



## City of North Port

### ORDINANCE NO. 2019-09

1        **AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE UNIFIED LAND**  
2        **DEVELOPMENT CODE TO ADD A NEW ACTIVITY CENTER #9 BY AMENDING CHAPTER 55**  
3        **– ACTIVITY CENTER DESIGN REGULATIONS, SECTION 55-4 – GENERAL; AMENDING**  
4        **CHAPTER 55 – ACTIVITY CENTER DESIGN REGULATIONS TO ADD A NEW ARTICLE IX –**  
5        **CENTRAL PARC (ACTIVITY CENTER 9); AMENDING CHAPTER 53 – ZONING REGULATIONS,**  
6        **ARTICLE III – COMMERCIAL GENERAL DISTRICT, SECTION 53-38 – PERMITTED PRINCIPAL**  
7        **USES AND STRUCTURES; AMENDING THE URBAN DESIGN STANDARDS PATTERN BOOK**  
8        **TO PROVIDE REGULATIONS FOR ACTIVITY CENTER #9; ADOPTING THE CENTRAL PARC**  
9        **AT NORTH PORT PATTERN PLAN; PROVIDING FOR FINDINGS; PROVIDING FOR**  
10       **ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING**  
11       **FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

12       **WHEREAS**, Chapter 55 of the Unified Land Development Code (“ULDC”) sets forth regulations for  
13       development within the City’s eight Activity Centers; and

14       **WHEREAS**, On July 23, 2018, Mark Gerenger, Managing Partner of Sabal Trace Development Partners, LLC,  
15       property owner(s) submitted petition number TXT-18-179 to amend Chapter 55 to add regulations for a  
16       new Activity Center #9, related to petitions CPAL-18-060 and REZ-080; and

17       **WHEREAS**, on April 18, 2019, the City of North Port Planning and Zoning Advisory Board, designated as  
18       the Local Planning Agency, held a properly-noticed public hearing to receive public comments on the  
19       revision of the Unified Land Development Code; and

20       **WHEREAS**, the City Commission of the City of North Port has held properly-noticed public hearings to  
21       review the recommendations of the Planning and Zoning Advisory Board and to receive public comments  
22       on the revision of the Unified Land Development Code; and

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

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

**SECTION 1 – FINDINGS:**

- 1.01. The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

**SECTION 2 – ADOPTION:**

- 2.01 The City Commission hereby approves and adopts the following amendments to the Unified Land Development Code:

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

...

**Sec. 55-4. – General**

*[Replace Fig. 55-1 in its entirety with the map identified as “Exhibit A,” attached hereto and incorporated as if set forth herein.]*

*[Delete Fig. 55-2 in its entirety.]*

~~The above maps are for general information only. They do not constitute the official adopted City maps.~~

...

B. Architectural and art.

- (1) The architectural and art themes for all Activity Centers are specified in the Urban Design Standards Pattern Book (UDSPB) and this Unified Land Development Code.

...

- (c) Central Parc (AC #9) – The development within the two mixed-use areas in this activity center identified as “Mixed-Use #1” and “Mixed-Use #2” shall be regulated by the AC #9 Urban Design Standards Pattern Book and this Unified Land Development Code.

The residential development in Phases 1 and 2 within this Activity Center shall be regulated first by the architectural guidelines in the Central Parc at North Port Pattern Plan. Where the architectural guidelines for the residential development in Phase 1 and 2 fail to address standards pertaining to these residential development areas, the regulations set forth in the Urban Design Standards Pattern Book and this Unified Land Development Code shall apply.

...”

- 2.02 The City Commission hereby approves and adopts the following amendments to the Unified Land Development Code:

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

...

**ARTICLE IX. – CENTRAL PARC (Activity Center #9)**

**Sec. 55-60. - Intent.**

The intent of this section is to ensure all development within the two mixed use areas of Central Parc at North Port adheres to the Urban Design Standards Pattern Book (UDSPB) of Activity Center #1, incorporated by reference as if set forth fully herein, pursuant to Section 55-14 et seq. and all residential development within Phases 1 and 2 of Central Parc at North Port adhere to the architectural guidelines in Central Parc at North Port Pattern Plan, incorporated by reference as if set forth fully herein, and to create a specific identifying character, continuity and connectivity within the Activity Center. It is generally intended to utilize these Activity Center regulations to implement the Comprehensive Plan, Future Land Use Element, Goal 2, Policy 2.9.1: This Activity Center shall be established to provide infill development with a mixture of low and medium density residential uses, as well as senior living, retail storage, medical office, and neighborhood commercial to serve the surrounding neighborhoods, to interface with residential and commercial along the US-41 corridor.

**Sec. 55-61. - Permitted principal uses and structures.**

- A. The parameter for the percentage of allowable land uses pursuant to the Comprehensive Plan are as follows:

|                                   |            |
|-----------------------------------|------------|
| <u>Low Density Residential</u>    | <u>85%</u> |
| <u>Medium Density Residential</u> | <u>0%</u>  |
| <u>High Density Residential</u>   | <u>0%</u>  |
| <u>Mixed-Use Development</u>      | <u>15%</u> |

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

(1) Mixed-use development areas.

- (a) Adult living facility.
- (b) Art gallery, museum.
- (c) Bank or financial institution (no drive-through).
- (d) Business services.
- (e) Emergency and essential services.
- (f) Exercise gymnasium.
- (g) House of worship, provided that minimum parcel size shall not be less than two (2) acres.
- (h) Multiple-family dwellings and townhomes comprised of no more than eight (8) dwelling units attached side by side or one (1) above another, with each unit having direct exterior access.
- (i) Professional office including medical and dental office/clinic.
- (j) Mini-storage facility.
- (k) Personal services.
- (l) Post office.

- (m) Professional services.
  - (n) Recreational or community center maintained by a Community Development District or a homeowner's association, as defined in F.S. 720.301(9).
  - (o) Restaurant (no drive-through).
- (2) Residential development areas.
- (a) Family day care.
  - (b) Model home. See Sec. 53-240(U) of this Unified Land Development Code.
  - (c) Non-profit park or playground.
  - (d) PODS shall be permitted in accordance with Sec. 53-265(A)(2) of this Unified Land Development Code.
  - (e) Recreational or community center maintained by a Community Development District or a homeowner's association, as defined in F.S. 720.301(9).
  - (f) Single-family residential.
  - (g) Two-family dwelling.

**Sec. 55-62. – Prohibited uses and structures.**

- A. Any use or structure not expressly, or by reasonable implication, permitted herein or permitted by special exception shall be unlawful in this district, including specifically adult entertainment and exhibition establishments, adult bookstores and any other establishments whose primary purpose is to sell sexually explicit material or the exhibition of sexually explicit activities. Listed permitted or permissible uses do not include either as a principal or an accessory use any of the following:
- (1) Adult exhibition/entertainment.
  - (2) Adult gaming/casino.
  - (3) Bail bondsman.
  - (4) Billboards.
  - (5) Cemetery.
  - (6) Check quick cashing and quick loan establishment.
  - (7) Equipment rental.
  - (8) Fireworks sales or manufacturing.
  - (9) Funeral home.
  - (10) Heavy machinery and equipment sales and service.
  - (11) Incinerator.
  - (12) Junkyard or automobile wrecking yard.
  - (13) Manufacturing or industrial establishment.
  - (14) Pawn shop.
  - (15) Restaurant, drive-through.
  - (16) Tattoo parlor or body art establishment.
  - (17) Truck stop.

- (18) Warehouse and storage, except as permitted in Sec. 55-61.
- (19) Wholesale establishment.
- (20) Wholesale club.
- (21) The parking and storage of construction equipment except in connection with authorized active, continuing construction on the premises.
- (22) The keeping of farm animals, exotic animals, livestock and poultry, or any animal normally found in the wild.
- (23) Any car service activity other than that done by the homeowner, or by a service professional who has been granted permission by the homeowner, to the homeowner's vehicle shall be expressly prohibited.

- B. All communication towers, including but not limited to television and radio transmitter towers, are prohibited. This section is not meant to prohibit small-cell deployment.

**Sec. 55-63. - Special exceptions.**

All special exceptions shall enhance the intent of this activity center and shall be approved by Commission pursuant to Chapter 53, Article XXII of this Unified Land Development Code.

**Sec. 55-64. - Permitted signs.**

See Chapter 29 and the Urban Design Standards Pattern Book."

- 2.03 The City Commission hereby approves and adopts the following amendments to the Unified Land Development Code:

**"Chapter 53 – ZONING REGULATIONS**

...

**PART 2. – SCHEDULE OF DISTRICT REGULATIONS**

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**ARTICLE III. – CG COMMERCIAL GENERAL DISTRICT**

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**Sec. 53-38. – Permitted principal uses and structures.**

- A. Permitted principal uses and structures shall be as follows:

...

- (37) Retail mini storage facilities. Permitted in Panacea, (AC #4), and The Shire (AC #6), and Central Parc (AC #9) only. No retail ministorage facilities are permitted in AC #1, 2, 3, 5, 7, or 8. In addition to any applicable zoning district and use regulations, see Sec. 53-257, Special Structures, Mini Storage Facilities.

..."

209  
 210 2.04 The City Commission hereby approves and adopts amendments to the Urban Design Standards  
 211 Pattern Book to add design standards and regulations for Activity Center #9 as shown in  
 212 "Exhibit B," attached hereto and incorporated as if set forth herein.

213 2.05 The City Commission hereby approves and adopts the Central Parc at North Port Pattern Plan to  
 214 add design standards and regulations for residential development within Activity Center #9 as  
 215 shown in "Exhibit C," attached hereto and incorporated as if set forth herein.

216 **SECTION 3 – CONFLICTS:**

217 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or  
 218 portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

219 **SECTION 4 – SEVERABILITY:**

220 4.01 If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason  
 221 held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be  
 222 deemed a separate, distinct, and independent provision and such holding shall not affect the  
 223 validity of the remaining portions hereof.

224 **SECTION 5 – CODIFICATION:**

225 5.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Additional  
 226 codification information and notations appear in *italics*. These editorial notations shall not appear  
 227 in the codified text.

228 **SECTION 6 – EFFECTIVE DATE:**

229 6.01 This ordinance shall take effect upon the effective date of Ordinance No. 2019-07, regarding  
 230 Amendment No. CPAL-18-060 to the Comprehensive Plan. No development order or development  
 231 permits dependent on this ordinance may be issued before it has become effective.

232 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public  
 233 session on the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

234 PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida, on the second and  
 235 final reading in public session this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

CITY OF NORTH PORT, FLORIDA

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CHRISTOPHER HANKS  
MAYOR

ATTEST:

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KATHRYN WONG  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

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AMBER L. SLAYTON  
CITY ATTORNEY