PLANNING COMMISSION AGENDA
120 LAISHLEY COURT, PUNTA GORDA, FLORIDA 33950
FEBRUARY 23, 2026, 2:00 PM

Robert C Sifrit, Chair
James Wilton, Vice Chair
Patrice Petrik, Board Member
Heather Knuffke, Board Member
Jan M. Dick, Alternate
Toni Gray, Board Member
John Reynders, Board Member
Charles V Lewis, Board Member

CALL TO ORDER
Roll Call
Pledge of Allegiance
Announcements
Next Meeting

Election of Chair and Vice Chair

PUBLIC COMMENTS
Anyone wishing to address the Planning Commission on any subject may do so at the appropriate time during the meeting. Those who choose to speak must state their name for the record. Each person will be allowed to speak up to a maximum of three minutes.

1. **APPROVAL OF MINUTES**

1.a **December 22, 2025, Meeting Minutes.**

2. **LEGISLATIVE PUBLIC HEARINGS**

2.a **SV-01-2025 - A request by Suntoshi, Inc. property owner, the vacate a utility easement located between Lots 1 through 4 and Lots 5 and 9, Block 36, City of Punta Gorda, according to the Plat thereof as recorded in Plat Book 1, Page 13, of the Public Records of Charlotte County, Florida.**

2.b **ZA-03-2026 Proposed amendment to Chapter 26, Articles 3.4 and 3.5 to allow for the possible expansion of the General Single-Family and General Multi-Family Districts, and require multi-family structures within the GM Districts to comply**

with Article 7 with exemptions.

2.c CP-01-2026 - Magdalina FLU change

3. **QUASI-JUDICIAL PUBLIC HEARINGS**

3.a Z-01-2026 - Magdalina Drive - City Initiated - Amendment of the District Designation form GS-3.5 to GM-10

3.b ZA-01-2026 Proposed amendments to the City of Punta Land Development Regulations, Chapter 26 of the Punta Gorda Code, to establish procedures for the review and approval of certified recovery residences and a process for requesting reasonable accommodations from local land use regulations

4. **GENERAL BUSINESS**

4.a VR-02-2025 - A request by Kurt W. Havel and Delonda S David, property owners, for an initial determination of vested rights, pursuant to Chapter 27, Vested Rights Determination, Punta Gorda Code, to allow the applicant to continue forward with development of a new home of proposed properties.

4.b Commission Training

STAFF COMMENTS

MEMBER COMMENTS

ADJOURNMENT

If any person decides to appeal any matter considered at this meeting, he or she may need a record of the proceedings, and for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired (TTY 941-575-5013) or non-English speaking citizens, and any other special accommodations can be requested by contacting the Human Resources Manager/Non-Discrimination Coordinator whose address is 326 W. Marion Avenue, Punta Gorda, FL 33950, whose telephone number is (941) 575-3308, and whose email address is humres@cityofpuntagordafl.com, at least two (2) calendars days prior to the meeting.

The following motion format is recommended for use by the board/committee in a quasi-judicial proceeding: Based on the evidence and testimony presented at this Public Hearing for Item # _____, I find that this request (is/is not) consistent with the City of Punta Gorda Comprehensive Plan and move that we recommend to the City Council (approval/approval with conditions/denial) of this request. If any person decides to appeal any decision made by this Commission with respect to any matter considered at the meeting or hearing, he or she may need a record of the proceedings, and for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

PLANNING COMMISSION
CITY OF PUNTA GORDA
02/23/2026

CALL TO ORDER

Title: Election of Chair and Vice Chair

Funds:

Recommended Action:

Summary: Annual election of Chair and Vice Chair.

Department/Division: City Clerk

EXHIBITS:

1. Chair Training

An Overview of Chair and Vice Chair Responsibilities

Punta Gorda

Chair and Vice Chair

- Elected each February by members of the board and serve one year.
- Can serve a maximum of 3 consecutive years if reelected.
- As host of the assembly, the Chair performs a number of duties.
- Chair runs meetings in accordance with the agenda.
  - Vice Chair runs meetings in Chair's absence.
  - Ensures proper procedure and decorum is observed.
  - Maintains order during meetings.
- Vote on all motions, unless a conflict of interest exists.
- Chair, or Vice Chair serving as Chair, must relinquish gavel to make or second motions.
- Signs approved minutes.

Required Knowledge

- Understands basic parliamentary procedure, especially for motions.
- Understands procedures for public comment.
- Understands process for legislative and quasi-judicial public hearings.
- Understands and assists staff to enforce the Sunshine Law.
- Understands the basics of the Public Records Law.
- Familiar with bylaws.
- Familiar with approval criteria for quasi-judicial/legislative public hearings.

- The Board Member Handbook covers all of these topics.
- City Clerk's Office staff will provide additional training and is available to answer any questions.

Punta Gorda

Running Meetings

- Ensure a quorum is present, and then call the meeting to order.
- Review the public comment procedures as necessary.
- Use a timer to limit public comment to 3 minutes per individual.
- Place business on the floor by reading an agenda item's title.
- Keep discussions focused.
  - Remind members of purpose of item/remaining areas to be addressed.
  - Call for a motion if no new points are made.
- End side bar conversations between members.
- Ensure proper motions are made.
  - Call for motions when necessary.
  - Ensure a motion is seconded before member discussion begins.
    - A motion dies if not seconded. This result should be announced.
  - Restate the motion.
  - Call for an "aye" vote and "nay" vote.
  - Announce the result of the vote.

Maintaining Order

- Lead by example.
- Adheres to the rules of conduct and ensures board members do too.
- Be fair and impartial in treatment of board members, staff and the public.
- Insist unruly or disorderly individuals be courteous in language and presentation.
- Request individuals who fail to comply to leave the meeting.
- Recess the meeting if order cannot be maintained so that order can be restored.
- Ensure members wait to be recognized before they speak.
- Intervene if board members debate or argue with each other to assert their opinion.
- Use the gavel.

PLANNING COMMISSION
CITY OF PUNTA GORDA
02/23/2026

APPROVAL OF MINUTES

Title: December 22, 2025, Meeting Minutes.

Funds: Not applicable

Recommended Action: For approval.

Summary: December 22, 2025, Meeting Minutes.

Department/Division: City Clerk

EXHIBITS:

1. December 22, 2025, Minutes

CITY OF PUNTA GORDA, FLORIDA
PLANNING COMMISSION MEETING MINUTES
DECEMBER 22, 2025, 2:00 P.M.
120 LAISHLEY COURT
PUNTA GORDA, FL 33950

MEMBERS PRESENT: Robert Sifrit, Chair
Jan Dick, Toni Gray, Charles Lewis, Patrice Petrik, John Reynders, James Wilton

MEMBERS ABSENT: Heather Knuffke

CITY STAFF PRESENT: Rachel Barry, Zoning Official; Deputy City Clerk Falkner

CALL TO ORDER

Chair Sifrit called the meeting to order at 2:00 p.m., followed by the Pledge of Allegiance.
Rachel Barry requested Item 4.a. be heard ahead of Item 1.a.
Consensus of the Board was to do so.

PUBLIC COMMENTS

There were none.

1) APPROVAL OF MINUTES

NOTE: 4.a was heard before Item 1.a.

1.a August 25, 2025, Meeting Minutes.
Exhibits:
Cover Page
August 25, 2025, Minutes

Member Reynders **MOVED** to approve the minutes, **SECONDED** by Member Gray.
AYE: Dick, Gray, Lewis, Petrik, Reynders, Sifrit, Wilton
ABSENT: Knuffke
MOTION CARRIED.

2) LEGISLATIVE PUBLIC HEARINGS

NOTE: Item 4.a was heard before Item 2.a.

2.a ZA-04-2025 Proposed amendments to the City of Punta Land Development Regulations, Chapter 26 of the Punta Gorda Code, related to the review process of development plan applications and other items that require the same level of review and interdepartmental coordination.
Exhibits:
Cover Page
ZA-04-2025 Staff Report

ZA-04-2025 Draft Ordinance
ZA-04-2025 Draft Business Impact Estimate

Rachel Barry, Zoning Official, reviewed the proposed amendments to the Land Development Regulations, noting the proposal was limited to amending the current Development Review Committee (DRC) process for site plan approval. She reviewed timelines set forth in the City's Code of Ordinances and State statutes, discussing difficulties with completing review in a timely manner. She then reviewed staff proposals for revision, noting applicants would receive the staff report and be requested to set up a meeting to discuss any conditions for approval.
Chair Sifrit confirmed with Rachel Barry that staff's suggested proposal was to exempt these type of applications from DRC review.
Member Dick **MOVED** to recommend adopting the proposed amendments, **SECONDED** by Member Reynders.
AYE: Dick, Gray, Lewis, Petrik, Reynders, Sifrit, Wilton
ABSENT: Knuffke
MOTION CARRIED.

2.b ZA-05-2025 - Proposed amendments to Chapter 9A, Code Enforcement, of the Punta Gorda Code, to establish requirements and procedures for a Special Magistrate.

Exhibits:
Cover Page
ZA-05-2025 Summary Staff Report
ZA-05-2025 Draft Ordinance
ZA-05-2025 Draft Business Impact Estimate

NOTE: Item 2.b was heard following approval of the minutes and the presentation on Item 4.a.

Rachel Barry reviewed the proposed amendments to Chapter 9A of the City's Code of Ordinances, noting same added the option for a special magistrate and was not intended to dissolve the Code Enforcement Board. She stated staff had considered that cases could be split between a magistrate and the Code Enforcement Board based on complexity, length of time, degree of respondent communication with staff, and the like.
Member Lewis expressed concern regarding the cost of a special magistrate and recovery of fees expended by the City.
Rachel Barry replied administrative costs were passed along to the respondent and made part of the Code Enforcement Board's compliance order. She stated staff was researching a fee increase to offset staff time.
Discussion ensued about additional logistics related to recouping court costs and fees.
Chair Sifrit opened the floor for public comment, calling three times for same.
Joseph Comeaux, Code Enforcement Board member, spoke on the staff's proposal regarding a special magistrate, expressing concern that the ultimate issue was not the adjudicator but the enforcement process set forth in State statute. He suggested using a volunteer corps, similar to what the City's Police Department uses, to address the need for additional enforcement personnel.

Discussion ensued regarding the municipal enforcement process and pros and cons of using a special magistrate.
Rachel Barry stated staff would be meeting to discuss the volunteer proposal, emphasizing the proposed ordinance was for a special magistrate in addition to, and not in lieu of, a municipal Code Enforcement Board.
Member Wilton **MOVED** to recommend adopting the proposed amendments with an additional recommendation of using trained volunteers to assist in code enforcement, **SECONDED** by Member Reynders.
AYE: Dick, Gray, Lewis, Petrik, Reynders, Sifrit, Wilton
ABSENT: Knuffke
MOTION CARRIED.

3) QUASI-JUDICIAL PUBLIC HEARINGS

There were none.

4) GENERAL BUSINESS

4.a VR-01-2025 - A request by Don B. Construction, Inc., property owner, for an initial determination of vested rights, pursuant to Chapter 27, Vested Rights Determination, Punta Gorda Code, to allow the applicant to continue forward with development of a five-unit rowhouse on the subject properties.

Exhibits:
Cover Page
Application
Survey, Site Plans, and Legal Desc.
Progress Plans, Site Plans,1st and 2nd Floor Layout, Sewer Map
VR-01-2025 PC Staff Report
TPG LDRs - Sec. 3.2(c)(10) Historic Overlay
TPG LDRs - Sec. 3.2(d) Rowhouse
TPG LDRs - Sec. 7.1-7.6 Architectural Req
TPG LDRs - Sec. 10.6 TPG Parking

Rachel Barry reviewed the eligibility requirements for vested rights pursuant to Chapter 27 of the City's Code of Ordinances and the criteria for establishing same. She clarified the allowable uses in City Center zoning designation, noting residential uses were no longer permitted. She reviewed the request for initial determination of vested rights, noting the Development Review Committee recommended approval of same. She requested a recommendation from the Board, noting same would go before City Council on January 14, 2026.
Member Lewis questioned why the timeframe for vested rights was 5 years from the date of approval, suggesting same be shortened to 3 years to ensure development was completed in a timely manner.
Rachel Barry noted the timeframe was a general placeholder, stating there were conditions identified in the staff report that the applicant had not yet agreed to.
Member Lewis questioned whether she was amenable to a 3-year timeframe.
Rachel Barry replied affirmatively, noting same should be discussed with the applicant.
Jerry Waxler, attorney on behalf of applicant, indicated her client was amenable to a shortened timeframe. She reviewed the history of the project and costs incurred by the applicant.

Member Wilton questioned whether the applicant would accept the 3-year timeframe as well as conditions in the staff report.
Jerry Waxler replied affirmatively.
Member Lewis **MOVED** to approve the application with conditions discussed this date, **SECONDED** by Member Wilton.
AYE: Dick, Gray, Lewis, Petrik, Reynders, Sifrit, Wilton
ABSENT: Knuffke
MOTION CARRIED.

STAFF COMMENTS

There were none.

MEMBER COMMENTS

Member Dick commented positively on his experience as an alternate on the Board.

ADJOURNMENT

The meeting adjourned at 3:00 p.m.

_____
Chair

_____
Board Recorder

PLANNING COMMISSION
CITY OF PUNTA GORDA
02/23/2026

LEGISLATIVE PUBLIC HEARINGS

Title:	SV-01-2025 - A request by Suntoshi, Inc. property owner, the vacate a utility easement located between Lots 1 through 4 and Lots 5 and 9, Block 36, City of Punta Gorda, according to the Plat thereof as recorded in Plat Book 1, Page 13, of the Public Records of Charlotte County, Florida.
Funds:	
Recommended Action:	For Planning Commission review and recommendation to City Council. Staff recommends approval of the request.
Summary:	The property owner has requested to vacate a 10-foot wide utility easement running through a proposed development project site.
Department/Division:	Urban Design

EXHIBITS:

1. SV-01-2025 PC Staff Report
2. SV-01-2025 Application

EASEMENT VACATION REQUEST STAFF REPORT

TO: City of Punta Gorda Planning Commission (PC)

FROM: Rachel Barry, Zoning Official

HEARING DATE: February 23, 2026

RE: SV-01-2025 – 207 Brown Street.

Resolution Title:

SV-01-2025: A request by Suntoshi, Inc., Property Owner, to vacate a utility easement that runs through the property located at 207 Brown Street. Said utility easement is bounded by Lots 1 through 4 to the north, and Lots 5 and 9 to the south, Block 36, according to the Plat of Punta Gorda, bounded by Brown Street to the east, and Wood Street to the west.

Supplemental Material/Issue Analysis Report:

The property owner of 207 Brown Street and the contiguous property identified by the Charlotte County Property Appraiser as parcel 412306402011, has requested to vacate a utility easement located within a proposed development project site. During a Design Studio appointment, staff noted the alleyway separating Lot 3 and 4 from Lot 9, which would need to be vacated for the proposed development to be feasible. Upon additional research, it was found that the alleyway was vacated on September 17, 1997, through Punta Gorda Resolution No. 2027-97, as recorded in Official Records Book 1560, Page 1413, of the public records of Charlotte County, Florida. The resolution reserved a utility easement over and across the vacated alley. The property owner desires to develop the property for a mixed use project.

The application was distributed to city departments for review, all of which had no objection to vacating the utility easement.

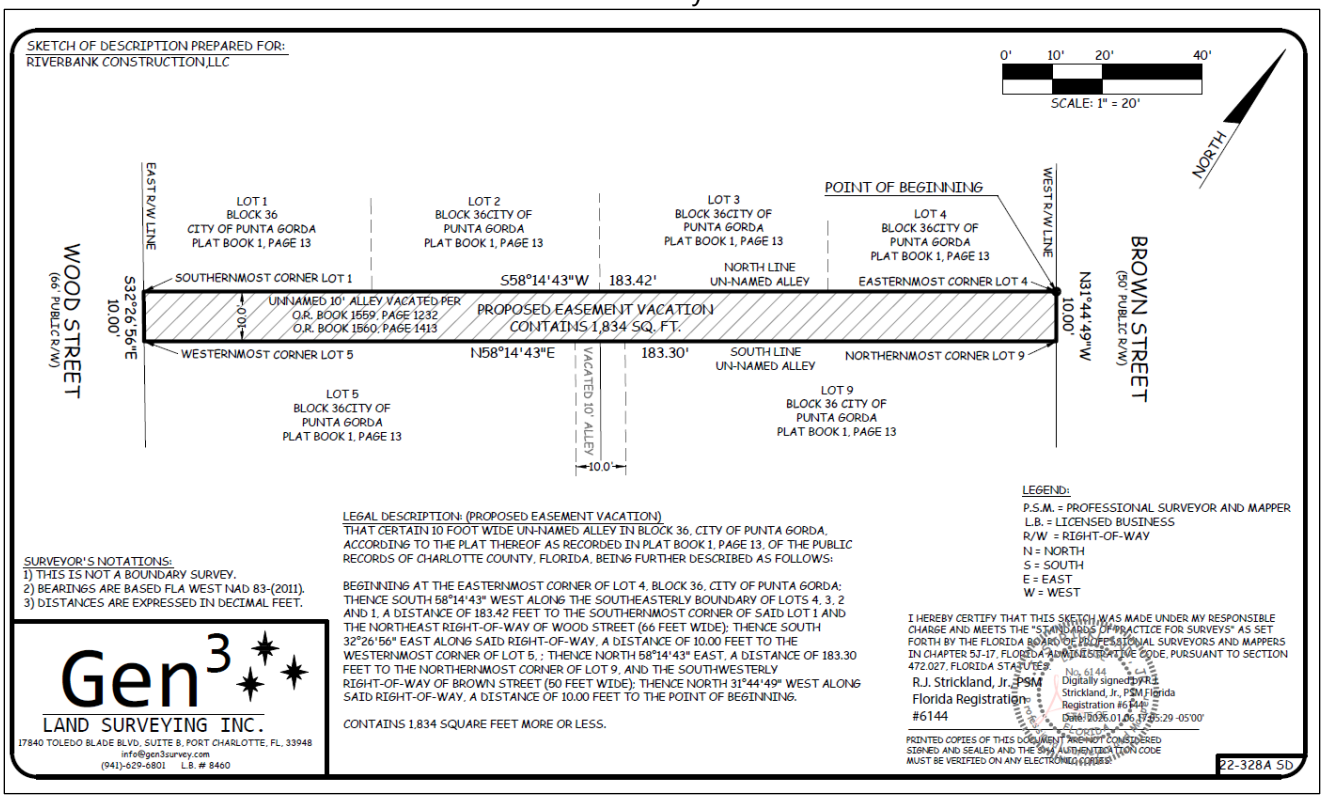
Exhibit 1: Location map and Survey of easement
Exhibit 2: Resolution No. 2027-97

Exhibit 1:

Location Map



Survey



(Not to scale; snippet of survey by Gen 3 Land Surveying, Inc.)

RESOLUTION NO. 2027-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, APPROVING THE VACATION OF THAT TEN FOOT ALLEY BETWEEN LOTS 1, 2, 3, 4, 5 AND 9 IN BLOCK 36, AS MORE FULLY DESCRIBED IN EXHIBIT A ATTACHED HERETO.

WHEREAS, after due notice, a public hearing was held on the petition of Don Atwell, agent for William M. Nickelson, to vacate that ten foot alley between Lots 1, 2, 3, 4, 5 and 9 in Block 36, as more fully described in Exhibit A attached hereto; and

WHEREAS, no reason or cause has been shown to the council why this vacation should not take place.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, THAT;

1. The City Council of the City of Punta Gorda does hereby approve the vacation of that ten foot alley between Lots 1, 2, 3, 4, 5 and 9 in Block 36, as more fully described in Exhibit A attached hereto.

2. City hereby reserves an easement for utilities over and across the land hereby vacated.

3. A copy of this resolution shall be sent by the City Clerk to the Clerk of the Circuit Court for recording in the public records of Charlotte County.

4. This resolution shall take effect immediately upon its adoption.

DONE in regular session of the City Council of the City of Punta Gorda, Florida, this 17th day of September, 1997.

CITY OF PUNTA GORDA, FLORIDA

BY: William F. Richards
WILLIAM F. RICHARDS, Mayor

ATTEST:

Ellen Diomedes
ELLEN DIOMEDES, City Clerk

APPROVED AS TO FORM:

David La Croix
DAVID LA CROIX, City Attorney

9/17/97
Date

SV0297.3/VACATE

FILE:513659 OR BOOK/PAGE:1560/1413
RECORDED:9/25/97 16:29:57
BARBARA T. SCOTT, CLERK OF THE CIRCUIT COURT - CHARLOTTE COUNTY

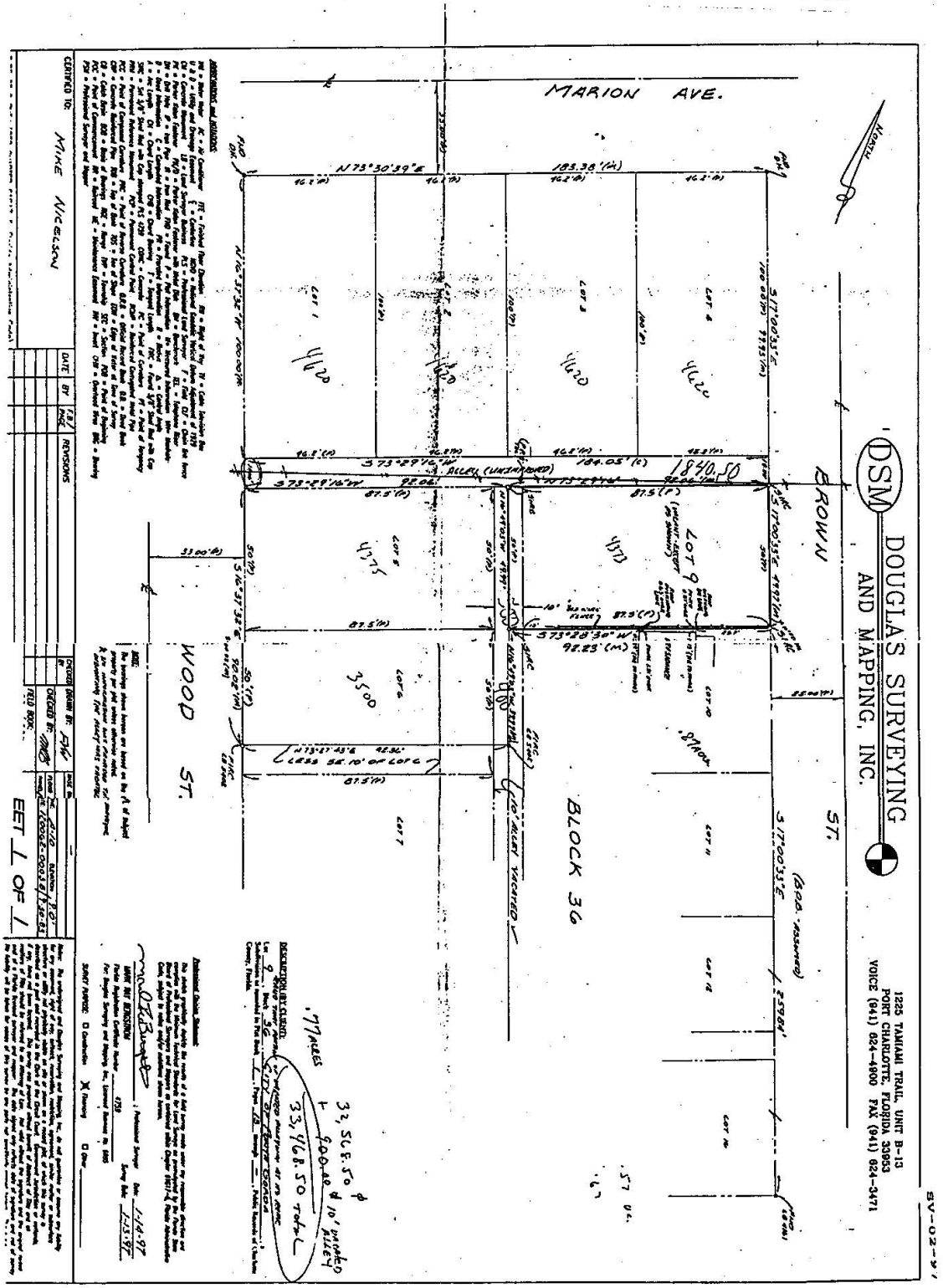
Recording
Recorded By: Carolyn Atwell P.C. $10.50

IMAGED
DL

chg #02
city planning fees
RO #21712

OR BOOK 1560 PAGE 1414

EXHIBIT A



Punta Gorda

PAID
OCT 31 2025

CITY OF PUNTA GORDA
URBAN DESIGN
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3352
FAX: (941) 575-3310
Zoning@CityofPuntaGordaFL.com
UrbanDesign@CityofPuntaGordaFL.com

VACATION APPLICATION

Application Fee: **$750** Date Received: File #: SV-01-2025 207 Brown St.

Type of Vacation: ☐ Street ☐ Alley ☒ Easement ☐ Plat ☐ Right-of-Way

NOTE: As of January 1, 2004, Public Works is NOT recommending approval of street/right-of-way vacations, reserving availability for stormwater management.

Office use only:

Ad Date		DRC		Planning		City Council	

Application and all pertinent required data (listed below) MUST be submitted with this application

☒ ORIGINAL application with Signed & Notarized Vacation application and/or Affidavit Authorization for Agent (if applicable)

☒ A copy of the deed or other evidence of ownership

☒ Complete legal description of the portion of property to be vacated

☐ Digital Text file of metes and bounds description of Property

☐ Petition signed by the owners of at least sixty percent (60%) of the property abutting the portion of the street or right-of-way proposed to be vacated

☒ Signed and sealed boundary survey, completed no more than 12 months prior to the application that accurately shows the current condition of the property to include all existing streets, watercourses, natural feature, vegetation and topography and exact location of all buildings and structures.

☒ Survey MUST show ALL Easements, Dedications & Improvements

☒ Survey must have a metes and bounds description of the property showing water and sewer main locations and fire hydrant locations

☐ Date of Survey:_____

☐ Total Acreage of Property _____

☐ Square Footage

☒ An explanation of the proposed project, site plan showing building footprints, parking and traffic circulation areas, water and sewer connection locations, and landscaping (if applicable).

1. In addition to the original application a CD/DVD of ALL supporting documentation needs to be submitted in a separate PDF, appropriately identified by name.

In order that this application be processed in a timely fashion, the correct and complete information is necessary. It is suggested that the applicant bring the application to the Zoning & Code Compliance Division, 126 Harvey St., Punta Gorda, Florida 33950, where it can be reviewed by the staff prior to filing. The Zoning & Code Compliance Division accepts no responsibility for the completeness or accuracy of the application. Errors in the filed application may result in delays with respect to required public hearings. All data and exhibits submitted in connection with the filing of this application become a permanent part of the public record

IMPORTANT: The applicant or his representative MUST be present at the hearing. There will be a fee of $500.00 for a Voluntary Continuance (a request by the applicant to continue a petition before the appropriate board or council, or by the failure of the applicant to attend or be represented at the appropriate meeting).

[redacted]

2. Owner(s) of Record

[redacted]

4. Legal Description of Property (Attach separate sheet if necessary)
****Note: A digital TEXT file of metes and bounds description of property MUST be submitted on a CD/DVD*****

Please see attached Exhibit X.

Parcel ID /Account #	Lot #	Block#	Section	Total Sq. Feet	Total Acres
412306402001			06		

5. Detail narrative describing reason/purpose of Vacation (use additional sheet as necessary)

Please see attached Letter of Intent.

I, the undersigned, being first duly sworn, testify and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of all of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary material attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners.

AFFIDAVIT

Signature of Owner or Authorized Agent

Prashant Patel (Manager)
Print Name & Title

10/23/2025
Date

STATE OF FLORIDA)
COUNTY OF CHARLOTTE)

The foregoing instrument was acknowledged before me this 23 day of 10, 2025, by PRASHANT S. PATEL, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Rebecca Martinez
Notary Public, State of Florida

(Seal)

Notary Public State of Florida
Rebecca Martinez
My Commission HH 287594
Expires 7/13/2026

AGENT AFFIDAVIT (Property Owner to complete ONLY if applicable)

I/We Prashant Patel, property owner(s), hereby authorize EnSite, Inc to act as ***Agent*** on our behalf regarding a VACATION APPLICATION on the property commonly known as Parcel ID 412306402001 in Punta Gorda, Florida.

Signature of Property Owner

PRASHANT S. PATEL

Print Name of Property Owner

Date 10/23/2025

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 23 day of OCTOBER, 2025, by PRASHANT S. PATEL, who is personally known to me or who has produced _____ as identification and who did not take an oath.

Rebecca Martinez

Notary Public, State of Florida

(Seal)

My Commission Expires
Notary Public State of Florida
Rebecca Martinez
My Commission HH 287594
Expires 7/13/2026

EnSite
2401 First Street, Suite 201
Fort Myers, FL 33901
Phone (239) 226-0024 - Fax (239) 226-0094

Transmittal

Attention:	Urban Design	**From:**	Frank Nater
Company:	City of Punta Gorda	**Date:**	10-31-25
Address:	326 West Marion Ave.	**Project No:**	1478-01
	Punta Gorda, FL 33950	**Project Name:**	Marion Ave
Regarding	Marion Ave Easement Vacation Application Submittal		

Sent Via: ☐ **US Mail** ☐ **Pick-Up** ☒ **Hand Delivery** ☐ **Overnight Delivery** ☐ **Other**

	Copies	Description
1.	1	Vacation Application
2.	1	Easement Vacation Letter of Intent
3.	1	Warranty Deed
4.	1	Legel Description
5.	1	Survey
6.	1	Site Plan
7.	1	Check # 1241
8.		

☐ **For Your Use** ☒ **As Requested** ☐ **For Approval** ☐ **Signature**

☐ **For File** ☐ **For Review and Comment** ☐ **Other**

Memo:
Thank you!

If you do not receive all of the above mentioned items, please notify our office

October 27, 2025

City of Punta Gorda Urban Design
326 West Marion Avenue
Punta Gorda, FL 33950

RE: Alley Vacation Request
Letter of Intent

To whom it may concern:
It is the intent of the Applicant, Suntoshi, Inc., to request an existing ten (10') foot alley vacation and five (5') foot alley vacation that is situated adjacent to their parcel. The subject property starts south of Marion Avenue at Brown Street and runs west approximately 92'. The alley then travels south approximately 100'.

The parcel to the west of the subject property is a development that has ingress & egress to Wood Street. The portion of alley to the east of the 5' alley has not been constructed adjacent to the subject property. The parcel directly south of the subject property is undeveloped. By vacating the ten (10') foot and five (5') alley, there will be no change to any access the adjacent property owners currently have.

Due to these factors, we believe that vacating this alley would be in the best interest of the City and to the potential development opportunity of this unused alley property. The alley is currently situated in a way that would hinder the potential development of a mixed use center within the TPG-DC zoning that allows for impactful mixed use development in the Downtown Punta Gorda area.

The necessary documents have been uploaded to Punta Gorda's online system and applicable documents for an alley vacation have been submitted. See attached:

- Exhibit A: Vacation Survey
- Exhibit B: Conceptual Site Plan

Sincerely,

Brian R. Smith
Principal / Project Manager

INSTR # 3012954 Doc Type: D, Recorded: 10/22/2021 at 11:47 AM
Rec. Fee: RECORDING $18.50 D DOCTAX PD $3,080.00 ERECORDED Cashier By: THERESAA

This Instrument Prepared by and Return to:
Nacole Klootwyk
Hometown Title & Closing Services, LLC
324 Goldstein Street
Punta Gorda, FL 33950
Our File No.: 20212724
Property Appraisers Parcel Identification (Folio) Number: **412306402001**
Florida Documentary Stamps in the amount of **$3,080.00** have been paid hereon.

_____SPACE ABOVE THIS LINE FOR RECORDING DATA_____

WARRANTY DEED

THIS WARRANTY DEED, made the **22nd day of October, 2021** by
Sandi Paws, LLC, a Florida Limited Liability Company,
whose post office address is 130 East Marion, #512484, Punta Gorda, FL 33951
herein called the Grantor, to
Suntoshi, Inc., a Florida Profit Corporation
whose post office address is 7573 Fairlinks Ct. East, Sarasota, FL 34243,
hereinafter called the Grantee:
(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

W I T N E S S E T H: That the Grantor, for and in consideration of the sum of Four Hundred Forty Thousand and 00/100 **($440,000.00)** and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in Charlotte County, State of Florida, viz.:

Lots 1, 2, 3, 4, 9 and 10, Block 36, CITY OF PUNTA GORDA, according to the Plat thereof, as recorded in Plat Book 1, Page 13, of the Public Records of Charlotte County, Florida.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to January 1, 2021.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Jennifer Oliva
Witness #1 Signature

Jennifer Oliva
Witness #1 Printed Name

Grace Burdine
Witness #2 Signature

Grace Burdine
Witness #2 Printed Name

Sandi Paws, ~~LLC~~

By: _____
Sean M. Lux, Manager

By: _____
Deborah O. Lux, Manager

State of Florida

County of Charlotte

The foregoing instrument was acknowledged before me by means of [X] physical presence or [_] online notarization, this 21 day of October, 2021, by Sean M. Lux and Deborah O. Lux, who is personally known to me or has produced Driver's License as identification and did not take an oath.

SEAL

Grace Burdine
Notary Public

My commission expires:

Notary Public State of Florida
Grace Burdine
My Commission HH 153071
Expires 07/12/2025

LEGAL DESCRIPTION:

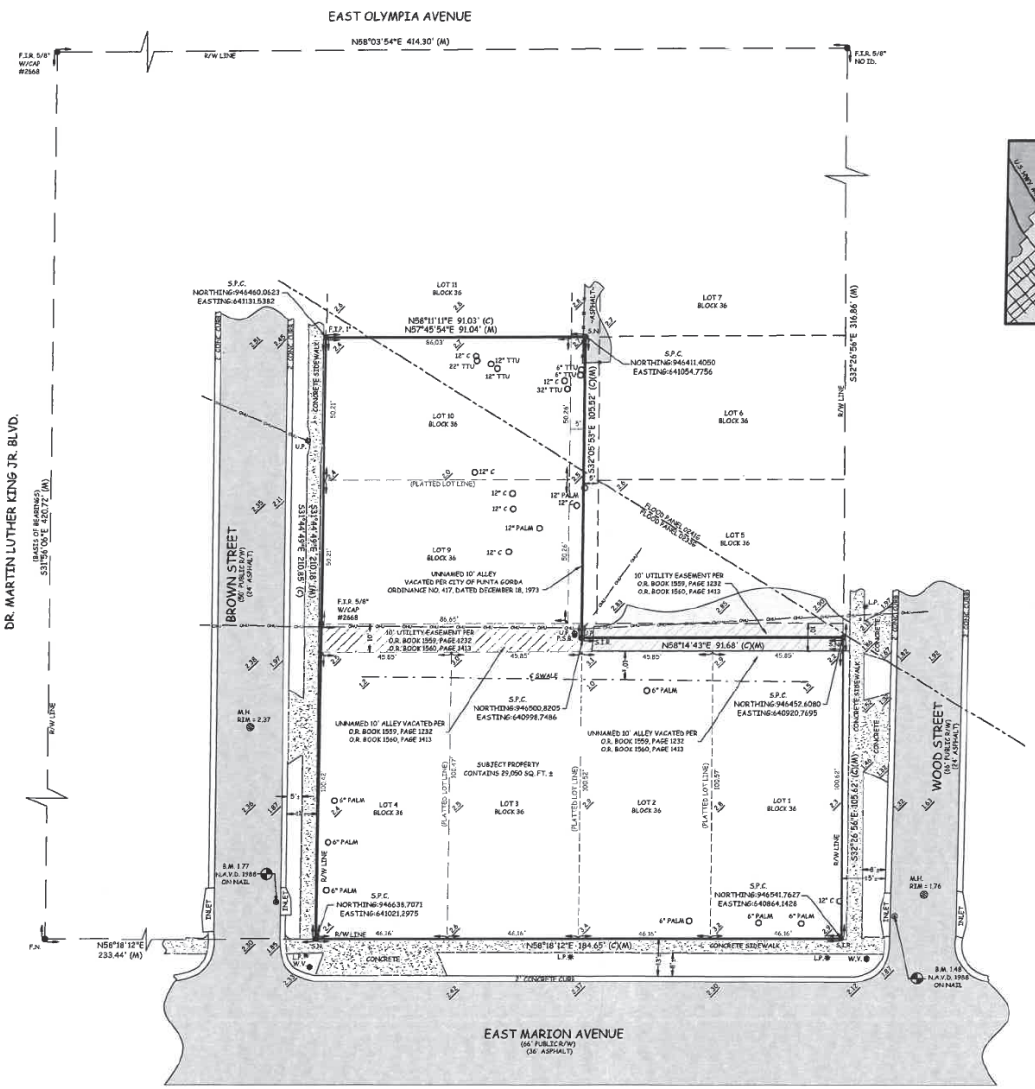
LOTS 1, 2, 3, 4, 9 AND 10, BLOCK 36, CITY OF PUNTA GORDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 13, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

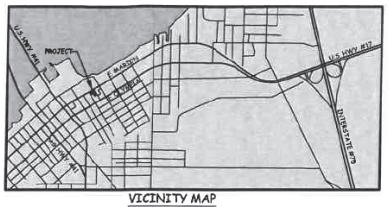
ALONG WITH THE EAST HALF OF A UN-NAMED VACATED 10 FOOT WIDE ALLEY PER CITY OF PUNTA GORDA ORDINANCE NO. 417, SAID ALLEY BEING ADJACENT TO AND CONTIGUOUS WITH LOTS 9 AND 10, OF SAID BLOCK 36

ALONG WITH THE NORTH HALF OF A UN-NAMED VACATED 10 FOOT WIDE ALLEY PER OFFICIAL RECORDS BOOK 1559, PAGE 1232 AND BOOK 1560, PAGE 1413, CHARLOTTE COUNTY, FLORIDA, SAID ALLEY BEING ADJACENT TO AND CONTIGUOUS WITH LOTS 1 AND 2, OF SAID BLOCK 36

ALONG WITH A UN-NAMED VACATED 10 FOOT WIDE ALLEY LYING BETWEEN LOTS 3, 4, AND 9, OF SAID BLOCK 36.

BOUNDARY & TOPOGRAPHIC SURVEY CERTIFIED TO:
PRASHANT PATEL





VICINITY MAP
NOT TO SCALE

NORTH
0' 10' 20' 40'
SCALE: 1" = 20'

LEGEND:
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
FND. = FOUND
S.I.R. = SET 1/2" IRON ROD WITH CAP "GEN 3"
F.I.R. = FOUND IRON ROD
F.I.P. = FOUND IRON PIPE
S.N. = SET NAIL AND DISK "GEN 3"
F.N. = FOUND NAIL
F.N.D. = FOUND NAIL AND DISK
P.C.P. = PERMANENT CONTROL POINT
P.R.M. = PERMANENT REFERENCE MONUMENT
D.H. = DRILL HOLE
C.M. = CONCRETE MONUMENT
(M) = MEASURED DATA
(P) = RECORD PLAT DATA
(C) = CALCULATED DATA
D = DELTA
R = RADIUS
CHD. = CHORD LENGTH
CHB. = CHORD BEARING
P.O.L. = POINT ON LINE
R/W = RIGHT-OF-WAY
F.F.E. = FINISHED FLOOR ELEVATION
* = LAST DAY IN FIELD
D.U.E. = DRAINAGE AND UTILITY EASEMENT
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
N.A.V.D. = NATIONAL AMERICAN VERTICAL DATUM
P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
L.P. = LIGHT POLE
C.E. = COVERED ENTRY
C. = CONCRETE
P. = PAVER BRICKS
P.C. = POINT OF CURVATURE
P.I. = POINT OF INTERSECTION
P.T. = POINT OF TANGENCY
℄ = CENTERLINE
W.M. = WATER METER
W.E. = WELL EQUIPMENT
A.T.O.S. = AT TIME OF SURVEY
E.O.W. = EDGE OF WATER
T.O.B. = TOP OF BANK
O.H.U. = OVERHEAD UTILITIES
U.P. = UTILITY POLE
GUY = GUY WIRE
P.S.B. = PHONE SERVICE BOX
P.S.V. = PHONE SERVICE VAULT
M.H. = MANHOLE
F.H. = FIRE HYDRANT
C.B. = CATCH BASIN
B.M. = BENCH MARK
E.S. = ELECTRIC SERVICE
S.V. = SEWER VALVE
W.V. = WATER VALVE
W/CAP = WITH CAP
EL. = ELEVATION
L.B. = LICENSED BUSINESS
CONC. = CONCRETE
S.P.C. = STATE PLANE COORDINATE
+ 10.00 = SPOT ELEVATION
= DENOTES BOUNDARY LINE WHERE APPLICABLE

TREE LEGEND
P = DENOTES PINE TREE
O = DENOTES OAK TREE
C = DENOTES CABBAGE PALM
NO OTHER TREE TYPE LOCATED UNLESS OTHERWISE NOTED.

SURVEYOR'S NOTATIONS:
PER FEMA FLOOD MAP FLOOD ZONE "AE", BASE FLOOD ELEVATION = 10', COMMUNITY MAP #120062, PANEL 0 0336 G 0 2 16, DATE PRINTED 12-15-22.
ELEVATIONS ARE BASED ON N.A.V.D. 1988.
BASE B.M. CHARLOTTE COUNTY B.M. #SF5023, EL.= 6.67 N.G.V.D. 1929, CONVERTED BY USE OF NATIONAL GEODETIC SURVEY COORDINATE CONVERSION AND TRANSFORMATION TOOL (NCAT), EL.= 5.55 N.A.V.D. 1988, THE CONVERSION FROM N.G.V.D. 1929 TO N.A.V.D. 1988 IS (-1.12) FEET.
BEARINGS ARE BASED ON FLORIDA WEST NAD 83 (2011).
ALL DISTANCES AND ELEVATIONS ARE EXPRESSED IN DECIMAL FEET.
SYMBOLS DEPICTED ON THIS SKETCH ARE NOT TO SCALE AND FOR INFORMATIONAL PURPOSES ONLY.
LANDSCAPING, UNDERGROUND UTILITIES AND NON PERMANENT IMPROVEMENTS HAVE NOT BEEN LOCATED.
TREES AND THEIR LOCATIONS ARE APPROXIMATE, NON NATIVE TREES, TREES UNDER 4 INCHES IN DIAMETER AND UNDERBRUSH HAVE NOT BEEN LOCATED.
HERITAGE TREES IF ANY, ARE TO BE DETERMINED BY THE LOCAL GOVERNING BODY.
STATE PLANE COORDINATES OBTAINED BY USE OF G.P.S. THROUGH THE FLORIDA PERMANENT REFERENCE NETWORK (FPRN) AND ARE BASED ON FLORIDA WEST NAD 83-(2011) DATUM IN DECIMAL FEET.

LEGAL DESCRIPTION:
LOTS 1, 2, 3, 4, 9 AND 10, BLOCK 36, CITY OF PUNTA GORDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 13, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

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ALONG WITH A UN-NAMED VACATED 10 FOOT WIDE ALLEY LYING BETWEEN LOTS 3, 4, AND 9, OF SAID BLOCK 36.

Gen³
LAND SURVEYING INC.
17840 TOLEDO BLADE BLVD. SUITE B. PORT CHARLOTTE, FL. 33948
info@gen3survey.com
(941)-629-6801 L.B. # 8460

NOTE: THE UNDERSIGNED AND GEN 3 LAND SURVEYING, INC. MAKE NO WARRANTIES, GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAYS, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS, EXCEPT PLATTED EASEMENTS WHERE APPLICABLE. DETERMINATION OR RESEARCH FOR THE ABILITY OR INABILITY TO USE THIS PARCEL OF LAND FOR ANY PURPOSE IS NOT INCLUDED IN THIS SURVEY. THE SURVEY SKETCH AS SHOWN WAS MADE WITHOUT BENEFIT OF A TITLE REPORT UNLESS NOTED OTHERWISE. THIS SKETCH IS NOT VALID UNLESS IT BEARS AN ORIGINAL SIGNATURE AND AN EMBOSSED SURVEYORS SEAL. ANY ADDITIONS AND/OR DELETIONS TO THIS SKETCH, OR DUPLICATION OF THIS SKETCH, IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE UNDERSIGNED. THIS SURVEY IS PREPARED SPECIFICALLY FOR THE PARTY OR PARTIES LISTED ABOVE. USE OF THIS SURVEY BY OTHERS FOR LENDING, DESIGN, CONSTRUCTION, OR ANY OTHER REASON, WILL BE AT THE SOLE RISK OF THE USER. WHERE APPLICABLE, FLOOD ZONE INFORMATION HAS BEEN DETERMINED FROM THE F.E.M.A. FLOOD INSURANCE RATE MAPS AS A COURTESY TO THE CLIENT. IT IS THE RESPONSIBILITY OF THE CLIENT TO VERIFY THE FLOOD ZONE INFORMATION AND ANY APPLICABLE BASE FLOOD ELEVATION REQUIREMENTS WITH THE LOCAL GOVERNING BODY AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR A FINAL DETERMINATION. WHERE APPLICABLE, SPOT ELEVATIONS AND THEIR LOCATIONS ARE APPROXIMATE, UNLESS NOTED OTHERWISE, ONLY MINIMUM TOPOGRAPHY HAS BEEN OBTAINED. TOPOGRAPHY BETWEEN SPOT ELEVATIONS MAY VARY GREATLY. THIS SHOULD BE CONSIDERED IF SPOT ELEVATIONS ARE TO BE USED FOR DESIGN AND FILL CALCULATION PURPOSES. ADDITIONAL TOPOGRAPHY MAY BE NECESSARY. JURISDICTIONAL WETLANDS IF ANY HAVE NOT BEEN DETERMINED.

BOUNDARY & TOPOGRAPHIC SURVEY

REVISION:	DATE:
ORIGINAL SURVEY	2-11-22
UPDATE SURVEY	4-9-25
UPDATE SURVEY	8-29-25*

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE "STANDARDS OF PRACTICE FOR SURVEYS" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Digitally signed by R.J. Strickland, Jr., P.S.M.
Florida Registration #6144
Date: 2025.09.04 13:19:04 -04'00'

R.J. Strickland, Jr., P.S.M. #6144
P.S.M. Florida Registration #6144

PRINTED COPIES OF THIS SURVEY MAP ARE NOT CONSIDERED SIGNED AND SEALED AND THE SHA AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

22-328A

SITE DATA TABLE:

ON SITE

LAND USE TABLE:	EXISTING	PERCENT %	PROPOSED	PERCENT %
BUILDING	0.00 AC.	0%	0.24 AC.	36.5%
PAVEMENT	0.00 AC.	0%	0.10 AC.	15%
OPEN SPACE	0.66 AC.	100%	0.08 AC.	12%
PERVIOUS PAVERS	0.00 AC.	0%	0.24 AC.	36.5%
TOTAL	0.66 AC.	100%	0.66 AC.	100%

OFF SITE

LAND USE TABLE:	EXISTING	PROPOSED
CONCRETE APRON	925 SF.	723 SF.

SETBACKS:

	REQUIRED	PROVIDED
FRONT (NORTH)	10' MAX	±2.59'
SIDE (WEST)	10' MAX	±1.92'
SIDE (EAST)	10' MAX	±2.52'
REAR (SOUTH)	0'	±42.18'

SETBACKS DENOTED HEREIN ARE FROM THE CLOSEST BUILDING TO THE PROPERTY LINE RESPECTIVELY

PARKING CALCULATIONS:

BUILDING: MIXED USE

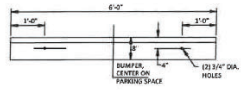
USES:		PARKING REQUIREMENTS
RESIDENTIAL - 8 UNITS(1.5 SPACES PER UNIT)	=	12 PKG STALLS REQ'D
RETAIL - 6,896 S.F. (1 SPACE PER 1,000 S.F.)	=	7 PKG STALLS REQ'D
OFFICE - 15,746 S.F. (1 SPACE PER 1,000 S.F.)	=	16 PKG STALLS REQ'D
TOTAL PARKING STALLS REQUIRED	=	35 (2 HANDICAP) PARKING STALLS

TOTAL PARKING PROVIDED = 35 (2 HANDICAP) PARKING STALLS

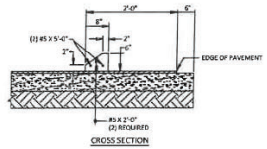
BICYCLE SPACES

1 SPACE PER 3 RESIDENTIAL UNITS	=	2 SPACES REQ'D
1 SPACE PER 3 AUTOMOBILE SPACES	=	12 SPACES REQ'D
TOTAL BICYCLE SPACES REQUIRED	=	14 SPACES REQ'D

TOTAL BICYCLE SPACES PROVIDED = 14 BICYCLE PARKING SPACES



PLAN VIEW

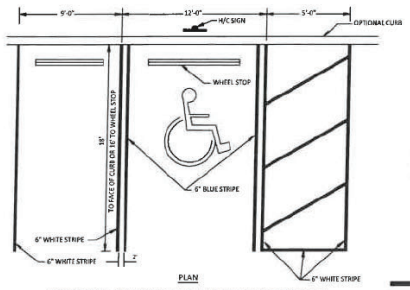


CROSS SECTION

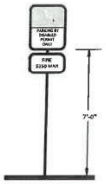
NOTE: RUBBER EQUIVALENT IS ACCEPTABLE

PARKING BUMPER DETAIL

N.T.S.



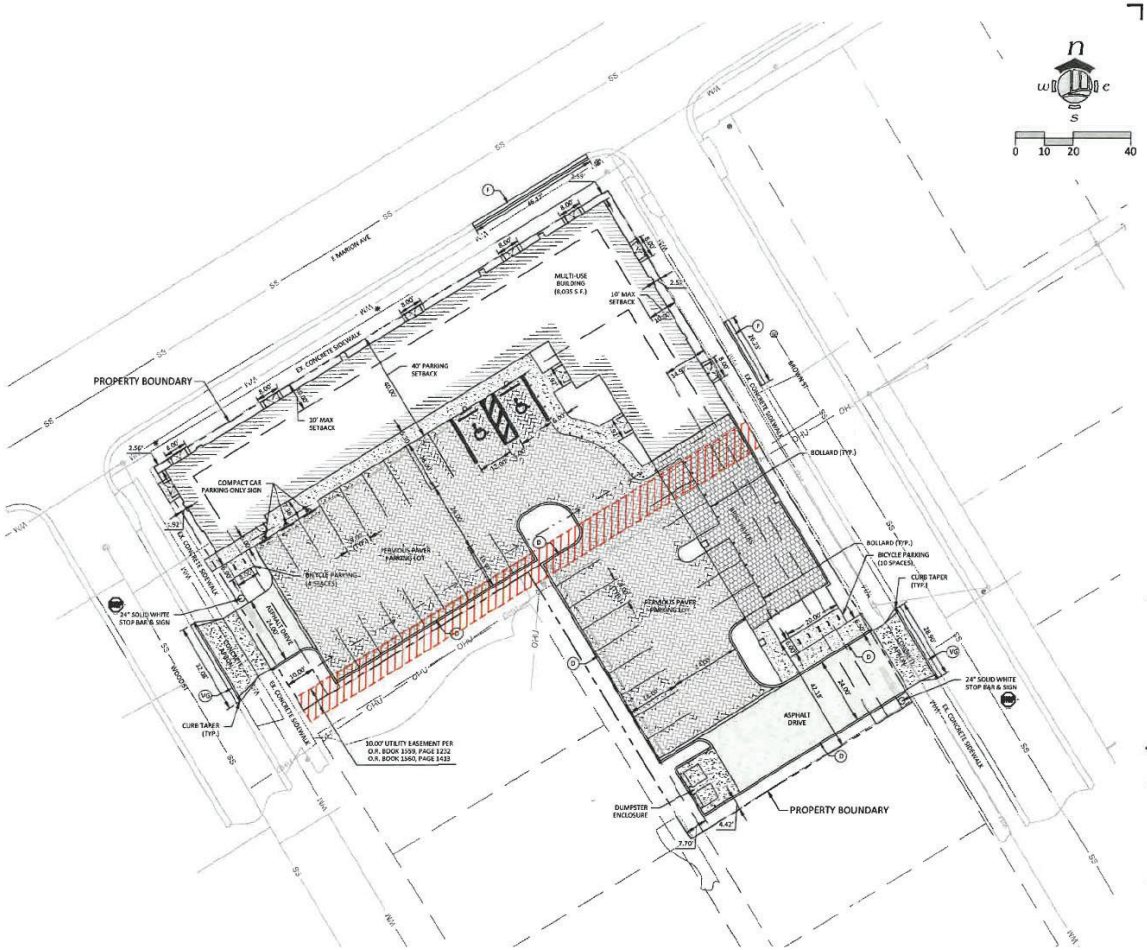
PLAN



HANDICAP SIGN DETAIL

TYPICAL PARKING & HANDICAP SPACE

N.T.S.



NOTE:

1. ALL DETECTABLE WARNING SURFACES SHALL BE CAST-IN-PLACE (WET-SET AND ANCHORED IN CONCRETE).
2. ALL THERMOPLASTICS MATERIAL PAVEMENT MARKINGS SHALL BE APPLIED FOR ALL PAVEMENT MARKINGS.
3. ALL SIDEWALKS SHALL BE CONSTRUCTED/RECONSTRUCTED WITH A CROSS SLOPE OF 2% OR LESS, AND UNLESS AT A CURB RAMP, SHALL HAVE A RUNNING SLOPE OF 5% OR LESS. ALL SIDEWALK CONSTRUCTION/RECONSTRUCTION MUST COMPLY WITH LATEST EDITION OF THE FLORIDA GREENBOOK AND FDOT'S DESIGN STANDARDS, INCLUDING CURB RAMPS AND DETECTABLE WARNING SURFACES.
4. ALL AREAS WITHIN THE COUNTY RIGHT-OF-WAY DISTURBED THROUGH THE COURSE OF CONSTRUCTION WILL BE RE-GRADED AND SODDED.



ROAD SIGNS

N.T.S.

SIGNING AND PAVEMENT MARKING NOTES:

1. ALL SIGNING AND PAVEMENT MARKINGS SHALL BE INSTALLED IN ACCORDANCE WITH FDOT STANDARDS FOR ROAD AND BRIDGE CONSTRUCTION (LATEST EDITION), FDOT ROADWAY AND TRAFFIC DESIGN STANDARDS (LATEST EDITION), "THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION)".
2. MATCH EXISTING PAVEMENT MARKINGS AT EXISTING ROADS.
3. MAINTENANCE OF TRAFFIC SHALL BE IN ACCORDANCE WITH THE FDOT ROADWAY AND TRAFFIC DESIGN STANDARDS (LATEST EDITION).
4. CONTRACTOR SHALL SET ROADWAY GROUND MOUNT SIGNS AT PROPER DEFLECTION ANGLE TO THE ROADWAY IN ACCORDANCE WITH FDOT INDEX NUMBER 17302.
5. SEE FDOT INDEX NUMBERS 17346 AND 17353 FOR ADDITIONAL DETAILS.

LEGEND

- ASPHALT PAVEMENT
- 6" CONCRETE PAVEMENT
- 4" CONCRETE SIDEWALK
- PERVIOUS PAVERS
- BRICK PAVERS

ensite
2401 FIRST STREET, SUITE 201
FORT MYERS, FLORIDA 33901
PH: (239)-226-0024
EB-26544 CA-LC26000374

CLIENT NAME AND ADDRESS
LAKAHANY HOLDINGS, LLC
377 E. BUTTERFEILD RD, SUITE 930
LOMBARD, IL 60148

PROJECT NAME AND LOCATION
MLK LOT 4A
FORT MYERS, FLORIDA

JASON E. TOMASSETTI, PE
FL License No. 66263

NO.	REVISION	DATE	REVISIONS DESCRIPTION

DATE:	10-06-25
PROJECT NO.	1434-15
FILE NO.	1478-01 SITE.dwg
SCALE:	AS SHOWN

SITE PLAN

SHEET TITLE

C-06

SHEET NUMBER

Z:\Shared\Active Projects\1478 Mooring Waves Development\1478-01 Marion Ave\CAD\Working\1478-01 SITE.dwg (SITE) TootCarter Oct 29, 2025 - 1:21pm

Map Layout



November 4, 2025

Override 1

Road Centerlines

Collector

Freeway

Highway

Local

Major Arterial

Minor Arterial

Block Number

Lots

Property Ownership

1:1,000

0 0.01 0.01 0.03 mi

0 0.01 0.02 0.04 km

Charlotte County, Charlotte County GIS

Charlotte County GIS

PLANNING COMMISSION
CITY OF PUNTA GORDA
02/23/2026

LEGISLATIVE PUBLIC HEARINGS

Title:	ZA-03-2026 Proposed amendment to Chapter 26, Articles 3.4 and 3.5 to allow for the possible expansion of the General Single-Family and General Multi-Family Districts, and require multi-family structures within the GM Districts to comply with Article 7 with exemptions.
Funds:	
Recommended Action:	Staff recommends approval of the proposed amendments.
Summary:	Proposed amendment to Chapter 26, Articles 3.4 and 3.5 to allow for the possible expansion of the General Single-Family and General Multi-Family Districts, and require multi-family structures within the GM Districts to comply with Article 7 with exemptions.
Department/Division:	Urban Design

EXHIBITS:

1. ZA-03-2026 - Magdalina Drive - Staff Report
2. ZA-03-2026 - Magdalina Drive - Ordinance

ZONING (TEXT) AMENDMENT
STAFF REPORT

TO: Planning Commission

VIA: Boyd Lawrence, AICP, Planning Director
Hank Flores, AICP, CFM, Urban Design Manager

FROM: Carl Benge, AICP, Principal Planner

DATE: February 23, 2026

SUBJECT: Zoning (Text) Amendment, ZA-03-2026, Amending General Single-Family and General Multi-Family Zoning Districts

---

Request

ZA-03-2026: Proposed amendment to Chapter 26, Articles 3.4 and 3.5 to allow for the possible expansion of the General Single-Family and General Multi-Family Districts, and require multi-family structures within the GM Districts to comply with Article 7, Architectural Standards with exemptions.

Background

In 2022, The City of Punta Gorda issued building permits for three (3) properties located on Magdalina Drive to William Morgan in order to allow for the construction of three (3) duplexes. Subsequent to the issuance of the permits and after construction had already commenced on the properties, it was determined that the GS-3.5 District does not allow duplexes as a Permitted Use.

Over the ensuing three (3) years, the City and Mr. Morgan met several times to discuss remedies to the situation that would satisfy both parties. Unfortunately, no agreement was able to be reached and the partially constructed duplexes have sat unattended since.

On October 22, 2025, City Council formally directed staff to expedite a process to allow Mr. Morgan to move forward with the proposed development. Staff has reviewed the Land Development Regulations and determined that a change in the district of the subject properties from the GS-3.5 (General Single-Family – 3.5 units per acre) District to the GM-10 (General Multi-Family – 10 units per acre) District would allow for the completion of the construction of the duplexes as desired by Mr. Morgan.

In reviewing the Intent Language of the GS (General Single-Family) and GM (General Multi-Family) Districts, staff determined that the last sentence contained within the respective district description precludes the rezoning of these properties to the GM-10 District. The language for the respective districts reads as follows:

GS-3.5/5: The General Single-Family Residential District is coded to permit the completion and/or annexation of conventional single-family residential subdivisions existing or approved by the Punta Gorda City Council prior to the effective date of these regulations. The General Single-Family Residential District is established solely to accommodate completion of previously approved development of lands within the district. *The district is not intended to be available for future rezonings, nor as a means of expanding the boundaries of existing GS Districts;* and,

GM-5/10/15: The General Multi-Family Residential District is coded to permit the completion and/or annexation of conventional multi-family residential development within the district. The district is intended to be medium to high-density residential, with emphasis on multifamily use. *The district is not intended to be available for future code amendments, nor as a means of expanding the boundaries of existing GM Districts.*

Recommendation

Staff is recommending that the Planning Commission forward a recommendation of approval to the City Council to allow for the removal of the italicized language contained within these two district descriptions. The proposed modifications would allow for the consideration of a Future Land Use Map Amendment and a Zoning District Amendment for the properties located on the east side of Magdalina Drive, which may allow for the completion of the construction of these duplex units.

The removal of this language would also allow potential annexed properties to be designated with either the GS or GM Districts depending on the proposed use of these properties.

Supplemental Information

Amendments are proposed to Chapter 26, Article 3, Section 3.4 and Section 3.5 [when viewing this document electronically, click the blue underlined text and it will open in a web browser for cross referencing].

Florida Statutes, Chapter 166.041, outlines the process for the City of Punta Gorda to follow in order to adopt ordinances and resolutions. Pursuant to these regulations, any revisions to the City's Land Development Regulations (LDR) is facilitated through an ordinance.

CITY OF PUNTA GORDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF PUNTA GORDA, FLORIDA, AMENDING THE CITY OF PUNTA GORDA LAND DEVELOPMENT REGULATIONS, CHAPTER 26, , ARTICLE 3, "REGULATING DISTRICTS", SECTION 3.4, "GS, GENERAL SINGLE-FAMILY RESIDENTIAL DISTRICT", SECTION 3.5, "GM, GENERAL MULTI-FAMILY RESIDENTIAL DISTRICT", AND SUBSECTION 3.5(e)(1), GENERAL REQUIREMENTS, AMENDED TO ALLOW FOR THE EXPANSION OF THE GENERAL SINGLE-FAMILY AND GENERAL MULTI-FAMILY RESIDENTIAL DISTRICTS, AND REQUIRE MULTI-FAMILY STRUCTURES TO COMPLY WITH ARTICLE 7 WITH EXEMPTIONS; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the existing restrictions in sections 3.4, 3.5 and 3.5 (e)(1) prohibit the expansion of the General Single-Family (GS) and General Multi-family (GM) Residential Districts beyond their current boundaries, resulting in inconsistent land use patterns that restrict the City's ability to accommodate new residential development consistent with established neighborhoods; and

WHEREAS, the expansion through the future annexation of adjacent properties and/or rezoning will facilitate positive, neighborhood-scaled growth aligned with the City's planning objectives; and

WHEREAS, the development of multi-family structures within the General Multi-Family Residential District must be required to comply with Article 7 – Architectural Provisions of the City's Land Development Regulations, single-family and duplex units and structures located within the Special Residential Overlay District will be exempt; and

WHEREAS, the City's Comprehensive Plan, particularly Objective 1.1.13, in accordance with the Citywide Master Plan, the City will amend its Land Development Regulations, focusing on priorities like promoting diverse and affordable housing by providing missing middle housing options such as cottages, townhomes, and duplexes; and

WHEREAS, the amendment to Chapter 26, Section 3.4, Section 3.5, and Section 3.5(e)(1), of the City of Punta Gorda Land Development Regulations will achieve this; and

WHEREAS, pursuant to the provisions of Section 163.3194(I), Florida Statutes, the Planning Commission, serving as the Local Planning Agency for the City of Punta Gorda, Florida, has reviewed the proposed request and has found it to be consistent with the adopted Comprehensive Plan of the City of Punta Gorda.

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

I. Chapter 26, Article 3, Section 3.4, Punta Gorda code is hereby amended to read as follows: *[additions are <u>underlined</u>, deletions are ~~struck through~~]*

Section 3.4 GS, General Single-Family Residential District

The General Single-Family Residential District is coded to permit the completion and/or annexation of conventional single-family residential subdivisions existing or approved by the Punta Gorda City Council prior to the effective date of these regulations. The General Single-Family Residential District is established solely to accommodate completion of previously approved development of lands within the district. ~~The district is not intended to be available for future rezonings, nor as a means of expanding the boundaries of existing GS Districts.~~

II. Chapter 26, Article 3, section 3.5, Punta Gorda Code is hereby amended to read as follows:
[additions are underlined, deletions are ~~struck through~~]

Section 3.5 GM, General Multi-family Residential District

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

No change to Subsection (a) - (d)

(e) General Requirements.

(1) Buildings ~~are exempt from~~ must comply with ~~the architectural requirements of~~ Article 7 – Architectural Provisions. Single-family or duplex units and structures located within the Special Residential Overlay District are exempt.

(2) Development in the GM District which is approved but not yet built is permitted minor modifications through the administrative process. Such development, if redesigned, must conform to all of the requirements of this Article for the GM District.

(3) With the exception of single family and two-family residences, all permitted uses require development plan approval.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida, this _____ day of _____, 2026.

_____
DEBORAH LUX, Mayor

ATTEST:

_____
SARA WELCH, CMC, City Clerk

APPROVED AS TO FORM:

_____
City Attorney

PLANNING COMMISSION
CITY OF PUNTA GORDA
02/23/2026

LEGISLATIVE PUBLIC HEARINGS

Title: CP-01-2026 - Magdalina FLU change

Funds:

Recommended Action: **

Summary: **

Department/Division: Urban Design

EXHIBITS:

1. CP-01-2026 - Magdalina Drive - FLUM Amendment - Staff Report
2. CP-01-2026 - Magdalina Drive - FLUM Amendment - Ordinance

COMPREHENSIVE PLAN AMENDMENT
STAFF REPORT

TO: Planning Commission

VIA: Boyd Lawrence, AICP, Planning Director
Hank Flores, AICP, CFM, Urban Design Manager

FROM: Carl Benge, AICP, Principal Planner

DATE: February 23, 2026

SUBJECT: CP-01-2026 - Magdalina Drive - City Initiated – Amendment of the Future Land Use Map Designation from Low Density Residential (LDR) to High Density Residential (HDR)

Title

CP-01-2026 - Ordinance of the City of Punta Gorda, Florida, amending the future land use map designation of 1.87 +/- acres identified as parcels 412213258001, 412213258002, 412213258003, 412213258004, 412213258005, 412213258006, and 412213258007 as recorded in the Public Records of Charlotte County, Florida, being more particularly described in "Exhibit A" attached hereto and incorporated herein, from Low-Density Residential (LDR) to High-Density Residential (HDR); providing for findings; providing for conflict; providing for severability; and providing an effective date.

Background

On February 25, 2022, the City of Punta Gorda issued building permits for properties located at 2926 Magdalina Drive, 2930 Magdalina Drive, and 2938 Magdalina Drive. The building permit applications were clearly marked for duplex development under the "Use of Building" section of the permit application at the time of their submittal. However, the zoning reviewer did not notice this discrepancy and approved their part of the application. The General Single-Family-3.5 Zoning District does not allow duplexes as a Permitted Use. After completion of the review of the application and supporting documentation, Building Permits 22-169044 (2926 Magdalina Drive), 22-169047 (2930 Magdalina Drive), and 22-169051 (2938 Magdalina Drive) were issued.

On September 22, 2022, the error was discovered and a Stop Work Order was posted on the subject properties along with an email to the property owner from the Zoning Official. The owner,

William Morgan of Lewis Maguire Homes, LLC, was contacted and provided the City's Attorney contact information as requested.

Between December 29, 2023 and August 15, 2024, multiple emails were sent from the Zoning Official, City Manager, City Attorney to William Morgan or his representative regarding the condition of the properties (Exhibit A – Timeline).

In March 2025, staff was directed to move forward with the Magdalina Drive projects. Staff determined that a rezone of the parcels would be the only real option to allow the existing duplex foundations to remain. In research, staff established that rezoning the parcels to General Multi-Family-10 would be the best, and integrate well with the existing General Multi-Family zoning located just north of the proposed parcels for amendment.

On October 22, 2025, staff was directed by City Council to move forward with the rezoning of the Magdalina properties to allow for the completion of the construction of the duplex units. In order to allow for an amendment to the Zoning Map, an amendment to the future Land use map designation of the properties to the HDR (High Density Residential) designation is also required.

Request

The requests, initiated by the City administration are for a change to the Future Land Use Map of the City of Punta Gorda Comprehensive Plan (the "Comprehensive Plan") pursuant to the procedures and requirements in Section 5.9 and Section 16.11 of the City of Punta Gorda LDR. Specifically, the requests are:

> An ordinance of the City Council of the City of Punta Gorda, Florida amending the Future Land Use Map of the City of Punta Gorda Comprehensive Plan, to modify 1.87+/- acres consisting of seven (7) parcels located on the east side of Magdalina Drive from "Low-Density Residential" to "High-Density Residential"; providing for findings; providing for conflict; providing for severability; and providing an effective date.

The Comprehensive Plan text amendment review and procedures are guided by Florida Statutes. The comprehensive plan amendment proposed here applies to contiguous land area within the City of Punta Gorda ("City") that is less than 50 acres and not in an area of critical state concern. Such text changes are permissible by the small-scale amendment process pursuant to Florida Statutes Section 163.3187.

Location of the Map Amendments



The area of the proposed map amendments is the 1.87 +/- acres east of Magdalina Drive.

Property IDs:	412213258001, 412213258002, 412213258003, 412213258004, 412213258005, 412213258006, and 412213258007
Land Area:	1.87 +/- acres
Existing Use:	General Single-Family-3.5
Existing FLUM Designation:	Low Density Residential (LDR)
Proposed FLUM Designation:	High Density Residential (HDR)
Proposed Zoning Designation:	General Multi-Family-10

General Location:

East: General Single-Family Residential. It is designated on the City's Future Land Use Map as Low Density Residential

West: Charlotte County Zoning of Manufactured Home Conventional (MHC). It is designated on the County's Future Land Use Map as Low Density Residential

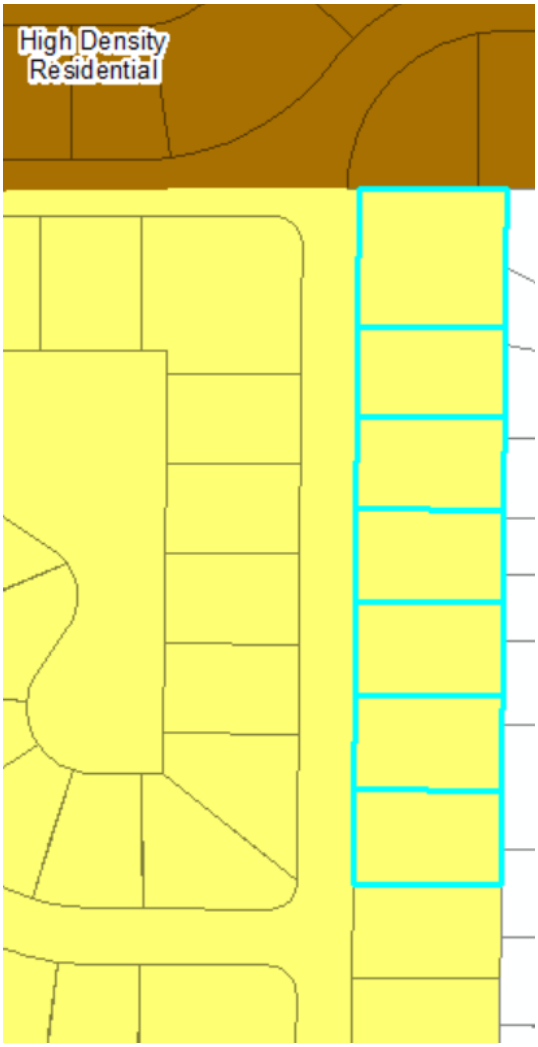
North: General Multi-Family-15. It is designated on the City's Future Land Use Map as High Density Residential

South: General Single-Family Residential. It is designated on the City's Future Land Use Map as Low Density Residential.

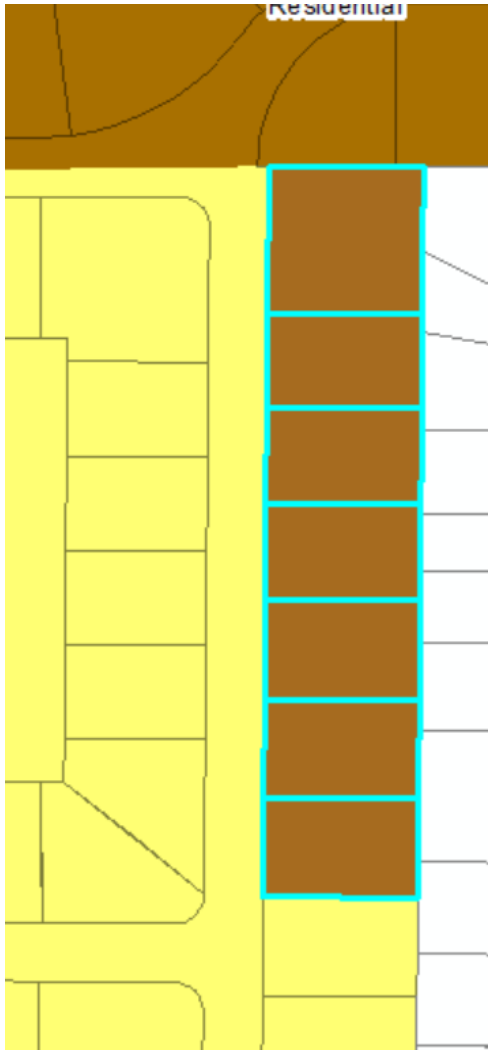
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Summary of Changes – Future Land Use

Existing Future Land Use



Proposed Future Land Use



City of Punta Gorda Future Land Use Map Excerpt Legend

Low Density Residential

High Density Residential

City Code of Ordinance Chapter 26, Section 16.11 Zoning Map Amendments

(a) Initiation of Application
The City of Punta Gorda filed an application to amend the FLUM of the subject property.

(b) Pre-application meeting
Not applicable.

(c) Application Filing
The City of Punta Gorda appropriately filed with the Urban Design Division the required application forms, completed and signed

(d) Submittal Requirements
The City of Punta Gorda has appropriately filed with the Urban Design Division the required submittal items, along with supporting documentation and evidence.

(e) Planned Development
Not applicable.

(f) Waivers/Modifications of Submittal Requirements
The Zoning Official has not waived or modified any of the submittal requirement for this application.

(g) Consistent with City Plan
This request is consistent with the City's Comprehensive Plan 2045

(h) Public Hearing Notice
The public hearing requirement notice was set as outlined in the City Code of Ordinances, Chapter 26, Section 16.1(g).

City Code of Ordinance Chapter 26, Section 16.11.(k) Approval Criteria. The Planning Commission and City Council shall use the following criteria, in addition to other reasonable considerations, in making their decision regarding approval or disapproval of an amendment application:

(1) Consistency with the Comprehensive Plan, including but not limited to the Land Use

Future Land Use Element

Objective 1.1.12: Where particular aims of the comprehensive plan may be advanced (such as affordable housing, commercial and mixed-use development, historic preservation, environmental conservation, economic development, downtown revitalization, and community health), Punta Gorda will employ or make available innovative land development techniques, city programs, and public investments.

Objective 1.1.13: In order to enact recommendations of the 2019 Citywide Master Plan, the City of Punta Gorda will amend its land development regulations and Code of Ordinances, focusing on priorities like promoting diverse and affordable housing development, enabling commercial and

mixed-use infill development, improving walkability and bikeability to ensure community safety and economic vibrancy, and ensuring high-quality growth that preserves and enhances community character.

Policy 1.1.13.10: In order to encourage new diverse and more affordable housing types, the City will maintain:

a) Residential density controls and land uses that are calibrated to allow for missing middle housing types including townhomes, duplexes, fourplexes, cottage courts, and small apartments;

Objective 1.1.14: Punta Gorda will maintain a Future Land Use Map and land use classification system that provides for the distribution, extent, and location of a variety of land uses.

Conservation Element

As there are no proposed changes to the existing sites, existing conditions will remain the same and no additional impacts are expected.

Coastal Management Element

As there are no proposed changes to the existing sites, existing conditions will remain the same and no additional impacts are expected. In addition, there is no expected impact on evacuation times.

Infrastructure Element

Policy 3.2.2.3: Review all land use amendments, zoning changes, or utility service area extensions to determine the availability of utility system capacity.

Housing Element

Goal 4.1: The long-term end toward which Punta Gorda's housing activities and programs are directed is an adequate supply of land and housing, including a variety of housing types and costs, to meet the needs of very low, low, and moderate-income households, both present and future; the conservation and rehabilitation of the current housing stock, including historic structures; the elimination of substandard housing conditions; the appropriate siting of group and foster care facilities in residential areas, and the coordination of housing programs with other agencies.

Objective 4.1.1: Throughout the planning period through 2030, Punta Gorda will provide for a variety of housing types and residential densities to accommodate the needs of current and future populations, as well as meeting the special housing needs of its citizens.

Recreation and Open Spaces Element

As there are no proposed changes to the existing sites, existing conditions will remain the same and no additional impacts are expected.

Community Facilities and Services Element

As there are no proposed changes to the existing sites, existing conditions will remain the same and no additional impacts are expected.

Transportation Element

As there are no proposed changes to the existing sites, existing conditions will remain the same, and no additional impacts are expected.

Public School Facilities Element

As there are no proposed changes to the existing sites, existing conditions will remain the same and no additional impacts are expected.

Intergovernmental Coordination Element

As there are no proposed changes to the existing sites, existing conditions will remain the same and no additional impacts are expected.

Capital Improvements Element

As there are no proposed changes to the existing sites, existing conditions will remain the same and no additional impacts are expected.

Historic Element

Project is not located in the historic district.

Property Rights Element

Goal 12.1: The City will ensure that the protection of existing private property rights will be considered in all local decision making in accordance with section 163.3177(6)(i)1, Florida Statutes.

Objective 12.1.1: The City of Punta Gorda will consider private property rights in local decision-making.

Objective 12.1.2: The City of Punta Gorda will recognize and respect private property rights, and respect such rights and the impact upon them when preparing recommendations for land use decisions.

Policy 12.1.2.1: The City of Punta Gorda recognizes and respects private property rights, and existing entitlements, and shall continue to provide methods for the assertion of vested rights and other administrative remedies through the City of Punta Gorda, Code of Ordinances.

Policy 12.1.2.2: The City of Punta Gorda shall provide appropriate notice to the property owner(s), the general public and owners of neighboring lands of all applications for amendments to the Comprehensive Plan, Zoning Map, and Land Development Regulations.

(2) Compatibility policies

The existing development and uses are compatible with the existing adjacent uses and properties.

(3) Consistency with any binding agreements with Charlotte County, as amended, or any regional planning issues, as applicable.

There are no binding agreements with Charlotte County or any regional planning issues.

(4) Mitigation of traffic impacts.

No anticipated traffic changes are expected. No traffic study will be required.

(5) Compatibility with surrounding neighborhood and uses.

Compatibility is as follows:

DIRECTION	FUTURE LAND USE	ZONING	EXISTING LAND USE
North (City)	High Density Residential	General Multi-Family-15	Residential
South (City)	High Density Residential	General Single-Family-3.5	Residential
East (City)	Low Density Residential	General Single-Family-3.5	Residential
West (County)	Low Density Residential	County Zoning	Residential

(6) Provision of adequate public facilities.

Element	Level of Service (LOS)
Infrastructure	**Potable Water** - 141 Gallons per person per day (or 287 gallons per ERU per day) **Sanity Sewer** - 83 Gallons per person per day (or 169 gallons per ERU per day) **Solid Waste** - 7.2 Pounds per person per day **Stormwater** - C - using a 25 year/24 hour design
Transportation	**D** - on all major arterials **E** - on all minor arterials **D** - on all county collectors **D** - on all City maintained roads
Recreation and Open Space	5 acres per 1,000 population
Public Schools	**Elementary** - 95% total capacity **Middle** - 100% total capacity **High** - 100% total capacity

a. City water and wastewater services are already provided and no issues currently exist
b. The City of Punta Gorda provides solid waste services. In addition, Charlotte County's Zemel Road landfill has sufficient capacity through the County's 2030 planning.
c. Based on the existing conditions, no adverse traffic impacts are anticipated to the existing parcels.
d. No stormwater is required on-site.

Findings – The following findings can be drawn concerning this request for a rezoning. These findings are based upon the information submitted by the applicant attached herein, and upon the written provisions of the Punta Gorda City Code pertaining to this type of request.

Finding #1: The subject sites contains approximately 1.87 +/- acres

Finding #2: The comprehensive plan request has precipitated the need for this rezoning request.

Finding #3: The properties shall be governed by the currently in effect City of Punta Gorda Comprehensive Plan and Land Development regulations and may not become effective until 31 days after adoption pursuant to Chapter 163.3187(5)(c) F.S.

Finding #4: The property is located within the Punta Gorda Utility Service Area and is currently served with municipal water and wastewater services.

Conclusions – Based on the approval criteria presented above, the Punta Gorda Urban Design Division offers the following conclusion(s):

Conclusion #1: The future land use map designation is in order and statutory requirements have been met.

Conclusion #2: Municipal water and wastewater service are already available to the properties.

Conclusion #3: The application is consistent with the City's 2045 Comprehensive Plan.

Staff Recommendations – based on the aforementioned approval criteria findings and conclusions:

Staff has reviewed the request and determined that the standards of review have been met. Staff recommends that the Planning Commission forward a recommendation of Approval to the City Council based upon the above Findings and Conclusions of the Comprehensive Plan Amendment – CP-01-2026.

CITY OF PUNTA GORDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF PUNTA GORDA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN - FUTURE LAND USE MAP TO REFLECT THE CHANGE IN THE CURRENT DESIGNATION FROM LOW DENSITY RESIDENTIAL (LDR) TO HIGH DENSITY RESIDENTIAL (HDR) FOR 1.87 ACRES, OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 13, TOWNSHIP 41, RANGE 22, AND BEING FURTHER DESCRIBED AND INCORPORATED HEREIN; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Punta Gorda, (hereinafter referred to as "Petitioner") has petitioned to amend the Comprehensive Plan Future Land Use Map for the parcels of land addressed as 412213258001, 412213258002, 412213258003, 412213258004, 412213258005, 412213258006, and 412213258007, and more particularly described in Exhibit "A" attached here to and incorporated herein, (hereinafter referred to as "The Property"); and

WHEREAS, this amendment to the City's Comprehensive Plan is in conjunction with the rezoning request of the Property; and

WHEREAS, this amendment to the City's Comprehensive Plan Future Land Use Map is compatible with the character of the surrounding neighborhood; and

WHEREAS, Pursuant to the provisions of Section 163.3174(1), Florida Statutes, the Planning Commission, serving as the Local Planning Agency for the City of Punta Gorda, Florida, has reviewed the proposed request and has found it to be consistent with the adopted Comprehensive Plan of the City of Punta Gorda.

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

I. The City of Punta Gorda Comprehensive Plan Future Land Use Map is hereby changed from Low Density Residential (LDR) to High Density Residential (HDR) for a total of 1.87 acres, more or less, and identified by the Charlotte County Property Appraiser's Office by Parcel ID Numbers 412213258001, 412213258002, 412213258003, 412213258004, 412213258005, 412213258006, and 412213258007, and described as follows:

Block 163, Lots 9 through 15, PUNTA GORDA ISLES, Section 14, REPLAT, a Subdivision, according to the plat thereof, as recorded in Plat Book 9, Pages 7A and 7B, INCLUSIVE, of the Public Records of Charlotte County, Florida.

II. The Official Future Land Use Map of the City of Punta Gorda, Florida shall be revised to reflect the changes approved by this ordinance.

III. 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.

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

V. Pursuant to Section 163.3184, Florida Statutes, this Ordinance shall become effective 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida, this _____ day of _____, 2026.

_____
DEBORAH LUX, Mayor

ATTEST:

_____
SARA WELCH, CMC
City Clerk

APPROVED AS TO FORM:

_____
Steven S. Leskovitch, Esq., Ph.D.
Interim City Attorney

PLANNING COMMISSION
CITY OF PUNTA GORDA
02/23/2026

QUASI-JUDICIAL PUBLIC HEARINGS

Title: Z-01-2026 - Magdalina Drive - City Initiated - Amendment of the District Designation form GS-3.5 to GM-10

Funds:

Recommended Action: Staff recommends

Summary:

Z-01-2026 - Ordinance of the City of Punta Gorda, Florida, rezoning 1.87 +/- acres identified as parcels 412213258001, 412213258002, 412213258003, 412213258004, 412213258005, 412213258006, and 412213258007 as recorded in the Public Records of Charlotte County, Florida, being more particularly described in “Exhibit A” attached hereto and incorporated herein, from the General Single-Family-3.5 (GS-3.5) District to the General Multi-Family-10 (GM-10); Providing for findings; providing for conflict; providing for severability; and providing an effective date.

Department/Division: Urban Design

EXHIBITS:

1. Z-01-2026 - Magdalina Drive - Zoning Amendment - Staff Report
2. Z-01-2026 - Magdalina Drive - Zoning Amendment - Ordinance

ZONING DISTRICT AMENDMENT

STAFF REPORT

TO: Planning Commission

VIA: Boyd Lawrence, AICP, Planning Director
Hank Flores, AICP, CFM , Urban Design Manager

FROM: Carl Benge, AICP, Principal Planner

DATE: February 23, 2026

SUBJECT: Z-01-2026 - Magdalina Drive – City Initiated – Amendment of the Zoning District Designation from GS-3.5 (General, Single-Family – 3.5 DU/Acre) to GM -10 (General MultiFamily – 10 DU/acre)

Title

Z-01-2026 - Ordinance of the City of Punta Gorda, Florida, rezoning 1.87 +/- acres identified as parcels 412213258001, 412213258002, 412213258003, 412213258004, 412213258005, 412213258006, and 412213258007 as recorded in the Public Records of Charlotte County, Florida, being more particularly described below and incorporated herein, from the General Single-Family-3.5 (GS-3.5) District to the General Multi-Family-10 (GM-10); providing for findings; providing for conflict; providing for severability; and providing an effective date.

Background:

On February 25, 2022, the City of Punta Gorda issued building permits for properties located at 2926 Magdalina Drive, 2930 Magdalina Drive, and 2938 Magdalina Drive. The building permit applications were clearly marked for duplex development under the "Use of Building" section of the permit application at the time of their submittal. However, the zoning reviewer did not notice this discrepancy and approved their part of the application. The General Single-Family-3.5 Zoning District does not allow duplexes as a Permitted Use. After completion of the review of the application and supporting documentation, Building Permits 22-169044 (2926 Magdalina Dr.), 22-169047 (2930 Magdalina Dr.), and 22-169051 (2938 Magdalina Dr.) were issued.

On September 22, 2022, the error was discovered and a Stop Work Order was posted on the subject properties along with an email to the property owner from the Zoning Official. The owner, William Morgan of Lewis Maguire Homes, LLC, was contacted and provided the City's Attorney

contact information as requested.

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In March 2025, staff was directed to move forward with the Magdalina Drive projects. Staff determined that a rezone of the parcels would be the only real option to allow the existing duplex foundations to remain. In research, staff established that rezoning the parcels to General Multi-Family-10 would be best, and integrate well with the existing General Multi-Family zoning located just north of the proposed parcels for amendment.

On October 22, 2025, staff was directed by City Council to move forward with the rezoning of the Magdalina properties.

Request

The request, initiated by the City of Punta Gorda, is for an amendment to the District Map of the City, pursuant to the procedures and requirements in Section 5.9 and Section 16.11 of the City of Punta Gorda LDR. Specifically, the request is:

An ordinance of the City Council of the City of Punta Gorda, Florida rezoning 1.87+/- acres consisting of seven (7) lots located generally on the east side of Magdalina Drive from GS-3.5 (General Single-Family - 3.5) to GM-10 (General Multi-Family-10); providing for findings; providing for conflict; providing for severability; and providing an effective date.

The rezone ordinance will be heard on the first reading along with the Comprehensive Plan ordinance. Both ordinances may be adopted on second reading on the same date with the same effective date pursuant to the statutory process.

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Location of the Map Amendments



The general area of the proposed map amendment is located on the east side of Magdalina Drive.

Property IDs: 412213258001, 412213258002, 412213258003, 412213258004, 412213258005, 412213258006, and 412213258007

Land Area: 1.87 +/- acres

Existing District Designation: General Single-Family-3.5

Proposed District Designation: General Multi-Family-10

Existing FLUM Designation: Low Density Residential (LDR)

Proposed FLUM Designation: High Density Residential (HDR)

East: General Single-Family Residential with a Future Land Use Map designation of Low Density Residential

West: Charlotte County Zoning of Manufactured Home Conventional (MHC) with a Charlotte County Future Land Use Map designation of Low Density Residential

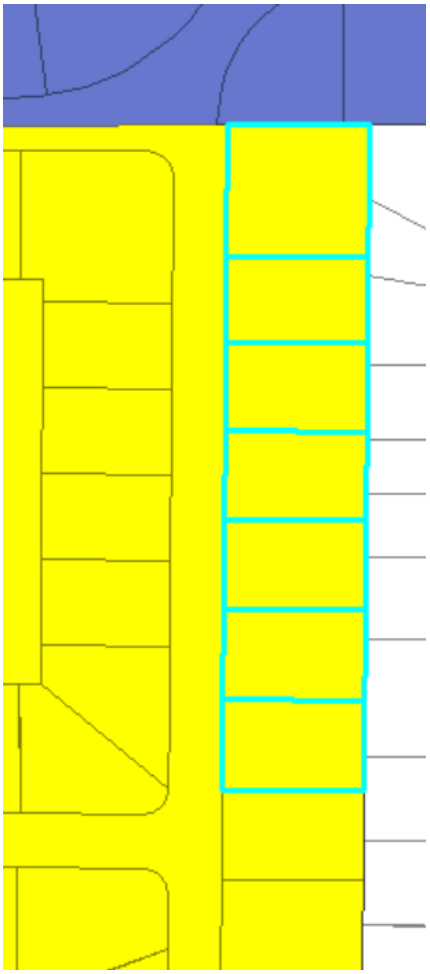
North: General Multi-Family-15 with a Future Land Use Map designation of High Density Residential

South: General Single-Family Residential with a Future Land Use Map designation of Low Density Residential.

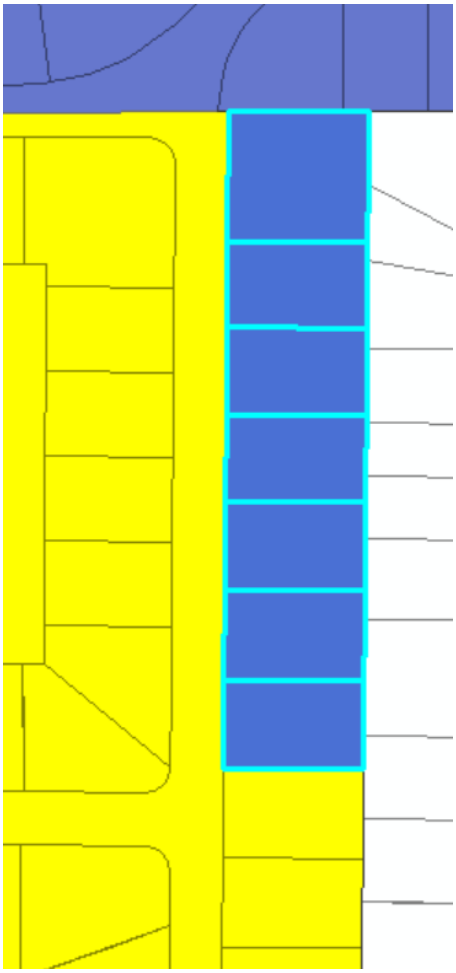
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Summary of Proposed Changes – Zoning Map

Existing Zoning



Proposed Zoning



City of Punta Gorda Zoning Map Excerpt Legend

General Single-Family – 3.5

General Multi-Family - 10

City Code of Ordinance Chapter 26, Section 16.11 Zoning Map Amendments

(a) Initiation of Application

The City of Punta Gorda filed an application to rezone of the property.

(b) Pre-application meeting

Not applicable.

(c) Application Filing

The City of Punta Gorda appropriately filed with the Urban Design Division the required application forms, completed and signed

(d) Submittal Requirements

The City of Punta Gorda has appropriately filed with the Urban Design Division the required submittal items, along with supporting documentation and evidence.

(e) Planned Development

Not applicable.

(f) Waivers/Modifications of Submittal Requirements

The Zoning Official has not waived or modified any of the submittal requirement for this application.

(g) Consistent with City Plan

This request is consistent with the City's Comprehensive Plan 2045

(h) Public Hearing Notice

The public hearing requirement notice was set as outlined in the City Code of Ordinances, Chapter 26, Section 16.1(g).

City Code of Ordinance Chapter 26, Section 16.11.(k) Approval Criteria. The Planning Commission and City Council shall use the following criteria, in addition to other reasonable considerations, in making their decision regarding approval or disapproval of an amendment application:

(1) Consistency with the Comprehensive Plan, including but not limited to the Land Use

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Objective 1.1.12: Where particular aims of the comprehensive plan may be advanced (such as affordable housing, commercial and mixed-use development, historic preservation, environmental conservation, economic development, downtown revitalization, and community health), Punta Gorda will employ or make available innovative land development techniques, city programs, and public investments.

Objective 1.1.13: In order to enact recommendations of the 2019 Citywide Master Plan, the City of Punta Gorda will amend its land development regulations and Code of Ordinances, focusing on priorities like promoting diverse and affordable housing development, enabling commercial and mixed-use infill development, improving walkability and bikeability to ensure community safety and economic vibrancy, and ensuring high-quality growth that preserves and enhances community character.

Policy 1.1.13.10: In order to encourage new diverse and more affordable housing types, the City will maintain:

a) Residential density controls and land uses that are calibrated to allow for missing middle housing types including townhomes, duplexes, fourplexes, cottage courts, and small apartments;

Conservation Element

As there are no proposed changes to the existing sites, existing conditions will remain the same and no additional impacts are expected.

Coastal Management Element

As there are no proposed changes to the existing sites, existing conditions will remain the same and no additional impacts are expected. In addition, there is no expected impact on evacuation times.

Infrastructure Element

Policy 3.2.2.3: Review all land use amendments, zoning changes, or utility service area extensions to determine the availability of utility system capacity.

Housing Element

Goal 4.1: The long-term end toward which Punta Gorda's housing activities and programs are directed is an adequate supply of land and housing, including a variety of housing types and costs, to meet the needs of very low, low, and moderate-income households, both present and future; the conservation and rehabilitation of the current housing stock, including historic structures; the elimination of substandard housing conditions; the appropriate siting of group and foster care facilities in residential areas, and the coordination of housing programs with other agencies.

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Transportation Element

There are no proposed changes to the existing sites, existing conditions will remain the same, and no additional impacts are expected.

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As there are no proposed changes to the existing sites, existing conditions will remain the same and no additional impacts are expected.

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As there are no proposed changes to the existing sites, existing conditions will remain the same and no additional impacts are expected.

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As there are no proposed changes to the existing sites, existing conditions will remain the same and no additional impacts are expected.

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Project is not located in the historic district.

Property Rights Element

Goal 12.1: The City will ensure that the protection of existing private property rights will be considered in all local decision making in accordance with section 163.3177(6)(i)1, Florida Statutes.

Objective 12.1.1: The City of Punta Gorda will consider private property rights in local decision-making.

Objective 12.1.2: The City of Punta Gorda will recognize and respect private property rights, and respect such rights and the impact upon them when preparing recommendations for land use decisions.

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Policy 12.1.2.2: The City of Punta Gorda shall provide appropriate notice to the property owner(s), the general public and owners of neighboring lands of all applications for amendments to the Comprehensive Plan, Zoning Map, and Land Development Regulations.

(2) Compatibility policies

The proposed development and uses are compatible with the existing adjacent uses and properties.

(3) Consistency with any binding agreements with Charlotte County, as amended, or any regional planning issues, as applicable.

There are no binding agreements with Charlotte County or any regional planning issues.

(4) Mitigation of traffic impacts.

No anticipated traffic changes are expected. No traffic study will be required.

(5) Compatibility with surrounding neighborhood and uses.

Compatibility is as follows:

DIRECTION	FUTURE LAND USE	ZONING	EXISTING LAND USE
North (City)	High Density Residential	General Multi-Family-15	Residential
South (City)	High Density Residential	General Single-Family-3.5	Residential
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West (County)	Low Density Residential	County Zoning	Residential

(6) Provision of adequate public facilities.

Element	Level of Service (LOS)
Infrastructure	**Potable Water** - 141 Gallons per person per day (or 287 gallons per ERU per day) **Sanity Sewer** - 83 Gallons per person per day (or 169 gallons per ERU per day) **Solid Waste** - 7.2 Pounds per person per day **Stormwater** - C - using a 25 year/24 hour design
Transportation	**D** - on all major arterials **E** - on all minor arterials **D** - on all county collectors **D** - on all City maintained roads
Recreation and Open Space	5 acres per 1,000 population
Public Schools	**Elementary** - 95% total capacity **Middle** - 100% total capacity **High** - 100% total capacity

a. City water and wastewater services are already provided and no issues currently exist.
b. The City of Punta Gorda provides solid waste services. In addition, Charlotte County's Zemel Road landfill has sufficient capacity through the County's 2030 planning.
c. Based on the existing conditions, no adverse traffic impacts are anticipated to the existing parcels.
d. No stormwater is required on-site.

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Findings – The following findings can be drawn concerning this request for a rezoning. These findings are based upon the information submitted by the applicant attached herein, and upon the written provisions of the Punta Gorda City Code pertaining to this type of request.

Finding #1: The subject sites contains approximately 1.87 +/- acres

Finding #2: The comprehensive plan request has precipitated the need for this rezoning request.

Finding #3: The properties shall be governed by the currently in effect City of Punta Gorda Comprehensive Plan and Land Development regulations and may not become effective until 31 days after adoption pursuant to Chapter 163.3187(5)(c) F.S.

Finding #4: The property is located within the Punta Gorda Utility Service Area and currently served with municipal water and wastewater services.

Finding #5: No new development is contemplated at this time on a majority of the lots. The property owner of proposes to complete the construction of his duplex units; however, concurrency and compatibility policies are addressed above.

Conclusions – Based on the approval criteria presented above, the Punta Gorda Urban Design Division offers the following conclusion(s):

Conclusion #1: The rezoning application is in order and statutory requirements have been met.

Conclusion #2: Municipal water and wastewater service are already available to the properties.

Conclusion #3: The application is consistent with the City's 2045 Comprehensive Plan.

Staff Recommendations – based on the aforementioned approval criteria findings and conclusions:

Staff has reviewed the request and determined that the standards of review have been met. Staff recommends that the Planning Commission forward a recommendation of Approval to the City Council based upon the above Findings and Conclusions of the Zoning District Amendment - Z-01-2025.

CITY OF PUNTA GORDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING THE CITY OF PUNTA GORDA DISTRICT MAP FOR SEVEN (7) PARCELS CONSISTING OF APPROXIMATELY 1.87 +/- ACRES, IDENTIFIED BY THE CHARLOTTE COUNTY PROPERTY APPRAISER AS PARCELS 412213258001, 412213258002, 412213258003, 412213258004, 412213258005, 412213258006, AND 412213258007, AND BEING MORE PARTICULARLY DESCRIBED BELOW, FROM GENERAL SINGLE FAMILY-3.5 (GS-3.5) TO GENERAL MULTI-FAMILY-10 (GM-10); PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Punta Gorda, as agents of owners of approximately 1.87 +/- acres of real property, identified by the Charlotte County Property Appraiser as Parcels 412213258001, 412213258002, 412213258003, 412213258004, 412213258005, 412213258006, and 412213258007, and more particularly described in Exhibit "A" attached hereto and incorporated herein, has filed with the City of Punta Gorda a petition to amend the zoning of said property from its current City of Punta Gorda zoning classification of General Single Family-3.5 to General Multi-Family-10; and

WHEREAS, the requested rezoning is consistent with the proposed City of Punta Gorda zoning classification; and

WHEREAS, the use and proposed zoning for the subject property is compatible with the adjoining uses; and

WHEREAS, pursuant to the provisions of Section 163.3174(1), Florida Statutes, the Planning Commission, serving as the Local Planning Agency for the City of Punta Gorda, Florida, has reviewed the amendment proposed herein, and has found said amendment to be consistent with the adopted Comprehensive Plan of the City of Punta Gorda.

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

I. The district designation for the property generally described as parcels 412213258001, 412213258002, 412213258003, 412213258004, 412213258005, 412213258006, and 412213258007, Punta Gorda, Florida, as more particularly described below hereto and incorporated herein, is hereby changed from General

Single Family-3.5 to General Multi-Family-10, for the following described properties:

Block 163, Lots 9 through 15, PUNTA GORDA ISLES, Section 14, REPLAT, a Subdivision, according to the plat thereof, as recorded in Plat Book 9, Pages 7A and 7B, INCLUSIVE, of the Public Records of Charlotte County, Florida.

II. The Official Zoning Map of the City of Punta Gorda, Florida shall be revised to reflect the changes approved by this ordinance.

III. 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.

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

V. This ordinance shall become effective immediately.

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

_____
DEBORAH LUX, Mayor

ATTEST:

_____
SARA WELCH, CMC
City Clerk

APPROVED AS TO FORM:

_____
Steven S. Leskovich, Esq., Ph.D.
Interim City Attorney

PLANNING COMMISSION
CITY OF PUNTA GORDA
02/23/2026

QUASI-JUDICIAL PUBLIC HEARINGS

Title:	ZA-01-2026 Proposed amendments to the City of Punta Land Development Regulations, Chapter 26 of the Punta Gorda Code, to establish procedures for the review and approval of certified recovery residences and a process for requesting reasonable accommodations from local land use regulations
Funds:	
Recommended Action:	Staff recommends approval of the proposed amendments.
Summary:	Proposed amendments to Chapter 26, Land Development Regulations, to establish required procedures for the review and approval of certified recovery residences in accordance with Florida Statute 397.487(15)(a).
Department/Division:	Urban Design

EXHIBITS:

1. ZA-04-2025 Staff Report
2. ZA-01-2026 Draft Ordinance
3. ZA-01-2026 Draft Business Impact Analysis

PROPOSED TEXT AMENDMENT
STAFF REPORT

TO: Planning Commission (PC)

FROM: Adrianna Gehrke, Planner 1

HEARING DATE: February 23, 2026

RE: ZA-01-2026

Request:

ZA-01-2026: Proposed amendments to Chapter 26, Land Development Regulations, to establish required procedures for the review and approval of certified recovery residences in accordance with Florida Statute 397.487(15)(a).

Hearing Minutes and Board Recommendation(s):

The Planning Commission's recommendation will be forwarded to the City Council for their consideration.

Supplemental Material/Issue Analysis Report:

Amendments are proposed to Chapter 26 [when viewing this document electronically, click the blue underlined text and it will open in a web browser for cross referencing], Land Development Regulations (LDRs), Punta Gorda Code (Code), to comply with Section 397.487(15)(a), Florida Statutes, which requires municipalities to adopt an ordinance establishing procedures for the review and approval of certified recovery residences by January 1, 2026, including a process for requesting reasonable accommodations from local land use regulations.

The proposed ordinance amends Article 3 of the Land Development Regulations to add certified recovery residences as a use permitted with conditions in zoning districts where residential uses are allowed, including Environmental Preserve (EP), General Single-Family Residential (GS), General Multi-Family Residential (GM), Manufactured Home (MH), Neighborhood Residential (NR), Neighborhood Center (NC), and City Center (CC) districts.

Within the City Center District, certified recovery residences would be permitted with conditions for those properties located within the Bethel-St. Mark Historic Overlay District.

Additionally, the proposed ordinance amends Article 4 to adopt a new Section 4.42, Certified Recovery Residences, which establishes definitions, application requirements, administrative review procedures, and timelines for processing requests, including provisions related to reasonable accommodation requests.

City of Punta Gorda, Florida

Ordinance No. _____-2026

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING CHAPTER 26, PUNTA GORDA CODE, THE CITY OF PUNTA GORDA LAND DEVELOPMENT REGULATIONS, TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF CERTIFIED RECOVERY RESIDENCES AND A PROCESS FOR REQUESTING REASONABLE ACCOMMODATIONS FROM LOCAL LAND USE REGULATIONS AS MANDATED BY FLORIDA LAW, INCLUDING SECTION 397.487(15)(A), FLORIDA STATUTES; AMENDING ARTICLE 3, SECTION 3.2(C) "EP, ENVIRONMENTAL PRESERVE DISTRICT - USES PERMITTED WITH CONDITIONS"; SECTION 3.4(C) "GS, GENERAL SINGE-FAMILY RESIDENTIAL DISTRICT - USES PERMITTED WITH CONDITIONS"; SECTION 3.5(C) "GM, GENERAL MULTI-FAMILY RESIDENTIAL DISTRICT - USES PERMITTED WITH CONDITIONS"; SECTION 3.6(C) "MH, MANUFACTURED HOME DISTRICT - USES PERMITTED WITH CONDITIONS"; SECTION 3.7(C) "NR, NEIGHBORHOOD RESIDENTIAL DISTRICT - USES PERMITTED WITH CONDITIONS"; SECTION 3.8(C) "NC, NEIGHBORHOOD CENTER DISTRICT - USES PERMITTED WITH CONDITIONS"; AND SECTION 3.9(C) "CC, CITY CENTER DISTRICT - USES PERMITTED WITH CONDITIONS"; AMENDING ARTICLE 4 TO ADOPT A NEW SECTION 4.42; PROVIDING FOR IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 397.487(15)(a), Florida Statutes, mandates that by no later than January 1, 2026, each municipality and county in the State of Florida must adopt an ordinance establishing procedures for the review and approval of certified recovery residences; and

WHEREAS, the new Florida Statute further mandates the inclusion within such ordinance of a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery resident; and

WHEREAS, the new Florida Statute provides that the regulation of the establishment of certified recovery residences must be consistent with the Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3601 et seq.) and Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131 et seq.); and

WHEREAS, this Ordinance is for the purpose of compliance with Section 397.487(15)(a), Florida Statutes.

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, "EP, Environmental Preserve District," Subsection (c), "Uses Permitted with Conditions," Punta Gorda Code, is hereby amended by adding thereto a new paragraph 8, Certified Recovery Residences, to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]"

(c) Uses Permitted with Conditions

(1) through (7) No change.

(8) Certified Recovery Residences

II. Chapter 26, Article 3, Section 3.4, "GS, General Single-Family Residential District," Subsection (c), "Uses Permitted with Conditions," Punta Gorda Code, is hereby amended by adding thereto a new paragraph 5, Certified Recovery Residences, to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]"

(c) Uses Permitted with Conditions

(1) through (4) No change.

(5) Certified Recovery Residences

III. Chapter 26, Article 3, Section 3.5, "GM, General Multi-Family Residential District," Subsection (c), "Uses Permitted with Conditions," Punta Gorda Code, is hereby amended by adding thereto a new paragraph 5, Certified Recovery Residences, to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]"

(c) Uses Permitted with Conditions

(1) through (4) No change.

(5) Certified Recovery Residences

IV. Chapter 26, Article 3, Section 3.6, "MH, Manufactured Home District," Subsection (c), "Uses Permitted with Conditions," Punta Gorda Code, is hereby amended by adding thereto a new paragraph 4, Certified Recovery Residences, to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]"

(c) Uses Permitted with Conditions

(1) through (3) No change.

(4) Certified Recovery Residences

V. Chapter 26, Article 3, Section 3.7, "NR, Neighborhood Residential District," Subsection (c), "Uses Permitted with Conditions", Punta Gorda Code, is hereby amended by adding thereto a new paragraph 9, Certified Recovery Residences, to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]"

(c) Uses Permitted with Conditions

(1) through (8) No change.

(9) Certified Recovery Residences

VI. Chapter 26, Article 3, Section 3.8, "NC, Neighborhood Center District," Subsection (c), "Uses Permitted with Conditions," Punta Gorda Code, is hereby amended by adding thereto a new paragraph 18, Certified Recovery Residences, to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]"

(c) Uses Permitted with Conditions

(1) through (17) No change.

(18) Certified Recovery Residences

VII. Chapter 26, Article 3, Section 3.9, "CC, City Center District," Subsection (c), "Uses Permitted with Conditions," Punta Gorda Code, is hereby amended by adding thereto a new paragraph 18, Certified Recovery Residences, to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

(c) Uses Permitted with Conditions

(1) through (17) No change.

(18) Certified Recovery Residences for those properties located within the Bethel-St. Mark Historic Overlay District

VIII. Chapter 26, Article 4, Uses Permitted with Conditions, Punta Gorda Code, is hereby amended by adding thereto a new Section 4.42, Certified Recovery Residences, to read as follows: [Words ~~stricken~~ are deletions; words underlined are additions.]

Section 4.42 Certified Recovery Residences

(a) Definitions. The following words and phrases when used in this Section shall have the meanings respectively ascribed to them:

1. "Certified recovery residence" means a residential dwelling that provides a peer-supported, alcohol-free, and drug-free living environment and is certified by a credentialing entity approved by the Florida Department of Children and Families, pursuant to section 397.487, Florida Statutes.

2. "Reasonable accommodation" means a modification or exception to a local land use, zoning, or building regulation or policy, as necessary to afford individuals with disabilities equal opportunity to use and enjoy a dwelling.

3. "Disability" shall have the same meaning as defined under the Fair Housing Amendments Act and the Americans with Disabilities Act.

(b) Review Procedures. Certified recovery residences shall be permitted in any zoning district where residential uses are allowed, subject to the reasonable accommodation process contained in this section. The establishment of a certified recovery residence shall be subject to review and approval by the City with such approval to be granted or withheld in compliance with all applicable local, state, and federal law, including the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

(c) Application Required. An applicant seeking reasonable accommodation to establish or operate a certified recovery residence shall submit a written application to the Urban Design Department. The application must include, at minimum:

1. Applicant Information: The name, mailing address, phone number, and email address of the applicant or the applicant's authorized representative.

2. Property Information: The address and parcel identification number of the subject property.

3. Accommodation Request: A description of the specific accommodation requested, including the applicable regulation or policy from which relief is sought, and an explanation of how the accommodation is necessary to afford equal housing opportunity.

4. Request for Additional Information. If additional information is required from an applicant, the Department shall notify the applicant in writing within thirty (30) days of receipt of the application. The applicant shall respond to such request within thirty (30) days from the date of receipt of such notification.

(d) Date-Stamping and Acknowledgement. Upon receipt of the application, the Department shall date-stamp the application and provide written acknowledgment of receipt to the applicant.

(e) Request for Additional Information. If additional information is required from an applicant, the Department shall notify the applicant in writing within thirty (30) days of receipt of the application. The applicant shall respond to such request within thirty (30) days from the date of receipt of such notification.

(f) Final Determination. The Department shall issue a final written determination within sixty (60) days after receipt of a complete application, which shall:

1. Approve the request in whole, with or without conditions;

2. Approve the request in part, with or without conditions;

3. Deny the request, stating with specificity the objective, evidence-based reason for the denial and identifying any deficiencies or actions necessary for reconsideration.

(g) Automatic approval. If a final written determination is not issued by the Department within sixty (60) days after receipt of a completed application, the request shall be deemed approved by operation of law, unless the parties mutually agree in writing to a reasonable extension of time.

(h) Revocation of accommodation. The City may revoke a previously granted reasonable accommodation for cause, including but not limited to violation of conditions of approval; lapse, revocation, or failure to maintain required

certification or licensure under Florida law, if such status is not reinstated within one hundred eighty (180) days from lapse; and material misrepresentation of facts in the application process. Applicants subjected to revocation shall be provided written notice of such revocation and shall have thirty (30) days upon receipt of written notice to respond contesting the validity of an accommodation revocation.

IX. SAVINGS CLAUSE. 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.

X. SCRIVENER'S ERRORS. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Manager and City Attorney, may be corrected.

XI. CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

XII. SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

XIV. 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 _____, 2026.

_____

ATTEST: DEBORAH LUX, Mayor

_____

SARA WELCH, City Clerk

APPROVED AS TO FORM AND CONTENT:

_____

STEPHEN LESKOVICH, ESQ., Interim City Attorney
Bar # 194840

Ordinance Business Impact Estimate
Florida Statutes, Section 397.487(15)(a)

ORDINANCE NUMBER: _____

Ordinance Title: An Ordinance of the City of Punta Gorda, Florida, Amending Chapter 26, Punta Gorda Code, the City of Punta Gorda Land Development Regulations, to establish procedures for the review and approval of certified recovery residences and a process for requesting reasonable accommodations from local land use regulations as mandated by Florida law, including Section 397.487(15)(a), Florida Statutes; Amending Article 3, Section 3.2(c) "EP, Environmental Preserve District – Uses Permitted with Conditions"; Amending Article 3, Section 3.4(c) "GS, General Single-Family Residential District – Uses Permitted with Conditions"; Amending Article 3, Section 3.5(c) "GM, General Multi-Family Residential District – Uses Permitted with Conditions"; Amending Article 3, Section 3.6(c) "MH, Manufactured Home District – Uses Permitted with Conditions"; Amending Article 3, Section 3.7(c) "NR, Neighborhood Residential District – Uses with Conditions"; Amending Article 3, Section 3.8(c) "NC, Neighborhood Center District – Uses Permitted with Conditions"; Amending Article 3, Section 3.9(c) "CC, City Center District – Uses Permitted with Conditions"; Amending Article 4 to adopt a new section 4.42; Providing for implementation of administrative actions; Providing savings clause; Providing for codification and scrivener's errors; Providing for severability; Proving for conflicts; and providing an effective date.

SUMMARY: Proposed amendments to Chapter 26, Land Development Regulations, to establish required procedures for the review and approval of certified recovery residences in accordance with Florida Statute 397.487(15)(a).

MEETING DATE: March 11, 2026 first reading; March 25, 2026 second reading

FISCAL IMPACT:

- A summary of the proposed ordinance, including a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the municipality.
- An estimate of the direct economic impact of the proposed ordinance on private for-profit businesses (the "Businesses") in the City of Punta Gorda's jurisdiction, including the following, if any:
  - An estimate of direct compliance costs such Businesses may reasonably incur if the Ordinance is enacted: _____;

DRAFT

- Identification of any new charge or fee on Businesses subject to the proposed Ordinance or for which such businesses will be financially responsible _____; and
- Estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed to cover such costs.
  Costs: _____ Revenues from Fees: _____

- A good faith estimate of the number of Businesses likely to be impacted by the Ordinance: _____.
- Any additional information the governing body determines may be useful.

_X_ A Fiscal Impact Estimate is not necessary because the proposed Ordinance is enacted to implement one of the following:

- **The proposed ordinance is required for compliance with Federal or State law or regulation;**
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

DRAFT

PLANNING COMMISSION
CITY OF PUNTA GORDA
02/23/2026

GENERAL BUSINESS

Title: VR-02-2025 - A request by Kurt W. Havel and Delonda S David, property owners, for an initial determination of vested rights, pursuant to Chapter 27, Vested Rights Determination, Punta Gorda Code, to allow the applicant to continue forward with development of a new home of proposed properties.

Funds:

Recommended Action: Staff recommends approval of the request with the conditions and limitations as listed in the Staff Report.

Summary: The applicant has applied for an initial determination of vested rights, pursuant to Chapter 27 of the Punta Gorda Code, for the properties located at 302 and 308 Goldstein Street. The applicant proposes the rebuild of a single family home, which is not permitted under the current zoning designation.

Department/Division: Urban Design

EXHIBITS:

1. VR-02-2025 PC Staff Report
2. VR-02-2025 Application

APPLICATION FOR INITIAL DETERMINATION OF VESTED RIGHTS
STAFF REPORT

TO: Planning Commission (PC)

FROM: Development Review Committee (DRC)

THRU: Rachel Barry, Zoning Official

DATE: February 23, 2026

RE: VR-02-2025 – 302 & 308 Goldstein Avenue

Applicant Request:

VR-02-2025: A request by Kurt Havel and Delonda David, property owners, for an initial determination of vested rights, pursuant to Chapter 27, Vested Rights Determination, Punta Gorda Code, to allow the applicants to develop the property in accordance with the zoning designation in place at the time of purchase.

Supplemental Material/Issue Analysis Report:

The City of Punta Gorda began working on a re-write of Chapter 26, Land Development Regulations (LDRs), Punta Gorda Code, following the 2019 Citywide Master Plan [when viewing this document electronically, click the blue underlined text and it will open in a web browser for cross referencing]. The City was simultaneously evaluating the City of Punta Gorda 2040 Comprehensive Plan (Comp Plan) in preparation for the 2045 Comp Plan. After multiple public hearings, the new LDRs were adopted on September 20, 2023, and the 2045 Comp Plan was adopted upon second reading on February 7, 2024, through Ordinance No. 2013-2024. The ordinance notes the effective date of the Comp Plan was to be the date on which the Florida Department of Commerce posted a notice of intent (NOI) to find the comprehensive plan "in compliance". The NOI was posted on March 29, 2024, thereby causing both the 2045 Comp Plan and the LDRs to become effective on said date.

For the purpose of this staff report, the version of LDRs that became effective on March 29, 2024, will be referenced as the "TPG LDRs" (Traditional Punta Gorda Land Development Regulations). The version of the LDRs that is currently in effect and was in effect prior to the adoption of the

TPG LDRs will be referenced as the "current LDRs".

Upon the TPG LDRs becoming effective, the zoning designation of the subject properties was TPG-RE (Traditional Punta Gorda Overlay – Residential Edge District). The TPG-RE District regulations are included with this staff report as "Exhibit 1". This is not intended to be a complete list of applicable regulations, but is included for reference purposes.

The applicant, Mr. Havel, met with staff multiple times to gather information on the subject properties, including the permitted uses and development standards, to ensure a single-family residence (SFR) could be built, and subsequently purchased the properties on April 2, 2025. On July 9, 2025, the ordinance that adopted the TPG LDRs was repealed, thereby reinstating the current LDRs. This resulted in the subject properties' zoning designation being reinstated as City Center. The City Center District regulations are included with this staff report as "Exhibit 2". The City Center District allows a SFR to be constructed in the Bethel St. Mark Historic Overlay, however, the subject properties are not located within said overlay; therefore, an SFR is not a permitted principal use for the properties.

In an effort to establish a process for property owners to seek relief from impacts related to the change of LDRs, the city adopted Chapter 27, Vested Rights Determination, Punta Gorda Code, on July 2, 2025.

Minutes and Board Recommendation(s):

The request was heard before the Development Review Committee (DRC) on January 23, 2026, which voted unanimously to find that vested rights had been established. Staff recommends approval of the request, with the conditions as listed below in this staff report.

Chapter 27, Vested Rights Determination, Punta Gorda Code.

Sec. 2-3. Review and decision process; criteria; timeline.

(a) *Levels of review.* The property owner shall submit a vested rights determination or modification of vested rights determination application to the Planning Director for initial review and recommendation by the City's Development Review Committee. If the Development Review Committee determines that a claim of vested rights has been established, the application and department recommendation will be submitted to the City's Planning Commission for secondary review and recommendation. If the Planning Commission supports the staff report and recommendation and finds that a claim of vested rights has been established, the application and both staff and Commission recommendations will be submitted to the City Council for public hearing and approval of the vested rights determination.

(b) *Criteria for vested rights determination.* The following criteria shall be used to evaluate claims of vested rights:

(1) *Substantial good-faith investment.* Showing that the applicant has made significant financial or material commitments to development of the subject property based on prior approvals;

The applicant has provided information confirming that he has expended over $300,000.00 to purchase the property. Mr. Havel applied for and received a Certificate of Appropriateness to remove the dilapidated accessory structure that straddled the dividing lot line of the subject properties. He has also been issued a Certificate of Appropriateness to demolish the existing SFR on Lot 1 - 302 Goldstein Street, subject to a nine (9) month delay from the January 22, 2026 HPAB meeting. The delay is intended for a "cooling off" period, to allow time for a potential buyer to purchase and restore the existing home to its historic character, or to otherwise allow Mr. Havel time to design a replacement SFR and process the building permit.

(2) *Reasonable reliance.* Showing that the applicant's investment was made in justifiable reliance on regulations existing at the time of the prior development approvals;

The applicant met with current and past zoning staffs several times prior to purchasing the properties. While physical evidence cannot be provided with the application, staff confirms the validity of this statement.

(3) *Governmental entity action impact.* Showing that an act of a governmental entity has inordinately burdened or negatively impacted the previously approved development;

The applicant purchased the property to construct a SFR. The City Center District only allows this as a principal use within the Bethel St. Mark Historic Overlay. However, the properties are not located within said overlay. Each lot is approximately 90 feet deep by 52.5 feet wide; lots of this size have not been developed in the downtown area for commercial purposes in the recent past. The change of LDRs ultimately prohibited the applicants' intended use of the property.

(4) *Public interest consideration.* Showing that recognition of vested rights would not cause significant harm to public safety, health, or welfare.

The southwest side of Goldstein Street – directly across from the subject properties – is zoned Neighborhood Residential-15, and contains existing residential uses. The northeast side of Goldstein Street – the side on which the subject properties are located – is within the City Center District, however, only one of the existing structures on this block of Goldstein is used for commercial purposes. The structure being used for commercial purposes was originally constructed in 1927 as a SFR. Allowing the construction of a SFR would not cause harm to public safety, health, or welfare.

(c) *Development Review Committee review.*

(1) *Initial vested rights*. If the Development Review Committee determines that a claim of vested rights has been established based on the criteria set forth under subparagraph (b) above, it shall, within sixty (60) days from the date of application submission, issue a staff report and recommendation which describes the vested

rights of the development, reflects the basis for the vesting determination, and describes the nature and extent of such vested rights and any restrictions or conditions thereon which are recommended to require for recognition and maintenance of such vested rights status.

During the public meeting held on January 23, 2026, the DRC voted unanimously to find that a claim of vested rights has been established based on the above criteria. The applicant would be required to comply with all regulations of the TPG LDRs, including, but not limited to: parking, access, architectural requirements, etc.

Staff Recommendation:

Pursuant to Sec. 2-3, of Chapter 27, Punta Gorda Code, if the Planning Commission supports the staff report and recommendation and finds that a claim of vested rights has been established, the application and both staff and Commission recommendations will be submitted to the City Council for public hearing and approval of the vested rights determination.

Staff recommends approval of the request subject to the following conditions, limitations, and/or safeguards:

1. This initial vested rights determination applies to the subject properties, 302 and 308 Goldstein Street, Punta Gorda, Florida 33950, otherwise identified by the Charlotte County Property Appraiser as Parcels 412306364001 and 412306364002, being legally described as Lots 1 and 3, Block 45, Punta Gorda, according to the Plat thereof as recorded in Plat Book 1, Page 16, public records of Charlotte County, Florida.
2. The development shall comply with all requirements of the TPG LDRs and the Residential Edge zoning district.
3. The vested rights shall run with the land and be valid for a period of two years from the date of City Council approval, with the option of requesting a one-year extension, after which any future development shall comply with the Land Development Regulations in effect at that time.
4. Any reconfiguration of the subject properties from their original form when platted and recorded shall cause the vested rights to be null and void.

Attachments:

Exhibit 1: TPG LDRs, TPG-RE District Regulations
Exhibit 2: Current LDRs, City Center District Regulations

(7). **Residential Edge**



a. Intent

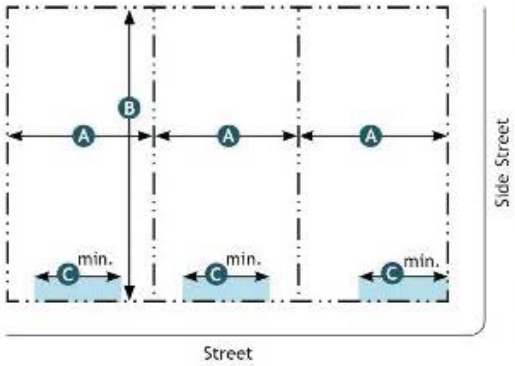
Description	Primary Characteristics
Along the borders of the Traditional Residential neighborhoods are Residential Edge areas that accommodate a more diverse range of residential building types, including rowhouses, triplexes, fourplexes, and multiplexes buildings. While these areas allow for slightly higher density residential, the overall scale of the buildings still blend with those of the adjacent Traditional Residential areas.	Detached and attached residential Narrow-to-average lot widths Small-to-medium setbacks Up to 3 stories Elevated ground floor Primarily stoop, portico, and porch frontages

Note: The drawing above is intended to provide a brief overview of this regulating district and should be used for illustrative purposes only.

Exhibit 1 (page 2 of 4):

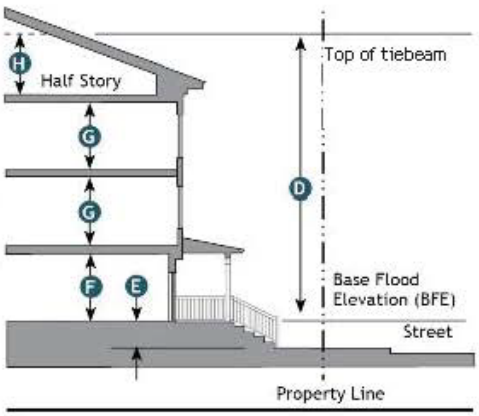
Section 3.2 (c) (7)

TPG, Traditional Punta Gorda – Residential Edge



Key

Property Line Frontage Buildout



Key

Property Line

b. Allowed Building Types and Lot Size

Building Type	Lot Width (A)	Lot Depth (B)	Standards
Accessory Cottage[1]	n/a	n/a	3.2(d)(2)
House	40' min 150' max	n/a	3.2(d)(3)
Cottage Court	100' min 160' max	120' min	3.2(d)(4)
Rowhouse	18' min	86' min	3.2(d)(6)
Duplex	40' min 100' max	n/a	3.2(d)(5)
Triplex / Fourplex	50' min 84' max	86' min	3.2(d)(7)
Multiplex	80' min / 130' max	86' min	3.2(d)(8)
Courtyard Apartment	84' min / 150' max	100' min	3.2(d)(9)
Live / Work	18' min / 53' max	86' min	3.2(d)(10)
Civic/ Institutional	n/a	n/a	3.2(d)(18)

Minimum and maximum lot sizes can also be found in the Building Types Section 3.2(d).

[1] Permitted only with House, Rowhouse, and Live/Work Building Types.

c. Building Form

Footprint		
Lot Coverage	80% max[1]	
Frontage Buildout		
Primary Street	60% min	(C)
Secondary Street	n/a	(D)
Density (Individual Lot) and Height		
	Base	**Missing Middle[2]**
Density	25 du/a	30 du/a
Building Height[1] (E)	40' max (3 stories)	n/a
Accessory Structures Height		
Dwelling	25' max (2 stories)	
Other	15' max (1 story)	
Finished Ground Floor Level		
Residential	24" min	(F)
Commercial	Max 6" above grade or BFE + 1' freeboard	
Floor to Ceiling Height		
First Story: Work[4] / Live	14' / 12' min	(G)
Upper Stories	8' min	(H)
Habitable Half-Story / Attic[5]	7' min	

[1] May be lower for certain building types

[2] Density permitted Specific Building Types, see Section 3.2(d).

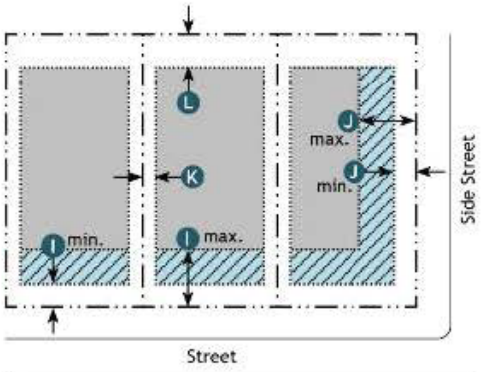
[3] Applies only to live/work buildings with ground floor Storefront frontage types

[5] Minimum of 70 sq. ft. of floor area required half of which must have at least 7' ceilings and the other half at least 5' ceilings.

Exhibit 1 (page 3 of 4):

Section 3.2 (c) (7)

TPG, Traditional Punta Gorda – Residential Edge



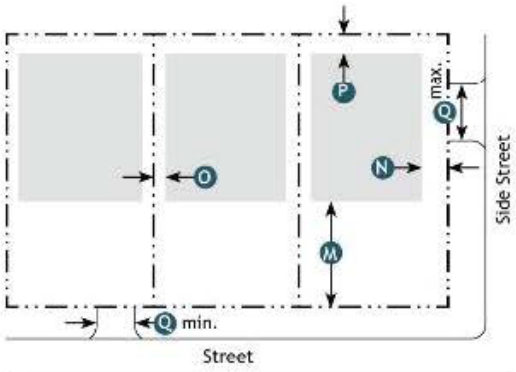
Key

Property Line

Building Setback

Buildable Area

Facade Zone



Key

Property Line

Parking Area

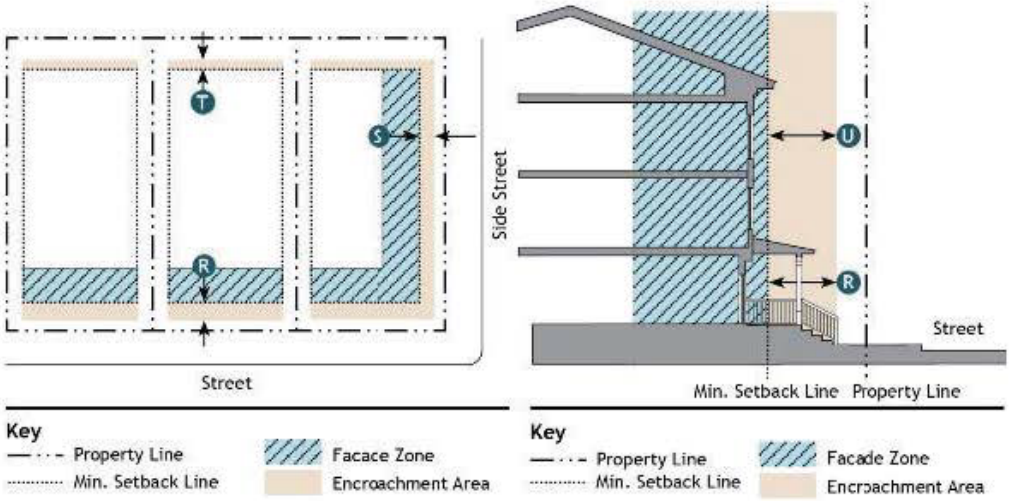
e. Building Placement		
Setback (Distance from Property Line)		
Front	10' min / 25' max	I
Side		
Street	10' min / 25' max	J
Interior	5' min	K
Rear		
Alley	10' min	
Interior	15' min	L
Garage Door/Carport (from Front Façade)		
Attached[1]	10' min	
Detached	See Accessory Building Setbacks	
Accessory Building Setback		
Front	50' min (permitted in rear yard only)	
Side		
Street	3' min	
Interior	3' min	
Rear		
Alley	3' min	
Interior	3' min	
Additional		
See Section 3.2 (d) Building Types		

[1] Attached garages and carports along the primary street frontage are only permitted for the House Building Type.

f. Parking		
Location		
Parking shall be located behind the primary building in the rear yard and accessed from alleys or side streets wherever possible, though side yard parking area are permitted provided they do not exceed 60' in width along the street.		
Setback (Distance from Lot Line)		
Front Setback		
Rear Yard Parking	40' or behind primary building, whichever is less	M
Side Setback		
Street	5' min.	O
Interior	5' min.	P
Rear Setback		Q
Alley	0' min.	
Interior	5' min.	
Additional requirements can be found in Section 3.2(d) – Building Type Standards		
Access		
Curb Cut/Parking Driveway Width	See Building Types, Section 3.2(d)	R
Additional parking and access standards and specifications can be found in Article 10		
Required Spaces		
Vehicle Parking	See requirements in Article 10, Section 10.6	
Bicycle parking requirements can be found in Section 10.13		

Section 3.2 (c) (7)

TPG, Traditional Punta Gorda – Residential Edge



g. Encroachments	
Allowed Encroachments	
Ground Level	Stairs, ramps, bay windows, porticos, stoops, and entry canopies only
Upper Stories	Balconies and bay windows

See Article 7 for a full list of permitted frontage types with additional details and standards.

Ground Level Encroachment	Distance from Min Setback	
Front[1]	6' max	R
Side		
Street[1]	6' max	S
Rear		
Alley	6' max	U
Interior	4' max	

Upper Story Encroachment	Distance from Minimum Setback Line	
Front	5' max	T
Side		
Street	5' max	R
Rear		
Alley	6' max	
Interior	4' max	

[1] Stairs, ramps, and other vertical circulation elements needed to access the entry at or above BFE may extend all the way to the property line.

h. Architectural Provisions	
Allowed Architectural Styles[1]	**Standards**
Florida Wood Frame	7.5 (b) (2)
Folk Victorian	7.5 (b) (3)
Craftsman	7.5 (b) (4)
Queen Anne Revival	7.5 (b) (5)
Colonial/Georgian Revival	7.5 (b) (6)
Neo-Classical Revival	7.5 (b) (7)
Mission	7.5 (b) (8)
Masonry Modern	7.5 (b) (10)
Main Street Vernacular	7.5 (b) (11)
Other Architectural Provisions	**Standards**
General Building Standards	7.2
Elevated Building Standards	7.3
Frontage Standards	7.4

(7) Service station.
(8) Theatre, outdoor.
(9) And any such other uses as deemed appropriate in the district by the Zoning Official.

(g) Development Standards.

(1) Minimum lot area; No minimum.
(2) Minimum front yard, 10 feet; Maximum front yard, 25 feet.
(3) Minimum side yard, 0 feet; abutting a street, 10 feet.
(4) Minimum rear yard, 20 feet [Exception: building which abuts an alley, 0 feet].
(5) Waterfront setback, 25 feet for all permanent and accessory structures.
(6) Minimum setback for a detached garage, 3 feet, except for waterfront areas as set forth above.
(7) Frontage 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.

{Ord. No. 1450-06, <sec> 1, 10-04-06; Ord. No. 1458-06, <sec> 6, 12-06-06; Ord. No. 1613-09, <sec> 1, 9/2/09; Ord. No. 1770-13, <sec> 6, 11/6/13; Ord. No. 1796-14, <sec> 1, 10-01-2014; Ord. No. 1819-15, <sec2>, 06/03/2015; Ord. No. 1852-16, <sec> 1 – 2, 07-13-16; Ord. No. 1910-18, <sec> 1, 10-03-2018}

Section 3.9. CC, City Center District

The City Center District is provided to encourage the redevelopment and expansion of the traditional town center. A broad array of uses is expected in a pattern which integrates shops, restaurants, services, work places, civic, educational, and religious facilities, and higher density housing in a compact, pedestrian- oriented environment. The City Center anchors the surrounding residential neighborhoods while also serving the broader community. The district is coded to accommodate the higher overall intensity of development required to support a City. It is to be expected that the City Center District will be expanded over time to meet growth in demand for downtown

facilities and services.

(a) Permitted Principal Uses and Structures.

(1) Commercial, retail uses which shall be conducted entirely within a completely enclosed building unless otherwise specifically permitted. All products produced incidental to a permitted use which are to be sold at retail on the premises are permitted within the categories listed below:

a. Retail outlets for sale of food, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair but not pawnshop), art, cameras or photographic supplies, (including camera repair), sporting goods, bicycle shops (including repair), hobby shops, marina supplies, musical instruments, package stores for sale of alcoholic beverages, telecommunications (sales and service), electronic products (parts and supplies), televisions and radios, (including repair incidental to sales), tobacco products, hardware, florist or gift shops, delicatessens, bake shops, pharmacies and similar products, medical marijuana treatment center dispensing facilities in accordance with the provisions of Chapter 381, Florida Statutes, but not wholesale facilities, outdoor storage or warehouse facilities and similar activities.

b. Retail outlets for sale of home furnishings and appliances (including repair incidental to sales inside a completely enclosed building), office equipment or furniture, antiques, pet shops and grooming (but not animal kennels), automotive parts sold from within a building (but not including installation) and similar uses.

c. Banks and financial services, small loan agencies, travel agencies, employment offices, newspaper offices (but not printing or circulation) and similar establishments.

(2) Hotels.

(3) Restaurants (excluding drive- in or drive- thru).

(4) Indoor amusement, such as motion picture theaters, billiard and pool establishments, swimming pools, bowling alleys and similar uses, dance facilities, musical entertainment, art galleries, libraries, museums, community centers, coin operated amusement devices, game parlors, arenas and skating rinks.

(5) Professional offices and medical offices.

(6) Professional services within the categories listed below:

a. Service establishments such as State licensed barber or beauty shops or State licensed massage therapy, tattooing or permanent

make- up establishments which meet the Florida Department of Health and State statutory requirements, shoe repair shops, photographic studios, dance or music studios, self- service laundries, tailors, drapers or dressmakers, laundry or dry cleaning pickup stations and similar activities.

b. Establishments such as radio or television stations (but not wireless communication facilities), funeral homes (but not crematoria), interior decorators, upholstery shops (furniture refinishing limited to small shops, not to include full scale manufacturing facilities), radio and television repair shops provided all work and materials are kept completely inside the enclosed building, health clubs, reducing salons or wellness centers, letter shops and printing establishments not involving linotype and large scale typesetting and similar uses.

c. Dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids such as perchlorethylene and with no odor, fumes or steam detectable to normal senses off the premises.

d. Animal hospitals with boarding of animals in completely enclosed buildings.

(7) Parks.

(8) Restaurants more than 200 feet from a NR District boundary (Properties zoned CC within the Bethel- St. Mark Historic Overlay District are exempt from these separation requirements.)

(9) Schools.

(10) Government uses in existing structures (Also see Civic Uses with Conditions).

(11) Convention centers, auditoriums.

(12) Motor bus or other transportation terminals.

(13) Rent- to- own retail establishments.

(14) Bail bonds services, provided that no on- site storage of vehicles or other collateral is included outside of a completely enclosed building.

(15) Single family residential dwelling units for those properties located within the Bethel- St. Mark Historic Overlay District.

(16) And any such other uses which are similar to those listed as deemed appropriate in the district by the Zoning Official.

(b) Permitted Accessory Uses.

(1) Accessory dwelling.
(2) Day care home for 3 or fewer persons.
(3) Drive through windows, excluding those associated with restaurants.
(4) Limited home occupation.
(5) Outdoor dining area.
(6) Stalls or merchandise stands for outdoor sale of goods at street front [Encroachment onto sidewalk may be permitted by agreement with City Council. Items for outdoor sales are returned to building at end of each business day; goods not brought in at close of business day are considered outdoor storage and are prohibited.]
(7) Uses and structures which are customarily incidental and subordinate to permitted uses.

(c) Uses Permitted with Conditions.

(1) Bed and breakfast inns.
(2) Sidewalk cafes.
(3) Essential services 1 and 2.
(4) Neighborhood commercial fueling stations, excluding major service and repair of motor vehicles.
(5) Parking lot as a principal use .
(6) Temporary outdoor sales of seasonal agricultural products and customary accessory products.
(7) Mixed use buildings; up to 2 residential units; or with a 2 to 1 ratio of non-residential floor area to residential floor area.
(8) Parking structure.
(9) Bars and nightclubs more than 200 feet from a NR District boundary.
(10) Group home.
(11) Permanent non- seating public food service establishments located within 200 feet from a Neighborhood Residential Zoning District boundary.
(12) Convenience stores with limited food service located within 200 feet from a Neighborhood Residential Zoning District boundary.
(13) Convenience stores with significant food service located within 200 feet from a Neighborhood Residential Zoning District boundary.
(14) Food outlets with limited food service located within 200 feet from a Neighborhood Residential Zoning District boundary.
(15) Civic, such as governmental offices, post offices and non- profit or charitable clubs and organizations and similar uses.
(16) Permanent canopy shade structures associated with recreational facilities or school playgrounds.
(17) Mobile food dispensing vehicles on developed property with the permission of the property owner and subject to the applicable provisions of Article 4 of this Chapter.

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

(e) General Requirements. Buildings shall comply with the following architectural

provisions of Article 7.

(1) Side yard, rear yard, and courtyard lot types.

(2) Arcade, shopfront, stoop, forecourt, and dooryard frontage definition.
(3) Building style.

(4) Building principles where applicable by use.

(5) Mixed- use buildings shall be vertically mixed in use. Retail uses shall be placed at the street level. Office uses are permitted at the street level and on upper levels in combination with retail and/or residential use. Residential uses shall be placed on upper levels.

(6) When parking or loading spaces are provided, they shall be subject to all parking/loading area design, construction and landscaping standards of this Code. All off- street parking, loading and service areas must be located behind the frontage of all buildings and be screened from view of pedestrians.

(7) For all construction requiring the installation or replacement of public sidewalks, the surface material of the sidewalk must be made of brick or alternate material as approved by the City.

(8) All permitted uses require development plan approval.

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

(1) Churches.
(2) Marinas.
(3) Pawn shops provided they are contained completely in enclosed buildings.
(4) Drive- in; drive through facilities.
(5) Single family residential projects. The provisions of this subsection shall not apply to properties located within the Bethel- St. Mark Historic Overlay District.
(6) Ground floor residential in a mixed use building, unless such residential units are specifically designed as live- work units.
(7) Boarding or rooming houses for up to six roomers.
(8) Congregate housing designed within "civic" building principles.
(9) Any use which does not provide a 25 foot waterfront setback.
(10) Restaurants, bars and nightclubs within 200 feet of NR District boundary.
(11) Cemetery.
(12) And any such other uses as deemed appropriate in the district by the Zoning Official.

(g) Development Standards.

(1) Minimum lot area, None.
(2) Minimum front 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.

(h) Decorative Exterior Lighting Standards

(1) Year around exterior electric or solar lighting shall be permitted on commercial structures within the City Center District subject to the following requirements:

a. All exterior decorative lighting shall be designed to create a constant glow and prevent glare.

b. The lights shall consist of single strands, run in any of the following configurations:

1. Following the architectural features of a building, doors, windows or rooflines;
2. Wrapped around columns, posts, or pillars on the building;
3. Wrapped around existing on- site features like trees, palms or posts;
4. Placed around or across outdoor dining or outdoor seating areas.

(i) Lighting shall maintain a minimum height of 10 feet above outdoor dining and seating areas and associated pedestrian

Page 26- 27

pathways.

(ii) Lighting shall be used to define the outdoor seating or dining space and may not extend to encompass areas of landscaping or open space not associated with the dining or seating area.

c. Icicle lights are not permitted unless used temporarily as holiday decorations.

d. The color of the lighting to be used for all commercial buildings shall be white light in the color temperature range of not less than 2,700 K and not exceeding 4,200 K.

e. Neon lighting shall not be permitted for any exterior building lighting; however, neon may be incorporated into signs.

f. The lighting must be maintained in proper working order and must be replaced, turned off or removed entirely if a portion of the lighting is not in property working order.

g. Flashing, blinking, flickering or scrolling lights or lights that change in intensity or color are not permitted.

(2) Additional Requirements.

a. An electrical permit shall be required unless totally solar powered. Photo voltaic solar will require an electrical permit.

1. The power source must incorporate a GFCI or be hardwired.

2. An electrical inspection is required to ensure the power source meets the electrical code. There will be a $50.00 electrical inspection fee.

b. All exterior lighting designs must be submitted for zoning review and a no- charge zoning permit.

1. Submittal for the permit shall include the type and color of lighting to be used.

2. Location of the lighting on the building.

3. Two copies of pictures of the building and location of proposed lights must be submitted with the zoning permit application.

{Ord. No. 1408-05, <sec> <sec> 1-2, 05/18/05; Ord. No. 1427-06, <sec> 1, 01/04/06; Ord. No. 1450-06, <sec> 2, 10-04-06; Ord. No 1458-06, <sec> 7, 12-06-06; Ord. No. 1534-09, <sec> 1, 01-02-08; Ord. No. 1613-09, <sec>1, 9/2/09; Ord. No. 1634-10, <sec> 1, 4/21/10; Ord. No. 1631-10, <sec> 1, 6/2/10; Ord. No. 1661-10, <sec> 2, 12/1/10; Ord. No. 1706-12, <sec> 1, 3/7/12; Ord. No. 1770-13, <sec> 7, 11/6/13; Ord. No. 1814-15, <sec> 1, 04/01/2015; Ord. No. 1819-15, <sec> 3, 06/03/2015; Ord. No. 1829-15, <sec>

CITY OF PUNTA GORDA

URBAN DESIGN
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3372
UrbanDesign@CityofPuntaGordaFL.com

DETERMINATION OF VESTED RIGHTS APPLICATION

Date Received: 12/22/25	**Date Deemed Sufficient:** 12	**File No.: VR -** 02 - 2025

Application Fee: X **$1,500.00 – Initial Vested Rights Determination**
____ **$500.00 – Expedited Vested Rights Determination**
____ **$250.00 – Modification to Vested Rights Determination**

Meeting Dates	**DRC:** 1/23/26	**PC:** 2/23/26	**CC:** 3/11/26

1. Owner(s) of Record (Include all parties of interest or ownership and their contact information. Attach separate sheet if necessary)

Name	Kurt W. Havel & Delonda S. David						
Address	[redacted]	City	[redacted]	State	[redacted]	Zip	[redacted]
Phone	[redacted]	Email address	[redacted]				

2. Authorized Agent (Property Owner must sign Agent Affidavit below, if applicable)

Name	Kurt Havel						
Address	[redacted]	City	[redacted]	State	[redacted]	Zip	[redacted]
Phone	[redacted]	Email address	[redacted]				

3. Total Number of Parcels included in this application: 2

4. Property Address(es) (Attach separate sheet if necessary)

Address	302 and 308 Goldstein Street	City	Punta Gorda	State	FL	Zip	33950

5. Legal Description of Property (Attach separate sheet if necessary)

Lots 1 and 3, Block 45, Punta Gorda, according to the plat thereof as recorded in Plat Book 1, Page 16, public records Charlotte County, Florida

Parcel ID /Account #	Lot #	Block#	Section	Total Sq. Feet	Total Acres
412306364001 & 412306364002	1 & 3	45	n/a	4,709.25 square feet each; 9;418.50 square feet total	0.11 acres each; 0.22 acres total

6. Existing Zoning and Future Land Use Classifications (Attach separate sheet if necessary)

Parcel ID	Zoning District	Future Land Use Designation
412306364001 & 412306364002	City Center	Traditional Neighborhood

7. Date(s) applicant met with staff and purpose of meeting(s).

Late November/early December 2024, January 2025, and March 2025 to discuss the specific details of setbacks, house design, height, and confirmation of permitted uses; and again in May 2025 to file the certificate of appropriateness and building permit to demo the shed.

8. Describe the act of a governmental entity that has affected the use of the subject property. (Attach separate sheet if necessary)

The land development regulations that were in place at the time the lots were purchased allowed a home to be built by right. When the code changed, residential uses are not allowed, which was the reason the property was purchased.

9. Explain how the above act has unduly burdened or negatively impacted the use of the subject property. (Attach separate sheet if necessary)

After investing over $300,000, the change of code no longer allows a home to be built, which was the reason for buying the properties to begin with. Vacant lots of this size have not been sold or developed in downtown for commercial uses in quite a long time.

10. Are there any other local hearings pending or anticipated for this Property? ☐ Yes ■ No

If "yes", please explain:

11. Has a public hearing been held on this property within the last 6 months?	☐ Yes ■ No
If "yes", please explain:	

12. Are there any existing structures on the property?	■ Yes ☐ No
If "yes" what type of construction, and what is the current use:	
A certificate of appropriateness application has been submitted to demolish the existing home.	

13. List, in detail, all provisions of the Comprehensive Plan and Land Development Regulations from which the applicant asserts the development is vested. (Attach a separate sheet if necessary)

Comprehensive Plan

FLU Element - Goal 1.1; Objective 1.1.3; Policy 1.1.4.3; Policy 1.1.4.4; Policy 1.1.8.1; Policy 1.1.14.3; Policy 1.1.15.1.c; Housing - Policy 4.1.1.1; Policy 4.1.1.2; Property Rights Element - Goal 12.1

Land Development Regulations

The zoning when purchased was TPG-RE, section 3.2(c)7, which allows a house as a permitted building type. The site layout for a house were listed in section 3.2(d)3, and the architectural requirements were listed in Article 7.
In the current regulations, the city center district does not allow a home to be built.

14. Please explain in detail and/or provide evidence and supporting documentation for the applicable application type below. (Attach a separate sheet if necessary)

■ Initial vested rights determination application:

a. Previous approvals, permits, entitlements, or regulations in reliance on which the applicant made good-faith investments. Any additional documentation submitted with the application shall be labelled in numerical order, and notated in the details below:

The land development regulations at the time the properties were purchased allowed a home to be constructed.

b. Evidence of actions, investments, or other acts which the applicant asserts as the basis for a claim of vested rights:

Over $300,000 has been invested in purchasing the properties in order to build a home. Additional documentation is attached.

☐ Expedited vested rights determination application:

a. A valid court order from a court of competent jurisdiction; or
b. A vested rights determination recently issued by the City of Punta Gorda, Florida; or
c. A vested rights determination issued by the Florida Department of Community Affairs.

n/a

☐ Modification of vested rights determination application:

a. Detailed description of the modification(s) requested based on eligible categories set forth in Section 1-4(c), Chapter 27, Punta Gorda Code:

n/a

b. Evidence of actions, investments, or other acts which the applicant asserts as the basis for modification to a vested rights determination:

n/a

15. Provide details regarding the Compatability of the proposed development with surrounding neighborhood and uses, including sufficient evidence to show the proposed development would not cause significant harm to public safety, health, or welfare.

On this stretch of Goldstein St. between W Olympia Ave. and W Virginia Ave., there are no commercial structures other than a single family home at 324 Goldstein that is used as a main street shop front type office. Recognizing the vested rights to build a home on these lots will be more compatible with the existing uses than allowing a commercial use to be built on a road that is predominately residential.

****

(Remainder of this page intentionally left blank)

I, the undersigned, being first duly sworn, testify and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of all of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary material attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign this application.

OWNER(S) AFFIDAVIT

Delonda David | Delonda David - owner | 12.22.25

Signature of Owner | Print Name & Title | Date

STATE OF Florida)
COUNTY OF Charlotte)

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization this 22nd day of December, 20 25, by Delonda David, who [ ] is personally known to me or who has produced FL DL as identification.

Rachel Barry

Notary Public, State of Florida

My commission expires

RACHEL LEIGH BARRY
Notary Public - State of Florida
Commission # HH 466407
My Comm. Expires Nov 20, 2027
Bonded through National Notary Assn.
(Seal)

AGENT AFFIDAVIT (Property Owner to complete ONLY if applicable)

I/We DELONDA DAVID, property owner(s), hereby authorize KURT HAND to act as **AGENT** on my/our behalf regarding a DETERMINATION OF VESTED RIGHTS APPLICATION on the property commonly known as 302 & 308 Goudstein in Punta Gorda, Florida.

Delonda David | Delonda David | 12.22.2025

Signature of Owner | Print Name & Title Owner | Date

STATE OF Florida)
COUNTY OF Charlotte)

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization this 22nd day of December, 20 25, by Delonda David, who [ ] is personally known to me or who has produced FL DL as identification.

Rachel Barry

Notary Public, State of Florida

My commission expires

RACHEL LEIGH BARRY
Notary Public - State of Florida
Commission # HH 466407
My Comm. Expires Nov 20, 2027
Bonded through National Notary Assn.
(Seal)

I, the undersigned, being first duly sworn, testify and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of all of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary material attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign this application.

OWNER(S) AFFIDAVIT

Signature of Owner	Print Name & Title	Date
	Kurt Havel - Owner	12-2

STATE OF Charlotte)
COUNTY OF Florida)

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization this 22nd day of December, 20 25, by Kurt Havel, who [✓] is personally known to me or who has produced _____ as identification.

Notary Public, State of Florida	My commission expires
Rachel Barry	(Seal)

RACHEL LEIGH BARRY
Notary Public - State of Florida
Commission # HH 466407
My Comm. Expires Nov 20, 2027
Bonded through National Notary Assn.

AGENT AFFIDAVIT (Property Owner to complete ONLY if applicable)

I/We _____, property owner(s), hereby authorize _____ to act as **AGENT** on my/our behalf regarding a DETERMINATION OF VESTED RIGHTS APPLICATION on the property commonly known as _____ in Punta Gorda, Florida.

Signature of Owner	Print Name & Title	Date

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization this _____ day of _____, 20_____, by _____, who [ ] is personally known to me or who has produced _____ as identification.

Notary Public, State of Florida	My commission expires	(Seal)



Order No.: FL2504438

Property Appraiser's Parcel I.D. (folio) Number:
412306364001

WARRANTY DEED

THIS WARRANTY DEED dated this the 2nd day of April, 2025, by Sherra L. Simes, a single woman, whose post office address is 302 Goldstein Street, Punta Gorda, FL 33950 (the "Grantor"), to Kurt W. Havel, an unmarried man and Delonda S. David, an unmarried woman, as Joint Tenants with Rights of Survivorship, whose post office address is 301 Goldstein Street, Punta Gorda, FL 33950 (the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten And No/100 Dollars ($10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee, all that certain land situated in County of Charlotte, State of Florida, viz:

Lot 1, Subdivision of Lot 2 and the North half of Lot 1, Block 45, Punta Gorda (also known as CITY OF PUNTA GORDA), a subdivision according to the map or plat thereof, as recorded in Plat Book 1, Page 16, of the Public Records of, Charlotte County, Florida.

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: 2024.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

Witness Signature

KIMBERLY GILBERT
Printed Name of First Witness

2861 Placida Road, Suite B
Englewood, FL 34224
Address of First Witness

Witness Signature

Lisa J Rincones
Printed Name of Second Witness

2861 Placida Road, Suite B
Englewood, FL 34224
Address of Second Witness

Sherra L. Simes
Sherra L. Simes

STATE OF FLORIDA

COUNTY OF Charlotte

The foregoing instrument was acknowledged before me by means of X Physical Presence or ____ Online Notarization on this 2nd day of April, 2025 by Sherra L. Simes, who is personally known to me or produced FL Drivers License as identification.

Notary Public
Printed Name: Lisa J Rincones

My Commission Expires: _____
(SEAL)

Notary Public State of Florida
Lisa J. Rincones
My Commission HH 628939
Expires 1/15/2029

American Land Title Association

Final ALTA Settlement Statement - Cash
Adopted 05-01-2015

[redacted]

File No./Escrow No.: FL2504438
Print Date & Time: March 27, 2025 1:38 pm
Officer/Escrow Officer:
Settlement Location:

Property Address: 302 Goldstein Street
Punta Gorda, FL 33950

Buyer: Kurt W. Havel
[redacted]
Delonda S. David
[redacted]

Seller: Sherra L. Simes
[redacted]

Settlement Date : April 02, 2025
Disbursement Date : April 02, 2025

Seller		Description	Buyer	
Debit	**Credit**		**Debit**	**Credit**
		Financial		
	130,000.00	Sale Price of Property	130,000.00	
		Deposit		10,000.00
		Prorations/Adjustments		
262.52		County Taxes 01/01/25-04/02/25		262.52
		Title Charges and Escrow/Settlement Charges		
75.00		Abstract or Search Fees to Chicago Title Insurance Company (Title Wave)		
300.00		Closing Fee (S) to Near North Title Group LLC		
725.00		Owner's Title Insurance to Near North Title Group LLC Coverage: $130,000.00 Premium: $725.00 Version: 2021 ALTA Owner's Policy (07/01/21)		

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Seller		Description	Buyer	
Debit	Credit		Debit	Credit
		Title Charges and Escrow/Settlement Charges (continued)		
140.00		Tax and Lien Search to PropLogix		
		Commissions		
300.00		Real Estate Commission - Listing Agent to Allison James Estates and Homes	0.00	
0.00		Real Estate Commission - Selling Agent Note: Includes Adjustment of $300.00	0.00	
		Government Recording and Transfer Charges		
		Recording Fees to Charlotte County Clerk of the Circuit Court	18.50	
910.00		Documentary Stamp Tax to Charlotte County Clerk of the Circuit Court		
10.00		Recording Death Certificate to Charlotte County Clerk of the Circuit Court		
18.50		Recording DR-312 to Charlotte County Clerk of the Circuit Court		
		Miscellaneous		
299.18		4th Installment 2024 Property Taxes to Contact for Payment of Property Tax Bills		
8.00		eRecording Service Fee to Charlotte County Clerk of the Circuit Court	4.00	
82.02		Water to City of Punta Gorda		

Seller			Buyer	
Debit	Credit		Debit	Credit
3,130.22	130,000.00	**Subtotals**	130,022.50	10,262.52
		Due from Buyer		119,759.98
126,869.78		**Due to Seller**		
130,000.00	130,000.00	**Totals**	130,022.50	130,022.50

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Acknowledgement

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Near North Title Group LLC to cause the funds to be disbursed in accordance with this statement.

Buyer

Kurt W. Havel

Delonda S. David

Seller

Sherra L. Simes

Near North Title Group LLC

BY: Lisa J. Rincones

Lisa Rincones
Managing Escrow Officer

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[redacted]

Order No.: FL2504431

Property Appraiser's Parcel I.D. (folio) Number:
412306364002

WARRANTY DEED

THIS WARRANTY DEED dated this the 2nd day of April, 2025, by Sherra L. Simes, a single woman, whose post office address is 308 Goldstein Street, Punta Gorda, FL 33950 (the "Grantor"), to Kurt W. Havel, an unmarried man and Delonda S. David, an unmarried woman, as Joint Tenants with Rights of Survivorship, whose post office address is 301 Goldstein Street, Punta Gorda, FL 33950 (the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten And No/100 Dollars ($10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee, all that certain land situated in County of Charlotte, State of Florida, viz:

Lot 3, Subdivision of Lot 2 and the North half of Lot 1, Block 45, Punta Gorda (also known as CITY OF PUNTA GORDA), a subdivision according to the map or plat thereof, as recorded in Plat Book 1, Page 16, of the Public Records of, Charlotte County, Florida

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: 2024.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered ~~in~~ presence of:

Witness Signature

KIMBERLY GILBERT
Printed Name of First Witness

2861 Placida Road, Suite B
Englewood, FL 34224
Address of First Witness

Witness Signature

Lisa J Rincones
Printed Name of Second Witness

2861 Placida Road, Suite B
Englewood, FL 34224
Address of Second Witness

Sherra L. Simes
Sherra L. Simes

STATE OF FLORIDA

COUNTY OF Charlotte

The foregoing instrument was acknowledged before me by means of X Physical Presence or ____ Online Notarization on this 2nd day of April, 2025 by Sherra L. Simes, who is personally known to me or produced FL Drivers License as identification.

Notary Public
Printed Name: Lisa J Rincones

My Commission Expires: _____
(SEAL)

Notary Public State of Florida
Lisa J. Rincones
My Commission HH 628939
Expires 1/15/2029

Near North Title Group LLC
ALTA Universal ID:
2861 Placida Rd, Unit B
Englewood, FL 34224

File No./Escrow No.: FL2504431
Print Date & Time: March 27, 2025 2:24 pm
Officer/Escrow Officer: [redacted]
Settlement Location: [redacted]

Property Address: 308 Goldstein Street
Punta Gorda, FL 33950

Buyer: Kurt W. Havel
[redacted]
Delonda S. David
[redacted]

Seller: Sherra L. Simes
[redacted]

Settlement Date : April 02, 2025
Disbursement Date : April 02, 2025

Seller		Description	Buyer	
Debit	**Credit**		**Debit**	**Credit**
		Financial		
	170,000.00	Sale Price of Property	170,000.00	
		Deposit		10,000.00
		Prorations/Adjustments		
269.46		County Taxes 01/01/25-04/02/25		269.46
		Title Charges and Escrow/Settlement Charges		
75.00		Abstract or Search Fees to Chicago Title Insurance Company (Title Wave)		
300.00		Closing Fee (S) to Near North Title Group LLC		
925.00		Owner's Title Insurance to Near North Title Group LLC Coverage: $170,000.00 Premium: $925.00 Version: 2021 ALTA Owner's Policy (07/01/21)		

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Seller		Description	Buyer	
Debit	Credit		Debit	Credit
		Title Charges and Escrow/Settlement Charges (continued)		
140.00		Tax and Lien Search to PropLogix		
		Commissions		
300.00		Real Estate Commission - Listing Agent to Allison James Estates and Homes	0.00	
		Government Recording and Transfer Charges		
		Recording Fees to Charlotte County Clerk of the Circuit Court	18.50	
1,190.00		Documentary Stamp Tax to Charlotte County Clerk of the Circuit Court		
		Miscellaneous		
283.69		4th Installment Property Taxes to Contact for Payment of Property Tax Bills		
		eRecording Service Fee to Charlotte County Clerk of the Circuit Court	4.00	

Seller			Buyer	
Debit	Credit		Debit	Credit
3,483.15	170,000.00	**Subtotals**	170,022.50	10,269.46
		Due from Buyer		159,753.04
166,516.85		**Due to Seller**		
170,000.00	170,000.00	**Totals**	170,022.50	170,022.50

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Acknowledgement

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Near North Title Group LLC to cause the funds to be disbursed in accordance with this statement.

Buyer:

Kurt W. Havel

Delonda S. David

Seller

Sherra L. Simes

Near North Title Group LLC

BY:

Lisa Rincones
Managing Escrow Officer

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C7504132 308 GOLDSTEIN ST, PUNTA GORDA, FL 33950



County: Charlotte
Subdiv: PUNTA GORDA
Subdiv/Condo:
Style: Unimproved Land
On Market Date: 01/27/2025
Total Acreage: 0 to less than 1/4
Price Per Acre:$1,545,455.00
For Lease: No
Sold Price: $170,000
Sold Date: 04/02/2025
Flood Zone Code:AE

Status: Sold
Backups Requested: Yes
List Price: $199,900
Designated Builder: No

Special Sale: None
ADOM: 49
CDOM: 49
Pets:

This lot is one of the best lots available in all of downtown Punta Gorda. It is a multi-use lot that is zoned for commercial, multi family or residential. Because of this zoning, the lot can be build up to 90 percent of the lot surface as long as it follows code and set backs. Normal lots are only 60 percent. This lot also has one of the very few easement roads behind the lot so this has the potential to have a garage entrance door on either Goldstein or the access alley AND OR BOTH!!! You can see this alley on pictures 7 and 8. This entrance comes off of West Olympia and is shared with the owners of the properties on the other side. Normal lots simply back up to another home. You could literally have a drivethrough garage if you build up and have a second story structure. This lot can also be bought with the lot right next door at 302 Goldstein and you can literally entertain owning the entire corner. So try and consider all the possibilities then. You would literally be 1 block from Downtown Punta Gorda and all it has to enjoy and 2 blocks from the Charlotte Harbor. The Saturday morning farmers market is always a local favorite. Multi places around town to put the wave runner or boat in the water. 8 golf courses all within a 20 minute drive for all you golfing enthusiast. A miles long walking and biking paths along the Charlotte Harbor is hard to beat. So many unique and historical sites to visit while walking around downtown. All different types of restaurants present you a variety of cuisines to choose from and of course, your favorite sports bar or pub to get together with friends to cheer on your favorite teams. Then of course, all the pickleball courts around town including the pickleplex where you can enjoy league play and tounaments!

Land, Site, and Tax Information

Legal Desc: PUG 000 0045 0003 PUNTA GORDA BLK 45 LT 3 SUB LT 2 195/343 DC1812/192 1819/827 3674/1228 UNREC DC-EEP
SE/TP/RG: 06-41S-23E
Subdivision #:
Between US 1 & River:
Tax ID: 412306354002
Taxes: $1,081
Homestead:
AG Exemption YN:
Alt Key/Folio #: 412306364002
Add Parcel: No
Ownership: Fee Simple
Book/Page: 2-97
Lot Dimensions: 52x90x52x90
Water Frontage: No
Zoning: CC
Future Land Use:
Zoning Comp:
Tax Year: 2024
CDD:
Annual CDD Fee:
# of Parcels:
Additional Tax IDs:
Complex/Comm Name:
Land Lease Fee:
Lot Size Acres: 0.11
Block/Parcel: 45
Front Footage: 52
Front Exposure: West
Lot #: 3
Other Exemptions:
Development:
Subdiv/Condo:
Lot Size: 4,628 SqFt / 430 SqM
Utilities: Cable Available, Electricity Available, Phone Available, Public, Sewer Available, Street Lights, Water Available
Water: Public
Sewer: Public Sewer
Horse Amenities:
Road Surface Type: Brick

Community Information

HOA / Comm Assn:
HOA Fee:
HOA Pmt Sched:
Mo Maint$(add HOA):
Master Assn/Name: No
Master Assn Fee:
Master Assn Ph:
Elementary School: Sallie Jones Elementary
Middle School: Punta Gorda Middle
High School: Charlotte High

Realtor Information

List Agent: Kurt Havel
E-mail: kwh.realtor@gmail.com
List Agent ID: 474015132
List Agent Fax: 866-355-9300
List Agent Direct: 239-362-6656
List Agent Cell:
Call Center #: 239-362-6656
Office: ALLISON JAMES ESTATES & HOMES
Office ID: 274501583
Original Price: $225,000
Previous Price: $225,000
Office Fax: 866-355-9300
Price Change: 02/26/2025
Office Phone: 941-500-4922
Expiration Date: 07/27/2025
Seller Representation: Transaction Broker
Possession: Close Of Escrow
Owner: SHERRA SIMES
Contract Status: No Contingency
Contract: 03/17/2025
Owner Phone:
Days to Cont: 49
Listing Type: Exclusive Right To Sell
Exp Clsg Date: 04/02/2025
Selling Agent: Kurt Havel
Sell Office: ALLISON JAMES ESTATES & HOMES
Terms: Cash
Seller Credit: $0.00
SP/LP Ratio: 85
Listing Service Type: Full Service
Realtor Info: As-Is, See Attachments, Sign
Showing Instructions: Go Direct
Driving Directions: From downtown Punta Gorda go southbound 1 block from the bridge to Marion and turn right and immediately turn left on Goldstein. Go 1 block and cross over West Olympia and lot is the second one on the left hand side.
Realtor Remarks: Buyer must verify any and all information to be deemed accurate and acceptable to the buyer. Please do your due diligence with the City of Punta Gorda before presenting. Seller does not want to put the listing into pending unless it is a 0 days feasibility time period so that it is not tied up. We discussed the description information with Rachel at the City of Punta Gorda Building Department and Zoning, so please call her to confirm as well. 941-575-3324.

Documents and Disclosures	Status of Documents and Disclosures
Land Sales Disclosure	
Flood Disclosure	

Seller's Preferred Closing Agent

Closing Agent Name: Lisa Rincones
Email: lrincones@nntg.com
Phone: 941-208-3144
Fax:

Address: 2861 Placida Rd. Unit B Englewood, Florida 34224
Closing Company Name: Near North Title Group

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James Bushouse, PE
Consulting Engineers

I N V O I C E

August 20, 2025

Kurt Havel

[redacted]

Inspection and report for the 302 Goldstein Street

Total Due = $900.00

[redacted]

PLANNING COMMISSION
CITY OF PUNTA GORDA
02/23/2026

GENERAL BUSINESS

Title: Commission Training

Funds: Not applicable.

Recommended Action: No action required.

Summary: The City Clerk's Office will provide annual training on important policies and procedures. The City Clerk's Office will also review revised bylaws adopted by City Council in January 2026.

Department/Division: City Clerk

EXHIBITS:

1. Planning Commission Bylaws (01.2026)
2. Annual Member Training - Planning Commission

CITY OF PUNTA GORDA, FLORIDA
PLANNING COMMISSION
BYLAWS

1. CREATION; TERMS OF MEMBERS; CONDITIONS

The City Council shall have a Planning Commission consisting of five (5) members and one (1) alternate member to serve in the absence of a board member at a meeting. All members of the Commission shall be residents of Punta Gorda and shall serve without compensation but may be reimbursed for such travel, mileage and per diem as may be authorized by the City Council. Appointment shall be made by the City Council on the basis of experience or interest in the fields of planning and zoning and a stated availability to serve on the date(s) required. All appointments after the initial appointments shall be made for a term of three (3) years during which appointees shall serve at the pleasure of the City Council, appointees to be eligible for two (2) additional terms. Appointments to fill vacancies shall be for a term of three (3) years. No member shall serve for more than three (3) terms.

Members who fail to attend four (4) meetings in a twelve-month period shall automatically forfeit appointment, and the City Council shall promptly fill each vacancy. Any member with extenuating circumstances shall present same to the City Clerk for consideration by City Council. Any member reinstated following forfeiture shall serve for the remainder of their original unexpired term and shall be eligible for additional terms, subject to term limits. Members are required to notify the City Clerk's Office in advance of the meeting of any absence.

2. OFFICERS

A. Officers of the Planning Commission shall be Chair and Vice Chair to be elected from the membership thereof. Officers shall be elected by the Board at their first regularly scheduled meeting in the month of February by a majority vote of those in attendance and shall serve for one (1) year, may be reelected for not more than three (3) consecutive terms or may be replaced by election.

B. The Board shall have a Board Recorder, who shall be provided by the City of Punta Gorda, and who shall not be an appointed member of the Planning Commission.

3. FUNCTIONS AND DUTIES OF OFFICERS

A. Chair: The Chair shall be the presiding officer at all meetings of the Planning Commission. The Chair may call special meetings at their discretion, sign all documents of the Board and may relinquish the Chair to the Vice Chair or other specific member at their discretion. The Chair may not make or second motions but shall vote on any and all motions to come before the Commission. The Chair or designee shall also present all recommendations to the City Council.

B. Vice Chair: The Vice Chair shall serve in the absence of the Chair and, while so serving, shall have all the authority held by the Chair.

C. Board Recorder: A Board Recorder shall attend all meetings of the Planning Commission and shall keep an accurate record of the spirit and intent of statements made. All motions shall be recorded, and an accurate record of all reasons for motions or votes by members of the Commission shall be made. The minutes of each such meeting shall be distributed to members of the Commission, the City Council, and other appropriate persons. Upon approval by the Commission, the minutes shall be permanently retained and made part of the official records of the City of Punta Gorda.

4. MEETINGS

Regular meetings of the Planning Commission shall be held in accordance with Section 286.011, Florida Statutes on the fourth Monday of each month. Special meetings and/or workshops may be held at the call of the Chair or, in their absence, the Vice Chair. All meetings shall be open to the public. In the event a quorum of the members is not present for a scheduled meeting, such meeting will be rescheduled as soon as possible consistent with notice requirements.

5. RECOMMENDATIONS

A. The Planning Commission shall make recommendations to the City Council for:

(1) Amending, extending, or adding to the Comprehensive Plan for the physical development of the City.

(2) Platting or subdividing land within the City.

(3) Adopting an official atlas of the City and for recommending or disapproving proposed changes in such atlas.

(4) Adopting and amending a zoning ordinance and recommending or disapproving proposed changes in such ordinance.

(5) Adopting plans for the clearance and rebuilding of slum districts and blighted areas within the City.

(6) Adopting a plan for the replanning, reconstruction or redevelopment of any area or district which may be destroyed in whole or in part or seriously damaged by fire, earthquake, flood, or other disaster.

B. The Planning Commission shall have the power to:

(1) Require information which shall be furnished within a reasonable time from the other departments of the City government in relation to its work.

(2) Request additional assistance for special survey work of the City Manager, who may at their discretion assign to the Commission members of the staff of any administrative department or direct such department to make special studies requested by the Commission.

(3) In the performance of its function, enter upon any land and make examination and surveys and place and maintain necessary monuments and marks thereon.

C. The Planning Commission shall further submit to the City Manager, not later than sixty (60) days prior to submission of the tentative budget, a list of recommended capital improvements which, in the opinion of the Commission, are necessary or desirable to be constructed during the forthcoming six-year period. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year. The Commission shall also promote interest in and understanding of the Comprehensive Plan and of planning.

6. APPLICATIONS

Plans and other required documents for approval received by the Urban Design Division less than fifteen (15) days prior to the meeting date will be set over to the next meeting. Seven prints of each exhibit to be presented at the hearing shall be submitted at that time.

8. AGENDA

The agenda shall be prepared at least one week prior to the date of the meeting. The order of items on the agenda shall be at the discretion of the Urban Design Manager, due consideration being given to early consideration of items likely to attract large attendance at the meeting. The Chair may, for reason(s) stated to all in attendance, vary from the order of the agenda. An item may be added to the agenda only by affirmative vote of a majority of the members present. An agenda item consisting of a proposed amendment to the comprehensive land use plan, zoning ordinance, zoning map, subdivision ordinance, other ordinance or special exception may be removed from the agenda only by a motion to recommend approval or denial. Other items may be removed by majority vote of those present and reasons therefore stated in the record.

9. MEETING PROCEDURE

The Chair shall call each agenda item and briefly describe, or ask a member of the staff to briefly describe, the proposition before the Commission. The proponent or their agent will then be asked to present their case. The name and address of the proponent or their agent shall be entered in the record, as well as a summary of their presentation. At the conclusion of the proponent's presentation, the members of the Commission and staff shall have the opportunity to question the proponent. Any other supporting testimony will then be called for. Opposition may then be heard with the members of the Board and

staff having an opportunity to question any speaker. The proponents will then be given a short summary opportunity. All statements shall be directed to the Commission, and cross conversation among those in attendance is prohibited. Questions between opposing parties shall be directed first to the Chair, who may then ask the proper person to answer, such answer being directed to the Commission. At such time that the Commission feels that testimony has been sufficiently heard, a motion may be passed by simple majority to terminate testimony, after which the public in attendance may address the Commission only with the permission of the Chair and only to answer a question by a member of the Commission. All persons who wish to speak shall first give their names and addresses for the record.

10. MOTIONS

Following closing of testimony, a motion may be made to recommend approval or denial of the proposition to the governing body, to continue, or in the case of plans or preliminary plats, a motion to approve or deny may be made. A brief statement of reason for the motion should precede the making of the motion. Any stipulations relative to plans, development procedures, etc., should be listed following the motion to approve. Upon receiving the second, the motion may be discussed and brought to a vote. The Chair shall not make nor second motions, but has full voice and vote on all issues before the Commission for discussion.

Vote shall be by voice, by the raising of hands or by roll call, at the discretion of the Chair. Any member may call for a roll call vote on any issue. Any motion may be tabled or amended. If the Commission feels that delaying an action would be in the best interests of the parties involved, the hearing may be continued to a date certain. Such a motion for continuance shall include a reason for the action and shall require a majority vote of those present. The Commission may continue a proposition for a period not to exceed two months from the date of first hearing, and one of three actions shall be taken within that period:

(i) The proposal may be approved,
(ii) The proposal may be denied or
(iii) The applicant may be permitted to withdraw the proposal.

In the latter case, the proposal may come before the Commission again only by reapplication, publication, etc., as required by ordinance for all such applications.

11. CONTINUANCE BY AN APPLICANT

A. An applicant may continue their own proposal to a date certain for a period not to exceed two months, but for not less than one month, by notifying the applicable department secretary not less than eight (8) days prior to the date of the hearing, whereupon that item will not be placed upon the agenda. Where notification by mail of adjacent property owners has taken place, as required by law, further notification of the same property owners by registered mail, return receipt requested, of the continuance and the new date of the hearing shall be required. This notification of continuance shall be mailed not less than five (5) days prior to the date of the originally

scheduled hearing.

B. Any proposal not withdrawn prior to preparation of the agenda (eight (8) days prior to the meeting) may be continued at the applicant's request only by affirmative vote of a majority of the members present at the meeting. In consideration of such a motion to allow continuance, the Commission may question the audience as to the number who have been inconvenienced or incurred expense on the presumption that the item would be heard, and the Commission may refuse to continue the proposal, may proceed with the hearing and take appropriate action thereon. In any case of continuance, it shall be to a date certain, only one continuance shall be permitted, and the applicant shall notify by registered mail all parties initially notified of the new hearing date, such notification to be mailed not less than five (5) days prior to the date of the new hearing. In addition, the Commission may direct staff to change the posting on the property and publish the new date in the appropriate newspaper.

12. APPLICANT NOT IN ATTENDANCE

In case an applicant or their agent is not in attendance when their item is called, that item shall be set over to the end of the agenda. At the time the item is again called, if the applicant is still not represented, the Commission may continue the case under procedure of Section 9-B or may approve or deny the proposition as it sees fit.

13. QUORUM

A majority of the appointed members shall constitute a quorum for the transaction of business and the conducting of hearings.

14. VOTING REQUIREMENTS; CONFLICT OF INTEREST

No member of the Planning Commission who is present at any meeting of the same at which an official decision, ruling or other official act is to be taken or adopted may abstain from voting in regard to any decision, ruling or act, and a vote shall be recorded or counted for each member present except when, with respect to any such member, there is or appears to be a possible conflict of interest. Conflict of interest is defined as any action by the Commission that would inure to the member’s special private gain or loss or which the member knows would inure to the special private gain or loss of a relative or business associate of the member.

When there is or there appears to be a conflict of interest, the member shall so state for the record shall not vote on the issue. Further, the member shall within 15 days after the vote occurs, disclose the nature of his/her interest as a public record in a memorandum filed with the Board Recorder, who shall incorporate the memorandum in the minutes.

CITY OF PUNTA GORDA, FLORIDA

January 14, 2026

Commission Member Annual Training

Planning Commission

Punta Gorda

Overview

- Expectations of Chair and Commission members
- Role of City Staff in Commission Operations
- Quorum Requirements & Absence Policy
- Meeting Procedures & Agenda Sections
- Legislative & Quasi-Judicial Public Hearings
- Powers & Duties in Code of Ordinances
- Sunshine Law
- Public Records Law
- Ethics & Financial Disclosures

Expectations of Chair

- Maintain order during meetings
- Run the meetings in accordance with the published agenda
- Ensure comments and discussions remain focused and within purview of the Commission
- Ensure proper motions procedures are followed
- Relinquish the gavel to make or second a motion
- Be familiar with Commission Bylaws, Board Member Handbook policies and procedures, Public Comment procedures, and Quasi-Judicial Hearing and Ex Parte Communications Policy
- **Assist staff with enforcement of Sunshine Laws and Quasi-Judicial Hearing procedures**
- Sign approved meeting minutes

Expectations of Commission Members

- Notify City staff of any absences
- Come prepared – read agenda materials in advance and submit questions to City staff
- Listen respectfully to fellow members, staff, applicants and the public
- Focus comments and discussions on item at hand
- **Speak clearly and audibly into the microphone**
- Make or second motions to take action on an agenda item
- Vote on all motions unless abstaining due to conflict of interest or prejudice/bias in quasi-judicial proceedings
- **Refrain from engaging in sidebar conversations**
- Follow all rules and procedures set forth in the City's Rules of Conduct, Facility Rules, Board Member Handbook, Commission Bylaws, and Quasi-Judicial Hearing and Ex Parte Communications Policy
- Abide by Florida Sunshine Laws, Public Records Laws, and Code of Ethics for Public Officers

City Staff

City Clerk's Office

- Tracks appointments and attendance.
- Administers oath of office.
- Provides an orientation and educational materials.
- Assists board with meeting procedures.
- Provides staff who prepares minutes and recordings.
  - **Alexandra Friend, Board Recorder**
    Ph: (941) 575-3309
    Email: afriend@puntagordafl.gov

Urban Design Department – Planning/Zoning Division

- Provides a Board Secretary who creates, issues, and distributes the agenda.
  - **Madison Henderson, Executive Assistant**
    Ph: (941) 575-3397
    Email: mhenderson@puntagordafl.gov
- Provides staff who:
  - Present agenda items and/or reports.
  - Can answer board member questions in advance of meetings.

Quorum & Absence Policy

Quorum

- Physical presence of majority of appointed members
  - For Planning Commission, quorum is three (3) members
- Required to call a meeting to order and **must** be maintained throughout the meeting
  - Applies when voting members recuse themselves from quasi-judicial hearings
- Without a quorum, the board is limited to taking these procedural actions:
  - Recess.
  - Take measures to obtain a quorum.
  - Adjourn.

Absence Policy

- Notify City staff of any absence in advance of each Commission meeting
- Members who fail to attend **four (4) meetings in a 12-month period** shall automatically forfeit appointment
  - Members may appeal forfeiture by request to City Council

Meeting Procedures & Agenda Sections

General Procedure Reminders

- Chair places business on the floor by reading an agenda item's title
  - An agenda item must be resolved before the next item is introduced
- Chair or Commission member may call for a motion
  - Motions must be seconded before proceeding to discussion and vote
  - Motions die without a second and Chair should announce this result
  - Chair should restate the motion before calling for a vote
  - "Aye" and "nay" votes should be called separately
  - Chair should announce the result of the vote
- Chair adjourns meeting after all agenda items have been addressed
  - A motion is **NOT** required to adjourn the meeting

Meeting Procedures & Agenda Sections

Call to Order

- Chair calls the meeting order
- Board Recorder calls roll and establishes quorum
- Chair announces date of next Commission meeting

Public Comments

- Chair calls for public comment and reviews public comment procedures if necessary
- Timer should be used to limit comments to 3 minutes per speaker
- Public comments related to quasi-judicial hearings should be held until the hearing

Approval of Minutes

- Chair introduces the agenda item and asks for Committee member questions
- Committee member makes motion to approve, revise, etc.
- Chair ensures motion is seconded and there is no further discussion before calling a vote

Meeting Procedures & Agenda Sections

General Business

- Chair introduces the agenda item
- Can be used for administrative or community presentations, etc.
- Can be used for discussion items previously approved by consensus of Commission

Staff Comments

- Chair introduces agenda item
- Can be used for administrative reminders or general updates from City staff

Member Comments

- Chair introduces agenda item
- Can be used to request consensus on future agenda items

Adjournment

- Chair confirms all agenda items have been resolved and Commission business has been addressed
- Chair adjourns meeting - adjournment does **NOT** require motion

Legislative Public Hearings

General Procedure Reminders

- 2 types of public hearings:
  - Legislative
  - Quasi-judicial

- Hearings **must be held** according to procedures adopted in Resolution 3673-2022

- Fairness, impartiality, and due process must be afforded to all parties

Legislative Public Hearings

- Held for public input on proposed municipal legislation (i.e., ordinances)
- Recommendations of Commission are taken to final decision-making authority (e.g., City Council, Zoning Official, etc.)

Quasi-Judicial Public Hearings

General Procedure Reminders

- 2 types of quasi-judicial hearings:
  - Land use/permitting requests; and
  - Enforcement proceedings

- Hearings **must be held** according to procedures adopted in Resolution 3673-2022

- Fairness, impartiality, and due process must be afforded to all parties

- Decisions are based on application of reliable facts to pre-established criteria

Quasi-Judicial Public Hearings

Cast of Characters



Commission members – like a judge in a trial

- Hear testimony from sworn witnesses
- Review competent, substantial evidence presented during the hearing
- Make decisions based on application of reliable facts to pre-established criteria



Applicant – like a plaintiff in a trial; party making the request

- Submits the application
- Bears burden of providing evidence that application meets pre-established criteria



City staff – like a defendant; party responding to the request

- Submits recommendation based on review of the application
- Bears burden of providing evidence that recommendation aligns with pre-established criteria

Quasi-Judicial Public Hearings

Cast of Characters



Party intervenor - has a third-party interest in the application that is greater than the public at large

- Submits request at least 7 business days prior to hearing to intervene, detailing interest and stance on application



Witnesses – provide sworn testimony at request of City staff, applicant, or party intervenor

- May be questioned by Commission members or other parties

General public – may provide relevant evidence to Commission

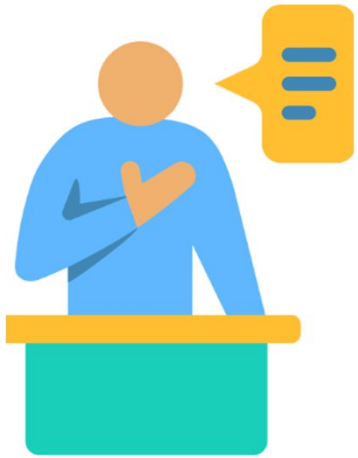
- Must be sworn
- Comments limited to 3 minutes per speaker
- May be questioned by Commission members or other parties
- Not permitted to question or cross-examine other parties

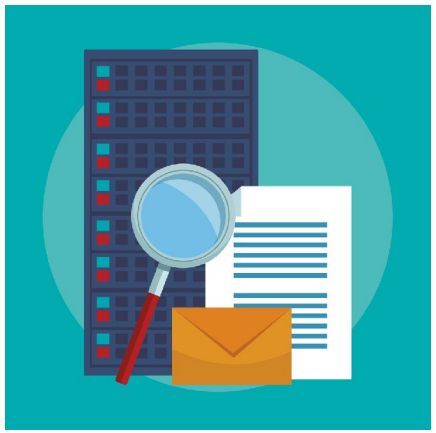
Quasi-Judicial Public Hearings

Rules of Evidence

- Commission decisions **must be based solely** on competent, substantial evidence
  - Relevant and material evidence that a reasonable mind would accept as adequate to support the conclusions reached
- Hearsay evidence may be used for the purposes of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in a civil action.
  - Citizen petitions or written communications from anyone not present at the public hearing are considered hearsay evidence and should not be the basis of any decision in a quasi-judicial matter
  - Citizen testimony stating opposition or support for a quasi-judicial matter is not sufficient basis for a decision







Quasi-Judicial Public Hearings

Ex Parte Communications

- Verbal or written communications made outside of the hearing
  - Permissible so long as the subject of the communication AND identity of the person group, or entity with whom the communication took place must be disclosed and made part of the record **BEFORE** final Commission action on the hearing



Quasi-Judicial Public Hearings
Conduct of Hearing

- Chair announces the agenda item and calls the proceeding to order
- Board Recorder or City staff designee swears in all individuals offering testimony
- Order of Proof:
  - City presentation, including witnesses (if applicable) and City staff recommendations
    - Commission members may ask questions
    - City staff or witnesses may be cross-examined by Applicant or Party Intervenor
  - Applicant presentation, including witnesses (if applicable)
    - Commission members may ask questions
    - Applicant or witnesses may be cross-examined by City staff or Party Intervenor
  - Party Intervenor presentation (if applicable), including witnesses and basis of intervention
    - Commission members may ask questions
    - Party Intervenor or witnesses may be cross-examined by City staff or Applicant

Quasi-Judicial Public Hearings

Conduct of Hearing

- Chair opens the floor for public comment, calling 3 times for same
- Anyone else wishing to offer relevant testimony may present:
  - Limited to 3 minutes per speaker
  - Commission members may ask questions
  - May be cross-examined by City staff, Applicant, or Party Intervenor
- Commission closes public hearing by motion
- Commission deliberates, discussing testimony and evidence presented
  - City Attorney may provide legal advice to the Committee, advising them of relevant law and factual findings that must be made to resolve the application

Quasi-Judicial Public Hearings
Conduct of Hearing

- Commission votes on application:
  - Approve;
  - Approve with conditions; or
  - Deny
    - Any member voting in opposition of an application must cite a specific criteria not being met and provide a statement on how the application fails to meet it

- Commission members may choose to abstain from vote and discussion to protect impartiality and due process if they have expressed bias/prejudice
  - Any abstaining member must complete **Form 8B** – **Voting Conflict of Interest** – and submit to City Clerk's Office following Commission meeting

Chapter 26, Code of Ordinances

- Recommendations on Special Exception (SE) applications within Historic Overlay district (*Ch. 26, Sec. 3.14(h)*)
- Review favorable determinations of the Zoning Official for SE applications within Medical Overlay district (*Ch. 26, Sec. 3.17(f)*)
- Make recommendations to City Council on proposed development agreements (*Ch. 26, Sec. 8.2(f)*)
- Review live-aboard marina applications (*Ch. 26, Sec. 8.6*)
- Review parking & loading requests (*Ch. 26, Sec. 10.4, 10.5, 10.10*)
- Powers & duties set forth in Chapter 26, Section 15.5, “Planning Commission (PC)”
- Review Capital Improvements Program (CIP) from City staff (*Ch. 26, Sec. 16.4(e)*)
- Review applications for Ordinance Text Amendments (*Ch. 26, Sec. 16.7*)
- Review and make recommendations on SE applications (*Ch. 26, Sec. 16.8*)
- Review Zoning Map amendments (*Ch. 26, Sec. 16.11*)
- Review nonconforming land uses (*Ch. 26, Sec. 17.2*)

Sunshine Law

- Applies to any of two or more members of the same elected or appointed board
- **Two or more members of a board may not discuss Commission business outside of a properly noticed public meeting which a) has been called to order, b) has a quorum, and c) at which minutes are taken.**
  - Best practices for Sunshine Law compliance include:
  - NO discussion of Commission business before the meeting is called to order
  - NO discussion of Commission business after the meeting is adjourned
  - NO sidebar conversations during meetings
- Telephone participation by an absent member is only permissible when there is a quorum of the board physically present and the absence is due to extraordinary circumstances, such as illness, and the board approves such participation.
- Non-disruptive or silent videotaping of a public meeting cannot be banned.
- Consequences for violation of the Sunshine Law include criminal penalties, removal from office, non-criminal charges, fines and attorney fees.

Public Records Law

- Each person involved in the business conducted by the City, including board members, has the responsibility to protect, preserve, store, transfer, destroy or otherwise dispose of, use and manage public records only in accordance with the applicable Federal, State and local law, and such rules as may be promulgated or approved by the City.
- Public records are defined as all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, computer records, e-mail or other material, regardless of physical form, characteristics or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.
  - The Florida Supreme Court interpreted this to encompass all materials made or received by an agency/board in connection with official business which are used to perpetuate, communicate or formalize knowledge.
- **Content determines if a record is a public record, not the format**.
- Public records include social media posts regarding official business.
- Records to or from board members regarding City business are public records.

Public Records Law

- Public records must be retained and disposed of in accordance with the State's General Records Schedules.
- At the end of a member's term of appointment, records should be provided to a member's successor or the City Clerk's Office.
- Records must not be destroyed or otherwise disposed of prior to meeting the required retention period established per the appropriate State General Records Schedule.
- Members' agenda packets need not be retained as the City Clerk's Office maintains the record copy of all such material.
- Forward/copy any emails you receive or send regarding City business to retention@cityofpuntagordafl.com other than those sent to or from City staff utilizing a City email account.

Ethics

- Florida Statutes Chapter 112, Part Three, provides for the Code of Ethics for Public Officers and Employees.
  - A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees is published annually by the Florida Commission on Ethics.
  - The law details:
    - Prohibited actions and conduct.
    - Voting conflicts of interest.
    - Financial disclosures.
- Article II, Section 5, of the Florida Constitution prohibits any person from serving on more than one decision-making board.

Ethics

- Florida Statutes 286.012 requires members abstain from voting in certain situations:

Voting requirement at meetings of governmental bodies. A member of a state, county, or municipal governmental board, commission, or agency who is present at a meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may not abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, unless, with respect to any such member, there is, or appears to be, a possible conflict of interest under s. 112.311, s. 112.313, s. 112.3143, or additional or more stringent standards of conduct, if any, adopted pursuant to s. 112.326. If there is, or appears to be, a possible conflict under s. 112.311, s. 112.313, or s. 112.3143, the member shall comply with the disclosure requirements of s. 112.3143. If the only conflict or possible conflict is one arising from the additional or more stringent standards adopted pursuant to s. 112.326, the member shall comply with any disclosure requirements adopted pursuant to s. 112.326.

Ethics

- Florida Statute 112.3143 defines conflicts of interest:

Individuals **must abstain from voting** on a measure which would inure to his/her special private gain or loss or inure to the special private gain or loss of a relative, business associate or principal (other than the government agency) by whom he/she is retained, including the parent, subsidiary or sibling organization of a principal by which he/she is retained. “Relative” means the elected or appointed individual’s father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law ordaughter-in-law. A “business associate” means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venture, co-owner of property or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

Financial Disclosures

- Commission members are required to file Financial Form 1 disclosures with the Florida Commission on Ethics via the online portal

WHEN TO FILE: ***Initially***, each local officer/employee, state officer, and specified state employee must file **within 30 days** of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

Candidates must file at the same time they file their qualifying papers. **Thereafter**, file by July 1 following each calendar year in which they hold their positions.

Finally, file a final disclosure form (Form 1F) within 60 days of leaving office or employment. Filing a CE Form 1F (Final Statement of Financial Interests) does not relieve the filer of filing a CE Form 1 if the filer was in his or her position on December 31, 2025.