by at least ten linear feet. In the event the walkway must be removed to repair or maintain the seawall, the property owner shall be responsible for all costs and expenses associated with its removal and reconstruction.

- (u) Unless expressly limited or prohibited in any Section of the Punta Gorda Code, equipment for swimming pools, solar installations, air conditioning units, generators and similar equipment, cornices, eaves, and similar above ground architectural features and garbage receptacles with walls not exceeding six feet in height above finished grade elevation are permitted to encroach up to four feet in recorded drainage/utility easements. However, in no instance shall any

permanent structures, other than roof overhangs or eaves which are at least eight feet above grade, encroach into any easement in use.

Section 3.14. **Reserved**

Section 3.15. **Establishment of Official Zoning Map**

The boundaries of all districts are hereby fixed and established as shown on the accompanying Official Zoning Map, which is to be considered a part of this Code as fully as if it were set out herein in detail. Due to the level of detail found on the regulating plans in the Traditional Punta Gorda (TPG) base zoning district that information is also provided in Section 3.2 of this code. A copy of the Official Zoning Map shall be located at all times for inspection by the general public during regular business hours in the City Clerk's office. If pursuant to the requirements of this Code, amendments are made to the boundaries reflected on the Official Zoning Map, such amendments shall be entered on the Official Zoning Map by the Zoning Official or designee within 30 days following the amendment.

Section 3.16. **Reserved**

Section 3.17. **Reserved**

Section 3.18. **Reserved**

Section 3.19 **APO, Airport Protection Overlay District**

The Airport Protection Overlay District for the City of Punta Gorda is hereby established. The short title of this section shall be the "Airport Protection Overlay District - APO". The purpose of this section is to establish reasonable airport zoning regulations to implement the provisions of state and federal law relating to land uses and height of structures near airports; to provide for airspace protection and land use compatibility with airport operations; to protect the public health, safety and welfare in the vicinity of an airport by minimizing the exposure to hazards and noise levels generated by aircraft operations; to facilitate proper land use planning and to prohibit the location of incompatible land uses and structures in areas surrounding existing or future airports; to provide a process to issue or deny permits and enforcement thereof for airport obstructions or hazards; to provide for coordination and notification of airport protection permitting between municipalities and the City; and to provide for coordination of permit applications between the City and state.

- (a) *Applicability.* The Airport Protection Overlay District shall apply to development and redevelopment of all land uses within ten nautical miles from the Airport Reference Point and all other matters referenced in this Airport Protection Overlay District. The terms development and redevelopment shall be construed liberally and shall include any plat, special exception, variance, development review committee approval, site plan approval, building or sign permit, or any other official action of the City of Punta Gorda that has the effect of permitting development and redevelopment or any application for any of the preceding. The Airport Protection Overlay District shall apply to the preceding matters notwithstanding the application of another provision(s) of the Punta Gorda Code to said matter(s). In the event of a conflict between another provision of Punta Gorda Code and the Airport Protection Overlay District, the terms of the more restrictive regulations shall govern and prevail.
- (b) *Definitions.* Specific to this Section can be found in Article 19 Definitions Section 19.5 Airport (Section 3.19) Definitions
- (c) Permitting, Administration and Enforcement.
- (1) Administration and Enforcement. It shall be the duty of the Zoning Official to administer and enforce the requirements prescribed herein within the territorial limits over which the City of Punta Gorda has jurisdiction through the permitting process.
- (2) Permit Required. Any person proposing to construct, alter, or allow an obstruction in an airport hazard area, as determined by the FAA, must apply for a building or development permit, as applicable. Such permit may not be issued if it would allow the establishment or creation of an airport hazard or if it would permit a nonconforming obstruction to become a greater hazard to air navigation than it was when the applicable airport protection zoning regulation was adopted which allowed the establishment or creation of the obstruction, or than it is when the application for a permit is made.
- (3) Permit Application. In addition to the standard submittal documents associated with a building or development permit application, permit applications under this section shall include documentation showing compliance with the federal requirement for notification of proposed construction or alteration of structures and a valid aeronautical study. All such applications shall be accompanied by the appropriate review fee established by resolution.
- (4) Review Criteria. The following criteria shall be considered when determining whether to issue or deny a permit:
- a. The safety of persons on the ground and in the air.
 - b. The safe and efficient use of navigable airspace.
 - c. The nature of the terrain and height of existing structures.
 - d. The effect of the construction or alteration on the state licensing standards for a public-use airport contained in Chapter 330, Florida Statutes, and rules adopted thereunder.

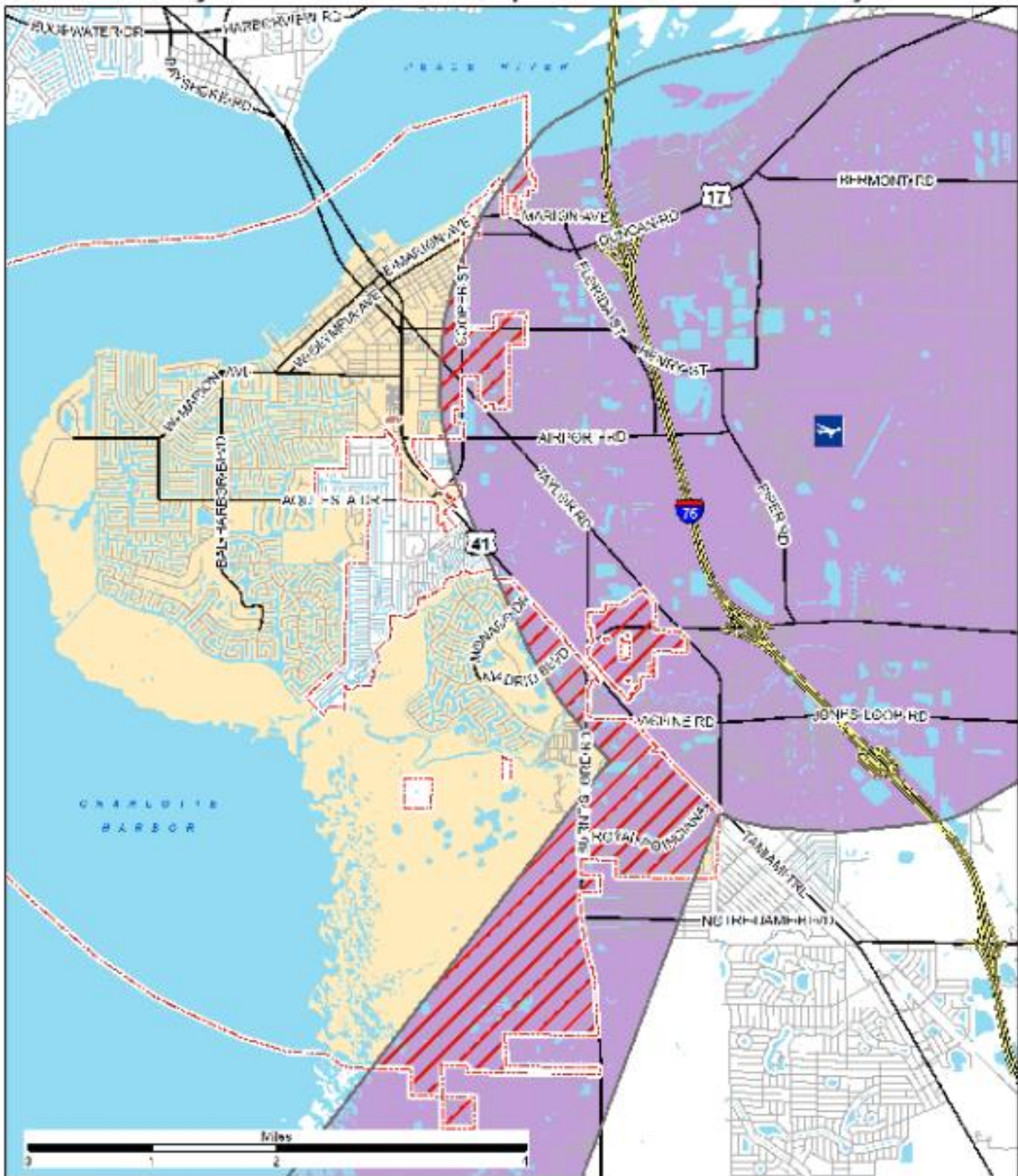
- e. The character of existing and planned flight operations and developments at public-use airports.
 - f. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designed by the Federal Aviation Administration.
 - g. The effect of the construction or alteration of an obstruction on the minimum descent altitude or the decision height at the affected airport.
 - h. The cumulative effects on navigable airspace of all existing structures and all other known proposed structures in the area.
 - i. Additional requirements adopted by the City of Punta Gorda or the Charlotte County Airport Authority pertinent to evaluation and protection of airspace and airport operations.
 - j. Comments provided by other affected municipal jurisdictions, if any.
- (5) Florida Department of Transportation (FDOT) Review. Upon receipt of a complete permit application, a copy of the application shall be provided to the Florida Department of Transportation Aviation Office by certified mail, return receipt requested, or by a delivery service that provides a receipt evidencing delivery. Pursuant to Section 333.025(5), Florida Statutes, the Department of Transportation shall have 30-days to review the application and provide comments, if any, to the City of Punta Gorda, said time running concurrently with the review of the application by the City of Punta Gorda.
- (6) Nonconforming Uses. This section may not require the removal, lowering, or other change or alteration of any obstruction not conforming to the regulation when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in subsection (e)(1) above.]
- a. *Application to Existing Buildings.*
 - 1. General buildings or structures to which additions, alterations, or repairs are made shall comply with all the requirements of this part except as specifically provided in this subsection.
 - 2. When additions, alterations or repairs within any three-year period exceed 50 percent of the value of an existing building or structure, such buildings or structures shall be made to conform to the requirements of this part.
 - 3. Alterations or repairs, not exceeding 50 percent of the value of an existing building or structure may be made with the same materials of which the building or structure is constructed.
 - 4. Not more than 50 percent of the roof covering of any building shall be replaced in any three-year period unless the next roof covering is made to reduce noise from aircraft overflights to less than 65 decibels measured inside the building.
 - 5. Buildings in existence at the time of the passage of these regulations may have their existing use or occupancy continued if such use or occupancy was legal at the time of passage of these regulations, provided such continued use is not dangerous to life.

- b. Application to Moved Buildings. Buildings or structures moved into an identified noise zone shall comply with applicable provisions of this section.
- (7) Hazard Marking and Lighting. Notwithstanding other provisions on lighting in this section, the owner of any structure over 200 feet above ground level or an airport hazard shall install, operate, and maintain, at his or her own expense, marking and lighting on such structure in accordance with Federal Aviation Administration Advisory Circular 70/7460-1K and subsequent amendments.
- (8) Abandonment. A nonconforming obstruction that has been abandoned or is more than 50 percent torn down, destroyed, deteriorated, or decayed shall not be granted a permit if it would allow the obstruction to exceed the applicable height limit or otherwise deviate from the airport protection zoning regulations. Whether or not an application is made for a permit under this subsection, the owner of the nonconforming obstruction may be required, at his own expense, to lower, remove, reconstruct, alter, or equip such obstruction as may be necessary to conform to the current airport protection zoning regulations. If the owner of the nonconforming obstruction neglects or refuses to comply with such requirement for 30 days after notice, the County may proceed to have the obstruction lowered, removed, reconstructed, altered, or equipped, and assess the cost and expense thereof upon the owner of the obstruction or the land whereon it is, or was, located.
- (9) Appeals. Any person desiring to appeal a decision or determination made by the Zoning Official in accordance with this section may apply to the Board of Zoning Appeals for an appeal of Administrative Decision according to the provisions of Section 16.2 of this Chapter.
- (10) Variances. Any person desiring to erect or increase the height of any structures, or use his property not in accordance with this chapter, may apply to the Board of Zoning Appeals for a variance from the requirements of this section according to the provisions of Section 16.2 of this Chapter. No application for a variance to the requirements of this section may be considered by the Board of Zoning Appeals unless a copy of the application, along with a Site-Specific Analysis, has been furnished to the appropriate airport manager at least 30 day prior to the date of the Board of Zoning Appeals meeting date. In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions, requirements and safeguards in conformity with these regulations and the intent hereof including avigation easements or sound level reduction techniques, if deemed necessary.
- (11) Exemptions. Notwithstanding any other provisions herein, the following activities and structures shall be exempt from the permitting requirements of this section.

- a. Existing structures that received construction permits from the Federal Communications Commission (FCC) that exceed federal obstruction standards before May 20, 1975. A permit is not required for any necessary replacement or repairs to such existing structures if the height and location are unchanged.
 - b. Non-substantial improvements of existing residential structures and parcels, and non-residential structures or parcels provided the principal use of the property has not been discontinued for a period of no less than one year.
 - c. Cranes, construction equipment, and other temporary structures in use or in place for a period not to exceed 18 consecutive months are exempt from review by the Florida Department of Transportation, unless request by FDOT.
- (12) Transmittal. Political subdivisions shall provide a copy of all airport protection zoning regulations and airport land use compatibility zoning regulations, and any related amendments, to the FDOT's aviation office within 30 days after adoption.
- (d) Airport Protection Overlay District. To carry out the provisions of this section, there are hereby created and established certain "protected zones" that include lands, in the unincorporated portions of Charlotte County and portions of the City of Punta Gorda, lying beneath the Primary, Approach, Transitional, Horizontal, and Conical Zones or imaginary surfaces as they apply to a public-use airport. The boundaries of the airport protection overlay district shall apply to all zoning classifications established in Chapter 26, Article 3. An area located in more than one of the airport protection overlay district is considered to be in the zone with the more restrictive height limitation. The airport protection overlay district are hereby established and defined as follows:

[Note: Remainder of this page intentionally left blank]

City of Punta Gorda Airport Protection Overlay



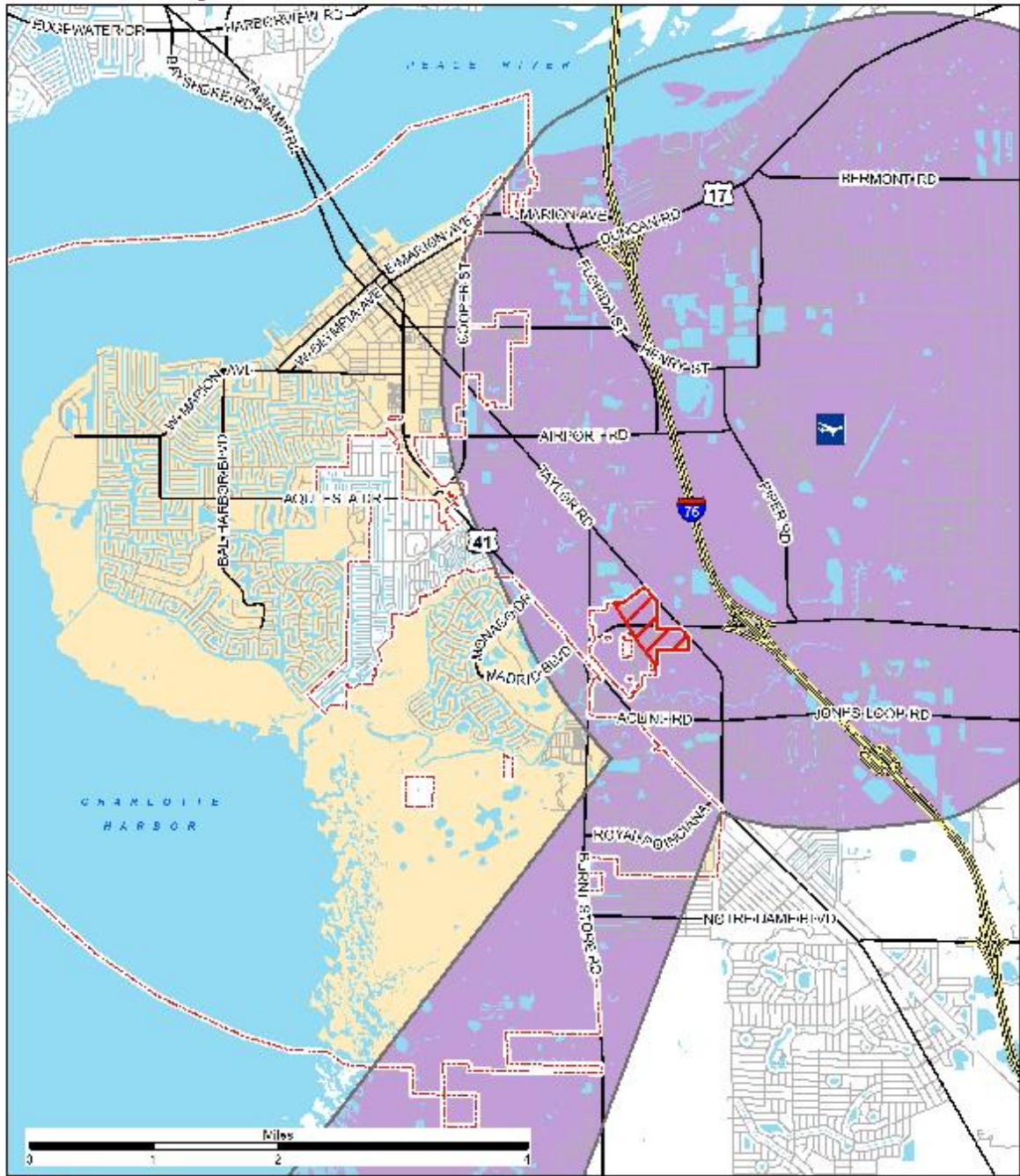
- Airport Protection Overlay
- City Limits
- Street
- Airport Protection Overlay City
- Major Roads

This map was prepared by the City of Punta Gorda, Florida, and is not intended to be used for any other purpose. The City of Punta Gorda, Florida, is not responsible for any errors or omissions in this map. The City of Punta Gorda, Florida, is not responsible for any damages or losses resulting from the use of this map. The City of Punta Gorda, Florida, is not responsible for any claims or liabilities arising from the use of this map. The City of Punta Gorda, Florida, is not responsible for any claims or liabilities arising from the use of this map.

- (1) Primary Zone: A rectangular area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width as specified below for each runway for the most precise approach existing or planned for either end of the runway. No structure or obstruction shall be permitted within the Primary Zone that is not part of the landing and take-off area, and is of a greater height than the nearest point on the runway centerline. The width of the Primary Zone of a runway is as follows:
 - a. For precision instrument runways: 1,000 feet.
 - b. For non-precision instrument runways: 500 feet.
 - c. For public utility, visual runways: 250 feet.
 - d. For private utility, visual runways: 100 feet.
- (2) Runway Protection Zone: A trapezoidal area at ground level beginning at the end of the Primary Zone, 200 feet beyond the end of a runway, and centered about the extended runway centerline, with the shortest side of the trapezoid matching the width of the Primary Zone. The Runway Protection Zone dimension for a particular runway end is a function of the type of aircraft associated with that runway end. Its width corresponds to that Approach Zone. Its length varies as follows:
 - a. For precision instrument runways: 2,500 feet.
 - b. For non-precision instrument runways: 1,500 feet.
 - c. For public utility, visual runways: 1,000 feet.
- (3) Horizontal Zone: The area around a runway with an outer boundary, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the Primary Zone of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc for the horizontal surface is 5,000 feet for visual approach runways, and 10,000 feet for all other approach types. The Horizontal Zone extends outward from the Transitional Zone to the edge of the Conical Zone. No structure or obstruction can extend 150 feet above the established airport elevation.

[Note: See Horizontal Zone map on the following page]

City of Punta Gorda - Horizontal Zone

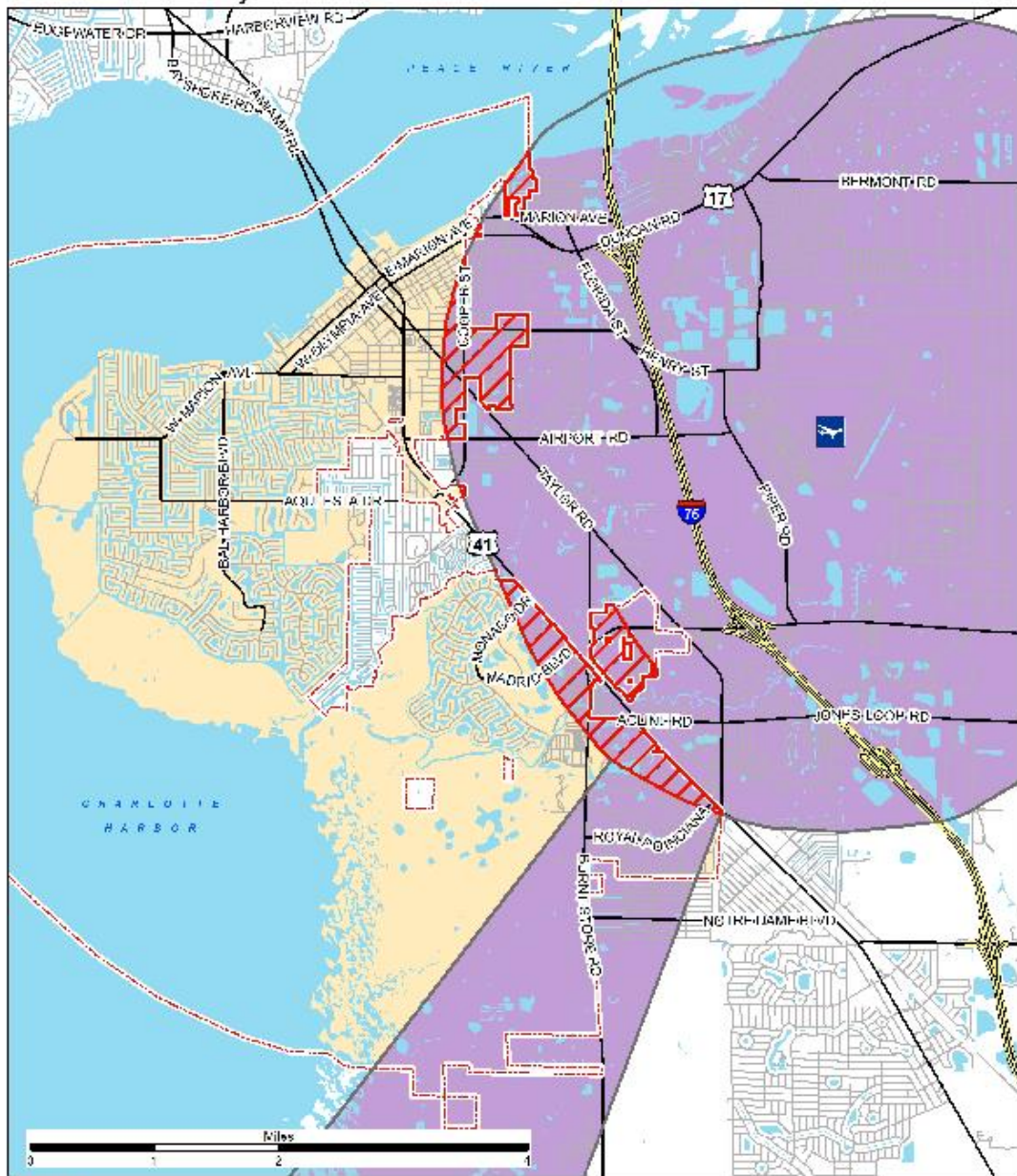


- Horizontal Zone - City
- Airport Protection Overlay
- City Limits
- Major Roads
- Street
- I-75

This map was prepared by the City of Punta Gorda, Florida, for the purpose of showing the Horizontal Zone, Airport Protection Overlay, and City Limits. The map is not intended to be used for any other purpose. The City of Punta Gorda, Florida, is not responsible for any errors or omissions on this map.

- (4) **Conical Zone:** The area extending outward from the periphery of the Horizontal Zone for a distance of 4,000 feet. Height limitations for structures in the Conical Zone are 150 feet above airport height at the inner boundary with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport height at the outer boundary.

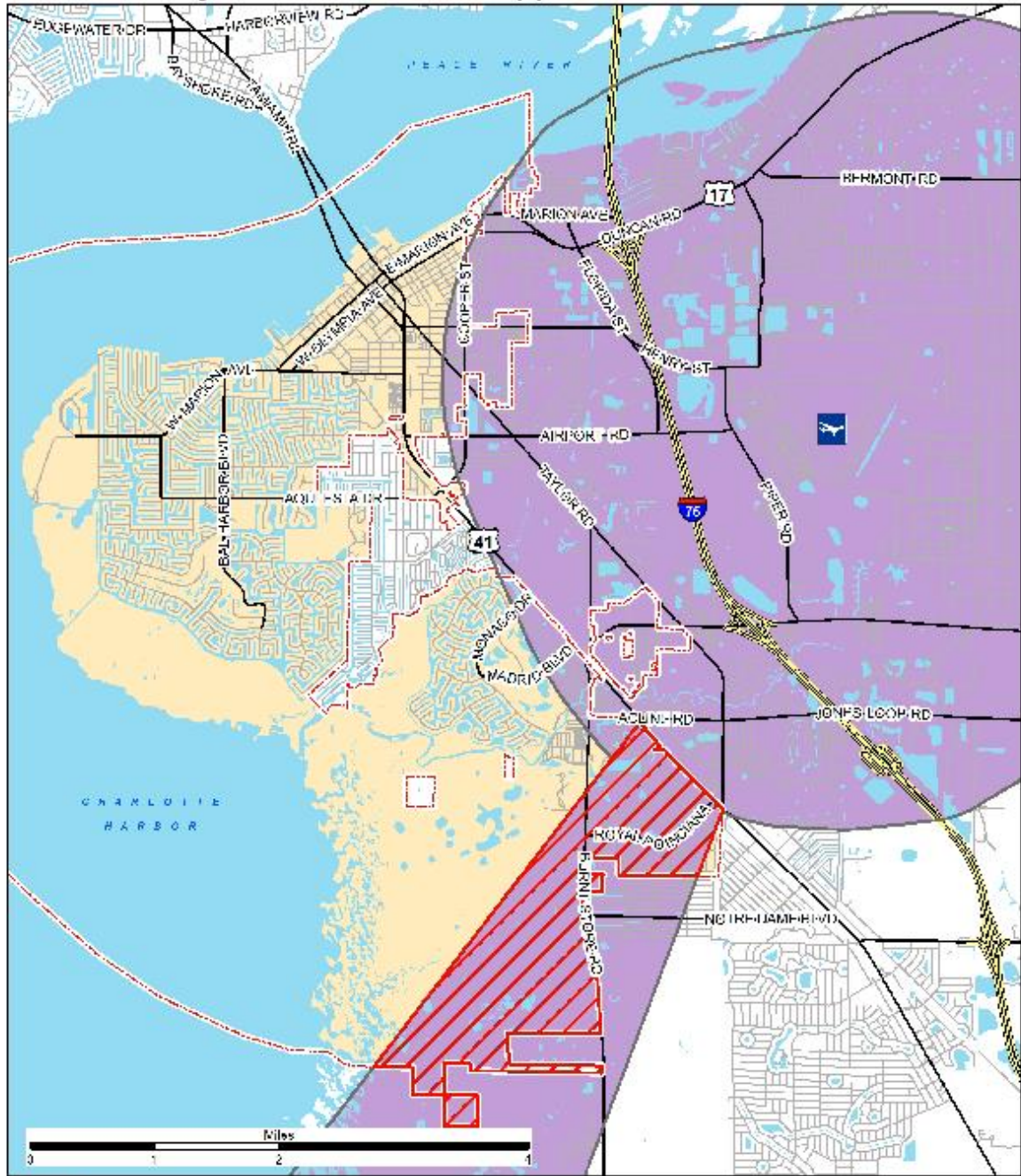
City of Punta Gorda - Conical Zone



- (5) Approach Zone: An area longitudinally centered on the extended runway centerline and extending outward and upward from each end of a runway's Primary Zone. An Approach Zone is determined for each runway based upon the type of approach available or planned for that runway end. Permitted height limitations within the Approach Zones is the same as the runway end height at the inner edge and increases with horizontal distance outward from the inner edge as follows:
- a. Precision Instrument Runway: Permitted height increases one foot vertically for every 50 feet horizontal distance for the first 10,000 feet (200 feet vertically) and then increases one foot vertically for every 40 feet horizontal distance for an additional 40,000 feet (1,000 feet vertically). The maximum outer width is 16,000 feet.
 - b. Non-precision Instrument Runways: Permitted height increases one foot vertically for every 34 feet horizontal distance for a total distance of 10,000 feet. The maximum outer width is 3,500 feet.
 - c. Visual runways: Permitted height increases one foot vertically for every 20 feet horizontal distance for a total distance of 5,000 feet (250 feet vertically). The maximum outer width is 1,250 feet.

[Note: See Approach Zone map on the following page]

City of Punta Gorda - Approach Zone



- Approach Zone - City
- City Limits
- Street
- Airport Protection Overlay
- Major Roads

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- (6) Transitional Zone: The area extending outward and upward at a 7:1 slope from the sides of the Primary Zones and Approach Zones connecting them to the Horizontal Zone. Height limits within the Transitional Zone are the same as the Primary Zones or Approach Zones at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the Horizontal Zone or Conical Zone or for a horizontal distance of 5,000 feet from the side of the part of the precision approach zone that extends beyond the Conical Zone.
- (e) Airport Land Use Restrictions. Notwithstanding any other provision of this chapter, no use may be made of land or water within any zones established by this section in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to any proposed use:
- (1) Prohibited Uses in Runway Protection Zone. Notwithstanding the uses permitted in the underlying zoning classifications as provided in Chapter 26, Article 3, the following uses are prohibited within any Runway Protection Zone.
- a. Assisted Living Facilities.
 - b. Group homes.
 - c. Hospitals.
 - d. Multifamily standard or manufactured modular dwellings.
 - e. Schools, public, parochial, charter or private.
 - f. Storage of explosive material.
 - g. Uses that assemble large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.
- (2) Restricted Areas for Residential Development and Educational Facilities. New residential development and educational facilities, as defined in § 333.01 F.S. as amended, shall be prohibited within an area contiguous to an airport runway measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.
- (3) Additional Restricted Areas for Educational Facilities. New educational facilities, as defined in § 333.01 F.S. as amended, shall be prohibited within a rectangular area having a width of one-half of the runway length and a length of five statute miles. Said rectangular area shall be centered on the runway centerline as extended and begin at the physical end of the runway pavement.
- (4) Lighting. All lights or illumination used in conjunction with streets, parking, signs or uses of land or structures shall be arranged and operated in such a manner that they are not misleading or dangerous to aircraft operating from a public airport or in the vicinity thereof, by shielding, directing downwards, or other means as necessary.
- (5) Visibility and Glare. No operations from any type of land use shall produce smoke, glare or other visual hazards that endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

- (6) Electrical Interference. No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.
- (7) Wildlife Hazard Attractants. Landfills, waste disposal facilities, and other facilities that store, handle, or process organic or any other material that foster or harbor the growth of insects, rodents, amphibians, or other organisms that result in significant bird population increases above the normal background level, as well as storm-water management facilities, wetlands, and other areas containing aquatic life and vegetation also attract birds and other wildlife that may increase the potential for aircraft bird strikes, resulting in damage to aircraft and injury to occupants shall be subject to the following regulations.
- a. New landfills shall not be located:
 - 1. Within 10,000 feet of the nearest point of any runway used or planned to be used by turbine aircraft; or
 - 2. Within 5,000 feet of the nearest point of any runway used or planned to be used by only non-turbine aircraft.
 - 3. Outside the perimeters described in subparagraphs 1 and 2 above, but within the lateral limits of the civil airport imaginary surfaces as defined by federal regulations, as amended from time to time, for approaching, departing, and circling aircraft.
 - b. All proposed and existing landfills shall be reviewed to determine whether they attract or sustain hazardous bird movements from feeding, water, or roosting areas into or across the runways or approach and departure patterns of aircraft. The existence of such hazards shall be considered in deciding whether to permit a proposed landfill, and whether to require an existing or proposed landfill to use bird management techniques or other practices to minimize bird hazards to airborne aircraft.
 - c. Above-ground storm-water management facilities, including open water features, canals, marsh areas, dry detention, and littoral zone areas should not be placed within airport operations areas due to their aquatic and vegetative environments and potential to attract wildlife. Where such facilities are unavoidable, best management practices shall be used to decrease the potential to attract wildlife, such as steep slopes, rip-rap lined detention areas, vegetation management, and use of dry detention areas.
- (8) Transfer of Density Units. Properties within the Runway Protection Zone of the Airport Protection Overlay district can only be used as sending sites for a transfer of density units and are strictly prohibited from becoming a "Receiving" site.

Section 3.20 EPCO, Emerald Pointe Condominium Overlay District

The Emerald Pointe Condominium Overlay District is established to provide control of land subdivided within the City through the approval and recording of several plats for the subdivision titled "Emerald Pointe Condominium", Phases I through VI, as described herein.

- (a) Permitted Principal Uses and Structures
 - (1) Attached single-family dwellings, excluding mobile homes.
 - (2) Two-family dwellings/duplexes.
 - (3) Multi-family dwellings [requires DRC approval].
 - (4) Cluster housing [requires DRC approval].
- (b) Permitted Accessory Uses and Structures
 - (1) Non-commercial hobbies and crafts.
 - (2) Non-commercial boat docks and lifts.
 - (3) Other uses and structures which are customarily incidental and subordinate to permitted uses.
- (c) Uses Permitted with Conditions
 - (1) Essential services 1 and 2.
 - (2) ~~Limited home occupation.~~ Home-based business.
 - (3) Group home.
 - (4) Permanent canopy shade structures associated with recreational facilities or school playgrounds.
- (c) Uses Permitted with Conditions
 - (1) Essential services 1 and 2.
 - (2) Limited home occupation.
 - (3) Group home.
 - (4) Permanent canopy shade structures associated with recreational facilities or school playgrounds.
- (d) Prohibited Uses and Structures. Any use or structure not specifically, provisionally or by reasonable implication permitted herein.
- (e) Special Exceptions. The following uses are also subject to applicable provisions of Article 4 of this Chapter.
 - (1) Yacht clubs, golf courses, including executive or par-3 golf courses and country clubs, not including miniature golf courses or practice driving ranges not associated with golf courses, provided that any required parking area or building is located at least one hundred feet from any other residentially zoned property.
 - (2) Parks and playgrounds.
 - (3) Neighborhood and outdoor recreation.
 - (4) Churches, provided parcel area shall not be less than 2 acres [no temporary revival establishments].

(f) Development Standards.

- (1) Phase I – Consisting of Buildings A, B and C, and common area structures located on the east side of development to include a clubhouse, management office, swimming pool/pool equipment building, tennis court and fencing, gate house, and docks.
 - a. Repairs to or relocation or reconstruction of existing buildings and structures within this area shall not extend beyond the building's footprint as originally constructed or as they existed on December 31, 2017, whichever is greater.
 - b. Maximum height of 65 feet (or the then in effect maximum height allowed for multi-family dwellings) above BFE to the top of the tie beam for flat, gable, hip, mansard, and gambrel roofs. There shall be no more than 4 habitable floors below the tie beam. The number of allowable habitable floors will adjust if the standard maximum height and number of habitable floors increases. Pitched type roofs are limited to a maximum 6:12 pitch to the highest point of the roof line. All roof types shall not exceed a maximum height of 10 feet measured from the top of the tie beam to the highest point of the roof line.
- (2) Phase II and Phase III – Consisting of Villas 1-32, 33-37, 39, 41, 43, 45, 47 (42 units) and limited common area structures (finger docks) and common area structures (docks) located adjacent to the villas.
 - a. Peace River or Emerald Pointe Canal sides of road:
 1. The required setback distance from the mean high water line of the waters of either the Peace River or Emerald Pointe canal shall be a minimum of 5 feet.
 2. No additions are allowed to the side of the structure beyond the existing wall or to the street side wall of the structure that is closest to the roadway, as the structures existed on or were permitted by December 31, 2017.
 3. Maximum height; 35 feet above BFE to the highest point of the roofline.
- (3) Phase V – Consisting of Townhouses 1001 through 1046 (46 units) and common area structures adjacent to townhouses to include swimming pool/pool equipment building and docks.
 - a. The required setback distance from the mean high water line of the waters of either the Peace River or from the Emerald Pointe canals shall be a minimum of 5 feet.
 - b. No additions are allowed to the side of the structure beyond the existing wall or to the street side wall of the structure that is closest to the roadway, as the structures existed on or were permitted by date of the adoption of this ordinance. Additions to recessed entryways are permitted if they do not extend closer to the roadway than the outermost wall of the existing structure.

- c. End-unit Townhouses (1001, 1007, 1008, 1015, 1016, 1017, 1018, 1022, 1023, 1031, 1032, 1039, 1040 and 1046) can be repaired or reconstructed with access to and the location of the entry doors as they existed as of the date of the adoption of this ordinance.
 - d. Maximum height; 35 feet above BFE to the highest point of the roofline.
- (4) Phase IV and VI - Consisting of Buildings D, E and F, and common area structures located on the west side of the development to include maintenance structures and sheds for use by the Association, swimming pool and pool equipment building, pavilion for tennis courts, tennis courts and fencing, restroom building, shade canopy by tennis courts, racquetball court building, gazebo and docks.
- a. Repairs to or relocation or reconstruction of buildings and structures within this area shall not extend beyond the building's footprint as originally constructed or as they existed on December 31, 2017, whichever is greater.
 - b. Residential buildings are permitted to be reconstructed with 4 habitable floors over parking to a maximum height of 65 feet (or the then in effect maximum height allowed for multi-family dwellings) above BFE to the top of the roof structure.
 - c. Maintenance structure(s) shall not exceed 35 feet above BFE to the top of the roof structure and shall not exceed two stories.
- (5) Repair, maintenance and reconstruction on existing structures are permitted when damage or improvements do not exceed 50% of the structure or structures' value.
- (6) Structures which existed on December 31, 2017, may be replaced with similar structures provided all improvements meet the setback and height restriction provisions specified herein.
- (7) Additions to structures in Phases II, III and V may be constructed provided all improvements are within the unit's property line, including any easements granted.
- (8) Unit owners and the Emerald Pointe Condominium Association will be required to obtain all applicable permits and comply with all other City of Punta Gorda zoning and building regulations.

[Note: Remainder of this page intentionally left blank]

Section 3.21

IC, Interchange Commercial Overlay District

The Interchange Commercial Overlay district is established to promote economic opportunity by attracting high quality development to the I-75 interchange commercial area. Businesses in this zoning category generally require large tracts of land convenient to the I-75 exit benefiting from interstate automotive traffic and are generally located along the N. Jones Loop Road corridor. This district is intended as an optional overlay to be available for use within the areas designated in the Interchange Commercial Overlay zone map. The existing or any future proposed underlying Zoning and Future Land Use designations are effective and may be used to govern development on those properties at the option of the property owner.

(a) Permitted Principal Uses and Structures.

- (1) Commercial located entirely within enclosed building/buildings unless specifically permitted herein
- (2) Retail sales
- (3) Professional offices and services
- (4) Service establishments
- (5) Amusement facilities (indoor or outdoor)
- (6) Hospital
- (7) School
- (8) Hotel/Motel/Inn
- (9) Bar
- (10) Restaurant
- (11) Adult Congregate Living Facility
- (12) Cemetery with or without a embalming and/or cremation facilities
- (13) Mausoleum, Columbarium above ground burial facilities

(b) Permitted Accessory Uses.

- (1) Outdoor dining areas
- (2) Uses and structures which are customarily incidental and subordinate to permitted uses.

(c) Uses Permitted with Conditions.

- (1) Automotive/Boat/ Manufactured home sales and/or service including such vehicles usually associated with commercial or industrial uses and associated services, provided that all servicing or repair is done within a completely enclosed building
- (2) Temporary uses and outdoor sales and seasonal agricultural products.
- (3) Permanent canopy shade structures associated with recreational facilities or school playgrounds.
- (4) Mobile food dispensing vehicles on developed property with the permission of the property owner and subject to the applicable provisions of Article 4 of this Chapter.
- (5) Commercial projects over 30,000 square feet
- (6) Kennels (indoor or outdoor)
- (7) Warehousing and/or distribution centers
- (8) Outdoor storage and indoor/outdoor self-storage
- (9) Adult entertainment

- (d) Prohibited Uses and Structures: Any use or structure not specifically, provisionally or by reasonable implication permitted herein or permissible by special exception.
- (e) General Requirements: Building shall comply with the Interchange Commercial Overlay District Principles of Article 7.
 - (1) Site lighting is required for all uses, compliant with Section 8.4
 - (2) All permitted uses require development plan approval
- (f) Special Exceptions: The following uses are also subject to applicable provisions of Article 4 of this Chapter.
 - (1) Churches
 - (2) Wireless communication facilities
 - (3) Any such other uses as deemed appropriate in the district by the Zoning Official
- (g) Development Standards.
 - (1) Minimum lot area, none
 - (2) Minimum front yard 25 feet
 - (3) Minimum side yard 5 feet
 - (4) Minimum rear yard 25 feet
 - (5) Maximum height 6 stories not to exceed 100 feet provided it meets Airport Protection Overlay District regulations of Section 3.19
 - (6) Maximum impervious area 70%

[Note: Remainder of this page intentionally left blank]