

City of Punta Gorda, Florida

Ordinance No. \_\_\_\_\_-2025

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING CHAPTER 26, PUNTA GORDA CODE, THE CITY OF PUNTA GORDA LAND DEVELOPMENT REGULATIONS TO RETURN PREVIOUSLY DELEGATED AUTHORITY OF THE CITY ZONING OFFICIAL TO THE CITY COUNCIL AND OTHER CITY BOARDS OR EMPLOYEES; AMENDING CHAPTER 26, ARTICLE 3, SECTION 3.2(c)(12)(o), PUNTA GORDA CODE, “TPG, TRADITIONAL PUNTA GORDA – WATERFRONT OVERLAY DISTRICT,” PERMITTED ACCESSORY USES AND STRUCTURES; AMENDING CHAPTER 26, ARTICLE 3, SECTION 3.2(i)(3), PUNTA GORDA CODE, “TPG, TRADITIONAL PUNTA GORDA – REVIEW PROCESS”; AMENDING CHAPTER 26, ARTICLE 3, SECTION 3.2(j), PUNTA GORDA CODE, “TPG, TRADITIONAL PUNTA GORDA – DEVELOPMENT MITIGATION REQUIREMENTS”; AMENDING CHAPTER 26, ARTICLE 3, SECTION 3.2(k), PUNTA GORDA CODE, “TPG, TRADITIONAL PUNTA GORDA – ALLOWANCES FOR ADDITIONAL BUILDING HEIGHT AND DENSITY”; AMENDING CHAPTER 26, ARTICLE 3, SECTION 3.2(l), PUNTA GORDA CODE, “TPG, TRADITIONAL PUNTA GORDA – DEVELOPMENT MITIGATION REQUIREMENT CATEGORIES”; AMENDING CHAPTER 26, ARTICLE 3, SECTION 3.3(f), PUNTA GORDA CODE, “EP, ENVIRONMENTAL PRESERVE DISTRICT” – SPECIAL EXCEPTIONS; AMENDING CHAPTER 26, ARTICLE 3, SECTION 3.4(f), PUNTA GORDA CODE, “GS, GENERAL SINGLE - FAMILY RESIDENTIAL DISTRICT” – SPECIAL EXCEPTIONS; AMENDING CHAPTER 26, ARTICLE 3, SECTION 3.5(f), PUNTA GORDA CODE, “GM, GENERAL MULTI-FAMILY RESIDENTIAL DISTRICT” – SPECIAL EXCEPTIONS; AMENDING CHAPTER 26, ARTICLE 3, SECTION 3.7(e), PUNTA GORDA CODE, “NR, NEIGHBORHOOD RESIDENTIAL DISTRICT” – SPECIAL EXCEPTIONS; AMENDING CHAPTER 26, ARTICLE 3, SECTION 3.8(f), PUNTA GORDA CODE, “NC, NEIGHBORHOOD CENTER DISTRICT” – SPECIAL EXCEPTIONS; AMENDING CHAPTER 26, ARTICLE 3, SECTION 3.21(f), PUNTA GORDA CODE, “IC, INTERCHANGE COMMERCIAL OVERLAY DISTRICT” – SPECIAL EXCEPTIONS; AMENDING CHAPTER 26, ARTICLE 4, SECTION 4.6(d), PUNTA GORDA CODE, “AUTOMOTIVE / BOAT / MANUFACTURED HOME SALES AND / OR SERVICE”; AMENDING CHAPTER 26, ARTICLE 6, SECTION 6.9(d), PUNTA GORDA CODE, “PERMIT REQUIREMENTS”; AMENDING CHAPTER 26, ARTICLE 7, SECTION 7.1(c),

PUNTA GORDA CODE, “APPLICABILITY AND MODIFICATIONS”; AMENDING CHAPTER 26, ARTICLE 8, SECTION 8.5(b)(3)c., PUNTA GORDA CODE, “FENCES, PRIVACY WALLS, AND HEDGES – REGULATIONS”; AMENDING CHAPTER 26, ARTICLE 8, SECTION 8.5(b)(5)a., PUNTA GORDA CODE, “FENCES, PRIVACY WALLS, AND HEDGES – MEASUREMENT”; AMENDING CHAPTER 26, ARTICLE 8, SECTION 8.16.(c), PUNTA GORDA CODE, “TRANSFER OF DEVELOPMENT RIGHTS [TDRS]”; AMENDING CHAPTER 26, ARTICLE 8, SECTION 8.19(a), PUNTA GORDA CODE, “WATERFRONT PROPERTY” – WATERFRONT SETBACKS; AMENDING CHAPTER 26, ARTICLE 8, SECTION 8.26(b), PUNTA GORDA CODE, “TEMPORARY STRUCTURES PROHIBITED” – TEMPORARY STRUCTURES; AMENDING CHAPTER 26, ARTICLE 10, SECTION 10.1, PUNTA GORDA CODE, “PURPOSE AND INTENT”; AMENDING CHAPTER 26, ARTICLE 10, SECTION 10.3, PUNTA GORDA CODE, “PARKING SPECIFICATIONS”; AMENDING CHAPTER 26, ARTICLE 10, SECTION 10.7, PUNTA GORDA CODE, “PARKING RATIOS FOR ALL ZONING DISTRICTS OUTSIDE OF THE TPG ZONING DISTRICT”; AMENDING CHAPTER 26, ARTICLE 10, SECTION 10.8(b), PUNTA GORDA CODE, “STACKING SPACES FOR DRIVE-THRU FACILITIES”; AMENDING CHAPTER 26, ARTICLE 10, SECTION 10.10(d), PUNTA GORDA CODE, “LOADING SPECIFICATION”; AMENDING CHAPTER 26, ARTICLE 10, SECTION 10.13(b), PUNTA GORDA CODE, “BICYCLE PARKING SPECIFICATIONS”; AMENDING CHAPTER 26, ARTICLE 12, SECTION 12.2, PUNTA GORDA CODE “MODIFICATIONS”; AMENDING CHAPTER 26, ARTICLE 12, SECTION 12.14(a)(2), PUNTA GORDA CODE, “REPLACEMENT OF DISTURBED AND DAMAGED VEGETATION”; AMENDING CHAPTER 26, ARTICLE 12, SECTION 12.14(b), PUNTA GORDA CODE, “REPLACEMENT OF DISTURBED AND DAMAGED VEGETATION”; AMENDING CHAPTER 26, ARTICLE 12, SECTION 12.15, PUNTA GORDA CODE, “NATIVE AND APPROVED NON-NATIVE TREES AND PALMS”; AMENDING CHAPTER 26, ARTICLE 12, SECTION 12.16, PUNTA GORDA CODE, “APPROVED SHRUBS AND GROUNDCOVERS”; AMENDING CHAPTER 26, ARTICLE 12, SECTION 12.17, PUNTA GORDA CODE, “MODIFICATION OF PROVISIONS”; AMENDING CHAPTER 26, ARTICLE 15, SECTION 15.1(a), PUNTA GORDA CODE, “CITY COUNCIL” – POWERS AND DUTIES; AMENDING CHAPTER 26, ARTICLE 15, SECTION 15.5(a), PUNTA GORDA CODE, “PLANNING AND ZONING BOARD [PZB]”; AMENDING CHAPTER 26, ARTICLE 15, SECTION 15.6(a), PUNTA GORDA CODE, “ZONING OFFICIAL”— POWERS AND DUTIES; AMENDING CHAPTER 26, ARTICLE

16, SECTION 16.1(b), PUNTA GORDA CODE, “APPLICATION REVIEW AND APPROVAL REQUIREMENTS, APPLICATION COMPLETENESS AND ACCURACY”; AMENDING CHAPTER 26, ARTICLE 16, SECTION 16.3(c), PUNTA GORDA CODE, “APPLICATION FOR CERTIFICATE OF APPROPRIATENESS”; AMENDING CHAPTER 26, ARTICLE 16, SECTION 16.5(c)(3), PUNTA GORDA CODE, “APPLICATION FOR DEMOLITION PERMIT – DEMOLITION REQUIREMENTS”; AMENDING CHAPTER 26, ARTICLE 16, SECTION 16.6(c), PUNTA GORDA CODE, “APPLICATION FOR DEVELOPMENT PLAN [DEVELOPMENT REVIEW COMMITTEE] – URBAN DESIGN FINDINGS”; AMENDING CHAPTER 26, ARTICLE 16, SECTION 16.8(f), PUNTA GORDA CODE, “APPLICATION FOR SPECIAL EXCEPTION”; AMENDING CHAPTER 26, ARTICLE 16, SECTION 16.8(h), PUNTA GORDA CODE, “APPLICATION FOR SPECIAL EXCEPTION”; AMENDING CHAPTER 26, ARTICLE 16, SECTION 16.8(i), PUNTA GORDA CODE, “APPLICATION FOR SPECIAL EXCEPTION”; AMENDING CHAPTER 26, ARTICLE 16, SECTION 16.9, PUNTA GORDA CODE, “TEMPORARY USE PERMITS”; AMENDING CHAPTER 26, ARTICLE 16, SECTION 16.10, PUNTA GORDA CODE, “APPLICATION FOR VARIANCE”; AMENDING CHAPTER 26, ARTICLE 16, SECTION 16.11(f), PUNTA GORDA CODE, “ZONING MAP AMENDMENTS”; AMENDING CHAPTER 26, ARTICLE 17, SECTION 17.2(b)(2) PUNTA GORDA CODE, “NON – CONFORMING USES – NON-CONFORMING NON-RESIDENTIAL USES”; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, historically, at least since 2005, the City Council of the City of Punta Gorda, Florida authorized the City’s Zoning Official to have all necessary authority on behalf of the City Council to administer and enforce the City’s Land Development Regulations contained in Chapter 26, Punta Gorda Code; and

WHEREAS, towards this end, the City’s Zoning Official was granted the authority in numerous provisions throughout the City’s Land Development Regulations to make decisions on behalf of the City Council; and

WHEREAS, the City’s current Land Development Regulations which became effective on April 1, 2024 continue to provide the City’s Zoning Official with the authority to make decisions on behalf of the City Council; and

WHEREAS, the City Council of the City of Punta Gorda, Florida has determined that it would be in the best interest of the City for the City Council itself to make a number of the decisions heretofore delegated to the Zoning Official or to delegate certain decisions to other boards or City employees; and

WHEREAS, to effectuate the intent of the City Council, it will be necessary to amend numerous amendments to the provisions of the City's current Land Development Regulations; and

WHEREAS, the City Council has determined that the regulations adopted herein are not more restrictive nor burdensome than the regulations being amended, and that the regulations adopted herein are not more restrictive nor burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by Section 163.3164, Florida Statutes, than the procedures being amended; and

WHEREAS, pursuant to the provisions of Section 163.3194(2), Florida Statutes, the City of Punta Gorda Planning and Zoning Board, 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 3.2(c)(12)(o), Punta Gorda Code "TPG, Traditional Punta Gorda – Waterfront Overlay District," is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

o. Permitted Accessory Uses and Structures.

1. Uses and structures which are customarily incidental and subordinate to permitted uses.
2. Such other uses as determined by ~~the Zoning Official or his/her designee~~ City Council to be:
  - i. Appropriate by reasonable implication and intent of the district.
  - ii. Similar to another use either explicitly permitted in the district or allowed by special exception.

II. Chapter 26, Article 3, Section 3.2(i)(3), Punta Gorda Code, "TPG, Traditional Punta Gorda – Review Process," is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

(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~~ City Council on 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~~ City Council must document acceptable minor deviations in a written finding.

III. Chapter 26, Article 3, Section 3.2(j), Punta Gorda Code “TPG, Traditional Punta Gorda – Development Mitigation Requirements,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

(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:

1. through 4. No change.

May achieve additional residential density and building height for certain building types by meeting the proscribed developer mitigation requirements as confirmed by the City Council. 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. through c. No change.

IV. Chapter 26, Article 3, Section 3.2(k), Punta Gorda Code “TPG, Traditional Punta Gorda – Allowances for Additional Building Height and Density,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

(k). Allowances for Additional Building Height and Density. Qualifying development which meets the all of the Development Mitigation Requirement Categories requirements may achieve additional building height and residential density as confirmed by the City Council. These requirements, with their available additional development allowances, can be found in the corresponding Regulating Districts in Section 3.2(c) TPG Regulating Districts.

V. Chapter 26, Article 3, Section 3.2(l), Punta Gorda Code “TPG, Traditional Punta Gorda – Development Mitigation Requirement Categories,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

(l). Development Mitigation Requirement 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. through f. No change.
- (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. through d. No change.
- (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~~ City Council.
- (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~~ City Council.

VI. Chapter 26, Article 3, Section 3.3(f), Punta Gorda Code “EP, Environmental Preserve District,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (f). Special Exceptions. The following uses are also subject to applicable provisions of Article 4 of this Chapter.
  - (1) through (6) No change.
- (7). And any such other uses as deemed appropriate in the district by the ~~Zoning Official~~ City Council.

VII. Chapter 26, Article 3, Section 3.4(f), Punta Gorda Code “GS, General Single - Family Residential District,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (f). Special Exceptions. The following uses are also subject to applicable provisions of Article 4 of this Chapter.
  - (1) through (8) No change.

(9). And any such other uses as deemed appropriate in the district by ~~the Zoning Official~~ City Council.

VIII. Chapter 26, Article 3, Section 3.5(f), Punta Gorda Code “GM, General Multi-Family Residential District,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

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

(1) through (11) No change.

(12). And any such other uses as deemed appropriate in the district by ~~the Zoning Official~~ City Council.

IX. Chapter 26, Article 3, Section 3.7(e), Punta Gorda Code “NR, Neighborhood Residential District,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

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

(1) through (8) No change.

(9). And any such other uses as deemed appropriate in the district by ~~the Zoning Official~~ City Council.

X. Chapter 26, Article 3, Section 3.8(f), Punta Gorda Code “NC, Neighborhood Center District,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

(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) through (8) No change.

(9). And any such other uses as deemed appropriate in the district by ~~the Zoning Official~~ City Council.

XI. Chapter 26, Article 3, Section 3.21(f), Punta Gorda Code “IC, Interchange Commercial Overlay District,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

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

(1) through (2) No change.

- (3). Any such other uses as deemed appropriate in the district by the ~~Zoning Official~~ City Council.

XII. Chapter 26, Article 4, Section 4.6(d), Punta Gorda Code “Automotive / Boat / Manufactured Home Sales and / or Service,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (d). Maximum front yard may exceed 25 foot when the resulting area is designated to accommodate outside display of vehicles only.
- (1). Area shall not exceed 165 feet in depth
- (2). Surfaced with brick, concrete pavers, stamped concrete, stamped asphalt or other decorative material, with a recommendation from Public Works, as approved by the ~~Zoning Official or their designee~~ City Council.
- (3). Area must be separated from all adjacent streets by a landscaped area at least 12 feet wide planted with approved ground covers and at least 4 trees per 100 linear feet.

XIII. Chapter 26, Article 6, Section 6.9(d), Punta Gorda Code “Permit Requirements,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (d). Additional Data. The Zoning Official may require details, computations, dimensioned diagrams and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the Zoning Official shall be prepared by an architect or engineer and shall be affixed with their official seal, ~~unless specifically exempted by the Zoning Official~~.

XIV. Chapter 26, Article 7, Section 7.1(c), Punta Gorda Code “Applicability and Modifications,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (c). ~~The Zoning Official or their designee may approve minor variations~~ Modifications to this section provided similar materials, configurations, and/or techniques are used that fulfill the intent of this Code as approved by City Council. ~~Major variations to building facade requirements due to unique building use requirements may be approved by the City Council, provided the overall pedestrian nature of the street is maintained in accordance with all other standards.~~ All variations shall be noted on the final approved plan.



XV. Chapter 26, Article 8, Section 8.5(b)(3)c., Punta Gorda Code “Fences, Privacy Walls, and Hedges – Regulations,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- c. Non-residential landscaping, fences, and privacy walls must also meet these visibility requirements:
  - 1. through 2. No change.
  - 3. ~~Zoning Official or designee may~~ City Council, based on a determination that these visibility requirements are inadequate or excessive given site specific conditions or uses, may adjust the visibility requirements accordingly with the concurrence of the Public Works Director or designee.

XVI. Chapter 26, Article 8, Section 8.5(b)(5)a., Punta Gorda Code “Fences, Privacy Walls, and Hedges – Measurement,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

(5). Measurement.

- a. The height of a fence, hedge or privacy wall shall be measured from the contour of ground at the fence, hedge, or privacy wall location. However, if the Building Official and Zoning Official determines that the ground level has been altered so as to provide for a higher fence, hedge or privacy wall, the Building Official and Zoning Official shall determine the ground level for purposes of measuring the fence, hedge, or privacy wall height.

XVII. Chapter 26, Article 8, Section 8.16.(c), Punta Gorda Code “Transfer of Development Rights [TDRs],” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (c). Application for TDR Approval. In order for a property owner to request approval from the City to transfer development rights from one parcel to another the following procedures should be followed:
  - (1) through (3) No change.
  - (4). The Zoning Official does not have authority to approve an application for transfer of development rights. Upon final approval of the receiving site by City Council, the Zoning Official shall issue a transfer of development rights voucher to the property owner of the sending site. This voucher shall serve as proof of the approval of the transfer, and shall clearly state the sending site location, receiving site location, and the development rights being transferred. The owner of the sending site may be different from the owner of the receiving site. Upon the issuance of a transfer of development rights voucher to the property owner of the sending site, said owner shall immediately record in the Public Records of Charlotte County,

Florida a Notice in the form provided by the City, specifying the applicable reduction in zoning density for the sending site.

XVIII. Chapter 26, Article 8, Section 8.19(a), Punta Gorda Code “Waterfront Property,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (a). Waterfront Setbacks. On any lot abutting any creek, canal, river, lake or other body of natural or navigable water no building or structure shall be located less than the greater of the distance required by the Zoning Regulating District or Overlay from any seawall, bulkhead or bulkhead line, except that marine business and waterfront industrial uses shall be permitted to build up to a seawall, bulkhead or bulkhead line.
  - (1). Setbacks from seawalls will be determined by using property lines as certified by survey when those property lines fall on or waterside of the seawall. When the property lines fall landside of the seawall the center of the seawall will be used for setback measurements.
  - (2). Modifications of the setbacks from man-made non-navigable body of water including but not limited to stormwater management ponds or lakes may be permitted ~~if, in the opinion of the Zoning Official, the design and proposed encroachments are appropriate~~ through an approved variance application. Whenever ~~the Zoning Official modifies a variance is granted~~ modifying these requirements, the justification for the modification must be entered upon the face of the permit and noted in the public records of the City.

XIX. Chapter 26, Article 8, Section 8.26(b), Punta Gorda Code “Temporary Structures Prohibited,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (b). Temporary structures are prohibited in all zoning districts unless a temporary use application has been approved by the City Council, DRC, or Zoning Official as outlined in Section 16.9 and a temporary use permit has been issued, as well as any other applicable permits or licenses are obtained.

XX. Chapter 26, Article 10, Section 10.1, Punta Gorda Code “Purpose and Intent,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

The purpose of this Article is to ensure the provision of adequate off-street parking for motor vehicles and bicycles as well as sufficient loading areas for freight and service vehicles, and to ensure safety to pedestrians accessing that parking and loading. It is further the intent to avoid urban congestion on public streets to protect the level of service and capacity of existing streets to avoid unnecessary conflicts between pedestrians, bicycles, and vehicles and to promote the general health, safety, and public welfare. These regulations shall apply to all parking and loading areas, including driveways for single-family and duplex dwellings, established within the City of Punta Gorda. Any plans for re-striping or modifying the number

of parking or loading spaces shall be approved by the ~~Zoning Official~~ City Engineer upon the submittal of a parking lot plan which complies with this Ordinance.

XXI. Chapter 26, Article 10, Section 10.3, Punta Gorda Code “Parking Specifications,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

(a) through (c) No change.

(d). Off-street parking and loading areas and driveways shall be paved or contain a similar type material approved by the ~~Zoning Official or designee~~ City Engineer. Gravel or other stabilization material without a permanent wearing surface is not permitted.

(e) through (f) No change.

(g). Parking area aisle widths shall conform to Table 10.3 (g), which varies the width requirement according to the angle of parking.

<b>TABLE 10.3 (G): AISLE WIDTH IN FEET</b>					
<b>Angle of parking</b>	<b>0</b>	<b>30</b>	<b>45</b>	<b>60</b>	<b>90</b>
One-Way Traffic	12	12	18	20	24
Two-Way Traffic	24	19	20	22	24

Aisle widths may be modified for parking aisles that serve exclusively Low Speed Vehicles [FS 316.2122] and/or Motorcycle / Scooter parking spaces as determined by the ~~Zoning Official~~ City Engineer.

(h) through (l) No change.

XXII. Chapter 26, Article 10, Section 10.7, Punta Gorda Code “Parking Ratios for all Zoning Districts outside of the TPG Zoning District,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

The parking recommendations as listed in the most recent Institute of Transportation Engineers (ITE) Parking Generation Manual for the associated land use may be substituted for specific uses in lieu of parking requirements listed herein upon approval of said request by the ~~Zoning Official or designee~~ City Engineer. Supporting documentation from the ITE Parking Generation Manual shall be required to be submitted as part of the permit application. In the absence of alternate alternate parking recommendations, the minimum parking ratios below shall apply except where other sections of this article allow adjustments to these ratios.

(a) through (e) No change.

XXIII. Chapter 26, Article 10, Section 10.8(b), Punta Gorda Code “Stacking Spaces for Drive-thru Facilities,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (b). All Other Uses. For other uses not specifically provided for herein, the ~~Zoning Official~~ City Engineer shall make a determination regarding the number of stacking spaces required.

XXIV. Chapter 26, Article 10, Section 10.10(d), Punta Gorda Code “Loading Specification,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (d). Loading spaces may be provided cooperatively for two or more uses, subject to the approval by the ~~Zoning Official~~ City Engineer of appropriate legal instruments to ensure the permanent availability of off-street loading for all such uses. The overall number of loading spaces provided may be reduced by the ~~Zoning Official or designee~~ City Engineer in those instances where it is demonstrated that adjacent land uses can be adequately served by a shared loading facility. The ~~Zoning Official or designee~~ City Engineer is also authorized to require restrictions on the use and hours of operation of any uses that share loading spaces.

XXV. Chapter 26, Article 10, Section 10.13(b), Punta Gorda Code “Bicycle Parking Specifications,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (b). The number of required bicycle parking spaces shall be based upon the following criteria:
  - (1) through (2) No change.
  - (3). ~~Zoning Official or designee~~ City Engineer has the authority to modify these provisions based on site location, availability of bicycle facilities (lanes, paths, slow speed streets), and on-site uses. Any such modification must be noted in the public records related to the property development.

XXVI. Chapter 26, Article 12, Section 12.2, Punta Gorda Code “Modifications,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

Where lot size, shape, topography, existing structures, or site conditions make it infeasible to comply with the provisions of Section 12.4 (a) Parking Area, 12.4 (c) Street Tree Canopy, and 12.4 (j) Buffer Area, the ~~Zoning Official or designee~~ Planning Director may modify these provisions provided the alternate proposal will afford a degree of landscaping, screening, and buffering equivalent to or exceeding the requirements of this Article. Whenever the ~~Zoning Official or designee~~ Planning Director varies these requirements, the justification for the modification shall be entered upon the face of the permit.

XXVII. Chapter 26, Article 12, Section 12.14(a)(2), Punta Gorda Code “Replacement of Disturbed and Damaged Vegetation,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (2). Replace damaged vegetation with an equal amount of new vegetation according to the size of vegetation removed. Any tree with a DBH of at least 12 inches which is damaged or removed shall be replaced with one or more trees which have a cumulative DBH equal to or greater than the original tree. A revegetation plan denoting the proposed installation shall be submitted to the ~~Zoning Official or designee~~ Development Review Committee for approval.

XXVIII. Chapter 26, Article 12, Section 12.14(b), Punta Gorda Code “Replacement of Disturbed and Damaged Vegetation,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (b). Location of Replacement Trees. Replanting should be located within the vicinity of the removed tree. If the area is too small for sufficient growth, a more suitable location on the site may be selected as permitted by the ~~Zoning Official or designee~~ Development Review Committee.

XXIX. Chapter 26, Article 12, Section 12.15, Punta Gorda Code “Native and Approved Non-Native Trees and Palms,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

The species listed below shall constitute an approved native or non-native tree or palm. Native and non-native tree or palm species not listed herein may be considered by the ~~Zoning Official or designee~~ Development Review Committee for inclusion in a landscape plan to meet the landscape requirements of this article.

- (a) through (d) No change.

XXX. Chapter 26, Article 12, Section 12.16, Punta Gorda Code “Approved Shrubs and Groundcovers,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

The species listed below shall constitute an approved native or non-native shrub or groundcover. Native, and non-native shrub or groundcover species not listed herein may be considered by the ~~Zoning Official or designee~~ Development Review Committee for inclusion in a landscape plan to meet the landscape requirements of this article.

- (a) through (c) No change.

XXXI. Chapter 26, Article 12, Section 12.17, Punta Gorda Code “Modification of Provisions,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

All new landscaping shall conform to the provisions of this Article. The ~~Zoning Official~~ Development Review Committee may approve minor variations provided similar materials, Development Review Committee may approve minor variations provided similar materials, configurations and/or techniques are used that fulfill the intent of this Code. All variations shall be noted on the final approved plan.

XXXII. Chapter 26, Article 15, Section 15.1(a), Punta Gorda Code “City Council,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

(a). Powers and Duties.

(1) through (8) No change.

(9). Responsible for taking final action on Special Exceptions ~~that have been appealed from the Planning and Zoning Board~~ in accordance with Section 16.8.

(10). Responsible for taking final action on Variances ~~that have been appealed from the Planning and Zoning Board~~ in accordance with Section 16.10.

XXXIII. Chapter 26, Article 15, Section 15.5(a), Punta Gorda Code “Planning and Zoning Board [PZB],” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

The body established by City Council for the administration of matters relating to planning and land use regulation; the provision of recommendations on a wide array of land use and land use policy issues as required by Florida Statute 163.3174 Local Planning Agency, and the administration of matters relating to the application of appeals for relief from undue hardships imposed by strict and literal enforcement of the requirements or restrictions of the City’s Land Development Regulations.

(a). Powers and Duties. The PZB shall make recommendations to the City Council on the following areas under this Code.

(1) through (6) No change.

(7). ~~Holding public hearings~~ Approval or denial on requests for Special Exceptions:

a. ~~If the Planning and Zoning Board’s decision is appealed to the City Council in accordance with Section 16.8, such decision shall be treated as a recommendation to the City Council.~~

b. ~~—— If a valid appeal is not filed, such decision shall become the City of Punta Gorda's final action on the requested Special Exception.~~

(8) No change.

(9). ~~Holding public hearings, upon proper petition, to consider~~ Approval or denial on variances from the terms of the zoning regulations as shall not be contrary to the public interest, where in specific cases, owing to special circumstances, a literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

a. ~~—— If the Planning and Zoning Board decision is appealed to City Council in accordance with Section 16.10, such decision shall be treated as a recommendation to the City Council.~~

b. ~~—— If a valid appeal is not filed, such decision shall become the City of Punta Gorda's final action on the requested variance.~~

XXXIV. Chapter 26, Article 15, Section 15.6(a), Punta Gorda Code "Zoning Official," is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

(a). Powers and Duties. The Zoning Official shall ~~have the authority~~ make recommendations to approve or deny minor modifications to the following areas under this Code.

(1). Uses. ~~Zoning Official has the authority to determine if~~ Whether uses not specifically listed in Article 3 ~~are to~~ should be permitted, permitted with conditions, eligible for consideration under the Special Exception process, or prohibited for all Zoning Regulating Districts and Overlays with the exception of Public.

(2). Waterfront Property. ~~Zoning Official shall have the authority to permit~~ Whether waterfront setbacks of less than 25 feet for any man made non-navigable should be permitted, permitted with conditions, or denied.

(3). Yard Designation. For lots that front on more than one street or for any irregularly shaped lot the Zoning Official shall determine the location front, side, and rear yards. This determination will be based on the intent of the Zoning Regulating District and/or Overlay which the lot is sited.

(4). Parking requirements. Zoning Official shall ~~be responsible~~ make recommendations to the City Engineer for the following:

a. ~~Plan approval.~~ Approval of any plans for re-striping or modifying any existing parking plan created prior to the adoption of or in compliance with the provisions of Article 10 [Section 10.1].

- b. ~~Parking aisle width.~~ Approval of parking aisle widths which exclusively serve Low Speed Vehicles [FS 316.2122] and/or Motorcycle/Scooter parking spaces [Section 10.3(f) (6)].
  - c. ~~Loading Specifications.~~ Approval of reduced loading space requirements for freight vehicles based upon on-site uses or the availability of shared loading facilities or off-site loading facilities within reasonable proximity of the development site.
- (5). Landscape Requirements. Zoning Official ~~may modify~~ shall make recommendations to the Development Review Committee regarding the provisions of Article 12 Landscaping Standards as delineated in Section 12.2, Section 12.15, Section 12.16, and Section 12.17.
  - (6). Certificates of Appropriateness. Zoning Official has approval authority without HPAB review of certain Certificate of Appropriateness applications as delineated in Section 16.3 (a).
  - ~~(7). Application Submittal Requirements. Zoning Official may waive certain application submittal requirements codified in Article 16, if the Zoning Official determines that such requirement is not material to the application review process.~~
  - ~~(8)-(7).~~ Temporary Use Permits. Zoning Official has the authority make decision on any temporary use application specifically related to a declared state of emergency, unless the Zoning Official determines that the application requires Development Review Committee review and/or City Council decision.
  - ~~(9). Variances. Zoning Official has the authority to determine if a variance application meets the criteria for an Administrative Variance Approval as codified in Section 16.10 (d).~~

XXXV. Chapter 26, Article 16, Section 16.1(b), Punta Gorda Code “Application Review and Approval Requirements, Application Completeness and Accuracy,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (b). Application Completeness and Accuracy. An application will be considered complete if it is submitted in the required number and form, includes all mandatory information, is accompanied by the applicable fee, and all information material to the application is accurate. This provision does not preclude the identification and correction of inaccurate or misleading information submitted by the applicant after an application is accepted. Submittal requirements shall not be waived; if a submittal requirement is not applicable to the application, the applicant shall submit a statement with sufficient evidence and information indicating the requirement is not



applicable or necessary for the full and adequate consideration of the application.

XXXVI. Chapter 26, Article 16, Section 16.3(c), Punta Gorda Code “Application for Certificate of Appropriateness,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (c). Required Contents of Applications. Applicants for a Certificate of Appropriateness shall have the burden of demonstrating that the proposed activity complies with all provisions of this code. At a minimum, applications for Certificate of Appropriateness shall submit the following information:

(1) through (7) No change.

- (8). Structural engineer’s analysis of structure, ~~if required by the Zoning Official.~~

XXXVII. Chapter 26, Article 16, Section 16.5(c)(3), Punta Gorda Code “Application for Demolition Permit – Demolition Requirements,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (3) Extensions. The ~~Zoning Official or designee~~ Development Review Committee may grant an extension of the time limits proposed by this subsection for an additional period of time where it is found that such additional period of time is necessary in order to avoid unnecessary hardship not caused by the petitioner and such extension is not contrary to the public interest. As a condition of any extension of time, the property owner shall be responsible for continued property maintenance to prevent any detrimental effect on the neighborhood.

XXXVIII. Chapter 26, Article 16, Section 16.6(c), Punta Gorda Code “Application for Development Plan [Development Review Committee] – Urban Design Findings,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

(1) through (2). No change.

(~~4~~ 3). Building setbacks shall comply with the requirements of this Ordinance.

(~~2~~ 4). Landscaping and tree preservation shall comply with the standards of this Ordinance.

(~~3~~ 5). Bikeways and walkways shall be required as part of any development plan when these facilities would further the implementation of the sidewalk and/or trail network as identified in the adopted City of Punta Gorda Comprehensive Plan or in the judgment of the Urban Design Manager and

Zoning Official ~~or their designee~~ these facilities will enhance the use and connection of adjoining areas.

- (4 ~~6~~). All on-site parking areas shall be arranged and marked in compliance with the provisions of Article 10.
- (~~5~~ 7). Conservation of natural resources. At the determination of the Zoning Official the applicant may be required to submit natural resources impact statement. The Zoning Official shall, provide recommendations on the potential impacts of proposed developments upon the natural environment prior to plan approval, and shall consider the following standards for review:
  - a. through g. No change.
- (~~6~~ 8). Preservation of any historic structures, artifacts, or archeological sites shall comply with provisions of this Code.
- (~~7~~ 9). Signage shall ~~be~~ comply within the provisions of this Code.
- (~~8~~ 10). The Zoning Official in consultation with the City Fire Marshal shall street numbers for all buildings and unit numbers within buildings where required.

XXXIX. Chapter 26, Article 16, Section 16.8(f), Punta Gorda Code “Application for Special Exception,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (f). Reserved. ~~Waivers/Modifications of Submittal Requirements. Any submittal requirements that accompany the application, with the exception of the applicable fee, may be waived by the Zoning Official. The applicant must clearly indicate by section and paragraph in the application or in a letter attached to the application, which waiver or modification is requested. To grant a waiver or modification the Zoning Official must determine that a requirement is not necessary for the full and adequate consideration of the application. The Zoning Official shall set forth in writing the reasons for such determination.~~

XL. Chapter 26, Article 16, Section 16.8(h), Punta Gorda Code “Application for Special Exception,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (h). Planning and Zoning Board Review and Decision. Upon acceptance of a completed application, the Zoning Official shall set a time and a place for a public hearing by the Planning and Zoning Board. Following the public hearing, the Planning and Zoning Board shall issue its ~~decision~~ recommendation in writing with a statement setting forth its reasons for such ~~decision~~ recommendation within a reasonable time. Unless an appeal is filed in writing within 30 days of the written decision, the Planning and Zoning Board’s decision shall be final. An appeal may be filed by the

applicant or by any person who provided input on the requested Special Exception or who owns property within 200 feet of any boundary line of the property for which the Special Exception is being requested.

XLII. Chapter 26, Article 16, Section 16.8(i), Punta Gorda Code “Application for Special Exception,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (i). City Council Review and Decision. ~~If a valid appeal is filed in writing within 30 days, the Zoning Official shall set a time and place for a public hearing by the City Council.~~ The City Council shall take action to approve, approve with conditions or deny the application for a Special Exception with a statement setting forth its reasons for such decision within a reasonable time of the public hearing.

XLII. Chapter 26, Article 16, Section 16.9, Punta Gorda Code “Temporary Use Permits,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (a). Uses Permitted with a Temporary Use Permit.

- (1) Retail sales of Christmas Trees, produce stands and other seasonal agricultural products and related goods on commercially zoned property, not to exceed 60 days upon approval by the Zoning Official.
- (2) Temporary storage container on residential single family private property during minor construction or renovation/repair, not to exceed 45 days upon approval by the Zoning Official.
- (3) Temporary office use, not to exceed six months, upon approval by the Development Review Committee; may be renewed if conditions warrant.
- (4) Temporary construction office/sales center for associated development upon approval by the Development Review Committee.
- (5) If a State of Emergency is activated, the time allowances of temporary uses may be extended upon approval by the review authority of the initial temporary use permit as listed in this section.
- (6) Uses not otherwise permitted in the zone that can be made compatible for periods of limited duration and/or frequency upon approval by City Council.
- (7) Limited expansion of any use that is otherwise allowed in the zone but which exceeds the intended scope of the original land use approval upon approval by City Council.

- (8) ~~Other temporary uses, which, in the opinion of the Zoning Official are similar to the uses listed in this section or would be needed in a declared State of Emergency upon approval by the Zoning Official.~~
- (9) Other temporary uses which are similar to the uses listed in this section upon approval by City Council.

(b). Any person desiring to establish a temporary use shall submit an application for a temporary use permit to the Zoning Official on an application provided by the City. Upon receipt of the temporary use application the Zoning Official shall ~~determine if Development Review Committee review and/or City Council decision is required~~ schedule the application to be heard before the Development Review Committee or City Council, unless the requested temporary use falls under the criteria listed in subsection (a)(1), (2), or (8). ~~If the Zoning Official deems that City Council decision is not required the Zoning Official is hereby authorized to grant a temporary use permit.~~

(c). No change.

(d). General Regulations:

- (1). Each temporary use shall be described in a permit thereby issued ~~by the Zoning Official in accordance with subsection (a),~~ prior to commencement of the use. This permit shall be in addition to all other licenses, permit or approvals otherwise required by any governmental entity.
- (2). The number of additional parking spaces required for the temporary activity shall be determined by the ~~Zoning Official~~ reviewing authority in accordance with subsection (a).
- (3). All sites shall be completely cleaned of debris and temporary structures including, but not limited to: trash receptacles, signs, stands, poles, electrical wiring or any other fixtures and appurtenances or equipment connected therewith within twenty-four hours after the termination of the sale or temporary use.
- (4). Sanitary facilities: either portable or permanent, shall be made available to all employees, attendants and participants of the activity during its operation hours, as approved by the ~~Zoning Official~~ reviewing authority in accordance with subsection (a).
- (5). No area of public right-of-way may be used without obtaining approval from the City Council.
- (6). Proof of ownership or a notarized, signed letter from either the property owner or their authorized representative, for the property on which the activity is to take place shall be presented at the time the temporary permit is requested.

- (e). Conditions of Approval. The City Council, DRC, or the Zoning Official, in accordance with subsection (a), may impose such conditions on a temporary use permit as is necessary to meet the purposes of the Code and protect the public health, safety and welfare and adjacent uses. Conditions which may be imposed may include, but are not limited to:
- (1) through (9) No change.
- (f). Termination. At the end of the time period for which the temporary use was permitted, including any renewal or extension periods, the use shall be discontinued and all temporary structures and signs shall be removed within twenty-four (24) hours. Failure to comply with this requirement shall be a violation of this Ordinance. The Zoning Official reserves the right to terminate any temporary use permits related to a declared state of emergency and to recommend to City Council to terminate any other temporary use permit to protect the public health, safety and welfare, and to recommend to the City Council to terminate any other temporary use permit.
- (g). Renewals, Extensions. Requests for the renewal or extension of a temporary use permit shall be made to the Zoning Official. The procedure for the renewal of a temporary use permit shall be the same as specified in this section for the approval of the original temporary use permit.
- (h). Revocation of Permit. The Zoning Official may revoke a temporary use permit related to a declared state of emergency and may recommend to City Council to revoke any other temporary use permit at any time upon the failure of the owner or operator of the use covered by the permit to observe all requirements of the permit, this section and other relevant provisions of law, including failure to obtain appropriate business licenses. Notice of such revocation shall be given in writing by the Zoning Official to the owner or operator of the use, by hand delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this Ordinance.
- (i). Appeal. Any person aggrieved by an action of the DRC or Zoning Official in granting, denying or revoking a temporary use permit may appeal the decision pursuant to Chapter 26-16.2 of the City Code. In the case of an appeal from the revocation of a temporary use permit issued by the Zoning Official, the aggrieved party may request a meeting with the Zoning Official. Within two business days of the meeting, the Zoning Official shall inform the aggrieved person, in writing, of the decision to affirm, modify or rescind revocation of the permit. Any person aggrieved by an action of City Council in granting, denying or revoking any other temporary use permit may appeal said decision to the Circuit Court within 30 days from the date of the decision.

XLIII. Chapter 26, Article 16, Section 16.10, Punta Gorda Code “Application for Variance,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

Owners of lands or structures or their designated agents may apply to the City of Punta Gorda) for variance from the requirements or restrictions of the land development regulations; except that no appeal for use or density issues may be considered. Such applications must be submitted through the Zoning Official, stating specific variances requested.

- (a). Application. An application for a variance shall be filed with the Zoning Official on forms within the Urban Design Department. Required application forms, completed and signed by the applicant and property owner, shall accompany each application. Upon receipt of an application, the Zoning Official shall acknowledge acceptance or rejection of the application within ten business days from the date of submission. ~~Upon acceptance, the Zoning Official shall determine if the application may be approved administratively or be transmitted to the Planning and Zoning Board for decision.~~

An application for a variance shall include a written statement with supporting evidence regarding compliance with the following approval criteria:

(1) through (6) No change.

(b) through (c) No change.

- (d). Reserved. Administrative Variance Approval. ~~A variance application may be approved by the Zoning Official if the application meets the following requirements:~~

~~(1). Variance requested must be for a relaxation of the minimum development standards of no more than ten (10) percent of the requirements but no greater than one foot of minimum yard requirements for an existing building. Existing buildings, as it applies to variances, means a building that has had the Certificate of Occupancy issued and has received approval for all location surveys as required during construction or has had the Certificate of Occupancy issued for a minimum period of three years prior to the discovery of a setback encroachment.~~

~~(2). Variance request must meet all of the conditions required by subsection (a), (b), and (c) above.~~

~~(3). Notice of intention to grant the required variance, stating the description of the property affected, including a description by street address if possible, the nature of the variance requested, and the existence of the right of appeal, shall be:~~

~~a. published one time in a newspaper of general circulation published in the county~~

~~b. mailed to the owners as revealed by the current tax roll of each contiguous parcel~~

~~(4). Within 10 calendar days of the publication of notice, but not thereafter, any interested person may apply in writing stating his name, the nature of his interest, and the nature of his objection, for a hearing of the matter before the PZB which shall conduct a public hearing on the matter in accordance with the procedures of subsections (e) through (l) below~~

(e) No change.

(f). PZB Review and Decision. Upon acceptance of a completed application, the Zoning Official shall set a time and a place for a public hearing by the PZB. The Zoning Official shall investigate the conditions pertaining to the particular variance requested and shall submit a written report at the hearing giving the facts involved. The parties in interest may appear. Following the public hearing, the PZB shall issue its ~~decision~~ recommendation to City Council in writing with a statement setting forth its reasons for such ~~decision~~ recommendation within a reasonable time. ~~Unless an appeal is filed in writing within 30 days of the written decision, the PZB's decision shall be final. An appeal may be filed by the applicant or by any person who provided input on the requested Variance or who owns property within 200 feet of any boundary line of the property for which the Variance is being requested.~~

(g). City Council Review and Decision. ~~If a valid appeal is filed in writing within 30 days~~ Following the PZB's recommendation, the Zoning Official shall set a time and place for a public hearing by the City Council. The City Council shall take action to approve, approve with conditions or deny the application for a Variance with a statement setting forth its reasons for such decision within a reasonable time of the public hearing.

(h). Approval. A variance shall be sustained only if the ~~PZB or~~ City Council finds through written findings of fact and conclusions that all of the conditions required by subsections (a), (b), and (c) above exist. ~~The PZB or~~ City Council shall file with the Zoning Official its findings and shall provide a copy of the decision to the applicant and upon each other person who was a party of record at the hearing.

(i). Conditions. In granting the variance, the ~~PZB or~~ City Council may prescribe appropriate conditions and safeguards in conformity with the zoning regulations, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the

terms under which the variance is granted, shall be deemed a violation of zoning regulations.

- (j). Withdrawal of Application. A variance may be withdrawn by the applicant at any time prior to the deadline for cancellation of the newspaper advertisement for the public hearing on the application. After that deadline, an application may be withdrawn only with the permission of the PZB or City Council.
- (k). Re-Application. ~~If the appeal of a variance decision is denied by the City Council on its merits, n~~ No application requesting the same relief with respect to all or part of the same property shall be considered by the City within 12 months after the date of such denial.
- (l). Appeal. Any person aggrieved by the approval or denial of a variance by the City Council may appeal said decision to the Circuit Court within 30 days from the date of the decision.

XLIV. Chapter 26, Article 16, Section 16.11(f), Punta Gorda Code “Zoning Map Amendments,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (f). ~~Reserved. Request for Waivers/Modifications of Submittal Requirements. Any s Submittal requirements may be waived by the Zoning Official. The applicant must clearly indicate by section and paragraph in the application and in a letter attached to the application which waiver or modification is requested. To grant a waiver or modification the Zoning Official must determine that a requirement is not necessary for the full and adequate consideration of the application. The Zoning Official shall set forth in writing the reasons for such determination.~~

XLV. Chapter 26, Article 17, Section 17.2(b)(2) Punta Gorda Code “Non – Conforming Uses – Non-Conforming Non-Residential Uses,” is hereby amended to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

- (2). However, if a non-conforming non-residential use can expand within the existing structure, it may do so as long as ~~the Zoning Official~~ City Council determines that the interior expansion will not have a negative impact upon surrounding conforming uses. Any occupation of additional lands beyond the boundaries of the lot on which said non-conforming non-residential use is located is prohibited.

XLVI. 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.



XLVII. Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

XLVIII. This Ordinance shall take effect immediately upon its adoption.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida this \_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

\_\_\_\_\_  
DEBORAH LUX, Mayor

\_\_\_\_\_  
SARA WELCH, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID M. LEVIN, City Attorney