



## City of North Port

### ORDINANCE NO. 2022-02

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE RELATING TO THE PERMITTED AND PROHIBITED USES IN ACTIVITY CENTER NUMBER 1 (MEDITERANNEA), ACTIVITY CENTER NUMBER 2 (HERON CREEK), ACTIVITY CENTER NUMBER 3 (GATEWAY), ACTIVITY CENTER NUMBER 4 (PANACEA), ACTIVITY CENTER NUMBER 5 (MIDWAY), AND ACTIVITY CENTER NUMBER 8 (THE GARDENS); AMENDING CHAPTER 55 – ACTIVITY CENTER DESIGN REGULATIONS; AMENDING SECTION 61-3 – DEFINITIONS AND WORD USAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 55 of the Unified Land Development Code lists the permitted and prohibited uses for each activity center; and

**WHEREAS**, the City Commission of the City of North Port desires to expand permitted uses in activity center numbers 1 through 5 and 8; and

**WHEREAS**, the City of North Port Planning and Zoning Advisory Board, designated as the Local Planning Agency, held a properly noticed public hearing on January 6, 2022, to receive public comments on these amendments to the Unified Land Development Code; and

**WHEREAS**, the City Commission of the City of North Port held properly noticed public hearings at first and second readings of this ordinance to review the recommendations of the Planning and Zoning Advisory Board and to receive public comments on these amendments to the Unified Land Development Code; and

**WHEREAS**, the City Commission has determined that these amendments are consistent with the North Port Comprehensive Plan and finds that these amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

#### **SECTION 1 - FINDINGS**

1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.

**SECTION 2 - ADOPTION**

2.01 Chapter 55 of the Unified Land Development Code is amended to read as follows:

**“CHAPTER 55 ACTIVITY CENTER DESIGN REGULATIONS**

...

**Sec. 55-4. – General**

...

F. Where permitted, personal storage establishments shall comply with the following standards:

(1) Building exterior/placement. The entire exterior of any personal storage establishment located within an Activity Center shall conform to the applicable Activity Center design guidelines. Any facade visible from the public right of way shall present the appearance of an office or retail commercial use by incorporating the below design features.

(a) Blank walls shall occupy no more than fifty percent (50%) of a street-facing frontage and shall extend no more than thirty (30) linear feet without being interrupted by a window or entry.

(b) All roll up doors must face away from adjacent rights of way.

(c) Fifty percent (50%) of the ground floor must consist of windows, stylized facades, and/or doors.

(d) Thirty percent (30%) of floors above the ground floor must consist of windows, stylized facades, and/or doors.

(e) Buildings that are more than 150 feet in length/width shall comply with the following for all building walls and frontage walls facing the street: No more than sixty (60) feet of horizontal distance of wall shall extend without architectural relief that is a minimum of thirty (30) feet wide and three (3) feet deep.

(2) On-site operations.

(a) Personal storage establishments shall be limited to use for personal storage only. The personal storage establishment may offer vehicles for sale or rent on the property provided that the personal storage establishment owns or leases the vehicles and places them in the rear of the establishment. No other commercial or industrial use shall be permitted.

(b) Outdoor storage is prohibited unless it is dedicated to the storage of light duty passenger vehicles and trucks, medium duty vehicles, recreational vehicles, and/or boats.

(c) The personal storage establishment operator shall notify each tenant that the unit shall not be used for the maintenance or repair of equipment or machinery

or the storage of animals, hazardous materials and waste, or any other noxious or dangerous materials.

(d) There shall be an on-site manager present at all times when the personal storage establishment is in operation.

...”

[The remaining subsection shall be renumbered.]

2.02 Chapter 55 of the Unified Land Development Code is amended to read as follows:

**“CHAPTER 5 – ACTIVITY CENTER DESIGN REGULATIONS**

...

**ARTICLE I. - MEDITERRANEA (Activity Center #1)**

...

**Sec. 55-15. – Permitted principal uses and structures.**

...

B. Permitted principal uses and structures shall be as follows:

...

(9) Brewpubs.

...

(13) Commercial recreation establishments.

...

(19) General office.

(20) Government.

(21) Hospitals.

(22) Hotels and similar transient lodging facilities.

(23) Houses of worship.

...

(25) Light industrial establishments.

...

(27) Microbreweries.

(28) Microdistilleries.

(29) Microwineries.

(30) Motels.

...

(35) Personal storage establishments.

(36) Postsecondary educational and technical institutions.

...

*[Each insertion to appear in alphabetical order; subsections following each insertion to be renumbered accordingly]*

**Sec. 55-16. – Prohibited uses and structures.**

A. Any use or structure not expressly, or by reasonable implication, permitted herein or permitted by special exception shall be unlawful in this district, including specifically adult entertainment and exhibition establishments, adult bookstores, and any other establishments whose primary purpose is to sell sexually explicit material or the exhibition of sexually explicit activities. Listed permitted or permissible uses do not include either as a principal or an accessory use any of the following:

...

(6) Heavy equipment sales, rental, and/or service.

(7) Heavy industrial establishments.

...

(9) Truck stops.

...”

*[Each insertion to appear in alphabetical order; subsections following each insertion to be renumbered accordingly]*

2.03 Chapter 55 of the Unified Land Development Code is amended to read as follows:

**“CHAPTER 5 – ACTIVITY CENTER DESIGN REGULATIONS**

...

**ARTICLE II. - HERON CREEK (Activity Center #2)**

...

**Sec. 55-20. – Permitted principal uses and structures.**

...

B. Permitted principal uses and structures shall be as follows:

...

(13) Brewpubs.

...

(26) General office.

(27) Government.

...

(29) Hospitals.

(30) Hotels.

...

(37) Parks.

...

(40) Postsecondary educational and technical institutions.

...”

*[Each insertion to appear in alphabetical order; subsections following each insertion to be renumbered accordingly]*

...

**Sec. 55-22. – Prohibited uses and structures.**

Any use or structure not expressly, or by reasonable implication, permitted herein or permitted by special exception shall be unlawful in this district, including specifically adult entertainment, and exhibition establishments, gaming establishments, adult bookstores, and any other establishments whose primary purpose is to sell sexually explicit material or exhibition of sexually explicit activities.

- A. Within all commercial general uses, the following are prohibited:
  - ...
  - (3) Breweries.
  - (4) Communication towers.
  - (5) Distilleries.
  - (6) Heavy equipment sales, rental, and/or service.
  - ...
  - (14) Truck stops.
  - ...
  - (18) Wineries.
  - ..."

*[Each insertion to appear in alphabetical order; subsections following each insertion to be renumbered accordingly]*

2.04 Chapter 55 of the Unified Land Development Code is amended to read as follows:

**“CHAPTER 55 – ACTIVITY CENTER DESIGN REGULATIONS**

...  
**ARTICLE III. - GATEWAY (Activity Center #3)**

...  
**Sec. 55-26. – Permitted principal uses and structures.**

- B. Permitted principal uses and structures shall be as follows:
  - ...
  - (2) Brewery.
  - (3) Brewpub.
  - (4) Commercial recreation establishments.
  - (5) Distillery.
  - ...
  - (7) General office.
  - (8) Government.

- (9) Hospital.
- (10) Hotels.
- (11) Light industrial establishments.
- ...
- (13) Microbrewery.
- (14) Microdistillery.
- (15) Microwinery.
- (16) Motel.
- ...
- (18) Personal services.
- (19) Postsecondary educational and technical institutions.
- ...
- ...
- (26) Travel centers.
- (27) Truck stops.
- ...
- (29) Winery.

*[Each insertion to appear in alphabetical order; subsections following each insertion to be renumbered accordingly]*

**Sec. 55-27. – Prohibited uses and structures.**

- A. Any use or structure not expressly, permitted herein or permitted by special exception shall be unlawful in this activity center, including specifically adult entertainment and exhibition establishments, adult bookstores, any other establishments whose primary purpose is to sell sexually explicit material or the exhibition of sexually explicit activities. The following prohibited uses are listed for emphasis:

- ...
- (6) Heavy equipment sales, rental, and/or service.
- ...
- (8) Heavy industrial establishments.
- ...
- (12) Personal storage establishments.
- ..."

*[Each insertion to appear in alphabetical order; subsections following each insertion to be renumbered accordingly]*

2.05 Chapter 55 of the Unified Land Development Code is amended to read as follows:

**“CHAPTER 55 – ACTIVITY CENTER DESIGN REGULATIONS**

...

**ARTICLE IV. - PANACEA (Activity Center #4)**

...

**Sec. 55-31. – Permitted principal uses and structures.**

...

B. Permitted uses are as follows:

...

(8) Brewery.

(9) Brewpub.

...

(16) Commercial recreation establishments.

...

(18) Distillery.

...

(26) General office.

(27) Government.

(28) Heavy equipment sales, rental, and/or service

...

(30) Hospital.

(31) Hotel.

(32) House of worship.

(33) Light industrial establishments.

...

(37) Microbrewery.

(38) Microdistillery.

(39) Microwinery.

...

(41) Motel.

...

(44) Parks.

(45) Parking and storage of construction equipment.

...

(49) Personal storage establishments.

...

(51) Postsecondary educational and technical institutions.

...

(61) Travel centers.

(62) Truck stops.

...  
(65) Winery.

*[Each insertion to appear in alphabetical order; subsections following each insertion to be renumbered accordingly]*

**Sec. 55-32. – Prohibited uses and structures.**

A. Prohibited uses are as follows:

...  
(5) Heavy industrial establishments.  
..."

*[Each insertion to appear in alphabetical order; subsections following each insertion to be renumbered accordingly]*

2.06 Chapter 55 of the Unified Land Development Code is amended to read as follows:

**“CHAPTER 55 – ACTIVITY CENTER DESIGN REGULATIONS**

...  
**ARTICLE V. - MIDWAY (Activity Center #5)**

...  
**Sec. 55-36. – Permitted principal uses and structures.**

...  
B. Permitted uses are as follows:

- ...  
(7) Brewpub.
- ...  
(10) Commercial recreation establishments.
- ...  
(18) General office.
- (19) Government.
- ...  
(21) Hospital.
- (22) Hotel.
- (23) Light industrial establishments.
- ...  
(26) Microbrewery.
- (27) Microdistillery.
- (28) Microwinery.
- ...  
(33) Personal storage establishments.
- (34) Postsecondary educational and technical institutions.



(35) Parks.

...

*[Each insertion to appear in alphabetical order; subsections following each insertion to be renumbered accordingly]*

**Sec. 55-37. - Prohibited uses and structures.**

A. Prohibited uses are as follows:

...

(4) Brewery.

...

(6) Distillery.

...

(15) Winery.”

*[Each insertion to appear in alphabetical order; subsections following each insertion to be renumbered accordingly]*

2.07 Chapter 55 of the Unified Land Development Code is amended to read as follows:

**“CHAPTER 55 – ACTIVITY CENTER DESIGN REGULATIONS**

...

**ARTICLE VIII. - THE GARDENS (Activity Center #8)**

...

**Sec. 55-56. – Permitted principal uses and structures.**

...

B. Permitted principal uses are as follows:

...

(3) Brewpubs.

...

(7) Commercial recreation establishments.

...

(13) General office.

(14) Government.

...

(16) Hospitals.

(17) Hotels.

(18) House of worship.

...

(21) Microbreweries.

(22) Microdistilleries.

(23) Microwineries.

(24) Motels.

...

(28) Personal services.

(29) Personal storage establishments.

(30) Postsecondary educational and technical institutions.

...

(33) Restaurants.

(34) Retail.

...

*[Each insertion to appear in alphabetical order; subsections following each insertion to be renumbered accordingly]*

**Sec. 55-57. - Prohibited uses and structures.**

A. Any use or structure not expressly or by reasonable implication permitted herein shall be unlawful in this district, including specifically adult entertainment and exhibition establishments, adult bookstores, and any other establishments whose primary purpose is to sell sexually explicit material or the exhibition of sexually explicit activities.

...

(4) Brewery.

...

(7) Distillery.

...

(16) Winery.”

*[Each insertion to appear in alphabetical order; subsections following each insertion to be renumbered accordingly]*

2.08 Chapter 61 of the Unified Land Development Code is amended to read as follows:

**“Chapter 61 – DEFINITIONS**

...

**Sec. 61-3. - Definitions and word usage.**

...

BREWERY - An industrial use that brews ales, beers, meads, or other similar beverages onsite and manufactures more than 35,000 barrels of beverage (all combined) annually.

BREW PUB - A restaurant that manufactures up to 5,000 barrels of fermented malt beverages onsite per year for consumption.

...

BUSINESS SERVICES — See “Office, General.”

...

COMMERCIAL RECREATION ESTABLISHMENT- A recreational facility operated as a business and open to the public for a fee, such as a golf driving range, baseball batting cage, and trampoline park.

...

DISTILLERY - A use that distills spirits or other similar beverages onsite and manufactures more than 75,000 gallons of beverage (all combined) per year.

...

GOVERNMENT – A use in which a facility is operated by any level of government or one of its agencies.

...

HEAVY EQUIPMENT SALES, RENTAL AND/OR SERVICE - An establishment where the site is used for the sale, rental and/or servicing of tools, trucks, tractors, construction equipment, agricultural implements, or similar industrial equipment.

...

INDUSTRIAL —A use related to the fabrication, manufacturing, finishing, packaging, processing or distribution of goods or raw materials. Light and heavy industrial classifications are two levels of intensity of industrial.

...

INDUSTRIAL, HEAVY —Any industrial use that can cause significant noise, odor, or vibration detectable beyond the parcel on which it is located; requires the storage of component materials within public view; and is conducted partially or entirely outdoors.

INDUSTRIAL, LIGHT —Any industrial use that stores all needed materials outside of public view and that does not create and emit fumes, gases, smokes, vibrations, noise, or other factors regarded as nuisances or resulting in adverse effects for adjacent landowners.

...

MANUFACTURING — See “Industrial.”

...

MEDICAL - Of, relating to, or concerned with physicians or the practice of medicine, or treatment or prevention of illnesses and injury excluding hospitals, adult care facilities, and pain management clinics.

...

MICROBREWERY - A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premises, with a capacity of not more than 35,000 barrels per year.

MICRODISTILLERY - A facility for the production of spirits for the distribution, retail, or wholesale, on or off premises, with a capacity of no more than 75,000 gallons of spirits per year.

MICROWINERY - A facility for the production of wine for distribution, retail, or wholesale, on or off premises, with a capacity of no more than 2,000 barrels of wine per year.

...

MINI STORAGE - See “Personal Storage Establishment.”

...

OFFICE, GENERAL – An administrative establishment providing direct services such as advice or the production of intellectual property to the public.

...

PARK - A natural or semi-natural area designed for human enjoyment and recreation. This may include active and/or passive recreational amenities such as, playgrounds, walking trails, benches, gazebos, bodies of water, picnic tables, fishing piers, sport courts, and fields and other similar structures.

...

PERSONAL SERVICES — A use that provides a service directly to the public that is nonmedical in nature as the primary use and may include accessory retail sales of products related to the services.

PERSONAL STORAGE ESTABLISHMENT – An establishment that has a structure or a group of structures containing individual and compartmentalized facilities for the use of personal storage.

...

PLANT NURSERY — The use of land and buildings for the purpose of growing plants for sale, which may include selling those plants and other similar commodities that are accessories to the growth and maintenance of plants.

...

POSTSECONDARY EDUCATIONAL AND TECHNICAL INSTITUTION – Public, private, or non-profit institution that provides educational instruction to individuals post traditional high school age.

...

PROFESSIONAL SERVICES— See “Office, General.”

...

RETAIL— Sale or rental with incidental service of commonly used goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Retail sales for the purpose of this code shall not include auction houses, flea markets, pawn shops or similar establishments, or items used in conjunction with the on-premises repair of an item if the item is not sold individually.

...

TRANSIENT LODGING FACILITIES – Accommodations for overnight or temporary habitation, including, but not limited to bed and breakfast inns, guest cabins and cottages, hotels, motels, inns, and recreational vehicle parks that are offered to the public and intended for rental to transient guests with daily, weekly, or seasonal charges. In addition to lodging, these establishments may provide a range of services to their guests.

...

TRAVEL CENTER – An establishment whose primary use is to provide amenities such as lodging, food and beverage services, and retail to those traveling. A travel center may include accessory uses such as automotive fuel services.

...

TRUCK STOP — An establishment where the primary use is the refueling, servicing, and overnight parking of tractor trailers.

...

WINERY - An industrial use that produces wine or other similar beverages onsite and manufactures more than 2,000 barrels of wine per year.

..”

*[Each insertion to appear in alphabetical order]*

### SECTION 3 – CONFLICTS

- 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

#### **SECTION 4 – SEVERABILITY**

- 4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

#### **SECTION 5 – CODIFICATION**

- 5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any additional codification information and notations appear in *italics*. These editorial notations shall not appear in the codified text.

#### **SECTION 6 – EFFECTIVE DATE**

- 6.01 This ordinance shall take effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on January 25, 2022.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second and final reading in public session on \_\_\_\_\_, 2022.

CITY OF NORTH PORT, FLORIDA

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PETE EMRICH  
MAYOR

ATTEST

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HEATHER TAYLOR, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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AMBER L. SLAYTON  
CITY ATTORNEY