



City of North Port

ORDINANCE NO. 2020-39

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, CHAPTER 53 – ZONING REGULATIONS, SECTION 53-6, SECTION 53-15, SECTIONS 53-178 THROUGH SECTION 53-186, AND SECTION 53-240 TO REMOVE THE NEIGHBORHOOD COMMERCIAL HIGH INTENSITY (NC-HI) DISTRICT, REMOVE THE NEIGHBORHOOD COMMERCIAL LOW INTENSITY (NC-LI) DISTRICT, ESTABLISH THE NEIGHBORHOOD COMMERCIAL (NC) DISTRICT AND MODIFY THAT DISTRICT'S REQUIREMENTS FOR PERMITTED PRINCIPAL USES AND STRUCTURES, PROHIBITED USES AND STRUCTURES, SPECIAL EXCEPTIONS, DESIGN STANDARDS, BUFFER ZONE AND LANDSCAPING, BICYCLE AND PEDESTRIAN AMENITIES; AMENDING SECTION 61-3, DEFINITIONS AND WORD USAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 3, 2020, the City Commission of the City of North Port, Florida directed the City Manager to present an ordinance to establish a Neighborhood Commercial District and repeal the NC-HI/NC-LI Neighborhood Commercial High/Low Intensity Districts; 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 October 15, 2020 to receive public comments on these amendments to the Unified Land Development Code; and

WHEREAS, the City Commission held properly noticed public hearings at first and second reading 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 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 recitals outlined above are incorporated by reference as findings of fact.

SECTION 2 - ADOPTION

2.01 Chapter 53 of the Unified Land Development Code is hereby amended as follows:

“Chapter 53 - ZONING REGULATIONS

PART 1. – GENERAL PROVISIONS

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Sec. 53-6. – Property requiring Development Master Plan review.

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B. Any and all properties located in the following zoning districts shall first file a Development Master Plan:

...

(3) Neighborhood Commercial (~~NC-HI or NC-LI~~).

...

ARTICLE I. – MAP; BOUNDARIES

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Sec. 53-15. – Establishment of zoning districts.

...

Zoning Symbol	Zoning Districts
...	
NC-LI	Neighborhood Commercial District—Low Intensity
NC-HI	Neighborhood Commercial District—High Intensity
...	

...

PART 2. – SCHEDULE OF DISTRICT REGULATIONS

...

ARTICLE XIV. ~~NC-HI/NC-LI NEIGHBORHOOD COMMERCIAL~~ DISTRICT ~~HIGH/LOW INTENSITY~~ DISTRICTS

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Sec. 53-178. – Intent.

The Neighborhood Commercial (NC) Districts ~~are~~ is intended to provide for the customary and traditional conduct of limited trade, retail sales and commerce in a manner convenient to and yet not disruptive to, adjacent residential areas. The NC District ~~Districts~~ establishes standards for the review of future neighborhood commercial plans and development projects on tracts or parcels located within or adjacent to existing residential neighborhoods, as depicted on the City's Future Land Use. Through coordinated application of standards regulating location and roadway access, open space, ground coverage, height, lighting, signage, landscape and other physical design elements, the intent of the NC District ~~Districts~~ is achieved. Additionally, it provides a mechanism to attract and encourage employers to locate appropriate uses within neighborhood settings, and to contribute to the diversification of the economic base and the quality of life.

All properties in the NC District with an approved development order issued or with an application filed pursuant to Sec. 53-5 prior to December 8, 2020 shall not be deemed nonconforming under these zoning regulations for purposes of the design standards, buffer zone and landscaping requirements described in this chapter.

Sec. 53-179. – Permitted principal, accessory, and special exception uses and structures.

A. Permitted principal uses and structures. Permitted principal uses and structures shall be permitted as follows. The following shall be principal (P), special exceptions (SE) or not permitted (NP) uses and structures allowable in one (1) or both of the (NC) Neighborhood Commercial Districts. All commercial uses listed herein shall be conducted within completely enclosed buildings, unless exempted herein, and shall be visible and accessible to patrons walking or driving to the site and shall hold hours of operation (including deliveries) no earlier than 5:00 a.m. to no later than 10:00 p.m. A waiver as described in Sec. 53-7C(2) shall not be permitted for operation beyond the hours listed above.

- (1) Retail sales and service, provided that all inventory shall be stored within fully enclosed buildings whenever the facility is closed for business. Outdoor vending machines are not permitted.
- (2) Restaurant, including exterior seating and/or outside entertainment.
- (3) Convenience store (no fuel or carwash).
- (4) Daycare center, adult or child, including outdoor play areas.
- (5) Personal services.
- (6) Professional services.

Permitted Principal Uses and/or Structures/Special Exceptions	NC-II	NC-III
(1) Retail sales and service, provided that all inventory shall be stored within fully enclosed buildings whenever the facility is closed for business	P	P
(2) Restaurant	P	P
—(a) With exterior seating	P	P
—(b) With drive-through	NP	SE
—(c) Outside entertainment	SE	SE
(3) Package store to sell alcoholic beverages	SE	SE
(4) Convenience store (no fuel)	P	P
—(a) With fuel pumps	SE	SE

—(b) With car wash	NP	SE
(5) Veterinary clinic/hospital facility accommodating animal convalescence inside completely enclosable buildings	SE	P
(6) Bank and other financial institution/ATM	P	P
—(a) With drive-through	SE	SE
(7) Laundry/dry-cleaning intake facility	P	P
(8) Essential and emergency service	P	P
(9) Personal service		
—Appliance services	SE	P
—Automobile quick wash	SE	SE
—Barber shops	P	P
—Beauty shops	P	P
—Body art shops	P	P
—Dance studios	SE	P
—Duplicating services	P	P
—Funeral homes	SE	P
—Health spas	NP	SE
—In-house carpet servicing	NP	SE
—Massage establishments	P	P
—Photographic studios	P	P
—Radio repair	P	P
—Shoe repair	P	P
—Television repair	P	P
—Tailoring	P	P
—Watch and clock repair	P	P
(10) Day care	SE	SE
(11) Professional office(s) including medical and dental office/clinic	P	P
(12) Private club and lodge	NP	SE
(13) House of worship, provided that minimum parcel size shall not be less than two acres, except that houses of worship may be permitted on less than two (2) acres	SE	P

provided that the house of worship occupies a unit within a shopping center on a lease basis and provided that the house of worship waives its right to be protected under Sec. 53-239(B) of these regulations.		
(14) Adult entertainment	NP	NP
(15) Model homes, not intended for residential purposes	NP	P
(16) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages	SE	SE
(17) Bail bondsman	NP	NP
(18) Check cashing	NP	NP
(19) Quick loan	NP	NP
(20) Pawn shops	NP	NP
(21) Adult living facility, group home, foster care or adult day care	NP	NP
(22) Urban market gardens in accordance with Sec. 53-240(S)	P	P

B. ~~Permitted Accessory uses and structures. Accessory uses and structures shall be allowable permitted in one (1) or both of the NC Neighborhood Commercial District Districts, providing that they meet the following requirements: are:~~

- ~~(1) The use or structure is customarily accessory and clearly incidental and subordinate to permitted or permissible principal or special exception conditional uses and structures; and~~
- ~~(2) Dwelling units in conjunction with a permitted use provided there shall be a maximum of one (1) dwelling unit per business; and the residential use must be attached to the principal building, on the second floor or in the rear of the structure. See Sec. 53-240(C), Boats or other structures being used as dwelling units.~~

C. ~~Special exceptions. Any use not specifically permitted and not specifically prohibited in this zoning district may file for a special exception permit in accordance with Article XXII of this chapter, provided that the use applied for contributes to the intent of the zoning district as stated in the City's Comprehensive Plan and this Unified Land Development Code.~~

Sec. 53-180. – Prohibited uses and structures.

~~The following uses and structures shall be prohibited: Any use, structure or activity not specifically or provisionally permitted herein, including specifically adult entertainment, adult gaming, or exhibition establishments, adult bookstores or any other establishments whose primary purpose is to sell sexually explicit material or the exhibition of sexually explicit activities plus the following uses are specifically prohibited:~~

- ~~A. Manufacturing or industrial establishments.~~
- ~~B. Wholesale establishments.~~
- ~~C. Wholesale clubs.~~
- ~~D. Warehouse and storage.~~
- ~~E. Junkyard or automobile wrecking yard.~~
- ~~F. Fireworks sales or manufacturing.~~
- ~~G. Incinerators.~~
- ~~H. Pain management clinics.~~
- A. Adult living facility, foster care facility, or group home.
- B. Adult use as defined in Section 34-102 of the Code of the City of North Port, Florida.
- C. Bail bond agent.
- D. Bar.
- E. Car wash.
- F. Check cashing facility, payday advance/loan business, and car title loan business.
- G. Drive-through.
- H. Fireworks sales or manufacturing.
- I. Gas station.
- J. House of worship.
- K. Incinerators.
- L. Industrial use.
- M. Junkyard or automobile wrecking yard.
- N. Package store.
- O. Pain management clinics.
- P. Pawnshop.
- Q. Residential uses (except as exempted herein).
- R. Storage of any type.

S. Warehouse.

T. Wholesale club.

U. Wholesale establishment.

Sec. 53-181. – Design Standards.

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~~C. Churches are exempt from these requirements.~~

C. Neighborhood Commercial (NC) District Design Standards

(1) Roof pitch: 4/12

(2) Building placement^(MR1)

(a) Build-to line. All development within properties zoned Neighborhood Commercial shall be required to be built to 15 feet of the property line adjoining roadways as described further. No obstruction to vision is permitted at the intersection of streets and the intersection of a driveway and the street. The area must comply with the visibility triangle and the stopping sight-distance triangle to be clear of all visual obstructions to allow drivers adequate time to perceive a problem (e.g., vehicle, person, animal, or object), react to it, and safely stop to avoid a collision or injury. The length and shape of the stopping sight-distance triangle is affected by the speed of a vehicle, pavement conditions, curves in the road, slopes, and other factors. This area must meet the requirements set forth in the most current edition of the Florida Department of Transportation Design Manual, as amended. If only the front lot line adjoins a roadway, all structures must be built to 15 feet from that front lot line. For a corner lot, structures shall be built to 15 feet from both sides. If three or more sides of a lot adjoin roadways, then the build-to line shall only apply to sides adjoining collector and arterial roadways.

(b) Minimum building setbacks (for sides where the build-to line does not apply):

(i) Rear yard

1. Interior: 5 feet
2. Abutting residential property: 30 feet
3. Waterfront: 25 feet

(ii) Side yard

1. Interior: 7.5 feet
2. Abutting residential zoning: 30 feet
3. Waterfront: 25 feet

(3) Building height: Maximum 35 feet

- (4) Minimum parking: 1 space for each 350 square feet of floor area
- (5) Street trees: 1 every 30 feet on center
- (6) Required parking lot landscaping: A live-screen buffer of hedges at least 4 feet in height are required when the parking is visible from the street.
- (7) Maximum lot coverage: 30%
- (8) Maximum total building footprint square footage per business: 5,000 square feet. Additional square feet per business may be requested through a waiver during the development master plan approval process.
- (9) Minimum lot size: 7,500 square feet
- (10) Minimum lot width: 50 feet
- (11) Minimum open space: 30%
- (12) Ingress/egress access points: 2 per original tract/parcel

Standards	NC-LI	NC-HI
(1) Roof pitch	4/12	4/12
(2) Front yard parking	NP	1 row of parking spaces
(3) Building orientation:		
— a. Front door	Required	Required
— b. Front windows	Required	Required
— c. Sidewalk from street to building	Required	Required
(4) Vehicular access spacing	60 ft. from adjacent driveway or 10 feet from side property line if adjacent driveway does not exist.	TBD
(5) 8 ft. buffer wall with City approved landscaping or a minimum 4 ft. berm with landscaping and trees if adjacent to residential. Prohibited in the required front and side yards	Required/Shown on DMP.	Required/Shown on DMP.
(6) Building setbacks:		
— Front yard	10	0 lot line permitted
— Rear yard	30 ft.	25 ft.
— Side yard:		
— Interior	7½ ft	7½ ft

— Abutting a road	10 ft	10 ft
— Abutting residential zoning	30 ft	30 ft
— Waterfront	25 ft	25 ft
(7) Building height:		
— 1 story	P	P
— 2 story	SE	P
— 3 story	NP	NP
(8) Minimum parking	½ the required per Chapter 25	1 for each 350 sf of floor area
(9) Street trees: 1 every 30 ft on center *see reg. adjacent to residential	Required	Required
(10) Parking lot landscaping:		
— Hedge 4 ft height when buffer parallels a street.	Required	Required
(11) Floor area ratio (FAR)	.25	.30
(12) Maximum lot coverage	25%	30%
(13) Maximum sq per use *House of Worship/Institutional use exempt*	5,000 sq. ft.	5,000 sq. ft. Additional sq. ft. per use through waiver request at DMP.
(14) Minimum lot size	7,500 sq. ft.	7,500 sq. ft.
(15) Minimum lot width	50 ft.	50 ft.
(16) Minimum open space	25%	30%
(17) Ingress/egress access points	2 per original tract/parcel	2 per original tract/parcel

Sec. 53-182. – Buffer zone and landscaping. ~~Zone and Landscaping~~

A buffer zone is intended to provide noise abatement and an effective visual barrier between different land uses. A buffer zone shall consist of a landscaped strip and may include fences, walls or earthen berms which shall serve to provide a year-round visual screen at the time of installation. Visual screening comprised of a mixed planting of trees and shrubs in addition to walls, fences or berms shall serve to obstruct sightlines to and from adjacent properties, except in a required frontage buffer zone where the maximum height shall comply with Chapter 45 so as not to interfere with sight distance.

Landscaping and buffering shall conform to the following requirements and Chapter 21 of the Unified Land Development Code. Required buffering may include, but not be limited to, additional landscaping, opaque fencing or construction of a wall. Tree planting and removal shall conform to the requirements of Chapter 45 of this ULDC.

A. If the landscape buffer ~~zone area is adjacent to~~ abuts a residential property zoning district, except where a build-to-line applies, the landscape buffer area shall be a minimum twenty (20) feet in width. The buffer area shall not include any portion of the required easement. The landscape buffer and easement are separate areas which do not overlap and are mutually exclusive. Stormwater facilities shall be designed and utilized as an additional buffer to residential land uses.

(1) ~~The landscape buffer zone area shall contain at least one of the following~~ meet the requirements of the table below to be approved by City Commission at the development master plan (DMP) application approval. For a property that is to be subdivided, the lot coverage depicted on the Development Master Plan shall determine the buffer zone requirements. For any phased development, the applicable buffer would need to be installed for the entire site during the first phase of construction on the site.

Each development within the NC Neighborhood Commercial District is reviewed on an individual basis and must meet the requirements in the table based on lot coverage. The maximum lot coverage is 30%, resulting in the strictest of guidelines.

<u>Lot Coverage</u>	<u>Buffer</u>
<u>17% - 30%</u>	<u>8-foot wall with trees and shrubs on the outside of the wall facing the adjacent properties. At maturity, tree and shrub should be full coverage from ground to treetop.</u>
<u>11% - 16.9%</u>	<u>6-foot fence and trees and shrubs on the outside of the fence facing the adjacent properties. At maturity, tree and shrub should be full coverage from ground to treetop.</u>
<u>Below 11%</u>	<u>Trees and shrubs along the buffer zone. At maturity, tree and shrub should be full coverage from ground to treetop.</u>

(a) ~~An~~ The eight-foot wall, placed on the non-residential side of landscape buffer as shown in Figure 1 below, with City approved landscape plantings to create an opaque screening to adjacent residential land uses. Trees and shrubs shall be solid masonry with cap and stucco, painted the same color as the building.

(b) The six-foot fence, placed on the non-residential side of landscape buffer, requires a fence permit. Chain-link, split rail, stockade or similar types of fences are not permitted.

i. ~~Walls shall be solid masonry with cap and stucco, painted the same color as the building.~~

ii. ~~Where natural vegetation creates an opaque screening, landscape plantings are not required.~~

iii. The opaqueness of the landscaping shall be determined by the City.

iv. The buffer shall be twenty (20) feet wide with two rows of trees planted in a staggered pattern. Each row of trees shall be planted every forty (40) feet on center. One (1) row of trees shall be planted on the first ten (10) feet adjacent to the wall with major shade trees found in Sec. 45-19. The other row of trees shall be small and medium shade trees found in Sec. 45-19. Hedges shall be planted every thirty six (36) inches on center in line with the major shade tree row, in accordance with Sec. 21-9.

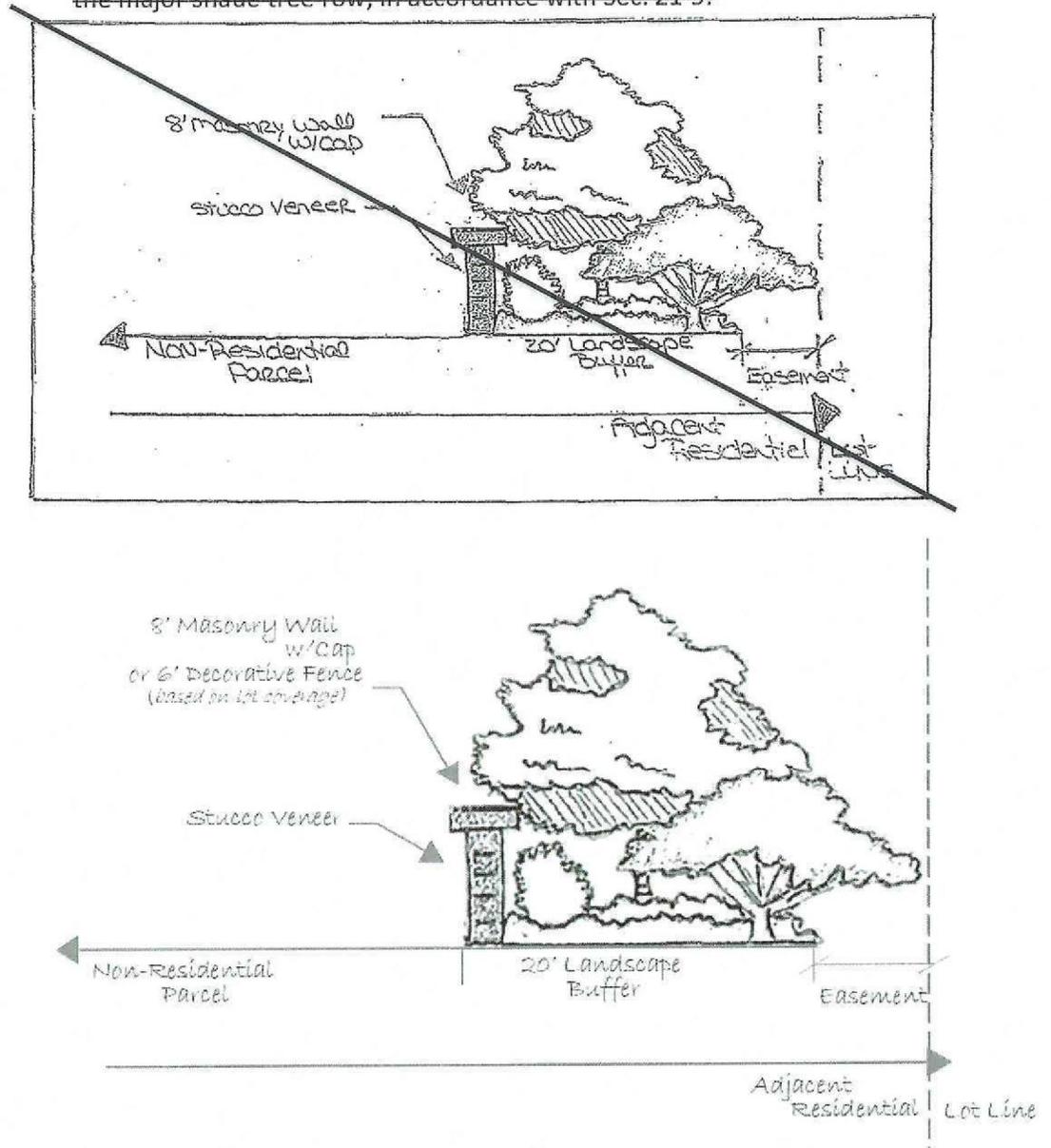


Figure 1 [AS2] [AS3]

(c) The buffer shall be twenty (20) feet wide with two rows of trees planted in a staggered pattern. Each row of trees shall be planted every forty (40) feet on center. One (1) row of trees shall be planted on the first ten (10) feet adjacent

to the wall with major shade trees identified in Sec. 45-19. The other row of trees shall be small and medium shade trees identified in Sec. 45-19. Hedges shall be planted every thirty-six (36) inches on center in line with the major shade tree row, in accordance with Sec. 21-9. Where natural vegetation creates an opaque screening, landscape plantings are not required.

~~(b) A berm utilized as a planted buffer if sufficient erosion control methods are deemed maintainable.~~

~~i. Berms plus hedges on top of berm shall be maintained at a minimum of seven (7) feet from natural grade and trees shall be planted in a staggered pattern on the berm. Each row of trees shall be planted forty (40) feet on center. One (1) row of trees shall be planted on the commercial interior side with small and medium shade trees found in Sec. 45-19. The outer row of trees shall be planted with major shade trees found in Sec. 45-19.~~

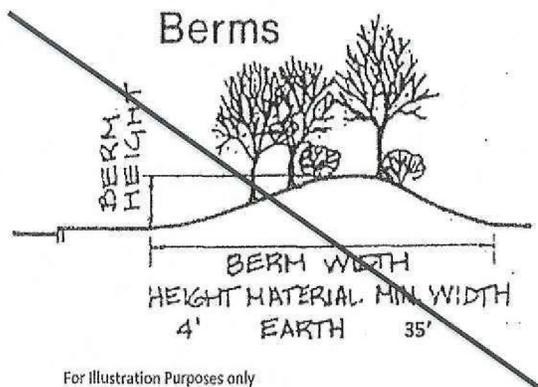
~~ii. Minimum berm of four (4) feet, with hedges that shall be installed at three (3) feet and maintained at a minimum of seven (7) feet. Sodded slopes shall be no steeper than 4:1 plus a three-foot top. Berms shall be landscaped with plantings and/or other landscape materials, to ensure against erosion. Other landscape materials are not to be used in lieu of the required hedges. Sod, ground cover or other plant or landscape material as approved by the City shall be used to completely cover and stabilize the berm on all sides. The berm shall be graded to a smooth level to create a natural ground landscape.~~

~~iii. Any stabilization methods shall be signed and sealed by a landscape architect or engineer and approved by the City prior to installation.~~

~~a. The responsibility for maintenance of a berm within a development shall remain with the owner of the property, his successors, heirs, assigns or any consenting grantee. Maintenance is required to ensure proper functioning of the berm as a landscaped area.~~

~~b. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not limited to watering, tilling, fertilizing and spraying, mowing, weeding, removal of litter and dead plant material and necessary pruning and trimming.~~

~~c. In the case of a natural disaster, those plantings located on the berm area which are destroyed must be replaced within the following periods of time; in case of a freeze, within ninety (90) days; in case of a declared natural disaster (e.g., flood, hurricane, etc) in which City ordinances are suspended, within one (1) year following such a natural disaster, these planting materials shall be replaced.~~



- ~~iv. Structures shall not be placed on top of the berm.~~
- ~~v. A City approved six-foot decorative fence shall be provided along the property line adjacent to residential uses.~~

- ~~vi. Invasive species shall be completely removed and the developer shall plant non-invasive vegetation to be approved by the City.~~
- ~~vii. The berm shall not block any drainage flow, and the stormwater runoff from the berm shall not cause adverse impact(s) to off-site or on-site properties. No portion of the berm shall be located within the easement or right-of-way.~~
- ~~viii. Berms shall not be permitted to be placed within the area between fire hydrants and roadways.~~

[This amendment includes deletion of diagram above entitled "Berms," depicting berm height and berm width as well as diagram above showing landscape buffer to be replaced by Figure 1.]

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Sec. 53-183. – Bicycle and pedestrian amenities.

...

Bicycle and pedestrian amenities shall be provided as determined by the square footage of the building(s) on the site as indicated in the table below.

- ~~A. Public art shall be provided as part of pedestrian amenities and it shall be the responsibility of the developer to submit plans in compliance with Chapter 59 of this B.~~
- ~~B. A. Bicycle racks shall be provided within fifty (50) feet of any customer entrance. These racks shall be in a design and type as indicated in the Urban Design Standards Pattern Book of the Activity Center located closest to the Neighborhood Commercial District development and shall be designed to store a minimum of six (6) bicycles each.~~
- ~~C. B. Benches shall not be less than six (6) feet in length and shall have either structural or vegetative shading.~~
- ~~D. C. All drinking water Water fountains shall be chilled water and meet ADA requirements. provide for filling of water bottles. The fountains must meet ADA requirements.~~

Gross Floor Area of Structure(s)	Required Bicycle or Pedestrian Amenity
0—20,999 <u>square feet</u>	2 bike racks, one bench
21,000—40,999 <u>square feet</u>	2 bike racks, two benches
41,000+ <u>square feet</u>	3 bike racks, three benches

Sec. 53-184. - Permitted signs.

See Chapter 29, Sign Regulations, of this Unified Land Development Code for details on regulations governing number, size and height limitations.

A. Permitted signs in a Neighborhood Commercial District shall be as follows:

...

(3) Wall signs: Twenty-four (24) square feet of maximum allowable sign face

~~NC-LI Twenty-four (24) square feet of maximum allowable sign face.~~

~~NC-HI Twenty-four (24) square feet of maximum allowable sign face.~~

...

B. Prohibited signs in a Neighborhood Commercial District shall be as follows:

(1) Off-site signs are prohibited in ~~all the~~ the NC Neighborhood Commercial District Districts.

...

(5) For aesthetic and environmental reasons, no air-driven or noise-emitting devices, including but not limited to balloons, shall be permitted as an advertising sign in the NC Neighborhood Commercial Districts.

Sec. 53-185. – Minimum lot requirements. ~~Lot Requirements.~~

Building sites on existing tracts or parcels in ~~an~~ the NC Neighborhood Commercial Districts shall have an area of not less than seven thousand five hundred (7,500) square feet with a minimum width of fifty (50) feet measured along the front property line.

Sec. 53-186. – Submission, review and approval process.

Chapter 33, "Major Site and Development Plans" shall govern the submission, review and approval process for projects proposed for tracts or parcels designated as Neighborhood Commercial ~~zoning districts.~~"

2.02 Section 53-240 of the Unified Land Development Code is hereby amended as follows:

"Chapter 53 - ZONING REGULATIONS

...

**PART 3. – SPECIAL DISTRICT REGULATIONS
ARTICLE XX. – SPECIAL CIRCUMSTANCE REGULATIONS**

...

Sec. 53-240. - Special ~~structures.~~ Structures.

...

S. Urban market gardens.

...

(2) Required planting setbacks and buffer requirements.

...

(c) In the Neighborhood Commercial (NC) zoning district districts, urban market gardens that are not adjacent to residential zoning districts or residential uses are exempt from the buffer wall or berm requirements found in Sec. 53-182A(1).

..."

2.03 Section 61-3 of the Unified Land Development Code is hereby amended as follows:

"Chapter 61 – DEFINITIONS

...

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

...

AUTOMOBILE WRECKING YARD – The dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled, inoperable, or wrecked motor vehicles or their parts.

...

BAIL BOND AGENT – A person or business that pledges United States currency, United States postal money orders, or cashier’s checks as security for a bail bond in connection with a judicial proceeding and receives or is promised therefor money or other things of value.

...

BUILD-TO LINE – A line with which the exterior wall of a building in a development is required to coincide. Minor deviations from the build-to line for such architectural features as weather protection, recesses, niches, ornamental projections, entrance bays, or other articulations of the facade are permitted.

...

BUSINESS (activity) – The purchase, sale, or other transaction or place thereof involving the handling or disposition of any article, substance, commodity for livelihood or profit, including in addition, operation or provision of any service or service establishment, office building, outdoor advertising sign or structure, recreational or amusement enterprise conducted for livelihood or profit. Any activity regularly engaged in by any person, or caused to be engaged in by any person, for the purpose of private or public gain, benefit, or advantage.

BUSINESS (entity) – A commercial establishment, office, institutional, or industrial use which produces goods or provides goods or services.

...

CAR TITLE LOAN BUSINESS – An establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to the vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. The loan terms are often for 30 days and failure to repay the loan or

make interest payments to extend the loan allows the lender to take possession of the car or vehicle.

...

CHECK CASHING BUSINESS – An establishment that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time, the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose for compensation by any person or entity other than a retail seller engaged primarily in the business of selling consumer goods, including consumables to retail buyers, that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business, provided such retailer does not cash more than 100 checks in any calendar month. This definition excludes a state or federally chartered bank, savings and loan association or credit union, pawnshop or grocery store.

...

PACKAGE STORE – Package store means a vendor licensed by the state to sell all alcoholic beverages for consumption off-premises. The sealed package must not be broken, and the contents must not be consumed in or on the premises under such a license.

...

PAYDAY ADVANCE/LOAN BUSINESS – An establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim the person's check.

...

PRIVATE CLUB – Any establishment devoted primarily to the retailing and on-premises drinking of malt, vinous or other alcoholic beverages. Private clubs include, bars, cocktail lounges, taverns, night clubs, bottle clubs, and similar facilities serving alcoholic liquor. Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit which benefits any individual and not primarily to render a service which is customarily done as a business.

...

RESIDENTIAL USE – Activities within land areas used predominantly for housing.

...”

SECTION 3 – CONFLICTS

3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 4 – SEVERABILITY

4.01 If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall 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.
- 5.02 A codification note should be added to Section 1-2 to advise readers that the practice of listing each ordinance amending the ULDC was discontinued in 2011 when the codification services commenced.

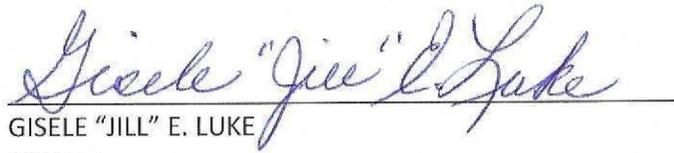
SECTION 6 – EFFECTIVE DATE

- 6.01 This ordinance shall take effect immediately after adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session the 27th day of October 2020.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida on the second and final reading in public session this 8th day of December 2020.

CITY OF NORTH PORT, FLORIDA



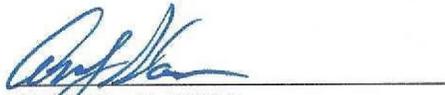
GISELE "JILL" E. LUKE
MAYOR

ATTEST



HEATHER TAYLOR, CMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS



AMBER L. SLAYTON
CITY ATTORNEY