



STAFF REPORT

Proposed Revisions to Neighborhood Commercial Zoning

Ordinance 2020-39 (TXT-20-115)

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Date: September 23, 2020

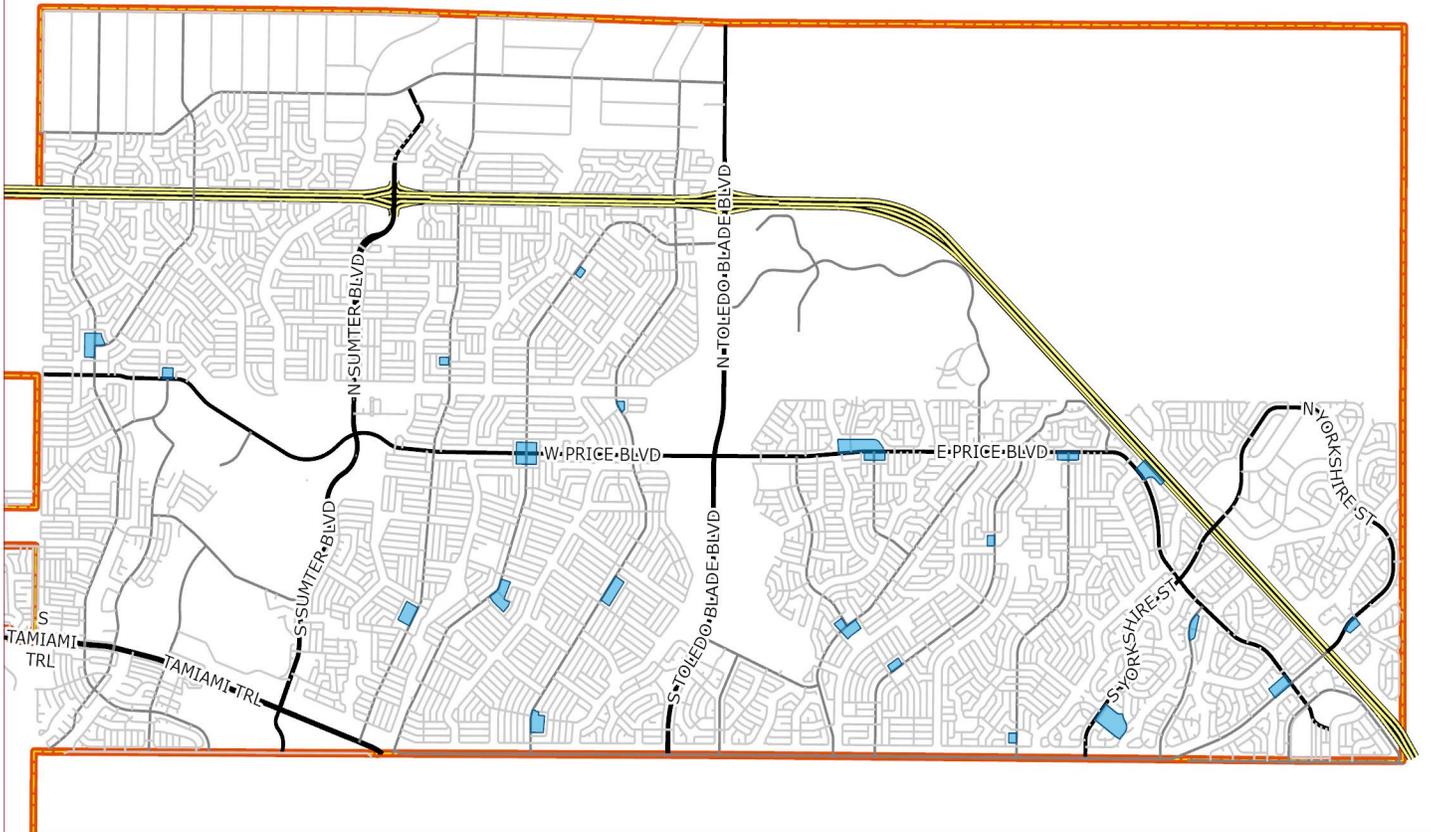


Prepared by NDS
- Planning Division
September 30, 2020

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TXT-20-115

Neighborhood Commercial



PROJECT: Ordinance 2020-39, Proposed Revisions to Neighborhood Commercial Zoning

REQUEST: Consider proposed ULDC text amendments (TXT-20-115)

APPLICANT: City of North Port

LOCATION: City-wide for properties zoned as Neighborhood Commercial

I. BACKGROUND

City Commission discussed the Neighborhood Commercial Zoning Districts at their September 17, 2019 workshop and identified use limitations, property constraints, buffering widths, and associated costs, size limitations, and design costs. Commission requested that staff research and include the above in draft language to amend the Unified Land Development Code (ULDC). This draft language expanding and addressing the above concerns was brought before City Commission at a workshop on February 3, 2020. At this workshop, Commission provided direction on the Neighborhood Commercial draft language and requested an ordinance be brought back in advance of the ULDC rewrite.

II. DATA & ANALYSIS

This text amendment to the Unified Land Development Code is amending Chapter 53 – Zoning Regulations and Chapter 61 – Definitions to change Neighborhood Commercial zoning. Specifically, this amendment would consolidate the Neighborhood Commercial Low-Intensity (NC-LI) and Neighborhood Commercial High-Intensity (NC-HI) districts into a new Neighborhood Commercial (NC) district.

FLORIDA STATUTES

FLA. STAT. §166.041 Procedures for adoption of ordinances and resolutions

The notice requirements pursuant to this Statute have been met and are detailed in Section IV of this Staff Report.

[Staff concludes that the ordinance for the text amendment to the ULDC has been properly noticed.](#)

COMPREHENSIVE PLAN

Future Land Use Element : Policy 4.10

This policy states that “the City shall continue to amend the Unified Land Development Code to provide up-to-date design requirements to ensure that development of neighborhood commercial areas that are compatible with surrounding residential land uses through the use of screening, landscaping and buffer yards.”

The proposed revisions consolidate the Neighborhood Commercial High-Intensity (NC-HI) and Neighborhood Commercial Low-Intensity (NC-LI) into a single Neighborhood Commercial (NC) district. For this, the list of permitted and prohibited uses have been revised. The list of permitted uses have been made more generalized to allow for a variety of commercial activities at the neighborhood scale to serve adjoining residences. These uses are time-restricted to operate only between the hours of 5am-10pm so as to not be a nuisance to adjoining areas. Further, the list of prohibited uses has been expanded to ensure that under no circumstances higher intensity uses can be allowed in the NC districts. The additional prohibited uses include adult uses, adult living facility, group home or foster care, bail bond agent, bar, car wash, check cashing facility, drive-through, house of worship, package stores (all liquor sales), pawn shop, fuel sales and 24-hour business operation. Further, residential uses are prohibited unless the use is accessory in nature, located on the second floor or in the rear of the structure. All uses not explicitly permitted or prohibited can be permitted by the special exception

process detailed in ULDC Sec. 53-179.A. These changes will ensure that development is most compatible with adjoining residences while also allowing for a neighborhood scale of a variety of commercial uses.

The draft amendment includes revised buffer requirements based on lot coverage. For high lot coverages (30%-17%), the buffer includes an 8ft wall with trees and shrubs facing the property. This allows for sound buffering as a wall reduces noise levels by 10 to 15 decibels (Zoning Buffers: Solution or Panacea?), while trees and shrubs can provide a reduction of 8 decibels or more (Suburban Noise Control with Plant Materials and Solid Barriers). Additionally, the trees and shrubs provide an aesthetically appealing visual barrier for residences. These additional requirements will allow for better visual and sound screening of residences from NC uses.

Staff concludes that the revisions proposed in Ordinance 2020-39 to the Neighborhood Commercial zoning district are consistent with Policy 4.10 of the Future Land Use Element of the Comprehensive Plan.

ULDC

ULDC Sec. 1-12—Amendments.

This section of the ULDC authorizes amendments to the zoning regulations in the ULDC from time to time and provides the procedures for such amendments.

The proposal meets the requirements for the initiation and notice for the amendment. Further, public hearing and action from Planning and Zoning Advisory Board and City Commission meets requirements.

Staff concludes that the proposed text amendment is consistent with ULDC Sec. 1-12—Amendments.

CONSENSUS ITEMS

City Commission provided specific direction during the February 2, 2020 workshop. Those consensus items have been addressed in Ordinance 2020-39 as follows:

1. Consensus to have a 15-foot build-to line from front of building to roadways and for staff to bring back a GIS review.

The 15-foot build-to line is addressed in Sec. 53-181 – Design standards in lines 142-143. Maps of the neighborhood commercial properties showing the proposed build-to line are attached in Exhibit C. This is to visually show the effect of the build-to line on the property and its interaction with the required buffer.

2. Consensus for fuel pumps/gas stations to be added to the not permitted list.

Gas stations have been added to Sec. 53-180 – Prohibited uses and structures in line 123.

3. Consensus to add adult daycare to the permitted uses and remove it from the not permitted list.

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Adult daycare has been added to Sec. 53-179 – Permitted principal, accessory and special exception uses and structures in line 75.

4. Consensus that residential components be within the business structure on second floor or rear of structure.

This language has been added to Sec. 53-179 – Permitted principal, accessory and special exception uses and structures in lines 88-90 under subsection B. (2).

5. Consensus to remove “boats or other structures being used as dwelling units” language.

This language has been removed.

6. Consensus to add “residential unless exempted herein” to not permitted list.

This language has been added to Sec. 53-180 – Prohibited uses and structures in line 131.

7. Consensus to remove non-profit from special exception uses.

This language has been removed.

8. Consensus to add 24-hour operation to not permitted list.

24-hour operation has been added to Sec. 53-180 – Prohibited uses and structures in line 133.

9. Consensus to remove sound restrictions language.

This language has been removed.

10. Consensus for staff to review definitions and update accordingly, specifically adding “bank” to definition of professional services.

Staff is comprehensively reviewing definitions during the ULDC rewrite process. Some definitions relevant to the Neighborhood Commercial zoning district have been added or edited and are included in the draft ordinance beginning with line 348. After reviewing the definitions for professional services, personal services, and bank, a bank would fall under the definition for personal services which are permitted in the NC district.

11. Consensus to add language that items not listed in permitted or non-permitted uses require a special exception.

This language has been added to Sec. 53-179 under subsection C in lines 93-97. Additionally, uses that were previously listed in the use table as special exception uses only have been removed.

12. Consensus to remove vehicular access parking (#4 listed in Design Standards table).

This language has been removed.

CONSENSUS ITEMS

13. Consensus to remove item #5 – buffer wall (#5 listed in Design Standards table).

This language has been removed.

14. Consensus for maximum building height to be 35 feet.

This language has been added to Sec. 53-181 – Design standards under subsection C in line 151.

15. Consensus for maximum square footage per use to be 5,000 square feet with 5,001 square feet or more waiver requirement.

This language has been amended and can be found in Sec. 53-181 – Design standards as item 8 under subsection C in lines 157-159. It was clarified that the waiver request must be at the time of approval of a development master plan.

16. Consensus for “per use” to be changed to “per business”, including in the previous consensus.

This language has been changed to reflect “per business” rather than “per use” and is reflected in line 157.

17. Consensus for staff to provide buffer option images, and pros and cons to gain sight, sound, and restrictiveness between incompatible land uses.

Staff has provided images to show the three proposed buffer options based on lot coverage as well as a table with pros and cons based on limited sight and sound disturbances from differing uses. These are included in Exhibit D.

18. Consensus to remove language regarding public art requirement for Neighborhood Commercial.

This language has been removed.

19. Consensus to revisit the bike rack at future discussion (maybe just one for 5,000 square feet).

This is a decision that Commission chose to wait and have at a later time. Staff will include this in the ULDC rewrite.

MAJOR CHANGES

Proposed amendments to the Neighborhood Commercial Zoning include an overall update, but focus on a few key areas from the Commission's original concerns. This includes revisions to the permitted, prohibited, and special exception uses, changes to the design standards, and changes to the buffer requirements.

Revisions to Permitted, Prohibited, and Special Exception Uses:

The proposed amendment removes the detailed use table that previously listed specific uses and whether they were prohibited, permitted, or permitted by special exception only in both Low Intensity and High Intensity districts. The proposed language focuses on broad permitted uses such as personal and

professional services, rather than listing specific uses that fall under each. This would allow for more flexibility of uses by right, in response to Commission concerns that the previous uses were too restrictive. The prohibited uses have been expanded to include specific Commission direction including 24-hour operations, residential uses (unless exempted), and gas stations. Language was added to allow any uses not specifically permitted or prohibited to be permitted by special exception, which must be approved by City Commission. The goal of these adjustments is to maximize development potential while maintaining the highest level of compatibility with the surrounding neighborhood character.

Revisions to Design Standards:

Sec. 53-181—Design standards provides standards to ensure development in this zoning district maintains and enhances the attractiveness of the streetscape and existing design of the neighborhood. The proposed amendment removes the existing table, which identifies these standards for NC-LI and NC-HI separately, and instead lists the design requirements for the merged district as a whole. These regulations include a maximum of 5,000 square feet per use, which based on Commission direction has changed to a maximum of 5,000 square feet per business. The option to apply for additional square footage through a waiver request at the time of development master plan approval remains unchanged.

Additionally, Commission directed a 15-foot build-to line be implemented in the proposed language adjacent to roadways rather than a setback. This ensures there is a consistent look and feel to the streetscape as buildings will be required to be placed at this line. This creates a more aesthetically pleasing neighborhood and increased walkability as the focus of development shifts to the interaction with the surrounding residential community. Concerns were raised that this would negatively impact property owners and limit their use of the property. Included in Exhibit C is a GIS review with maps showing the effect of the build-to line.

Revisions to Buffer Requirements:

Sec. 53-182—Buffer Zone and Landscaping details buffer zone requirements for this zoning district to provide a visual barrier and noise abatement between differing land uses. As previously discussed by Commission, the proposed language includes buffer requirements based on lot coverage of the Neighborhood Commercial development. A lower lot coverage results in a less intense development, and therefore the required buffer is less extensive. As the lot coverage increases the required buffer becomes more restrictive. The goal is to incentivize compatible design instead of

MAJOR CHANGES

mandatory burdensome buffer requirements. A lot coverage of below 11% requires only a vegetative buffer while a lot coverage of 17% - 30% (the maximum lot coverage is this zoning district) requires an 8-foot wall with vegetation on the residential side. This replaces the current requirements for a wall or berm on all properties as Commission was concerned about imposing these kinds of physical restrictions on Neighborhood Commercial properties. The maps included in Exhibit C also illustrate the proposed buffer and existing berm buffer widths along with showing the proposed build-to line to more accurately show impact on properties. Images of the buffer options mentioned above, are included in Exhibit D. These images show the view of the proposed buffers from the abutting residential property. The maps and images show that requiring a 15-foot build-to line abutting roadways and a 20-foot landscape buffer abutting residential would not negatively impact the ability to develop Neighborhood Commercial properties. The images show that adequate screening is provided by different combinations of landscaping, fences, and walls depending on the intensity of development. Determining the intensity of development by lot coverage and varying the buffer requirements accordingly also helps lessen the financial burden on Neighborhood Commercial property owners wishing to develop their properties.

III. PUBLIC NOTICE & HEARING SCHEDULE

PUBLIC NOTICE

Ordinance 2020-39 was advertised in a newspaper of general circulation within the City of North Port on September 30, 2020 pursuant to the provisions of Section 166.041(3)(a), Florida Statutes, Section 7.01(c) of the Charter of the City of North Port, and Chapter 1, Article II, Section 1-12 of the City's Unified Land Development Code (ULDC), as amended (Exhibit B).

PUBLIC HEARING SCHEDULE

Planning and Zoning Advisory Board Public Hearing	October 15, 2020 9:00 AM or as soon thereafter
City Commission 1st Reading Public Hearing	October 27, 2020 6:00 PM or as soon thereafter
City Commission 2nd Reading Public Hearing	November 10, 2020 10:00 AM or as soon thereafter

IV. RECOMMENDED ACTION

Approval of Ordinance 2020-39 with direction on policy decisions.

VI. ALTERNATIVE ACTIONS

- Denial of Ordinance 2020-39.
- Approval of Ordinance 2020-39 with changes to draft language.

VII. EXHIBITS

A	Ordinance 2020-39
B	Public Notice
C	Maps depicting 15-foot Build-to Line for NC Districts
D	Buffer Images



City of North Port

ORDINANCE NO. 2020-39

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT, CHAPTER 53, ARTICLE XIV, 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.

1 **WHEREAS**, on February 3, 2020, the City Commission of the City of North Port, Florida directed the City
2 Manager to present an ordinance to establish a Neighborhood Commercial District and repeal the NC-
3 HI/NC-LI Neighborhood Commercial High/Low Intensity Districts; and
4

5 **WHEREAS**, the City of North Port Planning and Zoning Advisory Board, designated as the Local Planning
6 Agency, held a properly noticed public hearing on October 15, 2020 to receive public comments on these
7 amendments to the Unified Land Development Code; and
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9 **WHEREAS**, the City Commission held properly noticed public hearings at first and second reading of this
10 ordinance to review the recommendations of the Planning and Zoning Advisory Board and to receive
11 public comments on these amendments to the Unified Land Development Code; and
12

13 **WHEREAS**, the City Commission finds that these amendments serve the public health, safety, and welfare
14 of the citizens of the City of North Port, Florida.
15

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

17
18 **SECTION 1 - FINDINGS**

19
20 1.01 The recitals outlined above are incorporated by reference as findings of fact.
21

22 SECTION 2 - ADOPTION

23

24 2.01 Chapter 53 of the Unified Land Development Code is hereby amended as follows:

25

26 "Chapter 53 - ZONING REGULATIONS

27 PART 1. – GENERAL PROVISIONS

28

...

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

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...

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

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...

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

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37 ARTICLE I. – MAP; BOUNDARIES

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

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

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43 PART 2. – SCHEDULE OF DISTRICT REGULATIONS

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

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...

48 Sec. 53-178. – Intent.

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

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

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 63 A. Permitted principal uses and structures. Permitted principal uses and structures shall be
 64 permitted as follows. The following shall be principal (P), special exceptions (SE) or not
 65 permitted (NP) uses and structures allowable in one (1) or both of the (NC) Neighborhood
 66 Commercial Districts. All commercial uses listed herein shall be conducted within
 67 completely enclosed buildings, unless exempted herein, and shall be visible and
 68 accessible to patrons walking or driving to the site and shall hold hours of operation
 69 (including deliveries) no earlier than 5:00 a.m. to no later than 10:00 p.m.

70
 71 (1) Retail sales and service, provided that all inventory shall be stored within fully
 72 enclosed buildings whenever the facility is closed for business.

73 (2) Restaurant, including exterior seating and/or outside entertainment.

74 (3) Convenience store (no fuel or carwash).

75 (4) Daycare center, adult or child, including outdoor play areas.

76 (5) Personal services.

77 (6) Professional services.

78

Permitted Principal Uses and/or Structures/Special Exceptions	NC-LL	NC-HH
(1) Retail sales and service, provided that all inventory shall be stored within fully enclosed buildings when ever 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

Exhibit A

Ordinance No. 2020-39

(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 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.	SE	P
(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

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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 commercial use ~~provided there shall be a maximum of one (1) dwelling unit per business; and the residential use must be 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.~~

- 113 ~~G. Incinerators.~~
- 114 ~~H. Pain management clinics.~~
- 115 A. Adult living facility, foster care facility, or group home.
- 116 B. Adult use as defined in Section 34-102 of the Code of the City of North Port, Florida.
- 117 C. Bail bond agent.
- 118 D. Bar.
- 119 E. Car wash.
- 120 F. Check cashing facility, payday advance/loan business, and car title loan business.
- 121 G. Drive-through.
- 122 H. Fireworks sales or manufacturing.
- 123 I. Gas station.
- 124 J. House of worship.
- 125 K. Incinerators.
- 126 L. Industrial use.
- 127 M. Junkyard or automobile wrecking yard.
- 128 N. Package store.
- 129 O. Pain management clinics.
- 130 P. Pawnshop.
- 131 Q. Residential uses (except as exempted herein).
- 132 R. Storage of any type.
- 133 S. Twenty-four (24) hour operation.
- 134 T. Warehouse.
- 135 U. Wholesale club.
- 136 V. Wholesale establishment.

Sec. 53-181. – Design Standards.

- 138 . . .
- 139 ~~C. Churches are exempt from these requirements.~~
- 140 C. Neighborhood Commercial (NC) District Design Standards

- 141 (1) Roof pitch: 4/12
- 142 (2) Build-to line and setbacks
- 143 (a) Build-to line (all roadways): 15 feet
- 144 (b) Rear yard
- 145 (i) Interior: 5 feet
- 146 (ii) Abutting residential property: 30 feet
- 147 (c) Side yard
- 148 (i) Interior: 7.5 feet
- 149 (ii) Abutting residential zoning: 30 feet
- 150 (iii) Waterfront: 25 feet
- 151 (3) Building height: maximum 35 feet
- 152 (4) Minimum Parking: 1 space for each 350 square feet of floor area
- 153 (5) Street trees: 1 every 30 feet on center
- 154 (6) Required parking lot landscaping: A live-screen buffer of hedges at least 4 feet in
155 height are required when the parking is visible from the street.
- 156 (7) Maximum lot coverage: 30%
- 157 (8) Maximum total building footprint square footage per business: 5,000 square feet.
158 Additional square feet per business may be requested through a waiver during the
159 development master plan approval process.
- 160 (9) Minimum lot size: 7,500 square feet
- 161 (10) Minimum lot width: 50 feet
- 162 (11) Minimum open space: 30%
- 163 (12) Ingress/egress access points: 2 per original tract/parcel
- 164

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

Exhibit A

Ordinance No. 2020-39

— 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 sf 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

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Sec. 53-182. – Buffer 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.;

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>

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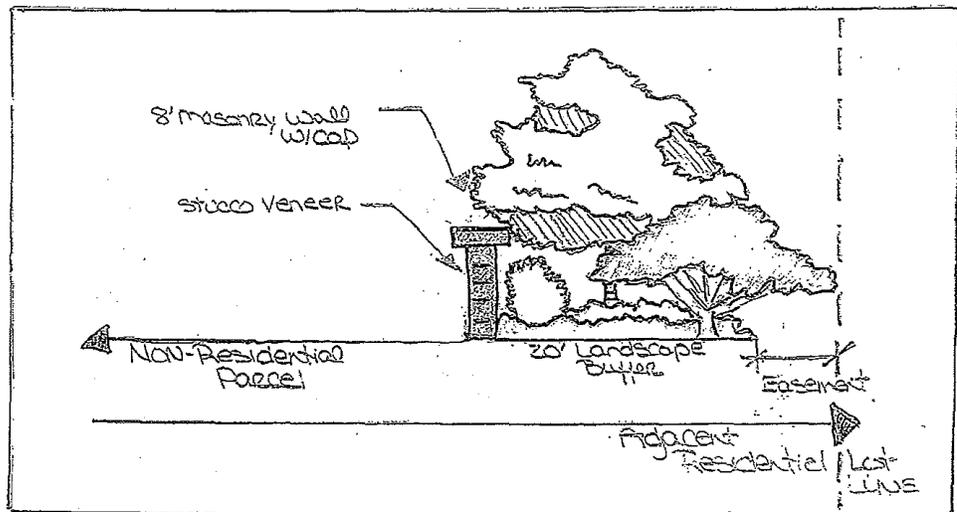
(a) ~~An~~ The eight-foot wall, placed on the non-residential side of landscape buffer, with City approved landscape plantings to create an opaque screening to adjacent residential land uses. Trees and shrubs shall be solid masonry with cap and stucco, painted the same color as the building. The six-foot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



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(b) 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

225 row, in accordance with Sec. 21-9. Where natural vegetation creates an opaque
 226 screening, landscape plantings are not required.

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

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

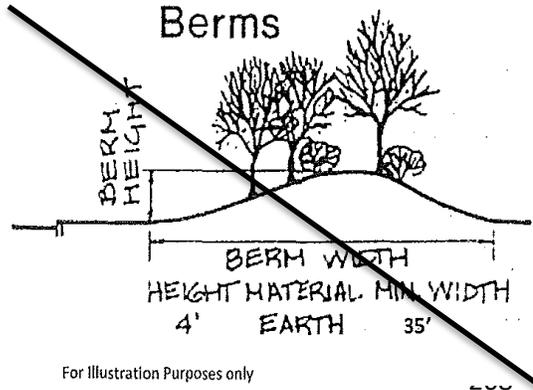
236 ii. ~~Minimum berm of four (4) feet, with hedges that shall be installed at~~
 237 ~~three (3) feet and maintained at a minimum of seven (7) feet. Sodded~~
 238 ~~slopes shall be no steeper than 4:1 plus a three-foot top. Berms shall be~~
 239 ~~landscaped with plantings and/or other landscape materials,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

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

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

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

255 c. ~~In the case of a natural disaster, those plantings located on the berm~~
 256 ~~area which are destroyed must be replaced within the following~~
 257 ~~periods of time; in case of a freeze, within ninety (90) days; in case~~
 258 ~~of a declared natural disaster (e.g., flood, hurricane, etc) in which~~
 259 ~~City ordinances are suspended, within one (1) year following such a~~
 260 ~~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.~~

269 ~~vi. Invasive species shall be completely removed and the developer shall~~
 270 ~~plant non invasive vegetation to be approved by the City.~~

271 ~~vii. The berm shall not block any drainage flow, and the stormwater runoff~~
 272 ~~from the berm shall not cause adverse impact(s) to off site or on site~~
 273 ~~properties. No portion of the berm shall be located within the easement~~
 274 ~~or right of way.~~

275 ~~viii. Berms shall not be permitted to be placed within the area between fire~~
 276 ~~hydrants and roadways.~~

[This amendment includes deletion of diagram above entitled "Berms," depicting berm height and berm width.]

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. Water fountains shall be chilled water and meet ADA requirements.~~

Gross Floor Area of Structure(s)	Required Bicycle or Pedestrian Amenity
0_—_20,999 square feet	2 bike racks, one bench

Gross Floor Area of Structure(s)	Required Bicycle or Pedestrian Amenity
21,000_—_40,999 <u>square feet</u>	2 bike racks, two benches
41,000+ <u>square feet</u>	3 bike racks, three benches

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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 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.

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

330 ...

331 **Sec. 53-240. - Special Structures.**

332 ...

333 S. Urban market gardens.

334 ...

335 (2) Required planting setbacks and buffer requirements.

336 ...

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

340 ...”

341

342 2.03 Section 61-3 of the Unified Land Development Code is hereby amended as follows:

343

344 **“Chapter 61 – DEFINITIONS**

345 ...

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

347 ...

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

351 ...

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

355 ...

356 CAR TITLE LOAN BUSINESS – An establishment that makes small consumer loans that
357 leverage the equity value of a car or other vehicle as collateral where the title to the vehicle
358 is owned free and clear by the loan applicant and any existing liens on the car or vehicle
359 cancel the application. The loan terms are often for 30 days and failure to repay the loan or
360 make interest payments to extend the loan allows the lender to take possession of the car
361 or vehicle.

362 ...

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

375 ...

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

379 . . .
380 PAYDAY ADVANCE/LOAN BUSINESS – An establishment that makes small consumer loans,
381 usually backed by a postdated check or authorization to make an electronic debit against
382 an existing financial account, where the check or debit is held for an agreed upon term, or
383 until an applicant's next payday, and then cashed unless the customer repays the loan to
384 reclaim the person's check.

385 . . .
386 ~~PRIVATE CLUB — Any establishment devoted primarily to the retailing and on-premises~~
387 ~~drinking of malt, vinous or other alcoholic beverages. Private clubs include, bars, cocktail~~
388 ~~lounges, taverns, night clubs, bottle clubs, and similar facilities serving alcoholic liquor.~~
389 Buildings and facilities owned or operated by a corporation, association, person, or persons
390 for a social, educational, or recreational purpose, but not primarily for profit which benefits
391 any individual and not primarily to render a service which is customarily done as a business.

392 . . .
393 RESIDENTIAL USE – Activities within land areas used predominantly for housing.
394 . . .”

395
396 **SECTION 3 – CONFLICTS**

397
398 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or
399 portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

400
401 **SECTION 4 – SEVERABILITY**

402
403 4.01 If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason
404 held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be
405 deemed a separate, distinct, and independent provision and such holding shall not affect the
406 validity of the remaining portions of the ordinance.

407
408 **SECTION 5 – CODIFICATION**

409
410 5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any
411 additional codification information and notations appear in *italics*. These editorial notations shall
412 not appear in the codified text.

413
414 5.02 A codification note should be added to Section 1-2 to advise readers that the practice of listing
415 each ordinance amending the ULDC was discontinued in 2011 when the codification services
416 commenced.

417
418 **SECTION 6 – EFFECTIVE DATE**

419
420 6.01 This ordinance shall take effect immediately after adoption by the City Commission of the City of
421 North Port, Florida.

422
423

424 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public
425 session the _____ day of _____ 2020.

426
427 PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida on the second and
428 final reading in public session this _____ day of _____ 2020.

429
430
431 CITY OF NORTH PORT, FLORIDA

432
433
434
435 _____
436 DEBBIE MCDOWELL
437 MAYOR

438 ATTEST
439
440
441 _____
442 HEATHER TAYLOR, CMC
443 CITY CLERK

444
445
446 APPROVED AS TO FORM AND CORRECTNESS
447
448
449 _____
450 AMBER L. SLAYTON
451 CITY ATTORNEY

PUBLIC NOTICE - CITY OF NORTH PORT

NOTICE OF INTENT TO AMEND THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE

PROPOSED ORDINANCE NO. 2020-39

NOTICE IS HEREBY GIVEN, pursuant to Chapters 166 and 163 of the Florida Statutes and Section 7.01(c) of the Charter of the City of North Port, and Chapter 1, Article II, Section 1-12 of the City's Unified Land Development Code (ULDC), that the City of North Port proposes to adopt Ordinance No. 2020-39, Amendment to the City of North Port Florida Unified Land Development Code (ULDC).

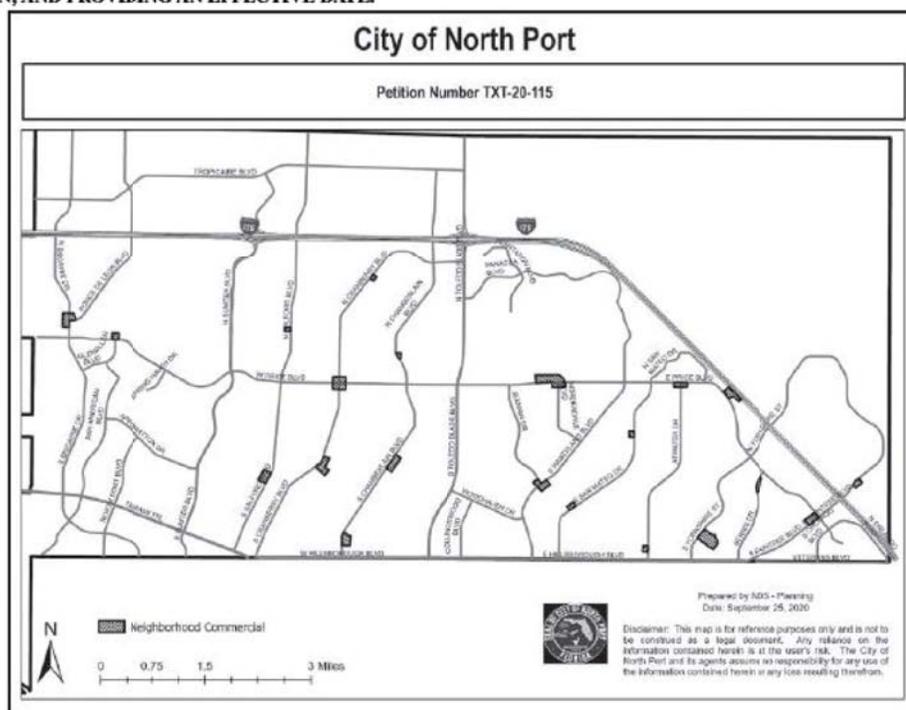
A Public Hearing will be held before the **Planning and Zoning Advisory Board** designated as the **Local Planning Agency (LPA)** on **Thursday, October 15, 2020, at 9:00 a.m.**, or as soon thereafter.

A Public Hearing will be held before the North Port City Commission on **Tuesday, October 27, 2020 at 6:00 p.m.**, or as soon thereafter as the matter may be heard to consider Ordinance No. 2020-39.

These Public Hearings will be held in the **North Port City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida, 34286.**

ORDINANCE NO. 2020-39

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, CHAPTER 53, ARTICLE XIV, SECTION 53-6, SECTION 53-15, SECTIONS 53-178 THROUGH 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.



Note: Proposed Ordinance No. 2020-39 (boundary of the subject property) is depicted on this map.

All interested parties are invited to appear and be heard in respect to this Ordinance at the public hearings in the City Hall Commission Chambers. Written comments filed with the Planning and Zoning Advisory Board will be heard and considered and will be made a matter of public record at this meeting. These public hearing may be continued from time to time as announced at the hearings, as may be found necessary. The file pertinent to Ordinance 2020-39, TXT-20-115, may be inspected by the public at the Neighborhood Development Services Department, Planning Division, and in the City of North Port City Clerk's Office, 4970 City Hall Boulevard, North Port, Florida 34286, during regular business hours.

NO STENOGRAPHIC RECORD BY A CERTIFIED COURT REPORTER IS MADE OF THESE MEETINGS. ACCORDINGLY, ANY PERSON WHO MAY SEEK TO APPEAL A DECISION INVOLVING THE MATTERS NOTICED HEREIN WILL BE RESPONSIBLE FOR MAKING A VERBATIM RECORD OF THE TESTIMONY AND EVIDENCE AT THESE MEETINGS UPON WHICH ANY APPEAL IS TO BE BASED (SEE F.S.S. 286.0105).

NOTE: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK'S OFFICE 48 HOURS IN ADVANCE OF THE MEETING (SEE F.S.S. 286.26).

NONDISCRIMINATION: The City of North Port does not discriminate on the basis of race, color, national origin, sex, age, disability, family or religious status in administration of its programs, activities or services.

AMERICAN WITH DISABILITIES ACT OF 1990 - The North Port City Hall is wheelchair accessible. Special parking is available on the west side of City Hall and the building may be accessed from the parking area. Persons with hearing difficulties should contact the City Clerk to obtain a hearing device for use during meetings.

Heather Taylor, CMC
City Clerk

Publish on Wednesday, September 30

adno=3767650-1

City of North Port

Zoning: Neighborhood Commercial

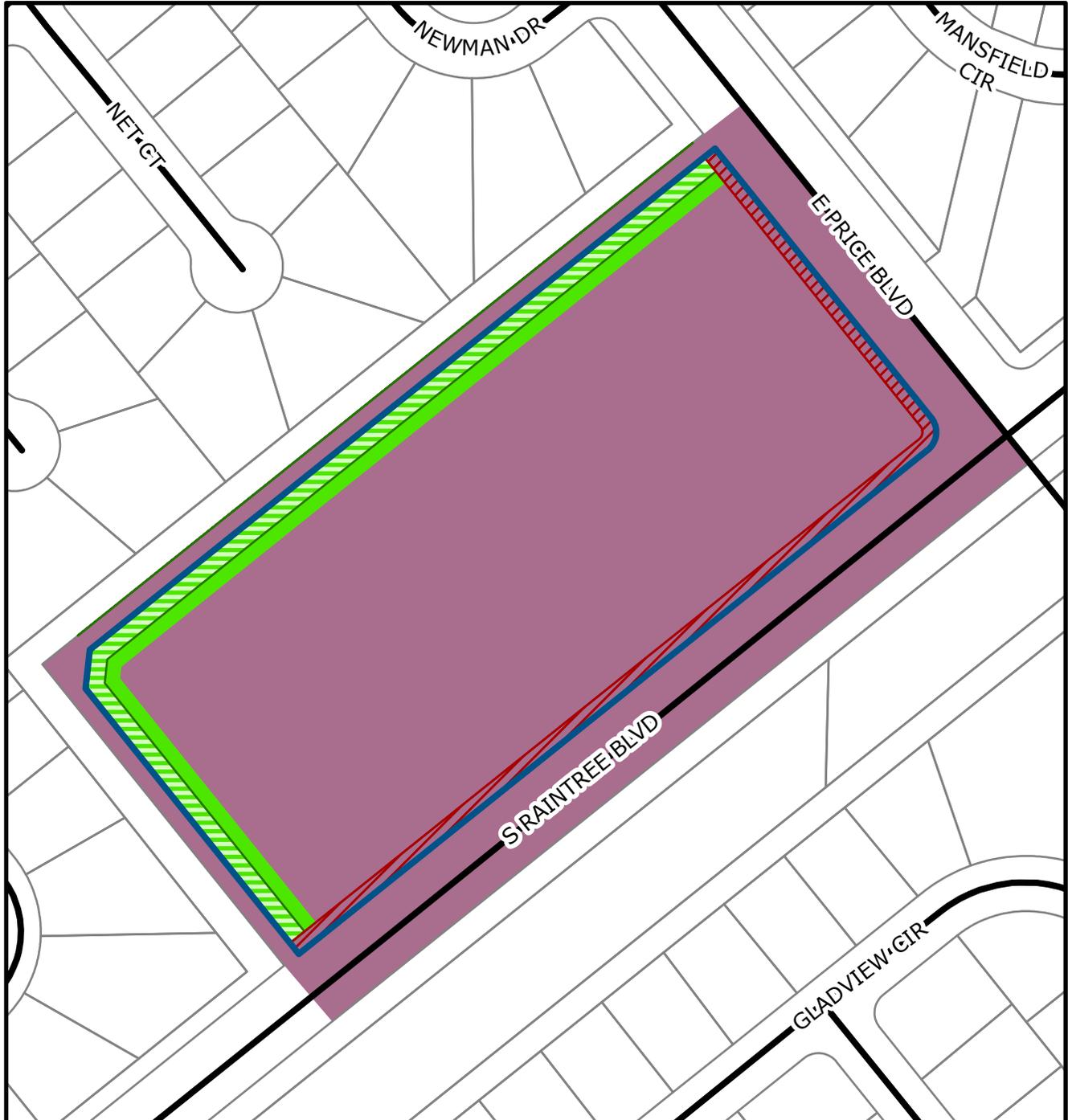


Prepared by NDS - Planning Division
September 29, 2020

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0 150 US Feet
[Scale bar showing 0 to 150 US Feet]



- NC-HI, Neighborhood Commercial-High Intensity
- Existing Berm Buffer 35 ft
- NC Properties Boundary
- Proposed Landscape Buffer 20 ft
- Parcel Boundary
- Build-To Buffer 15 ft
- Streets

City of North Port

Zoning: Neighborhood Commercial

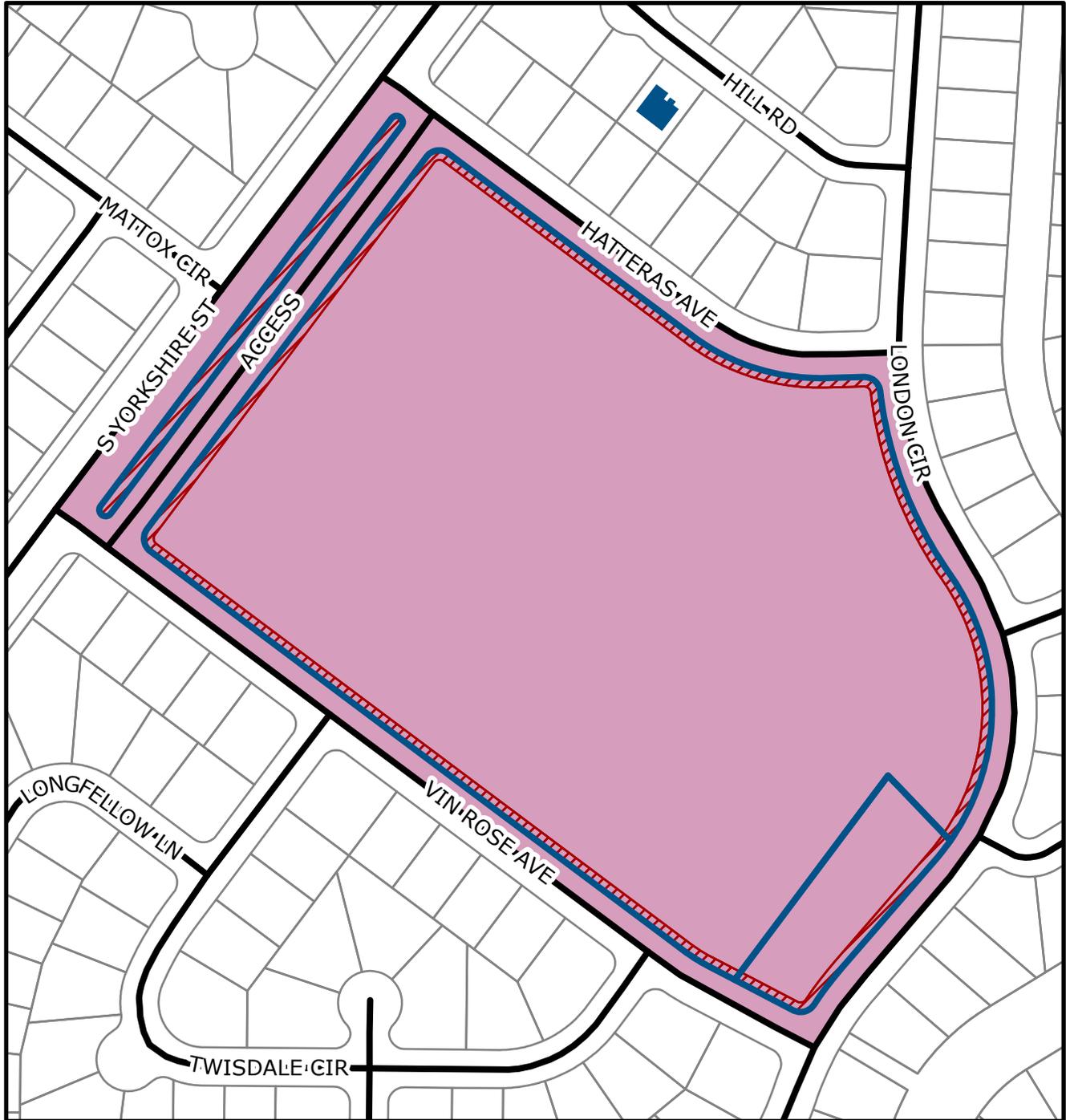


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City of North Port

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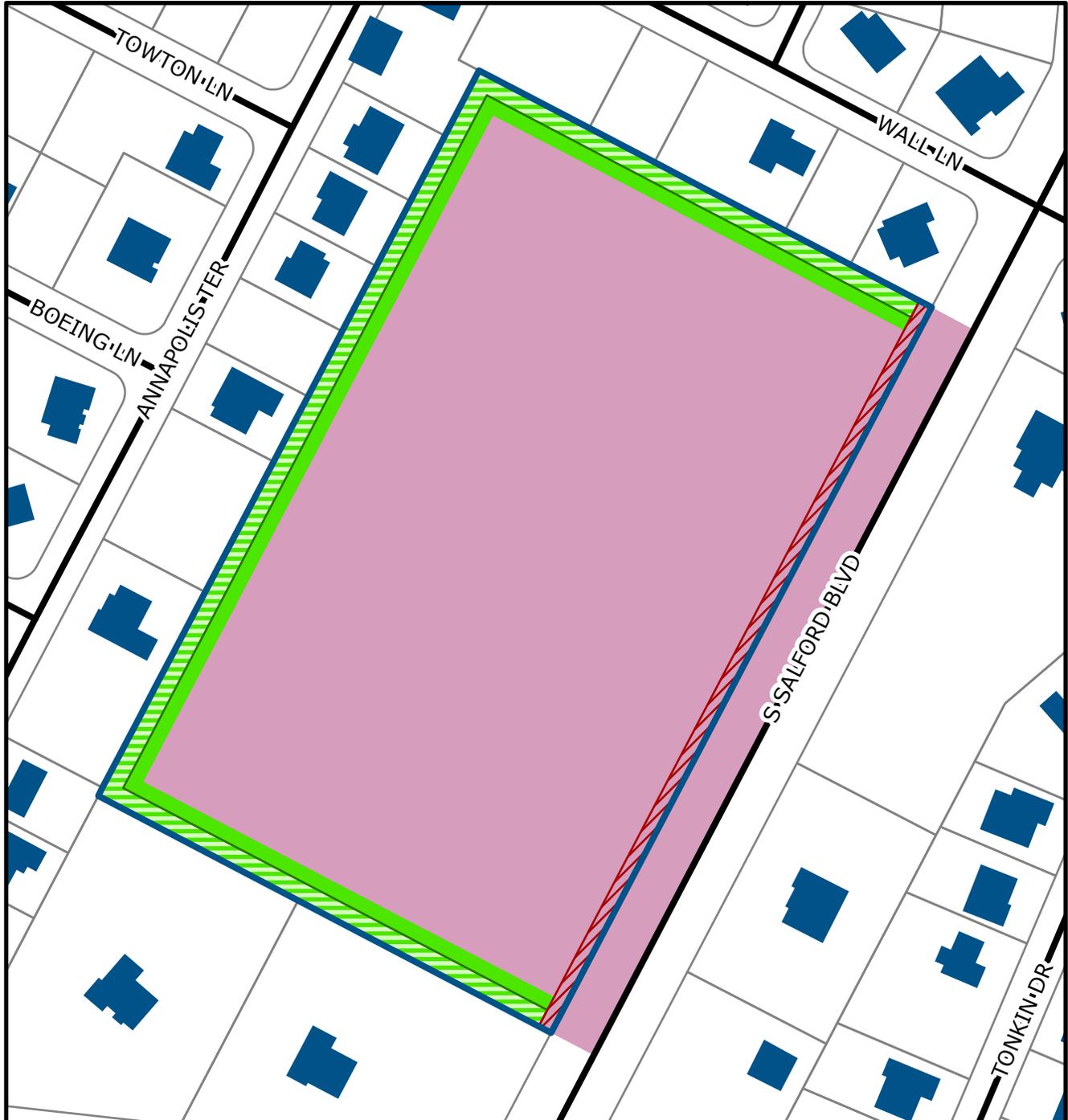


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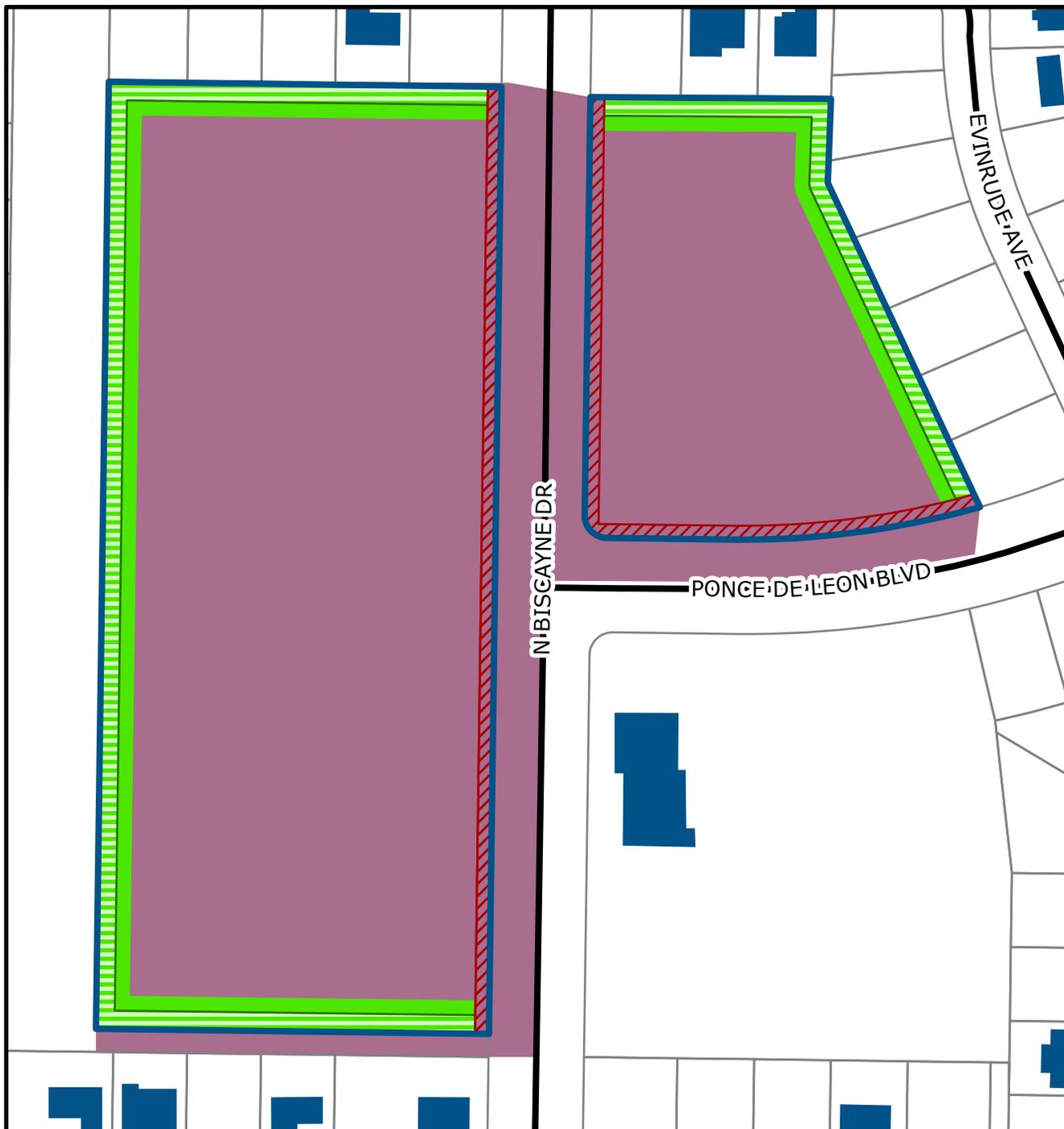


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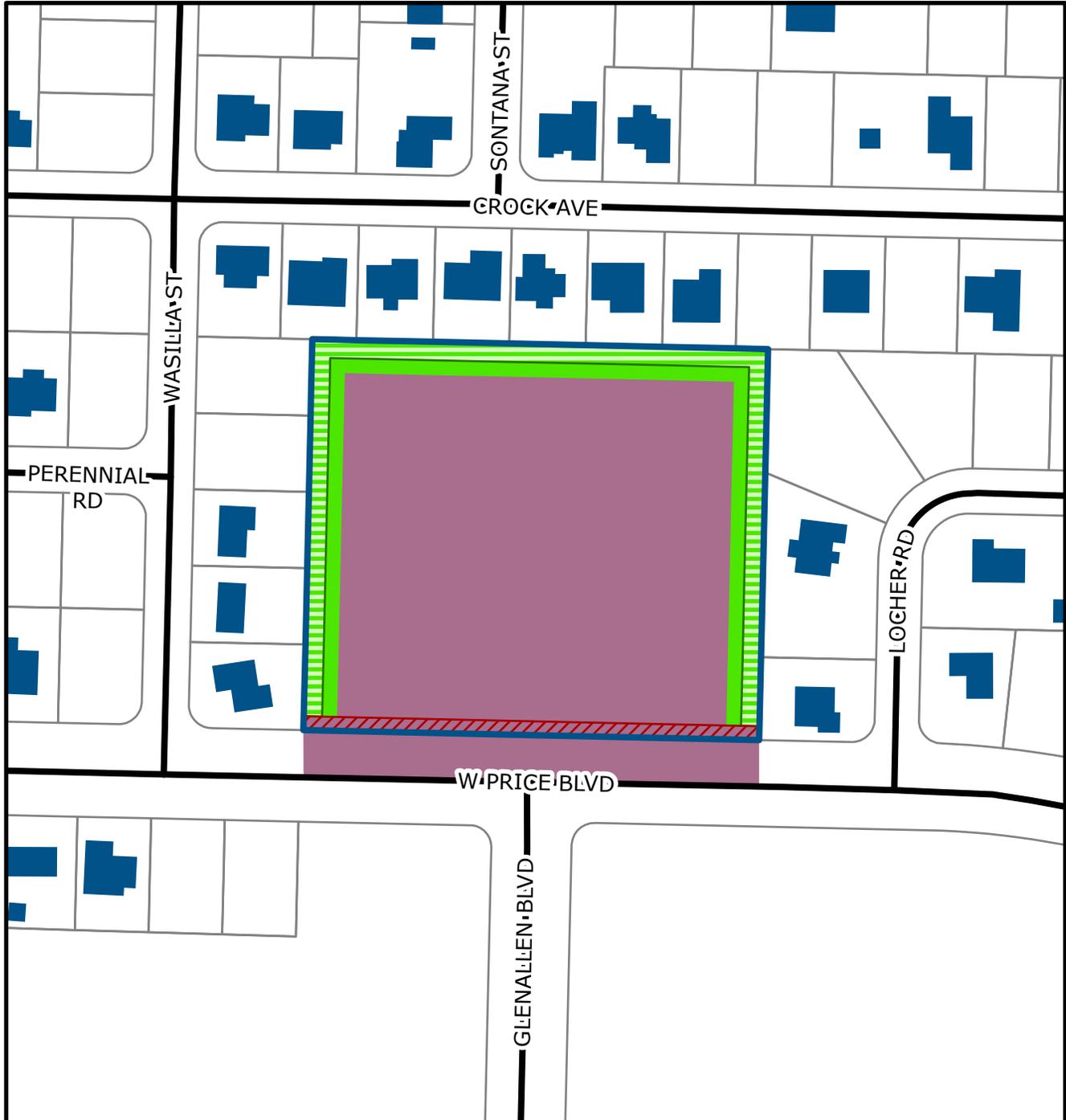


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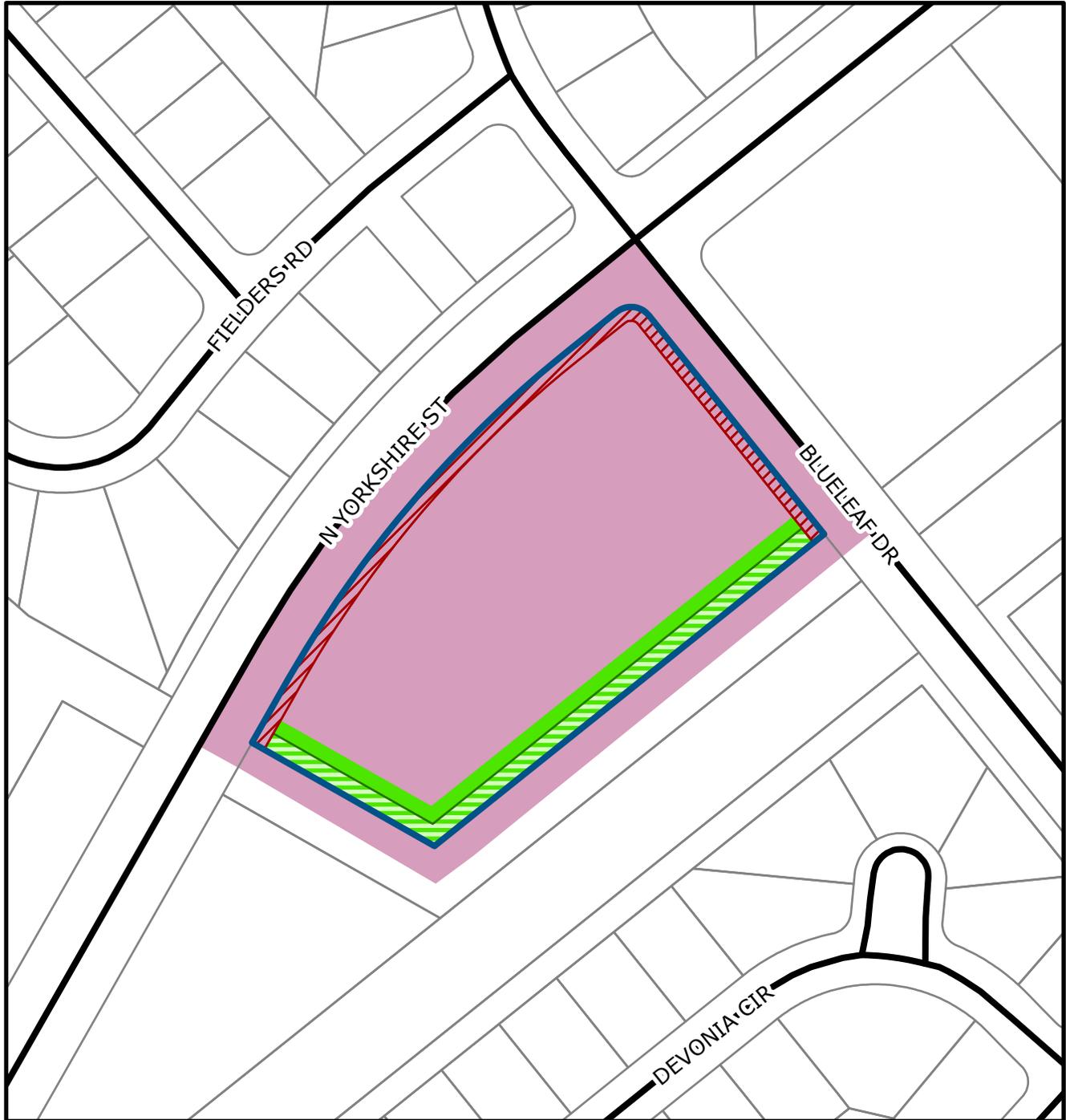


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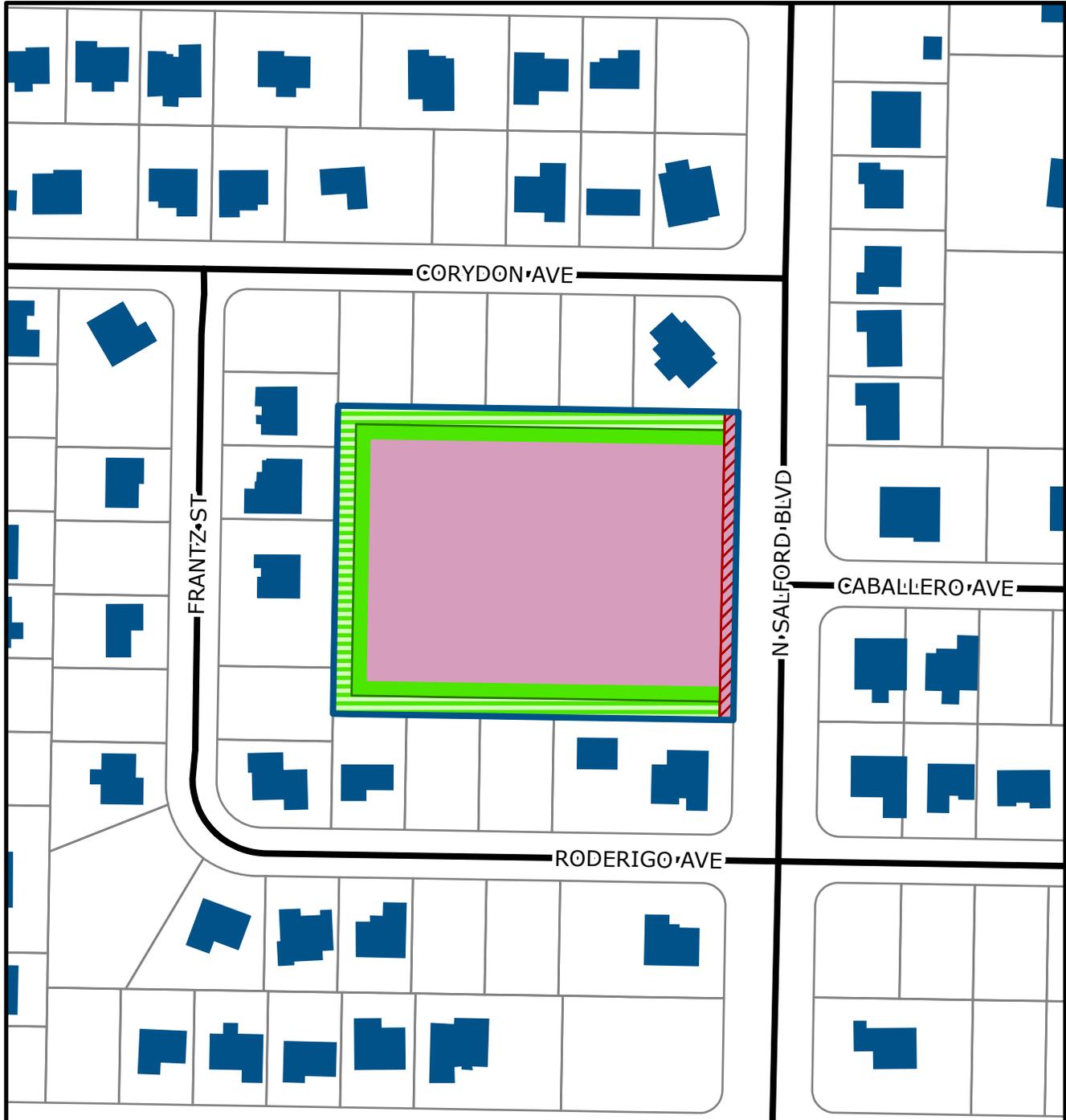


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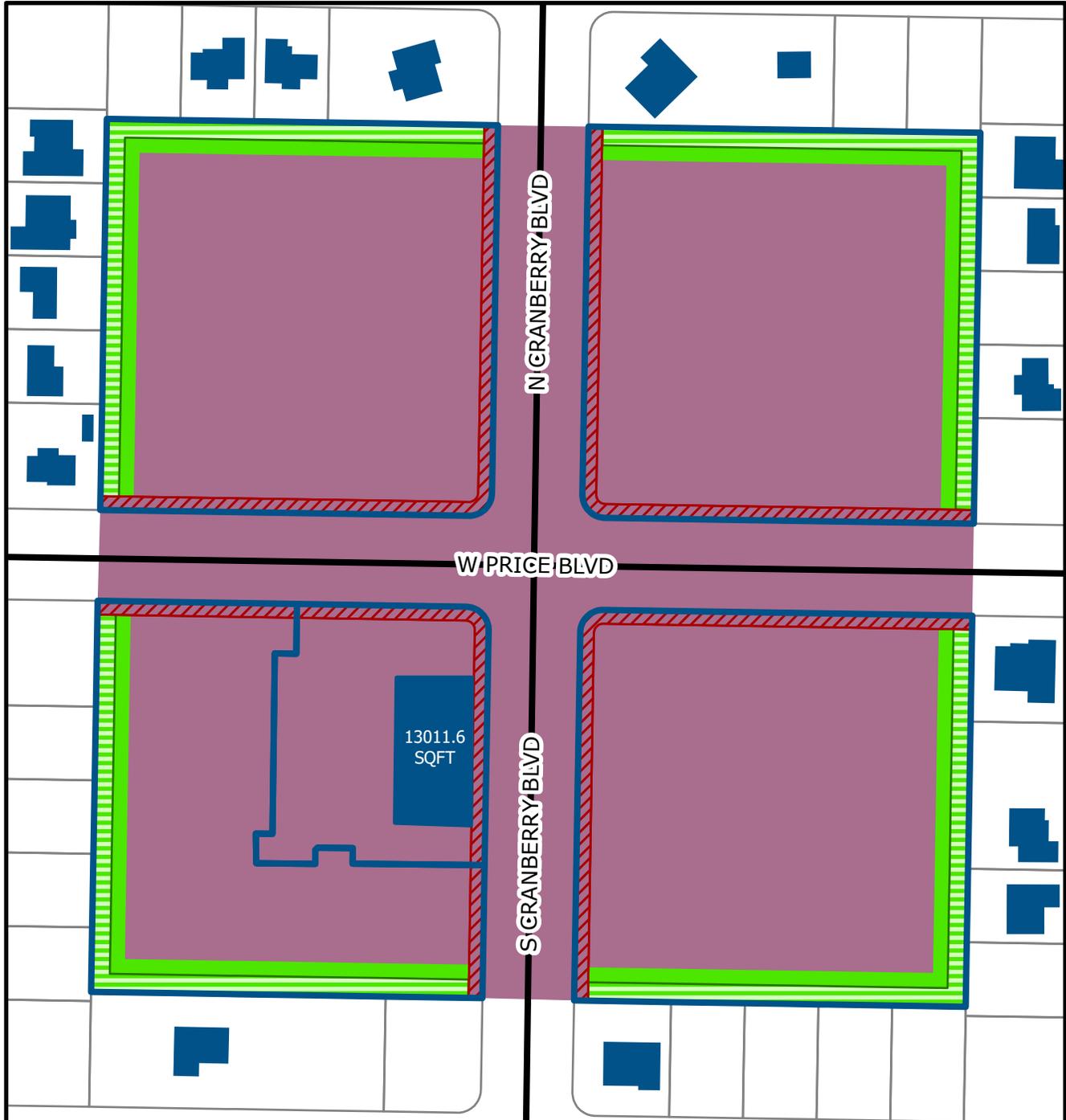


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[Scale bar showing 0, 25, 50, 75, 100, 125, 150 feet]



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City of North Port

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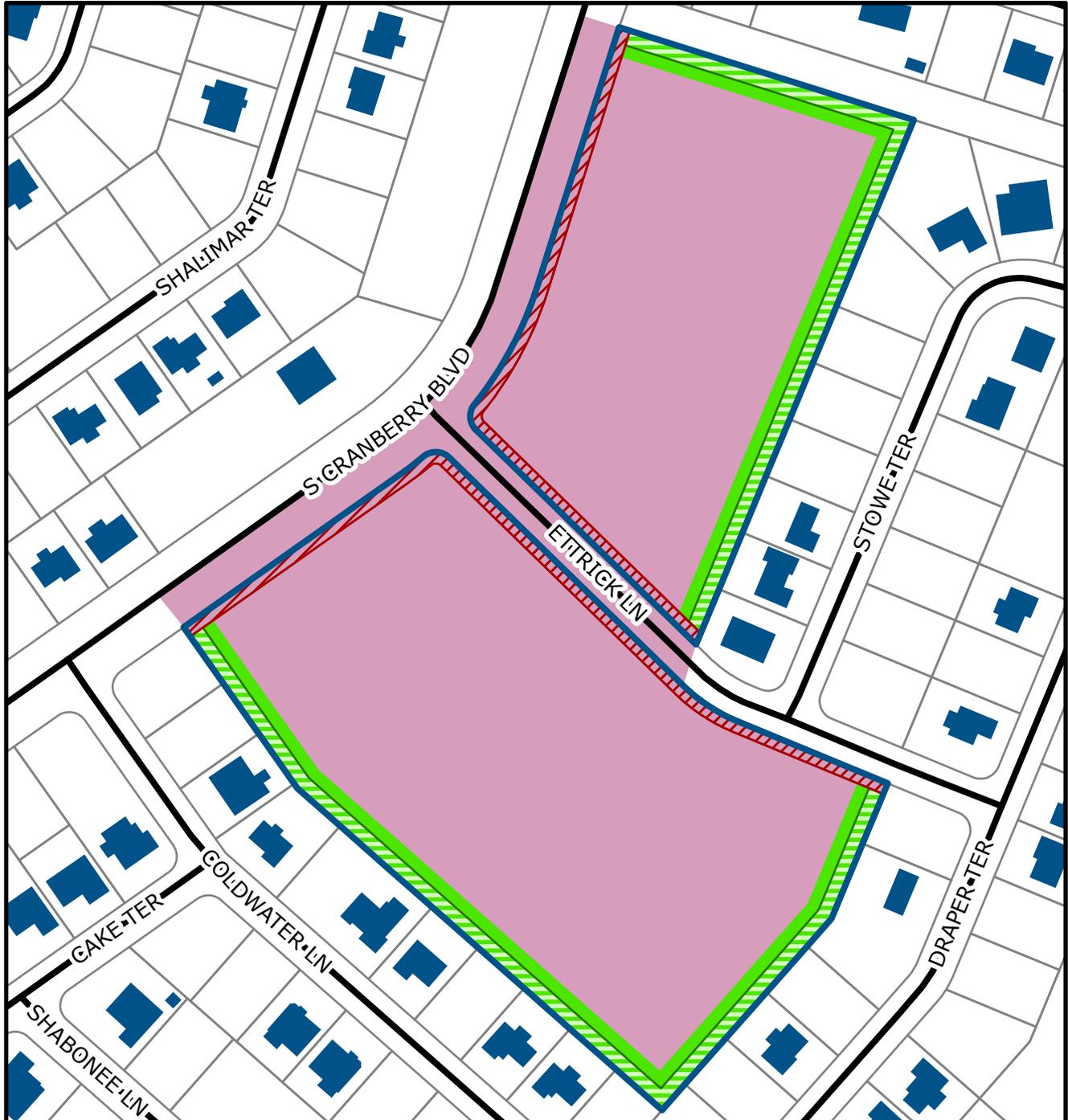


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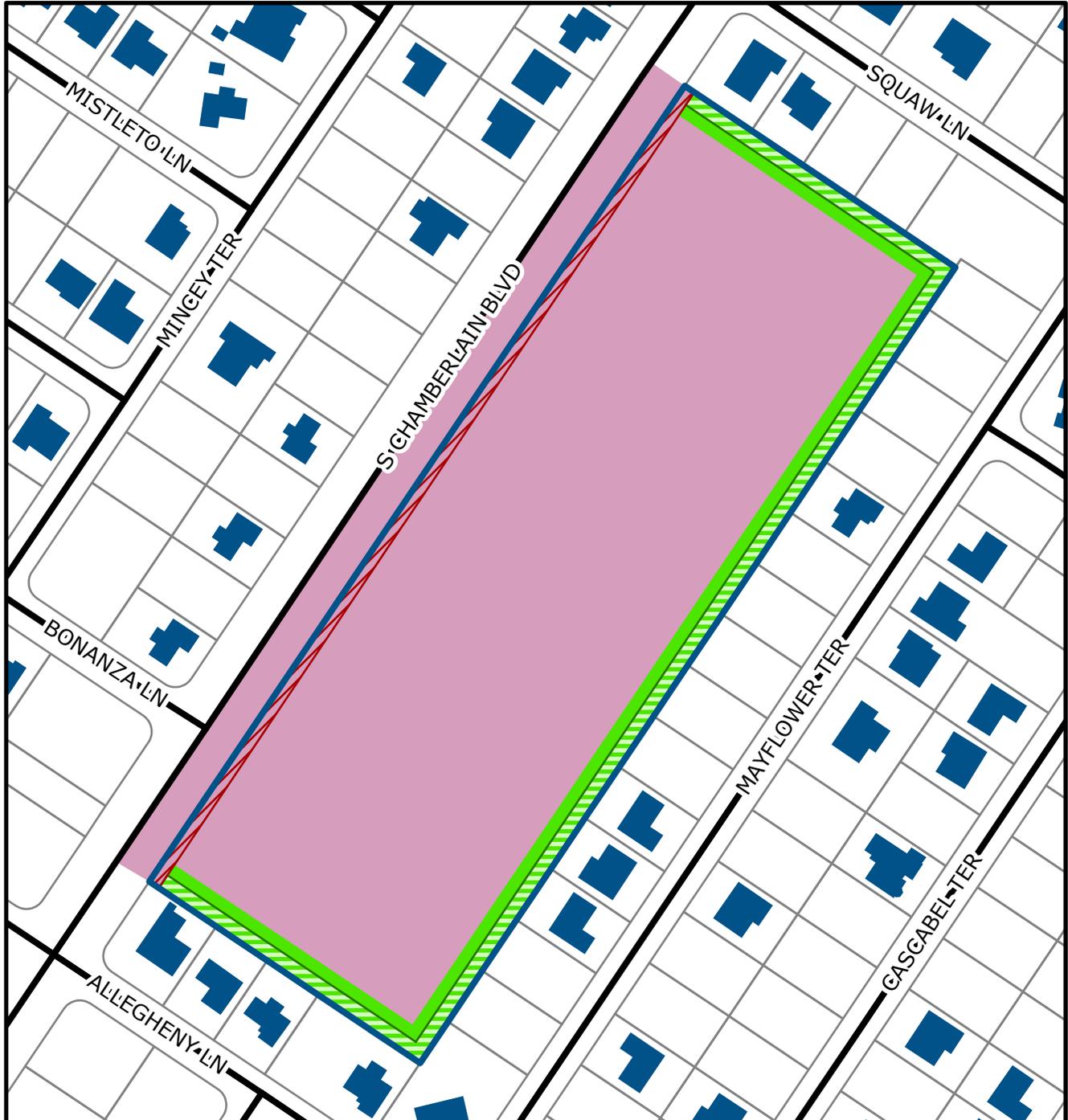


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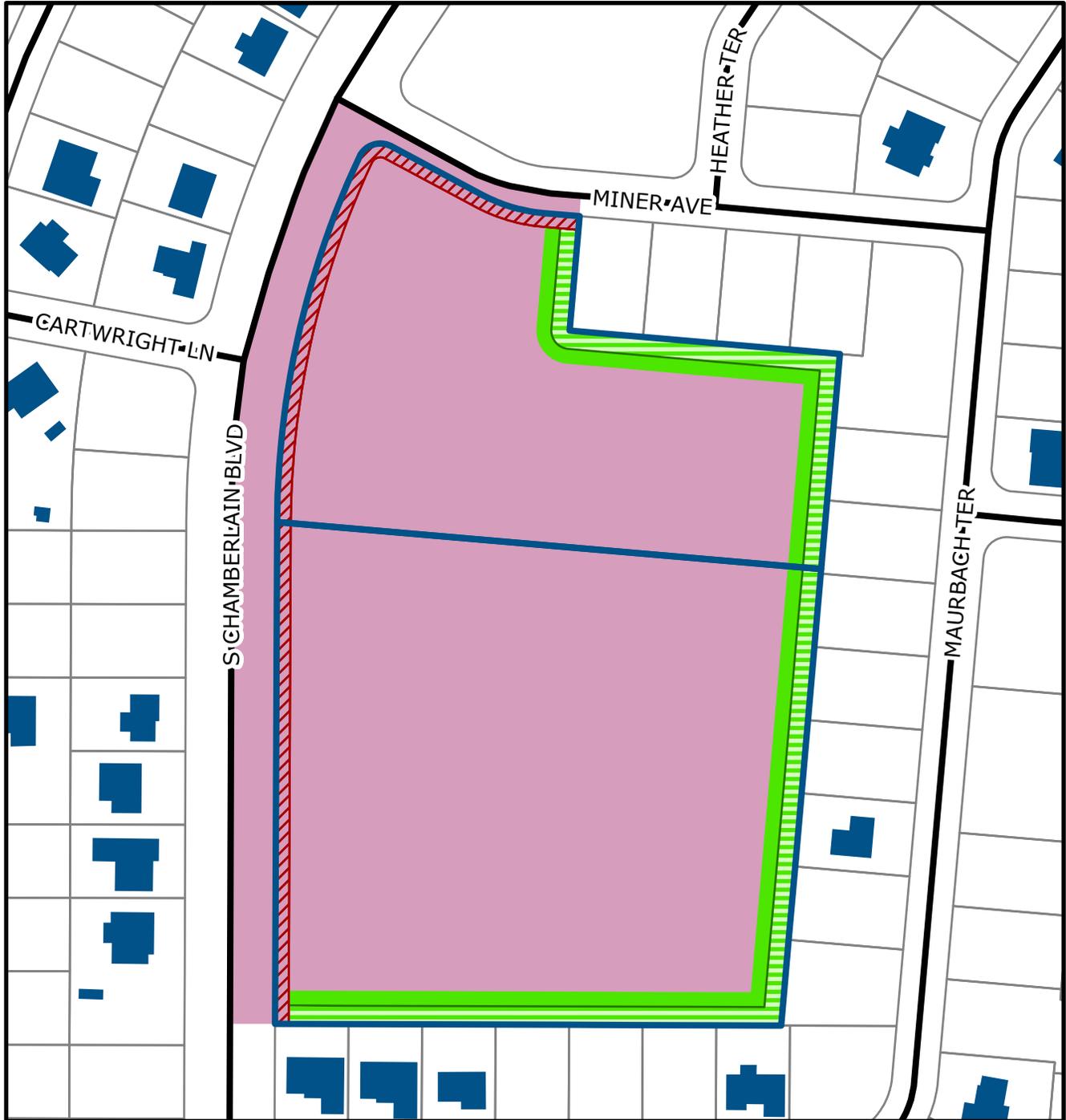


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[Scale bar with four segments]



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- Streets
- Buildings

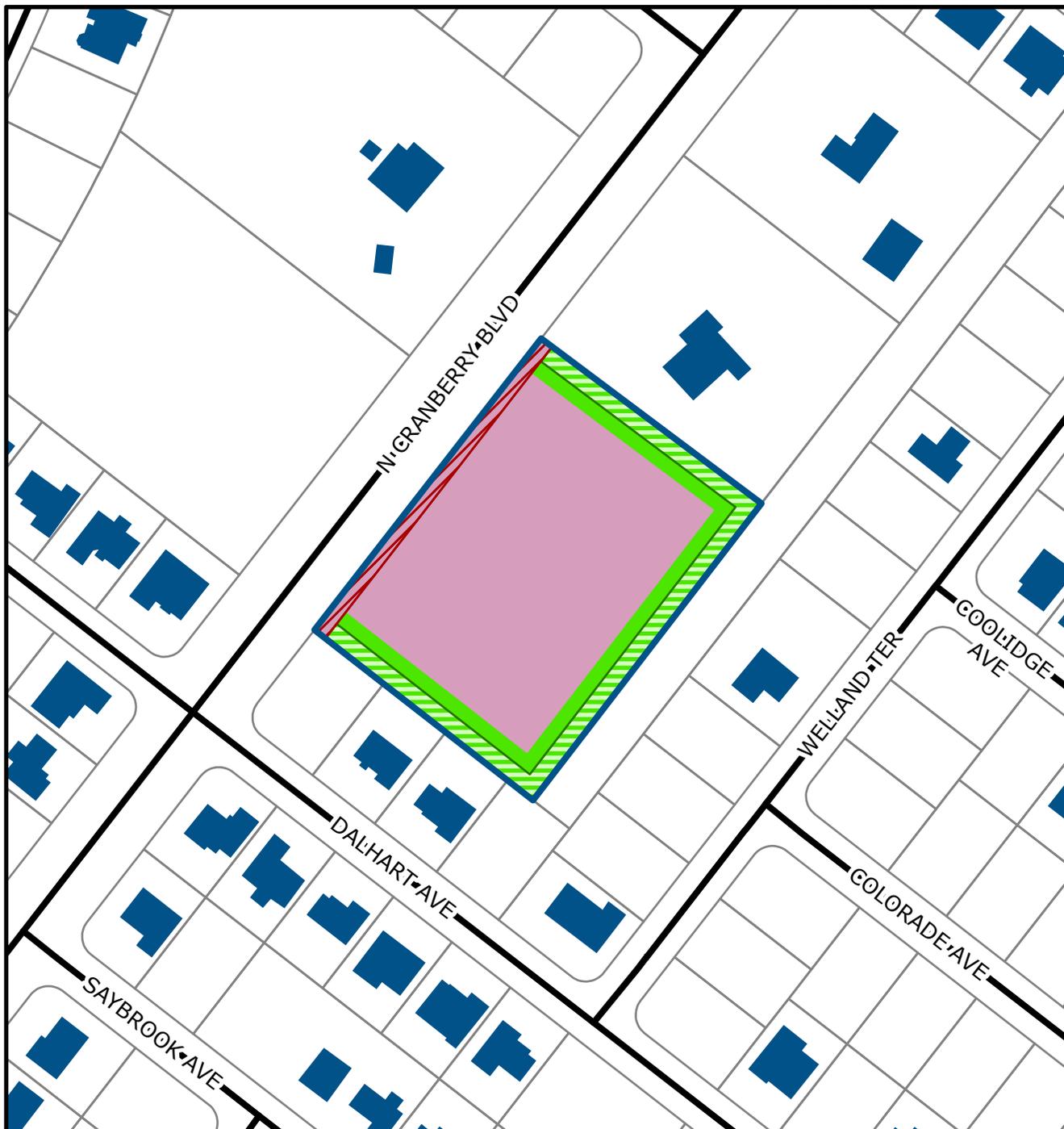
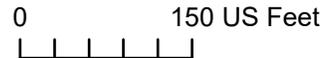
City of North Port

Zoning: Neighborhood Commercial



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September 29, 2020

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- NC-LI, Neighborhood Commercial-Low Intensity
- Existing Berm Buffer 35 ft
- NC Properties Boundary
- Proposed Landscape Buffer 20 ft
- Parcel Boundary
- Build-To Buffer 15 ft
- Buildings
- Streets

City of North Port

Zoning: Neighborhood Commercial

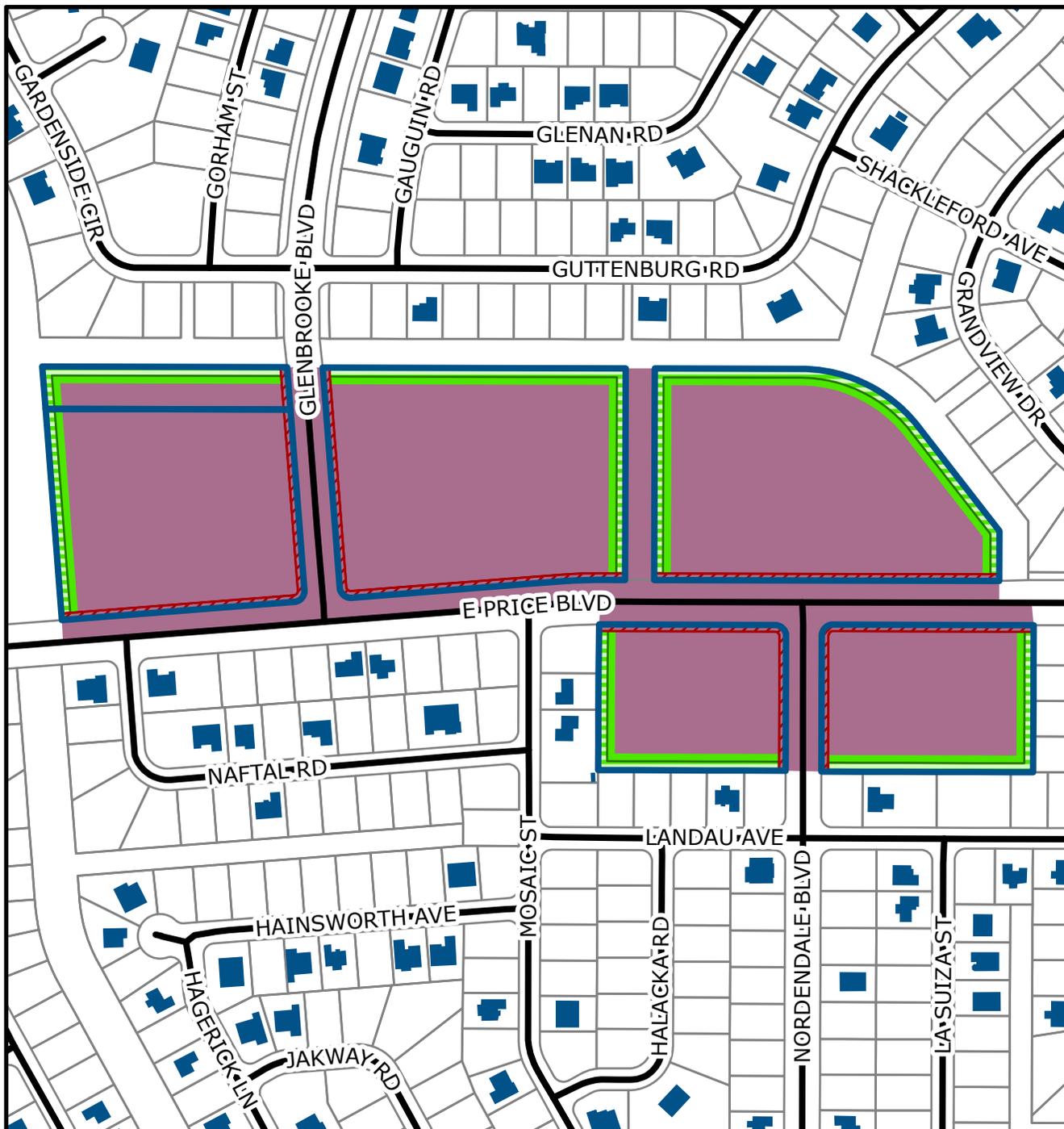


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0 150 US Feet
[Scale bar showing 0, 50, 100, 150 feet]



- NC-HI, Neighborhood Commercial-High Intensity
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- Parcel Boundary
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City of North Port

Zoning: Neighborhood Commercial

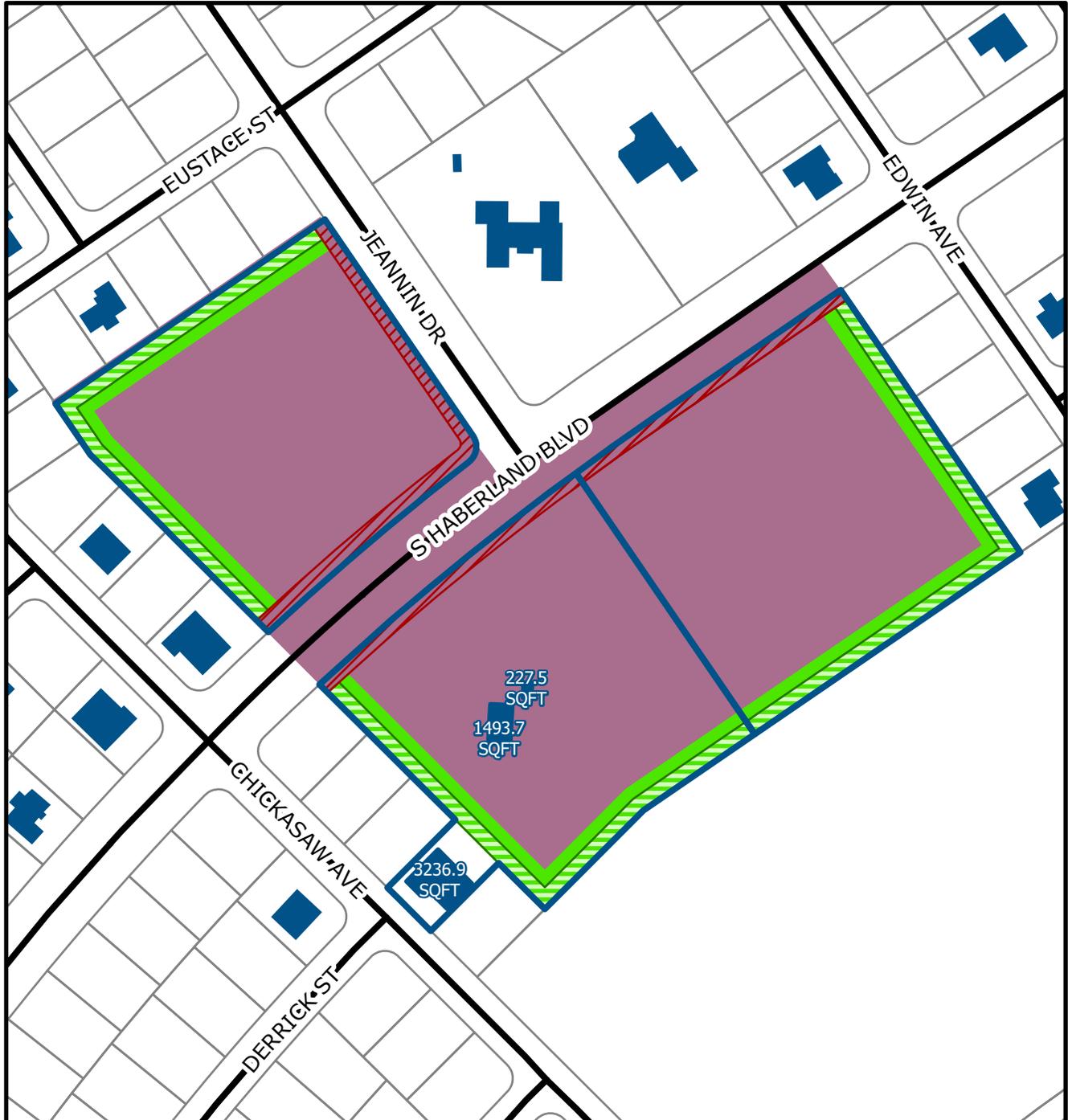


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0 150 US Feet
[Scale bar with four segments]



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City of North Port

Zoning: Neighborhood Commercial

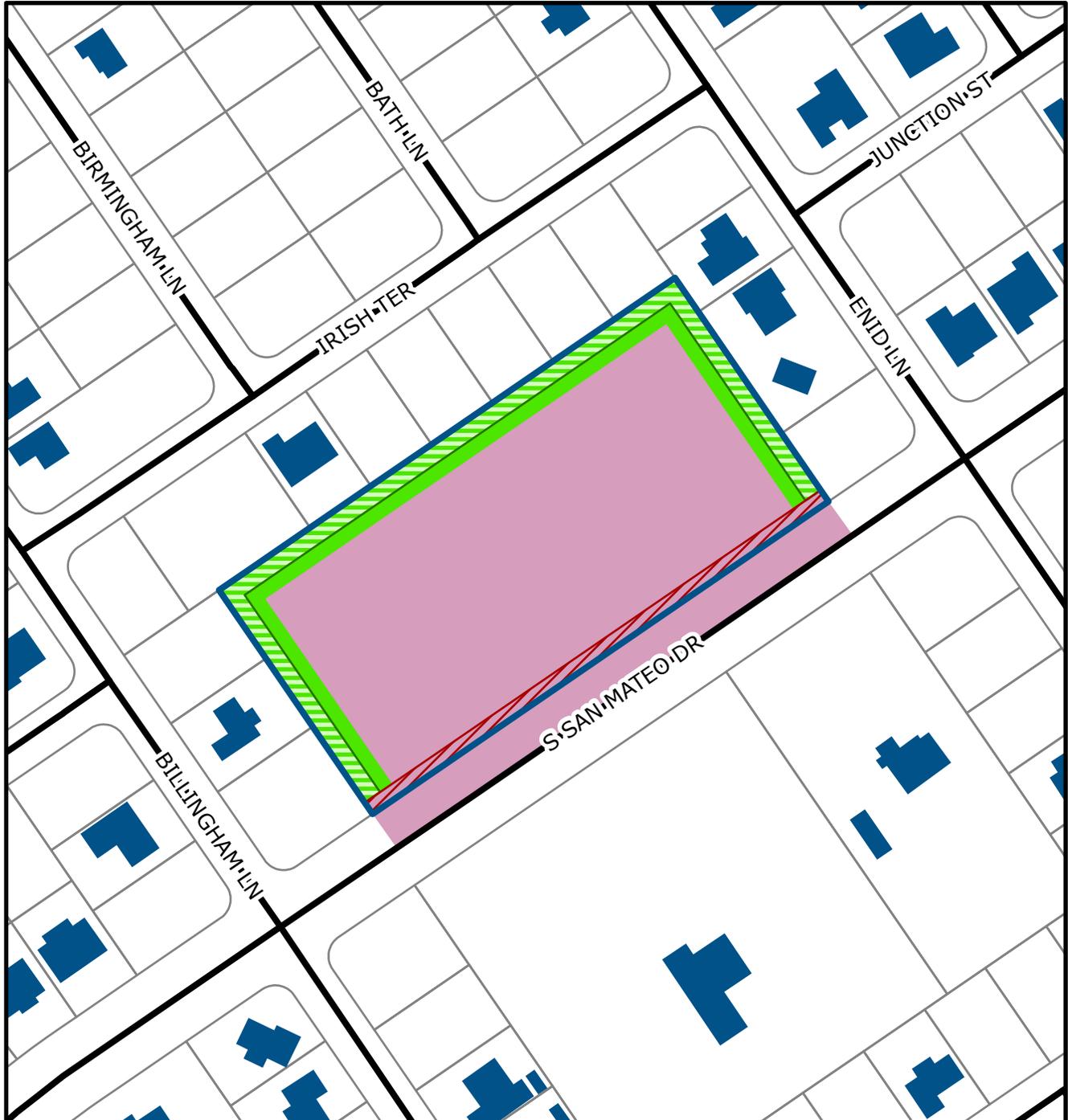


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City of North Port

Zoning: Neighborhood Commercial

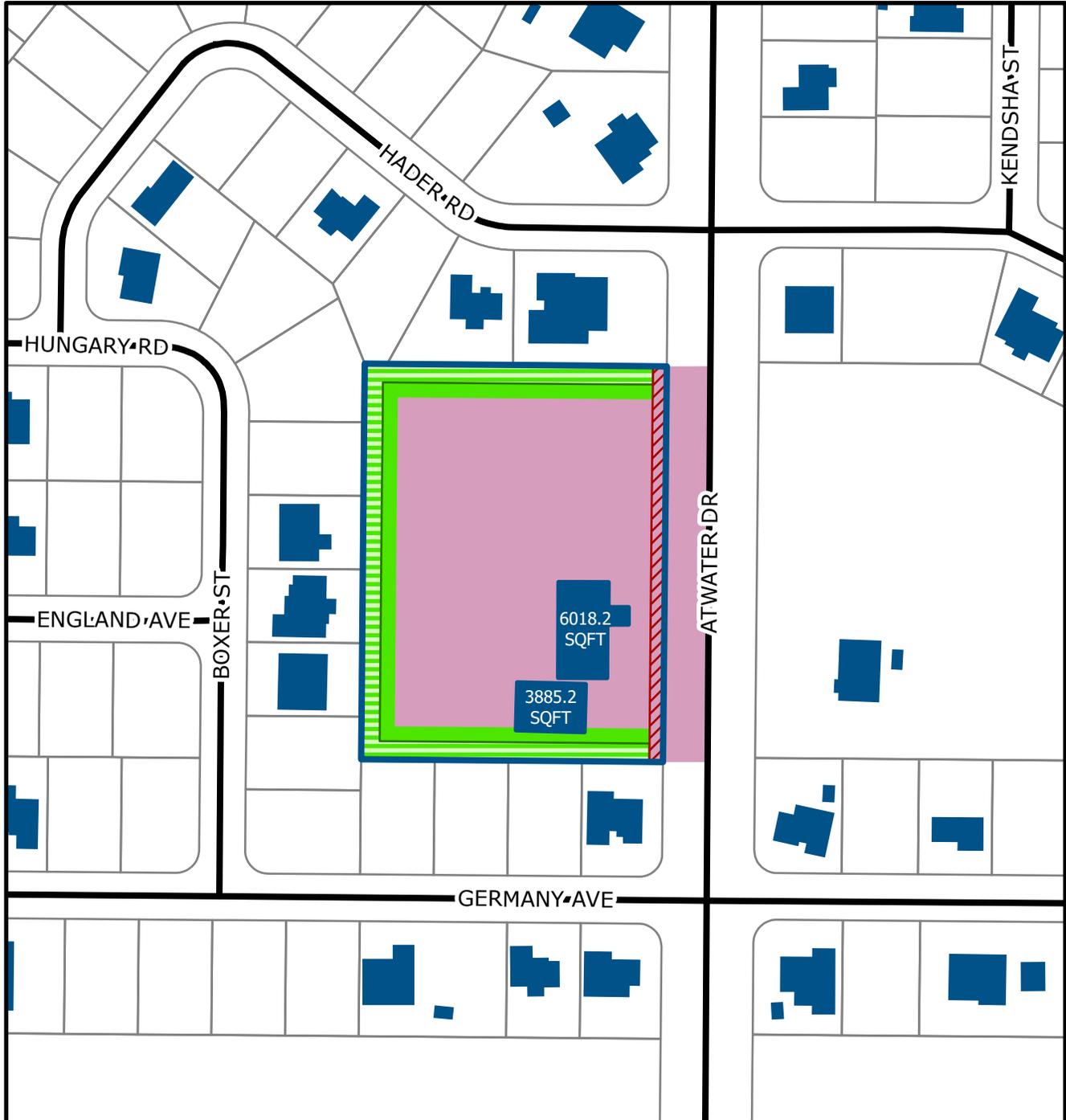


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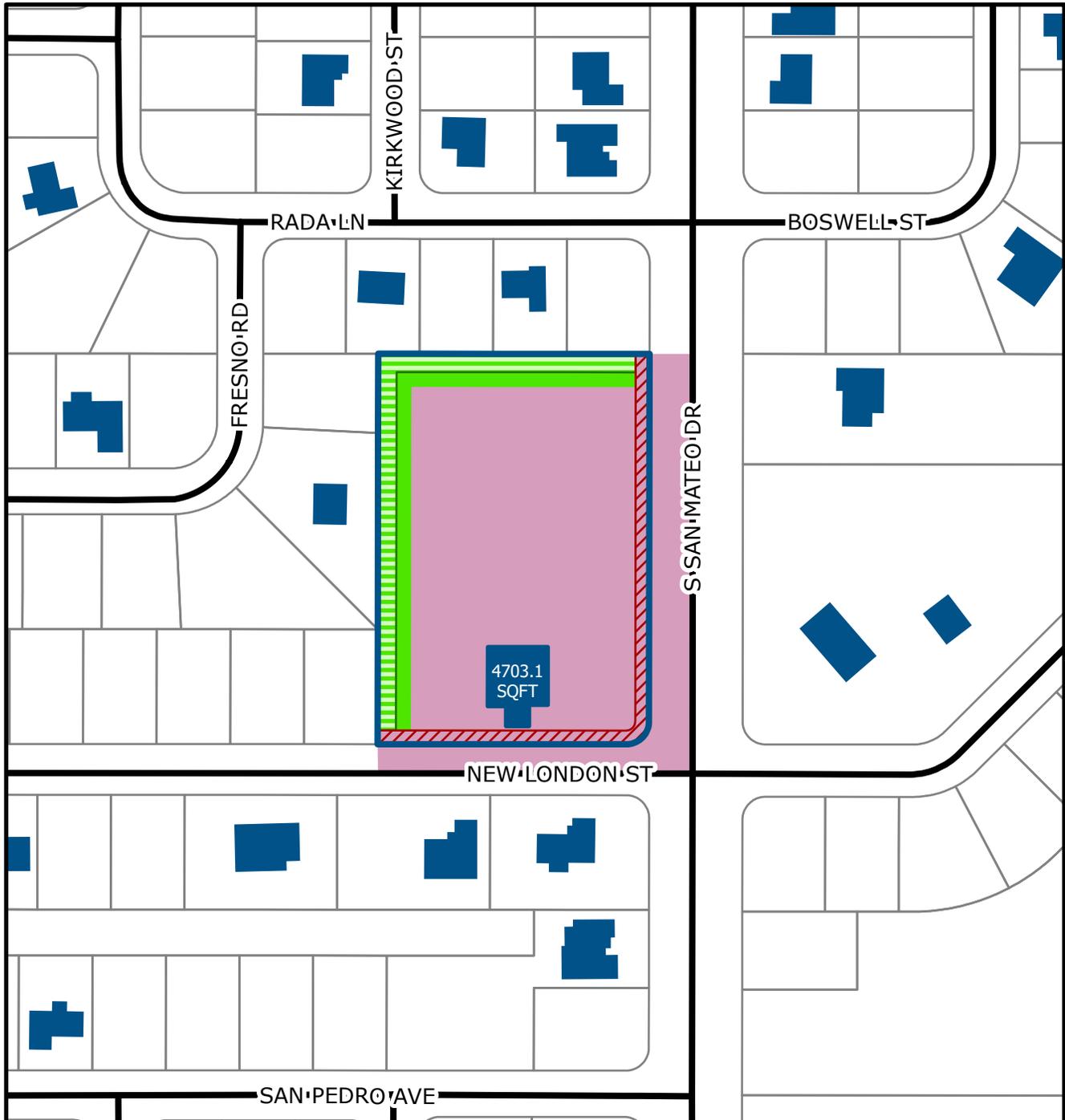


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0 150 US Feet
[Scale bar showing 0 to 150 US Feet]



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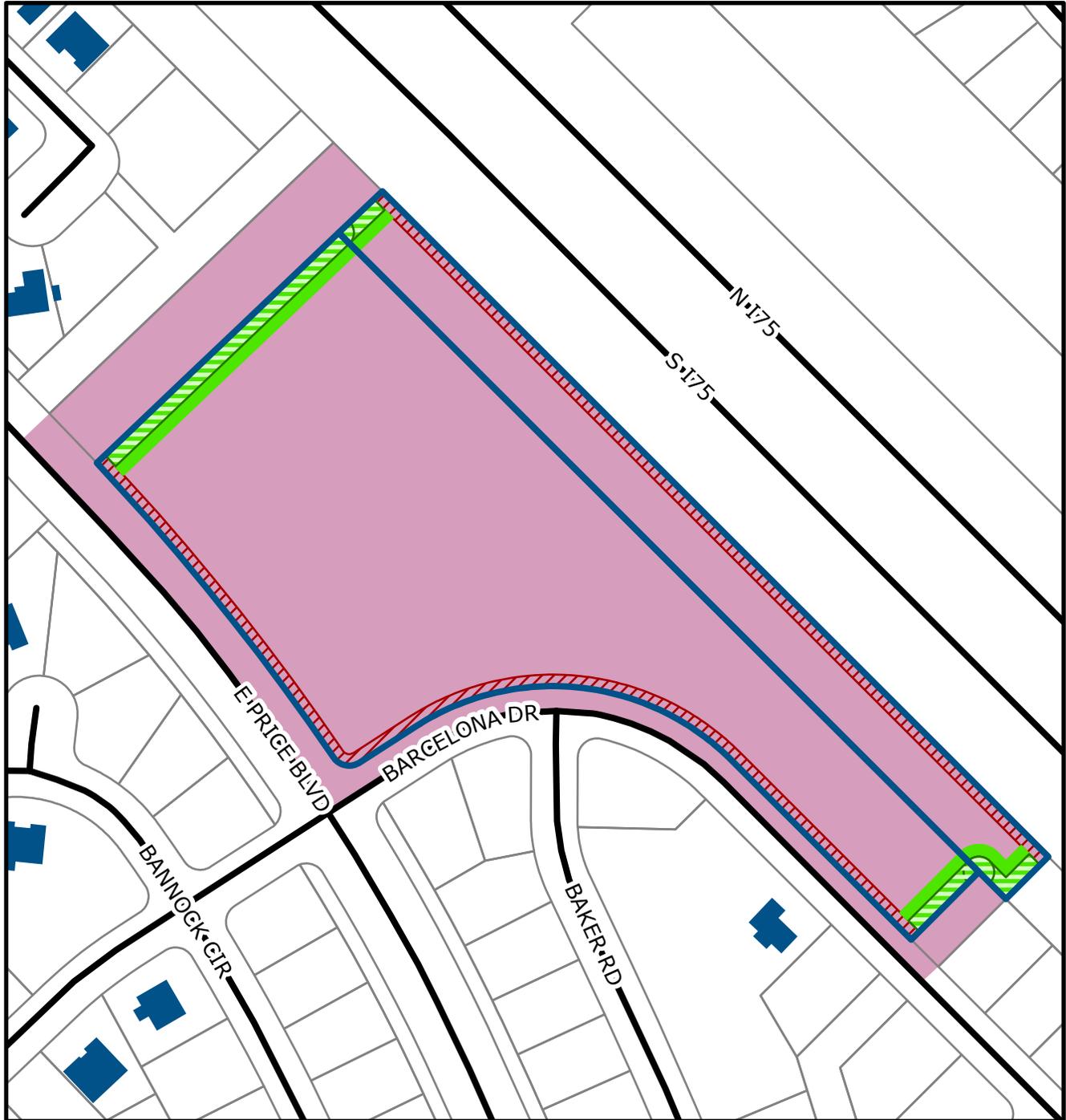


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0 150 US Feet
[Scale bar with four segments]



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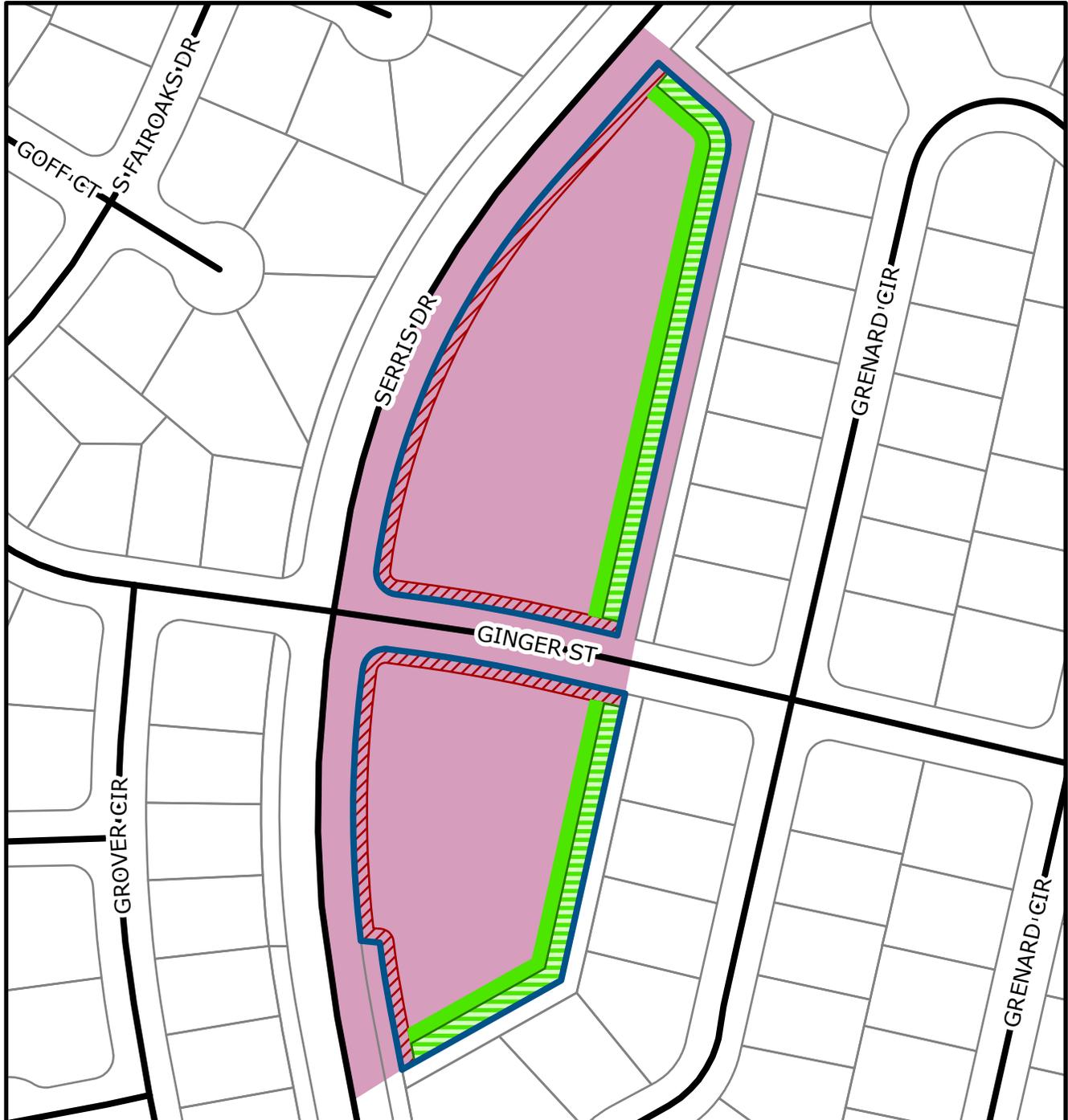


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0 150 US Feet
|-----|-----|-----|-----|-----|



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Exhibit D

Buffer Types		
Type	Positive	Negative
Wall Buffer	<ul style="list-style-type: none"> ▪ Reduces sound by 10-15 dBs 	<ul style="list-style-type: none"> ▪ Visually unappealing and divides neighborhood
Berm Buffer	<ul style="list-style-type: none"> ▪ Can deflect sound with a more natural and visually pleasing look 	<ul style="list-style-type: none"> ▪ Very land costly, besides the added costs of fill
Vegetation Buffer	<ul style="list-style-type: none"> ▪ Natural looking and visually pleasing ▪ Approx. 8 decibels of sound reduction 	<ul style="list-style-type: none"> ▪ The decibel reduction varies depending on the type and design of vegetation
Combination wall/vegetation	<ul style="list-style-type: none"> ▪ The wall reduces noise ▪ The vegetation breaks up wall visually besides offering additional sound buffering 	<ul style="list-style-type: none"> ▪ The most expensive of all buffers

Exhibit D

Lot Coverage: Below 11%



Lot Coverage: 11%-16.9%



Exhibit D

Lot Coverage: 17% - 30%

