



# City of North Port

## ORDINANCE NO. 2023-02

1           **AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE UNIFIED LAND**  
2           **DEVELOPMENT CODE REGARDING UNIFIED CONTROL REQUIREMENTS AND RELATED**  
3           **DEFINITIONS BY AMENDING SECTIONS 37-6, 37-7, 53-117, 53-205, 53-220, 53-240, 54-3,**  
4           **AND 61-3; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR**  
5           **SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

6  
7           **WHEREAS**, Chapter 163, Florida Statutes provides that municipalities shall have power and responsibility  
8           to implement their comprehensive plan by adoption of appropriate land development regulations; and  
9

10           **WHEREAS**, the City Commission finds it necessary to periodically revise and update the Unified Land  
11           Development Code; and  
12

13           **WHEREAS**, the City Commission finds the proposed amendments are necessary to provide for consistency  
14           with the Florida Statutes, the Economic Development and Property Rights Element of the Comprehensive  
15           Plan, and the Economic Development and Growth Management Pillar of the North Port Strategic Plan;  
16           and  
17

18           **WHEREAS**, the City Commission finds that some existing internal procedures and processes conflict with  
19           certain definitions within the Unified Land Development Code related to applications currently subject to  
20           the provision for “unified control,” and it is necessary to amend or delete those definitions in order to  
21           timely and consistently process development applications; and  
22

23           **WHEREAS**, the City Commission finds that the proposed amendments simplify and clarify the  
24           documentation required by applicants for certain land uses; and  
25

26           **WHEREAS**, the Planning and Zoning Advisory Board, designated as the local planning agency, held a properly  
27           noticed public hearing on December 1, 2022 to receive public comment on the subject matter of this  
28           ordinance and to make its recommendation to the City Commission; and  
29

30           **WHEREAS**, the City Commission of the City of North Port held properly noticed public hearings at first and  
31           second reading of this ordinance to review the recommendations of the Planning and Zoning Advisory Board  
32           and to receive public comment on the subject matter of this ordinance; and  
33

34 **WHEREAS**, the City Commission finds that its action serves the public health, safety, and welfare of the  
35 citizens of the City of North Port, Florida.

36  
37 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

38  
39 **SECTION 1 – FINDINGS**

40  
41 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.

42  
43 1.02 The City Commission finds the regulations in this ordinance to be consistent with the North Port  
44 Comprehensive Plan.

45  
46 **SECTION 2 – ADOPTION**

47  
48 2.01 Chapter 37 of the Unified Land Development Code is amended to read as follows:

49  
50 **“Chapter 37 – SUBDIVISION REGULATIONS**

51 ...

52 **ARTICLE II. – PROCEDURES FOR SECURING APPROVALS**

53 ...

54 **Sec. 37-6. - Subdivision plan submission requirements.**

55 ...

56 A. Documents.

57 ...

58 (3) ~~Ownership and unified control. A notarized statement of ownership or unified control~~  
59 ~~of the entire subdivision. A recorded deed or title opinion reflecting the entity or person~~  
60 holding ownership of the land.

61 ...

62  
63 **Sec. 37-7. - Infrastructure plan submission requirements.**

64 ...

65 A. Documents.

66 ...

67 (4) ~~Ownership and unified control. A notarized statement of ownership or unified control~~  
68 ~~of the entire subdivision. A recorded deed or title opinion reflecting the entity or person~~  
69 holding ownership of the land.

70 ...”

71  
72 2.02 Chapter 53 of the Unified Land Development Code is amended to read as follows:

73  
74 **“Chapter 53 – ZONING REGULATIONS**

75 ...

76 **ARTICLE VIII. PCD PLANNED COMMUNITY DEVELOPMENT DISTRICT**

77 ...

78 **Sec. 53-117. - Requirements for rezoning to a Planned Community Development District.**

79 . . .

80 ~~B. Unified control.~~

81 ~~(1) All land included within the proposed Planned Community Development (PCD) District~~  
82 ~~shall be under the legal control of the applicant(s), whether the applicant(s) be an~~  
83 ~~individual, group(s) of individuals, partnership(s), corporation(s) or trust(s).~~

84 ~~(a) The applicant(s) requesting approval of a PCD shall present a legal document~~  
85 ~~indicating unified control of the entire area within the proposed PCD District.~~

86 ~~(b) The applicant(s) shall furnish a written legal opinion that the applicant(s) and/or~~  
87 ~~developer has the unrestricted right to impose all of the covenants and conditions~~  
88 ~~upon the land, as are contemplated by the provisions of these regulations.~~

89 ~~(2) Agreements and evidence.~~

90 ~~(a) The applicant shall agree to:~~

91 ~~(i) Proceed with the proposed development according to the provisions of these~~  
92 ~~regulations and such conditions as may be attached to the rezoning to PCD;~~

93 ~~(ii) Provide agreements, contracts, deed restrictions and sureties acceptable to~~  
94 ~~the City Commission for completion of the development according to the~~  
95 ~~approved plans and maintenance of such area, functions and facilities as are~~  
96 ~~not to be provided, operated or maintained at public expense; and~~

97 ~~(iii) Bind their successors in title to any commitments made under the preceding~~  
98 ~~subsections.~~

99 ~~(b) All such agreements and evidence of unified control shall be examined by the City~~  
100 ~~Attorney, and no PCD shall be approved without a certification by the City~~  
101 ~~Attorney that such agreement and evidence of unified control meet the~~  
102 ~~requirements of these zoning regulations.~~

103 *[Subsections C and D to be renumbered accordingly]*

104 . . .

105

106 **ARTICLE XVIII. VILLAGE**

107

108 **Sec. 53-205. - Relationship to Comprehensive Plan.**

109

110 The Zoning Regulations in this section implement Objective 1 and 13 of the Future Land Use  
111 Element of the Comprehensive Plan, which state: "Future development activities shall continue  
112 to be directed in appropriate areas as depicted on the Future Land Use Map, and shall encourage  
113 the use of innovative land development regulations, consistent with sound planning principles,  
114 minimal natural limitations, the goals, objectives and policies contained within this plan, and the

115 community character" and "In order to fulfill the build-out vision for the City of North Port, any  
116 property under unified ownership or united application within the City, which can meet the  
117 minimum requirements to form a village, town center, and neighborhoods contributing to the  
118 formation of a village, may receive a Village Land Use Classification," as well as the following  
119 policy:  
120 ..."

121  
122 ~~Sec. 53-220. Unified Control.~~

123 The applicant shall present evidence of the unified control of the development area within the  
124 proposed Village, and shall agree, if they proceed with the proposed development, to do so in  
125 accord with:

126 A. ~~The adopted Village Index Map, Pattern Book and VDPP and all applicable standards.~~

127 B. ~~Other such conditions or modifications as may be contained in the VDPP, subdivision~~  
128 ~~plans, final plat or major site and development plan.~~

129 C. ~~Provide agreements, contracts, deed restrictions, covenants or sureties acceptable to~~  
130 ~~the City for completion of the undertaking in accordance with the adopted Village~~  
131 ~~Index Map, Pattern Book and VDPP as well as for the continuing operation and~~  
132 ~~maintenance of such areas, functions and facilities that are not to be provided,~~  
133 ~~operated or maintained at general public expense.~~

134 D. ~~Bind their development successors in title to any commitments made in the above~~  
135 ~~stated conditions.~~

136 ...

137  
138 **ARTICLE XX. - SPECIAL CIRCUMSTANCE REGULATIONS**

139  
140 **Sec. 53-240. - Special structures.**

141 ...

142 G. Cluster housing.

143 ...

144 (3) ~~Ownership and encumbrance. A certificate of ownership and encumbrance or other~~  
145 ~~evidence acceptable to the City, which evidence shows that the developer has unified~~  
146 ~~control of the development, shall be submitted prior to development plan approval.~~

147  
148 *[renumber remaining subsection accordingly]*

149 ..."

150  
151 2.03 Chapter 54 of the Unified Land Development Code is amended to read as follows:

152  
153 **"Chapter 54 – DEVELOPMENT AGREEMENT REGULATIONS**

154 ...

155 **Sec. 54-3. – Relationship to Comprehensive Plan.**

156  
 157 The Major Development regulations in this chapter implement Objective 7 and Objective 13 of  
 158 the Future Land Use Element of the Comprehensive Plan, which respectively state: "To the extent  
 159 possible in light of the numerous outstanding sales agreements the City shall develop a CIP  
 160 program for the extension of necessary City services. This program may include utility developers  
 161 agreements, additional funding sources, etc." and "In order to fulfill the build-out vision for the  
 162 City of North Port, any property ~~under unified ownership or united application within the City,~~  
 163 which can meet the minimum requirements to form a village, town center, and neighborhoods  
 164 contributing to the formation of a village, may receive a Village Land Use Classification," as well  
 165 as the following policy hereunder:

166 ..."

167  
168 2.04 Chapter 61 of the Unified Land Development Code is amended to read as follows:

169 **"Chapter 61 – DEFINITIONS**

170 ...

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

172 ...

173  
 174 ~~ABUTTING PROPERTY — Any property that is immediately adjacent to, or contiguous with or~~  
 175 ~~that is located immediately across any road or right of way from property that may be subject~~  
 176 ~~to any review or hearing required to be held under these regulations (Chapter 37).~~

177  
 178 ~~ABUTTING PROPERTY — Unless specifically stated otherwise within this ordinance, p~~Properties  
 179 having a boundary line, or point or portion thereof in common, with no intervening street right-  
 180 of-way.

181 ...

182 ~~BOUNDARY WALLS AND FENCES — A wall or fence constructed along the full perimeter of the~~  
 183 ~~property under unified ownership or by controlling home owners association, community~~  
 184 ~~development district or other entity to create a gated community. [Amended 11-24-2003 by~~  
 185 ~~Ord. No. 2002-56]~~

186 ...

187 ~~DEVELOPMENT TRACT — The property under consideration for a development, which may~~  
 188 ~~contain one (1) or more development parcels and shall be under single ownership at the time~~  
 189 ~~of application.~~

190 ...

191 **DWELLING UNITS, TYPES OF:**

- 192  
 193 (1) DUPLEX — A single freestanding conventional building on a single lot, designed for two  
 194 (2) dwelling units ~~under single ownership.~~

195 ...

196  
 197 ~~FAR (Floor To Area Ratio) — The ratio of gross floor area of non-residential development to the~~  
 198 ~~square footage of a given lot, parcel, or site. With multi-story structures it gauges the intensity~~  
 199 ~~of permitted or proposed non-residential development. When residential units are proposed to~~

200 ~~be vertically integrated with non-residential uses, the FAR shall NOT reflect the square footage~~  
201 ~~devoted to the residential use.~~

202 ...

203 FLOOR AREA RATIO (FAR) — ~~The ratio of gross floor area of non-residential development to the~~  
204 ~~square footage of a given lot, parcel, or site. With multi-story structures it gauges the intensity~~  
205 ~~of permitted or proposed non-residential development. When residential units are proposed to~~  
206 ~~be vertically integrated with non-residential uses, the FAR shall NOT reflect the square footage~~  
207 ~~devoted to the residential use. FAR is a mathematical relation between the volume of building~~  
208 ~~and unit of land equal to the total floor area of all non-residential buildings or structures on a~~  
209 ~~lot, parcel, or site divided by the area of said lot, parcel, or site. When a proposed development~~  
210 ~~includes a vertical mixing of uses, residential uses are included in the FAR calculation to ensure~~  
211 ~~the bulk of the development does not exceed the Code allowances.~~

212 ...

213 MULTIPLE OCCUPANCY COMPLEX — ~~A parcel of property under one (1) ownership or singular~~  
214 ~~control, or developed as a unified or coordinated project, with a building or buildings housing~~  
215 ~~two (2) or more occupants conducting a business operation of any kind.~~

216 ...

217 PLAN, MASTER — ~~A graphic and informational representation of a specific design solution for~~  
218 ~~the development of an area under unified control, designed and planned to be developed in a~~  
219 ~~single operation by a series of prescheduled development phases, as in planned community~~  
220 ~~developments, showing the intended division and/or improvements of the property.~~

221 ...

222 PLAN, SITE AND DEVELOPMENT — ~~The site plan statements for use and unified control,~~  
223 ~~preliminary and/or final engineering plans, specifications and calculations and other required~~  
224 ~~certifications, performance guaranties, bonds, agreements, approvals and materials for a~~  
225 ~~development meeting the requirements of these regulations and all other applicable City~~  
226 ~~regulations and codes.~~

227

228 PLANNED DEVELOPMENT — ~~A development that is designed and developed as a cohesive,~~  
229 ~~integrated unit under single ownership or unified control which permits flexibility in building~~  
230 ~~sitting, mixture of housing types or land uses, clustering, common functional open space, the~~  
231 ~~sharing of services, facilities and utilities and protection of environmental and natural~~  
232 ~~resources.~~

233

234 ~~PLANNED COMMUNITY DEVELOPMENT DISTRICT (PCD) — See Article VIII. A large scale~~  
235 ~~development whose essential features are definable boundary; a consistent, uniformed~~  
236 ~~character; overall control during the development process by a single development entity;~~  
237 ~~private ownership of recreation amenities; and enforcement of covenants, conditions and~~  
238 ~~restrictions by a community association.~~

239 ...

240 SHOPPING CENTER — ~~A grouping of consumer-oriented commercial establishments, planned~~  
241 ~~and developed as a single structure or under a unified architectural theme, owned and managed~~  
242 ~~as a unit, and providing a range of goods and services specific to a definable market area and~~  
243 ~~providing customer and employee parking off street and on site.~~

244 ...

245 UNIFIED CONTROL — A recorded agreement or covenant running with a parcel of land  
 246 stipulating that the subject parcel shall be held under single ownership or control and shall not  
 247 be transferred, conveyed, sold or divided in any unit other than in its entirety; provided,  
 248 however, that  
 249 (1) Individual condominium units or residential subdivision lots, if any, may be conveyed to a  
 250 bona fide ultimate individual not intended for resale.  
 251 (2) A subunit of the project may be transferred, conveyed or sold if the purchaser agrees to  
 252 abide with all applicable stipulations and conditions specified in the development permit.  
 253 ...”

255 **SECTION 3 – CONFLICTS**

256  
257 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in  
258 whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

259  
260 **SECTION 4 – SEVERABILITY**

261  
262 4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase,  
263 or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be  
264 deemed a separate, distinct, and independent provision and will not affect the validity of the  
265 remaining portions of the ordinance.

266  
267 **SECTION 5 – CODIFICATION**

268  
269 5.01 In this ordinance, additions are shown as underlined and deletions as ~~strikethrough~~. Any  
270 additional codification information and notations appear in *italics*. These editorial notations are  
271 not intended to appear in the codified text.

272  
273 **SECTION 6 – EFFECTIVE DATE**

274  
275 6.01 This ordinance takes effect immediately upon adoption.

276  
277  
278 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public  
279 session on December 13, 2022.

280  
281 ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in  
282 public session on January 10, 2023.

283  
284 CITY OF NORTH PORT, FLORIDA

285  
286  
287  
288 BARBARA LANGDON  
289 MAYOR

290  
291 ATTEST  
292  
293  
294 \_\_\_\_\_  
295 HEATHER FAUST, MMC  
296 CITY CLERK  
297  
298 APPROVED AS TO FORM AND CORRECTNESS  
299  
300  
301  
302 \_\_\_\_\_  
303 AMBER L. SLAYTON, B.C.S.  
304 CITY ATTORNEY  
305