

# Article 19

## Definitions

### **Section 19.1. Intent**

Words and terms used in this Code shall be given the meanings set forth in this section. All words and terms not specifically defined in this section shall be given their common, ordinary meanings, as the context may reasonably suggest. The reference for common, ordinary meanings shall be the latest online edition of Merriam-Webster Dictionary.

### **Section 19.2. Interpretation**

- (a) Words used in the present tense include the future tense.
- (b) Words used in the singular number include the plural, and words used in the plural number include the singular.
- (c) Any word denoting gender includes the female and the male.
- (d) The word "person" includes a firm, association, organization, partnership, corporation, trust, ~~and~~ or company as well as an individual.
- (e) The words "lot", "plot", "parcel", or "tract" may be used interchangeably.
- (f) The word "shall" is always mandatory and not merely directory.
- (g) The word "structure" shall include the word "building."
- (h) The word "District Map," or "Land Development Map," shall mean the Official Zoning Map of Punta Gorda, Florida.
- (i) The term "City Council" shall mean the "City Council of the City of Punta Gorda, Florida."
- (j) The term "Planning and Zoning Board " or "PZB" shall mean the "Planning and Zoning Board of the City of Punta Gorda, Florida."
- (k) The term "Zoning Official" shall mean the "Zoning Official of Punta Gorda, Florida."
- (l) The term "Urban Design Department" shall mean the "Urban Design Department of the City of Punta Gorda, Florida."

- (m) The terms “Ordinance”, “Code”, and “Land Development Code” shall be synonymous and refer to the “City of Punta Gorda Land Development Regulations.”

### **Section 19.3. Use Groups**

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

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

(a) Residential Uses

- (1) Residences: A residence is a building or portion of a building used primarily as a non-transient private dwelling. Other uses may be permitted on the same lot if those uses qualify as residential accessory uses. (New residential buildings must comply with limits on height and density and with building-type limitations for each regulating district; see Section 3.3)
- (2) Assisted living facilities: An establishment that provides housing for the infirm or elderly and which may also provide meals and limited personal services. Assisted living facilities may be a part of a larger facility such as a nursing home, but for purposes of the TPG zoning district, those additional services may not be provided in the same facility unless they are specifically permitted.
- (3) Transitional community residences: A transitional community residence provides a relatively temporary (less than a year) living arrangement for unrelated people with disabilities, including those with substance use disorder who have undergone detoxification at another location. A transitional community residence emulates a biological family and integrates residents into the surrounding community. Medical treatment is incidental as in any home. Transitional community residences include, but are not limited to, those residences that comport with this definition that are licensed by the Florida Agency for Persons with Disabilities, the Florida Department of Elder Affairs, the Florida Agency for Health Care Administration, and the Florida Department of Children and Families, under F.S. ch. 419, and sober homes

certified by the State's designated credentialing entity established under F.S. § 397.487.

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

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

(b) Lodging Uses

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

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

(c) Business Uses

(1) Stores & services, general: Establishments that sell food or merchandise or provide personal, professional, or business services. The following uses are NOT considered 'Stores & services, general' for purposes of this code:

- Adult establishment
- Amusement facilities (indoor)
- Bars and nightclubs
- Convenience stores with fuel
- Drive-through facilities
- Health care facilities
- Kennels, indoor/outdoor
- Light industrial uses
- Marinas and yacht clubs

- Mini-storage facilities
  - Nursing homes
  - Offices, general and medical
  - Parking (as primary use)
  - Restaurants
  - Sidewalk café
  - Stores & services, large format
  - Vehicle and boat sales & service
  - Warehousing or distribution
- (2) Convenience Store with Fuel: An establishment that provides limited services primarily to the motoring public such as fuel sales, car washing, or car detailing, and that may also sell merchandise including food and beverages.
- (3) Pharmacy: An establishment as defined by Florida Statute 465 and any other establishment treated equally by Florida Statute
- (4) Stores & services, large format: This term has the same meaning as ‘Stores & services, general’ as defined by this code, except that the establishment contains over 30,000 square feet of enclosed floor area or over 10,000 square feet of outdoor sales or outdoor storage area.
- (5) Offices, general and medical: An office, general and medical, is a room or group of rooms not within a residence that is used to conduct the affairs of a business, profession, service, or government and that is generally furnished with desks, tables, files, and equipment specific to the enterprise.
- (6) Nursing Homes: An establishment that provides housing, meals, personal care, and nursing care to ill, disabled, or elderly people. Nursing homes provide around-the-clock care for intermediate and long-term stays. Nursing homes may be a part of a larger facility that also includes an assisted living facility or other ancillary facilities.
- (7) Vehicle and boat sales & service: An establishment whose primary business is selling or servicing new or used vehicles including automobiles, motorcycles, golf carts, light trucks, boats, recreational vehicles, trailers, etc.
- (8) Light industrial uses: Establishments that conduct light manufacturing, but not heavy manufacturing, as those terms are defined alphabetically in Article 19. Also excluded are impound lots, junkyards, scrapyards, auto salvage yards, construction/demolition yards, essential services Class 3, helistops, warehouse/district centers, and other uses with external impacts greater than light manufacturing.

- (9) Business accessory uses: Uses and structures which are customarily incidental and subordinate to permitted business uses.

(d) Civic & Education Uses

- (1) Places of worship: A special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis. Some places of worship wish to include related uses such as schools, day care centers, or conference centers; the inclusion of such uses are regulated by Section 3.3 as if they were separate uses.
- (2) Conference centers: An establishment that hosts public or private events and may also host regional or national meetings or exhibitions. A conference center may be an independent entity or may be associated with or be an integral part of a hotel.

## **Section 19.4. General Definitions**

For purposes of this section, the words and terms defined below shall have the following meaning. For definitions associated with Airports, Electric Vehicles and Charging stations, Fences, Privacy Walls, & Hedges, Landscaping, Mobile Food Dispensing Vehicles, and Signs, see Sections 19.5 through 19.10

**Auto-Dependent Use:** means that the use serves automobiles and/or other motor vehicles and the use cannot function without them.

**Auto-Oriented Use:** means any use that provides service to, or predominantly accommodates access for, motor vehicles. These include, but are not limited to, large surface parking lots, drive-thru facilities, motor vehicle sales, service and repair, motor vehicle fuel sales and service and similar uses that, by their nature, are built with special accommodations for service directly to the automobile.

**Applicant** means any person who makes application to the City of Punta Gorda for a non-motorized vehicle for hire permit.

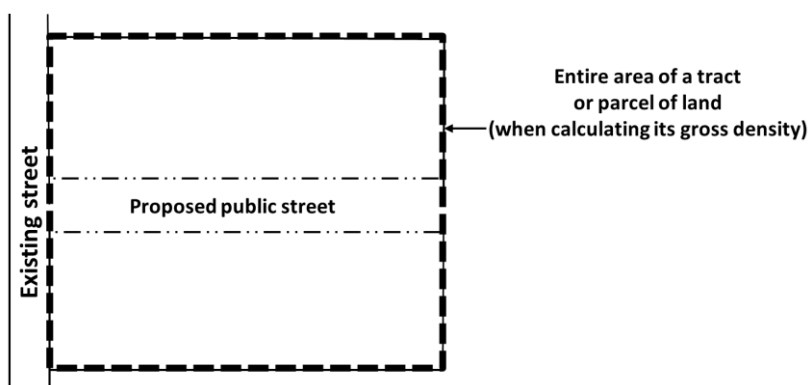
**Day-Night Sound Levels (DNL):** A day-night 24-hour average sound level measurement, expressed in decibels, obtained after addition of ten decibels to sound levels during the nighttime period from 10:00 PM to 7:00 AM.

**Day Care Centers:** A place licensed by the State, if applicable, where daytime care, which may include some instruction, is provided to 6 or more children or adults who

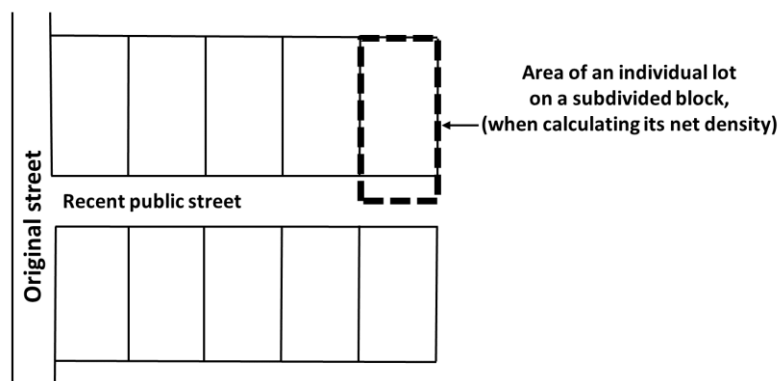
do not reside in the facility, and who are not the legal wards or foster children or relatives of the attendant adult within an occupied residence.

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

**Density, Gross:** The number of dwelling units on the entire area of a tract or parcel of land.



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



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

**Department** shall mean the Urban Design Division, Growth Management Department.

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

**Division:** shall mean the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants.

**Driver or operator** means any individual operating a non-motorized vehicle for hire, either as an owner, agent, employee or otherwise.

**Employee or employees** shall include, but is not limited to, the owner or owners of the restaurant, or any person hired to work for the restaurant or food service establishment.

**Exotic Animals:** means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property.

**Farm Animals:** means any animals used for agricultural purposes.

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

**Horse Drawn Carriage** means any hack or carriage which is drawn by a horse or mule for the transportation of passengers for hire or compensation.

**License:** means a current and valid license for a mobile food dispensing vehicle granted by the State of Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, the State of Florida Department of Agriculture and Consumer Affairs, or any successor agency.

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

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

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

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

- (1). The number of positions where vehicles can be parked while fueling is limited to 6.
- (2). Buildings shall meet the relevant ~~design, building and architectural~~ provisions of Article 7.
- (3). Fueling pumps, canopies and associated service areas are prohibited in any required yard

**Non-Conforming Lot of Record:** A lot described by a plat or a deed that was recorded prior to the effective date of these regulations [or their amendments] that does not meet the minimum lot size or other development requirements of Chapter 26.

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



**Non-motorized vehicle for hire** means any pedi-cab or horse drawn carriage operated by a driver which provides seating accommodations for passengers for a fee.

**Outdoor Dining Area:** is that portion of a public food service establishment which is predominantly or totally open on all sides with seats and/or tables located outdoors of the restaurant, coffee shop or other food service establishment. The area is considered predominantly open on all sides if than 50% of the combined surface area of the sides creates a physical barrier which obstructs the free flow of air. The portion of the outdoor dining area that allows dogs must be able to be accessed without passing through other outdoor dining areas or the enclosed building in which the restaurant operates.

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

**Pedi-cab** means any vehicle which is propelled solely by human/bicycle power and which is used for transporting passengers.

**Permit** means a permit authorizing the holder thereof to engage in the business of operating non-motorized vehicles for hire within the City limits.

**Permittee** means the person issued a permit under the provisions of this Section.

**Permitted Route Area** means a route or routes within the approved route overlay area that have been specifically reviewed and approved by City staff.

**Person** means all persons, partnerships, firms, companies, corporations and any others whatsoever owning, controlling or having charge of a non-motorized vehicle for hire.

**Pharmacy:** An establishment as defined by Florida Statute 465 and any other establishment treated equally by Florida Statute

**Primary structure:** means the structure in which the primary use of a given lot is conducted, as distinguished from a secondary or accessory structure.

**Private realm:** the privately owned places that aren't accessible by everyone. These can include private yards or buildings.

**Public realm:** the publicly owned places and spaces that belong to and are accessible by everyone. These can include municipal streets, lanes, squares, plazas, sidewalks, trails, parks, open spaces, waterfronts, public transit systems, conservation areas, and civic buildings and institutions.

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

**Restaurant, also called a food service establishment:** is an establishment where food and drink are prepared, served and consumed, mostly within the principal building.

**Street** means all rights-of-way, public streets, avenues, boulevards, alleys, lanes, highways, sidewalks, public parks, parking roads and other places laid out for the use of motorized and non-motorized vehicles.

**Zoning Official** shall mean the Zoning Official of the City of Punta Gorda and his/her designee.

### **Section 19.5. Airport (Section 3.19) Definitions**

The terms regarding the airport from Article 3, Section 3.19 APO, Airport Protection Overlay, and all other airport-related terms are defined below:

- (1) **Aeronautical Study:** A Federal Aviation Administration study, conducted in accordance with the standards of Title 14 Code of Federal Regulations part 77 and Federal Aviation Administration policy and guidance, on the effect of proposed construction or alteration upon the operation of air navigation facilities and the safe and efficient use of navigable airspace.
- (2) **Airport:** Any area of land or water designed and set aside for the takeoff and landing of aircraft and used or to be used in the interest of the public for such purpose.
- (3) **Airport Elevation:** The highest point of an airport's usable landing area measured in feet above mean sea level. The airport elevation at the Punta Gorda Airport is 26 feet.
- (4) **Airport Hazard Area:** Any area of land or water upon which an airport hazard might be established.
- (5) **Airport Hazard:** Any structure, object of natural growth, or use of land which would exceed the federal obstruction height standards as contained in Title 14 of the Code of Federal Regulations (C.F.R.) Chapter One, Subchapter E, Part 77 and which obstructs the airspace required for flight of aircraft in takeoff,

maneuvering, or landing at an airport or is otherwise hazardous to such taking off, maneuvering, or landing of aircraft.

- (6) Airport Layout Plan: A set of scaled drawings that provide a graphic representation of the existing and future development plan for the airport and demonstrate the preservation and continuity of safety, utility, and efficiency of the airport.
- (7) Airport Notification Area for the Federal Aviation Administration (FAA): All lands within six statute miles of the airport reference point for public-use airports.
- (8) Airport Notification Area for the Florida Department of Transportation (FDOT): All lands within ten nautical miles of the airport reference point for public-use airport.
- (9) Airport Notification Area for the Heliports: All lands within one statute miles of the airport reference point for heliports.
- (10) Airport Operational Area: The area that includes all areas designated and used for landing, taking off, or surface maneuvering of aircraft. The area includes ramps, aprons, runways and taxiways.
- (11) Airport Reference Point: An airport reference point (ARP) is the center point of an airport, located at the geometric center of all the usable runways. The ARP is computed as a weighted average of the end of runway coordinates.
- (12) 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.
- (13) Avigation Easement: The assignment of a right to an airport proprietor to a portion of the total benefits of the ownership of real property. The selected rights may be granted to the airport proprietor or may be purchased by him.
- (14) Heliport: A landing facility to be used by helicopters only
- (15) Nautical Mile: A nautical mile is equal to 6,076 feet.
- (16) Noise Reduction (NR): Reduction in decibels of sound pressure levels between two designated locations or rooms for a stated frequency or band.

- (17) Non-conforming Use: For purposes of airport protection and land development regulations in this section, any pre-existing structure, object of natural growth, or use of lands, which is inconsistent with these provisions.
- (18) Non-precision Instrument Runway: A runway having a non-precision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military services' military airport planning document.
- (19) Precision Instrument Runway: A runway having an instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA-approved airport layout plan; a military services' approved military airport layout plan; any other FAA planning document, or military services' military airport planning document.
- (20) Private-Use Airport: A privately-owned airport not open to the public or operated for public benefit.
- (21) Public-Use Airport: An airport, licensed by the state, which is open to public use without prior permission. It may or may not be publicly owned. The Punta Gorda Airport, also referred to as "PGD", operated by the Charlotte County Airport Authority is a public-use airport.
- (22) Qualified Acoustical Consultant: A person who, because of his training and experience in the science and technology of acoustics and his knowledge of construction methods and materials, is considered qualified to pass judgment on acoustical designs, materials and methods of construction for the attenuation of noise.
- (23) Runway: A defined rectangular area on an airport prepared or suitable for the landing or takeoff of aircraft.
- (24) Runway Protection Zone: An area at ground level beyond the runway end to enhance the safety and protection of people and property on the ground.
- (25) Sound Level Reduction (SLR): Different in decibels between the sound level outside a building and the sound level inside a designated room of the building which is caused by exterior noise.
- (26) Site-Specific Analysis (SSA): The process by which a proposed land use in a designated aircraft noise-impacted area is examined for compliance with the

county land use plan, and the noise zone map or land use guidance chart contained herein. Site-specific analysis enables the permit or plot applicant to be advised of the type of construction needed to meet the sound level reduction requirements.

- (27) Statute Mile: A statute mile is equal to 5,280 feet.
- (28) Structure: Any object, constructed or installed by man, including but not limited to: buildings, towers, smoke stacks, utility poles and overhead transmission lines.
- (29) Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- (30) Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures and without an existing straight-in instrument approach.

**Section 19.6. Electric Vehicles and Charging Stations**  
**(Section 10.3 (k)) Definitions**

The terms for electric vehicles and charging stations from Article 10, Section 10.3 (k), and all other related terms are defined below:

- (1) Electric vehicle shall mean any motor vehicle register to operate on public roadways that operates either partially or exclusively on electric energy. Electric vehicles include:
  - i. Battery-powered electric vehicles
  - ii. Plug-in hybrid electric vehicles
  - iii. Electric motorcycles
- (2) Electric vehicle charging level shall mean the standardized indicator of electrical force or voltage at which the battery of an electric vehicle is recharged, as follows:
  - i. Level 1 transfers 120 volts (1.4-1.0kW) of electricity to an electric battery.
  - ii. Level 2 transfers 220 volts (up to 19.2kW) of electricity to an electric vehicle battery
  - iii. Level 3 (also known as DC Fast Chargers) transfer a high voltage of at least 400 volts or 50kW, depending on the electrical current, of direct current electricity to an electric vehicle battery.

- (3) Electric vehicle parking space shall mean an off-street parking space this is equipped with an electric vehicle charging station.
- (4) Electric vehicle charging station shall mean battery charging equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

### **Section 19.7. Fences, Privacy Walls, and Hedges (Section 8.5) Definitions**

The terms for fences, privacy walls and hedges from Article 8, Section 8.5, and all other related terms are defined below:

- (1) Fence. Any artificially constructed barrier of any material or combination of materials constructed along the full length, or portion thereof, of any or all property line(s), or within the property for the purpose of protection or confinement or as a boundary or for the purpose of blocking part of the property from view or access that is not a privacy wall.
- (2) Fence, Chain-Link. Fence made of steel wire woven to form a diamond-shaped mesh.
- (3) Fence, Picket. A fence constructed of upright pickets or pales attached to horizontal stringers between upright posts made of finished wood, vinyl, or metal, with the distance between each picket equaling or exceeding the width of each picket to create visibility between each picket.
- (4) Fence, Stockade. A fence constructed of vertical wood strips or material similar in appearance placed close together so that it is opaque.
- (5) Fence, Welded Wire or Wire Mesh. A steel fence using wire strands welded together in a square or rectangular shape which forms a high strength mesh. Welded wire is made of material that will not rust, rot, discolor or burn. Welded wire specifically excludes chain link fence.
- (6) Gate. A movable frame or solid structure which swings, slides, or rolls controlling ingress and egress through an opening in a fence, wall, or vegetation.
- (7) Hedge. A group or row of closely planted vegetation that forms a physical or visual fence, screen, or boundary. A hedge can consist of any mixture of plant species that grows to a height of three feet or more.
- (8) Landscape and Xeriscape. Shall consist of grass, ground covers, shrubs, vines, hedges, trees, berms, and decorative material such as mulch, concrete

curbing, and rock. Building and/or zoning permits are required for structural landscaping components such as decks, landscape walls, pergolas, fountains and retaining walls, etc.

- (9) Privacy Wall. Any artificially constructed barrier of brick, concrete blocks or Styrofoam covered with stucco or other approved finish, constructed within the buildable area of property for the purpose of protection or confinement or as a boundary or for the purpose of blocking part of the property from view or access. A privacy wall ~~that~~ is not a fence but is regulated in a similar manner.
- (10) Visibility Triangle. For purposes of this Section, The visibility triangle shall be the triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines, with one point 10 feet and one point 35 feet from the point of intersection. The required visibility triangle on a state road is regulated by the Florida Department of Transportation.

### **Section 19.8. Landscaping (Article 12) Definitions**

The terms for landscaping from Article 12, Landscaping Standards, and all other landscaping-related terms are defined below:

- (1) ANSI 300. The American National Standards Institute 300 Series which provides standards for products and processes on a national and global setting. ANSI 300 requirements cover standard requirements for tree care practices. These guidelines cover general processes and procedures to prune, fertilize and transplant trees and shrubs.
- (2) Building Footprint. Building footprint will include the gross area of exterior walls of the primary structure, including the area of all windows and doors installed therein. Also included are the areas of required amenities, such as driveways, water lines, walks and equipment pads.
- (3) Building Frontage.
  - i. Building frontage shall mean the horizontal length of a building on the side facing the street. If the building has more than one street front, each street front shall be included.
  - ii. If that side is a straight wall, then the building frontage shall be the length of the wall.
  - iii. If the side is not a straight wall, the building frontage shall be the horizontal distance from the corner at one end of the side of the

building facing a street to the other corner on the same side of the building.

- (4) Building Site. The total land area used for the proposed development including single family or duplex structures or commercial and multi-family development is a building site.
- (5) DBH. Diameter at Breast Height. The caliper of a semi-mature or mature tree measured at four feet above the existing ground level.
- (6) Florida Friendly Landscaping Program. A program administered by the University of Florida that includes nine basic principles designed to help property owners prevent stormwater runoff, limit irrigation usage and preserve water quality.
- (7) Florida Friendly Landscaping or Xeriscape. Quality landscapes that conserve water and protect the environment and are adaptable to local conditions and which are drought tolerant. The principles of Xeriscape include planning and design, appropriate choice of plants and soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches and proper maintenance. (Ref. §373.185 F.S.).
- (8) Florida Native. Any plant recognized as occurring naturally in the State of Florida prior to the 1500s, as identified in Atlas of Florida Vascular Plants by R.P. Wunderlin and B.F. Hansen. 2008. (<http://www.plantatlas.usf.edu/>), by the Institute for Systematic Botany, University of South Florida, Tampa, or other scientific documentation recognized by the City.
- (9) Groundcover. Any low growing plant, 12 inches in height or less, that can be used to cover areas where sod or turf is not desired or will not grow.
- (10) Hardscape. Tangible objects and features other than plant materials, including but not limited to steps and ramps, fountains and pools, fences, screens, dividers and walls, overhead structures, i.e., trellis, decks, retaining walls, play equipment, benches and planters, drainage structures, lighting, pavement, curbs and site furnishings.
- (11) Inorganic Mulch. A mulch that was never living such as shell or rock or lava rock, or other synthetic materials such as plastic sheeting landscape fabric and pelletized bits of rubber.
- (12) Landscaping. Landscaping shall consist of any of the following materials or combination thereof: grass, groundcovers, shrubs, vines, hedges, trees or palms and nonliving durable material commonly used in landscaping but excluding paving, gravel, rock, shell and artificial flora. Building permits are



required for structural landscaping components such as decks, landscape walls, fountain, retaining walls, pergolas, trellis' or arbors, etc.

- (13) Organic Mulch. Non-living organic materials placed in landscaped areas that aid in moisture retention/detention and weed control.
- (14) Ornamental Grass. A self-supporting, non-woody, perennial species of the plant family, Poaceae, Juncaceae or Cyperaceae that is not mowed but is allowed to grow to its full potential and is used in the landscape in the same way as a shrub.
- (15) Shrub. A low growing, self-supporting, woody deciduous or evergreen species of plant.
- (16) Tree. A perennial, self-supporting, woody plant with a main trunk or multiple trunks at least seven feet in height in a clean condition at maturity and branches forming a distinct elevated crown.

**Section 19.9. Mobile Food Dispensing Vehicles (Section 4.40.) Definitions**

The terms for mobile food dispensing from Section 4.40, Mobile Food Dispensing Vehicles, and all other related terms are defined below:

- (1) Mobile Food Dispensing Vehicle: Means a public food service establishment mounted on wheels and axle(s) that is movable from place to place and which is regulated and licensed by the State of Florida Department of Business and Professional Regulation or the State of Florida Department of Agriculture and Consumer Affairs, or any successor agency, pursuant to Chapter 500, Florida Statutes and the rules and regulations promulgated thereunder. Such a vehicle may be self-propelled or mounted on a trailer, and includes bicycles and pushcarts.
- (2) Mobile Vendor: Means a public food service establishment mounted on wheels and axle(s) that is movable from place to place and which is regulated and licensed by the State of Florida Department of Business and Professional Regulation or the State of Florida Department of Agriculture and Consumer Affairs, or any successor agency, pursuant to Chapter 500, Florida Statutes and the rules and regulations promulgated thereunder. Such a vehicle may be self-propelled or mounted on a trailer, and includes bicycles and pushcarts.

## **Section 19.10. Sign (Article 11) Definitions**

The terms for Signage from Article 11, Sign Standards, and all other sign-related terms are defined below:

- (1) A-Frame (Sandwichboard, T-Frame or Sidewalk) sign: means a self-supporting sign which is ordinarily in the shape of an “A” or some variation thereof, which is readily movable, and is not permanently attached to the ground or any structure.
- (2) Abandoned sign: means any sign remaining in place after such sign has not been maintained or, if the activity conducted on the subject property ceases, for 180 or more consecutive days. An abandoned sign is a sign that, because of passage of time, has faded, peeled, cracked, or otherwise become deteriorated or dilapidated, or is no longer affixed to the ground, or is missing the sign face. Unauthorized signs placed on public property including but not limited to public right-of-way shall be deemed abandoned signs. Any political advertisement regulated by Section 106.1435, Florida Statutes which has not been removed within thirty (30) days after a candidate has withdrawn from candidacy; after a candidate has been eliminated as a candidate; or after a candidate has been elected to office, shall be considered an abandoned sign.
- (3) Air-Activated sign: means a sign, all or any part of which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise to have motion.
- (4) Alter: means to change the copy, color, size, shape, illumination, position, location, construction or supporting structure of a sign, but does not include ordinary maintenance or minor repairs.
- (5) Animated sign: means any sign, or any portion of the sign, affected by the movement of air or other atmospheric or mechanical means, or that uses natural or artificial changes of lighting, to depict action or create a special effect or scene. Animated signs include, but are not limited to, flashing signs, inflatable signs, rotating signs, pennants, streamers, balloons, searchlights, spinners, and propellers. Changeable copy signs and electronic changeable copy signs are not considered animated signs for the purposes of this Article.
- (6) Athletic field: means facilities used for sporting activities such as softball, baseball, football, soccer, running track, tennis, and other non-motorized sports. Athletic fields may include bleachers, concession stands, lights, restrooms, and other supporting facilities.
- (7) Awning or canopy sign: means a nonelectric sign that is printed on, painted on, or attached to the surface or flap of an awning or canopy. An awning is a

decorative or functional structure which is attached to, and wholly supported by a building providing shade or cover from rain. A canopy is similar in design to an awning but is freestanding or is not wholly supported by a building.

- (8) Balloon sign: means a sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method.
- (9) Banner sign: means a sign composed of flexible material, such as fabric, pliable plastic, or other similar non-rigid material, with no enclosing framework or electrical components and that is supported or anchored on two or more edges or at all four corners, or along either one edge or two corners with weights installed that reduce the reaction of the sign to wind. A special event banner is a banner expressly authorized as part of a special event permit.
- (10) Bench sign: means a sign painted on, located on, or attached to any part of the surface of a bench, seat or chair placed on or adjacent to a public place or public roadway, and include bicycle racks installed by the City.
- (11) Blade (Feather, Teardrop, Flag, or Flutter) sign: means a sign that is constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material that is supported by a single vertical pole mounted into the ground or on a portable structure.
- (12) Building-mounted sign: means any sign attached to the face of a building, including, without limitation, wall signs, marquee signs, under canopy signs, and projecting signs.
- (13) Changeable copy sign: means a sign with copy that can be changed or altered by manual, electric, electromechanical, or electronic means and without changing or altering the sign frame, sign supports, or electrical parts.
- (14) Copy: means the graphic content of a sign surface, including, but not limited to, graphics, letters, numbers, figures, symbols, and trademarks.
- (15) Copy Area: means that area which displays the actual copy on a sign, excluding any blank area surrounding the copy.
- (16) Drive/Bike/Walk-Thru sign: means any sign to facilitate the use of a drive-thru or walk up window for provision of a good or service.

- (17) Electric sign: means a sign or sign structure in which electrical wiring, connections, or fixtures are used.
- (18) Exposed building face: means the building exterior wall of a single occupant building or the building exterior wall of an individual tenant's leased space in a multi-tenant complex, viewed as a vertical plane between the finished grade and the roofline or top of parapet wall. This vertical plane will be used to calculate the sign area for building-mounted signs. In the case of an interior business without a separate exterior entrance, the exposed building face will be the vertical plane of the entrance wall measured between the floor and ceiling. As an option, for those businesses having oblique walls, the exposed building face is that area between the finished grade and the roofline that is shown on the elevation drawing submitted with the required drawings for a building permit.
- (19) Façade sign: means a sign affixed to the exterior wall of a commercial building, typically within a designated sign band located near the top of the building, which includes an occupant's name and/or logo.
- (20) Fighting words: are words or graphics which by their very utterance have a direct tendency to incite immediate breach of the peace by the person to whom, individually, the remark is addressed. The test is whether persons of common intelligence would understand such words would be likely to cause an ordinary addressee to fight. Fighting words include, but are not limited to, defamatory remarks made to private citizens and epithets based on the addressee's race, color, religion, disability, national origin, ethnicity, or sex.
- (21) Flag: means any piece of cloth of individual size, color, and design, hoisted on a pole permanently affixed to the ground or displayed via a pole bracket permanently affixed to a building. If any single dimension of a flag is more than three times greater than any other single dimension, for the purposes of this Article such a flag is classified and regulated as a banner, regardless of how it is anchored or supported.
- (22) Flashing sign: means an electric sign or any portion of an electric sign that changes light intensity in sudden transitory bursts or switches on and off in a repeated manner (e.g., strobe lights).
- (23) Freestanding sign: means a sign on a frame, pole, or other support structure that is not attached to any building, located in a commercial zoning district.
- (24) Frontage, building: means the length of an outside building wall.
- (25) Frontage, street: means the length of the property line along the public right-of-way or private street on which it borders.

- (26) Graffiti: means writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface in public right-of-way or public space, or on a private property viewable from a public right-of-way, public space, or another private property.
- (27) Ground sign means a sign that is permanently attached to the ground with the bottom of the sign base no more than 1 foot above finished grade.
- (28) Height, sign means the vertical distance measured from the highest point of the sign to either the grade of the adjacent street or the surface grade beneath the sign, whichever is less.
- (29) Illuminated sign, internally, means a sign with an artificial light source installed internally with light visible thru a transparent or translucent sign face.
- (30) Illuminated sign, externally, means a sign with an artificial light source installed externally.
- (31) Illuminated sign, indirectly, means a sign with an artificial light source installed internally to the sign structure with an opaque sign face, where the light shines onto a wall or other surface to highlight the outlines of the sign.
- (32) Indecent speech is language or graphics that depict or describe sexual or excretory activities or organs in a manner that is offensive as measured by contemporary community standards.
- (33) Inflatable sign means any object enlarged or inflated by air or gas, and is tethered in the air, or is located on the ground or on a building with or without copy or other graphics. These signs include large single displays or a display of smaller inflatable items, such as balloons, connected in some fashion to create a larger display.
- (34) International Maritime Signal Flags means a signal flag for each letter of the alphabet, and pennant for numerals. Each flag (except the R flag) has an additional meaning when flown individually, and take on other meanings in certain combinations.
- (35) Light Pole/Support Pole sign means a sign that is designed to be attached to a permanent light pole or other pole structure
- (36) Maintenance means the cleaning, painting, changing of lighting fixtures, or minor repair of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

- (37) Marquee sign means a sign attached to or mounted on top of a roof-like structure that cantilevers from the wall of a building or its principal entrance and has no vertical supports other than the wall from which it cantilevers.
- (38) Minor repair means fixing or replacement of broken or worn parts of a sign. Replacement includes comparable materials only. Repairs may be made with the sign in position or with the sign removed.
- (39) Multi-tenant sign means a sign used by more than tenant occupying the same multi-use complex [Section 19.3(154)].
- (40) Neon (outline tubing) sign means a sign consisting of glass tubing, filled with neon gas or other similar gas, which glows when an electric current is sent through it.
- (41) Nonconforming sign means any sign that was constructed, erected, and maintained in conformance with all City of Punta Gorda rules and regulations in effect at the time the sign was established and that no longer conforms to the rules and regulations of this Article.
- (42) Obscene means language or graphics that depict or describe sex or sexual organs in a manner appealing to, or intended to appeal to the average viewer/reader's visceral sexual (prurient) interests, and taken as a whole, lacks any justification from a political, literary, artistic, or scientific value.
- (43) Parcel means any plot of land that has been assigned a "Parcel ID Number" by the Charlotte County Property Appraiser. A parcel may consist of one or more platted lots. With respect to condominium developments, the term parcel shall mean only the land described as a "common element" and shall not apply to individual units which have been assigned a "Parcel ID Number."
- (44) Pennant sign means a triangular or irregular piece of fabric or other material attached in strings or supported on small poles intended to flap in the wind.
- (45) Permanent means a sign attached to a building or structure, or to the ground in a manner that precludes ready removal or movement of the sign.
- (46) Person shall mean any natural person, firm, corporation, or other legal entity.
- (47) Pole or pylon signs means self-supporting signs supported permanently upon the ground by one or more solid bases.
- (48) Portable sign means a sign that is not permanently affixed and that is designed for or capable of being moved, except those signs explicitly

designed for people to carry on their persons or that are permanently affixed to motor vehicles, trailers, bicycles, or horse drawn carriages.

- (49) Portable message center sign means a sign that is mobile in nature and affixed to a trailer or vehicle.
- (50) Projected Image sign means a sign which involves an image projected on the face of a wall, structure, sidewalk, or other surface from a distant electronic device, such that the image does not originate from the plane of the wall, structure, sidewalk, or other surface.
- (51) Projecting sign means a sign, other than a wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.
- (52) Right-of-way means land or water owned, dedicated, or conveyed by way of easement to the public and used primarily for the movement of vehicles, bicycle, wheelchair, vessels and pedestrian traffic, and land privately owned and used primarily for the movement of vehicles, bicycle, wheelchair, and pedestrian traffic, so long as such privately owned land has been constructed in compliance with all applicable laws and standards for a public right-of-way.
- (53) Roadway means the portion of a street that is improved for motor vehicle or bicycle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, utility or planting strips, or sidewalks.
- (54) Roofline means that lowest portion of a pitched or flat roof visible from a public right-of-way or adjacent property.
- (55) Rotating sign means sign faces or portions of a sign face which mechanically revolve around a central axis as opposed to revolving around an imaginary axis created by a pattern of alternating lights which convey an appearance of rotation.
- (56) Sign means any device, structure, item, thing, object, fixture, painting, printed material, apparel and accoutrements, or visual image using words, graphics, symbols, numbers, or letters designed or used for the purpose of communicating a message or attracting attention.
- (57) Sign face means the portion of a sign on which the copy is placed.
- (58) Snipe sign means a tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

- (59) Special Event means a public event which includes the use of any public facility or private property (e.g., park, meeting hall, gazebo, shelter, street right-of-way, parking lot, etc.) by a group which could limit the normal access and use of such facility by the general public. Special Events are more particularly described in Chapter 26, Article 13, Section 13.4, Punta Gorda Code.
- (60) String light means small electric lights spaced evenly along a cable and used for decoration.
- (61) Suspended sign means any sign suspended from the underside of a horizontal plane surface and supported by the same surface.
- (62) Temporary means any sign not permanently attached, mounted, painted, or otherwise affixed to the ground, a building or a structure, and includes but is not limited to any poster, banner, pennants, placard, stake sign or sign not placed in the ground with concrete or other means to provide permanent support or stability.
- (63) Tenant space means a portion of a structure occupied by a single commercial leaseholder with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.
- (64) Visibility Triangle means the triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines [or a right-of-way line and the curb or a driveway], with one point 10 feet and one point 35 feet from the point of intersection. The Florida Department of Transportation right triangle is different, with each point being 10 feet and 70 feet. There shall be a clear space with no obstruction to vision between a height of 3 feet and a height of 8 feet above the average grade of each road as measured at the centerline thereof.
- (65) Wall sign means either a sign applied with paint or similar substance on the surface of a wall or a sign with no copy on the sides or edges and attached essentially flush with and extending not more than 6 inches from the wall of a building.
- (66) Window signs mean all signs located inside and immediately adjacent to or affixed to a window and intended to be viewed from the exterior of the structure.
- (67) Yard signs means signs located within the following zoning districts: General Single-Family District (GS); General Multi-Family District (GM), which includes the Special Residential Overlay (SRO) Districts; Manufactured Home District (MH); Neighborhood Residential District (NR); Planned Development



Neighborhood (PDN) and (PD-GS), and Environmental Preserve District (EP). Yard signs do not include ground signs.