



# 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.**

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  
8

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

17 **SECTION 1 - FINDINGS**

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20 1.01 The recitals outlined above are incorporated by reference as findings of fact.  
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22 SECTION 2 - ADOPTION

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

**“Chapter 53 - ZONING REGULATIONS  
PART 1. – GENERAL PROVISIONS**

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

...  
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**

...  
**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**

...  
**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~~ 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~~ 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.

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

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

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

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 78 (1) Retail sales and service, provided that all inventory shall be stored within fully  
 79 enclosed buildings whenever the facility is closed for business. Outdoor vending  
 80 machines are not permitted.

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

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

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

84 (5) Personal services.

85 (6) Professional services.

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<del>Permitted Structures/Special Exceptions</del>	<del>Principal</del>	<del>Uses</del>	<del>and/or</del>	<del>NC-LI</del>	<del>NC-HI</del>
<del>(1) Retail sales and service, provided that all inventory shall be stored within fully enclosed buildings when ever the facility is closed for business</del>				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

<del>—(b) With car wash</del>	<del>NP</del>	<del>SE</del>
<del>(5) Veterinary clinic/hospital facility accommodating animal convalescence inside completely enclosable buildings</del>	<del>SE</del>	<del>P</del>
<del>(6) Bank and other financial institution/ATM</del>	<del>P</del>	<del>P</del>
<del>—(a) With drive through</del>	<del>SE</del>	<del>SE</del>
<del>(7) Laundry/dry cleaning intake facility</del>	<del>P</del>	<del>P</del>
<del>(8) Essential and emergency service</del>	<del>P</del>	<del>P</del>
<del>(9) Personal service</del>		
<del>—Appliance services</del>	<del>SE</del>	<del>P</del>
<del>—Automobile quick-wash</del>	<del>SE</del>	<del>SE</del>
<del>—Barber shops</del>	<del>P</del>	<del>P</del>
<del>—Beauty shops</del>	<del>P</del>	<del>P</del>
<del>—Body art shops</del>	<del>P</del>	<del>P</del>
<del>—Dance studios</del>	<del>SE</del>	<del>P</del>
<del>—Duplicating services</del>	<del>P</del>	<del>P</del>
<del>—Funeral homes</del>	<del>SE</del>	<del>P</del>
<del>—Health spas</del>	<del>NP</del>	<del>SE</del>
<del>—In-house carpet servicing</del>	<del>NP</del>	<del>SE</del>
<del>—Massage establishments</del>	<del>P</del>	<del>P</del>
<del>—Photographic studios</del>	<del>P</del>	<del>P</del>
<del>—Radio repair</del>	<del>P</del>	<del>P</del>
<del>—Shoe repair</del>	<del>P</del>	<del>P</del>
<del>—Television repair</del>	<del>P</del>	<del>P</del>
<del>—Tailoring</del>	<del>P</del>	<del>P</del>
<del>—Watch and clock repair</del>	<del>P</del>	<del>P</del>
<del>(10) Day care</del>	<del>SE</del>	<del>SE</del>
<del>(11) Professional office(s) including medical and dental office/clinic</del>	<del>P</del>	<del>P</del>
<del>(12) Private club and lodge</del>	<del>NP</del>	<del>SE</del>
<del>(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</del>	<del>SE</del>	<del>P</del>

<del>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.</del>		
<del>(14) Adult entertainment</del>	NP	NP
<del>(15) Model homes, not intended for residential purposes</del>	NP	P
<del>(16) Bars, cocktail lounges, nightclubs and taverns for on premises consumption of alcoholic beverages</del>	SE	SE
<del>(17) Bail bondsman</del>	NP	NP
<del>(18) Check cashing</del>	NP	NP
<del>(19) Quick loan</del>	NP	NP
<del>(20) Pawn shops</del>	NP	NP
<del>(21) Adult living facility, group home, foster care or adult day care</del>	NP	NP
<del>(22) Urban market gardens in accordance with Sec. 53-240(S)</del>	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 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:~~

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

141 S. Warehouse.

142 T. Wholesale club.

143 U. Wholesale establishment.

144 **Sec. 53-181. – Design Standards.**

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

147 C. Neighborhood Commercial (NC) District Design Standards

148 (1) Roof pitch: 4/12

149 (2) Building placement<sup>[MR1]</sup>

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

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

166 (i) Rear yard

167 1. Interior: 5 feet

168 2. Abutting residential property: 30 feet

169 3. Waterfront: 25 feet

170 (ii) Side yard

171 1. Interior: 7.5 feet

172 2. Abutting residential zoning: 30 feet

173 3. Waterfront: 25 feet

174 (3) Building height: Maximum 35 feet

- 175                   (4) Minimum parking: 1 space for each 350 square feet of floor area
- 176                   (5) Street trees: 1 every 30 feet on center
- 177                   (6) Required parking lot landscaping: A live-screen buffer of hedges at least 4 feet in  
178                   height are required when the parking is visible from the street.
- 179                   (7) Maximum lot coverage: 30%
- 180                   (8) Maximum total building footprint square footage per business: 5,000 square feet.  
181                   Additional square feet per business may be requested through a waiver during the  
182                   development master plan approval process.
- 183                   (9) Minimum lot size: 7,500 square feet
- 184                   (10) Minimum lot width: 50 feet
- 185                   (11) Minimum open space: 30%
- 186                   (12) Ingress/egress access points: 2 per original tract/parcel
- 187

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

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

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### **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.

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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>

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~~(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.

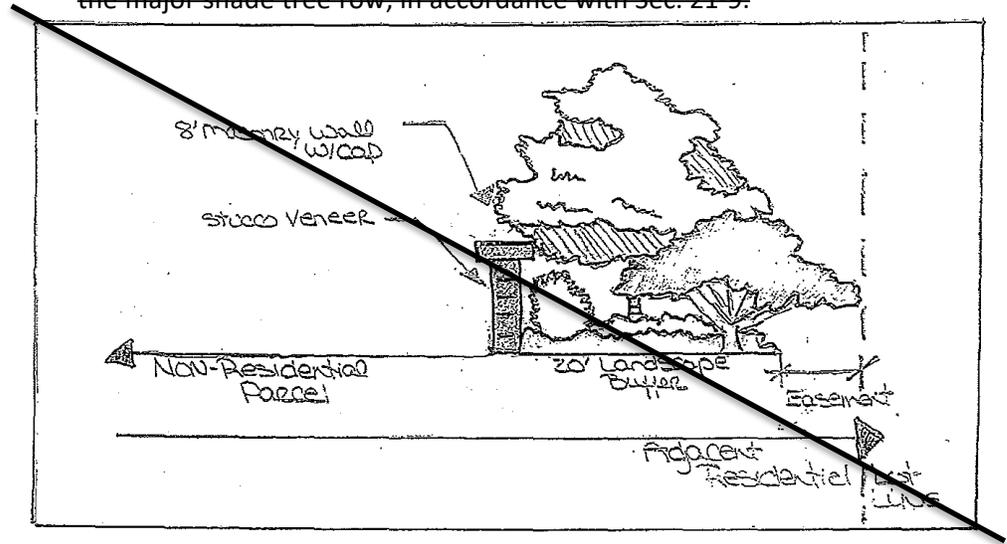
~~(b) The~~ six-foot fence, placed on the non-residential side of landscape buffer, requires a fence permit. Chain-link, split rail, stockade or similar types of fences are not permitted.

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

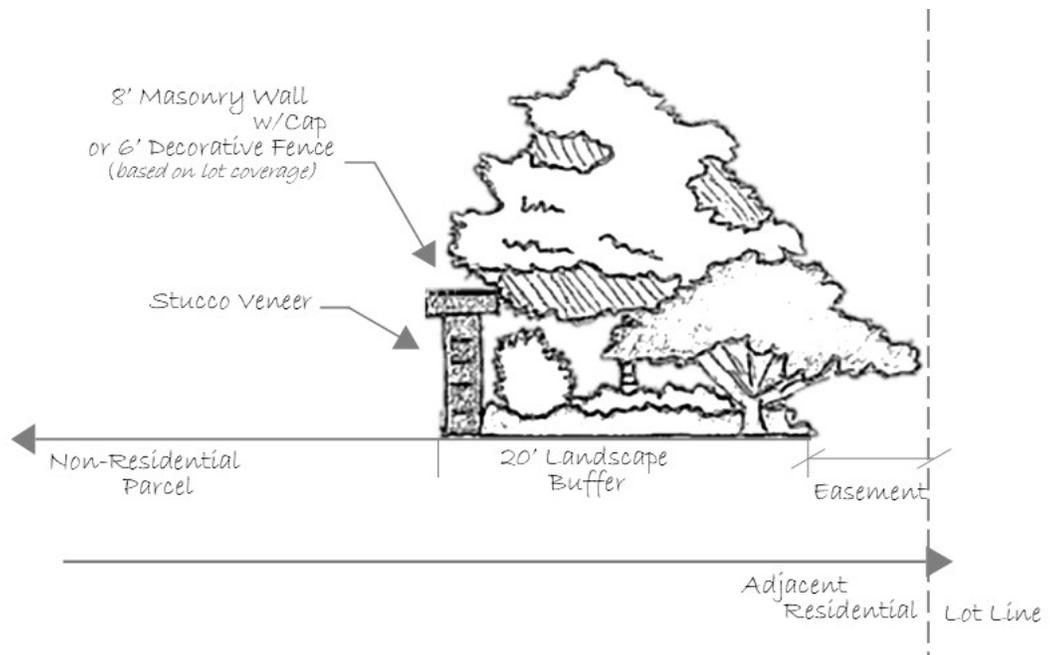
~~ii. Where natural vegetation creates an opaque screening, landscape plantings are not required.~~

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- 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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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

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

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

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

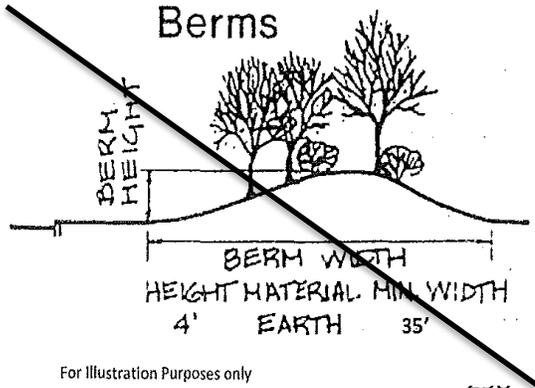
266 ~~ii. Minimum berm of four (4) feet, with hedges that shall be installed at~~  
267 ~~three (3) feet and maintained at a minimum of seven (7) feet. Sodded~~  
268 ~~slopes shall be no steeper than 4:1 plus a three foot top. Berms shall be~~  
269 ~~landscaped with plantings and/or other landscape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

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

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

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

285 ~~c. In the case of a natural disaster, those plantings located on the berm~~  
286 ~~area which are destroyed must be replaced within the following~~  
287 ~~periods of time; in case of a freeze, within ninety (90) days; in case~~  
288 ~~of a declared natural disaster (e.g., flood, hurricane, etc) in which~~  
289 ~~City ordinances are suspended, within one (1) year following such a~~  
290 ~~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.~~

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

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

305 ~~viii. Berms shall not be permitted to be placed within the area between fire~~  
306 ~~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.]*

**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

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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. ~~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

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

409 . . .

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

422 . . .

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

426 . . .

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

432 . . .

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

439 . . .

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

441 . . .”

442

443 **SECTION 3 – CONFLICTS**

444

445 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or  
446 portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

447

448 **SECTION 4 – SEVERABILITY**

449

450 4.01 If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason  
451 held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be  
452 deemed a separate, distinct, and independent provision and such holding shall not affect the  
453 validity of the remaining portions of the ordinance.

454

455 **SECTION 5 – CODIFICATION**

456

457 5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any  
458 additional codification information and notations appear in *italics*. These editorial notations shall  
459 not appear in the codified text.

460

461 5.02 A codification note should be added to Section 1-2 to advise readers that the practice of listing  
462 each ordinance amending the ULDC was discontinued in 2011 when the codification services  
463 commenced.

464

465 **SECTION 6 – EFFECTIVE DATE**

466

467 6.01 This ordinance shall take effect immediately after adoption by the City Commission of the City of  
468 North Port, Florida.

469

470

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

473

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

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CITY OF NORTH PORT, FLORIDA

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\_\_\_\_\_  
GISELE "JILL" E. LUKE

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MAYOR

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485 ATTEST

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HEATHER TAYLOR, CMC

490 CITY CLERK

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493 APPROVED AS TO FORM AND CORRECTNESS

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497 \_\_\_\_\_  
AMBER L. SLAYTON

498 CITY ATTORNEY