

CITY OF PUNTA GORDA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING CHAPTER 26, PUNTA GORDA CODE, KNOWN AS “THE LAND DEVELOPMENT REGULATIONS”, AMENDING ARTICLE 3 “REGULATING DISTRICTS”, SECTION 3.7, “NR, NEIGHBORHOOD RESIDENTIAL DISTRICT”, AMENDING SUBSECTION (b), “PERMITTED ACCESSORY USES AND STRUCTURES”, ADDING CLARIFICATION OF PROVISIONS FOR STRUCTURES ACCESSORY TO RESIDENTIAL USES AND DELETING ‘NOTE’ REGARDING SUCH ACCESSORY STRUCTURES; AMENDING SECTION 3.8, “NC, NEIGHBORHOOD CENTER DISTRICT”, SUBSECTION (g), “DEVELOPMENT STANDARDS”, ADDING ITEM (15), PROVIDING FOR DEVELOPMENT STANDARDS FOR SINGLE FAMILY STRUCTURES AND ACCESSORY STRUCTURES IN THE NEIGHBORHOOD CENTER DISTRICT; AMENDING SECTION 3.9, “CC, CITY CENTER DISTRICT”, SUBSECTION (g), “DEVELOPMENT STANDARDS”, ADDING ITEM (12), PROVIDING FOR DEVELOPMENT STANDARDS FOR SINGLE FAMILY STRUCTURES AND ACCESSORY STRUCTURES IN THE CITY CENTER DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Land Development Regulations allow single-family residential uses within the Neighborhood Center and City Center zoning districts; and

WHEREAS, the development standards for structures within the Neighborhood Center and City Center district do not include provisions for appropriate and customary setbacks for primary and accessory residential structures located within these districts; and

WHEREAS, to provide these development standards to allow the residential structures and accessory structures to be located on land in a manner intended for such structures, an amendment to Chapter 26, Article 3, Sections 3.7, 3.8 and 3.9 Punta Gorda Code is necessary; and

WHEREAS, pursuant to the provisions of Section 163.3194(2), Florida Statutes, the Planning Commission serving as the Local Planning Agency for the City of Punta Gorda, Florida, has reviewed the regulations proposed herein and has found said regulations to be consistent with the adopted Comprehensive Plan of the City of Punta Gorda;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, THAT:

I. Chapter 26, Article 3, Section 3.7(b), “Neighborhood Residential District, ”, Punta Gorda Code is hereby amended as follows: *[additions are underlined, deletions are ~~struck through~~]*

### **Section 3.7. NR, Neighborhood Residential District**

- (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 requirements.

~~NOTE: Detached garages shall be constructed in the rear yard only and shall be set back a minimum of 3 feet from the side and rear property lines. The aggregate floor area of all accessory structures, with the exception of pools, patios, and open decks, shall not exceed ½ the total floor area of the principal structure. With the exception of detached garages, all accessory structures shall follow yard requirements.~~

II. Chapter 26, Article 3, Section 3.8(g), “Neighborhood Center District, ”, Punta Gorda Code is hereby amended as follows: *[additions are underlined, deletions are ~~struck through~~]*

### **Section 3.8. NC, Neighborhood Center District**

- (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 encroachment, 5 feet into the rights-of-way on second story only for balconies, bay windows, arcades, porches and their supports at the ground level, together with awnings above head height. [Encroachments into the rights-of-way of state-maintained roads are not permitted without FDOT approval].
  - (8) Frontage build-out shall be 70 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) All lots must front along a minimum of 25 feet of publicly dedicated right-of-way in order to be built on.
- (10) Minimum lot width at building line, 25 feet.
- (11) Minimum height of principal structure, 26 feet above BFE; Maximum height of 2 stories, 35 feet above BFE [May be reduced in accordance with Section 7.5].
- (12) Residential buildings shall be raised above the sidewalk a minimum of 2 feet.
- (13) Maximum radius of neighborhood center, ¼ mile.
- (14) Maximum density, 15 units per acre.
- (15) Development standards for single-family and duplex dwelling units and accessory structures shall be as outlined in Section 3.7, NR District.

III. Chapter 26, Article 3, Section 3.9(g), “Neighborhood Residential District, ”, Punta Gorda Code is hereby amended as follows: *[additions are underlined, deletions are ~~struck-through~~]*

**Section 3.9. CC, City Center District**

- (g) Development Standards.
  - (1) Minimum lot area, None.
  - (2) Minimum front setback, 0 feet; Maximum front setback, 10 feet.
  - (3) Minimum side setback, 0 feet.
  - (4) Minimum rear setback, 20 feet [Exception: building which abuts an alley – 0 feet].
  - (5) Frontage encroachment, 5 feet into the rights-of-way on second or third story only for balconies, bay windows, arcades, porches and their supports at the ground level, together with awnings above head height. [Exceptions; Arcades and encroachment into the rights-of-way of state-maintained roads are not permitted without FDOT approval].
  - (6) Minimum lot width for attached housing, 16 feet.
  - (7) Frontage build-out shall be 70 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 16 feet of publicly dedicated right-of-way in order to be built on.
  - (9) Minimum height of 2 stories, 26 feet above BFE; Maximum height of 50 feet above BFE.
  - (10) Maximum density, 15 units per acre .
  - (11) For the purposes of measuring the setback from restaurants, bars and nightclubs to an NR District boundary, measurement shall be made from the closest point of the structure within which a restaurant, bar or nightclub is located to the NR District boundary. In the case of multi-use structures, measurement shall be made from the closest point of that portion of the structure within which the restaurant, bar or nightclub is located to the NR District boundary.
  - (12) Development standards for single-family and duplex dwelling units and accessory structures shall be as outlined in Section 3.7, NR District.

IV. It is the declared intent of the City Council that, if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a

court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

V. Any ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

VI. This ordinance shall become effective immediately upon adoption.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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CAROLYN M. FREELAND, Mayor

ATTEST:

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KAREN SMITH, City Clerk

APPROVED AS TO FORM:

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DAVID M. LEVIN, City Attorney