UNIFIED LAND DEVELOPMENT CODE
City of NORTH PORT, FLORIDA

UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF NORTH PORT COUNTY OF SARASOTA
STATE OF FLORIDA
Published by Municipal Code Corporation
Tallahassee, Florida  2004

PREFACE

This volume constitutes a republication of the general and permanent ordinances of the City of North Port, Florida.

In 1989 the City of North Port adopted a revised and updated Comprehensive Plan. In accordance with F.S. § 163.3202, the City was required to revise its land development and zoning regulations to ensure consistency with the Comprehensive Plan. On September 17, 1990, the City adopted Ordinance No. 90-28 which established regulations governing subdivision, development and use of all lands lying within the corporate boundaries of the City of North Port. This ordinance is known as the "Unified Land Development Code of the City of North Port" and is codified in this volume as Chapters 1 through 58. The Code contains all amendments adopted up to and including Ordinance No. 02-56, adopted November 24, 2003.

In 2009 the City adopted and updated Comprehensive Plan and in accordance to F.S. § 163.3202, the City revised its land development and zoning regulations to ensure consistency.

Histories
At the beginning of the chapter analysis in each chapter is located the legislative history for that chapter. This history indicates from what section of Ordinance No. 90-28 the chapter is derived. Amendments to individual sections or subsections are indicated by histories where appropriate in the text. By use of the comparative table appearing in the back of this Unified Land Development Code the reader can locate any section of the Unified Land Development Code and any subsequent ordinance included herein.

Chapter and Section Numbering System

The chapter and section numbering system used in this Unified Land Development Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 5 is 5-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 5-1 and 5-2 is desired to be added, such new section would be numbered 5-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers.

Page Numbering System
The page numbering system used in this Unified Land Development Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Unified Land Development Code, the number to the left of the colon indicates the number of the chapter. The following are parts of this Unified Land Development Code and their corresponding prefixes:

UNIFIED LAND DEVELOPMENT CODE ULDC1:1
UNIFIED LAND DEVELOPMENT CODE COMPARATIVE ULDCCT:1
UNIFIED LAND DEVELOPMENT CODE INDEX ULDCi:1

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.
Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

The publisher is most grateful to Mr. Samuel K. Jones, Director, Planning and Zoning for his cooperation and assistance during the progress of the work on this publication. It is hoped that his efforts and those of the publisher have resulted in a Unified Land Development Code which will make the active law of the City readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the City's affairs.

All editorial enhancements of this Unified Land Development Code are copyrighted by Municipal Code Corporation and the City of North Port, Florida. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; numbering system; comparative table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and the City of North Port, Florida.

© Copyrighted material.

Chapter 1  GENERAL PROVISIONS


Article I. Adoption of Unified Land Development Code

Sec. 1-1. Title.

Sec. 1-2. Findings.

Sec. 1-3. Authority and intent.

Sec. 1-4. Applicability.

Sec. 1-5. Adoption of Unified Land Development Code.

Sec. 1-6. Repealer.


Article II. Administration of Unified Land Development Code.

Sec. 1-8. Administration.

Sec. 1-9. Interpretation and enforcement.

Sec. 1-10. Appeals.

Sec. 1-11. Intent of regulations for proposed land use.

Sec. 1-12. Amendments.

Sec. 1-13. Prosecution under previous zoning regulations.

Sec. 1-14. Provisions declared to be minimum or maximum requirements.

Sec. 1-15. Complaints regarding violations.

Sec. 1-16. Penalties for offenses.

Sec. 1-17. Reference materials.

Sec. 1-18. Definitions.
Sec. 1-19. Permits.
Sec. 1-20. De minimis revisions.
Sec. 1-22. Fees.
Sec. 1-23. Enforcement.
Sec. 1-25. Conflicts.
Sec. 1-26. Effective date.

Article III. Boards and Duties.

Sec. 1-27. City Commission.
Sec. 1-28. Zoning Board of Appeals.
Sec. 1-29. Planning and Zoning Advisory Board.
Sec. 1-30. Tamiami Trail Appearance Review Board.
Sec. 1-31. Staff Review.

Article IV. Rezoning

Sec. 1-32. Findings.
Sec. 1-33. Rezoning.
Sec. 1-34. Limitations of the rezoning of property.
Sec. 1-35. Waiver of time limits.
Sec. 1-36. Filing of ordinance.
Sec. 1-37. Severability.
Sec. 1-38. Conflicts.
Sec. 1-39. Effective date.

Article V. Adoption of Recodification
ARTICLE I. ADOPTION OF UNIFIED LAND DEVELOPMENT CODE

[Adopted 9-17-1990 by Ord. No. 90-28]

Sec. 1-1. Title.

This ordinance shall be known and cited as the City of North Port "Unified Land Development Code" and may be referred to herein as the "Code."

Sec. 1-2. Findings.

The North Port City Commission hereby finds and declares that:

A. On July 12, 1965, the North Port City Commission adopted City Ordinance No. 65-2 thereby establishing a Zoning Code for the City of North Port which has been subsequently amended from time to time.

B. The North Port City Commission has also adopted the following ordinances on the dates specified below that also regulate the development of land in the City of North Port:

   (1) Ordinance No. 63-7, Creation of Planning and Zoning Advisory Board, adopted December 9, 1963.

   (2) Ordinance No. 76-2, Dredge and Fill, adopted April 13, 1976.


(6) Ordinance No. 90-13, City Code, adopted June 18, 1990 and more specifically:

(a) Chapter 53, Planning and Zoning Advisory Board.
(b) Chapter 121, Flood Damage Prevention.
(c) Chapter 199, Stormwater Management and Drainage.
(d) Chapter 205, Subdivision of Land.


(9) Ordinance No. 01-5, Chapter 14, Earthmoving Activities, adopted March 26, 2001.

(10) Ordinance No. 01-15, amending section 53-166, relating to the parking and storage of certain vehicles, adopted January 14, 2002.


(14) Ordinance No. 02-17, amending Chapter 21, Landscape Requirements, adopted April 8, 2002.

(15) Ordinance No. 02-18, amending sections in Chapter 53, relating to (PCD) Planned Community Development District, adopted May 28, 2002.


(22) Ordinance No. 02-58, adding Commercial General District to Chapter 53, adopted September 22, 2003.


(24) Ordinance No. 03-08, adding Activity Center #7 District to Chapter 53, adopted April 14, 2003.


(26) Ordinance No. 03-33, amending various sections in the Unified Land Development Code and the City Code, relating to fees charged for Land Development Fees, adopted September 22, 2003.

(SHOULD WE ADD THE ORDINANCE NUMBER WHICH APPLIES TO THIS FINAL APPROVAL?)

C. Pursuant to Chapter 163, Part II, Florida Statutes, the North Port City Commission on March 15, 1989, adopted a revised and updated Comprehensive Plan for the City of North Port.

D. The adopted Comprehensive Plan for the City of North Port sets forth objective and policy statements which call for the revision of the City's existing land development and zoning regulations.
E. Pursuant to F.S. § 163.3202, the City of North Port is required to revise its land development and zoning regulations to ensure their consistency with the City's adopted Comprehensive Plan.

F. Section 163.3202(3) of the Florida Statutes further stipulates that local governments, in revising their land development and zoning regulations, are strongly encouraged to adopt a unified land development and zoning code.

G. Controlling the location, type, design and construction of development within the City is necessary to maintain and promote the public health, safety and welfare.

H. On August 16, 1990, the North Port Planning and Zoning Advisory Board, designated as, the City's Local Planning Agency, reviewed Ordinance No. 90-28 and determined it was consistent with the City's adopted Comprehensive Plan.

I. On September 17, 1990, the North Port City Commission reviewed the report and recommendation of the Planning and Zoning Advisory Board and determined that Ordinance No. 90-28, known as the City of North Port "Unified Land Development Code" was consistent with the City's adopted Comprehensive Plan.

J. On ------, The North Port Planning and Zoning Advisory Board, designated as, the City's Local Planning Agency, reviewed Ordinance No. ---- and determined it was consistent with the City's adopted Comprehensive Plan.

K. On -------, the North Port City Commission reviewed the report and recommendation of the Planning and Zoning Advisory board and determined that
Ordinance No. ---- updating the Unified Land Development Code was consistent with the City’s adopted Comprehensive Plan.

Sec. 1-3. Authority and intent.

A. It is the intent of this ordinance to establish regulations governing the subdivision, development and use of all lands lying within the corporate boundaries of the City of North Port.

B. This Land Development Code is enacted pursuant to the requirements and authority of F.S. § 163.3202 (the Local Government Comprehensive Planning and Land Development Regulation Act), and the general municipal powers provided for in Chapter 166, Florida Statutes.

Sec. 1-4. Applicability.

A. General applicability.

(1) Except as specifically provided below, the provisions of this Code shall apply to all development in the City, and no development shall be undertaken without prior authorization pursuant to this Code.

(2) Development is hereby defined as meaning the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land or the dividing of land into three or more parcels.

B. Exceptions.
(1) Previously issued building permits. The provisions of this Code and any
amendments thereto shall not affect the validity of any lawfully issued
and effective building permit issued prior to the effective date of this
Code if:

(a) The development activity authorized by the permit has been commenced
prior to the effective date of this Code or will be commenced after the
effective date of this Code but within one year of issuance of the
building permit; and

(b) The development activity continues without interruption of non-
activity for 180 days, until the development is complete (except because
of war, natural disaster, permit issues, legal issues, strikes, terrorism as determined by the sole discretion of the City Manager or
designee) until the development is complete. If the building permit
expires, any further development on that site shall occur only in
conformance with the requirements of this Code or amendment thereto.

C. Consistency with Plan. Nothing in this section shall be construed to
authorize development that is not consistent with the City’s adopted
Comprehensive Plan. If there is inconsistency between this Code and the City’s
adopted Comprehensive Plan, the City’s adopted Comprehensive Plan shall prevail.

Sec. 1-5. Adoption of Unified Land Development Code.

The North Port City Commission hereby approves and adopts the City of North Port
Unified Land Development Code, as contained in Exhibit A, attached hereto and
incorporated herein.*
Sec. 1-6. Repealer.

Ordinance Nos. 63-7, 65-2, 76-2, 84-153, 86-196 and 90-8, all as amended, are hereby repealed in their entirety.


Ordinance No. 90-13 (City Code) is hereby amended by deleting and repealing the following chapters:

A. Chapter 53, Planning and Zoning Advisory Board.

B. Chapter 121, Flood Damage Prevention.

C. Chapter 199, Stormwater Management and Drainage.

D. Chapter 205, Subdivision of Land.

Article II. Administration of Unified Land Development Code.

Sec. 1-8. Administration.

Unless as otherwise specified in the provisions contained within Exhibit A, the regulations and requirements set forth in this Land Development Code shall be administered by the City of North Port Department responsible for land development services Planning, and Zoning Department. [Amended 11-24-2003 by Ord. No. 2002-56].

Sec. 1-9. Interpretation and enforcement.
A. It is the intent of these land development regulations that questions of interpretation and enforcement shall first be presented to the Planning and Zoning Director of the department responsible for land development services.

B. Questions of enforcement shall be presented to the Director of the Building Department.

C. That such questions of interpretation and enforcement shall be presented to the Zoning Board of Appeals only on appeal from the decision of the Planning and Zoning Director of the Department responsible for land development services or Director of Building Department or City Management and that recourse to the courts shall be as set out in these zoning regulations.

D. It is further the intent of these land development regulations that the duties of the City Commission in connection with these land development regulations shall not include hearing and deciding questions of enforcement and interpretation that may arise. The procedure for settling such questions shall be governed by the policy set out in this section and the procedures set out in these land development regulations.

Sec. 1-10. Appeals. [Amended 11-24-2003 by Ord. No. 2002-56]

A. Types of appeals.

(1) Appeals of Interpretation

(a) All appeals for interpretation of the Unified Land Development Code will be provided by the department responsible for land development services.
435  (b) The interpretation of the department responsible for land
development services may be appealed to the Zoning Board of Appeals.

(c) The decision of the Zoning Board of Appeals may be appealed to the
Sarasota County Circuit Court.

(2) Appeals of Administration

(a) All appeals for administration of the Unified Land Development
Code will be provided by the appropriate departments.

(b) The administration decision may be heard first by the Planning and
Zoning Advisory Board. After consideration, the Planning and Zoning
Advisory Board will give an advisory recommendation to the City
Commission.

(c) After review of the Planning and Zoning Advisory Board’s
recommendation, the City Commission will make a decision on the
administrative appeal. The decision of the City Commission may be
appealed to the Sarasota County Circuit Court.

B. Filing of appeals. All appeals are to be filed with the department
responsible for land development services for processing and procedure.

(1) Interpretation:

(a) Unified Land Development Code. Any person aggrieved by the Director
of the department responsible for land development services
interpretation of this Unified Land Development Code may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders removes all reasonable uses of the property. unbuildable. The granting of any appeal shall not be in conflict with State Statutes and City Codes. The Zoning Board of Appeals' decision, may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(b) Comprehensive Plan. Appeals to the Planning and Zoning Advisory Board concerning interpretation of the Comprehensive Plan may be taken by any person aggrieved or by any officer, board or department of the City of North Port affected by any decision, determination or requirement of the Planning and Zoning Department responsible for land development services. Such appeals shall be taken within a reasonable time not to exceed 30 days or such lesser period as may be provided by the rules of the Board, by filing with the Planning and Zoning Department and with the Board a notice of appeal specifying the grounds thereof. The Planning and Zoning Director of the department responsible for land development services shall forthwith transmit to the Planning and Zoning Advisory Board all papers constituting the record upon which the action appealed from was taken. The appeal with all evidence presented to the Board, staff report, and recommendation from the Planning and Zoning Advisory Board shall be forwarded to the Commission for review and action. [Amended 11-24-2003 by Ord. No. 2002-56]

(2) Administration:

(a) If a conflict arises concerning matters of these regulations, a signed and dated “Notice of Appeals Process” will be given to the
applicant. An appeal must be filed within 15 days of the “Notice of
Appeals Process” being given.

(b) Filling of appeals may be done by any person aggrieved or any
officer, board or department of the City affected by any decision,
determination or requirement of the department responsible for land
development services relating to any interpretation or administration of
this Unified Land Development Code.

(c) The petitioner shall file a written notice of appeal with the Zoning
Board of Appeals and the department responsible for land development
services specifying, in detail, the error alleged and the alleged factual
and legal basis for the appeal.

(d) The Department responsible for land development services, within 14
days of the receipt of the notice of appeal shall transmit to the Zoning
Board of Appeals all papers constituting the record of the decision,
determination or requirement that is the subject of the appeal.

(e) In the event that the person aggrieved or the officer, board or
department affected fails to comply with the provisions of this
subsection, such failure shall be jurisdictional and the appeal shall be
dismissed.

(f) Any aggrieved party shall appeal a jurisdictional dismissal by
petition for writ of certiorari to the Circuit Court.
(g) Prior to scheduling an appeal for formal action, all fees are to be paid in full pursuant to the City Commission adopted fee schedule as may be amended from time to time.

C. Criteria. The criteria for filing an appeal shall be as follows:

(1) Completed Appeals application.

(2) A statement of “Show of good cause” and alleged error.

(a) This statement shall give a complete explanation and description of the cause of the appeal and the alleged error.

(3) A copy of the interpretation or decision being appealed.

(4) Code reference of what is being appealed.

(5) Address, PID and Photos of property affected (if applicable).

D. Hearing.

(1) The Zoning Board of Appeals or City Commission shall fix a reasonable time for the hearing of the appeal, give notice of the hearing to the public and all the parties in interest.

(2) At the hearing, any party may appear in person or by agent or attorney.

(3) After such hearing, the Zoning Board of Appeals or City Commission shall decide the appeal within a reasonable time. So long as such action is in
conformity with the terms of this Unified Land Development Code, the Zoning Board of Appeals or City Commission may reverse or affirm, wholly or partly, or may modify the order, decision or determination appealed from and may make such order, decision or determination as sought to be made, and to that end shall have the powers of the department responsible for land development services from which the appeal was taken.

(4) In an appeal, the concurring votes of a majority of the members of the Zoning Board of Appeals or City Commission present at a meeting shall be necessary to reverse any order, decision or determination of the department responsible for land development services or Directors responsible for administration.

(5) The final determination of the Zoning Board of Appeals or City Commission shall be made in writing and shall be made available to the person aggrieved or the officer, board or department affected, the department responsible for land development services, the City Attorney and the City Manager.

E. Stay of proceedings.

An appeal stays all proceedings in furtherance of the action from which the appeal was taken; provided, however, that in the event the Director responsible for land development services from whom the appeal is taken and after receipt of the notice of appeal, certifies in writing to the Zoning Board of Appeals or City Commission that a stay would, in the opinion of the Director supported by facts, cause an immediate risk of harm to a person or to property, then the proceedings shall not be stayed; provided, further, however, that in the event that the person aggrieved or any officer, board or department may request, in writing, based on detailed facts, and shows good cause, the Zoning Board of
Appeals or City Commission may issue a restraining order staying such proceedings. The Zoning Board of Appeals or City Commission may condition such restraining order on such safeguards and time limits as the Board or Commission may deem appropriate to protect any person or property at risk of harm. [Amended 11-24-2003 by Ord. No. 2002-56]

F. In the interpretation and application of these regulations all provisions shall be considered as minimum requirements, shall be liberally construed in favor of the governing body and shall be deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 1-11. Intent of regulations for proposed land use.

A. Annexations, rezoning, and plat. It is the intent of these regulations that all proposed annexations, rezonings, and plats shall be reviewed first by the City’s Administrative Staff and then heard in the first instance by the Planning and Zoning Advisory Board and that after thorough review that the Planning and Zoning Advisory Board's report and recommendations on such matters shall be advisory only to the City Commission.

B. Amendments.

(1) Comprehensive Plan. It is the intent of these zoning regulations that all proposed amendments shall be reviewed first by the City Administrative Staff and then shall be heard in the first instance by the Planning and Zoning Advisory Board and that after thorough review the Planning and Zoning Advisory Board's report and recommendations on such matters shall be advisory only to the City Commission. This amendment type fall under the following categories:
(a) Small Scale (10 acres or less). Where contiguous land is affected, only one small scale rezoning petition may be filed in a 12-month period.

(b) Large Scale (greater than 10 acres). Large scale rezoning petitions must have a full review by the Department of Community Affairs, in addition to the required staff review.

(2) Zoning Ordinance Text. It is the intent of these zoning regulations that all proposed amendments shall be reviewed first by the City Staff responsible for land development review and then shall be heard in the first instance by the Planning and Zoning Advisory Board and that after thorough review the Planning and Zoning Advisory Board's report and recommendations on such matters shall be advisory only to the City Commission.

C. Development Master Plans, Subdivision plans. It is the intent of these regulations that all proposed development master plans and subdivision plans shall be reviewed first by the City’s Review Staff and then heard in the first instance by the Planning and Zoning Advisory Board and that after thorough review that the Planning and Zoning Advisory Board's report and recommendations on such matters shall be advisory only to the City Commission.

D. Subdivision Variance and Landscape Variance. It is the intent of these regulations that all proposed subdivision variance and landscape variance shall be reviewed first by the City’s Administrative Staff and then heard in the first instance by the Planning and Zoning Advisory Board and that after thorough review that the Planning and Zoning Advisory Board’s report and recommendations on such matters shall be advisory only to the City Commission.
E. Special Exception. It is the intent of these zoning regulations that all conditional uses shall be heard in the first instance by the Planning and Zoning Advisory Board and that after thorough review the Planning and Zoning Advisory Board's report and recommendation on such matters shall be advisory only to the City Commission.

F. It is the intent of these zoning regulations that all other development petitions shall be reviewed by the City Staff responsible for land development.

Sec. 1-12. Amendments.

A. Amendment authorized.

These zoning regulations and the Official Zoning Map and Official Schedule or District Regulations which are a part of these zoning regulations may from time to time be amended, supplemented, changed or repealed. Procedures shall be as follows.

B. Initiation of proposals for amendment.

(i) A zoning map amendment may be proposed by:

(a) City Commission.

(b) Planning and Zoning Advisory Board.

(c) Zoning Board of Appeals.

(d) Any other department or agency of the City.
(e) Any person other than those listed in Subsection A(1) through (4) above, provided, however, that any property owner (or agent for the owner) of property covered by a proposed map amendment. No person shall propose an amendment for the rezoning of property (except as agent or attorney for an owner) which he does not own. The name of the owner shall appear on each application.

(2) All proposals for zoning amendments shall be considered first by the Planning and Zoning Advisory Board in the manner herein set out.

(3) All proposals for zoning amendments shall be submitted in writing to the Director of the North Port Planning and Zoning Department responsible for land development services, accompanied by all pertinent information required by these zoning regulations and which may be required by the Planning and Zoning Advisory Board for proper consideration of the matter, along with payment of such fees and charges as have been established by the City Commission.

(a) No application for zoning amendment shall be heard by the Planning Board until such fees and charges have been paid.

C. Notice.

(1) General notification requirements. No request for amendment may be considered by the Planning and Zoning Advisory Board until such time as notice of a public hearing on the proposed amendment has been given to the citizens of North Port by publication of a notice of the hearing in a
newspaper of general circulation in the City, at least 15 days in advance of the public hearing.

(2) Notice where proposed amendment would change zoning of land.

(a) Notice of time and place of the public hearing of the Planning and Zoning Advisory Board shall be sent at least 15 days in advance of the hearing by mail to the owner of the subject property or his designated agent or attorney, if any.

(b) Notice of the time and place of the public hearing by the Planning and Zoning Advisory Board shall be sent at least 15 days in advance of the hearing by mail to all owners of property within 300 feet of the property lines of the land for which rezoning is sought; provided, however,

(i) For properties greater than one acre, the 300 foot distance shall be 1,320 feet; provided, however,

[1] that where the land for which rezoning is sought is part of, or adjacent to, land owned by the same person, the three-hundred-foot or 1,320-foot distance shall be measured from the boundaries of the entire ownership, except that notice need not be mailed for property owners located more than 1/2 mile (2,640 feet), from the land for which rezoning is sought.

[2] If any dwelling unit within the required three-hundred-foot or 1,320 foot notification radius is within a property owner's association, the property owner's association must also be notified. For the purposes of this requirement, the names and...
addresses of property owners shall be deemed those appearing on
the latest tax rolls of Sarasota County.

[¶ 3] Notwithstanding any other provision herein contained,
failure to provide written notice to adjacent property owners
shall not constitute a jurisdictional defect, provided that proper
legal notice has been published.

D. Planning and Zoning Advisory Board hearing and report to City Commission.

(1) Time limits. Hearings by the Planning and Zoning Advisory Board on
applications for rezoning of land shall be held in conjunction with any
regularly scheduled meeting of the Board but in no case more than 60 days
after complete application is received by the City.

(2) Presentation of evidence. The staff report for rezoning shall be
presented prior to the close of opening the public comment section of the
hearing on the application.

(a) The applicant shall be afforded the opportunity, prior to the close
of the public hearing, to respond to any evidence presented during the
public hearing and to respond to the staff report, after receipt of which
the hearing shall be concluded, unless the hearing is continued and the
matter referred back to staff for further consideration of such matters
as the Planning and Zoning Advisory Board may direct.

E. Nature and requirements of Planning and Zoning Advisory Board report.
(1) When pertaining to the rezoning of land, the report and recommendations of the Planning and Zoning Advisory Board to the City Commission required by Sec. 53-303 above shall show that the Planning and Zoning Advisory Board has studied and considered the proposed change in relation to the following, where applicable:

(a) Whether the proposed change would be consistent with the adopted map series and the goals, objectives and policies of the Comprehensive Plan.

(b) The relationship of the proposed change to the existing land use pattern.

(c) Whether the proposed change would lead to the creation of an isolated district unrelated to adjacent and nearby districts.

(d) The impact on the availability of adequate public facilities consistent with the level of service standards adopted in the Comprehensive Plan and as defined and implemented through the City's Concurrency Management System Regulations as set forth in Chapter 5 of this Unified Land Development Code.

(e) Whether the existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

(f) Whether changed or changing conditions make the passage of the proposed amendment necessary.

(g) Whether the proposed change will adversely influence living conditions in the neighborhood.
(h) Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

(i) Whether the proposed change will create a drainage problem.

(j) Whether the proposed change will seriously reduce light and air or solar access to adjacent areas.

(k) Whether the proposed change will adversely affect property values in the adjacent areas.

(l) Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

(m) Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

(n) Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

(o) Whether the change suggested is out of scale with the deeds character of the neighborhood.

(p) Whether the use causes a decrease in level of service, concurrency in any area listed in Chapter 5, or causes adverse effects on the health, safety and welfare of the citizens of North Port and it is impossible to find other adequate sites in the City for the proposed use in districts already permitting such use that would maintain the adopted level of
service, concurrency levels as listed in Chapter 5 or adequate services for the health, safety and welfare of the citizens of North Port.

(2) When pertaining to other proposed text amendments of these zoning regulations, the Planning and Zoning Advisory Board shall consider and study:

(a) The need and justification for the change.

(b) The relationship of the proposed amendment to the purposes and objectives of the City's Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of these zoning regulations and other City codes, regulations and actions designed to implement the Comprehensive Plan.

F. Restrictions, stipulations and safeguards.

(1) The Planning and Zoning Advisory Board may recommend that a petition to amend or supplement district regulations be approved subject to stipulations, including but not limited to limiting the use of the property to certain uses provided for in the requested zoning district. The governing body, after receiving the recommendation from the Planning and Zoning Advisory Board on a request to amend or supplement a district, may grant or deny such amendment or supplement and may make the granting conditional upon such restrictions, stipulations and safeguards as it may deem necessary to ensure compliance with the intent and purposes of the Comprehensive Plan.

(2) Restrictions, stipulations and safeguards attached to an amendment or supplement may include but are not limited to those necessary to protect
adjacent or nearby land owners from any deleterious effects from the full impact of any permitted uses, limitations more restrictive than those generally applying to the district regarding density, height, connection to central water and sewer systems and stipulations requiring that development take place in accordance with a specific site plan.

(3) The governing body may also stipulate that the development take place within a given period of time after which time public hearings will be initiated and the district returned to the original designation or such other district as determined appropriate by the governing body in accordance with the Comprehensive Plan. In cases where stipulations, restrictions or safeguards are attached:

(a) All representations of the owner or his agents at public hearing shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief.

(b) All conditions, restrictions, stipulations and safeguards which are a condition to the granting of the change in zoning district shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief.

(c) All costs, including reasonable attorney's fees, shall be awarded to the governmental unit if it prevails in such suit.

G. Advisory nature of Planning and Zoning Advisory Board report and recommendations.

(1) The report and recommendations of the Planning and Zoning Advisory Board
H. City Commission action on Planning and Zoning Advisory Board report.

(1) Upon receipt of the Planning and Zoning Advisory Board's report and recommendations, the City Commission shall hold a second public hearing with notice to be given pursuant to the provisions of general law. The reports and recommendations of the staff and the Planning and Zoning Advisory Board on the application shall be presented prior to the close of the public hearing on the application. The applicant shall have the right, prior to the close of the public hearing, to respond to any evidence presented during the public hearing.

(2) In addition to the notice provided for in subsection C above notice of the time and place of the public hearing before the City Commission shall be sent at least 15 days in advance of the hearing by mail to the owner of subject property or his designated agent or attorney, if any.

(a) Notice of the time and place of the public hearing before the City Commission shall be sent at least 15 days in advance of the hearing by mail to all owners of property within 300 feet of the property lines of the land for which rezoning (for properties greater than one acre, the 300 feet distance shall be 1,320 feet) is sought; provided, however,

(l) That where the land for which rezoning is sought is part of, or adjacent to, land owned by the same person, the three-hundred-foot distance shall be measured from the boundaries of the entire ownership, except that notice need not be mailed to any property owner...
located more than 1/2 mile (2,640 feet) from the land for which rezoning is sought.

(ii) If any dwelling unit within the required three-hundred-foot notification radius is within a property owner's association, the property owner's association must also be notified. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Sarasota County.

(iii) Failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect, provided that proper legal notice has been published, notwithstanding any other provision herein contained.

(3) In the case of all proposed changes or amendments, if the recommendation of the Planning and Zoning Advisory Board is adverse to the proposal, such changes or amendments shall not be adopted except by affirmative vote of a majority of a quorum of the City Commission. Approval of the rezoning of a specific parcel of land shall be contingent upon a finding that adequate public facilities have been determined to be available concurrent with the impact of the proposed development, as determined through the City's Concurrency Management System Regulations as set forth in Chapter 5 of this Unified Land Development Code.

Sec. 1-13. Prosecution under previous zoning regulations.

Any prosecution arising from a violation of any prior zoning code, ordinance or regulation of the City of North Port superseded by these zoning regulations, which prosecution was pending at the effective date of these zoning regulations
in consequence of any violation of any prior zoning code, ordinance or
regulation superseded hereby, which violation was committed prior to the
effective date of these zoning regulations, shall be tried and determined
exactly as if such prior zoning code, ordinance or regulation had not been
superseded. Unless the superseding conditions or regulations, make the preceding
violation moot. Under that condition, prosecution shall cease and each party
will be responsible for its own costs to date.

Sec. 1-14. Provisions declared to be minimum or maximum requirements.

In their interpretation and application, the provisions of these zoning
regulations shall be held to be minimum or maximum requirements, as the case may
be, adopted for the promotion of the public health, safety, morale or general
welfare. Whenever the requirements of these zoning regulations are at variance
with the requirements of any other governmentally adopted statute, rule,
regulation, ordinance or code, the most restrictive or that imposing the higher
standards shall govern.

Sec. 1-15. Complaints regarding violations.

Whenever a violation of these zoning regulations occurs, or is alleged to have
occurred, any person may file a complaint. Such complaint stating fully the
causes and basis thereof shall be filed in writing with the Police Department
responsible for land development services which shall record properly such
complaint, immediately investigate and take action thereon as provided by these
regulations. The Police Department responsible for land development services
shall maintain as a public record the disposition made of the complaint.

Sec. 1-16. Penalties for offenses.
A. Violation of the provisions of these zoning regulations or failure to comply with any of the requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional use-special exception, shall constitute a code enforcement violation.

B. The owner or tenant of any building, structure, premises or part thereof, and any architect, building contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

C. Nothing herein contained shall prevent the City from taking such other lawful action, including but not limited to resort to equitable action, as is necessary to prevent or remedy any violation.

Sec. 1-17. Reference materials.

A. Where any provision of this code refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any amendments thereto or re-designation thereof.

B. All references to number of days shall be considered as calendar days unless specified in the section where the reference is used.

Sec. 1-18. Definitions.

A. All definitions that pertain to chapters within this Unified Land Development Code (ULDC) are located in Chapter 61 of these regulations. These definitions
are used for clarification and shall not be construed as interpretation of the ULDC code.

(1) Definitions that are specific to any chapter will be noted by the chapter number in parenthesis immediately following the definition.

Sec. 1-19. Permits.

Local, state and federal permits required. Unless specifically exempted by these regulations, all work in connection with any structure located in, on, over or adjacent to any lands located within the incorporated area of the City of North Port shall be prohibited without obtaining a permit in accordance with applicable local rules, regulations, ordinances or codes. Local City approval shall not eliminate the need for obtaining associated state and federal agency permits where applicable.

Sec. 1-20. De minimis revisions.

It is the intent of the City Commission that any proposed de minimis revisions to any of the sections of this Code set forth in Exhibit A may be authorized by the City Manager, or his designee, without need of a public hearing, by filing a corrected re-codified copy of the Code with the City Clerk. For the purposes of this ordinance, the term "de minimis revisions" shall only cover the following:

A. The renumbering or re-lettering of any of the sections or subsections of the Code.

B. Correction of any typographical errors contained in the Code.
C. The change of departmental names and corresponding revision of text specifying standard land development processing procedures, provided that said revision does not affect the basic intent of the applicable section or subsection of the Code.


A. Pursuant to Florida Statute 163.3202 which states, "Municipalities shall adopt or amend and enforce Land Development Regulations that are consistent with and implement the adopted Comprehensive Plan", the City of North Port shall update the Unified Land Development Code within one year of the adoption of the Evaluation and Appraisal Report (EAR) based comprehensive plan amendment to ensure consistency with the City’s adopted Comprehensive plan.

B. Furthermore, in conjunction with subsection A above and to ensure this Unified Land Development Code (ULDC) remains current, viable and up-to-date, the City Commission will accept departmental updates on a yearly basis, at the regularly scheduled meeting in October of each year. All departments shall submit the proposed changes for the applicable section to the department responsible for land development services with a staff report which includes the following:

(1) Specify the department submitting the proposed change.

(2) Clearly define the section being changed.

(3) Using strike through and underline, clearly show the verbiage that is being changed.
(4) Identify the reason for the proposed change with documentation.

(5) Show that the proposed change is consistent with the City’s Comprehensive Plan.

(6) Identify all sections throughout the ULDC that are affected by the proposed change.

C. The department responsible for land development services will present each ULDC proposed change first to the Planning and Zoning Advisory Board and then to the City Commission.

(1) The deadline for departmental submittals to the department responsible for land development services for ULDC updates shall be July 31 of each year.

D. After review by the Planning and Zoning Advisory Board, an advisory recommendation shall be made to the City Commission for consideration of each proposed change.

E. The City Commission shall vote to “Approve” or “Deny” any proposed change, or to refer the matter back to staff for additional information.

F. Once a proposed change is adopted by the City Commission, staff will notify all departments of the change with the effective date. Staff shall submit all approved changes for codification on a yearly basis.

Sec. 1-22. Fees.
A. Upon filing all application materials required in these regulations, an application fee pursuant to the City Commission adopted fee ordinance, as amended from time to time shall be paid. Any expenses incurred by the City, including but not limited to, advertising, postage, or attorney costs, over and above any application fee shall be reimbursed to the City by the applicant within 30 days of invoice. Checks shall be made payable to the City of North Port.

B. The City Commission hereby establishes the following schedule of a fee schedule and charges for matters pertaining to these zoning regulations. It is the intent of these regulations that the City of North Port shall not be required to bear any part of the cost of applications or petitions made under these zoning regulations and that the fees and charges herein set out represent the actual cost of required legal advertising, postage, clerical, filing and other costs involved in the processing of applications and petitions.

C. The schedule of fees and charges listed above shall be approved by the City Commission and may be amended from time to time and shall be posted in the Planning, Building and Development Services Department responsible for land development services.

(1) The charges listed in this section may be changed by resolution of the City Commission and are not subject to the procedure for amendment of these zoning regulations set out in Sec. 1-12.

(2) Applications or petitions initiated officially by the City, by its duly authorized agencies, or officers are exempt from the payment of the fees and charges of charges herein set out.
D. Until the applicable fees have been paid in full, no action of any type or kind shall be taken on an application or petition. The Planning and Zoning Director responsible for land development services may, prior to or at the time of application for rezoning or conditional use [special exception], establish an alternative method of payment of the applicable fees and charges.

Sec. 1-10. Enforcement.

A. In addition to any specific enforcement provisions set forth in any section or subsection of Exhibit A [this Unified Land Development Code], any violation of the regulations and requirements of this Code may be enforced according to the procedures set forth in the City of North Port Code, Section 2, Administration, Article IX Code Enforcement, adopted June 18, 1990 as may be amended from time to time, unless otherwise indicated.

B. If any application is made to the City for any reason, it shall be conditioned upon continued compliance with all the requirements of this code. Upon making any application to the City for any reason, the applicant agrees to comply with all the requirements of this code and further agrees to allow authorized City staff and personnel to enter and inspect the property during normal business hours. Authorized City staff and personnel includes, but is not limited to, Police, Fire/Rescue, Property Standards, Planning, Zoning, Engineering, Utilities, Public Works, and Building Division Inspectors.

C. Penalties for offenses.

(1) Any person, firm or corporation or any person or agent acting in behalf thereof, who shall fail to comply with any of the provisions of these regulations or its requirements, including violations of conditions and
safeguards established in connection with grants of variance or special
eceptions, shall be deemed in violation thereof and shall be subject to the
review and adjudication by the Code Enforcement Board. Each day such
violation is committed and/or permitted to continue shall constitute a
separate offense and shall be punishable treated as such. Nothing herein
contained shall prevent the City of North Port from taking such other lawful
action as is necessary to prevent or remedy any violation.

Sec. 1-14 24. Severability.

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


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

Sec. 1-16 26. Effective date.

This ordinance shall become effective immediately upon final adoption pursuant
to provisions of Section 9 of the City Charter.

Article III. Boards and Duties.
Sec. 1-27. City Commission.

Under these zoning regulations, the City Commission shall have only the duties of:

A. Appointing or confirming members of the Planning and Zoning Advisory Board or Zoning Board of Appeals required under these regulations.

B. Considering and adopting or rejecting proposed amendments, to the ULDC which include text and the Comprehensive Plan text and adopted maps, to or the repeal of these zoning regulations.

C. Considering and approving or denying requests for annexations, special exceptions, rezoning of property, development master plans, plats, landscape variances, and subdivision variances.

D. Establishing a schedule of fees and charges as set out in § 53-296 adopted by City Commission and may be amended from time to time.

E. The City Commission shall hold public meetings in accordance with these regulations for all petitions brought for consideration. The applicant or duly authorized representative shall attend the public meeting in which their petition is scheduled.

F. Appeals.

(1) Any person aggrieved by the City Commission’s decision may appeal to the Circuit Court of Sarasota County, Florida within 30 days of any decision being appealed. The criteria for granting an appeal shall be based upon
substantial competent evidence proving that the decision renders the property unbuildable removes all reasonable use of the property. The granting of any appeal shall not be in conflict with State Statutes and City Codes and Ordinances. Based upon the evidence submitted to the department responsible for land development services, the appeal shall include the City Commission’s decision and staff finding(s).

(a) Applications for an appeal shall be filed pursuant to Sec. 1-10.


A. Establishment and composition. A Zoning Board of Appeals is hereby reestablished, which shall consist of seven regular members to be appointed by the City Commission. Each member shall serve a three-year term. In case of a vacated position, the new appointment would be for the completion of the vacated term. [Amended 11-8-1993 by Ord. No. 93-27; 9-28-1998 by Ord. No. 98-31]

B. Qualifications of members. No member of the Zoning Board of Appeals shall hold any elective office or be employed by the City. Members of the Board appointed after the effective date of these regulations shall be residents of the City of North Port for one year and appointed from among persons in a position to represent the public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest.

C. Vacancies. Vacancies in the Zoning Board of Appeals membership shall be filled by appointment of the City Commission for the unexpired term of the member affected. It shall be the duty of the Chairman of the Zoning Board of Appeals to notify the City Commission within 30 days after any vacancy occurs.
among members of the Zoning Board of Appeals.

D. Removal. Members of the Zoning Board of Appeals may be removed from office for cause by the affirmative votes of three members of the City Commission upon written charges and public hearing, if the member of the Zoning Board of Appeals so affected requests such public hearing.

E. Compensation. Members of the Zoning Board of Appeals shall receive no salaries or fees for service on the Board but may receive reimbursement of actual and necessary expense incurred in the performance of their duties of office.

F. Proceedings.

(1) Officers and voting. The Zoning Board of Appeals shall select a Chairman from among its members and may create and fill such other offices as it may determine. It shall provide itself with a Secretary, either by election from its members or by appointment of an employee of the City who is not a member of the Board. All regular members of the Board, but not a Secretary who is not a member of the Board, shall be entitled to vote in matters before the Zoning Board of Appeals.

(2) Rules and procedure. The Zoning Board of Appeals shall may adopt rules of procedure necessary to its governance and the conduct of its affairs, in keeping with the applicable provisions of Florida law and these zoning regulations. Such rules of procedures shall be available in a written form to persons appearing before the Zoning Board of Appeals and to the public.

(3) Meetings. Meetings shall be held at the call of the Chairman and at such
other times as the Zoning Board of Appeals may determine. Meetings that are not regularly scheduled shall not be held without at least seven days' notice to each member. The Zoning Board of Appeals shall have the power to take testimony under oath and compel the attendance of witnesses.

(4) Quorum; minutes; public records.

(a) The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member (including the Chairman), or if absent or failing to vote indicating such fact. The Zoning Board of Appeals shall keep records of its examinations and other official actions, all of which shall be a public record, and filed immediately in the office of the Board located within the Planning and Zoning Department responsible for land development services.

(b) A quorum for the transaction of business shall consist of three four members.

(5) Disqualification of members. If any member of the Zoning Board of Appeals, called on to sit in a particular case, shall find that his private or personal interests are involved in the matter coming before the Board, he that member shall disqualify himself/herself from all participation in the case or he may be disqualified by the votes of a majority of members of the Board, not including the member about whom the question of disqualification has been raised. No member of the Zoning Board of Appeals shall appear before the Board as agent or attorney for any person.

G. Filing of appeals; hearing; stay of proceeding; assistance.
(1) Filing of appeals. Appeals to the Zoning Board of Appeals concerning interpretation or administration of these zoning regulations or for variance under these zoning regulations may be taken by any person aggrieved or by any officer, board or department of the City of North Port affected by any decision, determination or requirement of the Planning and Zoning department responsible for land development services.

(a) Such appeals shall be taken within a reasonable time not to exceed 30 days or such lesser period as may be provided by the rules of the Board, by filing with the Planning and Zoning Director of the department responsible for land development services and with the Board a notice of appeal specifying the grounds thereof.

(b) The Planning and Zoning Director shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken.

(2) Withdrawal of Appeal.

(a) The application may be withdrawn at any time prior to the publication of Notice of Hearing.

(b) The withdrawal of an application that has been placed on an agenda for public hearing may be requested to be withdrawn no later than five days prior to any official meeting of the Zoning Board of Appeals. Such request for withdrawal of an application for hearing must be delivered in writing to the Board liaison.

(3) Continuance.
(a) A continuance may be requested by an applicant affected person or staff demonstrating that the continuance is necessary to provide rebuttal testimony or to provide time to review documentary evidence.

(i) The applicant may seek a continuance administratively, with consent of the Chairperson, prior to the distribution of the meeting agenda for petitions that do not require legal advertisement.

(ii) A maximum of three (3) applicant initiated continuances may be granted for any one petition whether granted administratively or by the Board.

(iii) Any petition that requires publication in a newspaper of general circulation, must be filed in writing 21 days prior to the public hearing. Petitions that require publication in a newspaper of general circulation, must be requested in writing 20 days prior to the public hearing.

(b) The Board may continue the public hearing on its own initiative, upon finding that any testimony, documentary evidence, or other evidence presented at the quasi-judicial hearing justifies allowing time for additional research or review for the benefit of the Board, to assist in an appropriate resolution of the matter being presented.

(i) A continuance initiated by the Board will not be charged against the allowable continuances permitted under these regulations.
(c) The Board shall order a continuance at any time the Board determines the scheduling or timing of the pending application warrants a continuance to another date or time, but is not obligated to grant a continuance.

(2) Hearing. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice of the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

(a) If the applicant does not appear, refuses to proceed, or cannot proceed, the application shall be deemed denied without prejudice.

(i) An applicant may seek relief by sending a third party to request continuance at the published meeting.

[1] If the applicant seeks to request relief by a third party, the Applicant shall submit a signed affidavit specifying the person’s name, address with a copy of the petition prior to the meeting.

(b) If an application is deemed denied without prejudice, no further application for a variance of any type for the subject property shall be filed within one (1) year of such denial.

(c) If an application for an administrative appeal is denied, it shall be deemed denied with prejudice.

(3) Financial and staff assistance. The Zoning Board of Appeals may be
provided by the City Commission with such professional and financial assistance as may be deemed necessary to enable the Zoning Board of Appeals to perform the functions assigned to it by these zoning regulations.

(7) The cancellation of any meeting of the Zoning Board of Appeals is at the Chair’s discretion.

H. Powers and duties. The Zoning Board of Appeals shall have the following powers and duties:

(1) Administrative review. To hear and decide appeals where it is alleged there is error in any order, decision or determination of the Planning and Zoning Director, Director responsible for land development services in the enforcement of these zoning regulations.

(2) Variances; powers; conditions governing petitions; procedures. To authorize upon appeal in specific cases such variance from the terms of these zoning regulations as will not be contrary to the public interest where, owing to special conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the provisions of these zoning regulations would result in unnecessary and undue hardship on the land. A variance from the terms of these zoning regulations shall not be considered by the Zoning Board of Appeals unless and until:

(a) Written petition. A written petition for a variance is submitted by the applicant.

(b) Notice of public hearing. Notice of public hearing shall be given at least 15 days in advance of the public hearing.
(i) The owner of the property for which variance is sought, or his agent or attorney designated by him on his petition, shall be notified by mail.

(ii) Notice of the public hearing shall be advertised in a newspaper of general circulation in the City at least one time 15 days prior to the hearing. [Amended 11-24-2003 by Ord. No. 2002-56]

(c) Public hearing. The public hearing shall be held by the Zoning Board of Appeals. Any party may appear in person or by agent or attorney.

(d) Conditions and safeguards. In granting any variance the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with these zoning regulations, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these zoning regulations.

(e) Limitations on power to grant variances.

(i) Under no circumstances shall the Zoning Board of Appeals grant a variance to permit a use not permitted under the terms of these zoning regulations in the zoning district involved or any use expressly or by implication prohibited by the terms of these regulations in the said zoning district.
(ii) A variance is authorized only for height, parking requirements, area and size of structures or size of yards and open spaces.

(iii) Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance.

(iv) No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in any other district shall be considered grounds for the granting of a variance.

(v) No conditional use or special exception to these zoning regulations shall be granted by the Zoning Board of Appeals.

(f) Considerations. In reaching this decision, the Board of Appeals shall consider the following criteria, recommendations and testimony:

(i) Exceptional or extraordinary conditions or circumstances exist which are inherent in the land, structure or building involved and such exceptional or extraordinary conditions or circumstances create an undue hardship on the property owner and are not generally applicable to other lands, structures or buildings;

(ii) The exceptional or extraordinary conditions or circumstances do not result from the actions of the applicant;

(iii) Without the variance, the provisions of this chapter would deprive the applicant of all reasonable use of his property;
(iv) The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure;

(v) The variance, if granted, will not be injurious to the neighborhood or otherwise detrimental to the public welfare;

(vi) Staff recommendations;

(vii) Testimony from the applicant; and

(viii) Testimony from the public.

(g) Findings.

(i) Before granting a variance, the Zoning Board of Appeals shall find that all of the following exist:

[1] That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.

[2] That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of this chapter. (Any action taken by an applicant pursuant to lawfully adopted regulations preceding this chapter will not be considered self-created.)
[3] That such variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

[4] That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

[5] That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make it more reasonable and practical to amend these zoning regulations.

1. Special authority in relation to certain nonconforming uses:

If no structural alterations are made, any nonconforming use of a structure, or of a structure and premises in combination, may be changed to another nonconforming use of the same character or to a more restricted but nonconforming use, provided that the Zoning Board of Appeals shall find after public notice and hearing that the proposed use is equally or more appropriate to the district than the existing nonconforming use and that the relation of the structure to surrounding properties is such that adverse effects on occupants and neighboring properties will not be greater than if the existing nonconforming use is continued. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the intent and purpose of these zoning regulations. Petition under this section shall be to be filed with the Planning and Zoning Department department responsible for land development services for transmittal to the Zoning Board of Appeals.
J. Reversal of decision of Planning, Building and Development Department responsible for Land Development Services Directors.

(1) In exercising the above-mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of these zoning regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as sought to be made, and to that end shall have the powers of the Planning and Zoning Department responsible for land development services from whom the appeal is taken.

(2) In matters of review, the concurring votes of a majority of the members of the Zoning Board of Appeals present at a meeting shall be necessary to reverse any order, requirement, decision or determination of the Planning and Zoning Director responsible for land development services, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations. The final determination of the Zoning Board of Appeals shall be made in writing and shall be made available to the applicant, the City Attorney and the City Manager.

K. Appeals from decisions of Zoning Board of Appeals.

Any person or persons, jointly or severally, including any officer, department, board or commission of the City, aggrieved by any decision of the Zoning Board of Appeals may apply to the Circuit Court having jurisdiction in the City of North Port for judicial relief within 30 days after the rendition of the decision by the Zoning Board of Appeals. The proceedings in the Circuit Court shall be by petition for writ of certiorari, which shall be governed by the Florida Rules of Appellate Procedure.
Sec. 1-29. Planning and Zoning Advisory Board (PZAB).

A. Establishment and composition. [Amended 8-14-1995 by Ord. No. 95-7; 3-10-1997 by Ord. No. 97-5]. A Planning and Zoning Advisory Board is hereby reestablished, which shall consist of seven regular members to be appointed by the City Commission. Terms of appointment are for four years; however, in case of a vacated position, the new appointment would be for the completion of the vacated term.

B. Qualifications of members.

No member of the Planning and Zoning Advisory Board shall hold any elective office or be employed by the City. Members of the Planning and Zoning Advisory Board appointed after the effective date of these regulations shall have been residents of the City for at least one year prior to the date of appointment. No more than two members of the Board shall be of the same business, trade or profession.

C. Vacancies.

Vacancies in Planning and Zoning Advisory Board membership shall be filled by appointment by the City Commission for the unexpired term of the member affected. It shall be the duty of the Chairman of the Planning Board to notify the City Commission within 30 days after any vacancy shall occur among members of the Planning and Zoning Advisory Board.

D. Removal. [Amended 3-10-1997 by Ord. No. 97-5]
If a member's absences exceed four consecutive or 25% of scheduled/regular Board meetings in a calendar year, excluding special meetings, the Planning and Zoning Advisory Board may recommend to the City Commission that the appointment be terminated. The only exception to this requirement shall be absences due to illness/death in family.

E. Compensation.

Members of the Planning and Zoning Advisory Board shall receive no salaries or fees for service on the Board but may receive reimbursement for actual and necessary expenses incurred in the performance of their duties of office.

F. Proceedings.

(1) Officers and voting. The Planning and Zoning Advisory Board shall select from its membership a Chairman and a Vice Chairman annually at the first regularly scheduled meeting in January of each year. (effective January 1998), to serve a term of one year. The Vice Chairman shall serve as Chairman in the latter's absence. All members of the Planning and Zoning Advisory Board shall vote on matters before the Board. [Amended 3-10-1997 by Ord. No. 97-5]

(2) Rules of procedure. The Planning and Zoning Advisory Board shall use Robert's Rules of Order as its parliamentary guideline in the conduct of all meetings in keeping with the applicable provisions of Florida law and these zoning regulations. Such rules of procedures shall be available in written form to persons appearing before the Board and to the public. [Amended 3-10-1997 by Ord. No. 97-5]
(3) Meetings. Meetings may be held on the first and third Thursday of each month, at the call of the Chairman and at such other times as the majority of the Planning and Zoning Advisory Board may determine. [Amended 3-10-1997 by Ord. No. 97-5]

(4) Notice of meetings. An agenda shall be posted by the City Clerk in the designated areas of City Hall at least 48 hours prior to a Planning and Zoning Advisory Board meeting. [Amended 3-10-1997 by Ord. No. 97-5]

(5) Quorum; minutes; public records.

(a) The Planning and Zoning Advisory Board shall keep records of its proceedings, showing the vote of each member (including the Chairman or Vice Chairman) or, if absent or failing to vote, indicating such fact. The Board shall keep records of its examinations and other official actions, all of which shall be a public record and be filed immediately in the office of the Planning and Zoning Advisory Board located within the Planning and Zoning Department responsible for land development services.

(b) Persons appearing before the Planning and Zoning Advisory Board shall have no right of challenge to disqualify a member of the Board, provided that this provision shall not prohibit any person appearing before the Board from placing in the record a statement alleging bias and requesting disqualification for bias of any member.

(c) A quorum for the transaction of business shall consist of a majority of the membership.
(6) Disqualification of members. If any member of the Planning and Zoning Advisory Board shall find that his private or personal interests are involved in a matter coming before the Board, he shall disqualify himself/herself from all participation in that matter, or he may be disqualified by the vote of a majority of a quorum of members, not including the member about whom the question of disqualification has been raised.

(a) No member of the Planning and Zoning Advisory Board shall appear before the Planning Board as agent or attorney for any person.

(b) No member of the Planning and Zoning Advisory Board shall appear before the Zoning Board of Appeals or City Commission as agent or attorney for any person.

G. Appropriations, fees and other income.

The City Commission shall make available to the Planning and Zoning Advisory Board such appropriations as it may see fit for salaries, fees and expenses necessary in the conduct of Planning and Zoning Advisory Board work. No public funds shall be expended or be caused to be expended by the Planning and Zoning Advisory Board without express approval of the City Commission.

H. Functions, powers and duties.

(1) The Planning and Zoning Advisory Board serves as the Local Planning Agency as required by the 1985 Florida Growth Management Act as set forth in the Florida Statutes, Chapter 163, and serving as a Planning and Zoning Advisory Board to the City Commission. The function, powers and duties of the Planning and Zoning Advisory Board in general shall be to:
(a) Acquire and maintain such information and materials as are necessary to an understanding of past development trends, present development conditions and forces at work to cause changes in these conditions. Such information and material may include maps, and any photographs of made and natural physical features of the City, statistics of past trends and present conditions with respect to population, property values, economic base, land use and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the City.

(b) Prepare and recommend to the City Commission for adoption and from time to time recommend amendments and revisions to the City’s Comprehensive Plan for meeting present requirements and such future requirements as may be foreseen.

(c) Recommend principles and policies for guiding action affecting development in the City.

(d) Prepare and recommend to the City Commission ordinances, regulations and other proposals promoting orderly development along the lines indicated as desirable by the Comprehensive Plan.

(e) Determine whether specific proposed developments conform to the principles and requirements of the Comprehensive Plan.

(f) Conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the Comprehensive Plan and ordinances, codes and regulations related to it,
and to establish public committees when deemed necessary for the purpose of collecting and compiling information necessary for the plan or for the purpose of promoting the accomplishment of the plan in whole or in part.

(g) Make or cause to be made any necessary special studies of the location, adequacy and condition of specific facilities in the City. These may include but are not limited to studies on housing, commercial and industrial conditions and facilities, recreation, public and private utilities, roads and traffic, transportation, parking and the like.

(h) Keep the City Commission and the public informed and advised on these matters.

(i) Perform such other duties as may be lawfully assigned to it or which may have bearing on the preparation or implementation of the Comprehensive Plan.

(2) All City employees shall, upon request and within a reasonable time, furnish to the Planning and Zoning Advisory Board or its employees or agents such available records or information as may be required in its work. The Planning and Zoning Advisory Board, or its employees or agents, may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized City agents or employees and shall have such other powers as are required for the performance of official functions in carrying out the purposes of the Planning and Zoning Advisory Board.
A. Intent.

The intent of the Tamiami Trail Appearance Review Board is to preserve various elements of urban beauty and require that new commercial construction and substantial exterior improvements to existing structures, within Activity Center #1, excluding the Trott Circle Industrial Park shall be enhanced with an architectural theme that reflects a Mediterranean style which is reflective of Florida’s history when viewed from U.S. 41, or other City streets, excluding any alley. The Tamiami Trail Appearance Review Board is to strive to achieve a pleasant and comprehensive cohesiveness in community development. For the purpose if this section, “Mediterranean architectural style” shall include styles variously described as Spanish Revival, Mediterranean Revival, Italian Romanesque, or Neo-Mediterranean.

B. Establishment and composition.[Ord. No. 02-23]

(1) The Tamiami Trail Appearance Review Board (TTARB) is hereby created. Terms of appointment are for four years. The Board shall consist of seven (7) members and two (2) alternates. Terms of appointment shall be limited to two (2) consecutive four (4) year terms, unless there are no qualified applicants available.

(a) At least three (3) but not more than five (5) of the seven (7) Board members shall be limited to the owners of a business or land located within the Tamiami Trail corridor.

(b) Two (2) of the members shall be appointed at large.

C. Qualifications of members.
(1) The members of the Tamiami Trail Appearance Review Board shall have the following qualifications:

(a) Each member must be a resident of the City.

(b) All members of the Board shall be specially qualified by reason of training or experience in art, architecture, community planning, land development, landscape architecture, or other relevant business or profession, if available. At least two (2) members, but not more than three (3) members of the Board shall be registered architects, certified planners (AICP), or engineers, if available, in the State of Florida, and reside within the City of North Port.

(2) The Tamiami Trail Appearance Review Board shall elect a chairperson and vice-chairperson to preside at its meetings, and shall be governed by rules of procedure established by resolution of the City Commission.

D. Vacancies.

Vacancies in Tamiami Trail Appearance Review Board membership shall be filled by appointment by the City Commission. In case of a vacated position, the new appointment shall be for the completion of the vacated term.

E. Removal.

Members shall make every reasonable effort to attend all meetings. When a member has not met the attendance requirements of attending seventy-five percent (75%) of the regularly scheduled meetings for any reason whatsoever, during any
calendar year of which he or she is a member, the City Clerk shall notify the Chairperson and members present, that the member’s seat shall be considered vacant and the Board shall request the City Clerk to send a letter to the member notifying that member that seat is now vacant.

F. Compensation.

Members of the Tamiami Trail Appearance Review Board shall receive no salaries or fees for service on the Board but may receive reimbursement for actual and necessary expenses incurred in the performance of their duties of office.

G. Applicability.

(1) The review of the Tamiami Trail Appearance Review Board shall be applicable to all new structures and exterior improvements done in conjunction with substantial improvement(s) of existing structures located within the U.S. 41 Corridor (Activity Center #1), excluding the Trott Circle Industrial Perk, as defined in the City of North Port Comprehensive Plan.

(2) Substantial improvements of existing structures and signs, as used in this section, shall be defined as any reconstruction, rehabilitation, addition, or other improvement of a structure or sign, the cost of which equals or exceeds fifty (50) percent of the assessed value of the structure and replacement value of the sign before the start of construction of the improvement.

(3) The term “assessed value”, as used in this Section shall be the assessed value of a structure as determined by the Sarasota County Property Appraiser’s Office.
(4) Whether an improvement constitutes a “substantial improvement” for the purposes of this Section shall be 50% of the value based upon information presented on forms issued by the Building Department Director.

(5) Persons with interests in property within Activity Center #1, excluding the Trott Circle Industrial Park are encouraged to voluntarily employ the design criteria specified in this Section for repair, remodeling, or rehabilitation projects which do not constitute substantial improvements, as that term is defined in this Section.

H. Compliance.

(1) All development, excluding Trott Circle Industrial Park, located within Activity Center #1, shall make application for review by the Tamiami Trail Appearance Review Board (TTARB) for approval of architectural standards.

(2) All development within AC #1, excluding Trott Circle Industrial Park, shall comply with the standards set forth in the “Tamiami Trail Design Guidelines”.

(3) Building permit applicants who voluntarily perform renovations to comply with the provisions of this Section and obtain approval by the Tamiami Trail Appearance Review Board, shall perform their repair, remodeling, or rehabilitation projects consistent with the approval granted by the Tamiami Trail Appearance Review Board. Should such building permit applicants fail to conduct their repair, remodeling or rehabilitation projects consistent with the approval granted by the Tamiami Trail Appearance Review Board, said applicants will be required to bring the project into full compliance.
I. Proceedings.

(1) Officers and voting. The Tamiami Trail Appearance Review Board shall select from its membership a Chairman and a Vice-Chairman annually at the first regularly scheduled meeting in January of each year, to serve a term of one year.

(a) The Vice-Chairman shall serve as Chairman in the absence of the Chair.

(b) All members of the Tamiami Trail Appearance Review Board shall vote on matters before the Board.

(2) Rules of procedure. The Tamiami Trail Appearance Review Board shall use Robert’s rules of Order as its parliamentary guideline in the conduct of all meetings in keeping with the applicable provisions of Florida law and these zoning regulations. Such rules of procedures shall be available in written form to persons appearing before the Board and to the public.

(3) Meetings. The Tamiami Trail Appearance Review Board shall hold a regularly scheduled meeting at least monthly, but may meet more often, at the call of the Chairperson, as may be required in order to consider applications pending without unnecessary delay.

(a) Upon the advice of the Director or designee of the department responsible for land development services that there are no pending applications to come before the Board for consideration, the Chairperson is authorized to cancel the regularly scheduled meeting for that month.
(b) All meetings shall be open to the public. The order of business and procedure to be followed shall be prescribed within the rules and regulations to be adopted by Resolution of the City Commission.

(4) Notice of meetings. An agenda shall be posted by the City Clerk in the designated areas of City Hall at least 48 hours prior to a Tamiami Trail Appearance Review Board meeting.

(5) Quorum; minutes; public records.

(a) A majority vote of members present shall be required to take official action.

(b) The Board shall keep a permanent record of its proceedings, and shall file approved minutes of its meeting with the City Clerk.

(c) The City Clerk, or designee shall record all proceedings of the Board and prepare the minutes of all meetings.

(6) Disqualification of members. If an member of the Tamiami Trail Appearance Review Board shall find that private or personal interests are involved in a matter coming before the Board, the member shall disqualify himself/herself from all participation in that matter, or may be disqualified by the vote of a majority of a quorum of members, not including the member about whom the question of disqualification has been raised. No member of the Tamiami Trail Appearance Review Board shall appear before any other City Board or City Commission as agent or attorney for any person or entity.
J. Powers and Duties.

(1) The Tamiami Trail Appearance Review Board (TTARB) shall be responsible for conducting meetings to review all building permit applications for all new commercial structures and substantial improvements of existing commercial structures located within the U.S. 41 Corridor (Activity Center #1), excluding the Trott Circle Industrial Park, as defined in the City of North Port Comprehensive Plan, for compliance with the criteria provided in the "Architectural Guidelines, City of North Port, U.S. 41 Corridor".

(2) The Tamiami Trail Appearance Review Board (TTARB) has the authority to approve, approve with specified conditions, or to disapprove building permit applications after consideration of compliance with the criteria provided for in the “Architectural Guidelines, City of North Port, U.S. 41 Corridor”.

(a) The TTARB may not disapprove a building permit application for any reason other than non-compliance with the criteria provided in the “Architectural Guidelines, City of North Port, U.S. 41 Corridor”.

(3) The Tamiami Trail Appearance Review Board may, from time to time, hold meetings to review this Article and the criteria specified herein, and to make recommendations to the City Commission regarding the amendment of this Section.

K. Preliminary Review Procedure.

(1) Preliminary sketches of the design of a proposed new commercial structure or substantial improvement to an existing commercial structure located within the U.S. 41 Corridor (Activity Center #1), excluding the Trott Circle
Industrial park, may be submitted to the Tamiami Trail Appearance Review Board for informal review so that an applicant may be informed of the Tamiami Trail Appearance Review Board’s policies prior to preparing working drawings. If approved, such sketches shall serve as a guide in further, formal consideration of the same proposed structure or substantial improvement.

(2) Informal review preliminary sketches by the Tamiami Trail Appearance Review Board (TTARB) is intended as an aid in an applicant’s design considerations, but shall not be considered a binding determination by the Board.

(a) Approval of preliminary sketches shall not convey any vested rights nor prevent the TTARB from ultimately rejecting plans based upon such preliminary sketches upon full and formal consideration of a building permit application.

(b) Guidelines in place at the time of a formal review shall be the applicable guidelines.

L. Final Review Application Procedure.

(i) The applicant for a building permit for the construction of a new structure or substantial improvement to an existing structure within Activity Center #1, excluding the Trott Circle Industrial Park, in addition to any other information required by this Chapter, shall submit:

(a) a site plan,
(b) exterior elevations, and exterior design specifications, including colors, examples of roof material and other appropriate examples, with the building permit application.

(2) Building permit applications for existing structures within Activity Center #1, excluding the Trott Circle Industrial Park shall also include a “Substantial Improvement Review Form”, to be provided by the Building Official.

(a) The “Substantial Improvement Review form” shall require the applicant to provide a certified itemization of the estimated labor and materials costs for all proposed construction activities including signs affecting existing commercial structures within Activity Center #1, excluding the Trott Circle Industrial Park.

(b) The applicant shall attach to the “Substantial Improvement Review Form” a copy of the most recent appraisal by the Sarasota County Property Appraiser’s Office showing the appraised value of the existing improvements on the subject property.

(3) The Director or designee of the department responsible for land development services shall review the material submitted with the building permit application to determine whether there is sufficient information to determine compliance with the criteria specified in the “Architectural Guidelines, City of North Port, U.S. 41 Corridor”.

(4) If the Director or designee of the department responsible for land development services determines that the information within the building permit application is insufficient to determine compliance with the
"Architectural Guidelines, City of North Port, U.S. 41 Corridor, the
applicant shall be notified in writing that the building permit application
has been deemed to be incomplete. The Director or designee shall include
within the notification to the applicant what additional information is
necessary to complete the building permit application.

(5) Upon receipt of a building permit application deemed by the Director or
designee of the department responsible for land development services to
contain sufficient information for review by the Tamiami Trail Appearance
Review Board, the Director shall refer the application to the Tamiami Trail
Appearance Review Board for consideration at the Board’s next regular
meeting, providing for at least seven (7) days written notice to the
applicant before the meeting.

(a) The applicant may waive the requirement for seven days written
notice.

(b) Note, a building permit application may be deemed to contain
sufficient information for review by the Tamiami Trail Appearance Review
Board; however, it may be deemed by the Director or designee to be
incomplete for other reasons.

(6) No building permit application for the construction of a new structure
or substantial improvement to an existing structure within Activity Center
#1, excluding the Trott Circle Industrial Park, shall be considered complete
until the application has been reviewed by the Tamiami Trail Appearance
Review Board.
The owner or owner’s duly authorized representative(s) shall include the
numbers of copies deemed necessary for a thorough review of all Tamiami Trail
Appearance Review Board approved color drawings and signed Development
Order/Order of Approval along with the building permit application.

Sec. 1-31. STAFF REVIEW.

A. Intent.

The intent of the Staff review is to ensure all commercial and subdivision
developments conform to the provisions of the City of North Port Comprehensive
Plan, the standards set forth in the City of North Port Unified Land Development
Code, and set forth in the Urban Design Standards Pattern Book and other
applicable City codes, policies, and standards to ensure the best possible
project for the City.

B. Establishment.

The Staff review is established administratively to review and approve all
commercial and subdivision developments applications within the City of North
Port.

C. Staff members. One staff member from the following City departments shall be
responsible for staff review: Department responsible for land development
services., Utilities, Public Works, Fire/Rescue, Police, Building, Finance,
Parks and Rec. The Sarasota County School Board shall also have a qualified
staff reviewer participate in the review of land development within the City.

D. Procedures.
(1) Project Planner. A Project Planner shall be assigned to each development application that is filed with the City. The Project Planner shall be responsible for the development project processes from intake of the application to the issuance of a Certificate of Occupancy.

(a) The Project Planner shall aid the applicant in the presentation of the development project at the pre-application meeting with City staff.

(2) Staff Meetings. Staff shall hold pre-application meetings when necessary to meet the demands of development within the City.

(a) Additional staff meetings may be scheduled when necessary.

(3) Notice of meetings. An agenda may be posted by the City Clerk in the designated areas of City Hall prior to a pre-application meeting.

(4) Findings.

(a) The finding of each staff reviewer shall be, “Meets Requirements”, “Meet Requirements with Conditions”, “No Objections”, “Does not Meet Requirements”.

(i) If a project is found not to meet requirements, at the discretion of the applicant, a resubmittal of the project may be filed.

E. Applicability.
The review of the City staff shall be applicable to all commercial and subdivision developments within the City of North Port. All multi-family residential developments are considered as commercial or subdivision developments.

F. Application fees. [Ord. No. 07-35]

(1) Each Development Review application shall be accompanied by a nonrefundable fee.

(2) All application fees paid by check shall be made payable to the “City of North Port.”

(3) The fee for City staff review shall be those adopted by the City Commission and may be amended from time to time. Each petition filed by the applicant will be assessed the appropriate fee for each departmental review.

(4) Fees shall be paid prior to scheduling the petition for staff review.

G. Powers and Duties.

(1) The City staff shall be responsible for conducting meetings to review the pre-applications of all commercial and subdivision projects for all development within the city limits of the City of North Port for compliance with the City of North Port Comprehensive Plan, Unified Land Development Code, Urban Design Standards Pattern Book, any City adopted pattern book which applies to a specific development and any other relevant codes and regulations.
(2) A finding by City Staff of “Meet Requirements”, “Meet Requirements with Conditions”, or “No Objection”, is needed for any petition to proceed.

(3) The City staff may hold staff meetings to review applications, criteria specified herein, and report their findings to the Planning and Zoning Advisory Board, Zoning Board of Appeals, City Commission, Administrative Staff, City Manager or designee, Director responsible for land development services or designee, and Building Director or designee.

H. Review Process.

(1) Prior to the submission of a development application, a developer shall have a pre-application meeting with the City staff to discuss the potential development.

(2) Once a pre-application meeting has been held with City staff, the applicant shall submit a formal application at his/her discretion.

(3) The applicant for development of any commercial project or subdivision within the City of North Port shall submit to the department responsible for land development services:

(a) A complete development application,

(b) The correct fee,

(c) Any other information required by the specific chapter which addresses the type of development being proposed.
(4) The application packet shall be reviewed by the department responsible for land development services to determine whether there is sufficient information to determine compliance with the criteria specified in the City of North Port Comprehensive Plan, Unified Land Development Code, and Urban Design Standards Pattern Book or any other applicable codes and regulations.

(5) If the information is insufficient to determine compliance with the City of North Port Comprehensive Plan, Unified Land Development Code, and Urban Design Standards Pattern Book, or any other applicable code or regulation, the applicant shall be notified that the development application is incomplete.

(a) The applicant will be notified of the additional information that is necessary to complete the application and the application shall be returned at the applicants expense or destroyed.

(b) The City will not store any incomplete applications.

(6) Upon receipt of a development application packet containing sufficient information for a staff review, the application packet shall be processed and be assigned to a project planner. The petition will be placed on the staff review schedule and all submitted documents shall be forwarded to staff for review.

(7) The Project Planner shall gather and forward all written comments and findings from City staff to the applicant within fifteen (15) days. It is the responsibility of the applicant to schedule meetings with appropriate staff to resolve any issues and to resubmit the application with applicable changes.
(8) Unsatisfactory submissions.

(a) If the plans submitted to the City do not conform to all applicable regulations, the applicant shall make all required revisions and submit the required number of revised documents and any applicable fees for redistribution and staff review.

(b) If the applicant does not resubmit the required number of revised documents with all applicable changes within 90 days after the applicant or agent receives notice of the staff findings of “Does not meet requirements”, which indicates the need for revisions and resubmittal, the application shall be considered withdrawn.

(9) If a development application is considered withdrawn, and the applicant chooses to proceed with the development, the applicant shall be required to start the process from the beginning and submit a full application package with applicable fees. No documentation from the withdrawn application will be carried forward to the new application.

(10) “Meets Requirements”, “Meets Requirements with Conditions”, or “No Objections”, shall grant the applicant the right to proceed to the next required step designated in these regulations which are applicable for the specific application or project submitted.

(11) Non-residential or subdivision development shall not be permitted prior to the issuance of a Development Order.

I. Appeals.
(1) Filing of appeals. Any applicant aggrieved by any decision, determination or requirement of the City staff relating to any actions shall file a written notice of appeal with the appropriate fees with the department responsible for land development services within 30 business days of the written findings and comments in which the petition was addressed specifying, in detail, the error alleged and the factual and legal basis for the appeal. The Department responsible for land development services shall transmit to the Zoning Board of Appeals all papers constituting the record of the findings, determination or requirement that is the subject of the appeal. In the event that the person aggrieved fails to comply with the provisions of this subsection, such failure shall be jurisdictional and the appeal shall be dismissed.

(2) Hearing. The Zoning Board of Appeals shall fix a reasonable time for a meeting to discuss the appeal. After such meeting, the Board shall decide the appeal within a reasonable time. At the appeals meeting, any party may appear in person or by agent or attorney.

(3) Reversal of decision of City Staff.

(a) After an appeal’s meeting with the aggrieved person, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, decision or determination appealed from and may make such order, decision or determination as sought to be made, and to that end shall have the powers of the City staff from which that appeal was taken.

(b) The final determination of the Zoning Board of Appeals to which the appeal was heard shall be made in writing and shall be made available to
the person aggrieved, all staff reviewers, Administrative Staff, the City Attorney and the City Manager.

(4) Any person aggrieved by the Zoning Board of Appeals’ decision may appeal to the Circuit Court may be appealed to the Circuit Court of Sarasota County within 30 days of such decision. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the decision renders the property unbuildable. The granting of any appeal shall not be in conflict with State Statutes and City Codes and Ordinances.

(a) Applications for an appeal shall be filed pursuant to Sec. 1-10.

ARTICLE XIV. REZONING

[Adopted 9-17-1990 by Ord. No. 90-20]

Sec. 1-1432. Findings.

A. Pursuant to Chapter 163, Part II, Florida Statutes, the North Port City Commission on March 15, 1989, adopted a revised and updated Comprehensive Plan for the City of North Port.

B. Pursuant to F.S. § 163.3202, the North Port City Commission on September 17, 1990, adopted Ordinance No. 90-28 (the Unified Land Development Code) which revised the City's zoning and other land development regulations consistent with the City's adopted Comprehensive Plan.

C. Section 3 of Exhibit A to Ordinance No. 90-28* sets forth the revised zoning regulations for the City of North Port.
D. Subsection 3.02 of Exhibit A to Ordinance No. 90-28* provides for a new and revised zoning district classification scheme thereby requiring that all lands lying within the City's corporate limits be rezoned to conform with this new classification scheme.

E. In addition, the City Commission hereby finds that certain real property lying within the City's corporate limits should be rezoned to ensure consistency with the City's adopted Comprehensive Plan.

F. The North Port Planning and Zoning Advisory Board which serves as the City's designated Local Planning Agency has held a duly noticed public hearing on August 16, 1990, at which time the Board found that all of the property to be rezoned by this ordinance is wholly situated within the corporate limits of the City of North Port, and that this ordinance is consistent with the adopted North Port Comprehensive Plan.

G. The City Commission of the City of North Port has received and reviewed the report and recommendations of the Local Planning Agency and finds this ordinance to be consistent with the adopted North Port Comprehensive Plan.

H. Pursuant to F.S. § 163.3202, the North Port City Commission on (date)---2009, adopted Ordinance No. ---(the Unified Land Development Code) which revised the City's zoning and other land development regulations consistent with the City's adopted Comprehensive Plan.

I. Subsection 3.02 of Exhibit A to Ordinance No. 90-28* provides for a new and revised zoning district classification scheme thereby requiring that some lands lying within the City's corporate limits be rezoned to conform with this
new classification scheme.

J. In addition, the City Commission hereby finds that certain real property lying within the City's corporate limits should be rezoned to ensure consistency with the City's adopted Comprehensive Plan.

K. The North Port Planning and Zoning Advisory Board which serves as the City's designated Local Planning Agency has held a duly noticed public hearing on August 16, 1990, at which time the Board found that all of the property to be rezoned by this ordinance is wholly situated within the corporate limits of the City of North Port, and that this ordinance is consistent with the adopted North Port Comprehensive Plan.

L. The City Commission of the City of North Port has received and reviewed the report and recommendations of the Local Planning Agency and finds this ordinance to be consistent with the adopted North Port Comprehensive Plan.

Sec. 1-15 33. Rezoning. (Need to insert zoning map)

The zoning classifications for all lands lying within the corporate limits of the City of North Port are hereby changed as depicted on the revised Official Zoning Map of the City of North Port which is attached hereto and incorporated herein as Exhibit A held in the office of the City Clerk.

A. All petitions for rezoning must first receive a Comprehensive Plan Amendment approval.

B. A zoning amendment may be proposed by:
(1) City Commission.

(2) Planning and Zoning Advisory Board.

(3) Zoning Board of Appeals.

(4) Any other department or agency of the City.

(5) Any person other than those listed in Subsection C(1) through (4) above; provided, however, that no person shall propose an amendment for the rezoning of property (except as agent or attorney for an owner) which is not owned by the petitioner. The name of the owner shall appear on each application.

D. All proposals for zoning amendments shall be considered first by the Planning and Zoning Advisory Board, and then City Commission for final decision in the manner herein set out.

E. All proposals for zoning amendments shall be submitted in writing to the Director of the department responsible for land development services, accompanied by all applicable information required by these zoning regulations and which may be required by the Planning and Zoning Advisory Board for proper consideration of the matter, along with payment of such fees and charges as have been established by the City Commission and may be amended from time to time.

(1) No application for a zoning amendment shall be heard by the Planning and Zoning Advisory Board prior to all fees and charges being paid.

F. Submission Requirements. A complete application packet for rezoning shall be filed with the department responsible for land development services for review
by the Planning and Zoning Advisory Board with the number of copies deemed necessary for a thorough review and must include:

(1) Written Narrative explaining the following:

(a) Whether the proposed change would be consistent with the future land use map and the goals, objectives and policies of the Comprehensive Plan.

(b) The relationship of the proposed change to the existing land use pattern.

(c) Whether the proposed change would lead to the creation of an isolated zoning unrelated to adjacent and nearby districts.

(d) The impact on the availability of adequate public facilities consistent with the level of service standards adopted in the Comprehensive Plan and as defined and implemented through the City’s Concurrency Management System Regulations as set forth in Chapter 5 of this Unified Land Development Code.

(e) Whether changed or changing conditions make the passage of the proposed zoning necessary.

(f) Whether the proposed change will adversely influence living conditions in the neighborhood.

(g) Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
(h) Whether the proposed change will create a drainage problem.

(i) Whether the proposed change will seriously reduce light and air to adjacent areas.

(j) Whether the proposed change will adversely affect property values in the adjacent areas.

(k) Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

(l) Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

(m) Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

(n) Whether the change suggested is out of scale with the character of the neighborhood.

(o) Whether the use causes a decrease in level of service, concurrency in any area listed in Chapter 5, or causes adverse effects on the health, safety and welfare of the citizens of North Port and it is impossible to find other adequate sites in the City for the proposed use in districts already permitting such use that would maintain the adopted level of service, concurrency levels as listed in Chapter 5 or adequate services for the health, safety and welfare of the citizens of North Port.
(2) Survey showing boundaries and topography with legal description of property to be rezoned, signed and sealed by a Florida registered land surveyor.

(3) Aerial Map showing the adjacent properties and clearly depicting property under consideration.

(4) Most Current Deed or Title Policy showing proof of ownership.

(5) Utilities Availability commitment letter.

(6) Environmental Assessment Report (if applicable) prepared by a professional environmental scientist, which shall include the date of the assessment.

(7) Traffic Impact Analysis prepared by a registered professional engineer or a certified planner qualified in transportation professional in accordance with Chapter 5 of these regulations.

(8) Any additional data, maps, plans, surveys or statements as determined by the City to be necessary for a thorough review.

(9) Digital Files, one Compact disk (CD) GIS and/or AutoCAD requirements and digital PDF as determined by the City. All disks must have a project label and date.

G. Review Process
(1) Review by the Planning and Zoning Advisory Board. The Planning and Zoning Advisory Board shall review at its next regularly scheduled meeting, the application and staff findings for rezoning. Having reviewed the application, all supporting documents, along with staff findings, the Planning and Zoning Advisory Board will make an advisory recommendation to the City Commission.

(2) Review by the City Commission. Upon completion of the Planning and Zoning Advisory Board’s review process, the Planning and Zoning Advisory Board’s comments and recommendations along with the staff findings shall be forwarded to the City Commission. After review, the City Commission shall vote whether the plans should be “Approved”, “Approved with Conditions”, or “Deny”. Upon approval or approval with conditions by the City Commission, the applicant shall be permitted to submit the appropriate application to begin the review process to allow development that pertains to the approved zoning.

H. Notice of Public Hearing.

(1) Notice of time and place of the public hearing of the Planning and Zoning Advisory Board shall be sent at least 15 days in advance of the hearing by mail to the owner of the subject property or his designated agent or attorney, if any.

(2) Notice of the time and place of the public hearing by the Planning and Zoning Advisory Board shall be sent at least 15 days in advance of the hearing by mail to all owners of property within 300 feet of the property lines of the land for which rezoning is sought (for properties greater than one acre, the 300-foot distance shall be 1,320 feet); provided, however,
(a) That where the land for which rezoning is sought is part of, or adjacent to, land owned by the same person, the 1,320-foot distance shall be measured from the boundaries of the entire ownership, except that notice need not be mailed for property owners located more than 1 mile (5,280 feet) from the land for which rezoning is sought.

(b) If any dwelling unit within the required 1,320-foot notification radius is within a property owner’s association, the property owner’s association must also be notified. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Sarasota County.

(c) Notwithstanding any other provision herein contained, failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect, provided that proper legal notice has been published.

1. Public hearings. Public hearings on the resolution for the granting of a rezoning shall be held by both the Planning and Zoning Advisory Board and the City Commission.

   (1) Any party may appear personally or by agent or attorney.

   (2) The staff findings on the petition shall be presented prior to the close of the public hearing on the petition.

   (3) The petitioner shall have the right, prior to the close of the public hearing, to cross-examine persons presenting testimony, to respond to any
contentions presented by any testimony or other evidence presented during the  
public hearing and to respond to the staff findings, after receipt of which  
the hearing shall be concluded, unless the hearing is continued and the  
matter is referred back to staff for further consideration of such matters as  
the Planning and Zoning Advisory Board or City Commission may direct.  

(4) If referred back to staff, the matter shall be given the next available  
agenda position.

Sec. 1-34. Limitations of the rezoning of property.

A. Whenever the City Commission has taken final action on an application for  
the rezoning whether approved or denied, the Planning and Zoning Advisory Board  
shall not thereafter consider any further application for any rezoning of any  
part of or all of the same property for a period of 12 months from the date of  
such action.

B. The City Commission shall have the authority to establish a period of time  
of not less than two years in duration after the effective date of any rezoning  
of property, within which the use for which the rezoning was granted shall have  
commenced. If said use has not been commenced, the zoning shall revert to the  
original classification unless an extension of time for commencement is granted  
by the City Commission.

Sec. 1-35. Waiver of time limits.

The time limits of § 1-34 above may be waived by three affirmative votes of  
the City Commission when such action is deemed necessary to prevent injustice or  
to facilitate the proper development of the City of North Port. [Amended
Sec. 1-16. Filing of ordinance.

Upon adoption of this ordinance, the City Clerk is directed to cause a copy of this ordinance to be filed with the Clerk of the Circuit Court in and for Sarasota County, Florida, and with the Florida Department of State.

Sec. 1-17. Severability.

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

Sec. 1-18. Conflicts.

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

Sec. 1-19. Effective date.

This Ordinance shall become effective immediately upon final adoption pursuant to provisions of Section 9.09 of the City Charter.

ARTICLE Ill V. ADOPTION OF RECODIFICATION
Presently proposed before the City Commission of the City of North Port is an ordinance which will adopt the 1997 recodification of the Unified Land Development Code. Upon enactment by the City Commission, the ordinance will be included here as Article III of this chapter.

Presently proposed before the City Commission of the City of North Port is an ordinance which will adopt the 2009 recodification of the Unified Land Development Code. Upon enactment by the City Commission, the ordinance will be included here as Article III of this chapter.

Chapters 2-4 RESERVED
Chapter 5  CONCURRENCY MANAGEMENT

[HISTORY: Adopted by the City Commission of the City of North Port 9-17-1990 by Ord. No. 90-28 (Section 13). Amendments noted where applicable.]

GENERAL REFERENCES

Road and Drainage District -- See Ch. 63. City Code Chapter 66
Solid Waste District -- See Ch. 65. City Code Chapter 62
Road and drainage standards -- See Ch. 87, Art. XI. City Code Chapter 66
Park and recreation impact fees -- See Ch. 136, Part 1. City Code Chapter 58
Adoption of Comprehensive Plan -- See Ch. 177. CANNOT LOCATE REFERENCE

Sec. 5-1. Title
Sec. 5-1. Findings.
Sec. 5-3. Introduction
Sec. 5-2. Purpose and Intent.
Sec. 5-3. Definitions.
Sec. 5-5. Relationship to Comprehensive Plan.
Sec. 5-4. Concurrency review criteria.
Sec. 5-5. Determination of concurrency.
Sec. 5-6. Roadways.
Sec. 5-7. Solid waste.
Sec. 5-8. Drainage.
Sec. 5-9. Recreation and open space.
Sec. 5-10. Potable water.
Sec. 5-11. Sanitary sewer.
Sec. 5-14. Public Schools.
Sec. 5-15. Interpretation.
Sec. 5-1. Title.

This chapter shall be known and may be cited as the "Concurrency Management" of the City of North Port, Florida.

Sec. 5-1-2. Findings.

A. Chapter 163, Part II, Florida Statutes, sets forth the legal requirements governing the preparation, adoption and implementation of local government comprehensive plans.

B. Section 163.3177(10)(h), Florida Statutes, states that "It is the intent of the legislature that public facilities and services needed to support development shall be available concurrent with the impacts of such development."

C. Section 163.3202(2)(g), Florida Statutes, states that one year after submission of its Comprehensive Plan to the Department of Community Affairs, a local government shall adopt or amend land development regulations which "provide that public facilities and services meet or exceed the standards established in the capital improvements element required by Section 163.3177 and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. Not later than 1 year after its due date established by the state land planning agency's rule for submission of local government comprehensive plans pursuant to Section
163.3167(2), a local government shall not issue a development order or permit which results in a reduction in the level of services for the affected public facilities below the level of services provided in the comprehensive plan of the local government."

D. Chapter 9J-5, Florida Administrative Code (F.A.C), sets forth the minimum criteria for preparation, review and determination of compliance of comprehensive plans pursuant to Chapter 163, Part II, Florida Statutes.

E. Chapter 9J-5.005(3), F.A.C., states that for each local government comprehensive plan "Level of Service standards shall be established for ensuring that adequate facility capacity will be provided for future development and for purposes of issuing development orders or development permits, pursuant to Section 163.3202(2)(g), Florida Statutes."

F. Chapter 9J-5.005, F.A.C., mandates that, at a minimum, local government comprehensive plans adopt level of service standards for the following types of public facilities:

(1) Roads and Public Transit.
(2) Sanitary sewer.
(3) Drainage.
(4) Solid waste.
(5) Potable water.
(6) Recreation and open space.
(7) Public Schools.

G. Chapter 9J-5.0055, F.A.C., furthermore stipulates that "To ensure that facilities and services needed to support development are available concurrent
with the impacts of such development, a local government must adopt a concurrency management system. Prior to the issuance of a development order and development permit, the concurrency management system must ensure that the adopted level of service standards ... will be maintained."

H. On March 15, 1989, the North Port City Commission adopted a revised and updated Comprehensive Plan for the City of North Port.

I. Policy 4.8 of the Capital Improvements Element of the City’s adopted Comprehensive Plan states that "... the City shall adopt a Concurrency Management System Ordinance... to provide for the availability of public facilities and services needed to support development concurrent with the impacts of such development."

"The City shall amend the Concurrency Management System Ordinance by 2010 (public school Concurrency Management System shall be adopted within six (6) months from the adoption of this element) consistent with F.S. 163.3202(1), to provide for the availability of public facilities and services needed to support development concurrent with the impacts of such development, to update the ordinance to ensure enforceability and that the ordinances include all services that have an adopted level of service in the Comprehensive Plan."

J. Chapter 9J-5.0055, F.A.C., furthermore stipulates that the local government shall adopt the necessary amendments as specified in Section 163.3180(13), F.S., including a public school facilities element and interlocal agreement for school concurrency which are determined to be in compliance with the requirements of law. The local government and school board shall jointly establish level of service standards that apply district-wide to all public schools of the same type including elementary, middle, and high schools as well as special purpose facilities such as magnet schools.
K. The availability of public school facilities is necessary for the public health, safety, and general welfare of the citizens of North Port.

L. New residential growth and development within the City of North Port has an impact on available school capacity of public school facilities, which impact can be mitigated by the timing and sequencing of development as provided herein.

M. The School District has prepared and adopted a financially-feasible Sarasota School district Five Year Capital Facilities Plan to provide the public school facilities needed to accommodate projected rates of residential growth, which will be reviewed and updated annually to reflect changes in Sarasota County’s growth rate, available financial resources, and other relevant factors; and said updates will be incorporated into the revised and updated Comprehensive Plan so that adopted levels of service are maintained.

N. The adopted levels of service for each level or type of school are necessary for the protection of the public health, safety and welfare, and will not unduly inhibit new residential growth and development within Sarasota County.

O. The impact on public school facilities resulting from new residential development may be mitigated by measures that either reduce projected impacts on, or increase the school capacity of public school facilities.

P. The North Port City Commission, acting as the legislative body, has reviewed the proposed ordinance and has found that is consistent with the revised and updated North Port Comprehensive Plan.
A. On November 10, 1997, 2009 the North Port City Commission adopted the Comprehensive Plan for the City of North Port. The adoption of a comprehensive plan is required by the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, part II, Florida Statutes, as amended (the Act), a primary objective of which is to effectively manage the problems associated with Florida’s rapid population growth. A key element of the Act (Section 163.3177 (10)(h), Florida Statutes) is the concept of “concurrency” expressed as follows: (Should dates be completely changed or in addition to what is already listed?)

(1) “It is the intent of the Legislature that public facilities and services needed to support development shall be available concurrent with the impacts of such development.”

B. The Act further requires that each local government adopt locally acceptable Levels of Service (LOS) for its various public facilities and then provide for the capital improvements necessary to maintain these adopted levels of service. Adopted levels of service must be reasonably attainable and financially feasible as defined in Section 163.3164(32), Florida Statutes.

C. In addition to introducing the general concept of concurrency, the Act compels local governments to comply with specific requirements related to concurrency. The Act (F.S. Section 163.3202(2)(g) prohibits local governments from issuing a development order or permit which results in a reduction in the service for the affected public facilities below the adopted level of service provided in the Comprehensive Plan of the local government. This section of the Act further requires that this prohibition be implemented through local land development regulations to be adopted no later than one year after the date the
local government was required to submit its plan to the Florida Department of Community Affairs for review. The plan submittal date for the City of North Port was March 15, 1989 ----2009. The Act (Section 163.3177(3)(b), Florida Statutes) also requires that the capital improvements element of the Comprehensive Plan shall be reviewed on an annual basis and modified as necessary.

D. The Act was further amended in 2005 to require adoption of public school concurrency requirements including: all local governments, unless subject to a waiver or exemption, to adopt consistent public school facilities elements in compliance with the requirements of Section 163.3177(12), Florida Statutes; local governments and the school board must update the Interlocal Agreement for Public School Facilities Planning consistent with the requirements of Sections 163.3177 and 163.3180(13)(g), Florida Statutes; local governments must adopt amendments to their capital improvements element setting forth a financially feasible public school capital facilities program; and local governments must amend their intergovernmental coordination element consistent with requirements of Sections 163.3177(6)(h)1 and 2, Florida Statutes.

E. Pursuant to the phased schedule adopted by the Department of Community Affairs, the City of North Port must adopt public school concurrency requirements by October 1, 2008. On July 28, 2008, the Interlocal Agreement for Public School Facility Planning was amended to adopt public school concurrency. Further, on September 8, 2008 the North Port City Commission amended the City of North Port Comprehensive Plan, by creating a new Chapter 12 related to Public School Facilities; revising the Future Land Element, Capital Improvements Element, Transportation element, Recreation and Open Space element, conservation and Coastal Zone Management element and Intergovernmental Coordination Element by amending Goals, Objectives and Policies implementing school concurrency.
School concurrency will take effect on October 1, 2008, and will be implemented through amended concurrency management regulations that address public school levels of service and implement concurrency management regulations for public schools.

Sec. 5-2. Purpose and Intent.

A. It is the intent of these regulations to establish a concurrency management system consistent with Chapter 163, Part II, Florida Statutes; Chapter 9J-5, F.A.C.; and the City's adopted Comprehensive Plan in order to ensure that development permits issued by the City of North Port do not result in a reduction in any of the City's adopted level of service standards for roadway, sanitary sewer, potable water, recreation/open space, solid waste, and drainage facilities, and public schools as set forth in the City's adopted Comprehensive Plan and specified in §§ 5-6 through 5-12 of this chapter.

B. The Capital Improvements Plan in the revised and amended City of North Port Comprehensive Plan identifies the schedule of capital facility projects and funding mechanisms necessary to maintain adequate public facilities at or above the adopted standards. An additional key element for establishing an effective framework for managing and directing development in a manner consistent with the Florida Legislature’s concept of concurrency is contained in Future Land Use Policy 1.1 and for school concurrency is contained in Public School Facilities Objective 1.5 and 1.6, as follows:

(1) "The approval of all development orders shall be subject to the availability of adequate levels of service for roads, public schools, public transit, potable water, sanitary sewer, solid waste, stormwater management facilities and parks, as defined in the adopted level of service standards."
(2) “The City of North Port will evaluate the adequacy of school capacity when it considers future land use changes, rezoning, and subdivision and site plans for residential development. This will be accomplished recognizing the School Board’s statutory and constitutional responsibility to provide a uniform system of free and adequate public schools, and the City’s authority for land use, including the authority to approve or deny petitions for future land use, rezoning, and subdivision and site plans for residential development that generate students and impact the Sarasota County school system”.

(3) “The City shall evaluate future land use changes, rezonings, and subdivision and site plan petitions for residential development to ensure adequate school capacity is available consistent with adopted level of service standards for public school concurrency.

C. The primary intent of these regulations is to provide the City of North Port with the tools to meet the statutory requirements. The implementation of this concurrency management system will serve as the principal mechanism for ensuring that growth is managed in a manner consistent with the provisions of the revised and amended City of North Port Comprehensive Plan as well as a key monitoring device for measuring the effectiveness of the Comprehensive Plan and the programming of capital improvements.

Sec. 5-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADJACENCY REVIEW – The review as provided in Sec.5-12(C)(2)(e) of these regulations of school concurrency service areas contiguous to the school concurrency service area in which the proposed development is located.

ADOPTED LEVEL OF SERVICE -- The level of service (LOS) standards adopted in the City of North Port’s revised and updated amended Comprehensive Plan as referenced in Policy 3.1 of the plan’s Capital Improvement Element. The Adopted Level of Service for public school facilities have been jointly adopted by the North Port City Commission and the Sarasota County School Board in section 4.2(b) of the Amended Interlocal Agreement for Public School Facility Planning.

BACKLOGGED PUBLIC SCHOOL FACILITIES -- Those public school facilities operating below the adopted level of service and are not scheduled for major school capacity improvement in the City of North Port’s Five Year Schedule of Capital Improvements which incorporates by reference the Sarasota School district Five Year Capital Facilities Plan, dated September 11, 2007, as amended.

CAPACITY (SCHOOLS) – Program capacity for the applicable school concurrency service area as programmed in the first three (3) years of the Sarasota School District Five Year Capital Facilities Plan.

CAPACITY, AVAILABLE (SCHOOLS) – That portion of school capacity at the adopted level of service that remains available for the development after the following are subtracted: student enrollment, reserved capacity, and those student stations reserved for exempt development.
CAPACITY, ENCUMBERED (SCHOOLS) - A temporary allocation of school capacity for 365 days during the pendency of the review for school concurrency of a development order for residential development.

CAPACITY, RESERVED (SCHOOLS) - Committed school capacity allocated to a particular development by a certificate of school concurrency.

CAPACITY, USED (SCHOOLS) - Student enrollment as counted in the most recent official October count and as projected for the first three (3) years of the Sarasota School district Five Year Capital Facilities Plan.

CAPITAL IMPROVEMENTS - Capital improvement means physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. For the purposes of these regulations, physical assets which have been identified as existing or projected needs in the revised and amended Comprehensive Plan shall be considered capital improvement.

COMPREHENSIVE PLAN -- The revised and updated Comprehensive Plan for the City of North Port adopted by Ordinance No. 97-27 on November 10, 1997, by the City Commission.

CONCURRENCY MANAGEMENT SYSTEM -- The procedures and processes utilized by the City of North Port to determine that development orders and permits, when issued, will not result in a reduction of the City's adopted level of service standards.
CONCURRENCY SERVICE AREA (SCHOOLS) — The geographic area for each school type in which adopted levels of service is measured by the school district.

DEVELOPMENT — Any construction, reconstruction or any use of real property which requires issuance of a development order or permit.

DEVELOPMENT IMPACT (SCHOOLS) — The number and type of public school students generated by the proposed development calculated by multiplying the number of dwelling units by housing type by the student generation rate (SGR) for each school type as determined by the Sarasota County School District.

DEVELOPMENT OF REGIONAL IMPACT — A development within the definition of Section 380.06, Florida Statute.

DEVELOPMENT PERMIT — Any of the following:

A. Building permit.
B. Construction plans.

DEVELOPMENT ORDER — any action granting, denying, or granting with conditions development for any of the following:

A. Annexation
B. Comprehensive Plan Amendment
C. Conditional Use
D. Development Concept Plan
E. Development of Regional Impact — a development within the definition of Section 380.06, Florida Statutes.
F. Major Site and development plans
G. Preliminary and Final subdivision (including Plat) approval.
H. Rezoning petitions.

EXEMPT DEVELOPMENT — Any development order for residential development that qualifies for exemption pursuant Sec. 5-12(B)(3) of these regulations.

PROGRAM CAPACITY — The school district derived capacity of a public school facility taking into account class size reduction, actual usage of classrooms, scheduling and the district composition of special students. Program capacity is recomputed each year and reported annually to reflect facility, student and curriculum changes.

PROPORTIONATE SHARE MITIGATION (SCHOOLS) — An improvement or contribution identified in a binding and enforceable development agreement between an applicant, the Sarasota County School Board and the North Port city Commission to provide compensation or other accommodation for the deficit in public school facilities created through the residential development of the property as mandated in section 163.3180(13)(e), Florida Statutes.

PUBLIC FACILITIES AND SERVICES — Major capital improvements for which level of service standards have been adopted in the City’s revised and updated Comprehensive Plan:

A. Roadways and Public Transit.
B. Potable water.
C. Sanitary sewer.
D. Solid waste.
E. Drainage.
F. Recreation and open space.

B. Public Schools.
RESIDENTIAL DEVELOPMENT — Any development order that is comprised of residential units, in whole or in part, for non-transient human habitation, and includes single family and multi-family housing, regardless of whether the approval procedure for such development is considered commercial or residential.

RESIDENTIAL UNIT — Any occupied structure or part thereof, which is designated exclusively for human habitation and meets all applicable government requirements for residential use on a continuous basis, i.e. having hot and cold running water and adequate facilities for heating, cooking, sleeping, and the sanitary elimination of wastes. Hotels, motels, and temporary lodging facilities are specifically excluded.

STUDENT ATTENDANCE ZONE — The geographic area where students who reside within such area must attend a designated public school.

SCHOOL IMPACT ANALYSIS — The document required to be prepared and submitted as a requirement for review of a development order application.

SCHOOL TYPE — The category of public school based on instruction level or type of instruction, whether elementary school grades, middle school grades, high school grades or special purpose schools.

Sec. 5-5. Relationship to Comprehensive Plan.

The concurrency management in this chapter implements Objective 1 and 6 of the Future Land Use Element and Policy 4.8 of the Capital Improvement Element of the Comprehensive plan which states: “Future development activities shall continue to be directed in appropriate areas as depicted on the Future Land Use Map, and
shall encourage the use of innovative land development regulations, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the community character" and “All development orders and permits for future development activities shall be issued only if infrastructure facilities necessary to meet level of service standards (which are adopted as part of the Capital Improvements Element of this plan) are available concurrent with the impacts of the development. Where appropriate, due consideration shall be given to the suitability of land, topography and soils prior to the issuance of any development order or permit.”

As well as;

“The City shall amend the Concurrency Management System Ordinance by 2000120 (public school Concurrency Management System shall be adopted within six (6) months from the adoption of this element) consistent with F.S. 163.3202(1), to provide for the availability of public facilities and services needed to support development concurrent with the impacts of such development, and to update the ordinance to ensure enforceability and that the ordinances include all services that have an adopted level of service in the Comprehensive Plan.”

Sec. 5-4 6. Concurrency review criteria.

A. All development permit applications submitted to the City shall be subject to a review for concurrency with respect to the City's adopted level of service standard for drainage facilities. The procedure for conducting this review is set forth under § 5-8 below. [Amended 11-24-2003 by Ord. No. 2002-56]

B. Public facility categories. [Amended 11-24-2003 by Ord. No. 2002-56]
(1) In addition, all development permit applications submitted to the City shall be subject to a concurrency review for each of the following public facility categories for which the following thresholds have been exceeded:

(a) Roadways. The volume of traffic on roadways projected to be impacted by the proposed development exceeds 90% of the maximum roadway volume capacity at the City's adopted level of service standard or in the event the proposed development is projected to add 300 or more peak-hour vehicle trips to the adjacent road system.

(b) Potable water. The North Port water treatment plant is operating at 95% of rated capacity and/or less than 85% of all dwelling units located within the City's urban infill area are serviced by central potable water facilities.

(c) Sanitary sewer. The North Port wastewater treatment plant is operating at 95% of rated capacity and/or less than 85% of all dwelling units located within the City's urban infill area are serviced by central sanitary sewer facilities.

(d) Recreation and open space. The amount of publicly owned recreation and open space land required by the City to meet its adopted level of service standard exceeds 95% of the total existing supply of public recreation and open space acreage.

(e) Solid waste. The amount of solid waste generated per capita
per day by the City exceeds the City's adopted level of service standard of 3.5 pounds and the Sarasota County landfill is operating at 100% of total rated capacity.

(f) Schools. The Planning, Zoning and Engineering Department in coordination with the Sarasota county School District shall evaluate public school levels of service.

(2) Determination of whether any of the above thresholds identified above have been reached shall be made annually by the Planning and Zoning Department responsible for land development services in conjunction with its preparation of an Annual Concurrency Management System Report to be issued October 1 of each year.

(3) For each of the public facility categories for which the thresholds identified above have not been exceeded, development permit applications submitted to the City shall be presumed not to result in a reduction of the applicable adopted City level of service standard and thus shall be exempt from a review for concurrency.

Sec. 5-5. Determination of concurrency.

A. Consistent with the revised and updated City of North Port Comprehensive Plan and Public School Facilities Objectives 1.5 and 1.6, the approval of development permits shall be contingent upon a finding that adequate public facilities have been determined to be available, consistent with their adopted levels of service and concurrent with the impact of the proposed development. Such a determination of concurrency made during the review of a development permit which is not a final development permit does not guarantee that there will automatically be a
finding of concurrency at subsequent steps in the process for a given property or a proposed development. However, a finding of concurrency made at one stage of the development review process may be used as a basis for a finding of concurrency during the review of a development at a later stage in the process, provided that:

1. The previously approved development permit remains in effect, as determined by the time limit imposed upon the development by the applicable regulations set forth in this Unified Land Development Code or specifically in these regulations.

2. The impact of the proposed development under consideration was fully taken into account during the concurrency review and in the finding of concurrency associated with the previously approved development permit.

3. The conditions related to land uses and facility availability upon which the previous finding was based have not changed.

4. All conditions or stipulations regarding the timing or phasing of the development or the provision of facility improvements by either the developer or the City imposed on the previously approved development permit have been satisfied.

B. In order to ensure that the capacity of various public facilities is available concurrent with the impact of proposed development, the concurrency review for each type of development permit identified in the definition of "development permit" in Sec. 1-3 Chapter 61 of this chapter Unified Land Development Code shall be based upon the following criteria:
(1) A finding of concurrency for developments of regional impact shall be determined pursuant to the provisions of F.S. § 380.06 and will be based on an evaluation of those phases of the development which are scheduled to be completed within five years from the date of issuance of the local government development order. Any local government development order issued pursuant to F.S. § 380.06(15) shall include the requirement that annual reports on developments of regional impact required by F.S. § 380.06(18) provide, at a minimum, sufficient data to analyze and monitor the impact upon public facilities from development which has occurred pursuant to the local government development order, and to update the determination of impact of future approved development.

(2) Rezoning petitions shall be reviewed to evaluate the impact that the proposed development would have on existing conditions consistent with the requirements for determining available facility capacity for final development permits. A finding of concurrency resulting from this review may only be used as a basis for a finding of concurrency during the review of a development permit at a later stage in the development review process for a period of two years after approval of the rezoning petition by the City Commission. Rezoning petitions which could result in a range of potential impacts, shall be reviewed as if the highest impact were being proposed or the development permit shall be conditioned so as to restrict the use of the subject parcel to a level of impact consistent with a positive finding of concurrency. A finding of concurrency resulting from the review of a rezoning petition shall not be construed to guarantee the availability of adequate facilities, absent an enforceable development agreement pursuant to F.S. § 163.3220 et seq.

(3) Preliminary subdivision plans, final subdivision plans, site and
development plans and building permit applications may be reviewed utilizing a previously determined finding of concurrency, subject to the provisions of § 5–5.7(A) of this chapter. However, a final development permit shall not be issued unless such final development permit is supported by a finding that all applicable provisions of these regulations have been met and satisfied. All applications for a final development permit will be subject to review according to the provisions of these regulations, absent a previous finding of concurrency consistent with the provisions of these regulations.

(4) A finding of concurrency made as part of the review of construction plans shall be based on the impact that the final buildout of the proposed development would have on the availability of public facilities. In the case of a final subdivision plan, such a finding of concurrency shall be used as the finding of concurrency for building permit applications for the subdivision, effective upon approval of the final subdivision plan by the City Commission. In the case of a site and development plan, such a finding of concurrency shall similarly be used as a finding of concurrency for building permit applications for the proposed development, provided that substantial construction work has been accomplished within two years after the approval of the site and development plan. "Substantial construction work" means the commencement and continuous prosecution of construction of required improvements to completion as determined by the City. Conditions pertaining to the phasing and timing of a proposed development may be included in a finding of concurrency for the development.

C. For purpose of evaluating development permits which are considered to be final development permits, the available capacity of a facility shall be determined by:
(1) Adding together:

   (a) The total capacity of existing facilities operating at the
       adopted level of service; and

   (b) The total capacity of new facilities, if any, that will become
       available concurrent with impacts of the development. The capacity
       of new facilities may be counted if one or more of the following is
       demonstrated:

       (i) Construction of the new facilities is underway at the
           time the application for the development permit is being
           evaluated.

       (ii) The new facilities are the subject of a binding executed
           contract for the construction of the facilities or the
           provision of services at the time the application for the
           development permit is being evaluated.

       (iii) The new facilities have been included in the adopted
           North Port Capital Improvement Program for the fiscal year in
           effect at the time the application for the development permit is
           being evaluated.

       (iv) The new facilities are guaranteed in an enforceable
           development agreement for the development under consideration.
           An enforceable development agreement may include, but is not
           limited to, development agreements pursuant to F.S. §
163.3220 et seq., or an agreement or development order pursuant to Chapter 380, Florida Statutes.

(v) The new facilities are guaranteed in an enforceable development agreement for a development different than the one under consideration, provided that the new facilities are the subject of a binding executed contract for the construction of the facilities with a construction start date during the fiscal year in effect at the time the application for the development order is being evaluated.

(2) Subtracting from the total capacity the sum of:

(a) The demand for the services or facilities created by existing development;

(b) The demand for the services or facilities created by the anticipated completion of other approved developments for which final development orders have been approved; and

(c) The demand for the services or facilities created by the anticipated completion of the proposed development under consideration for concurrency determination.

D. Data requirements for public schools.

(1) Developer submissions for public schools. All applications for development orders shall provide sufficient information to determine the
impact of such development consistent with these concurrency evaluation procedures. Such information shall include, but not be limited to:

(a) Total number and type of dwelling units for residential development applications;

(b) Identification of type and intensity of non-residential use, where appropriate, at a level of detail consistent with the type of development application;

(c) Location of the proposed development and identification of facilities impacted by development pursuant to the provisions of Sec.5-2(G) of these regulations; and

(d) Identification of project phasing, where applicable.

(2) Concurrency Data Base. The City shall develop and maintain an inventory of existing land uses and projected land uses, based upon development order approvals, in order to monitor the impact of development order approvals on the availability of public facilities. This data will be updated annually and will be designed to provide incremental data pertaining to existing, approved and planned development, as follows:

(a) “One Year” – The public facility impact of development existing at the time of formation or update of the data base, plus the total impact of approved final development orders;

(b) “Five Year” – The “one year” data plus the public facility impact of development projected to occur within the five year period covered by the
five year schedule of capital improvements or for public schools within
the ten-year period covered by the long term schedule of capital
improvements, consistent with the revised and updated City of North Port
Comprehensive Plan including, but not limited to, phased development
orders which have been approved; and

(c) “Twenty Year” – The public facility impacts of development projected
to occur within the twenty year period, consistent with the revised and
updated City of North Port Comprehensive Plan.

(3) The Planning, Zoning and Engineering Department responsible for land
development services will be responsible for developing the City’s
concurrency data base. The concurrency data base shall be designed to
function as a component of a unified data base designed to provide support to
appropriate City departments engaged in development order and permit review
and monitoring, and in the planning and/or provision of public facilities.
For public schools, the school district in coordination with the City will be
responsible for developing and maintaining the concurrency data base.

E. Determination of Concurrency – Public Schools

(1) Adopted level of service standards and school concurrency service areas.
Public School Facilities Policy 1.6.1.2. adopts school concurrency service
areas that coincide with the student attendance zones of high, middle and
elementary schools. Because student assignment for special purpose schools
is not limited by conventional attendance zone boundaries, their available
capacity will be allocated district-wide or by other methods as appropriate
to each special purpose school. To ensure that adequate school capacity is
available adopted level of service (LOS) standards based on program capacity
are adopted in Public School Facilities Policy 1.6.1.1. as follows:

ADOPTED LEVEL OF SERVICE

<table>
<thead>
<tr>
<th>CONCURRENCY</th>
<th>SCHOOL</th>
<th>INITIAL (2007-08)</th>
<th>5 YEAR</th>
<th>10 YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>SERVICE AREA</td>
<td>TYPE</td>
<td>(2012-13)</td>
<td>(2017-18)</td>
<td></td>
</tr>
<tr>
<td>Elementary</td>
<td>115% of permanent</td>
<td>105% of permanent</td>
<td>105% of Program capacity,</td>
<td></td>
</tr>
<tr>
<td>Student</td>
<td>Program capacity,</td>
<td>program capacity,</td>
<td>Permanent With the exception</td>
<td></td>
</tr>
<tr>
<td>Attendance</td>
<td>With the exception</td>
<td>with the exception</td>
<td>Program Of Backlogged Public</td>
<td></td>
</tr>
<tr>
<td>Zone</td>
<td>Of Backlogged Public</td>
<td>Of Backlogged School Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Middle</td>
<td>100% of permanent</td>
<td>100% of permanent</td>
<td>100% of Program capacity</td>
<td></td>
</tr>
<tr>
<td>Program capacity,</td>
<td>program capacity,</td>
<td>permanent With the exception</td>
<td></td>
<td></td>
</tr>
<tr>
<td>With the exception</td>
<td>with the exception</td>
<td>program Of backlogged public</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Of backlogged public</td>
<td>of backlogged public</td>
<td>capacity School facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>School facilities</td>
<td>school facilities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High</td>
<td>105% of permanent</td>
<td>100% of permanent</td>
<td>100% of Program capacity</td>
<td></td>
</tr>
<tr>
<td>Program Program capacity</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District-wide</td>
<td>Special</td>
<td>100% of total</td>
<td>100% of total</td>
<td>100% of total program</td>
</tr>
<tr>
<td>Purpose</td>
<td>program capacity</td>
<td>program capacity</td>
<td>total program</td>
<td></td>
</tr>
<tr>
<td>Capacity</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2) The adopted public school facilities chapter has designated school concurrency service areas with backlogged public school facilities and has adopted interim level of service standards for these facilities (refer to the revised and updated City of North Port Comprehensive Plan, Public School Facilities Chapter, Appendix F, Table PSF 23: interim level of service standards, as may be amended). The interim level of service standards within these designated areas shall apply over the period covered by the 10-year long-term schedule of improvements.
A. Adopted level of service standard. Policy 3.1 of the Traffic Circulation Element of the City's adopted Comprehensive Plan shall serve as the minimum criteria for determining that adequate capacity exists for arterial and collector roadways impacted by a proposed development which are maintained by either the City, county or Florida Department of Transportation. Policy 3.1 states:

The City hereby adopts the following peak-hour LOS standards for each facility type based on a 100th design-hour criterion within the corporate limits of the City:

1. Principal Arterial - LOS Standard "C" "D"
2. Rural Major Collector - LOS Standard "C" "D"
3. Urban Collector Roadways - LOS Standard "C" "D"
4. Rural Minor Collector Roadways - LOS Standard "C" "D"

B. Transportation Concurrency Requirement.

1. At the Staff Development Review pre-application meeting, an applicant may obtain a “traffic review form” to be submitted with the formal application.
2. The applicant must complete the form and furnish necessary information which relates to the existing and proposed use of the property. Information
shall include gross square footage, intensity of use, number of employees, and time of operation.

(3) The City Engineer will make a determination and issue a formal letter stating if the project is found to be “de minimis” or if a transportation study is required. The analysis will be based on the most intense traffic generation use of the proposed land uses proposed by the applicant.

(a) A “de minimis” impact is an impact that would not affect more than 5 percent (5%) of the maximum volume at the adopted level of service of the affected transportation facilities as determined by the City, utilizing the most recent table of the generalized two-way peak hour volumes in the Florida Department of Transportation (FDOT), Level of Service Handbook. No impact will be de minimis if the sum of existing roadway volumes from approved projects on a transportation facility would exceed 110 percent (110%) of the maximum volume at the adopted level of service of the affected transportation facility. No impact will be de minimis if it would exceed the adopted level of service standard of any affected designated hurricane evacuation routes.

(b) If a proposed project is deemed “de minimis”, the department responsible for land development services will prepare a memorandum recommending the project be “de minimis” for transportation with any conditions to be included, such as but not limited to access management and transportation circulation.

(c) If a proposed project is not deemed “de minimis”, a transportation concurrency study is required.
(4) If a transportation concurrency study is required, it shall be as follows:

(a) The applicant will be notified and the project shall not receive final approval until a transportation concurrency study for the project is deemed satisfactorily completed and meets all City, State and Federal regulations.

(b) It is the applicant’s responsibility to notify the City that they wish to proceed with the transportation concurrency study. The applicant shall submit a formal request with the following information:

(i) traffic circulation plan, internal and external.

(ii) ingress and egress from adjacent roadways.

(iii) show all modes of transportation, including bicycles.

(c) The City shall select one of its selected transportation engineering consultants to furnish a scope of service and a cost estimate for the performance of a transportation concurrency study. The study shall be in compliance with a City approved methodology.

(d) The applicant shall sign an agreement to pay the cost of the transportation concurrency study. A study cannot begin until the applicant pays the consultant fees and all agreements are fully executed.

(e) upon receipt of the fees and execution of all agreements, the City authorizes the transportation engineering consultant to begin the work.
Once the agreement is signed, any changes to the scope of service will require an agreement amendment. The former agreement becomes void and the study will begin as determined in the new agreement.

(f) During the course of the transportation concurrency study, the applicant may only communicate with the consultant through the City.

(g) Upon completion of the transportation concurrency study, the City shall review the draft copy and will notify the consultant of any required changes, if necessary, prior to the preparation of the final document.

(h) Upon completion of the transportation concurrency study, the City Engineer shall sign and issue any conditions that should be included into the site plan. A copy of the signed transportation concurrency study is sent to the applicant to be filed with the final submission of the project.

B. Procedures for review of individual development permits.

(1) Roadway links to be evaluated. For each development permit application, the traffic impact study area shall be defined as all roadway links that will be impacted by the project's traffic equal to or greater than 5% of the roadway's capacity at LOS C D as determined from Florida Department of Transportation's (FDOT's) Generalized Service Volume Tables.

(2) Existing conditions.
(a) The applicant must report the existing directional p.m. peak-hour traffic volumes on all collectors and arterials within the study area. Turning movement volumes at the impacted intersections must also be reported. These volumes can be no older than the previous calendar year. The volumes are to be adjusted to reflect average annual conditions using current FDOT seasonal adjustment factors for Sarasota County or other adjustment factors approved by the City.

(b) The existing directional p.m. peak-hour levels of service for all collectors and arterials, as well as for all intersections, in the impact study area must be reported. Levels of service for roadways shall be determined in accordance with the current FDOT Generalized Service Volume procedures. Intersection capacities shall be determined using computer software based on the 1985 most recent update of the Highway Capacity Manual.

(3) Projection of background traffic. Volumes of traffic on each facility being analyzed must be projected by the applicant for the year of completion of the project. This can be accomplished using one of the following procedures:

(a) Multiply existing volumes by an annual growth factor provided by the City.

(b) Multiply existing volumes by an annual growth factor developed by the applicant and approved by the City. This growth factor must be based on data collected on three roadways in the vicinity of the project over the last three years, when available.
(c) Develop a computer model.

(4) Project traffic generation.

(a) Project traffic will be calculated by the applicant using the current ITE Trip Generation Report. All land use codes, amounts of development and trip rates must be stated. If any adjustments or reductions are made, they must be clearly stated.

(b) The applicant shall have the option of either developing trip rates to be used based upon studies of comparable sites in the City or using data from previous traffic generation studies. In either case, the City must approve the trip rates proposed for use. Reduction factors for the capture of trips between land uses of a mixed use project and for passerby trips will be provided by the applicant and approved by the City.

(5) Project traffic distribution. The applicant must develop a project traffic distribution using any of the following three methods:

(a) For projects generating 100 or fewer p.m. peak-hour trips, a distribution can be developed based upon similar projects.

(b) For any project, a manual gravity model distribution can be developed. The travel-time method described in Chapter 3 of the ITE's Transportation and Land Development shall be used.
(c) For any project, a computerized distribution model, such as Florida Standard Urban Transportation Model Structure (FSUTMS) or Quick Response System II (QRS II), can be developed.

(6) Determination of concurrency

(a) A project's concurrency shall be determined by estimating the level of service of each roadway facility within the impact study area and comparing that estimated level of service with the City's adopted LOS described under in Sec.5-6 8(A).

(b) For intersections, the level of service for the p.m. peak-hour will be determined using the procedures for unsignalized and signalized intersections defined in the 1985 most recent up-date of the Highway Capacity Manual.

(i) For any intersections that are found to be at a level of service worse less than that established as acceptable by the City, including the project driveways, improvements that will allow the intersection to operate at an acceptable level of service must be identified and programmed in order for the proposed project to be granted concurrency approval.

(c) For each roadway link in the transportation impact study area, a directional p.m. peak-hour capacity analysis shall be performed, which shall be based on the peak 15 minute traffic counts. The peak hour factor used shall also be provided.
(i) The traffic projected to be on each link by direction shall be compared to the applicable Florida Department of Transportation (FDOT) Service Volume to determine the directional link level of service.

(ii) For all links where one direction is projected to operate worse than the acceptable level of service established by the City, improvements necessary to allow the link to operate at an acceptable level of service shall be identified and programmed in order for the project to be granted concurrency approval.

(d) The report shall be signed and/or sealed by a registered Florida professional, either a professional engineer or a planning professional certified by the American Institute of Certified Planners, to verify that the report was performed according to the guidelines established by the City.

C. Procedures for annual concurrency review. The City shall obtain updated traffic counts on all designated collector and arterial roadway segments in the City as listed in the City's adopted Comprehensive Plan. These counts shall then be used to estimate the existing level of service on each of these segments utilizing the same methodology approved by FDOT set forth in Appendix A to the Traffic Circulation the Transportation Element of the City's Comprehensive Plan. The results of this update of the LOS on the City's roadways shall be incorporated into the City's Annual Concurrency Management Report.

Sec. 5-7. Solid waste.

A. Adopted level of service. Policy 1.1 of the Solid Waste Element of the City's adopted Comprehensive Plan shall serve as the minimum criteria for
determining that adequate capacity exists for solid waste facilities impacted by
a proposed development. Policy 1.1 states:

(1) Collection

(2) Residential: Twice Weekly. Garbage, recycling and yard waste at minimum,
one time per week. Bulk collection, as needed.

(3) Commercial: By Contract—As needed.

(4) Disposal

(5) 3.5-6.1 pounds/capita/day for residential and commercial generation.

B. Procedures for review of individual development permits. If the threshold
requirements set forth in § 5-4B(1)(e) for solid waste have been exceeded, then
the City shall not issue any development permits until such time that either
excess capacity has been added to Sarasota County's active landfill or the
City's per capita daily solid waste generation rate has been reduced to 3.5-6.1
pounds or less. The City shall review each development permit to determine if
adequate collection and disposal capacity is available or will be available
within a reasonable time to service the development. If not, the City shall not
issue the development permit.

C. Procedures for annual concurrency review.

(1) For collection, the Sanitation Division of the City's Public Services
Department shall provide written verification that the LOS standards for
solid waste collection have not been reduced. Such written verification shall
be included with the annual concurrency management report to be prepared by the Planning and Zoning Department. The Solid Waste Division of the Public Works Department shall update the level of service standards each year as needed.

(2) For disposal, the Sanitation Division of the City's Public Services Department shall obtain from the records of the Sarasota County landfill the amount of solid waste generated by the City for the preceding calendar year. The Planning, and Zoning and Engineering Department will then divide this figure into the seasonally weighted population estimates for that year as set forth in the City's Comprehensive Plan in order to obtain an estimate of the number of pounds of solid waste generated per capita per day in the City. This estimate will then be compared to the City's adopted LOS of 3.5 6.1 pounds per capita per day. The Solid Waste Division of the Public Works Department shall coordinate with Sarasota County to ensure capacity is provided to meet projected needs.

(3) In addition, the Sanitation Division of the City's Public Services Department shall obtain from records of the Sarasota County landfill an estimate of the landfill's available excess capacity.

Sec. 5-8. Drainage.

A. Adopted level of service. Policy 1.1 of the Drainage Stormwater Element of the City's adopted Comprehensive Plan shall serve as the minimum criteria for determining that adequate capacity exists for drainage facilities impacted by a proposed development. Policy 1.1 states:

(1) Design storm within the City of North Port
(2) 10-year frequency, 5-day duration for existing **ditch/canal systems** constructed by the General Development Corporation for existing surface water management systems.

(3) 25-year frequency, 24 hour duration pursuant to SWFWMD criteria for permitting new surface water management systems. Upon such time that SWFWMD revises their design storm standards the City shall amend the Comprehensive Plan and adopt those new standards within 6 months of the official action by SWFWMD.

B. Procedures for review of individual development permits. As part of the City's existing development permit review process, all development permit applications are required to meet the **more restrictive of the City’s Stormwater Regulations** given in Chapter 18, and the latest SWFWMD stormwater management permit regulations unless otherwise exempted by SWFWMD itself.

C. Procedures for annual concurrency review.

At the end of each calendar year, the Planning and Zoning department shall inventory the total supply of public owned recreation and open space acreage in the City and divide that figure into the projected peak season population for the following year in order to determine if the adopted Level of Service (LOS) standard of 10 acres per 1,000 population will not be met.

Sec. 5-9 11. Recreation and open space.

A. Adopted level of service standard. Policy **1.15** of the Recreation and Open Space Element of the City's adopted Comprehensive Plan shall serve as the
minimum criteria for determining that adequate capacity exists for recreation/open space facilities impacted by a proposed development. Policy 1.4 states, "The City hereby adopts a level of service of 10 acres of recreation and open space area per 1,000 population, to be allocated, among three (3) park classifications, with the following minimum acreage classifications:

- 1.5 acres of Community park;
- 1.5 acres of Open Space;
- 7.0 acres of Conservation.

"For Parks & Recreation Facilities, the following shall be met to satisfy Florida Statute 163.3180 (2) Concurrency Management requirements or more stringent City requirements: Consistent with the public welfare, and except as otherwise provided in this section, parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the local government prior to issuance by the local government of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the local government's approval to commence construction."

B. Procedures for review of individual development permits. Proposed residential developments which exceed the thresholds set forth under Sec. 5-4(B)(1)(d) above shall be subject to a concurrency review with respect to the availability of publicly owned recreation and open space area. The projected
population to reside in the proposed development shall be multiplied by .01 (10/1000) in order to determine the number of additional acres of recreation/open space area that will be needed to accommodate the impact of the proposed development. This figure will then be compared to the available capacity of recreation/open space area in the City. Available capacity will be determined by estimating the existing demand for recreation/open space area in the City based on the adopted LOS of 10 acres per 1,000 population and then subtracting this demand from the existing supply of publicly owned recreation/open space area. If the demand for additional recreation/open space projected to be generated by the development does not exceed available capacity as defined above, then the proposed development shall be granted concurrency approval.

C. Procedures for annual concurrency review. At the end of each calendar year, the Planning and Zoning Department shall inventory the total supply of publicly owned recreation and open space acreage in the City and divide that figure into the projected peak season population for the following year in order to determine if the adopted LOS standard of 10 acres per 1,000 population will not be met.

Sec. 5-10 12. Potable water.

A. Adopted level of service standard. Policy 1.1 of the Potable Water, Ground Water, and Aquifer Recharge Element of the City's adopted Comprehensive Plan shall serve as the minimum criteria for determining that adequate capacity exists for potable water facilities impacted by a proposed development. Policy 1.1 states:
90 gallons per day per capita with quality meeting or exceeding EPA and DER Primary and Secondary Drinking Water Standards.

Distribution

Residential: Eighty percent (80%) of all households within the urban infill area and future growth areas will be served with central potable water by 1994.

Commercial: All new commercial development within the City will be served by central potable water, or individual water wells approved by DHRS and DER if connection to central potable water is not economically feasible.

Industrial: All new industrial development within the City will be served by central potable water, or individual water wells approved by DHRS and DER if connection to central potable water is not economically feasible.

“The following level of service standards are hereby adopted to achieve the objective, and shall be used as the basis for determining facility capacity and the demand generated by a development:

Supply and Treatment

110 Gallons per day per capita for residential units, 0.0009 Equivalent Residential Connections (ERC)/sq. ft. for office, 0.0008 ERC/sq. ft for commercial, 0.0027 ERC/sq. ft for restaurants, 0.0020 ERC/sq. ft for industrial uses, and 0.0020 ERC/sq. ft. for medical facilities, with quality meeting or exceeding EPA and DEP Primary and Secondary Drinking Water
Standards. The minimum design flow, storage capacity, and pressure for potable water facilities are 250 gpd per ERC average daily flow, 5.5 mg, and 65 psi, respectively.

Distribution

Residential: Pursuant to the utility master plans, households will be served with central potable water funded in accordance with the accepted Utility master plans. The City will continue to enforce Ordinance No. 03-14, providing that the residential building(s) are required to connect to the potable water system upon the availability of potable water service to the property. The City will discourage the use of individual wells. When it is determined that a well is necessary for interim service prior to the availability of central water, individual water wells will be allowed consistent with the regulations promulgated by Department of Health and Rehabilitative Services (DHRS) and administrated by Sarasota County.

Commercial: All new commercial uses within the City will be served by central potable water. The City shall enforce Ordinance No. 03-14, providing that the commercial building(s) are required to connect to the potable water system upon the availability of potable water service to the property. Any commercial building served by a private well will be required to extend the water distribution system to their property prior to any building permit that would allow an increase in ERC capacity. Finally, any commercial buildings currently supplied by a water well must connect to the City’s potable water system when it becomes available to said building in accordance with the Unified Land Development Code.
Industrial: All new industrial uses within the City will be served by central potable water. The City shall enforce Ordinance No. 03-14, providing that the industrial building(s) are required to connect to the potable water system upon the availability of potable water service to the property. Any industrial building served by a private well will be required to extend the water distribution system to their property prior to any building permit that would allow an increase in ERC capacity. Further, any industrial buildings currently supplied by a water well must connect to the City’s potable water system when it becomes available to said building in accordance with the Unified Land Development Code.

The above level of service standards are not the design standards to be used for increasing/improving treatment, collection, or distribution facilities.”

B. Procedures for review of individual development permits.

(1) Supply and treatment. The estimated demand for potable water supply and treatment services generated by any new proposed development shall be provided by the applicant and verified by the agency responsible for providing central potable water service in the City. This incremental demand shall then be added to the existing City-wide demand for potable water which shall be estimated annually as specified under § 5-10C below. This total demand figure shall then be compared to the existing rated capacity of the North Port water treatment plant. If the resultant total demand is less than the existing capacity, then the proposed development shall be granted concurrency approval.

(2) Distribution.
(a) Residential. The total number of dwelling units in a proposed development to be located in the City's designated urban infill area (UIA) shall be added to the total existing number of houses in the UIA. Similarly, the total number of units in a proposed development within the UIA to be serviced by central water shall be added to the total number of existing houses in the UIA serviced by central water. If, as a result of the proposed development, the percentage of houses within the UIA serviced by central water remains at 80% or greater, then the proposed development shall be granted concurrency approval.

(b) Commercial. All new commercial development must be serviced by central water unless written certification is provided by the chief administrative officer or designee for the agency responsible for providing central water service in the City that the provision of said service to the proposed development is not economically feasible.

(c) Industrial. All new industrial development must be serviced by central water unless written certification is provided by the chief administrative officer or designee for the agency responsible for providing central water service in the City that the provision of said service to the proposed development is not economically feasible.

C. Procedures for annual concurrency review.

(1) Supply and treatment. At the end of each calendar year, the City shall verify from records available from the agency responsible for providing
central water service in the City the average daily per capita consumption rate of 90 gallons. Then either this rate or a revised rate, if applicable, shall be multiplied by the projected seasonally adjusted population figure for the following year in order to determine the projected average daily central potable water use for the City. This figure will then be compared to the existing maximum rated capacity of the North Port water treatment plant to see if sufficient capacity exists to accommodate projected development over the course of the following year.

(2) Distribution.

(a) Residential. At the end of each calendar year, the City shall verify from records available from the agency responsible for providing central water service in the City the percentage of households located within the urban infill area that are served with central potable water.

(b) Commercial and industrial. Not applicable.

Sec. 5-11-13. Sanitary sewer.

A. Adopted level of service standards. Policy 1.1 of the Sanitary Sewer Element of the City's adopted Comprehensive Plan shall serve as the minimum criteria for determining that adequate capacity exists for sanitary sewer facilities impacted by development over the course of any given year. Policy 1.1 states:

Collection
(1) Residential: 80 percent of improved properties within the urban infill area will be served with central sanitary sewer by 1994...

(2) Commercial and Industrial: All new commercial and industrial development within the City shall be served by central sanitary sewer, or an on-site treatment system approved by DHRS and DER if connection to central sewer is not economically feasible.

Treatment

80 gallons per capita per day

Disposal

80 gallons per capita per day

"The following level of service standards are hereby adopted to achieve the objective, and shall be used as the basis for determining facility capacity and the demand generated by a development:

Treatment/Disposal

90 gallons per capita per day for residential, 0.0009 Equivalent Residential Connections (ERC)/sq. ft. for office, 0.0008 ERC/sq. ft for commercial, 0.0027 ERC/sq. ft. for restaurants, 0.0020 ERC/sq. ft. for industrial uses, and 0.0020 ERC/sq. ft. for medical facilities, with quality meeting or exceeding EPA and DEP Standards.

The above level of service standards are not the design standards to be used for increasing/improving treatment, collection, or distribution facilities. The
average and peak flow design capacity for sanitary sewer facilities are 3.52 mgd annual average daily flow, and 7.75 mgd maximum day flow, respectively.

Collection

Residential: In all currently unplatted areas, the developer, by agreement with the City, must provide all sewer infrastructure to include lift stations, extend sewer collection, and force mains as appropriate, to serve the area concurrent with the development. In addition, the developer will assure his commitment to pay capacity fees and confirm available capacity of the City’s wastewater treatment plant prior to development. In all currently platted areas, the City may extend lines pursuant to the Capital Improvements Element, and the utility master plans (see Policy 2.15). The developed lots adjacent to the gravity sewer line shall connect to the line within 365 days of notification of sewer availability.

Commercial: All new commercial development within the City will be served by central sanitary sewer, as determined by City of North Port staff. In all currently unplatted areas, the developer, by agreement with the City, must extend sewer collection and force mains as appropriate, and provide and upgrade any lift stations necessary to serve the area concurrent with the development. In addition, the developer will assure his commitment to pay capacity fees and confirm available capacity of the City’s wastewater treatment plant prior to development.

Industrial: All new industrial development within the City will be served by central sanitary sewer, as determined by City of North Port staff. In all currently unplatted areas, the developer, by agreement with the City, must extend sewer collection and force mains as appropriate, and provide and upgrade
any lift stations necessary to serve the area concurrent with the development. Each industry must also provide pretreatment of any industrial discharge in accordance with the Utility Department requirements. In addition, the developer will assure his commitment to pay capacity fees and confirm available capacity of the City’s wastewater treatment plant prior to development.

On-site pretreatment and treatment systems will be allowed when the City requires additional treatment complementary to the City’s central sewer system consistent with rules, and regulations promulgated by State, Federal and local agencies.

B. Procedures for review of individual development permits.

(1) Disposal and treatment. The estimated demand for sanitary sewer disposal and treatment services generated by any new proposed development shall be provided by the permit applicant and verified by the agency responsible for providing sanitary sewer service in the City. This incremental demand shall then be added to the existing City-wide demand for sanitary sewer supply and treatment service which shall be estimated annually as specified under § 5-11C. This total demand figure shall then be compared to the existing rated capacity of the North Port wastewater treatment plant. If the resultant total demand is less than existing capacity, then the proposed development shall be granted concurrency approval.

(2) Collection.

(a) Residential. The total number of dwelling units in a proposed development to be located in the City's designated urban infill area (UIA) shall be added to the total existing number of houses in the
UIA. Similarly, the total number of dwelling units in a proposed development within the UIA to be serviced by sanitary sewer shall be added to the total number of existing dwelling units in the UIA serviced by sanitary sewer. If, as a result of the proposed development, the percentage of houses within the UIA serviced by sanitary sewer remains at 80% or greater, then the proposed development shall be granted concurrency approval.

(b) Commercial and industrial. All new commercial and industrial development must be serviced by central sanitary sewer unless written certification is provided by the chief administrative officer or his designee for the agency responsible for providing central sanitary sewer service in the City that the provision of said service to the proposed development is not economically feasible.

C. Procedures for annual concurrency review.

(1) Disposal and treatment. At the end of each calendar year, the City shall verify from records available from the agency responsible for providing central sanitary sewer service in the City the average daily per capita flow rate of 80 gallons. Then either this rate or a revised rate, if applicable, shall be multiplied by the projected seasonally adjusted population figure for the following year in order to determine the projected average daily sanitary sewer flow for the City. This figure will then be compared to the existing maximum capacity of the North Port Wastewater Treatment Plan to determine if sufficient capacity exists to accommodate projected development over the course of the following year.
(2) Collection.

(a) Residential. At the end of each calendar year, the City shall verify from records available from the agency responsible for providing sanitary sewer in the City the percentage of households located within the urban infill area that served with central sanitary sewer.

(b) Commercial and industrial. Not applicable.

Sec. 5-12 14. Public Schools. [Amended Nov. 10, 2008 by Ord. No. 08-38]

For the purpose of adopting public school concurrency management and proportionate share mitigation for public school facilities, this ordinance hereby amends the concurrency management system regulations adopted pursuant to Ordinance No. 90-28, as amended, Article I, codified as Chapter 5, of the City of North Port Unified Land Development code.

A. Development Review System.

(1) The evaluating agencies shall provide the coordinating agencies a letter or other instrument for each proposed development order which indicates the level of service of facilities which will be impacted by the proposed development, the extent of the impact generated by the proposed development, and whether those facilities have sufficient capacity to serve the development at, or above adopted levels of service. For public schools, the Sarasota County School district shall provide the evaluating agency a School Concurrency Recommendation which will serve as the basis for the evaluating
agencies letter on the availability of public school facilities for the
proposed development order.

B. Applicability.

All construction plans (final subdivision or site and development plans) accepted on or after October 1, 2008, unless considered exempt development by this Ordinance, shall be evaluated in terms of potential development impact on public school facilities. A determination shall be made as to whether or not sufficient available school capacity is available to support said Development at or above the adopted level of service for these school facilities. Such a determination shall be made through the utilization of the following information produced by the City of North Port Planning, Zoning and engineering Department in coordination with the Sarasota County School District:

(1) Prior to submission of a school concurrency application, the applicant shall meet with the school district designee to confirm the scope and applicability of these regulations and to identify potential public school facility deficiencies that may need to be mitigated. At or following the pre-submittal meeting, the school district designee shall:

(a) Provide the current Sarasota School District Five Year Capital Facilities Plan;

(b) Identify school capacity for each school type within the applicable school concurrency service area;
(c) Provide other relevant and available information regarding demand for public school facilities and available school capacity, including adjacency review;

(d) Summarize the scope of the school concurrency application requirements, which shall include, but not necessarily be limited to, the information listed in Sec. 5-12(B)(2) of these regulations; and

(e) Determine whether or not available school capacity exists and whether the applicant would like to explore proportionate share mitigation options. If so, specify the mitigation options to be considered and, if possible, the proposed amount and type of proportionate share mitigation.

(2) Information regarding the proposed development for which issuance of a development order for residential development has been requested shall be provided by the applicant, subject to verification by the City of North Port Planning, Zoning and Engineering Department in coordination with the Sarasota County School district. This information will be submitted as the school impact analysis and shall include the following information:

(a) Name, address, and phone number of the applicant;

(b) Property location of the proposed development, including parcel identification numbers and vicinity map in GIS format is preferable;

(c) A description of the proposed development, including type, intensity and amount of development, adequate to determine the number and type of public school students generated by the proposed development;
(d) A phasing schedule for any proposed development to be completed in more than one phase;

(e) A description of any or proposed public school facility dedicated, constructed, or funded in order to mitigate the public school impacts of the proposed development;

(f) A calculation showing the development impact by school type;

(g) A calculation of any school impact fees that will be assessed prior to occupancy of the dwelling units or lots that are part of the development proposal;

(h) In the event that there is not available school capacity to accommodate the development proposal, a proposed proportionate share mitigation agreement as provided in Sec. 5-12(E) of these regulations, using the form provided by the school district, and a description of the proposed proportionate share mitigation option(s) being utilized as provided in Sec. 5-12(D) of these regulations;

(i) In the event, proposed proportionate share mitigation includes a proposed school site requested or approved by the school district, an evaluation of how the school site meets the evaluation criteria of Section 5.2 of the Amended Interlocal Agreement for Public School Facility Planning and Future Land Use Policies 3.5.1 and 3.5.3.; and
(j) Other relevant information required by the school district that is needed to evaluate the school concurrency application and to make a finding with regard to available school capacity.

(3) The following development orders for residential development shall be exempt from the requirements of school concurrency:

(a) Development orders for residential development including less than or equal to the number of residential units considered de minimis by law, or that creates an impact of less than one student, whichever is greater.

(b) A single family residence or a duplex for residential development on an existing platted residential lot of record.

(c) Any building or structure that has received a building permit as of the effective date of these regulations or as described in Section 163.3167(8), Florida Statute.

(d) Any amendment to any previously approved development order which does not increase the number of dwelling units or change the type of dwelling units (i.e. convert single-family to multi-family).

(e) Any age restricted development that qualifies as one of the three types of communities designed for older persons as “housing for older persons” in the Housing for Older Persons Act, 42 U.S.C. Section 3607 (b). this exemption shall be applied in conformity with the principles set forth in Volusia County v. Aberdeen at Ormond Beach, L.P., 760 So. 2d, 126 (Fla. 2000). Provided however, any community that loses its qualification as housing for older persons shall be required to meet the
applicable school concurrency requirements in effect at the time the qualification is lost.

(f) Any Development of Regional Impact that has filed a complete application for a development order prior to May 1, 2005, or for which a development order was issued prior to July 1, 2005. This exemption shall expire upon withdrawal, denial or expiration of the application for a development order. This exemption shall not apply where the developer files a Notice of Proposed Change and/or Substantial Deviation to increase the number of residential units.

(g) Any development order for residential development with a letter of vesting for purposes of complying with school concurrency or which would be vested under common law or equitable estoppels.

(h) Group living facilities that do not generate students including residential facilities such as local jails, prisons, hospitals, bed and breakfast, motels and hotels, temporary shelters for the homeless, adult halfway houses, firehouse sleeping quarters, dormitory-type facilities for post-secondary students, and religious non-youth facilities, regardless of whether such facilities may be classified as residential.

C. Review and Evaluation Procedures.

The Planning, Zoning and Engineering City Staff shall transmit the school impact analysis to the school district for its review under the following evaluation process:
The school district may require additional information from the applicant.

The school district shall review each school impact analysis in the order in which the application is accepted by the City of North Port and analyze whether there is available school capacity for each school type in the affected school concurrency service area to accommodate the development impact of the residential development. Such review shall apply the following criteria:

(a) Determine the development impact of the proposed development including the projected students to be generated by the development by school type using the school district student generation rates (SGR).

(b) New capacity within a school concurrency service area that is in place or programmed for construction in the first three years of the Sarasota School District Five Year Capital Facilities Plan will be added to the existing school capacity in the school concurrency service area and will be counted to determine available school capacity for the residential development under review.

(c) The school district shall review the school impact analysis and determine whether available school capacity can accommodate the development impact (available school capacity exceeds development impact) as derived using the following formula for each school type:

Formula for Determining Available School Capacity
Available School Capacity = (School capacity X adopted level of service) - [used capacity (enrollment) + reserved capacity]

Where adopted level of service = the ratio, expressed as a percentage, of enrollment to school capacity as provided in Sec. 5-6(E) of these regulations.

Where used capacity (enrollment) = student enrollment as counted in the most recent official October count and as projected for the first three (3) years of the Sarasota School district Five Year Capital Facilities Plan.

(d) The school district shall complete a review of the school impact analysis and issue a school concurrency recommendation to the Planning, Zoning and Engineering City staff.

(e) Adjacency Review. If there is insufficient available school capacity to accommodate the development impact at the adopted level of service in the affected school concurrency service area, the school district shall review the development impact to determine whether there is sufficient available capacity in an adjacent school concurrency service area to accommodate the impacts of the proposed development and whether the impacts of the development can be shifted to the adjacent school concurrency service area. The development impact shall be accommodated in an adjacent school concurrency service area where the impacts of development can be shifted to the adjacent area, except where the following conditions exist: a shifting will cause a disruption of the educational programs of the school district or is in conflict with the school board policy on students’ travel time to school.
(f) In the event there is insufficient available school capacity in the
affected or adjacent school concurrency service area, the school district
shall indicate its finding in its school concurrency recommendation, and
may offer the applicant the opportunity to enter into negotiation for
proportionate share mitigation as provided in Sec. 5-12(E) of these
regulations. If proposed mitigation is agreed upon, the school board
shall enter into an enforceable and binding agreement with the North Port
City Commission and the applicant as provided in Sec. 5-12(D) of these
regulations.

(g) If the school district finds there is sufficient available capacity
to accommodate the development impact, the school district shall issue a
school concurrency recommendation with a finding of available school
capacity to the Planning, Zoning and Engineering City staff and encumber
the development’s school capacity during the pending review of the
proposed development for a period not to exceed 365 days from the date of
its determination, or until the application is deemed denied or expired
by the local government, whichever is first. The Planning, Zoning and
Engineering City staff may issue a school concurrency letter based on the
school district’s recommendation of available capacity.

(h) Upon approval of a final development order for residential
development, encumbered school capacity for the approved development will
be deemed as reserved capacity. A final plat shall be recorded or
building permit shall be issued within 2 years from the date of final
approval. The reservation of school capacity shall remain valid as long
as the building permit or recorded plat remains valid. The rendering of
a school concurrency recommendation by the school district means that the
school facilities are currently available. Available school capacity shall not be reserved until a certificate of school concurrency is issued and a final development order is approved for the proposed development by the City of North Port. In the event, proportionate share mitigation is required, the proportionate share mitigation agreement pursuant to Sec. 5-12(D) of these regulations must be executed and the proposed development approved by the City of North Port to reserve capacity for the proposed development.

D. Proportionate Share Mitigation

(1) Applicability. The provisions of this section shall apply to an applicant that either has received a school concurrency recommendation and school concurrency letter of insufficient available school capacity or wishes to proffer proportionate share mitigation.

(2) General Requirements. The agreement shall provide mitigation that is at least proportionate to the demand for public school facilities to be created by the additional or new residential units in the proposed development, and for which there is not sufficient available school capacity.

(a) The proposed development is otherwise consistent with the comprehensive plan and applicable land development regulations.

(b) Proportionate share mitigation may not be provided unless it is first accepted by the school district.
(c) Any mitigation that is provided for in a proportionate share mitigation agreement must satisfy the demand created by the additional or new residential units.

(d) The mitigation shall be directed by the school district toward planned public school facilities identified in the first three years of the Sarasota School District Five Year Capital Facilities Plan. The school district shall agree to amend the capital facilities plan during the next annual update to include the School Capacity improvement being offered as proportionate share mitigation.

(e) The proportionate share mitigation agreement must be signed by the applicant and school district before a certificate of school concurrency is issued. The City Of North Port shall execute the proportionate share mitigation agreement prior to final development approval.

(f) The location of the proposed mitigation is consistent with the Comprehensive Plan.

(3) Options for proportionate share mitigation. The applicant and the school district shall consult on the options available for mitigating the concurrency service area affected by the proposed development. The agreed upon mitigation shall be described in an exhibit to the proportionate share mitigation agreement. If the applicant chooses to enter into a proportionate share mitigation agreement, he or she shall provide one or more of the following proportionate share mitigation options:

(a) The contribution or payment for acquisition of new or expanded school sites;
(b) The construction or expansion, or payment for, permanent school facilities;

(c) Mitigation banking within designated areas based on the construction of a public school facility in exchange for the right to keep or sell school capacity credits. Capacity credits shall only be sold to developments within the same school concurrency service area or a contiguous school concurrency service area; or

(d) The construction of public school facilities within an educational facilities benefit district as provided in section 1013.355, Florida Statutes.

(4) Application Process.

(a) At the time of review of an application for a development order, Planning, Zoning and Engineering City staff shall notify the applicant if there are public school improvements recommended by the school district which satisfy the requirements of Sec. 5-12(C)(2)(f) of these regulations. The notification shall be provided in writing and shall indicate whether the applicant has the opportunity to satisfy school concurrency requirements through a proportionate share mitigation agreement.

(b) Prior to submitting an application to enter into a proportionate share mitigation agreement, a pre-application meeting shall be held with the school district to discuss eligibility, application submittal requirements, potential mitigation options, and related issues.
(c) Eligible applicants shall submit an application to the Planning, Zoning and Engineering Department responsible for land development services that includes the following:

(i) Name, address and phone number of owner(s), developer, and agent;

(ii) Property location, including parcel identification number(s);

(iii) Legal description and survey of property;

(iv) Project description, including type, intensity and amount of development;

(v) Phasing schedule, if applicable;

(vi) Description of requested proportionate share mitigation method(s); and

(vii) Copy of the school impact analysis.

(d) The City in consultation with the School District shall review the application and certify that the application is sufficient and complete within 10 business days. If an application is determined to be insufficient, incomplete, or inconsistent with the general requirements of Sec. 5-12(D)(2) of these regulations, then the applicant will be notified in writing of the reasons for such deficiencies within 10 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written
notification, then the application will be deemed abandoned. **Planning, Zoning and Engineering City** staff may, at their discretion, grant an extension not to exceed 60 days to address such deficiencies, provided the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.

(e) When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate share mitigation obligation and binding agreement will be prepared by the applicant under the direction of City and/or school district and delivered to the appropriate parties for review, including a copy to the school district for any proposed proportionate share mitigation on a public school facility. The proposed agreement shall be provided no later than 60 days from the date at which the applicant received the notification of a sufficient application and no fewer than 21 days prior to the school board meeting where the agreement will be considered. The school district shall notify the City and the applicant regarding the date of the school board meeting at which the agreement will be considered for approval. The mitigation agreement must be approved by the applicant and school board prior to consideration by the North Port City Commission for final approval. However the City Manager is delegated authority to approve mitigation agreements or to refer the agreement to the City Commission for approval.

(f) The North Port City Commission shall consider the agreement at its next available meeting. The City shall notify the applicant and school district regarding the date of the City Commission meeting at which the agreement will be considered for final approval. A proportionate share
mitigation agreement shall not be effective until approved by the applicant, the school board and the City Commission.

(5) Determining proportionate share mitigation obligations.

(a) The full cost of proportionate share mitigation shall be required from the development proposal. The amount of proportionate share mitigation required from an applicant shall be calculated by applying the adopted student generation rate to the total cost or cost per student station estimate for each school type (elementary, middle, high and special schools) for which there is not sufficient available school capacity). The minimum proportionate share mitigation obligation for a proposed development shall be determined by the following formulas:

(i) Formula for number of student stations to be mitigated (by school type) (net development impact)

Net development impact = development impact - available school capacity for the proposed development

Where development impact = (number of dwelling units generated by development proposal, by housing type) X (student generation rate (SGR) by housing type and school type)

(ii) Formula for cost of mitigation

Cost of proportionate share mitigation = net development impact X total cost [or cost per student station estimate (by school type)]
Where net development impact = number of new student stations required for mitigation (by school type)

(b) Total costs shall include the cost per student station plus a share of the land acquisition costs, additional core and ancillary facilities and other anticipated supporting infrastructure expenditures or costs needed to provide sufficient capacity to the impacted school or schools, and may include any cost need to pay the interest to advance a school schedule in the five Year Capital Facilities Plan to an earlier year. For the purpose of determining proportionate share obligations, the school district shall determine these costs based on the actual cost of improvements as obtained from the applicable Sarasota School District Five Year Capital Facilities Plan.

(c) The school board in consultation with the City may accept school sites for the proportionate share mitigation payment. If the school board accepts a school site, dedication of the school site shall be valued on the date of the dedication at 115 percent of the most recent assessed value by the County property appraiser or, at the option of the applicant, at 100 percent of the fair market value established by an independent appraisal approved by the school district and at no expense to the City or school district. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the school district at no expense to the school district. If the estimated value of the school site dedication proposed by the applicant is less than the total proportionate share obligation for that development, the applicant shall also pay the balance of the proportionate share payment. The valuation of fair market value of the donated land at its highest and best use shall utilize the land uses and
approvals in place prior to the application for the proposed residential development that requires proportionate share mitigation without any consideration of any enhanced value of the donated land resulting from subsequent development approvals by the City Of North Port.

(d) The City and school district may accept a developer-constructed improvement project as the proportionate share payment. If the school district accepts an improvement project proposed by the applicant, the value of the improvement shall be established by a school district analysis of costs that incorporates data from recent projects approved by the school district. All costs shall be adjusted to reflect costs that are current at the time of execution of the proportionate share mitigation agreement. Any developer-constructed improvement project proposed to meet the developer’s proportionate share obligation shall meet the appropriate standards established by the Sarasota School District and Department of Education State requirements for education facilities.

(e) The alternative financing of the construction of public school facilities through an educational benefit district shall be established through an interlocal agreement approved by the school board and the City of North Port provided in section 1013.355, Florida Statutes.

(6) Impact fee credit for proportionate share mitigation. Proportionate share payments, dedication of school sites accepted as proportionate share payment, and developer-constructed improvements accepted as proportionate share payment shall be eligible for school impact fee credits to the extent that the share payment funds a capacity-adding public school improvement that is eligible to be funded with school impact fees. The terms of the impact
(a) Impact fee credit shall be calculated as follows:

Equivalent residential units (ERU) for which proportionate share mitigation is provided \( \times \) impact fee per dwelling unit.

Where equivalent residential units (ERU) = net development impact divided by student generation rate (SGR)

(7) Administration of proportionate share mitigation payments.

(a) A proportionate share mitigation payment shall be placed in the appropriate project account for funding the scheduled improvement in the Sarasota School District Five Year Capital Facilities Plan.

(b) In the event a scheduled facility improvement is removed from the Five Year Schedule of Capital Improvements, the school district may apply the proportionate share payment(s) collected for that improvement toward another improvement that will mitigate the impacts of the proposed development’s public school needs consistent with these regulations.

E. Proportionate share mitigation agreement

(1) Upon execution of a proportionate share mitigation agreement, Planning, Zoning and Engineering City staff shall find the capacity added by the improvement for which the proportionate share mitigation is made to be available school capacity.
(2) The proportionate share mitigation is due in full prior to issuance of the final development order for the development that is the subject of the proportionate share mitigation agreement. If mitigation is in the form of a payment which is submitted more than 12 months from the date of execution of the agreement, the proportionate share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to Sec. 5-1214(D)(5)(b) of these regulations.

(3) Dedication of school sites accepted as proportionate share payment pursuant to Sec. 5-1214(D)(5)(c) of these regulations shall be completed prior to issuance of final development order for the development that is the subject of the proportionate share mitigation agreement.

(4) All developer-constructed improvements accepted as proportionate share mitigation pursuant to Sec. 5-1214(D)(5)(d) of these regulations shall be under construction prior to or concurrent with issuance of final development order for the development that is the subject of the proportionate share mitigation agreement. The developer-constructed improvement shall be completed prior to issuance of building permits for the development that is the subject of the proportionate share mitigation agreement.

(5) After issuance of a final development order, the City may evaluate any developer proposed changes to land uses or intensities of an approved development plan to determine if additional proportionate share mitigation is required to mitigate the public school impacts of the development. If the City determines additional proportionate share is required, the proportionate share mitigation agreement shall be amended consistent with these
regulations. Any additional proportionate share mitigation shall be made in-
full, and any dedication or developer-constructed improvement shall be
completed, prior to issuance of any further final development orders,
including building permits.

(6) If the applicant fails to apply for a final development order within one
year of execution of the proportionate share mitigation agreement, the
agreement shall be considered null and void.

(7) An applicant may submit a letter to withdraw from a proportionate share
mitigation agreement at any time prior to the execution of the agreement.

(8) Any application fee and any associated advertising costs to the City
shall be non-refundable.

Sec. 5-15. Interpretation.

Interpretations of this section shall be made by the Planning, Zoning and
Engineering Director/City Manager’s designee of the department responsible for
land development services.

Sec. 5-16. Appeals.

Any person aggrieved by the Planning, Zoning and Engineering Director/City
Manager designee’s interpretation may appeal to the City Manager. The criteria
for granting an appeal shall be based upon substantial competent evidence
proving that the interpretation renders the property unbuildable. The granting
of any appeal shall not be in conflict with State Statutes. The City Manager’s
decision may be appealed to City Commission. The City Commission’s decision,
based upon the evidence submitted to the City Manager and the City Manager’s finding(s), may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(1) Applications for an appeal shall be filed pursuant to Sec. 1-10.

Sec. 5-17. Conflicts.
Whenever the requirements of these regulations differ from those imposed by the City, Federal, or state regulation, law or statute, the most restrictive or imposing the higher standards shall govern.

Sec. 5-18. Severability.
If any section, subsection, sentence, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Chapters 6--8 RESERVED
Chapter 9  CONSERVATION RESTRICTED OVERLAY ZONE, MANATEE PROTECTION REGULATIONS

[HISTORY: Adopted by the City Commission of the City of North Port 9-17-1990 by Ord. No. 90-28 (Section 8). Amendments noted where applicable.]

Sec. 9-1. Title
Sec. 9-1 2. Findings.
Sec. 9-2 3. Intent.
Sec. 9-3 4. Relationship to Comprehensive Plan.
Sec. 9-4 5. Relationship to other regulations.
Sec. 9-5. Definitions.
Sec. 9-6. Interpretations.
Sec. 9-7. Conflicts.
Sec. 9-8. Appeals.
Sec. 9-9. Severability.

ARTICLE I – CONSERVATION RESTRICTED OVERLAY ZONE.

Sec. 9-6 10. Creation of protected environmentally sensitive zones within sub-areas.
Sec. 9-7 11. Activities presumed to have an insignificant adverse impact on the Zone of Maximum Protection (Zone 1).
Sec. 9-8 12. Activities presumed to have an insignificant adverse impact on the Contiguous Protective Zone (Zone 2).
Sec. 9-9 13. Activities presumed to have an insignificant adverse impact on the Conservation Zone (Zone 3).
Sec. 9-10 14. Special design standards within Zone 3.
Sec. 9-11 15. Development within South Myakkahatchee Creek/Myakka River Subarea.
Sec. 9-12 16. Protection of archaeologically significant resources of Little
Salt Springs site.

Sec. 9-17. Protection of other significant archaeological sites.

Sec. 9-18. Uses not specifically mentioned.

ARTICLE II - MANATEE PROTECTION.

Sec. 9-19. Territorial Jurisdiction.

Sec. 9-20. Prohibitions.


Sec. 9-22. Enforcement.

Sec. 9-1. Title.

This chapter shall be known and may be cited as the “Conservation Restricted Overlay Zone, Manatee Protection Regulations” of the City of North Port, Florida.”

Sec. 9-2. Findings.

A. The City finds that the development of land within areas designated as Conservation/Restricted Overlay Zones on the City’s Future Land Use Map may adversely affect the health, safety and welfare of the community by degrading ecological, historical, recreational, economic and aesthetic values, and may adversely affect water quality, water quantity and aquatic and wetland-dependent wildlife.

B. The City Commission also finds that Manatees are protected under the Marine Mammal Protection Act of 1972 (as amended in 1996), the Endangered species Act

Sec. 9-2 3. Intent.

A. These regulations are intended to protect, maintain, enhance and restore both the immediate and the long-term health, safety and general welfare of the citizens of the City by:

(1) Protecting the public's interest in environmentally sensitive areas from the adverse impacts of development while protecting the rights of property owners.

(2) Protecting, maintaining and restoring the chemical, physical and biological integrity of natural habitats, such as wetlands, floodplains and shorelands, within the conservation/restricted area.

(3) Protecting, maintaining and restoring the chemical, physical and biological integrity of ground- and surface waters.

(4) Preventing activities which adversely impact ground- and surface waters, natural habitats and native flora and fauna.

(5) Encouraging the construction of stormwater management systems that aesthetically and functionally approximate natural systems.

(6) Protecting natural drainage systems.

(7) Minimizing runoff pollution of ground- and surface waters.
(8) Minimizing erosion and sedimentation.

(9) Prohibiting certain uses which are detrimental to the Myakkahatchee Creek and Myakka River systems.

(10) Minimizing impacts on the City's archaeological resources.

B. In addition, the intent of the Conservation/Restricted Overlay Zone is to assure that all development within this zone receives special regulatory attention so as to minimize adverse impacts on the City's freshwater, marine and archaeological resources. The Conservation/Restricted Overlay Zone contains three geographical subareas which include the North Myakkahatchee Creek, South Myakkahatchee Creek/Myakka River and the Little Salt Springs Archaeological Site, and provides for the protection of other archaeologically significant sites that may be identified.

C. In addition, the purpose of this article is also to provide adequate protection of endangered species as defined by the Florida Fish and Wildlife Commission and the West Indian Manatee (Trichechus Manatus) through regulation and control of development proposals with an effect on watercraft-related activities that could affect the West Indian Manatee, their habitat, respite areas, travel corridors, or other areas that affect their survival, success and persistence as a species within North Port tidally influenced waters and southwest Florida.

Sec. 9-3 4. Relationship to Comprehensive Plan.

The regulations contained herein implement Objective 1 and Policy 1.10, of the Conservation and Coastal Zone Management Element and Goal 2, Policy 2.7.9 of the
Future Land Use Element of the Comprehensive Plan, which states that "By 1994, the City will review all applicable enact ordinances and other appropriate procedures that which provide for the protection and enhancement of its critical water resources and biologically productive flora and fauna habitats", and "The City shall coordinate with the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the USFWS, the West coast Inland Navigation District (WCIND), and other local, state, and federal agencies, as applicable, to maintain and enhance manatee populations throughout the region. Coordination activities may include, but shall not be limited to, development review, enforcement of manatee protection zones, and public education", and "Any multi-family, commercial or office development proposed on property within the City of North Port which abuts the creek flowing from the Warm Mineral Springs to the Myakka River will be required to contact the Florida Department of Environmental Protection (FDEP) manatee experts to determine the best management practices for development, and any mitigation necessary, to protect manatees which may utilize this tributary".

Sec. 9-4 5. Relationship to other regulations.

In addition to meeting the requirements of this chapter, development within the Conservation/Restricted Overlay and Manatee Protection Zones shall comply with all applicable federal, state, local and water management district regulations, including, but not limited to, existing water quality, stormwater, floodplain, wetland and endangered species regulations.

Sec. 9-5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:
ALTERNATIVE WASTEWATER SYSTEM -- Any Department of Health and Rehabilitative Services (DHRS) approved on-site individual sewage disposal system which will consistently provide a level of sewage treatment equal to or exceeding that of a Class I aerobic treatment unit in compliance with National Sanitation Foundation (NSF) Standard 40, as revised. The unit must also meet all requirements as called for in Chapter 10D-6, Florida Administrative Code, Standards for On-Site Sewage Disposal Systems.

CONSERVATION/RESTRICTED Overlay Zone -- That area depicted on the Future Land Use Map of the City of North Port as may be amended from time to time.

CONSERVATION Zone -- That area of the Conservation/Restricted Overlay Zone referred to as Zone 3.

CONTIGUOUS PROTECTIVE Zone -- That area of the Conservation/Restricted Overlay Zone referred to as Zone 2.

RESTORATION -- The renewal of vegetative cover by seeding, planting or transplanting.

TRIMMING -- The pruning or clipping of vegetation with hand-powered tools which does not result in the removal of more than three inches of the stem and root of the plant.

ZONE OF MAXIMUM PROTECTION -- That area of the Conservation/Restricted Overlay Zone referred to as Zone 1.

Sec. 9–6. Interpretations.
Interpretations of this section shall be made by the City Environmentalist/City Manager’s designee.

Sec. 9-7. Conflicts.
Whenever the requirements of these regulations differ from those imposed by the City, Federal or State regulation, law or statute, the most restrictive or imposing the higher standards shall apply.

Sec. 9-8. Appeals.
A. Any person aggrieved by the City Environmentalist/City Manager’s Designee’s interpretation may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders the property unbuildable with no reasonable use. The granting of any appeal shall not be in conflict with State Statutes. The Zoning Board of Appeals’ decision, based upon previously submitted evidence, may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(1) Applications for an appeal shall be filed pursuant to Sec.1-10.

Sec. 9-9. Severability.

If any section, subsection, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
ARTICLE I – CONSERVATION RESTRICTED OVERLAY ZONE.

Sec. 9-6 10. Creation of protected environmentally sensitive zones within subareas.
A. North Myakkahatchee Creek subarea.

(1) There is hereby created a Zone of Maximum Protection (Zone 1) in which special restrictions on development apply. The boundaries of this zone shall be the water area and contiguous jurisdiction wetlands from Mean High Water line of the Myakkahatchee Creek as delineated in Figure 9-10A and Myakkahatchee Creek Bypass Canal rights-of-way.

(2) There is hereby created a Contiguous Protective Zone (Zone 2) in which special restrictions on development apply. The boundaries of this zone shall be 150 feet landward from the landward edge of the Zone of Maximum Protection as shown in Figure 9-10A.

(3) There is hereby created a Conservation Zone (Zone 3) in which special restrictions on development apply. The boundaries of this zone shall be the remainder of the conservation/restricted area landward from the Contiguous Protective Zone (Zone 2).

(4) Endangered species as defined by the Florida Fish and Wildlife Commission that are sited, shall be reported to the City for tracking purposes.

(a) If an endangered species is sited, the following shall apply:

(i) a map of the location shall be provided.

(ii) the Florida Fish and Wildlife Commission shall be notified within 48 hours.

(iii) the City shall place a sign indicated the area is restricted.
Sec. 9-7. Activities presumed to have an insignificant adverse impact on the Zone of Maximum Protection (Zone 1).

A. The following uses and activities are presumed to have an insignificant adverse impact on the beneficial functions of the Zone of Maximum Protection and shall therefore be permitted:

   (1) Scenic, historic, wildlife or scientific preserves.

   (2) Minor maintenance or repair to existing structures or improved areas.

   (3) Cleared walking trails having no structural components.

   (4) Timber catwalks four feet or less in width.

   (5) Dredge and fill when it is determined that it is clearly in the public interest and when it is part of an approved plan for the restoration or alteration of the creek area. **Dredge and Fill is regulated by Chapter 14, Article II of this Unified Land Development Code.**

   (6) Stormwater management facilities.

B. All other activities and uses not expressly permitted under this section shall be prohibited unless it is shown by competent and substantial evidence that the specific activity would have no adverse impact on the beneficial functions of Zone 1. **Examples of prohibited activities include, but are not limited to:**
(1) Digging or excavation of any portion of the Myakkahatchee Creek or its tributaries and interconnected drainage canals, for any purpose, is specifically prohibited without the approval of the City, State and Federal Agencies.

(a) State and Federal agencies include Southwest Florida Water Management District (SWFWMD), US Army Corporation of Engineers (USACOE), Florida Fish and Wildlife Conservation Commission (FFWCC) and Florida Department of State Division of Historical Resources (DHR).

(2) Dumping of any materials directly or indirectly into the Myakkahatchee Creek or its tributaries and interconnected drainage canals, is prohibited. The dumped materials may pollute these waterways which serve as the City’s drinking water source. The dumped materials may also obstruct the flow of water in the waterway and increase flooding.

(3) Construction of any catwalks, rock dams or crossings or any kind, over the Myakkahatchee Creek or its tributaries and interconnected drainage canals is prohibited without City approval. These crossings can obstruct the flow of water in the waterway and increase flooding.

Sec. 9-8 12. Activities presumed to have an insignificant adverse impact on the Contiguous Protective Zone (Zone 2).

A. The following uses and activities are presumed to have an insignificant adverse impact on the beneficial functions of the Contiguous Protective Zone (Zone 2) and shall therefore be permitted:

(1) All uses and activities included in Zone 1.
(2) Educational facilities for the study of wildlife, conservation or ecology.

(3) Gazebos or similar structures in conjunction with a nature trail or similar trail.

(4) Unpaved parking facilities and rest rooms related to the construction of passive recreation areas.

(5) Selective clearing or trimming of vegetation not listed as threatened, endangered, or of special concerns if the activity clearly will not adversely affect the integrity, water quality functions or wildlife habitat functions of the land portion of this zone.

(6) Single-family homes, provided that the following additional restrictions are applied:

(a) Rear yard setback of 50 feet from the Zone1/Zone2 boundary.

(b) Coverage with an impermeable surface and the clearing or disturbance of vegetation combined shall not exceed 25% of the gross area of the lot proposed for development.

(c) Alternative or central wastewater systems only. See definition, Chapter 61.

(d) Fill placed on the land shall not decrease the water storage capacity or alter the hydrologic regime of the zone.
B. All other activities and uses not expressly permitted under this section shall be prohibited unless it is shown by competent and substantial evidence that the specific activity would have no adverse impact on Zone 2. Examples of prohibited activities include, but are not limited to:

1. Dumping of any materials onto City Property or vacant lots in Zone 2.

2. Construction of any facilities on City Property in Zone 2 for recreational purposes is prohibited without City approval. These facilities include but are not limited the following: facilities for BMX activities, four wheeling, skate boarding, camping.

Sec. 9-3. Activities presumed to have an insignificant adverse impact on the Conservation Zone (Zone 3).

A. The following uses and activities are presumed to have an insignificant adverse impact on the beneficial functions of the Conservation Zone and shall therefore be permitted:

1. All uses and activities in Zone 1.

2. All uses and activities in Zone 2.

3. Single-family, duplex and multifamily development on alternative wastewater systems if central sewer is not available.

4. Commercial development as part of a Planned Community Development District only.
B. All other activities and uses not expressly permitted under this section shall be prohibited unless it is shown by competent and substantial evidence that the specific activity would have no adverse impact on the beneficial functions Zone 3. Examples of prohibited activities include, but are not limited to:

1. Dumping of any materials onto City Property or vacant lots in Zone 3.

2. Construction of any facilities on City Property in Zone 3 for recreational purposes is prohibited without City approval. These facilities include but are not limited to the following: facilities for BMX activities, four wheeling, skateboarding, camping.

Sec. 9-10 14. Special design standards within Zone 3.

The following special design standards shall apply within Zone 3 for all commercial, industrial and multifamily development:

A. Wherever possible, natural buffers a minimum of 52 feet in width shall be retained between all development in Zone 3 and all other conservation zones. If a natural buffer does not exist, an equivalent shall be created using native species native to immediate environment. The size of the buffer shall be the minimum necessary to prevent significant adverse impacts to affected zones.

B. The developer shall completely restore any portion of either Zone 1 or 2 which is damaged during construction in Zone 3. Complete restoration means that the damaged area shall, within two years, be operating as effectively as the
natural system did prior to being destroyed. The burden of proof shall rest with the developer in proving that the restoration has been completed.

C. Other protective measures necessary to prevent significant adverse impacts on the beneficial functions of Zones 1 or 2 owing to development within Zone 3 may be required. The factual basis of the decision to require the measure shall be stated as a finding during the development permit review process. Protective measures may include, but are not limited to, the following:

(1) Maintaining natural drainage patterns.

(2) Limiting the removal of vegetation to the minimum possible to carry out the development activity.

(3) Expeditiously replanting denuded areas.

(4) Stabilizing banks and other unvegetated areas.

D. Using deed restrictions and other legal mechanisms to require the developer and successors to protect the environmentally sensitive areas of the property.

E. Requiring that all development within Zone 3 shall be setback no less than 50 feet from the landward boundary of Zone 2.

F. Prohibiting point source and non-point source discharges, except for stormwater, which may be discharged only if it meets the following minimum standard. Stormwater discharges shall include an additional level of treatment equal to 50% of the treatment criteria specified in §§18-12.25-18 of this Unified

Page 171 of 1493
S:\ULDC MASTER UPDATE\ULDC Masterdraft 12-04-09 COMMISSION REVIEW3.doc
Land Development Code, and shall provide off-line retention or off-line
detention with filtration of the first inch of runoff of the total amount
required to be treated.

G. Requiring that any development within a PCD (Planned Community Development
District) as defined in Chapter 53 of this Unified Land Development Code, shall
be required to submit to the City an environmental assessment of the property
proposed to be developed. The assessment shall be prepared by a competent
ecologist, biologist or related professional. At a minimum, the assessment shall
address the presence of affected species, significant archaeological resources
and recommend measures to protect significant resources.

Sec. 9-15. Development within South Myakkahatchee Creek/Myakka River Subarea.

Chapter 49, the City of North Port's Wetlands Protection Regulations, of this
Unified Land Development Code and all other applicable federal, state and local
environmental regulations, codes and ordinances shall regulate development
within the South Myakkahatchee Creek/Myakka River Subarea (US 41 southward).

Sec. 9-16. Protection of archaeologically significant resources of Little
Salt Springs site.

A. The following uses and activities are presumed to have an insignificant
adverse impact on the Little Salt Springs site and shall therefore be permitted:

(1) Passive recreation.

(2) Scientific research.
(3) Structures relating to scientific research.

(4) Unpaved parking areas, rest rooms and nature trails.

(5) Elevated boardwalks.

B. All other activities and uses not expressly permitted under this section shall be prohibited unless it is shown by competent and substantial evidence that the specific activity would have no impact on the archaeological or environmental integrity of the site.

Sec. 9-13 17. Protection of other significant archaeological sites.

When competent evidence exists as to the archaeological significance of a parcel of land within the Conservation/Demolished Overlay Zone, the City shall require, before any development commences, that the property owner or developer submit an analysis prepared by a competent professional in the field of archaeology establishing the archaeological significance of the property and providing for the protection of the archaeological resources on the property pursuant to Chapter 58 of the ULDC. Competent evidence as applied to Article II of Chapter 53 of this Unified Land Development Code shall mean substantial documented evidence furnished to the City by an expert in the field of archaeology, anthropology or geology.

Sec. 9-14 18. Uses not specifically mentioned.

Where a developer or other interested party describes a use not specifically cited within these regulations, the Director of Planning and Zoning Department the department responsible for land development services shall classify the use...
as either permitted or not permitted and the requirements that apply. In making
that determination, the Director shall review the uses permitted by these
regulations. The decision shall state findings substantiating the Director's
conclusions. Under no circumstances shall the Director authorize a use not
otherwise permitted by these regulations.

ARTICLE II – MANATEE PROTECTION.

Sec. 9-19. Territorial Jurisdiction.

The provisions of these regulations shall be applicable and enforceable
throughout all waterways located throughout the City of North Port.

Sec. 9-20. Prohibitions.

A. It shall be unlawful for any person to kill, molest, harass, or cause direct
or indirect injury to a manatee or manatee habitation.

B. It shall be unlawful for any person to collect or possess any part of a West
Indian Manatee.


A. Any development within any waterway in the City of North Port shall be
required to submit to the City an application showing the proposed development
and its effect on the waterway.

B. The City may require an assessment report. The assessment shall be prepared
by a competent ecologist, biologist or related professional. At a minimum, the
assessments shall address the presence of affected species, significant archaeological resources and recommend measures to protect significant resources.

(1) Prior to any dredging, excavation or filling activities, the Florida Department of State Division of Historical Resources (DHR) should be contacted to determine if the site has significant archaeological resources. The DHR may require a professional cultural resource survey pursuant to Chapter 1A-46, F.A.C. to be conducted.

C. The development application shall be submitted in compliance with Chapter 33, Article II, Major Site and Development, of these regulations.

D. No development proposal for a boat facility shall be deemed consistent with the provisions of the Manatee Protection Plan if there is an existing boat facility on the property that is in violation of the City of North Port Code.

Sec. 9-22. Enforcement.

A. The City of North Port shall have the power to enforce the provisions of this article, or any permit and or approval issued hereunder, by equitable or legal judicial proceedings, including the power to enjoin violations by mandatory and prohibitory injunctions, as well as the power to enforce its findings and determinations by injunction or other legal or administrative process, including code enforcement proceedings. Each day of any such violation shall constitute a separate and distinct offense.

B. The City Manager or designee is hereby authorized to issue a stop work order to a person where the City Manager or designee determines that work at the site:
(1) Is proceeding in violation of this section; or

(2) Poses an imminent and significant hazard to the public health, safety, or welfare, or to the environment.

Chapters 10--12 RESERVED
Chapter 13  DREDGE AND FILL REGULATIONS, DOCKS, SEAWALLS, OTHER STRUCTURES AND MARINE VESSELS REGULATIONS.

[HISTORY: Adopted by the City Commission of the City of North Port 9-17-1990 by Ord. No. 90-28 (Section 10). Amendments noted where applicable.]

GENERAL REFERENCES

Water pollution control -- See Ch. 180, Art. II.
Watercraft -- See Ch. 225, Art. I.

Sec. 13-1. Title.
Sec. 13-2. Intent.
Sec. 13-3. Relationship to Comprehensive Plan.
Sec. 13-4. Findings.
Sec. 13-5. Definitions.
Sec. 13-6. Applicability.
Sec. 13-7. Local, state and federal permits required.
Sec. 13-8. Permits.
Sec. 13-10. Exemptions.
Sec. 13-11. Prohibition of non-water-dependent fixed structures.
Sec. 13-12. Water quality standards.
Sec. 13-13. Mooring of vessels on or adjacent to private property.
Sec. 13-14. Abandoned vessels.
Sec. 13-16. Removal and impoundment of dangerous or hazardous vessels.
Sec. 13-17. Exceptions.
Sec. 13-18. Miscellaneous.
Sec. 13-1. Title.

This chapter shall be known and may be cited as the “Docks, Seawalls, Other Structures and Marine Vessels Regulations” of the City of North Port, Florida.”

Sec. 13-2. Intent.

It is the intent of the City Commission of the City of North Port to protect the water quality and integrity of its waterways and their appurtenant natural systems, and to safeguard the health, safety and public welfare of property as it relates to the quality, design, fabrication and erection of structures for recreational boats, such as piers, boat docks, moorings, platforms or other similar-type structures designed primarily for use of recreational boats.

The purpose of this Chapter is to ensure that the mooring of vessels and erection of water dependent structures does not adversely affect navigation, natural resources, or the public’s health, safety, and welfare by establishing regulations while allowing the local area waterways to be utilized recreationally for this purpose.

Sec. 13-3. Relationship to Comprehensive Plan.
The dredge and fill regulations in this chapter implement Policy 7.7 of the Drainage Element Surface Waters, Objective 7, of the Conservation and Coastal Zone Management Element of the Comprehensive Plan, which states that "The City shall revise and adopt a new dredge and fill ordinance consistent with adopted levels of service and applicable goals, objectives and policies." "Prior to 2000, the City will implement programs and procedures for the protection, preservation and conservation of coastal water resources and fresh water resources, including, but not limited to waterways and canals."

Sec. 13-4. Findings.

The City Commission of the City of North Port hereby finds that:

A. The waterways, wetlands and related hydrological and drainage systems function as a vital part of the waters of the City of North Port and constitute a productive and valuable public resource. Chapter 49 of this Unified Land Development Code regulates wetlands.

B. It has been determined that preservation and proper management of emergent and submergent aquatic vegetation is beneficial to the conservation of fish and wildlife.

C. It is in the best interest of public health, safety and welfare to pay particular attention to the location and general design of structures for recreational boats in order to preserve the navigability of the waterways.

D. Reasonable control and regulation of dredge and fill activities which cause or may be expected to cause pollution is necessary for the protection and
preservation of water quality, as well as the public health, safety and welfare. The mooring of vessels not associated with a City approved or grandfathered dockage facility, marina, or other water dependent facility may adversely affect navigation or the public’s health, safety, and welfare, if it is not conducted in an appropriate manner consistent with the regulations contained herein.

Sec. 13-4. Definitions.

For the purposes of this chapter, in addition to the following terms or words, the definitions provided for in the City's zoning regulations set forth in Chapter 53 shall apply. If the definitions contained herein at any time conflict with definitions provided in other codes, the more restrictive interpretation shall apply.

ALTERATION -- Any dredging, filling, cutting, drainage or flooding of a jurisdictional water body.

APPLICANT -- Any person or entity requiring a permit for construction of a structure for a water-dependent use and/or a dredge and fill permit.

DEPARTMENT -- The Planning and Zoning Department of the City of North Port.

DOCK -- A boat mooring facility which has no more than 10 slips, and which does not provide a fuel facility, sewage pump-out station or commercial land-to-water boat hoist.

DOCK BOX -- A storage container devoted to the storage of items related directly to the use and maintenance of watercraft or to water-oriented activities. The maximum size of a dock box shall be 100 cubic feet. The maximum height of a dock
DREDGING -- Any disruption or displacement of wetland substrate or bottom sediments or contours. Dredging also means the excavation or creation of a water body which is or will be connected to jurisdictional waters.

FILLING -- The placement of any material in, on or over land a jurisdictional water body.

JURISDICTIONAL WATERS -- Any water bodies located within the corporate boundaries of the City of North Port.

LITTORAL ZONE -- The shallow-water region with light penetration to the bottom that will support the growth of aquatic vegetation that will provide water quality treatment and desirable aquatic habitat.

MHW -- Mean high water.

MLW -- Mean low water.

PERMIT REQUIRED -- Any local, state and/or federal permits required in accordance with this chapter or as required by any other local rules, regulations, ordinances or codes for proposed activities applicable to structures or work related to structures in, on, over or adjacent to waterways within the incorporated area of the City of North Port.

SEAWALL -- A wall or embankment to protect the shore from erosion or to act as a breakwater.
STRUCTURE -- Without limitation, any pier, wharf, boathouse, dolphin, mooring pile, riprap, seawall, bulkhead, retaining wall, jetty, platform, boat lift, davit, boat ramp or any other obstacle, obstruction or protrusion, or other similar landing facility used primarily for watercraft, or for water oriented activities such as fishing piers.

TERMINAL PLATFORM -- That part of a docking facility that is connected to and generally wider than the access walkway and is used both for securing and leading a vessel.

WATERWAY -- Any artificial or natural body of water connected to navigable waters of the United States and located in the incorporated area of the City of North Port.

WORK -- Any dredging or disposal of dredge material, excavation, filling, construction, erection or installation or any addition or other modification of a structure on a waterway within the incorporated area of the City of North Port. The term shall not include minor repairs or maintenance as exempted under § 13-9 of this chapter.

Sec. 13-5. Applicability.

These regulations shall apply to all dredging and filling activities in the City of North Port, including but not limited to construction of seawalls, docks, piers and boat ramps, except for those activities specifically exempted under § 13-9 below.
A. The provisions of the Chapter shall be applicable and enforceable throughout the City of North Port.

B. The provisions of this Chapter shall not be applicable to the vessels of any federal, state, or local government while operated by an officer, employee, or agent thereof, who is engaged in law enforcement or other necessary governmental agency activities.

C. The provisions of this Chapter shall not be applicable to existing water dependent facilities authorized or prior to the approval of this Unified Land Development Code, including single-family or multi-family dockage facilities, including marinas and waterfront restaurants.

D. The provisions of this Chapter shall include the construction/or maintenance of water dependent structures.

E. Myakka River Protection Zone. All proposed activities within the Wild and Scenic section of the Myakka River shall conform to the Myakka River Protection Zone, Chapter 57.

Sec. 13-6. Local, state and federal permits required.

Unless specifically exempted by these regulations, all work in connection with any structure located in, on, over or adjacent to any jurisdictional waterways located within the incorporated area of the City of North Port shall be prohibited without obtaining permits in accordance with applicable local rules, regulations, ordinances or codes. Local City approval shall not eliminate the need for obtaining associated state and federal agency permits where applicable.
Sec. 13-7. Permits.

A. General.

(1) Any construction, dredging, filling or alteration in, on or over jurisdictional waters shall require a permit by the Building Department, unless specifically exempted by these regulations. Before obtaining a City permit, the applicant shall have obtained all applicable state and federal permits. All proposed activities shall be evaluated and approved by all applicable City departments and other appropriate agencies, including the Planning and Zoning Department, and the City Engineer prior to the issuance of a permit, to ensure that such activities are compatible with the intent of these regulations.

(2) All requests for docks and seawalls shall secure a Right-of-way permit from the Public Works Department.

(2) All requests for a permit relative to proposed activities in accordance with the provisions of this Unified Land Development Code shall be submitted in writing to the Planning and Zoning Department—City of North Port, and shall include an overall site plan of the area, including dimensions. An application shall not be deemed complete until the application fee and all information reasonably necessary to fully understand the extent, nature and potential impacts of a proposed project are received. The written application shall include but not be limited to the following information:

(a) An explanation of the need and intent of the project.
(b) A description of construction methodology.

c) A completed application form.

d) Line sketches.

e) Methods of water quality control.

(f) Copies of all state and/or federal agency permits and/or notices of exemption.

(g) Water depths referenced to Mean Low Water MLW or Mean High Water MHW, as appropriate.

(h) A land survey performed within the past 24 months, signed and sealed by a Florida Licensed Land Surveyor. A more recent survey will be required if topographic changes are made within this 24-month time period.

(3) Following completion of all authorized work, the permittee or contractor shall provide written certification and as-built plans to the City ensuring that the structure or other alterations have been completed in accordance with authorized plans.

(4) Upon making any application to the City for any reason, the applicant agrees to comply with all the requirements of this code and further agrees to allow authorized City staff and personnel to enter and inspect the property during normal business hours. The City of North Port may, in its own capacity, through its authorized officer, employees, and agents, enter upon
land and make examinations and surveys as deemed necessary for the inspection of all water dependent structures or appurtenances within the City.

(5) Impacts to listed species are not authorized by this permit. Protection of listed species extends to the nests and burrows utilized by these species. If evidence of a listed species is discovered or observed prior to, or after commencement of the clearing of vegetation, all clearing and earthmoving shall cease. The permittee shall consult with the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service regarding necessary protection measures and provide written evidence of such consultation to the City prior to resuming work.

(6) All docks, piers, and similar structures shall, to the maximum extent possible, avoid impacts to native habitats.

(7) No more than one dock shall be located at a single family residence. It shall not be used for the mooring of more than 2 vessels.

(8) Any construction, dredging, filling or alteration in, on or over within jurisdictional waters shall require a permit by the Building Department of North Port, unless specifically exempted by these regulations. Before obtaining a City permit, the applicant shall have obtained all applicable state and federal permits. All proposed activities shall be evaluated and approved by all applicable City departments, the City of North Port and other appropriate agencies, including the Planning and Zoning Department, and the City Engineer prior to the issuance of a permit, to ensure that such activities are compatible with the intent of these regulations.

(9) The following maintenance activities shall require a permit:
(a) Repairs to bridges, walkways, and utility crossings where the structure spans the waterway.

(b) Repair and/or replacement of the tieback systems on an existing seawall or bulkhead, provided that the contractor submits an engineering plan which the City determines meets acceptable standards for professional engineering design.

(c) Repairs and/or replacement of the cap of an existing seawall or bulkhead, provided that the contractor submits an engineering plan which the City determines meets the accepted standards of engineering design.

(d) Roadway, stormwater management, and bridge maintenance activities which are performed or authorized by the City to correct safety deficiencies or are undertaken to maintain continuity of existing use for an established road, road right-of-way, or stormwater management structure to bridge.

(3) Applications for permits for dredging and filling activities shall be processed in accordance with the permitting procedures set forth in the City's Site and Development and Stormwater Regulations. (See Chapters 18 and 33.)

B. Multifamily applicants Residential. When an application is made for work in common areas of a multifamily residential site (i.e., condominiums, apartments, townhouses, villas and similar structures), the representative association, or
all of the homeowners as a group, shall be the applicant. The Department City shall not process an application made by one unit owner in a multifamily setting where the work is proposed on lands designated as common areas.

C. Drawing requirements. All drawings for applications (other than work on a private single-family or two-family residential lot) shall be signed and sealed and certified by a Florida licensed registered professional engineer.

D. Inspections.

(1) The Building Department City and the City Engineer shall conduct may perform on-site inspections at any time of all proposed dredge and fill seawalls, retaining walls, bulkheads, groins, docks, piles, piling, tie poles, or other structures above or in jurisdictional waters within the City. activities to determine if such activities are conducted in accordance with approved plans. Should the City of North Port find any of the same and/or a portion thereof, to be hazardous to the public for, but not limited to, safe pedestrian, boating, or swimming purposes, the City of North Port shall order the removal or repair by the owner of such structure within 30 calendar days.

(2) In addition, the Building Department may arrange for on-site inspections as required to determine if existing structures meet current minimum Building Code standards.

(3) Proposed dredge and fill activities. Subsequent to the issuance of a building permit, the applicant may proceed with construction in accordance with the approved drawings. For all new proposed dredge and fill activities, on-site inspections will be conducted by the City's Building
Department and City Engineer. The applicant shall be responsible for contacting the City's Building Department to request that the appropriate inspections be conducted.

(4) Periodic inspections of existing structures. The Building Department may arrange for periodic inspections of all seawalls, retaining walls, bulkheads, groins, docks, piles, piling, tie poles or other structures above or in the waters within the City. Should the Building Department find any of the same and/or a portion thereof to be hazardous to the public for safe pedestrian, boating or swimming purposes, the Building Department shall thereupon order the removal or repair thereof in the name of the City, by the owner of such structure so condemned, or persons having jurisdiction thereover, within 30 days.

Sec. 13-8. Fees.

A. Each permit application shall be accompanied by a nonrefundable fee pursuant to the City Commission adopted fee schedule as may be amended from time to time. OF $70.

B. All application fees paid by check shall be made payable to the "City of North Port."

C. When an application is made for work in conjunction with an application for new residential construction on the same property, applications shall be processed jointly, and the applicant shall be required to pay only such local fees as may apply to the residential construction alone. However, this subsection does not exempt the applicant from having to pay any state and federal permit fees which may apply to the work or construction.
D. For projects within their approved budgets, state agencies and special taxing districts having drainage and/or water control authority are exempt from the permit application fee requirement.


A. The following activities are exempt from the permitting requirements of this chapter: Any design change or alternate use of construction material on the structures to be maintained may cause the project to be non-exempt. The following maintenance work is exempted from permitting requirements of this chapter, provided that the structures to be maintained were constructed in accordance with a permit issued by the City.

(1) The installation of transmission lines that do not require dredging and/or filling of wetlands. Redecking or resurfacing of docks, piers, and other similar structures within the limits and dimensions of the existing structure using materials that are not impregnated with arsenic.

(2) The repair of existing functional piers, seawalls, docks, mooring piles or boat ramps, so long as such repair does not increase the area of the structure(s). Replacing or repairing handrails, guardrails, and benches.

(3) The installation of a dock box on a single-family docking facility which meets the size limitations contained in the definition of "dock box" in § 13-4. Replacing existing hardware and fasteners on dock decking, framing, and boat lifts.
(4) Maintenance dredging of existing man-made tidal water bodies to original permitted specifications or 5 feet MLW, provided that: The replacement of riprap at the toe of an existing seawall, provided that no native aquatic vegetation is removed or impacted.

(a) Native aquatic vegetation disruption will be minimized to the greatest extent possible.

(b) The dredged spoil is deposited on a self-contained upland site with no water or spoil material returned to the canal.

(c) Turbidity control is used as necessary to prevent a water quality violation of § 13-12.

(5) Maintenance dredging of existing man-made non-tidal canals, channels and intake and discharge structures, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material and return water from the spoil site into surface waters of the state, provided that no more dredging is performed than is necessary to restore the canals, channels and intake and discharge structures to original design specifications, and provided further that control devices are used at the dredge site to prevent turbidity and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. This exemption shall not apply to the removal of a natural or man-made barrier separating a canal or canal system from adjacent waters of the state. Maintenance of navigation signage.

(6) The installation of aids to navigation, including but not limited to bridge fender piles, "No Wake" and similar regulatory signs, and buoys
associated with such aids, provided that the devices are marked pursuant to F.S. § 327.40. Projects by the City, State, or Federal governmental agencies performed as part of their normal official duties for the general public.

(7) Repair or replacement of existing stormwater discharge pipes to original configurations. Sealing of cracks in a seawall or bulkhead cap or face.

(8) Construction and maintenance of swales. Repair or sealing of the pilasters of an existing seawall or bulkhead.

(9) The replacement or repair of open-trestle foot bridges and vehicular bridges, provided that no more dredging or filling is performed than necessary to replace or repair pilings and that the structure to be replaced or repaired is the same length, the same configuration and in the same location as the original bridge, and provided that no debris from the original bridge shall be allowed to remain in jurisdictional waterways.

(11) Repair and/or replacement of the tieback systems on an existing seawall or bulkhead, provided that the contractor submits an engineering plan which the Building Department determines meets acceptable standards for professional engineering design.

(12) Repair and/or replacement of the cap of an existing seawall or bulkhead, provided that the contractor submits an engineering plan which the Building Department determines meets accepted standards for professional engineering design.

(15) Backfilling landward of existing seawalls or bulkheads.
(16) The construction of a culverted roadway crossing of a wholly artificial, non-tidal drainage conveyance canal, provided that:

(a) The size and number of culverts are adequate to pass normal high-water stages of the canal being crossed.

(b) The elevation of the culvert invert shall be at the existing bottom grade of the canal.

(c) The top width of the roadway shall not exceed 100 feet.

(d) Clean fill shall be used, with resulting side slopes no steeper than 3H:1V.

(e) The structure shall be maintained so as to continue to provide at least the same volume of discharge through the culvert(s).

(f) Turbidity control devices are placed on either side of the structure so as to effectively isolate the project area from upstream and downstream waters.

(17) The installation, replacement, repair and maintenance of water control structures located in canal conveyance systems owned and operated by the North Port Water Control District.

(18) The replacement or repair of subaqueous transmission and distribution lines laid on, or imbedded in, the bottom of a waterway.
(19) Dredging or filling which is required to connect stormwater management facilities permitted by the Southwest Florida Water Management District to non-tidal waterways and which is incidental to the construction of such stormwater management facilities. Incidental dredging or filling shall include:

(a) Headwalls and discharge structures.
(b) Erosion control devices or structures to dissipate energy which are associated with discharge structures.
(c) Outfall pipes less than 20 feet in length in waters, provided that the pipe does not interfere with navigation.
(d) The connection of ditches dug through the uplands where the dredging or filling for the connection to wetlands extends less than 20 feet in length into the wetlands.
(e) Other dredging or filling which the Planning and Zoning Department determines will have a similar effect as those activities listed above.

(20) Roadway, stormwater management and bridge maintenance activities which are performed or authorized by the North Port Road and Drainage District and the North Port Water Control District to correct safety deficiencies or are undertaken to maintain the continuity of existing use for an established road, road right-of-way, stormwater management structure or bridge.
Sec. 13-10. Prohibition of non-water-dependent fixed structures.

A. It shall be unlawful for any person to construct, place, install, maintain, permit, allow, suffer or cause the construction, placement, installation, maintenance or existence of any fixed structure in, on, over or upon any of the jurisdictional waters of the City of North Port which does not have a water-dependent use.

(1) Fixed structures which do not have a water-dependent use include, but are not limited to;

(a) residences,

(b) decks which are extensions to porches,

(c) offices,

(d) hotels,

(e) motels,

(f) restaurants,

(g) lounges,

(h) retail or wholesale stores,

(i) clubhouses,
(j) helicopter pads,
(k) meeting facilities,
(l) commercial signs,
(m) transmitting or receiving antennas and
(n) towers or storage or parking facilities.

(2) This prohibition shall not apply to fixed structures that were fully permitted on the effective date of this chapter or to their repair, provided that permits are obtained and are verifiable, and does not apply to structures over stormwater management ponds constructed for a specific site that is not maintained by the City of North Port.


A. Single-family docks. Permits shall not be issued for private, single-family residential docks, including piers, access ramps, terminal platforms, boat hoists, stairways, walkways and mooring pilings, unless and until the following additional specific criteria have been met:

(1) Mooring areas shall be located in water depths at least three feet MLW. Water depths adjacent to and within the facility shall ensure that a minimum of one foot of clearance is provided between the deepest draft of a vessel and the bottom of Mean Low Water.
(2) No more than one dock may be permitted per single-family property. For the purpose of mooring no more than two vessels.

(3) The total square area of the dock over the water should not exceed 500 square feet.

(4) At maximum, the dock and all mooring structures may extend 10% of the width of the waterway at the point of installation.

(5) The dock shall not extend into a channel, nor be closer than 25 feet to the center of any other channel or waterway.

(6) All dock or pier structures must be set back a minimum of 15 feet from the nearest property line. To place a dock any closer to a property line, a sworn affidavit of no objection must be obtained from the adjacent property owner(s). This sworn affidavit must be included with the permit application documentation.

(7) The dock must have a narrow access ramp no more than four feet wide which leads to a wider main or terminal platform.

(7) The terminal platform must not exceed 250 square feet in area.

(8) The appropriate erosion and silt control must be used during installation.

(9) Turbidity screens must be used during installation.

(10) Construction of canopied or enclosed docks is prohibited.
(10) Mooring piling shall project above the surface of the water or land only as high as may be reasonably necessary for use and application.

(11) Docks along seawalls in canals, called marginal docks, shall be of minimal size not to exceed a total of 250 square feet and shall be built directly against the seawall, as long as the littoral zone is not preempted.

(12) All structures shall be constructed on, or immediately abut, the property for which the permit is being sought.

(13) Boardwalk planks and support beams must not be impregnated with arsenic. Use of plastic composite or fiberglass materials are encouraged.

(14) All docks, seawalls and other water structures shall be built to acceptable engineering code.

B. Multifamily docks. Permits shall not be issued for private, multifamily residential docks, including piers, access ramps, terminal platforms, boat hoists, stairways, walkways and mooring pilings, unless and until the following additional specific criteria have been met:

(1) The main access ramp shall be no more than six feet wide.

(2) Crosswalks shall be no more than six feet wide.

(3) The terminal platform shall be no more than eight feet wide.
(4) Finger piers may be no more than three feet wide and 25 feet long.

(5) Water depths adjacent to and within the facility shall ensure that a minimum of one foot of clearance is provided between the deepest draft of a vessel and the bottom at Mean low water (MLW).

(6) Mooring pilings will be required when they can be used in lieu of additional structure size.

(7) All dock or pier structures must be set back a minimum of 25 feet from the nearest property line.

C. Boat ramps. Bulkheads shall extend no further than one to two feet waterward of Mean high water (MHW) and in no case exceed five feet waterward of the MHW. Tie-up piers shall not exceed the length of the boat ramp and a width of six feet and may have a single catwalk or "L" not to exceed 20 feet in length and four feet in width.

D. Seawalls, bulkheads and retaining walls. A permit shall not be issued for a seawall, bulkhead or placement of riprap unless and until the following additional specific criteria have been met:

(1) Any bulkhead permitted by the Building Department shall be faced with:

   (a) Riprap stacked at a minimum of two horizontal: one vertical \(2H:1V\) slope, at least to the height of Mean high water (MHW), or four feet above bottom, whichever is less; or
(b) A minimum three feet wide littoral zone planted and maintained with native non-invasive aquatic vegetation at the appropriate elevations.

(2) On artificial canals occupied wholly or in part by seawalls, repair, replacement or new construction of seawalls is permissible.

(3) No new seawalls or replacement of existing seawalls are permissible along the designated Class I portion of the Myakkahatchee Creek, including the Myakkahatchee Bypass Canal.

(4) A Florida licensed professional engineer must be employed in designing a seawall. The engineer's signature and seal must be embossed on the permit drawing.

(5) The height of a seawall measured from the top of the cap shall be a minimum of four feet above Mean low water (MLW).

(6) All seawalls, retaining walls and bulkheads shall be of concrete, utilizing the tongue-and-groove sheet pile type construction, with poured-in-place concrete cap and tieback anchors. The concrete shall have a minimum test strength of 3,500 pounds per square inch (psi) at 28 days, and all reinforcing steel shall be covered with a minimum of 2 1/2 inches of concrete.

(7) The concrete sheet piling shall have a minimum thickness of 5 5/8 inches and contain vertical steel reinforcement equivalent in cross-sectional area to No. 4 deformed reinforcing bars spaced at six inches on center. Each slab shall have steel dowels equal in cross-sectional area to
four No. 4 deformed reinforcing bars extending into the cap a minimum of four inches.

(8) The height of the fill behind the seawall, that is, the ground level of the lot, should be no higher than the top of the seawall, except that the property shall be graded from the building line to the seawall to prevent standing water.

(9) The poured in place concrete cap shall not be less than 9 ½ inches in thickness nor less than sixteen inches in width.

(10) The cap shall contain continuous horizontal steel reinforcement equivalent in cross-sectional area to four No. 4 deformed reinforcing bars. All splices shall be lapped not less than 20 diameters; provided, however, that the steel shall not be continuous through expansion joints.

(11) All tieback rods shall be steel and have a cross-sectional area equal to or greater than a No. 8 reinforcing bar. All such rods shall be spaced not more than 10 feet on center and shall have two or more coats of an approved bitumastic compound. The length of all tieback rods shall be equal to, or greater than, two times the height of seawall slab projecting above the ground line. In no case shall the tieback rods be of shorter length than 12 feet.

(12) All anchors shall be poured in place concrete, containing not less than 41/2 cubic feet of concrete and have not less than 41/2 square feet of vertical surface perpendicular to the alignment of the tieback rod. Each anchor shall contain vertical and horizontal steel reinforcement equivalent
in cross-sectional area to two No. 4 deformed reinforcing bars in each direction.

(13) The penetration of each seawall slab into firm ground shall be equal to 0.6 times the height of the wall above the ground line or 0.4 times the total length of the slab, whichever is greater. In no case shall the seawall slab be of shorter length than eight feet.

(6) All seawalls, retaining walls and bulkheads shall be in accordance with approved engineering standards of construction and be consistent in design with adjoining structures.

(14) (7) No rubbish, old chunks of concrete or anything but sand and shell shall be dumped along the seawall or in the channel.

E. Canals. No new channels or canals for navigational purposes shall be dredged within the City limits unless such channels or canals shall be a minimum depth of six feet below MLW and a minimum width of 70 feet, and no piling, boat dock or pier shall project more than five feet into said channels or canals. All applications for dredging channels or canals shall be accompanied by plans and specifications which must be approved by appropriate City departments prior to commencement of the work.

E.E. Duty to remove debris, tools and equipment.

(1) It shall be unlawful to permit debris, residue, tools and equipment resulting from or used during the progress of the work done under this chapter to remain on any lots, alleys, streets or thoroughfares for more than 15 days after completion of said work, and the responsibility for removal
thereof is hereby fixed upon the person in whose name the permit required by
this chapter is issued.

(2) If the debris, residue, tools or equipment heretofore mentioned is not
removed within the aforesaid fifteen-day period, in addition to the penalties
for violation thereof, the Building Inspector may enter upon any premises
upon which the same is found and employ such labor and take such steps as may
be reasonably required to remove the same, and the cost and expense of such
removal shall thereupon be and become a lien upon the premises improved by
the work for which the aforesaid permit was issued. enforcement of the
violation will be processed by Property Standards in accordance with the Code
of the City of North Port, Chapter 2, Article IX.

Sec. 13-12. Water quality standards.

The water quality rules and standards as set forth in Chapter 18 shall be
observed 17-3, Florida Administrative Code, existing on the effective date
hereof and as may be amended from time to time, are hereby adopted and
incorporated by reference as if set forth in full herein. The mixing zones
referenced in Chapter 17-4, Florida Administrative Code, are also adopted as if
set forth in full herein.

Sec. 13-13. Mooring of vessels on or adjacent to private property.

A. It shall be unlawful for any person to moor any vessel to real or personal
property except if the vessel is moored with the permission of the owner or
operator of the property, or at a commercial marina, yacht basin or yacht club
which lawfully operates pursuant to an approval issued by the City and is a
lawfully permitted use pursuant to the Unified Land Development Code.
B. It shall be unlawful for any person to moor a vessel in such a manner as to cause it to become an unreasonable hazard to navigation or a threat to the environment.

C. It shall be unlawful for any person to moor a vessel that blocks any navigation channel.

D. It shall be ensured that water depths adjacent to and within the facility have a minimum of one foot of clearance is provided between the deepest draft of a vessel and the bottom at Mean low water (MLW).

Sec. 13-14. Abandoned vessels.

It shall be unlawful for any person to abandon a vessel in public waterways within the City.


A. It shall be unlawful for any person to moor any disable vessel which cannot reasonably and effectively move under its own mechanical power or by sail. This section shall not apply to a rowboat, dinghy, canoe, or other similar type of vessel or watercraft, which is propelled by other than mechanical power or by sail.

B. A disabled vessel that is moored in excess of 72 hours shall be subject to removal and storage by, or at the discretion of, the City. This shall occur at the expense of the owner or person responsible for the vessel. A disabled vessel that constitutes a hazard to navigation, by virtue of its location or
condition, may be summarily removed at the discretion of the City, if the owner or person responsible for the vessel is not able to move such vessel so that the hazard to navigation or danger no longer exists.

Sec. 13-16. Removal and impoundment of dangerous hazardous vessels.

A. Any derelict vessel, as defined in section 823.11, Florida Statutes, which may cause imminent danger to the welfare of the citizens of North Port, or due to fire, explosion, accident, act of God, or other casualty which, in the opinion of the City, constitutes a clear and present danger to life or property, shall be subject to removal and impoundment by the City in a manner consistent with the paramount interest of providing for the safety of the public, and costs incident thereto shall be borne by the owner of the vessel or by the person responsible for causing the vessel to become derelict.

B. Any abandoned vessel shall be subject to removal and impoundment by the City in a manner consistent with the paramount interest of providing for the safety of the public, and costs incident thereto shall be borne by the owner.

Sec. 13-17. Exceptions.

A. When an emergency situation or occurrence imposes a reasonable threat to the safety or welfare of the occupants of a vessel, or the vessel itself, a vessel may remain temporarily moored for a period of time not to exceed 72 hours after the emergency event (i.e. hurricane), after which the vessel shall conform to all sections of this chapter.

(1) If the vessel is not removed by the owner or operator, or the vessel cannot be repaired within the 72 hour period, it shall be towed.
B. Vessels which are temporarily utilized for promotional purposes as part of any event, show, boat show, or similar activity permitted by the City, may temporarily moor in accordance with this provision so long as approval has been obtained from the City and a reasonable timeframe has been specified.

C. Vessels actively engaged in legitimate seasonal commercial fishing or marine construction, have the right to moor their vessel in City waters.

   (1) Commercial vessels shall minimize their impact on a neighborhood.

   (2) Loading operations from public property shall be allowed so long as permission is received by the owner or operator of the property prior to commencing loading operations.

      (a) The temporary loading or off loading at public property of piling, traps, or related materials shall be allowed.

      (b) The loading operations must be brief, clean, and efficient, and avoid any impact to the public facilities.

   (3) There shall be no storage of materials on public property.

Sec. 13-18. Miscellaneous.

The City shall not be held liable for any damages that may occur to vessels or persons within the waterways in the City of North Port due to water level alterations.

A. For the purposes of determining whether or not the requirements or prohibitions of this chapter have been violated, the physical observation of a vessel at the same location or approximate location, a minimum of two times within an allowed time period and one time beyond the maximum authorized time period, shall be deemed prima facie evidence of a violation of the aforementioned sections. The required observations may be made by officers, employees, or agents of the City. Further, it shall not be relevant to a determination of a violation of the aforementioned sections that the vessel was temporarily moved from a site or location and then later returned to that same site or location or in proximity thereto, unless the vessel shall have been absent from the site or location for a period of 24 hours between each mooring.

A. Violations of any provision of this chapter shall be punishable pursuant to F.S. Ch.125.689. The provisions of this chapter may also be enforced pursuant to provisions of F.S Ch. 162, and any ordinances adopted herein. In addition, the provisions of this chapter may be enforced through code enforcement proceedings under the provisions of the Unified Land Development Code. Notwithstanding any other provisions of this chapter for enforcement or penalties, the Commission may also enforce this chapter by actions at law or in equity for damages and injunctive relief, and in the event the Commission prevails in any such action, the Commission shall be entitled to an award of its costs and reasonable attorney fees.


The provisions of Chapter 17 2, Code Enforcement, of the Code ULDC of the City of North Port and the enforcement procedures and penalties contained therein are
hereby adopted and incorporated into and made a part of this chapter hereof by reference.

Sec. 13-21. Interpretations

Interpretations of this section shall be made by the designated City Engineer/City Manager’s designee.

Sec. 13-22. Conflicts

Whenever the requirements of these regulations differ from those imposed by the City, Federal, or state regulation, law or statute, the most restrictive or imposing the higher standards shall apply.

Sec. 13-23. Appeals

A. Any person aggrieved by the designated City Engineer/City Manager designee’s interpretation may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders the property unbuildable without reasonable use. The granting of any appeal shall not be in conflict with State Statutes. The Zoning Board of Appeals’ decision, based upon previously submitted evidence, may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(1) Applications for an appeal shall be filed pursuant to Sec.1-10.

If any section, subsection, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
Chapter 14  EARTHMOVING ACTIVITIES, DREDGE AND FILL REGULATIONS.

[HISTORY: Adopted by the City Commission of the City of North Port: 3-26-2001 by Ord. No. 2001-5]

[HISTORY: Adopted by the City Commission of the City of North Port 9-17-1990 by Ord. No. 90-28 (Section 10). Amendments noted where applicable.]

GENERAL REFERENCES
Conservation/Restricted Overlay Zone regulations - See Ch. 9.
Dredge and fill regulations - See Ch. 13.
Flood damage prevention regulations - See Ch. 17.
Landscaping regulations - See Ch. 21.
Site and development plan regulations - See Ch. 33.
Subdivision regulations - See Ch. 37.
Tree protection regulations - See Ch. 45.
Wetlands protection regulations - See Ch. 49.
Archaeological resource protection - See Ch. 58.
Water pollution control -- See Ch. 180, Art. II.
Watercraft -- See Ch. 225, Art. I.

General
Sec. 14-1. Title.
Sec. 14-2. Findings.
Sec. 14-3. Intent.
Sec. 14-4. Relationship to State and Federal regulations, and Comprehensive plan.
Sec. 14-5. General Provisions.
Sec. 14-4. Applicability.

Sec. 14-5. Definitions.

Sec. 14-7. Use of Natural Features.

Sec. 14-8. Consideration of Flood Hazards and Conservation Restricted Areas.


Sec. 14-10. Land Clearing Debris.


Sec. 14-12. Enforcement.


ARTICLE I – EARTHMOVING

Sec. 14-6. Procedure for securing earthmoving plan approval.

Sec. 14-7. Submission requirements for earthmoving plans.

Sec. 14-8. Submission requirements for earthmoving permit approval.


Sec. 14-10. Criteria for earthmoving excavations.

ARTICLE II. DREDGE AND FILL

Sec. 14-22. Procedure for securing dredge and fill plan approval.

Sec. 14-23. Submission requirements for dredge and fill plans.


Sec. 14-25. Procedure for securing dredge and fill permit approval.

Sec. 14-26. Dredge and fill permit.

Sec. 14-27. Prohibition of non-water-dependent fixed structures.

ARTICLE III. LAKES AND PONDS.

Sec. 14-29. Excavation of lakes and ponds.

GENERAL

Sec. 14-1. Title.

This chapter shall be known and may be cited as the “Earthmoving, Dredge and Fill Regulations” of the City of North Port, Florida.”

Sec. 14-1.2. Findings.

The City Commission of the City of North Port hereby finds that:

A. Earthmoving, Dredge and Fill activities provide a value service and positive economic benefit to the community.

B. It is important to ensure that earthmoving, dredge and fill activities are conducted in manners that promote public health, safety, and welfare.

C. Without appropriate regulation, earthmoving, dredge and fill activities may cause adverse impacts to watersheds, drainage patterns, native habitats, air and water quality, land use compatibility, historical resources, and roads.

D. The City of North Port adopts these regulations to protect public health, safety, and general welfare.
E. The waterways, wetlands and related hydrological and drainage systems function as a vital part of the waters of the City of North Port and constitute a productive and valuable public resource.

F. It has been determined that preservation and proper management of emergent and submergent aquatic vegetation is beneficial to the conservation of fish and wildlife.

G. It is in the best interest of public health, safety and welfare to pay particular attention to the location and general design of structures for recreational boats in order to preserve the navigability of the waterways.

H. Reasonable control and regulation of dredge and fill activities which cause or may be expected to cause pollution is necessary for the protection and preservation of water quality, as well as the public health, safety and welfare.

Sec. 14-2 3. Intent.

It is the intent of this regulation to preserve, protect, and improve the public health, safety, comfort, good order, appearance and general welfare, and to conserve and to protect the natural resources within City of North Port while promoting opportunities for responsible development including associated earthmoving activities.

Sec. 14-3 4. Relationship to State and Federal regulations, and Comprehensive Plan.
Before any earthmoving, as defined herein, is to begin, appropriate state and/or federal permits shall be obtained, when necessary, and presented to the City. In the case where a state and/or federal permit is not necessary, a copy of an exemption letter shall be presented to the City. Notwithstanding the provisions of Chapter 53-200, No other local government shall have jurisdiction over earthmoving and/or dredge and fill activities within the City of North Port, which are only allowed as a conditional use special exception pursuant to the City's Comprehensive Plan or by an approved Earthmoving and/or Dredge and Fill permit.

The dredge and fill regulations in this chapter implement Policy 7.7 Objective 6, Stormwater Management Element Drainage Element of the Comprehensive Plan, which states that "The City shall revise and adopt a new dredge and fill ordinance consistent with adopted levels of service and applicable goals, objectives and policies."

The stormwater management regulations in this chapter implement the objectives and policies set forth in the Drainage Element and the conservation and Coastal Zone Management Elements of the City's adopted Comprehensive Plan.

Sec. 14-5. General provisions.

A. These regulations shall apply to any new Earthmoving and/or Dredge and Fill activities. Earthmoving and/or Dredge and fill activities shall be defined as land proposed for excavation, earthmoving or dredging and/or filling, and any operation that pertains to moving earth products; or to the expansion of existing operations.
B. All activities proposed for earthmoving and/or dredge and fill shall be suitable for the various purposes proposed in the request for approval. In addition to the standards contained herein, the applicant shall demonstrate to the satisfaction of the Planning and Zoning Advisory Board and City Commission that the proposed earthmoving is specifically adapted and designed for the uses anticipated. The applicant shall also demonstrate that the proposed earthmoving activity and closure plan benefits and complies with the City of North Port Comprehensive Plan, the zoning regulations and other sections of this Unified Land Development Code, and other laws, ordinances and regulations, as applicable.

C. All land approved for earthmoving and/or dredge and fill activities shall obtain an Earthmoving and/or Dredge and Fill Permit.

D. All activities conducted within the Myakka River Protection Zone (MRPZ) shall be regulated by Chapter 57.

E. Exemptions.

1. A development which has incidental earthmoving and is governed by valid site development plan, subdivision plan, or building permit.

2. Agricultural use(s) shall be exempt from this chapter.

4. The wholesale or retail sale of earth products from any site other than the site in which they were originally extracted from the earth.

Sec. 14-4 6. Applicability.

These regulations shall apply to all earthmoving and dredging and filling activities in the City of North Port, including but not limited to construction of seawalls, docks, piers and boat ramps, except for those activities specifically exempted under Chapter 13.

A. General.

1. These regulations shall apply to any new earthmoving or earthmoving activities, or to the expansion of existing earthmoving facilities. activities shall be prohibited on any property located in ES, ES1, and ES2 additions and within TDS and SLE subdivisions as shown on the City of North Port Zoning Map series.

Sec. 14-5. Definitions.

A. As used in these regulations, the following terms shall have the meaning indicated:

1. **BOND** - A surety bond, irrevocable letter of credit, or other financial assurance acceptable to the City commission.

2. **CLOSURE** - Securing an earthmoving facility upon cessation of the operation such that there is no threat to public health, safety, or the environment.
3. CLOSURE PLAN - A plan which describes the requirements necessary to secure an earthmoving facility upon cessation of the earthmoving operation.

DETENTION - The delay of stormwater runoff prior to discharge into receiving waters. Included as an example is a wet detention pond, where the "Detention Volume" corresponds to the storage volume behind the discharge structure measured between the control elevation and the overflow elevation.

4. EARTH PRODUCTS - Any solid material, aggregate, or substance of commercial value whether consolidated or loose, found in natural deposits or in the earth found on-site including, but not limited to, shell, soil, rock, peat, clay, sand, silt, or gravel.

5. EARTHMOVING - The creation or alteration of any excavation, the application, or any stock piling of earth products, or the removal of each product from a parcel.

6. EARTHMOVING ACTIVITIES - Any activities only directly related to earthmoving, including, but not limited to, construction of access roads, stock piling over burden, disposal of byproducts, construction and operation of processing facilities, land clearing or alteration of existing contours, or rehabilitation of altered areas.

7. EXCAVATION - The removal of earth products, typically resulting in the creation of a lake, borrow pit, pond, detention area, or depression.

8. HAUL ROUTE - The route or routes connecting the earthmoving site with one or more public roadways with the functional classification of "collector" or "arterial". The "Haul Route" shall include the intersection with the collector.
and arterial and also include any required turn lanes and traffic control devices.

LITTORAL ZONE — The shallow-water region with light penetration to the bottom that will support the growth of aquatic vegetation that will provide water quality treatment and desirable aquatic habitat.

LISTED SPECIES — Any animal categorized by the Florida Game and Fresh Water Fish Commission as endangered, threatened, or of special concern pursuant to FAC 39-27.003, 39-27.004, and 39-27.005; or any other plant or animal categorized by the U.S. Fish and Wildlife Services as endangered or threatened pursuant to 50 CFR 17.11-12.

RETENTION — The prevention of direct discharge of storm runoff into receiving waters. Included as examples are dry pond systems and underground exfiltration systems which discharge through infiltration into the ground. These systems are designed to have residence times less than 72 hours to discourage breeding of mosquitoes.


All land proposed for earthmoving shall be suitable for the various purposes proposed in the request for approval. In addition to the standards contained herein, the applicant shall demonstrate to the satisfaction of the Planning and Zoning Advisory Board and City Commission that the proposed earthmoving is specifically adapted and designed for the uses anticipated. The applicant shall also demonstrate that the proposed earthmoving activity and closure plan benefits and complies with the City of North Port Comprehensive Plan, the zoning
regulations and other sections of this Unified Land Development Code, and other
laws, ordinances and regulations, as applicable.

Sec. 14-9. Use of natural features.

The size, shape and orientation of earthmoving and associated facilities activities shall be designed to logically relate to trees, topography, solar orientation, natural features, and adjacent land uses. All earthmoving shall be designed to maximize the preservation of natural features, listed species, trees, tree masses, unusual rock formations, watercourses and sites which have historical significance, scenic views or similar assets. All earthmoving facilities activities shall be designed to minimize the size of the excavation with respect to the volume of material proposed for excavation so as to conserve land and natural resources.

Sec. 14-11. Consideration of flood hazards and conservation restricted areas.

Earthmoving facilities activities or portions thereof proposed to be located within any of the City's designated conservation restricted areas, as depicted on the City's Future Land Use Map, or in any designated flood hazard zone, as depicted on the most recent “SWFWMD approved floodplain maps”, shall comply with all applicable City of North Port regulations governing land uses within such areas as set forth in Chapter 9, Conservation/Restricted Overlay Zone Regulations, and Chapter 17, Flood Damage Prevention Regulations, Chapter 18, Stormwater Regulations of this Unified Land Development Code State and Federal requirements.

Sec. 14-12. Tree protection and wetland protection.
All proposed earthmoving to be located within the City shall comply, as may be
deemed appropriate, with the wetland protection regulations and tree protection
regulations set forth in Chapter 49, Wetland Protection Regulations, and Chapter
45, Tree Protection Regulations, of this Unified Land Development Code.


A. The on-site burying of any land clearing material generated as a result of
the earthmoving shall be expressly prohibited.

B. All land clearing material generated as a result of earthmoving activities
shall be removed from the site prior to the completion of earthmoving activities
and the final Closure Plan.

C. Land clearing debris may be burned in accordance with § 33-9D(1)(e).


A. General provisions. A complete stormwater management system shall be provided
for the adequate control of stormwater runoff and water quality treatment that
originates within the earthmoving facility site and development parcel that
flows onto or across the property from adjacent lands. Said stormwater
management system shall be designed in accordance with accepted
engineering principles the standards given in Chapter 18.

B. Relationship to Comprehensive Plan. The stormwater management regulations in
this chapter implement the objectives and policies set forth in the Drainage
Element and the conservation and Coastal Zone Management Elements of the City's
adopted Comprehensive Plan.
B. Relationship to other stormwater management requirements. In addition to meeting the requirements of this chapter, the design and performance of all stormwater management systems shall comply with applicable state regulations or rules of the Southwest Florida Water Management District. In all cases, the strictest of the applicable standards shall apply.

C. Performance standards. All earthmoving facilities must be designed, constructed and maintained to meet the following standards:

1. While earthmoving activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first inch of stormwater runoff shall be treated in a retention/detention system or according to other best management practices as described elsewhere in this chapter.

2. The proposed earthmoving activity shall not violate the water quality standards as set forth in Chapter 17-3, Florida Administrative Code.

D. Design standards. To comply with the foregoing performance standards, the proposed stormwater management system shall conform to the following design standards:

1. Detention and retention systems shall be in compliance with Chapter 18, designed to accommodate storm events of at least a twenty-four-hour duration and twenty-five-year frequency.
(2) To the maximum extent practicable, natural systems shall be used to accommodate stormwater.

(3) The proposed stormwater management system shall be designed to accommodate the stormwater that originates within the earthmoving development parcel and stormwater that flows onto or across the earthmoving development parcel from adjacent lands.

(4) The proposed stormwater management system shall be designed to function properly for the life of the system.

(5) A professional engineer registered in the State of Florida shall certify the design and construction of the proposed stormwater management system as meeting the requirements of this chapter.

(6) No surface water may be channeled or directed into a sanitary sewer.

(7) The proposed stormwater management system shall be compatible with the stormwater management facilities on surrounding properties or streets, taking into account the possibility that substandard systems may be improved in the future.

(8) The banks of retention and detention areas shall be sloped at a ratio of no greater than \(\frac{3}{4}\) to 1 in order to accommodate vegetation, and shown on the closure plan.

(9) Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing or otherwise altering natural surface waters shall be prohibited unless the activity is in compliance with the regulations set forth in
Chapter 49, Wetlands Protection Regulations, Chapter 9, where deemed appropriate, Conservation/Restricted Overlay Zone Regulations and Chapter 13, Dredge and Fill Regulations, and State and Federal regulations.

(10) Natural surface waters shall not be used as sediment traps during or after earthmoving.

(11) For aesthetic reasons and to increase shoreline habitat, the shoreline of retention and detention areas shall be sinuous rather than straight where practical and shown on the closure plan.

(12) Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks, or edges of all natural or man-made surface waters, as shown on the conditional use special exception site plan and the closure plan.

(13) Retention and detention areas shall not be located in a floodplain area as delineated on the FEMA/FIRM maps, recent “SWFWMD approved floodplain maps”, except as approved by the designated City Engineer. Any loss of floodplain volume as a result of development within the floodplain shall be mitigated elsewhere on the site, the location of which must be approved by the City Engineer.

(14) Stormwater discharge facilities which directly discharge to the Myakkahatchee Creek shall include an additional level of treatment equal to 50% of the treatment criteria specified in § 37-25E(1) herein.
(15) Drainage plans shall provide that stormwater be conveyed to an ultimate
positive outfall beyond the outer edge of the development or at the nearest
natural outfall.

Sec. 14-12. Enforcement.

The provisions of Chapter 17, Code Enforcement, of the Code of the City of North
Port and the enforcement procedures and penalties contained therein are hereby
adopted and incorporated into and made a part hereof by reference.

Sec. 14-13. Interpretations

Interpretations of this chapter shall be made by the designated Public Works
Director/City Engineer/City Manager’s designee.


Whenever the requirements of these Earthmoving, Dredge and Fill Regulations
differ from those imposed by the Federal or State regulation, law or statute,
the most restrictive or imposing the higher standards shall apply.


A. Any person aggrieved by the designated Public Works Director/City
Engineer/City Manager designee’s interpretation may appeal to the Zoning Board
of Appeals. The criteria for granting an appeal shall be based upon substantial
competent evidence proving that the interpretation renders the property
unbuildable without reasonable use. The granting of any appeal shall not be in
conflict with State Statutes. The Zoning Board of Appeals’ decision, based upon
previously submitted evidence, may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(1) Applications for an appeal shall be filed pursuant to Sec. 1-10.


If any section, subsection, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Article I. EARTHMOVING.

Sec. 14-6. Procedure for securing earthmoving plan approval.

A. Prior to the submission of an application, the applicant shall schedule a pre-application meeting with City staff to discuss the development, and representatives of any other agencies in the State of Florida, as may be required.

B. The conditional use special exceptions application shall be submitted pursuant to Article XIV XXII of this Unified Land Development Code. The City Commission may vary the requirements of these regulations pursuant to subsection B C below. Prior to the submission of an application, the applicant should discuss his earthmoving with the Development Review Committee and representatives of any other agencies as may be required from time to time.

C. The City Commission may grant a modification from the earthmoving
regulations after consideration and recommendation by the Planning and Zoning
Advisory Board and from the terms of this chapter when such modification will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. Such modification shall not be granted if it has the effect of nullifying the intent and purposed of this chapter. Furthermore, such modification shall not be granted by the City Commission unless and until:

1. A written application for a modification is submitted to the Planning and Zoning Department demonstrating that:

a) Special conditions and circumstances exist which are peculiar to the land, structures or required earthmoving improvements involved and which are not applicable to other lands, structures, or required earthmoving improvements.

b) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties with similar conditions.

c) The special conditions and circumstances do not result from the actions of the applicant.

d) The granting of the modification requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or required earthmoving improvements under similar conditions. No preexisting conditions on neighboring lands, which are contrary to this chapter, shall be considered grounds for the issuance of a modification.
e) The Planning and Zoning Advisory Board and City Commission shall make findings that the requirements of this section have been met.

D. Fees. Upon filing all required application materials, an application fee pursuant to the City Commission adopted fee schedule as may be amended from time to time shall be paid. of $2,500.00. Any expenses incurred by the City over above the application fee shall be reimbursed to the City by the applicant within 30 days of issuance of an invoice. prior to final City Commission approval. Checks shall be made payable to the City of North Port.

E. Once the special exception has been approved and fees paid, the applicant will be required to apply for an Earthmoving and/or Dredge and Fill permit. The approved special exception package shall accompany the permit application.

Sec. 14-7 18. Submission requirements for Earthmoving plans.

The following shall be the submission requirements for earthmoving plans:

A. Nine The number of copies deemed necessary for an adequate review of a topographic and boundary survey signed and sealed by a registered land surveyor in the State of Florida.

B. Nine The number of copies deemed necessary for an adequate review of site and drainage stormwater plan, signed and sealed by a registered engineer in the State of Florida.
C. A tree location survey, which may be combined as part of the required site and drainage plan or topographic and boundary survey. See Chapter 45, Tree Protection Regulations, of this Unified Land Development Code for further details.

D. Any additional data, maps, plans, surveys or statements as determined by the City to be necessary, depending on the particular use or activity proposed.

E. Nine copies deemed necessary for an adequate review of an earthmoving plan showing all areas of proposed excavation, stockpiling, or processing, volume of all excavations type(s) of earth products to be removed, proposed slopes, setbacks, and methods of dewatering.

F. Two copies of drainage calculations. Drainage submittal pursuant to §18-7.

G. Copies of approved permits for all required state and federal permits, e.g., Southwest Florida Water Management District, etc. The City Commission may approve the earthmoving permit with a condition that all required state and federal permits are issued prior to commencing the activity.

H. Environmental study performed within one year from the date of application. The study must be completed by an Environmental Professional Environmental plan reflecting the utilization of the project by state or federal listed species and/or presence of wetland or other valuable native habitats; and how these resources will be protected or conserved as a result of the proposed earthmoving.

I. Test borings to a depth five (5) feet below any proposed excavations.
J. A Closure Plan reflecting the proposed condition of the project following completion of the earthmoving, including but not limited to the following: location and type of land uses (including recreation area, preservation, stormwater, reservoir, etc.), schedule for reclamation by geographic area, access to the property, costs associated with maintenance of the property after closure.

K. Identification of a designated Haul Route(s), if applicable, and evidence of existing road conditions.

L. A bond in the amount of at least five (5) ten (10) cents per cubic yard of material proposed to leave the site and/or a minimum of $50,000.00, to insure maintenance of the public roads being utilized by the proposed excavation and insure the completion of the closure plan shall be required. The bond may be for the length of the phase of the excavation activity permitted. Alternatively, the bond may be renewed annually based on closure cost and the volume of remaining material to be transported offsite with the approval of the Finance Director.

M. Where appropriate, a study showing the amount of water storage upon completion that may be permitted for use as a public water supply, improvements necessary to maximize the public water supply and estimated costs of said supply as determined by the Utility Department Director.

Sec. 14-19. Submission for securing Earthmoving Permit approval.

A. The developer shall submit one copy of a building permit application to the Building Department. Permit application forms are available from the building Department and shall be prepared as specified below and shall include all applicable documents and required fees.
B. If a special exception permit was required, the approved package must accompany the permit.

C. Upon receipt of a completed application, the application shall be reviewed by the City for conformance with applicable regulations set forth in this Unified Land Development code, Standard Building codes and all other City regulations.

D. Upon issuance of the earthmoving permit, the developer shall pay all fees pursuant to the City Commission adopted fee schedule as may be amended from time to time.

E. Approval of an earthmoving permit shall only be construed as authority for the developer to commence construction of the proposed development.

   (1) In addition to an earthmoving permit, a building permit may be required.

   (2) A certificate of completion shall not be issued until the development has been completed in accordance with all of the details and specifications set forth in the approved building permit application.

F. Time limit on approval. Approved Earthmoving permits shall be voided if substantial work, as determined by the City engineer, has not been accomplished within two years. Plans so voided shall be resubmitted in compliance with the regulations that are in effect at the time of resubmission.

G. Maximum excavation depth. Excavation permitted under this section shall not exceed 12 feet in depth.
H. Setbacks for excavation site. Setbacks from street right-of-way or easement shall be a minimum of 50 feet and a minimum of 50 feet from a private property line. All required excavation setbacks shall be measured from the highest level on the excavated bank.

Sec. 14-20. Submission requirements for Earthmoving.

A. A building permit application shall be submitted to the Building Department, which shall contain the following information and documents:

B. Identification of a designated Haul Route(s), if applicable, and evidence of existing road conditions. Hauling operations shall comply with all applicable limits and restrictions including those pertaining to vehicle registration, safety, and wheel and axle loads. Operations authorized by an Earthmoving, approval hereunder may be suspended or prohibited by the City, upon a determination that any such operations are not in compliance with the provisions of the permit.

(1) It shall be the responsibility of the applicant to mitigate those impacts on the haul route arising from activities authorized under any Earthmoving operation. Required mitigation measures shall be determined by the City on a case-by-case basis and may include any or all of the following:

(a) Clean-up of material overspills;

(b) Shoulder grading;

(c) Pavement patching;
(d) Pavement and roadway base reconstruction;

(e) Pavement maintenance, including resurfacing;

(f) Traffic safety improvements such as signing, stripping, barrier rails, turn/or acceleration lanes with tapers, all meeting AASHTO standards, including adding lane capacity; and

(g) Watering and other dust control measures.

(2) Earthmoving Plan.

(3) State and/or Federal permits. Copies of approved permits for all required State and Federal permits, e.g., Southwest Florida Water Management District, etc.

(4) Closure Plan. A closure plan reflecting the proposed condition of the project following completion of the activity, including but not limited to the following:

(a) Location and type of land uses, including recreation area, preservation, stormwater, reservoir, etc.

(b) Schedule for reclamation by geographic area.

(c) Access to the property.

(d) Costs associated with maintenance of the property after closure.
(5) Haul Routes. Identification of a designated haul route(s), if applicable, and evidence of existing road conditions.

(6) Maintenance of Traffic Plan. When construction activities impact the City’s right-of-way, the applicant shall submit a Maintenance of Traffic plan in accordance with FDOT Index Standards.

(7) Best Management Plan. Provide a plan that identifies the appropriate erosion and sediment controls and storm water best management practices to reduce erosion, sedimentations and storm water pollution.

(8) Proof of Property ownership. Applicant shall provide proof of property ownership for all land that will be effected by the proposed activity. If not owned by the applicant, an affidavit giving permission for the proposed activity on the site shall be submitted with the application.

(9) Land Clearing Permit. Land clearing permits can be obtained at the Building Department.

(10) Right-of-way Use Permit.

(a) A right-of-way use permit from the City of North Port Road and drainage district Public Works Department shall be obtained for all work proposed to be done in the City rights-of-way and easements.

(b) A right-of-way use permit shall also be obtained in conjunction with a building permit, and/or an earthmoving permit, where the City
rights-of-way and easements will be traversed during construction on the lot.

c) Completed permit applications shall be filed at the city of North Port Building Department Road and Drainage District office concurrent with the completed application for a building permit.


The size, width, depth, shape and orientation of all properties proposed for earthmoving shall be appropriate for the location of the proposed activity, provided, however, that no property shall have an area less than one hundred (100) acres (not including platted lots).


A. It shall be the responsibility of the applicant to mitigate those impacts on the Haul Route arising from activities authorized under any earthmoving conditional use site plan. Required mitigation measures shall be determined by the City by a case by case basis and may include any or all of the following:

1. Clean up of material overspills;
2. Shoulder grading;
3. Pavement patching;
4. Pavement and roadway base reconstruction;
5. Pavement maintenance, including resurfacing;

6. Traffic safety improvements such as signing, stripping, barrier rails, turn/or acceleration lanes with tapers, all meeting AASHTO standards, including adding lane capacity; and

7. Watering and other dust control measures.

B. Hauling operations shall comply with all applicable limits and restrictions including those pertaining to vehicle registration, safety, and wheel and axle loads. Operations authorized by an earthmoving conditional use site plan approval hereunder may be suspended or prohibited by the City, upon a determination that any such operations are not in compliance with the provisions of the permit.


A. Borrow pits, artificial lakes and other excavations designed to be left open upon completion shall not be excavated within 100 feet of any abutting property. This setback requirement does not apply to stormwater retention/detention ponds.

B. Structural and vegetative buffers may be required as necessary to prevent adverse visual, noise, vibration, dust, and safety impacts between potentially incompatible land uses.

C. All excavated areas shall have side slopes no steeper than 1-foot vertical for each 4-feet of horizontal distance to a minimum depth of 2-feet below normal water level (NWL). Below this depth, the side slopes shall be no steeper than 1-foot vertical for each 2-feet of horizontal distance.
D. All excavations shall be maintained so as to prevent the creation of sanitary or health nuisances or hazards including mosquitoes, vermin, and the dumping of garbage, trash, hazardous waste, or other refuse.

E. Upon completion of the excavation, and as a requirement of the closure plan, the excavation shall be left in a free form configuration. Straight-line geometrical excavation designs are not permissible. Excavation shall be of irregular type shape form which enhances the natural environment. As a part of the closure plan for all excavations, a littoral zone supporting emergent aquatic vegetation must be established. The extent of littoral zone required will be subject to a case-by-case evaluation and each Dredge and Fill application approval shall provide a detailed narrative indicating how the proposed littoral zone will provide for a healthy aquatic environment and provide to the satisfaction of all applicable state water quality standards.

F. Where appropriate, a developer’s agreement or other agreement addressing long-term use of the earthmoving site shall be executed.

ARTICLE II. DREDGE AND FILL

Dredge and fill regulations shall apply to all developments or new construction associated with dredging and filling activities in the City of North Port, including but not limited to construction of seawalls, docks, piers, boat ramps, canals, and waterways.

Sec. 14-2. 22. Procedure for securing a Dredge and Fill plan approval.
A. In the case the application is for a residential project, the developer shall submit a building application through the building department. If the project is commercial or part of a subdivision or a development prior to the submission of an application, the developer shall schedule a pre-application meeting with City staff and representatives of any other agencies in the State of Florida, as may be required.

B. Once the fee for Dredge and Fill has been paid which shall include any special exceptions, the applicant will be required to apply for a Dredge and Fill approval in accordance with a Right-of-Way Use Permit. The approved special exception package shall accompany the permit application.

Sec. 14-23. Dredge and Fill plan.

All commercial or subdivision projects for dredge and fill application shall attend a pre-application meeting.

A. The dredge and fill plan shall include the following:

(1) An explanation of the need and intent of the project.

(2) A description of construction methodology.

(3) A completed application form.

(4) Line sketches.

(5) Methods of water quality control.
(6) Copies of all state and/or federal agency permits and/or notices of exemption.

(7) Water depths referenced to Mean Low Water MLW or Mean High Water MHW, as appropriate.

(8) A land survey performed within the past 18 months, signed and sealed by a Florida Licensed Land Surveyor.

(9) Tree Location Survey, which may be combined as part of the required topographic and boundary survey. (See chapter 45, Tree Protection Regulations, of this Unified Land Development Code).

(10) Environmental study performed within one year from the date of application. The study must be completed by a licensed Florida Environmentalist plan reflecting the utilization of the project by state or federal listed species and/or presence of wetland or other valuable native habitats; and how these resources will be protected or conserved as a result of the proposed earthmoving dredge and fill activities. This requirement is at the discretion of the Public Works Department.

(11) Copies of all approved permits, e.g., SWFWMD.


A. Canals. No new channels or canals for navigational purposes shall be dredged within the city limits unless such channels or canals shall be a minimum depth of six feet below Mean Low Water and a minimum width of 70 feet, and no piling, boat dock or pier shall project more than five feet into said channels or
canals. All applications for dredging channels or canals shall be accompanied by plans and specifications which must be approved by appropriate city departments prior to commencement of the work.

B. Duty to remove debris, tools and equipment. It shall be unlawful to permit debris, residue, tools and equipment resulting from or used during the progress of the work done under this chapter to remain on any lots, alleys, streets or thoroughfares for more than 15 days after completion of said work, and the responsibility for removal thereof is hereby fixed upon the person in whose name the permit required by this chapter is issued.

(1) If the debris, residue, tools or equipment heretofore mentioned is not removed within the aforesaid fifteen-day period, in addition to the penalties for violation thereof, the Building Inspector may enter upon any premises upon which the same is found and employ such labor and take such steps as may be reasonably required to remove the same, and the cost and expense of such removal shall thereupon be and become a lien upon the premises improved by the work for which the aforesaid permit was issued.

Sec. 14-25. Procedure for securing Dredge and Fill Permit approval.

A. The developer shall submit one copy of a building permit application to the Building Department. Permit application forms are available from the Building Department. The permit application shall be prepared as specified below and shall include all applicable documents and required fees.

B. If a special exception was required, the approved package must accompany the permit.
C. Upon receipt of a completed application, and the applicable fees pursuant to
the City Commission approved fees as may be amended from time to time, the
application shall be reviewed by the City for conformance with applicable
regulations set forth in this Unified Land Development Code, Standard Building
Codes and all other City regulations.

D. Upon issuance of the building permit, the agent/developer shall pay to the
Building Department, any expenses incurred by the City over the application fee
shall be reimbursed to the City by the agent/developer within 30 days of invoice
receipt. Checks shall be made payable to the City of North Port.

E. Approval of a building permit application shall only be construed as
authority for the developer to commence construction of the proposed
development. A certificate of completion shall not be issued until the
development has been completed in accordance with all of the details and
specifications set forth in the approved building permit application.

F. Time limit on approval. Dredge and fill approval in accordance with the
requirements specified herein and a Right-of-Way use permit shall be voided if
substantial work, as determined by the Public Works Director, has not been
accomplished within two (2) years. Plans so voided shall be resubmitted in
compliance with the regulations that are in effect at the time of resubmission.

G. Setbacks for excavation site. Setbacks from street right-of-way or easement
shall be a minimum of 50 feet and a minimum of 50 feet from a private property
line. All required excavation setbacks shall be measured from the highest level
on the excavated bank. The above setback does not apply to stormwater ponds.

A. A building permit application shall be submitted to the Building Department, which shall contain the following information and documents:

1. Topographic and Boundary Survey performed within the last 18 months from the application date; signed and sealed by a Florida registered Land Surveyor.

2. State and/or Federal permits:Copies of approved permits for all required state and federal permits, e.g., Southwest Florida Water Management District, etc.

3. Test Boring Reports: Upon request, test borings to a minimum depth of five (5) feet below any proposed or existing grades.

4. Best Management Plan: Provide a plan that identifies the appropriate erosion and sediment controls and storm water best management practices to reduce erosion, sedimentations and storm water pollution.

5. Proof of Property Ownership: Please provide proof of property ownership for all land that will be affected by the proposed activities. If not owned by the applicant, then provide written permission allowing the activities on site.

6. Right-of-way use permit.

(a) A right-of-way use permit from the City of North Port Public Works Department shall be obtained for all work proposed to be done
for all Dredge and Fill Activities within the city’s Right of Ways and easements.

(b) A right-of-way use permit shall also be obtained in conjunction with a building permit, where the city rights-of-way and easements will be traversed during construction on the lot.

(c) Completed permit applications shall be filed at the City of North Port Building Department Road and Drainage District office concurrent with the completed application for a building permit.

Sec. 14-27. Prohibition of non-water-dependent fixed structures.

A. It shall be unlawful for any person to construct, place, install, maintain, permit, allow, suffer or cause the construction, placement, installation, maintenance or existence of any fixed structure in, on, over or upon any of the jurisdictional waters of the City of North Port which does not have a water-dependent use.

(1) Fixed structures which do not have a water-dependent use include, but are not limited to, residences, decks which are extensions to porches, offices, hotels, motels, restaurants, lounges, retail or wholesale stores, clubhouses, helicopter pads, meeting facilities, commercial signs, transmitting or receiving antennas and towers or storage or parking facilities.

(2) This prohibition shall not apply to fixed structures that were fully permitted on the effective date of this chapter or to their repair, provided that permits are obtained.

The water quality rules and standards as set forth in Chapter 17-3, Florida Administrative Code, existing on the effective date hereof and as may be amended from time to time, are hereby adopted and incorporated by reference as if set forth in full herein. The mixing zones referenced in Chapter 17-4, Florida Administrative Code, are also adopted as if set forth in full herein.

ARTICLE III. LAKES AND PONDS.

Sec. 14-29. Excavations for lakes and ponds.

A. Scope.

(1) The requirements of this section shall apply to any man-made lake, pond or similar water body accessory to a single-family or nonresidential use. The construction of lakes, ponds or similar water bodies shall be permitted as an accessory use in the AG, CG, ILW, PCD and GU Zoning Districts and may be located in any yard. This section does not include ornamental ponds fountains, waterfalls or other similar accessories under 50 square feet in total area and less than two (2) feet in depth, typically used as an embellishment to landscaping.

B. Maximum excavation depth. Excavation permitted under this section shall not exceed 12 feet in depth.

C. Setbacks for excavation site. Setbacks from street a right-of-way or easement shall be a minimum of 50 feet and a minimum of 50 feet from a private property
line. All required excavation setbacks shall be measured from the highest level on the excavated bank.

D. Excavation banks/slopes. The design of shorelines of lakes and ponds shall be sinuous rather than straight whenever practicable. The banks for all excavations permitted under this section shall be sloped at a ratio not greater than four horizontal to one vertical out to a depth of two feet below the normal water elevation. The slopes shall be no greater than two horizontal to one vertical thereafter.

E. The pond is recommended to be constructed to accept the run-off from the proposed impervious areas on the parcel. Excavation of material from the pond site can be used to provide fill for the site. Hauling excavated material off-site is not permitted unless an earthmoving plan is approved pursuant to Chapter 14 requirements. An approved SWFWMD ERP permit for borrow pit will also be required to haul excavated material off-site. The pond should be sized to provide attenuation and treatment of stormwater run-off from a 100-year 24-hour storm. A typical pond design is available from the City’s Engineering Department upon request. Additionally, if a fire hydrant is not available within 500 feet of the building structure, a dry hydrant connection is recommended, with a wet pond construction to allow emergency service vehicles to quickly connect to the pond water and provide fire protection. A typical dry hydrant connection design is available from the City’s Engineering Department upon request.

F. Approval required.
(1) All excavations for the construction of lakes or ponds consistent with the requirements of this section shall be required to obtain a permit from the City.

(2) A permit from the Southwest Florida Water Management District shall be obtained (when required) before any City permit is issued.

G. Wetland areas. Excavation for the purpose of constructing lakes and ponds as an accessory use to a residential use shall not be permitted in wetland areas as defined within this Code. (see Chapter 49, Wetlands Protection Regulations, of this Unified Land Development Code.) Under no circumstances shall an excavation connect to a natural surface water body or drainage facility.


A. In the case any lake or pond is to be developed or constructed within the City’s Right-of-way, the owner/applicant shall be required to obtain a R-O-W use permit.

(1) Application for a R-O-W use permit shall be pursuant to Sec. 14-24.

Chapters 15, 16 RESERVED
Chapter 17  FLOOD DAMAGE PREVENTION REGULATIONS

[HISTORY: Adopted by the City Commission of the City of North Port 9-17-1990 by Ord. No. 90-28 (Section 9). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 87.

Sec. 17-1. Title.
Sec. 17-2. Findings.
Sec. 17-3. Intent.
Sec. 17-4. Definitions.
Sec. 17-5. Applicability.
Sec. 17-6. Designation and adoption of special flood hazard area.
Sec. 17-7. Development permit.
Sec. 17-8. Compliance.
Sec. 17-9. Interrogation.
Sec. 17-10. Warning and disclaimer of liability.
Sec. 17-11. Penalties for offenses.
Sec. 17-12. Designation of Administrator.
Sec. 17-13. Permit procedures.
Sec. 17-14. Duties and responsibilities of the Administrator.
Sec. 17-17. Standards for streams without established base flood elevations and/or floodways.
Sec. 17-19. Standards for areas of shallow flooding (AO Zones).
Sec. 17-1. Title.

This chapter shall be known and may be cited as the “Flood Damage Prevention Regulations” of the City of North Port, Florida.”

Sec. 17-2. Findings.

A. The flood hazard areas of the City of North Port are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed or otherwise protected from flood damages.

Sec. 17-3. Intent.

The City Commission hereby declares its intent in adopting these regulations to be conducive to promoting the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by
provisions designed to:

A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.

D. Control filling, grading, dredging and other development which may increase erosion or flood damage.

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Sec. 17-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADDITION (TO AN EXISTING BUILDING) -- Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.
APPEAL -- A request for a review of the Administrator's interpretation of any provision of these regulations or a request for a variance.

AREA OF SHALLOW FLOODING -- A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD -- The land in the 100-year floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

BASE FLOOD -- The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT -- That portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING -- Any structure built for support, shelter or enclosure for any occupancy or storage.

COASTAL HIGH HAZARD AREA -- The area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone VI-30, VE or V.

CRITICAL FEATURE -- An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations or permanent storage of materials.

ELEVATED BUILDING -- A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (pier and pierc), shear walls or breakaway walls.

FLOOD or FLOODING -- A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters.

B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM) -- An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A, the 100-year floodplain based on best available information accepted by Southwest Florida Water Management District (SWFWMD).

FLOOD INSURANCE RATE MAP (FIRM) -- An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community based on best available information accepted by SWFWMD.
FLOOD INSURANCE STUDY -- The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

FLOODPLAIN (100-YEAR) -- The definition for the 100-year floodplain is given in Chapter 18 and is based on best available information accepted by the Southwest Florida Water Management District (SWFWMD).

FLOODWAY -- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FUNCTIONALLY DEPENDENT USE -- A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities, but does not include long term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE -- The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

LEVEE -- A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM -- A flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
LOWEST FLOOR -- The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Unified Land Development Code.

MANGROVE STAND -- An assemblage of mangrove trees which are mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (Avicennia nitida); red mangrove (Rhizophora mangle); white mangrove (Laguncularia racemosa) or buttonwood (Conocarpus erecta).*

MANUFACTURED HOME -- A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

MANUFACTURED HOME PARK or SUBDIVISION -- A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL -- For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum such as NAVD 88 to which base flood elevations shown on a community's Flood Insurance Rate Map the 100-year floodplain map are referenced.
NATIONAL GEODETIC VERTICAL DATUM (NGVD), NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) -- As corrected in 1929, NVGD is a vertical control used as a reference for establishing varying elevations within the floodplain. A common international vertical control network called the NAVD 88 is used in floodplain map updates.

NEW CONSTRUCTION -- Structures for which the start of construction commenced on or after the effective date of this Unified Land Development Code.

PROGRAM DEFICIENCY -- A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

REMEDY OF VIOLATION -- To bring the structure or other development into compliance with state or local floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of these regulations or otherwise deterring future similar violations or reducing federal financial exposure with regard to the structure or other development.

START OF CONSTRUCTION -- For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation
of piles, the construction of columns or any work beyond the stage of
excavation; or the placement of a manufactured home on a foundation. Permanent
construction does not include land preparation, such as clearing, grading and
filling, nor does it include the installation of streets and/or walkways, nor
does it include excavation for a basement, footing, piers or foundations or the
erction of temporary forms, nor does it include the installation on the
property of accessory buildings, such as garages or sheds not occupied as
dwelling units or not part of the main structure.

STRUCTURE -- A walled and roofed building that is principally above ground, a
manufactured home, a gas or liquid storage tank or other man-made facilities or
infrastructures.

SUBSTANTIAL IMPROVEMENT -- Any combination of repairs, reconstruction,
alteration or improvements to a structure, taking place during a five-year
period, in which the cumulative cost equals or exceeds 50% of the market value
of the structure. The market value of the structure should be the appraised
value of the structure prior to the start of the initial repair or improvement,
or, in the case of damage, the value of the structure prior to the damage
occurring. For the purposes of this definition, substantial improvement is
considered to occur when the first alteration of any wall, ceiling, floor or
other structural part of the building commences, whether or not that alteration
affects the external dimensions of the structure. The term does not, however,
include any project for improvement of a structure required to comply with
existing health, sanitary or safety code specifications which are solely
necessary to assure safe living conditions or any alteration of a structure
listed on the National Register of Historic Places or a State Inventory of
Historic Places.
VARIANCE -- A grant of relief from the requirements of these regulations which permits construction in a manner otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship.

VIOLATION -- The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required by these regulations is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION -- The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum such as NAVD 88, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 17-4. Applicability.

The provisions of these regulations shall apply to all areas of special flood hazard within the corporate limits of the City of North Port.

Sec. 17-5. Designation and adoption of special flood hazard area.

The designated special flood hazard areas are the same as "SWFWMD approved floodplain maps" identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated March 2, 1981, with accompanying Flood Boundary Floodway Maps and Flood Insurance Rate Map, dated September 2, 1981, and any revision thereto is hereby adopted by reference and declared to be an integral part of these regulations. Southwest Florida Management District (SWFWMD) as best available information.
Sec. 17-6. Development permit.

A. Any development permit issued by the City shall be required to conform with the provisions of these regulations prior to the commencement of any development activities as determined by the City Manager or designee.

B. All activities conducted within the Myakka River Protection Zone (MRPZ) shall be regulated by Chapter 57.

Sec. 17-7. Compliance.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of these and any other applicable regulations.

Sec. 17-8. Abrogation and greater restrictions.

These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where these regulations and any others conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 17-9. Interpretation.

Interpretations of this section shall be made by the City Engineer or City Manager’s designee. In the interpretation and application of these regulations all provisions shall be considered as minimum requirements, shall be liberally
construed in favor of the governing body and shall be deemed neither to limit
nor repeal any other powers granted under state statutes.

Sec. 17-10.  Warning and disclaimer of liability.

The degree of flood protection required by these regulations is considered
reasonable for regulatory purposes and is based on scientific and engineering
consideration. Larger floods can and will occur on rare occasions. Flood heights
may be increased by man-made or natural causes. These regulations do not imply
that land outside the areas of special flood hazard or uses permitted within
such areas will be free from flooding or flood damages. These regulations shall
not create liability on the part of the City of North Port or by any officer or
employee thereof for any flood damages that result from reliance on these
regulations or any administrative decision lawfully made thereunder.

Sec. 17-11.  Penalties for offenses.

Any person, firm or corporation or any person or agent acting in behalf thereof,
who shall fail to comply with any of the provisions of these regulations or its
requirements, including violations of conditions and safeguards established in
connection with grants of variance or special exceptions, shall be deemed in
violation thereof and shall be subject to the review and adjudication by the
Code Enforcement Board. Each day such violation is committed and/or permitted to
continue shall constitute a separate offense and shall be punishable as
such. Nothing herein contained shall prevent the City of North Port from taking
such other lawful action as is necessary to prevent or remedy any violation.*

Sec. 17-12.  Designation of Administrator.
The Director of Planning and Zoning or designee is hereby appointed to administer and implement the provisions of these regulations.

Sec. 17-12. Permit procedures.

Application for a development permit shall be made to the Director of Building on forms furnished by him prior to any development activities and may include, but not be limited to, the following plans in duplicate, drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

A. Application stage.

(1) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.

(2) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.

(3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria within these regulations.

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Construction stage.
(1) A floor elevation or floodproofing certification after the lowest floor is completed, or, in instances where the structure is subject to regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structure members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Administrator a certification of the elevation of the lowest floor, flood-proofed elevation or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

(2) When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

(3) Any work undertaken prior to submission of the certification shall be at the permit holder's risk.

(4) The Administrator shall review the flood elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed.

(5) Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
Sec. 17-14. Duties and responsibilities of the Administrator.

A. Duties of the Administrator shall include but not be limited to the following.

(1) The Administrator shall:

(a) Review all development permits to assure that the permit requirements of these regulations have been satisfied.

(b) Advise permittee that additional federal or state permits may be required, and, if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.

(c) Notify adjacent communities and the state coordinator of the National Flood Insurance Program, Department of Community Affairs, Tallahassee, Florida, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(e) Verify and record the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures as verified by the City Manager or designee, in accordance with these regulations.
(f) Verify and record the actual elevation in relation to mean sea level to which the new or substantially improved structures have been flood-proofed as verified by the City Manager or designee, in accordance with these regulations.

(2) When flood-proofing is utilized for a particular structure, the Administrator shall obtain certification from a registered professional engineer or architect, in accordance with these regulations.

(3) When interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

(4) When base flood elevation data or floodway data have not been provided by documentation, then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of §§ 17-16 through 17-18.

B. All records pertaining to the provisions of these regulations shall be maintained in the office of the Administrator and shall be open for public inspection.

A. The Zoning Board of Appeals established by City Charter shall hear and decide appeals of interpretation and requests for variances from the requirements of these regulations.*

B. The Zoning Board of Appeals shall hear and decide appeals of interpretation when it is alleged that there is an error in any requirement, decision or determination made by the Administrator in the enforcement or administration of these regulations.

C. Any person aggrieved by the decision of the Zoning Board of Appeals, or any taxpayer, may appeal such decisions to the 12th Judicial Circuit Court, as provided in general law of the State of Florida.

D. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for §§ 17-15.14H(1) and (5), and provided that the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.

E. In acting upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of these regulations and:

(1) The danger that materials may be swept onto other lands to the injury of others.

(2) The danger to life and property due to flooding or erosion damage.
(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(4) The importance of the services provided by the proposed facility to the community.

(5) The necessity of the use to a waterfront location, in the case of a functionally dependent use.

(6) The availability of alternative locations, not subject to flooding or erosion damage, for proposed use.

(7) The compatibility of the proposed use with existing and anticipated development.

(8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems and streets and bridges.
F. Upon consideration of the factors listed above and the purposes of these regulations, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

G. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

H. Conditions for variances.

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(2) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and;

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisance, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built, and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(4) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

(a) The criteria of Subsection H(1) through (3) of this section are met.

(b) The structure or other development is protected by methods that minimize flood damages during base flood and creates no additional threats to public safety.

(5) The Zoning Board of Appeals shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.


A. The following general standards shall apply to all areas within the special flood hazard zones:

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure
resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy as verified by the City Manager or designee.

(2) Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, the use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(3) New construction and improvements as verified by the City Manager or designee shall be constructed with materials and utility equipment resistant to flood damage.

(4) New construction or as verified by the City Manager or designee improvements shall be constructed by methods and practices that minimize flood damage.

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
(8) On-site waste disposal systems shall be located and constructed to avoid
impairment to them or contamination from them during flooding.

(9) Any alteration, repair, reconstruction or improvements to a structure
which is in compliance with the provisions of this Unified Land Development
Code shall meet the requirements of new construction as contained in these
regulations.

B. Specific standards that shall apply in all areas of special flood hazard
where base flood elevation data have been provided as set forth in § 17-5 or §
17-14 13A(4), the following provisions are required:

(1) Residential construction. New construction or substantial improvement of
any residential structure located in the “SWFWMD approved floodplain area”
shall have the lowest floor, including basement, elevated at or above the
“SWFWMD approved floodplain maps” base flood elevation as verified by the
City Manager or designee. In AO Zones the lowest floor, including basement,
shall be elevated above the crown of the road or above the FIRM's depth
number. Should solid foundation perimeter walls be used to elevate a
structure, openings sufficient to facilitate the unimpeded movements of
floodwaters shall be provided in accordance with standards of Subsection
B(3).

(2) Nonresidential construction. New construction or substantial improvement
of any commercial, industrial, manufactured home or nonresidential structure
shall have the lowest floor, including basement, elevated at or above the
SWFWMD approved floodplain base flood elevation as verified by the City
Manager or designee. Structures located in all A Zones “SWFWMD approved
floodplain area” may be flood-proofed in lieu of being elevated, provided
that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in § 17-13.12B.

(3) Elevated buildings. New construction or substantial improvements of elevated buildings that include fully-enclosed areas formed by foundation and other exterior walls below the SWFWMD approved floodplain base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as verified by the City Manager or designee.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

(ii) The bottom of all openings shall be no higher than one foot above grade.
(iii) Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(b) Electrical, plumbing and other utility connections are prohibited below the base flood elevation.

(c) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

(d) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(4) Manufactured homes. All manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE on the community’s FIRM “SWFWMD approved floodplain map area” shall be elevated on permanent foundation such that the lowest floor of the manufactured home is at or above the SWFWMD approved floodplain base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of § 17-15A(2).

Specific requirements shall be that:

(a) Over-the-top ties be provided at each end of the manufactured home, with one additional tie per side at an intermediate location on manufactured homes of less than 50 feet, and one additional tie per side for manufactured homes of 50 feet or more;
(b) Frame ties be provided at each corner of the home with four additional ties per side at intermediate points for manufactured homes less than 50 feet long and one additional tie for manufactured homes of 50 feet or longer.

(c) All components of the anchoring system be capable of carrying a force of 4,800 pounds.

(d) Any additions to the manufactured homes be similarly anchored.

(5) New manufactured home parks and subdivisions. For expansion to existing manufactured home parks and subdivisions, for existing manufactured home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equal or exceed 50% of the value of the streets, utilities and pads before repair, reconstruction or improvement has commenced and for manufactured homes not placed in a manufactured home park or subdivision, the requirements shall be that:

(a) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood levels.

(b) Adequate surface drainage and access for a hauler are provided.

(c) In the instance of elevation on pilings:

(i) Lots are large enough to permit steps.
(ii) Pilings foundations are placed in stable soil no more than 10 feet apart.

(iii) Reinforcement is provided for pilings more than six feet above the ground level.

6) Floodways. Located within areas of special flood hazard established in § 17-5 are areas designated as floodways. Since a floodway is an extremely hazardous area, due to the velocity of floodwaters which carry debris, potential projectiles and its erosion potential, the following provisions shall apply:

(a) Encroachments, including fill, new construction, substantial improvements and other developments shall be prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. In the "SWFWMD approved floodplain area", any new construction shall provide compensating storage for any fill, or the new construction may be elevated so as not to require any fill as approved by the designated City Engineer.

(b) If Subsection B(6)(a) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§ 17-14 through 17-17 as verified by the City Manager or designee.

(c) The placement of any manufactured homes, except in an existing
manufactured home park or existing manufactured home subdivision,
provided that the anchoring standards of § 17-16 15A(2) and the
elevation standards of § 17-16 15B are met, shall be prohibited.

Sec. 17-17. Standards for streams without established base flood elevations
and/or floodways.

Located within the areas of special flood hazard contained herein where small
streams exist but where no base flood data have been provided or where no
floodways have been provided, the following provisions apply:

A. No encroachments, including fill material or structures, shall be located
within a distance of the stream bank equal to five times the width of the stream
at the top of bank or 20 feet on each side from top of bank, whichever is
greater, unless certification by a registered professional engineer is provided
demonstrating that such encroachments shall not result in any increase in flood
levels during the occurrence of the base flood discharge.

B. New construction or substantial improvements of structures shall be
elevated or flood-proofed to elevations established in accordance with §
17-14 13A(4) as verified by the City Manager or designee.


A. All subdivision proposals shall be consistent with the need to minimize
flood damage.

B. All subdivision proposals shall have public utilities and facilities, such
as sewer, gas, electrical and water systems, located and constructed to minimize
flood damage.

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

D. Base flood elevation data shall be provided for subdivision proposals and other proposed development, including manufactured home parks and subdivisions, which are greater than the lesser of 50 lots or five acres.

Sec. 17-19. Standards for areas of shallow flooding (AO Zones).

Located within the areas of special flood hazard contained herein are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

A. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map “SWFWMD approved floodplain maps”, in feet, above the highest adjacent grade as verified by the City Manager or designee. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two feet above the highest adjacent grade as verified by the City Manager or designee.

B. All new construction and substantial improvements of nonresidential structures shall:
(1) Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map “SWFWMD approved floodplain maps”, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or

(2) Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy as verified by the designated City Engineer.

Sec. 17-19. Interpretations

Interpretations of this chapter shall be made by the designated City Engineer/City Manager’s designee. In the interpretation and application of these regulations all provisions shall be considered as minimum requirements, shall be liberally construed in favor of the governing body and shall be deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 17-20. Conflicts.

Whenever the requirements of these regulations differ from those imposed by the City, Federal, or state regulation, law or statute, the most restrictive or imposing the higher standards shall govern.

Sec. 17-21. Appeals.
Any person aggrieved by the City Manager or designee’s interpretation may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders the property unbuildable. The granting of any appeal shall not be in conflict with State Statutes. The Zoning Board of Appeals decision, based on previously submitted evidence, may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(l) Applications for an appeal shall be filed pursuant to Sec. 1-10.

Sec. 17-22. Severability.

If any section, subsection, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
Chapter 18  STORMWATER REGULATIONS

[HISTORY: Adopted by the City Commission of the City of North Port:]

GENERAL REFERENCES

Conservation/Restricted Overlay Zone regulations - See Ch. 9.
Dredge and fill regulations - See Ch. 13.
Flood damage prevention regulations - See Ch. 17.
Landscaping regulations - See Ch. 21.
Site and development plan regulations - See Ch. 33.
Subdivision regulations - See Ch. 37.
Tree protection regulations - See Ch. 45.
Wetlands protection regulations - See Ch. 49.
Archaeological resource protection - See Ch. 58.

Sec. 18-1.  Title.

Sec. 18-2.  Findings.

Sec. 18-3.  Intent.

Sec. 18-4.  Relationship to state and federal regulations, comprehensive plan.

Sec. 18-5.  Applicability.

Sec. 18-6.  Procedure for securing stormwater management plan approval.

Sec. 18-7.  Submission requirements for stormwater management systems.

Sec. 18-8.  Flood hazard areas, conservation restricted areas and floodplain encroachment.
Sec. 18-1. Title.

This chapter shall be known and may be cited as the “Stormwater Regulations” of the City of North Port, Florida.

Sec. 18-2. Findings.

A. It is important to ensure that stormwater management activities for site development are conducted in a manner that promotes public health, safety, and welfare.

B. Without appropriate stormwater regulations, site development activities may cause adverse impacts to watersheds, drainage patterns, native habitats, water quality, land use compatibility, historical resources, and roads.

(A) The City of North Port adopts these stormwater regulations to protect public health, safety, and general welfare.
It is the intent of these stormwater regulations to preserve, protect, and improve the public health, safety, comfort, good order, appearance and general welfare, and to conserve and to protect the natural resources within City of North Port while promoting opportunities for responsible development.

Sec. 18-4. Relationship to state and federal regulations, comprehensive plan
Before any site development is to begin, appropriate state and/or federal permits shall be obtained, when necessary, and presented to the City. In the case where a state and/or federal permits are not necessary, a copy of an exemption letter or other authorization shall be presented to the City. The project must also be in compliance with the City’s Comprehensive Plan.

Sec. 18-5. Applicability.
A. General provisions. A complete stormwater management system shall be provided for the adequate water quality treatment and control of stormwater runoff that originates within the development or that flows onto or across the development from adjacent lands. Said stormwater management system shall be designed in accordance with accepted engineering principles. The design of the stormwater conveyance system shall also divert or bypass off-site run-off from adjacent lands that flows onto or across the development, so as not to adversely affect these adjacent lands.

B. Relationship to Comprehensive Plan. The stormwater management regulations in this chapter implement the objectives and policies set forth in the Drainage Stormwater Element and the Conservation and Coastal Zone Management Elements of the City’s adopted Comprehensive Plan.
C. Relationship to other stormwater management requirements. In addition to meeting the requirements of this chapter, the design and performance of all stormwater management systems shall comply with applicable state regulations to include but not limited to rules of the Southwest Florida Water Management District (SWFWMD) and Florida Department of Environmental Protection (FDEP). In all cases, the strictest of the applicable standards shall apply.

D. Exemptions. The following development activities are exempt from these stormwater management requirements, except that steps to control erosion and sedimentation must be taken for all development.

(1) The construction of a single-family or duplex residential unit and accessory structures on a single parcel of land.

(2) Any development within a subdivision if each of the following conditions has been met:

(a) Stormwater management provisions for the subdivision were previously approved and remain valid as part of a final plat or development plan.

(b) The development is conducted in accordance with the stormwater management provisions submitted with the final plat or development plan.

(3) Bona fide agricultural activities, including forestry, provided that farming activities are conducted in accordance with the requirements set forth in an approved soil conservation service plan and forestry activities are conducted in accordance with the Silviculture Best Management Practices (BMP) Manual (1979 or latest edition), published by the Florida Division of
Forestry. If the conservation plan and forestry BMPs are not implemented accordingly, this exemption shall become void.

(4) Maintenance activity that does not change or affect the quality, rate, volume or location of stormwater flows on the site or of stormwater runoff.

(5) Action taken under emergency conditions to prevent imminent harm or danger to persons or to protect property from imminent fire, violent storms, hurricanes or other hazards. A report of the emergency action shall be made to the City as soon as practicable.

Sec. 18-6. Procedure for securing Stormwater management plan approval.

Prior to the submission of an application, the applicant should discuss with the City Stormwater Manager, City staff, and other agencies such as SWFWMD, FDEP and Army Corp. of Engineers (ACOE) on the requirements of Stormwater regulations.

Sec. 18-7. Submission requirements for Stormwater management systems.

Besides the submission requirements under Chapter 33, following are additional submission requirements that should be provided for the stormwater management system review prior to issuance of a Development Order (DO). A stormwater design submittal checklist is available on the City website under the Stormwater Division to facilitate submittal of a complete package. Applicant shall complete and submit with the application package, the latest checklist from the City’s website. This checklist will be revised on an as-needed basis.

A. Approved state permits, e.g. SWFWMD or FDEP Environmental Resource Permit (ERP), and SWFWMD approved stamped plans – two hard copies.
B. Color Aerial and Legible Boundary and Topographic Survey – two legible hard copies. This survey must be performed within one (1) year from the application date and signed and sealed by a Florida registered Land Surveyor. If there are any topographic changes within this one (1) year time period, a more recent topographic survey will be required.

(1) Include sufficient on-site topographic elevations and contour lines to facilitate interpretation of direction of Stormwater flow. Include sufficient off-site topographic elevations to show all off-site stormwater flow onto project site. Clearly indicate the vertical datum (NGVD29 or NAVD88) used.

(2) Provide the Big Slough Watershed floodplain map that is considered by SWFWMD as the most appropriate information available for floodplain impact and compensation analysis. Include the 100-year flood elevations and footprint. Clearly indicate the vertical datum (NGVD29 or NAVD88) used.

(3) Include a benchmark. Clearly indicate the vertical datum (NGVD29 or NAVD88) used.

C. Soil conservation service (SCS) soils survey map or soil boring analysis report to support the selection of the seasonal high water elevation (SHWE) used in the design – two legible hard copies.

D. Stormwater Design Plans – Digital copy of the proposed construction plans in AutoCAD and PDF format – one CD copy. See number of hard copies of plans required under Chapter 33. The plans must be signed and sealed by a Florida Licensed Professional Engineer.
(1) Paving grading and Drainage Plans:

(a) Sufficient proposed elevations, cross sections and details should be provided to show how flow is directed to the Stormwater management system. Clearly indicate the vertical datum (NGVD29 or NAVD88) used.

(b) All off-site flows onto proposed project areas must be diverted so as not to cause adverse off-site impacts.

(c) All required drainage and maintenance easements must be clearly shown.

(d) The proposed pervious and impervious area and total project area must be included in the plans with the corresponding curve numbers. The amount of impervious area shall be minimized to the maximum extent practicable. The proposed pervious and impervious area and corresponding curve number information shall also be supplied on the plans for each future outparcel served by the proposed master stormwater systems.

(e) Provide pond contour lines, cross sections and labels corresponding to the pond bottom, change in slope, lower end of the littoral zone, upper end of the littoral zone, control water elevation (CWE), 25-year 24-hour storm event design high water elevation (DHWE) and top of berm. Six (6) inches of freeboard is recommended between the DHWE and the top of bank.
(f) Legible water control structure details and skimmer to show the bottom of skimmer to be a minimum of 4-inch below the control water elevation and the top to be equal or higher than the 25-year 24-hr DHWE.

(i) A concrete pad shall be provided below the skimmer to prevent vegetation from growing up through the skimmer.

(ii) Sufficient clearance shall be maintained between this concrete pad and the skimmer bottom to avoid flow restriction.

(g) Cross sections of all ponds, swales and channels proposed. Check that slopes are no steeper than 4:1 (horizontal to vertical).

(h) Typical lot grading plan for residential subdivisions.

(i) Littoral zone planting plan listing non-invasive aquatic species, and showing spacing of plants with guaranteed survival rate of at least 85%.

(j) Fountain or aeration device for wet ponds with deep pool.

(k) Evaluate and apply to the maximum extent practicable, low impact development (LID) design concepts including stormwater reuse for irrigation.

(2) Best Management Plans (BMPs) and National Pollutant Discharge Elimination System (NPDES) surface water pollution prevention plan (SWPPP)

(a) Show the location and details of the erosion, sediment and turbidity control measures such as silt fence around the construction area, and hay
bales/silt fence around each inlet structure to be implemented during each phase of construction.

(b) Include notes on how turbidity in stormwater runoff will be monitored and corrective actions needed if turbidity level is higher than 29 NTUs above background.

(c) Provide at the preconstruction meeting one hard copy of any required NPDES SWPPP and Notice of Intent (NOI).

(3) Dewatering Plans.

(a) Show the location of the dewatering sites, the dewatering pump, sediment sump, methods to retain or detain discharge, methods of isolating the dewatering areas, flow path and points of discharge of the water and the duration of the dewatering.

(b) A sectional detail of the dewatering pump should be provided to include the dewatering pump (include pump rate in cfs on the plans), sediment sump (include dimensions), piping, temporary berm, and turbidity barriers.

(c) Provide calculations supporting the dimension of the sediment sumps, and the capacity of the sediment pumps.

(4) Floodplain Impact and Compensation.
(a) The footprint area of 100-year floodplain impact and floodplain compensation provided shall be clearly shown on the plans, together with representative cross sections.

E. Drainage Treatment and Attenuation Analysis - two hard copies signed and sealed by a Florida Licensed Professional Engineer. Provide also one CD copy of the input and output data of any hydraulic model or spreadsheet analysis used.

1. Include legible pre-development and post-development basin maps with corresponding acreages, curve numbers (CN), flow arrows showing connectivity and time of concentration (Tc) overlaid on existing and proposed conditions topographic elevations.

2. Provide attenuation analysis - Hydraulic modeling using software such as Interconnected Pond Routing (ICPR) or CHAN software is preferred. Spreadsheet attenuation calculations using the Rational Method is also acceptable for drainage areas 10 acres or less.

3. Include the printout of the node/reach schematic diagram and input and output data of the Pre-development and Post-development hydraulic model if used, including a printout of the peak discharge rate and the hourly flows from all discharge points leaving the project site.

4. If the Rational Method is used (for project area 10 acres or less), provide the spreadsheet attenuation calculations for the design storm event. Outflow may not commence until the first inch has accumulated in the retention area. To compensate for the fact that flow out of the pond does not begin to flow in the initial 10 minutes, the critical pond volume for attenuation must be increased by 20 percent.
(5) Provide Tc calculations using TR-55 methodology or equivalent.

(6) Provide table summary of proposed pervious and impervious areas for each drainage basin and corresponding CN and Tc for the pre-development and post-development conditions.

(7) Provide tabular summary of elevation/area/volume data for each Stormwater pond at the following elevations – pond bottom, change in slope, lower end of the littoral zone, upper end of the littoral zone, control water elevation (CWE), 25-year 24-hour storm event design high water elevation (DHWE) and top of berm.

(8) Provide treatment calculations based on one-inch of runoff over the entire project area and recovery of treatment volume analysis.

(9) Provide calculations supporting size of drawdown orifice or weir notch if applicable.

(10) Provide floodplain impact and compensation analysis based on 100-year flood elevation in compliance with SWFWMD requirements.

F. Operation and Maintenance (O&M) Plan – two hard copies.

(1) Provide an O&M plan that includes a schedule of maintenance and inspection, and details on how to rehabilitate or retrofit the system if the system does not function as designed.
(2) O&M Plan must be signed by the owner accepting the responsibility to adhere to the plan.

G. Prior to issuance of a Certificate of Occupancy (CO), the following shall be submitted:

(1) Complete set of as-built site and stormwater plans, signed and sealed by a Florida Licensed Professional Engineer. Any deviations shall be clearly marked and approved by the City prior to issuance of a CO - two hard copies.

(2) Digital copy of the as-built plans in AutoCAD and PDF format together with a signed and seal written certification by a Florida License Professional Engineer of Record that the digital files are a complete set that correlates to the hard copy of the submitted as-built plans - one CD copy.

(3) Approval from SWFWMD to transfer the surface water management system into operation - two hard copies.

Sec. 18-8. Flood hazard areas, conservation restricted areas and floodplain encroachment

Site development proposed to be located within any of the City’s designated conservation restricted areas, as depicted on the City’s Future Land Use Map, or in any designated flood hazard area, shall comply with all applicable regulations governing land use within such areas as set forth in Chapter 9, Conservation/Restricted Overlay Zone Regulations, and Chapter 17, Flood Damage Prevention Regulations, of this Unified Land Development Code.
Sec. 18-9. Tree protection and wetland protection.

All proposed Stormwater management systems to be located within the City shall comply, as may be deemed appropriate, with the wetland protection regulations and tree protection regulations set forth in Chapter 49, Wetland Protection Regulations, and Chapter 45, Tree Protection Regulations, of this Unified Land Development Code.

Sec. 18-10. Stormwater management standards.

A. Performance standards. All developments must be designed, constructed and maintained to meet the following standards:

(1) While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality and timing of stormwater runoff that occurred under the site’s natural unimproved or existing state, except that The first inch of stormwater runoff shall be treated in all stormwater management systems (retention/detention systems) or according to other best management practices as described elsewhere in this chapter.

(2) The proposed development and development activity shall not violate the water quality standards as set forth in Chapter 17-3, Florida Administrative Code Chapters 62-4, 62-302, 62-520, 62-522 and 62-550, F.A.C., including any antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3), and Rule 62-302.300, F.A.C. The surface water management facilities shall also comply with the requirements of the Statewide Stormwater Treatment Rule upon its adoption by SWFWMD and FDEP.
B. Design standards. To comply with the foregoing performance standards, the proposed stormwater management system shall conform to the following design standards:

(1) Detention and retention systems shall be designed to accommodate storm events of at least a twenty-four hour duration and twenty-five year frequency.

All stormwater management systems shall be designed to meet the SWFWMD ERP rules with the following additional requirements:

(a) The water quality treatment volume for all types of stormwater treatment systems shall correspond to one-inch of runoff over the entire project area (including the pond area).

   (i) The water quality treatment volume in a wet pond system shall be recovered per SWFWMD criteria.

   (ii) The water quality treatment volume in a dry pond system shall be recovered through percolation within 72 hours. However, only that volume which can again be available within 36 hours can be counted as part of the volume required for water quantity storage.

   (iii) The water quality treatment volume in an effluent filtration system shall again be available within 36 hours. The treatment volume can be counted as part of the volume required for water quantity storage.

   (iv) The water quality treatment volume in underground exfiltration systems shall again be available within 72 hours. Due to the maintenance requirements and life expectancy of
exfiltration systems, the treatment volume cannot be counted as part of the volume required for water quantity storage.

(b) All new developments shall include provide a surface water management system to attenuate for the 25-year 24-hour storm event that provides attenuation per SWFWMD criteria. The post-development peak discharge rate must not exceed the pre-development peak discharge rate for the 25-year 24-hour design storm event per SWFWMD criteria. Projects that qualify for a SWFWMD Minor Surface Water Management Systems ERP permit under 40D-40.301, F.A.C., shall also provide attenuation for the 25-year 24-hour storm event. The only exception to the attenuation requirement is for small projects that are 9,000 square feet or less in impervious area that qualify for a SWFWMD Noticed General ERP permit under 40D-400.475, F.A.C. No discharge from any stormwater management facility shall cause adverse increases in on-site or off-site flood levels.

(c) Six inches of freeboard is recommended between the 25-year 24-hour storm event design high water elevation and the top of bank in the stormwater ponds. The top of berm width shall be sufficient for maintenance vehicle access.

(d) The level of service criteria for a surface water management system is given in the following tables:

<p>| I. | New Buildings: The finished floor elevation of all new building structures shall be set above the 100-year flood elevation. |
| II. | New Roadways Access: New roadways shall be designed to be passable during flooding under the following storm events. |</p>
<table>
<thead>
<tr>
<th>Road Type</th>
<th>Design Storm 24-hr Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Evacuation</td>
<td>&gt; 100</td>
</tr>
<tr>
<td>B. Arterials</td>
<td>100*</td>
</tr>
<tr>
<td>C. Collectors</td>
<td>25*</td>
</tr>
<tr>
<td>D. Neighborhood</td>
<td>25*</td>
</tr>
</tbody>
</table>

* For arterials, collectors and neighborhood roads, roadway flooding < 6" depth measured at the outside edge of pavement is considered passable. No flooding is allowed on any portion of an evacuation road.

**Existing Roadways Access:** The level of service for improvements to existing roadways may be adjusted from the above criteria, based on existing conditions such as existing road right-of-way area, on-site and adjacent topography, and vehicular use of the roadway.

**New Site Development:** The available stormwater pond attenuation volume for new site developments must be capable of attenuating for a 25-year 24-hour duration storm event per SWFWMD criteria. Within a new development, the stormwater runoff piping and conveyance system hydraulic grade line (HGL) analysis shall be based on a 25-year 24-hour duration storm event and shall not cause any adverse flooding impacts on-site or off-site. Deliberate flooding of a parking area in a 25-year 24-hr storm event is not allowed. The tailwater for the HGL analysis shall be based on the stage in the receiving pond at the time of peak flow.

The City Stormwater Manager can allow a greater level of flooding during the peak of a 25-year storm event on a case-by-case basis, if sufficient documentation is provided to show that this level of flooding cannot be avoided, and the flooding can be demonstrated to not adversely impact public health and safety, natural resources or other property. The flood depth and duration of the flooding must be defined in the attenuation analysis, and justification provided to show why public health and safety is not compromised.

(2) To the maximum extent practicable, natural systems shall can be used to accommodate stormwater, but a hydroperiod analysis shall be provided to demonstrate no adverse impact to the natural system and the required pretreatment volume shall be provided pursuant to SWFWMD requirements.

(3) The proposed stormwater management system shall be designed to accommodate treat and attenuate the stormwater that originates within the development. And stormwater that flows onto or across the development from adjacent lands. The design of the stormwater conveyance system shall also
divert or bypass off-site run-off that flows onto or across the development, from adjacent lands, so as not to adversely affect any adjacent lands.

(4) The proposed stormwater management system shall be designed to function properly for the life of the system.

(5) The design and construction of the proposed stormwater management system shall be certified as meeting the requirements of this chapter by a professional engineer registered in the State of Florida.

(6) No surface water may be channeled or directed into a sanitary sewer.

(7) The proposed stormwater management system shall be compatible with the stormwater management facilities on surrounding properties or streets, taking into account the possibility that substandard systems may be improved in the future. Properly maintained by the specified operation and maintenance (O&M) entity. An O&M plan must be submitted to the City for review and approval. If the system is not properly operated and maintained, the City will perform the required O&M functions and lien the property for reimbursement as necessary.

(8) The banks of retention and detention areas shall be sloped at a ratio of no greater than 3 to 1 in order to accommodate and be planted with appropriate vegetation. For purposes of public safety, water quality treatment and maintenance, all retention or detention stormwater management areas shall have stabilized side slopes no steeper than 4:1 (horizontal: vertical).
(a) For wet ponds the 4:1 slope shall be maintained to a depth of two feet below the SHWE elevation. The slopes shall be no greater than 2:1 (horizontal: vertical) thereafter. Due to fluctuations in ground water levels in particularly in the dry season, it is recommended that the 4:1 slope requirement be extended to at least 5 feet below the proposed SHWE in order to avoid steep exposed banks during the dry season and corresponding erosion.

(b) For purposes of public safety, exposed pond side slopes designed steeper than 4:1 will require a six foot chain link fence or other protection sufficient to prevent accidental incursion into the retention or detention area.

(c) In determining the sufficiency of other protection measures, consideration shall be given to the depth and morphometry of the detention or retention area, surrounding land uses, degree of public access, and likelihood of accidental incursion.

(d) For dry ponds, shallow swales and channel, slopes proposed steeper than 4:1 (horizontal to vertical) will require approval by the City Stormwater Manager on a case-by-case basis and no adverse effect to safety and erosion will need to be demonstrated.

(9) Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing or otherwise altering natural surface waters shall be prohibited unless the activity is in compliance with the regulations set forth in Chapter 49, Wetlands Protection Regulations, Chapter 9, Conservation/Restricted Overlay Zone Regulations and Chapter 13, Docks, Seawalls And Other Water Dependent Structures.
(10) Natural surface waters shall not be used as sediment traps during or after development.

(11) For aesthetic reasons and to increase shoreline habitat, the shoreline of retention and detention areas shall be sinuous rather than straight where practical.

(12) Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development. The design plans for the stormwater reuse systems must be submitted and all necessary SWFMD permits obtained. The development will have to show just cause of why the stormwater management system is not used for irrigation.

(13) A 6-foot low maintenance vegetated buffer zone of sufficient width is recommended to prevent erosion shall be retained or created and provide water quality treatment along the shores, banks or edges of all natural or man-made surface waters. The required vegetated buffer around a natural wetland is specified under Chapter 49, Wetland Protection Regulations.

(14) In phased developments, the Stormwater management system for each integrated stage of completion shall be capable of functioning independently as required by this chapter. A phasing plan shall be submitted for approval.

(15) All retention and detention facilities, except natural water bodies used for this purpose, shall be accessible for maintenance from streets or public rights-of-way or easements.
(16) Retention and detention areas. Stormwater management systems shall not be located in a 100-year floodplain area as delineated on the FEMA/FIRM maps, except as approved by the City Stormwater Manager and SWFWMD. Any loss of floodplain volume as a result of development within the 100-year floodplain shall be compensated. The method and extent of floodplain compensation requires the approval of the City’s Engineer, Stormwater Manager and SWFWMD.

(17) Design requirements with respect to floodplain encroachment and floodplain compensation.

(a) No net encroachment will be allowed into the “fresh water” component of the 100-year floodplain, which will adversely affect either conveyance, storage, water quality or adjacent lands. If the proposed development encroaches into the 100-year floodplain, then floodplain compensating storage shall be equivalently provided between the seasonal high water elevation and the 100-year flood elevation to allow flood water storage function.

(b) The equivalent excavation method of floodplain compensation is the preferred method of floodplain compensation. Supporting calculations shall be submitted to the City for review. The footprint area of floodplain impact and floodplain compensation provided shall be clearly shown on the plans, together with representative cross sections. Detailed floodplain impact and compensation volume calculations shall be provided.

(c) Other methods of floodplain compensation that are acceptable to SWFWMD will be acceptable to the City also. In lieu of the equivalent excavation method of floodplain compensation, the Big Slough Watershed
hydraulic model that is considered by SWFWMD as the most appropriate information available may be used with the proposed development, to demonstrate no adverse impacts on-site or off-site for the 100-year design storm. The analysis using the Big Slough Watershed hydraulic model must show no significant increase in off-site stages. As the Big Slough Watershed hydraulic model is a very detailed and extensive model, to ensure a fair and reasonable analysis, the developer must pay the fees specified in the Fee Ordinance as adopted by the City Commission, in order for the City to retain a consultant to perform this hydraulic analysis using the Big Slough Watershed hydraulic model. Selection of the consultant will be mutually agreeable to both the City and the Developer.

(18) Stormwater discharge facilities which directly discharge to the Myakkahatchee Creek shall include an additional level of treatment equal to 50% of the treatment criteria specified in § 37-25E(1) 18-9 herein.

(19) Drainage plans shall provide that stormwater be conveyed to an ultimate positive outfall beyond the outer edge of the development or at the nearest natural outfall. Discharge points and flow rates must match between the pre-development and post-development conditions.

(20) A littoral zone planting plan shall be provided showing the proposed location(s) of the littoral zone(s), plant types, spacing of plantings and a typical pond cross section showing the littoral zone.

(a) The size of the littoral zone shall follow the criteria as required by the SWFWMD.
(b) The depth of the water between the seasonal high water elevation (SHWE) of the pond and the littoral shelf shall typically be two feet. A maximum 3 feet of water depth can be allowed provided littoral zone plants are proposed that can survive at this water depth.

(c) The littoral zone shall be concentrated near the outfall of each pond. Surface water run-off shall be directed to the deep pool of the pond and not into the littoral zone in order to avoid short circuiting the treatment capacity provided by the pond.

(d) The littoral zone shall be planted with aquatic plants species. Native plant species are encouraged. Aquatic plants that are prohibited under the Florida Department of Environment Protection Chapter 62C-52 will not be allowed. In particularly, the invasive species e.g. cattails (Typha spp. 1) shall not be planted or allowed to grow in the littoral zone or on the periphery of the pond.

(e) Centers of vegetation shall be no farther apart than three feet for herbaceous individual plants or clumps, or five feet for floating-leaved species.

(f) Supplemental planting will be required on an annual basis if survival falls below 85 percent or if coverage is less than 85 percent.

(g) Required littoral zone vegetation shall be maintained in perpetuity by a designated responsible entity or the owner of the property. Invasive plant species shall be removed from the pond as part of routine pond maintenance.
(h) Overgrowth of littoral zone plants maybe be trimmed but all trimmings and decaying vegetation must be removed from the pond and not allowed to accumulate in the pond.

(21) For a wet detention pond, an aeration device shall be used in the deep pool area to increase the oxygen content of the water to improve water quality treatment. The aeration capacity of the device shall be sufficient to avoid anoxic (oxygen depleted) conditions in the pond. Anoxic conditions can result in buildup of algae, turbidity, scum, and foul smells from the pond and even fish kills. This oxygen depleted water when flushed in the City’s canals and Myakkahatchee Creek system, will deteriorate the quality of the City’s potable water sources and can cause downstream detrimental environmental effects. If the wet detention pond is located in an area that is not visible to the public or visitors to the site, a bubbler aerator or mixer can be used. All other wet detention ponds shall have a fountain or waterfall type of water feature to improve water quality treatment and provide an aesthetic appeal. On a case-by-case basis, this aeration device requirement can be waived if approved by the City Stormwater Manager.

C. General requirements for drainage culvert pipe construction.

(1) No certificate of occupancy or other required final approval for any development may be issued until an appropriate culvert has been installed in accordance with the requirements of this chapter City standards. [Amended 3-11-1991 by Ord. No. 91-1]
(2) No person shall construct or install a culvert within the right-of-way or easement of the City without a currently valid culvert permit issued by the City’s Road and Drainage Department. Pursuant to this chapter.

(3) Specifications for culvert pipes shall be according to the requirements under Sec. 33-5.

D. Sustainable Developments and Low Impact Development Design

(1) In order to protect the limited, valuable natural resources within the City, developments must proceed in a sustainable manner. Sustainable measures such as construction to Florida Green Building Standards, LEED Certification and use of Low Impact Development (LID) designs are encouraged. The design engineer must demonstrate in the stormwater design that LID practices are incorporated to the maximum extent practicable. Examples of LID design practices are to minimize impervious areas, and encourage the use of pervious pavement, green roofs, rain cisterns, reuse of stormwater for irrigation, direct runoff to bioretention/biotreatment vegetated swale areas prior to discharge stormwater pond, Florida Friendly native landscaping, and other surface water quality improvement controls and devices.

(2) Treatment trains incorporating LID design shall be practiced to achieve pollutant load reduction in a developed site in accordance with the Statewide Stormwater Treatment Rule when adopted by SWFWMD and FDEP.

Sec. 18-11. Interpretations
Interpretations of this section shall be made by the City’s Stormwater Manager’s/City Manager’s designee.

Sec. 18-12. Conflicts.

Whenever the requirements of these regulations differ from those imposed by the City, Federal, or state regulation, law or statute, the most restrictive or imposing the higher standards shall govern.

Sec. 18-13. Appeals.

Any person aggrieved by the City Stormwater Manager/City Manager designee’s interpretation may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders the property unbuildable. The granting of any appeal shall not be in conflict with State Statutes. The Zoning Board of Appeals’ decision may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(1) Applications for an appeal shall be filed pursuant to Sec. 1-10.

Sec. 18-14. Severability.

If any section, subsection, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Chapters 19--20 RESERVED
Chapter 21  LANDSCAPING REGULATIONS

[HISTORY: Adopted by the City Commission of the City of North Port 9-17-1990 by
Ord. No. 90-28 (Section 6). Amendments noted where applicable.]

GENERAL REFERENCES

Water conservation -- See Ch. 222.

Sec. 21-1.  Title.
Sec. 21-2.  Intent.
Sec. 21-3.  Relationship to Comprehensive Plan.
Sec. 21-4.  Findings.
Sec. 21-4.  Definitions.
Sec. 21-5.  Applicability.
Sec. 21-6.  Prohibited plant species.
Sec. 21-7.  Minimum tree and shrub planting or preservation requirements.
Sec. 21-8.  Off-street parking facilities and other vehicular use areas.
Sec. 21-9.  Landscaping the perimeter of abutting land uses.
Sec. 21-10.  Landscape design standards.
Sec. 21-11.  Landscape credit system.
Sec. 21-12.  Street trees and landscaping in rights-of-way.
Sec. 21-13.  Berms.
Sec. 21-14.  Placement of landscaping.
Sec. 21-15.  Irrigation systems.
Sec. 21-16.  Landscape plan required.
Sec. 21-17.  Variances. [Added 6-26-1995 by Ord. No. 95-5]
Sec. 21-18.  Enforcement. [Amended 6-26-1995 by Ord. No. 95-5]
Sec. 21-19.  Interpretations.
Sec. 21-20. Conflicts.

Sec. 21-21. Appeals.

Sec. 21-22. Severability.

Sec. 21-1. Title.

This chapter shall be known and may be cited as the “Landscape Regulations” of the City of North Port, Florida.”

Sec. 21-2. Intent.

It is the intent of the City Commission of the City of North Port to promote the health, safety and welfare of existing and future residents of and visitors to the City by establishing minimum standards for the installation and continued maintenance of landscaping within the City of North Port.

Sec. 21-3. Relationship to Comprehensive Plan.

The landscaping regulations in this chapter implement Objective 1.1 of the Conservation and Coastal Zone Management Element of the Comprehensive Plan, which states that "by 1994, the City will enact ordinances and other appropriate procedures that provide for the protection and enhancement of its critical water resources and biologically productive flora and fauna habitats." The City shall encourage the preservation of existing native vegetation, the creation of an urban forest, and the use of xeriscape methods for landscaping public and private development. Tree preservation activities and the planting of trees shall result in an overall, citywide, phased-in, tree canopy no later than
build-out that ranges from 35% to 80% of the tree canopy that existed at the
time of adoption of this Comprehensive Plan in 1997”, as well as the
following policy statements subsumed thereunder:

"Policy 1.1.4: The City shall establish a program encouraging private landowners
to use good management practices to protect the habitats of rare, endangered and
threatened species and species of special concern.

“Policy 3.2: The City will continue to review landscape/tree ordinances from
other communities and further, review tree protection/preservation initiatives
that would benefit the City. Based upon these reviews, revisions to the tree
protection and landscape code shall be implemented.”

"Policy 1.1.6: By 1994, the City will adopt a comprehensive landscape/tree
ordinance that strongly encourages the preservation of native trees and shrubs,
while requiring the removal and eradication of all noxious pest exotics such as
melaleuca, brazilian pepper, australian pine, etc., as an aid to fire
prevention."

“Policy 3.3: The Land Development regulations shall continue to prohibit the
planting of exotic noxious vegetation such as (Melaleuca quinquenervia),
Brazilian Pepper (Schinus terebinthifolius), and Australian Pine (Casurina) as
listed by State authorities.

Sec. 21-3 A. Findings.

A. The City Commission of the City of North Port hereby finds that
landscaping:

(1) Promotes the conservation of potable and nonpotable water, and for this
reason the preservation of existing plant communities, the planting of
natural or uncultivated areas, the use of site-specific plant materials and
the establishment of techniques for the installation and maintenance of
landscape materials and irrigation systems should be encouraged.

(2) Improves the aesthetic appearance of residential and commercial areas
through the incorporation of open space into development in ways that
harmonize and enhance the natural and built environment.

(3) Improves environmental quality through its numerous beneficial effects
upon the environment, including:

(a) Improving air and water quality through such natural processes such as
photosynthesis and mineral uptake.

(b) Maintaining permeable land areas essential to surface water management
and aquifer recharge.

(c) Reducing and reversing air, noise, heat and chemical pollution through
the biological filtering capacities of trees and other vegetation.

(d) Conserving energy through the creation of shade, reducing heat gain in
or on buildings or paved areas.

(e) Reducing the temperature of the microclimate through the process of
evapotranspiration.
(f) Encouraging the conservation of limited fresh water resources through the use of site-specific plants and various planting and maintenance techniques.

(4) Maintains and increases the value of land, thus becoming by itself a valuable capital asset.

(5) Provides direct and important physical and psychological benefits to human beings through the reduction of noise and glare, and breaks up the monotony and softens the harsher aspects of urban development.

B. All landscaped areas herein required should conform to the following general design principles:

(1) Landscaping should integrate the proposed development into existing site features through consideration of existing topography, hydrology, soils and vegetation.

(2) The functional elements of the development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the landscaping plan.

(3) Landscaping should be used to minimize potential erosion through the use of ground covers or any other type of landscape material which aids in soil stabilization and shall be approved by the City Manager or designee.

(4) Existing (native) vegetation should generally be preserved and used to meet landscaping requirements.
(5) Landscaping should enhance the visual environment through the use of materials which achieve variety with respect to seasonal changes, species of living material selected, textures, colors and size at maturity. Lighting should be incorporated into the landscaping to enhance the visual environment.

(6) Landscaping design should consider the aesthetic and functional aspects of vegetation, both when initially installed and when the vegetation has reached maturity. Newly installed plants should be placed at intervals appropriate to the size of the plants at maturity, and the design should use short- and long-term elements to satisfy the general design principles of this chapter over time.

(7) Landscaping should enhance public safety and minimize nuisances.

(8) Landscaping should be used to provide windbreaks, channel wind and increase ventilation.

(9) Landscaping should maximize the shading of streets and vehicle use areas.

(10) The selection and placement of landscaping materials should consider the effect on existing or future solar access, of enhancing the use of solar radiation and of conserving the maximum amount of energy.

(11) All walls, gates, fences, plant material, and all other landscaping improvements shall be placed so as not to block any Fire Department appliances (fire hydrants and Fire Department Connections), when constructed or planted and/or mature. The minimum clearance around all fire department...
appliances shall be seven and a half feet (7½’) on each side, seven and a half feet (7½’) in front, and four feet (4’) in the rear.

(12) Landscaping should be used as a wayfinder for pedestrians by using the same varieties of plantings along sidewalks, pathways and trails.

Sec. 21-4. Definitions.

For the purposes of this chapter, in addition to the following terms or words, the definitions provided for in the zoning regulations set forth in Chapter 53 of this Unified Land Development Code shall apply. If definitions at any time conflict with definitions provided in other chapters, the more restrictive interpretation shall apply.

ACCESSWAY -- A paved area intended to provide ingress or egress of vehicular traffic from a public right-of-way to an off-street parking area or loading area.

BERM -- A linear earthen mound with a maximum average height of three feet.

BONA FIDE AGRICULTURAL PURPOSES -- Good faith commercial or domestic agricultural use of the land. In determining whether the proposed agricultural use of land is bona fide, the following factors, though nonexclusive, shall be taken into consideration:

A. The length of time the land will be so utilized.

B. The size of the land, as it relates to specific agricultural use.
C. Whether such land is under lease, and, if so, the effective length, terms and conditions of the lease.

D. The intent of the landowner to sell or convert the land for or to nonagricultural purposes.

E. The proximity of the property to existing urban or metropolitan development.

F. The productivity of land in its present use.

G. The relationship of the property to the Comprehensive Plan of the City of North Port.

BUFFER, PERIMETER LANDSCAPE — A continuous area of land which is required to be set aside along the perimeter of a lot in which landscaping is used to provide a transition between and to reduce the environmental, aesthetic and other impacts of one type of land use upon another.

CALIPER — Diameter of a tree trunk measured one foot above the groundline.

CANOPY TREE — A species of tree which normally grows to a mature height of 40 feet or more.

DBH — Diameter at breast height. "Breast height" is defined to be 54 inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.
DESIGNEE — Will generally be the City Arborist, but in cases where a Director
or higher member of the staff needs to make a decision, the City Manager will
appoint the next most qualified person in respect to the specific request and
decision needing to be made.

DEVELOPMENT — Any proposed material change in the use or character of the land,
including but not limited to land clearing or the placement of any structure or
site improvement on the land.

ENCROACHMENT — Any protrusion of a vehicle outside of a parking space, display
area or accessway into the landscaped area.

EXOTIC — A species introduced to Florida, purposefully or accidentally, from a
natural range outside of Florida.

GROUND COVER — Plants, other than turf grass, normally reaching an average
maximum height of not more than 24 inches at maturity.

HEDGE — A continuous, dense planting of shrubs and/or trees.

IRRIGATION SYSTEM — A permanent, artificial watering system designed to
transport and distribute water to plants.

LANDSCAPING — Any combination of living plants, such as grass, ground cover,
shrubs, vines, hedges or trees and nonliving landscape material, such as rocks,
pebbles, sand, mulch, walls, fences or decorative paving materials.

MULCH — Nonliving organic and synthetic materials customarily used in landscape
design to retard erosion and retain moisture.
OPEN SPACE — Shall be interpreted to mean:

A. All areas of natural plant communities or areas replanted with vegetation after construction, such as revegetated natural areas, tree, shrub, hedge or ground cover planting areas and lawns; and

B. Other areas allowed to be counted as open space as per Chapter 37, Subdivision Regulations.

PLANT COMMUNITY — A natural association of plants that are dominated by one or more prominent species or a characteristic physical attribute.

PLANT SPECIES, PROHIBITED — Those plant species which are demonstrably detrimental to native plants, native wildlife, ecosystems or human health, safety and welfare.

PRESERVE AREAS — Vegetative areas required to be preserved by law.

SHADE TREE — A self-supporting woody plant or species normally growing to a mature height of at least 15 feet and a mature spread of at least 15 feet in the City of North Port, and which provides relief from direct sunlight at least six months out of each year. Clusters of more than one tree may be used when it is demonstrated to the Planning and Zoning Department that the grouping of trees will, at maturity, surpass the fifteen-foot diameter requirement and that the grouping of trees is suitable for the proposed location. [Amended 11-24-2003 by Ord. No. 2002-56]

SHRUB — A self-supporting woody perennial plant of less than 10 feet in height,
characterized by multiple stems and branches continuous from the base.

TREE -- A living, woody, self-supporting plant, eight (8) feet or more in height having, or when mature will have, a main stem or cluster of main stems equaling three (3) inches in caliper. The tree is not to be in a state of shock during inspection.

VEHICULAR USE AREA -- Any area used by vehicles except public thoroughfares, including but not limited to areas for parking, display or movement of any and all types of vehicles, cars, motorcycles, bicycles, buses, boats, trailers, campers, airplanes or heavy construction equipment. Also included are areas paved for other purposes, such as outdoor storage, service and delivery, which are similar in nature to areas paved for vehicular use.

Sec. 21-5. Applicability.

A. General. These regulations shall apply to any new property development or to the expansion of existing development as specified in § 21-5B(4) below. These regulations shall not apply to a development which is governed by a valid site development plan* or a valid building permit accepted prior to its effective date. However, the policy of the City shall be to encourage adherence to the provisions and the intent of this chapter for all categories of existing development.

In the event a development applies to change its approved or existing landscape plan, the new plan shall adhere to the most current adopted landscaping code.

B. Exemptions.
(1) Commercial nursery. Commercial nurseries shall be exempt from this chapter.

(2) Agricultural. Any bona fide agricultural use found in 53-24 (B) shall be exempt from this chapter.

(3) Expansion of existing single-family and two-family dwellings. Any expansion of an existing single-family or two-family dwelling shall be exempt from this chapter.

(4) Expansion of existing development by 50% or less. Any development on a parcel which increases the total floor area of an existing structure by no more than 50% shall be exempt from this chapter.

C. Suspension of requirements.

(1) Temporary suspension of landscaping installation requirements. The installation of landscaping pursuant to the provisions of this chapter may be temporarily suspended in individual cases at the discretion of the City Manager or designee:

(a) Freeze. After a freeze when required landscape materials are not available.

(b) Drought. During a period of drought in which the use of water for installation and establishment of new landscaping is restricted by the Southwest Florida Water Management District.

(2) Written agreement required. The suspension of planting shall be
conditioned upon the signing by the applicant of a written agreement stating that installation of required landscaping will resume as soon as neither of the above two emergency conditions pertains. Failure of the applicant to fulfill the terms of such agreement shall be subject to adjudication by the Code Enforcement Board.

Sec. 21-6. Prohibited plant species.

The following plant species shall not be planted in the City of North Port:

A. Melaleuca quinquenervia (commonly known as "punk tree," "cajuput," "paper bark," "melaleuca").

B. Schinus terebinthifolius (commonly known as "Brazilian pepper" or "Florida holly").

C. Casuarina species (commonly known as "Australian pine").

D. Rhodomyrtus tomentosa (commonly known as "downy rose myrtle").

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Abrus precatorius</td>
<td>rosary pea</td>
</tr>
<tr>
<td>Acacia auriculiformis</td>
<td>earleaf acacia</td>
</tr>
<tr>
<td>Albizia julibrissin</td>
<td>mimosa, silk tree</td>
</tr>
<tr>
<td>Albizia lebbeck</td>
<td>woman's tongue</td>
</tr>
<tr>
<td>Ardisia crenata (= A. crenulata)</td>
<td>coral ardisia</td>
</tr>
<tr>
<td>Ardisia elliptica (=A. humilis)</td>
<td>shoebutton ardisia</td>
</tr>
<tr>
<td>Asparagus aethiopicus (= A. sprengeri; A. densiflorus misapplied)</td>
<td>asparagus-fern</td>
</tr>
<tr>
<td>Bauhinia variegata</td>
<td>orchid tree</td>
</tr>
<tr>
<td>Bischofia javanica</td>
<td>bischofia</td>
</tr>
<tr>
<td>Calophyllum antillanum (=C. calaba; C. inophyllum misapplied)</td>
<td>santa maria (names &quot;mast wood,&quot; &quot;Alexandrian laurel&quot; used in</td>
</tr>
<tr>
<td>Casuarina equisetifolia</td>
<td>Australian pine</td>
</tr>
<tr>
<td>Casuarina glauca</td>
<td>suckering Australian pine</td>
</tr>
<tr>
<td>Cinnamomum camphora</td>
<td>camphor-tree</td>
</tr>
<tr>
<td>Colocasia esculenta</td>
<td>wild taro</td>
</tr>
<tr>
<td>Colubrina asiatica</td>
<td>lather leaf</td>
</tr>
<tr>
<td>Cupaniopsis anacardioides</td>
<td>carrotwood</td>
</tr>
<tr>
<td>Dioscorea alata</td>
<td>winged yam</td>
</tr>
<tr>
<td>Dioscorea bulbifera</td>
<td>air-potato</td>
</tr>
<tr>
<td>Eichhornia crassipes</td>
<td>water-hyacinth</td>
</tr>
<tr>
<td>Eugenia uniflora</td>
<td>Surinam cherry</td>
</tr>
<tr>
<td>Ficus microcarpa (F. nitida and F. retusa var. nitida misapplied)</td>
<td>laurel fig</td>
</tr>
<tr>
<td>Hydrilla verticillata</td>
<td>hydrida</td>
</tr>
<tr>
<td>Hygrophi a polysperma</td>
<td>green hygro</td>
</tr>
<tr>
<td>Hymenachne amplexicaulis</td>
<td>West Indian marsh grass</td>
</tr>
<tr>
<td>Imperata cylindrica (I. brasiliensis misapplied)</td>
<td>cogon grass</td>
</tr>
<tr>
<td>Ipomoea aquatica</td>
<td>waterspinach</td>
</tr>
<tr>
<td>Jasminum dichotomum</td>
<td>Gold Coast jasmine</td>
</tr>
<tr>
<td>Jasminum fluminense</td>
<td>Brazilian jasmine</td>
</tr>
<tr>
<td>Lantana camara</td>
<td>lantana, shrub verbena</td>
</tr>
<tr>
<td>Ligustrum lucidum</td>
<td>glossy privet</td>
</tr>
<tr>
<td>Ligustrum sinense</td>
<td>Chinese privet, hedge privet</td>
</tr>
<tr>
<td>Lonicera japonica</td>
<td>Japanese honeysuckle</td>
</tr>
<tr>
<td>Lygodium japonicum</td>
<td>Japanese climbing fern</td>
</tr>
<tr>
<td>Lygodium microphyllum</td>
<td>Old World climbing fern</td>
</tr>
<tr>
<td>Macfadyena unguis-cati</td>
<td>cat's claw vine</td>
</tr>
<tr>
<td>Manilkara zapota</td>
<td>sapodilla</td>
</tr>
<tr>
<td>Melaleuca quinquenervia</td>
<td>melaleuca, paper bark</td>
</tr>
<tr>
<td>Mimosa pigra</td>
<td>catclaw mimosa</td>
</tr>
<tr>
<td>Nandina domestica</td>
<td>nandina, heavenly bamboo</td>
</tr>
<tr>
<td>Nephrolepis cordifolia</td>
<td>sword fern</td>
</tr>
<tr>
<td>Nephrolepis multiflora</td>
<td>Asian sword fern</td>
</tr>
<tr>
<td>Neyraudia reynaudiana</td>
<td>Burma reed, cane grass</td>
</tr>
<tr>
<td>Paederia cruddasiana</td>
<td>sewer vine, onion vine</td>
</tr>
<tr>
<td>Paederia foetida</td>
<td>skunk vine</td>
</tr>
<tr>
<td>Panicum repens</td>
<td>torpedo grass</td>
</tr>
<tr>
<td>Pennisetum purpureum</td>
<td>Napier grass</td>
</tr>
<tr>
<td>Pistia stratiotes</td>
<td>waterletuette</td>
</tr>
<tr>
<td>Psidium cattleianum (=P. littorale)</td>
<td>strawberry guava</td>
</tr>
<tr>
<td>Psidium guajava</td>
<td>guava</td>
</tr>
<tr>
<td>Pueraria montana var. lobata (=P. lobata)</td>
<td>kudzu</td>
</tr>
<tr>
<td>Rhodomyrtus tomentosa</td>
<td>downy rose-myrtle</td>
</tr>
<tr>
<td>Rhoeo spathacea (see Tradescantia spathacea)</td>
<td>Natal grass</td>
</tr>
<tr>
<td>Rhynchelytrum repens</td>
<td>Natal grass</td>
</tr>
<tr>
<td>Ruellia tweediana (= R. brittoniana)</td>
<td>Mexican petunia</td>
</tr>
<tr>
<td>Sapium sebiferum (= Triadeca sebifera)</td>
<td>popcorn tree, Chinese tallow</td>
</tr>
<tr>
<td>Scaevola taccada (=Scaevola sericea, S. frutescens)</td>
<td>tree</td>
</tr>
<tr>
<td>Schefflera actinophylla (=Brassaia actinophylla)</td>
<td>tree</td>
</tr>
<tr>
<td>Schinus terebinthifolius</td>
<td></td>
</tr>
<tr>
<td>Senna pendula var. glabrata (=Cassia coluteoides)</td>
<td>climbing cassia, Christmas cassia, Christmas senna</td>
</tr>
<tr>
<td>Solanum tampicense (=S. houstonii)</td>
<td>wetland night shade, aquatic soda apple</td>
</tr>
<tr>
<td>Solanum viarum</td>
<td>tropical soda apple</td>
</tr>
<tr>
<td>Syngonium podophyllum</td>
<td></td>
</tr>
<tr>
<td>Syzygium cumini</td>
<td>jambolan, Java plum</td>
</tr>
<tr>
<td>Tectaria incisa</td>
<td>incised halberd fern</td>
</tr>
<tr>
<td>Theespesia populnea</td>
<td>seaside mahoe</td>
</tr>
<tr>
<td>Tradescantia fluminimensis</td>
<td>white-flowered wandering jew</td>
</tr>
<tr>
<td>Tradescantia spathacea (= Rhoeo spathacea, Rhoeo discolor)</td>
<td>oyster plant</td>
</tr>
<tr>
<td>Urochloa mutica (= Brachiaria mutica)</td>
<td>Pará grass</td>
</tr>
<tr>
<td>Adenanthera pavonina</td>
<td>red sandalwood</td>
</tr>
<tr>
<td>Agave sisalana</td>
<td>sisal hemp</td>
</tr>
<tr>
<td>Aleurites fordii (= Vernicia fordii)</td>
<td>tung oil tree</td>
</tr>
<tr>
<td>Alstonia macrophylla</td>
<td>devil-tree</td>
</tr>
<tr>
<td>Alternanthera philoxeroides</td>
<td>alligator weed</td>
</tr>
<tr>
<td>Antigonon leptopus</td>
<td>coral vine</td>
</tr>
<tr>
<td>Aristolochia littoralis</td>
<td>calico flower</td>
</tr>
<tr>
<td>Asystasia gangetica</td>
<td>Ganges primrose</td>
</tr>
<tr>
<td>Begonia cucullata</td>
<td>wax begonia</td>
</tr>
<tr>
<td>Blechum pyramidatum</td>
<td>green shrimp plant, Browne’s blechum</td>
</tr>
<tr>
<td>Broussonetia papyrifera</td>
<td>paper mulberry</td>
</tr>
<tr>
<td>Callisia fragrans</td>
<td>inch plant, spironema</td>
</tr>
<tr>
<td>Casuarina cunninghamiana</td>
<td>Australian pine</td>
</tr>
<tr>
<td>Cecropia palmata</td>
<td>trumpet tree</td>
</tr>
<tr>
<td>Cestrum diurnum</td>
<td>day jessamine</td>
</tr>
<tr>
<td>Chamaedorea seifrizii</td>
<td>bamboo palm</td>
</tr>
<tr>
<td>Clematis terniflora</td>
<td>Japanese clematis</td>
</tr>
<tr>
<td>Cryptostegia madagascariensis</td>
<td>rubber vine</td>
</tr>
<tr>
<td>Cyperus involucratus (C. alternifolius misapplied)</td>
<td>umbrella plant</td>
</tr>
<tr>
<td>Cyperus prolifer</td>
<td>dwarf papyrus</td>
</tr>
<tr>
<td>Dalbergia sissoo</td>
<td>Indian rosewood, sissoo</td>
</tr>
<tr>
<td>Elaeagnus pungens</td>
<td>thorny eleagnus</td>
</tr>
<tr>
<td>Epipremnum pinnatum cv. Aureum</td>
<td>pothos</td>
</tr>
<tr>
<td>Ficus altissima</td>
<td>false banyan, council tree</td>
</tr>
<tr>
<td>Flacourtia indica</td>
<td>governor's plum</td>
</tr>
<tr>
<td>Hemarthria altissima</td>
<td>limpo grass</td>
</tr>
<tr>
<td>Hibiscus tiliaceus</td>
<td>mahoe, sea hibiscus</td>
</tr>
<tr>
<td>Scientific Name</td>
<td>Common Name</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Ipomoea fistulosa (= I. carnea ssp. fistulosa)</td>
<td>shrub morning-glory</td>
</tr>
<tr>
<td>Jasminum sambac</td>
<td>Arabian jasmine</td>
</tr>
<tr>
<td>Kalanchoe pinnata</td>
<td>life plant</td>
</tr>
<tr>
<td>Koelreuteria elegans ssp. formosana (= K. formosana; K. paniculata misapplied)</td>
<td>flamegold tree</td>
</tr>
<tr>
<td>Leucaena leucocephala</td>
<td>lead tree</td>
</tr>
<tr>
<td>Limnophila sessiliflora</td>
<td>Asian marshweed</td>
</tr>
<tr>
<td>Livistona chinensis</td>
<td>Chinese fan palm</td>
</tr>
<tr>
<td>Mella azedarach</td>
<td>Chinaberry</td>
</tr>
<tr>
<td>Merremia tuberosa</td>
<td>wood-rose</td>
</tr>
<tr>
<td>Murraya paniculata</td>
<td>orange-jessamine</td>
</tr>
<tr>
<td>Myriophyllum spicatum</td>
<td>Eurasian water-milfoil</td>
</tr>
<tr>
<td>Nympkholes cristata</td>
<td>snowflake</td>
</tr>
<tr>
<td>Panicum maximum</td>
<td>Guinea grass</td>
</tr>
<tr>
<td>Passiflora biflora</td>
<td>two-flowered passion vine</td>
</tr>
<tr>
<td>Pennisetum setaceum</td>
<td>green fountain grass</td>
</tr>
<tr>
<td>Phoenix reclinata</td>
<td>Senegal date palm</td>
</tr>
<tr>
<td>Pittosporum pentandrum</td>
<td>Philippine pittosporum, Taiwanese cheesewood</td>
</tr>
<tr>
<td>Phyllostachys aurea</td>
<td>golden bamboo</td>
</tr>
<tr>
<td>Pteris vittata</td>
<td>Chinese brake fern</td>
</tr>
<tr>
<td>Ptychosperma elegans</td>
<td>solitary palm</td>
</tr>
<tr>
<td>Ricinus communis</td>
<td>castor bean</td>
</tr>
<tr>
<td>Sansevieria hyacinthoides</td>
<td>bowstring hemp</td>
</tr>
<tr>
<td>Scleria lacustris</td>
<td>Wright’s nutrush</td>
</tr>
<tr>
<td>Sesbania punicea</td>
<td>purple sesban, rattlebox</td>
</tr>
<tr>
<td>Solanum diphylleum</td>
<td>Two-leaf nightshade</td>
</tr>
<tr>
<td>Solanum jamaicense</td>
<td>Jamaica nightshade</td>
</tr>
<tr>
<td>Solanum torvum</td>
<td>susumber, turkey berry</td>
</tr>
<tr>
<td>Sphagneticola trilobata (= Wedelia trilobata)</td>
<td>wedelia</td>
</tr>
<tr>
<td>Stachytarpheta urticifolia (= S. cayennensis)</td>
<td>nettle-leaf porterweed</td>
</tr>
<tr>
<td>Syagrus romanzoffiana (= Arecastrum romanoffianum)</td>
<td>queen palm</td>
</tr>
<tr>
<td>Syzygium jambos</td>
<td>rose-apple</td>
</tr>
<tr>
<td>Terminalia catappa</td>
<td>tropical almond</td>
</tr>
<tr>
<td>Terminalia muelleri</td>
<td>Australian almond</td>
</tr>
<tr>
<td>Tribulus cistoides</td>
<td>puncture vine, burr-nut</td>
</tr>
<tr>
<td>Urena lobata</td>
<td>Caesar's weed</td>
</tr>
<tr>
<td>Vitex trifolia</td>
<td>simple-leaf chaste tree</td>
</tr>
<tr>
<td>Washingtonia robusta</td>
<td>Washington fan palm</td>
</tr>
<tr>
<td>Wedelia (see Sphagneticola above)</td>
<td></td>
</tr>
<tr>
<td>Wisteria sinensis</td>
<td>Chinese wisteria</td>
</tr>
<tr>
<td>Xanthosoma sagittifolium</td>
<td>malanga, elephant ear</td>
</tr>
</tbody>
</table>

Sec. 21-7. Minimum tree and shrub planting or preservation requirements.*
Unless otherwise provided in this chapter, a minimum number of trees and shrubs shall be planted or preserved upon each site, as follows:

**Note:** Trees planted to meet the following requirements must meet the standards contained in sec. 45-11(A).

A. Single-family or duplex residential unit lots (Districts RSF-1, RSF-2, RSF-3, RSF-4, PCD and RTF):

1. Minimum tree planting requirements. Trees shall meet or exceed the 35% canopy coverage requirements in Chapter 45. All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also Chapter 45-19). [Amended 4-8-2002 by Ord. No. 2002-17]

2. Minimum shrub planting requirements. Three shrubs shall be planted or preserved for every 2,500 square feet of area of a residential lot, excluding only areas of vegetation required to be preserved by law.

B. Multiple-family residence developments (Districts RMF and PCD):

1. Minimum tree planting requirements. 100% coverage of non-impervious areas, excluding areas of vegetation required to be preserved by law, and off-street parking areas. All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also Chapter 45-19). [Amended 4-8-2002 by Ord. No. 2002-17]

2. Minimum shrub planting requirements. Ten shrubs shall be planted or
preserved for every acre of a multiple-family lot or fraction thereof, excluding only areas of vegetation required to be preserved by law.

C. **Mobile Modular** home residence lots (Districts RMH and PCD).

(1) Minimum tree planting requirements. Two trees of at least minimum size shall be planted or preserved on every mobile home lot, regardless of lot size. Trees shall meet or exceed the 35% canopy coverage requirements in Chapter 45. All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also Chapter 45-19). [Amended 4-8-2002 by Ord. No. 2002-17] [Amended 4-8-2002 by Ord. No. 2002-17]

(2) Minimum shrub planting requirements. Three shrubs shall be planted or preserved for every 2,000 square feet of area of a mobile home lot.

D. Agricultural district lots (District AG).

(1) Minimum tree planting requirements. Ten trees shall be planted or preserved for every acre.

E. Government use districts (Districts GU and PCD).

(1) Minimum tree and shrub planting requirements. Each government use site or lot shall contain a minimum of five trees per acre and 10 shrubs per 2,000 square feet of that portion of the site or lot which is not utilized for structures or active play areas. Trees shall meet or exceed the 35% canopy coverage requirements in Chapter 45. All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also Chapter 45-19). [Amended 4-8-2002 by Ord. No. 2002-17]
F. Commercial, industrial and office districts (Districts CG, ILW, OPI and PCD). Minimum tree planting for commercial, industrial and office sites. At maturity, tree canopy shall be 100% of areas not required for building footprint, or open stormwater systems or otherwise impervious surfaces. All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also Chapter 45-19). [Amended 4-8-2002 by Ord. No. 2002-17]

Sec. 21-8. Off-street parking facilities and other vehicular use areas.

A. General.

(1) It is the intent of the City that parking facilities and other vehicular use areas be both functional and aesthetically pleasing. All areas used for a display or parking of any and all types of vehicles, boats or construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use, shall conform to the minimum landscaping requirements provided herein, except areas used for parking or other vehicular uses under, on or within buildings and parking areas serving single-family dwellings.

(2) Uses governed by this section are of four general types:

(a) Off-street public parking.

(b) Other vehicular use areas (such as access roads in planned developments or stacking areas in gasoline service stations, fast
food outlets, or banks, or similar uses) which are used by the public, but not for off-street parking.

(c) Vehicular use areas used for outdoor retail display and sale of motor vehicles as noted above.

(d) Specialized vehicular use areas used for storage of motor vehicles or for various transportation, warehousing or trucking operations which are not open to the general public.

B. Landscaping the interior of off-street parking areas. Landscaped areas shall be provided for the interior of vehicular use areas so as to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation.

(1) Minimum interior landscape requirements. A minimum of 10 square feet of landscaping for each parking space shall be provided within the interior of an off-street parking area. The parking area shall be designed with a solid landscape strip at least five (5) feet in width where all parking spaces shall abut. Wheel stops shall be used on all parking spaces, except where parallel parking is allowed. The landscape strip shall include at least one canopy tree every 35 feet with ground cover to stabilize the soil. Each landscaped area shall be no less than 50 square feet in size and shall include at least one canopy tree and ground cover.

(2) No interior landscaping required if all spaces abut perimeter landscaping. If the parking area is constructed so that all parking spaces abut perimeter landscaping as required under § 21-9 below (Landscaping the
perimeter of abutting land uses), no interior landscaping shall be required.

(3) Interspersing of landscaped areas with parking spaces. Interior landscaped areas shall be distributed so as to limit unbroken rows of parking spaces to a maximum of 15 parking spaces per row.

C. Use of curbs and wheel stops. All landscaped buffer areas and sidewalks adjacent to off-street parking areas shall be protected from encroachment or intrusion of vehicles through the use of curbs and wheel stops. Wheel stops and curbs shall have a minimum height of six inches above finished grade of the parking area. Wheel stops shall be properly anchored and shall be continuously maintained in good condition. Where wheel stops are located two feet from the front of a parking space, that two feet need not be paved. However, the area between the wheel stop and the landscaped area shall receive appropriate landscape treatment, including planting of grass or ground cover. All parking spaces within a parking lot shall have wheel stops, except parallel parking spaces.

Sec. 21-9. Landscaping the perimeter of abutting land uses.

Landscape strips or buffers shall be created around the perimeter of abutting land uses as provided in this section:

A. Purpose of buffers. Perimeter buffers required by this section are intended to separate different land uses from each other and are intended to eliminate or minimize potential nuisances, such as dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor or danger from fires or explosions.
Plantings required in connection with perimeter buffers also assist in reducing air pollution hazards.

B. Applicability.

(1) Perimeter buffers are required between different abutting permitted uses as specified in Tables 1 and 2 below.

(2) Landscape berms are permitted as long as they meet the requirements of this chapter.

(3) Fences and walls may be used in conjunction with but not in lieu of the required landscaped buffer area unless otherwise required.

C. Location. Buffers shall be located generally parallel and within the outer perimeter of a lot or parcel and extending to the lot or parcel boundary line.

D. Determination of perimeter buffer requirements. The following procedure shall be followed to determine the type of buffer required:

(1) In Table 1 below, identify the general land use category of the proposed use. Identify the land use category of abutting existing use(s) by an on-site survey. Identify any public rights-of-way abutting the proposed use.

(2) Determine the buffer required on each building site boundary (or portion thereof) by referring to Table 2 below. The width of accessways which pierce the buffer shall be included in the calculation of lineal dimensions.
### TABLE 1

**Perimeter Buffers Required Adjacent to Abutting Existing Uses**

[amended 6-26-1995 by Ord. No. 95-5]

**Existing Uses**

<table>
<thead>
<tr>
<th>Proposed Development</th>
<th>Street Rights-of-Way and All Other Rights of-Way 50' or Greater in Width</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All Other Rights of-Way Less Than 50' (excludes street rights-of-way)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Existing Uses</th>
<th>AG</th>
<th>SF/TF</th>
<th>MF</th>
<th>COM</th>
<th>INDS</th>
<th>Width</th>
<th>Trees Required/</th>
<th>Shrubs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural</td>
<td>None</td>
<td>A</td>
<td>B</td>
<td>C</td>
<td>D</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Single-family</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two-family</td>
<td>A</td>
<td>None</td>
<td>B</td>
<td>C</td>
<td>D</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Multi-family</td>
<td>A</td>
<td>A</td>
<td>None</td>
<td>C</td>
<td>D</td>
<td>None</td>
<td>C</td>
<td>None</td>
</tr>
<tr>
<td>Commercial</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>None</td>
<td>B</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>B</td>
<td>None</td>
<td>D</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Parking Area</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>B</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
</tbody>
</table>

### TABLE 2

**Buffer Types for Proposed Developments**

<table>
<thead>
<tr>
<th>Buffer Type</th>
<th>Width (feet)</th>
<th>Trees Required/ Linear Feet</th>
<th>Shrubs Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>5</td>
<td>One/50</td>
<td>Yes</td>
</tr>
<tr>
<td>B</td>
<td>10</td>
<td>One/50</td>
<td>Yes</td>
</tr>
<tr>
<td>C</td>
<td>10</td>
<td>One/40</td>
<td>Yes</td>
</tr>
<tr>
<td>D</td>
<td>20</td>
<td>One/35</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**NOTES:**

1 See § 21-9F, Opacity of buffer, and § 21-9G, Height of planted buffers (hedges), below.
E. Perimeter buffering not to be credited against interior landscaping requirements. Perimeter landscape buffers which are required to be created by this section shall not be credited to satisfy any interior landscaping requirements, except as provided in § 21-8B(2).

F. Opacity of buffer.

(1) A planting area shall be so designed and planted as to be 50% or more opaque when viewed horizontally. Shrubs are required every three feet on center in order to meet this fifty-percent-opaque requirement.

(2) When a parking area in any commercial or industrially zoned district is intended to be used at night, such area shall be so designed and planted as to be 80% or more opaque when viewed horizontally. Shrubs are required every two feet on center in order to meet this eighty-percent-opaque requirement.

G. Height of planted buffers (hedges).

(1) The planting materials shall be at least three feet high when planted. When abutting a right-of-way, shrubs are required to be 40” above street grade.

(2) Berms utilized as planted buffers shall have a maximum average height of three feet with sodded side slopes of not less than four feet horizontally for each one foot vertically may be permitted if sufficient erosion control methods are taken and deemed to be maintainable.
H. Requirements for maintaining landscaped buffer areas.

(1) Responsibility. The responsibility for maintenance of a required buffer shall remain with the owner of the property, his successors, heirs, assigns or any consenting grantee. Maintenance is required in order to ensure the proper functioning of a buffer as a landscaped area which reduces or eliminates nuisances and/or conflict.

(2) Maintenance requirements. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, tilling, fertilizing and spraying, mowing, weeding, removal of litter and dead plant material and necessary pruning and trimming. In the case of a natural disaster, those plantings located within the landscaped buffer area which were destroyed must be replaced within the following periods of time: in the case of a freeze, within 90 days; in the case of a declared natural disaster (e.g., flood, hurricane, tornado, etc.) in which City ordinances are suspended, within one year following such natural disaster, these planting materials shall be replaced in accordance with the provisions contained within this chapter.

I. Additional landscape treatment. The remainder of the perimeter landscape strip shall be landscaped with grass, ground cover or other appropriate landscape treatment, such as mulch. Sand or pavement shall not be considered to be appropriate landscape treatment.

Sec. 21-10. Landscape design standards.

The following standards shall be considered the minimum requirements for the installation of all plant materials within the City of North Port:
A. Standards for landscape materials.

(1) Quality of plants. All plant materials shall be a minimum of Florida Number One as defined in Grades and Standards Revised, Part II, as published by the Florida Department of Agriculture and Consumer Services. Exceptions and substitutions from this regulation may be reviewed and approved by the Planning and Zoning Department in order to promote the use of slow growing or native plant materials.

(2) Tree planting standards, minimum size. Immediately upon planting, trees shall be a minimum of eight feet in height and shall have a minimum three (3) inch caliper measured at six (6) inches above ground level, and shall be Grade A. [Amended 4-8-2002 by Ord. No. 2002-17; Amended 11-24-2003 by Ord. No. 2002-56]

(3) Native species of trees. A minimum of 50% of all trees required to be planted by this chapter shall be native species.

(4) Tree species mix. When more than three trees are required to be planted to meet the requirements of this chapter, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. The minimum number of species to be planted are indicated in Table 3 below. Species shall be planted in proportion to the required mix. This species mix shall not apply to areas of vegetation to be preserved by law.
TABLE 3

<table>
<thead>
<tr>
<th>Required Number of Trees</th>
<th>Minimum Number of Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>1–3</td>
<td>1</td>
</tr>
<tr>
<td>4–8</td>
<td>2</td>
</tr>
<tr>
<td>9–30</td>
<td>3</td>
</tr>
<tr>
<td>31–60</td>
<td>4</td>
</tr>
<tr>
<td>61 and Over</td>
<td>5</td>
</tr>
</tbody>
</table>

(5) Shrub planting standards. Except for standards set forth in § 21-9F and G, when required to be planted by this chapter, shrubs or hedges shall be a minimum of 12 inches in height immediately upon planting and spaced 36 inches on center. Spacing of individual plants shall depend upon the type of hedge material used.

B. Planting of lawn areas.

(1) Grass areas shall be sodded, except for those lots over one acre in size, the sod area shall extend to the size of a standard lot (80 x 120) and the remaining area may be hydroseed or xeriscaped. Sod provided must be viable, reasonably free of weeds and capable of growth and development. In general, sod strips shall be aligned with tightly fitted, staggered joints and no overlap of butts or sides. Hydroseed shall be well established to provide ground stabilization. If hydroseed fails to stabilize the ground in the permitted areas, sod will then be required. Subgrade of lawn area after finished grading shall be reasonably free of stones, sticks, roots and other matter prior to the placement of sod. New lawns shall be watered immediately after planting and shall be maintained in a living condition.
(2) Mulch, including synthetic ground cover, such as decorative stone, may only be used around trees and landscaped areas and may not be used in lieu of sod for lawn areas.

C. All landscaping activities conducted within the Myakka River Protection Zone (MRPZ) shall be regulated by Chapter 57 and these regulations.

Sec. 21-11. Landscape credit system.

A. Existing trees may be credited toward minimum tree planting requirements, refer to Chapter 45, Tree Protection Regulations.

B. No credit shall be given for preserved trees which:

(1) Are not located within the immediate area of the property (buffer area, parking lot, etc.) for which trees are required by this chapter or any other chapter or ordinance.

(2) Are located in natural preservation areas indicated on an approved master land use, site development plan or plat.

(3) Are required to be preserved by law.

(4) Are not properly protected from damage during the construction process, as provided in Chapter 45 of this Unified Land Development Code.

(5) Are prohibited species as identified in § 21-6.

(6) Are dead, dying, diseased or infested with harmful insects.
(7) Are located in recreation tracts, golf courses or similar subareas within planned developments which are not intended to be developed for residential, commercial or industrial use.

Sec. 21-12. Street trees and landscaping in rights-of-way.

A. Permit required. For all new developments being processed as a major site and development plan, preliminary or final subdivision plan, or development concept plan the property owner shall install street trees along all adjacent streets and streets that are internal to the development tract. A permit(s) from the North Port Public Works Department will be required. Permit application forms shall be prepared and made available to applicants by the North Port Public Works Department.

B. Where a drive splits a parcel or lot to create access to more than one business, sidewalks and street trees shall be placed on both sides of the drive.

C. Installation standards and requirements.

1. Planting standards. Unless otherwise provided in the subsection, plant material to be utilized shall comply with § 21-10.

2. Location requirements. The proposed location of street trees shall be reviewed and approved by the Road and Drainage District Director City.

3. Alternate-side planting. Except where property on one side of the right-of-way is not owned by the developer, the trees shall be planted
alternately on either both sides of the street. Existing trees and Native shade tree species are preferred.

(4) Maintaining safe sight distance at intersections and points of access. Landscaping shall comply with § 21-13 below.

(5) Maintenance. The permittee, or his successor in interest, shall be responsible for the proper maintenance of all landscaping and shall keep the area free from any refuse or debris.

Sec. 21-13. Berms.

A. Berms may be used as landscape treatment with no height limitation throughout a site as follows:

(1) No portion of the berm shall be located within the easement or right-of-way.

(2) Berms shall not be permitted to be placed within the area between fire hydrants and roadways.

(3) The berm shall not block any drainage flow, and the stormwater runoff from the berm shall not cause adverse impact(s) to off-site or on-site properties.

(4) Berms utilized as planted buffers shall have a maximum average height of three feet with sodded side slopes of not less than four feet horizontally for each one foot vertically may be permitted if sufficient erosion control methods are taken and deemed to be maintainable.
(5) The slope berm shall maintain side slopes of not less than four feet horizontally for each one foot vertically. Sufficient erosion control methods shall be taken and deemed to be maintainable.

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

(b) All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, tilling, fertilizing and spraying, mowing, weeding, removal of litter and dead plant material and necessary pruning and trimming. In the case of a natural disaster, those plantings located on the berm area which are destroyed must be replaced within the following periods of time: in the case of a freeze, within 90 days; in the case of a declared natural disaster (e.g., flood, hurricane, tornado, etc.) in which City ordinances are suspended, within one year following such natural disaster, these planting materials shall be replaced in accordance with the provisions contained within this chapter.

(6) No building structure, except fencing, shall be constructed on the berm.

(7) Sod, ground cover or other plant material shall be used to completely cover and stabilize the berm on all sides.

(8) The berm shall be graded to a smooth level to create a natural ground landscape.
(9) Lighting may be used, but shall adhere to all lighting regulations in this code.

(10) The building of a berm shall require a building permit approval.

Sec. 21-13 14. Placement of landscaping.

To maintain roadside recovery and safe sight distance at intersections and points of access, landscaping shall be located in accordance with the provisions of the State of Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways (commonly known as the "DOT Green Book"), as amended.

Sec. 21-14 15. Irrigation systems.

A. Irrigation in declared water shortage periods. In accordance with Chapter 38, Water Conservation, of the Code of the City of North Port, irrigation of landscaped areas in the City of North Port shall be reduced to the extent specified by the Southwest Florida Water Management District during declared water shortage periods.

B. Required irrigation systems. All required landscaped areas shall be equipped with permanent irrigation systems. Where appropriate, it is strongly encouraged that drip irrigation be used. This provision shall not apply to existing plant or tree communities or to parcels for single-family and two-family dwellings.

Sec. 21-15 16. Landscape plan required.
A. Prior to the issuance of any permit for major or minor site development, a landscape plan shall be submitted to, reviewed by and approved by the City Manager or designee.

B. Nature of required plan.

1. Single-family or duplex residence. The landscape plan submitted for an individual single-family or duplex residence on its own lot may be in the form of a plot or drawing prepared by the owner or his agent. This information may be depicted on the site plan submitted as part of the application for a building permit. Such plot or site plan shall also be sufficient for single-family or duplex developments on sites of fewer than five acres.

2. All other development. The landscape plan for all other developments shall be prepared by and bear the seal of a landscape architect or otherwise be prepared by persons authorized to prepare landscape plans or site plans by Chapter 481, Part II (Landscape Architecture) of Florida Statutes. For developments of fewer than five acres, plans may be prepared by other legally qualified persons, such as architects, engineers, nurserymen, nursery stock dealers, nursery agents, etc.

C. Contents of landscape plans. Each landscape plan or alternative landscape betterment plan required or permitted to be submitted by this chapter shall:

1. Be drawn to scale, including dimensions and distances.
(2) Delineate the existing and proposed parking spaces, or other vehicular areas, access aisles, driveways and similar features.

(3) Indicate the location of sprinklers or water outlets.

(4) Designate by species name and location the plant material to be installed or preserved in accordance with the requirements of this chapter.

(5) Identify and describe the location and characteristics of all other landscape materials to be used.

(6) Show all landscape features, including lighting structures, areas of vegetation required to be preserved by law, in context with the location and outline of existing and proposed buildings and other improvements upon the site, if any.

(7) Include a tabulation clearly displaying the relevant statistical information necessary for the City Manager or designee to evaluate compliance with the provisions of this chapter. This includes gross acreage, area of preservation areas, number of trees to be planted or preserved, square footage of paved areas and such other information as the City Manager or designee may require.

(8) Contain such other information that may be required by the City Manager or designee that is reasonable and necessary to a determination that the landscape plan meets the requirements of this chapter.

D. Amended site development plans.
(1) Site plans amended by the City Commission. This chapter shall apply to a development approved prior to its effective date if its governing site development plan is amended by the City Commission.

(2) Modification of requirements after construction has begun. In those instances where amendments to site development plans are approved by the City Commission after construction has begun on a site, the City Manager or designee may modify the provisions of this chapter in individual cases in order to avoid undue hardship. However, a diligent effort will be made to assure that the site development standards of this chapter are met to the maximum extent possible.

Sec. 21-16. Variances. [Added 6-26-1995 by Ord. No. 95-5]

The City Commission may grant a variance from these landscaping regulations after consideration and recommendation by the Planning and Zoning Advisory Board and from the terms of this chapter when such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. Such variance shall not be granted if it has the effect of nullifying the intent and purpose of this chapter. Furthermore, such variance shall not be granted by the City Commission unless and until:

A. A written application for a variance is submitted to the Planning and Zoning Department responsible for land development services demonstrating:

(1) That special conditions and circumstances exist which are peculiar to the
land, structures or required subdivision improvements involved and which are not applicable to other lands, structures or required subdivision improvements;

(2) That a literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties with similar conditions;

(3) That the special conditions and circumstances do not result from the actions of the applicant; and

(4) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or required subdivision improvements under similar conditions. No pre-existing conditions on neighboring lands which are contrary to this chapter shall be considered grounds for the issuance of a variance.

B. The Planning and Zoning Advisory Board and City Commission shall make findings that the requirements of this section have been met.

C. Notice of public hearings shall be given at least 15 days in advance of the public hearings before the Planning and Zoning Advisory Board and City Commission. The owner of the property for which a variance is sought, or his agent or attorney designated by him on his petition, shall be notified by mail. Notice of the public hearing shall be advertised in a newspaper of general circulation in the City at least one time 15 days prior to the hearings before the Planning and Zoning Advisory Board and City Commission. The public hearings may be held prior to the presentation for approval of the preliminary
subdivision plan.

D. In addition to the notice provided for in Subsection C above, notice of the time and place of the public hearing before the City Commission shall be sent at least 15 days in advance of the hearing by mail to all owners of property within 300 feet of the property lines of the land for which a variance is sought (in properties greater than 1 acre, the 300 feet distance shall be 1,320 feet); provided, however, that where the land for which a variance is sought is part of, or adjacent to, land owned by the same person, the three-hundred-foot or one thousand three-hundred and twenty-foot distance shall be measured from the boundaries of the entire ownership, except that notice need not be mailed to any property owner located more than 1/2 mile (2,640 feet) from the land for which a variance is sought. If any dwelling unit within the required three-hundred-foot or one thousand three-hundred-twenty-foot notification radius is within a property owners' association, the property owners' association must be notified. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Sarasota County. Notwithstanding any other provision herein contained, failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect, provided that proper legal notice has been published.

E. After receipt of a report from the City Arborist summarizing the City staff findings, the Planning and Zoning Advisory Board and City Commission shall further make a finding that the reasons set forth in the application justify the granting of the variance that would make possible the reasonable use of the land, buildings or other improvements.

F. The Planning and Zoning Advisory Board and Commission shall further make a
finding that the granting of this variance would be in harmony with the general purpose and intent of this chapter, will not be injurious to the surrounding territory or otherwise be detrimental to the public welfare.

G. In granting any variance the Planning and Zoning Advisory Board and City Commission may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards when made apart of the terms under which the variance is granted shall be deemed a violation of this chapter.

H. Appeals. Any person aggrieved by the City Commission's decision regarding any variance or exception may file a petition for a writ of certiorari in the Circuit Court of Sarasota County within 30 days of such decision.

Sec. 21-18. Enforcement. [Amended 6-26-1995 by Ord. No. 95-5]

The provisions of Chapter 2, Article IX, Code Enforcement, of the Code of the City of North Port, and the procedures and penalties contained therein, are hereby adopted and incorporated into and made a part hereof by reference.

Sec. 21-19. Interpretations

Interpretations of this section shall be made by the City Arborist/City Planning Zoning and Engineering Director/City Manager’s designee.

Sec. 21-20. Conflicts.
Whenever the requirements of these regulations differ from those imposed by the City, Federal, or state regulation, law or statute, the most restrictive or imposing the higher standards shall govern.

Sec. 21-21. Appeals.

Any person aggrieved by the City Manager or designee’s interpretation may appeal to the Planning and Zoning Advisory Board. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders the landscaping inconsistent with the general design principles (21-3B). After review by the Planning and Zoning Advisory Board, all comments and advisory recommendation will be forwarded to the City Commission. The City Commission will hear the appeal at its regularly scheduled meeting and render a decision. The granting of any appeal shall not be in conflict with State Statutes. The City Commission’s decision, based upon the evidence submitted to the Planning and Zoning Advisory Board, may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(1) Applications for an appeal shall be filed pursuant to Sec. 1-10.

Sec. 21-22. Severability.

If any section, subsection, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Chapters 22--24 RESERVED
Chapter 25  PARKING AND LOADING REGULATIONS

[HISTORY: Adopted by the City Commission of the City of North Port 9-17-1990 by Ord. No. 90-28 (Section 4). Amendments noted where applicable.]

GENERAL REFERENCES

Abandoned vehicles -- See Ch. 215.

Vehicles and traffic -- See Ch. 217.

Article I.  General Provisions

Sec. 25-1.  Title.

Sec. 25-2.  Intent.

Sec. 25-3.  Relationship to Comprehensive Plan.

Sec. 25-4.  Applicability.

Sec. 25-5.  Off-street vehicular facilities.

Article II.  Off-Street Parking

Sec. 25-6.  Location.

Sec. 25-7.  Dimensional standards.

Sec. 25-8.  Plans required with building permit applications.

Sec. 25-9.  Combined off-street parking.

Sec. 25-10.  Handicap parking.

Sec. 25-11.  Nonconforming uses.

Sec. 25-12.  Uses not specifically mentioned.

Sec. 25-13.  Fractional measurements.

Sec. 25-14.  Mixed uses.

Sec. 25-15.  Measurements.
Sec. 25-14. Minimum requirement.

Sec. 25-15. Minimum off-street parking requirements.

Sec. 25-18. Golf course, country club, tennis club, yacht club or other recreational facilities.

Sec. 25-19. Parking and storage of certain vehicles.

Article III. Off-Street Loading

Sec. 25-16. Facilities required; accessibility.

Sec. 25-17. Plans required.

Sec. 25-18. Combined off-street loading provisions.

Sec. 25-19. Requirements.

Article IV. Emergency Vehicle Lane and Open Access Areas

Sec. 25-20. Emergency vehicle lane requirements for commercial and industrial developments.

Sec. 25-21. Open access area requirements for nonresidential buildings.

Sec. 25-22. Use of standards for existing developments.

Sec. 25-23. Open access areas substituting for emergency vehicle lanes.

Sec. 25-24. Signs required.

Sec. 25-25. Demarcation of emergency vehicle lanes.

Sec. 25-26. Demarcation of open access areas and Fire Department connections.

Sec. 25-27. Official nature of signs.

Sec. 25-30. Interpretations.

Sec. 25-31. Conflicts.

Sec. 25-32. Appeals.

Sec. 25-33. Severability.
ARTICLE I. GENERAL PROVISIONS

Sec. 25-1. Title.
This chapter shall be known and may be cited as the “Parking and Loading Regulations” of the City of North Port, Florida.”

Sec. 25-2. Intent.
The standards in this chapter are intended and shall be interpreted to assure that all developments provide for adequate and safe storage and movement of vehicles in a manner consistent with good engineering and site design principles. It is the intent of these regulations that all uses provide off-street parking on the premises for which it is intended to serve. Where a use has not been specifically listed in this chapter, the Planning and Zoning Department shall assign the parking requirements in accordance with the most similar use to the proposed development.

Sec. 25-3. Relationship to Comprehensive Plan.
The parking regulations in this chapter implements Objective 2.17 of the Future Land Use element of the Comprehensive Plan, which states: All commercial and medium/high density residential developments shall include adequate off-street parking, loading facilities and pedestrian circulation.

Sec. 25-4. Applicability.
A. New developments. All residential and nonresidential uses shall be required to provide off-street parking spaces in accordance with the regulations specified within this chapter.

B. Existing developments.

(1) Existing buildings and uses which have existing off-street parking spaces may be modernized, altered or repaired without providing additional parking spaces, provided that there is no increase in total floor area or capacity and no change in use. Buildings which have been damaged in excess of 50% of the replacement value of the structure, as reflected in the valuation shown in the records of the Property Appraiser for the preceding fiscal year before the damage occurred, shall be required to comply with all applicable regulations.

(2) Existing buildings or uses which are enlarged in terms of floor area or seating capacity, or have a change in use shall provide additional parking spaces in accordance with this chapter for the additional floor area, seating capacity or change in use. All other requirements of the Unified Land Development Code shall apply.

(3) Existing buildings that are intentionally demolished and a new structure is erected on the same parcel, shall be required to conform to all requirements of this Unified Land Development Code.

C. Mixed uses. In the case of mixed uses, the total requirements for off-street parking shall be the sum as proportional to the whole of the requirements of the various uses computed separately. The provision of off-street parking spaces for one use shall not be considered as providing the
required off-street parking for another use.

D. The required number of off-street parking spaces may be reduced by not more than 10% where necessary to preserve existing trees, or to add landscaping required by Code to an existing parking area, as defined in Chapter 45, Tree Protection Regulations, and Chapter 21, Landscape Regulations, of the Unified Land Development Code. or to add landscaping to an existing parking area.

Sec. 25-45. Off-street vehicular facilities.

A. Off-street parking facilities and other vehicular facilities, both required and provided, shall:

1. Be identified as to purpose and location when not clearly evident.

2. Be surfaced with asphalt, bituminous concrete, or some other suitable impervious surface material, or City approved pervious pavement and be maintained in a smooth, well-graded condition; provided, however, that all driveways serving single-family residential structures only on one or more assembled contiguous lots totaling not less than 40,000 square feet or a tract or portion of a tract totaling not less than 40,000 square feet and providing that the closest point of the principal structure shall not be less than 100 feet from the property line on which the driveway is situated may be constructed with a pervious or approved pervious pavement or impervious material. [Amended 9-27-1999 by Ord. No. 99-25]

   (a) This distance shall be measured using a straight line and at right angle from the principal structure. The driveway may be constructed with
either pervious material or pavement, excluding grass, or impervious materials, provided that such driveway is constructed in such a manner so as to prevent degradation to the environment or to adjacent City-maintained drainage systems. provided, further, that Up to fifty percent (25%) (50%) of all driveways, of access aisles and parking spaces (excluding handicapped parking spaces) for houses of worship, public and private schools offering academic courses, community centers, and public parking lots not intended to serve a particular business or entity and up to 25% of reserved parking for all other uses, may be surfaced with stabilized grass or lawn; provided, however, if parking demand is such that said grass or lawn is caused to be damaged or destroyed to the extent that said grass or lawn ceases to grow and/or erodes into the City drainage system, then paving of such an area or other remedial action may be required to eliminate the erosion and/or runoff into the City drainage system.

(b) All driveway aprons in the City-owned right-of-way shall be constructed of an impervious material, such as concrete, asphalt or brick pavers.

(c) The use of shell and gravel may be allowed after review of aesthetics, feasibility, health, safety and welfare, by the City manager or designee on a case-by-case basis.

(3) Be drained so as not to cause any nuisances on adjoining or nearby properties.

(4) If artificially lighted, be so designated Be designed with lighting and arranged so that the levels in the table below are maintained and no source
of such lighting is visible from any adjoining or nearby property used or
zoned for residential purposes, and so designed and arranged as to shield
public roadways and all other adjacent properties from direct glare or
hazardous interference of any kind.

### MINIMUM FOOTCANDLES

#### CPTED CONCEPT

<table>
<thead>
<tr>
<th>Horizontal *Footcandles</th>
<th>Min.</th>
<th>Max.</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parking Facilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open Parking</td>
<td>3</td>
<td>10</td>
<td>4:1</td>
</tr>
<tr>
<td>Covered Parking</td>
<td>6</td>
<td>15</td>
<td>4:1</td>
</tr>
<tr>
<td>Parking lots</td>
<td>0.9</td>
<td>10</td>
<td>4:1</td>
</tr>
</tbody>
</table>

* Footcandles are minimum and not average.

(5) Be arranged for convenient access and safety of pedestrians and vehicles.

(6) Be so arranged that no vehicle shall be required to back from such
facilities directly onto public streets.

(7) Be required to have wheel stops on all parking spaces except parallel
spaces.

B. If such areas are in excess of 1,500 square feet or five off-street
parking spaces, individual spaces shall be marked.
The required off-street parking facilities shall be located on the same lot or parcel of land that they are intended to serve, except where parking facilities are built to serve the general public and do not cater to any single or group of primary businesses or entities.

Sec. 25-5. Dimensional standards.

A. Each parking space shall have a wheel stop and be a minimum of nine feet wide by 18 feet in length. Minimum aisle width shall be as follows:

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>One-Way</th>
<th>Aisle Width (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Two-Way</td>
</tr>
<tr>
<td>Parallel</td>
<td>12</td>
<td>22 24</td>
</tr>
<tr>
<td>30°</td>
<td>12</td>
<td>22 24</td>
</tr>
<tr>
<td>45°</td>
<td>12</td>
<td>22 24</td>
</tr>
<tr>
<td>60°</td>
<td>18</td>
<td>24</td>
</tr>
<tr>
<td>90°</td>
<td>22</td>
<td>24</td>
</tr>
</tbody>
</table>

B. For purposes of rough computation an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only where actual spaces meeting the requirements above are provided and maintained, improved in the manner required by these regulations and in accordance with all ordinances and regulations of the City.

Sec. 25-6. Plans required with building permit applications.

A plan signed and sealed by a registered engineer in the State of Florida shall
be submitted with every application for a building permit for any building or use that is required to provide off-street parking. The plan shall accurately designate the required parking spaces, access aisles and driveways, and the relation of the off-street parking facilities to the uses or structures that such facilities are designed to serve. The proposed landscaping required to comply with the requirements of Chapter 21 of the Unified Land Development Code shall also be depicted on the plan, as well as tree protection requirements where applicable.

Sec. 25-7. Combined off-street parking.

Two or more owners or operators of a building or use requiring off-street parking facilities may make collective provision for such facilities, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements computed separately, except in accordance with this section. Any arrangement for combined off-street parking shall be subject to the filing of a legal instrument satisfactory to the City Attorney ensuring that such off-street parking will be maintained in the future so long as the use or uses requiring such off-street parking continue.

Sec. 25-8. Handicap parking.

Parking spaces for the handicapped shall be provided in accordance with the provisions set forth in F.S. §§ 316.1955 and 316.1956 and Chapter 553, Part V. In addition, the following regulations shall apply:

A. Each handicapped parking space shall be a minimum of 12 feet by 18 feet.

B. A "Parking for Handicapped" sign shall be provided for each space.
C. Except for single-family residential and duplex uses, the following number of parking spaces shall be reserved for the handicapped. In multifamily developments, handicapped parking spaces and access ramps shall be located where needed.

<table>
<thead>
<tr>
<th>Total Spaces</th>
<th>Required Number to be Reserved for Handicapped</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1,000</td>
<td>2% of total</td>
</tr>
<tr>
<td>Over 1,000</td>
<td>20, plus 1 for each 100 over 1,000</td>
</tr>
</tbody>
</table>

Sec. 25-9. Nonconforming uses.

Where an extension of a use is to be made in a building occupied by a nonconforming use, no such extension shall be permitted unless and until the off-street parking requirements for a new use of the type involved are applied to the existing use and full provision for off-street parking facilities is made. No extension of a use is to be made in a building occupied by a nonconforming use. The nonconforming use shall be brought into compliance with
these regulations prior to any permit being issued for any alterations or
construction being permitted.

Sec. 25-12. Uses not specifically mentioned.

Requirements for off-street parking for uses not specifically mentioned in §
25-17 shall be the same as provided in § 25-17 for the use most similar to
the one sought. It is the intent of these regulations to require all uses
to provide off-street parking, unless specific provision is made to the
contrary.

Sec. 25-13. Fractional measurements.

When units or measurements determining the number of required off-street parking
spaces result in the requirement of a fractional space, then any fraction equal
to or greater than .5 space shall require a full off-street parking space.

Sec. 25-14. Mixed uses.

In the case of mixed uses, the total requirements for off-street parking shall
be the sum of the requirements of the various uses computed separately, and the
off-street parking space for one use shall not be considered as providing the
required off-street parking for any other use. Where an office or similar
facility is located within a building which is devoted to a different primary
use (i.e., office inside a store, restaurant, factory, or warehouse) separate
parking requirements for the office or similar facility shall be imposed.

Sec. 25-15. Measurements.
Floor area shall mean the floor area inside the exterior or load-bearing walls, where floor area is indicated in § 25-15 17 as a basis for determining the amount of off-street parking required.

A. In hospitals, bassinets shall not count as beds.

B. In stadiums, sports arenas, churches and other places of public assembly in which occupants utilize benches, pews or other similar seating arrangements, each 24 lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.

Sec. 25-14 16. Minimum requirement.

Regardless of any other requirement of these regulations, each and every separate individual store, office or other business shall be provided with at least one off-street parking space, unless specific provision to the contrary is made herein.

Sec. 25-15 17. Minimum off-street parking requirements.

The following minimum off-street parking requirements are applicable to all zoning districts:

<table>
<thead>
<tr>
<th>Use</th>
<th>Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult congregate living facility</td>
<td>1 for each 4 beds</td>
</tr>
<tr>
<td>Art gallery or museum</td>
<td>1 for each 250 square feet of floor area</td>
</tr>
</tbody>
</table>
Auditorium or arena 1 for each 250 square feet of auditorium or arena floor area, 1 for each 3 fixed seats and 1 for every 3 employees

Automotive service/gas station 1 per 350 square feet or auto body shop of floor area and 3 car stacking for each service pump.

Automotive, boat, mobile home or recreational vehicle sales 1 for every 400 square feet of floor area

Banks and financial institutions 1 for each 250 square feet of floor area

Boat liveries 1 for each 6 boats kept in dry storage, plus 2 for each 3 wet slips

Bowling alley 5 for each lane

Car wash 2 per washing stall

Child-care center or kindergarten 2 for each employee, plus adequate and safe provisions for loading and unloading children from off the street and street right-of-way

Cluster housing 2 per dwelling unit

Commercial (retail) or service establishments (unless otherwise listed) 1 for each 200 square feet of floor area

Community center 1 for each 250 square feet of floor area

Dance, art, music and photographic Studios 1 for each 250 square feet of floor area

Drive-up facilities.

Any commercial establishment providing drive-up service windows
stalls, or service lanes shall provide stacking lanes as follows, in addition to the requirements set forth for establishments without said drive-up facilities. These stacking lanes shall not utilize any portion of the roadway:

- Banks and financial establishments: Stacking lanes to accommodate 8 cars for the first window, plus 5 cars for each additional window.
- Restaurants: Stacking lanes to accommodate 10 cars per service lane.
- Photo drop-off, laundry drop-off, other drop-off facilities: Stacking lanes for 3 cars.
- All other: Stacking lanes to accommodate 5 cars per service lane.

Private and public elementary and middle high schools: 2 for each classroom or office room, plus 1 for each 3 seats whether temporary or permanent, in any auditorium or gymnasium or cafeteria intended to be used as an auditorium.

Flea market: 1 for each 150 square feet of floor area.

Funeral home: 1 for each 250 square feet of floor area.

Furniture store (freestanding retail
furniture stores only) 1 for each 350 square feet of floor area

Golf, yacht or tennis club 4 for each hole in golf course, plus 5 for each tennis court, plus 1 for each 300 square feet of floor area, plus 2 for each 3 wet boat slips

Guesthouse 1

Health clubs and indoor recreational facilities, including game arcades and billiard halls 1 for each 150 square feet of floor area

Hospitals 1 for each bed, plus 1 for every 3 employees on the largest shift

Houses of worship 1 for each 3 seats in auditorium or chapel area

Housing for the aged 1 for each dwelling unit or equivalent

Library or recreational facility 1 for each 250 square feet of floor area

Manufacturing 1 per employee on largest shift plus 5 for customers

Marinas or commercial piers 2 for each 3 boat slips or moorings (Accessory uses require added spaces.)

Motion picture theater (indoor) over 2,000 square feet in area 1 for each 3 seats

Medical and dentist office or Laboratories 1 per 250 square feet of floor area
Medical clinic 1 for each 250 square feet of floor area

Miscellaneous uses, such as express office, telephone exchange, etc. 1 for each 300 square feet of floor area

Mobile home parks and subdivisions 2 for each mobile home site, plus 1 for each 250 square feet of floor area

Nursing home 1 for each 4 beds

Outdoor recreational facility 1 for each 1000 square feet of recreational area

Private clubs and lodges 1 for each 250 square feet of floor area

Professional or business office 1 for each 250 square feet of floor area

Research laboratory and manufacturing uses 1 for each 500 square feet of floor area

Restaurants:

fast-food restaurants,
<table>
<thead>
<tr>
<th>Uses</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>night clubs or bars</td>
<td>1 per 150 square feet of floor area</td>
</tr>
<tr>
<td>pick up and delivery</td>
<td>1 per 250 square feet of floor area</td>
</tr>
<tr>
<td>Uses in this item with over 100 seats</td>
<td>1 for each 50 square feet in public rooms used for eating, drinking or waiting</td>
</tr>
<tr>
<td>Rooming or boarding house</td>
<td>1 for each bedroom</td>
</tr>
<tr>
<td>Public and private high school</td>
<td>As for elementary and middle high schools, except 5 for each classroom or office area and 2 for each 3 seats in any gymnasium with permanent or temporary bleachers or auditorium with permanent seating, plus 2 for each 3 seats in any stadium where parking otherwise required cannot be used for stadium events</td>
</tr>
<tr>
<td>Shopping centers</td>
<td>1 per 200 square feet of gross leasable floor area. Adequate off-street loading facilities, separate and distinct from off-street parking arrangements, shall be provided at the rear or side of shopping center buildings.</td>
</tr>
<tr>
<td>Single-family dwelling</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Tennis, handball and racquetball facilities</td>
<td>2 per court</td>
</tr>
<tr>
<td>Theater</td>
<td>1 for each 3 seats, plus 1 for every 3 employees</td>
</tr>
</tbody>
</table>
Townhouses 2 per dwelling unit, plus 1 for every 4 units
Two-family dwelling 4
Vocational, trade, technical, industrial or business school 1 for each 250 square feet of floor area
Wholesale, warehouse or storage uses 1 for each 1,500 square feet of floor area
Other uses not specified in these regulations To be determined by general rule or by findings in the particular case

Sec. 25-18. Golf course, country club, tennis club, yacht club or other recreational facilities.

Golf course, country club, tennis club, yacht club or other recreational facilities, including executive or par-three golf courses, but not including miniature golf courses or practice driving ranges not associated with a golf course shall not have any required parking located at least 100 feet and any building or structure located at least 300 feet from any residentially zoned property.

A. Automobiles, trucks, trailers, boats, recreational vehicles or vehicles of any type without current license plate(s) affixed to the vehicle(s) by law shall not be parked or stored on any residentially zoned property other than in...
completely enclosed buildings except as provided in § 25-19H of this section (Amended 1 14 2002 by Ord No 2001-15 Ord No 2004-21, Ord No 2007-12 and Ord No 2004-45)

B. No more than four automobiles/trucks and no more than one boat with trailer, one utility trailer, one recreational vehicle, one travel trailer, for a maximum of six vehicles total; however, no more than two such vehicles, other than automobile/trucks, may be parked on any lot of two or more lots combined and used for a single-family residence (excluding fully enclosed structures having four walls and a roof) within the City intended for single-family occupancy, provided that said lot or lots have the principal structure, either a single-family dwelling or a manufactured home located on such lot. No more than three vehicles per family unit shall be parked on a duplex lot. For multifamily developments, this section shall apply to each multifamily dwelling unit located in said multifamily development. A property owner may substitute a boat with trailer for either another utility trailer or another recreational vehicle. In addition, a property owner may substitute a utility trailer or a recreational vehicle for a second boat. No other substitutions may be made.

C. No more than four of the above-referenced vehicles may be parked in the front yard (including the driveway) and the adjacent City right-of-way. The front yard is that area that extends from the dwelling unit's wall that parallels the road and to the road right-of-way and typically contains the front door. Corner lots shall have one front yard as described above. The other two vehicles may be parked in the side and rear yards, provided that the vehicles shall be buffered so as to be at least 80% opaque from the adjacent residential lots and any right-of-way. The eighty-percent-opaque requirement only applies to the length of the parking area adjacent to a residential lot and/or any right-of-way. If the adjacent property owner(s) concurs in writing that no buffer is
needed, then the property owner shall submit such written consent to the Department. In such event, and for only corner lots, the eighty-percent-opaque requirement shall apply only to that portion of the parking area adjacent to the road. If the adjacent property changes ownership, then the applicant shall submit an additional letter of consent signed by the new owner in order to qualify for this exemption as described above.

(1) When three or more lots are combined (interior lot lines eliminated) then any sized truck can be parked on the property, provided that the buffering and neighbor approval in 25-19C above shall apply. In addition, no truck shall be parked in the rear, side setback areas and in the front yard. (Amended 10-28-2004 by Ord. 04-45)

D. All open trucks and trailers, which are empty of debris, may be parked within the front driveway or side yard. Parking on the front yard and road right-of-way shall be prohibited. Open trucks containing debris shall be parked in the rear or side yards, provided that the vehicles and accessory open trailers and equipment are buffered from view of the adjacent lots by buffer material that equals 80% opaque, or completely covered by a nontransparent tarp or similar material. Any structures constructed in the side yard shall meet all City, county, state and federal codes.

E. No vehicle shall be attached to a street tree or other landscaping within the City right-of-way.

F. Parallel parking, not to include the roadway, on the City right-of-way is permitted. Vehicles shall not be parked parallel to the right-of-way in a stacked fashion. Vehicles shall be parallel parked front to rear only, in the
direction of traffic. Automobiles, trucks, boats, utility trailers, recreational
vehicles or travel trailers shall not be parked without the permission of those
lawfully residing at the property for more than four (4) hours in the right-of-
way area adjacent to any residentially zoned property where the owner of the
vehicle and those lawfully residing at the property is not the same (Amended 05-
10-2004 by Ord. 04-21) If the parking or traversing on the City right-of-way
damages the City drainage swales, the lot owner shall be responsible for
repairing the damage. If the damage is not repaired within 14 days from written
notice, the City shall repair the damage and the property owner shall be billed
the cost of such repair, plus administrative cost. If the bill is not paid
within 30 days, the City shall record a lien on the property for the amount of
the cost of repair and administrative costs.

G. No vehicle shall be stored within the City right-of-way or on property
zoned residential (excluding the driveway, carport or garage) except as provided
in Subsection H below. It shall be conclusive evidence that a vehicle is being
stored where it can be demonstrated that the vehicle has not been moved within
30 days.

H. Recreational vehicles shall not be parked or stored on any residentially
zoned property except within a completely enclosed structure or in the required
side and required rear yard, provided the vehicle is not parked or stored within
the required rear yard setback, and provided that the buffering and neighbor
consent requirements in § 25-19C above are satisfied. The intent of the
following requirements is to insure that the vehicles do not become unsightly
and negatively impact the residential neighborhood. The RV may be parked
in the front yard and required front yard provided: [Amended 1-14-2002 by Ord.
No. 2001-15]
(1) Said vehicle is parked on an improved surface, which shall be kept in a proper state of repair and maintained free from hazardous conditions.

(2) Vehicle tires are not worn at or below the wear bar.

(2) No inoperative or unlicensed motor vehicle shall be parked, kept, or stored for more than 20 days on any residential premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited.

(4) No vehicle shall exhibit peeling, flaking, chipped or faded paint on the exterior that is visible from eye level.

(3) It shall be unlawful for any recreational vehicle to extend over or interfere with the use of any sidewalk or right-of-way intended for pedestrian or vehicular traffic.

(4) Recreational vehicles shall not be parked on the front yard and/or parallel to the front wall of the residential principal structure.

I. In the event that the owner or lessee of residentially zoned property has a house guest and said house guest arrives in a vehicle which otherwise would be prohibited from parking on said property pursuant to the provisions of this section, parking of said vehicle on the subject property is allowable for a period not to exceed 15 to 20 days in a calendar year.

J. No vehicle permitted to be parked on residentially zoned property shall be occupied as living quarters or otherwise inhabited overnight for a period not to exceed 14 to 20 consecutive days. [Amended 1-14-2002 by Ord. No. 2001-15].
K. Parking of semi-trucks or semi-trailers is prohibited on any roadway or right-of-way in any zoning district.

L. The limitations set forth in this section shall not apply to the parking or storage of vehicles on property zoned AG Agricultural District, provided that no vehicles on such property may be parked or stored within the setback of a required side yard, rear yard or waterfront yard.

ARTICLE III. OFF-STREET LOADING

Sec. 25-16-20. Facilities required; accessibility.

A. Off-street loading facilities are required by these regulations so that vehicles engaged in unloading will not encroach on or interfere with the public use of streets, sidewalks and alleys by automotive vehicles or pedestrians, and so that adequate space is available for the unloading and loading of goods, materials or things for delivery and shipping. Off-street loading facilities supplied to meet the needs of one use may not be considered as meeting the needs for another use. Off-street parking facilities may not be used or counted as meeting off-street loading requirements.

B. When the use of a structure or land or any part thereof is changed to a use requiring off-street loading facilities, the full amount of off-street loading space required shall be supplied and maintained. When any structure is enlarged or any use extended so that the size of the resulting occupancy requires off-street loading space, the full amount of such space shall be supplied and maintained for the structure or use in its enlarged or extended size.
C. Each off-street loading space shall be directly accessible for a street or alley without crossing or entering any other required off-street loading space. Such loading space shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.

Sec. 25-17 21. Plans required.

A plan shall be submitted with every application for a building permit for any use or structure required to provide off-street loading facilities. The plan shall accurately designate the required off-street loading spaces, access thereto, dimensions and clearance.

Sec. 25-18 22. Combined off-street loading provisions.

Collective, joint or combined provisions for off-street loading facilities for two or more buildings or uses may be made, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are designed, located and arranged to be usable thereby.

Sec. 25-19 23. Requirements.

Off-street loading spaces, 10 feet by 40 feet in size, shall be provided and maintained as follows:

A. Each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, mortuary, laundry,
dry-cleaning establishment or similar use which has an aggregate floor area of:

<table>
<thead>
<tr>
<th>Square Feet</th>
<th>Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 6,000 but not over 25,000</td>
<td>1</td>
</tr>
<tr>
<td>25,001 but not over 60,000</td>
<td>2</td>
</tr>
<tr>
<td>60,001 but not over 120,000</td>
<td>3</td>
</tr>
<tr>
<td>120,001 but not over 200,000</td>
<td>4</td>
</tr>
<tr>
<td>200,001 but not over 290,000(^1)</td>
<td>5</td>
</tr>
</tbody>
</table>

NOTES: \(^1\)Plus one additional off-street loading space for each additional 90,000 square feet over 290,001 square feet or major fraction thereof.

B. Each multiple-family building containing 100 or more dwelling units shall provide one off-street loading space (10 feet by 40 feet) per building.

C. Each auditorium, convention hall, exhibition hall, museum, hotel, motel, office building, sports arena, stadium, hospital, sanitarium, welfare institution or similar use which has an aggregate floor area of over 10,000 square feet, but not over more than 40,000 square feet, shall require one space, plus for each additional 60,000 square feet over 40,000 square feet of major fraction thereof one additional space shall be required.

D. For any use not specifically mentioned, the requirements for off-street loading facilities for a use which is so mentioned and to which the unmentioned use is similar shall apply.

ARTICLE IV. EMERGENCY VEHICLE LANE AND OPEN ACCESS AREAS

Sec. 25-20. Emergency vehicle lane requirements for commercial and industrial developments.
A. All commercial and industrial developments, except warehouses, on five acre
tracts or larger, shall provide a minimum twelve-foot-wide emergency vehicle
lane adjacent to the curb, with the inner edge of the roadway no closer than ten
feet (10’) and no farther than thirty feet (30’) from the building, and shall
extend a minimum of thirty feet (30’) on each side of the major public entrance
to a building, or unit of a building. Fire lanes shall have a surface designed
to accommodate fire apparatus with a minimum weight of 32 tons. Buildings
having ramps or other elevated roadways shall have posted weight limit signs.
along the longest wall containing a major public entrance to a building or unit
of a building. In the absence of a curb or sidewalk, such emergency vehicle lane
shall not be located further than ten feet from the longest wall or any wall
containing a major public entrance. The emergency vehicle lane shall extend the
entire length along any wall containing a major public entrance.

B. All existing commercial and industrial petitions, shall be reviewed by the
“Authority having Jurisdiction” to determine the feasibility and/or location of
an emergency vehicle lane.

Sec. 25-21. Open access area requirements for nonresidential buildings.

All nonresidential buildings that have Fire Department connections (FDC’s) shall
provide a twelve-foot by thirty-twenty-foot open access area adjacent to each
FDC with ten feet on either side. Such access area shall be accessible by
emergency equipment at all times and be centered 15 feet either side of the
connection point.

Sec. 25-22. Use of standards for existing developments.
All commercial and industrial developments, except warehouses, on a five-acre tract or larger for which a building permit is issued shall provide emergency equipment lanes as designated for existing developments. An open access area adjacent to all Fire Department connections may be substituted for the required emergency vehicle lane and be designed to the standards for existing developments.

Sec. 25-23. Open access areas substituting for emergency vehicle lanes.

For all existing and new developments that are required to meet requirements of these regulations, where open access areas are used in place of emergency vehicle lanes, an additional open access area shall be provided in front of any main public entrance to any building that is 10,000 square feet or larger in floor area.

Sec. 25-24 26. Signs required.

Fire lanes shall also be marked with freestanding signs with the wording “NO PARKING – FIRE LANE – BY ORDER OF THE FIRE DEPARTMENT”. Such signs shall be 12 inches by 18 inches (12” X 18”) with a white background and red letters and shall be a maximum of seven (7’) feet in height from the roadway to the bottom of the sign. The signs shall be within sight of the traffic flow, shall be readable from both directions and shall be a maximum of fifty feet (50’) apart. Emergency vehicle lanes shall be posted with signs adjacent to the building side of the lane spaced not more than 60 feet apart along the entire length of the lane. Signs shall be readable from both directions along the lane. The top sign shall be the standard twelve-inch by twelve-inch international “No Parking” sign, red and black on a white background. The bottom sign shall be a
rectangular sign, 12 inches in width by six inches in height with a red upper half background and a blue lower half background. The word "FIRE" shall be centered in white letters on the red background portion on the blue background portion of the sign. The lowest portion of the sign shall be a minimum of six feet six inches above the surface at its installation point.

Sec. 25-25.27. Demarcation of emergency vehicle lanes.

All fire lanes shall have a minimum width of 12 feet. All fire lanes shall be completely outlined with yellow traffic paint, by a stripe of eight inches minimum width: also diagonal striping a minimum of three (3") inches wide, at least five feet (5’) on center, to the curb line. The curb, or the line of the curb, shall be painted yellow for the entire length of the fire lane. Within the stripes shall be the words “FIRE LANE – NO PARKING” in block letters of no less than twelve inches in height with a minimum three inch stroke, directly in front of the entry/exit doors. All of the above referenced markings shall be 90 mil thermoplastic or of City approved material and shall be maintained by the property owner. Emergency vehicle lanes shall be bounded on the outside edge by a continuous white stripe not less than eight inches in width. If there is driveway or access aisle that is wider than 12 feet, then the outside edge of the driveway or access aisle is bounded by the eight-inch stripe.

Sec. 25-26.28. Demarcation of open access areas and Fire Department Connections (FDC).

FDC’s shall be installed at an eighteen (18") inch minimum and 48 inch maximum height from finished grade to the center of the opening, and shall be painted “fire engine red”. All FDC’s shall have a sign posted 12 to 18 inches above the
 appliance with the letters "FDC" in six (6") inch red letters on a white background. The minimum clearance around all fire department appliances (FDC’s and fire hydrants) shall be seven and a half feet (7½’) on each side, seven and a half feet (7½’) in front and four feet (4’) in the rear. Areas around FDC’s shall be considered fire lanes. This area shall have a minimum width of 20 feet (10 feet on each side of the FDC), and shall be completely outlined with yellow traffic paint, by a stripe of eight (8") inches minimum width; also diagonal striping a minimum of three (3”) inches wide stroke, at least three feet (3’) on center, to the curb line. The curb, or the line of the curb, shall be painted yellow for the entire length of the FDC fire lane. Within the stripes shall be the words “NO PARKING – FIRE” in block letters of no less than twelve inches in height with a minimum three inch stroke. All markings shall be 90 mil thermoplastic. Open access areas adjacent to an FDC or main entrance shall be bounded by an eight-inch yellow stripe with four-inch diagonal stripes one foot apart. Fire Department connections shall also be posted with a sign denoting same. Main entrances using an open access area shall be posted "no parking."

Sec. 25–27 29. Official nature of signs.

Signs posted to designate emergency vehicle lanes or open access areas shall be deemed official traffic control devices and deemed to be placed or erected by authority of a public body having jurisdiction for the purpose of regulating, warning or guiding traffic.

Sec. 25–30 Interpretations

Interpretations of this section shall be made by the Director responsible for land development services/or City Fire Chief relative Article IV, section 25-20, 25-23, 25-25, 25-26/City Manager’s designee.
Sec. 25-31. Conflicts.

Whenever the requirements of these regulations differ from those imposed by the City, Federal, or state regulation, law or statute, the most restrictive or imposing the higher standards shall govern.

Sec. 25-32. Appeals.

A. Any person aggrieved by the Director responsible for land development services/Fire Chief/City Manager designee’s interpretation may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders the property unbuildable, or unusable, or is contrary to public safety. The granting of any appeal shall not be in conflict with State Statutes. The Zoning Board of Appeals’ decision, may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(1) Applications for an appeal shall be filed pursuant to Sec. 1-10.

Sec. 25-33. Severability.

If any section, subsection, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Chapters 26–28 26 – 27 RESERVED
Chapter 28. PROPORTIONATE FAIR SHARE REGULATIONS.

[HISTORY: Adopted by the City Commission of the City of North Port 9-24-2007 by Ord. No. 07-38 Amendments noted where applicable.]

GENERAL REFERENCES

Sec. 28-1. Title.
Sec. 28-1-2. Purpose and intent
Sec. 28-2. Findings
Sec. 28-3. Applicability
Sec. 28-4. General requirements
Sec. 28-5. Application process
Sec. 28-6. Determining proportionate fair-share obligation
Sec. 28-7. Impact fee credit for proportionate fair-share mitigation
Sec. 28-8. Proportionate fair-share agreements
Sec. 28-9. Appropriation of fair-share revenues
Sec. 28-10. Interpretation
Sec. 28-11. Severability
Sec. 28-12. Conflicts
Sec. 28-13. Appeals
Sec. 28-14. Severability

Sec. 28-1. Title.

This chapter shall be known and may be cited as the “Proportionate Fair Share Regulations” of the City of North Port, Florida.”

Sec. 28-2. Purpose and Intent
The purpose of this Chapter is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with § 163.3180 (16), Florida Statutes. (Ord. No. 07-38, § 1(Exh.A), 9-24-07).

Sec. 28-2.3. Findings

The City of North Port City Commission finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors and that the City Proportionate Fair-Share Program:

A. Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative and creative efforts of the public and private sectors;

B. Allows developers to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair share of the cost of expanding or improving a transportation facility;

C. Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion; and

D. Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the City to expedite transportation improvements by supplementing funds currently allocated
for transportation improvements in the Capital Improvements Element. (Ord. No.
07-38, § 1, (Exh. A), 9-24-07).

Sec. 28-4. Applicability

The Proportionate Fair-Share Program shall apply to all developments in the City
that impact a road segment in the City Concurrency Management System and have
been notified of a failure to achieve transportation concurrency on a roadway
segment or segments. The Proportionate Fair-Share Program does not apply to
developments of regional impact (DRIs) using proportionate fair-share under F.S.
§ 163.3180(12), developments meeting the de minimis standards under F.S. §
163.3180(6), or to developments exempted from concurrency. (Ord. No. 07-38, § 1,
(Exh. A), 9-24-07).

Sec. 28-4. General Requirements.

An applicant may choose to satisfy the transportation concurrency requirements
of the City by making a proportionate fair-share contribution, pursuant to the
following requirements:

A. The proposed development is consistent with the Comprehensive Plan and
applicable land development regulations.

B. The City five-year Capital Improvement Program includes transportation
improvement(s) that, upon completion, will accommodate additional traffic
generated by the proposed development, as determined by the City Engineer
Manager or designee.
(1) The City Engineer Manager or designee may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by contributing to an improvement that, upon completion, will accommodate additional traffic generated by the proposed development, as projected by City staff using best available data and methodologies, but is not contained in the Capital Improvement Program where one of the following apply:

(a) The City adopts, by resolution or ordinance, a commitment to add the improvements to the five-year Capital Improvement Program no later than the next regular update to qualify for consideration under this Section, the proposed improvement must be reviewed by the City Engineer Manager or designee and must be determined to be financially feasible according to F.S. § 163.3164(32). “Financially feasible” means that additional developer contributions or other funding sources are anticipated, during a period not to exceed 10 years, to fully mitigate the specified impact(s) on the identified transportation facility or facilities.

(b) If, in the opinion of the City Engineer Manager or designee, the funds in the adopted City five-year Capital Improvement Program are insufficient to fully fund construction of a transportation improvement required by the Concurrency Management system, then a proportionate fair-share payment may be required for another improvement which will, in the opinion of the City Engineer Manager or designee, significantly benefit the impacted transportation system.

(i) The improvement or improvements funded by the proportionate fair-share component must be adopted into the five-year CIP of the
Comprehensive Plan at the next annual Capital Improvements Element update.

(2) If either of these above options is accepted, they must adhere to the following provisions:

(a) The City of North Port City Commission will hold a duly advertised public hearing to consider the proportionate fair-share agreement and corresponding future changes to the five (5) year Capital Improvement Element, and

(b) Any improvement project proposed to meet a developer’s fair-share obligation must meet the design standards of the City for locally maintained roadways, and those of the Florida Department of Transportation (FDOT) for the state highway system. (Ord. No. 07-38, § 1, (Exh. A), 9-24-07).

Sec. 28-5. Application Process.

A. City staff shall notify an applicant in writing of a failure to satisfy transportation concurrency requirements. Upon receipt of such notice, applicants may submit a proposed proportionate fair-share calculation, consistent with this chapter, to the City Engineer or designee for review.

B. Upon identification of a lack of capacity to satisfy transportation concurrency, an applicant may choose to satisfy transportation concurrency through the proportionate fair-share program, if allowed under state law and Section (D) of this chapter. (Section 28-4).
C. Prior to submitting an application for a proportionate fair-share agreement, the applicant shall attend a pre-application meeting with planning and traffic engineering staff to discuss eligibility, application submittal requirements, potential mitigation options, and related issues.

(1) If the impacted facility is on the Strategic Intermodal System (SIS), then the Florida Department of Transportation (FDOT) will be notified and invited to participate in the pre-application meeting.

D. Eligible applicants shall submit an application to the City that includes an application fee as established by resolution and amended from time to time, and the following:

(1) Name, address, and phone number of owner(s), developer and agent;

(2) Property location, including parcel identification numbers;

(3) Legal description and survey of property;

(4) Project description, including type, intensity, and amount of development;

(5) Phasing schedule, if applicable;

(6) Description of requested proportionate fair-share mitigation method;

(7) Copy of concurrency application;
(8) Copy of the project’s Traffic Impact Statement (TIS) or Traffic Impact Analysis (TIA); and

(9) Location map depicting the site and affected road network.

E. Within 20 business days, planning staff shall review the application and certify that the application is sufficient and complete.

(1) If an application is determined to be insufficient, incomplete, or inconsistent with the general requirements of the proportionate fair-share program, then the applicant shall be notified in writing of the reasons for such deficiencies within 15 business days of submittal of the application.

(2) If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application shall be deemed abandoned void.

(3) The City of North Port City Commission may, in its discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure remedy.

F. Pursuant to F.S. § 163.3180(16)(e), proposed proportionate fair-share mitigation for development impacts to facilities on the Strategic Intermodal System requires the concurrence of the Florida Department of Transportation (FDOT).

(1) If a Strategic Intermodal System (SIS) facility is proposed for proportionate fair-share mitigation, the applicant shall submit evidence of
an agreement by letter of coordination between the applicant and the Florida Department of Transportation (FDOT) for inclusion in the proportionate fair-share agreement.

G. When an application is deemed sufficient, complete, and eligible, a proposed proportionate fair-share obligation and binding agreement will be prepared by the City or the applicant with direction from the City and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a Strategic Intermodal System (SIS) facility, no later than 60 days from the date at which the application was determined to be sufficient, and no fewer than 14 days prior to the City of North Port City Commission meeting when the agreement will be considered.

H. The City Engineer Manager or designee shall determine whether a proportionate fair-share calculation is sufficient and eligible based on the requirements and formulas enumerated in this chapter. Upon a finding of sufficiency, a proportionate fair-share agreement will be prepared between the City and the applicant.

(1) The stipulations of the agreement shall include, but not be limited to:

(a) The amount of payment,

(b) Description of work and timing of payment.

(2) Proportionate fair-share agreements shall be approved and executed by the City of North Port City Commission.
I. The City shall notify the applicant regarding the date of the City of North
Port City Commission meeting at which the agreement will be considered for final
approval. No proportionate fair-share agreement will be effective until approved
by the City of North Port City Commission. (Ord. No. 07-38, § 1, (Exh. A), 9-24-
07).

Sec. 28-6 7. Determining Proportionate Fair-share Obligation.

A. Proportionate fair-share mitigation for concurrency impacts may include,
without limitation, separately or collectively, private funds, contributions of
land, and construction, and/or contribution of transportation improvements as
provided in F.S. § 163.3180(16)(c).

B. A development shall not be required to pay more than its proportionate fair-
share. The calculated value of the proportionate fair-share mitigation for the
impacted transportation facilities shall not differ regardless of the method of
mitigation as provided in F.S. § 163.3180(16)(c).

C. The methodology used to calculate an applicant’s proportionate fair-share
obligation shall be as provided for in F.S. § 163.3180(12) as follows:

The cumulative number of peak hour, peak direction trips from the complete
buildout of the proposed development, or buildout of the stage or phase being
approved, that are assigned to the proportionate fair-share program segment
divided by the change in the peak hour directional maximum service volume (MSV)
of the proportionate fair-share program segment resulting from construction of
the proportionate fair-share program improvement, multiplied by the anticipated
construction cost of the proportionate fair-share project in the year that
construction will occur.
This methodology is expressed by the following formula:

Proportionate Fair-Share = \[\sum \left[ \left( \frac{\text{Development Trips } i}{\text{SV Increase } i} \right) \times \text{Cost } i \right] \]

(Note: In the context of the formula, the term “cumulative” does not include a previously approved stage or phase of a development.)

Where:

- \( \sum \) = Sum of all deficient links proposed for proportionate fair-share mitigation for a project.
- Development Trips \( i \) = those trips from the stage or phase of development under review that are assigned to roadway segment “\( i \)” and have triggered a deficiency per the concurrency management system.
- SV Increase \( i \) = Service volume increase provided by the eligible improvement to roadway segment “\( i \)”.
- Cost \( i \) = Adjusted cost of the improvement to segment “\( i \)”. Cost shall consist of all improvements and associated costs, including design, right-of-way acquisition, planning, engineering, inspection, and physical development costs, directly associated with construction at the anticipated cost in the year that construction will occur.

D. Example:

(1) Developer A, on January 1, 2007, proposes a development which will add 150 peak hour trips to nearby road link.
Developer B, on January 30, 2007, proposes a development which will add another 275 peak hour trips to the same link.

The link is a non-state two-way arterial class 1 road - two-lane undivided. Capacity to keep operating at LOS C = 1,559 peak hour trips. Present existing trips (including vested trips by previous developers) = 1,475. Available capacity = 1,559 - 1,475 = 84 peak hour trips. Improvement project is in the 5-year CIP and financially feasible for a cost of $10,000,000 which will increase the link capacity to 3,389 peak hour trips.

Proportionate Fair-Share for Developer A

\[ \text{(PFS}_A\text{)} = \frac{(150-84)}{(3,389-1,559)} \times 10,000,000.00 = 360,000.00 \]

Proportionate Fair-Share for Developer B

\[ \text{(PFS}_B\text{)} = \frac{275}{3,389-1,559} \times 10,000,000.00 = 1,502,000.00 \]

*Note that Developer A gets a credit for the 84 trips of available capacity because they applied before Developer B.

E. For purposes of determining proportionate fair-share obligations, the City shall determine improvement costs based upon the actual and/or anticipated costs of the improvement in the year that the construction will occur. These costs will be determined by the City Engineer Manager or designee, Capital Improvements Program, or another method approved by the City Engineer Manager or designee.

F. If the City has accepted an improvement project proposed by the applicant, then the value of the improvement shall be based on an engineer’s certified cost estimate provided by the applicant and approved by the City Engineer Manager or
designee or other method approved by the City Engineering Department Manager or designee.

G. If the City has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued by fair-market value established by an independent appraisal approved by the City and at no expense to the City. Said appraisal shall assume no approved development plan for the site.

(1) The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the City at no expense to the City.

(2) If the estimated value of the right-of-way dedication proposed by the applicant (based on a City approved appraisal) is less than the City estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference.

(3) If the estimated value of the right-of-way dedication proposed by the applicant (based on a City approved appraisal) is more than the City estimated total proportionate fair-share obligation for the development, then the City will reimburse the applicant traffic impact fee credit for the difference. (Ord. No. 07-38, § 1, (Exh. A), 9-24-07).

Sec. 28-78. Impact fee credit for proportionate fair-share mitigation

A. Proportionate fair-share mitigation shall be applied as a credit against impact fees if the proposed improvement is on the list of approved projects in the most recent City Impact Fee Ordinance and Technical Report. Credits will be
given for that portion of the impact fees that would have been used to fund the
improvements on which the proportionate fair-share contribution is calculated.
The portion of impact fees available for the credit will be based on the City of
North Port impact fee ordinance, as amended. Impact fee credits shall be
calculated at the same time as the applicant’s proportionate fair-share
obligation is calculated.

B. Impact fee credits for a proportionate fair-share contribution will be
determined when the traffic impact fee obligation is calculated for the proposed
development. If the applicant’s proportionate fair-share obligation is less
than the development’s anticipated road impact fee for the specific stage or
phase of development under review, then the applicant must pay the
remaining impact fee amount.

C. Any road impact fee credit based upon proportionate fair-share contributions
for a proposed development cannot be transferred to any other parcel or parcels
of real property within the City.

D. The amount of traffic impact fee (TIF) credit for a proportionate fair-share
contribution may be up to but shall not exceed the project’s proportionate fair-
share amount and will be determined based on the following formula:

\[
TIF \text{ Credit} = \frac{(Proportionate \text{ fair-share impacted roadways’ Vehicle Miles of Travel} [VMT])}{(Total \text{ Project VMT})} \times (Total \text{ Project Traffic Impact Fee Liability})
\]

Where:

\[
VMT \text{ (Vehicle miles of travel on a link)} = (\text{length of link}) \times (\text{number of trips assigned to that link}).
\]
Total Project VMT = Total vehicle miles of travel on all links impacted by proportionate fair-share project.

E. A proportionate fair-share impact fee credit shall be applied consistent with the following formula:

\[
\text{Applicant payment} = [(\text{Total project traffic impact fees assessed}) + (\text{Proportionate Share Payment})] - (\text{TIF Credit})
\]

F. Example:

1. Developer A will create a total project VMT of 100,000

   Nearby link VMT = 1,000

   Impact fee projected obligation will be $5,000,000.00

   \[
   \text{TIF Credit}_A = (1,000/100,000) \times 5,000,000.00 = 50,000.00
   \]

   Total payment for Developer A

   $360,000.00 (PFS) + $5,000,000.00 (Future Impact Fee) - $50,000.00 (Impact Fee Credit) = $5,310,000.00

2. Developer B will create a total project VMT of 200,000

   Nearby link VMT = 2,000

   Impact fee projected obligation will be $10,000,000.00

   \[
   \text{TIF Credit}_B = (2,000/200,000) \times 10,000,000.00 = 100,000.00
   \]

   Total payment for Developer B

   $1,502,000(PFS)+$10,000,000.00(Future Impact Fee) - $100,000.00 (Impact Fee Credit) = $11,402,000.00
Sec. 28-8. Proportionate Fair-Share Agreements

A. Upon executing a proportionate fair-share agreement (agreement) and satisfying other concurrency requirements, an applicant shall receive a City certificate of concurrency approval, or applicable City equivalent. Should the applicant fail to apply for building permits within the timeframe provided for in the City concurrency certificate, then the project’s concurrency vesting shall expire, and the applicant shall be required to reapply. Once a proportionate fair share payment for a project is made and other impact fees for the project are paid, no refunds/reimbursements shall be given. All payments, however, shall run with the land.

B. Payment of the proportionate fair-share contribution for a project and payment of other impact fees assessed to that project shall be due and must be paid prior to the effective date of the proportionate fair-share agreement or application for a Building Permit. The effective date shall be specified in the agreement and shall be the date the agreement is approved by the City of North Port City commission or its designee.

C. All developer improvements accepted as proportionate fair-share contributions must be completed within 3 (three) years of the issuance of the first building permit for the project which is the subject of the proportionate fair-share agreement and be accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. The security instrument shall conform to the subdivision construction security requirements.
D. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must occur prior to the effective date of the proportionate fair-share agreement.

E. Any requested change to a development project subsequent to issuance of a development order or Building Certificate of Occupancy shall be subject to additional proportionate fair-share contributions to the extent the change would increase project costs or generate additional traffic that would require mitigation.

F. The City may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.

G. Applicants may withdraw from a proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the City are nonrefundable. (Ord. No. 07-38, § 1, (Exh. A), 9-24-07).

Sec. 28-9. Appropriation of fair-share revenues

A. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the City Capital Improvements Program (CIP), or as otherwise established in the terms of the proportionate fair-share agreement. Proportionate fair-share revenues may also be used as the 50% local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).
B. In the event a scheduled facility improvement is removed from the **Capital Improvement Program**, then the proportionate fair share revenues collected for its construction may be applied toward the construction of alternative improvements within that same corridor or area where the alternative improvement will mitigate the impacts of the development project on the congested roadway(s) for which the original proportionate fair-share contribution was made.

C. Where an applicant constructs a transportation facility that exceeds the applicant’s proportionate fair-share obligation, then the City shall reimburse the applicant for the excess contribution using impact fee credits. These credits will not be transferable as set forth in Section G (3) of this chapter [subsection 28-7(3). Sec. 28-7(G)(3). Where excess contributions exceed impact fee credits, the City may reimburse such funds as cash or through other methods acceptable to the applicant and City Manager or designee. (Ord. No. 07-38, § 1, (Exh. A), 9-24-07).

Sec. 28-10. Interpretation.

**Interpretation of this chapter shall be made by the City Manager or Designee.** The provisions of this article shall be liberally construed by the City Engineer or City Manager’s or designee in order to effectively carry out its purpose. Where any provision of this article [chapter] refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any amendments thereto or re-designation thereof. (Ord. No. 07-38, § 1, (Exh. A), 9-24-07).

Sec. 28-11. Severability.
It is declared to be the legislative intent that, if any section, subsection, sentence, clause or provision of this article is held invalid, the remainder of this article shall not be affected.

Sec. 28-12. Conflicts.

Whenever the requirements of these regulations differ from those imposed by the City, Federal or state regulation, law or statute, the most restrictive or imposing the higher standards shall govern. (Ord. No. 07-38, § 1, (Exh. A), 9-24-07).

Sec. 28-13. Appeals.

Any person aggrieved by the City Manager’s interpretation may appeal to the City Manager Commission. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation is inconsistent with previous calculations and methodology. The granting of any appeal shall not be in conflict with State Statutes. The City Manager’s decision may be appealed to City Commission. The City Commission’s decision, based upon the evidence submitted to the City Manager and the City Manager’s finding(s) Planning and Zoning Advisory Board, may be appealed to the Circuit Court of Sarasota County within 30 days of such decision. (Ord. No. 07-38, § 1, (Exh. A), 9-24-07).

(1) All applications for an appeal must first be heard by the Planning and Zoning Advisory Board and after hearing the appeal the Board will forward an advisory recommendation to the City Commission.

(2) Applications for an appeal shall be filed pursuant to Sec. 1-10.
Sec. 28-14. Severability.

It is declared to be the legislative intent that, if any section, subsection, sentence, clause or provision of this article is held invalid, the remainder of this article shall not be affected.
Chapter 29  SIGN REGULATIONS

[HISTORY: Adopted by the City Commission of the City of North Port 9-17-1990 by
Ord. No. 90-28 (Section 5); amended in its entirety 12-20-1999 by Ord. No.
99-23. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Zoning Regulations -- See Ch. 53.

Sec. 29-1.  Title.
Sec. 29-2.  Intent and objectives.
Sec. 29-3.  Relationship to Comprehensive Plan.
Sec. 29-4.  Applicability.
Sec. 29-5.  Sign classifications.
Sec. 29-6.  Definitions.
Sec. 29-7.  General restrictions.
Sec. 29-8.  Prohibited signs.
Sec. 29-9.  Exempt signs.
Sec. 29-10.  Temporary signs.
Sec. 29-11.  Permitted permanent signs.
Sec. 29-12.  Style or design of sign.
Sec. 29-13.  Area of sign.
Sec. 29-14.  Distance between signs.
Sec. 29-15.  Location, Height and setbacks.
Sec. 29-16.  Illumination.
Sec. 29-17.  Landscaping and maintenance.
Sec. 29-18.  Permits required, permit fees, permit expiration.
Sec. 29-19.  Applications for permits.
Sec. 29-19. Nonconforming signs.

Sec. 29-20. Variances.

Sec. 29-21. Enforcement.

Sec. 29-22. Interpretation.

Sec. 29-23. Conflicts.


Sec. 29-25. Severability.

Sec. 29-23. When effective.

Sec. 29-1. Title.

This chapter shall be known and may be cited as the “Sign Regulations” of the City of North Port, Florida.”

Sec. 29-2. Intent and objectives.

The intent of this chapter is to establish sign standards that will promote safety, protect and preserve the aesthetic and visual environment, character and quality of the City and the value of property; to create a more attractive economic and business climate; to reduce urban clutter; and to eliminate nuisance forms of advertising by ensuring that signs are compatible with surrounding land uses and, will not, by their type, size, location, construction or manner of display, endanger the public safety of individuals, confuse or mislead or obstruct the vision necessary for traffic safety of North Port.

Sec. 29-3. Relationship to Comprehensive Plan.

The Sign Regulations in this chapter implement Objective 5 of the Future Land Use Element of the Comprehensive Plan, which states: “Future growth and
development will be managed through the preparation, adoption, implementation and enforcement of land development regulations”, as well as the following policy:

“Policy 5.1: Amend the land development regulations, consistent with F.S. 163.3202 (1), as amended, that shall contain specific and detailed provisions required to implement the adopted Comprehensive Plan, and which as a minimum:

a. Regulate the subdivision of land;

b. Regulate the use of land and water consistent with this Element and ensure the compatibility of adjacent land uses and provide for open space;

c. Protect the Conservation lands designated on the Future Land Use Map and in the Conservation Element;

d. Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management;

e. Protect potable water supplies and aquifer recharge areas;

f. Regulate signage;

g. Ensure safe and convenient onsite traffic flow and vehicle parking needs; and

h. Provide that development orders and permits shall not be issued which result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan.

Sec. 29-2 4. Applicability.

A. Any sign, moved, erected, constructed, installed or altered shall conform to the provisions and conditions of this chapter.
B. These regulations are intended to complement, not supersede all other regulations and requirements applicable to signs, including Building and Electrical Codes, adopted by the City. Where there may be any inconsistency between this chapter and any other regulation or requirement, the more restrictive provision shall apply:

C. This chapter shall also supplement those regulations applicable to signs set forth in the Schedule of Zoning District Regulations in Chapter 53 of this Unified Land Development Code.

Sec. 29-3. Sign classifications.

The following are the sign classifications in the City:

A. Exempt.

(1) No application, permit or fees required.

(2) Application required; no permit or fees required.

B. Temporary.

C. Class A (on-site).

(1) Class A, Primary (monument sign, pole or ground).

(2) Class A, Secondary (wall, window or any sign attached to a building).

D. Typical (any sign other than a Class A, or Class B sign).
E. Flags.

D. Class B (off-site).

Sec. 29-4. Definitions.

A. All definitions contained in Chapter 53, Zoning Regulations, of the Unified Land Development Code and used in this chapter are incorporated by reference in this chapter.

B. As used in this chapter the following terms shall have the meanings indicated:

ACCESS (VEHICULAR) -- The principal means of vehicular ingress and egress to abutting property from a street right-of-way or easement.

ALTER or ALTERATION -- Any change in size, shape, character or use of a structure, including, but not limited to, a change, rearrangement or reconstruction of the structural parts and the moving from one location or position to another. Normal maintenance, painting and repairs to existing signs shall not be deemed alterations within the meaning of this chapter.

ANIMATED SIGN -- A sign which utilizes motion of any part by any means, including wind power, or displays color changing, flashing, oscillating or intermittent lighting, electronic messages, except time and temperature, moving images or which emits visible smoke, vapor, particles, noise or sounds. The definition of animated sign shall not include changeable copy signs, as defined herein.
AREA OF A SIGN -- The area of any sign shall be considered to include all lettering, wording and symbols, together with the background, (double-sided sign are considered one sign face for calculating maximum square footage of a monument sign) whether open or enclosed, on which they are displayed, including the frame around the sign but not any supporting structure or brace. For signs consisting of individual letters or symbols attached to or painted on a surface, building wall or window, or for signs in which the letters, symbols, etc., extend beyond the frame, the area shall be considered to be that of the smallest geometric shape which encompasses all of the letters and symbols.

AWNING -- A covering either permanently attached to the building or which can be raised or retracted to position against the building when not in use.

AWNING CANOPY -- An awning with the long axis projecting perpendicular to the building rather than parallel and requiring posts or poles to support the end of the canopy furthest away from the building.

BANNER, FLAG or PENNANT, INTENDED FOR USE AS A SIGN -- Any cloth, plastic, paper or similar material intended for use as a sign used for advertising purposes attached to, or appended on or from, any structure, staff, pole, line or framing.

BENCH SIGNS -- Signs which are attached to benches that are placed on or along a public right of way and when authorized in writing by action of the City Commission in compliance with § 29-7 of these regulations.

BUILDING FRONTAGE -- That length of the building that directly faces a street or, for a shopping center that exceeds 100,000 square feet, an off-street
parking area located on the development tract/site. Where a business may not face a street or off-street parking area, the building frontage shall be the main face or front of the business.

CANOPY ROOF -- A freestanding structure attached to or covering a building designed to provide pedestrian and vehicular protection, including, but not limited to, canopies over gas pumps and drive-up windows.

CANOPY SIGN -- A sign painted on or attached to a canopy or awning.

CLASS A SIGNS (ON SITE):

(1) CLASS A, PRIMARY SIGN (or PRIMARY CLASS A SIGN) -- Monument sign in all zoning districts, except CG (Commercial, General) which may be either a monument or a pole sign, which is a sign, as defined in this chapter, used to convey information visually relating to or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever on the premises where the sign is located. Primary Class A signs are to be utilized as the principal advertising for the parcel or lot where one or more business entities are located on the parcel or lot.

(2) CLASS A SIGNS (ON SITE): CLASS A, SECONDARY SIGN (OR SECONDARY CLASS A SIGN) -- Sign, as defined in this chapter, other than a Class A primary sign, and attached to a building used to convey information visually relating to or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever on the premises where the sign is located. Secondary Class A signs (such as, but not limited to, window, wall signs) provide advertising for individual occupants or businesses on a parcel or lot. Secondary Class A signs are not monument signs.
or ground signs. [Amended 10-28-2002 by Ord. No. 2002-28]

CLASS B SIGN (OFF-SITE) -- Sign, as defined in this chapter, used to convey information visually relating to or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever at a location or premises other than where the sign is located.

COMMUNITY IDENTIFICATION SIGNS -- Identify the community, typically by landscaped entry features, fountains and the like. Within the community may be located subdivision sign(s) identifying specific and separate developments.

DIRECTOR -- The Director of the North Port Planning and Zoning Department, or authorized designee. [Amended 11-24-2003 by Ord. No. 2002-56]

ERECT -- To build, construct, install, reconstruct, move on or conduct any physical development of the premises required for a building or other structure. To excavate, fill, drain, cut or remove trees, brush or other vegetation in preparation for erection shall also be considered to erect.

EXEMPT SIGN -- A sign that has been exempted from permit requirements or inspection fees, but is required to comply with all other provisions of this chapter.

FACADE-MOUNTED CHANGEABLE COPY SIGN FOR A THEATER OR CINEMA -- A sign mounted on the front wall of a building in which there is a theater or cinema on which the sign copy changes periodically. The sign copy shall only relate to events occurring or to occur within the theater or cinema or on the premises.
FLASHING SIGN -- A sign designed to attract attention by the inclusion of a flashing, changing, revolving or flickering light source or a change of light intensity.

FREESTANDING CHANGEABLE COPY SIGN -- A freestanding sign in the front yard of the premises on which the sign copy changes periodically. The sign copy shall only relate to events occurring or to occur within the building or on the premises.

FREESTANDING CHANGEABLE COPY SIGN FOR A THEATER OR CINEMA -- A freestanding sign in the front yard of the premises on which there is a theater or cinema on which the sign copy changes periodically. The sign copy shall only relate to events occurring or to occur within the theater or cinema or on the premises.

HANGING SIGN -- A sign that hangs down from and is supported by or attached to the underside of a canopy, awning, marquee or a projection from or an extension of a structure.

HEIGHT OF A SIGN -- Height is the vertical distance measured from the average ground level or crown of the adjoining road on which the property fronts, whichever is greater, to the top of the sign, including supports and design features and embellishments.

IDENTIFICATION SIGN -- A sign that depicts the name and/or address of a building, an occupant or an establishment on the premises where the sign is located as a means of identifying said building, occupant or establishment.

ILLUMINATED SIGN -- A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source, including indirect
lighting, neon, incandescent lights, backlighting and reflectorized signs which depend upon automobile headlights for an image.

INDIRECTLY ILLUMINATED SIGN -- A sign illuminated with a light directed primarily toward such sign, including backlit signs, and so shielded that no direct rays from the light are visible elsewhere than on the lot where said illumination occurs.

MARQUEE -- A permanent roof-like structure attached to, supported by and projecting from a building and providing protection from the elements.

MARQUEE SIGN -- A sign attached to or painted on the face of a marquee and not projected above or beneath the marquee face.

MONUMENT SIGN -- A freestanding, self-supporting sign, supported by columns and a base which is placed on or at ground level and not attached to any building wall, fence or other structure, and in a fixed location. The definitions of a "monument sign" and a "pole sign" are mutually exclusive. Not all ground signs are monument signs; all monument signs are ground signs. This definition does not include portable or trailer-type signs.

MURAL -- A graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic. Any pictorial or graphic representation painted on an outside wall, façade, or other surface of a building or structure other than a sign structure.

NEIGHBORHOOD -- As defined in the City of North Port Comprehensive Plan, as amended from time to time.
NONCONFORMING SIGN -- Any sign which complied with this chapter or its predecessor when first permitted and properly permitted under district, county, state, federal and city regulations, but due to subsequent amendment of this chapter no longer complies with this chapter is deemed a nonconforming sign. In the case of two or more Class B signs that no longer conform to the spacing requirements in § 29-12, the sign(s) last erected shall be deemed the nonconforming sign(s).

NONILLUMINATED SIGN -- A sign which has no source of illumination, either directly or indirectly.

OBSCENE SIGN -- Sign(s) that display any statement, word, character, image or illustration of an obscene nature. For the purposes of this chapter, "obscene" means material which:

(1) The average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest;

(2) Depicts or describes, in a patently offensive way, sexual conduct as specifically defined by the laws of the State of Florida; and

(3) Taken as a whole, lacks serious literary, artistic, political or scientific value.

OFF-PREMISES or OFF-SITE SIGN -- Any sign in which the subject matter does not relate exclusively to the products or services sold or provided on the premises.

POLE (OR PYLON) SIGN -- A sign supported by at least one upright pole, pylon or
post which is secured to the ground and the bottom of the sign face is at least
six feet above the finished grade level, excluding Class B signs. The
definitions of "pole sign" and "monument sign" are mutually exclusive.

**POLITICAL SIGN** -- A sign which advocates any candidate or issue to be voted upon at an upcoming election or referendum.

**PORTABLE ILLUMINATED SIGN** -- A sign which is manifestly designed to be transported, as a trailer is transported, on its own wheels, although the wheels of such signs may be removed and the remaining chassis may be attached permanently to the ground, with electrical wiring and illumination as an integral part of total construction and with potential electrical connection to power on the site to which it is transported. It is the characteristic of a portable illuminated sign that it is a changeable copy sign.

**PORTABLE SIGN** -- A sign which has no permanent attachment and, by its design and use, is not intended to be permanently attached to a building or the ground, including, but not limited to, A-frame signs, pole attachments, searchlights and stands.

**PROHIBITED SIGN** -- Any sign which is not permitted.

**PROJECTING SIGN** -- A sign attached to a building or other structure and extending more than 12 inches beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.

**REAL ESTATE SIGN** -- A sign that advertises the sale, rental or development of the premises upon which it is located.
REVOLVING or WHIRLING SIGN -- A sign that revolves or turns by means of an external source of power, other than wind, except as otherwise permitted.

ROOF SIGN -- A sign erected, constructed and maintained wholly upon the roof or above the roof or roofline of any building.

SERIAL SIGN -- Any use of a series of two or more signs placed in a line generally parallel to the road or in a similar fashion and displaying words or a message, part of which is contained on each sign.

SIGN -- Any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stoke, logo, symbol, device, stripe, line, trademark, reading matter or illuminated service, which is so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that it is used to convey information visually or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, which is displayed in any manner whatsoever, exposed to public view, whether or not legible. For the purposes of this chapter, the term "sign" shall include all structural members. Included within the definition of "sign" are all of the types of signs as defined in the Unified Land Development Code. The following, however, shall not be considered signs within the context of this regulation.

(1) Legal notices, traffic or informational signs or devices erected or required by federal, state or local government;

(2) Standard gasoline pumps bearing thereon in usual size and form the name, type and price of gasoline;
(3) Integral decorative or architectural features of buildings. However, letters, registered trade or service or copyright marks, moving parts and parts internally illuminated or decorated with gaseous tube or other lights shall be considered signs, notwithstanding that it is an integral part of the building.

SPIKE SIGN -- Any sign, generally of a temporary nature, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or other objects when the advertising matter appearing thereon is not applicable to the present use of the premises upon which the sign is located.

SNAPE SIGN -- Any sign, generally of a temporary nature, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or other objects when the advertising matter appearing thereon is not applicable to the present use of the premises upon which the sign is located.

STREET FRONTAGE -- That portion of the principal structure that directly faces a street.

TEMPORARY MODEL RESIDENTIAL UNIT FLAGS -- Any flag(s) or banner(s) on the property of a model residential unit is prohibited except for the first 30 days after the model receives final inspection.

TEMPORARY SIGNS -- Any sign that is intended to remain on a property for a period not to exceed a total of 60 calendar days.

TIME AND TEMPERATURE SIGN -- A sign conveying a lighted message of time, temperature, tide change, barometric pressure or similar information by means of electrical impulse at changing intervals of not less than four seconds in duration. Information displayed for four seconds or greater shall not be deemed a flashing sign.

TRESPASSING or CAUTION SIGN -- A sign intended to warn off trespassers or to
point out a hazard on the premises upon which the sign is located.

WALL SIGN -- A sign that is painted on, incorporated into or affixed parallel to any wall of a building or other structure and with the furthest limit of the exterior face not projecting more than 12 inches from the building or structure.

WIND SIGN -- Any sign or display, including, but not limited to, flags, banners, balloons, streamers and rotating devices, fastened in such a manner so as to move upon being subjected to air movement, whether natural or induced.

WINDOW SIGN -- A sign painted or placed on the inside or outside of a window that is visible from the exterior of the building. [Amended 10-28-2002 by Ord. No. 2002-28]

Sec. 29-5 6. General restrictions.

A. No sign attached to a building shall project horizontally beyond the end of the wall or vertically above its roof or, in the case of a parapet wall, vertically above the top of the parapet wall.

B. No sign shall be located in a required side or rear yard where the lot abuts or is separated only by a right-of-way from a residential use, except for nonresidential lots that abut I-75.

C. No sign of any type or classification, including an exempt sign, shall be erected, altered or maintained in such a location or position so that an unfinished side may be visible from off the site.
D. No private sign, including an exempt sign, shall be erected, altered or maintained over or upon any public property or public right-of-way unless permitted by these regulations or by the City Commission after a recommendation by the City's Public Works Director.

E. No Class A signs, except those listed under § 23-7, Exempt signs, or exempted by other sections of this chapter, shall be permitted in any residential districts or in any area shown as Activity Center No. 3 (Tracts A, B, C and D of the 28th Addition) on the Future Land Use Map.

F. E. No Class B signs shall be permitted in any AG Districts.

G. One Primary Class A sign shall be allowed for each access, collector or arterial roadway on which the lot or parcel abuts, plus

H. One Secondary Class A sign, if otherwise allowed by these regulations, sign for each collector or arterial roadway on which the lot abuts for each separate occupant on that lot or parcel.

I. National and state flags shall be displayed in accordance with Public Law 344, 94th Congress, and FS § 256.05, which prohibits improper use of State or United States flags.

J. F. No sign shall be constructed or erected in the vicinity of any utility infrastructures without the prior authorization of the North Port Utilities Department or any affected utility company.

G. Any sign, including exempt signs, requiring electrical or concrete shall require a building permit.
Sec. 29-6. Prohibited signs.

The following shall be prohibited:

A. Any sign prohibited under Chapter 479, Florida Statutes, pertaining to outdoor advertising.

B. Any sign that constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, coloring or method of illumination, or by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any official traffic control device by diverting or tending to divert the attention of drivers of moving vehicles from traffic movement on streets, roads, intersections or access facilities, nor shall any signs be erected in such a manner as to obstruct the vision of pedestrians.

C. Any sign preventing free ingress or egress from any door, window, fire escape or other entrance or exit to any building, or any sign attached to a standpipe or fire escape.

D. Any sign that constitutes a public nuisance, as determined by the City Manager or designee.

E. Any Primary Class A or Secondary Class A sign advertising an establishment no longer in business or a product no longer available. Such signs must have the facing(s) removed or be razed completely within 30 days after the establishment is no longer in business or the product is no longer available.

F. Snipe signs.
G. Any signs which are portable illuminated signs, revolving or whirling signs, animated signs or wind signs, as defined by these regulations, and except as provided elsewhere in this chapter.

H. More than two national or state government flags displayed per single principal structure, as defined in Chapter 53 of the Unified Land Development Code.

I. Signs erected on the right-of-way of any street, road or public way, except only:

(1) Signs authorized in writing by action of the City Commission or erected by a governmental agency or required to be erected by a governmental agency; and

(2) Signs as specifically provided in the Unified Land Development Code.

J. Roof signs.

K. Any sign that is attached, painted or placed onto or inside a parked vehicle that is used primarily for advertising any matter other than the sale or rental of the vehicle itself. This is not intended to prohibit vehicle signs on a truck, bus, trailer, taxi or other vehicle parked on its own premises while in the course of business, provided that the primary use of the vehicle is not for the purpose of advertisement.

L. Blank temporary signs.
M. Signs that emit audible sound, odor or visible matter, such as smoke or steam.

N. Pole signs. Located in Activity Centers 1, 2, 3, 4, and 5, Neighborhood Commercial, ILW, OPI and all residential districts. Unless specified in the Urban Design Standards Pattern Book.

O. Serial signs.

P. Obscene signs. Signs containing language or images that are obscene as defined in section 847.001(a0), Florida Statutes.

Q. Changing message devices, except those displaying time and temperature as provided in this chapter.

R. Any model residential unit flag(s) or banner(s) on the property of a model residential unit is prohibited, except for the first 30 days after the model receives final inspection, except when a model residential abuts an arterial or collector, flag(s) or banner(s) may be used only when the model is open for business.

Q. Murals of any kind, unless approved by City Commission, in compliance with Sec. 29-10(H)(7).

R. Any sign that is not expressly allowed by right in the Unified Land Development Code or after the grant of a conditional use special exception permit.
§ T. In the area shown as Activity Center No. 3 on the Future Land Use Map in the City of North Port Comprehensive Plan, Class A signs shall not be permitted, except as provided in Subsection T §(1) immediately hereafter and § 29-11B(1)(c). Class B signs shall not be permitted.

(1) An identification sign may be permitted, provided that such sign does not exceed 12 square feet, is located on the same lot as the business(es) and contains only the name of the business(es).

T. Bench Signs.

Sec. 29-7 8. Exempt signs.

A. Any sign requiring lighting or cement work will require a building permit.

A B. A person may erect the following on-site without first obtaining a permit and paying any fees; provided, however, that the person complies with all other provisions of this chapter and provided, further, that if a person the sign exceeds the limits contained in this section, the person responsible party shall file an application for a sign permit and pay the applicable filing fee to the City of North Port Director pursuant to § 29-16 17.

(1) One professional name plate for each person or entity not exceeding two square feet in area.

(2) One identification sign, which may also include changeable copy, for educational, charitable, or other similar institutional uses not exceeding 12 square feet each face, not more than six feet high in a residential zoning district. [Amended 11-24-2003 by Ord. No. 2002-56]
(3) Reserved.

(4) Street address pursuant to City Code § 202-4 70-56, as amended.

(5) One sign denoting the architect, engineer, contractor, subcontractor and suppliers of materials or equipment on the premises of work under construction where the construction occurs shall not exceed 24 square feet, three individual signs of subcontractors not listed on the twenty-four square foot each.

(a) No signs are to be erected on the site until a building permit for the structure has been posted.

(b) All signs shall be removed no later than one week after certificate of occupancy.

(c) All signs shall be removed that designate repairs, remodeling or additions, one week after the final inspection.

(6) Signs advertising current or future construction on a parcel, provide that:

(a) In residential zoning districts, one sign not exceeding 24 square feet shall be allowed for a period not to exceed six months or until issuance of the certificate of occupancy, whichever occurs first, which sign shall be removed upon final certificate of occupancy (CO).
(b) In nonresidential zoning districts, one sign shall be allowed per street frontage.

(i) Each sign shall not exceed 40 square feet and;

(ii) Shall not exceed a time period of six months or until issuance of the certificate of occupancy, whichever occurs first, which sign shall be removed upon final certificate of occupancy.

(7) Signs advertising property for sale or rent, provided that:

(a) One sign not exceeding four square feet in area, excluding the rider, shall be allowed per single-family residential lot or residence, except;

(i) Lots or residences which are located on navigable bodies of water shall be allowed one additional sign of four square feet, which sign shall face the body of water on which the property fronts.

(b) One sign not exceeding 20 square feet in area shall be allowed per parcel or lot of property zoned Commercial, Office Profession, Institutional or industrial Light Industrial, Warehousing (ILW) or five acres or larger in area. The foregoing shall not apply to individual, nonresidential units.

(c) All signs shall be removed no later than one week after the sale or lease of the property.
(8) Dedicatory tablet or memorial plaque setting forth the name or
erection date of a building, commemorating a person or persons and like uses.

(a) Such signs shall be cast in metal or engraved in stone or
concrete or otherwise suitably inscribed in or on a monumental
material.

(9) One occupational sign(s) not exceeding two square feet in area listing
the name, location and business of an occupant within a building.

(10) Banners or pennants erected in the nonresidential zoning districts.
However;

(a) No banner or pennant shall be placed above a sidewalk, walkway,
alley, driveway or public or private roadway or right-of-way.

(b) Banners or pennants shall be allowed for advertising a grand
opening and may remain on the site for a maximum of 14 days.

(11) One identification sign at the entrances to residences, estates,
ranches and like uses, which does not exceed four square feet in area.

(12) Vehicle sign located on a licensed and operable truck, bus,
trailer, taxi or other vehicle which is being operated or parked at the
location of the business, provided that the primary use of said vehicle is
not for the purpose of the advertisement.
Non-advertising directional signs, symbols or devices relating to traffic, parking, public services, facilities or warnings on private property.

(a) Such signs include, but are not limited to, "entrance", "exit", "slow", "no trespassing", "restrooms" and "telephones."

(b) These signs shall not exceed four square feet in area or contain any advertising matter other than a logo or business name.

Traffic or other directional/traffic control signs or devices erected by a district, municipal, county, state or federal authorities.

Flags, other than national or state government flags; provided, however, that such flags shall only be allowed at a ratio of two per 50 feet of road frontage and the number thereof shall not exceed eight at any location. Such flags may be used for advertising a grand opening and may remain on the site for a maximum of 14 days. No such flag shall be placed above a sidewalk, walkway, alley, driveway or public or private roadway or right-of-way.

One identification sign at the entrances to residences, estates, ranches and like uses, which does not exceed four square feet in area.

The entrance sign giving the name of a subdivision, provided that:

(a) A sign shall not exceed 12 square feet.

(b) A sign shall be located at the main entrance only.
(c) A sign shall contain no other advertising.

(16) Community identification signs not exceeding 100 square feet, excluding wall(s) area for entry feature(s).

(a) The height of the sign shall be regulated by the limits listed for each Activity Center or zoning district in this Unified Land Development Code, whichever is the more restrictive.

(17) A temporary sign advertising activities of educational, religious, civic, fraternal, service, charitable or other nonprofit organizations or institutions may be permitted, if not in violation of other sections of this chapter.

(18) Political signs. Political signs shall be regulated pursuant to FS § 106.1435.

(19) Any flag, other than a national or state government flag, or identification sign or insignia of any civic, charitable, religious or fraternal organization. No such flag, identification sign or insignia shall be placed above a sidewalk, walkway, alley, driveway or public or private roadway or right-of-way.

(20) Flags indicating weather conditions.

(4) Where a church, academic school, public assembly facility or
hospital/emergency room is located on a local street, one or more directional
signs, not more than eight (8) square feet in area, may be erected on private
property.

(22) Community identification signs not exceeding 100 square feet, excluding
wall(s) area for entry feature(s).

(23) (Reserved)

(24) Signs advertising open houses and estate sales, provided that:

(a) No more than three signs, not exceeding four square feet each,
may be erected, constructed or installed on the property where the
open house or estate sale is being conducted.

(b) No more than six off-site directional signs, not exceeding two
(2) square feet, shall be allowed.

(c) All signs shall contain the name, address and telephone number
of the person conducting the open house or estate sale and the date
of the open house event.

(d) "Open house" Signs may be placed within City rights-of-way from
dawn to dusk on the day(s) the open house or estate sale is to be
conducted.

(e) All signs relating to an open house or estate sale shall be
removed each day at the close of the open house or by dusk,
whichever occurs first.
(f) No sign shall be nailed, fastened or affixed to any tree, utility pole, street sign or any traffic control device.

(g) All "open house" or "estate sale" signs shall be set back a minimum distance of 15 feet from the travel lane or, in the absence of a fifteen-foot right-of-way area, "open house" signs shall be set back 1/2 of the distance of the right-of-way area from the travel lane.

(25 22) Class B signs located along the inside perimeter of the athletic field fences of any City or school board owned or operated athletic field, provided that such advertising copy is not purposely positioned to be visible from a public right-of-way.

(26) One or two national or state government flags displayed per single principal structure, as defined in Chapter 53 of the Unified Land Development Code. No such flag shall be placed above a sidewalk, walkway, alley, driveway or public or private roadway or right-of-way.

(27 23) At any location in the City right-of-way adjacent to U.S. Route 41 (Tamiami Trail), a directional or identification monument sign structure for churches or houses of worship or service organizations, fraternal organizations or charitable organizations, provided that the individual signs for each subject property shall not exceed four square feet and except as the City Commission may determine.
(23) Signs on portable storage units located on construction sites shall be removed from the construction site within one year from issuance of the first building permit.

B. A person may erect the following signs without first obtaining a permit and paying any fees; provided, however, the person completes an abbreviated application, complies with all other provisions of this chapter and the Director issues a special authorization relating to location, size and color:

1. Benches and bench signs.

   a. Bench signs shall be permitted only in commercial zoning districts (activity centers) where there exist established transit stops authorized by the appropriate agency where regularly scheduled periodic stops are made and/or at other points of pedestrian convenience or necessity, as determined by the Director of Planning and Zoning Department. [Amended 11-24-2003 by Ord. No. 2002-56]

   b. The location of bus benches shall be in accordance with the rules and regulations set forth with the City Public Works Department and the Florida Department of Transportation.

   c. No bench shall be more than 43 inches high, nor more than 74 inches long, nor more than 28 inches wide, and all advertising shall be no more than six feet in length, nor more than two feet in height and shall be limited to the rear or backrest area of the bench.

2. Benches located within the City right-of-way or easement shall require an approved right-of-way utilization permit.
(4) School bus shelters.

(a) School bus shelters shall be permitted only at locations where there exist established school bus stops authorized by the Sarasota County School Board.

(b) The location of these shelters shall be in accordance with the City Public Works Department regulations.

(5) Shelters located within the City right-of-way or easement shall require an approved right-of-way utilization permit.

Sec. 29-8.9. Temporary signs.

A. The Director may issue a permit to erect a temporary sign, as follows:

(1) The Director may require reasonable conditions as are necessary to protect the applicant shall show that the sign does not adversely affect the public health, safety and general welfare and or public and private property.

(2) The permit approval shall not exceed 30 days for a six-month period, unless otherwise provided in this chapter or the City Commission grants a conditional use special exception permit pursuant to Chapter 53.

(3) Temporary on-site signs shall be allowed to address grand openings or special occasions, such as civic events or promotions, car, boat or craft...
shows, carnivals, parking lot sales, annual and semiannual promotions or other similar events, provided that:

(a) The permit shall be for a period of time not to exceed 30 days in one six-month period and;

(b) The temporary sign may be erected not more than 14 days prior to the event and;

(c) Shall be removed not more than 24 hours after the event closes;

(d) Two signs shall be located on-site in the front yard only, in such a manner as to not create any traffic or pedestrian hazard, and;

(i) Shall be limited to an area of 24 square feet for each sign, and;

(ii) setback a minimum 10 feet from the street right-of-way.

(e) Twenty-five off-site signs may be permitted with a Special Events or Temporary Use Permit, and shall be limited to an area of 16 square feet.

(f) Wind signs and revolving or whirling signs shall be prohibited.

(4) Temporary model residential unit flags. A developer may erect no more than four flags on the property of a model residential unit the first 30
days after the model receives a certificate of occupancy. Such flags are prohibited thereafter.

(§ 4) All otherwise permitted signs may be used as temporary signs, provided that:

(a) the sign shall otherwise comply with all requirements for that sign, pursuant to the requirements listed in this chapter.

B. The following shall not be deemed temporary signs:

(1) Holiday decorations.

(2) Political signs.

Sec. 29-9 10. Permitted permanent signs.

A. Where a double-faced primary Class A sign is utilized, the area of one sign face shall be used to calculate total sign area permitted.

B. The area of each Secondary Class A sign and Typical signs shall be added together and; the total shall not exceed the allowable area.

C. No Class A signs, except those listed under § 29-7, Exempt signs, or exempted by other sections of this chapter, shall be permitted in any residential districts.
D. Any group of lettering, symbols, shall be included in the total area of signage allowed on the face of the building. Logos exceeding four square feet in area, shall be calculated in the total area of signage allowed.

(1) If lettering is surrounded by a geometric shape, the complete area of the geometric shape shall be included in the calculation of the permitted sign area.

E. In the case of multiple businesses, the building frontage shall be that linear measurement of the front of the area occupied by the business applying for the sign permit.

F. The following permanent signs are permitted, if not otherwise prohibited by the Urban Design Standards Pattern Book or prohibited by this chapter or defined as a temporary or an exempt sign under this chapter, subject to the performance standards and requirements provided.

(1) Class A Primary signs and Class A Secondary signs are permitted.

(a) Primary Class A signs (Monument signs) shall include street numbers six inches in height located on all faces of the sign, and shall not be subtracted from the total allowable sign area.

(b) One Primary Class A sign shall be allowed for each access, collector or arterial roadway, on which the lot or parcel abuts.

(c) Changeable Copy. A freestanding changeable copy sign is permitted only if incorporated in an otherwise permitted Primary Class A sign, except as provided in Subsection F(2) below, as follows:
(i) The sign copy shall only relate to events occurring or to occur within the structure or on the premises;

(ii) All types of freehand lettering and chalk on chalkboard surfaces are prohibited;

(iii) The sign face may be illuminated or nonilluminated;

(iv) The signage shall otherwise comply with the applicable total sign area regulations. The changeable copy portion of the Primary Class A shall be included in the total sign area permitted of which it is a part.

(2) Changeable copy sign incorporated in the Primary Class A sign for a theater or cinema as follows:

(i) Changeable copy signage is limited to a maximum of eight square feet per auditorium or screen with multiple auditoriums or screens to a building, a maximum of 80 square feet per building;

(ii) The sign copy shall only relate to events occurring or to occur within the theater or cinema or on the premises;

(iii) All types of freehand lettering and chalk on chalkboard surfaces are prohibited;

(iv) The sign face may be illuminated or non-illuminated;
(v) The signage shall otherwise comply with the applicable total sign area regulations.

(3) Class A Secondary Signs.

(a) One Secondary Class A sign, if otherwise allowed by these regulations, for each collector or arterial roadway on which the lot abuts for each separate occupant on that lot or parcel.

(b) Window Signs: Window signs are permitted; provided, however, that window signs are prohibited in the Neighborhood Commercial district.

(i) Sales transaction area shall not be obstructed from view from the outside of the building as well as any other area which may be deemed by the police department to be an area necessary for viewing from outside of the building for safety reasons. [Amended 10-28-2002 by Ord. No. 2002-28]

(ii) Shall not encumber more than 50% of the window and shall be located in the upper portion of the window.

(iii) Flyers announcing community events sponsored by charitable institution; religious institution; fraternal, youth, civic, service or educational institution; or other such organization when the organization makes occasional sales or engages in fund-raising projects when the projects are performed exclusively by the members thereof and when the proceeds derived from the activities are used exclusively in the charitable, religious, fraternal, youth, civic
and educational and service activities of the organization are exempt from this requirement. [Amended 10-28-2002 by Ord. No. 2002-28]

(iv) All window signs shall be either computer generated or applied by a professional who is engaged in the production of signs as a sole source of livelihood. [Amended 10-28-2002 by Ord. No. 2002-28]

(c) Marquee signs are permitted and shall be included in the total area of signage allowed on the face of a building and shall have a minimum clearance of 18 feet above the sidewalk or walkway and shall be a minimum of 8 feet in width. (See “Changeable Copy” signs).

(d) Canopy roof signs are permitted; provided, however, that:

(i) Any area of the canopy roof which contains lettering, registered trademarks or service marks or copyrights, symbols, internal illumination or decorative lights shall be considered a sign and shall comply with all the requirements of this chapter.

(ii) The canopy sign shall be calculated as part of the permitted secondary Class A sign area.

(e) Awnings are permitted as signs subject to:

(i) Permanently fixed or retractable awnings over private property are permitted.
(ii) Permanently fixed or retractable awnings extending over a public right-of-way are allowed by a conditional use special exception permit granted pursuant to §§ 53-264 through 53-274 of this Unified Land Development Code.

(iii) The signage area permitted on the awning shall be subtracted from the total allowable sign area.

(f) Secondary Class A changeable copy signs are permitted only for the following:

(i) Theaters and Cinemas.

(ii) Fastfood Restaurants

(iii) Gas Stations.

(iv) Convenience Stores.

(v) Religious Organizations.

(g) Changeable copy sign for a theater or cinema incorporated in a Secondary Class A sign or in a separate facade-mounted changeable copy sign as follows:

(i) Changeable copy signage is limited to a maximum of eight square feet per sign face; the calculations for a Secondary Class A sign. The permitted sign area may be divided between the sign faces of a marquee;
(ii) The sign copy shall only relate to events occurring or to occur within the theater or cinema or on the premises;

(c) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality;

(d) The maximum height of the lettering shall be 10 inches;

(iii) All types of freehand lettering and chalk on chalkboard surfaces are prohibited;

(iv) The sign face may be illuminated or non-illuminated;

(v) The signage shall otherwise comply with the applicable total sign area regulations; and

(vi) This facade-mounted changeable copy sign may be part of a marquee.

(h) Changeable copy signs for Fastfood Restaurants, Gas Stations and Convenience stores and Religious organizations only as follows:

(i) The sign copy shall only relate to events occurring or to occur within the structure or on the premises;

(ii) The type of lettering shall be professional and harmonious with the color and architecture of the building.
(iii) The maximum height of the lettering shall be six inches;

(iv) All types of freehand lettering and chalk on chalkboard surfaces are prohibited;

(v) The sign face may be illuminated or nonilluminated;

(vi) The signage shall otherwise comply with the applicable total sign area regulations. The changeable copy portion of the Secondary Class A shall be included in the total sign area permitted.

(i) Electronic message boards are permitted when incorporated with the allowable signage area of a permitted sign.

(i) The message shall change at a rate no greater than once per hour.

H. Typical Signs.

(i) Projecting signs shall be no greater than four (4) square feet and:

(a) Shall not project more than three feet from the face of the building or structure;

(b) Shall not project over a public or private street right-of-way (excluding sidewalks);

(c) Shall have the minimum clearance of eight feet above a sidewalk or walkway and 18 feet above an alley, driveway or private street;
(d) Shall project from the wall and to be at a ninety-degree angle; and

(e) Shall not extend vertically above the window sill of the second story and

(f) Shall not block the visibility of any other sign.

(2) Model Home Sign. One sign, not exceeding 24 square feet in the area, advertising a model residential unit located on the same parcel as the model and located a minimum of 10 feet from any adjoining property lines.

(a) The sign shall not be erected until commencement of construction as determined by the City Manager or designee.

(b) No other sign, banner, flag or pennant shall be permitted in residential zoning districts after the thirty-day period for the grand opening of a residential model unit, except as permitted in § 29-6 below. For nonresidential zoning district regulations refer to § 27-7-A (10) subsection 3 below. [Amended 11-24-2003 by Ord. No. 2002-56]

(c) Any model residential unit flag(s) or banner(s) on the property of a model residential unit is prohibited, except for the first 30 days after the model receives final inspection, except when a model residential abuts an arterial or collector, flag(s) or banner(s) may be used only when the model is open for business.
(3) Banners or pennants may be erected in the nonresidential zoning districts. However:

(a) No banner or pennant shall be placed above a sidewalk, walkway, alley, driveway or public or private roadway or right-of-way.
(b) Banners or pennants shall be allowed for advertising a grand opening and may remain on the site for a maximum of 14 days.

(4) Menu Boards. Two menu boards shall be permitted per parcel.

(a) Menu boards shall be a maximum of thirty-two square feet.
(b) The height of a menu board shall not exceed 8 feet above ground level.
(c) The size of the menu board shall not be subtracted from the permitted Secondary Class A sign area.

(5) A-Frame Sign. One A-Frame Sign is permitted per roadway access with a Special Exception Permit. The length of time the sign is permitted to remain shall be indicated on the Special Exception Permit.

(a) A-Frame shall be a maximum of thirty-two square feet.
(b) The height of an A-Frame sign shall not exceed 6 feet.

(6) One identification sign, which may also include changeable copy, for religious uses not exceeding 24 square feet each face.
(a) The structure shall not be more than six feet high in a residential zoning district.

(b) If the sign is less than 24 square feet, conditional use special exception review, if applicable, is not required. [Amended 11-24-2003 by Ord. No. 2002-56]

(7) Human signs or human operated signs may be used for advertising in accordance with the following:

(a) Shall not constitute a traffic hazard or a detriment to traffic safety by reason of location, or method of movement.

(b) Shall not obstruct the vision of drivers, or detract from the visibility of any official traffic control device by diverting or tending to divert the attention of drivers of moving vehicles from traffic movement on streets, roads, intersections or access facilities.

(c) Shall not be located in an area to obstruct the vision of pedestrians.

(d) Shall not prevent free ingress or egress from any door, window, fire escape or other entrance or exit to any building.

(e) Shall not constitute a public nuisance, as determined by the City Manager or designee.

(8) Murals are permitted subject to the following:
(a) Shall be approved by City Commission for artistic design and placement prior to the issuance of a permit.

(b) Shall not exceed more than 100% of the wall space. There shall be no part of the artwork projecting from the building in any direction.

(c) Shall not advertise any specific product.

(d) Shall not be on the side of the building that has the main entrance and shall be placed on the side of the building that is adjacent to a roadway; excluding alleyways.

(e) Shall only be placed on one side of the building.

I. Flags. All flagpoles which require a cemented base in the ground, shall require a permit.

(1) No flag or banner shall be placed above a sidewalk, walkway, alley, driveway or public or private roadway or right-of-way.

(2) National and State flags shall be displayed in accordance with Public Law 344, 94th Congress, and FS § 256.05, which prohibits improper use of State or United States flags.

(3) No more than two National or State government flags are permitted to be displayed per single primary structure, as defined in Chapter 61 of the Unified Land Development Code.
(4) Other than National or State government flags are permitted provided that such flags shall only be allowed at a ratio of two per 50 feet of road frontage and the number thereof shall not exceed eight at any location. Such flags may be used for advertising a grand opening and may remain on the site for a maximum of 14 days. No such flag shall be placed above a sidewalk, walkway, alley, driveway or public or private roadway or right-of-way.

(5) Flags for any civic, charitable, religious or fraternal organization are permitted provided all other regulations of the ULDC are followed.

(6) Any model residential unit flag(s) or banner(s) on the property of a model residential unit is prohibited, except for the first 30 days after the model receives final inspection, except:

   (a) When a model residential unit abuts an arterial or collector, flag(s) or banner(s) may be used only when the model is open for business.

(7) Flags indicating weather conditions are permitted in all zoning districts.

(8) The United States, the State and City flag shall be permitted to be illuminated from dusk till dawn. All other flags shall not be illuminated past 12:00 p.m. Flag lighting sources shall not exceed 10,000 lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag.

(9) The maximum height of any flagpole shall be as follows:
(a) Residential zoning districts - the overall height shall not exceed ten (10) feet over the maximum building height of the primary building.

(b) Nonresidential zoning districts - the overall height shall not exceed 100 feet as measured from existing grade.

(10) No flagpole within nonresidential districts shall be within forty feet of a residential district.

(11) All flagpoles shall be located in conformance with the setback requirements of the zoning district in which they are located.

(12) The maximum size of any flag shall be 30 percent of the total height of the flagpole.

(13) No flag or flagpole shall be allowed in the City’s right-of-way or easement without approval by the City Commission.

(14) Use of flags or flagpoles in excess of these regulations may be allowed as a special exception. Such usage shall be subject to all provisions of this code including, but not limited to, separation, allowable square footage, and height, and shall be counted as chargeable sign area, if the flag is not national, state, or city.

J. Class B signs (off-site signs) are permitted after the grant of a conditional special exception permit if applicable.

(1) Class B (Billboards) are allowed only along I-75.
(2) Location. Class B signs shall be permitted by special exception permit only, pursuant to Chapter 53, §§ 53-264–270 through 53-274–280.

(3) Separation. Minimum distance separation shall be 2,000 feet from any other Class B sign whether on the same side of the street or not.

(4) Size. No Class B sign shall be more than 400 square feet in size. Embellishments shall not extend more than four feet from the top edge or more than two feet from any one side edge.

(5) Roof signs. No Class B signs shall be permitted on any roof portion of any building in any zoning district.

(6) Maximum number of signs per structure. Each Class B sign structure shall be limited to a single sign, which may be single- or double-faced or revolving, but

(a) side-by-side or vertically stacked (double-tier) signs shall be prohibited.

b. With respect to V-type signage, up to a ninety degree angle, the two (2) sides are to be separated by a distance of no less than one (1) foot and with the sign being intersected at one point; and

c. With respect to double-faces (back to back) signage, there shall be no separation between the backs of each face of the sign other than the structural supports to which each sign face is attached.
(7) Revolving signs. Class B signs may be revolving signs, as defined in this chapter 61, but shall not consist of animation or flashing devices.

(8) Minimum lot size. Any lot on which a Class B sign is erected shall be a minimum of one acre.

K. The area of each Secondary Class A, Typical and Class B Flag signs shall be added together and; the total shall not exceed the allowable area, unless otherwise indicated in this chapter.

B. Awnings are permitted, subject to:

(1) Permanently fixed or retractable awnings over private property are permitted.

(2) Permanently fixed or retractable awnings extending over a public right-of-way are allowed by a conditional use permit granted pursuant to §§ 53-264 through 53-274 of the ULDC.

(3) Any group of lettering larger than three inches in height, or symbols or logo exceeding four square feet in area shall be included in the total area of signage allowed on the face of the building.

(4) In the case of multiple business, the building frontage shall be that linear measurement of the front of the area occupied by the business.

C. Changeable copy signs (or reader boards) are permitted only as follows:
Changeable copy sign for a theater or cinema incorporated in a Secondary Class A sign or in a separate facade-mounted changeable copy sign as follows:

(a) Changeable copy signage is limited to a maximum of eight square feet per sign face;

(b) The sign copy shall only relate to events occurring or to occur within the theater or cinema or on the premises;

(c) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality;

(d) The maximum height of the lettering shall be 10 inches;

(e) All types of freehand lettering and chalk on chalkboard surfaces are prohibited;

(f) The sign face may be illuminated or nonilluminated;

(g) The signage shall otherwise comply with the applicable total sign area regulations; and

(h) This facade-mounted changeable copy sign may be part of a marquee.
(a) A freestanding changeable copy sign is permitted only if incorporated in an otherwise permitted Primary Class A sign, except as provided in Subsection C(3) below, as follows:

(i) The sign copy shall only relate to events occurring or to occur within the structure or on the premises;

(ii) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality;

(iii) The maximum height of the lettering shall be six inches;

(iv) All types of freehand lettering and chalk on chalkboard surfaces are prohibited;

(v) The sign face may be illuminated or nonilluminated;

(vi) The signage shall otherwise comply with the applicable total sign area regulations. The changeable copy portion of the Primary Class A shall be included in the total sign area permitted of which it is a part.

(3-b) Changeable copy sign incorporated in the Primary Class A sign for a theater or cinema as follows:

(i) Changeable copy signage is limited to a maximum of eight square feet per auditorium or screen with multiple auditoriums
or screens to a building, a maximum of 80 square feet per building;

(ii) The sign box or sign face shall be set back a minimum 100 feet from the street right-of-way if parking in the front or set back 50 feet if no parking in the front;

(iii) The sign copy shall only relate to events occurring or to occur within the theater or cinema or on the premises;

(iv) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality;

(v) The maximum height of the lettering shall be six inches;

(vi) All types of freehand lettering and chalk on chalkboard surfaces are prohibited;

(vii) The sign face may be illuminated or non-illuminated;

(viii) The signage shall otherwise comply with the applicable total sign area regulations.

D E. Permitted Permanent Signs: Window Signs: Window signs are permitted, provided, however, that window signs are prohibited in the NC district. [Amended 10-28-2002 by Ord. No. 2002-28]
(1) Sales transaction area shall not be obstructed from view from the outside of the building as well as any other area which may be deemed by the police department to be an area necessary for viewing from outside of the building for safety reasons. [Amended 10-28-2002 by Ord. No. 2002-28]

(2) Shall not encumber more than 50% of the window.

(2-3) Flyers announcing community events sponsored by charitable institution, religious institution, fraternal, youth, civic, service or educational institution; or other such organization when the organization makes occasional sales or engages in fund-raising projects when the projects are performed exclusively by the members thereof and when the proceeds derived from the activities are used exclusively in the charitable, religious, fraternal, youth, civic and educational and service activities of the organization are exempt from this requirement. [Amended 10-28-2002 by Ord. No. 2002-28]

(3-4) All window signs shall be either computer generated or applied by a professional who is engaged in the production of signs as a sole source of livelihood. [Amended 10-28-2002 by Ord. No. 2002-28]

F. Projecting signs are permitted, but:

(1) Shall not project more than three feet from the face of the building or structure;

(2) Shall not project over a public or private street right-of-way (excluding sidewalks).
(3) Shall have the minimum clearance of eight feet above a sidewalk or walkway and 18 feet above an alley, driveway or private street;

(4) Shall project from the wall and to be at a ninety-degree angle; and

(5) Shall not extend vertically above the window sill of the second story and

(6) Shall not block the visibility of any other sign.

F.G. A marquee sign is permitted and shall be included in the total area of signage allowed on the face of a building and shall have a minimum clearance of 14 feet above the sidewalk or walkway. (See “Changeable Copy” signs).

G.H. Canopy roof signs are permitted; provided, however, that:

1. Any area of the canopy roof which contains lettering, registered trademarks or service marks or copyrights, symbols, internal illumination or decorative lights shall be considered a sign and shall comply with all the requirements of this chapter.

2. The canopy sign shall be calculated as part of the permitted secondary Class A sign area.

H.G. One sign, not exceeding 24 square feet in the area, advertising a model residential unit located on the same parcel as the model and located a minimum of 10 feet from any adjoining property lines.
The sign shall not be erected until commencement of construction as determined by the City Engineer.

No other sign, banner, flag or pennant shall be permitted in residential zoning districts after the thirty-day period for the grand opening of a residential model unit, except as permitted in § 29-6R. For nonresidential zoning district regulations refer to § 27-7-A (10).

[Amended 11-24-2003 by Ord. No. 2002-56]

One identification sign, which may also include changeable copy, for religious uses not exceeding 24 square feet each face.

(1) The structure shall not more than six feet high in a residential zoning district.

(2) If the sign is less than 24 square feet, conditional use review, if applicable, is not required. [Amended 11-24-2003 by Ord. No. 2002-56]

Sec. 29-10 11. Style or design of sign.

A. Sign design. Any sign design shall use placement, colors and form compatible with building design on the premises or in the vicinity of the premises.

B. All signs erected in Activity Center No. 1, as described in Chapter 53 of the Unified Land Development Code, shall comply with Article XIV IV, Chapter 47 47 of the Code of the City of North Port relating to the Tamiami Trail...
Appearance Review Board, and the appropriate sections of this chapter, and the Urban Design Standards Pattern Book.

(1) In the event that any section of this chapter is conflicting or inconsistent with Article XIV, Chapter 87, Article XIV, Chapter 87, the most restrictive shall apply.

C. All signs erected in Activity Centers No. 2, as described in Chapter 53 of the ULDC, shall comply with the Heron Creek Pattern Book. Any sections not covered by the Heron Creek Pattern Book, shall be regulated by the Urban Design Standards Pattern Book and the Unified Land Development Code Sign Regulations.

D. All signs erected in Activity Centers No. 3, 4, 5, 6, 7, 8 and Neighborhood Commercial Zoning, shall comply with the Urban Design Standards Pattern Book and the Unified Land Development Code Sign Regulations.

E. Any monument signs located in the City Center of Activity Center No. 2 (see plan below) shall not exceed 5 ft. in height and shall follow the design standards set forth in the Urban Design Standards Pattern Book, and the regulations of this chapter.
Sec. 29-11 12. Area of sign. Occupants located within a multiple-occupancy building shall not be permitted individual Primary class A signs.
A. Primary Class A signs shall not exceed the following area requirements per district:

WALL
\[ \text{AREA} = \frac{1}{3} H (B_1 + B_2) \]

FREESTANDING
\[ \text{AREA} = H \times L \]

MARQUEE
Minimum Height = 8 feet
80% of \((a \times b) + (a \times c) + (a \times d)\)

PROJECTING
\[ \text{AREA} = a \times b \]
For the purpose of calculating the area of a Primary Class A sign, all lettering
words and symbols, pictures, logos larger than four (4) sq. ft., or trademarks
shall be included, whether open or enclosed, on the area of which they are
displayed, including the frame around the sign but not any supporting structure
or brace. If the sign uses “corporate” colors, these colors shall be included
in the calculation of the sign area. Double-sided signs are considered one sign
faces for calculating maximum square footage of a monument sign.

(1) Activity Centers No. 1, 2, 3, 4, 5, 6, 8 and CG and ILW Districts.

(a) For a building up to 150 feet in length, the sign area shall not exceed 75 square feet. For a building over 150 linear feet, the sign area shall be 0.50 square feet of sign area per linear foot of building frontage.

(b) Maximum of 250 square feet.

(c) Additional regulations shall apply to signs located in Activity Center #2. These regulations are found in the Heron Creek Pattern Book.

(2) Activity Center No. 2.

(a) Forty percent (0.40) of the hundredth square feet of sign area per linear foot of building frontage.

(b) Maximum of 200 square feet.

(3) Activity Center No. 3: See § 29-6T 78(1).
(4) Activity Center Nos. 1 and 5.

(a) Seventy-five hundredths square feet of sign area per linear foot of building frontage. For a building up to 150 feet in length, the sign area shall not exceed 75 square feet. For a building over 150 linear feet, the sign area shall be 0.50 square feet of sign area per linear foot of building frontage.

(b) Maximum of 300 square feet.

(5) GU and OPI

(a) Thirty percent (0.30) of the hundredths square feet of sign area per linear foot of building frontage.

(b) Maximum of 100 square feet.

(6) OPI

(a) Thirty hundredths square feet of sign area per linear foot of building frontage.

(b) Maximum of 150 square feet.

(7) ILW

(a) Fifty percent (0.50) of the hundredths square feet of sign area per linear foot of building frontage.
(b) Maximum of 300 square feet.

(a) Fifty percent (0.50) of the hundredths square feet of sign area per linear foot of building frontage.

(b) Maximum of 250 square feet.

53 NC: Primary Class A signs are not permitted.

4 The area of a primary Class A sign structure used as a neighborhood entry or subdivision feature shall not exceed 50 square feet.

(a) the sign area shall not exceed 12 square feet.

5 Community entry features shall not exceed 120 square feet.

(a) the sign area shall not exceed 100 square feet.

B. Secondary Class A signs.

For the purpose of calculating the allowable area of a Secondary Class A sign, the exterior wall measurement is taken from the ground level of the building to the bottom of the uppermost fascia board. For signs consisting of individual letters or symbols attached to or painted on a surface, building wall or window, or for signs in which the letters, symbols, etc., extend beyond the frame, the area shall be considered to be that of the smallest rectangular shape which
encompasses all of the letters and symbols. If the sign uses “corporate” colors, these colors shall be included in the calculation of the sign area.

The surface area of a sign shall be computed as including the entire area within the periphery of a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign, including all of the elements of the matter displayed, including color but not including blank masking, frames or structural elements of the sign bearing no advertising matter.

(1) Individual nonresidential occupants within a multiple-occupancy structure of two or more establishments.

(a) Occupants located within a multiple-occupancy complex shall not be permitted individual Primary Class A signs, but may display individual wall-mounted signs (Secondary Class A signs) on the building in which the occupant is located.

(b) On each side, excluding the rear of such building on which part of the exterior wall is included in the occupants individually leased or owned premises but not including a common area, such occupant may display signs as follows:

(a i) If such side of the principal building or unit includes the primary entrance/exit to such occupant's premises, the occupant may display in the leased or owned area one such sign, excluding awning and window signs, with a total combined sign area of no more than 5% of the surface area of the exterior wall included in
such occupant's individually leased or owned premises up to a maximum sign area of 100 square feet.

[1] Only one building side will be considered as including any occupant's primary entrance/exit.

[2] If the occupant has an entrance/exit on a corner or on more than one side, the occupant may choose which building side shall count as having the primary entrance/exit.

(b ii) On any other such building side, an occupant may display within the leased or owned area one such sign, not exceeding 24 square feet in sign area.

(c iii) In the area shown as Activity Center No. 3 on the Future Land Use Map in the City of North Port Comprehensive Plan, no building shall contain more than two wall signs and each sign shall not exceed 24 square feet in area.

(2) Any structure containing one nonresidential occupant shall be allowed, in addition to an individual Primary Class A ground-mounted sign, to display wall-mounted Secondary Class A sign or awning signs, in accordance with Subsection B(1)(a i) and (b ii) above. B(2)(a)(b).

(a) One sign at the primary entrance/exit, with a total combined sign area of no more than 5% of the surface area of the exterior wall up to a maximum sign area of 100 square feet. Only one building side will be considered as the primary entrance/exit.
(b) On the remaining sides, excluding the rear, the occupant may display a sign not exceeding 24 sq. ft.

(3) Neighborhood Commercial signs. Notwithstanding Subsection B(1)(a), (b) and (c) above, the maximum sign areas of a Secondary Class A sign in the NC District shall not exceed 12 square feet.

(a) No such sign shall be illuminated.

(b) Window signs shall be prohibited.

(4) The surface area of a sign shall be computed as including the entire area within the periphery of a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign, including all of the elements of the matter displayed, including color but not including blank masking, frames or structural elements of the sign bearing no advertising matter.

C. Typical Signs. No Typical sign shall be more than 50 square feet in size and shall not be within 50 feet of another Typical sign.

D. Flags. The maximum size of any flag shall be 30 percent of the total height of the flagpole and shall not be located within 10 feet of another flagpole.

E. Class B Signs. No Class B sign shall be more than 400 square feet in size.

(1) Embellishments shall not extend more than four feet from the top edge or more than two feet from any one side edge.
(2) All Class B signs shall be landscaped.

(3) Class B signs along the inside fences of athletic fields shall be allowed notwithstanding (2) above and Sec. 29-13(D) provided that:

(a) The sign does not exceed 100 square feet.

(b) The sign is not a banner or wind sign.

(c) The sign is attached securely to the fence.

(d) The sign does not advertise a business no longer in existence.

(e) The owner of the sign is responsible for the maintenance of the sign.

(f) The sign is kept in optimal condition.

(g) A permit is filed with the City and includes a signed affidavit from the owner of the field to allow the sign to be displayed.

F. Where more than one type of sign is permitted, the maximum total area shall be divided between signs or sign faces of permitted sign area, unless otherwise specified in these regulations.

Sec. 29-13. Distance between signs.
A. No Class A Primary sign shall be erected less than 50 feet from another Class
A Primary permitted sign notwithstanding the fact that the signs are not on the
same premises.

B. Typical Signs. No Typical sign shall be erected or placed less than 50 feet
from another permitted sign.

C. Flags. No Flag shall be erected or placed less than 10 feet from another
flag or sign.

D. Class B sign. Minimum distance separation shall be 2,000 feet from any
other Class B sign whether on the same side of the street or not.

Sec. 29-13 14. Location, height and setbacks.

A. Height.

(1) If a sign is located above a sidewalk, other walkway, or roadway, the sign shall have a minimum clearance of 8 feet above a sidewalk or other walkway and a clearance of 18 feet above an alley, driveway or public or private roadway.

(2) No Primary Class A sign and sign structure shall exceed 30 feet in height. unless otherwise specified in this chapter.

(3) No Class B sign shall exceed a height of 40 feet. when placed at the sign setback line set forth in this chapter.

D. Minimum Setback requirements shall be as follows:
(1) Exempt sign: not less than a ten-foot setback from the street right-of-way.

(2) Temporary sign: not less than a ten-foot setback from the street right-of-way.

(3) Class A sign, Primary: minimum setback requirement of 10 feet from any property line.

(4) Typical sign: minimum setback requirement of 10 feet from any property line.

(5) Flag: minimum setback requirement of 10 feet from any property line.

(6) Class B sign: minimum street setback requirement of 25 feet from any property line and any building when placed as a stand alone structure, as measured between the closest point of the sign to the property line or building.

E. Setbacks of signs from existing and future utilities shall be determined by the North Port Utility Department.

E. Class B signs shall only be permitted along I-75 subject to the following limitations:

(1) Location. Class B signs shall be permitted by conditional use permit, pursuant to Chapter 53, §§ 53-264 through 53-274, only in any
zoning district shown on the City’s Comprehensive Plan Future Land Use
Map as commercial, industrial or future growth areas.

(2) Separation. Minimum distance separation shall be 2,000 feet from any
other Class B sign whether on the same side of the street or not.

(3) Size. No Class B sign shall be more than 400 square feet in size.
Embellishments shall not extend more than four feet from the top edge or
more than two feet from any one side edge.

(4) Height. No Class B sign shall exceed a height of 40 feet, when placed
at the sign setback line set forth in Subsection F(5) below.

(5) Setbacks. All Class B signs shall be setback a minimum of 25 feet from
any property line and any building, as measured between the closest point
of the sign to the property line or building.

(6) Roof signs. No Class B signs shall be permitted on any roof portion of
any building.

(7) Maximum number of signs per structure. Each Class B sign structure
shall be limited to a single sign, which may be single- or double-faced or
re-olng, but

(a) side by side or vertically stacked (double-tier) signs shall be
prohibited.

(8) Illumination. Class B signs may be illuminated, provided that:
(a) When external lighting such as floodlights, thin-line or goose-neck reflectors are used, the light source shall be directed onto the face of the sign and shall be effectively shielded so as to prevent beams or rays of light from being directed into any portion of the street right of way, or adjacent properties.

(9) Revolving signs. Class B signs may be revolving signs, as defined in this chapter, but shall not consist of animation or flashing devices.

(10) Minimum lot size. Any lot on which a Class B sign is erected shall be a minimum of one acre.

Sec. 29-14 15. Illumination.

A. A sign may be lighted internally or externally, but illumination shall be shielded or indirect to prevent glare, reflection or shining onto any street or adjacent property, unless otherwise regulated elsewhere in the Unified Land Development Code.

B. A sign in any residential district may not be illuminated, except for:

(1) a sign identifying a place open to the public,

(2) a sign giving the name of a subdivision or community identification sign, such as ACLF or nursing home or other similar institution.

(3) a sign identifying a house of worship, charitable organization, or school.
Any sign permitted to be lighted may be lighted only indirectly in a manner that will prevent glare, reflection or shining onto any street or adjacent property.

C. Class B signs may be illuminated, provided that:

(1) When external lighting such as floodlights, thin-line or gooseneck reflectors are used, the light source shall be directed onto the face of the sign and shall be effectively shielded so as to prevent beams or rays of light from being directed into any portion of the street right-of-way or adjacent properties.

D. Neighborhood Commercial signs shall not be illuminated.

E. All lighting shall be steady, stationary, shielded and erected solely at or internal to the sign, with brightness consistent with other signs in the vicinity of the premises and the City.

Sec. 29-15. Landscaping and maintenance.

A. Landscaping.

(1) Primary Class A. The sign shall be landscaped with ground cover and shrubs or trees.

(2) Class B. The supporting structure(s) shall be landscaped so as to be 75% opaque within three years.

B. Maintenance.
(1) An owner shall maintain a sign in substantially similar condition as when the sign was originally permitted and erected. Such maintenance shall include periodic painting and replacement, including both the sign area and structure or supporting structure when necessary to achieve the substantially similar appearance as the originally permitted signs.

(a) The owner shall promptly repair, replace or remove any broken, worn or illegible elements of a sign or sign awning or canopy.

(b) If the owner of the sign and the owner of the premises on which the sign is located are not the same, each shall be jointly and severally responsible for sign maintenance.

(2) The Director Building Department may give an owner of the sign and the owner of the premises on which the sign is located written notice of the failure of the owner of the sign to fulfill the maintenance obligation and order the owner to forthwith repair, replace or remove the sign.

(a) In the event that the owner of the sign fails, refuses or neglects to repair, replace or remove the sign as ordered within 30 days of the date of the notice, the Director Building Department may, on behalf of the City, cause the sign to be removed.

(b) The owner of the sign and the owner of the premises on which the sign is located and removed as allowed above shall be jointly and severally liable to the City for the actual cost of the removal of the sign.
(3) If any sign poses an immediate hazard or danger to either person or property, the Director, City Manager or designee may, in the City Manager or designee's sole discretion, remove the sign without notice.

(a) The owner of the sign and the owner of the premises on which the sign is located and removed as allowed above shall be jointly and severally liable to the City for the actual cost of the removal of the sign.

Sec. 29-16.  Permits required; permit fees; permit expiration.

A. All signs, except those exempt in § 29-7 and do not require electrical or cement work, shall require a sign permit and the payment of a fee.

B. Any person desiring to erect or alter a sign, except those exempt in § 29-7, shall file an application for a sign permit and pay the application fee to the Director of the Building Department. Normal maintenance to existing signs shall not be deemed alterations within the meaning of this chapter and shall not require a permit or a fee. [Amended 11-24-2003 by Ord. No. 2002-56]

C. If an inspection has not been generated within six (6) months of the date a sign permit has been issued from the building department, the sign permit shall be deemed expired. If a sign permit is determined to be expired, all previously submitted documentation shall be voided. Documents so voided shall be resubmitted in compliance with the regulations that are in effect at the time of resubmission.

Sec. 29-17.  Applications for permits.
A. The application for sign permits shall be in a form approved by the City’s Director of the Building Department. The application shall include:

(1) A complete description of the proposed sign and a site plan indicating its size and type and location on the property;

(2) Elevations of all sign faces detailing height, width, length, square footage per sign face, size of lettering, colors;

(3) Lighting utilized, including total lumens (wattage) as shown on drawings and;

(4) Specifications for construction of the sign sealed by a licensed engineer, and;

(5) The written consent of the owner of the property on which the sign is to be erected.

(6) The application for a temporary sign shall also include the date the sign is placed and the date it is to be removed. [Amended 11-24-2003 by Ord. No. 2002-56]

B. The City Commission shall determine the filing fee.

C. Upon receipt of an application, the Director Building Department shall review the application and make an inspection of the site to determine compliance of the proposed sign with existing laws and regulations and to determine the location, size and content of any existing signs on the premises.
1. The Director Building Department shall verify the proximity of existing or future utility infrastructures with regard to the location of a sign for any potential conflict.

2. In the event that the Director Building Department may determine that the sign application should be reviewed by the City staff responsible for reviewing development applications, City of North Port Development Review Committee (DRC), the Director Building Department may refer the permit application to the DRC appropriate City staff for review pursuant to Chapter 33 of the Unified Land Development Code.

3. Further, in the event that the proposed sign requires a conditional use special exception permit, the applicant shall also make a request for a conditional use special exception permit, and the request for the conditional use permit which shall be processed in accordance with this chapter and §§ 53-264 through 53-274.

Sec. 29-18. Nonconforming signs.

A person may continue to maintain a nonconforming sign; provided, however, that nonconforming signs are disfavored and that on the occurrence of the first of any of the following events, the person shall make the sign conform to this chapter or its successor:

A. In the event a sign is enlarged, reworded (except only an exempt sign or any changeable copy sign or a time and temperature sign), redesigned or altered pursuant to Subsection D below;

B. The sign is abandoned, removed or dismantled;
D. The sign is determined by the Director Building Department to be a hazard to the life, safety, property or welfare of the public;

E. The sign has deteriorated or is damaged and the cost of repair or restoration, includes actual market cost of labor and materials, of the sign equals or exceeds 50% of the current value of the sign as determined by the County Property Appraiser's Office or as determined by a qualified appraiser;

F. The sign advertises or calls attention to an occupant, a business, service, product or performance or event no longer in existence or available on the premises;

G. Subject to the foregoing, any sign which existed and was maintained on October 25, 1999, may be continued although such sign does not conform to all of the provisions of this chapter; provided that:

(1) All such nonconforming signs, supporting members and electric components shall be completely removed from the premises or brought into conformance with these requirements not later than October 25, 2009; provided, however, that nothing herein shall be construed as permitting the continuance of any illegal or prohibited sign as defined in this chapter.

(2) At least, every five years from October 25, 1999, City staff shall submit a report to the Commission determining the amount of square footage that remains in nonconforming signs within Activity Center No. 1.
(i) After 10 years and only within Activity Center No. 1, if the nonconforming sign(s) contain less than 10% of the total existing sign area, the nonconforming sign(s) shall conform.

(ii) If the nonconforming sign(s) contain 10% or more of the total existing sign area, then this section shall be reviewed and amended, if found appropriate.

(3) All signs, except those in existence prior to October 25, 1999, found to be non-conforming at the time of this code rewrite, shall be brought into conformance within seven ten years of its adoption.

(4) All signs in existence prior to October 25, 1999 are required to conform to the sign regulations in existence on June 22, 2009. If a business which has a sign which existed prior to October 25, 1999, conforms to the regulations in effect on June 22, 2009, that business will be required to conform to the currently adopted sign regulations by June 22, 2019.

G. Annexation. Any sign which lawfully existed on annexed property and was conforming with county regulations applicable at the time prior to annexation by the City, may be continued, although such sign does not conform to all of the provisions contained in this chapter; provided, however, that:

(1) All such nonconforming signs, supporting members and electrical components shall be completely removed from the premises or brought into conformance not later than October 25, 2009, or one year from the date of annexation, whichever date is later, or as otherwise provided in the annexation ordinance, and further;
(2) Providing that nothing herein shall be construed as permitting the continuance of any illegal or prohibited sign.

(3) If a property is annexed after October 2009, the time of any sign found on the property shall be regulated by Sec. 29-19(G)(3).

Sec. 29-19. Variances.

The Zoning Board of Appeals may grant a variance for Class A signs to exceed the sign area, height, setback and projection from a building restrictions, provided that a person files an application for a variance pursuant to and in accordance with §§ 53-288 through 53-294 of the Unified Land Development Code, subject to any conditions and safeguards that the Zoning Board of Appeals deems in the best interests and for the protection of adjoining private property and/or the public interest.

Sec. 29-20. Enforcement.

A. Complaints regarding violations. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint.

(1) Such person shall file the complaint stating fully the facts of and basis for the complaint.

(2) The Planning, and Zoning Department shall record the complaint and immediately investigate and take action as provided for in this chapter.
B. Penalties for offenses.

(1) Violation of this chapter or any permit issued pursuant to this chapter, including violations of conditions and safeguards established in connection with a review of the Development Review Committee or grants of variances or conditional use permits, shall be punishable by a fine of not more than $500.

(a) Each violation of this chapter or a permit shall be deemed a separate offense.

(b) Each day a violation continues to exist shall be deemed a separate and distinct violation.

(2) The owner or occupant of any building, structure, premises or part thereof and any architect, building contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(3) Enforcement. The City may have recourse to such remedies in law and at equity as may be necessary to ensure compliance with the provisions of this chapter and any permit issued thereunder, including injunctive relief to enjoin and restrain any person from violating its provisions and such damages as may be sustained as a result of a violation of this chapter.
together with all costs and expenses and attorneys’ fees incurred in the case.

(1) The provisions of this chapter or any permit issued hereunder may also be enforced through code enforcement proceedings under the provisions of Chapter 34 of the North Port City Code.

(2) In the event of a violation of this chapter or any permit issued pursuant to this chapter, including violations of conditions and safeguards established in connection with a review of the Development Review Committee or grants of variances or conditional use special exception permits, the appropriate City staff may issue a stop-work order to prevent further violations of this chapter.

C. Filing of appeals; hearing; stay of proceeding.

(1) Filing of appeals. Any person aggrieved or any officer, board or department of the City affected by any decision, determination or requirement of the Building and/or Planning and Zoning Departments relating to any interpretation or administration of this chapter shall file a written notice of appeal with the Zoning Board of Appeals and the Planning and Zoning Department specifying, in detail, the error alleged and the factual and legal basis for the appeal. The Planning and Zoning Department, within 14 days of the receipt of the notice of appeal, shall transmit to the Zoning Board of Appeals all papers constituting the record of the decision, determination or requirement that is the subject of the appeal. In the event that the person aggrieved or the officer, board or department affected fails to comply with the provisions of this subsection, such failure shall be jurisdictional and the appeal shall be
dismissed. Any aggrieved party shall appeal a jurisdictional dismissal by petition for writ of certiorari to the Circuit Court. [Amended 11-24-2003 by Ord. No. 2002-56]

(2) Hearing. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal, give notice of the hearing to the public and all the parties in interest. After such hearing, the Zoning Board of Appeals shall decide the appeal within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

(3) Stay of proceedings. An appeal stays all proceedings in furtherance of the action from which the appeal was taken; provided, however, that in the event the Director of the Planning and Zoning Department, from whom the appeal is taken and after receipt of the notice of appeal, certifies in writing to the Zoning Board of Appeals that a stay would, in the opinion of the Director supported by facts, cause an immediate risk of harm to a person or to property, then the proceedings shall not be stayed; provided, further, however, that in the event that the person aggrieved or any officer, board or department may request, in writing, based on detailed facts, and shows good cause, the Zoning Board of Appeals may issue a restraining order staying such proceedings. The Zoning Board of Appeals may condition such restraining order on such safeguards and time limits as the Board may deem appropriate to protect any person or property at risk of harm. [Amended 11-24-2003 by Ord. No. 2002-56]

(4) Reversal of decision of Planning and Zoning Department. [Amended 11-24-2003 by Ord. No. 2002-56]
(a) After a hearing, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, decision or determination appealed from and may make such order, decision or determination as sought to be made, and to that end shall have the powers of the Planning and Zoning Department from which the appeal was taken. [Amended 11-24-2003 by Ord. No. 2002-56]

(b) In an appeal, the concurring votes of a majority of the members of the Zoning Board of Appeals present at a meeting shall be necessary to reverse any order, decision or determination of the Planning and Zoning Department. The final determination of the Zoning Board of Appeals shall be made in writing and shall be made available to the person aggrieved or the officer, board or department affected, the Planning and Zoning Department, the City Attorney and the City Manager. [Amended 11-24-2003 by Ord. No. 2002-56]

D. In the event that a temporary sign is not removed by the date specified in the permit application, the Planning and Zoning Department may, on behalf of the City, cause the sign to be removed. The owner of the sign and the owner of the premises on which the sign is located shall be jointly and severally liable to the City for the actual cost of the removal of the sign. [Amended 11-24-2003 by Ord. No. 2002-56]

Sec. 29-22. Interpretation.
It is the responsibility of the Building/Planning, Zoning and Engineering Department/City Manager’s designee to interpret this chapter.

Sec. 29-21. Conflicts.

In the event of any conflict between the provisions of this chapter and any other chapter or portions thereof, the provisions of this chapter shall prevail to the extent of such conflict. Where there may be any inconsistency between this chapter and any other code or regulation, the more restrictive provision shall apply.


Any person aggrieved by the Building Director/Department responsible for land development services Director interpretation may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders the sign inconsistent with the general design principals. The granting of any appeal shall not be in conflict with State Statutes. The Zoning Board of Appeals decision, may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(1) Applications for an appeal shall be filed pursuant to Sec. 1-10.

Sec. 29-25. Severability.

If any section, subsection, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such
portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Sec. 29-23. When effective.

The provisions of this chapter shall become effective upon adoption by the City Commission.
Chapter 30. DEVELOPMENT OF SIGNIFICANT CONCERN.

Sec. 30-1. Title.

Sec. 30-2. Relationship to Comprehensive Plan.

Sec. 30-3. Findings.

Sec. 30-4. Administrative procedures.

Sec. 30-5. Application for authorization to develop.

Sec. 30-6. Review process.

Sec. 30-7. Public hearing notification.

Sec. 30-8. Determination for development approval.

Sec. 30-9. Order of Approval.

Sec. 30-10. Changes to approved Order of Approval.

Sec. 30-11. Fees.

Sec. 30-12. Enforcement.

Sec. 30-13. Interpretations.

Sec. 30-14. Conflicts.

Sec. 30-15. Appeals.

Sec. 30-16. Severability.

Sec. 30-1. Title.

This chapter shall be known and may be cited as the “Development of Significant Concern” of the City of North Port, Florida”.

Sec. 30-2. Relationship to Comprehensive Plan.

The Development of Significant Concern (DOSC) regulations in this chapter implement Objective 5 of the Future Land Use Element of the Comprehensive Plan, which states that: “Future growth and development will be managed through the
preparation, adoption, implementation and enforcement of land development regulations”, as well as the following policy statements thereunder:

“Policy 5.1: Amend the land development regulations, consistent with F.S. 163.3202 (1), as amended, that shall contain specific and detailed provisions required to implement the adopted Comprehensive Plan, and which as a minimum:

a. Regulate the subdivision of land;

b. Regulate the use of land and water consistent with this Element and ensure the compatibility of adjacent land uses and provide for open space;

c. Protect the Conservation lands designated on the Future Land Use Map and in the Conservation Element;

d. Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management;

e. Protect potable water supplies and aquifer recharge areas;

f. Regulate signage;

g. Ensure safe and convenient onsite traffic flow and vehicle parking needs; and

h. Provide that development orders and permits shall not be issued which result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan.”
“Policy 5.2: Land development regulations, consistent with F.S. 163.3202 (1), as amended, shall include provisions for the transfer of development rights which:

a. Provide for the transfer of development rights from designated areas where lower densities are to be encouraged, historic resources deserving protection, and from environmentally sensitive areas.

b. Designate Activity Centers (except Tracts B & C in Activity Center #3, as indicated on the City Base Map) on the Future Land Use Map as Transfer of Development Rights receiving zones where such areas are able to accommodate increased density/intensities without lowering the adopted Level of Service (LOS).

c. Provide for the Transfer of Development Rights to designated receiving zones.”

“Policy 5.3: The City shall continue to identify appropriate innovative land development techniques, as appropriate. Prior to 2000, the City shall amend the Land Development Code to implement appropriate land development techniques and establish a process for the awarding of density/intensity bonuses and incentives.”

Sec. 30-3. Findings.

The City Commission makes the following findings:

A. All proposed residential developments between 1,000 and 1,999 Dwelling Units under unified control or common ownership, which development is not subject to
the Development of Regional Impact (DRI) review process pursuant to F.S. § 330.06, is hereby deemed to be Development of Significant Concern (DOSC).

B. All proposed commercial/industrial/office between 80,000 sq. ft. to 399,999 sq. ft. under unified control or common ownership, which development is not subject to the Development of Regional Impact (DRI) review process pursuant to F.S. § 330.06, are hereby deemed to be a Development of Significant Concern (DOSC).

C. On April 1, 1987, the DRI threshold for residential developments was increased 100 percent to 2,000 Dwelling Units resulting from the County’s population exceeding 250,000 persons within both incorporated and unincorporated areas. The 2,000-unit threshold is not applied uniformly County-wide since North Port and the County are surrounded by less populous counties having lower DRI thresholds and such lower DRI thresholds apply to North Port development within two miles of such less populous counties.

D. Developments of Significant Concern create significant impacts on environmental systems, public facilities, and the local economy, and, therefore, the establishment of local procedures to assess and mitigate the impacts of Developments of Significant Concern (DOSC) are encouraged by F.S. § 163.3202, and are necessary and desirable to protect the public health, safety, and general welfare.

E. It is the intent of the City Commission that the development of significant concern process will provide improved coordination among development review agencies and will encourage the achievement of a more comprehensive systems approach in analyzing cumulative impacts of development than is currently achieved by the City’s development review process. In order to protect and
promote public health, safety, and the general welfare, mitigation of Developments of Significant Concern (DOSC) impacts should be required consistent with the North Port Comprehensive Plan and F.S. ch. 163.

F. The Planning and Zoning Advisory Board, sitting as the Land Development Regulation Commission, has reviewed the proposed ordinance codified in this article and has found that it is consistent with the North Port Comprehensive Plan.

G. The City Commission has reviewed the proposed ordinance codified in this article and has found that it is consistent with the North Port Comprehensive Plan.

Sec. 30-4. Administrative procedures.

The following administrative procedures shall apply to all residential and commercial developments, which qualify as Developments of Significant Concern.

A. Applicability and exemption.

(1) All development projects for which a development application is for formal review by the City of North Port shall be subject to the provisions of this Section, except those areas zoned Village and developments, which are, or have been, required to undergo the Development of Regional Impact (DRI) process pursuant to F.S. § 380.06 are exempt from the provisions of this Section.

(2) Variation to threshold for major development.
(a) The developer shall request a determination from the Department responsible for land development services if the proposed development qualifies under the provision of 30-3 above.

(b) A request for a determination whether the proposed development shall undergo Development of Significant Concern review shall be submitted in writing to the Department responsible for land development services. A developer requesting a determination shall provide in writing such information relevant to the listed characteristics below as the planning staff may reasonably require in order to make a determination.

(i) The extent to which the development would create or alleviate environmental problems.

(ii) The amount of pedestrian or vehicular traffic likely to be generated.

(iii) The number of persons likely to be residents, employees, or otherwise present.

(iv) The size of the site to be occupied including the types and numbers of residential uses, and nonresidential by type and square footage.

(v) The likelihood that additional or subsidiary development will be generated.
(vi) The extent to which the development would create an additional demand for, or additional use of, energy, including the energy requirements of subsidiary developments.

(vii) The unique qualities of the area of critical concern.

(3) Within 30 calendar days after receiving a request for a determination, the Department responsible for land development services shall notify the applicant in writing of the determination on the proposed development.

(4) The applicant may appeal the Department responsible for land development services determination by submitting a written request to the City to be scheduled on the Planning and Zoning Advisory Board agenda for a determination based solely on the documents submitted to the Department responsible for land development services including the Department’s written determination.

(5) The advisory recommendation of the Planning and Zoning Advisory Board along with all documentation submitted to the Planning, Zoning and Engineering Department shall be placed on the next available City Commission agenda for a final determination.

(6) The determination of the City Commission may be appeal to the State of Florida Circuit court within 30 days of the written decision.

Sec. 30–5. Application for authorization to develop.

A. A developer of significant concern may undertake such development if the Development of Significant Concern (DOSC) has been approved under the
requirements of this article. The development of a DOSC shall be subject to all applicable requirements of federal, State, and local regulations.

B. Prior to undertaking any development of a Development of Significant Concern, the developer thereof shall file with the Department responsible for land development services, a complete application utilizing the submittal requirements found in Chapter 53-8, as the same may be amended from time to time. In preparing the application, requirements contained in F.A.C. 9J-2.0255 relating to the Transportation Policy Rule and F.A.C. 9J-2.0256 relating to the Hurricane Preparedness Policy Rule shall apply.

C. The developer shall arrange for a pre-application meeting with the department responsible for land development services to review the proposed development, to determine those questions on the standardized application, which can be deleted, and the methodologies to be used in completing the application and to clarify such other matters as may maximize the efficiency of the review process. The North Port staff responsible for development review and other regulatory agencies as appropriate shall participate in the pre-application meeting and any subsequent methodology meetings as determined at the time of the pre-application meeting. The developer may appeal any written determination, within 15 days of such determination, to the Planning and Zoning Advisory Board for a final decision after notice to the developer and a hearing before the Board. Such appeal shall be in writing and shall be based solely upon the documents submitted to the department responsible for land development services, including the City staff’s findings.

D. All activities conducted within the Myakka River Protection Zone (MRPZ) shall be regulated by Chapter 57.
Sec. 30-6. Review process.

A. Sufficiency Review. The review process for a Development of Significant Concern (DOSC) shall be as set forth in 53-8. When an application for a DOSC is filed with the department responsible for land development services, that department shall send copies of the application to the appropriate review agencies (including Sarasota and Charlotte counties, FDOT, WMD, RPC, DEP, Charlotte and Sarasota/Manatee MPOs) for a sufficiency review.

(1) Within 30 days of the receipt of the application, the City shall respond in writing to the applicant either that:

   (a) the application is deemed sufficient, or

   (b) the application is insufficient and that additional information is needed from the applicant.

(2) Within 30 days after receipt of such additional information by the City, the appropriate review agencies shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by, or directly related to, such additional information. These procedures shall be repeated until:

   (a) the information provided by the applicant is judged sufficient by the City to initiate the formal review for the project, or

   (b) the applicant provides written notification to the City seeking an application sufficiency determination from the City Manager, or designee.
(3) The City Manager or designee determination may be appealed to the City Commission. If the applicant elects not to provide the additional requested information as determined by the City Manager or City Commission, the City, upon receipt of written notification from the applicant, shall initiate formal review on the insufficient application and schedule the staff review.

(a) If the applicant neither provides the additional information requested by the City nor seeks an application sufficiency determination from the City Manager, the application shall be deemed withdrawn within 45 days of the most recent information request.

B. Project Review. Upon application sufficiency as determined by either the department responsible for land development services or the City Manager, or City Commission, the City shall issue to both the applicant and review agencies notification that formal review of the application has been initiated.

(1) Within 30 days after issuance of this notification, the department responsible for land development services shall schedule the Administrative Staff review.

(2) All review agencies shall be notified of the date the Administrative Staff review commences and review comments from all review agencies shall be due to the City within 30 days.

Sec. 30-7. Public hearing notification.

Upon issuance of City staff’s recommendation, the City shall give notice and schedule public hearings on the application before the Planning and Zoning
Advisory Board and the City Commission in the same manner as for a rezoning within the City of North Port.

Sec. 30-8. Determination for development approval.

After recommendation by the Planning and Zoning Advisory Board, the Commission, at a public hearing, shall determine whether, and the extent to which:

A. The development will have a favorable or unfavorable impact on the environment and natural resources of North Port and any other affected jurisdictions;

B. The development will have a favorable or unfavorable impact on the economy of North Port and any other affected jurisdictions;

C. The development will efficiently use or unduly burden water, sewer, solid waste disposal, fire, emergency medical services, police, or other necessary public facilities;

D. The development will efficiently use or unduly burden public transportation facilities, including bike lanes, sidewalks, mass transit;

E. The development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment;

F. The development complies or does not comply with the North Port Comprehensive Plan and other applicable land development regulations;
G. The development is internally and externally connected by the use of roads, pedestrian and bike facilities, etc., and;

H. The development has public school capacity in accordance with Sec. 5-12 of these regulations.

Sec. 30-9. Order of Approval.

A. The City Commission shall render a written decision on the application of approval, approval with conditions and stipulations, or denial. Within approximately 30 days after the closure of the Commission's public hearing an Order of Approval (O.A.) shall be issued.

(1) If the application is denied, the Order of Approval shall specify the reasons for denial.

B. Granting of any rezoning, special exception, site and development plan, preliminary or final subdivision plan, construction plan or building permit shall comply with the approved Order of Approval for the Development of Significant Concern.

C. The Order of Approval shall contain conditions to mitigate potential impacts that would be caused by the project.

D. In addition to specific conditions for development approval, the Order of Approval shall incorporate monitoring procedure. The department responsible for land development services shall have the responsibility of monitoring the development and enforcing the terms of the Order of Approval.
E. The Order of Approval grants the right to proceed to the next step in the development process, but does not grant the right to construct.

(1) Without an effective Order of Approval, the developer shall not have authorization to continue the development process for any portion of the development covered by the application for Development of Significant Concern.

(2) Prior to any construction, a building permit shall be approved in compliance with the Building Department regulations.

F. Appeal of an Order of Approval shall be in the same manner as a rezoning.

Sec. 30-10. Changes to approved Orders of Approval.

A proposed change to an approved Order of Approval shall undergo a public hearing process in accordance with North Port’s public hearing requirements for rezoning. If the Commission determines that the proposed change should be approved, an amendment to the Order of Approval shall be issued addressing the proposed change.

Sec. 30-11. Fees.

A. Fees pursuant to the City Commission adopted fee schedule as may be amended from time to time for review and processing of Development of Significant Concern shall be collected in the same manner as for review and processing of Developments of Regional Impact. All review costs incurred by the City shall be reimbursed by the applicant within 30 days of issuance of an invoice.
B. An Order of Approval will not be issued until all applicable fees are paid.

Sec. 30-12. Enforcement.

Violation of this article shall be punished pursuant to the provisions of F.S. § 125.69. enforced pursuant to the provisions of Part II of chapter 162, Florida Statutes. Notwithstanding the penalties provided for above, North Port may also seek legal or equitable relief for the violation of this article, including prohibitory and mandatory injunctive relief, and, in the event such legal or equitable enforcement action is successful, North Port shall be entitled to the award of all costs from the defendant, including reasonable attorneys' fees, incurred in the investigation of, and enforcement against, the violation of this article.

Sec. 30-13 Interpretation

Interpretations of this section shall be made by the director of the department responsible for land development services/City Manager designee. The provisions of this Article shall be liberally construed in order to effectively carry out its purpose. Where any provision of this Article refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any amendments thereto or re-designation thereof.

Sec. 30-14. Conflict.

Whenever the requirements of these regulations differ from those imposed by the City, Federal or state regulation, law or statute, the most restrictive or imposing the higher standards shall govern.
Sec. 30-15. Appeals.

A. Any person aggrieved by the director of the department responsible for land development services/City Manager designee’s interpretation may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders the property unbuildable without reasonable use. The granting of any appeal shall not be in conflict with State Statutes. The Zoning Board of Appeals decision, based upon the evidence submitted to the City Manager and the City Manager’s finding(s), may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(1) Applications for an appeal shall be filed pursuant to Sec.1-10.

Sec. 30-16. Severability.

In the event that any portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this article.

Chapters 31--32 RESERVED
Chapter 33  MINOR AND MAJOR SITE AND DEVELOPMENT PLAN REGULATIONS

[HISTORY: Adopted by the City Commission of the City of North Port 9-17-1990 by Ord. No. 90-28 (Section 2). Amendments noted where applicable.]

GENERAL REFERENCES

Building and construction -- See Ch. 87 Ch. 14, City Code.
Impact fees -- See Ch. 136 Ch. 58, City Code.

Sec. 33-1.  Title.

Sec. 33-2.  Relationship to Comprehensive Plan.

Sec. 33-3.  Intent.

Sec. 33-4.  Definitions.

Sec. 33-5.  Jurisdiction.

ARTICLE I. MINOR SITE AND DEVELOPMENT PLAN

Sec. 33-5.  Procedures for securing minor site and development plan approval.

Sec. 33-5.  Submission requirements for minor site and development plans.

Sec. 33-5.  Minor site and development plans design standards.

ARTICLE II. MAJOR SITE AND DEVELOPMENT PLAN

Sec. 33-8.  Procedure for securing major site and development plan approval.

[Amended 1-13-1997 by Ord. No. 96-18]

Sec. 33-9.  Submission requirements for major site and development plans.

Sec. 33-10.  Major site and development plans design standards.

Sec. 33-11.  Release of Bond.

Sec. 33-12.  Interpretation.
Sec. 33-13. Conflict.

Sec. 33-14. Appeals.

Sec. 33-15. Severability.

Sec. 33-1. Title.

This chapter shall be known and may be cited as the "Site and Development Plan Regulations" of the City of North Port, Florida.

Sec. 33-2. Relationship to Comprehensive Plan.

The minor and major site and development regulations in this chapter implement Objective 5 of the Future Land Use element of the Comprehensive Plan, which states that “Future growth and development will be managed through the preparation, adoption, implementation and enforcement of land development regulations,” as well as the following policy statements thereunder:

“Policy 5:1: Amend the land development regulations, consistent with F.S. 163.3202 (1), as amended, that shall contain specific and detailed provisions required to implement the adopted Comprehensive Plan, and which as a minimum:

a. Regulate the subdivision of land;

b. Regulate the use of land and water consistent with this Element and ensure the compatibility of adjacent land uses and provide for open space;

c. Protect the Conservation lands designated on the Future Land Use Map and in the Conservation Element;
d. Regulate areas subject to seasonal and periodic flooding and provide for
drainage and stormwater management;

e. Protect potable water supplies and aquifer recharge areas;

f. Regulate signage;

g. Ensure safe and convenient onsite traffic flow and vehicle parking needs;

and

h. Provide that development orders and permits shall not be issued which
result in a reduction of the level of services for the affected public
facilities below the level of service standards adopted in this Comprehensive
Plan.”

“Policy 5.4: Land development regulations, consistent with F.S. 163.3202 (1), as
amended, shall contain performance standards which:

a. Address buffering and open space requirements.”

Sec. 33-2 3. Intent.

The intent of this chapter is to assure that the development of land shall
promote the public health, safety and welfare and conform to the provisions
regulating the development of land set forth in the City's adopted Comprehensive
Plan.

Sec. 33-3. Definitions.
In addition to the definitions listed in Chapter 53, Zoning Regulations, of this Unified Land Development Code, which shall also apply to the regulations set forth in this chapter, the following definitions are applicable to the interpretation and enforcement of these regulations:

MAJOR SITE AND DEVELOPMENT PLAN -- The site and development plan submitted for all proposed developments in the City, excluding subdivisions and individual single-family or duplex residential construction.

MINOR SITE AND DEVELOPMENT PLAN -- The site and development plan submitted for all proposed individual single-family or duplex residential construction.

Sec. 33-4. Jurisdiction.

These regulations shall be applicable to the development of all land located within the corporate limits of the City of North Port, Florida.

A. All activities conducted within the Myakka River Protection Zone (MRPZ) shall be regulated by Chapter 57.

ARTICLE I. MINOR SITE AND DEVELOPMENT PLAN

Minor Site and Development is the development of a single or duplex family units. Any site that contains multi-family units or greater than one single or duplex family units is considered a Major Site and Development and is regulated by Article II, Major Site and Development of this chapter.

Sec. 33-5. Procedures for securing minor site and development plan approval.
A. The developer applicant shall submit one copy of a building permit application to the Building Department. Permit application forms are available from the Building Department. The permit applications shall be prepared as specified in § 33-2-6(A)(B)(C) and shall include all applicable documents and required fees.

B. Upon receipt of a completed application, the application shall be reviewed by the City’s Zoning Administrator for conformance with the applicable zoning regulations set forth in this Unified Land Development Code and for compliance with the requirements set forth in the latest edition of the Standard Building Code, as well as for conformance with all other City Building Codes and regulations.

    (1) All applications will be processed pursuant to Public Works permit for “Temporary and Permanent Culvert for New Single Family and Duplex Residential Construction” and “Temporary Culvert for Residential Single Family and Duplex Accessory Uses and Structures”, review processes.

C. After the Zoning Administrator has reviewed and approved the application, the application shall then be reviewed by the Building Department for compliance with the requirements set forth in the latest edition of the Standard Building Code, as well as for conformance with all other City Building Codes and regulations.

D. Provided that the application is complete and all applicable regulations set forth in this Unified Land Development Code are met, the Building Department shall issue a building permit to the developer.
E. UponPrior to the issuance of the building permit, the developer applicant shall pay to the Building Department a processing fee as required in accordance with the City Commission adopted fee schedule as amended from time to time. Checks shall be made payable to the City of North Port. [Amended 9-22-2003 by Ord. No. 2003-33]

F. Approval of a building permit application shall only be construed as authority for the developer to commence construction of the proposed development. A certificate of completion or a certificate of occupancy shall not be issued until the development has been completed in accordance with all of the details and specifications set forth in the approved building permit application.

F. A first substantial inspection of any development for which a building permit has been issued shall be called for by the developer within six months of the date of permit issuance. If such an inspection is not called for, the developer may request up to a ninety-day extension. If, after this maximum ninety-day extension period, the first substantial inspection has still not been called for, then the building permit issued shall be automatically voided. The same time schedule and permit-voiding provision shall apply to all additional substantial inspections required by the Building Department.

G. All impact fees are to be paid pursuant to the City Commission adopted fee schedule as may be amended from time to time, before a certificate of occupancy can be issued.

(1) Utility inspection fees and Water and Sewer Capacity Fees shall be paid before the Utility Department will sign-off a Florida Department of Environmental Protection and/or Florida Department of Health Permits.
(2) All Utility meter and connection fees shall be paid prior to the Utility Department approval of building permits.

Sec. 33-6. Procedure for securing major site and development plan approval.

[Amended 1-13-1997 by Ord. No. 96-18]

A. Preapplication conference. Prior to the submission of an application, the applicant should discuss his development with the Development Review Committee and representatives of any other agencies as may be required from time to time.

B. Copies required. The applicant shall submit to the Development Review Committee Chairperson 10 copies of the proposed Major Site and Development plans, signed and sealed by a registered engineer and/or architect registered in the State of Florida.


D. Review of application. Upon a determination by the Development Review Committee Chairperson that the plans submitted are complete, the Development Review Committee Chairperson shall distribute the plans promptly to the Development Review Committee for its review. The Development Review Committee (DRC) shall review the plans within 15 working days of receipt of the plans. Depending on the size of the proposed development, a longer period of review time may be required by the DRC. Upon receipt of all comments by the DRC, the Development Review Committee Chairperson shall transmit a master list of all DRC member comments to the applicant. Either the applicant or the DRC Chairperson may request a DRC meeting, if necessary.
E. Submission of revised plans. Upon completion of the revisions by the applicant, 10 sets of revised plans shall be resubmitted to the Development Review Committee Chairperson for distribution to all DRC members. These revised plans shall be reviewed within 15 working days of receipt of the revised plans.

F. Approval of revised plans. Upon review and approval of the revised plans by all DRC members, the applicant will be notified in writing by the Development Review Committee Chairperson, and the revised plans will be forwarded to the Building Division for permit processing.

G. Time limit on approval. Approved major site and development plans shall be voided if substantial work, as determined by the Planning and Zoning Director after consultation with the City Engineer, has not been accomplished within two years. Plans so voided shall be resubmitted in compliance with the regulations that are in effect at the time of resubmission.

Sec. 33-7. Submission requirements for minor site and development plans.

A. A building permit application shall be submitted to the Building and Code Enforcement Department, which shall contain the following information and documents:

(1) Name of owner.

(2) Name of contractor.

(3) Job address.
(4) Three sets of structural plans.

(5) One copy of health permit.

(6) A completed building permit application form.

(7) Three sets of the proposed site plan, including a landscaping plan and tree location survey.

(8) One Energy Code calculation.

(9) A right-of-way use Public Works permit which may include a Right-of-way use permit, landclearing permit, culvert permit, or dredge and fill permit.

(10) A culvert permit.

(11) One topo and boundary survey with topographic elevations on the proposed lot based on a NGVD29 or NAVD88 vertical datum signed and sealed by a Florida Licensed Surveyor. Assumed elevations are not allowed.

(12) One septic system permit, if applicable.

(13) One letter of water/sewer availability.

(14) A well permit, if applicable.

(15) Approved State environmental permits, where applicable if necessary.
B. If a land clearing permit application is submitted, it shall contain the following information and documents:

1. A completed land clearing permit application form.

2. A tree location survey.

3. Right-of-way use and culvert Public Works permits.

C. Residential construction and land clearing. [Added 6-26-1995 by Ord. No. 95-5]

1. Right-of-way use Public Works permit.

   a. A right-of-way use Public Works permit from the City of North Port Road and Drainage District Public Works Department shall be obtained for all work proposed to be done in the City rights-of-way and easements.

   b. A right-of-way use Public Works permit shall also be obtained in conjunction with a building permit, where the City rights-of-way and easements will be traversed during construction on the lot.

   c. Completed permit applications shall be filed at the City of North Port Road and Drainage District Public Works Department office concurrent with the completed application for a building permit.

   d. An application fee pursuant to the City Commission adopted fee schedule as may be amended from time to time, of $25.00 is hereby established for right-of-way use permits for new residential
construction. An application fee of $10.00 is hereby established for right of way use permits for land clearing activities. In the event the applicant obtains a right of way use permit for land clearing activities for new residential construction prior to the submission of a building permit application for new residential construction, the applicant will only be required to pay the remaining balance of $15.00 for the right of way use permit at the time of submission of the building permit application.

(e) A site plan meeting the requirements set forth below in this chapter shall accompany the application and clearly illustrate the extent of the proposed work. Freehand sketches will not be accepted.

(f) The completed application and site plan will be reviewed by the City Road and Drainage District staff for compliance with requirements of this Unified Land Development Code relative to site plan completeness, erosion control, slope stabilization methods and stormwater management provisions.

(g) Provided that the application is complete, applicable regulations met and the fee, pursuant to the City Commission adopted fee schedule as may be amended from time to time, is paid, a right of way use Public Works permit will be issued as authorization that the proposed work may commence.

(h) A Certificate of Completeness or Certificate of Occupancy shall not be issued until the work has been completed in accordance with all of the details and specifications in this Unified Land Development Code and other City codes.
(2) Site and drainage plan requirements.

(a) The site and drainage plan shall be prepared on paper measuring a minimum of 8½ inches by 11 inches, drawn to scale and clearly illustrating the extent of work proposed.

(b) The site and drainage plan shall include, at a minimum, the following existing conditions:

(i) Property lines and dimensions.

(ii) Adjacent edge of roadway.

(iii) Front yard roadside drainage swale location.

(iv) Side and/or rear yard outfall ditch, R-ditch or canal location.

(v) Easement and right-of-way limits.

(vi) At least eight ten existing grades referenced to either NGVD29 or an assumed bench mark [NAVD88] set at the street center line along the extension of a side property line. The bench mark location and the assumed grade shall appear on the site plan. The existing grades shall be those at the four property corners and those along the side property lines opposite the extension of the proposed structure corner.

(vii) North arrow and plan scale.
(viii) Location and invert grades of any drainage features (pipes, headwalls, etc.) within the confines of the property line extension to the road center line.

(ix) Street name and legal description (lot, block and addition).

(x) All proposed improvements, structures and driveway locations.

(xi) Septic system location, if applicable.

(xii) Well location, if applicable.

(c) The site plan proposed drainage design shall include, at a minimum, the following proposed conditions:

(i) All proposed improvements, structures and driveway locations.

(ii) Septic system location, if applicable.

(iii) Well location, if applicable.

(i) Elevations referenced to the same datum as the existing grades, depicting the proposed levels at points set forth in item § 33-6(C)(2)(b)(vi), as well as a proposed first-floor grade for the structure.

(ii) Stormwater runoff must drain from the rear lot line to the front drainage swale, except when the property is bound by a City-maintained
drainage right-of-way. In that case, if the property is bound by a City-maintained drainage right-of-way, runoff will be allowed into those facilities.

[1] Use arrows shall be used to depict the positive drainage of stormwater runoff from the rear to the front of the property.

(iii) Shall have sufficient information to show no adverse effect of stormwater runoff from the proposed development of the lot onto adjacent properties.

[1] Positive drainage shall be demonstrated without causing adverse effects on-site or off-site.

[2] The proposed development of the lot shall not cause flooding of any adjacent properties.

(iv) Location of silt screens and permanent and/or temporary piping.

(v) Type of culvert pipe material.

(d) Site and Drainage plans shall be reviewed by the Road and Drainage District Public Works Department for compliance with drainage requirements. If after review and a site visit by City staff, it is determined that there is or will be adverse impacts to adjacent lots, a resubmittal will be required as noted in subsections i - vi below.

(i) New site and drainage plan shall be prepared on paper measuring a minimum of 24 x 36 inches.
(ii) A topographic survey based on NGVD29 and NAVD 88 vertical datum with improvements signed and sealed by a state-licensed professional land surveyor including the proposed finished floor of the addition, the elevations of the adjacent lots, and the finished floor elevation of any existing structures located on the subject parcel or adjacent lots.

[1] New proposed finished Floor Elevations must be above latest FEMA Base Flood elevation Maps (BFE).

[2] Sufficient survey points and data must be shown on site plan to demonstrate positive drainage on new lot and no adverse impacts to adjoining developed or undeveloped lots.

(iii) Drainage plan for the proposed development of the lot to be signed, sealed and dated by a Florida licensed professional engineer. The date of the drainage plan shall not exceed 12 months from the date of submittal to the City Building Department.

(iv) Proposed drainage plan for development of the lot shall include the following:

[1] Shall have sufficient information to show no adverse effect of stormwater runoff from the proposed development of the lot onto adjacent properties. Positive drainage shall be demonstrated without causing adverse effect on-site or off-site. The proposed development of the lot shall not cause flooding of any adjacent properties.
[2] A minimum of three cross sections shall be included to span the entire lot and cover all sides of the lot. The cross sections shall extend sufficiently off-site to show how off-site runoff is diverted.

[3] Shall show proposed side swales and backyard swales cross section on the drainage plan. The swales shall be sized with sufficient capacity to convey flow during a 10-year frequency 24-hour duration design storm event.

[4] Slopes shall not exceed three to one (3:1) (horizontal to vertical).

[5] Where an adjoining property has a structure at a lower elevation than the proposed structure and the existing slope on the adjoining property is flat or sloping upward to the proposed structure, a swale shall be provided entirely on the subject property in order to ensure that positive drainage occurs across the proposed property without interference to drainage or cause flooding of the adjoining properties.

(v) Minimize the addition of fill to the proposed development of the lot if located in a 100-year floodplain.

[1] Use of stem wall or pilings to achieve finish floor elevation (FFE) when building in a 100-year floodplain is recommended.
[2] Use of gutters and downpipes to direct roof runoff away from adjacent properties and towards City swales and canals is recommended.

(vi) Use of retaining walls, may in some cases, be an option to achieve the required FFE without exceeding side slope requirements. The drainage plan for such a design shall include drainage swales constructed within the area encompassed by the retaining walls, to direct runoff away from the adjacent lower properties.

[1] Placement of retaining walls within the six (6) foot side drainage easement will not be allowed.

(3) Erosion control methods.

(a) Install and maintain staked filter fabric silt screens, in accordance with the guidelines set forth below in this chapter, prior to any clearing or construction on site.

(b) Minimize the exposed area of soil in an effort to reduce the potential erosion volume.

(c) Guidelines for typical silt screen requirements are set forth below shall be as follows:

(i) In the case of a building lot having only a roadside swale, a silt screen shall be placed across the upstream and downstream ends of the swale.
(ii) In the case of a building lot with a roadside swale across the front and an outfall ditch, R-ditch or canal along the side and/or rear of the lot, silt screens are required as in Subsection C(3)(c)(i) above, and also along the length of the other ditches or canals.

(iii) In the case of corner lots having only a roadside swale, a silt screen is required as follows:

[1] If a high point exists at the corner, silt screens are required across the swale at both downstream ends of the site.

[2] If a low point exists at the corner, silt screens are required across the swale at both upstream ends of the lot and across the swale on either side of the low point.

[3] If neither a low point nor a high point rests at the corner, silt screens shall be placed across the swale at the upstream and downstream ends of the lot.

(iv) From time to time, the silt screens must be cleared of accumulated silt in order to promote positive drainage at all times.

(v) Failure to properly install and maintain adequate erosion control measures and silt screens may result in the issuance of a STOP WORK ORDER which will remain in effect until conditions are
restored to the satisfaction of the Road and Drainage District City.

(vi) A certificate of occupancy shall not be issued if a STOP WORK ORDER is in effect.

(vii) The Road and Drainage District City staff will review all site plans and comment on the adequacy of the erosion control measures.

(4) Inspections.

(a) Inspections shall be requested by notifying the City Road and Drainage District Public Works Department office at least 24 hours in advance.

(b) Required inspections shall include the following:

(i) Visual inspection of the erosion control methods, silt screen installations, minimum twelve-inch diameter temporary pipe under access berm (if applicable) and general site features.

(ii) Visual inspection and establishment of horizontal and vertical control for driveway culvert pipe, as per the culvert permit previously obtained by the applicant.

(iii) Visual inspection and verification of driveway culvert inverts and location prior to backfill.
(iv) Final inspection of the project, prior to issuance of the certificate of occupancy, to confirm compliance with approved plan and code regulations.

(c) City staff may conduct inspections at any time during the progress of work to ensure proper maintenance of the erosion control methods, cleaning of silt buildup and impact on adjacent property and stormwater runoff.

(d) Any inspections requested or required in excess of those outlined above will be made only after payment of an additional inspection fee of $20.00 pursuant to the City Commission adopted fee schedule as amended from time to time and 24 hours' advance notice.

(e) If construction has not commenced, or an initial inspection has not been requested, within three months of the date of permit issuance, an extension of up to 90 days will be granted upon request. If the initial inspection request is not received after the extension time, the permit shall automatically expire.

(f) The permit shall be valid for a period not to exceed one year from the time of issuance to the time of final inspection and acceptance.

(g) Upon satisfactory final inspection, the City Road and Drainage District Public Works Department shall provide a release to the City's Building Department.

(5) Roadside drainage swales.
(a) All unpaved areas within the City right-of-way shall be stabilized with sod.

(b) All sodding within the swales shall be set to grades established by the Road and Drainage District Public Works Department, with an allowable tolerance of +0.05 feet to -0.00 feet of final design grade.

(c) Sod shall be sloped to drain away from the roadway pavement with a slope of at least 1/8 inch per foot or 1%, and in no instance shall sod be allowed above the level of the edge of pavement or driveway surface.

(d) Minimum swale depth shall be 0.10 foot below edge of pavement grade at the high point in the system, and maximum swale depth shall be 2.5 feet below edge of pavement grade.

(e) The swale slope on the roadway side shall be no steeper than three horizontal to one vertical \((3:1)\), while the swale slope on the lot side shall be no steeper than two horizontal to one vertical \((2:1)\).

(f) In no case shall the sodded swale impound water on the surface or at the juncture with the edge of pavement.

(6) **Roadside drainage pipes.** Driveway Culvert and Full Roadside Swale Pipe Requirements.

(a) All roadside drainage pipe shall conform to the diameter and material specified by the Road and Drainage District and shall have minimum cover specified by the manufacturer. A four-inch thick
concrete driveway shall be considered equivalent to a twelve inch soil cover. (a) Roadside swales vary greatly throughout the City. Some are very flat and others have steep slopes depending on surrounding lots and natural conditions. Prior to any landclearing, City staff will visit the site and determine if a temporary culvert pipe is needed during landclearing and construction. If needed, the applicant has the option to install a permanent pipe which may be used throughout construction and serve as the final culvert pipe or install a less expensive temporary pipe. Conditions may require the installation of a temporary or permanent culvert pipe before any activities occur on the site including, but not limited to:

(i) existing swale will be too deep to traverse

(ii) Construction or clearing activity will block the stormwater drainage flow.

(iii) Construction activity will cause excessive erosion.

(iv) Construction activity will displace retention and cause ponding on the roadway, and;

(v) A high water table will keep the swale too wet.

If staff is satisfied that access across the swale is safe, drainage flow can be maintained and any damage will be properly repaired, a temporary culvert pipe will not be required. A permanent culvert pipe or full roadside swale pipes for single family and duplex access
driveways within the City right-of-way will still be required prior to the issuance of a Certificate of Occupancy.

(b) All roadside drainage pipe shall be set to the line and grade established by the Road and Drainage District. Ingress and egress to the property to inspect, survey and inventory trees without a temporary culvert shall be permitted as long as positive drainage flow is maintained.

(c) Pipe lengths shall be determined by providing a maximum slope of two horizontal to one vertical from a point two feet beyond the edge of driveway to the pipe invert elevation. If the installation of a temporary culvert pipe is required, it shall be installed in the existing swale and properly covered to prevent movement or floating prior to completion of the landclearing. Unimpeded flow of stormwater is the overriding concern in all cases. No activities that will impede or restrict the positive flow of stormwater through the swale will be allowed.

(i) The swale must be kept free of debris or obstructions at all times while landclearing is in process.

(ii) The swale must be immediately restored to its original design condition upon completion of the landclearing.

(iii) Failure to restore the swale or maintain proper drainage flow during landclearing will result in a stop work order, any applicable fines and further delay pending the issuance of required permits.
(d) No headwalls perpendicular to the roadside swale shall be allowed. Mitered end sections will be required for pipes 24 inches in diameter or larger. Special conditions will be reviewed by the Road and Drainage District staff. Driveways shall be no closer than twenty-five (25') to any intersection as measured from the point of intersection of the property lines as indicated in the diagram below.

(e) Allowable pipe material shall include, but not be limited to, aluminum, reinforced concrete, asphalt coated corrugated metal and any other material that is specifically approved by the Road and Drainage District. Permanent driveway culvert pipes shall be constructed of reinforced concrete pipe (RCP). If corrugated metal pipe or high density polyethylene pipe (ADS) is utilized, the ends of the pipe shall be mitered with concrete. A 15 inch minimum or equivalent pipe properly installed in accordance with the manufacturer's
recommendation and capable of supporting the weight of all vehicles using the driveway shall be required.

(f) When it is desired to use piping in the roadside swale, a secondary swale shall be provided to drain the adjacent roadway and a minimum of six inches (6") of cover shall be provided over the pipe, except in the case where aluminum or plastic pipe is used, where twelve-inch (12") cover shall be required. Additionally, one or more catch basins may be required by the Road and Drainage District, and they shall be constructed at the owner’s expense. Temporary driveway culvert pipes are permitted to be constructed of the following materials: ductile iron pipe, C900 (or C905 - AWWA) water main pipe, high density polyethylene pipe (ADS), metal pipe, reinforced concrete pipe (RCP) or aluminum pipe. A 12" equivalent single pipe capable of supporting the weight of all vehicles using the driveway shall be required. Thin wall PVC pipe (i.e. schedule 40 or schedule 80), shall be prohibited.

(g) Any pipe greater in length than 50% of the lot frontage shall be construed as a full roadside swale pipe and shall thus be subject to compliance with the review comments and requirements of the Road and Drainage District. All driveway culvert pipes shall conform to the standards outlined in this section.

(h) Pipe joints shall be watertight as per manufacturer’s specifications for the specific material used, or as required by the Road and Drainage District. All driveway culvert pipes shall be set to the line and grade established by the City of North Port.
(i) Minimum pipe diameter for any City right-of-way or easement shall be 15 inches round or oval equivalent. Driveway culvert pipe lengths shall be determined by providing a maximum slope of 2-horizontal to 1-vertical from a point two feet (2’) beyond the edge of driveway to the pipe invert elevation.

(j) Final pipe invert elevation shall be set at grade or no greater than +0.0 feet or -0.10 feet from design levels, while maintaining positive flow in the down gradient direction.

(j) No headwalls perpendicular to the roadside swale shall be allowed. Mitered end sections will be required for driveway culvert pipes twenty-four inches (24") in diameter or larger.

(i) Special conditions will be reviewed by the Department of Public Works.

(k) Driveway Culvert Requirements are as follows:

(i) Within residential culverts the cover over culverts for a concrete driveway shall be 4 inches. For any other type of driveway, the cover shall be 12 inches, unless the pipe is armored with 4 inches of reinforced concrete 2500 psi.

(ii) Within the right-of-way, asphalt driveways shall have a minimum of 6 inch shell base, (Min LBR 100, 98% compaction by AASHTO T-180), stable subgrade, and 1 inch type S-3 or SP 9.5 asphalt concrete surface.
(iii) Concrete driveways shall have a 6 inch X 6 inch #10 mesh with a minimum thickness of 4 inch 2500 psi concrete over a stable subgrade.

(l) If necessary, one or more catch basin/inlet structure(s) may be required by the Department of Public Works and they shall be constructed at the property owner’s expense. Inlet structures shall meet current FDOT design standards and specifications.

(i) The applicant shall call the Building Department and schedule an inspection of cast-in-place inlet structures within the City right-of-way prior to concrete placement.

(m) If the lengths of the total driveway culvert pipe(s) exceed 60% of the lot frontage width, the culvert pipe shall be extended across the full width of the lot frontage.

(n) Pipe joints shall be watertight as per manufacturer’s specifications for the specific material used, or as required by the City staff and constructed per current FDOT standards and specifications. Prior to backfilling the new pipe in the City right-of-way, applicant shall document the pipe was constructed per FDOT standards and specifications with a minimum of two (2) photos. Photos shall be date-stamped with the date the photograph was taken. Photos shall contain enough surrounding information to prove they are actually of installed pipe. Photos shall be submitted to Building Department with the as-built package and are required prior to the issuance of a certificate of occupancy.
(o) Minimum driveway culvert pipe diameter inside any City right-of-way or easement shall be fifteen inches (15”) round or oval equivalent.

(p) Final driveway culvert pipe invert elevation shall be set at grade or no greater than +0.0 feet or -0.10 feet from design levels, while maintaining positive flow in the down gradient direction.

(q) The property owner is responsible for all future repairs to drainage facilities within the City right-of-way built for the express purpose of developing the site. Subsequent to the installation of full roadside swale pipes in the City right-of-way, the property owner shall be responsible for maintaining the pipes and catch basin. If the property owner is unwilling or unable to maintain the pipes and catch basin, the City may repair or maintain the pipes or catch basin at the property owner’s expense.

(r) Periodic inspections of the City right-of-way will be conducted by the Department of Public works to ensure drainage within the right-of-way is not impeded during work activities. The applicant shall be responsible for maintaining the swale and culvert pipe free of any debris, construction materials, or equipment such as port-a-johns, trusses, block pallets and dumpsters which could impede the flow of stormwater. Occasional and temporary use of the right-of-way area for unloading large deliveries of construction materials is permitted as long as there is no damage to the roadway and positive flow of stormwater in the swale is maintained.
(s) Where a temporary driveway culvert pipe has been installed, the temporary driveway culvert pipe shall be removed and the permanent driveway culvert pipe shall be installed in accordance with the provisions of this section, prior to the applicant’s request for a final certificate of occupancy inspection by the Public Works Department.

(7) Sideline outfall easements.

(a) When a sideline outfall easement is actively used for local stormwater drainage, the contiguous property owner shall grade the swale or install pipe as outlined herein below as follows:

(i) Where the maximum depth of the outfall ditch does not exceed two feet, side slopes shall be set no steeper than three horizontal to one vertical within the limits of the easement.

(ii) Where the design does not allow the 3 to 1 slopes to be maintained within the easement limits through the use of depressed footings or house relocation, or where the outfall ditch depth exceeds two feet, pipe shall be installed along the full length of the lot at the applicant's expense.

(iii) Where conditions dictate the need for pipe within the outfall easement, the City shall purchase the pipe and provide engineering services relative to required grades, and the lot owner shall pay for the installation, backfilling and sodding necessary to complete the outfall.
(8) Restoration.

(a) It shall be the applicant's responsibility to repair all damage to roadways, water, sewer and reuse facilities, swales or adjacent property resulting from performance of the permitted work prior to issuance of final approval. Damaged water and sewer facilities shall be repaired and restored immediately to an operational status in order to maintain the health and welfare of the community.

(b) The applicant shall be responsible for the repair and restoration of the right-of-way between the property lines and the roadway area, as defined by the center line and the extension of the side lot lines.

(c) The applicant shall further be responsible for repair and restoration of damage to all roadways, swales, drainage facilities, utilities, mail boxes, signs and vegetation in the immediate vicinity resulting from construction activities in accordance with Chapter 87 14 of the Code of the City of North Port.

(d) Restoration shall return these any damaged areas to equal or better than the original condition and be satisfactory to the Road and Drainage District Public Works Department.

(e) All restoration work shall be reviewed and approved by the Road and Drainage District Public Works Department prior to implementation and shall be in conformance with the City's Unified Land Development Code, Ordinance No. 90-28, as amended. As amended from time to time.
Sec. 33-9 7. Minor site and development plans design standards.

A. All proposed structures shall conform to the standards and regulations set forth in the Standard Building Code, latest edition as revised.

B. The site to be developed shall be landscaped in accordance with the provisions of Chapter 21, Landscaping Regulations, of this Unified Land Development Code.

C. In developing the site, existing trees shall be protected as per the regulations set forth in Chapter 45, Tree Protection Regulations, of this Unified Land Development Code.

D. Piling and storage of debris; landscaped berms.

(1) In clearing any site to be developed, whether approved via issuance of a land clearing or building permit, no land clearing debris shall be allowed to be placed or stored within 25 feet of the front, side and rear property lines of the site, except in the form as of a landscaped berm as described further below in this section. Land clearing debris may be stored on any site beyond this twenty-five-foot set back only under the following conditions:

(a) The debris is piled together in one single mass in only one location on the site.

(b) The pile of debris shall not exceed six feet (6) in height.
(c) The pile of debris shall be completely enclosed on all four (4) sides by a solid, non-opaque six-foot (6') high fence or similar structure. A building permit shall be required for said fence or structure.

(d) The required fence or structure shall be constructed within thirty (30) days of completion of all land clearing activity on the site. The fence or structure used shall include a gate for Fire Department access.

(e) No burning of debris shall occur unless a valid permit has been secured from state, county and/or local jurisdictions where appropriate.

(2) For any proposed development in the City one acre in size or larger, a property owner may construct a landscaped berm anywhere on the property, except directly along any property line that abuts a roadway, provided that:

(a) The maximum slope of said berm shall not exceed a 4:1 ratio, and all slopes shall be sodded. The maximum width of said berm shall be 24 feet or 12 feet for each side of the berm measured from the toe of the berm.

(b) The maximum average height shall not exceed three (3) feet.

(c) Said berm(s) shall be completely landscaped. with earthen materials.
(3) For all land clearing debris that shall not be stored on the site under the conditions set forth above, said debris shall be removed completely from the site within 30 days of having been cleared. The debris shall be and disposed of, either in an authorized landfill or at a permitted woodchipping facility.

(4) In clearing any site within the City, the burying of land debris anywhere on the site shall be expressly prohibited.

E. Any proposed dredge and fill activity, including the construction of docks, piers or seawalls, shall be done in accordance with the provisions set forth in Chapter 14, Earthmoving, Dredge and Fill Regulations, of this Unified Land Development Code.

F. Access driveways shall be designed to intersect with the street as nearly as possible at right angles.

G. Driveways in the AG Agricultural District shall have a vertical clearance of 15 feet and a minimum unobstructed width of 12 feet, unless alternative access points exist for safe emergency vehicle access to the property.

H. Where feasible, a driveway should align with an existing driveway on the other side of the road. Where feasible, major driveways on opposite sides of the road should be offset no less than 150 feet measured along the roadway center line of Driveway No. 1 to the center line of Driveway No. 2.

I. Potable water supply. See § 37-18C of this Unified Land Development Code.

J. Sanitary sewer systems. See § 37-19C of this Unified Land Development Code.
K. Mechanical Equipment in residential areas, including air conditioning units shall have a solid masonry wall placed on the side which faces the street frontage and painted the same color as the primary structure.

ARTICLE II. MAJOR SITE AND DEVELOPMENT.

Sec. 33-6. Procedure for securing major site and development plan approval. [Amended 1-13-1997 by Ord. No. 96-18]

A. Pre-application conference. Prior to the submission of an application, the applicant should discuss his development of property with the Development Review Committee City staff and representatives of any other agencies as may be required from time to time.

B. Copies required. The applicant developer shall submit to the department responsible for land development services to the number of copies deemed necessary of the application packet and proposed Major Site and Development plans, signed and sealed by a registered Florida licensed engineer and/or architect for a thorough review. registered in the State of Florida.

(1) The application packet will be reviewed for sufficiency. If the application packet is incomplete, the applicant will be notified of any missing documentation and the incomplete application packet will be returned to the applicant at the applicant’s expense or destroyed. The petition to develop will not be placed on the staff review schedule until all required documentation is received.
(2) Upon receipt of all required documentation and fees, the petition shall be placed in the City’s database and on the staff review schedule. The date the application is logged into the City’s database is the date that is considered the application date.

(3) A receipt showing all fees are paid in full is required prior to being placed on the staff review schedule.

C. Fees. Pursuant to Chapter 107, Upon filing the initial application for Major Site and Development plan approval, the developer shall pay to the City all fees as required pursuant to the City Commission adopted fee schedule as may be amended from time to time. Checks shall be made payable to the City of North Port. [Amended 9-22-2003 by Ord. No. 2003-33][Amended 10-09-07 by Ord. No. 07-35].

(1) Applications will not be processed until all applicable fees are paid.

D. Review of application. Upon a determination by the Planning and Zoning Department that the plans submitted are complete, the application shall be logged into the City’s database and placed on the staff review schedule. distribute the plans promptly to the Development Review Committee (DRC) for its review.

(1) The Development Review Committee (DRC) City staff shall review the plans within 15 working days a timely manner of receipt of the plans application. Depending on the size of the proposed development, a longer period of review time may be required by the DRC City staff but shall not exceed 60 days.
(2) Upon receipt of all comments by the Development Review Committee City staff, a master list of the Development Review Committee Chairperson comments shall be transmitted to the applicant.

(a) The decision of each City staff may be; Meets requirements, Meets requirements with Conditions, No Objection, Does not meet requirements, Continuance. Either the applicant or the DRC Chairperson may request a DRC meeting, if necessary.

(b) If the applicant receives a finding of “Does not meet requirements”, the applicant shall resubmit the petition with all required changes to bring the project into conformance with the Unified Land Development Code, Urban Design Standards Pattern Book, any other City code which applies, and any state, county, or federal regulations.

(3) Upon resolution of all outstanding issues and a unanimous decision of “Meets Requirements”, “Meets Requirements with Conditions”, or “No Objection” by the City staff, the applicant shall submit all required copies of the final plans showing all required corrections within ten (10) days of the City staff’s final findings sent to the applicant.

(4) Upon receipt of the final corrected plans, the plans shall be stamped approved and a Development Order shall be issued to the applicant.

(a) A Development Order is required to secure a development permit.

E. Submission of revised plans. Upon completion of the revisions by the applicant, the number of sets of revised plans necessary shall be resubmitted
to the Development Review Committee Chairperson or designee for distribution to all DRC members. These revised plans shall be reviewed within 15-30 working days of receipt of the revised plans. Unsatisfactory submission. If the Major Site and Development plan submitted for review does not conform to all applicable regulations, the applicant shall make all required revisions and submit the number of packets of the Major Site and Development plan deemed necessary for a thorough review, signed and sealed by a Florida licensed engineer of the revised documents to the City for redistribution and review in accordance with the procedures outlined in § 33-8D.

(1) If such resubmitted plans conforming to all applicable regulations are not submitted within 90 days after the applicant or his agent receives notice that the plan “Does not meet requirements”, the application for Major Site and Development plan approval shall be deemed void. Applications deemed void shall be resubmitted as a new petition in compliance with the regulations that are in effect at the time of resubmission. No documentation from the voided application will be transferred from the City files to the new application.

(2) All resubmittals and revisions to approved plans shall be described in detail in a letter, signed and sealed by the Engineer of Record.

(3) The department responsible for land development services may grant extensions to the ninety-day requirement, if deemed necessary.

F. Approval of revised resubmitted plans. Upon review and approval of the revised resubmitted plans by all City staff responsible for land development review Development Review Committee members, the applicant will be notified in writing. by the Development Review Committee Chairperson, and the revised plans
will be forwarded to the Building Division for permit processing. A Development Order in accordance with 33-8(D)(3) of these regulations shall be issued with all applicable conditions and instructions for securing a building permit.

G. Approval of revised plans. Plans that have received, “Meets Requirements”, “Meets Requirements with Conditions”, or “No Objection” by all City staff responsible for land development review and have received a Development Order may be revised at the request of the applicant.

(1) The applicant shall be placed on a City staff pre-application agenda to discuss all proposed changes to the plan.

(2) Revisions that are requested by the applicant shall be submitted with a revision form and the number of copies deemed necessary to complete a thorough review by City staff and in accordance with 33-8 (A)(B)(C)(D) and (E) of these regulations.

(3) Revisions that are requested by the City shall be submitted with a revision form to the department responsible for land development with the number of copies requested by the department generating the request for revisions.

(a) The department generating the request for revisions shall notify City staff responsible for land development review of the revisions requested.

(b) Upon receipt of the application and necessary documentation for revisions, City staff shall review and sign-off on the revisions in a timely manner if all applicable requirements are met.
(c) If revisions are found to be non-compliant to all applicable codes and regulations, the applicant shall make all necessary corrections, prior to receiving a final sign-off from staff.

H. Time limit. A Development Order shall not be issued until all requested documents have been received and all requested conditions have been met and a finding of “Meets Requirements”, “Meets Requirements with Conditions”, or “No Objection” has been issued by all reviewing City staff.

(1) Completion of all conditions prior to the issuance of a Development Order. Approved Major Site and Development Plans which have conditions that shall be met “prior to the issuance of a Development Order”, shall be void if the applicant has not completed the conditions within sixty (60 days of City staff’s approval of the plans; notwithstanding State permits that may take a longer period; however the applicant shall show adequate evidence that the permits have been applied for and that every effort is being made to fulfill all necessary conditions to receive the permit. Approvals deemed void after 60 days of City staff’s approval shall be resubmitted as a new petition in compliance with the regulations that are in effect at the time of resubmission. No documentation from the voided application shall be transferred from the City’s files to the new application.

(a) If plans that were approved by City staff change in any way due to requirements of State permits, the plans shall be resubmitted in accordance with Sec. 33-8(G)(1)(2).

(2) Resubmittals. Resubmittals on submissions that are requested by the City that are not received within one hundred eighty (180) days directly following the transmittal of the master list of the City staff’s comments, shall be
deemed withdrawn. Submissions deemed withdrawn shall be resubmitted as a new
petition in compliance with the regulations that are in effect at the time of
resubmission. No documentation from the withdrawn application will be
transferred from the City’s files to the new application.

(3) Submissions voluntarily placed on continuance by the applicant. Submissions may be voluntarily placed on continuance by the applicant at any
time during the review process. If the applicant has not reinstated the
submission for review within 180 days directly following the date the
submission was placed on continuance, the submission will be deemed
withdrawn. Submissions deemed withdrawn shall be resubmitted in compliance
with the regulations that are in effect at the time of resubmission. No
documentation from the withdrawn application will be transferred from the
City’s files to the new application.

(4) Submissions placed on continuance by the City. Submissions placed on
continuance by the City will be deemed withdrawn if the applicant does not
respond to the City’s concerns within 180 days directly following the date
the submission was placed on continuance. Submissions deemed withdrawn shall
be resubmitted in compliance with the regulations that are in effect at the
time of resubmission. No documentation from the withdrawn application will
be transferred from the City’s files to the new application.

(5) Revisions. Revision applications shall be received prior to any changes
in construction being made, and shall be submitted in accordance with Sec.
33-8(G). If the revision is not received prior to any construction changes
from the approved plans, the application fee for the revision application
review shall be doubled.
G.6. Time limit on Approvals and Development Order (DO). Approved Major Site and Development plans and issued Development Orders shall be voided if substantial work, as determined by the Planning and Zoning Department Director after consultation with the City Engineer Manager or designee, has not been accomplished within two (2) years of receiving a Development Order. Plans so voided shall be resubmitted in compliance with the regulations that are in effect at the time of resubmission. No documentation from the voided application will be transferred from the City’s files to the new application.

I. Authority granted by approval. A Development Order is required to secure a development permit.

   (1) Approval of a Major Site and Development Plan and the receipt of a Development Order shall be construed as authority for obtaining landclearing and building permits.

J. Certificate of Occupancy. The applicant shall provide to the City Building Department five (5) sets of As-Built Construction Plans, signed and sealed, and one digital copy in AutoCAD and PDF format to be distributed to the department responsible for land development services, Engineering, Public Works, Utilities, and Building Department. These plans are required prior to issuance of a Certificate of Occupancy.

   (1) Temporary Certificate of Occupancy. A Temporary Certificate of Occupancy may be issued by the Building Official when in his opinion the site and structure are safe to the owner/tenant to enter and start the process of setting up business.
(2) A Certificate of Occupancy will be issued only when all inspections and conditions listed on the Temporary Certificate of Occupancy have been met.

33-8. Submission requirements for Major Site and Development plans.

The following shall be the submission requirements for Major Site and Development plans:

A. Documents. The applicant shall submit the number of copies of the application deemed necessary for a thorough staff review.

A (1) Ten copies of A topo and boundary survey, signed and sealed by a State of Florida registered land surveyor in the State of Florida. The survey shall reflect a recent title search performed within six (6) months of the submission.

B (2) Ten copies of A site and drainage stormwater plans, signed and sealed by a State of Florida licensed engineer in the State of Florida. In addition to what may be shown on the Development Master Plan for a project, Major Site Plans are to include, but not limited to the placement of sidewalks, wheel stops, bike racks, benches, water fountains, trash receptacles, public art, bus shelters, walking trails, as well as other requirements listed in this section and will be reviewed separately of any other plan submission. All site plans shall coincide with the previously approved Development Master/Concept Plans, but shall be reviewed in greater detail.

C (3) Ten copies of Construction plans, three (3) of which are signed and sealed by a State of Florida licensed engineer in the State of Florida.

[Amended 11-24-2003 by Ord. No. 2002-56]
(4) A written commitment letter from the agency responsible for providing central sewer and water utilities in the City to connect the property to an existing central sewer and water system.

(5) If central sewer and/or water is not available, submission of an approved septic tank and/or well permit from the Department of Health and Rehabilitative Services.

(6) A landscaping plan per the provisions of Chapter 21, Landscaping Regulations and Chapter 45, Tree Protection Regulations, of this Unified Land Development Code.

   (i) Required landscaped buffers in accordance with Chapter 21, Landscaping Regulations, of this Unified Land Development Code.

   (ii) The size, variety, species and number of all trees and shrubs with site specific location, used in landscaping, open space and buffer areas.

   (iii) The Registered Landscape Architect of record shall certify the landscaping has been installed in substantial compliance with the approved plan and the Zoning Code, prior to the certification of the project by the Engineer of Record.

(7) A tree location survey, which may be combined as part of required site and drainage plan or topo and boundary survey. (See Chapter 45, Tree Protection Regulations, of this Unified Land Development Code for further details.)
(8) A utilities plan at a minimum scale of 1 inch equals 40 feet. The plans shall include existing and proposed water, sewer and reuse/irrigation facilities on a plan view. The plans shall include profiles of the sewer system and any locations where the water main crosses either sewer, storm or reuse mains. Hydraulic calculations for fire flow and lift station calculations shall be made available to the Utility Department when required.

(9) Any additional data, maps, plans, surveys or statements as determined by the City to be necessary, depending on the particular use or activity proposed.

(10) Tabulations of total project density for residential projects and total number of off-street parking and off-street loading spaces for all projects in accordance to Chapter 25, Parking and Loading Regulations, of this Unified Land Development Code.

(11) Traffic impact statement per the provisions set forth in in accordance to Chapter 5, Concurrency Management, of this Unified Land Development Code signed and sealed by the Engineer of record.

(12) Two copies of drainage calculations signed and sealed by the Engineer of record to meet the requirements under Chapter 18, Stormwater Regulations, of this Unified Land Development Code and shall be approved by the City Manager or designee.

(13) Approved state permits, e.g. Southwest Florida Water Management District (SWFWMD), etc.

(a) SWFWMD ERP Permit - Two hard copy
(b) Final SWFWMD Approved stamped set of plans - Two hard copy

(c) Final SWFWMD Approved drainage calculations - Two hard copy

(14) A Florida licensed engineer shall design, inspect and certify the installation of all required public and private improvements.

(a) All plans for improvements shall be prepared by such engineer and are subject to review and approval by the City prior to construction.

(b) All required improvements shall be installed at the expense of the developer.

(c) The engineer of record shall certify on the cover sheet of the plans that the facilities comply with all applicable standards, including the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, and the City of North Port Development Regulations. Upon completion of improvements, engineer of record shall certify construction is in compliance with plans authorized for construction and with all Development Orders.

(15) Signs. All proposed signs in accordance with Chapter 29, and exterior lighting in accordance with Sec. 37-47 of these regulations. The plans shall show placement and number of signs. The sign design and height specifications will be reviewed when the permit for the sign is filed.
(16) Lighting Plan. The registered lighting plans engineer shall certify the lighting has been designed in substantial compliance with the City approved regulations.

(a) The plan shall include a photometric of all areas and shall comply with Sec. 37-47 of this Unified Land Development Code.

(b) Prior to final inspection, the registered lighting plans engineer shall certify the lighting has been installed in substantial compliance with the approved signed and sealed plan.

(17) If the application is for more than 30% of the land area of the development tract, the applicant shall include the entire site in the application.

(18) Areas not scheduled for immediate construction, the engineering requirement of this section and the requirements of the Chapter 37 may be modified.

(a) Any modification shall not constitute a waiver or variance to any portion of this Unified Land Development Code.

(19) The application shall not be approved until a Utility Developers Agreement is approved by the City Commission.

(20) A bond in the amount of 110% of the cost of the infrastructure shall be approved by the designated City Manager or designee and submitted to the City prior to final approval of the major site and development plan if any infrastructure is being constructed.
(21) All easements shall be shown on the plans and approved by the City.

(a) All easements shall be recorded by the developer at the developer’s expense prior to the issuance of a Development Order.

(22) Covenants and restrictions shall be submitted for review and approval by the City and shall be consistent with the Major Site and Development plan and City Code.

(a) All covenants and restrictions shall be recorded by the developer at the developer’s expense prior to the issuance of a Development Order.

(23) Reuse water supply. Reuse systems shall be designed to water system standards. The pipe and above ground facilities shall be color coded reuse purple. See § 37-18C of this Unified Land Development Code.

(24) Public school concurrency. All projects with a residential component shall be approved by the Sarasota County School Board prior to a submittal for development to the City of North Port. See Sec. 5-12, Public School, of this Unified Land Development Code.

Sec. 33-10. Major site and development plans design standards.

The following design standards set forth in this chapter, the City’s Urban Design Standards Pattern Book, and in Articles IV and V of Chapter 37, Subdivision Regulations, of this Unified Land Development Code, are applicable for all site and development plans unless otherwise noted below. In interpreting the applicability of the provisions of Articles IV and V of Chapter 37,
Subdivision Regulations, to this chapter, the words "subdivision" and "subdivided" are changed to "development" and "developed":

A. General. See § 37-11, Use of natural features.

B. Lots and blocks. See § 37-13, Pedestrian crosswalks, and § 37-11(E), Access. Subsections A through D are not applicable.

C. Dredge and fill. See § 37-14, Dredge and fill.

D. Open Space. See § 37-15, Open space.

E. Consideration of flood hazards and conservation restricted areas. See § 37-17.

F. Potable water systems supply. See § 37-18.

G. Sanitary sewerage system. See § 37-19.

H. Reuse water supply. See § 37-16(C). Reuse/Irrigation systems shall be designed to water system standards. The pipe and above ground facilities shall be color coded reuse purple.

I. General requirements for central potable water and sanitary sewerage systems. See § 37-20.

J. Other utilities. See § 37-21.
(1) A solid masonry wall shall be placed around all dumpster pads. The wall shall be solid on three sides with a gate to allow proper access. The dumpster pad shall be constructed in accordance with the City of North Port’s department of Public Works specifications.

(a) The height of the wall shall be no less than 6 and no greater than 8 feet.

(2) Lift stations shall be placed to the rear of any non-residential property and in compliance with the City of North Port Utilities Department standards and provide easement and access to the lift station in accordance with Chapter 53 of this Unified Land Development Code.

(a) All lift stations shall be enclosed with a wall which reflects the architecture of the area and landscaped to improve aesthetic quality.

(b) Walls shall be built to the City of North Port Utility Department standards and shall have open areas for ventilation and access.

(c) All lift stations and walls shall be permitted separately from any other permit through the Building Department.


K. Tree protection and landscaping standards. See Chapter 45, Tree Protection Regulations, and Chapter 21, Landscaping Regulations.

L. Land clearing debris. See § 37-24 22.
M. Stormwater management standards. See § 37-23.

O Roadway design and construction standards. See Article V of Chapter 37, Subdivision Regulations.

P. Sidewalks. See § 37-34, Sidewalks. Sidewalks are required within and along the perimeter of all commercial sites, as determined by the City. Where a drive splits a parcel or lot to create access to more than one business, sidewalks and street trees shall be placed on both sides of the drive.

(1) State Highway System. When sidewalks are required to be placed along State Highway Systems, following regulations shall apply:

(a) If the sidewalk can be accommodated in the existing right-of-way, the developer shall install the sidewalk within the state right-of-way. The developer will be required to mitigate any drainage impacts to the State’s existing facilities.

(b) If the sidewalk cannot be accommodated in the existing right-of-way, the State will agree to the sidewalk being constructed along the State roadway as long as the property containing the sidewalk is dedicated in fee to FDOT.

(c) Florida Department Of Transportation will accept an easement on a case by case basis.

(d) All sidewalk placement along State Highway Systems shall be approved prior to the issuance of an Order of Approval/Development Order.
Q. Lighting. See § 37-45, Lighting.

R. Mechanical equipment areas in non-residential zones, including air conditioning units, shall be enclosed by a continuous wall which reflects the architecture of the area and shall be planted with a hedge a minimum of six (6) feet in height or to the highest point of the equipment, whichever is lower.

(1) Exposed PVC, split rail, untreated cinder block, is not permitted.

(2) For mechanical equipment placed on top of buildings, there shall be no part of the unit visible from any ground level point. The protective structure shall be painted the same color as the roof or building.

(3) All covers for mechanical equipment shall be built to sustain 130mph winds.


(1) Location of public school bus stops shall be placed as specified by Sarasota County School Board and the City of North Port.

(2) Location of public transportation stops shall be placed as specified by Sarasota County Area Transit and the City of North Port.

T. If a development is greater than one (1) acre or abutting a residential development, a neighborhood meeting shall be required to inform the neighboring community of the project and potential impact.

A. It is the developer's responsibility to notify the City of the completion of all Major Site and Development infrastructure requirements with a signed and sealed letter from the Engineer of record stating that all requirements have been met in accordance with City and State conditions and standards and regulations.

(1) The City shall inspect and verify that all improvements have been completed to the City's and State conditions and standards.

(2) Upon verification, the designated City Engineer shall issue a letter stating that the infrastructure requirements for the development have been met and the bond is released.

(3) The City shall retrieve the original bond from the City Finance Department and return it to the developer. The developer shall sign a receipt form verifying the receipt of the original bond.

(4) The original of the letter of release and signed receipt form shall be filed with the Finance Department and a copy of the letter of release and signed receipt form shall be forwarded to department responsible for land development, and City Clerk.

Sec. 33-12. Interpretation.

Interpretation of this chapter shall be made by the City’s department responsible for land development services.
Sec. 33-13. Conflict.

Whenever the requirements of these regulations differ from those imposed by the City, Federal, or State regulation, law or statute, the most restrictive or imposing the higher standards shall apply.

Sec. 33-14. Appeals.

Any person aggrieved by the department responsible for land development services' interpretation may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders the property unbuildable without reasonable use. The granting of any appeal shall not be in conflict with State Statutes and City Codes. The Zoning Board of Appeals’ decision, may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(1) Applications for an appeal shall be filed pursuant to Sec. 1-10.

Sec. 33-15. Severability.

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

Chapters 34--36 RESERVED
Chapter 37  SUBDIVISION REGULATIONS

[HISTORY: Adopted by the City Commission of the City of North Port 9-17-1990 by Ord. No. 90-28 (Section 1). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 87 14 (City Code).
Impact fees -- See Ch. 136 58 (City Code).
Developments of regional impact -- See Ch. 100 163 and 380 (State Statute).

Article I.  General Provisions

Sec. 37-1.  Title.
Sec. 37-2.  Relationship to Comprehensive Plan.
Sec. 37-2 3.  Intent.
Sec. 37-4.  Jurisdiction.

Article II.  Procedures for Securing Approval for Subdivisions.

Sec. 37-5.  General requirements.
Sec. 37-6.  Preliminary subdivision plans procedure submission requirements.
Sec. 37-7.  Final Subdivision Infrastructure Plans Procedure submission requirements.
Sec. 37-8.  Plat submission requirements.

Article IV.  Subdivision Design Standards
Sec. 37-10  General provisions.
Sec. 37-11  Use of natural features.
Sec. 37-12  Access to public water bodies.
Sec. 37-13  Lots and blocks.
Sec. 37-14  Dredge and fill.
Sec. 37-15  Open space.
Sec. 37-16  Monuments.
Sec. 37-17  Consideration of flood hazards and conservation restricted areas.
Sec. 37-18  Potable water systems supply.
Sec. 37-19  Sanitary sewerage system.
Sec. 37-20  General requirements for central potable water and sanitary sewer systems.
Sec. 37-21  Other utilities.
Sec. 37-22  Easements.
Sec. 37-23  Tree protection and landscaping standards.
Sec. 37-24  Land clearing debris.
Sec. 37-25  Stormwater management standards.
Sec. 37-26  Parking.
Sec. 37-27  Mechanical Equipment.
Sec. 37-28  Certificate of Occupancy.

Article IV. Roadway Design and Construction Standards

Sec. 37-26  General requirements.
Sec. 37-27  General development standards.
Sec. 37-28  Rights-of way.
Sec. 37-29  Culs-de-sac and dead-end streets.
Sec. 37-30  Clearing.
Sec. 37-33. Subsoil investigation.
Sec. 37-34. Horizontal and vertical alignment and pavement width.
Sec. 37-35. Stabilized subgrade for flexible pavements.
Sec. 37-36. Base courses for flexible pavements.
Sec. 37-37. Surface course for flexible pavements.
Sec. 37-40. Sidewalks.
Sec. 37-42. Bikepaths, bikelanes and Bikeracks.
Sec. 37-43. Bridges.
Sec. 37-44. Guttered sections of roadways.
Sec. 37-45. Nonguttered sections of roadways.
Sec. 37-46. Inspections of subdivision improvements.
Sec. 37-47. Street names and addressing.
Sec. 37-48. Street name signs.
Sec. 37-49. Intersection improvements and traffic control devices.
Sec. 37-51. Lighting.
Sec. 37-52. Striping and permanent markings.
Sec. 37-53. Open Road Cuts.
Sec. 37-54. Pedestrian Crosswalks.
Sec. 37-55. Release of Bond.
Sec. 37-56. Variances.
Sec. 37-57. Interpretations.

Sec. 37-58. Appeals of Interpretation.


ARTICLE I. GENERAL PROVISIONS

Sec. 37-1. Title.

This chapter shall be known and may be cited as the "Subdivision Regulations" of the City of North Port, Florida.

Sec. 37-2. Relationship to Comprehensive Plan.

The Subdivision regulations in this chapter implement Objective 5 of the Future Land Use Element of the Comprehensive Plan, which states: "Objective 5: Future growth and development will be managed through the preparation, adoption, implementation and enforcement of land development regulations", as well as the following policy thereunder:

"Policy 5.1: Amend the land development regulations, consistent with F.S. 163.3202 (1), as amended, that shall contain specific and detailed provisions required to implement the adopted Comprehensive Plan, and which as a minimum:

a. Regulate the subdivision of land;

b. Regulate the use of land and water consistent with this Element and ensure the compatibility of adjacent land uses and provide for open space;
c. Protect the Conservation lands designated on the Future Land Use Map and in the Conservation Element;

d. Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management;

e. Protect potable water supplies and aquifer recharge areas;

f. Regulate signage;

g. Ensure safe and convenient onsite traffic flow and vehicle parking needs;

and

h. Provide that development orders and permits shall not be issued which result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan.”

“Policy 5.4: Land development regulations, consistent with F.S. 163.3202 (1), as amended, shall contain performance standards which:

a. Address buffering and open space requirements; and

b. Address historically significant properties meriting protection.”

“Policy 5.5: Regulations for buffering of incompatible land uses shall be set forth in the City’s land development regulations, consistent with F.S. 163.3202 (1), as amended.”
Sec. 37-2. Intent.

The intent of this chapter shall be to:

A. Protect and provide for the public health, safety, general welfare, character and economic stability of the City.

B. Assure that the subdivision of land and the subsequent development of the subdivision plat shall conform to the provisions of the Comprehensive Plan and the Capital Improvements Element of the City.

C. Require that land shall not be subdivided unless there is reasonable assurance that both the City and the subdivider will adequately provide the necessary public facilities, services and improvements for which each is responsible when these public facilities, services and improvements are required.

D. Ensure proper legal descriptions and monumenting of subdivided land.

E. Provide for adequate light, air and privacy, to prevent overcrowding of land and undue congestion of population, to minimize conflicts of uses of land and buildings and to preserve the value of land and buildings by means of orderly and beneficial development.

F. Provide an adequate and efficient transportation system, a central potable water system, a central sewage system, a solid waste disposal facility and parks and recreation areas.

G. Provide for educational and cultural activities.
H. Establish minimum standards of design and procedures for subdivisions, and re-subdivisions and for public infrastructure improvements.

I. Provide for pedestrian and bicycle traffic movements appropriate to the various uses of land and buildings.

J. Require adequate drainage facilities, to promote the wise use and management of natural resources and to safeguard the water table.

K. Preserve and enhance the natural beauty of the City and to ensure appropriate development with regard to these natural features.

L. Provide for and encourage the beneficial use of a variety of housing types and styles.

M. Provide for commercial and light industrial development.


As used in this chapter, the following terms shall have the meanings indicated:

ABUTTING PROPERTY -- Any property that is immediately adjacent to, or contiguous with or that is located immediately across any road or right-of-way from property that may be subject to any review or hearing required to be held under these regulations.

ACCESSWAY -- That area set aside on a site plan or plat for private street purposes.
ALLEY -- A roadway dedicated to public use affording only a secondary means of access to abutting property and not intended for general vehicular traffic circulation.

APARTMENT BUILDING -- A building or portion thereof containing three (3) or more dwelling units with independent cooking and bathroom facilities.

APPLICANT -- Any person or his duly authorized representative who submits plans through any City agency for the purpose of obtaining approval thereof.

AUTHORITY HAVING JURISDICTION (AHJ) -- The Fire Official or his designee and/or the Building Official or his designee.

BLOCK -- An area of land surrounded by streets, streams, railroad rights-of-way, parks or similar areas or facilities.

BUILDING -- Any structure having a permanent roof impervious to weather supported by columns or walls or both.

BUILDING OFFICIAL -- The City of North Port Building Official or his duly authorized representative.

CERTIFICATE OF OCCUPANCY (CO) -- The official certification that a premise conforms to the provisions of all applicable City regulations and codes and may be used or occupied.

CITY -- The City of North Port, Sarasota County, Florida.
CITY ENGINEER -- The City of North Port City Engineer.

CLERK OF THE CIRCUIT COURT -- The Sarasota County Clerk of the Circuit Court.

COMMISSION -- The City Commission of the City of North Port, Florida.

COMMON LAND OR AREA -- Any parcel of land owned by or used jointly for mutual benefit of more than one party, such as open space or recreational areas. A condominium association, homeowners' association or similar organizational shall be construed as being more than one party for the purposes of this definition.

COMPREHENSIVE PLAN -- The revised and updated North Port Comprehensive Plan adopted by the City Commission as Ordinance 89-3, as the same may be amended from time to time.

CONCURRENCY MANAGEMENT SYSTEM -- The procedures and/or process that the City utilizes to assure that development orders and permits when issued will not result in a reduction of the City's adopted level of service standards for public facilities at the time that the impact of development occurs.

CONSERVATION -- The wise use of native habitats, other than those required to be preserved.

CUL-DE-SAC -- A dead-end street terminated at the closed end by a circular vehicular turnaround.

CURRENT -- Specifications, design standards and construction details in effect or as may be changed or amended from time to time. The term "current" shall be applied at the time a plat, a site plan or a site and development plan is
presented for acceptance or approval.

DEAD-END STREET -- A street having only one end open for vehicular access and closed at the other end. Maximum centerline length of 1200 feet.

DENSITY -- The number of residential dwelling units permitted per gross acre of land, as determined by the regulations set forth under Chapter 53, Zoning Regulations, of this Unified Land Development Code.

DETECTION -- The delay of stormwater runoff prior to discharge into receiving waters. Included as an example is a wet detention pond, where the "Detention Volume" corresponds to the storage volume behind the discharge structure measured between the control elevation and the overflow elevation.

DEVELOPER -- Any person, individual, partnership, association, syndicate, firm, corporation, trust or legal entity engaged in the development or subdivision of land under the terms of these regulations. The term "developer" is intended to include the term "subdivider," even though the persons involved in successive stages of a development project may vary.

DEVELOPMENT -- A subdivision of land or a site and development as defined by these regulations, a residential mobile home park or any other construction, whether residential, commercial, industrial, office, professional, institutional or recreational, except an individual single-family residence on an individual lot or lots.

DEVELOPMENT ORDER -- Any action granting, denying or granting with conditions an application for a development permit.
DEVELOPMENT PERMIT -- Any building permit, zoning permit, preliminary subdivision plan, subdivision or other plat approval, site and development plan approval, rezoning, certification, special exception, variance, environmental permit or any other official action of the City of North Port or any other state or local government commission, board, agency, department or official, having the effect or permitting development of land subject to the provisions of this chapter. Development shall include all activities set forth in F.S. § 380.04.

DEVELOPMENT REVIEW COMMITTEE -- A committee established administratively with representatives from the City Public Works, Engineering, Planning and Zoning, Building, Fire/Rescue, Police, the consulting City Engineer or City Engineer and representatives of any other departments or agencies as may be required from time to time. The Chairman of the Committee shall be designated by the City Manager.

DWELLING -- A building or portion thereof designated or used exclusively for residential occupancy.

BASEMENT -- A right or interest given by the owner of land to another party for specific limited use of that land, but which does not convey title to that real property.

FLOODPLAIN (100-year) -- Any land area within the limits defined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, as amended, or whichever limits are, in the determination of the City, more accurate. The definition for the 100-year floodplain is given in chapter 18 and is based on best available information accepted by the Southwest Florida Water Management District (SWFWMD).
IMPROVEMENTS -- Street pavement, sidewalk pavement, water and sewer mains, including appurtenances, storm sewers, drainage facilities, signs, monuments, landscaping and trees, street lighting and other similar items.

LITTORAL ZONE -- The shallow-water region with light penetration to the bottom that will support the growth of aquatic vegetation that will provide water quality treatment and desirable aquatic habitat.

LOT -- A parcel of at least sufficient size to meet the minimum applicable zoning requirements for the intended use and, at the same time, too small to be further subdivided into parcels each of which would meet the applicable zoning requirements.

LOT, CORNER -- A lot abutting upon two or more streets at their intersection.

LOT, DOUBLE FRONTAGE -- A lot having frontage on two streets which do not intersect along the boundaries of that lot, as distinguished from a corner lot.

LOT, INTERIOR -- A lot neither side of which abuts on a street.

MULTIFAMILY RESIDENTIAL -- See APARTMENT BUILDING

PARK, COMMUNITY -- A park located near major roadways and designated to service the needs of more than one neighborhood.

PARK, NEIGHBORHOOD -- A park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

PCP (PERMANENT CONTROL POINT) -- A monument as defined in Chapter 177, Florida
Statutes.

PRM (PERMANENT REFERENCE MONUMENT) -- A monument as defined in Chapter 177, Florida Statutes.

PLAN, CONCEPTUAL -- A general graphic and informational representation of a design proposal for a development indicating existing and proposed uses, contours, lots, blocks, streets, structures and other physical aspects of the land proposed for development.

PLAN, FINAL SUBDIVISION -- The plat to be recorded, final engineering plans, specifications and calculations, performance guarantees and other required certifications, bonds, agreements, approvals and materials for the development of a parcel of land, meeting the requirements of these regulations and all other applicable City regulations and codes.

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

PLAN, SITE -- A scaled straight-line graphic and informational representation of a specific design solution for a development on which is shown an area location map, existing and proposed topography, streams, rights of way, easements, structures, wooded areas and water bodies, provisions for ingress and egress, off-street parking, loading, refuse and service areas; necessary facilities and utilities; required yards, open spaces, necessary facilities; proposed landscaping, fencing, screening and buffering, and provision for trees protected
or required by City regulations; proposed signs and lighting; and any other information that may be reasonably necessary or reasonably required.

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

PLANNING BOARD -- The North Port Planning and Zoning Advisory Board.

PLANNING DIRECTOR -- The Director of the North Port Department of Planning and Zoning or his duly authorized representative.

PLAT -- A map or drawing depicting the division of land into streets, lots, blocks, parcels, tracts, sites or other divisions however designated and includes the terms, when applicable, replat, amended plat or revised plat. "To plat" means, in whatever tense used, to divide or subdivide lands into lots, blocks, parcels, tracts, sites or other divisions however designated.

PRIMARY STORMWATER MANAGEMENT SYSTEMS -- All facilities designed to detain, equalize and control stormwater runoff, such as detention basins/ponds, flow control structures, equalizer pipes, etc.

PRESERVATION -- The perpetual maintenance of habitats in their existing, or restored, native condition.

RETENTION -- The prevention of direct discharge of storm runoff into receiving waters. Included as examples are dry pond systems and underground exfiltration
systems which discharge through infiltration into the ground. These systems are designed to have residence times less than 72 hours to discourage breeding of mosquitoes.

REUSE SYSTEM, CENTRAL -- A system for the production, treatment, storage and/or distribution (including the water source, pumps, treatment plants, distribution pipes and other appurtenances) of water that has received at least secondary treatment, filtration and high level disinfection in accordance with the Florida Department of Environmental Protection requirements pursuant to FAC 62-610, Part III. Also known as reclaimed water and treated water.

RIGHT-OF-WAY -- Land that is dedicated or deeded to (or is now used or will be used by) the public or governing body as a street, alley, walkway, drainage facility, access for ingress and egress or for other purposes and includes easements and fee interests.

SANITARY SEWERAGE SYSTEM, CENTRAL -- A system of pipes, pumps, tanks, treatment plants and all other appurtenances with a treatment capacity of 2,000 gallons per day or more.

SANITARY SEWERAGE SYSTEM, INDIVIDUAL -- A system of piping, tanks or other facilities with a treatment capacity of less than 2,000 gallons per day.

STORMWATER MANAGEMENT SYSTEM -- The designed features of the property which collect, convey, channel, hold, inhibit or divert the movement of stormwater.

STREET -- A public vehicular right of way or private vehicular accessway which affords the principal means of access to more than one parcel of property. The term includes any other vehicular right of way except an alley, such as avenue.
read, way, drive, lane, boulevard, place, easement and the like.

STREETS, ARTERIAL -- Those streets, existing or future, so designated on the adopted Traffic Circulation Map of the City's adopted Comprehensive Plan which facilitate relatively long trip lengths at moderate to high operating speeds with somewhat limited access to adjacent properties. Arterials generally serve major centers of activity in urban areas and have the highest traffic volume corridors.

STREETS, MAJOR COLLECTOR -- Those streets, existing or future, so designated on the Traffic Circulation Map of the City's adopted Comprehensive Plan which collect and distribute significant amounts of traffic between arterials, minor collectors and local roads at moderate operating speeds. Major collectors provide for more accessibility to adjacent properties than arterials.

STREETS, MINOR COLLECTOR -- Those streets, existing or future, so designated on the Traffic Circulation Map of the City's adopted Comprehensive Plan which collect and distribute moderate amounts of traffic between arterials, major collectors and local roads at relatively moderate to low operating speeds with greater accessibility than major collectors.

STREET, DEAD END -- A street with only one entrance and exit and these being one and the same. (See Dead-End Street).

STREET, FRONTAGE -- A street that runs parallel and adjacent to an arterial or collector street and serves primarily to provide access to abutting property.

STREET, LOCAL -- A street, existing or future, which generally provides access to abutting properties. Local roads possess relatively low traffic volume.
operating speeds and trip lengths and minimal through traffic movements. (May be public or privately owned).

STREET, PRIVATE — A recorded street not owned by the City abutting property owners, over which there is may or may not be public access and/or may or may not be maintained by the City, no public right of access.

SUBDIVISION — The division of a parcel of land into three or more contiguous lots or parcels for the purpose of transfer of ownership or building, development or, if a new street is involved, any division of a parcel of land. A division of land for agricultural purposes into lots or parcels of three acres (1.214 hectares) or more and not involving a new street shall be deemed a subdivision. The term subdivision includes resubdivision and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

UTILITIES — Includes, but is not limited to, water, sewer, gas, electricity, telephone and cable television.

WATER SYSTEM, CENTRAL — A system for the production, treatment and/or distribution (including the water source, pumps, treatment plants, distribution pipes and other appurtenances) of water serving eight or more connections.

ZONING ADMINISTRATOR — The City of North Port Zoning Administrator or his duly authorized representative.

ZONING REGULATIONS — The regulations set forth under Chapter 53, Zoning Regulations, of this Unified Land Development Code, as may be amended, which control and regulate zoning for the City of North Port.
Sec. 37-4. Jurisdiction.

These subdivision regulations shall apply to all subdivision of land, as defined herein, located within the corporate limits of the City.

ARTICLE II. PROCEDURES FOR SECURING APPROVALS FOR SUBDIVISION

Sec. 37-5. General requirements.

When the subdivision of any land is proposed within the City of North Port, the owner of the land or his authorized agent shall apply for and secure approval of preliminary and final subdivision plans, infrastructure plans, and plat of such division in accordance with §§ 37-6, 37-7 and 37-8. Until such approvals are granted, no land which is a part of the proposed subdivision shall be sold, nor shall any building permit be approved for the erection of any structure on that land.

A subdivision is the division of a parcel of land into three or more contiguous lots or parcels for the purpose of transfer of ownership or building, development or, if a new street is involved, any division of a parcel of land which shall be platted in accordance to these regulations. A division of land for agricultural purposes into lots or parcels of three acres (1.214 hectares) or more and not involving a new street shall not be deemed a subdivision. The term subdivision includes re-subdivision and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivided. Any division of land made prior to 1987 shall not fall under these regulations.
A. Plans for subdivisions shall be submitted in the order shown below and shall not be accepted concurrently.

(1) Subdivision Plan

(2) Infrastructure Plan

(3) Plat

(4) Major Site and Development, Chapter 33 - Article II

B. Before any proposed subdivision shall be accepted and reviewed under the terms of these regulations, the area to be subdivided must have the appropriate zoning that is required for the intended use and shall meet all school concurrency requirements in accordance with Sec. 5-12 of these regulations.

C. The subdivision plans, infrastructure plans, and plat shall constitute only that portion which the developer proposes to record and develop at the time, provided that such portion conforms to all requirements of this chapter and the zoning regulations, as set forth in Chapter 53, Zoning Regulations, of this Unified Land Development Code.

(1) In addition to what may be shown on the Development Master Plan for a project, the subdivision plans are to include the placement of sidewalks, wheel stops, bike racks, benches, water fountains, trash receptacles, public art, cart racks, electrical vehicle outlets, and bus shelters, if these elements are to be included in the development, as well as other requirements listed in this section.
(2) The subdivision plans, infrastructure plans, or plat will be reviewed apart from any other plan submission.

(3) All subdivision plans, infrastructure plans, and plat shall coincide with previously approved Development Master Plans, but shall be reviewed in greater detail.

A D. Pre-application conference. Prior to the submission of an application for a subdivision plan, infrastructure plan or plat, the developer should discuss the development with the Development Review Committee City staff and representatives of any other agencies as may be required from time to time.

(1) Presentation of development. The applicant shall present any relative information concerning the project at the pre-application meeting. The Development Review Committee City staff will issue written comments that the applicant may use to make a formal application.

(2) Copies. The developer applicant shall submit provide to the Planning and Zoning Department, nine copies of the preliminary subdivision plans, the number of copies deemed necessary sealed by a Florida registered engineer. These plan shall be prepared as specified in §§ 37-8 and 37-9 and shall include all applicable documents and required fees for the Development Review Committee City staff to perform a thorough review of the project.

B E. Formal Review.

Once a pre-application conference has been completed and written comments have been received by the applicant, the applicant may file a formal application.
(1) Copies required. The developer shall submit to the Planning and Zoning department responsible for land development services, the number of nine copies deemed necessary of the application packet and plans for a thorough review of the preliminary subdivision plans or infrastructure plans, signed and sealed by a Florida licensed Professional Engineer, or plat signed and sealed by a Florida Professional Land Surveyor and mapper. These plans shall be prepared as specified in §§ 37-6, 37-7 and 37-8 and shall include all applicable documents and required fees.

(2) The application packet will be reviewed for sufficiency. If the application packet is incomplete, the applicant will be notified of all missing documentation and the incomplete application packet will be returned to the applicant at the applicant’s request and expense, or destroyed. The petition will not be placed on the City staff review schedule until all required documentation and fees are received.

(3) Upon receipt of all required documentation and fees, the petition will be placed in the City’s database and on the City staff review schedule. The date the application is logged into the City’s database is the date which is considered the application date.

(4) A receipt showing all fees are paid in full is required prior to placing a petition on the City staff review schedule.

C F. Fee required. Upon filing the initial application for preliminary subdivision plans, infrastructure plans or plat approval, the developer shall pay to the Planning and Zoning, Department City a processing all fees as required pursuant to Chapter 107 approved by City Commission and may be amended
from time to time. Checks shall be made payable to the City of North Port. [Amended 9-22-2003 by Ord. No. 2003-33]

(1) Applications will not be processed until all applicable fees are paid.

D. Reviewing agencies and procedures.

(1) Staff review. Upon a determination that the application packet is complete, the petition shall be logged into the City’s database and placed on the City staff review schedule.

(a) The staff shall review the plans within a timely manner of the receipt of the application. Depending on the size of the proposed development, a longer period of review time may be required by City staff but shall not exceed 60 calendar days.

(b) Upon receipt of all comments from City staff, a master list of the comments shall be transmitted to the applicant.

(i) The decision of each staff member may be; “Meets Requirements”, “Meets Requirements with Conditions”, “Resubmittal”, “No Objection”, “Does not Meet Requirements”.

(c) Upon resolution of all outstanding issues and findings of “Meets Requirements”, “Meets Requirements with Conditions”, or “No Objection”, of the Subdivision plans by City staff, an Order of Approval will be issued.
(d) Upon the finding of “Meets Requirements”, “Meets Requirements with Conditions”, “No Objection”, of the Infrastructure plans by City staff, a Development Order shall be issued to the applicant.

(e) Upon the finding of “Meets Requirements”, “Meets Requirements with Conditions”, “No Objection” of the Plat by City staff and a professional surveyor and mapper as designated by the City, the plat with staff report and findings shall be reviewed by the Planning and Zoning Advisory Board.

(2) Review by the Planning and Zoning Advisory Board. Upon receipt of the plat for review, the Planning and Zoning Advisory Board at its next regularly scheduled meeting shall review the petition, staff comments, and findings. Having reviewed the submitted material and plat, the Board will make an advisory recommendation to the City Commission. [Amended 11-24-2003 by Ord. No. 2002-56]

(3) Review by City Commission.

(a) The City Commission, after having reviewed the Planning and Zoning Advisory Board report, submitted material and the advisory recommendation for the proposed plat from the Planning and Zoning Advisory Board, shall at its next regularly scheduled meeting vote as follows: “Approve”, “Approve with Conditions”, or “Deny”. [Amended 11-24-2003 by Ord. No. 2002-56]

(b) If the plat is “Approved” or “Approved with Conditions”, by the City Commission, all conditions shall be met and the plat shall be recorded prior to the issuance of an Order of Approval to the applicant.
(i) No transfer of land shall be permitted prior to the recording of
the final plat.

H. Time Limits. No Development Order or Order of Approval shall be issued until
all requested documents have been received and all requested conditions have
been met, when applicable.

(1) Completion of all conditions prior to the issuance of a Development Order
or Order of Approval. Approved subdivision plans, infrastructure plans, or
plats which have conditions that shall be met “prior to the issuance of a
Development Order or Order of Approval”, shall be void if the developer has
not completed the conditions within sixty (60) days of City staff’s approval
of the plans or plat; notwithstanding State permits that may take a longer
period; however the applicant shall show adequate evidence that the permits
have been applied for and that sufficient effort is being made to fulfill the
necessary conditions to receive the required State permit. Approvals deemed
void after 60 days of the staff’s approval shall be resubmitted as a new
petition in compliance with the regulations that are in effect at the time of
resubmission. No documentation from the voided application shall be
transferred from the City’s files to the new application.

(2) Resubmittal. Revisions on submissions that are requested by City staff
which are not received within 180 days directly following transmittal of the
master list of City staff comments to the applicant, are deemed void.
Submissions deemed void shall be submitted as a new petition in compliance
with the regulations that are in effect at the time of submission. No
documentation from the voided application shall be transferred from the
City’s files to the new application.
(3) Submissions voluntarily placed on time extension by the applicant. Submissions may be voluntarily placed on time extension by the applicant at any time prior to the final staff review. If the applicant has not reinstated the submission for review within 180 days directly following the date the submission was placed on time extension, it will be deemed withdrawn. Submissions deemed withdrawn shall be resubmitted in compliance with the regulations that are in effect at the time of resubmission. No documentation from the withdrawn application shall be transferred from the City’s files to the new application.

(4) Submissions placed on time extension by the City. Submissions placed on time extension by the City will be deemed withdrawn if the applicant does not respond to the City’s concerns within 180 days directly following the date the submission was placed on time extension. Submissions deemed withdrawn shall be resubmitted in compliance with the regulations that are in effect at the time of resubmission. No documentation from the withdrawn application shall be transferred from the City’s files to the new application.

(5) Revisions. Plans that have been approved by City staff and have received a Development Order or Order of Approval, may be revised at the request of the applicant.

(a) The application for revision shall be placed on a City staff pre-application agenda to discuss all pertinent changes to the approved plan. 

(b) Revisions that are requested by the applicant shall be submitted in accordance with §37-6, 37-7 or 37-8.
(c) Revisions that are requested by the City shall be submitted with a revision form to the department responsible for land development services with the number of copies requested by the department generating the request for revisions.

(i) The department generating the request for revisions shall notify the staff responsible for land development review of the revisions requested.

(ii) Upon receipt of the application and all necessary documentation for revisions, City staff, City Surveyor and mapper, and the City Attorney, if applicable, shall review and sign-off on the revisions if all applicable requirements are met.

(d) Formal revision applications shall be received within 180 days of the request for revision in accordance with Sec. 37-5(H)(2). If the formal revision application is not received within 180 days of the request for revision, upon filing the formal application, the application fee for the revision review shall be doubled.

(6) Approved Development Orders and Orders of Approval.

(a) Development Orders issued for Infrastructure plans shall be void if substantial construction work, which is the commencement and continuous prosecution of construction of required improvements to completion, has not been accomplished within one year after approval of such plans. This determination will be made by the director responsible for land development services or City Manager or designee.
(b) Orders of Approval for Subdivision Plans shall be void if application for Infrastructure plans have not been filed with the City within one (1) year of the issuance of the Order of Approval.

(c) Orders of Approval for a final plat shall remain with the land until such time the land is replatted.

# I. Authority granted by approval. A Development Order is required to secure a development permit.

(1) Approval of the preliminary subdivision plans shall be construed as authority for submitting final subdivision infrastructure plans only.

(2) Approval of the preliminary infrastructure plans shall not be construed as authority for the conveyance of lots in reference to said plans, but as authority for obtaining building permits to construct infrastructure only or for the filing of an application for the recording of a plat and/or a Major Site and Development plan for the subject property with the City, the Clerk of the Circuit Court of Sarasota County.

(a) A Major Site and Development plan, in accordance with Chapter 33-Article II, shall be approved prior to any construction other than infrastructure being permitted.

(3) Approval and recording of a plat shall be construed as authority for the conveyance of lots in reference to said plans.

(a) Land in a subdivision shall not be transferred unless an approved plat is recorded.
(b) If land is found by the City to be transferred prior to the recording of a City approved plat, an “After-the-Fact” application shall be filed with the City and the application fees shall be doubled.

Sec. 37-6. Subdivision plan submission requirements.

The following information and documents shall be included in conjunction with the submission of any subdivision plans:

A. Documents.

(1) Application form obtained from the City.

(2) Letter of authorization. A notarized letter signed by the owner of the property authorizing the applicant to submit and be responsible for the application, if applicant is not the owner.

(3) Ownership and unified control. A notarized statement of ownership or unified control of the entire subdivision.

(4) A narrative which describes in detail the project being proposed, signed and sealed by the Engineer of record.

(5) School Concurrency. A letter from the Sarasota County School Board with its review, evaluation and recommendation for the subdivision.

B. Existing conditions plan.
(1) Area location map. A map showing the location of the property to be developed in relation to arterial and collector streets.

(2) Legal description.

(3) A boundary and topo survey, prepared by a surveyor, meeting the minimum technical standards for land surveying in the State of Florida, Chapter 21 HH-6, F.A.C. Boundaries must be clearly marked with a heavy line. Boundary lines shall include the entire area to be developed. Information as required by Chapter 17, Flood Damage Prevention Regulations, of this Unified Land Development Code shall also be included.

(4) The location and name of abutting streets.

(5) Natural vegetation communities on the proposed development tract site and their locations.

(6) Location of all existing buildings and structures on the property. If buildings or structures are to be moved or razed, it shall be noted on the plan.

(7) The zoning classifications and future land use designation for the subject property, as well as for all abutting property.

C. Proposed Subdivision plan. In addition to what may be shown on the Development Master Plan for a project, subdivision plans are to show the placement of sidewalks, wheel stops, bike racks, bike paths/lanes, benches, water fountains, trash receptacles, public art, bus shelters, cart racks, electrical car outlets, and park equipment, when used, as well as other
requirements listed in this section and will be reviewed separately of any other plan submission. All subdivision plans shall must coincide with previously approved Development Master Plans, but shall be reviewed in greater detail. The proposed plan shall include:

(1) Lots, all lines, approximate dimensions and numbering of lots.

(2) Phasing plan. Where a large subdivision is being proposed, the applicant shall submit a master phasing plan with the stages numbered in sequence. It is understood that, for long term projects, the details of a given phase may change as the economic, environmental, social and legal elements of the proposed development change. For such phased developments, each phase shall be issued a separate development permit, but each phase shall be considered in relation to the rest of the overall project.

(a) If any changes within a phase do not agree with the Development Master Plan (DMP) approved by Commission, the applicant shall first file for an amendment to the approved DMP prior to filing for an amendment to the subdivision plan.

(3) Density and Acreage. The proposed number of dwelling units, gross density and gross acreage.

(4) Open space, parks and recreation. Proposed open space, parks and recreation areas shall be shown on the plan. A list of the facilities to be constructed within each park or recreational area shall be included. These lists shall be the minimum facilities to be shown on the submittals.

(5) Vehicular and pedestrian circulation. Vehicular and pedestrian
circulation shall depict proposed vehicular ingress and egress to the development, proposed streets within the development and proposed locations of sidewalks and bike lanes.

(a) If a vehicular roadway results in connectivity to all phases of the project per the phasing plan as per Sec. 37-6(C)(2) above, the roadway shall be constructed to collector roadway standards.

(6) Evacuation Route. The plans shall show the safest route for evacuation in case of an emergency.

(7) Landscaping and/or buffering. This plan shall show the calculations to determine the minimum open space requirements and the general configuration and location of landscaped areas and buffers. The plan shall show not less than the required open space and buffer areas and shall include:

(a) A tree location survey which depicts the preservation of existing trees, as well as those trees proposed for removal in accordance with the tree protection standards contained within Chapter 45, Tree Protection Regulations, of this Unified Land Development Code.

(b) Required landscaped buffers in accordance with Chapter 21, Landscaping Regulations, of this Unified Land Development Code.

(c) The size, variety, species and number of all trees and shrubs with site specific location, used in landscaping, open space and buffer areas.
(d) All proposed signs in accordance with Chapter 29, and exterior lighting in accordance with Sec. 37-47 of this chapter.

(8) Traffic impact statement (TIS).

(a) The TIS shall identify potential traffic problems and proposed solutions. Adverse traffic impacts, both off-site and on-site, shall be mitigated by the applicant as specified in the Development Master Plan approval/Order of Approval. The traffic impact statement is necessary to:

(i) Provide vital information to public decision-makers who must evaluate development proposals.

(ii) Ensure that safe and efficient access is provided to the development.

(iii) Minimize the development's adverse traffic impacts and minimize traffic congestion on the surrounding road system.

(iv) Monitor growth and development for the preparation of sub-area and corridor transportation studies.

(v) Establish the appropriate timing for needed road and intersection improvements.

(b) If traffic generated by the proposed subdivision will add 200 or more vehicle trips during the peak hour to the adjacent road system, the developer shall submit a traffic impact statement.
providing a comprehensive assessment of the development's impact on the surrounding road system. Vehicle trips shall be calculated utilizing trip information provided for by the Institute of Transportation Engineers' Trip Generation, latest edition.

(c) If traffic generated by the proposed subdivision is not expected to meet the threshold established § 37-6C(8)(b) above, the developer shall not be required to submit a traffic impact statement.

(d) The traffic impact statement must be prepared by qualified professionals in the fields of traffic engineering or transportation planning and must be submitted to the City Engineer or his designee for review of sources, methodology, technical accuracy, assumptions and findings and must be prepared in accordance with standards set forth in the City of North Port Chapter 5, Concurrency Management System Regulations found in Chapter 5 of this Unified Land Development Code.

(e) Subdivision approval or approval with conditions, if needed, shall be dependent upon the findings of the Traffic Impact Statement (TIS) and the recommendations of the City Engineer or designee. Conditions placed on the subdivision approval shall ensure that the developer makes necessary road and/or intersection improvements or proportionate share payments needed to maintain the City's adopted Level of Service C or better at the subdivisions access points and on the surrounding street system.
(f) In order to promote the safety of the City transportation system, roads that provide access to development shall meet existing City road standards and/or be adequate to accommodate the types and volume of traffic to be generated by the proposed development.

(i) Where an existing or proposed road right-of-way intended to provide access to a proposed development does not meet City standards or is inadequate to accommodate the types or volume of traffic anticipated to be generated by the development plus existing or projected background traffic, the City of North Port shall deny site plan, subdivision plan, rezoning or special exception approval until such time as the deficiencies in the transportation facilities are corrected unless such denial results in a taking of all beneficial use of the property.

(ii) Deficiencies which may warrant denial of approval include but are not limited to; unsafe condition of the road surface, inadequate pavement width, unsafe condition of shoulders of the road, inadequate turning radii or frontage roads for the type of traffic to be generated, lack of sidewalks where traffic may create safety hazard for pedestrians, and other conditions creating safety hazards on the road facility.

(9) Previous Commission Action. All previous Commission action on the applicable site shall be submitted with the application. Processing of the application may be delayed, if documentation showing previous Commission action is not included with the application.
(10) Covenants and restrictions shall be submitted for review and approval by City staff and shall be consistent with the Development Master Plan and City Code.

(a) All covenants and restrictions shall be recorded with the City Clerk of Court by the developer at the developer’s expense prior to the issuance of an Order of Approval.

Sec. 37-7. Infrastructure plan submission requirements.

The following information and documents shall be included in conjunction with the infrastructure plans:

A. Documents.

(1) Application form. Application form shall be obtained from the City.

(2) Letter of authorization. A notarized letter signed by the owner of the property authorizing the applicant to submit and be responsible for the application, if applicant is not the owner.

(3) A narrative which describes in detail the project being proposed, signed and sealed by the Engineer of record.

(4) Ownership and unified control. A notarized statement of ownership or unified control of the entire subdivision.

(5) State and Federal Permits. All State and Federal permits shall be included with the application. If the applicant has not received all permits
at the time of application, a copy of the applications for such permits shall be submitted with the infrastructure application. If an application for all applicable permits is not submitted with the application, the application shall be returned to the applicant as incomplete.

(a) The application shall not receive final approval until all State and Federal permits have been received.

(6) Previous Commission Action. All previous Commission action on the applicable site shall be submitted with the application. Processing of the application may be delayed, if documentation showing previous Commission action is not included with the application.

(7) Security requirements. If the security for the project is not received with the infrastructure submittal, the petition will not be placed on the Planning Board agenda.

(a) Estimated cost. The estimated cost of installing all roadway systems, drainage systems, water management systems, water treatment and distribution systems, sewage collection and treatment systems, parks and recreation improvements, landscaping, buffers, and lighting within the subdivision (off-site and on-site systems) shall be prepared, signed and sealed by the developer's consultant, Engineer of record.

(b) Surety Bond. Security in the form of a third-party surety bond shall be posted with the City, made payable to the City on the City approved form in an amount equal to 110% of the full cost of installing the required infrastructure improvements listed in Sec. 37-7(A)(7)(a) as approved by the City Engineer Manager or designee.
(i) If the proposed improvement will not be constructed within one year of issuance of the final development permit order, the amount of the surety bond shall be increased by 10%, compounded for each year of the life of the surety or bond.

(ii) The surety or bond may be renewed annually at 110% of the cost of completing the remaining required improvements as approved by the designated City Engineer.

(c) Other types of security. The City may accept Letters of Credit. An irrevocable letter of credit may be accepted in lieu of a bond and shall be submitted on the City’s approved form and shall be in accordance with Sec. 37-7(A)(7)(a)(b).

(d) A copy of the bond/letter of credit and cost estimate for the project shall be submitted to the department responsible for land development for review by the designated City Engineer and final approval.

(e) Calculations and other pertinent materials. The designated City Engineer may also require submission of calculations in support of all proposed drawings, plans, and specifications, all of which shall be signed and sealed by the Engineer of record.

(8) Certification of payment of taxes and assessments. Certification from the Tax Collector shall be required, indicating that all payable taxes and assessments have been paid and all tax certificates against the land redeemed.
(9) Title assurance. Title assurance in the form of either a title certification by an attorney or a title insurance policy shall be required.

(10) Utilities. A statement indicating the proposed method intended to provide water, sewer, electricity, telephone, refuse collection and street lighting, including but not limited to the names and addresses of all utilities, governmental or private, intended to supply the service, the names and addresses of the owners of all existing public water and sewage systems within 1/4 mile of the proposed development. The plan shall show the general location and size of water mains and sewer mains and the location of fire hydrants, pumping stations and treatment plants.

(11) Operation and maintenance covenants. Where applicable, a copy of the covenants used for the maintenance and operation of the improvements as required by these regulations shall be provided and shall include, but not be limited to:

(a) Private street and adjacent drainage.

(b) Drainage and stormwater management.

(c) Utilities, including public water and sewage systems.

(d) Open space, parks and recreation.

(12) A copy of the documents creating the legal mechanism chosen to assure the beneficiaries of the drainage plan that the easements and rights-of-way shall be continuously maintained.
The name of the attorney preparing any legal documents.

Digital Files. All applications shall include digital files on one compact disk (CD) GIS and AutoCAD requirements plus digital PDF. All disks must have a project label and date.

B. Existing conditions.

(1) Area location map. A map showing the location of the property to be developed in relation to arterial and collector streets.

(2) Legal description.

(3) A boundary and topo survey, prepared by a surveyor, meeting the minimum technical standards for land surveying in the State of Florida, Chapter 21 HH-6, F.A.C. Boundaries must be clearly marked with a heavy line. Boundary lines shall include the entire area to be developed. Information as required by Chapter 17, Flood Damage Prevention Regulations, of this Unified Land Development Code shall also be included.

(4) Existing elevations based on National Geodetic Vertical Datum (NGVD) of 1929.

(5) The location and name of abutting streets, together with the numbers of lanes, the width of rights-of-way and easements and the location and purpose of abutting utility easements. In addition, location of existing drainage or stormwater system shall be shown.
(6) The pavement width and established center line elevation of streets on or abutting the property.

(7) The location and size of all public water and sewage systems, fire hydrants, private wells, irrigation and flowing wells, sidewalks, curbs, gutters, storm drains, roadways and manholes within 200 feet of the subject property.

(8) Sufficient spot elevations based on NGVD of 1929 shall be shown to indicate the slope of the land and any rises, depressions, ditches, etc., that occur, but in no case shall spot elevations be shown at a spacing greater than 200 feet. Spot elevations shall be shown beyond the development boundary, extending a minimum of 25 feet. The City Engineer Manager or designee may direct a closer grid pattern or elevations more than 200 feet beyond the development boundary to provide sufficient satisfactory information. There shall be a minimum of one bench mark per 40 acres, or portion thereof. Each bench mark shall be shown and described on the plans. For all developments, contours at one-foot intervals shall be shown.

(9) Vegetation inventory. Natural vegetation communities on the proposed development tract site and their locations.

(10) Location of all existing buildings and structures on the property. If buildings or structures are to be moved or razed, it shall be noted on the plan.

(11) The location and size of all public water and sewage systems, fire hydrants, private wells, irrigation and flowing wells, sidewalks, curbs,
(12) The zoning classifications and future land use designation for the subject property, as well as for all abutting property.

(13) On the cover sheet of the plans, all stipulations that have been placed on the site by the City Commission shall be listed. If none exist, it shall be stated on the plan cover sheet.

(14) Diagram depicting the surface hydrology of the site.

(15) Description of potential impacts to ground and surface waters.

(16) Description of impacts on floodplains or riverine areas and mitigation measures.

(17) Description of potential impacts to any known archaeological sites.

D. Proposed subdivision infrastructure plan. The proposed subdivision infrastructure plan shall be a detailed drawing, sufficient to construct all elements of the proposed development infrastructure, except buildings, and shall include:

(1) Land development plan.

(a) Lots, all proposed dividing lines.
(b) Phasing plan. For large projects which will be constructed in phases, the land development plan shall show how the current phase fits into the Master Plan for the continuance of streets, drainage, stormwater management, potable water, fire protection, sewage collection, landscaping and buffers.

(i) The applicant shall submit a master phasing plan with the stages numbered in sequence.

(ii) For such phased developments, each phase shall be issued a separate development permit, but each phase shall be considered in relation to the overall project.

(iii) Each phase shall be able to function independently of any other phase(s).

(c) Open space, parks and recreation. All proposed open space, parks and recreation areas and facilities shall be shown and identified as either public or private on the plan.

(d) Location of public school bus stops as indicated by Sarasota County School Board.

(2) Vehicular and pedestrian circulation.

(a) Proposed vehicular ingress and egress to the development.

(b) Proposed streets within the development.
(c) Proposed location of sidewalks and bikepaths.

(d) Engineer of record shall include in the plans a maintenance of traffic plan specific to the location of the construction.

(e) Proposed right-of-way.

(3) Utilities plan. A plan showing the location and size of all water mains and services, fire lines and hydrants, sewer mains and services, treatment plants and pumping stations, together with plan and profile drawings showing the depth of utility lines and points where utility lines cross one another or cross storm drain or water management facilities. The exact location of services shall be shown.

(4) Drainage and stormwater management plan. A drawing at a scale no greater than one inch equals 100 feet showing the location of all curbs and gutters, inlets, culverts, swales, ditches, water control structures, retention/detention areas and other drainage or water management structures or facilities, including details, shall be submitted.

(a) Sufficient elevations shall be shown to adequately show the direction of flow of stormwater runoff from all portions of the site.

(b) A copy of all drawings and calculations submitted to the Southwest Florida Water Management District shall also be submitted. The plan shall also address the soils classification of the site as determined by the United States Department of Agriculture Soil Conservation Service Atlas, latest edition.
(c) The plan shall show the areas to be used for the detention/retention of stormwater runoff and the extent of flooding resulting from the approved SWFWMD floodplain map.

(5) State permits. Prior to final approval of an infrastructure plan, copies of permits issued by the Florida Department of Transportation, the Southwest Florida Water Management District and all other applicable state agencies shall be submitted.

(6) All easements shall be shown on the plans and plat and approved by City staff.

Sec. 37-8. Plat submission requirements.

A. Infrastructure as-built plans. As-built plans, signed and sealed and one digital copy in AutoCAD and PDF format shall be submitted upon completion of the infrastructure are required prior or concurrent with plat submissions.

B. Conformity with approved subdivision plans. The plat shall incorporate all stipulations, easements, changes and modifications required to make the approved subdivision plan and infrastructure plan conform to these regulations.

C. If a property is found to be in the “SWFWMD approved floodplain area” and accepted by the City, it shall be noted on the plat.

D. Preparation. The plat shall be prepared in accordance with the requirements of Florida State Statute Chapter 177, Land Boundaries, Part I, Platting, as amended. In addition, the following requirements shall be adhered to:
(1) The plat shall be prepared on sheets 18 inches by 24 inches in size and to a scale sufficient in size to be legible, 100 feet to the inch preferred.

(2) Standard certificates, approval forms, declarations and notes shall be printed on the plat with permanent black India drawing ink manner.

(3) All required signatures on the plat shall be signed with black permanent India waterproof ink.

(4) The plat shall include a vicinity map to show the subdivision’s location in relation to the nearest arterial roadway.

E. Digital Files. All applications shall include digital files on one compact disk (CD) GIS and AutoCAD requirements plus digital PDF. All disks shall have a project label and date.

F. Recording of plat. Upon having obtained the approval of the Development Review Committee and the City Surveyor and Mapper the City Commission, the developer shall submit the mylar with one print copy of the mini-plat for the subdivision which has been approved, to the City within 10 days of final approval. The City shall secure all required signatures and record the plat within 30 days of receipt of the approved plat from the applicant.

(1) All expenses for the recording of the plat shall be paid by the applicant prior to the City recording the plat.

(2) Failure to present the mylar, with one print copy of the mini-plat for the subdivision which has been approved, to the City within 10 days of final
approval will render the plat approval void. Plats deemed void shall be resubmitted in compliance with the regulations that are in effect at the time of resubmission. No documentation from the previous submission will be carried over from the City’s files and all fees for submission of plats shall apply.

G. A Major Site and Development Plan shall be filed in accordance with Chapter 33, Article II, Major Site and Development.

ARTICLE IV III. SUBDIVISION DESIGN STANDARDS


A. A subdivision is the division of a parcel of land into three or more contiguous lots or parcels for the purpose of transfer of ownership or building, development or, if a new street is involved, any division of a parcel of land. A division of land for agricultural purposes into lots or parcels of three acres (1.214 hectares) or more and not involving a new street shall be deemed a subdivision. The term subdivision includes resubdivision and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivided. Any division of land made prior to 1987 shall not fall under these regulations.

B. All lands proposed for subdivision shall be suitable for the various purposes proposed in the request for approval. In addition to the standards contained herein, the developer shall demonstrate to the satisfaction of the Planning and Zoning Advisory Board and City Commission that the proposed subdivision is specifically adapted and designed for the uses anticipated, including but not limited to lot configuration, access and internal circulation. The developer
shall also demonstrate that the proposed subdivision complies with the City of North Port Comprehensive Plan, the zoning regulations and other sections of this Unified Land Development Code and other laws, ordinances and regulations, as applicable.

B. Any infrastructure need pertaining to school construction is the responsibility of the developer, including but not limited to school zones, additional turn lanes, intersection improvements, and signalization shall be completed prior to receiving the Certificate of Occupancy.

Sec. 37-11. Use of natural features.

The size, shape and orientation of a lot and the sitting orientation of buildings shall be designed to provide development logically related to trees, topography, solar orientation, natural features, streets and adjacent land uses. All development shall be designed to maximize the preservation of natural features, trees, tree masses, unusual rock formations, watercourses and sites which have historical significance, scenic views or similar assets.


Wherever the land sought to be subdivided adjoins creeks, rivers, lakes, streams or other navigable waters, access to the same shall be provided by easement or dedicated roadway for use of the general public. However, the requirement for public access to certain navigable waters may be waived or modified by the City Commission if the provision of such access would result in undue hardship upon the beneficial use of the land sought to be subdivided and if it is determined that the right of the public to water access in the City, generally, is adequately assured.

A. Required lot area. The size, width, depth, shape and orientation of all residential and nonresidential lots shall be appropriate for the location of the subdivision; provided, however, that no lot shall have an area and frontage less than that required under the zoning regulations set forth in Chapter 53 of this Unified Land Development Code.

B. Corner lots. In residential districts only, corner lots shall be at least 15% greater in width than the minimum required for each zoning district, as set forth in Chapter 53, Zoning Regulations, of this Unified Land Development Code. However, where the minimum width established in the zoning regulations exceeds 100 feet, no additional width shall be required.

C. Double frontage lots. In residential districts, double frontage lots shall be permitted only where necessary to separate a development from an arterial or collector roadway or to overcome a disadvantage of topography or orientation. A planting screen easement at least 10 feet wide, across which there shall be no right-of-vehicular access, shall be provided along the rear of all double frontage lots where the rear abuts an arterial roadway. The ten-foot planting screen easement shall be part of the double frontage lot.

D. Block lengths. Block lengths shall not exceed 1,800 feet in any development, except under the following conditions:

(1) The area to be subdivided is zoned AG Agricultural.

(2) The blocks border on major collector roadways.
(3) The blocks border along the water.

(4) There exist other special design considerations which warrant approval of longer blocks.

E. Pedestrian crosswalks. Pedestrian crosswalks, not less than four feet wide and complying with City engineering standards, shall be required where deemed essential at all pedestrian crossing areas to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Lots adjoining a pedestrian crosswalk, except at a roadway intersection, shall not be considered corner lots. All pedestrian crosswalks shall be pavers, or pressed concrete.

F. Access.

(1) The development shall be so designed that remnants and landlocked areas, unless established as common area, shall not be created.

(2) No subdivision shall be approved unless its roadway system is connected to a county or state road which has been approved for maintenance by the county or state or unless:

   (a) The roadway system is connected to an existing City roadway that has been dedicated for public use;

   (b) Has adequate capacity to accept the traffic volumes generated by the proposed subdivision and;
(c) Has access to either City arterial or collector roadways.

(3) All new subdivisions (subdivided after 1/23/06) lots shall abut and have access to a public or private street designed and constructed in accordance with these regulations; provided, however, that access to all residential lots from abutting arterial or collector streets shall be prohibited, except for those residential tracts fronting existing collector and arterial streets and with no internal roads. In these cases, the residential unit shall be placed on the lot in such a fashion to provide for vehicles exiting the lot in a forward direction. [Amended 2-13-2006 by Ord. No.05-54].

(4) Where practical, any residential subdivision of more than five acres or any commercial or industrial development on more than 10 acres shall provide two or more means of ingress or egress to the development. All new subdivisions and/or developments shall have two (2) fully functional access streets, remotely located from one another, unless the Fire Marshal and the City Manager or designee determine that the design of a single access point provides safe and reliable ingress and egress. In addition, there shall be provided pedestrian and vehicular access through bridges over waterways to adjacent neighborhoods. Where feasible, these access streets should not be onto the same roadway.

(5) Any access driveway that splits a lot or parcel shall be required to place sidewalks and street trees as per 37-38 and Chapter 45, Tree regulations.


Any proposed dredge and fill activities shall conform to the provisions of
Chapter 13, ARTICLE II, Dredge and Fill Regulations, of this Unified Land Development Code.


A. For any development zoned Planned Community Development (PCD) District, the open space required shall be consistent with the adopted concept master plan for that development.

B. Where a proposed park, school or other public use is shown on the City's Comprehensive Plan, the City Commission shall require that the developer reserve land for such purpose.

C. Minimum area requirements.

(1) For a residential subdivision consisting of individual lots for single-family detached or two-family dwelling units and have less than fifty dwelling units, no minimum open space shall be required.

(2) In residential subdivisions consisting of individual lots for single-family detached or two-family dwelling units containing more than 50 dwelling units, there shall be a minimum park requirement of 10%.

(3) In residential developments containing multiple-family structures or in which dwelling units are clustered, there shall be a minimum open space requirement equal to 35% of the development area.

(4) In all commercial subdivisions, there shall be a minimum open space requirement equal to 20% of the development area.
(4-5) In all industrial subdivisions, there shall be a minimum open space requirement equal to 10% of the development area.

D. Minimum dimensions.

(1) The minimum average width of open space areas shall be 10 feet.

(2) The minimum area of open space shall be 100 square feet.

E. Use of open space.

(1) The following uses may contribute to the open space requirement, provided that the minimum dimensions are met.

(a) Buffers.

(b) Landscape areas in off-street parking areas.

(c) Dry detention areas.

(d) Existing or proposed bodies of water, including stormwater management areas, and areas subject to saltwater inundation may be used to offset up to a maximum of 25% of the required open space area.

(i) For a wet detention pond, an aeration device shall be used in the deep pool area to increase the oxygen content of the water to improve water quality treatment. The aeration capacity of the
device shall be sufficient to avoid anoxic (oxygen depleted) conditions in the pond.

(ii) If the wet detention pond is located in an area that is not visible to the public or visitors to the site, a bubbler aerator or mixer may be used.

(iii) If the wet detention pond is located in an area visible to the public or visitors to the site, it shall have a fountain or waterfall type of water feature to improve water quality treatment and provide an aesthetic appeal. On a case-by-case basis, this aeration device requirement can be waived if approved by the City Stormwater Manager and project planner.

(e) Active and passive recreation areas, such as playgrounds, golf courses, beach frontage, nature trails and other similar open spaces, as long as not more than 25% of the area consists of impervious surface.

(2) Maintenance of open space. With the exception of lawns owned solely by a lot owner, all other open space area shall be preserved or maintained so that its use and enjoyment as open space will not be diminished or destroyed. To this end, all open space area shall be commonly owned and shall be maintained by the owners of the development, as provided by covenants which run with the land. These covenants shall be in recordable form and shall include the following:
(a) A covenant specifying the manner and method by which the open
space will be preserved and maintained, which may include a
maintenance assessment or a homeowners’ association.

(b) A covenant that the open space area shall not be developed,
except for the open space purposes. All subdivision plans and plats
shall designate all open space area under common ownership. For
platted subdivisions, dedication of and restrictions for commonly-
owned open space shall be stated on the plat.


A. Permanent reference monuments (PRM’s). Permanent reference monuments shall
be placed as required by Chapter 177, Florida Statutes, as amended, and approved
by a licensed, registered Florida professional land surveyor. Monuments shall be
set in the ground so that the top is flush or no more than 1/2 foot below the
finished grade. Subsurface PRM’s shall be exposed for inspection when the plat
is submitted for review. The location and elevation of PRM’s shall be indicated
on the plat.

B. Permanent control points (PCP’s). Permanent control points shall be
installed in accordance with Chapter 177, Florida Statutes, at Point of
Curvature (PC's), Point of Tangency (PT's), Point of Reverse Curvature (PRC's),
PCP’s and other changes in direction. In cases where adjacent ownerships
extend to the center line of private accessways, the PCP shall be installed
along the center line of the accessway. Where PCP’s are not in place prior to
recording of the plat, a certification shall be provided by the surveyor of
record and shall be recorded with the Clerk of the Court stating that the PCP's
shall be indicated on the plat.
C. Permanent bench marks. A permanent bench mark to establish vertical control, based on current geodetic vertical datum National Geodetic Vertical Datum of 1929, shall be placed and approved by a land surveyor within each subdivision under 40 acres in area. For subdivisions over 40 acres in area, an additional bench mark is required for each 40 acres or portion thereof. Bench marks shall be located as near as possible to the center of the subdivision and shall be located within a dedicated right-of-way. Bench marks shall be constructed and placed in accordance with the specifications for permanent reference monuments (PRM's) or geodetic bench marks as established in Chapter 177, Florida Statutes, as amended. The letters "PBM" shall be placed in the top of the monument in lieu of the surveyor's registration number.

D. Perpetuation of survey markers. Any survey marker, monument pipe, rod, spike, plate, cap or disk installed for the purpose of permanently preserving the boundary lines of any dedicated public or private street, alley, easement, canal, lot, block, tract, parcel or any subdivision or section of land, shall not be disturbed or removed and shall be protected throughout the development. Should such markers fall within pavements, driveways or sidewalks, or beneath more than 1/2 foot of fill, they shall be made accessible to the proposed grade by monument boxes or eight-inch concrete pipes or their equal. Cast iron caps shall be placed around the markers. Any and all such markers disturbed or destroyed during development or construction shall be accurately witnessed and replaced by a land surveyor at the expense of the developer.

Sec. 37-17. Consideration of flood hazards and conservation restricted areas.

Subdivisions or portions thereof proposed to be located within any of the City's
designated conservation restricted areas, as depicted on the City's Future Land Use Map, or in any designated flood hazard zone, as depicted on the Flood Hazard Boundary Map contained in the City's Comprehensive Plan, shall comply with all applicable regulations governing land use within such areas as set forth in Chapter 9, Conservation/Restricted Overlay Zone Regulations, and Chapter 17, Flood Damage Prevention Regulations, and Chapter 37, Subdivision Regulations of this Unified Land Development Code.


A. Findings.

(1) Potable groundwater throughout much of the City is subject to significant seasonal fluctuations.

(2) The proliferation of small, residential potable water wells decreases the reliability of existing wells.

(3) Additional residential potable water wells for lots in new subdivisions further increases the likelihood of potable water shortages.

(4) Such shortages are contrary to the public welfare, health and safety of the City of North Port.

B. Central potable water system.

(1) A central water system shall be provided in all new subdivisions, and connection shall be required with the City's central water system where the City system is within 1/4 mile from a point on the perimeter of the
subdivision closest to the source of service and measured along an accessible right-of-way or easement.

(2) In the absence of a City water system, a central water system shall be provided in all new subdivisions, and connection shall be required with any other existing central water system that is available within 1/4 mile from a point on the perimeter of the subdivision closest to the source of the service and measured along an accessible right-of-way or easement, provided that:

(a) The system has sufficient capacity to allow such a connection.

(b) Any rules or regulations that govern said system can be amended to accommodate such a connection.

(3) In the absence of a City or other existing central water system, the developer shall provide a central water system in all new subdivisions. Where the developer provides a central water system utilizing a temporary water treatment plant, the completed plant, lines and all other appurtenances shall be deeded at no cost to the City to be operated and maintained by the City, unless such dedication is waived by the City Commission.

(4) The provisions of § 37-18 (B)(1) through (3) above may be waived by the City Commission for subdivisions with lots one acre or larger in area, if approved by the Department of Health. and Rehabilitative Services.

(5) All central water systems shall provide water meeting quality standards as described in Florida Statute § 403.850 et seq., and Chapters 62-550, 62-
555 and 62-560, Florida Administrative Code, and as prescribed by the United States Environmental Protection Agency.

(6) Central water systems shall be designed by a Florida registered engineer in accordance with these regulations, the requirements of applicable state agencies and the following minimum design standards:

(a) Central water systems shall be designed and constructed in accordance with state and federal standards, including satisfaction of the domestic requirements established by the appropriate state agency, the City of North Port Utility Design Standards and the fire protection requirements established by the American Insurance Association (National Board of Fire Underwriters).

(b) Distribution system capabilities.

(i) The distribution systems shall be capable of delivering fire flows as follows listed in the table below, in residential areas consisting of one-and two-dwelling units not exceeding two stories in height:

<table>
<thead>
<tr>
<th>Distance Between Buildings</th>
<th>Needed Fire Flows (gallons per minute) (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 100</td>
<td>500</td>
</tr>
<tr>
<td>31 – 100</td>
<td>750</td>
</tr>
<tr>
<td>11 – 30</td>
<td>1,000</td>
</tr>
<tr>
<td>10 or less</td>
<td>1,500</td>
</tr>
</tbody>
</table>
(ii) Other habitational buildings may require up to 3,500 gallons per minute flows based on type of construction, size, etc. Fire flows of 4,000 gallons per minute shall be required in commercial and industrial subdivisions. Delivery capability shall be a minimum standard required, in addition to domestic requirements, at a residual pressure of not less than 20 pounds per square inch.

(c) The entire cost of hydrant installation shall be paid by the developer. Fire hydrants in single-family residential subdivisions shall be spaced no more than 800 feet apart, as measured by hose lay along the street, and shall be connected to mains no less than eight inches in diameter. The water mains should be interconnected with a maximum distance between intersecting mains of 1,760 feet. The City Engineer may require larger diameter mains for long lines that are not connected to other mains at intervals close enough for proper mutual support.

(d) Fire hydrants in multi-family (three or more attached units) residential, commercial and industrial subdivisions shall be spaced no greater than 400 feet apart and shall be connected to other mains at intervals close enough for proper mutual support. Sufficient storage or emergency pumping facilities shall be provided to such an extent that the minimum fire flows will be maintained. On curbed streets, the curb shall be appropriately marked to indicate the point where the water line crosses to each abutting lot. Valves shall be installed at intervals so that no break or repair shall necessitate shutting down a length of pipe greater than 250 feet, as measured along the street in multi-family residential, commercial
and industrial subdivisions, or greater than 1,000 800 feet in single-family residential subdivisions. All effort shall be made to locate fire hydrants at intersections. For all new fire hydrants, the developer shall affix a blue traffic delineator in the middle of the driving lane nearest the hydrant.

C. Reuse water systems.

(1) A reuse water system shall be provided in all new subdivisions, and connection shall be required with the City's reuse water system where the City system is within 1/4 mile from a point on the perimeter of the subdivision closest to the source of service and measured along an accessible right-of-way or easement.

(2) In the absence of a City reuse water system, a central irrigation water system shall be provided in all new subdivisions. The system shall be designed and built to meet reuse standards. The design shall include a temporary water source such as wells or other available water sources as approved by the regulatory agency having authority and the City. The design shall include a connection point to the future City reuse system at the perimeter of the development at a location agreed to by the Utility Director or designee. The connection point shall include a utility easement area for a meter assembly and booster pumps.

(3) The provisions of § 37-17(C)(1) and (2) above may be waived by the City Commission for subdivisions with lots one acre or larger in area, if approved by the appropriate regulatory agencies.
(4) Reuse water systems shall be designed and constructed to meet quality standards as described in Florida Statute § 403.085 et seq., and Chapter 62-610, Florida Administrative Code, and as prescribed by the United States Environmental Protection Agency.

(5) Reuse water systems shall be designed by a Florida licensed engineer in accordance with these regulations, the requirements of applicable state agencies and the following minimum design standards:

(a) Central reuse water systems shall be designed and constructed in accordance with state and federal standards, including satisfaction of the domestic requirements established by the appropriate state and local agencies and the North Port Utility Design Standards.

(b) Reuse Distribution system capabilities.

(i) The reuse distribution system shall be capable of delivering adequate pressure and volume of flow to meet the irrigation needs of half the residents in the project area in the restricted time frames mandated by the Southwest Florida Water Management District and/or the City of North Port.

(ii) Other reuse application areas such as golf courses may require up to 500,000 gallons a day in less than an 8 hour period.

(c) The reuse water mains should be interconnected whenever possible. The City Utility Engineer may require larger diameter
mains for long lines that are not connected to other mains at intervals close enough for proper mutual support.

(d) Valves shall be installed at intervals so that no break or repair shall necessitate shutting down a length of pipe greater than 800 feet, as measured along the street in residential, commercial and industrial subdivisions.

Individual potable water systems.

(1) Individual potable water systems may be permitted when the requirement for a central water system is waived pursuant to § 37-18B(4) above, and when it fulfills the following requirements:

(a) Private wells shall be located not less than 75 feet and public wells shall be located not less than 100 feet from sources of possible pollution, including septic tanks, drainage fields, sewer lines or polluted bodies of water.

(b) Private and public wells shall be required to have a four-inch casing and a pump and motor installed capable of pulling water from at least the one-hundred-foot depth. The one-hundred-foot depth requirement may be waived by the City Commission if recommended by the Department of Health and Rehabilitative Services in case of salt water intrusion.

(c) Regulations established herein shall not apply to water systems which are designed, constructed and identified exclusively for irrigation purposes.
(2) Subdivisions not provided with a central water system shall also conform to the following additional regulations:

(a) Said developments shall have a fire-protection system designed by a Florida licensed engineer in accordance with NFPA (National Fire Protection Association) Pamphlet No. 1231, Standard on Water Supplies for Suburban and Rural Fire Fighting.

(b) Water for fire protection shall be made available on the fire ground at a rate not less than the required fire flow.

(c) When bodies of surface water are available, drafting points consisting of a dry hydrant assembly with eight-inch pipe and Fire Department connections shall be provided. A Florida Licensed Professional Engineer shall certify the water availability to withstand the 50 year drought.

(d) Drafting points shall be spaced at approximately the same intervals of length as required for fire hydrant spacing, and shall be approved by the “Authority Having Jurisdiction” (AHJ).


A. Findings.

(1) The water table in the City of North Port is so high that individual sewerage disposal facilities cannot be used unless substantial amounts of fill are placed upon subdivided lots.
(2) Individual sewerage disposal facilities installed on fill may initially satisfy state health regulations, but thereafter often fail and create unsightly and obnoxious conditions and result in the pollution of the ground and surface and subsurface waters. Such individual facilities may also create potential public health hazards contrary to the general welfare of the residents of the City of North Port.

B. Central sanitary sewerage systems.

(1) A central sewerage system shall be provided in all new subdivisions, and connection shall be required with the City's central sewerage system where the City system is available within 1/4 mile from a point on the perimeter of the subdivision closest to the source of service and measured along an accessible right-of-way or easement.

(2) In the absence of a City central sewerage system, a central sewerage system shall be provided in all new subdivisions, and connection shall be required with any other existing central sewerage system that is available within 1/4 mile from a point on the perimeter of the subdivision closest to the source of service and measured along an accessible right-of-way or easement, provided that:

(a) The system has sufficient capacity to allow such connection.

(b) Any rules or regulations that govern said system can be amended to accommodate such a connection.

(3) If a City or other central sewer system does not exist, the developer shall provide a central system. The completed plant, lines and all other
apprtenances shall be deeded at no cost to the City to be operated and
maintained by the City, unless dedication is waived by the City Commission.

(4) Subdivisions shall be exempt from the provisions of § 37-18(B)(1)
through (3) above, under the following condition:

(a) Subdivisions having a minimum lot size of one acre or larger and a
minimum average lot dimension of 150 feet may be developed with a private
well and individual sanitary sewerage system, if authorized by the
Department of Health and Rehabilitative Services.

(5) A central sewerage system shall be provided in all new nonresidential
subdivisions (commercial, industrial, etc.) where subdivision sewage flow
will exceed 2,000 gallons per day, except if the provision of said central
sewerage system is not economically or technically feasible as may be
determined by the City Commission, in which event such nonresidential
subdivisions may be serviced by individual sanitary sewerage systems if
approved by the Department of Health and Rehabilitative Services.

(6) Central sewerage systems shall be designed by a Florida registered
engineer in accordance with these regulations, the requirements of any
applicable state agencies and the following minimum design standards:

(a) Central sewerage systems shall be designed, constructed and
maintained in such a manner as not to adversely affect the water
quality of any existing stream, lake or underground aquifer.
(b) Central sewerage systems shall be designed to be compatible with the
City central sewerage system, or other existing surrounding central
sewerage systems if different than the City and approved.

(c) On curbed streets, the curbs shall be marked to indicate the point
where the sewer line crosses to each abutting lot.

C. Individual sanitary sewerage systems. Individual sanitary sewerage systems
with a treatment capacity of less than 2,000 gallons per day may be permitted
when the development is exempt from the central sewerage system requirement,
pursuant to § 37-19(B)(4). Such an individual system shall fulfill the
following
requirements:

(1) Individual sewerage systems shall be located in the front yard on all
residences.

(2) Such systems shall conform to all rules and regulations set forth in
Chapter 9, Conservation/Restricted Overlay Zone Regulations, of this
Unified Land Development Code.

Sec. 37-20. General requirements for central potable water and sanitary sewer
systems.

A. Developer / Utility Agreements. The owner of any proposed site development
project(s) shall be required to enter into a developer agreement with the City.
This agreement is an instrument that is used to plan for a quantity of capacity
needed for developments. The agreement is not a guarantee of capacity. It is a
reservation of available capacity. The agreement includes a boundary of the area
The agreement serves as an instrument for the developer to donate and dedicate the water and sewer facilities to the City of North Port for permanent ownership and maintenance. The agreement is to be negotiated through the Utilities Department and must be approved by the City Commission at a regularly scheduled Board meeting prior to the issuance of a Development Order.

A. Maintenance and operation. Where the developer provides a central water and/or sewage system, the treatment plant(s), lines and all other appurtenances shall be maintained and operated through a covenant which runs with the land in the form of, but not limited to, deed restrictions, a homeowners' or condominium association or such other legal mechanisms as will assure the beneficiaries of the service that the plant will be continually operated and maintained. Such operation and maintenance shall be in accordance with the rules and regulations of the Department of Environmental Regulations. Regardless of the method chosen to provide for the continual maintenance and operation of the plant, the beneficiaries of the service shall be provided with a legal right to enforce the assurance that the plant shall be continually operated and maintained.

B. Location and installation standards.

1. All treatment facilities shall be located and constructed to minimize the effect and impact on public health, welfare, safety, noise, odor and nuisance of the facilities.

2. All aboveground or partially aboveground facilities (active or passive) shall be set back at least 100 feet from any perimeter property line.

3. Below-ground disposal facilities (drain fields, injection wells, etc.) shall be no closer than 50 feet to the nearest residential lot.
(4) Location of all facilities shall be in accordance with the applicable local, state and federal regulations.

(C) Inspection of water and sewage systems.

(1) The City shall periodically inspect all construction of water and sewage systems, including systems not to be dedicated to the public.

(2) The City shall immediately call to the attention of the developer and his engineer any failure of work or material.

(3) The City may suspend work that is not in conformity with approved plans and specifications and shall require inspections as necessary.

Sec. 37-21 20. Other utilities.

Utility lines of all kinds, including electric power and light, telephone and telegraph, cable television, water, sewer and gas, shall be constructed and installed beneath the surface of the ground within new subdivisions, unless it is determined by the City Engineer Manager or designee that soil, topographical or any other compelling conditions make the installation of such utility lines as prescribed herein unreasonable or impractical. It shall be the developer's responsibility to make the necessary arrangements with each utility in accordance with the utilities' established policies. Said arrangement shall be completed prior to the submittal of final subdivision plans. The underground installation of incidental appurtenances, such as transformer boxes, pedestal mounted terminal boxes for electricity or similar service hardware necessary for the provision of electric and communication utilities shall not be required.
Below-ground installation shall not normally be required for bulk electric power supply lines and major communication feeder lines.


A. Water distribution and sewage collection lines shall be installed in street rights-of-way. Within the accessways of private streets, a ten-foot utilities easement on each side of the travelway shall be provided. Utility and closed drainage easements centered on rear lot lines shall be provided where deemed necessary and shall be a total of at least 16 feet in width. Those centered on side lot lines shall be at least 10 feet in width, as long as the width is adequate for the intended purpose. Additional widths may be required for closed drainage easements.

B. Where a proposed subdivision is traversed by or abuts a watercourse, drainageway, canal, lake, pond or stream or where such facility is proposed as part of the plan, a drainage easement (or right-of-way) shall be provided which shall conform substantially with the limits of such watercourse, drainageway, canal or stream. The easement (or right-of-way) shall include on one side a twenty-five-foot width for maintenance purposes, unless a lesser dimension is approved by the City's Road and Drainage Public Works Director or designee. The easement shall be kept clear by the owners, individually or by a homeowners' association, and shall have satisfactory vehicle access.

C. The City does not vacate easements to non-governmental entities.

D. Occupation of easement may be allowed if the following conditions are met:
(1) Objects do not physically obstruct timely access to infrastructure facilities, i.e. canals, ditches, outfalls, swales, for personnel to carry out needed maintenance. Such objects that obstruct include but are not limited to: swimming pools, wells, trees, sheds and fixed fences.

(2) Objects do not impede the flow of storm water within the drainage systems, i.e. swales, ditches, thereby reducing drainage performance. Such objects that impede include but are not limited to: dump containers, flower beds and large stone aggregates.

(3) Objects do not pose hazard to vehicular or pedestrian traffic as determined by the Public Works Director or designee. Such objects that pose a hazard include but are not limited to: trees, abandoned vehicles, abandoned trash, basketball poles, advertising signs, and artwork.

(4) Objects occupying the City’s easements are placed at the risk of the resident.

(1) Any object found to be in the City’s easement shall be removed at the City’s request to allow access.

(2) When possible, the City will give notification of need to access to allow proper time for removal of object. The cost of the removal and replacement shall be solely born by the owner of the property.

(3) If the City removes the object, the resident will be issued an invoice for the cost of the removal.
(4) If the City damages the object in the course of maintenance, the cost of replacement, it the sole responsibility of the owner or resident.

E. All new subdivisions shall be required to integrate Public Art in the development of land, or contribute to the Public Art Account pursuant to Sec. 59-6 and 59-7, and shall grant a perpetual easement to the City for all areas on which public art is placed. Public art shall be maintained by the City; however, the property owner shall maintain all surrounding landscape which shall be kept in good condition at all times.

Sec. 37-22. Tree protection and landscaping standards.

All proposed subdivisions to be located within the City shall comply with the landscaping and tree protection regulations set forth in Chapter 21, Landscaping Regulations, and Chapter 45, Tree Protection Regulations, of this Unified Land Development Code.

Sec. 37-23. Land clearing debris.

A. The on-site burying of any land clearing material generated as a result of the development of a subdivision shall be expressly prohibited.

B. All land clearing material generated as a result of development of a subdivision shall be removed from the site within 30 days of completion of all subdivision work.

C. Land clearing debris may be burned in accordance with § 33-7(D)(1)(e).

A. General provisions. A complete stormwater management system shall be provided for the adequate control of stormwater runoff and water quality treatment that originates within the development or that flows onto or across the development from adjacent lands. Said stormwater management system shall be designed in accordance with accepted engineering principles the standards given in Chapter 18.

B. Relationship to Comprehensive Plan. The stormwater management regulations in this chapter implement the objectives and policies set forth in the Drainage Element and the Conservation and Coastal Zone Management Elements of the City's adopted Comprehensive Plan.

C. Relationship to other stormwater management requirements. In addition to meeting the requirements of this chapter, the design and performance of all stormwater management systems shall comply with applicable state regulations or rules of the Southwest Florida Water Management District. In all cases, the strictest of the applicable standards shall apply.

D. Exemptions. The following development activities are exempt from these stormwater management requirements, except that steps to control erosion and sedimentation must be taken for all development.

(1) The construction of a single-family or duplex residential unit and accessory structures on a single parcel of land.

(2) Any development within a subdivision if each of the following conditions has been met.
(a) Stormwater management provisions for the subdivision were previously
approved and remain valid as part of a final plat or development plan.

(b) The development is conducted in accordance with the stormwater management
provisions submitted with the final plat or development plan.

(3) Bona fide agricultural activities, including forestry, provided that
farming activities are conducted in accordance with the requirements set forth
in an approved soil conservation service plan and forestry activities are
conducted in accordance with the Silviculture Best Management Practices (BMP)
Manual (1979), published by the Florida Division of Forestry. If the
conservation plan and forestry BMP’s are not implemented accordingly, this
exemption shall become void.

(4) Maintenance activity that does not change or affect the quality, rate,
volume or location of stormwater flows on the site or of stormwater runoff.

(5) Action taken under emergency conditions to prevent imminent harm or
danger to persons or to protect property from imminent fire, violent storms,
hurricanes or other hazards. A report of the emergency action shall be made to
the City as soon as practicable.

E. Performance standards. All developments must be designed, constructed and
maintained to meet the following standards:

(1) While development activity is underway and after it is completed, the
characteristics of stormwater runoff shall approximate the rate, volume, quality
and timing of stormwater runoff that occurred under the site's natural
unimproved or existing state, except that the first inch of stormwater runoff
shall be treated in a retention/detention system or according to other best
management practices as described elsewhere in this chapter.

(2) The proposed development and development activity shall not violate the
water quality standards as set forth in Chapter 17-3, Florida Administrative
Code.

F. Design standards. To comply with the foregoing performance standards, the
proposed stormwater management system shall conform to the following design
standards:

(1) Detention and retention systems shall be designed to accommodate storm
events of a twenty-four-hour duration and twenty-five-year frequency.

(2) To the maximum extent practicable, natural systems shall be used to
accommodate stormwater.

(3) The proposed stormwater management system shall be designed to
accommodate the stormwater that originates within the development and stormwater
that flows onto or across the development from adjacent lands.

(4) The proposed stormwater management system shall be designed to function
properly for the life of the system.

(5) The design and construction of the proposed stormwater management system
shall be certified as meeting the requirements of this chapter by a professional
engineer registered in the State of Florida.

(6) No surface water may be channeled or directed into a sanitary sewer.
(7) The proposed stormwater management system shall be compatible with the stormwater management facilities on surrounding properties or streets, taking into account the possibility that substandard systems may be improved in the future.

(8) The banks of retention and detention areas shall be sloped at a ratio of no greater than 3 to 1 in order to accommodate and be planted with appropriate vegetation.

(9) Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing or otherwise altering natural surface waters shall be prohibited unless the activity is in compliance with the regulations set forth in Chapter 49, Wetlands Protection Regulations, Chapter 9, Conservation/Restricted Overlay Zone Regulations and Chapter 13, Dredge and Fill Regulations.

(10) Natural surface waters shall not be used as sediment traps during or after development.

(11) For aesthetic reasons and to increase shoreline habitat, the shoreline of retention and detention areas shall be sinuous rather than straight where practical.

(12) Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development.

(13) Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks or edges of all natural or man-made...
surface waters.

(14) In phased developments, the stormwater management system for each integrated stage of completion shall be capable of functioning independently as required by this chapter.

(15) All retention and detention facilities, except natural water bodies used for this purpose, shall be accessible for maintenance from streets or public rights-of-way.

(16) Retention and detention areas shall not be located in a floodplain area as delineated on the FEMA/FIRM maps, except as approved by the City Engineer. Any loss of floodplain volume as a result of development within the floodplain shall be mitigated elsewhere on the site, the location of which must be approved by the City Engineer.

(17) Stormwater discharge facilities which directly discharge to the Myakkahatchee Creek shall include an additional level of treatment equal to 50% of the treatment criteria specified in § 37-25E(1) therein.

(18) Drainage plans shall provide that stormwater be conveyed to an ultimate positive outfall beyond the outer edge of the development or at the nearest natural outfall.

G. General requirements for drainage construction.

(1) No certificate of occupancy or other required final approval for any development may be issued until an appropriate culvert has been installed in accordance with the requirements of this chapter. [Amended 3-11-1991 by Ord. No.
(2) No person shall construct or install a culvert within the right-of-way or easement of the City without a currently valid culvert permit issued by the City's Road and Drainage Department pursuant to this chapter.

(3) Specifications.

(a) The size of proposed culverts shall conform to generally accepted engineering standards and shall be approved by the City.

(b) Pipes measuring 24 inches or larger shall have mitered or flared end sections.

(c) No headwalls will be permitted in City right-of-ways or easements.

(d) Pipe installed for the full length of the lot frontage shall be perforated and covered with an approved filter fabric material.

(e) Inlets and catch basins shall be installed when the pipe will cover more than 50% of the lot frontage.

(f) Swale driveways shall not be permitted; however, the Road and Drainage Director may waive this requirement, provided that engineering, hydraulic and access considerations are met.

(g) Minimum size of culvert pipe shall be 15 inches in diameter or equivalent.
(h) Allowable pipe materials shall be as provided in Appendix C attached hereto and incorporated herein. Driveway pipe installation shall be performed as detailed in Appendix D attached hereto and incorporated herein. *

*Editor's note: Appendices C and D are on file in the Planning and Zoning Department office.

(i) Concrete pipe shall be first quality, conforming to the most recent ASTM Designation C-76, Table III. Class III reinforced concrete pipe is the minimum acceptable.

B. All new construction within twenty feet (25’) of a wetland, other surface water (OSW), City drainage canal, or swale shall erect a siltation barrier at the wetland 25’ wide buffer line or at the property line, whichever is greater, to prevent siltation from entering the waterway.

(1) Siltation barriers are required for all new construction to prevent negative impacts to adjoining parcels and/or rights-of-way as deemed necessary by the Public Works Department, City Manager or designee.

(2) The barrier shall be erected within 24 hours prior to clearing the property and remain until final inspections have been approved.

(3) Five (5) foot underbrush clearing is acceptable for installation of silt screen.

C. Sustainable Developments and Low Impact Development Design
(1) In order to protect the limited, valuable natural resources within the City, developments must proceed in a sustainable manner. Sustainable measures such as Green Building, Florida Green Building Standards, LEED Certification and use of Low Impact Development (LID) design such as pervious pavement, green roofs, Florida Friendly native landscaping, direct runoff to linear swales and biotreatment areas upstream of stormwater ponds, rooftop collection of rainwater for irrigation, additional surface water quality improvement controls and devices, shall be implemented where applicable to the maximum extent practicable.

(D) Proposed bodies of water, including stormwater management areas.

(1) For the development of a lake or pond other than a wet detention pond, an aeration device shall be used.

(2) For a wet detention pond, an aeration device shall be used in the deep pool area to increase the oxygen content of the water to improve water quality treatment. The aeration capacity of the device shall be sufficient to avoid anoxic (oxygen depleted) conditions in the pond.

(3) If the wet detention pond is located in an area that is not visible to the public or visitors to the site, a bubbler aerator or mixer may be used.

(a) If the wet detention ponds is located in an area visible to the public or visitors to the site, it shall have a fountain or waterfall type of water feature to improve water quality treatment and provide an aesthetic appeal. On a case-by-case basis, this aeration device requirement can be waived if approved by the City Stormwater Manager.

All parking shall adhere to the regulations found in Chapter 25, Parking and Loading Regulations of this Unified Land Development Code.

A. The percentage of uses shall be designated on the Subdivision Plan to ensure adequate parking for all uses.

B. If proposed uses change, parking shall be calculated in accordance with Chapter 25, and the percentages designated in the approved Subdivision Plan.

(1) If there are inadequate parking spaces to accommodate any proposed use, the proposed change in use will not be approved.

(2) If the change in use proposes combined off-street parking, it shall be in accordance with Sec. 25-9 of this Unified Land Development Code.


A. Mechanical equipment areas in non-residential zones, including air conditioning units, shall be enclosed by a masonry wall and with a hedge a minimum of six (6) feet in height or to the highest point of the equipment, whichever is lower.

(1) Exposed PVC, split rail, untreated cinder block, is not permitted.

(2) For mechanical equipment placed on top of buildings, there shall be no part of the unit visible from any ground level point. The protective structure shall be painted the same color as the roof or building.
(3) All covers for mechanical equipment shall be built to sustain 130mph winds.

(4) Mechanical Equipment in residential areas, including air conditioning units shall have a solid masonry wall placed on the side which faces the street frontage and shall be painted in complimentary or harmonious colors to the primary structure.

B. Dumpsters. Solid masonry walls shall be placed around all dumpster pads. The wall shall be solid on three sides with a gate to allow proper access. The dumpster pad shall be constructed in accordance with the City of North Port’s Department of Public Works specifications.

(1) The height of the wall shall be no less than 6 feet and no higher than 8 feet.

C. Lift stations shall be placed to the rear of any non-residential property and in compliance with the City of North Port Utilities Department standards and provide easement and access to the lift station in accordance with Chapter 53 of this Unified Land Development Code.

(1) All lift stations shall be enclosed with a wall which reflects the architecture of the area and landscaped to improve aesthetic quality.

(2) Walls shall be built to the City of North Port Utility Department standards and shall have open areas for ventilation and access.
(3) All lift stations and walls shall be permitted separately from any other permit through the Building Department.


A. Temporary Certificate of Occupancy. A Temporary Certificate of Occupancy may be issued for specific reasons.

(1) A Temporary Certificate of Occupancy may be issued upon request by the applicant, after a complete review and evaluation by Building Official and Fire Marshall. The applicant shall meet all required building code and fire safety regulations and shall be given conditions as to the terms of its issuance.

(2) The Temporary Certificate of Occupancy may be extended for additional reasons after review from the Building Official and Fire Marshall.

(3) All appropriate fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or its extension.

B. Certificate of Occupancy. Prior to the issuance of the Certificate of Occupancy (CO), the following must be complete:

(1) All inspections shall have received an approval rating.

(2) Applicant shall provide the City Building Department with five (5) sets of As-Built Construction Plans, signed and sealed, and one digital copy in AutoCAD and PDF format to be distributed to appropriate departments. These plans are required prior to issuance of Certificate of Occupancy.
(3) All appropriate fees shall be paid prior to the issuance of a Certificate of Occupancy.

ARTICLE IV. ROADWAY DESIGN AND CONSTRUCTION STANDARDS

Sec. 37-26 28. General requirements.

A. The location and width of all arterial and collector streets shall conform to all requirements and specifications set forth in the City of North Port's Comprehensive Plan.

B. The proposed streets of a subdivision plat shall recognize and extend suitable existing or previously platted streets and shall make possible the future extension of streets into adjacent undeveloped land where feasible. Roadway, parking lot and driveway turning radii shall be designed to allow single unit (SU) vehicles (as defined by AASHTO) to navigate through all turns without crossing into oncoming traffic. The minimum turning radii shall be 35°.

C. Local streets shall be planned so that access from residential lots into arterial and collector streets shall be prohibited except as provided in Section 37-12 (F) (3), 53-222 236 and 53-244 261 [Amended 2-13-2006 by Ord. No. 05-54].

D. Intersections shall be as nearly at right angles as possible.

E. In residential areas, T-intersections shall be preferred to four-way intersections. reserved

F. Private streets may be approved, but must conform to all standards set
forth herein these regulations.

G. The engineer of record shall be responsible for all roadway and bridge design data and calculations. Roads and bridges shall be designed to accommodate fire apparatus with a minimum weight of 32 tons.

H. Construction shall conform to the City engineering standards.

I. Roadway design and construction criteria shall conform to all criteria contained herein, to include the criteria contained in the following publications which are hereby adopted and shall be considered and construed to be an integral part hereto:


J. State the design speed(s) of the roadway(s) on cover sheet and in the general notes on the plans.

Sec. 37-27. General development standards.

A. A registered Florida licensed engineer shall be employed by the developer to design and inspect, for the purpose of certification, the installation of all required improvements, such as but not limited to streets, drainage structures, bridges, bulkheads, water and sewage facilities. All plans for improvements shall be prepared and signed by such engineer and approved by the designated City Engineer prior to construction. All improvements required in this chapter shall be installed by the developer or at the developer's expense. The design engineer shall certify that the design complies with the provisions of this chapter.

B. Variances involving engineering practice and decisions are solely under the purview of the designated City Engineer per Florida Statute F.S. 471 and Florida Administrative Code Chapter 61G15-18 and 19.


Minimum right-of-way widths shall be as listed below. Additional right-of-way
may be necessary in order to provide for adequate drainage facilities. Drainage
 easements shall not run along front lot lines.

<table>
<thead>
<tr>
<th>Roadway Classification</th>
<th>Guttered (feet)</th>
<th>Nonguttered (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterials</td>
<td>120</td>
<td>150</td>
</tr>
<tr>
<td>Collectors</td>
<td>100</td>
<td>120</td>
</tr>
<tr>
<td>Local</td>
<td>60</td>
<td>80</td>
</tr>
<tr>
<td>Marginal Access</td>
<td>60</td>
<td>80</td>
</tr>
<tr>
<td>Alleys</td>
<td>30</td>
<td>50</td>
</tr>
</tbody>
</table>

Sec. 37-30 31.  Cule-de-sac and Dead-end Streets.

A. Dead-end streets fire access. Dead-end streets for fire access only in excess of one hundred fifty feet (150’) in length shall be provided with approved provisions for turning around of fire apparatus. Acceptable turnarounds include cul-de-sac, T-turn or Y-turn. The cul-de-sac turnaround shall have a minimum center line radius of fifty feet (50’) and the T & Y turns shall have a minimum depth of forty feet (40’) a paved turnaround, with an outside diameter of not less than 74 feet and a right-of-way diameter of not less than 100 feet.

B. Dead-end roadways shall have a maximum length of twelve hundred feet (1200’), and shall be provided with an approved cul-de-sac for turnaround of fire apparatus. The cul-de-sac turnaround shall have a minimum centerline radius of fifty feet (50’) with an additional fifteen feet (15’) of dedicated right-of-way.

All roadway rights-of-way shall be cleared and grubbed in accordance with the Florida Department Of Transportation Standard Specifications for Road and Bridge Construction, latest edition. Selective clearing and grubbing are prohibited unless approved by the City Engineer or designee.

Sec. 37-31. Subsoil investigation.

A subsoil investigation report signed and sealed by a Florida licensed professional engineer in the field of geotechnical engineering shall be submitted with all plans and shall include:

A. Seasonal high and existing ground water elevation data.

B. Borings, a minimum of five feet below the existing natural ground profile grade at a maximum of five-hundred-foot intervals, to determine the soil classification in accordance with AASHTO M 145-73, unless the engineer of record, using accepted engineering standards and methods, determines that they are not required. Additional borings may be made as necessary to determine limits of unsuitable material. Depth and extent of muck areas shall be determined by the engineer of record, subject to the approval of the City Engineer.

C. The Florida licensed professional geotechnical engineer shall make recommendations based on his study that protects the safety, health and welfare of the public and the infrastructure.

Sec. 37-32. Horizontal and vertical alignment and pavement width.
Horizontal and vertical alignment shall be in accordance with the Florida DOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, latest edition, or any other applicable report or publication. In case of conflicting standards, the most stringent shall apply.

Sec. 37-33. Stabilized subgrade for flexible pavements.

A. Requirements. Roadway subgrade shall in no case have a depth-bearing ratio and density less than. Flexible pavements shall be constructed utilizing the following minimum standards. Soil cement is not an approved base material.

**APPROVED PAVEMENT SYSTEMS FOR ROADWAY CONSTRUCTION**

<table>
<thead>
<tr>
<th>PAVEMENT COMPONENT AND SPECIFICATIONS</th>
<th>MINIMUM COURSE THICKNESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR DEVELOPMENT CATEGORIES*</td>
<td></td>
</tr>
<tr>
<td>A – Commercial &amp; Industrial Subdivisions</td>
<td></td>
</tr>
<tr>
<td>B – Residential Subdivision and Commercial Subdivisions (Non-Manufacturing with less than 10% Truck Traffic)</td>
<td></td>
</tr>
<tr>
<td>C – Arterial and Collector Roads</td>
<td></td>
</tr>
</tbody>
</table>
### SUBGRADE

<table>
<thead>
<tr>
<th>Type</th>
<th>Stabilizing</th>
<th>Minimum (SCTP latest version of FDOT SSRBC-160)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>12” 8” 12”</td>
</tr>
</tbody>
</table>

### PAVEMENT STRUCTURAL BASE COURSE – ALTERNATES

<table>
<thead>
<tr>
<th>Type</th>
<th>Graded Aggregate – Crushed Concrete (latest edition, as revised of FDOT SSRBC -204) (LBR ≥ 120)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>9” 7” 9”</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type</th>
<th>Shell Base, LBR 100 Minimum (FDOT SSRBC -913 latest edition, as revised)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>11” 7” 11”</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type</th>
<th>Cement-Stabilized Base (Per FDOT SSRBC-288 latest edition, as revised)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>9” 6” 9”</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type</th>
<th>Asphalt Base Course – SP 9.5 or SP 12.5 Per FDOT SSRBC – 234 or latest edition, as revised.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3” 3” 3”</td>
</tr>
</tbody>
</table>

### ASPHALTIC CONCRETE STRUCTURAL COURSE, TYPE SP 12.5

<table>
<thead>
<tr>
<th>Type</th>
<th>Per FDOT SSRBC or latest edition as revised.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3” 3” 3”</td>
</tr>
</tbody>
</table>

### ASPHALTIC CONCRETE FRICTION COURSE

<table>
<thead>
<tr>
<th>Type</th>
<th>FC 9.5Per FDOT SSRBC-337 or latest edition/revised</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1” 1” 1”</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type</th>
<th>SP9.5Per FDOT SSRBC-Section 334 (2007 Edition)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3” 3” 3”</td>
</tr>
</tbody>
</table>

* FDOT SSRBC = FDOT Standard specifications for road and bridge construction.

NOTE: SCTP = SARASOTA COUNTY TECHNICAL PROVISIONS (available upon request)

* These standards shall be minimum acceptable standards unless otherwise approved by the designated City Engineer. Any modifications to these standards shall be based upon pavement design calculations as prescribed in the FDOT Flexible Pavement Manual, Latest Edition.

**B. TECHNICAL PROVISION TP 337**

(1) The Contractor shall place the friction course after the actuation loops for traffic signals are installed, tested, assured of acceptability, and
fully operational. There shall be no cuts in the friction course.

C. TECHNICAL PROVISION TP 204

(1) Construction of a graded aggregate

(a) Description.

(i) At least two weeks prior to use on the project, the Contractor shall submit a gradation analysis, limerock bearing ratio test data, and modified proctor density (AASHTO T-180) results for material sampled from the proposed source.

(ii) These tests shall be performed by a Florida-licensed commercial testing laboratory, employed by and paid by the Contractor.

(iii) Any material delivered to the project that, in the sole opinion of the City’s authorized representative, appears to contain excessive deleterious material, roots, clay balls, lumps, or construction debris, shall be immediately removed from the project, and new material furnished that meets the requirements of the specifications.

(b) Materials: The graded aggregate material shall consist of a satisfactory mixture conforming to all requirements of these specifications after it has been crushed and processed as a part of the mining or reclaiming operations.

(i) The graded aggregate base material shall be of uniform quality throughout, shall not contain more than 0.10% by weight of vegetable
matter, and shall be substantially free of shale, lumps and clay balls.

(ii) Use reclaimed concrete aggregate base produced from FDOT approved sources meeting the requirements of this Section after crushing and processing. The reclaimed concrete aggregate base shall consist of crushed concrete material and natural aggregate particles derived from the crushing of hard Portland cement concrete, durable fragments of stone, gravel, slag, and sand. Obtain City’s approval prior to combining one origin of reclaimed concrete aggregates with other origins of reclaimed concrete aggregates or other approved materials. Provide the percentage of each material when requesting a combination of materials. Changes to approved combinations will require prior approval.

[1] Combine the reclaimed concrete aggregates by mechanical interlock blending, belt blending or other Engineer approved methods to ensure uniform mixing.

[2] Gradation: Gradation shall be per FDOT 204-2.2.1 as shown below:

<table>
<thead>
<tr>
<th>Sieve Size</th>
<th>Percent by Weight Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 inch</td>
<td>100</td>
</tr>
<tr>
<td>3/4 inch</td>
<td>65 to 95</td>
</tr>
<tr>
<td>3/8 inch</td>
<td>40 to 85</td>
</tr>
<tr>
<td>No. 4</td>
<td>25 to 65</td>
</tr>
<tr>
<td>No. 10</td>
<td>20 to 50</td>
</tr>
</tbody>
</table>
[3] Plasticity: Plasticity of the base shall be per FDOT 204-2.2.2. Reclaimed concrete aggregate base shall not contain plastic soils such that the minus 0.425 mm (No. 40) sieve material shall be non-plastic. 204-2.2.3 Limerock Bearing Ratio: Reclaimed concrete aggregate base shall have a minimum limerock bearing ratio (LBR) of 120. FDOT 204-2.2.4 Deleterious Substances: Reclaimed concrete aggregate base shall be free of all materials that fall under the category of solid waste or hazardous materials as defined by the state or local jurisdiction. Reclaimed concrete aggregate base shall be substantially free from other deleterious materials which are not classified as solid waste or hazardous materials. Reclaimed concrete aggregate base shall be asbestos free. The following limits shall not be exceeded:

<table>
<thead>
<tr>
<th>No. 50</th>
<th>5 to 25</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 200</td>
<td>0 to 10</td>
</tr>
</tbody>
</table>

[4] The entire thickness of repair will meet the existing base thickness.

[5] Mixed samples of the material will be taken by or to an independent testing laboratory for LBR testing. A new sample will be taken each time the material consistency changes.

[6] The testing lab results will be copied to the City upon completion of the test.
[7] Once the material has been accepted for proper LBR results, it will be compacted to full depth to achieve a minimum of 98% AASHTO T-180 Modified Proctor.

[8] A minimum of two (2) tests, one (1) in each lane, will be taken at all locations being re-constructed.

[9] Contractor will provide his own layout to insure proper line, grade and elevations are achieved.

[10] Once final approval has been given by the City for proper compaction and LBR results, the area will then be primed and sanded until the asphalt can be placed.

(2) Spreading Aggregate.

(a) Subgrade: Prior to constructing the aggregate base course, the subgrade shall be compacted as specified, cleaned of all foreign substances, and shall be inspected by the designated City Engineer’s Representative. Ruts or soft, yielding spots shall be corrected to the satisfaction of the Public Works Department. No aggregate materials shall be placed on a muddy or saturated subgrade.

(b) Method of Spreading: The aggregate shall be spread uniformly, with equipment as specified in Section 204-3.

(c) Number of Courses: When the specified compacted thickness of the base is greater than 6.00”, the base shall be constructed in two courses.
(i) The thickness of the first course shall be approximately one half of the total thickness of the finished base, or enough additional to bear the weight of the construction equipment without disturbing the subgrade.

(ii) When vibratory or approved types of special compacting equipment are to be used, approval may be given for increasing the permissible thickness of layers, provided the ability of such equipment to achieve specified compaction is demonstrated to the satisfaction of the designated City Engineer’s Representative.

(3) Compacting and Finishing Base.

(a) Single Course Base: After the spreading is completed, the entire surface shall be scarified and then shaped so as to produce the required grade and cross-section after compaction, and shall be free of laminations and segregated material.

(b) Multiple Course Base: The lower course shall be cleaned of foreign material, bladed and brought to a surface cross-section approximately parallel to that of the finished base.

(i) Prior to the spreading of any materials for a subsequent course, density tests for the previously placed course shall be made and the designated City Engineer’s Representative shall have determined that the required compaction has been obtained.

(ii) After the spreading of the materials for upper course is completed, the surface shall be finished and shaped so as to
produce the required grade and cross-section after compaction, and shall be free of laminations and areas of segregated material.

(c) Finishing: The surface of the compacted aggregate base shall be finished to the grades and cross-sections shown on the plans by blading or with automated equipment especially designed and approved by the designated City Engineer’s Representative for this purpose, and rolled to a smooth finish.

(i) In no case should thin layers of fine materials be added to the top layer of the base course in order to meet the required elevation.

(ii) When additional material is needed to obtain required grade, the surface shall be scarified for a distance of 100.00’ in each direction from the deficient area, sufficient material added and recompacted to a specified density.

(d) Moisture Content: When the material does not have the proper moisture content to produce the required density, wetting or drying will be required.

(i) When water is added, it shall be uniformly mixed to the full depth of the course that is being compacted.

(ii) Wetting or drying operations shall involve manipulation, as a unit, or the entire width and depth of the course that is being compacted.
(e) **Density Requirements**: The Contractor shall specify the type of compaction equipment to be used on the project and the proposed rolling pattern for the base material.

(i) The City’s Authorized Representative reserves the right to request the installation of a control strip to verify the proposed rolling patterns.

(ii) The Contractor shall supply nuclear density testing equipment to verify the compaction of the control strip at the design thickness.

(iii) No additional cost/payment shall be made for construction of the control strip.

(iv) As soon as proper conditions of moisture are attained, graded aggregate manufactured of native rock shall be uniformly compacted to a density of not less than 100% of the maximum density as determined by AASHTO T-180.

(v) Graded aggregate manufactured of reclaimed concrete shall be uniformly compacted to a density of not less than 98% of the maximum density as determined by AASHTO T-180.

(vi) The minimum density that will be acceptable at any location outside the traveled roadway (such as intersections, crossovers, turnouts etc.) shall be 98% of such maximum.

(f) **Density Tests**: At least three density determinations shall be made
on each day’s final compaction operation of each course, and the
density determinations shall be made at more frequent intervals if
deemed necessary by the Public Works Department.

(i) During final compaction operations, if reworking of any areas
is necessary to obtain the true grade and cross-section, the
compacting operations for such areas shall be completed prior to
making the density tests on the finished base.

(4) Correction of Defects.

(a) Cracks and Checks: If cracks or checks appear in the base, either
before or after priming, which, in the opinion of the designated City
Engineer’s Representative, would impair the structural efficiency of the
base, the Contractor shall remove the cracks or checks by rescarifying,
reshaping, adding base material where necessary, and recompacting.

(b) Dust Abatement: The Contractor shall minimize the dispersion of dust
from the base material during construction and maintenance operations by
application of water or other dust control materials. Dust control
related to pavement base construction will be considered incidental to
pavement base and is regulated under TP 102, Maintenance of Traffic and
Dust Abatement.

(c) Testing Surface: The finished surface of the base course shall be
checked with a template cut to the required crown and a 15’ straight edge
laid parallel to the centerline of the road. The Contractor will correct
all irregularities greater than 0.25” by scarifying and removing or
adding aggregate as required, without additional payment/cost, after
which the entire area shall be recompacted as specified.

(5) Priming and Maintaining.

(a) Priming: The prime coat shall be applied only when the base meets the specified density requirements and the moisture content in the top half of the base does not exceed 90% of the optimum moisture of the base material.

(i) At the time of priming, the base shall be firm, unyielding, and in such condition that no undue distortion will occur.

(b) Maintaining: The Contractor will be responsible for assuring that the true crown and template are maintained, with no rutting or other distortion, and that the base meets all requirements, at the time the surface course is applied.

(6) Thickness Requirements.

(a) Areas Required Corrections: Where the compacted base is deficient by more than 0.50” from the thickness called for in the plans, the Contractor shall correct such areas, without additional compensation, by scarifying and adding aggregate.

(i) The base shall be scarified and aggregate added for a distance of 100.00’ in each direction from the edge of the deficient area.

(b) Calculations for Average Thickness of Base: The average thickness of
the base shall be determined from the final borings made under the
direction of the designated City Manager or designee.

(i) These tests shall be performed to confirm specified criteria.
Test shall be performed by a Florida-licensed commercial testing
laboratory, employed by and paid by the Contractor.

(ii) The tests shall have been performed within 30 days and shall
verify that the proposed source material meets the requirements of
Florida Department of Transportation’s (FDOT) Standard
Specifications, Section 204, except as amended by this Technical
Provision.

(iii) The City shall reserve the right to request additional
testing to assure that the recycled concrete material meets the
requirements of this specification.

(iv) Any cement-stabilized base material containing recycled
concrete that is delivered to the project and that, in the sole
opinion of the City’s authorized representative, appears to
contain excessive deleterious material, roots, clay balls, lumps,
or construction debris, shall be immediately removed from the
project.

(v) New material shall be furnished that meets the requirements of
the specifications, at the Contractor’s expense.

(c) Mix Design: The Contractor shall be responsible for preparation of a
mix design for the cement-stabilized base in accordance with the
procedures outlined in FM 5-520, Laboratory Design of Soil-Cement Mixtures, as contained in the Manual of Florida Sampling and Testing Methods, latest edition as revised.

(i) The mix design for the cement-stabilized base material shall produce material having an in-place strength between 150 psi and 450 psi at seven days, as determined by pill samples molded in the field, using material delivered to the project.

(ii) The laboratory mix design compressive strength target value shall be 300 psi at seven days.

(iii) The mix design shall be submitted to the designated City Engineer’s Representative for approval at least 14 calendar days prior to the placement of cement-stabilized base on the project.

(d) Construction Methods: Before base construction operations begin, the area of base placement shall be graded and shaped as required to construct the cement-stabilized base in conformance with the grades, lines, thickness, and typical cross sections shown on the plans.

(i) All density testing and other work needed for construction of the sub-grade shall be completed and approved by the designated City Engineer’s Representative prior to beginning placement of cement-stabilized base.

(ii) The cement-stabilized base shall be placed within 3% of its optimum moisture content as determined in the field by FM 1-T 134. The loose mixture shall be uniformly compacted to the
specified density within two hours of placement of material on
the subgrade or within four hours from the time that the cement
is combined with the base materials at the mixing plant,
whichever is shorter.

(iii) Batch tickets shall be provided by the Contractor to verify
when cement was added to the mixture.

(iv) The cement-stabilized base shall be compacted to an average
of 97% of the maximum density for the base material.

(e) Construction Joints: At the end of each day’s construction, the
Contractor will form a straight transverse construction joint by cutting
back into the completed work to form a true vertical face.

(i) The construction joint shall be located so as to remove the
base material placed at the end of the day’s construction where
the base has not been placed at full depth and where it is not
thoroughly compacted, proportioned, or mixed. The designation of
the location of transverse construction joints shall be as
directed or approved by the designated City Engineer’s
Representative.

(f) Curing: After the cement-treated base has been finished as specified
herein, it shall be protected against drying for seven days following the
completion of compaction operations.

(i) The finished base shall be maintained in a moist condition by
application of water until bituminous curing material is applied.
(ii) The bituminous curing material shall meet the requirements of FDOT’s Standard Specifications, Section 916-4, latest edition as revised.

(iii) At the time the bituminous material is applied, the cement treated base surface shall be dense, free of all loose and extraneous material, and shall contain sufficient moisture to permit penetration of the bituminous material.

(iv) Water shall be applied in sufficient quantity to fill the surface voids of the cement-treated base immediately before the bituminous curing material is applied.

(g) Opening Base Course to Traffic: Upon receipt and approval of satisfactory acceptance tests, the completed portions of the base shall be opened to local traffic and construction traffic.

(i) This opening to local and construction traffic is conditioned on the fact that the base has hardened sufficiently to prevent marring or distorting of the surface by the equipment or traffic, and provided the curing of the base material, as specified, is not impaired.

(ii) The bituminous curing material shall be adequately maintained during the seven-day curing period so that all of the cement-treated base will be covered effectively during this period.

(iii) Finished portions of the base that are used by equipment
during the construction of an adjoining section shall be protected in such a manner as to prevent the equipment from marring or damaging the completed work.

(iv) Any damage to base material due to the Contractor’s operations or due to use by local traffic prior to receipt of acceptance tests shall be repaired by the Contractor as directed by the designated City Engineer’s Representative.

(h) Maintenance of Base Course: The Contractor shall maintain the base to a true and satisfactory surface until the wearing surface is constructed. Should any repairs or patching be necessary, including those repairs caused by either construction traffic or local traffic, they shall extend to the full depth of the base. They shall also be made in a manner that will assure restoration of a uniform base course conforming to the requirements of these specifications.

(i) In no case shall the Contractor make repairs by adding a thin layer of cement-stabilized base to the completed work.

(ii) At his option, the Contractor may make full-depth repairs with Class I concrete around manholes, inlets, or in similar areas.

(i) Testing and Acceptance: The following acceptance tests will be made by the City or its commercial testing laboratory to determine acceptability of the base course:
(i) Moisture-density relationship in accordance with FM I-T 134. Tests will be performed at least once per day during placement and at intervals not to exceed 2,500 SY of material placed and compacted. Base shall be placed within 3% of the optimum moisture as determined by this test.

(ii) Field density tests using nuclear density testing equipment. One density test shall be taken at five random locations for each 2,500 SY area of base completed and installed.

[1] The base shall be compacted to an average density, based on the five tests, of 97% of the maximum density as determined by moisture density relationship in accordance with FM I-T 134.

[2] No individual test shall be lower than 94% of the maximum density of the material as determined by FM I-T 134. Payment/cost will be reduced for deficient density test results as indicated in the Basis of Payment/cost section of this Technical Provision.

(iii) Two acceptance specimens shall be molded for each 2,500 SY of base material placed. Specimens shall be field molded from samples of material delivered to the project and incorporated in the work.

[1] Material shall be sampled in such a manner as to obtain a representative sample of the in place cement-stabilized base.
[2] The acceptance specimens shall be field molded, transported and cured in accordance with FM 5-520 and FM I-T 134.

[3] The samples shall be nominally 4.00” in diameter and 4.50” in height.

[4] The specimens shall be cured in the field for 24 hours in accordance with FM 5-520.

[5] The samples shall then be transported to the testing laboratory, moist cured for seven days and tested for compressive strength.

[6] The cement-stabilized base will be acceptable if the two field-molded specimens achieve an average compressive strength of between 150 psi and 450 psi at seven days.

[7] If the average strength of the field-molded specimens is outside the specified range, two 6.00” diameter cores shall be taken from the base material covered by the test results in question as soon as possible after the deficient results are determined. These cores will be transported to the testing laboratory, trimmed to a 1:1 depth to diameter ratio and tested for compressive strength.

[8] If either of these field cores does not achieve a minimum strength of 150 psi, or if they exceed a maximum strength of 450 psi, the base material covered by the deficient tests
shall be removed and replaced at no cost to the County.

[9] The Contractor may, at his expense, perform test samples independent of the City’s testing laboratory and its test results, but the decision of the designated City Engineer’s Representative regarding the suitability of the base material covered by deficient tests is final.

(iv) After the base is completed, test cores shall be taken at intervals of not more than 1,000 square yards, or at closer intervals if necessary. Where any test core is found to be deficient in thickness by 0.50” or more, the total area of deficient base shall be determined by additional coring.

[1] This coring shall be performed at 10.00’ intervals parallel to the centerline of the roadway until a measurement in each direction is within the construction tolerance of 0.50”.

[2] This deficient area shall be reduced in cost/payment in accordance with the schedule outlined in the Basis of Payment section of this Technical Provision.

[3] Any areas of base course greater than 1.00” deficient in thickness shall be removed and replaced at the Contractor’s expense.

(j) Grade Stakes: The Contractor shall make every effort to preserve the
grade stakes until the job is completed. Destroyed or moved stakes shall be replaced at the Contractor’s cost/payment.

TABLE INSET:

<table>
<thead>
<tr>
<th>Type of Street</th>
<th>Compacted</th>
<th>Stabilized</th>
<th>Subgrade</th>
<th>Limerock</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depth (inches)</td>
<td>Bearing</td>
<td>Minimum</td>
<td>Density</td>
<td></td>
</tr>
<tr>
<td>Arterial and Collector</td>
<td>12</td>
<td>40</td>
<td>98% Modified Proctor</td>
<td></td>
</tr>
<tr>
<td>Local, Marginal, and</td>
<td>8</td>
<td>40</td>
<td>98% Modified Proctor</td>
<td></td>
</tr>
</tbody>
</table>

B. Construction. The construction of the stabilized roadbed, including compaction, shall conform to the Florida DOT Standard Specifications for Road and Bridge Construction, latest edition.

C. Testing for the subgrade bearing capacity and compaction shall be located no more than 500 feet apart and shall be staggered to the left, right and on the center line of the roadway. Test results shall be submitted by the engineer of record to the City Engineer, prior to construction of the base course. When, in the judgment of the City Engineer, conditions warrant additional testing, the engineer of record will be advised in writing that additional tests will be required and the extent of such additional tests. All testing is to be performed by an independent testing laboratory at the cost of the developer.
Sec. 37-34. Base courses for flexible pavements.

A. All materials and construction for base courses shall conform to Florida DOT Standard Specifications for Road and Bridge Construction, latest edition.

<table>
<thead>
<tr>
<th>Type of Street</th>
<th>Minimum Thickness</th>
<th>Minimum Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial and Collector</td>
<td>8</td>
<td>98% Modified Proctor</td>
</tr>
<tr>
<td>Local, Marginal, and</td>
<td>6</td>
<td>98% Modified Proctor</td>
</tr>
</tbody>
</table>

B. Construction. Base materials and plant mixes are to be certified in accordance with the Florida DOT Standard Specifications for Road and Bridge Construction, latest edition. Base materials and plant mix certifications are to be submitted to the City Engineer by the engineer of record for review.

C. Testing. Core boring for base thickness and density shall be located no more than 500 feet apart and shall be staggered to the left, right and on the center line of the roadway. Test reports for thickness and density shall be submitted to the City Engineer by the engineer of record. When, in the judgment of the City Engineer, conditions warrant additional testing, the engineer of record will be advised in writing that additional tests will be required and the extent of such additional tests.

D. Prime and tack coats. All bases shall be primed in accordance with the Florida DOT Standard Specifications for Road and Bridge Construction, latest edition. Tack coats shall not be required on primed bases, except on areas which have become excessively dirty and cannot be cleaned or in areas where the prime has cured and lost all bonding effect. Tack coat material and construction
methods shall conform to the Florida DOT Standard Specifications for Road and Bridge Construction, latest edition.

 Sec. 37-35. Surface course for flexible pavements.

A. Requirements. Surface courses for flexible pavements shall be asphaltic concrete Type S-1 and/or Type III and shall meet the following minimum thickness requirements:

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Roadway Classification</th>
<th>Base Course</th>
<th>Asphaltic Concrete Type S-1 and/or Type III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Arterial</td>
<td>8</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Collector</td>
<td>8</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Local</td>
<td>6</td>
<td>1 1/4</td>
<td></td>
</tr>
<tr>
<td>Access</td>
<td>6</td>
<td>1 1/4</td>
<td></td>
</tr>
<tr>
<td>Alley</td>
<td>6</td>
<td>1 1/4</td>
<td></td>
</tr>
<tr>
<td>Industrial Arterial</td>
<td>8</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Commercial Collector</td>
<td>8</td>
<td>2 1/4</td>
<td></td>
</tr>
<tr>
<td>Local</td>
<td>8</td>
<td>2 1/4</td>
<td></td>
</tr>
<tr>
<td>Access</td>
<td>8</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Alley</td>
<td>8</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

B. Friction course. Friction course shall be required for all arterial and collector roads. Friction course shall be asphaltic concrete FC2 and/or FC4 and shall meet the requirements of Section 337, FDOT specifications.

C. Materials and construction. Asphaltic concrete Type S-1 and/or Type III, including prime and tack coats, shall conform to the Florida DOT Standard Specifications.
Specifications for Road and Bridge Construction, latest edition, for materials and method of construction.

D. Design calculations. All design calculations shall be submitted for review and comment with construction plans and shall be in accordance with criteria as set forth in the State of Florida Procedures Manual for Flexible Pavement Design, latest edition.

E. Core drilling. Plant mix certification is required in accordance with the Florida DOT Standard Specifications for Road and Bridge Construction, latest edition. Plant mix certifications are to be submitted to the City Engineer by the engineer of record for review. Core drilling of asphaltic concrete and base courses is required. Cores shall be taken not more than 500 feet apart as directed by the engineer of record. Test reports for coring shall be submitted to the City Engineer by the engineer of record for review. When in the judgment of the City Engineer conditions warrant additional coring, the engineer of record will be advised in writing that additional coring will be required and the extent of such additional coring.


A. Scope of work.

(1) Rigid pavement consists of constructing a specified cement concrete paving on a prepared base. The utilities and other items in and beneath the street must be properly coordinated with the construction of rigid pavement to avoid all conflicts.

(2) Prior to placing the concrete, the subgrade shall be tested for
conformity with the cross section shown on the plans. If necessary, material shall be removed or added as required to bring all portions of the subgrade to the correct elevation. It shall be thoroughly compacted to meet the requirements of Florida DOT Standard Specifications for Road and Bridge Construction. Concrete shall not be placed on any portion of the subgrade which has not been tested for correct elevation. The subgrade shall be cleared of all loose material. The subgrade shall be in a moist condition at the time the concrete is placed.

B. Subgrade preparation for rigid pavements.

(1) General. The bottom of the excavation for the pavement or top of the earth fill will be known as the pavement subgrade and shall conform to the lines, grade and cross section shown on the plans.

(2) Subgrade material. The top six inches shall be composed of granular or gravelly soils that are predominantly sandy with no more than a moderate amount of silt or clay. The top six inches shall have a minimum limerock bearing ratio (LBR) of 40 and be compacted to 98% of maximum density in accordance with AASHTO T-180.

(3) Testing of subgrade. Tests for subgrade stabilization shall be located no more than 500 feet apart and shall be staggered to the left, right and on the center line of the roadway. Test reports for subgrade stabilization shall be submitted to the designated City Engineer for review and comment prior to paving. When, in the judgment of the designated City Engineer, conditions warrant additional testing, the developer will be required to perform the additional testing at the developer's expense.
(4) Materials. The materials used in the concrete mix shall be in accordance
with Florida DOT Standard Specifications for Road and Bridge Construction,
latest addition.

C. Mixing and placing of rigid pavements.

(1) General. Concrete pavement shall be constructed on the prepared subgrade
in accordance with these regulations and the Florida DOT Standard
Specifications for Road and Bridge Construction, Section 350, latest edition,
and in conformity with the lines, grades, thickness and typical cross
sections shown on the construction plans.

(2) Mixing concrete. Concrete mixed in truck mixers shall be at the speed
designated as mixing speed by the manufacturer for a total of 75 to 100
revolutions of the drum, unless additional water is added in conformance with
Subsection C(3) below on transporting concrete. Time of mixing in a central
mix plant shall be a minimum of 60 seconds.

(3) Transporting concrete. Concrete may be transported any distance, provided
that it is discharged on the grade with the slump within the required slump
range and meets concrete time limit requirements. If additional water is
required to maintain the specified slump of concrete transported in truck
mixers, it may be added with the permission of the designated City Engineer
or his designated representative. In this case, a minimum of 20 additional
revolutions of the mixer drum at mixing speed shall be required before
discharging of the concrete.

(4) Concrete time limit. The length of time that the concrete can be held in
the truck shall conform to the following:
(a) Air temperature 45° F. to 80° F.: 90 minutes after batch plant mix.

(b) Air temperatures over 80° F. with a retarder additive: 90 minutes after batch plant mix.

(c) Air temperatures over 80° F. without a retarder additive: 60 minutes maximum after batch plant mix.

(5) Placing concrete. The concrete shall be deposited on the grade in such a manner as to require as little rehandling as possible. It shall be deposited in successive batches in a continuous operation. The concrete shall be consolidated by suitable means so as to preclude the formation of voids or honeycomb pockets.

(6) Placement during cold weather. Concrete placed in cold weather shall be protected. Any concrete damaged by frost action shall be removed and replaced.

D. Finishing for rigid pavements.

(1) General. The concrete shall be struck-off, consolidated and finished with mechanical equipment in such a manner that after final finishing, it shall conform to the pavement cross section shown on the construction plans. Hand finishing will be permitted in narrow widths, areas of irregular dimensions and in the event of breakdown of the mechanical equipment only to finish the concrete already deposited on the grade.

(2) Final surface finish. The final surface of the pavement shall have a
uniform, skid-resistant texture. A burlap drag finish shall be used to texture this project. An alternative finishing method will be considered by the designated City Engineer upon written notification by the developer.

(3) Pavement exposed to rain during construction. The developer or contractor shall always have materials available to protect the surface of the plastic concrete against the rain.

E. Curing for rigid pavements.

(1) General. After finishing operations have been completed and immediately after the free water has left the surface, the surface of the slab and, for slipformed pavements, the sides of the slab shall be coated and sealed with a uniform layer of membrane curing compound applied at the rate of not less than one gallon per 200 square feet of surface. When the forms are removed, curing compound shall be applied to the sides of the slab. Areas in which the curing membrane is damaged within a period of three days shall be resprayed with curing compound. Curing compound may be omitted when, in conjunction with protection of the pavement from inclement weather, a polyethylene film or other acceptable material is applied over the pavement and maintained intact for three days.

(2) Cracks. Concrete rigid pavement will not be accepted with excessive uncontrolled cracks.

F. Final acceptance for rigid pavements.

(1) General. Before the pavement will be considered for acceptance, all items shall be completed in accordance with the construction plans and these
regulations. Equipment, surplus materials and construction debris shall be removed from the project.

(2) Opening to traffic. The pavement shall be closed to traffic after the concrete is placed until it reaches a compressive strength of 2,500 pounds per square inch (psi) under ordinary field conditions. This does not include the sawing and sealing equipment or other light miscellaneous equipment.

(3) Testing of concrete. Concrete pavement shall have a twenty-eight-day compressive strength of 3,000 psi, or as otherwise indicated. Portland cement concrete control for slump testing, air entainment tests and concrete cylinder samples and testing is required and shall be in accordance with AASHTO and ASTM Specifications, latest editions. Before the final acceptance of the pavement, its thickness shall be determined by coring at random locations at various points on the cross section in each poured strip so that a core represents an area not exceeding 2,500 square yards and determining the depth of each core by average measurements of the core in accordance with AASHTO T-148. All coring and testing shall be the responsibility of the developer or contractor and will be in accordance with all procedures and references herein.

Sec. 37-37. Return radii.

A. The minimum requirements for return radii shall be as follows:

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Roadway Classification</th>
<th>Asphalitic Concrete Surface Course (inches) Radii (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Alleys</td>
<td>25</td>
</tr>
<tr>
<td>Type of Development</td>
<td>Roadway Classification</td>
<td>Surface Course (inches)</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Residential Alleys</td>
<td>Marginal Access</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>Local</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>Collector</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>Arterial</td>
<td>35</td>
</tr>
<tr>
<td>Commercial/Industrial Alleys</td>
<td>Marginal Access</td>
<td>25–35</td>
</tr>
<tr>
<td></td>
<td>Local</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>Collector</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Arterial</td>
<td>50</td>
</tr>
</tbody>
</table>

A. The minimum requirements for return radii shall be as follows:

- Local: 25 in.
- Collector: 35 in.
- Arterial: 35 in.

TABLE INSET:

- Residential Alleys: 25 in.
- Local: 25 in.
- Collector: 35 in.
- Arterial: 35 in.
- Industrial Alleys: 25 in.
- Local: 35 in.
- Collector: 50 in.
B. Points of measurement shall be as follows:

1. Guttered sections: back of curb or gutter, parkway side.

Sec. 37-38. Sidewalks.

A. Arterial streets. Sidewalks at least eight feet in width shall be provided on at least one both sides of all abutting arterial streets. Location of sidewalks to be determined by the City Manager or designee. Sidewalks shall be separated from the property line by 12 inches to provide adequate clearance from block walls for installation of screening, walls and landscaping. Upon a showing of good cause and that the public's interest shall not be harmed, the City Commission may waive sidewalks on arterials in industrial areas and in residential areas where lots are one acre or larger in size. All sidewalks shall meet the requirements for handicapped access as required by state law.

B. Collector streets. Sidewalks at least five feet in width shall be provided along one both sides of all collector streets. The City Commission may waive sidewalks on collector streets within industrial areas and in residential areas where lots are one acre or larger in size. Wheelchair ramps shall be provided at each intersection.

C. Local streets. Sidewalks at least five feet in width shall be provided along both sides of all local streets. The City Commission may waive sidewalks where the lots are one acre or larger in size.
D. Parcels or lots. Where a drive splits a parcel or lot to create access to more than one business, sidewalks shall be placed on both sides of the drive.

E. Individual home sites. Where existing streets do not have sidewalks, it shall be the responsibility of the lot owner to install sidewalks prior to the issuance of a certificate of occupancy for adjoining building or submit to the City the cost of the sidewalk as determined by a Commission adopted ordinance 04-16, which establishes the cost and provided that the Master Sidewalk Plan shows a sidewalk. [Amended 11-24-2003 by Ord. No. 2002-56 and Ord. No. 2004-16]

F. Alternative proposal. The developer, at his discretion, may submit an alternate proposal to the requirements of Subsections A and B above. Said proposal shall include a sidewalk system along streets and lot-line easements which link the development to activities such as, but not limited to, school sites, shopping concentrations and other pedestrian systems.

G. Sidewalk standards. All sidewalks shall be installed in accordance with Section 522 of Florida Department Of Transportation standards, or latest edition as revised and may be of City approved pervious pavement.
Roadway diagrams are for Illustration purposes only.

All roadway design shall adhere to FDOT and City of North Port Roadway Design Standards.

**Arterial/Collector Roadway Design**
*Open Swale System*

**Arterial/Collector Roadway Design**
*Curbed and Guttered System*

**Local Roadway Design**
*Open Swale System*

**Local Roadway Design**
*Curbed and Guttered System*

---

General Combinations of Roadway Design

Acceleration/deceleration lanes shall be provided if warranted under the Florida Department Of Transportation (FDOT) Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, latest edition, or as required by the City Engineer or designee due to special conditions.

Sec. 37-40. Bikepaths, Bikelanes and Bikerack.

A. Bikepaths will be required along all arterial and collector roadways and shall be five (5) feet in width and designed and constructed in accordance with Florida Department Of Transportation (FDOT) standards. The City Commission may waive bikepaths upon a show of good cause and that the public’s interest shall not be harmed.

B. Bikepaths shall be required in all subdivisions and along all waterways to provide aesthetic quality and pedestrian amenities.

C. Bikeracks shall be provided by the developer at all bus shelters or bus stops located within the subdivision or at strategic locations along local or collector roadways serving the subdivision.

(1) Bikeracks serving Sarasota County Area Transit (SCAT) patrons shall be built in accordance with the City’s approved plans for SCAT bus shelters.

(2) Bikeracks placed throughout the development and serving school bus stops shall be built and placed in accordance with the City’s and the Sarasota
School Boards joint agreement. These bikeracks may be moved from time to time at the City’s discretion.

D. Bikeracks shall be provided for all commercial development as follows:

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Number of Bikeracks</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,500 – 25,000</td>
<td>1</td>
</tr>
<tr>
<td>25,001 – 75,000</td>
<td>2</td>
</tr>
<tr>
<td>75,001 – 150,000</td>
<td>3</td>
</tr>
</tbody>
</table>

For each additional 50,000 square feet of floor space, one (1) bikerack is to be added.

Sec. 37-41. Bridges.

A. Bridges shall be constructed of precast concrete, prestressed concrete or cast-in-place concrete unless otherwise approved by the City Engineer Manager or designee.


C. The design bridge loading shall be H20-516-44 for arterial streets and H20-44 for all other streets unless otherwise approved by the City Engineer Manager or designee. One set of signed, sealed and dated bridge design calculations shall be submitted by the engineer of record to the City Engineer Manager or designee. Roadways and bridges shall be designed to accommodate fire apparatus with a minimum weight of 32 tons.
D. Testing and reports are required and shall be in accordance with Florida Department Of Transportation (FDOT) and American Association of State Highway and Transportation Officials (AASHTO) standard practices and shall be submitted to the City Engineer Manager or designee by the engineer of record for review and prior to starting the next stage of construction.

E. Engineering design revisions shall be reviewed and approved by the City Engineer Manager or designee prior to construction.

Sec. 37-42. Guttered sections of roadways.

A. Roadway grade. A minimum guttered grade of 0.20% is required for all guttered sections.

B. Concrete curbs, gutters and sidewalks.

(1) Details of concrete curbs, gutters and sidewalks shall conform to FDOT Standard Specifications for Road and Bridge Construction, latest edition.

(2) Materials and installation shall conform to the Florida DOT Standard Specifications for Road and Bridge Construction, latest edition. Densities under curbs and gutters shall be a minimum of 98% Modified Proctor for a six-inch depth.

(3) Grassing and mulching. In residential subdivisions where home construction is not imminent, areas located within 30 feet of the back of curb that are disturbed by construction shall be grassed and mulched in
Sec. 37-43. Nonguttered sections of roadways.

A. Grassing and mulching. All rights-of-way, other than the roadway area, shall be grassed and mulched in accordance with the Florida Department Of Transportation (FDOT) Standard Specifications for Road and Bridge Construction, latest edition.

B. Roadway ditches.

(1) Design. Roadway ditches shall be sized using the criteria set forth in § 37.2518-10, Stormwater management standards, of this chapter, and Manning's Formula or any additional approved City criteria by the City Manager or designee. In all cases, data giving drainage area, velocity and depth of flow shall be included in the drainage calculations. The minimum bottom width shall be three feet unless otherwise approved by the City Engineer or designee. The maximum slide slope shall be 4 to 1.

(2) Maximum allowable velocity. Unless unstable or highly erosive soil conditions indicate a lower design velocity is desirable or unless ditch paving has been provided, the maximum velocity allowed shall be two feet per second.

(3) Roadway ditch grades. A minimum of 0.20% or the minimum required to provide for the design flow, whichever is greater, shall be the minimum allowable grade.
Sec. 37-44. Inspections of subdivision improvements.

A. The Road and Drainage Director or his designated agent shall periodically inspect all construction of streets and drainage improvements.

B. The Road and Drainage Director or designee shall immediately call to the attention of the developer and his engineer any failure of work or material.

C. The Road and Drainage Director or designee may suspend work that is not in conformity with approved plans and specifications, and he shall require inspections and laboratory tests as follows:

(1) Field inspection. During construction, a field inspection of each phase shall be made by the City Manager or designee. It is the developer's responsibility to notify the City Manager or designee 24 hours before a phase of construction will be ready for inspection.

(2) Required inspections. The following are required inspections:

(a) Pipe after joints cemented or secured.

(b) Headwall - footings.

(c) Subgrade.

(d) Base.

(e) Surface.
D. Thickness of the base shall be measured under the direction of the City Engineer or designee at intervals of not more than 200 feet in holes through the base of not less than three inches in diameter. Where compacted base is deficient by more than 1/2 inch, the contractor shall correct such areas by scarifying and adding material for a distance of 100 feet in each direction from the edge of the deficient area, and the affected area shall then be brought to the required state of compaction and to the required thickness and course section.

E. A good stand of grass over all unpaved areas within rights-of-way or roadways, other than travel-way, will be required at time of final inspection.

F. After required improvements have been installed, the developer's engineer shall be required to submit certification, including as-built drawings, to the City Manager or designee that the improvements have been constructed substantially according to the approved plans and specifications.

G. Approval. Approval of the completed street, drainage and stormwater management construction must be given in writing by the designated City Engineer.

Sec. 37-45. Street names and addressing.
A. The applicant shall submit, at the time of application for subdivision construction plan approval, to the department responsible for land development services a plat which includes any proposed street name(s) of all proposed streets, and will include ten (10) alternate street names which shall be approved by Sarasota County. The Department will notify the applicant of all approved street names.

B. If Sarasota County does not approved a sufficient number of streets names to complete the naming of all streets pertaining to any proposed project, the applicant shall submit ten (10) additional street names for approval.

C. If any of the street name(s) placed on a subdivision construction plan at time of submission are not accepted by the County, the applicant may choose from any of the approved street name(s) and the subdivision construction plan shall be corrected prior to being placed on the Commission agenda for final approval.

D. If for any reason, street names are necessary on a Major Site Plan submission, the applicant shall submit five (5) street names for each proposed street to the department responsible for land development services. The Department will submit all proposed street names to Sarasota County for approval. The applicant may choose from any of the approved street names.

E. If a plat has been recorded with the approved street names, any change to the street names shall be changed by resolution only and the applicant shall submit in accordance with D above.

F. All commercial and multi-family buildings shall have address numbers posted to be clearly visible to incoming emergency responders. The address numbers
shall be a minimum of six inches (6") in the front and a minimum of three inches
(3") in the rear of the structure and shall be in a contrasting color to the
building. Any structure greater than 150 feet from the road shall have at least
six inch (6") numbers visibly placed at the road.

G. Street numbering shall be pursuant to the North Port Street Grid as adopted
by Ordinance 06-61.

H. Any subdivision that needs numbering may:

(1) Submit a copy of the proposed subdivision address plan on a scale of one
inch (1’) equals two hundred feet (200’) or a scale to be determined by the
department responsible for land development services to the City for
addressing and pay a fee pursuant to the City Commission adopted fee schedule
as may be amended from time to time, or;

(2) Contact the department responsible for land development services for the
City of North Port’s grid ranges and assign street numbers that fall within
the grid ranges provided. If the applicant has completed the street
numbering plan on a copy of the proposed address plan on a scale of one inch
(1’) equals two hundred feet (200’) or scale to be determined by the City,
the plan along with a fee pursuant to the City Commission adopted fee
schedule as may be amended from time to time, shall be submitted to the City
for review and approval.

A–I. Where streets of a proposed plat are continuations of existing streets or
streets designated on a previously recorded plat within the City limits of North
Port, the street names on the proposed plat shall be consistent therewith.
Unless a street of a proposed plat is a continuation of an existing
street or a street designated on a previously recorded plat within the City
limits of North Port, street names as shown on the proposed plat subdivision
plan shall not duplicate the name of any existing street or street designated on
a previously recorded plat within the City limits of North Port, Sarasota County.

Sec. 37-46. Street name signs.

A. Street name signs, of a type approved in the City’s Urban Design Standards
Pattern Book by the Road and Drainage Director, shall be provided and placed at
each street intersection by the subdivider. When prior plat approval was granted
under different standards, the requirements in effect at the date of the plat
may be followed. All signs shall comply with the requirements set forth in the

B. Street name signs shall be in place prior to vertical construction. The
signs bearing these names may be permanent or temporary.

C. Official Recording:

(1) The City shall prepare maps which shall designate each street, road or
highway within the City and shall further show the specific number assigned
to each building located thereon. Such maps shall be filed with the City
Clerk and shall be open to public inspection. Said maps shall be known as
the “Official Street Name and Property Numbering Maps of the City of North
Port Florida”.

D. Notification.
The provisions of the Uniform Street Naming and Property Numbering System shall apply to any building notwithstanding of when it was constructed or altered.

(1) The owner shall be held responsible for compliance.

(2) All buildings located within the City of North Port shall be numbered in accordance with said Uniform System.

(3) The City shall notify the owner when an address is changed.

Sec. 37-47. Intersection improvements and traffic control devices.

A. The developer shall design and locate necessary traffic control devices, including lane striping and acceleration, deceleration and turning lanes (hereinafter referred to as traffic improvements) required in connection with the particular subdivision. Said traffic control devices and traffic lanes shall include those needed outside the boundaries of the subdivision which are necessary for traffic safety as a direct result of increased traffic projected to be generated by the subdivision or the cumulative phases thereof. Where the Road and Drainage Director City Manager or designee determines that the need for traffic improvements is not solely attributable to a particular subdivision, the developer shall be required to deposit with the City his proportionate share of the cost necessary, as determined by Chapter 28 of these regulations, for traffic control devices and traffic lanes attributed to the subdivision by the City Manager or designee Road and Drainage Director in accordance with the standards of Subsection B below.

B. The City Manager or designee Road and Drainage Director shall ensure that the necessary traffic control devices and acceleration, decelerations and turning

C. The City Manager or designee may require installation of more advanced signal equipment.

D. All traffic control and street signs shall be constructed utilizing diamond-grade reflective sign materials.


No developer shall install culvert pipe or other structures within City-maintained rights-of-way or easements without first having obtained a right-of-way use permit or culvert permit Public Works permit from the City's Road and Drainage Public Works Department. All pipe and other drainage structures shall be set to the line and grade approved by the Road and Drainage Public Works Department.

Sec. 37-49. Lighting.

A. Street Lighting shall be installed at the developer's option and expense. Where street lighting is to be provided, then

(1) These improvements shall be maintained and operated through a covenant which runs with the land in the form of, but not limited to, deed
restrictions, a homeowners’ or condominium association or such other legal
mechanisms as will assure the beneficiaries of the service that the
street lighting shall be continually operated and maintained.

(2) Regardless of the method chosen to provide for the continual maintenance
and operation of the streetlights, the beneficiaries of the service shall be
provided with a legal right to enforce the assurance that the lighting shall
be continually operated and maintained.

(3) The legal documents which provide for the continual maintenance
and operation of the lighting shall only be accepted after they are reviewed
and approved by the City Attorney for compliance with this section.

(4) Alternatively, should the City Commission decide to establish a street
lighting municipal service taxing or benefit unit and the unit includes
operation and maintenance of the streetlights, then this requirement shall be
satisfied.

(5) A lighting plan shall be submitted to the City for review showing
placement, fixtures and shielding, pole foundation, and photometric overlaid
on the site. The following note shall be placed on all plans.

(a) Post-approval alterations to lighting plans or intended substitutions
for approved lighting equipment shall be submitted to the City for review
and approval.

(b) The City reserves the right to conduct post-installation inspections
to verify compliance with all requirements and approved lighting plan
commitments and require action, if necessary, at the expense of the developer.

(c) All exterior lighting shall meet IESNA full-cutoff criteria unless otherwise approved by the City.

(6) Minimum lighting requirements are shown on the following tables:

**MINIMUM FOOTCANDLES**

**CPTED CONCEPT**

<table>
<thead>
<tr>
<th>Horizontal *Footcandles</th>
<th>Min.</th>
<th>Max.</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parking Facilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open Parking</td>
<td>3</td>
<td>10</td>
<td>4:1</td>
</tr>
<tr>
<td>Covered Parking</td>
<td>6</td>
<td>15</td>
<td>4:1</td>
</tr>
<tr>
<td>Parking lots</td>
<td>0.9</td>
<td>10</td>
<td>4:1</td>
</tr>
</tbody>
</table>

**Pedestrian areas**

| Sidewalks              | 0.9  | 10   | 3:1   |
| Sidewalks (home front) | 0.5  | 5    | 3:1   |
| Bikepaths/Hiking Trail | 0.9  | 10   | 3:1   |

Note: Footcandles are not average but minimum.

**AVERAGE MAINTAINED ILLUMINANCE**

**ANSI/IESNA Guidelines (R2 & R3 classification)**

**Roadways**

| Arterial     | 1.7  |       | 3:1   |
| Collector    | 1.2  |       | 4:1   |
| Local/Public | 0.9  |       | 4:1   |
| Local/Private| 0.4  |       | 6:1   |
Note: Horizontal foot candles are measured on pavement
Levels pertain to the roadway only and not the sidewalk that may be parallel to the roadway.

B. Lighting Fixtures.

(1) Fixtures shall be a light-emitting diode (LED) or induction where practicable.

(2) Fixtures shall be of a type and design appropriate to the lighting application and shall be regulated by the Urban Design Standards Pattern Book.

(3) For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, culs-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall meet IESNA full-cutoff criteria.

(a) All fixtures shall be shielded from the top to prevent skyward illumination.

(4) For lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, which require the use of fixtures that are not aimed straight down, the fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
C. Control of Glare.

(1) All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

(2) Directional fixtures, e.g., floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way.

(3) Parking facilities and vehicular and pedestrian way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be automatically extinguished no later than one hour after the close of business or facility operation.

   (a) When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of fifty (50) percent of the number of footcandles required or permitted for illumination during regular business hours.

   (b) All perimeter pedestrian areas, such as sidewalks, shall maintain a level of .9 footcandles at all times.

(4) Illumination for signs, billboards, building facades and/or surrounding landscapes for decorative, advertising or aesthetic purposes is prohibited.
between the hours of 12:00 p.m. and dawn, except that such lighting situated
on the premises for a commercial establishment may remain illuminated while
the establishment is actually open for business, and until one hour after
closing.

(5) Vegetation screens shall not be employed to serve as the primary means
for controlling glare. Glare control shall be achieved primarily through the
use of cutoff fixtures, shields and baffles, and appropriate application of
fixture mounting height, wattage, aiming angle and fixture placement.

(6) The illumination projected from any property to a residential use shall
at no time exceed 0.1 footcandle, measured line-of-sight from any point on
the receiving property.

(7) The illumination projected from any property to a non-residential use at
no time shall exceed 1.0 footcandle, measured line-of-sight from any point on
the receiving property.

(8) Externally illuminated billboards and signs shall be lighted by fixtures
mounted at the top or bottom of the billboard or sign and aimed directly on
the sign. The fixtures shall be designed, shielded and aimed to limit the
light output onto and not beyond the sign or billboard.

(9) The United States, State or City flag shall be permitted to be
illuminated from dusk till dawn. All other flags shall not be illuminated
past 12:00 p.m. Flag lighting sources shall not exceed 10,000 lumens per
flagpole. The light source shall have a beam spread no greater than
necessary to illuminate the flag.
(10) Under-canopy lighting, for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The average illumination intensity in the area directly below the canopy shall not exceed 20 maintained footcandles and the maximum intensity shall not exceed 30 initial footcandles.

(11) Soffit lighting around building exteriors shall not exceed 15 footcandles.

(12) Stobe lights are prohibited.

D. Installation.

All lighting and electrical installation shall be regulated by the Florida Building Code.

Sec. 37-50. Striping and permanent markings.

A. All roadway striping and handicap parking spaces shall be thermoplastic and is to be done in compliance with the Manual of Uniform Traffic Standards for Design, Construction and Maintenance of Streets and Highways and the Florida Department Of Transportation (FDOT) Standard Specifications for Road and Bridge Construction, latest adopted edition.

(1) Striping material, which does not include wording that may be required, shall be 90 mil thermoplastic except in the following locations:
(a) Loading zones

(b) Fire lanes

(c) Regular parking spaces

(2) All wording placed on roadways, driveways, or parking lots, shall be 90 mil thermoplastic.

Sec 37-51. Open Road Cuts

A. Directional bore or Jack and bore shall be used whenever possible.

B. Open road cuts are specifically prohibited unless approved by the Public Works Director or designee.

(1) If an open road cut is permitted, restoration of the roadway shall be in compliance with the Department of Public Works “Roadway Design and Construction Standards Manual” and paid for by the developer.

(2) Prior to receiving authorization for an open road cut, the developer shall submit an application with the following documentation:

(a) Plan showing the cut with the entire roadway system including the entire width of the right-of-way.

(b) Maintenance of Traffic plan, signed and sealed by a licensed Florida Professional Engineer.
(c) Signage plan

(d) Restoration plan.

(3) It is the developer’s responsibility to notify all affected agencies or entities of the roadway cut.

(4) Prior to the commencement of construction, a pre-construction meeting with appropriate City staff is required.

Sec. 37-52. Pedestrian Crosswalks

Pedestrian crosswalks shall be placed at all designated pedestrian crossings. All pedestrian crosswalks shall be pavers, or stamped concrete on local roadways and stamped concrete only within the FDOT right-of-way, and all crosswalks shall be in compliance with Florida Department of Transportation (FDOT) Standard Specifications for Road and Bridge Construction, latest edition as revised.


A. It is the developer’s responsibility to notify the City Manager or designee of the completion of all Major Site and Development infrastructure requirements with a signed and sealed letter from the Engineer of record stating that all requirements have been met in accordance with City and State conditions and standards.
(1) The City Manager or designee shall inspect and verify that all improvements have been completed to the City’s and State conditions and standards.

(2) Upon verification, the City Manager or designee shall issue a letter stating that the infrastructure requirements for the development have been met and the bond is released.

(3) The City Manager or designee shall retrieve the original bond from the City Finance Department and return it to the developer. The developer shall sign a receipt form verifying the receipt of the original bond.

(4) The original of the letter of release and signed receipt form shall be filed with the Finance Department and a copy of the letter of release and signed receipt form shall be forwarded to Planning and Zoning, and Engineering Department, and City Clerk.

ARTICLE VI. VARIANCES AND APPEALS
[Added 6-26-1995 by Ord. No. 95-5]

Sec. 37-54. Variances.
A. The City Commission may grant a variance from the subdivision regulations after consideration and recommendation by the Planning and Zoning Advisory Board and from the terms of this chapter when such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. Such variance shall not be granted if it has the effect of nullifying
the intent and purpose of this chapter. Furthermore, such variance shall not be
granted by the City Commission unless and until:

(1) A written application for a variance is submitted to the Planning
Building and Development Services department responsible for land development
services demonstrating that applicant meets at least one of the following
criteria:

(a) Special conditions and circumstances exist which are peculiar to
the land, structures or required subdivision improvements involved and
which are not applicable to other lands, structures or required
subdivision improvements.

(b) A literal interpretation of the provisions of this chapter would
deprive the applicant of rights commonly enjoyed by other properties with
similar conditions.

(c) The special conditions and circumstances do not result from the
actions of the applicant.

(d) The granting of the variance requested will not confer on the
applicant any special privilege that is denied by this chapter to other
lands, structures or required subdivision improvements under similar
conditions. No preexisting conditions on neighboring lands which are
contrary to this chapter shall be considered grounds for the issuance of
a variance.
(2) The designated City Engineer shall prepare a report to the Planning and Zoning Advisory Board recommending either approval, denial or approval with conditions after the request for a variance has been review by City staff.

(3) The Planning and Zoning Advisory Board and City Commission shall make findings that the requirements of this section have been met.

(4) Notice of public hearings shall be given at least 15 days in advance of the public hearings before the Planning and Zoning Advisory Board and City Commission. The owner of the property for which a variance is sought, or his agent or the attorney designated by him on his petition, shall be notified by mail. Notice of the public hearing shall be advertised in a newspaper of general circulation in the City at least one time 15 days prior to the hearings before the Planning and Zoning Advisory Board and City Commission. The public hearings may be held prior to the presentation for approval of the preliminary subdivision plan.

(5) In addition to the notice provided for in Subsection A(3) above, notice of the time and place of the public hearings before the City Commission shall be sent at least 15 days in advance of the hearing by mail to all owners of property within 300 feet of the property lines of the land for which a variance is sought for properties less than one acre, and 1,320 feet of the property line of the land in properties greater than one acre; provided, however, that where the land for which a variance is part of, or adjacent to, land owned by the same person, the three-hundred-foot distance or one-thousand-three-hundred-twenty foot distance, shall be measured from the boundaries of the entire ownership, except that notice need not be mailed to any property owner located more than 1/2 mile from the land for which a variance is sought. If any dwelling unit within the required three-hundred-
foot, or one-thousand-three-hundred-foot distance notification radius is within a property owners' association, the property owners' association must be notified. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Sarasota County. Notwithstanding any other provision herein contained, failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect, provided that proper legal notice has been published.

(6) The Planning and Zoning Advisory Board and City Commission shall further make a finding that the reasons set forth in the application justify the granting of the variance that would make possible the reasonable use of the land, buildings or other improvements.

(7) The Planning and Zoning Advisory Board and City Commission shall further make a finding that the granting of the variance would be in harmony with the general purpose and intent of this chapter, will not be injurious to the surrounding territory or otherwise be detrimental to the public welfare.

B. In granting any variance the Planning and Zoning Advisory Board and City Commission prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards when made a part of the terms under which the variance is granted shall be deemed a violation of this chapter.

Sec. 37-55. Interpretation.

Interpretations of this chapter shall be made by the Planning, Zoning and Engineering Director/ City Manager’s designee Director responsible for land
development services. The provisions of this Chapter shall be liberally construed in order to effectively carry out its purpose.

Sec. 37-56. Conflict.

Whenever the requirements of these regulations differ from those imposed by the City, Federal or state regulation, law or statute, the most restrictive or imposing the higher standards shall apply.


Any person aggrieved by the City Commission's decision regarding a preliminary or final subdivision plan or plat or the City Commission's decision regarding any variance or exception pursuant to this chapter, may file a petition for a writ of certiorari in the Circuit Court of Sarasota County within 30 days of such decision.

(1) Applications for an appeal shall be filed pursuant to Sec. 1-10.


Any person aggrieved by the Director responsible for land development services interpretation may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders the property unbuildable. The granting of any appeal shall not be in conflict with State Statutes and City Codes. The Zoning Board of Appeals’ decision, may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.
(1) Applications for an appeal shall be filed pursuant to Sec. 1-10.


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

Chapters 38--40 RESERVED
Chapter 41  TRANSFER OF DEVELOPMENT RIGHTS

[HISTORY: Adopted by the City Commission of the City of North Port 9-17-1990 by Ord. No. 90-28 (Section 12). Amendments noted where applicable.]

Sec. 41-1. Title.

Sec. 41-2. Intent.

Sec. 41-3. Legal concept.

Sec. 41-4. Relationship to Comprehensive Plan.

Sec. 41-5. Definitions.

Sec. 41-6. Designation of Sending Zones.

Sec. 41-7. Designation of Receiving Zones.

Sec. 41-8. Establishment and calculation of development rights.

Sec. 41-9. Interpretation

Sec. 41-10. Conflict

Sec. 41-11. Appeals.

Sec. 41-12. Severability.

This chapter shall be known and may be cited as the “Transfer of Development Rights” of the City of North Port, Florida.”

Sec. 41-12. Intent.

A. It is the intent of the City Commission of the City of North Port to encourage the voluntary dedication of privately owned land located in those areas of the City designated as Conservation/Restricted Overlay Zones or in wetlands, as defined within Chapter 9, Conservation/Restricted Overlay Zone Regulations, and Chapter 49, Wetlands Protection, Wetland protected by State or
Federal requirements, Conservation, Commercial Recreation and Open Space zoning districts of this Unified Land Development Code, by permitting private landowners of property in those designated areas to sever and transfer the development rights associated with that property to other properties in the City where development at increased density is appropriate. [Amended 11-24-2003 by Ord. No. 2002-56]

B. In order to protect, enhance and preserve the public and private resources of the Conservation/Restricted Overlay Zone and other zoning districts described above and to achieve the goals of the Comprehensive Plan, it is necessary and appropriate to create a system of land management and development regulations that will provide the owners of land located within this area a development alternative to on-site development whereby they can secure a beneficial use of their property through off-site development without the expense and cumulative environmental degradation of on-site development. [Amended 11-24-2003 by Ord. No. 2002-56]

Sec. 41-2. Legal concept.

The idea of transfer of development rights is based upon the legal concept of property law that the right to develop real estate is one of the "bundle of rights" included in fee simple ownership of land. Fee simple ownership of real estate allows the owner to sell, lease or trade any one or all of the "bundle of rights" to his property, which includes the right to use, lease, sell or abandon the property or any of its components of ownership not retained by a previous owner, such as mineral, oil, gas, air and/or development rights. These rights of ownership are subject to the limitation and legislative powers of the local government.
Sec. 41-4. Relationship to Comprehensive Plan.

This chapter of the Unified Land Development Code implements Policy 1.1, 1.4, 1.5, 1.7, 2.2.3, 2.4.3, 2.7, 2.9, 20.1, 21.2, 35.1, 36.1, 45.2, of the Future Land Use Element of the Comprehensive Plan, which states "Land development regulations, consistent with F.S. § 163, as amended, shall contain provisions for the transfer of development rights." [Amended 11-24-2003 by Ord. No. 2002-56]

Sec. 41-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DENSITY -- The number of minimum size lots, units or other measure of development intensity that can be located or developed on a specified unit of land.

DEVELOPER -- Any person undertaking development.

DEVELOPMENT -- The carrying out of any use permitted on land by applicable zoning and environmental regulations or making any material change in the use or character of land, including but not limited to excavation or other alteration of the topographic, geographic or hydrologic character of the land in preparation or as part of the placement of structures on land, or the clearing of land or a change in the intensity of use of land. Development shall include the ancillary activities, such as road building and sewer construction, that occur along with or as a result of any proposed land use. When appropriate to the context, development refers to the act of developing or the result of development.

DEVELOPMENT BONUS -- An increase in the density of development that can be
carried out per unit of land.

LAND -- The earth, water and air above, below or on the surface.

OWNER -- The person with legal and/or equitable title to real property.

PARCEL OF LAND -- Any quantity of land, capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used as a unit.

PERSON -- Any and all persons, including but not limited to an individual, firm, association, organization, partnership, business trust, trust, corporation or company.

Sec. 41-5. Designation of Sending Zones.

Sending Zones shall include all residentially zoned properties illustrated on the adopted Future Land Use Map of the City's Comprehensive Plan as lying totally within the Conservation/Restricted Overlay Zone or lying totally within a wetland area as described in Chapter 9, Conservation/Restricted Overlay Zone Regulations, and Chapter 49, Wetlands Protection, Recreation/Open Space, Commercial Recreation, Conservation districts of this Unified Land Development Code. [Amended 11-24-2003 by Ord. No. 2002-56]

Sec. 41-6. Designation of Receiving Zones.

Receiving Zones shall include all properties zoned Village, or PCD and located within an Activity Center as depicted on the City's adopted Future Land Use Map. [Amended 11-24-2003 by Ord. No. 2002-56]
Sec. 41-7. Establishment and calculation of development rights.

A. Development rights are hereby established according to the following ratios:

1. Residential. One development right shall be equivalent to the maximum number of dwelling units that can be developed on the transferor's (sending) parcel or lot as determined by Chapter 53, Zoning Regulations, of this Unified Land Development Code, and the Comprehensive Plan.

B. The use of transfer of development rights for development in accordance with the provisions of this chapter shall be for development permitted as of right under the provisions set forth in Chapter 53, Zoning Regulations, of this Unified Land Development Code.

C. Transfer of development rights may only be used to secure a development bonus for the development of lands zoned Village, or PCD and located within an Activity Center as designated on the City of North Port Future Land Use Map. [Amended 11-24-2003 by Ord. No. 2002-56]

D. The developer must demonstrate that he or she is the bona fide owner of the development right to be entitled to the development bonus.

E. The developer must demonstrate that the development right proposed for development allocated to the transferor parcel of land under these regulations has not previously been used to secure a development bonus.

F. The developer must demonstrate that an instrument of conveyance for the
use of the development right has been recorded in the chain of title of the
parcel of land from which the development right is transferred and that such
instrument restricts the use of the transferor lands to nonresidential or
noncommercial uses.

G. Bonus dwelling units.

(1) Notwithstanding the provisions of any other code or regulation of North
Port, the developer of a parcel of land may develop, in addition to the
number of dwelling units authorized in the Village, or PCD and located within
an Activity Center, additional bonus dwelling units, provided that the total
number of dwelling units or density does not exceed 20% of the maximum
allowed by the Comprehensive Plan and Zoning Regulations of this Unified Land
Development Code for the Village, or PCD and located with an Activity Center.
For the purpose of determining the number of residential units permitted as
part of this chapter, the following formula shall apply:

<table>
<thead>
<tr>
<th>Permitted Density</th>
<th>Bonus Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>PC, Village</td>
<td>3 additional units per acre</td>
</tr>
<tr>
<td>15 units per acre</td>
<td>18 dwelling units per acre</td>
</tr>
</tbody>
</table>

[Amended 11-24-2003 by Ord. No. 2002-56]

(2) Example. An owner of a ten-thousand square foot lot within a
conservation/restricted district wishes to transfer his one development right
(as only one dwelling units can be built on the property) to a one-acre PCD
or Village zoned parcel. Since the normal density maximum in the PCD or
Village-District is 15 units per acre, he can now place three additional
units on the property given the bonus density provision and formula listed
above. [Amended 11-24-2003 by Ord. No. 2002-56]
H. The Director of Planning and Zoning City manager or designee is hereby
directed to waive the land area requirements for the landscaping, off-street
parking or open space to the extent necessary to accommodate the number of bonus
residential units permitted in Subsection G.

I. If the City determines, during the site and development review process
established within Chapter 33, Site and Development Plan Regulations, or during
the review of the Development Concept Master Plan or Village District Pattern
Plan of this Unified Land Development Code, that the parcel proposed for
development reflects unique or unusual circumstances, or that development of the
parcel at the maximum bonus density would affect surrounding uses in a manner
contrary to the public health, safety, and welfare or would be inconsistent with
the Comprehensive Plan, the Development Review Committee City staff responsible
for land development review may limit the number of development rights that may
be transferred to the receiver parcel. Any development order that limits the use
of development rights to less than the indicated maximum bonus density shall
include specific findings of fact on which the restriction is based and shall
specify what changes, if any, would make the parcel proposed for development
eligible for development at the maximum bonus density. [Amended 11-24-2003 by
Ord. No. 2002-56]

Sec. 41-8 Interpretation

Interpretations of this section shall be made by the Director responsible for
land development services. The provisions of this Chapter shall be liberally
construed in order to effectively carry out its purpose.

Sec. 41-9 Conflict
Whenever the requirements of these regulations differ from those imposed by the City, Federal or state regulation, law or statute, the most restrictive or imposing the higher standards shall apply.

Sec. 41-10. Appeals.

A. Any person aggrieved by the Director responsible for land development services interpretation, may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation is inconsistent with the provision of this Chapter. The granting of any appeal shall not be in conflict with State Statutes and City Codes. The Zoning Board of Appeals’ decision may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(1) Applications for an appeal shall be filed pursuant to Sec. 1-10.

Sec. 41-11. Severability.

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

Chapters 42--44 RESERVED
Chapter 45 TREE PROTECTION REGULATIONS

[HISTORY: Adopted by the City Commission of the City of North Port 4-8-2002 by
Ord. No. 2002-16. This ordinance also repealed former Ch. 45, Tree Protection
Regulations, adopted 9-17-1990 by Ord. No. 90-28 (Section 7), as amended.
Amendments noted where applicable.] [Amended 11-26-2007 by Ord. No. 07-47]

For the purpose of this chapter FOOTPRINT OF HOUSE will include the gross area
of exterior walls of the primary structure, including the area of all windows
and door installed therein. Also included are the areas of required amenities,
such as driveway, drain field, septic tank, well and water lines. A ten foot
clearance from the exterior walls and each required amenity will be granted to
ensure proper growth of the tree and will help to eliminate damage to the
structures in the future.

GENERAL REFERENCES

Sec. 45-1. Title.
Sec. 45-2. Findings of fact.
Sec. 45-3. Relationship to Comprehensive Plan
Sec. 45-4. Intent.
Sec. 45-5. Definitions.
Sec. 45-6. Prohibitions.
Sec. 45-7. Tree removal permit exemptions.
Sec. 45-8. Permit criteria, procedures and fees.
Sec. 45-9. Tree canopy development standards.
Sec. 45-10. Administrative variance.
Sec. 45-11. Tree protection during development.
Sec. 45-11. Tree replacement, relocation and mitigation.

Sec. 45-12. Heritage and champion trees.


Sec. 45-14. Enforcement; penalties for offenses; appeals.

Sec. 45-15. Jurisdictional applicability.

Sec. 45-16. Emergency tree removal.

Sec. 45-17. Severability.

Sec. 45-18. Effective Date.

Sec. 45-19. Tree planting incentive.

Sec. 45-20. Priority Tree List.

Sec. 45-21. Priority Street Tree List.

Sec. 45-22. Interpretation.

Sec. 45-23. Conflicts.


Sec. 45-25. Severability.

Sec. 45-1. Title.

This chapter shall be known and may be cited as the “Tree Protection Regulations” of the City of North Port, Florida.

Sec. 45-2. Findings of fact.

Studies have established and the City of North Port, Florida, now finds and determines that trees:

A. Are proven producers of oxygen, a necessary element for the survival of mankind;
B. Appreciably reduce the ever-increasing and environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air;

C. Play an important role in the hydrologic cycle, transpiring considerable amounts of water each day, and they precipitate dust and other particulate airborne pollutants from the air;

D. Play an important role in cleansing stormwater runoff which passes from the surface to groundwater;

E. Stabilize the soil and play an important and effective part in soil conservation and erosion and flood control;

F. Are an invaluable physical and psychological addition to making life more comfortable by providing shade and cooling air, reducing noise levels and glare, and breaking the visual monotony of development on the land;

G. Provide wildlife habitat and fulfill other important ecological roles;

H. Provide shade and thereby reduce energy consumption;

I. Abate noise and create attractive buffering between incompatible land uses;

J. Furnish a canopy to protect other vegetation from the elements;

K. Are critical to the present and future health, safety and welfare of the citizens of North Port;

L. Preservation of trees adds an economic benefit to the City's tax base; and
M. Preservation of trees contributes to the beauty of the urban environment.

Sec. 45-3. Relationship to Comprehensive Plan.

The Tree regulations in this chapter implement Objective 3 of the Conservation and Coastal Zone Management element of the Comprehensive Plan, which states that, “The City shall encourage the preservation of existing native vegetation, the creation of an urban forest, and the use of xeriscape methods for landscaping public and private development. Tree preservation activities and the planting of trees shall result in a tree canopy that is at least equivalent to 80% of the tree canopy that existed at the time of adoption of this Plan”, as well as the following policy statements thereunder:

“Policy 3.1: The City shall amend the Land Development Regulations applying to tree protection and landscaping guidelines for development to promote the preservation and use of native and drought tolerant species in landscaping in order to reduce the depletion of the surficial aquifer.”

“Policy 3.2: Upon adoption of the Comprehensive Plan, the City will review the effectiveness and efficiency of the landscape/tree ordinance and make recommended revisions to implement new or modified policies.”

“Policy 3.4: Prior to 2000, the City shall amend the Land Development Code to include an incentive program for developers/builders to provide appropriate trees to the City when a lot is cleared for development and the developer/builder removes existing native trees.”

“Policy 3.5: Upon adoption of Policy 3.4, the City shall plant trees, on City property only, according to the following priorities:
1. In existing neighborhoods to replace dead or dying street trees.

2. In existing neighborhoods to complete existing street tree patterns.

3. On parks sites, open space areas, or other appropriate public areas to provide shaded picnic or pedestrian walkways.

4. In gateway areas, as defined in the Future Land Use Element. Upon adoption of this policy, the City shall prioritize this sub-policy by planting a maximum of 25% of developer/builder provided trees to gateway areas for a two year period.

5. On sites containing public buildings frequented by citizens such as City Hall, Multi-purpose building, etc."

"Policy 3.6: Recognizing that factors, both natural and man induced, will result in the diminution of the City's natural forest/tree canopy as the City continues to grow, the City shall, through policies, regulations, and programs strive to develop an urban forest comprised of a mix of native forest land and planted trees which maintains or enhances the City's tree canopy to levels equivalent to 80% of the tree canopy that existed at the time of adoption of this Plan."

"Policy 3.7: Prior to 2002, the City shall conduct a study to determine the approximate percentage of coverage offered by the City's tree canopy at the time of adoption of this Plan."

Sec. 45-2 4. Intent.
The provisions of this Chapter 45 are intended and shall be construed, implemented and enforced to achieve the following public purposes:

A. Preserve existing trees;

B. Develop a mix of native forests and planted trees which shall maintain or enhance the City's tree canopy at buildout of the City. The 1995 USGS Digital Ortho Quarter Quads, or other measurement tools are provided by the Florida Forestry Service and approved by the City Manager or designee. The USGS quad maps are available electronically at the City of North Port Planning and Zoning Department or on the City's website. The City shall make copies of the electronic files available at a reasonable cost;

C. Take full advantage of the benefits of trees to the community listed in § 45-1 above;

D. Some tree species are more beneficial than others as necessary contributors to the City's environment and it is not necessary to protect each and every species in order to attain the public benefit of a tree protection and replacement ordinance;

E. Establish a comprehensive tree management program for the planting, pruning, care, maintenance and preservation of trees, plants, vegetation and shrubs on public property, places and rights-of-way within the City;

F. Designate the City of North Port Beautification and Tree Council as the advisory organization to counsel the City Commission on matters relating to the planting, care, maintenance, and preservation of trees, plants, vegetation and shrubs on public property, places and rights-of-way within the City; and
G. To provide a smooth transition from the rural environment to the built environment.

Sec. 45-3. Definitions.

A. The words, terms, phrases and provisions of this chapter shall be given a meaning which is most commonly used and which accords the chapter the most reasonable interpretation and application.

B. As used in this chapter, the following terms shall have these meanings:

ADMINISTRATIVE VARIANCE -- A variance meeting certain required criteria and issued by the City Manager or designee that provides for flexibility in site planning for the express purpose of tree protection.

APPLICANT -- Any person or his or her duly authorized representative who applies for a tree removal and protection permit or who submits plans to the City for approval of development, construction, renovation or demolition on property within the City.

CHAMPION TREE -- Identified by the State Division of Forestry as being the largest of their species within the state or by the American Forestry Association as the largest of their species in the United States.

CITY -- The City of North Port, Florida, a political subdivision of the State of Florida.

COMMISSION -- The City Commission of North Port, Florida.
COMPREHENSIVE PLAN -- The revised and updated Comprehensive Plan of the City of North Port adopted pursuant to Chapter 163, Florida Statutes, as amended.

CROWN -- The main mass of branching of a tree above the ground.

DBH -- The diameter of the trunk of a tree measured at breast height, which is 54 inches above the ground. In the case of multi-stemmed trees where there is union of wood above grade, the DBH shall be measured on each stem and added together to count as one tree.

DEFENSIBLE SPACE -- A thirty-five-foot safety zone measured from the perimeter of a dwelling unit for the purpose of fire protection. Defensible spaces shall only be required for lots one acre or greater.

DEPARTMENT -- The City's Building Department.

DESIGNEE -- Will generally be the City Arborist. In cases where a Director or higher member of the staff needs to make a decision, the City Manager will appoint the most qualified person in respect to the specific request and decision needing to be made.

DEVELOPMENT (CONSTRUCTION, RENOVATION, DEMOLITION) -- The construction, installation or removal of a structure, impervious surface or drainage facility; clearing, scraping or removing the vegetation from a site; or adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging or otherwise significantly disturbing the soils, mud, sand or rock of a site.
DRIPLINE -- A vertical line running from the outermost perimeter of the tree crown to the ground.

EMERGENCY -- Any man-made or natural disaster which is specifically declared to be an emergency through a resolution adopted by the City Commission.

ENVIRONMENTAL SCIENTIST -- Professionals whose qualifications include the skills and training required to render opinions necessary to implement this chapter. Professionals who could meet the criteria include certified arborist, urban forester, landscape architect and/or biologist.

HERITAGE TREE -- Large trees that are the major distinguishing feature of the urban forest, including trees that are of historical significance or rarity.

LIMITED CLEARING -- That the clearing is limited to mowing or bush hogging to provide foot access only.

MATURITY -- Having completed natural growth and development.

MITIGATION -- Compensation for trees that will be destroyed for development. Mitigation is permissible on and off site.

MEASUREMENT -- All tree diameter measurements shall be taken only with measurement tape approved by the City Manager or designee.

PERMIT -- The tree removal and protection permit legally authorizing the removal and/or replacement of trees pursuant to this chapter.
PERSON -- Any individual, government, corporation, partnership, association, firm, trust, or other entity.

PRIORITY TREE LIST -- A list of trees, categorized by their canopy potential at maturity, that shall be used to implement this chapter. The priority tree list shall be used as a guideline for indigenous species and additional trees may be added, at the sole discretion of the City Manager or designee. The City Manager or designee shall maintain the list.

REMOVE A TREE -- To relocate, cut down, poison, or in any other manner destroy or cause to be destroyed a tree as defined in this chapter. It includes topping, topiary, damage, or any other action that causes irreparable injury.

TREE -- A living, woody, self-supporting plant, which when mature will reach 10 feet or more in height, having a main stem or cluster of main stems, and any one stem measuring 4-1/2 inches at DBH. For the purpose of this chapter, all rooted species of Mangrove, including Red Mangrove (Rhizophora mangle), White Mangrove (Laguncularia racemosa), Black Mangrove (Avicennia germinans), and Buttonwood Mangrove (Conocarpus erecta), are hereby declared to be trees, and are hereby protected by the provisions of this chapter, regardless of size, except where state law supersedes local jurisdiction. In addition, all palms with more than 41/2 feet of clear trunk are declared to be trees and are protected by the provisions of this chapter.

TREE FARM -- Planted stands of pine or other commercially harvested species for sale as pulp, paper or timber products, or a site in which trees are grown as an agricultural product for the nursery industry.
TREE INVENTORY PLAN -- One inch equals 200 feet aerial on the 2001 City of North Port aerials, or other measurement tool provided by the Florida Forestry Service and approved by the City Manager or designee. Aerial shall clearly depict location of all tree(s) greater than 4-1/2 inches DBH, tree habitats, tree groups and common name of tree(s).

TREE LOCATION SURVEY -- A one inch equals 200 feet or less scale drawing which provides the following information: Location of all trees, plotted by accepted industry standards; common name of all trees; and diameter at breast height (DBH), printed on the proposed site plan as described in § 45-6E.

TREE MANAGEMENT PLAN -- A plan prepared by an environmental scientist that addresses factors relating to tree relocation, including survivability.

Sec. 45-4.5. Prohibitions.

A. Unless otherwise exempt under § 45-5, it shall be a violation of this chapter for any person or persons to remove or cause any tree or trees to be removed from any property within the City without first obtaining a permit to do so issued by the Building Department in accordance with the provisions of this chapter. This prohibition extends to all vacant and undeveloped property on which any form or type of new development, construction, renovation or demolition is to occur.

B. For lots and parcels one acre or greater in size, trees planted in the defensible space (as defined in this chapter) shall meet the guidelines and criteria established by the University of Florida Cooperative Extensive Service, Protecting Your Home From Forest Fires and Developing Land in Florida with Fire in Mind: Recommendations for Designers, Developers and Decision Makers.
Documents are available at the City of North Department responsible for land development services and on the web: http://edis.ifas.ufl.edu. Hardwood trees shall be the only species permitted in the thirty-five-foot area defined as the defensible space. (Homeowners are encouraged to follow all of the guidelines contained in the documents.)

C. Tree removal on any lot or parcel is not permitted unless associated with a development permit specified in § 45.

D. The topping of any tree or sculpting the trees into a desired shape other than the natural shape shall be prohibited.

Sec. 45-6. Tree removal permit exemptions.

This chapter shall not apply to:

A. All existing single-family- and duplex-development lots or parcels as of the effective date of this chapter or if a valid building permit application has been submitted prior to that effective date for lots and tracts where the structure has a valid Certificate of Occupancy issued by the City of North Port.

B. All single-family and duplex lots after the City of North Port has issued the Certificate of Occupancy.

C. Voluntary annexation petitions.

D. Tree removal necessary for the construction of public roads, public utilities, public landfills or public stormwater facilities.
E. Tree removal necessary for the maintenance of existing roads, utilities or stormwater facilities within rights-of-way easements, performed or contracted by any government entity or duly authorized utility.

F. Agricultural land.

(1) A lot or portion thereof that is classified by the Sarasota County Property Appraiser as bona fide agricultural land under the agricultural assessment provisions of F.S. 193.461 and where tree removal is undertaken solely for agricultural purposes. This exemption shall not apply to any tree removal in preparation for, or in anticipation of, any development or any construction of nonagricultural improvements. For the purposes of this chapter, evidence of such preparation, anticipation or application includes:

(a) Building permit for nonagricultural use.
(b) Special exception.
(c) Rezone.
(d) Development of regional impact.
(e) Site and development plan.
(f) Preliminary Subdivision plan.
(g) Conceptual Master plan.
(h) Other development approval.
(2) Submittal of plans listed in this section within six years of the date of tree removal permit shall invalidate this exemption and require an after-the-fact and/or mitigation in accordance with this chapter.

G. Plant or tree nurseries with regard to only those trees grown on the premises and specifically for sale to the general public in the ordinary course of such plant or tree nurseries' businesses.

H. Tree farms consisting of planted stands of pine or other commercial-managed species on private property and with regard to only those trees that are being grown and managed for sale as pulp, paper, or timber products, or a site in which trees are grown as an agricultural product for the nursery industry. A natural stand of pines is eligible to qualify for an exemption if the property owner can clearly demonstrate that the pine stand has been managed for a minimum of two years for timber production in compliance with a timber or forest management plan filed with and approved by either the State of Florida Division of Forestry, the Natural Resources Conservation Service or a consulting forester.

I. Removal of any species as specified in § 21-6 of the North Port Unified Land Development Code.

J. Dead trees. A letter and photograph, which is taken within 10 days of date of letter, shall be submitted to the City Manager or designee one week prior to tree removal informing City that tree is being removed. All existing single-family and duplex residential development properties are exempt from this requirement.
K. Any plans or actions undertaken by a governmental agency or an agency's authorized agent(s).

L. Fire fighting and prescribed burning authorized by a governmental agency or agency's authorized agent(s).

M. Governmental personnel or agencies in the performance of their official duties and meeting the requirements of § 45-15 16.

Sec. 45-6 7. Permit criteria, procedures and fees.

A. Unless exempt under § 45-6 6 above, no person shall remove or cause to be removed any tree or trees from any property within the City or begin any type of construction, development, renovation or demolition thereon without a tree removal and protection permit ("permit") issued by the City Manager or designee. Violation of this section shall constitute a fine as set forth in § 45-6 7.

B. It is the intent of this section that no permit shall be granted for the removal of any tree where the applicant has failed to design and locate all proposed improvements to minimize the removal of trees consistent with the use of the property allowed by the Unified Land Development Code (ULDC), as amended, and the applicable elements of the City Comprehensive Plan, Ordinance No. 97-27, as amended. Accordingly, tree removal and protection permits shall only be issued when:

(1) The trees pose a safety hazard to pedestrian or vehicular traffic or unmanageably threaten to cause disruption to utility services;
2. The trees pose an immediate safety hazard to buildings, structures or other improvements. Immediate safety hazard referred to herein means hazards such as disease, decay, and/or structural instability as determined by the City Manager or designee.

3. The trees completely prevent reasonable vehicular access to a lot;

4. Project phasing is clearly identified in an approved Development Order. Tree removal permits shall be issued by phase only.

5. A statement that the trees unreasonably prevent development of a lot or the physical use thereof, or if state or local regulations require fill to the extent that trees cannot be saved and the required elevations are certified by the project engineer; or

6. A statement by a qualified arborist or other professional as approved by the City Manager or designee that the trees are diseased or are weakened by age, storm, fire or other injury or as a result of suppression by other trees or vines or site conditions to the extent that they have lost most of their function and value or pose a danger to persons, property, improvements or other trees. It is the intent of this provision that no permit shall be granted for the removal of any tree if the hazard can be abated by any other reasonable means.

7. Meets the tree removal criteria in § 45-7-8.

C. Application; environmental assessment report in lieu of application.
(1) In order to obtain a tree removal permit, an application meeting the
requirements established by this chapter shall be submitted to the City
Manager or designee for review and appropriate action prior to or concurrent
with the submission of:

(a) Building permit application.

(b) Upon approval of appropriate Development Order for:

(i) Minor site and development plan.

(ii) Major site and development plan

(iii) Preliminary subdivision plan, infrastructure areas only.

(iv) Conditional use special exception approval.

(c) All building permits; minor, and major, and preliminary site plans;
and conditional use special exception applications as stated above shall
include copies of approved local, state, and federal permits.

(2) For all proposed zoning changes, an environmental assessment report,
prepared by a professional environmental scientist, shall be submitted in
lieu of a tree removal and protection permit application. The City Manager or
designee shall approve the scope of the environmental assessment report.

D. Any written application submitted to the City Manager or designee shall
authorize City staff to enter onto and inspect the property of the applicant to
determine if the applicant is in compliance with the provisions of this chapter.
E. A tree location survey or tree inventory plan is required for all development applications which shall be simultaneously submitted with the tree removal permit application and shall be at the same scale as the plans that show the location of the proposed development. Tree location surveys or tree inventory plans shall be incorporated in a site plan that provides the following information:

(1) The shape and dimensions of the property, together with existing and proposed locations of structures, utilities (i.e., power lines, water, sewer) and other improvements, if any;

(2) Locations of existing trees 4-1/2 inches Diameter at Breast Height (DBH) or greater, identified by common or botanical name. Trees proposed to remain, to be transplanted, or to be removed shall be identified. Groups of trees in close proximity (five-feet spacing or closer) may be designated as a "clump" of trees, with the predominate species, estimated number and average DBH and total DBH listed. Limited clearing may be necessary to provide proper preparation of the tree location survey, however, only minimal disturbance shall be permitted according to accepted industry standard of care (mowing or bush hogging to provide foot access only);

(3) If existing trees are to be transplanted, the proposed relocation for such trees, together with a statement as to how such trees are to be protected during land clearing and construction and maintained after construction;

(4) A statement indicating how trees not proposed for removal or relocation are to be protected during land clearing and construction;
(5) Locations and dimensions of all setbacks and easements required by the Unified Land Development Code of the City;

(6) Statements as to grade changes proposed for the property and how such changes will affect trees;

(7) Any proposed tree replacement; and

(8) The total number, type and location of trees proposed for removal in tabular form.

F. In the event there are no trees on the property, the applicant may, in lieu of a tree location survey or tree inventory plan, submit a notarized statement to that effect. The City shall verify any such statement by an on-site inspection of the property.

G. Upon receipt of a complete application and all required supporting documentation, the City Manager or designee shall conduct a field inspection to determine if the information is sufficient for review and if the proposed plan is in compliance with the provisions of this chapter.

(1) The review for single- and two-family lots shall be made within 10 working days calendar days of receiving a completed application.

(2) The review for other parcels shall be made within 10 working days calendar days of receiving a completed application.
(3) Upon completion of the review, the City Manager or designee shall notify the applicant that the application is either insufficient, does not comply with the provisions of this chapter or that the permit is approved or approved with stipulations and/or conditions.

H. Should an additional tree or trees need to be removed after a permit has been issued, the applicant must obtain an amended permit prior to the removal pursuant to Subsection G above. This amended permit shall be reviewed within five working days calendar days. Failure to amend the permit prior to removal of the tree shall constitute a violation of this chapter and shall be assessed $250 per tree removed.

I. If a tree to be retained dies after a tree removal permit has been issued but before the issuance of a Certificate of Occupancy, the applicant shall notify the City Manager or designee and request an inspection prior to the removal of the dead tree(s). An inspection will be made within 72 hours of notification by the applicant. Failure to notify the City Manager or designee prior to the removal of any dead tree constitutes a violation of this chapter and shall be assessed $250 per tree removed.

J. Before any Certificate of Occupancy is issued, the City Manager or designee shall conduct a final tree inspection of the property to ensure that the provisions of this chapter have been complied with. Final inspections shall be scheduled by the applicant and will be completed within two working days calendar days after notification by the applicant after grade is complete.

(1) No certificate of occupancy shall be issued until all provisions of this chapter have been fully complied with.
K. Tree removal shall only be performed by the resident homeowner, a person(s) under the homeowner's direct control or a contractor licensed by the City.

L. The City Commission shall, by resolution, set reasonable fees and charges for the implementation of this chapter, which will substantially finance the expenses of tree protection-related activities.

(1) Anyone who commences development, construction, renovation or demolition without obtaining a permit shall be required to obtain an after-the-fact permit at double the regular permit fee or a $500 fine, whichever is greater, for residential, and/or mitigate the impact of said action in accordance with the provisions of § 45-10-11 C and D of this chapter.

(2) However, payment of such after-the-fact permit fees or mitigation shall not preclude nor be deemed a substitute for prosecution of violations of this chapter.

M. The tree removal and protection permit shall be prominently posted on the subject property for the duration of the clearing activity and shall be present at the zoning rough inspection. Failure to post such a permit as specified above shall result in a fine of $100 and immediate discontinuation of all construction activity.

Sec. 45-2 8. Tree canopy development standards.

All zoning districts shall be required to meet a minimum standard of 35% canopy coverage at maturity. This standard shall apply to all individual lots, parcels and/or large developments. The following options are available in all zoning districts to achieve the thirty-five-percent canopy coverage.
A. Preserve existing trees sufficient to meet the canopy coverage.

B. Preserve a portion of existing trees and supplement with new trees.

C. Clear entire lot or parcel and plant new trees.

D. Clear entire lot or parcel and pay mitigation fee.

E. Clear portion of lot, supplement with new trees and pay mitigation fee (if required canopy coverage cannot be met).

Sec. 45-8. Administrative variance.

Administrative variances shall only be used to promote site plan flexibility on residential and commercial parcels and/or lots for the express purpose of tree preservation. The City Manager or designee shall only issue administrative variances for front, side and/or rear yard setbacks for projects meeting the criteria in this section. Administrative variances shall not be issued for easement encroachments. Applicants requesting administrative variances shall submit a site plan and written statement(s) using the Maximum Setback Encroachment Permissible Table and addressing the following criteria:

A. Setback encroachment necessary to preserve tree(s) meeting definitions in this chapter: greater than 4-1/2 inches Diameter at Breast Height (DBH).

B. Setback encroachment shall not create an undue burden to adjacent property owners.
C. Statement of how tree(s) shall be protected and preserved.

D. Statement that tree(s) shall not be removed after the variance is issued unless tree(s) meets exemption criteria in this chapter or a tree removal permit is submitted.

E. Any tree(s) removed after an administrative variance is issued and without a tree removal permit shall be subject to all of the violation enforcements in § 45-14.

F. Administrative variances are based on twenty-five-percent setback encroachments. At the sole discretion of the City Manager or designee, additional variance area may be granted.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Front Yard (feet)</th>
<th>Rear Yard (feet)</th>
<th>Side Yard (feet)</th>
<th>Waterfront Yard (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RSF-1</td>
<td>6.25</td>
<td>6.25</td>
<td>Interior: 2.5</td>
<td>N/A</td>
</tr>
<tr>
<td>Abut road:</td>
<td>3.75</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waterfront:</td>
<td>6.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abut road:</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waterfront:</td>
<td>6.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RSF-3</td>
<td>6.25</td>
<td>6.25</td>
<td>Interior:1.5</td>
<td>N/A</td>
</tr>
<tr>
<td>Abut road:</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Waterfront: 6.25</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>RSP-4</td>
<td>3.75</td>
<td>3.75</td>
<td>Interior: 1.5</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Abut road: 3</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Waterfront: 3.75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RTF</td>
<td>6.25</td>
<td>6.25</td>
<td>Interior: 2</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Abut road: 3.75</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Abut road: 6.25</td>
<td></td>
</tr>
<tr>
<td>RMH</td>
<td>3.75</td>
<td>2.5</td>
<td>Interior: 1.25</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Abut road: 2.5</td>
<td></td>
</tr>
<tr>
<td>AG</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>CG</td>
<td>6.25</td>
<td>3.75 (Lots &gt; 200 in depth)</td>
<td>Interior: 0</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Abut road: 3.75</td>
<td></td>
</tr>
<tr>
<td>GU</td>
<td>6.25</td>
<td>5</td>
<td>2.5</td>
<td>5</td>
</tr>
<tr>
<td>ILW</td>
<td>6.25</td>
<td>Interior: 2.5</td>
<td>Interior: 0</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Abut road:</td>
<td>Abut road: 3.75</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2.5</td>
<td>Abut water: N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Abut water:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>OPI</td>
<td>10</td>
<td>5</td>
<td>5</td>
<td>N/A</td>
</tr>
<tr>
<td>PCD</td>
<td>Grp. 1: 10</td>
<td>Grp. 1: 5</td>
<td>Grp. 1: 5</td>
<td>Grp. 1: N/A</td>
</tr>
<tr>
<td></td>
<td>Grp. 2: 10</td>
<td>Grp. 2: 5</td>
<td>Grp. 2: 5</td>
<td>Grp. 2: N/A</td>
</tr>
<tr>
<td></td>
<td>Grp. 3: 2.5</td>
<td>Grp. 3: 2.5</td>
<td>Grp. 3: 2.5</td>
<td>Grp. 3: N/A</td>
</tr>
</tbody>
</table>
Sec. 45-10. Tree protection during development.

A. Prior to and during land clearing, the owner, developer or agent shall clearly mark (with colored flagging) all trees proposed to be removed and shall erect barricades around all trees to be protected. The barricades must remain in place and be in good condition throughout construction. Barricades may be removed for the final grading; this does not relieve the purpose of the protective zone, all tree standard precautions must be adhered to. Removal of other vegetation within the protected zone (area around trees to be saved) may be accomplished only by mowing or hand clearing. If improvements are to be located within the protected zone of trees, clearing by machinery will be allowed, but only in the area and to the extent necessary to install the improvements. The owner, developer or agent shall not cause or permit the movement of equipment or the storage of equipment, material, debris or fill to be placed within the required protective barrier.

B. During the construction stage, the owner, developer or agent shall not cause or permit the cleaning of equipment or material or the storage or disposal of waste materials such as paints, oils, solvents, asphalt, concrete, mortar or any other material within the dripline of any tree or group of trees.

C. No damaging attachment wires (other than support wires for a tree), signs or permits may be attached or fastened to any tree, other than support wires for a tree.
D. Barricades shall be erected at the drip line unless prior arrangements have been made via an on-site meeting with the City Manager or designee to agree on other preservation techniques for the protection of the root zone. Tree protection fencing shall be wood, plastic, or chain-link fencing. The posts shall be driven into the ground to hold the fencing in an upright position throughout the construction on the site. Other measures may include but are not limited to: reducing the area on one or more sides of the barricade, root pruning, installing protective mulch layer or pruning of canopy for accessibility. These techniques shall be agreed upon in writing and shall be posted with the land clearing permit. If the barricades are not kept up or are not put up, fines will be assessed in accordance with the Building Department’s re-inspection fees included in the City-wide Fee Schedule as may be amended from time to time.

E. In lieu of erecting barricades as required in Subsection D above, large property areas containing trees and separated from construction or land clearing areas by road rights-of-ways, lakes, retention areas and utility easements may be barricaded by placing stakes not more than 50 feet apart, connecting the stakes with a line of string, and tying colored ribbon to the string; or using three-inch wide, heavy gauge barricade tape described in Subsection D above from stake to stake along the outside perimeters of such areas to be cleared.

F. Silt barriers, hay bales, or similarly effective erosion control barriers will be required in any area where erosion or siltation may cause damage to trees.

G. Where elevation changes are proposed within the protected zone of trees, the applicant will be required to install retaining walls or drain tiles unless the
applicant demonstrates that such protection would be impractical. The applicant shall have the choice of the type or design. These root protection measures shall be in place prior to the deposition of fill or excavation of soil from the protected zone.

H. The City Manager or designee shall conduct periodic inspections of the site during land clearing and construction in order to ensure compliance with this chapter.

I. The Applicant(s) is required to remove all felled plant material and/or rubbish from site with 10 days of felling.

Sec. 45-10 11. Tree replacement, relocation and mitigation.

A. Replacement trees.

(1) Except for the exemptions provided under § 45-5 6, replacement tree(s) shall:

(a) Be an approved tree from the tree priority list;

(b) Be a minimum of eight (8) feet high and three inch caliper measured six (6) inches above the ground when planted;

(c) Have the potential to meet the tree canopy requirements pursuant to § 45-7 8;

(d) Be Florida Department of Agriculture Nursery Grade No. 1 or better as per Grades and Standards for Nursery Plants;
(e) Be placed so that they will develop freely and when mature will not crowd utility lines or other structures;

(f) Have a root ball planted at the proper height and in accordance with accepted nursery standards;

(g) Have a mulched bed at least three (3) feet in diameter and three (3) inches deep and set back six (6) inches from the base of the tree to conserve water, and promote growth, and prevent disease and;

(h) Be staked, when necessary, in a way that will not injure the tree with broad straps of soft material around the trunk tied loosely enough to allow the trunk to move in the wind.

(2) Selection of the species of replacement tree(s) shall come from the Priority Tree List. A list of acceptable replacement trees (tree priority list) will be on file in the Building Department. Alternatives, with respect to size and species, may be approved if the applicant demonstrates that such substitutions will be consistent with the purposes and intent of this chapter. Written approval from the City Manager or designee is required prior to planting any alternative tree.

B. Mitigation fees shall be calculated using the current market cost for a potted Live Oak meeting the minimum standards of this Ordinance. The fees shall be assessed on a Diameter at Breast Height (DBH) inch for DBH inch basis for the trees meeting the minimum DBH requirement for protection under this Chapter that are removed, except as provided in subsection C below.
(1) In no event shall the mitigation fee for any one tree be less than $100.00 per inch at DBH. In addition, a $100 fee for labor and handling shall be assessed per tree and the cost of replacement trees.

(2) Any tree up to 29 \(7/8\)" DBH and removed does not need to be mitigated. Any tree between 4 ½" and 29 \(7/8\)" that is preserved will receive a tree credit.

C. In order to fulfill the primary stated intent of Chapter 45 to preserve existing trees, the following incentives are available to satisfy the 35% canopy coverage requirement identified in § 45-7-8.

(1) Tree credits will be given in accordance to canopy coverage shown on the Priority Tree List.

(2) Preservation of a Heritage Tree will allow for double the canopy coverage shown on the Priority Tree List.

D. In lieu of paying mitigation fees, the applicant may donate property to the City as part of a tree/environmental mitigation program. Properties being considered for donation shall meet a City-identified need and be approved by the City Manager or designee. In evaluating the property for donation, the City Manager or designee shall consider these criteria: percentage of tree canopy and location of the property adjacent to the Myakkahatchee Creek or public preservation areas.

(1) Property donated pursuant to this subsection shall not be eligible for development of any kind except for passive recreational use such as hiking trails, canoe/kayak launches, bird watching, etc.
(2) Alternatively the applicant may exchange, on an inch for inch basis, heritage trees removed for trees preserved.

E. Timing and location. Trees required by this chapter to be replaced or relocated shall be properly planted, mulched and staked and showing no signs of distress prior to the issuance of a certificate of occupancy and shall not be located closer than three (3) feet to any property line if it causes an obstruction to the drainage system or six (6) feet from any utility line or City easement. Replacement trees shall not be planted underneath or near overhead utility lines unless they are a species that, when mature, will not interfere with the utility line.

(1) The planting site must have sufficient root zone and canopy space to allow the tree(s) to grow to a mature size.

F. Tree survival. Consultation with the City Manager or designee is recommended during the entire tree planting program.

(1) All trees relocated or replaced on multifamily or commercial developments shall be in accordance with Chapter 21 of the Unified Land Development Code. Warranted for a period of two years.

(2) Single-family and duplex development(s) are exempt from warranty requirements and bond.

(3) The City Arborist will do random inspections to ensure the survival of planted trees.
Sec. 45-11. Heritage and champion trees.

A. The heritage designation is conferred on the large trees that are the major distinguishing feature of North Port's urban forest. All native tree species are designated heritage trees when they reach the size of 30 inches Diameter at Breast Height (DBH). In the case of multi-stemmed trees where there is union of wood above grade, the DBH shall be measured on each stem and added together to count as one tree.

(1) Heritage trees shall be considered regulated trees in exempt areas, as defined in § 45-5, except the following shall be exempt: § 45-5A, B, D, E, and I through M.

(4) For all zoning districts, the permitting procedure and criteria for heritage trees shall be the consistent with § 45-6, except the additional criteria enumerated below. In any event, the more restrictive permit procedure and criteria for heritage trees shall apply.

B. Heritage trees additional permitting criteria.

(1) Removal or relocation shall only be permitted by the City Manager or designee. Criteria for reviewing heritage trees shall be § 53-285 through (h).

(2) For proposed relocations of heritage trees, a tree management plan that includes a two-year survivability element shall be required. The management plan may include either a tree survey or tree inventory plan.
(3) For proposed removals, a tree inch for tree inch mitigation fee shall be in accordance with §45-14.

(4) Heritage Tree mitigation will not be required for those trees located within the footprint of the house, the footprint is defined as the area where the concrete slab foundation will be located, on all currently platted single family lots, this applies only to situations where there is not an alternative to re-position the house location on the lot to avoid removal of the tree.

C. Champion tree: identified by the State Division of Forestry as being the largest of their species within the state or by the American Forestry Association as the largest of their species in the United States.

(1) For all zoning districts, the permitting procedure and criteria for champion trees shall be the consistent with § 45-6 and shall include the additional criteria enumerated below. In any event, the more restrictive permit procedure and criteria for champion trees shall apply.

(2) Champion tree additional permitting criteria.

(a) A tree condition and assessment report by an environmental scientist that identifies the extent of the root system, boundary of dripline and management plan. A tree survey accompanied by an aerial meeting the criteria of this chapter shall be included in the report.

(b) No development shall occur within the dripline as established by the tree condition report.
(c) A champion tree is not eligible for removal or relocation.

(d) If a champion tree is relocated on a single-family or duplex lot platted prior to the adoption date of this chapter and prevents development, the City shall either trade property for a separate yet equal lot or acquire the lot(s) for public benefit.

Sec. 45-12. Establishment of tree fund.

There is hereby established a City of North Port Tree Fund to be administered by the City's Department of Financial Services. All mitigation fees and monetary fines for violations of this Ordinance or Chapter 21 of the North Port Uniform Land Development Code shall be deposited into this special Tree Fund. The Tree Fund shall be used to advance the stated intent of Chapter 45 by engaging in the following activities;

1. Purchasing property within the City to be used only for tree preservation purposes;

2. Planting trees from the Tree Priority List on public lands within the City according to the priorities identified in Policy 3.5 of the Conservation and Coastal Zone Management element of the Comprehensive Plan;

3. Educating the public on proper care of trees;

4. Maintaining tree health and safety on public lands within the City. Money used from the Tree Fund for the purpose of tree maintenance shall be used exclusively for those trees planted with Tree Fund money; and
20444 (5) Purchasing conservation easements on privately owned property within the
20445 City.
20446
20447 Sec. 45-13 14. Enforcement, penalties for offenses, appeals.
20448
20449 A. In order to ensure compliance with the provisions of this chapter, the City
20450 may:
20451
20452 (1) Issue stop-work orders for any development, construction, renovation or
20453 demolition or portion thereof only where regulated trees are affected;
20454
20455 (2) Withhold the issuance of any building or other permit unless the permit
20456 does not impact or exacerbate the violation and at the discretion of the
20457 City Manager or designee;
20458
20459 (3) Withhold the issuance of any certificate of occupancy or required
20460 inspection;
20461
20462 (4) Use any other enforcement remedy granted by the North Port Unified Land
20463 Development Code or the North Port Code;
20464
20465 (5) Employ all available remedies in law or equity, including, but not
20466 limited to, injunctive relief to enjoin and restrain any person from
20467 violating its provisions, money damages and all costs and expenses of the
20468 litigation; and/or
20469
20470 (6) Assess monetary fines or penalties.
20471
20472 B. Penalties for offenses.
(1) Each unauthorized removal of a single tree protected by this chapter shall be a separate violation or offense.

(2) In a case where clearing has occurred and the number of trees removed is unable to be determined by the City Manager or designee, a $2,500 fine shall be assessed per each 10,000 square feet of lot/parcel or fraction thereof. Each violation of this chapter (meaning each tree is a separate violation) for permits other than a single family dwelling built on a lot platted by General Development Corporation or Atlantic Gulf Corporation shall be $5,000.00 and required to plant four replacement trees. Each violation of this chapter for the illegal removal of a heritage or champion tree on any lot, parcel or tract of land, other than single family, shall be the cost of the legal removal pursuant to regulations set forth in Sec. 45-11 and an additional $5,000 and the planting of four replacement trees or payment to the Tree Replacement Fund of the penalty and an amount equal to four replacement trees plus actual staff costs, including, but not limited to, time, resources, material or expenses of investigation and administration caused by the violation.

(3) Fines and tree replacement shall be determined and assessed by the City Manager or designee, who shall give Notification to the property owner or authorized agent and corrective action must be taken prior to commencement of work.

(4) Failure to pay assessed fines and/or tree replacements within 30 days of receiving notice thereof shall be a separate violation of this chapter. This will result in the fine being double the original amount. Failure to comply shall result in the fine doubling every 30 days.
C. Interpretation. The provisions of this article shall be liberally construed by the City Manager or designee in order to effectively carry out its purpose. Where any provision of this article refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any amendments thereto or re-designation thereof.

D. Appeals. Any person aggrieved by the City Manager’s designee’s interpretation may appeal to the City Manager. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation is inconsistent with provisions of this chapter. The granting of any appeal shall not be in conflict with State Statutes. The City Manager’s decision may be appealed to City Commission. The City Commission’s decision, based upon the evidence submitted to the City Manager and the City Manager’s finding(s), may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

Sec. 45-14. Jurisdictional applicability. The provisions of this chapter shall apply and be effective throughout the incorporated geographical area and boundaries of the City of North Port.

Sec. 45-15. Emergency tree removal. When it is necessary to expedite the removal of any trees in the interest of public safety, health, and general welfare following high winds, storms, hurricanes, tornados, floods, freezes, fires or other man-made or natural disasters, the City Commission may, by resolution, declare an emergency and
suspend the requirements of this chapter for a period of up to 30 days in the
affected areas.

Sec. 45-16. Severability.

If any provision of this chapter is for any reason finally held invalid or
unconstitutional by any court of competent jurisdiction, such provision shall be
deemed a separate, distinct, and independent provision and such holding shall
not affect the validity of the remaining provisions.

Sec. 45-17. Effective date.

This chapter and the provisions thereof shall take effect immediately upon
adoption by the City Commission and allocation of funding to implement the
ordinance.

Sec. 45-18. Tree Planting Incentive.

The City Administration shall develop a program to provide the original property
owner(s) with the ability to replace trees that were removed and a mitigation
fee was paid. The amount of this replacement shall not exceed the amount of the
mitigation fee.

Sec. 45-19. Priority Tree List.

Major Shade Tree:

Live Oak Quercus virginiana
Laurel Oak Quercus lauriflora
Turkey Oak Quercus cerris
<table>
<thead>
<tr>
<th>ID</th>
<th>Tree Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>20559</td>
<td>Southern Magnolia</td>
<td>Magnolia grandiflora</td>
</tr>
<tr>
<td>20560</td>
<td>Florida Mahogany</td>
<td>Swietenia mahogani</td>
</tr>
<tr>
<td>20561</td>
<td>Pignut Hickory</td>
<td>Carya glabra</td>
</tr>
<tr>
<td>20562</td>
<td>Sycamore</td>
<td>Plantanus occidentalis</td>
</tr>
<tr>
<td>20563</td>
<td>Black Tupelo</td>
<td>Nyssa sylvatica</td>
</tr>
<tr>
<td>20564</td>
<td>Carolina Ash</td>
<td>Fraxinus caroliniana</td>
</tr>
<tr>
<td>20565</td>
<td>Common Persimmon</td>
<td>Diospyros virginiana</td>
</tr>
<tr>
<td>20566</td>
<td>Sugarberry</td>
<td>Celtis laevigta</td>
</tr>
</tbody>
</table>

**Medium Shade Trees:**

<table>
<thead>
<tr>
<th>ID</th>
<th>Tree Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>20569</td>
<td>Bald Cypress</td>
<td>Taxodium distichum</td>
</tr>
<tr>
<td>20570</td>
<td>East Palatka Holly</td>
<td>Ilex opaca East Palatka</td>
</tr>
<tr>
<td>20571</td>
<td>Florida Elm</td>
<td>Ulmus americana</td>
</tr>
<tr>
<td>20572</td>
<td>Chinese Elm</td>
<td>Ulmus parvifolia</td>
</tr>
<tr>
<td>20573</td>
<td>Gumbo Limbo</td>
<td>Bursera simarubra</td>
</tr>
<tr>
<td>20574</td>
<td>Long leaf Pine</td>
<td>Pinus pilustras</td>
</tr>
<tr>
<td>20575</td>
<td>Slash Pine</td>
<td>Pinus elliott</td>
</tr>
<tr>
<td>20576</td>
<td>Sand Pine</td>
<td>Pinus clausa</td>
</tr>
<tr>
<td>20577</td>
<td>Red Maple</td>
<td>Acer rubrum</td>
</tr>
<tr>
<td>20578</td>
<td>Sand Live Oak</td>
<td>Quercus geminata</td>
</tr>
<tr>
<td>20579</td>
<td>Southern Red Cedar</td>
<td>Juniperis virginiana</td>
</tr>
<tr>
<td>20580</td>
<td>Pond Cypress</td>
<td>Taxodium ascendums</td>
</tr>
<tr>
<td>20581</td>
<td>Dahoon Holly</td>
<td>Ilex cassine</td>
</tr>
<tr>
<td>20582</td>
<td>Loblolly Bay</td>
<td>Gordania lasianthus</td>
</tr>
<tr>
<td>20583</td>
<td>Red Bay</td>
<td>Persea borbonia</td>
</tr>
<tr>
<td>20584</td>
<td>Sweet Bay</td>
<td>Magnolia virginiana</td>
</tr>
<tr>
<td>20585</td>
<td>Black Olive</td>
<td>Bucida buceras</td>
</tr>
<tr>
<td>20586</td>
<td>Marlberry</td>
<td>Ardisia escallonioides</td>
</tr>
<tr>
<td>20587</td>
<td>Wing-leaf Soapberry</td>
<td>Sapindus saponaria</td>
</tr>
</tbody>
</table>
Pink Trumpet

Small Shade Trees:

Bottlebrush

Buttonwood

Crape Myrtle

Loquat

Yaupon Holly

Simpson’s Stopper

“Little Gem” Magnolia

Palm Trees*

*Any palm may be used based on mature canopy per stem.

Sec. 45-20. Priority Street Tree List

1. All street development, including all City of North Port street projects, will be required to landscape the streets by using trees from the following list. This section shall be applicable where utility systems and overhead lines allow, pursuant to determination by the City Manager or designee. For all new developments being processed as a major site and development plan, preliminary or final subdivision plan, or development concept master plan, the property owner shall install street trees along all adjacent streets and streets that are internal to the development tract.

2. The location, quantity, and spacing of street trees shall be determined by the City Manager or designee based on the needs of the canopy coverage on a street-by-street basis.
3. This list has the sole purpose of providing options for City Of North Port projects. The trees selected should provide long term reliability, low maintenance, and visually enhance the City Of North Port’s corridors.

**Large Shade Trees:**

*Live Oak \quad Quercus virginiana

Laurel Oak \quad Quercus laurifolia

*Florida Mahogany \quad Swietenia mahogani

Florida Elm \quad Ulmus Americana

Sugarberry \quad Celtis laevigta

**Medium Shade Tree**

*Royal Poinciana \quad Delonix regia

*Jacaranda \quad Jacaranda mimosifolia

Red Bay \quad Persea boronia

Wild Tamarind \quad Lysiloma latisiliqua

*Florida Maple \quad Acer barbatum

**Small Trees**

Crape Myrtle \quad Lagerstrenia indica

Dahoon Holly \quad Ilex cassine

Wax Myrtle \quad Myrica cerifera

**Hedge Forming Trees**

Carolina Laurel Cherry \quad Prunus caroliniana

East Palatka Holly \quad Ilex opaca

*Pigeon Plum \quad Coccoloba diversifolia

* Denotes a best choice for reasons stated above.
4. Trees intended to be used for the understory, small trees, and hedge forming trees, shall be used sparingly for the concealing of structures, including, but not limited to, electrical boxes, backflow preventers, and the like. Large and medium shade trees will be used for canopy coverage purposes. The City of North Port will adhere to the right tree, right place principle when selecting street tree type and placement.

Sec. 45-21 Interpretation

The provisions of this chapter shall be interpreted by the City Arborist/City Manager’s designee. It shall be liberally construed in order to effectively carry out its purpose. Where any provision of this article refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any amendments thereto or re-designation thereof.

Sec. 45-22 Conflict

Whenever the requirements of these regulations differ from those imposed by the City, Federal or state regulation, law or statute, the most restrictive or imposing the higher standards shall apply.

Sec. 45-23. Appeals.

A. Any person aggrieved by the City Arborist/City Manager designee’s interpretation may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation is inconsistent with provisions of this chapter. The granting of any appeal shall not be in conflict with State Statutes. The Zoning
Board of Appeals’ decision, may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(1) Applications for an appeal shall be filed pursuant to Sec. 1-10.

Sec. 45-24. Severability.

If any provision of this chapter is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

Chapters 46--48 RESERVED
Chapter 49  WETLANDS PROTECTION REGULATIONS

[HISTORY: Adopted by the City Commission of the City of North Port 9-17-1990 by Ord. No. 90-28 (Section 11). Amendments noted where applicable.]

Sec. 49-1. Title.

Sec. 49-2. Findings.

Sec. 49-3. Intent.

Sec. 49-4. Relationship to Comprehensive Plan.

Sec. 49-5. Relationship to state and federal regulations.

Sec. 49-6. Applicability.

Sec. 49-6. Definitions.

Sec. 49-7. Permitted activities and performance guidelines.

Sec. 49-8. Prohibited activities.

Sec. 49-9. Requirements for authorization.

Sec. 49-10. Interpretation.

Sec. 49-11. Conflict with public and private provisions.

Sec. 49-12. Appeals.

Sec. 49-13. Severability.

Sec. 49-1. Title.

This chapter shall be known and may be cited as the “Wetlands Protection Regulations” of the City of North Port, Florida.

Sec. 49-2. Findings.

A. Wetlands serve important biological functions, including food chain production, general habitat, nesting, spawning, rearing and resting sites for
aquatic or land species.

B. Wetlands, through natural water filtration processes, serve to purify water. Improve water quality by filtering sediment, nutrients, and pollutants.

C. Wetlands are often natural recharge areas. Recharge ground and surface water supplies.

D. Wetlands serve as valuable storage areas for stormwater runoff and floodwaters.

E. The destruction or alteration of wetlands could adversely affect natural drainage characteristics, sedimentation patterns and other environmental characteristics.

F. Wetlands and wetland plants are significant in protecting surrounding areas from erosion and storm damage.

G. Wetlands provide scenic and recreational opportunities. Vast opportunities for recreation, education, and research.

H. The public health, safety and welfare of the citizens and inhabitants of North Port are served by protection of the wetlands and adjacent areas of Sarasota County, Florida. The City of North Port shall strive to minimize adverse impacts to wetlands within its jurisdiction.

Sec. 49-3. Intent.

It is the intent of these regulations to preserve, protect and improve the
public health, safety and comfort, good order, appearance and general welfare
and to conserve and to protect environmentally sensitive wetlands within the
City of North Port.

Sec. 49-3. Relationship to Comprehensive Plan.

The wetland protection regulations contained herein implement Objective 1.1 of
the Conservation and Coastal Zone Management Element of the Comprehensive Plan
which states that "By 1994, the City will enact ordinances and other appropriate
procedures that provide for the protection and enhancement of its critical water
resources and biologically productive flora and fauna habitats," as well
Objective 1.4 which states:

"By 1991, the City of North Port shall establish a wetland protection ordinance
that conserves and protects the health, function and biological integrity of all
remaining viable wetland systems. These regulations shall contain requirements
designed to protect, conserve or restore water resource systems and attendant
biological functions within the City of North Port, including:

1. Preventing degradation of water quality and biological productivity.

2. Preventing degradation of freshwater storage capabilities.

3. Preventing damage to property and loss of life due to flooding.

4. Preventing degradation of the viability and diversity of native plants
and animals and their habitats.

5. Assuring the conservation of irreplaceable natural resources."
Sec. 49-4 5. Relationship to state and federal regulations.

In order to properly identify and delineate wetlands prior to development, the City of North Port shall rely on the delineation of wetlands and surface waters by the FDEP and/or SWFWMD. This delineation shall be reproduced on construction plans which are submitted for review by the City.

Before any work is to begin the issuance of a land clearing or building permit in any wetland area as defined herein, appropriate state and/or federal permits all required Florida Department of Environmental Protection (FDEP) and/or Southwest Florida Water Management District (SWFWMD) permits shall be obtained, when necessary, and presented to the City before work is to begin. In the case where a state or federal permit is not necessary, a copy of an exemption letter shall be presented to the City prior to the issuance of a land clearing or building permit.

Sec. 49-5 6. Applicability.

These regulations shall apply to all wetland areas within the City as defined herein including those less than or equal to .5 acres, as defined pursuant to chapter 62-340, F.A.C.

Sec. 49-6. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Adverse Impact means a negative effect upon a wetland, resulting from development which contaminates, alters, or destroys, or which contributes to the destruction of the environmental benefits and function of the wetland.
FDEP means Florida Department of Environmental Protection.

Environmental Specialist means the City of North Port Environmental Specialist.

Mitigation means actions taken to offset the adverse impact of wetland losses.

SWFWMD means the Southwest Florida Water Management District.

WETLAND—An area that is subject to permanent or prolonged periods of inundation or saturation (i.e., water is at the soil surface at least two to seven months, seven out of ten years) and does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps and marshes and may include similar areas, such as sloughs, wet meadows and natural ponds. For purposes of these regulations, wetlands will be described as those hydric soils listed in the Soil Survey of Sarasota County. A complete list of these soils are listed in Exhibit A of this chapter.*

As defined in subsection 373.019 (17) F.S., means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally
include swamps, marshes, bayheads, bogs, cypress domes and strand, sloughs, wet
prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

Sec. 49-7. Permitted activities and performance guidelines.

The City shall prioritize wetland protective activities in the following manner:
avoidance of impacts as first priority, minimization of impacts as second priority, and mitigation for impacts as third priority.

The following lists permitted development activities and the constraints or performance criteria governing such development, necessary to mitigate potential adverse impacts on physical and biological functions of importance within wetland areas of the City:

A. Scenic, historic, wildlife and scientific preserves.

(1) The use of wetland communities for preserves can be part of a stormwater management system but shall result in has no direct or indirect adverse effects on such wetlands. However, there may be some moderate effects concerning stormwater storage capacity, since water levels associated with stormwater storage may conflict with intended use as a preserve. Wildlife utilization may be moderately affected due to the continual presence of people or high volumes of people that are associated with scenic and historic preserves.

(2) Performance criteria.
(a) All improved areas, proposed improvements within wetlands, including access roads, parking lots, docks, catwalks, area of structure, yards, cleared areas, fill, etc., shall be reviewed on a case by case basis no greater than 15% of the area of the wetland within the property boundaries. Wetland mitigation may be required in accordance with Southwest Florida Water Management District (SWFWMD).

(b) If the wetland is included in lands designated as Conservation/Restricted, all conditions, provisions and restrictions of the Conservation/Restricted Overlay Zone shall apply in addition to the performance criteria contained herein, and the conditions, provisions and restrictions of the Conservation/Restricted Overlay Zone shall take precedence.

(c) If the wetland is included within the Myakka River Protection Zone (MRPZ), provisions of Chapter 57 shall apply.

(d) The use of heavy equipment during construction in wetlands shall be prohibited, unless specifically authorized.

(e) Access roads and other improved areas shall be designed and located so as to not impede, interrupt, obstruct or impound normal and storm predevelopment surface water flows.

(f) Roads through wetlands shall be of natural pervious material to the maximum extent practicable, construction as to not include the use of asphalt, concrete or other similar impervious material, shall be minimized.
(g) Water quality treatment and attenuation for access roadways shall be provided pursuant to Chapter 18, Stormwater Regulations.

(f) Fill placed in wetlands will be limited to clean fill only and not garbage brush, refuse or toxic materials. Filling of wetlands may require mitigation in accordance with Southwest Florida Water Management District (SWFWMD).

(g) A buffer strip, 50 feet in width, Upland buffers shall be an average minimum width of 25 feet beyond the perimeter SWFWMD or FDEP approved surveyed perimeter limits of the wetland with a minimum width of 15 feet of natural undisturbed vegetation shall be maintained between cleared areas and any surface water body the wetland. Encroachment that demonstrates no adverse impact within the 25 foot upland buffer shall be reviewed on a case by case basis but shall not exceed SWFWMD required limits. Buffers shall not be developed, cleared, mowed, or landscaped in any manner that would decrease their effectiveness as a protective buffer to the wetland. All structures shall be setback 50 feet from the edge of wetland.

(h) Turbidity screens shall be used to minimize impacts to surface water bodies wetlands.

B. Maintenance or emergency repair to existing structures or improved areas.

(1) Minor repairs and/or emergency repairs are activities where use of structures does not change and/or there is no addition to the structure or
improved area. Such activities will have little impact on a wetland beyond those impacts already experienced due to the presence of the structure. Wildlife use may be moderately affected if repairs require construction equipment, since the noise levels associated with construction activity may result in wildlife leaving the area.

(2) Performance criteria.

(a) The use of heavy equipment in a wetland during construction will be prohibited, unless specifically authorized and the impacts mitigated.

(b) Turbidity screens shall be used to minimize impacts to surface water bodies wetlands.

C. Cleared walking trails having no structural components.

(1) Cleared walking trails have a minimal impact on all parameters of wetland communities, since the area of cleared vegetation is minor when compared to the total area of the wetland community.

(2) Performance criteria.

(a) All materials that are cleared from the wetland shall be removed from the site and not piled or windrowed within the wetland community or wetland buffer.

(b) A buffer strip, 50 feet in width, Upland buffers shall be an average of 25 feet beyond the perimeter of the wetland with a minimum width of 15
feet of natural undisturbed vegetation shall be maintained between cleared areas and surface water bodies the wetlands.

(c) Turbidity screens shall be used to minimize impacts to surface water bodies wetlands.

D. Timber Boardwalks less than or equal to four feet in width.

(1) Most of the impact associated with boardwalks is a result of construction activities disrupting wetland structure and function. The trampling of vegetation and the disruption of normal wildlife activities are the most serious impacts during construction. Once construction is complete, small boardwalks have only nominal impact on overall structure and function. Moderate impacts may be experienced by all three biological parameters, since construction activities may cause wildlife to leave, alter life forms present and reduce gross primary production through trampling and shading. Boardwalk planks and support beams shall not be impregnated with arsenic. Use of plastic or fiberglass materials is encouraged.

(2) Performance criteria.

(a) The structure and foundation system of the boardwalk shall be designed so as to not impede, interrupt or impound surface water flows.

(b) The use of heavy equipment shall be prohibited, unless specifically authorized and the impact mitigated. Any clearing of vegetation shall be confined to the immediate right-of-way of the boardwalk and shall not exceed a width equal to the width of the boardwalk plus five feet to either side.
(c) All pilings shall be driven to desired depth and shall not be jetted into the soil.

(d) Pilings impregnated with arsenic should be avoided to the maximum extent possible, and if used should be wrapped with polyethylene pile wrap.

(1) The top of pile wrap must be at least 6 inches above the high water line.

(2) Use of concrete pilings or reinforced high density polyethylene (HDPE) pilings are encouraged.

E. Stormwater management facilities as part of an approved Master Plan.

(1) The construction of drainage ditches is specifically intended to lower water levels within wetland systems. Whether ditches are constructed within the wetland community or adjacent to the wetland, the net result is the same but may differ in magnitude; all physical parameters are adversely affected as is wildlife utilization and gross primary production. Life form richness is moderately affected, since drainage may result in succession to a more terrestrial community with subsequent changes in types of life forms and gross primary production.

(2) Drainage ditches constructed in areas adjacent to wetlands alter quantity and quality of surface water flows, thus all physical parameters are moderately affected. In addition, wildlife utilization may be moderately affected, since the presence of heavy equipment and extensive alterations of physical parameters
may drive wildlife from the area.

(3) Performance criteria.

(a) All drainage ditches shall be no deeper than three feet measured from the ground surface.

(b) A surface water control structure or weir shall be constructed at the outfall point and/or the property line. Said structure shall have a variable height to facilitate water level control in drainage ditches.

(c) The discharge of waters from ditches into surface water bodies or open water streams shall be discouraged and minimized. Discharge into existing compatible wetlands shall be encouraged.

(d) The use of herbicides for the removal of vegetation in drainage ditches shall be discouraged in areas adjacent to all wetland types. Instead, mechanical harvesting should be used for vegetation removal.

Development may incorporate isolated wetlands into stormwater management systems, provided that the stormwater runoff is pre-treated prior to entering the wetland, so that the wetland is used for nutrient reduction and volume attenuation. The City of North Port shall encourage designs which maintain the existing natural wetlands community, except where FDEP and/or SWFWMD agree that the imposition of conditions which favor a different plant community are more desirable for the purpose of providing habitat, improving water quality, or enhancing other wetland values and pursuant to Chapter 18, Stormwater Regulations.
F. Installation of utilities.

(1) Utilities used in this context means electrical transmission lines, sewage lines, stormwater lines, potable water lines and associated access roads necessary for maintenance.

(2) Performance standards.

(a) The installation of utilities shall conform to all performance standards given for specific activities that are associated with said installation.

(b) Where it is determined that dredging, filling and/or bulkheading is determined to be incompatible, utility systems and roads shall be constructed above ground on supports, piers or bridging.

(c) Areas cleared as right-of-way or easements shall not be greater than 10% of the wetland area within the property boundary.

(d) Every care should be taken to minimize disruption of the surrounding wetland and surface water bodies. During construction, turbidity screens and any other means necessary to minimize siltation, sedimentation and/or erosion shall be used at all times.

G. All activities within the Myakka River Protection Zone (MRPZ) shall be regulated by Chapter 57.

Sec. 49-8. Prohibited activities.
A. The following uses and activities shall be expressly forbidden within wetland areas unless exempted by State or Federal regulations:

(1) Solid waste disposal.

(2) Storage of hazardous materials.

(3) Stormwater retention basins.

(4) Installation of septic tanks.

(5) Discharge of domestic, agricultural or industrial waste.

(6) Bulkheading as to include seawalls and other similar structures intended to obstruct the natural flow of water except as used in conjunction with the above permitted uses.

(7) Agricultural operations, including but not limited to forestry.

(8) Filling, except when done in conjunction with the above-referenced permitted uses.

(9) Structures of any type, unless specifically referenced as a permitted use in these regulations.

B. Any proposed use not specifically mentioned above will be presumed to be prohibited unless competent evidence is presented to the City indicating that the proposed development activity will not impact the applicable wetland area.
Sec. 49-9. Requirements for authorization.

A. Authorization will be required from the Planning and Zoning Department City Manager or designee for all permitted activities listed herein. For all uses requiring a building permit, the developer shall comply with the requirements for a building permit as defined in Chapter 33, Site and Development Plan Regulations, of this Unified Land Development Code, in addition to the requirements for uses not requiring a building permit. For all uses not requiring a building permit, the Department responsible for land development services shall, upon a finding that the proposed use is in compliance with applicable performance standards and upon approval and/or exemption of the proposed use by applicable state and/or federal environmental agencies, issue authorization to proceed with the proposed use.

B. The City Manager or designee may require that the applicant provide a wetlands assessment if, upon review of various wetland indicators, it appears that wetlands may exist on the property. This assessment shall be performed by an environmental professional and presented to the City Manager or designee for approval prior to issuance of a land clearing or building permit.

C. Encroachment within the 25 foot buffer may require an environmental assessment including the identification of any endangered or threatened species or species of special concern as listed by the Florida Fish and Wildlife Conservation Commission or the United States Fish and Wildlife Service. If listed species are found to be present on the site, appropriate permits and a mitigation plan must be submitted and accepted prior to issuance of a land clearing or building permit.
D. In wetland areas permitted by Southwest Florida Water Management District (SWFWMD) for development, the applicant shall provide all copies to the City, including a proposed mitigation plan.

E. It shall be unlawful for any person to construct, erect or alter a building or structure within a wetland or to develop, change or modify wetlands for which a wetlands development permit is required except in accordance with an a Southwest Florida Water Management District (SWFWMD) issued and approved wetlands development Environmental Resource Permit.

Sec. 49-10. Interpretation.

Interpretation of this Chapter shall be made by the City Manager or designee.

Sec. 49-10 11. Conflict with public and private provisions.

A. Provisions of these regulations are not intended to interfere with, abrogate or annul any other City rule or regulation, statute or other provision of law. Where any provisions of these regulations or any other City, county, state or federal rule, regulation or other provision of law are in conflict, whichever provisions are most restrictive or impose highest standards shall control.

B. The revisions of these regulations are not intended to abrogate any easements, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or private agreement or restriction, the provisions of these regulations shall govern.
Sec. 49-12. Appeals.

A. Any person aggrieved by the City Manager or designee interpretation may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders the property unbuildable. The granting of any appeal shall not be in conflict with State Statutes and City Codes. The Zoning Board of Appeals’ decision, based may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(i) Applications for an appeal shall be filed pursuant to Sec. 1-10.

Sec. 49-13. Severability.

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

Chapters 50-52  RESERVED
Chapter 53  ZONING REGULATIONS

[HISTORY: Adopted by the City Commission of the City of North Port 9-17-1990 by Ord. No. 90-28 (Section 3). Amendments noted where applicable.]

GENERAL REFERENCES

Code enforcement -- See Ch. 17.
Road and Drainage District -- See Ch. 63.
Building construction -- See Ch. 87. Certificates of occupancy -- See Ch. 90.
Developments of regional impact -- See Ch. 100.
Environmental standards -- See Ch. 110.
Impact fees -- See Ch. 136.
Adoption of Comprehensive Plan -- See Ch. 177.

PART 1.  GENERAL PROVISIONS.

Sec. 53-1.  Title.
Sec. 53-2.  Relationship to Comprehensive Plan.
Sec. 53-3.  General Requirements.
Sec. 53-4.  Fees.
Sec. 53-5.  Order of Application Process.
Sec. 53-6.  Property requiring DCP review
Sec. 53-7.  Development Concept Plan submission.
Sec. 53-8.  Interpretation.
Sec. 53-9.  Conflict.
Sec. 53-10.  Appeals.
Sec. 53-11.  Severability.

Article I.  Map; Boundaries. Definitions
Sec. 53-12. Relationship to Comprehensive Plan.

Sec. 53-13. Intent.

Sec. 53-14. Official maps; inquiries concerning regulations.

Sec. 53-15. Establishment of zoning districts.

Sec. 53-16. Official Zoning Map.

Sec. 53-17. Annexations.

Sec. 53-18. Changes in district boundaries.

Sec. 53-19. Unauthorized changes prohibited.

Sec. 53-20. Final authority.

Sec. 53-21. Interpretation of district boundaries.

Sec. 53-22. Application of district regulations.

Sec. 53-23. Definitions and word usage.

PART 2. SCHEDULE OF DISTRICT REGULATIONS

Article II. AG Agricultural District

Sec. 53-24. Relationship to Comprehensive Plan.

Sec. 53-25. Intent.

Sec. 53-26. Permitted principal uses and structures.

Sec. 53-27. Permitted accessory uses and structures.

Sec. 53-28. Prohibited uses and structures.

Sec. 53-29. Conditional uses. Special Exception.

Sec. 53-30. Maximum density/intensity.

Sec. 53-31. Minimum lot requirement.

Sec. 53-32. Maximum lot coverage.

Sec. 53-33. Minimum living area.

Sec. 53-34. Minimum setback requirements.
Sec. 53-20. Maximum building height.
Sec. 53-21. Permitted signs.
Sec. 53-22. Parking requirements.

Article III. CG Commercial General District

Sec. 53-36. Relationship to Comprehensive Plan.
Sec. 53-23. Intent.
Sec. 53-24. Permitted principal uses and structures.
Sec. 53-25. Permitted accessory uses and structures.
Sec. 53-26. Prohibited uses and structures.
Sec. 53-27. Conditional uses. Special Exceptions.
Sec. 53-28. Maximum density/intensity.
Sec. 53-29. Minimum lot requirements.
Sec. 53-30. Maximum lot coverage.
Sec. 53-31. Minimum building size.
Sec. 53-32. Minimum setback requirements.
Sec. 53-33. Maximum building height.
Sec. 53-34. Permitted signs.
Sec. 53-35. Parking requirements.

Article IV. CG-S Commercial General District

Sec. 53-49. Relationship to Comprehensive Plan.
Sec. 53-36. Intent.
Sec. 53-37. Permitted principal uses and structures.
Sec. 53-38. Permitted accessory uses and structures.
Sec. 53-39. Prohibited uses and structures.
Sec. 53-40. Conditional uses. Special Exceptions.
Sec. 53-41  Maximum density/intensity.
Sec. 53-42  Minimum lot requirements.
Sec. 53-43  Maximum lot coverage.
Sec. 53-44  Minimum building size.
Sec. 53-45  Minimum setback requirements.
Sec. 53-46  Maximum building height.
Sec. 53-47  Permitted signs.
Sec. 53-48  Parking requirements.

Article V. GU Government Use District

Sec. 53-62. Relationship to Comprehensive Plan.

Sec. 53-49  Intent.
Sec. 53-50  Permitted principal uses and structures.
Sec. 53-51  Permitted accessory uses and structures.
Sec. 53-52  Prohibited uses and structures.
Sec. 53-53  Conditional uses. Special Exceptions.
Sec. 53-54  Maximum density/intensity.
Sec. 53-55  Minimum lot requirements.
Sec. 53-56  Maximum lot coverage.
Sec. 53-57  Minimum building size.
Sec. 53-58  Minimum setback requirements.
Sec. 53-59  Maximum building height.
Sec. 53-60  Permitted signs.
Sec. 53-61  Parking requirements.

Article VI. ILW Light Industrial and Warehousing District

Sec. 53-75. Relationship to Comprehensive Plan.
Sec. 53-62 76. Intent.
Sec. 53-63 77. Permitted principal uses and structures.
Sec. 53-64 78. Permitted accessory uses and structures.
Sec. 53-65 79. Prohibited uses and structures.
Sec. 53-66 80. Conditional uses. Special Exceptions.
Sec. 53-67 81. Maximum density/intensity.
Sec. 53-68 82. Minimum lot requirements.
Sec. 53-69 83. Maximum lot coverage.
Sec. 53-70 84. Minimum building size.
Sec. 53-71 85. Minimum setback requirements.
Sec. 53-72 86. Maximum building height.
Sec. 53-73 87. Permitted signs.
Sec. 53-74 88. Parking requirements.

Article VII. OPI Office, Professional, Institutional District

Sec. 53-88. Relationship to Comprehensive Plan.
Sec. 53-75 89. Intent.
Sec. 53-76 90. Permitted uses and structures.
Sec. 53-77 91. Permitted accessory uses and structures.
Sec. 53-78 92. Prohibited uses and structures.
Sec. 53-79 93. Conditional uses. Special Exceptions.
Sec. 53-80 94. Maximum density/intensity.
Sec. 53-81 95. Minimum lot requirements.
Sec. 53-82 96. Maximum lot coverage.
Sec. 53-83 97. Minimum building size.
Sec. 53-84 98. Minimum setback requirements.
Sec. 53-85 99. Maximum building height.
Sec. 53-86 99. Permitted signs.
Sec. 53-87 100. Parking requirements.

Article VIII. PCD Planned Community Development District

Sec. 53-101. Relationship to Comprehensive Plan.

Sec. 53-88 102. Intent.

Sec. 53-89 103. Permitted principal uses and structures.

Sec. 53-90 109. Permitted accessory principal uses and structures.

Sec. 53-91 104. Prohibited uses and structures.

Sec. 53-92 105. Maximum Density/intensity.

Sec. 53-93 106. Minimum lot requirements.

Sec. 53-94 107. Maximum lot coverage.

Sec. 53-95 108. Maximum building size.

Sec. 53-96 109. Minimum setback requirements.

Sec. 53-97 110. Maximum building height.

Sec. 53-98 111. Permitted signs.

Sec. 53-99 112. Parking requirements.

Sec. 53-100 113. General development regulations.

Sec. 53-114. Development Procedures.

Sec. 53-101 115. Conformance with other regulations.

Sec. 53-116. Findings and recommendations for DCP not governed by a Pattern Book.

Sec. 53-102 117. Requirements for rezoning to a PCD District and requirements for DCP for PCD Developments.

Sec. 53-103 118. Modifications of regulations.

Article IX. RSF Residential Single-Family District

Sec. 53-119. Relationship to Comprehensive Plan.
Sec. 53-104 120. Intent.
Sec. 53-105 121. Permitted principal uses and structures.
Sec. 53-106 122. Permitted accessory uses and structures.
Sec. 53-107 122. Prohibited uses and structures.
Sec. 53-108 123. Conditional uses. Special Exceptions.
Sec. 53-109 124. Maximum density/intensity.
Sec. 53-110 125. Minimum lot requirements.
Sec. 53-111 126. Maximum lot coverage.
Sec. 53-112 127. Minimum dwelling living area.
Sec. 53-113 128. Minimum setback requirements.
Sec. 53-114 129. Maximum building height.
Sec. 53-115 130. Permitted signs.
Sec. 53-116 131. Parking requirements.

Article X. RTF Residential Two-Family District

Sec. 53-132. Relationship to Comprehensive Plan.
Sec. 53-117 133. Intent.
Sec. 53-118 134. Permitted principal uses and structures.
Sec. 53-119 134. Permitted accessory uses and structures.
Sec. 53-120 135. Prohibited uses and structures.
Sec. 53-121 136. Conditional uses. Special Exceptions.
Sec. 53-122 137. Maximum density.
Sec. 53-123 138. Minimum lot requirements. [Amended 12-11-2001 by Ord. No. 2001-43]
Sec. 53-124 139. Maximum lot coverage. [Amended 12-11-2001 by Ord. No. 2001-43]
Sec. 53-125 140. Minimum dwelling living area.
Sec. 53-126 141. Minimum setback requirements.
Sec. 53-127 142. Maximum building height.
Article XI.  RMF Residential Multifamily District

Sec. 53-145.  Relationship to Comprehensive Plan.

Sec. 53-130 146.  Intent.

Sec. 53-131 147.  Permitted principal uses and structures.

Sec. 53-132 156.  Permitted accessory uses and structures.

Sec. 53-133 148.  Prohibited uses and structures.

Sec. 53-134 149.  Conditional uses. Special Exceptions.

Sec. 53-135 150.  Maximum density/intensity.

Sec. 53-136 151.  Minimum lot requirements.

Sec. 53-137 152.  Maximum lot coverage.

Sec. 53-138 153.  Minimum dwelling living area.

Sec. 53-139 154.  Minimum setback requirements. [Amended 10-16-1995 by Ord. No. 95-10]

Sec. 53-140 155.  Maximum building height.

Sec. 53-141 156.  Permitted signs.

Sec. 53-142 157.  Parking requirements.

Sec. 53-143 159.  Intent.

Sec. 53-144 160.  Permitted principal uses and structures.

Sec. 53-145 170.  Permitted accessory uses and structures.

Sec. 53-146 161.  Prohibited uses and structures.

Sec. 53-147 162.  Conditional uses. Special Exceptions.
Article XIII. Utility/Industrial Corridor (UIC)

Sec. 53-157 172. Relationship with the Comprehensive Plan.

Sec. 53-158 173. Intent.

Sec. 53-159 174. Permitted Principal Uses and Structures.

Sec. 53-160 185. Permitted accessory uses and structures.

Sec. 53-161 175. Prohibited uses and structures.

Sec. 53-162 176. Conditional uses. Special Exceptions.

Article XIV. Activity Center # 7/PCD

Sec. 53-163 183. Relationship with the Comprehensive Plan.

Sec. 53-164 184. Intent.

Sec. 53-165 185. Permitted Uses.

Sec. 53-166 186. Permitted accessory uses and structures.

Sec. 53-167 187. Prohibited uses and structures.

Sec. 53-168 188. Development Standards.

Sec. 53-169 189. Review Process.

Sec. 53-170 190. Historical.
Article XIV. Neighborhood Commercial High/Low Intensity Districts

Sec. 53-177. Relationship to Comprehensive Plan.

Sec. 53-178. Intent.

Sec. 53-179. Permitted principal uses and structures.

Sec. 53-180. Prohibited uses and structures.

Sec. 53-181. Design Standards.

Sec. 53-182. Landscaping.

Sec. 53-183. Bicycle and Pedestrian Amenities.

Sec. 53-184. Permitted signs.

Sec. 53-185. Minimum lot requirements.

Sec. 53-186. Submission, Review and Approval Process.

Article XV. Commercial/Recreation (COMREC)

Sec. 53-187. Relationship with the Comprehensive Plan.

Sec. 53-188. Intent.

Sec. 53-189. Permitted principal uses and structures.

Sec. 53-190. Permitted accessory uses and structures.

Sec. 53-191. Prohibited uses and structures.

Sec. 53-192. Conditional uses. Special Exceptions.

Sec. 53-193. Drainage Facilities.

Article XVI. Recreation/Open Space (ROS)

Sec. 53-194. Relationship with the Comprehensive Plan.

Sec. 53-195. Intent.

Sec. 53-196. Permitted principal uses and structures.
Sec. 53-190. Permitted accessory uses and structures.

Sec. 53-191. Prohibited uses and structures.

Sec. 53-192. Conditional uses. Special Exceptions.

Sec. 53-193. Special Provisions.

Article XVIII. Conservation District (CD)

Sec. 53-194. Relationship with the Comprehensive Plan.

Sec. 53-195. Intent.

Sec. 53-196. Permitted Principal Uses and structures.

Sec. 53-197. Permitted accessory uses and structures.

Sec. 53-198. Prohibited uses and structures.

Sec. 53-199. Conditional uses. Special Exceptions.

Sec. 53-200. Special Provisions.

Article XIX. Village (V)

Sec. 53-205. Relationship to Comprehensive Plan.

Sec. 53-206. Intent.

Sec. 53-207. General Village Design Principal.

Sec. 53-208. Village Standards.

Sec. 53-209. Village Center standards.

Sec. 53-210. Neighborhood Standards.

Sec. 53-211. Neighborhood Center Standards.

Sec. 53-212. Village Center standards.

Sec. 53-213. Town Center Design Principals.

Sec. 53-214. Pattern Book/Village Index Map.

Sec. 53-215. Purpose and Intent of the VDPP process.
Sec. 53-210. Facilities and Services providing for Developer's Agreements.

Sec. 53-211. Village Greenbelts.

Sec. 53-212. Collector and Arterial Roadways.

Sec. 53-213. Transfer of Development Rights.

Sec. 53-214. General Definitions Section.

Sec. 53-215. Relation to general land use, subdivision, other applicable Regulations.

Sec. 53-216. Unified control.

Sec. 53-217. Amendments.

Sec. 53-218. Village District Pattern Plan.

Sec. 53-219. Subdivision Plan approval.

Article XIX. Commercial Redevelopment Low Impact District (CRL).

Sec. 53-223. Relationship to Comprehensive Plan.

Sec. 53-224. Intent.

Sec. 53-225. Permitted principal uses and structures.

Sec. 53-226. Special Exception.

Sec. 53-227. Prohibited uses and structures.

Sec. 53-228. Maximum density/intensity.

Sec. 53-229. Minimum lot requirements.

Sec. 53-230. Minimum building size.

Sec. 53-231. Minimum setback requirements.

Sec. 53-232. Maximum building height.

Sec. 53-233. Permitted signs.

Sec. 53-234. Prohibited signs.

Sec. 53-235. Parking requirements.

Sec. 53-236. Architecture.
PART 3. SPECIAL DISTRICT REGULATIONS

Article XXI. Enumeration of Special Circumstance Regulations

Sec. 53-237. Relationship to Comprehensive Plan.

Sec. 53-238. Intent.

Sec. 53-239. Special Circumstances.

Sec. 53-240. Accessory uses and structures.

Sec. 53-241. Access to buildings.

Sec. 53-242. Adult congregate living facilities (ACLF's).

Sec. 53-243. Agricultural uses in residential areas.

Sec. 53-244. Alcoholic beverages.

Sec. 53-245. Boats or other structures being used as dwelling units.

Sec. 53-246. Carnivals, fairs and circuses.

Sec. 53-247. Christmas tree sales.

Sec. 53-248. Cluster housing.

Sec. 53-249. Contractor's office and equipment storage shed/trailer.

Sec. 53-250. Drive-in theater regulations.

Sec. 53-251. Essential services.

Sec. 53-252. Excavations for lakes and ponds.

Sec. 53-253. Fallout shelters.

Sec. 53-254. Height limit exclusions.

Sec. 53-255. Fences, walls and hedges.

Sec. 53-256. Miscellaneous structures.


Sec. 53-259. Mobile homes and recreational vehicles.
Sec. 53-241. Moving of structures.

Sec. 53-242. Model residential units.


Sec. 53-244. Performance standards.

Sec. 53-245. Satellite dishes. [Amended 1-13-1997 by Ord. No. 96-18]

Sec. 53-246. Regional Drainage Facilities. [Added 1-13-2003 by Ord. No. 2002-46]

Sec. 53-247. Service stations and convenience stores.

Sec. 53-248. Swimming pools, tennis courts and other recreational facilities.

Sec. 53-249. Yard encroachments.

Sec. 53-250. Pipelines. [Added 1-13-1997 by Ord. No. 96-18]


PART 4. ADMINISTRATIVE PROVISIONS.

Article XXII. Nonconformity

Sec. 53-241. Relationship to Comprehensive Plan.

Sec. 53-242. Intent.

Sec. 53-243. Nonconforming lots of record.

Sec. 53-244. Nonconforming uses of lands or waters or land with minor structures only.

Sec. 53-245. Nonconforming structures.

Sec. 53-246. Nonconforming use of major structures or of major structures and premises in combination.

Sec. 53-247. Nonconforming characteristics of use.

Sec. 53-248. Repairs and maintenance.

Sec. 53-249. Unsafe structures due to lack of maintenance.
Sec. 53-260. Restoration of unsafe structures.
Sec. 53-261. Nonconforming residential density.
Sec. 53-262. Casual, temporary or illegal use.
Sec. 53-263. Special exceptions deemed conforming uses.

Article XXIII. Conditional Uses. Special Exceptions

Sec. 53-264. General provisions. [Amended 1-13-1997 by Ord. No. 96-18]
Sec. 53-265. Written petition.
Sec. 53-266. Preparation of resolution. Review Process.
Sec. 53-267. Public hearings.
Sec. 53-268. Notice of public hearings.
Sec. 53-269. Findings.
Sec. 53-270. Conditions and safeguards.
Sec. 53-271. Denial.
Sec. 53-272. Status of Planning and Zoning Advisory Board report and Recommendations.
Sec. 53-273. Time limits for conditional uses special exceptions.
Sec. 53-274. Limitations of grant of Conditional uses Special Exceptions.

Article XXIV. Administration and Enforcement

Sec. 53-275. Temporary use and Special Event permits. [Added 1-13-1997 by Ord. No. 96-18][Amended ---]
Sec. 53-276. Building permits and certificates of zoning compliance.
Sec. 53-277. Duties of Planning and Zoning Department/Zoning Administrator, Zoning Board of Appeals, Planning and Zoning Advisory Board, City Commission and courts on matters of appeal.
Sec. 53-278. Schedule of fees and charges.
Sec. 53-279. Provisions declared to be minimum or maximum requirements.

Sec. 53-280. Complaints regarding violations.

Sec. 53-281. Penalties for offenses.

Sec. 53-282. Prosecution under previous zoning regulations.

Article XXV. Zoning Board of Appeals

Sec. 53-283. Establishment and proceedings.

Sec. 53-284. Filing of variance, hearing, stay of proceeding, assistance.

Sec. 53-285. Powers and duties.

Sec. 53-286. Special authority in relation to certain nonconforming uses.

Sec. 53-287. Reversal of decision of Planning, Building and Development Director.

Sec. 53-288. Appeals from decisions of Zoning Board of Appeals.

Article XXVI. Planning and Zoning Advisory Board

Sec. 53-289. Establishment and composition. [Amended 8-14-1995 by Ord. No. 95-7; Amended 3-10-1997 by Ord. No. 97-5]

Sec. 53-290. Qualifications of members.

Sec. 53-291. Vacancies.

Sec. 53-292. Removal. [Amended 3-10-1997 by Ord. No. 97-5]

Sec. 53-293. Compensation.

Sec. 53-294. Proceedings.

Sec. 53-295. Appropriations, fees and other income.

Sec. 53-296. Functions, powers and duties.

Article XXX. AMENDMENTS
Sec. 53-297. Amendment authorized.

Sec. 53-298. Initiation of proposals for amendment.

Sec. 53-299. Notice.

Sec. 53-300. Planning and Zoning Advisory Board hearing and report to City Commission.

Sec. 53-301. Nature and requirements of Planning and Zoning Advisory Board report.

Sec. 53-302. Restrictions, stipulations and safeguards.

Sec. 53-303. Advisory nature of Planning and Zoning Advisory Board report and recommendations.

Sec. 53-304. City Commission action on Planning and Zoning Advisory Board report.

Sec. 53-305. Limitations of the rezoning of property.

Sec. 53-306. Waiver of time limits.

Part 1 General Provisions

Sec. 53-1. Title.

This chapter shall be known and may be cited as the “Zoning Regulations” of the City of North Port, Florida.

Sec. 53-2. Relationship to Comprehensive Plan.

The general provisions in this chapter implement Objective 5 of the Future Land Use Element of the Comprehensive Plan, which states: “Future growth and development will be managed through the preparation, adoption, implementation and enforcement of land development regulations.”
Sec. 53-3. General Requirements.

A. All petitions for development within the City shall first attend a pre-application meeting with the City staff responsible for land development review. These petitions include the following, but are not limited to:

1. Development Master Plan.

2. Subdivision Plan.

3. Infrastructure Plan.

4. Plat.

5. Major Site and Development Plan.

B. All development within the City will be required to adhere to the regulations of this Unified Land Development Code. The specific review concerns are listed, but are not limited to:

1. Landscaping.

2. Parking.

3. Lighting.


5. Sidewalks.
(6) Open Space.

(7) Roadways.

(8) Utilities.

C. No public easement shall be vacated released to a non-governmental entity.

D. Occupation of easement may be allowed if the following conditions are met:

(1) Objects do not physically obstruct timely access to infrastructure facilities, i.e. canals, ditches, outfalls, swales, for personnel to carry out needed maintenance. Such Objects likely to obstruct access include but are not limited to: swimming pools, wells, trees, sheds and fixed fences.

(2) Objects do not impede the flow of storm water within the drainage systems, i.e. swales, ditches, thereby reducing drainage performance. Such objects include but are not limited to: dump containers, flower beds and large stone aggregates.

(3) Objects do not pose hazard to vehicular or pedestrian traffic as determined by the Public Works Director or designee. Such Objects likely to pose hazard to traffic include but are not limited to: trees, abandoned vehicles, abandoned trash, basketball poles, advertising signs, and artwork.

(4) Objects occupying the City’s easements are placed at the risk of the resident.
(5) Occupation of easements are permitted on a case by case basis.

(a) Any object found to be in the City’s easement shall be removed at the
City’s request to allow access.

(b) When possible, the City will give notification of “need to access” to
allow proper time for removal of object. The cost of the removal and
replacement shall be the sole responsibility of the owner or resident of
the property.

(c) If the City removes the object, the owner or resident will be issued
an invoice for the cost of the removal.

(d) If the City damages the object in the course of maintenance, the cost
of replacement, is the sole responsibility of the owner or resident.

E. State Highway System. When sidewalks are required to be placed along State
Highway Systems, the following regulations shall apply:

(1) If the sidewalk can be accommodated in the existing right-of-way, the
developer shall install the sidewalk within the state right-of-way. The
developer will be required to mitigate any drainage impacts to the State’s
existing facilities.

(2) If the sidewalk cannot be accommodated in the existing right-of-way, the
State will agree to the sidewalk being constructed along the State roadway as
long as the property containing the sidewalk is dedicated in fee to Florida
Department Of Transportation (FDOT).
(3) FDOT will accept an easement on a case by case basis.

(4) All sidewalk placement along State Highway Systems shall be approved prior to the issuance of an Order of Approval or Development Order.

F. Exposed PVC, split rail, untreated cinder block, is not permitted.

G. Dumpsters. Solid masonry walls shall be placed around all dumpster pads. The wall shall be solid on three sides with a gate to allow proper access. The dumpster pad shall be constructed in accordance with the City of North Port’s Department of Public Works specifications.

   (1) The height of the wall shall be no less than 6 feet and no higher than 8 feet.

H. Mechanical equipment.

   (1) Mechanical equipment areas in non-residential zones, including air conditioning units, shall be enclosed by a masonry wall and with a hedge to improve aesthetic quality.

      (a) The wall shall be a minimum of six (6) feet in height or to the highest point of the equipment, whichever is lower.

      (b) No wall shall be greater than 8 feet.
(2) For mechanical equipment placed on top of buildings, there shall be no part of the unit visible from any ground level point and the wall shall be painted the same color as the roof.

(3) All covers for mechanical equipment shall be built to sustain 130mph winds.

(4) Mechanical Equipment in residential areas, including air conditioning units, shall have a solid masonry wall placed on the side which faces the street frontage, and painted the same color as the primary structure.

I. Lift stations.

(1) Lift stations shall be placed to the rear of any non-residential property and in compliance with the City of North Port Utilities Department standards and provide easement and access to the lift station in accordance with the Utilities Department.

(2) All lift stations shall be enclosed with a wall which reflects the architecture of the area and landscaped to improve aesthetic quality.

(3) Walls shall be built to the City of North Port Utility Department standards and shall have open areas for ventilation and access.

(4) All lift stations and walls shall be permitted separately from any other structure through the Building Department.

J. Setbacks.
(1) Accessory structures. See Sec. 53-256(A), Accessory structures of this Unified Land Development Code.

(2) Primary structures. See requirements listed in each zoning district section of this Unified Land Development Code.

K. Buffers. When a non-residential development abuts a residential development, adequate buffering shall be placed between the uses, see Chapter 21, Landscape Regulations.

L. Design Standards. All projects shall comply with the Urban Design Standards Pattern Book as adopted by resolution (as may be amended from time to time) and incorporated herein by reference. In addition to the Urban Design Standards and in all activity centers and Neighborhood Commercial zoning districts, the use of split-face block on principal structures shall be prohibited.

M. Connectivity. All developments or redevelopment projects within activity centers 2, 3, 4, 5 and 6 or any future activity center or commercial zoning district, shall be connected to the adjacent neighborhoods with a two lane vehicular bridge with sidewalks on both sides as approved by the City Manager or designee as shown on the following graphics as . The arrows are to show approximate placement only.

(1) If the access point to the adjacent neighborhoods are not controlled by the City, the developer may purchase an appropriate lot as approved by the City for the purpose of the function of connectivity.
Activity Center #2
City Center Site

Activity Center #2
Southeast quadrant of Price/Sumter Blvd Intersection

Pictures are for examples only
Activity Center #3
Southeast quadrant

Activity Center #3
Northeast quadrant
Activity Center #4
Northwest quadrant

Activity Center #5
Northeast quadrant
N. Mixed Housing units. For developments which have greater than 100 housing units, the units shall be diverse in footprint, structure, design, and square footage.

(1) Housing shall be mixed within the development as not to create more than 50 like units in a row, except apartment building units.

(2) Units shall mean a living unit intended to house a single family, whether units are attached or not.

O. Lighting.

Street lighting and pedestrian lighting shall be installed at the developer’s expense and shall maintain the levels indicated in lighting tables I & II below for all pedestrian and vehicular areas. A signed and sealed photometric shall be submitted with all lighting plans showing placement and lighting levels as required.

(1) These improvements shall be maintained and operated through a covenant which runs with the land in the form of, but not limited to, deed restrictions, a homeowners’ or condominium association or such other legal mechanisms as will assure the beneficiaries of the service that the street lighting shall be continually operated and maintained.

(2) Regardless of the method chosen to provide for the continual maintenance and operation of the streetlights, the beneficiaries of the service shall be provided with a legal right to enforce the assurance that the lighting shall be continually operated and maintained.
(3) The legal documents which provide for the continual maintenance and operation of the lighting shall only be accepted after they are reviewed and approved by the City and the City Attorney for compliance with this section.

(4) Alternatively, should the City Commission decide to establish a street lighting municipal service taxing or benefit unit and the unit includes operation and maintenance of the streetlights, then this requirement shall be satisfied.

**TABLE I**

**MINIMUM FOOTCANDLES**

<table>
<thead>
<tr>
<th>CPTED CONCEPT</th>
<th>Horizontal</th>
<th>Footcandles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Facilities</td>
<td>Min.</td>
<td>Max.</td>
</tr>
<tr>
<td>Open Parking</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>Covered Parking</td>
<td>6</td>
<td>15</td>
</tr>
<tr>
<td>Parking lots</td>
<td>0.9</td>
<td>10</td>
</tr>
</tbody>
</table>

**Pedestrian areas**

<table>
<thead>
<tr>
<th></th>
<th>Min.</th>
<th>Max.</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalks</td>
<td>0.9</td>
<td>10</td>
<td>3:1</td>
</tr>
<tr>
<td>Sidewalks (home front)</td>
<td>0.5</td>
<td>5</td>
<td>3:1</td>
</tr>
<tr>
<td>Bikepaths/Hiking Trail</td>
<td>0.9</td>
<td>10</td>
<td>3:1</td>
</tr>
</tbody>
</table>

Note: Footcandles are not average but minimum.

**TABLE II**

**AVERAGE MAINTAINED ILLUMINANCE**

| ANSI/IESNA Guidelines (R2 & R3 classification) |
|---|---|---|
| *Arterial | 1.7 | 3:1 |
Note: Horizontal foot candles are measured on pavement
* Levels pertain to the roadway only and not the sidewalk that may be parallel to the roadway.

P. Neighborhood Commercial Projects.

For those project(s) within the Neighborhood Commercial Zoning districts, the project(s) shall be connected to adjacent public facilities, such as schools, parks, etc. with a five foot wide sidewalk(s).

(1) If the site abuts another Neighborhood Commercial parcel, an internal improved pathway shall be provided to enhance walkability of the site. The pathway shall be stabilized with City approved material.

Q. Special Exception Permits.

If a use is not expressly permitted or prohibited in a zoning district, it shall be required to apply for a Special Exceptions permit.

(1) All Special Exceptions shall first appear before the Planning and Zoning Advisory Board and then to City Commission.

(2) Submissions and requirements for Special Exception shall be in compliance with Article XXII of this Section of this Unified Land Development Code.

R. Accessory Uses and Structures, see Article XXI, Special Circumstance Regulations, Sec. 53-238(A) Accessory Uses and Structures.
Sec. 53-4. Fees.

Prior to the scheduling of any application or the issuance of a Development Order, Order of Approval, Landclearing Permit, Building Permit, or Certificate of Occupancy, all applicable fees pursuant to the City Commission adopted fee schedule as may be amended from time to time, shall be paid in full unless the project is found to be exempt from paying fees.

Sec. 53-5. Order of Application Process.

A. When any land except parcels having a Village Zoning District designation within the incorporated City limits is to be developed, the owner of the land or his authorized agent shall make the following applications which are applicable to the project in the order listed. Each application shall be approved by the appropriate approving authority prior to submittal of the next application.

   (1) Comprehensive Plan Amendment (CPA).

   (2) Rezoning (REZ).

   (3) Development Master Plan (DMP), requires a staff review.

   (4) Subdivision Plan (SDP), if determined to be needed and appropriate, requires a staff review.

   (5) Infrastructure plan (INF), requires a staff review.
(6) Plat to be recorded (PLF), when property is divided, requires a staff review.

(7) Major Site and Development Plan (MAS). For single family and duplexes the Minor Site and Development plan shall be submitted with the building permit. If infrastructure is required with a Major Site and Development Plan, the infrastructure plan shall be filed concurrently. This petition requires a staff review.

(8) Building permit.

B. When any land is to be developed within a Village Zoning District, the owner of the land or his authorized agent shall make the following applications which are applicable to the project in the order listed.

(1) Comprehensive Plan Amendment (CPA).

(2) Rezoning (REZ).

(3) Village Index Map (VIM), requires staff review.

(4) Village District Pattern Book (VDPB), requires staff review.

(5) Village District Pattern Plan (VDPP), requires staff review.

(6) Subdivision Plan (SDP) If determined to be needed and appropriate, requires staff review.
(7) Infrastructure Plan (INF), requires DRC review. If any infrastructure is
being built, prior to any construction, a bond shall be filed with the City.

(8) Final Plat to be recorded (PLF) when property is divided, requires staff
review.

(9) Major Site and Development Plan (MAS), requires staff review. For single
family and duplexes the Minor Site and Development plan shall be submitted
with the building permit.

(10) Building permit.

C. Each application shall be approved by the appropriate approving authority
prior to submittal of the next application. For all approved rezoning, VDPP,
waivers, development master plan, subdivision plans, infrastructure and major
site and development plans, there is an expiration time-frame specified within
the section of this code which applies to the application.

D. Commencement of construction shall be determined by the City’s Director
responsible for land development services.

E. When a subdivision/development is greater than one (1) acre or abutting a
residential neighborhood, a neighborhood meeting shall be required to inform the
neighboring community of the project and potential impact. The neighborhood
meeting shall take place prior to the issuance of a Development Order or Order
of Approval.

(1) As substantiation of the neighborhood meeting, the applicant shall
provide:
(a) An agenda including the structure of the meeting.

(b) A published notice of the meeting, with date, time and location.

(c) Minutes of the meeting. Minutes may be in digital or written form.

Sec. 53-6 Property requiring Development Master Plan review

A. Any and all properties located in any Planned Community Development (PCD), or Activity Center (AC), or any filing of a Subdivision Plan (FSP), or property found to be a Development of Significant Concern (DOSC) as determined by the City, shall be required to file a Development Master Plan (DMP).

(1) If a property is located within an Activity Center with an approved Development Master Plan or Development Concept Plan, such property shall be bound by the approved Development Master Plan or Development Concept Plan unless amended.

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

(1) Commercial General (CG/CG-S)

(2) Residential Multi-Family (RMF)

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

(4) Light Industrial Warehousing (ILW)
Section 53-7. Development Master Plan Submission.

Development Master Plan (DMP) application and Rezoning (REZ) applications are separate applications and shall be filed with all applicable fees prior to being accepted for City staff review.

A. All lands proposed for a Development Master Plan (DMP) shall be suitable for the various purposes proposed in the request for approval. In addition to the standards contained herein, the developer shall demonstrate to the satisfaction of the Planning and Zoning Advisory Board and City Commission that the proposed DMP is specifically adapted and designed for the uses anticipated, including but not limited to lot configuration, access and internal circulation. The developer shall also demonstrate that the proposed DMP complies with the City of North Port Comprehensive Plan, the zoning regulations and other sections of this Unified Land Development Code and other laws, ordinances and regulations, as applicable.

B. The Development Master Plan (DMP) shall include all properties contiguous to the DMP area for connectivity, design and aesthetic planning purposes as required in the Comprehensive Plan.
(C) Concurrent with the submission of an application for rezoning of land to a Planned Community Development (PCD) classification, or if the property is zoned PCD and a Development Master Plan (DMP) or a DMP has not been approved or approved for more than two years, a DMP shall be required. The applicant shall submit the appropriate number of copies of a DMP necessary for a thorough review. At the discretion of the City, the application shall include the following:

1. A statement of conformance with the intent and purpose of the PCD District as set forth in § 53-107 of this chapter and, if applicable, an approved application for a Development of Regional Impact (DRI).

2. A description of any proposed modifications of zoning or other applicable City regulations where it is intended by the applicant that such modifications serve the public interest to an equivalent degree.

3. Title of the project and names and addresses of any and all owners and agents involved in the development.

4. Map(s) of the proposed development area showing the following:
   a. Scale, date, North arrow and general location map.
   b. Boundaries, dimensions and acreage of the property involved and all existing streets, buildings, watercourses, easements, section lines and other important physical features, including major trees and tree masses in and adjoining the property.
   c. Generalized topography and soil condition.
(d) Limits of the twenty-five-year floodplain and/or the one-hundred-year floodplain.

(e) Areas of historical or archaeological significance.

(f) Generalized layout and description of drainage systems, potable water service, wastewater treatment and disposal service, solid waste disposal service and electric transmission and distribution service.

(g) General locations and acreages or percentage of the uses proposed, including residential, commercial, industrial and government uses, buffer areas, open space, recreational uses, off-street parking and loading, foot paths, vehicular access using already designed roadways and by way of combined pedestrian and vehicular bridges to provide connectivity to adjacent neighborhoods, traffic flow and generalized landscaping plan as appropriate.

(h) A development schedule indicating the approximate phasing of construction improvements.

(5) Provide a traffic impact statement (TIS) indicating how the proposed development will affect the adjacent neighborhood(s) and the primary impact area. The methodology, data and model shall be approved by the designated City Engineer, or designee.

(6) Provide a hurricane evacuation plan which indicates what on-site
provisions will be made for storm shelter space. This requirement only applies to proposed development within a designated hurricane storm surge zone.

(7) A wetlands survey which enumerates the acreage of wetlands on the site, what alterations or disturbances to wetlands are proposed and what wetlands will be preserved in their natural existing state; site plan showing the proposed development shall be submitted.

(a) The wetlands survey and any alteration of the wetland shall be reviewed by the appropriate state agency or a Phase I Environmental Assessment shall be submitted.

(b) The state agency's comments, if available, shall be submitted with the DMP application or prior to scheduling the Planning and Zoning Advisory Board hearing.

(8) A wildlife survey, including a site plan, which identifies all species, including aquatic life, which nest, feed, reside on or migrate to the development tract.

(a) The survey shall specify what measures will be taken to protect the wildlife and their habitats.

(b) In the event wildlife species are considered endangered or threatened or of special concern, the Development Master Plan shall identify such species and describe all proposed steps that shall be taken to protect them.
(c) The wildlife survey and any proposed protective measure(s) shall be reviewed by the appropriate state agency.

(d) The state agency's comments shall be submitted with the DMP application or prior to scheduling the Planning and Zoning Advisory Board hearing.

(9) A vegetative survey, including a site plan, which identifies dominant plant communities, dominant species and other unusual or unique features of the vegetation association.

(a) In the event there are any rare or endangered plants on the site, the Development Concept Plan shall identify such plants and describe the proposed protective measures to be taken.

(b) The vegetative survey and any proposed protective measure shall be reviewed by the appropriate state agency or a Phase I Environmental Assessment shall be submitted.

(c) The comments of the state agency, if available, shall be submitted with the DCP application or prior to scheduling the Planning and Zoning Advisory Board hearing.

(10) Proposed deed restrictions or covenants or conditions of lease by which the developer proposes to bind those buying or leasing building sites to certain performance standards, including, but not limited to, construction, maintenance, consistent architectural standards and manner of enforcement of buildings, other structures, facilities and landscape relating to use, construction and building design, mass of all structures and special

Page 786 of 1493
S:\ULDC MASTER UPDATE\ULDC Masterdraft 12-04-09 COMMISSION REVIEW3.doc
relationships to other proposed structures, landscaping vegetation, building
setbacks, loading docks, parking facilities, easements, storage facilities, solid waste disposal, water service, wastewater disposal, improvements made or erected, signs, fences and walls, common open space maintenance and similar matters consistent with the intent of these regulations and the Development Concept Plan.

(11) The City’s staff responsible for land development review require the applicant to submit documentation of the environmental characteristics of the district to ensure appropriate efforts are made to preserve and protect those desirable natural and archaeological resources and, in addition, to submit economic feasibility or market studies to further document and justify the need for the PCD or any PCD component.

(12) Examples of building elevations, including colors and material to be used on the facades, consistent architectural standards and documents indicating how the applicant shall enforce the architectural standards, mass of the structures and special relationships shall be submitted.

(13) The applicant shall submit a financial analysis, in a form and methodology as approved by staff, that defines the costs of providing City services to maintain adopted levels of service and the revenues that will be generated by the project within the first five years, and each subsequent five year period until and including the expected buildout.

(a) Based on this analysis, the applicant shall provide a further analysis that defines the development’s proportionate fair share of the cost to maintain the levels of services.
(b) The timing of the improvements shall be incorporated into the development’s phasing schedule, which shall be consistent with the City’s Capital Improvement Project (CIP).

(14) Provide a stormwater analysis using a professionally accepted methodology.

(a) Data and model shall be approved by the City Manager or designee.

D. Submission, review and approval process.

(1) Pre-application meeting.

(a) Upon submission of a pre-application for rezoning for a PCD District or for Development Master Plan, the staff responsible for land development review shall meet with the applicant or his agent to review the petition, including all plans, maps and documents submitted by the applicant. The purpose of such meeting shall be to assist in bringing the overall petition as nearly as possible into conformity with these or other regulations applying generally to the property involved and/or to define specifically those additional requirements of the staff, or those variations from application of general regulations which appear justified in view of equivalent service of the public interest and purpose of such regulations. [Amended 11-24-2003 by Ord. No. 2002-56]

(b) In the course of such conferences, any recommendations for changes shall be recorded in writing and shall become part of the record in the case. All such recommendations shall be supported by stated reasons for the proposal for change.
(c) The staff shall forward to the applicant all comments for the pre-application review.

(i) It is the applicant’s responsibility to file a formal submission.

(ii) No documentation from the pre-application petition will be transferred to the formal submittal.

E. Formal Submittal.

Upon receipt of the comments generated by the pre-application meeting, the applicant may submit a formal petition for development.

(1) Copies required. The developer shall submit to the department responsible for land development services, the number of copies necessary for a thorough review of the application, supporting documentation and the proposed Development Master Plans, signed and sealed by a Florida licensed engineer and/or architect.

(a) The application packet will be reviewed for sufficiency. If the application packet is not complete, the applicant will be notified of any missing documentation. If the application packet is missing any documentation, it will not be placed on the staff review schedule.

(b) The date the completed application packet is logged into the City’s database system is the date that is considered the application date. Upon receipt of all necessary documentation and logging the petition into
the City’s database system, the petition will be placed on the staff review schedule.

(c) A receipt showing all fees are paid in full is required prior to any petition being placed on the staff review schedule.

(2) Fees required. Upon filing the application for a formal review, the developer shall pay to the City any applicable fees pursuant to the City Commission adopted fee schedule as may be amended from time to time. Checks shall be made payable to the City of North Port. [Amended 9-22-2003 by Ord. No. 2003-33]

(3) Review by City Staff. Upon a determination that the application packet is complete, the petition shall be placed on the staff review schedule.

(a) The City staff responsible for land development review shall review the plans within 14 calendar days of receipt of the plans. Depending on the size of the proposed development, a longer period of review time may be required by City staff but shall not exceed 60 days. Upon receipts of all comments by the City staff, the master list of all staff shall be transmitted to the applicant.

(b) The decision of each staff member may be; Meets Requirements, Meets Requirements with Conditions, No Objection, Does not Meet Requirements.

(c) The applicant shall state in writing his/her agreement to such recommendations or his disagreement and, if there is disagreement, shall, in writing, indicate his reasons therefore, and such responses by the applicant shall be included in the record. The applicant and the
Development Review Committee department responsible for land development services, on behalf of the City, are encouraged to discuss and negotiate the terms, provisions and conditions of the Development Master Plan. [Amended 11-24-2003 by Ord. No. 2002-56]

(4) Review by the Planning and Zoning Advisory Board. Upon resolution of all outstanding issues and receipt of a determination of "Meets Requirements", "Meets Requirements with Conditions", or "No Objection", from all members of the Development Review Committee staff responsible for land development review, the DMP petition shall be forwarded to the Planning and Zoning Advisory Board for review at its next regularly scheduled meeting. Having reviewed the plans and the DRC staff findings, the Planning and Zoning Advisory Board will make an advisory recommendation to the City Commission.

(5) Review by the City Commission. The City Commission, after having received and reviewed the advisory recommendation from the Planning and Zoning Advisory Board at its next regularly scheduled meeting shall vote on whether to “Approve”, “Approve with Conditions”, or “Deny” the proposed development.

(a) If the petition is “Approved”, or “Approved with Conditions” by the Commission, an Order of Approval shall be issued with all applicable conditions and instructions for securing any necessary permits, or the procedure to complete the development process.

F. Unsatisfactory submission. If the Development Master Plan (DMP) submitted to the DRC City does not conform to all applicable regulations, the applicant shall make all required revisions and submit the number of copies deemed necessary for a thorough review, signed and sealed by a Florida licensed engineer of the
revised documents to the department responsible for land development services
for distribution and review in accordance with the procedures outlined in § 53-5
(C) above.

(1) If such resubmitted plans conforming to all applicable regulations are
not submitted to the City within 180 days after the applicant or his agent
receives notice of the need for revisions from the staff responsible for land
development review, the application for Development Master Plan approval
shall be void.

(a) Applications deemed void shall be resubmitted as a new petition in
compliance with the regulations that are in effect at the time of
submission.

(b) No documentation from the voided application will be transferred from
the City files to the new application.

(2) All resubmittals and revisions to approved plans shall be described in
detail in a narrative, signed and sealed by the Engineer of Record.

(3) The City Manager or designee may grant extensions to the 180 day
requirement, if deemed necessary.

G. Approval of revised plans. Development Master Plans that have been approved
by City staff and have received an Order of Approval, may be revised at the
request of the applicant.

(1) The application for revisions shall be reviewed by the director
responsible for land development services or designee to determine if the
revisions are not in compliance with the originally approved Development Master Plan.

(a) If it is determined that the revisions are not in compliance with the originally approved Development Master Plan, the applicant shall be required to apply for review by: City Staff, Planning and Zoning Advisory Board and City Commission.

(b) If it is determined that the revisions are in compliance with the originally approved Development Master Plan, the applicant shall be required to apply for review by the staff responsible for land development review and a new “Order of Approval” will be issued if all staff requirements are met.

(c) The applicant shall be placed on a pre-application agenda to discuss all proposed changes to the plan. A final determination of “Meets all Requirements”, “Meets all Requirements with Conditions”, or “No Objection”, shall be received from all staff members prior to the issuance of an “Order of Approval”.

(2) Revisions that are requested by the applicant shall be submitted with a revision form and the number of copies deemed necessary to complete a thorough staff review.

(a) The application packet will be reviewed for sufficiency and shall be submitted in accordance with Sec. 53-8(C). If the application packet is not complete, the applicant will be notified of any missing documentation. If the application is missing any documentation, it will not be placed on the staff review schedule.
(b) The date the completed application packet is logged into the City’s database system is the date that is considered the application date. Upon receipt of all necessary documentation and logging the petition into the City’s database system, the petition will be placed on the staff review schedule.

(c) A receipt showing all fees are paid in full is required prior to any petition being placed on the staff review schedule.

(3) Revisions that are requested by the City shall not require approval by the Planning and Zoning Advisory Board or Commission. The revised plans shall be submitted with a revision form to the department responsible for land development review with the number of copies requested by the Department generating the request for revisions.

(a) The department generating the request for revisions shall notify the staff responsible for land development review of the revisions requested.

(b) Upon receipt of the application and necessary documentation for revisions, all staff responsible for land development review shall review and sign-off on the revisions in a timely manner.

H. Time limit on Development Master Plan. Approved Development Master Plans shall be voided two years following the approval if commencement of development procedures and evidence of applications to pursue development is not satisfactory as determined by the designated City Engineer and the Director responsible for land development services.
I. Development Master Plan (DMP) voluntarily placed on continuance. Submissions for a DMP may be voluntarily placed on continuance by the applicant. If the applicant has not reinstated the submission for review within the 180 day time period directly following the date the submission was placed on continuance, the submission shall be void. Submissions deemed void shall be resubmitted in compliance with the regulations that are in effect at the time of resubmission.

J. Development Master Plans (DMP) placed on continuance by the City. Submissions for a DMP may be placed on continuance by the City and will be deemed void if the applicant does not respond to the City’s concerns within the 180-day period directly following the date the submission was placed on continuance. Submissions deemed void shall be resubmitted in compliance with the regulations that are in effect at the time of resubmission.

Sec. 53-8. Interpretation.

Interpretation of this Chapter shall be made by the Director responsible for land development services or designee.

Sec. 53-9. Conflict.

Whenever the requirements of these regulations are in conflict or differ from those imposed by the City, Federal, State, or County, law or statute, the most restrictive or imposing the higher standards shall apply.

Sec. 53-10. Appeals.

A. Appeal procedure exclusively for developments governed by a previously
adopted "Pattern Book". Where such a "Pattern Book" exists, it shall constitute an approved DMP/DCP that shall not be subject to further review by the Planning and Zoning Advisory Board or the City Commission, and shall take precedence over and be superior to the provisions of this Code to the extent of any conflict.

(1) Where the Pattern Book is silent in an area, this Unified Land Development Code shall apply.

B. Appeals to the Planning and Zoning Advisory Board (PZAB) and City Commission concerning the interpretation or administration of the requirements of a previously adopted "Pattern Book" may be taken by any person aggrieved by any decision, determination or requirement of the Department responsible for land development services.

(1) Any such appeal shall be taken within thirty (30) days of said decision and shall essentially follow the procedure for appeals set forth in Section 53-284 Sec. 1-10, except that it shall be heard by the PZAB and City Commission rather than the Zoning Board of Appeals (ZBA), and the City Commission shall take final action upon the appeal, upon recommendation of the PZAB. [Amended 5-28-2002 by Ord. No. 2002-18]

C. Any person aggrieved by the decision of the City staff may appeal to the City of North Port’s Administrative Staff. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the decision renders the property unbuildable without reasonable use. The granting of any appeal shall not be in conflict with State Statutes. The Administrative Staff’s decision may be appealed to the Planning and Zoning Advisory Board (PZAB). The PZAB’s decision, based upon the evidence submitted to the Administrative Staff, may be appealed to City Commission. The City Commission’s decision, based upon
the evidence submitted to the PZAB and the Administrative Staff’s finding(s), may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

D. Any person aggrieved by the interpretation of the Director responsible for land development services or designee may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the decision renders the property unbuildable. The granting of any appeal shall not be in conflict with State Statutes. The Zoning Board of Appeals’ decision, may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

E. Applications for an appeal shall be filed pursuant to Sec. 1-10 of this Unified Land Development Code.

Sec. 53-11. Severability.

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

ARTICLE I. MAP; BOUNDARIES; DEFINITIONS

Sec. 53-12. Relationship to Comprehensive Plan.

The regulations in this section implement Objective 1 and Policy 1.1 of the Future Land Use Element of the City’s Comprehensive Plan which states:
“Objective 1: Future development activities shall continue to be directed in appropriate areas as depicted on the Future Land Use Map, and shall encourage the use of innovative land development regulations, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the community character.

Policy 1.1: Land development regulations adopted to implement this Comprehensive Plan shall be consistent with F.S. 163.3202(1), as amended, and based on and be consistent with the following densities and intensities, presuming concurrency requirements are satisfied, for residential and non-residential development”.

Sec. 53-13. Intent.

It is the intent of this section to establish official zoning districts, maps and boundary regulations to aid in the understanding and references in these zoning regulations.

Sec. 53-14. Official maps; inquiries concerning regulations.

A. The Official Zoning Maps of the City of North Port are located in the City Clerks Office with a copy for public use with the City’s department responsible for land development services Planning and Zoning Department at 4970 City Hall Boulevard 5650 North Port Boulevard, North Port, Florida, 34286. Copies of the City's Zoning Maps are available at a cost through the Planning and Zoning Department City or on the City website, www.cityofnorthport.com.

B. Questions concerning the use of a property under these zoning regulations should be directed to the Director of Planning, and Zoning responsible for the City’s land development services or designee at 941-429-7159 423-3144.
Sec. 53-2. Establishment of zoning districts.

All land and water subject to the jurisdiction of the City of North Port is hereby subdivided into the following districts or zones and, as shown on the official City Zoning Map which, together with all explanatory material shown therein, is hereby adopted by reference and declared to be part of these land use/zoning regulations:

<table>
<thead>
<tr>
<th>Zoning Symbol</th>
<th>Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG</td>
<td>Agricultural District</td>
</tr>
<tr>
<td>CD</td>
<td>Conservation District</td>
</tr>
<tr>
<td>CG</td>
<td>Commercial General District</td>
</tr>
<tr>
<td>CRL</td>
<td>Commercial Redevelopment Low Impact</td>
</tr>
<tr>
<td>CG-S</td>
<td>Commercial General S</td>
</tr>
<tr>
<td>ComRec</td>
<td>Commercial Recreation</td>
</tr>
<tr>
<td>GU</td>
<td>Government Use District</td>
</tr>
<tr>
<td>IND</td>
<td>Industrial</td>
</tr>
<tr>
<td>ILW</td>
<td>Light Industrial and Warehousing District</td>
</tr>
<tr>
<td>NC-LI</td>
<td>Neighborhood Commercial District -- Low Intensity</td>
</tr>
<tr>
<td>NC-HI</td>
<td>Neighborhood Commercial District -- High Intensity</td>
</tr>
<tr>
<td>OPI</td>
<td>Office, Professional and Institutional District</td>
</tr>
<tr>
<td>PCD</td>
<td>Planned Community Development District</td>
</tr>
<tr>
<td>ROS</td>
<td>Recreation Open Space</td>
</tr>
<tr>
<td>RSF-1</td>
<td>Residential Single-Family District</td>
</tr>
<tr>
<td>RSF-2</td>
<td>Residential Single-Family District</td>
</tr>
<tr>
<td>RSF-3</td>
<td>Residential Single-Family District</td>
</tr>
<tr>
<td>RSF-4</td>
<td>Residential Single-Family District</td>
</tr>
<tr>
<td>RTF</td>
<td>Residential Two-Family District</td>
</tr>
<tr>
<td>RMF</td>
<td>Residential Multifamily District</td>
</tr>
</tbody>
</table>
RMH     Residential Manufactured Home District
UIC     Utility/Industrial Corridor
V      Village

[Amended 11-24-2003 by Ord. No. 2002-49]

Sec. 53-3 16. Official Zoning Map.

A. Each page of the City's Official Zoning Map shall be identified by the
signature of the Chairperson of the City Commission and approval date of the
adoption hearing and attested by the City Clerk and shall bear the Seal of the
City of North Port under the following words: "This is to certify that this is
page of the Official Zoning Map referred to and adopted by reference by
Ordinance No. 90-29 of the City of North Port, Florida adopted September 17,
1990."

B. The boundaries of each district shall be shown on the Official Zoning Map
and the district symbol as set forth in § 53-215 shall be used to designate each
district.

Sec. 53-4 17. Changes in district boundaries.

If, in accordance with the provisions of these zoning regulations, changes are
made in district boundaries or other matter portrayed on the Official Zoning
Map, such changes shall be entered promptly on the Official Zoning Map after the
amendment has been approved by the North Port City Commission, with the adoption
hearing date, an entry on the appropriate page of the Official Zoning Map as
follows: "On ______ by Ordinance No. ______ of the City of North Port, the
Official Zoning Map was changed as shown on this page" which entry shall be
attested by the City Clerk. No amendment to these, zoning regulations which
involves matter portrayed on the Official Zoning Map shall become effective until such change and entry has been made on the Official Zoning Map in the manner herein set forth; such change shall be made within 30 working days after the date of adoption of the amendment.

Sec. 53-5 Unauthorized changes prohibited.

Sec. 53-6 Final authority.

Regardless of the existence of purported copies of all or part of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the Planning and Zoning Department office of the City Clerk and a copy in the department responsible for land development services, shall be the final authority as to the current zoning status of all lands and waters in the incorporated area of the City. The Zoning Maps and the Unified Land Development Code are also available on the City’s website, www//cityofnorthport.com.

Sec. 53-7 Interpretation of district boundaries.

A. District regulations extend to all portions of districts surrounded by boundaries. Except as otherwise specifically provided, a district symbol or name shown within district boundaries on the Official Zoning Map indicates that district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line.
B. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the center lines of dedicated streets, highways, alleys or rights-of-way shall be construed as following such center lines as they exist on the ground, except where variation of actual location from mapped location would change the zoning status of a lot or parcel, in which case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel. In case of a street vacation, the boundary shall be construed as remaining in its location except where ownership of the vacated street is divided other than at the center, in which case the boundary shall be construed as moving with the ownership.

(2) Boundaries indicated as approximately following lot lines, public property lines and the like shall be construed as following such lines; provided, however, that where such boundaries are adjacent to a dedicated street, alley, highway or right-of-way and the zoning status of the street, highway alley or right-of-way is not indicated, the boundaries shall be construed as running to the middle of the street, highway, alley or right-of-way. In the event of street vacation, interpretation shall be as provided in Subsection A(1) above.

(3) Boundaries indicated as approximately following City limits shall be construed as following such City limits.

(4) Boundaries indicated as following mean high-water lines or center lines of streams, canals, lakes or other bodies of water shall be construed as
following such mean high-water lines or center lines. In case of a change in
mean high-water line or of the course or extent of bodies of water, the
boundaries shall be construed as moving with the change, except where such
moving would change the zoning status of a lot or parcel, and in such case,
the boundary shall be interpreted in such a manner as to avoid changing the
zoning status of any lot or parcel.

(5) Boundaries indicated as entering any body of water but not continuing to
intersection with other zoning boundaries or with the limits or jurisdiction
of the City of North Port shall be construed as extending in the direction in
which they enter the body of water to intersection with other zoning
boundaries or with the limits of the City's jurisdiction.

(6) Boundaries indicated as parallel to or extensions of features indicated
in Subsections B(1) through (5) above shall be construed as being parallel to
or extensions of such feature.

(7) Distances not specifically indicated on the Official Zoning Map shall be
determined by the scale of the map on the page of the Zoning Map showing the
property in question.

C. Cases not covered by Subsection B above. In cases not covered by
Subsection B above, or where the property or street layout existing on the
ground is at variance with that shown on the Official Zoning Map, the Planning
and Zoning Director responsible for land development services shall interpret
the Official Zoning Map in accordance with the intent and purpose of these
zoning regulations. Appeal from such interpretation shall be only to the Zoning
Board of Appeals in conformity with Article XXV of this chapter of the Unified
Land Development Code.
Sec. 53-# 21. Application of district regulations.

The regulations herein set out within each district shall be minimum or maximum
limitations, as the case may be, and shall apply uniformly to each class or kind
of structure, use or land or water. Except as hereinafter provided:

A. Zoning affects use or occupancy. No building, structure, land or water
shall hereafter be used or occupied, and no building, structure or part thereof
shall hereafter be erected, constructed, reconstructed, located, moved or
structurally altered except in conformity with the regulations herein specified
for the district in which it is located.

B. Zoning affects height of structures, population density, lot coverage,
yards and open spaces. No building or structure shall hereafter be erected or
altered in any manner contrary to the provisions of these zoning regulations and
especially:

(1) To exceed height, bulk or floor area.

(2) To provide a greater number of dwelling units.

(3) To provide less lot area per dwelling unit or to occupy a smaller lot.

(4) To occupy a greater percentage of lot area.

(5) To provide narrower or smaller yards, courts or other open spaces.

(6) To provide lesser separation between buildings or structures or portions
of buildings or structures.

C. Multiple use of required open space prohibited. No part of a required yard
or other required open space or required off-street parking or off-street
loading space (see Chapter 25, Parking and Loading Regulations), provided in
connection with one building, structure or use shall be included as meeting the
requirements for any other building, structure or use, except where specific
 provision is made in these zoning regulations.

D. Reduction of lot area prohibited. No lot or yard existing at the effective
date of these zoning regulations shall thereafter be reduced in size, dimension
or area below the minimum requirements set out herein, except by reason of a
portion being acquired for public use in any manner, including dedication,
condemnation, purchase and the like. Lots or yards created after the effective
date of these zoning regulations shall meet at least the minimum requirements
established herein.

E. Continuity of zoning. In the event any territory shall hereafter become
annexed to the City, any and all zoning regulations which may be in effect in
such territory and administered by the local government with previous
jurisdiction shall remain in full force and effect and shall continue to be
administered and enforced by the said local government until such time as the
City's zoning within such territory shall be adopted and take effect.

Sec. 53-22. Annexations.

Annexation shall be voluntary and by non-emergency ordinance and shall meet the
requirements of the provisions of state law, §171. Any change in City
boundaries through annexation shall revise the official boundaries of the City and shall be shown on the Official Zoning Map.

A. Pre-Annexation Agreement. Prior to any application for annexation, the applicant shall enter into a pre-annexation agreement with the City. Upon approval, the pre-annexation agreement shall be filed with the City Clerk, and shall address major concerns of the City as established by the State and the City Commission, and shall include the following, but is not limited to:

(1) Concurrency management.

(2) Assessments.

(3) Fiscal impact.

(4) Traffic impact.

(5) Utilities management.

(6) Fire and Emergency medical services.

(7) Law enforcement services.

(8) Property Maintenance.

(9) Design Standards.

(10) City’s obligation.
(11) Developer’s obligation.

B. Standards and requirements. The applicant shall file an application for annexation with the City’s department responsible for land development for distribution and review by the City’s Administrative staff, the Planning and Zoning Advisory Board, and the City Commission.

C. All proposals for annexation shall be submitted in writing to the Director responsible for land development services or designee, accompanied by all required information by these zoning regulations and which may be required by the Planning and Zoning Advisory Board for thorough review and consideration of the matter, along with payment of such fees and charges as have been established by the City Commission, as may be amended from time to time.

(1) No application for annexation shall be accepted for review prior to all fees and charges being paid.

D. Submission requirements. A complete application packet for annexation shall be filed with the City’s department responsible for land development services for review by the Administrative staff with the number of copies necessary for a thorough review, and shall include:

(1) Written narrative of detailed explanation.

(2) Most current deed or title policy as proof of ownership.

(3) Certificate of payment of taxes and assessment.
(4) Utilities commitment letter detailing the availability of water and sewer service.

(5) Environmental Assessment report prepared by a professional environmental scientist, which shall include the date of the assessment.

(6) Transportation impact analysis prepared by a registered professional, to verify that the report was performed in accordance with the ULDC, Chapter 5.

(7) Aerial Map of an area that clearly depicts the property under current consideration.

(8) Site plan showing the site and any improvements, present or future to be considered. Site plans shall be signed and sealed by a Florida licensed engineer.

(9) Surveys to include a legal description and boundary.

(10) Digital Files to include one Compact Disk (CD) GIS and AutoCAD requirements and PDF. All disks shall have a project label and date.

E. Review process.

It is the intent of these regulations that all proposed annexations shall be first reviewed by the City’s administrative staff prior to being scheduled for the Planning and Zoning Advisory Board and that after thorough review that the Planning and Zoning Advisory Board's report and recommendations on such matters shall be advisory only to the City Commission.
(1) The City shall conduct a fiscal impact analysis for each petition for annexation for presentation to the City Commission with the petition.

   (a) The developer shall be responsible for the total cost of the fiscal impact analysis.

   (b) The results of the fiscal impact analysis shall not be conclusive as to whether the annexation should be approved. The extent to which the property proposed for annexation is a link to other parcels which may be annexed in the future shall be considered.

   (c) The petition will not be placed on the Planning Zoning Advisory Board agenda until all fees and costs have been paid.

(2) The City Manager may negotiate with the property owner prior to entering into a municipal services and pre-annexation agreement as to the City’s concerns pertaining to various aspects of the development of the particular parcel.

(3) The City may supply water, sewer, or such other utilities which may be required for the property prior to annexation occurring only if a municipal services and pre-annexation agreement has been executed by the property owner. Said agreement shall provide that the monthly payments for such utility services shall include:

   (a) Charges pursuant to City ordinance and any developer agreement for subject property; and
(b) A sum equal to one-twelfth of the current ad valorem tax millage applied to the current assessed valuation of the property, as well as all personal property located thereon, as such assessment may be made by the county tax assessor.

(4) Undeveloped property which is annexed shall be required to comply with all standards required by the City as undeveloped property already within the City limits.

(5) Review by the Administrative Staff. Upon receipt of a written petition for annexation, the Administrative Staff shall meet with the applicant to discuss all details of the annexation and negotiate an annexation agreement. The Administrative Staff shall forward all information to the Planning and Zoning Advisory Board and City Commission for review.

(a) The annexation agreement shall designate one of the following zoning designs or a combination thereof and the amount of land to be assigned to each zoning designation for the annexed property with any conditions attached to the zoning designation which the City deems appropriate:

(i) Agricultural District.

(ii) Conservation district

(iii) Commercial General.

(iv) Commercial/Recreation.

(v) Government Use.

(vi) Industrial.

(vii) Light Industrial and Warehousing.

(viii) Office, Professional, Institutional.
(ix) Planned Community Development.

(x) Residential.

(xi) Recreation/Open Space.

(xii) Village.

(6) Review by the Planning and Zoning Advisory Board (PZAB). Upon completion of the Administrative Staff review process, the staff report along with all comments, documentation and findings shall be forwarded to the Planning and Zoning Advisory Board. Having reviewed the application, all supporting documents, along with the staff report and findings, the PZAB will make an advisory recommendation to the City Commission.

(7) Review Consideration by the City Commission. Upon completion of the PZAB review process, the Administrative Staff report along with all comments, documentation and recommendation from PZAB shall be forwarded to the City Commission for consideration. The City Commission’s decision shall be “Approved”, “Approved with Conditions”, or “Deny”. Upon receiving “Approved” or “Approved with Conditions” from the City Commission, the applicant shall file a rezoning petition within 6 months.

(a) If a rezoning petition is not filed within one (1) year of the final approval of the Annexation petition and continued to completion, the zoning designation in the previously approved Annexation Agreement for the affected property will apply.

(b) All applications for rezoning shall be consistent with the City’s Future Land Use Map and/or Comprehensive Plan or a Comprehensive Plan Amendment shall be filed pursuant to Florida §163.
F. Annexation Agreement. The property being annexed shall be regulated by the Annexation Agreement, all state, federal and City codes and this Unified Land Development Code. The annexation agreement shall address all matters of concurrency and any matter that may create adverse effects to the City, and shall be completed prior to the final annexation approval.

G. Time Limits.

(1) Time limit on request for resubmittal. Revisions on submissions that are requested by the Administrative Staff which are not received within 180 days directly following the date of the official request for revisions, the petition will be void. Submissions deemed void shall be resubmitted as a new petition in compliance with the regulations that are in effect at the time of submission. No documentation from the voided application shall be transferred from the City’s files to the new application.

(2) Time limit for completion of all conditions prior to the issuance of an Order of Approval. Approved annexations which have conditions that shall be met “prior to the issuance of an Order of Approval” shall be void if the applicant has not completed the conditions within sixty (60) days of the Commission approval of the annexation. Approvals deemed void after 60 days of Commission approval shall be resubmitted as a new petition in compliance with the regulations that are in effect at the time of resubmission. No documentation from the voided application will be transferred from the City’s files to the new application.

(3) Time limit on submissions voluntarily placed on continuance by the applicant. Submissions may be voluntarily placed on continuance by the applicant. If the applicant has not reinstated the submission for review
within 90 days directly following the date the submission was placed on
continuance, it will be deemed withdrawn. Submissions deemed withdrawn shall
be resubmitted in compliance with the regulations that are in effect at the
time of resubmission. No documentation from the withdrawn application shall
be transferred from the City’s files to the new application.

(4) Time limit on submissions placed on continuance by the City. Submissions
placed on continuance by the City will be deemed withdrawn if the applicant
does not respond to the City’s concerns within 90 days directly following the
date of notification to the applicant the submission was placed on
continuance. Submissions deemed withdrawn shall be resubmitted in compliance
with the regulations that are in effect at the time of resubmission. No
documentation from the withdrawn application shall be transferred from the
City’s files to the new application.

H. Notice of Public Hearing.

(1) Notice of time and place of the public hearing of the Planning and Zoning
Advisory Board shall be sent at least 15 days in advance of the hearing by
mail to the owner of the subject property or his designated agent or
attorney, if any.

(2) Notice of the time and place of the public hearing by the Planning and
Zoning Advisory Board shall be sent at least 15 days in advance of the
hearing by mail to all owners of property within 300 feet of the property
lines of the land for which rezoning is sought.

(a) For properties greater than one acre, the 300 feet distance shall be
1,320 feet; provided, however,
(i) that where the land for which rezoning is sought is part of, or adjacent to, land owned by the same person,

(ii) the 1,320 foot distance shall be measured from the boundaries of the entire ownership, except that notice need not be mailed for property owners located more than 1/2 mile (2,640 feet) from the land for which rezoning is sought.

(iii) If any dwelling unit within the required 2,640 foot notification radius is within a property owner's association, the property owner's association must also be notified. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Sarasota County.

(iv) Notwithstanding any other provision herein contained, failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect, provided that proper legal notice has been published.

I. Public Hearing. Public hearings on the resolution for the granting of an annexation shall be held by both the Planning and Zoning Advisory Board and the City Commission.

(1) Any party may appear personally or by agent or attorney.

(2) The Administrative Staff report on the petition shall be presented prior to the close of the public hearing on the petition.
(3) The petitioner shall have the right, prior to the close of the public
hearing, to cross-examine persons presenting testimony, to respond to any
contentions presented by any testimony or other evidence presented during the
public hearing and to respond to the Administrative Staff report, after
receipt of which the hearing shall be concluded, unless the hearing is
continued and the matter is referred back to staff for further consideration
of such matters as the Planning and Zoning Advisory Board or City Commission
may direct.

(4) If referred back to staff, the matter shall be given the next available
agenda position.


A. Analogous words and terms. For the purpose of these regulations, the
following analogous words and terms shall be interpreted to have similar
meanings when not inconsistent with the context:

—(1) Words used in the singular number include the plural, and words used in
the plural number include the singular.

—(2) Words used in the present tense include the future tense.

—(3) The word "constructed" includes the words "erected," "built," "installed," "rebuilt" and "replaced".

—(4) The word "lot" includes the words "plot," "parcel" or "tract."

—(5) The word "structure" includes the word "building" or "fence."
(6) The word "subdivider" includes the word "developer," and the word "developer" includes the word "subdivider."

(7) The word "include" is a word of enlargement and not limitation.

(8) The word "shall" is mandatory, and the word "may" is permissive.

(9) The words "his" or "hers" includes the words "he" or "she."

B. For purposes of these regulations, certain terms or words are defined as follows:

ABUTTING PROPERTY -- Unless specifically stated otherwise within this ordinance, properties having a boundary line, or point or portion thereof, in common with no intervening street right-of-way or easement or any other easement over 25 feet in width.

ACCESS, VEHICULAR -- The principal means of vehicular ingress and egress to abutting property from a street right-of-way or easement.

ACCESSORY BUILDING OR STRUCTURE -- See "building or structure, accessory."

ACCESSORY USE -- See "use, accessory."

ACRE -- An area containing 43,560 square feet of area.

ADULT BOOKSTORE -- An establishment maintained for the sale or distribution to adults of materials not limited to reading material, the sale of which
juveniles would be prohibited by F.S. § 847.012.

ADULT CONGREGATE LIVING FACILITY (ACLF) -- A residential land use, licensed under Chapter 10 A-5, F.A.C., which may be a building, a section of a building, a section of a development, a private home, special boarding home, home for the aged or similar place, whether operated for profit or not, which undertakes through its ownership and/or management to provide, for a period exceeding 24 hours, housing and food service plus one or more personal services for 15 or more adults not related to the owner or administrator by blood or marriage. A facility offering such services for fewer than 15 adults shall be construed as being within the context of this definition if it formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment which provides such services. These facilities are not synonymous with nursing home. Facilities with fewer than 15 residents shall be considered a "community residential home." For purpose of this definition only, "personal services" means services in addition to housing and food service, which include but are not limited to housekeeping, dressing, ambulation or therapy.

ADULT EXHIBITION/ENTERTAINMENT -- An establishment maintained for the exhibition for a monetary consideration of motion pictures, exhibitions, shows, presentations or representations, the exhibition of which to a minor would be prohibited by F.S. § 847.013, as that statute now exists.

AGRICULTURE or AGRICULTURAL USE -- The cultivation of the soil, the production of crops and the raising of livestock. The definition includes the accessory uses of packing, treating or storing the agricultural products raised on the premises but shall not include facilities for processing agricultural commodities brought from off the premises. (See also "farm.").
ALTER or ALTERATION -- Any change in size, shape, character or use of a building or structure.

ALTERATION, STRUCTURAL -- Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders; provided, however, that the application of any exterior siding or similar material to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

ANIMAL BOARDING FACILITY -- An establishment where dogs, cats or any other animals not belonging to the property owner (except litters of animals of not more than six months of age) are boarded.

ANIMAL HOSPITAL -- An establishment providing for the diagnosis and treatment of ailments of animals, other than human, and which may include facilities for overnight care.

APPLICANT -- Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity, or their duly authorized representative, commencing proceedings under these zoning regulations.

APPROVED PARKING FACILITY -- Any legally constructed and/or permitted area dedicated for the purpose of parking or storing motor vehicles. This includes but is not limited to parking spaces, parking lots, garages or accessways.

ARCHITECT -- A professional architect duly registered and licensed.

ARTERIAL -- A street used for continuous traffic primarily as a main traffic
artery and carrying more traffic for a greater distance than a collector street.

BAR or COCKTAIL LOUNGE -- Any establishment devoted primarily to the retailing
and on-premises drinking of malt, vinous or other alcoholic beverages.

BERM -- A linear mound comprised of soil.

BOARD OF ZONING APPEALS -- The Board having the functions, powers and duties as
set forth in these regulations.*

BOARDINGHOUSE -- An establishment with lodging for five or more persons where
meals are regularly served for compensation and where food is placed upon the
table family style, without service or ordering of individual portions from a
menu. This definition also includes rooming houses.

BOAT -- Any vessel, watercraft or other artificial contrivance used, or which is
capable of being used, as a means of transportation, mode of habitation or as a
place of business, professional or social association on waters of North Port,
Florida.

BOUNDARY FENCE -- See "fence, boundary."

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

BUILDING -- Any structure, either temporary or permanent, having a roof intended
to be impervious to weather, and used or built for the shelter or enclosure of
persons, animals, chattels or property of any kind. This definition shall include tents, awnings, cabanas or vehicles situated on private property and serving in any way the function of a building, but does not include screened enclosures not having a roof impervious to weather.

BUILDING, CONVENTIONAL:

(1) A building, built upon a site and upon its own permanent foundation, constructed of basic materials, such as wood, masonry or metal, or minimally prefabricated components, such as roof trusses, wall panels and bathroom/kitchen modules, and conformable to the locally adopted building, electrical, plumbing and other related codes; or

(2) A building manufactured off site in conformance with Chapter 553, Part IV, of the Florida Statutes (or Chapter 9B-1, F.A.C.), subsequently transported to its site complete or in modules and fixed to its own foundation with no intention to relocate.

BUILDING, HEIGHT OF — The vertical distance measured from grade to the highest point of the roof surface of a flat roof, to the deck line of a mansard or Bermuda roof and to the mean-height level between eaves and ridge of gable, hip and gambrel roofs. Where minimum floor elevations in flood-prone areas have been established by law, the building height shall be measured from such required minimum floor elevations.

BUILDING OFFICIAL — The City of North Port Building Official or his designee.

BUILDING OR STRUCTURE, ACCESSORY — A building or structure which is customarily incidental and subordinate to a principal building or to the principal use of
the premises and located on the same premises. (See "building, principal.").

BUILDING, PRINCIPAL -- A building in which is conducted the main or principal use of the premises in which said building is situated.

CARPORT -- A freestanding or attached structure, consisting of a roof and supporting members, such as columns or beams, and designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

CHANGE OF OCCUPANCY -- The discontinuance of an existing use and the substitution therefore of a use of a different kind of class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

CHILD-CARE FACILITY -- A facility located in a commercial zoning district where care, protection and supervision to children are provided for a fee.

CHURCH -- See "house of worship."

CLUSTER DEVELOPMENT -- A site planning technique that concentrates two or more principal buildings and land uses or intensities in specific areas of a development in order to provide area for open space and buffering, for recreation and other common facilities, for surface water management, for the protection of environmentally sensitive lands and other valuable natural resources and to reduce the cost of roads and infrastructure.

COMBINATION OF LOTS -- Two or more contiguous platted lots assembled and used as a single building site recorded under single ownership at the County Clerk of
Courts, provided that no structure may be located in a recorded easement, with exception of side drainage and utility easements, which may be relocated to the new side lot lines. [Amended 11-24-2003 by Ord. No. 2002-56].

COMMERCIAL NEIGHBORHOOD (NC Neighborhood Commercial) ZONING DISTRICT -- The NC Neighborhood Commercial Zoning Districts establish standards and procedures for the review of future neighborhood commercial plans and development projects on tracts or parcels located within or adjacent to existing residential neighborhoods, as are depicted on the City’s Future Land Use Map. Neighborhood Commercial Districts should provide a one-mile primary market area to conveniently serve the surrounding residential population. [Added 11-24-2003 by Ord. No. 2002-49]

A. Neighborhood Commercial-Low Intensity (NC-LI) District is located on collector streets and adjacent to residential lots. [Added 11-24-2003 by Ord. No. 2002-49]

B. Neighborhood Commercial-High Intensity (NC-HI) District is situated at the intersections of collector or/and arterial streets, or surrounded by streets or other right-of-ways. [Added 11-24-2003 by Ord. No. 2002-49]

COMMERCIAL NEIGHBORHOOD USES -- These small-scale commercial uses within or adjacent to areas or neighborhoods which are essentially residential in nature and which are meant to facilitate pedestrian activity. [Amended 11-24-2002 by Ord. No. 2002-49]

COMMUNITY CENTER -- A place, structure, area or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of
the community.

COMMUNITY RESIDENTIAL HOME -- A dwelling unit licensed to serve clients of the Florida Department of Health and Rehabilitative Services providing a living environment for one to six or seven to 14 residents who operate as the functional equivalent of a family, including such supervision and care by support staff as may be necessary to meet the needs of the residents.

COMPATIBLE -- In describing the relation between two land uses, buildings or structures or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciproCity of characteristics or a neutral relationship based on a relative lack of conflict or on a failure to communicate negative or harmful influences one to another.

COMPREHENSIVE PLAN -- The document, and its amendments, adopted by the Commission pursuant to Chapter 163 of the Florida Statutes, for the orderly and balanced future economic, social, physical, environmental and fiscal development of North Port. The terms "comprehensive plan" and "comp plan" are synonymous.

CONDITIONAL USE -- A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to public health, safety or general welfare.

CONDOMINIUM -- That form of ownership of property under which units or improvements are subject to ownership by one or more owners, and there is appurtenant to each unit or part thereof an undivided share in common elements.
CONNECTIVITY -- Vehicle and pedestrian facilities that link land use(s) within
an activity center to each other, such as, but not limited to, cross access
easement(s), shared driveway(s), sidewalk(s), golf cart path(s), mass transit,
and fitness trail(s). Also, vehicular and pedestrian facilities that link an
activity center to adjacent neighborhood or facilities linking neighborhood(s),
such as, but not limited to vehicular bridge(s), pedestrian bridge(s), bridge(s)
containing both pedestrian and vehicular facilities, sidewalk(s), fitness
trail(s), golf cart path(s), mass transit.

CONSULTANT -- An architect, attorney, engineer, environmental professional,
landscape architect, planner, surveyor or other person engaged by the developer
or applicant.

CONTIGUOUS LOTS -- Lots which are abutting or are separated only by a street
right-of-way or easement which is 60 feet or less in width.

CONTRACTOR SALES OFFICE -- An office within a model home utilized by a licensed
contractor in the State of Florida for the purpose of conducting limited
business activities related to the contracting business only, such as general
office-related activities and sales.

CONVENIENCE STORE -- Any retail establishment offering for sale prepackaged food
products, household items, gasoline/motor fuel and/or other goods commonly
associated with the same.

CONVERSION -- The changing of use or density.

DAY-CARE CENTER, ADULT -- A facility or establishment which undertakes through
its ownership or management to provide basic services, such as but not limited
to a protective setting, social or leisure time activities, self-care training
and/or nutritional services to three or more adults not related by blood or
marriage to the owner or operator, who require such services. This definition
shall not be interpreted to include overnight care.

DAY-CARE CENTER, CHILD -- A facility or establishment which provides care,
protection and supervision for six or more children unrelated to the operator
and which receives a payment, fee or grant for any of the children receiving
care, whether or not operated for profit. This definition shall not include
public or nonpublic schools which are in compliance with the compulsory School
Attendance Law, Chapter 232 of the Florida Statutes. This term is synonymous
with preschool and nursery school.

DENSITY -- An existing or projected relationship between numbers of dwelling
units and land area.

DEPARTMENT -- The Department of Planning and Zoning for the City of North Port,
Florida.

DER -- The Florida Department of Environmental Regulation.

DEVELOPER -- Any individual, firm, association, syndicate, corporation or any
other legal entity commencing development.

DEVELOPMENT OF REGIONAL IMPACT (DRI) -- Any development which, because of its
character, magnitude or location, would have a substantial effect upon the
health, safety or welfare of citizens of more than one county as defined in
Chapter 380 of the Florida Statutes.*
DEVELOPMENT or TO DEVELOP -- A development includes the construction of any new
buildings or other structures on a lot, the relocation of any existing buildings
or the use of a tract of land for any new uses. To develop is to create a
development.

DEVELOPMENT PARCEL -- A parcel divided from an original development tract,
defined by metes and bounds or by a subdivision plat, intended for conveyance to
a party (developer) subsequent to the original developer or withheld by the
developer for development separately from other development parcels or the
remainder of the original development tract, being the principal product,
together with some infrastructural support, of the original development
activity.

DEVELOPMENT PERIMETER -- The exterior lot or property lines of the original
(parent) tract of any development consisting of subdivided parcels or lots.

DEVELOPMENT PERMIT -- Any building permit, rezoning, conditional use, land
clearing permit or certificate of occupancy.

Development Tract -- The property under consideration for a development, which
may contain one or more development parcels and shall be under single ownership
at the time of application.

DIRECTOR -- The Planning and Zoning Department or his designee. See also
"Planning
Director."

DISTRICT -- Any certain described area of North Port to which these regulations
apply and within which the zoning regulations are uniform.
DNR -- The Florida Department of Natural Resources.

DUPLEX -- See "Dwelling units, types of."

Dwelling unit -- A room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or for rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping and sanitary facilities and one kitchen.

Dwelling units, types of:

(1) DUPLEX -- A single freestanding conventional building on a single lot, designed for two dwelling units under single ownership, or wherein each dwelling unit is separately owned or leased but the lot is held under common ownership.

(2) SINGLE FAMILY RESIDENCE -- A single, freestanding, conventional building designed for one dwelling unit and intended for occupancy by one family. This definition also includes modular homes.

(3) TOWNHOUSE -- A group of three or more dwelling units attached to each other by a common wall or roof wherein each unit has direct exterior access and no unit is completely separated from any other by a rated fire wall or a fire- and sound-resistant enclosed separation or space, and wherein each dwelling unit is on a separate lot under separate ownership.

(4) MANUFACTURED HOME -- A building manufactured off site in conformance with
the Federal Mobile Home Construction and Safety Standards (24 CFR 3280 et seq.), subsequently transported to a site complete or in sections where it is emplaced and tied down in accordance with Chapter 15C-1, F.A.C., with the distinct possibility of being relocated and assembled at a later date.

(5) MULTIPLE-FAMILY BUILDING -- A group of three or more dwelling units within a single conventional building, attached side by side or one above another, or both, and wherein each dwelling unit may be individually owned or leased but the land on which the building is located is under common or single ownership.

(6) VILLA -- A single freestanding conventional residential structure on two separately owned lots, designed for two dwelling units, each under separate ownership. [Added 12-11-2001 by Ord. No. 2001-43]

EASEMENT -- A grant of a right to use land for specified purposes. It is nonpossessory interest in land granted for limited use purposes.

ENGINEER -- A professional engineer duly registered and licensed by the State of Florida.

ENLARGEMENT or TO ENLARGE -- An enlargement is an addition to the floor area of an existing building or an increase in that portion of a tract of land occupied by an existing use.

ESSENTIAL SERVICES -- Services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or police and fire protection to the general public by providers which have been approved and authorized according to laws having appropriate jurisdiction.
EQUVALENT -- The state of correspondence or virtual identity of two land uses or zoning districts that exhibit similar levels of effects on each other and the community at large as defined by such factors as their intensities and schedules of use and activity, their demands for services and infrastructure, such as roads and water and sewer systems, their impacts on natural resources and other similar parameters. "Equivalent" is not synonymous with "compatible."

FAMILY -- One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of five or more adults who are not related by blood, marriage or adoption shall not be deemed to constitute a family. The term "family" shall not be construed to mean a fraternity, sorority, monastery, convent or institutional group, except however that residents within a community residential home as defined herein shall be deemed a family.

FENCE -- Any artificially constructed barrier of any material or combination of materials constructed along the full length, or portion thereof, of any or all property line(s), or within the property for the purpose of protection or confinement or as a boundary or for the purpose of blocking part of the property from view. For the purposes of these land development regulations, a boundary fence is considered to be an accessory structure. [Amended 11-24-2003 by Ord. No. 2002-56]

FLEA MARKET -- A building in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.
FLOOR AREA -- The usable area of each story of a building, or portion thereof, within surrounding exterior walls. This shall include hallways, closets, crawl spaces, heating/cooling rooms and other similar spaces.

FOSTER CARE FACILITY -- A structure in which the owners or operators are subject to licensing and approval by the State of Florida Department of Health and Rehabilitative Services and where said owners or operators live permanently and provide full-time care and supervision, in a family living environment, to a maximum of 14 full-time clients, who are unrelated to the owners or operators. See also "community residential home."

GARAGE SALE -- Includes all general sales of personal property, open to the public, on a residential premises in any residential zone, as defined in Chapter 53, for the purpose of disposing of personal property, including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "backyard," "patio" or "rummage," or other similar sales which are advertised for the public to attend. Garage sale shall not be considered an occupation or a business. The sale of individual boats, motor vehicles, appliances or other such items shall not be considered to be a garage sale, provided that the items belong to the person living in the dwelling unit. [Added 7-19-1999 by Ord. No. 99-19]

GATED COMMUNITY -- A collection of houses, planned community or subdivision that has a boundary wall, landscaped feature (such as a berm with landscaping), or fence constructed along the entire perimeter of the project. [Amended 11-24-2003 by Ord. No. 2002-56]

GRADE -- The lowest point of elevation of the finished surface of the ground.
paving or sidewalk within the area between the building and the property line.

GUESTHOUSE — An accessory building which is located on the same premises as the principal building and is to be used exclusively for housing members of the family occupying the principal building or other nonpaying guests of the family, is not occupied year round, can have kitchen facilities unless otherwise restricted and is not rented or otherwise used as a separate dwelling. It shall not be occupied by more than one family at any time, and only one guest house is permitted for each main dwelling.

HEDGE — A fence, boundary or barrier formed by a dense row of shrubs and/or trees.

HELIPORT — An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities, such as parking, waiting rooms, fueling and maintenance equipment.

HELISTOP — A heliport but without the auxiliary facilities mentioned above in the definition of "helistop."

HOME OCCUPATION — An occupation customarily carried on by an occupant of a dwelling unit as an accessory use which is clearly incidental to the use of the dwelling unit for residential purposes and operated in accordance with the applicable provisions of these regulations.

HOSPITAL — A building or group of buildings having facilities for overnight care of one or more human patients, providing services to inpatients and medical care to the sick and injured, and which may include as related facilities laboratories, out-patient facilities, training facilities; provided, however,
that any related facility shall be incidental and subordinate to the principal hospital use.

HOUSE OF WORSHIP -- A structure or structures designed primarily for accommodating an assembly of people for the purpose of religious worship, including related religious instruction, church/synagogue ministries involving classes during the week and other related functions, which do not exceed the occupancy limits of the building.

INCREASE NONCONFORMITY -- Any one of an infinite number of differing combinations of change which, in effect, would make a use of land or structure, already not in conformance with these regulations, less in compliance with these regulations after said change than the use or structure was prior to said change.

INTENSITY -- A measurement of the degree of customarily nonresidential uses based on use, size, impact, bulk, shape, height, coverage, sewage generation, water demand, traffic generation or floor area ratios.

LAND DEVELOPMENT CODE -- The City of North Port Unified Land Development Code of which these regulations are part.

LAND USE -- The development that has occurred on the land, the development that is proposed by a developer on the land or the use that is permitted or permissible on the land under the Comp Plan or element or portion thereof of the Land Development Code.

LANDSCAPE ARCHITECT -- A professional landscape architect duly registered and licensed by the State of Florida.
LAWFULLY -- A building or use which was permitted by right, conditional use, special permit or other action approving the use or placement of a structure by the City Commission or the Zoning Board of Appeals (such as by variance), at the time it was built or occupied, and such building or use was located in compliance with the zoning regulations for the district in which located, or in accordance with the terms of the variance.

LOADING SPACE, OFF-STREET -- A space logically and conveniently located for pick-up and/or deliveries or for loading and/or unloading, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled.

LOCAL PLANNING AGENCY -- The City of North Port Planning and Zoning Advisory Board performing the functions set forth in F.S. § 163.3174, as well as the functions set forth in § 177-1B of the Code of the City of North Port.

LOT -- A parcel of land considered as a unit.

LOT, CORNER -- A lot abutting on and at the intersection of two or more streets or street rights-of-way.

LOT COVERAGE -- Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

LOT LINE, FRONT -- The lot line, front, is defined for the purpose of determining primary structure setbacks and the location of accessory structures, excluding fences. On an interior lot, the lot line abutting a street, or on a
corner lot, the shorter line abutting a street; or, on a through lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained. The front lot line of a combined corner lot shall be determined consistent with the intent of the original plat. [Amended 11-24-2003 by Ord. No. 2002-56]

LOT WIDTH MEASUREMENT -- The distance between the side lot lines (or a front and side lot line for corner lots) as measured along the minimum required street setback line.

MANUFACTURING -- Establishments which are primarily engaged in the mechanical or chemical transformation of materials or substances into new products, as well as establishments primarily engaged in assembling component parts of manufactured products if the new product is not a permanent structure or other fixed improvement.

MARINA -- A boating facility, chiefly for recreational boating, located on navigable water frontage, and providing all or any combination of the following: boat slips or dockage, dry boat storage, marine fuel and lubricants, marine supplies, restaurants or refreshment facilities, boat and motor sales and rentals. The word "marine" shall also apply to navigable freshwaters. This shall not be construed to apply to docks, davits and similar facilities appurtenant to a residential land use providing only dockage and mooring.

MINING -- The extraction of solid materials from the ground, including but not limited to phosphate rock, limereck, coral stone, limestone, sand, gravel and shell.
MINI WAREHOUSE -- Any building designed or used to provide separate storage rooms to individuals or businesses for a fee or rental, said rooms being intended solely as dead storage depositories for personal property, inventory and equipment and not for any other commercial or industrial use.

MODEL HOME -- A residential or commercial structure or part thereof used solely for demonstration purposes or sales promotion, not occupied as a dwelling unit, and open to the public for inspection.

MODULAR HOME -- A dwelling unit, constructed as a total entity, or in parts of a total entity, which is constructed other than on the building site and then which is moved to and erected on the building site. A modular home must be constructed to meet the standards of all North Port Building Codes and to the standards set by the State of Florida.

MULTIPLE FAMILY BUILDING -- See "dwelling units, types of."

MULTIPLE OCCUPANCY COMPLEX -- A parcel of property under one ownership or singular control, or developed as a unified or coordinated project, with a building or buildings housing two or more occupants conducting a business operation of any kind.

NON-CONFORMING STRUCTURE -- Any structure that does not meet the limitations on structure size, height and/or location on a lot, for the zoning district in which such structure is located, for the use to which such structure is being put.

NON-CONFORMING USE -- A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable
regulations at the time the use was established.

OFFICE, BUSINESS -- An office for such activities as real estate agencies, travel agencies, insurance agencies, chambers of commerce and the like. It is characteristic of a business office that retail or wholesale goods are not shown or delivered from the premises to a customer. A barbershop or a beauty shop is not a business office.

OFFICE, PROFESSIONAL -- An office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists and the like.

OUTPARCEL -- A parcel divided from an original (parent) development tract, defined by metes and bounds or by a subdivision plat depicting it as an undivided tract, and intended for conveyance or conveyed to a party (developer), subsequent to the original developer or withheld by the developer for development separately from the majority of the original development tract.

PERSONAL PROPERTY -- Property which is owned, utilized and maintained by an individual or members of his residence and acquired in the normal course of living in or maintaining a residence. It shall not include merchandise which was purchased for resale or obtained on consignment. [Added 7-19-1999 by Ord. No. 99-19]

PLANNED DEVELOPMENT -- A development that is designed and developed as a cohesive, integrated unit under single ownership or unified control which permits flexibility in building siting, mixture of housing types or land uses, clustering, common functional open space, the sharing of services, facilities and utilities and protection of environmental and natural resources.
PLANNED COMMUNITY DEVELOPMENT DISTRICT (PCD) -- See Article VIII.

PLANNING AND ZONING ADVISORY BOARD -- The Board having the functions, powers and duties as set forth within these regulations.

PLANNING DIRECTOR -- The City of North Port Director of Planning and Zoning. See also "Director."

PLAT -- A plat as defined by Chapter 177 of the Florida Statutes, as may be amended.

POD -- Any portable storage unit.

PREMISES -- Any lot, area or tract of land.

PREMISES, ON THE SAME -- Construed as being on the same lot or building parcel or on an abutting lot or adjacent building in the same ownership and zoning district. [Amended 11-24-2003 by Ord. No. 2002-56]

PRINCIPAL BUILDING -- See "building, principal."

PUBLIC PARK -- Any park, playground, beach, parkway or other recreation area and open space, in which the City, county, state or federal government has an interest.

RECREATIONAL VEHICLE -- A recreational-vehicle-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.
defined below, the basic entities are:

(1) The travel trailer, including fifth-wheel travel trailers, which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use. It has a body width of no more than 81/2 feet and an overall body length of no more than 40 feet when factory-equipped for the road.

(2) The camping trailer, which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

(3) The truck camper, which is a truck equipped with a portable unit designed to be loaded onto or affixed to the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping or travel use.

(4) The motor home, which is a vehicular unit which does not exceed the length and width limitations provided in F.S. § 316.515, is built on a self-propelled motor vehicle chassis and is primarily designed to provide temporary living quarters for recreational, camping or travel use.

(5) The park trailer, which is a transportable unit which has a body width not exceeding 12 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. For purposes of...
these regulations, the terms "park model" and "park trailer" are synonymous.

RECYCLING DEPOSITORIES -- An incidental use that serves as a neighborhood
dropoff point for temporary storage of recoverable resources. No processing of
such items would be allowed. This facility would generally be located in a
shopping center parking lot or in other public or quasi-public areas, such as
churches and schools.

RESIDENCE -- See "dwelling unit."

SATELLITE DISH ANTENNA -- A device incorporating a reflective surface that is
solid, open mesh or bar configured and is in the shape of a shallow dish, cone,
horn or cornucopia. Such device shall be used to transmit and/or receive radio
or electromagnetic waves between terrestrially and/or orbitally based uses. This
definition is meant to include but not be limited to what are commonly referred
to as satellite earth stations, TVRO's (television reception only satellite dish
antennas), and satellite microwave antennas.

SCHOOL, PRIVATE -- A school that provides a curriculum of elementary and
secondary academic instruction, including kindergarten, elementary, junior and
high schools maintained by private individuals, religious organizations or
corporations, not at public expense, and open only to pupils selected and
admitted by the proprietors or governors, or to pupils of a certain religion or
possessing certain qualifications, and generally supported, in part at least, by
 tuition fees or charges.

SCHOOL, PUBLIC -- A school that provides a curriculum of elementary and
secondary academic instruction, including kindergarten, elementary, junior and
high schools established under the laws of the State of Florida maintained at
the public's expense by taxation, and open, usually without charge, to the
children of all the residents of the City.

SERVICE, PERSONAL. A Service Use primarily engaged in providing services
involving the care of a person, his or her apparel, pets, or small appliances,
and including any of the following uses: Appliance services, Automobile
quick-wash, Barber shops, Beauty shops, Body art shops, Dance studios,
Duplicating services, Funeral homes, Health spas, In-house carpet servicing,
Laundromats, Massage establishments, Photographic studios, Radio repair, Shoe
repair, Television repair, Tailoring, Veterinary clinic, Watch and clock repair,
Any similar service use. [Added 11-24-2003 by Ord. No. 2002-49]

SERVICE STATION -- Any premises where gasoline and other petroleum products are
sold and/or light maintenance activities, such as engine tune-ups, lubrication,
minor repairs, and carburetor cleaning, are conducted. Service stations shall
not include premises where heavy automobile maintenance activities, such as
gasoline, automobile painting work and body work, are conducted.

SETBACK -- The minimum distance required from a lot line to the nearest point of
a building or structure.

(1) STREET SETBACK -- A setback extending across the front of a lot, being
the required minimum horizontal distance between the street right-of-way or
 easement and the front of the building.

(2) SIDE SETBACK -- A setback between any structure and the side lot line
extending from the required front setback to the required rear setback and
being the minimum horizontal distance between a side lot line and the side of
the structure.
(3) REAR SETBACK -- A setback extending across the rear of a lot, being the required minimum horizontal distance between the rear property line and the rear of the building.

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

SINGLE FAMILY RESIDENCE -- See "dwelling units, types of."

STORAGE, ENCLOSED -- The keeping of any goods or products within a building or other structure or within a completely fenced-in area sufficiently screened so as not to be seen from any other property.

STORAGE, OPEN -- The keeping of any goods or products, in any area not defined as enclosed storage, for more than 24 hours.

STORY (FLOOR) -- That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above.

STREET -- A legally constructed, City-approved public or private thoroughfare which affords vehicle access to the principal means of ingress or egress to a lot. The term "street" is synonymous with the terms "avenue," "boulevard," "drive," "lane," "place," "road," "way" or similar terms.

STREET RIGHT-OF-WAY -- A general term denoting land, property or interest
therein, usually in a strip, acquired for or devoted to transportation purposes
which has been dedicated to the public.

STRUCTURE -- That which is built or constructed. The term "structure" shall be
construed as if followed by the words "or part thereof."

SURVEYOR -- A professional land surveyor duly registered and licensed by the
State of Florida.

SWFWMD -- The Southwest Florida Water Management District.

TIME-SHARE UNIT -- Any dwelling unit or rooming unit for which a time-sharing
plan, as defined in Chapter 721 of the Florida Statutes, has been established
and documented.

TOWNHOUSE -- See "dwelling units, types of."

TRAVEL TRAILER -- See "recreational vehicle."

TRUCK STOP -- An establishment where the principal use is the refueling and
servicing of trucks and tractor-trailer rigs. Such establishments may have
restaurants or snack bars and sleeping accommodations for the drivers of such
over-the-road equipment and may provide for the repair and maintenance of such
equipment. [Added 3-30-1998 by Ord. No. 98-8]

UNIFIED CONTROL -- A recorded agreement or covenant running with a parcel of
land stipulating that the subject parcel shall be held under single ownership or
control and shall not be transferred, conveyed, sold or divided in any unit
other than in its entirety; provided, however, that
Individual condominium units or residential subdivision lots, if any, may be conveyed to a bona fide ultimate individual not intended for resale.

A subunit of the project may be transferred, conveyed or sold if the purchaser agrees to abide with all applicable stipulations and conditions specified in the development permit.

USE — The purpose for which land or water or a structure thereon is designated, arranged or intended to be occupied or utilized or for which it is occupied or maintained. The use of land or water in these regulations is governed by these zoning regulations.

USE, ACCESSORY — A use that:

(1) Is clearly incidental to and customarily found in connection with a principal building, structure or use;

(2) Is subordinate to and serves a principal building, principal structure or principal use;

(3) Is subordinate in area, extent or purpose to the principal building, principal structure or principal use served;

(4) Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building, principal structure or principal use served; and

(5) Is located on the same lot as the principal building, principal structure
or principal use served.

USE, PRIMARY OR PRINCIPAL -- The primary use and chief purpose of a lot and/or structure.

VARIANCE -- A relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship on the land.

VILLA -- A single freestanding conventional residential structure on two separately owned lots, designed for two dwelling units, each under separate ownership.

WATER, BODY OF:

(1) ARTIFICIAL -- A depression or concavity in the surface of the earth (other than a swimming pool) created by, or that portion of a natural body of water extended or expanded by, human artifice and in which water stands or flows for more than three months of the year.

(2) NATURAL -- A depression or concavity in the part of the surface of the earth lying landward of the line of mean sea level (NGVD) which was created by natural geophysical forces and in which water stands or flows for more than three months of the year.

(3) WATERWAY -- Any bay, river, lake, canal or artificial or natural body of water, connected to navigable waters of the United States.
WETLANDS — An area that is subject to permanent or prolonged periods of inundation or saturation (i.e., water is at the soil surface at least two to seven months) and does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps and marshes and may include similar areas, such as sloughs, wet meadows and natural ponds.*

YARD, FRONT — A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the nearest part of the front building line in depth.

YARD, REAR — A yard extending across the full width of the lot and lying between the rear lot line and the nearest part of the building. Rear yard depth shall be measured at right angles to the rear line of the lot.

YARD, SIDE — A yard lying between the side line of the lot and the nearest part of the building and extending from the front yard to the rear yard or, in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard widths shall be measured at right angles to side lines of the lot.

YARD, WATERFRONT — A yard required on waterfront property with depth measured from the property line to the nearest point of the structure, provided that no structure shall extend waterward of the shoreline except those structures customarily extending into the water, such as seawalls, docks and piers. Waterfront property is hereby defined as property abutting on the Myakka River, Myakkahatchee Creek, other natural creeks, streams, bays or lakes, and on man-made canals, lakes or impounded reservoirs. For the purpose of this chapter, any waterfront yard shall be treated separately from a rear yard.
ZONE — See "district."

ZONING BOARD — The City of North Port Planning and Zoning Advisory Board or the City of North Port Zoning Board of Appeals, depending upon the issue under consideration and the provisions of these regulations with respect to the resolution of like issues before said Board.

Part 2  Schedule of District Regulations

ARTICLE II.  AG AGRICULTURAL DISTRICT

[Amended 9-12-1994 by Ord. No. 94-10]

Sec. 53-23.  Relationship to Comprehensive Plan.

The Zoning Regulations in this section implement Objective 1 of the Future Land Use Element of the Comprehensive Plan, which states: “Future development activities shall continue to be directed in appropriate areas as depicted on the Future Land Use Map, and shall encourage the use of innovative land development regulations, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the community character.”, as well as the following policy:

Policy 1.1: Land development regulations adopted to implement this Comprehensive Plan shall be consistent with F.S. 163.3202(1), as amended, and based on and be consistent with the following densities and intensities, presuming concurrency requirements are satisfied, for residential and non-residential development as indicated below:
Agricultural, Estates - These lands are designated for agricultural related uses and very low density residential development in order to retain the open character of the land (maximum of 1.0 residential unit per 3.0 gross acres).

Sec. 53-10. Intent.

It is intended by the use of these districts to retain, insofar as desirable and practicable, the open character of the land. To that end, permitted and permissible uses are basically limited to conservation, agricultural, very low-density residential development, recreation and, with certain limitations, other uses not contrary to the character of these districts. AG Agricultural Districts provide for and encourage light agricultural activities. It is generally intended to utilize these districts to implement the Comprehensive Plan within but not necessarily limited to those areas of the City generally referred to as the "North Port Estates."

Sec. 53-11. Permitted principal uses and structures.

Permitted principal uses and structures shall be as follows:

A. Single-family dwellings (one per three gross acres).

B. Agricultural uses, such as farming, dairying, pasturage, agriculture, the keeping of domestic pets, horticulture, floriculture, aquaculture, silviculture, animal and poultry husbandry and necessary accessory structures and uses incidental to agricultural activity.

(1) No animals shall be allowed to be raised in AG Agricultural Districts without the provision of an on-site supply of water, and no animals shall be
housed in structures that have inadequate ventilation and light.

C. Public and private game preserves and wildlife management areas, fish hatcheries and refuges.

D. Publicly owned parks, recreation areas and uses and structures appropriate to such activities.

E. Noncommercial piers, docks, wharves, etc.

F. Necessary distribution facilities of any public or franchised utility company.

G. Emergency and Essential services as determined by City Commission.

H. Archaeological research facilities.

I. Public recycling depositories, operated by a municipality.

J. Cemeteries.

K. Guesthouse as an accessory structure in accordance with Sec. 53-239(A)(M).

L. Greenhouses, private garages, tool houses and garden sheds, garden work centers, children's play areas and play equipment, private barbecue pits, private swimming pools and tennis courts, are permitted as accessory structures in accordance with Sec. 53-239(A).
Permitted accessory uses and structures shall be as follows:

A. Uses and structures which:

1. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

2. Do not involve the conduct of business on the premises, except as otherwise permitted under these regulations.

3. Are located on the same lot as the permitted or permissible principal use or structure.

B. One guesthouse for each permitted single-family dwelling for the temporary use by guests of the occupants of the premises. Such a house shall contain no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

C. Greenhouses, private garages, tool houses and garden sheds, garden work centers, children's play areas and play equipment, private barbecue pits, private swimming pools and tennis courts.

D. Permitted home occupations as defined in § 53-9 of this Chapter 61 of these zoning regulations.

E. Lakes and pond excavation, see Sec. 14-17.

Sec. 53-26. Prohibited uses and structures.
The following uses and structures shall be prohibited in the AG Agricultural District:

A. Any use, structure or activity not specifically or provisionally permitted herein, including specifically adult entertainment, 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. Listed permitted or permissible uses do not include either as a principal or an accessory use any of the following which are listed for emphasis:

1. Manufacturing or industrial establishments.

2. Wholesale, wholesale club, warehouse or storage establishments.

3. Junkyard or automobile wrecking yard.

4. Sale of new or secondhand merchandise of whatsoever type or kind, except as accessory to a permitted use.

5. Storage on premises of equipment, supplies or materials relating to an off-site occupation or business not permitted in this zoning district, such as but not limited to the storage of construction supplies, landscaping supplies and/or materials.


7. Fireworks sales or manufacturing.
(8) Incinerators.

(9) Heavy equipment or heavy farm equipment sales or repair services.

Sec. 53-14 27. Conditional uses Special Exceptions.

The following conditional uses shall be permissible after public notice and
hearings by the Planning and Zoning Advisory Board and the City Commission
pursuant to Article 26II: Any use not specifically permitted and is 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.

A. Animal boarding facility, including but not limited to boarding stables
and dog kennels used for the boarding of animals, including dogs, other than
those belonging to the property owner or occupant of the property.

B. Public and private schools, provided the site is located on either an
arterial or collector roadway.

C. The on-site commercial sale of grain, feed, livestock, animals of any
type, agricultural produce and similar type agricultural commodities, and the
buildings necessary for the sale and storage of the same, specifically
excluding, however, the sale of machinery and equipment.

D. Nonprofit civic and fraternal organizations, provided that such
organizations purchased the subject property before the date of enactment of
these regulations and that the organization’s property is located on either an
arterial or collector roadway. [Amended 3-25-2002 by Ord. No. 2002-4]

E. House of worship, provided that said house of worship is located on either
an arterial or collector roadway.

F. Riding stables.

G. Adult congregate living facilities in accordance with § 53-223.

of commercial fireworks designed to conform to the National Fire Protection
Association (NFPA) Rules and the Florida State Department of the Treasury,
Bureau of Alcohol, Tobacco and Firearms Law and Regulations and subject to the
following conditions:

(1) An earth-covered berm is required to be constructed around the entire
storage magazine building providing a visual buffer from public view.

(2) The driver of the vehicle transporting the fireworks shall possess a
commercial driver’s license (CDL), and the vehicle shall meet all other
requirements of the Florida Department of Transportation.

(3) The applicant shall be required to obtain a City of North Port building
permit to construct the storage magazine building.

(4) The applicant shall be required to contact the State Department of the
Treasury, Bureau of Alcohol, Firearms and Tobacco, requesting that an on-site
inspection of the storage magazine building be conducted upon the completion of construction and prior to utilization of the storage magazine building.

(5) The applicant shall pay a City of North Port occupational license tax for the minor storage facility for the storage of commercial fireworks.

Sec. 53-15 28. Maximum density/intensity.

Maximum density/intensity shall be one principal single-family dwelling unit per three gross acres.

Sec. 53-16 29. Minimum lot requirement.

Minimum lot requirement shall be three gross acres.

Sec. 53-17 30. Maximum lot coverage.

Maximum lot coverage shall be 20% for all buildings combined.

Sec. 53-18 31. Minimum living area.

Minimum living area shall be as follows:

A. Principal residence: 1,500 square feet.

B. Guesthouse: 750 square feet and maximum of 50% of the total square footage of the primary living structure.

Sec. 53-19 32. Minimum setback requirements.
Minimum setback requirements shall be as follows:

A. Front yard: 30 feet.

B. Side yard: 25 feet.

C. Rear yard: 35 feet.

D. Waterfront yard: 35 feet.

Sec. 53-20. Maximum building height.

Maximum building height shall be 35 feet.

Sec. 53-21. Permitted signs.

A. Permitted signs shall be as follows:

   (1) Exempt signs.

   (2) One Class A sign with a surface area not to exceed 16 square feet.

B. See Chapter 29, Sign Regulations, of this Unified Land Development Code for details on all regulations governing the use of signs.

   (1) Signs in this zoning district may be designed, constructed and erected by a non-professional; however, the sign shall comply with all building codes
Sec. 53-22. Parking requirements.

A. Parking requirements shall be as follows:

(1) Minimum of two parking spaces per principal dwelling unit.

(2) Minimum of one space per guesthouse.

B. Driveways and other vehicular use areas used for residential and agricultural purposes only may be constructed with pervious or impervious materials, provided that such vehicular use area is constructed in such a manner so as to prevent degradation to the environment or to adjacent City-maintained drainage systems.

C. See Chapter 25, Parking and Loading Regulations, of this Unified Land Development Code for complete details on all regulations governing parking requirements.

ARTICLE III. CG COMMERCIAL GENERAL DISTRICT

Sec. 53-36. Relationship to Comprehensive Plan.

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

Policy 1.1: Land development regulations adopted to implement this Comprehensive
Plan shall be consistent with F.S. 163.3202(1), as amended, and based on and be
consistent with the following densities and intensities, presuming concurrency
requirements are satisfied, for residential and non-residential development as
indicated below:

Commercial - These lands are designated to provide areas in which customary
and traditional conduct of trade, retail services, commerce and residential
uses may be carried on without disruption by the encroachment and intrusion
of incompatible residential and other uses (0.95 FAR, 15 DU/acre excluding
bonuses, incentives or transfer of development rights. As a guideline, the
residential should not exceed 50% of the floor area).

Sec. 53-24 37. Intent.

The CG Commercial General District is intended to provide areas in which the
customary and traditional conduct of trade, retail sales and commerce may be
carried on without disruption by the encroachment and intrusion of incompatible
residential uses and protection from the adverse effects of undesirable
industrial uses. All commercial uses listed herein shall be conducted within
completely enclosed buildings unless exempted herein.

Sec. 53-24 38. Permitted principal uses and structures.
A. Permitted principal uses and structures shall be as follows:
(1) Retail sales and services, provided that all merchandise shall be stored and displayed within fully enclosed buildings, except for those uses approved by conditional use, which customarily display their merchandise outdoors, including but not limited to garden centers, hardware stores, etc. [Amended 3-30-1998 by Ord. No. 98-8]

(2) Banks and other financial institutions.

(3) Restaurants. This is not considered an accessory use in conjunction with any other use.

(4) Parking lots and parking garages.

(5) Automotive service stations (including "quick lube" establishments), repair and service garages.

(6) Private clubs and lodges, provided that minimum parcel size shall not be less than two acres, except that private clubs and lodges may be permitted on less than two acres, provided that the private club or lodge occupies a unit within a shopping center on a lease basis. [Amended 3-25-2002 by Ord. No. 2002-4]

(6) Post offices.

(7) Libraries.

(8) Automotive parts, provided all installation is performed, on the premises and all parts are stored within, a completely enclosed building.
(9) Sports and resort marinas.

(10) Automotive car wash.

(11) Houses 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 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 § 53-225 Article XXI, Alcoholic Beverages of these regulations.

(12) Animal hospitals with boarding of animals in completely enclosed buildings.

(13) Laundromats and dry-cleaning facilities.

(14) Garden shops, including the sale of plants, fertilizers and customary garden supplies, equipment and furniture.

(15) Indoor commercial recreational facilities, such as motion-picture theaters, swimming pools, bowling alleys, billiard parlors, family game arcades and similar uses.

(16) Vocational, trade, business schools, colleges and universities, provided that all activities are conducted in completely enclosed buildings.

(18) Package stores for the sale of alcoholic beverages.
(19) Model homes not intended to be used for residential purposes.

(17) Automobile rental agencies.

(18) Funeral homes.

(19) Bars, cocktail lounges, nightclubs and taverns for on-premise consumption of alcoholic beverages, greater than 800 feet from a house of worship or school.

(19) Essential and emergency services.

(20) Exercise gymnasiums.

(21) Motor bus Transportation terminals.

(22) Adult congregate living facilities, in accordance with Sec. 53-256(A) of these regulations.

(23) Hotels and motels (not less that 100 rooms).

(24) Personal services.

(25) Business services.

(26) Professional services, licensed and approved by the State and/or Federal government.
(27) *Lumber and building supply establishments. Permitted principle use in Activity Center #6 only. (conditional use special exception within Activity Center No. 1.) [Amended 3-30-1998 by Ord. No. 98-8] and AC #4 and #5. Not permitted in AC #2, #3, #7, & #8.

(28) Heavy machinery and equipment sales and service or rental, provided that repair is conducted within a fully enclosed building. Permitted principle use in Activity Center #6 only. (conditional use special exception within Activity Center No. 1.) [Amended 3-30-1998 by Ord. No. 98-8] and AC #4 and #5. Not permitted in AC #2, #3, #7, & #8.

(29) Equipment rental. (conditional use special exception within Activity Center No. 1.) [Amended 3-30-1998 by Ord. No. 98-8]

(30) Auditorium and convention centers.

(31) Plant nurseries. (conditional use special exception within Activity Center No. 1.) [Amended 3-30-1998 by Ord. No. 98-8]

(32) Convenience stores. This is not considered an accessory use in conjunction with any other use.

(37) Public recycling depositories. (conditional use within Activity Center No. 1.) [Amended 3-30-1998 by Ord. No. 98-8]

(33) Child Care

(34) Wholesale establishments and Wholesale Clubs.
(35) Gas stations. This is not considered an accessory use in conjunction with any other use.

(36) Truck stops. Permitted in Activity Center #4 and #6 only. No truck stops are permitted in Activity Center Nos. 1, 2, 3 and 5, 7 and 8. [Added 3-30-1998 by Ord. No. 98-8]

(37) Retail mini storage facilities. Permitted in Activity Centers #4 and 6 only. No Retail ministorage facilities are permitted in AC#1, 2, 3, 5, 7, or 8. [Added 3-30-1998 by Ord. No. 98-8] In addition to any applicable zoning district and use regulations, see Sec. 53-257, Special Structures, Mini Storage Facilities. Are prohibited in Activity Center Nos. 1, 2, 3 and 5 [Added 8-14-1995 by Ord. No. 95-7; amended 3-30-1998 by Ord. No. 98-8. the following requirements shall apply to all mini storage facilities:

B. If permitted uses are combined, each use will be reviewed separately.

Sec. 53-25-39. Permitted accessory uses and structures.

Permitted accessory uses and structures shall be as follows:

A. Uses and structures which:

(1) Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

(2) Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.
(3) Do not involve operations or structures not in keeping with the character of the district.

B. On the same premises and in conjunction with permitted principal uses and structures, dwelling units shall be permitted. [Amended 11-24-2003 by Ord. No. 2002-56]

Sec. 53-26 39. Prohibited uses and structures.

Any use, or structure or activity not specifically permitted herein, including specifically adult entertainment, and or exhibition establishments, adult bookstores and or 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 which are listed for emphasis:

A. Manufacturing or industrial establishments.

B. Warehouse and storage.

C. Junkyard or automobile wrecking yard.

D. All communication towers, including but not limited to television and radio transmitter towers, are prohibited. [Amended 3-30-1998 by Ord. No. 98-8]

E. Fireworks sales or manufacturing.

F. Incinerators.
Sec. 53-27 40. Conditional uses. Special Exceptions.

The following shall conditional uses permitted in the CG Commercial General District: Any use not specifically permitted and is 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.

A. Commercial tourist attractions including dog or horse tracks, jai alai arenas, carnivals or circuses, archery ranges, miniature golf courses, driving ranges and skating rinks or similar type uses.

B. Heliport or helistop.

C. Rehabilitative clinic.

D. Public or private gun ranges.

E. Outdoor markets.

F. All communication towers, including but not limited to television and radio transmitter towers, are prohibited. [Amended 3-30-1998 by Ord. No. 98-8]


Retail mini storage facilities are prohibited in Activity Center Nos. 1, 2, 3
and 5, 7 & 8. In addition to any applicable zoning district and use regulations, the following requirements shall apply to all mini storage facilities: see Special Structures, Mini Storage Facilities.

(1) Mini storage facilities shall be limited to dead storage use only. No other commercial or industrial use shall be permitted, and no occupational license shall be issued for any such use.

(2) All storage on the property shall be located within an enclosed building. Outdoor storage is prohibited.

(3) Plumbing shall not be extended to individual storage spaces, and plumbing fixtures such as sinks, toilets and the like shall not be installed.

(4) Minimum building site size shall be three acres.

(5) The building site shall be designed, at a minimum, to accommodate the landscaping requirements of Chapter 21, Landscaping Regulations, of the Unified Land Development Code.

(6) Parking and travel aisle design.

(a) One-way travel aisles shall provide for one ten-foot parking/loading lane and one fifteen-foot travel lane. Traffic direction and parking/loading shall be indicated by either pavement marking or signage.

(b) Two-way travel aisle shall provide for one ten-foot parking/loading lane and two twelve-foot travel lanes.
(c) Aisles not serving storage spaces shall not be required to provide parking/loading lanes.

I. Truck stops. (No truck stops permitted in Activity Center Nos. 1, 2, 3 and 5, 7 and 8.) [Added 3-30-1998 by Ord. No. 98-8]

J. [Added 3-30-1998 by Ord. No. 98-8] Retail outlets for the sale of new and used automobiles (automobile dealership), boats (boat dealership) and associated service facilities. In addition to the conditional use standards found in § 53-269 of this Code, the following neighborhood protection requirements shall apply to all automobile and boat sales facilities in the CG District:

(1) Major mechanical, body overhaul and repair facilities shall be conducted in completely enclosed buildings either located to the rear of the primary sales facilities or buffered in such a manner that the facility cannot be viewed from the fronting roadway.

(2) Landscaping and buffering shall conform to the requirements of Chapter 21 of the Unified Land Development Code. In cases where an automobile or boat dealership abuts a residential area, additional buffering may be required. Such buffering may include, but not be limited to, additional landscaping, opaque fencing or construction of a wall.

(3) Automobile and boat dealerships, lumber and building supply establishments, heavy machinery and equipment sales and service, equipment rental, plant nurseries and public recycling depositories shall be permitted by conditional use within Activity Center No. 1.

(4) No banner-type signs will be permitted at automobile and boat dealerships.
in a CG District.

(5) For aesthetic and environmental reasons, no air-driven devices, including but not limited to balloons, shall be permitted for use in sales promotions, or other activities, by an automobile or boat dealership in a CG District or in any other district.

Sec. 53-28 41. Maximum density/intensity.

For maximum density/intensity provisions, see § 53-30 43, Maximum lot coverage.

Sec. 53-29 42. Minimum lot requirements.

Building sites in a CG District shall have an area of not less than 7,500 square feet with a minimum width of 50 feet measured along the front property line.

Sec. 53-30 43. Maximum lot coverage.

Buildings shall not cover more than 35% percent of available lot area.

Sec. 53-31 44. Minimum building size.

Minimum building size shall be unrestricted.

Sec. 53-32 45. Minimum setback requirements.

Minimum setback requirements shall be as follows:
This zoning district may have a zero lot line at the front and side provided that there is no encroachment on City right-of-way or easements.

A. Front yard: 25 feet. none

B. Side yard:

(1) Interior: none.

(2) Abutting a road: 15 feet. None.

C. Rear yard: 15 feet; 25 feet for lots over 200 feet in lot depth.

D. Waterfront yard: 20 feet.

Sec. 53-33 46. Maximum building height.

Maximum building height shall be 70 feet.

Sec. 53-34 47. Permitted signs.

A. Permitted signs shall be as follows:

(1) Exempt signs.

(2) Primary and secondary Class A signs.

(3) Class B signs permitted by conditional use special exception.
B. See Chapter 29, Sign Regulations, of this Unified Land Development Code for details on regulations governing number, size and height limitations.

Sec. 53-48. Parking requirements.

See Chapter 25, Parking and Loading Regulations, of this Unified Land Development Code for parking requirements governing various land uses permitted within CG Districts.

ARTICLE IV. CG-S Commercial General District

Sec. 53-49. Relationship to Comprehensive Plan.

The Zoning Regulations in this section implement Objective 1 of the Future Land Use Element of the Comprehensive Plan, which states: “Future development activities shall continue to be directed in appropriate areas as depicted on the Future Land Use Map, and shall encourage the use of innovative land development regulations, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the community character.”, as well as the following policy:

Policy 1.1: Land development regulations adopted to implement this Comprehensive Plan shall be consistent with F.S. 163.3202(1), as amended, and based on and be consistent with the following densities and intensities, presuming concurrency requirements are satisfied, for residential and non-residential development as indicated below:

Sec. 53-50. Intent.
The CG-S Commercial General District is intended to provide areas in which the customary and traditional conduct of trade, retail sales and commerce may be carried on without disruption by the encroachment and intrusion of incompatible residential uses and protection from the adverse effects of undesirable industrial uses. All commercial uses listed herein shall be conducted within completely enclosed buildings unless exempted herein.

Sec. 53-27. Permitted principal uses and structures.

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

(1) Retail sales and services, provided that all merchandise shall be stored and displayed within fully enclosed buildings, except for those uses approved by conditional use, which customarily display their merchandise outdoors, including but not limited to garden centers, hardware stores, etc.

(2) Banks and other financial institutions.

(3) Restaurants. This is not considered an accessory use in conjunction with any other permitted use.

(4) Parking lots and parking garages.

(5) Automotive service stations (including "quick lube" establishments), repair and service garages.

(6) Private clubs and lodges, provided that minimum parcel size shall not be less than two acres, except that private clubs and lodges may be permitted on
less than two acres, provided that the private club or lodge occupies a unit within a shopping center on a lease basis.

(7) Post offices.

(8) Libraries.

(9) Automotive parts, provided that no installation is performed on the premises and all parts are stored within a completely enclosed building.

(9) Sports and resort marinas.

(10) Automotive car wash.

(11) Houses 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 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 Article XXI, Alcoholic Beverages, of these regulations.

(12) Animal hospitals with boarding of animals in completely enclosed buildings.

(13) Laundromats and dry-cleaning facilities.

(14) Garden shops, including the sale of plants, fertilizers and customary garden supplies, equipment and furniture.
(15) Indoor commercial recreational facilities, such as motion-picture theaters, swimming pools, bowling alleys, billiard parlors, game arcades and similar uses.

(16) Vocational, trade, business schools, colleges and universities, provided that all activities are conducted in completely enclosed buildings.

(17) Package stores for the sale of alcoholic beverages.

(18) Model homes not intended to be used for residential purposes.

(17) Automobile rental agencies.

(18) Funeral homes.

(22) Bars, cocktail lounges, nightclubs and taverns for on-premise consumption of alcoholic beverages, greater than 800 feet from a house of worship or school.

(19) Essential and emergency services.

(20) Exercise gymnasiuims.

(21) Motor bus Transportation terminals.

(22) Adult congregate living facilities, in accordance with Sec. 53-256(A).

(23) Hotels and motels (not less than 100 rooms).
(24) Personal services.

(25) Business services.

(26) Professional services.

(27) Lumber and building supply establishments.

(28) Heavy machinery and equipment sales and service and rental, provided that repair is conducted within a fully enclosed building.

(29) Equipment rental.

(30) Auditorium and convention centers.

(31) Plant nurseries.

(32) Convenience stores.

(33) Public recycling depositories.

Sec. 53-38. Permitted accessory uses and structures.

Permitted accessory uses and structures shall be as follows:

A. Uses and structures which:

(1) Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
(2) Are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership.

(3) Do not involve operations or structures not in keeping with the character of the district.

B. On the same premises and in conjunction with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof. (See § 53-226.)

Sec. 53-39 52. Prohibited uses and structures.

Any use or structure not expressly, or by reasonable implication, permitted herein or permitted by special exception shall be unlawful in this district.

A. Adult uses serving, or allowing the consumption of alcoholic beverages.

B. Billboards.

C. Manufacturing or industrial establishments.

D. Wholesale.

E. Warehouse and storage.

F. Junkyard or automobile wrecking yard.

G. Fireworks sales or manufacturing.
H. Incinerators.

Sec. 53-40. Conditional Uses—Special Exceptions.

The following shall conditional uses permitted in the CG-S Commercial General District: Any use not specifically permitted and is 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.

A. Commercial tourist attractions including dog or horse tracks, jai alai arenas, carnivals or circuses, archery ranges, miniature golf courses, driving ranges and skating rinks or similar type uses.

B. Heliport or helistop.

C. Rehabilitative clinic.

D. Public or private gun ranges.

E. Outdoor markets.

F. All communication towers, including but not limited to television and radio transmitter towers, are prohibited.

G. Child-care facilities.
H. Retail mini storage facilities are prohibited in Activity Center Nos. 1, 2, 3 and 5. In addition to any applicable zoning district and use regulations, the following requirements shall apply to all mini storage facilities:

(1) Mini storage facilities shall be limited to dead storage use only. No other commercial or industrial use shall be permitted, and no occupational license shall be issued for any such use.

(2) All storage on the property shall be located within an enclosed building. Outdoor storage is prohibited.

(3) Plumbing shall not be extended to individual storage spaces, and plumbing fixtures such as sinks, toilets and the like shall not be installed.

(4) Minimum building site size shall be three acres.

(5) The building site shall be designed, at a minimum, to accommodate the landscaping requirements of Chapter 21, Landscaping Regulations, of the Unified Land Development Code.

(6) Parking and travel aisle design.

(a) One-way travel aisles shall provide for one ten-foot parking/loading land and one fifteen-foot travel lane. Traffic direction and parking/loading shall be indicated by either pavement marking or signage.

(b) Two-way travel aisle shall provide for one ten-foot parking/loading lane and two twelve-foot travel lanes.
(c) Aisles not serving storage spaces shall not be required to provide parking/loading lanes.

I. Truck stops. (No truck stops permitted in Activity Center Nos. 1, 2, 3 and 5.)

J. Retail outlets for the sale of new and used automobiles (automobile dealership), boats (boat dealership) and associated service facilities. In addition to the conditional use standards found in § 53-269 of this Code, the following neighborhood protection requirements shall apply to all automobile and boat sales facilities in the CG-S District:

1. Major mechanical, body overhaul and repair facilities shall be conducted in completely enclosed buildings either located to the rear of the primary sales facilities or buffered in such a manner that the facility cannot be viewed from the fronting roadway.

2. Landscaping and buffering shall conform to the requirements of Chapter 21 of the Unified Land Development Code. In cases where an automobile or boat dealership abuts a residential area, additional buffering may be required. Such buffering may include, but not be limited to, additional landscaping, opaque fencing or construction of a wall.

3. Automobile and boat dealerships, lumber and building supply establishments, heavy machinery and equipment sales and service, equipment rental, plant nurseries and public recycling depositories shall be permitted by conditional use within Activity Center No. 1.

4. No banner-type signs will be permitted at automobile and boat dealerships.
in a CG-S District.

(S) For aesthetic and environmental reasons, no air-driven devices, including but not limited to balloons, shall be permitted for use in sales promotions, or other activities, by merchants or by an automobile or boat dealership in a CG-S District or any other district.

K. Adult Uses pursuant to Ordinance 02-57, which is incorporated herein by reference. The conditional use permit, if approved, shall be issued to the owner of the business. Change in ownership shall require a new conditional use permit and application pursuant to Ordinance 02-57.

Sec. 53-41 54. Maximum density/intensity.

For maximum density/intensity provisions, see § 53-43 46, Maximum lot coverage.

Sec. 53-42 55. Minimum lot requirements.

Building sites in a CG-S District shall have an area of not less than 7,500 square feet with a minimum width of 50 feet measured along the front property line.

Sec. 53-43 56. Maximum lot coverage.

Buildings shall not cover more than 35% percent of available lot area.

Sec. 53-44 57. Minimum building size.

Minimum building size shall be unrestricted.
Sec. 53-45  Minimum setback requirements.

Minimum setback requirements shall be as follows:

This zoning district may have a zero lot line at the front and side provided that there is no encroachment on City right-of-way or easements.

A. Front yard: 25 feet none.

B. Side yard:

(1) Interior: none.

(2) Abutting a road: 15 feet none.

C. Rear yard: 15 feet; 25 feet for lots over 200 feet in lot depth.

D. Waterfront yard: 20 feet.

Sec. 53-46  Maximum building height.

Maximum building height shall be 35 feet.

Sec. 53-47  Permitted signs.

A. Permitted signs shall be as follows:

(1) Exempt signs.
(2) Primary and Secondary Class A signs.

(3) Class B signs permitted by conditional use.

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

Sec. 53-48 61. Parking requirements.

See Chapter 25, Parking and Loading Regulations, of this Unified Land Development Code for parking requirements governing various land uses permitted within CG-S Districts.

ARTICLE V. GU GOVERNMENT USE DISTRICT

Sec. 53-62. Relationship to Comprehensive Plan.

The Zoning Regulations in this section implement Objective 1 of the Future Land Use Element of the Comprehensive Plan, which states: “Future development activities shall continue to be directed in appropriate areas as depicted on the Future Land Use Map, and shall encourage the use of innovative land development regulations, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the community character.”, as well as the following policy:

“Policy 1.1: Land development regulations adopted to implement this Comprehensive Plan shall be consistent with F.S. 163.3202(1), as amended, and based on and be consistent with the following densities and intensities,
presuming concurrency requirements are satisfied, for residential and non-
residential development as indicated below:

Public - These lands are designated for sites where governmental and public
activities are conducted. It is not the intent to classify all lands owned by
government into this designation, but only those lands related to the public
welfare and civic activities.”

Sec. 53-49 63. Intent.

This district is intended to apply to those lands where national, state or local
governmental activities are conducted. Any lawful government activity is
permitted in these districts. It is not the intent to classify all lands owned
by government into this district, but only those lands particularly and
peculiarly related to the public welfare.

Sec. 53-50 64. Permitted principal uses and structures.

Permitted principal uses and structures shall be as follows:

A. Government administrative buildings and maintenance facilities.

B. Police stations.

C. Fire stations.

D. Public schools, hospitals and libraries.

E. Public parks, playgrounds, recreational areas and recreational buildings.
F. Other lawful government uses of a like nature.

G. Public recycling depositories.

Sec. 53-51. Permitted accessory uses and structures.

Permitted accessory uses and structures shall be as follows:

A. Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures.

Sec. 53-52. Prohibited uses and structures.

Uses other than those listed lawful government uses are prohibited.

Sec. 53-53. Conditional uses Special Exceptions.

The following conditional uses shall be permissible after public notice and hearings by the North Port Planning and Zoning Advisory Board and the City Commission pursuant to Article 26II: Any use not specifically permitted and is 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.

A. Public and/or franchised utility facilities.

B. Public solid waste collection, transfer, disposal and recycling
C. Airports, helistops, heliports and other landing fields.

D. All communication towers, including but not limited to television and radio transmitter towers. [Added 3-30-1998 by Ord. No. 98-8].

Sec. 53-54 67. Maximum density/intensity.

Maximum density/intensity shall be as follows: none.

Sec. 53-55 68. Minimum lot requirements.

Minimum lot requirements shall be as follows: none.

Sec. 53-56 69. Maximum lot coverage.

Maximum lot coverage shall be as follows: unrestricted.

Sec. 53-57 70. Minimum building size.

Minimum building size shall be as follows: none.

Sec. 53-58 71. Minimum setback requirements.

Minimum setback requirements shall be as follows:

This zoning district may have a zero lot line at the front and side provided there is no encroachment on City right-of-way or easements.
A. Front yard: 25 feet.

B. Side yard: 10 feet.

C. Rear yard: 15 feet.

D. Waterfront yard: 20 feet.

Sec. 53-59. Maximum building height.

Maximum building height shall be 70 feet.

Sec. 53-60. Permitted signs.

A. Permitted signs shall be as follows: [Amended 9-27-1999 by Ord. No. 99-24]

(1) Class A signs for governmental uses or purposes.

B. See Chapter 29, Sign Regulations, of this Unified Land Development Code for details on all regulations governing the use of signs, including size limitations.

Sec. 53-61. Parking requirements.

For parking requirements, see Chapter 25, Parking and Loading Regulations, of this Unified Land Development Code.

ARTICLE VI. ILW LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT
Sec. 53-75. Relationship to Comprehensive Plan.

The Zoning Regulations in this section implement Objective 1 of the Future Land Use Element of the Comprehensive Plan, which states: “Future development activities shall continue to be directed in appropriate areas as depicted on the Future Land Use Map, and shall encourage the use of innovative land development regulations, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the community character.”, as well as the following policy:

“Policy 1.1: Land development regulations adopted to implement this Comprehensive Plan shall be consistent with F.S. 163.3202(1), as amended, and based on and be consistent with the following densities and intensities, presuming concurrency requirements are satisfied, for residential and non-residential development as indicated below:

“Industrial - These lands are designated for light manufacturing, processing, storage, warehousing, wholesaling, and distribution. Institutional and residential uses are prohibited as they are not in character with activities conducted in these districts (0.95 FAR, 15 DU/acre excluding bonuses, incentives or transfer of development rights).”

Sec. 53-62 76. Intent.

These districts are intended for light manufacturing, processing, storage and warehousing, wholesaling and distribution. Institutional and residential uses are prohibited as not in character with the activities conducted in these districts. Service and commercial activities relating to the character of the
district and supporting its activities and employees are permitted. Certain
commercial uses relating to automotive and heavy equipment sales and repair are
permitted, but these districts are not to be deemed commercial in character.

Sec. 53-63 77.  Permitted principal uses and structures.

Permitted principal uses and structures shall be as follows:

A. Wholesaling, warehousing, storage or distribution establishments and

B. Light manufacturing (including paint manufacturing), processing (including
food processing, but not slaughterhouses), packaging or fabricating in a
completely enclosed building.

C. Printing, lithographing, publishing or similar establishments.

D. Bulk storage yards, not including bulk storage of flammable liquids.

E. Outdoor storage yards and lots, provided that this provision shall not
permit wrecking yards (including automotive wrecking yards), junkyards or yards
used in whole or in part for scrap, or salvage operating or for processing,
storage, display or sales of any scrap, salvage or secondhand building
materials, junk automotive vehicles or secondhand automotive vehicle parts.

F. Retail and repair establishments for sale and repair of new and used
automobiles, motorcycles, trucks and tractors, mobile homes, boats, automotive
vehicle parts and accessories (but not junkyards or automotive vehicle wrecking
yards), heavy machinery and equipment, farm equipment, retail establishments for
sale of farm supplies, lumber and building supplies, monuments and similar uses.

G. Service establishments catering to commerce and industry, including professional office, linen supply, freight movers, communications services, restaurant (including drive-in and fast-food restaurants), hiring and union halls, employment agency, sign company, automotive service, truck stops and similar uses.

H. Vocational, technical, trade or industrial schools and similar uses.

I. Medical clinic in connection only with an industrial activity.

J. Miscellaneous uses, such as express offices, telephone exchanges, commercial parking lots and parking garages, motor bus or truck or other transportation terminals and related uses.

K. Radio and television stations and transmitters.

L. Railroad rights-of-way and sidings.

M. Helistops.

N. Essential services, including public or private safety and emergency services. See § 53-232 238(F).

O. Plant nurseries.

P. Public recycling depositories. Permitted in Activity Center #4 and 6 only, conditional use and by special exception only within Activity Center No. 1.
[Amended 3-30-1998 by Ord. No. 98-8], not permitted in Activity Centers # 2, 3, 5, 7 and 8.

Q. Private clubs and lodges existing only at the time of adoption of these regulations.


S. Mini storage. See Sec. 53-239(P), Special Structures, Mini Storage Facilities/Mini Warehousing for additional requirements.

T. Communication towers. [Added 3-30-1998 by Ord. No. 98-8].

Sec. 53-64. Permitted accessory uses and structures.

Uses, including retail sales, and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures are also permitted in this district; provided, however, that no residential facilities shall be permitted in the district except for watchmen or caretakers whose work requires residence on the premises. (See § 53-226.)

Sec. 53-65. Prohibited uses and structures.

The following uses and structures are prohibited:

Any use, structure or activity not specifically or provisionally permitted
herein, including specifically adult entertainment, 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. Listed permitted or permissible uses do not include either as a principal or an accessory use any of the following which are listed for emphasis:

A. Residential dwellings, except as permitted under accessory uses for watchmen or caretakers whose work requires residence on the premises, see Sec. 53-239(C).

B. Wrecking yards, including automotive vehicle wrecking yards and junkyards.

C. Chemical and fertilizer manufacturing.

D. Explosive manufacturing or storage.

E. Paper and pulp manufacturing.

F. Petroleum refining.

G. Stockyards or feeding pens.

H. Animal slaughterhouses.

I. Tanneries and curing or storage of raw hides.

J. Any use not conforming to industrial performance standards.

K. Class B signs.
L. Child and adult care facilities, group home or foster care facilities.

M. Fireworks sales or manufacturing.

N. Incinerators.

Sec. 53-66 79. Conditional uses—Special Exceptions.

The following conditional uses shall be permitted: Any use not specifically permitted and is 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.

A. Bulk storage yards, including flammable liquids.

B. Rehabilitative clinics.

C. Crematories.

D. Heliports.

E. Experimental and research laboratories.

F. Land application of wastewater effluent.

G. Solid waste transfer and recycling facilities not including toxic or
hazardous materials.

H. Public or private gun ranges.

I. [Added 3-30-1998 by Ord. No. 98-8] Miniwarehousing. In addition to any applicable zoning district and use regulations, the following requirements shall apply to all mini-warehousing facilities:

(1) Mini-warehousing facilities shall be limited to dead storage use only. No other commercial or industrial use shall be permitted, and no occupational license shall be issued for any such use.

(2) All storage on the property shall be located within an enclosed building. Outdoor storage is prohibited.

(3) Plumbing shall not be extended to individual storage spaces, and plumbing fixtures such as sinks, toilets and the like shall not be installed.

(4) Minimum building site size shall be three acres.

(5) The building site shall be designed, at a minimum, to accommodate the landscaping requirements of Chapter 21 of the Unified Land Development Code.

(6) Parking and travel aisle design.

(a) One-way travel aisles shall provide for one ten-foot parking/loading lane and one fifteen-foot travel lane. Traffic direction and parking/loading shall be indicated by either pavement marking or signage.
(b) Two-way travel aisles shall provide for one ten-foot parking/loading lane and two twelve-foot travel lanes.

(c) Aisles not serving storage spaces shall not be required to provide parking/loading lanes.


K. Any structure proposed to be up to 50 feet in height. [Amended 11-24-2003 by Ord. No. 2002-56]

Sec. 53-67 80. Maximum density/intensity.

For maximum density/intensity, see § 53-69 53-82, Maximum lot coverage.

Sec. 53-68 81. Minimum lot requirements.

All new lots or parcels created after the date of this chapter shall have a minimum land area of at least 1/2 acre and have a minimum frontage of 100 feet.

Sec. 53-68 82. Maximum lot coverage.

Buildings shall not cover more than 35% percent of available lot area.

Sec. 53-70 83. Minimum building size.

Minimum building size shall be as follows: none 3,000 sq. ft.

Sec. 53-71 84. Minimum setback requirements.
Minimum setback requirements shall be as follows:

A. Front yard: 25 feet.

B. Side yard:
   (1) Interior: none unless a landscaping buffer is required as set forth elsewhere in these regulations.
   (2) Abutting a road: 15 feet.

C. Rear yard: 10 feet.
   (1) Abutting a road: 25 feet.
   (2) Abutting water: 20 feet.

D. Waterfront yard or drainage right-of-way: 20 feet.

Sec. 53-72 85. Maximum building height.

Maximum building height shall be 35 feet unless approved as a conditional use special exception (Article XXII of this chapter. [Amended 11-24-2003 by Ord. No. 2002-56]

Sec. 53-73 86. Permitted signs.

A. Permitted signs shall be as follows:
(1) Exempt signs.

(2) Class A signs.

(3) Class B signs permissible by special exception.

B. See Chapter 29, Sign Regulations, of this Unified Land Development Code for details on all regulations governing the use of signs including, number, size and height limitations.

Sec. 53-74 87. Parking requirements.

See Chapter 25, Parking and Loading Regulations, of this Unified Land Development Code for parking requirements governing various land uses permitted within ILW Districts.

ARTICLE VII. OPI OFFICE, PROFESSIONAL, INSTITUTIONAL DISTRICT

Sec. 53-88. Relationship to Comprehensive Plan.

The Zoning Regulations in this section implement Objective 1 of the Future Land Use Element of the Comprehensive Plan, which states: “Future development activities shall continue to be directed in appropriate areas as depicted on the Future Land Use Map, and shall encourage the use of innovative land development regulations, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the community character.”, as well as the following policy:
“Policy 1.1: Land development regulations adopted to implement this Comprehensive Plan shall be consistent with F.S. 163.3202(1), as amended, and based on and be consistent with the following densities and intensities, presuming concurrency requirements are satisfied, for residential and non-residential development as indicated below:

“Professional Office - These lands are designated for professional and business offices, institutional, cultural, residential and associated uses (0.95 FAR, 15 DU/acre excluding bonuses, incentives or transfer of development rights. As a guideline, the residential use should not exceed 50% of the floor area).”

Sec. 53-75 89. Intent.

The OPI land use grouping is intended for professional and business offices, institutional, cultural and allied uses. The land use grouping is not commercial in character; however, certain very limited commercial uses may be permissible by special exception in demonstrated support of office and institutional uses in the specific OPI land use group. Large-scale office, professional, cultural and institutional uses are encouraged to locate in these areas.

Sec. 53-76 90. Permitted uses and structures.

Permitted uses and structures shall be as follows:

A. Professional offices.

B. Business offices.
C. Rest homes, nursing homes, convalescent homes, homes for the aged, homes for orphans and adult congregate living facilities.

D. Medical and dental clinics and laboratories.

E. Art galleries, libraries, museums, community centers, publicly or privately owned and operated recreation facilities and theaters for live stage productions.

F. Research laboratories not involving odor, noise, smoke or other obnoxious effects detectable to normal senses from off the premises, not involving manufacturing activities.

G. Houses of worship.

H. Public parks, playgrounds and buildings.

I. Dance, art, music and photographic studios.

J. Funeral homes.

K. Private clubs.

L. Animal hospitals with boarding of animals in completely enclosed buildings.

M. Child and adult care facilities and group home facilities.
Emergency and essential services.

Public schools, private schools, public libraries, vocational, technical and trade schools.

Banks and financial institutions.

Cemetery. [Amended 11-24-2003 by Ord. No. 2002-56]

Permitted accessory uses and structures.

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district.

Prohibited uses and structures.

Any use, or structure or activity not specifically permitted herein, including specifically adult entertainment, 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. Listed permitted or permissible uses do not include either as a principal or an accessory use any of the following which are listed for emphasis:

A. Manufacturing or industrial establishments.

B. Wholesale establishments.

C. Wholesale Club.
D. Warehouse and storage.

E. Junkyard or automobile wrecking yard.

F. Fireworks sales or manufacturing.

G. Incinerators.

Sec. 53-79 92. Conditional uses - Special Exceptions.

Conditional uses shall be as follows: 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.

A. Essential services.

B. Auditorium and convention centers.

C. Rehabilitative clinics.

D. Helistops.

E. Hospitals.

F. Any structure proposed to be over 35 feet up to 50 feet in height. [Amended 11-24-2003 by Ord. No. 2002-56].

Page 897 of 1493
S:\ULDC MASTER UPDATE\ULDC Masterdraft 12-04-09 COMMISSION REVIEW3.doc
Sec. 53-80 93. Maximum density/intensity.

For maximum density/intensity, see § 53-82 95, Maximum lot coverage.

Sec. 53-81 94. Minimum lot requirements.

The minimum lot area for this district shall be two acres. The minimum width of a lot in this district shall be 100 feet.

Sec. 53-82 95. Maximum Lot coverage.

Buildings shall not cover more than 35% of available lot area.

Sec. 53-83 96. Minimum building size.

Minimum building size shall be as follows: none 1,500 sq. ft.

Sec. 53-84 97. Minimum setback requirements.

Minimum setback requirements shall be as follows:

A. Front yard: 40 feet.

B. Side yard: 20 feet.

C. Rear yard: 20 feet.

Sec. 53-85 98. Maximum building height.
Maximum building height shall be 70 feet unless approved as a conditional use special exception [Amended 11-24-2003 by Ord. No. 2002-56]

Sec. 53-86. Permitted signs.

A. Permitted signs shall be as follows:

(1) Exempt signs.

(2) Primary and Secondary Class A signs.

B. See Chapter 29, Sign Regulations, of this Unified Land Development Code for details on all regulations governing the use of signs, including number, size and height limitations.

Sec. 53-87. Parking requirements.

See Chapter 25, Parking and Loading Regulations, of this Unified Land Development Code for parking requirements governing various land uses permitted within OPI Districts.

ARTICLE VIII. PCD PLANNED COMMUNITY DEVELOPMENT DISTRICT


Sec. 53-101. Relationship to Comprehensive Plan.

The Zoning Regulations in this section implement Objective 1 of the Future Land Use Element of the Comprehensive Plan, which states: “Future development activities shall continue to be directed in appropriate areas as depicted on the
Future Land Use Map, and shall encourage the use of innovative land development regulations, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the community character.”, as well as the following policy:

“Policy 2.16: A Planned Community Development (PCD) Zoning District shall be amended which applies to the activity centers identified on the Future Land Use Map, or other unplatted areas. The PCD zoning district shall establish standards for types, sizes, densities and intensities of mixed land uses, based upon sound planning principles, soils, topography and other natural limitations, and consistent with the cumulative goals, objectives, and policies contained within this Comprehensive Plan, and as appropriate, the Development of Regional Impact process.”

“Policy 2.19: Land development regulations shall be amended in 1998, consistent with F.S. 163.3202 (1), as amended, which establish standards for types, sizes, densities and intensities of non-residential land uses based upon sound planning principles, soils, topography and other natural limitations, and consistent with the cumulative goals, objectives, and policies contained within this Comprehensive Plan.”

“Policy 2.20: To protect or mitigate the impact of Activity Center development upon viable wetlands or wetland systems, the City shall, at the time of initiation of PCD rezoning and approval of the Development Concept Plan, work with the Applicant(s) to place the development in locations to ensure that incompatible uses are located outside of, and at the appropriate distance away from, the wetlands. The type, intensity, extent, distribution and location of allowable land uses and the types, values, functions, sizes, conditions, and
locations of wetlands are land use factors which shall be considered when
directing incompatible land uses away from wetlands. All proposed developments
shall comply with, or exceed, the criteria for wetland protection of all
appropriate local, state, or federal regulatory agencies. When no reasonable
alternatives to avoid wetland impacts exist, mitigation shall be considered as
one of the means to compensate for loss of wetland functions.”

Sec. 53-88 102. Intent.
The purpose of the PCD Planned Community Development District is to provide an
area for coordinated development of industrial, commercial, service, residential
and government uses within a park-like setting. The establishment of this
district provides a mechanism to attract major employers to the City, which can
contribute to the diversification of the economic base in a manner consistent
with the City's adopted Comprehensive Plan. The PCD District provides for a
variety of uses where project components and land use relationships are
physically and functionally integrated. This concept incorporates a wide range
of traditional industrial uses with a variety of non-industrial activities which
may support or otherwise relate to the commerce/industrial activities which may
support or otherwise relate to the commerce/industrial economic base of the
City. Generally, PCD land uses include manufacturing, wholesaling and
warehousing, construction services, transportation activities, retail trade and
service, residential and government uses. It is the intent of these regulations
to facilitate the harmonious interaction of land uses not individually provided
for in other industrial, commercial, service, residential or government use
districts through grouping of similar uses. These regulations are designed to
protect adjacent properties from the potentially adverse impacts associated with
mixed-use development and to promote efficient and economic land use among
functionally integrated activities. This intent is achieved through coordinated
application of standards, which regulate location, open space, ground coverage, height, lighting, signage, landscape, buffer and other physical design elements.

Within Activity Center No. 2, the Pattern Book as adopted by Ordinance 02-18 is incorporated herein and where it conflicts with these requirements, the Pattern Book shall prevail.

A. This district is intended to be applied to those areas designated as "Activity Center" on the Future Land Use Map of the City's Comprehensive Plan and any unplatted area five acres or larger in size. Recorded lots (existing on or before November 10, 1997) in Activity Center No. 1 shall be developed in accordance with the CG Zoning District. When an owner assembles existing recorded lots that equal more than five acres in size, then the owner may apply City-wide for the PCD Zoning District. [Amended 5-28-2002 by Ord. No. 2002-18]

B. For all development in the sub-areas of Activity Center No. 2, excluding the City's master-planned project in the southeast quadrant of the Snover Waterway and Sumter Boulevard known as City Center, the Development Concept Plan (DCP) guidelines contained within the Pattern Book for Development of Heron Creek Towne Center (the "Pattern Book"), as adopted by Resolution No. 02-R-15, are incorporated herein, to be applied without further plan approval by Planning and Zoning Advisory Board (PZAB) or the City Commission; and where conflicts occur between the "Pattern Book" and the intent or any requirement of the PCD Zoning District, the more exacting standards of the "Pattern Book" shall prevail. [Amended 5-28-2002 by Ord. No. 2002-18]

C. The following regulations and standards shall apply to the land area within Activity Center No. 5. [Amended 11=13=07 by Ord. No. 2007=44].
(1) Definitions.

(a) “Activity Center 5” or “AC-5” shall mean the Activity Center described in Planning Framework 3e and in Future Land Use Element Policies 2.5.1 to 2.5.5 of the City of North Port Comprehensive Plan, and as shown on the Future Land Use Map at the intersection of Price Boulevard and Toledo Blade Boulevard as specified in Ordinance No. 07-44.

(b) “Quadrant” shall mean one of the four portions of AC-5 as divided by Price Boulevard and Toledo Blade Boulevard, known as the Northwest Quadrant, the Southwest Quadrant, the Southeast Quadrant and the Northeast Quadrant.

(c) “Coordinated Internal Transportation network” shall mean a system composed of more than one mode of transportation that may provide for the automobile, mass transit, bicycles and pedestrians and may include roads, sidewalks, bicycle paths, bus shelters, fitness trails, golf cart paths and other intermodal facilities in order to provide mobility and link development within Activity Center #5 as well as provide connections to adjacent residential neighborhoods if feasible as specified in (3)(d).

(2) Property Owners Associations.

A property owners association or associations consisting of owners of land within AC-5 shall be formed for the purpose of providing and maintaining stormwater retention, ponds, lakes, drainage and landscaping within the applicable quadrant of AC-5. The landowners within each quadrant will establish their own property owners association and all landowners within the quadrant are required to be members of the property owners association. The City may consider, at its sole option, entering into an agreement with the
applicable property owners association to address dedication and maintenance
responsibility for lighting, sidewalks, irrigation, roadways, utilities and
other improvements within the rights of way of Citizens Parkway. However, in
no event shall the City be obligated to accept maintenance responsibility of
Citizens Parkway. Improvements outside of the public right-of-way are the
responsibility of the applicable property owners association.

(3) Transportation Infrastructure.

AC-5 shall be served by a developer-built, coordinated internal
transportation network. Actual improvements within the transportation
network shall be determined at DCP approval or a development agreement. The
network shall include facilities determined consistent with the definition of
a coordinated internal transportation network, but must include the
following:

(a) A loop road linking the quadrants of AC-5 as provided by Future
Land Use Element Policy 2.5.4, to be known as Citizens Parkway,
but the final alignment may be subject to further refinement.

(i) Citizens Parkway shall be constructed by the developers
of each quadrant.

(ii) The landowners and/or developers shall coordinate with
Florida Power and Light ("FP&L") to install streetlights,
consistent with the design guidelines required by subsection
(6), within the right-of-way of Citizens Parkway.

(iii) The landowners and/or developers shall install required
landscaping within or abutting the right-of-way of Citizens Parkway, consistent with the design guidelines required by subsection (6), and one or more Property Owners Associations shall be responsible for maintaining the landscaping. The Property Owners Association shall enter into an agreement(s) with the City to address these requirements.

(b) Cross-connections and shared driveways shall be provided between adjacent parcels in order to reduce unnecessary trips and to provide a common point of access to the Citizens parkway, Price Boulevard or Toledo Blade Boulevard. The landowners and/or developers may eliminate individual cross-connections or shared driveways if the landowners and/or developers can demonstrate that these connections are not feasible, as part of the DCP approval.

(i) Roadways shall be designed to provide a consistent visual appearance and theme, in terms of pavement markings, traffic signage/signalization, sidewalk/bike paths, lighting, landscaping, streetscaping and similar elements.

(c) A sidewalk system within each quadrant with links to sidewalks on Price and Toledo Blade Boulevards as they are developed by the City.

(d) External transportation linkages to surrounding residential neighborhoods shall be provided. The landowners and/or developers may eliminate individual external connections to surrounding residential neighborhoods if the landowners and/or developers can
demonstrate that these connections are not feasible, as part of the DCP approval. Determining the feasibility of an external connection must be based upon:

(i) The ability to build the connection including environmental features, site constraints and compatibility at the locations determined by City staff or;

(ii) Community concerns as determined by the City Commission.

(4) Potable Water, Sanitary Sewer and Reclaimed Water Infrastructure.
The City is willing to provide each quadrant, or combination of quadrants, with centralized potable water, sanitary sewer and reclaimed water, provided the landowners and/or developers shall, through one or more property owners associations, enter into a Utility Developer’s Agreement with the City. This agreement will address the availability of capacity and provision for utility services for a quadrant or combination of quadrants and will include requirements that the infrastructure be permitted, constructed and dedicated to the City by the property owners association in accordance with the City’s Utility Standards, DRC review and local, state and federal regulations in advance of the Utility Developer Agreement Capacity Allocation Schedule.

(5) Stormwater and Drainage Infrastructure.
Each quadrant shall be served by a common stormwater and drainage system designed to accommodate the stormwater runoff for that quadrant, consistent with the permitting requirements of the Southwest Florida Water Management District or the City’s Stormwater regulations, whichever is more stringent. The landowners and/or developers shall construct the stormwater and drainage
system in each quadrant, and one or more property owners associations shall be responsible for maintaining the system in each quadrant.

(6) Architectural and Landscaping.

AC-5 shall be planned and designed to provide a consistent, coherent architectural and landscaping theme. This requirement shall apply to landscaping, lighting, pavement treatments, signage and architectural/building design. In order to ensure a consistent and coherent theme within each quadrant, the applicable property owners association shall enter into an agreement with the City to establish a Pattern Book that addresses the general design for the quadrant or quadrant(s) including the architectural/building design, design of streets, street furniture, lighting, landscaping, design, interconnectivity between parcels and buildings and signage. Until such time as the Pattern Book is approved, the architectural and site design standards incorporated into the approvals of Publix Shopping Center (DCP-05-125) and Large Residential Development (DCP-06-28) shall apply to any development proposal within Activity Center #5. The Publix Shopping Center will provide the non-residential architectural and site design standards and the Large Residential Development will provide the residential architectural and site design standards. Projects that have received MAS or Final Subdivision Plan approval prior to the effective date of Ordinance 07-44 are exempt from these architectural and site design standards.

Sec. 53-89 103. Permitted principal uses and structures.

A. Any development located within an Activity Center which is located within a PCD, the development shall be regulated by this section, Chapter 55, Activity Center Design Regulations, and the Urban Design Standards Pattern Book.
In a PCD District, any use permitted either by right or as a conditional use special exception in any (RSF) Residential district except Residential Manufactured Home (RMH) district, the (CG) Commercial General District, (GU) Government Use District, (ILW) Light Industrial Warehousing District, (OPI) Office, Professional and Institutional District and (NC) Neighborhood Commercial District shall be permitted; provided, however, that the proposed use shall be consistent with the City's Comprehensive Plan, the standards and criteria set forth further below regulating development in PCD Districts and the default zoning district and permitted uses are declared in the proposed Development Concept Master Plan, provided that the Commercial General uses are specifically listed.

Sec. 53-90. Permitted accessory principal uses and structures.

Sec. 53-91 104. Prohibited uses and structures.

Sec. 53-92 105. Maximum Density/Intensity. For maximum density/intensity, see Sec. 53-94 107, Maximum lot coverage.

Sec. 53-93 106. Minimum lot requirements.
A. Each lot or parcel of land proposed for use as nonresidential within the
PCD District shall have a minimum land area of at least 1/2 acre as proposed in
the Development Concept Master Plan.

   (1) All nonresidential uses permitted by right or by conditional use special
   exception within any residential district shall have a minimum land area
   of 15,000 square feet.

   (2) Each lot or parcel of land within a Planned Community Development (PCD)
   District proposed for use as nonresidential shall have a minimum frontage of
   100 feet on an approved public or private street.

B. For lands proposed as residential, the following minimum requirements
shall apply:

   (1) Multifamily, cluster housing or townhouses. No minimum lot size shall be
   required; provided, however, that no structure shall be located closer to any
   peripheral property line than two times the height of such structure, that
   maximum density shall be maintained in accordance with § 53-94 107 of these
   regulations and that 30% of the total gross residential acreage be provided
   as usable open space.

   (a) Usable open space shall include active and passive recreation areas,
   such as playgrounds, golf courses, waterways, lagoons, floodplains,
   nature trails and other similar open spaces.

   (b) The foregoing may be modified in the Development Concept Master Plan.
(c) No minimum lot frontage is required for residential land uses proposed as multifamily, cluster housing or townhouses.

(2) Single-family dwellings and duplexes. All detached single-family dwellings and duplexes shall be platted in accordance with Chapter 177 of the Florida Statutes, and each lot shall have a minimum land area of 7,500 square feet.

(a) Each lot or parcel of land proposed as detached single-family dwellings or duplexes shall have a minimum frontage of 50 feet on an approved public or private street.

(3) Mixed Housing units. For developments which have greater than 50 housing units, the units shall be diverse in footprint, structure, design, and square footage.

(a) Housing shall be mixed within the development as not to create more than 25 like units in a row, except apartment buildings.

(b) Units shall mean a living unit intended to house a single family, whether units are attached or not.

Sec. 53-94.  Maximum lot coverage.

A. The maximum lot coverage of each lot by principal buildings and other structures shall not exceed the following percentages of the lot area for each land use group, provided that the development meets all buffer yards, open space, setback and density requirements:
(1) Group 1, Light Industrial and Warehousing (ILW): 35%.

(2) Group 2, Office, Professional, Institutional (OPI): 35%.

(3) Group 3, Commercial General (activity centers, CG, NC): 35%.

(4) Group 4, Residential (RSP, RMF, RTF): 35%.

(5) Group 5, Government Use (GU): 35%.

B. Maximum lot coverage by principal buildings and other structures may be modified in the Development Concept Master Plan in accordance with § 53-103 of these regulations and the following criteria:

(1) Under no circumstances should these standards be varied to increase lot coverage by principal buildings and other structures more than 50% of the lot area.

(2) All uses which have lot coverage standards increased must meet all other lot, parcel and open space requirements.

Sec. 53-108. Maximum building size.

Maximum building size shall be as set forth for the applicable various zoning districts described elsewhere in these regulations, unless otherwise modified in the Development Concept Master Plan (DCP) (DMP).

Sec. 53-109. Minimum setback requirements.
A. Minimum setback requirements shall be as follows, unless otherwise modified in the Development Concept Master Plan:

<table>
<thead>
<tr>
<th>Land Use Groups</th>
<th>Front Yards (feet)</th>
<th>Side Yards (feet)</th>
<th>Rear Yards (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1 Light Industrial and Warehousing (ILW)</td>
<td>25</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>Group 2 Office, Professional, Institutional (OPI)</td>
<td>0</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td>Group 3 Commercial (CG, NC)</td>
<td>0</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td>Group 4 Residential (RSF, RTF, RMF, RMH)</td>
<td>25</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Group 5 Government Use (GU)</td>
<td>0</td>
<td>0</td>
<td>20</td>
</tr>
</tbody>
</table>

B. Minimum setback for side yards may be modified in accordance with § 53-103 of these regulations and the following criteria:

1. Reduction of front and side yards shall be allowed in all land use groups up to 50%, subject to; the reduction does not infringe upon a City Right-of-way or easement and is being shown on the Development Concept Master Plan and justified.

2. No reduction shall be allowed in rear yard setbacks.
Sec. 53-97 110. Maximum building height.

A. No buildings or structures in any land use group within a PCD District shall exceed a maximum height of 50 feet, unless otherwise modified in the Development Concept Master Plan.

B. Structures not intended for human occupancy, including essential electric transmission and distribution facilities, shall be subject to exclusions from the height limits of these regulations.

C. Whenever a building or structure is allowed to exceed the maximum height requirements, additional side and rear yards or usable open space shall be provided at a ratio of one foot for each four feet of additional building height.

Sec. 53-98 113. Permitted signs.

Any signs authorized in the zoning districts referenced under § 53-89 above and described elsewhere in these regulations shall be permitted, provided that they are consistent and compatible with the Development Concept Plan, the Urban Design Standards Pattern Book, and Chapter 29, Sign Regulations.

Sec. 53-99 112. Parking requirements.

All development within the Planned Community Development (PCD) District shall comply with all the parking and loading requirements of this chapter and Chapter 25, unless otherwise modified in the Development Concept Master Plan.

Sec. 53-100 113. General development regulations.
The following Planned Community Development (PCD) District regulations shall govern the general development pattern of the PCD District, unless otherwise modified in the Development Concept Master Plan, as well as existing and proposed physical and environmental site characteristics:

A. Perimeter buffer area. The primary purpose of the perimeter buffer area is to assist in assuring that potentially adverse impacts associated with internal development are mitigated. Areas to be classified as Planned Community Development shall maintain a minimum buffer area of 40 feet measured from the property line, unless modified by the Development Master Plan. This buffer shall only apply to the perimeter which abuts existing single-family recorded lots or drainage area.

(1) Buffer areas listed in Sec. 21-9 shall apply to all property lines within the Planned Community Development unless modified by the Development Master Plan.

(2) Restricted use. No buildings, accessory buildings, parking and loading areas, storage areas or other principal uses shall be permitted within the perimeter buffer areas.

(a) These areas may contain passive recreational facilities, such as picnic areas, nature trails, areas of native habitat and water resources.

(b) Golf courses may be permitted, provided that no storage and maintenance yards, club houses or pro shops are located within the buffer areas.
(c) Certain transportation facilities, for the purpose of ingress and egress to the Planned Community Development District, and utility lines and appurtenances may cross the perimeter buffer areas, provided that they minimize the amount of buffer area devoted to this use.

(i) These Uses may include road pedestrian rights-of-way.

(ii) In native habitats, these uses shall only be allowed in a manner consistent with the Comprehensive Plan and with approval of the appropriate state agency.

(2) Landscaping. Land designated as a buffer area shall be landscaped and screened in accordance with the provisions of Chapter 21, Landscaping Regulations, of this Unified Land Development Code or as modified by the Development Concept Master Plan.

B. Open space. The primary purposes of open space is to assist in conserving or preserving native habitats and to assure internal buffering among otherwise incompatible land uses. A minimum of 30% open space shall be required for the entire area unless modified by the DCP DMP. All landscaped buffer areas may be included as part of the calculation of open space area.

(1) Restricted use. The minimum open space shall not be improved with buildings, structures, driveways, roads, parking or loading areas, outdoor storage or similar uses.

(a) Minimum open space areas may shall include active and passive recreation areas, golf courses, waterways, retention/detention
facilities, floodplains, nature trails, picnic areas, landscaped areas and open space in native habitat.

(2) Landscaping. Land designated as minimum open space shall be landscaped and screened in accordance with Chapter 21, Landscaping Regulations, of this Unified Land Development Code.

C. Public land dedications. Dedication for public utilization of a portion of gross project land area may shall be required where such dedication is in conformity with the City Comprehensive Plan for the areas involved and a finding is made by the appropriate public body (City Planning and Zoning Advisory Board, City Commission, School Board and Sarasota County, etc.) that a demonstrated need exists (for schools, parks, police and fire stations, etc.).

Sec. 53-114. Development procedures.

The approval of an application for a development of regional impact, the rezoning of a specific parcel to Planned Community Development (PCD) or the Development Master Plan (DMP) and the approval of any modifications, where applicable, shall permit normal development procedures to be initiated as specified in the City of North Port Unified Land Development and Zoning Regulations. In addition, the following shall apply:

A. Final plats and final site and development plans shall be in substantial compliance with the development master plan.

B. Prior to recording of a final plat, the developer shall file, as specified at the time of rezoning, a legally constituted maintenance association agreement for improving, perpetually operating and maintaining the common facilities and
open space area. Such documents shall be subject to the approval of the City Attorney. Where no final plat is required, the above maintenance agreement shall be required at the time of site and development plan approval.

Sec. 53-115. Conformance with other regulations.

All development which occurs within a Planned Community Development (PCD) District shall be consistent with local regulations and requirements contained within these regulations and all other pertinent codes and ordinances of the City of North Port, unless otherwise modified in the Development Concept Master Plan, and applicable federal, state, county and district regulations and requirements.

Sec. 53-116. Findings and recommendations for Development Master Plan not governed by a Pattern Book.

This subsection shall apply to any Development Master Plan (DMP) approvals not governed by a previously adopted "Pattern Book" as enumerated in Sec. 53-102.

A. After public hearing, the Planning and Zoning Advisory Board may recommend to the City Commission that the Planned Community Development (PCD) rezoning or Development Master Plan (DMP) approval be granted, be granted subject to stated stipulations and conditions or disapproved denied. In making its recommendation, the Planning and Zoning Advisory Board shall find that the plans, maps and documents submitted by the applicant and presented at the public hearing do or do not establish that the applicant has met the requirements of the City of North Port Unified Land Development Code and the zoning regulations applicable to rezoning and DMP requirements, and in addition: [Amended 5-28-2002 by Ord. No. 2002-18]
(1) That the development area standards set out in Sec. 53-113 have been met.

(2) That the requirements for approval and development as set out in this chapter have been met.

(3) That the PCD District regulations set out in this chapter have been met.

(4) That the property for the proposed PCD or DMP is suitable in terms of its relationships to the City Comprehensive Plan and that areas surrounding the proposed rezoning and development can continue to be developed in coordination and substantial compatibility with the proposed rezoning and DMP.

(5) That the desirable modifications of general zoning or PCD and DMP regulations as applied to the particular case justify such modification of regulations and meet to at least an equivalent degree the regulations modified.

(6) That the PCD District or the DMP site is so located with respect to necessary public facilities (e.g., schools, parks and playgrounds) as to have access to such facilities in the same degree as would development permitted under existing zoning, and shall be so located, designed and scaled that access for public services is equivalent to access and net costs for public services for development as permitted under existing zoning and as defined within the City's Comprehensive Plan.

(7) That the deed restrictions or covenants or conditions in the lease
proposed will afford substantial aid in accomplishing the intent and purpose of these regulations.

Sec. 53-102 117. Requirements for rezoning to a Planned Community Development District and requirements for DCP for PCD Developments.

Application for approval of rezoning land to Planned Community Development (PCD) classification shall be as set forth in this section. Since there are differences between the manner in which land is rezoned as a PCD District and the manner in which land is rezoned as a conventional district, the following additional requirements shall apply to petitions to rezone land to PCD:

A. The Development Concept Master Plan shall accompany any rezoning to Planned Community Development (PCD).

(1) If the property is zoned PCD and no development, as defined in FS § 380, has taken place on the property for two years, a new Development Concept Master Plan shall be submitted and reviewed in accordance with these regulations.

B. Unified control.

(1) All land included within the proposed Planned Community Development (PCD) District shall be under the legal control of the applicant(s), whether the applicant(s) be an individual, group(s) of individuals, partnership(s), corporation(s) or trust(s).
(a) The applicant(s) requesting approval of a PCD shall present a legal document indicating unified control of the entire area within the proposed PCD District.

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

(2) Agreements and evidence.

(a) The applicant shall agree to:

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

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

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

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

C. Commitments of utilities, public facilities and services.

(1) The applicants for the Planned Community Development District designation shall be required to demonstrate that adequate essential services will be provided for the area. For the purpose of this section, essential services shall include roads, bridges, drainage systems, electrical service, potable water service, wastewater treatment and disposal service, solid waste disposal service, emergency medical service and police and fire protection service. These services within the PCD District shall be made available prior to occupancy of any buildings or structures within a PCD District and shall be of adequate capacity to provide for the needs of the development.

(2) The developer shall be responsible to ensure that the agency responsible for utility shall provide central water and sewer service for all development within the district. Where due cause prohibits such connection, centralized water systems and/or sewer package plants will be allowed as an interim system until such time that connection to the City's central sewer and water system is feasible. Septic tanks totaling a maximum flow of 2,000 gallons per day are allowed as an interim system until such time that central sewage service becomes available as required.

(3) The developer of any proposed site development project(s) seeking water and sewer capacity from the City shall be required to enter into a developer/utility agreement with the City. This agreement is an instrument used to plan for a quantity of capacity needed for developments. The agreement is not a guarantee of capacity. It is a reservation of available capacity. The
agreement includes a boundary of the area to be served. The agreement serves as an instrument for the developer to donate and dedicate the water and sewer facilities to the City of North Port for permanent ownership and maintenance.

(a) The agreement is to be negotiated through the Utilities Department and must be approved by the City Commission at a regularly scheduled Board meeting.

D. When to file a Development Concept Master Plan.

Concurrent with the submission of an application for rezoning of land to a Planned Community Development (PCD) classification, or, if the property is zoned PCD and a Development Master Plan (DMP) has not been approved or approved for more than two years, a DMP shall be required, the applicant shall submit nine the appropriate number of copies of a Development concept Master Plan for a thorough review to include: See Sec. 53-7 for DMP submission.

(1) A statement of conformance with the intent and purpose of the PCD District as set forth in § 53-88 of this chapter and, if applicable, an approved application for a development of regional impact.

(2) A description of any proposed modifications of zoning or other applicable City regulations where it is intended by the applicant that such modifications serve the public interest to an equivalent degree.

(3) Title of the project and names and addresses of any and all owners and agents involved in the development.

(4) Map(s) of the proposed development area showing the following:
(a) Scale, date, North arrow and general location map.

(b) Boundaries, dimensions and acreage of the property involved and all existing streets, buildings, watercourses, easements, section lines and other important physical features, including major trees and tree masses in and adjoining the property.

(c) Generalized topography and soil condition.

(d) Limits of the twenty-five-year floodplain and/or the one-hundred-year floodplain.

(e) Areas of historical or archaeological significance.

(f) Generalized layout and description of drainage systems, potable water service, wastewater treatment and disposal service, solid waste disposal service and electric transmission and distribution service.

(g) General locations and acreages of the uses proposed, including residential, commercial, industrial and government uses, buffer areas, open space, recreational uses, off-street parking and loading, vehicular access, traffic flow and generalized landscaping plan as appropriate.

(h) A development schedule indicating the approximate phasing of construction improvements.

(5) Provide a traffic impact statement (TIS) indicating how the proposed
development will affect the adjacent neighborhood and its primary impact area.

This analysis shall be prepared in accordance with TIS preparation guidelines in Chapter 5, Concurrency.

(6) Provide a hurricane evacuation plan which indicates what on-site provisions will be made for storm shelter space. This requirement only applies to proposed development within a designated hurricane storm surge zone.

(7) A wetlands survey which enumerates the acreage of wetlands on the site, what alterations or disturbances to wetlands are proposed and what wetlands will be preserved in their natural existing state; site plan showing the proposed development shall be submitted. The wetlands survey and any alteration of the wetland shall be reviewed by the appropriate state agency or a Phase I Environmental Assessment shall be submitted. The state agency's comments, if available, shall be submitted with the DCP application or prior to scheduling the Planning and Zoning Advisory Board hearing.

(8) A wildlife survey, including a site plan, which identifies all species, including aquatic life, which nest, feed, reside on or migrate to the development site. The survey shall specify what measures will be taken to protect the wildlife and their habitats. In the event wildlife species are considered endangered or threatened, the Development Concept Plan shall identify such species and describe all proposed steps that shall be taken to protect them. The wildlife survey and any proposed protective measure(s) shall be reviewed by the appropriate state agency. The state agency's comments shall be submitted with the DCP application or prior to scheduling the Planning and Zoning Advisory Board hearing.

(9) A vegetative survey, including a site plan, which identifies dominant
plant communities, dominant species and other unusual or unique features of the vegetation association. In the event there are any rare or endangered plants on the site, the Development Concept Plan shall identify such plants and describe the proposed protective measures to be taken. The vegetative survey and any proposed protective measure shall be reviewed by the appropriate state agency or a Phase I Environmental Assessment shall be submitted. The comments of the state agency, if available, shall be submitted with the DCP application or prior to scheduling the Planning and Zoning Advisory Board hearing.

(10) Proposed deed restrictions or covenants or conditions of lease by which the developer proposes to bind those buying or leasing building sites to certain performance standards, including, but not limited to, construction, maintenance, consistent architectural standards and manner of enforcement of buildings, other structures, facilities and landscape relating to use, construction and building design, mass of all structures and special relationships to other proposed structures, landscaping vegetation, building setbacks, loading docks, parking facilities, easements, storage facilities, solid waste disposal, water service, wastewater disposal, improvements made or erected, signs, fences and walls, common open space maintenance and similar matters consistent with the intent of these regulations and the Development Concept Plan.

(11) The City's Development Review Committee (DRC) may require the applicant to submit documentation of the environmental characteristics of the district to ensure appropriate efforts are made to preserve and protect those desirable natural and archaeological resources and, in addition, to submit economic feasibility or market studies to further document and justify the need for the PCD or any PCD component.

(12) Examples of building elevations, including colors and material to be
used on the facades, consistent architectural standards and documents indicating
how the applicant shall enforce the architectural standards, mass of the
structures and special relationships shall be submitted.

F. Submission, review and approval process.

(1) Preapplication conference.

(a) Upon submission of a rezoning application for a PCD District or an
application for DCP approval to the Planning and Zoning Department, and
the Development Review Committee (DRC) shall meet with the applicant or
his agent to review the original application, including all plans, maps
and documents submitted by the applicant. The purpose of such prehearing
conferences shall be to assist in bringing the overall petition as nearly
as possible into conformity with these or other regulations applying
generally to the property involved and/or to define specifically those
additional requirements of the DRC, or those variations from application
of general regulations which appear justified in view of equivalent
service of the public interest and purpose of such regulations. [Amended
11-24-2003 by Ord. No. 2002-56]

(b) In the course of such prehearing conferences, any recommendations for
changes shall be recorded in writing and shall become part of the record
in the case. All such recommendations shall be supported by stated
reasons for the proposal for change. The applicant shall state in writing
his agreement to such recommendations or his disagreement and, if there
is disagreement, shall, in writing, indicate his reasons therefor, and
such responses by the applicant shall be included in the record. The
applicant and the Development Review Committee or Planning and Zoning
Department, on behalf of the City, are encouraged to discuss and negotiate the terms, provisions and conditions of the Development Concept Plan. [Amended 11-24-2003 by Ord. No. 2002-56]

(c) At such time as further conferences appear unnecessary, or at any time at the request of the applicant, public notice, if required, shall be given and a hearing before the Planning and Zoning Advisory Board shall be held as for other applicants for rezoning and DCP approval, but the notice and hearing shall be on the petition or DCP as it may have been amended following the prehearing conferences rather than as originally submitted.

(d) Appeal procedure exclusively for developments governed by a previously adopted "Pattern Book". Where such a "Pattern Book" exists, it shall constitute an approved DCP that shall not be subject to further review by the Planning and Zoning Advisory Board or the City Commission, and shall take precedence over and be superior to the provisions of this Code to the extent of any conflict. Appeals to the Planning and Zoning Advisory Board (PZAB) and City Commission concerning the interpretation or administration of the requirements of a previously adopted "Pattern Book" may be taken by any person aggrieved by any decision, determination or requirement of the Planning and Zoning Department. Any such appeal shall be taken within thirty (30) days of said decision and shall essentially follow the procedure for appeals set forth in Section 53-284 except that it shall be heard by the PZAB and City Commission rather than the Zoning Board of Appeals (ZBA), and the City Commission shall take final action upon the appeal, upon recommendation of the PZAB. [Amended 5-28-2002 by Ord. No. 2002-18]
(2) Findings and recommendations. This subsection shall apply to any DCP approvals not governed by a previously adopted "Pattern Book" as enumerated in § 53-88. After public hearing, the Planning and Zoning Advisory Board may recommend to the City Commission that the PCD rezoning or DCP approval be granted, be granted subject to stated stipulations and conditions or disapproved. In making its recommendation, the Planning and Zoning Advisory Board shall find that the plans, maps and documents submitted by the applicant and presented at the public hearing do or do not establish that the applicant has met the requirements of the City of North Port Unified Land Development Code and the zoning regulations applicable to rezoning and DCP requirements, and in addition: (Amended 5-28-2002 by Ord. No. 2002-18)

(a) That the development area standards set out in § 53-100 have been met.

(b) That the requirements for approval and development as set out in this chapter have been met.

(c) That the PCD District regulations set out in this chapter have been met.

(d) That the property for the proposed PCD or DCP is suitable in terms of its relationships to the City Comprehensive Plan and that areas surrounding the proposed rezoning and development can continue to be developed in coordination and substantial compatibility with the proposed rezoning and DCP.

(e) That the desirable modifications of general zoning or PCD and DCP
regulations as applied to the particular case justify such modification of regulations and meet to at least an equivalent degree the regulations modified.

(f) That the PCD District or DCP site is so located with respect to arterial roadways, collector roadways or other transportation facilities as to provide direct access to the PCD and DCP site without creating or generating traffic along minor streets in residential areas or districts outside the PCD or the DCP site.

(g) That the PCD District or the DCP site is so located with respect to necessary public facilities (e.g., schools, parks and playgrounds) as to have access to such facilities in the same degree as would development permitted under existing zoning, and shall be so located, designed and scaled that access for public services is equivalent to access and net costs for public services for development as permitted under existing zoning and as defined within the City's Comprehensive Plan.

(h) That the deed restrictions or covenants or conditions in the lease proposed will afford substantial aid in accomplishing the intent and purpose of these regulations.

(3) Development procedures. The approval of an application for a development of regional impact, the rezoning of a specific parcel to PCD or the DCP and the approval of any modifications, where applicable, shall permit normal development procedures to be initiated as specified in the City of North Port Unified Land Development and Zoning Regulations. In addition, the following shall apply:
(a) Preliminary and final plats and preliminary and final site and development plans shall be in substantial compliance with the development concept plan submitted as part of the application for rezoning to PCD or the DCP.

(b) Prior to recording of a final plat, the developer shall file, as specified at the time of rezoning, a legally constituted maintenance association agreement for improving, perpetually operating and maintaining the common facilities and open space area. Such documents shall be subject to the approval of the City Attorney. Where no final plat is required, the above maintenance agreement shall be required at the time of site and development plan approval.

Sec. 53-103. Modifications of regulations.

A. All terms, conditions, safeguards and stipulations made at the time of rezoning to Planned Community Development or in the Development Master Plan, shall be binding upon the applicant or any successors in interest. Deviation from approved plans or failure to comply with any requirement, condition or safeguard shall constitute a violation of these zoning regulations.

B. In connection with the approval of an application for Planned Community Development (PCD) zoning or approval of a Development Master Plan (DMP), the City Commission may modify such provisions of the PCD District regulations and the following provisions of the Unified Land Development Code, provided that such modification is clearly shown on the DCP DMP, except when a modification to one or more of the § 53-103 subsections (B)(1)-(7 10) below, provisions are previously specified within an adopted "Pattern Book" constituting the project DCP DMP, as enumerated in § 53-102. Then the criteria set forth therein shall
be a waiver or modification of these provisions and shall take precedence over
and be superior to them to the extent of any conflict: [Amended 5-28-2002 by
Ord. No. 2002-18]

(1) Chapter 21, Landscaping Regulations, Sections 21-7 through 21-15 only

(2) Chapter 25, Parking and Loading Regulations, all sections. [Amended
5-28-2002 by Ord. No. 2002-18]

(3) Chapter 29, Sign Regulations, types of signs, size of signs and location
of signs only. [Amended 5-28-2002 by Ord. No. 2002-18]

(4) Chapter 33, major site and development plans, design sections only.
[Amended 5-28-2002 by Ord. No. 2002-18]

(5) Chapter 37, subdivision and construction, design sections only. [Amended
5-28-2002 by Ord. No. 2002-18]

2002-18]


(8) Chapter 55, Activity Center Design Regulations.

(9) Chapter 59, Public Art.

(10) Chapter 60, Fire Safety Regulations.
C. Such waivers or modifications shall only be granted where the City Commission finds that the waiver or modification would be consistent with the purpose and intent of this chapter, with the Comprehensive Plan and with any criteria made specifically applicable by these regulations or conditions of approval and would not adversely affect the public interest.

D. Provided, further, that the Planning and Zoning Department responsible for land development services may request the City Commission, as a condition of approval, to increase or decrease certain provisions of this chapter and of the Land Development Code, including, but not limited to, the following: [Amended 11-24-2003 by Ord. No. 2002-56]

   (1) Setbacks;
   (2) Lot area;
   (3) Landscaping;
   (4) Density (FAR D/U) and intensity (D/U FAR);
   (5) Parking spaces;
   (6) Signage size and location;

E. Provided, further, that the following section prohibited uses and structures found in the district sections of the Unified Land Development Code shall not be modified. Chapter 53, Part 2, §§ 53-13, 53-26, 53-52, 53-63B, 53-65, 53-78, 53-107, 53-120, 53-133 and 53-146.
ARTICLE IX. RSF RESIDENTIAL SINGLE-FAMILY DISTRICT

Sec. 53-119. Relationship to Comprehensive Plan.

The Zoning Regulations in this section implement Objective 1 of the Future Land Use Element of the Comprehensive Plan, which states: “Future development activities shall continue to be directed in appropriate areas as depicted on the Future Land Use Map, and shall encourage the use of innovative land development regulations, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the community character.”, as well as the following policy:

Policy 1.1: Land development regulations adopted to implement this Comprehensive Plan shall be consistent with F.S. 163.3202(1), as amended, and based on and be consistent with the following densities and intensities, presuming concurrency requirements are satisfied, for residential and non-residential development as indicated below:

Low Density Residential - These lands are designated for residential areas of low density (for currently platted single family lots: maximum density of 4.3 residential units per gross acre, 4.0 residential units per gross acre for unplatted areas).

Medium Density Residential - these lands are designated for residential areas of medium density (maximum of 10.0 residential units per gross acre). Low density residential is permitted within this designation.

Sec. 53-120. Intent.
These districts are intended to be single-family residential areas of low density. The nature of the use of property is the same in all districts. Variation among the RSF-1, RSF-2, RSF-3 and RSF-4 Districts is in requirements for lot area, width and certain setbacks. Certain structures and uses designated to serve governmental, educational, religious, noncommercial recreation and other immediate needs of such areas are permitted or are permissible as conditional uses special exceptions within such districts, subject to restrictions and requirements limited to, the following: [Amended 11-24-2003 by Ord. No. 2002-56] necessary to preserve and protect their single-family residential character.

Sec. 53-105 121. Permitted principal uses and structures.

Permitted principal uses and structures shall be as follows:

A. Single-family dwelling, including modular homes. Such dwellings are to be occupied by one family as defined in Chapter 61 of these regulations.

B. Nonprofit parks and playgrounds.

C. Recreational or community structures maintained by any nonprofit private association or persons resident in the district.

D. Model homes. (See Sec. 53-242 239(R).)

E. Family day-care homes.

F. Front porches may extend into the required front yard setback a maximum
of five (5) feet. [Amended 11-24-2003 by Ord. No. 2002-56]

G. PODs shall be permitted in accordance with Sec. 53-264(A)(2) of this Unified Land Development Code.

Sec. 53-106. Permitted accessory uses and structures.

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district, including:

A. Private garage and storage structures. See § 53-221 for exemptions.

B. Greenhouses, growing of plants and horticultural specialties, provided that no retail sales are made on the premises.

C. Swimming pools.

D. Tennis courts.

E. Noncommercial boat docks and piers.

F. Home occupations.

Sec. 53-107. Prohibited uses and structures.

Any use or structure not specifically, provisionally, or by reasonable implication permitted herein, or permissible by special exception is prohibited. Any use, structure or activity not specifically or provisionally permitted herein, including specifically adult entertainment, 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. The following uses are specifically prohibited:

A. Adult gaming.

B. The parking and storage of construction equipment except in connection with authorized active, continuing construction on the premises.

C. The keeping of farm animals, exotic animals, livestock and poultry, or any animal normally found in the wild.

D. The operation of a business unless specifically permitted as a home occupation. There shall not be evidence of business activity on the premises, including the parking and storage of commercial vehicles, material storage, inordinate vehicular traffic, outside storage or advertising signs.

E. Any car service activity other than that done by the homeowner shall be expressly prohibited.

F. Manufacturing or industrial establishments.

G. Wholesale establishments.

H. Wholesale Clubs.

I. Warehouse and storage.

J. Junkyard or automobile wrecking yard.
K. Dumpster containers that are not in conjunction with construction or renovation.

L. Fireworks sales or manufacturing.

M. Incinerators.

N. Retail Sales.

O. Bail Bondsmen.

P. Quick Check Cashing Establishments.

Q. Pawn Shops.

R. Body Art Establishments.

Sec. 53-108. Conditional uses Special Exception.

Conditional uses shall be as follows: 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.

A. Cluster houses, provided that a site plan is approved.

B. Golf course, country club, tennis club, yacht club or other recreational
facility not maintained by any private association or persons resident in the
district, including executive or par-three golf courses, but not including
miniature golf courses or practice driving ranges not associated with a golf
course.

(1) Such clubs or facilities shall be on parcels of two acres or greater and
shall be located on and have direct vehicular and pedestrian access to an
arterial or collector street as shown on the Comprehensive Plan,
Transportation Element, Future Transportation Circulation Map.

(2) Any required parking shall be located at least 100 feet and any building
or structure located at least 300 feet from any residentially zoned property.

C. Houses of worship, provided that minimum parcel size shall not be less
than two acres and shall be located on and have direct vehicular and pedestrian
access to an arterial or collector street as shown in the Comprehensive Plan,
Transportation Element, Future Transportation Circulation Map. [Amended

D. Group home facilities and child- and adult-care facilities, including
community residential homes of seven to 14 residents.

E. Nursing homes, provided that no structure shall be closer than 50 feet to
any boundary line of the property, and no off-street parking area shall be
located closer than 25 feet on all non-street property lines as per Chapter 25,
Parking and Loading Regulations, of this Unified Land Development Code. All
street frontages shall be landscaped in accordance with Chapter 21, Landscaping
Regulations.
F. Essential and emergency services.

G. Radio and television transmission towers.

H. Public schools and private schools as defined in § 53-9 of these regulations.

I. Adult congregate living facilities in accordance with § 53-223.

Sec. 53-109 124. Maximum density/Intensity.

Maximum density/intensity shall be as follows:

A. RSF-1: 4.0 units per gross acre.

B. RSF-2: 10.0 units per gross acre.

C. RSF-3: 10.0 6.7 units per gross acre.

D. RSF-4: 15.0 units per gross acre.

Sec. 53-110 125. Minimum lot requirements.

Minimum lot requirements shall be as follows:

A. RSF-1:

(1) Width: 100 feet.
(2) Area: 15,000 square feet.

RSF-2:

(1) Width: 70 feet.

(2) Area: 7,500 square feet.

RSF-3:

(1) Width: 65 feet.

(2) Area: 6,500 square feet.

RSF-4:

(1) Width: 40 feet.

(2) Area: 4,000 square feet.

Sec. 53-111 Maximum lot coverage.

Maximum lot coverage by all buildings shall be as follows:

RSF-1: 30%.

RSF-2: 30%.
RSF-3: 30%.

D. RSF-4: 30%.

Sec. 53-112. Minimum dwelling living area.

Minimum dwelling living area shall be as follows:

A. RSF-1: 1,200 square feet.

B. RSF-2: 900 square feet.

C. RSF-3: 750 square feet.

D. RSF-4: 600 square feet.

Sec. 53-113. Minimum setback requirements.

Minimum setback requirements shall be as follows:

A. RSF-1:

   (1) Front: 25 feet.

   (2) Rear: 25 feet.

   (3) Side:

       (a) Interior: 10 feet.
(b) Abutting a road: 15 feet.

(c) Waterfront: 25 feet.

B. RSF-2:

(1) Front: 25 feet.

(2) Rear: 25 feet.

(3) Side:

(a) Interior: 7½ feet.

(b) Abutting a road: 12 feet.

(c) Waterfront: 25 feet.

B. RSF-3:

(1) Front: 25 feet.

(2) Rear: 25 feet.

(3) Side:

(a) Interior: six feet.
(b) Abutting a road: 12 feet.

(c) Waterfront: 20 feet.

D. RSF-4:

(1) Front: 15 feet.

(2) Rear: 15 feet.

(3) Side:

(a) Interior: six feet.

(b) Abutting a road: 12 feet.

(c) Waterfront: 15 feet.

Sec. 53-114. Maximum building height.

Maximum building height shall be as follows:

A. RSF-1: 35 feet.

B. RSF-2: 35 feet.

C. RSF-3: 35 feet.

D. RSF-4: 35 feet.
Sec. 53-115. Permitted signs.

Exempt signs only shall be permitted.

Sec. 53-116. Parking requirements.

See Chapter 25, Parking and Loading Regulations, of this Unified Land Development Code for parking requirements governing land uses permitted in RSF Districts.

ARTICLE X. RTF RESIDENTIAL TWO-FAMILY DISTRICT

Sec. 53-132. Relationship to Comprehensive Plan.

The Zoning Regulations in this section implement Objective 1 of the Future Land Use Element of the Comprehensive Plan, which states: “Future development activities shall continue to be directed in appropriate areas as depicted on the Future Land Use Map, and shall encourage the use of innovative land development regulations, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the community character.”, as well as the following policy:

Policy 1.1: Land development regulations adopted to implement this Comprehensive Plan shall be consistent with F.S. 163.3202(1), as amended, and based on and be consistent with the following densities and intensities, presuming concurrency requirements are satisfied, for residential and non-residential development as indicated below:
Low Density Residential - These lands are designated for residential areas of low density (for currently platted single family lots: maximum density of 4.3 residential units per gross acre, 4.0 residential units per gross acre for unplatted areas).

Medium Density Residential - These lands are designated for residential areas of medium density (maximum of 10.0 residential units per gross acre). Low density residential is permitted within this designation.

Sec. 53-117 133. Intent.

The RTF Residential Two-Family District is intended to be a low to medium-density residential district with emphasis on two-family use.

Sec. 53-118 134. Permitted principal uses and structures.

Permitted principal uses and structures shall be as follows:

A. Two-family and single-family dwellings, including modular homes. Such dwellings are to be occupied by one or two families.

B. Nonprofit parks and playgrounds.

C. Recreational or community structures maintained by any private association or persons resident in the district.

D. Model homes. (See § 53-242 239(R)).
E. PODs shall be permitted in accordance with Sec. 53-264(A)(2) of this Unified Land Development Code.

Sec. 53-119 142. Permitted accessory uses and structures.

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district, including:

A. Private garage and storage structures.

B. Greenhouses, growing of plants and horticultural specialties, provided that no retail sales are made on the premises.

C. Swimming pools.

D. Tennis courts.

E. Noncommercial boat docks and piers.

F. Home occupations.

Sec. 53-120 135. Prohibited uses and structures.

Any use or structure not specifically, provisionally, or by reasonable implication permitted herein, or permissible by special exception is 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 exhibition of sexually explicit activities. The following uses are specifically prohibited:

A. The parking and storage of construction equipment except in connection with authorized active, continuing construction on the premises.

B. The keeping of farm animals, exotic animals, livestock and poultry, or any animal normally found in the wild.

C. The operation of a business unless specifically permitted. There shall not be evidence of business activity on the premises, including the parking and storage of commercial vehicles, material storage, inordinate vehicular traffic, outside storage or advertising signs.

D. Bail Bondsman

E. Check Cashing Establishments

F. Pawn Shops

G. Manufacturing or industrial establishments.

H. Wholesale establishments.

I. Wholesale Clubs

J. Warehouse and storage.

K. Junkyard or automobile wrecking yard.
L. Fireworks sales or manufacturing.

M. Incinerators.

Sec. 53-121 136. Conditional uses: Special Exception.

Conditional uses shall be as follows: Any use not specifically permitted and is 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.

A. Cluster houses, provided that a site plan is approved.

B. Golf course, country club, tennis club, yacht club or other recreational facility not maintained by any private association or persons resident in the district, including executive or par-three golf courses, but not including miniature golf courses or practice driving ranges not associated with a golf course. Such clubs or facilities shall be on parcels of two acres or greater and shall be located on and have direct vehicular and pedestrian access to an arterial or collector street as shown in the Comprehensive Plan, Transportation Element, Future Transportation Circulation Map. Any required parking shall be located at least 100 feet and any building or structure at least 300 feet from any residentially zoned property. [Amended 3-25-2002 by Ord. No. 2002-4]

C. Houses of worship, provided that minimum parcel size shall not be less than two acres and shall be located on and have direct vehicular and pedestrian access to an arterial or collector street as shown in the Comprehensive Plan.

D. Group home facilities and child- and adult-care facilities, including community residential homes for seven to 14 residents.

E. Nursing homes, provided that no structure shall be closer than 50 feet to any boundary line of the property, and no off-street parking area shall be located closer than 25 feet on all non-street property lines as per Chapter 25, Parking and Loading Regulations, of this Unified Land Development Code. All street frontages shall be landscaped in accordance with Chapter 21, Landscaping Regulations, of this Unified Land Development Code.

F. Essential and emergency services.

G. Radio and television transmission towers.

H. Public schools and private schools as defined in § 53-9 of these regulations.

I. Adult congregate living facilities in accordance with § 53-223.

Sec. 53-122. Maximum density.

Maximum density shall be as follows:

A. RTF: 10 units per acre.
Sec. 53-123 138. Minimum lot requirements. [Amended 12-11-2001 by Ord. No. 2001-43]

Reference to lot size pertains to one of the two-family units. Although units are attached, each unit shall be located on a single lot with separate Parcel Identification Numbers (PID).

Minimum lot requirements shall be as follows:

A. RTF:

(1) Width: 35 feet.

(2) Area: 4,375 square feet.

Sec. 53-124 139. Maximum lot coverage. [Amended 12-11-2001 by Ord. No. 2001-43]

Maximum lot coverage by all buildings shall be:

A. RTF: 40%.

Sec. 53-125 140. Minimum dwelling living area.

Minimum dwelling living area shall be as follows:

A. RTF: none. 900 sq. ft.

Sec. 53-126 141. Minimum setback requirements.
Minimum setback requirements shall be as follows:

A. RTF:

(1) Front: 25 feet.

(2) Rear: 25 feet.

(3) Side: [Amended 12-11-2001 by 2001-43]

(a) Interior: 7½ feet, zero feet on side abutting adjoining dwelling unit, if applicable.

(b) Abutting a road: 15 feet, zero feet on side abutting adjoining dwelling unit, if applicable.

(c) Waterfront: 25 feet, zero feet on side abutting adjoining dwelling unit, if applicable.

Sec. 53-127 142. Maximum building height.

Maximum building height shall be as follows:

A. RTF: 35 feet.

Sec. 53-128 143. Permitted signs.

Exempt signs only shall be permitted.
Sec. 53-129. Parking requirements.

See Chapter 25, Parking and Loading Regulations, of this Unified Land Development Code for parking requirements governing land uses permitted in RTF Districts.

ARTICLE XI. RMF RESIDENTIAL MULTIFAMILY DISTRICT

Sec. 53-145. Relationship to Comprehensive Plan.

The Zoning Regulations in this section implement Objective 1 of the Future Land Use Element of the Comprehensive Plan, which states: “Future development activities shall continue to be directed in appropriate areas as depicted on the Future Land Use Map, and shall encourage the use of innovative land development regulations, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the community character.”, as well as the following policy:

Policy 1.1: Land development regulations adopted to implement this Comprehensive Plan shall be consistent with F.S. 163.3202(1), as amended, and based on and be consistent with the following densities and intensities, presuming concurrency requirements are satisfied, for residential and non-residential development as indicated below:

High Density Residential - These lands are designated for high density residential areas with emphasis on multi-family use (maximum of 15.0 residential units per gross acre excluding bonuses, incentives or transfer of development rights).
Sec. 53-130. Intent.

The residential multifamily district is intended to be a high-density residential district with emphasis on multifamily use.

Sec. 53-131. Permitted principal uses and structures.

Permitted principal uses and structures shall be as follows:

A. All principal uses and structures permitted in RSF Districts.

B. Two-family dwellings.

C. Multiple-family dwellings and townhomes.

D. Cluster houses.

E. Community residential homes. (See definition in § 53-9 Chapter 61.)

F. House of worship, provided that minimum parcel size shall not be less than two acres and shall be located on and have direct vehicular and pedestrian access to an arterial or collector street as shown in the Comprehensive Plan, Transportation Element, Future Transportation Circulation Map. [Amended 9-27-1999 by Ord. No. 99-24]

G. Emergency and essential services.

Sec. 53-132. Permitted accessory uses and structures.
A. Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district.

B. Home occupations are permitted.

Sec. 53-133 148. Prohibited uses and structures.

Any use or structure not expressly or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district, including mobile homes, private clubs, lodges and fraternal organizations. 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 exhibitions of sexually explicit activities. The following uses are specifically prohibited:

A. Mobile homes.

B. Private clubs, lodges and fraternal organizations.

C. Bail Bondsman.

D. Check Cashing or Quick Loan establishments.

E. Pawn shops.

F. Tattoo or Body Art establishments.

G. Manufacturing or industrial establishments.
H. Wholesale establishments.

I. Wholesale Clubs

J. Warehouse and storage.

K. Junkyard or automobile wrecking yard.

L. Fireworks sales or manufacturing.

M. Incinerators.

N. The keeping of farm animals, exotic animals, livestock and poultry, or any animal normally found in the wild.

Sec. 53-134 149. Conditional uses—Special Exception.

Conditional uses shall be as follows: 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.

A. Yacht clubs, country clubs, tennis clubs other recreational facilities and golf courses, including executive or par-three golf courses, but not including miniature golf courses or practice driving ranges not associated with a golf course, provided that any required parking area or building is located least 50 feet from other property zoned for residential use.
B. Public schools and private schools as herein defined in these regulations.

C. Group-home facilities; child- and adult-care facilities in accordance with Sec. 53-258.

D. Essential services.

E. Nursing homes.

F. Rooming and boarding houses.

G. Adult congregate living facilities in accordance with Sec. 53-223.

H. Medical and dental offices.

I. Any structure proposed to be up to 50 feet in height. [Amended 11-24-2003 by Ord. No. 2002-56]

J. If the proposed density of a project exceeds the average gross density of the neighborhood as shown in the Comprehensive Plan, the project and density shall be reviewed as a conditional use special exception. [Amended 11-24-2003 by Ord. No. 2002-56]

Sec. 53-135 150. Maximum density/intensity.

Maximum density/intensity shall be as follows:

A. RMF: 15 units per acre. Bonus density can be obtained per the provisions
set forth in Chapter 41, Transfer of Development Rights, of this Unified Land Development Code.

Sec. 53-136. Minimum lot requirements.

Minimum lot requirements shall be as follows:

A. Single-family dwelling unit:

(1) Area: 7,500 square feet.

(2) Width: 75 feet.

B. Duplex or townhouses:

(1) Area: 5,000 square feet per dwelling unit; minimum project lot size: 8,700 square feet.

(2) Width: 100 feet.

C. Multiple-family building:

(1) Area: 2,900 square feet per dwelling unit; minimum project lot size: 8,700 square feet.

(2) Width: 100 feet.

D. Nonresidential uses:
(1) Area: 10,000 square feet.

(2) Width: 100 feet.

Sec. 53-137. Maximum lot coverage.

Maximum lot coverage by all buildings shall be as follows:

A. RMF: 35%.

Sec. 53-138. Minimum dwelling living area.

Minimum dwelling living area shall be as follows:

A. RMF: none.

Sec. 53-139. Minimum setback requirements. [Amended 10-16-1995 by Ord. No. 95-10]

Minimum setback requirements shall be as follows:

A. RMF:

(1) Front: 25 feet.

(2) Rear: 25 feet.

(3) Side, interior: 1/2 the building height but not less than 10 feet.
(4) Waterfront:

(a) Twenty feet for subdivisions platted prior to the adoption of the City's Unified Land Development Code Ordinance No. 90-28 on September 17, 1990, containing waterfront lots which include a twenty-foot wide drainage and utility easement. In addition, all unplatted areas containing waterfront lots which include a twenty-foot wide drainage and utility easement which was recorded as such in the Sarasota County Clerk's Office prior to the adoption of the City's Unified Land Development Code Ordinance No. 90-28 on September 17, 1990.

(b) Twenty-five feet for subdivisions platted subsequent to the adoption of the City's Unified Land Development Code Ordinance No. 90-28 on September 17, 1990, which include a twenty-five-foot wide drainage and utility easement.

(5) Abutting a road: 25 feet.

(6) Minimum distance between buildings: a minimum of 15 feet or 1/2 of the height of the highest building, whichever is greater.

Sec. 53-140. Maximum building height.

Maximum building height shall be as follows:

A. RMF: 35 70 feet in height unless approved as a conditional use special exception [Amended 11-24-2003 by Ord. No. 2002-56]

Sec. 53-141. Permitted signs.
The following signs shall be permitted:

A. Exempt signs.

B. One Secondary Class A sign for each street frontage for all uses except single- and two-family dwellings.

Sec. 53-157. Parking requirements.

See Chapter 25, Parking and Loading Regulations, of this Unified Land Development Code for parking requirements governing land uses permitted in a RMF District.

ARTICLE XII. RMH RESIDENTIAL MANUFACTURED HOME DISTRICT

Sec. 53-158. Relationship to Comprehensive Plan.

The Zoning Regulations in this section implement Objective 1 of the Future Land Use Element of the Comprehensive Plan, which states: “Future development activities shall continue to be directed in appropriate areas as depicted on the Future Land Use Map, and shall encourage the use of innovative land development regulations, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the community character.”, as well as the following policy:

Policy 1.1: Land development regulations adopted to implement this Comprehensive Plan shall be consistent with F.S. 163.3202(1), as amended, and based on and be consistent with the following densities and intensities, presuming concurrency
requirements are satisfied, for residential and non-residential development as indicated below:

Medium Density Residential - These lands are designated for residential areas of medium density (maximum of 10.0 residential units per gross acre). Low density residential is permitted within this designation.

High Density Residential - These lands are designated for high density residential areas with emphasis on multi-family use (maximum of 15.0 residential units per gross acre excluding bonuses, incentives or transfer of development rights).

Sec. 53-143 159. Intent.

The RMH Residential Manufactured Home District is intended to provide parks and/or subdivisions consisting of manufactured homes/mobile homes occupied as single-family dwellings in an environment of residential character.

A. Applications for development under the RMH zoning district shall adhere to the filing regulations of Chapter 37, Subdivision Regulations and shall meet all concurrency as required in Chapter 5, Concurrency Management.

Sec. 53-144 160. Permitted principal uses and structures.

Permitted principal uses and structures shall be as follows:

A. Manufactured homes/mobile homes.

B. Park offices and maintenance facilities.
C. Model homes. (See Sec. 53-242 239(R)).

Sec. 53-145. Permitted accessory uses and structures.

Accessory uses and structures are permitted if they are customarily accessory to permitted uses and structures, are located on the same lot or parcel as the manufactured home park, are not likely to attract visitors in large numbers and involve operations or structures consistent with the character of a manufactured home park, including the following:

A. Laundry facilities and sales of groceries and sundries, subject to the following:

(1) Such establishments and parking areas related primarily to their operations shall not occupy more than 2% of the area of the park.

(2) Such establishments shall be used primarily by occupants of the park.

(3) The commercial nature of such establishments shall not be visible from any street outside the park so as to attract customers other than occupants of the park.

(4) Such establishments shall not be located closer than 100 feet to any public street and shall be accessible only from a street within the park.

B. Additions to manufactured home type construction, adjacent to and attached to manufactured homes, including cabanas, carports and storage units. The length, width and height of such an addition shall not exceed that of the
original manufactured home excluding the addition to which it is attached.

C. Park recreation facilities, including community room or center, courts for games, docks, piers and boat-launching areas.

D. Enclosed storage structures and garage facilities with use limited to park management and residents only.

E. Open storage areas for recreational vehicles or boats, with use limited to park or subdivision residents only, provided that no sales of recreational vehicles or boats shall be made from the premises and further provided that all such areas shall be totally screened from view by a landscape buffer in accordance with Chapter 21, Landscaping Regulations, of this Unified Development Code. No open storage area shall exceed 5% of the total land area of a manufactured home park or subdivision.

Sec. 53-146 161. Prohibited uses and structures.

Any use or structure not expressly or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district. 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. The following uses are specifically prohibited:

A. Bail Bondsman.

B. Check Cashing or Quick Loan establishments.
C. Pawn shops.

D. Tattoo or Body Art establishments.

E. Manufacturing or industrial establishments.

F. Wholesale establishments.

G. Wholesale Clubs.

H. Warehouse and storage.

I. Junkyard or automobile wrecking yard.

J. Fireworks sales or manufacturing.

K. Incinerators.

L. The keeping of farm animals, exotic animals, livestock and poultry, or any animal normally found in the wild.

Sec. 53-147 162. Conditional uses. Special Exceptions.

Conditional uses shall be as follows: 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.
A. Essential and emergency services.

B. Golf course and country club, excluding miniature golf courses, provided that any required parking area is located at least 100 feet from any residentially zoned property. Said golf course and country club shall be on parcels of two acres or greater and shall be located on and have direct vehicular and pedestrian access to an arterial or collector street as shown in the Comprehensive Plan, Transportation Element, Future Transportation Circulation Map. [Amended 3–25–2002 by Ord. No. 2002–4]

C. Houses of worship, provided that minimum parcel size shall not be less than two acres and shall be located on and have direct vehicular and pedestrian access to an arterial or collector road as shown in the Comprehensive Plan, Transportation Element, Future Transportation Circulation Map. [Added 3–25–2002 by Ord. No. 2002–4]

Sec. 53–148 163. Maximum density/intensity.

Maximum density/intensity shall be as follows: 15 units per gross acre.

Sec. 53–149 164. Minimum lot requirements.

Minimum lot requirements shall be as follows:

A. Width: 50 40 feet.

B. Area: 4,000 square feet.
Sec. 53-150. Maximum lot coverage.

Maximum lot coverage by all buildings shall be as follows:

A. Fifty percent for all manufactured home parks prior to the adoption of these land development relations.

B. Forty percent for all manufactured home parks created after the effective date of these land development regulations.

Sec. 53-151. Minimum dwelling living area.

Minimum dwelling living area shall be as follows: 500 square feet.

Sec. 53-152. Minimum setback requirements.

Minimum setback requirements shall be as follows:

A. Front: 15 feet.

B. Rear: 10 feet.

C. Side, interior: 5 feet.

D. Abutting a road: 10 feet.

Sec. 53-153. Maximum building height.

Maximum building height shall be as follows:
A. Twenty (20) feet for residential.

B. Thirty-five (35) feet for community center or other similar structures.

Sec. 53-154. Permitted signs.

Permitted signs shall be as follows:

A. Exempt signs

B. One secondary Class A sign to identify each entrance to a mobile modular home park.

Sec. 53-155. Parking requirements.

See Chapter 25, Parking and Loading Regulations, of this Unified Land Development Code for parking requirements governing various land uses permitted in RMH Districts.

Sec. 53-156. Special development standards.

A. Minimum park area shall be 40 acres. This minimum applies to all new parks or subdivisions but not to additions to existing parks or subdivisions.

B. Street improvements.

(1) Access to the park or subdivision shall be from City-maintained roadways
and shall be designed for safe and convenient movement of traffic into and
out of the development with minimization of impact to traffic movement on
adjacent streets.

(a) All vehicular traffic into and out of the park or subdivision shall
be through such designated entrances and exists.

(2) Entrances and exits to manufactured vehicle home parks, in addition to
the access requirements of Subsection B(1) above, shall be designed so as to
not require turns at acute angles, and radii of curbs and pavements at
intersections shall facilitate easy turning movements as determined by the
City Manager or designee and Fire Marshal for large vehicles and vehicles
with trailers attached.

(a) No vehicular access to a recreational vehicle park shall be through a
mobile modular home park or subdivision.

(3) Internal streets in parks or subdivisions shall be designed and
constructed in accordance with the City of North Port Land Development
Regulations.

(a) All streets within a mobile modular home park or a recreational
vehicle park shall be private streets.

C. Communication systems.

(1) Such systems shall only be permitted within a mobile modular home park or
a recreational vehicle park and shall not be audible beyond park boundaries.
Outside public address systems are prohibited.

D. Landscaping.

(1) At least two trees minimum size shall be planted or preserved on every mobile modular home lot, regardless of lot size. Trees shall meet or exceed the 35% canopy coverage requirements in Chapter 45. All trees shall be from the Tree Priority List, maintained by the City Manager or designee. (See also Chapter 45-19). [Amended 4-8-2002 by Ord. No. 2002-17] [Amended 4-8-2002 by Ord. No. 2002-17]

(2) Minimum shrub planting requirements. Three shrubs shall be planted or preserved for every 2,000 square feet of area of a mobile modular home lot.

(3) Trees and other plantings shall be reviewed by the City Arborist.

(4) All lots shall have a turfed area or other vegetative ground cover.

(5) All common areas and lots not utilized for structures, parking or other landscaping shall be covered by turf or other vegetative ground cover.

(6) Landscaped buffer areas. See Chapter 21, Landscaping Regulations, of this Unified Land Development Code.

E. Lighting

(1) Street lighting shall be installed in mobile modular home parks and recreational vehicle parks. Such lighting may be overhead or low level; however, the source of said lighting shall not be visible beyond park
boundaries, and all light shall be directed onto the street or pedestrian way.

(a) Lighting along public streets shall maintain a level of 0.9 foot candles at all places along the public street, including sidewalk areas.

(b) Lighting along private streets shall maintain a 0.5 foot candle at all places along the private street.

F. Phasing.

If a developer wishes to phase the construction of the development, at least one half (1/2) of the units, and the required accessory facilities shall be completed prior to being issued a CO for that phase.

(1) The city may require bonding for the remaining portions of the phased development. Bonding would cover the cost of providing roads, sidewalks, street lighting, accessory structures and other parts of the unfinished portion of the mobile modular home park.

G. Space numbering.

Each lot in a mobile modular home development shall be conspicuously marked with the proper lot number that will provide identification of that site. Such numbering shall be subject to approval by the Fire Marshal.

H. Skirting.
All modular homes placed within the City shall, within sixty (60) days of their installation, except in cases of inclement weather be completely skirted between the bottom of the unit and the ground with a material harmonious in color and texture with the exterior of the modular home.

I. Sidewalks and Walkways.

(1) Sidewalks four (4) feet in width shall be provided along one side of street frontage in mobile modular home parks and shall be constructed to City standards.

(2) Sidewalks connecting interior facilities in the mobile modular home park shall be 4 feet in width.

(3) Sidewalks or walkways shall be provided to connect the mobile modular home unit to the roadway and shall be built to City standards.

J. Refuse Handling.

(1) The storage, collection and disposal of refuse in mobile modular home parks shall be conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

(2) All refuse shall be stored in flytight, watertight, rodent proof containers, which shall be located no more than one hundred fifty feet from any modular home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.
(3) Refuse collection area shall be provided and shall be enclosed by a solid masonry wall at 6 feet high with an access gate.

K. Park Areas for Nonresidential Uses.

(1) No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park.

(2) Nothing contained in this Section shall be deemed as prohibiting the sale of a modular home located in and connected to the pertinent utilities.

L. Responsibilities of Park Management.

(1) The operator of a modular home park shall operate the park in compliance with this Chapter and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(2) The park management shall notify park residents of all applicable provisions of this Chapter and inform them of their duties and responsibilities under this chapter and regulations issued hereunder.

(3) The park management shall be responsible for obtaining all necessary permits required by this Chapter for placement and replacement of each modular home on its stand and the installation of all utility connections.
(a) A Certificate of Occupancy (CO) for the modular home will not be issued until proper inspections have been made by the Building and the department responsible for land development services.

(b) A modular home shall not be occupied for dwelling purposes until a CO has been issued.

(4) An office shall be maintained on all modular home park premises which allows residents to contact the management at least on a forty (40) hour per week basis.

D. Utilities.

(1) Street lighting shall be installed in mobile home parks and recreational vehicle parks. Such lighting may be overhead or low level; however, the source of said lighting shall not be visible beyond park boundaries, and all light shall be directed onto the street or pedestrian way.

(2) Each mobile modular home or recreational vehicle site shall be provided with an approved electric service and shall be connected to a central water and sewer system.

(2) All utilities, distribution and collection systems, including those for water, sewer, electricity, telephone, gas and television cable, shall be underground. Electric power and/or central gas systems, if used, shall be serviced by individual meters.

(3) Utility easements shall be provided in accordance with the City of North Port Land Development Regulations.
N. Mobile Modular home foundation and tie-down. Each mobile modular home shall be placed on a foundation or tied down in accordance with the City Building Code or other regulatory agency requirements.

O. Recreation facilities.

(1) Eight percent of the gross area of a mobile modular home park or subdivision or a recreational vehicle park shall be developed for recreational purposes.

(2) No mobile modular home site, required buffer area, street right-of-way, storage area, utility site or utility easement shall be counted as recreation area in meeting this requirement.

(3) Recreation areas and facilities shall be owned, operated and maintained by the management in a mobile modular home or recreational vehicle park. Recreation areas and facilities in a mobile home subdivisions shall be owned, operated and maintained by the developer of the subdivision or shall be held in common ownership and operated and maintained by all owners within the mobile modular home subdivision.

(4) Prior to approval of a final plat for a mobile modular home subdivision, a program for continued maintenance of all recreation areas shall be submitted to the City Commission and to an attorney designated by the City Commission for review and approval. Said program shall include agreements, contracts, deed restrictions, sureties or other appropriate legal instruments to guarantee installation and continued maintenance of such recreation areas and facilities.
C. Landscaped buffer areas. See Chapter 21, Landscaping Regulations, of this Unified Land Development Code.

H. Carport or patio. Each mobile modular home site in a mobile modular home park shall contain a concrete slab not less than 10 feet by 20 feet in dimension for a carport or patio. Such slab shall not be required until after the mobile modular home is in position.

ARTICLE XIII. UTILITY/INDUSTRIAL CORRIDOR (UIC)

[Added 1-13-2003 by Ord. No. 2002-46]

Sec. 53-157. Relationship with the Comprehensive Plan.

The Utility/Industrial Corridor District (UIC) implements the Comprehensive Plan Future Land Use Objectives 4 and 10, and policy 4.4 to provide for standards for neighborhood protection; Transportation Objectives 4 and 9, policy 9.3 providing for the preservation of lands that may be used for mass transit; Intergovernmental Coordination Objective 1 to coordinate with other jurisdictions to manage growth.

Sec. 53-158. Intent.

The Utility/Industrial Corridor District is established for the purpose of identification, protection, preservation and the beneficial use of property strategically located so that it can be used as a corridor for regional utility industrial facilities. It is intended that this District shall not be a holding category for land, but rather, a terminal category to ensure that the present and future residents of the City of North Port shall be able to enjoy and have
access to regional facilities.

The provisions of this District are intended to preserve strategically located lands for regional facilities such as, but not limited to, high-speed rail/mass transit, rapid transit facilities, high voltage electric transmission lines, (other transmission lines including those used for water, gas, liquid petroleum, sewerage), local and regional drainage facilities, and outdoor advertising. Although these uses are industrial type of uses, the industrial classification only applies to the permitted and conditional uses special exception which are industrial in character.

Sec. 53-174. Permitted Principal Uses and structures.

All permitted uses shall be required to submit a Development Concept Master Plan for review by City staff, Planning and Zoning Advisory Board and City Commission approval and an environmental impact assessment.

Permitted uses and structures shall be permitted as follows:

A. Local drainage facilities (both installed by private and public entities).

B. Pipeline corridor(s) containing a pipeline(s) smaller than 24.00001 inches in diameter.

C. City of North Port governmental uses.

D. Underground communication cables, such as, but not limited to fiber optics.
E. Electric transmission Line(s).

F. Outdoor advertising signage along I-75 only, meeting the requirement of Chapter 29, Sign Regulations. Following criteria:

1. Signs shall be 1500 linear feet apart along the same side of the roadway. There is no minimum between northbound and southbound locations.

2. Signs shall be a maximum of 400 square feet in size. Only one face shall count toward the total aggregate area provided.

a. With respect to V-type signage, up to a ninety degree angle, the two sides are to be separated by a distance of no less than one (1) foot and with the sign being intersected at one point; and

b. With respect to double faces (back to back) signage, there can be no separation between the backs of each face of the sign other than the structural supports to which each sign face is attached.

c. Signs shall be set back a minimum of ten (10) feet from any property line.

d. Maximum height of signage shall be sixty-five (65) feet high.

e. Signs may have multiple faces showing different messages at given times.

Sec. 53-160.185. Permitted accessory uses and structures.
Permitted accessory uses and structures shall be as follows:

A. Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures.

Sec. 53-161 175. Prohibited uses and structures.

The following uses and structures shall be prohibited:

A. Residential uses

B. Commercial and industrial

C. Communication towers

D. Adult Congregate Living Facility, Group homes, Foster care facilities.

E. Newspaper Racks (Ordinance 04-29)

F. Manufacturing or industrial establishments.

G. Wholesale establishments.

H. Wholesale Clubs

I. Warehouse and storage.

J. Junkyard or automobile wrecking yard.
K. Fireworks sales or manufacturing.

L. Incinerators.

Sec. 53-162. Conditional uses. Special Exceptions.

All conditional uses shall be required to submit a Development Concept Master Plan and an environmental impact assessment in addition to the other conditional use special exception application requirements.

The following conditional uses shall be permitted: Any use not specifically permitted and is 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.

A. Mass transit/high-speed rail facilities.

B. Pipeline corridor(s) containing a pipeline(s) greater than 24 inches in diameter shall be reviewed pursuant to 53-250.

C. Regional Drainage Facilities.

In addition to the requirements of Article XIII, Conditional uses, specific requirements for the above conditional uses are found in Article 26, Enumeration of Regulations.
ARTICLE XIV. ACTIVITY CENTER #7/PCD

(Added 4-14-2003 by Ord. No. 2003-08)

Sec. 53-163. Relationship with the Comprehensive Plan.

The Activity Center #7 implements the Comprehensive Plan Future Land Use Goal 2, Objective 2, and policies 2.7.1 -- 2.7.9: Intergovernmental Coordination Objective 1 to coordinate with other jurisdictions to manage growth.

Sec. 53-164. Intent.

The Activity Center #7 District is established for the purpose of identification, protection, preservation and the beneficial use of property strategically located around the environmental resource of the natural spring. It is intended that this District shall not be a holding category for land, but rather, a terminal category to insure that the present and future residents of the City of North Port shall be able to enjoy and have access to the area.

The provisions of this District are intended to provide standards for the development of the Warm Mineral Springs and surrounding properties to accommodate health and educational facilities, offices, professional, institutional, residential and commercial land uses. These standards are intended to promote creative and unique designs including, but not limited to, neo-traditional, traffic circles, a consistent architectural theme, preservation of existing architecturally significant structures and natural resources.

Sec. 53-165. Permitted Uses.

Permitted uses and structures shall be permitted as follows:
A. Archaeological.

B. Recreational uses, including but not limited to swimming, diving.

C. City of North Port governmental uses.

D. Residential.

E. Professional/Offices

F. Commercial

G. Institutional and religious uses.

H. Uses and structures existing at the time of annexation of the property.

I. Uses within the 300 ft. buffer around the springs and creek:
   1. Maintenance, repair or replacement of existing facilities;
   2. Construction of temporary structures;
   3. Construction and maintenance of amenities which allow access to the springs by disabled, elderly or infirmed persons; and
   4. Construction and maintenance of facilities and equipment to continue the historic use of the springs for medical, therapeutic, rehabilitative services and archaeological activities;
5. Passive recreation such as bike riding, hiking, walking, swimming, bird watching, picnicking and certain lawn sports such as horseshoes, volleyball and bocce ball.

Sec. 53-166. Permitted accessory uses and structures.

Permitted accessory uses and structures shall be as follows:

A. Uses and structures, which are customarily accessory and clearly incidental and subordinate to permitted uses and structures.

B. Processing the spring water.

Sec. 53-167. Prohibited uses and structures.

The following uses and structures shall be prohibited:

A. Billboards.

B. Adult Entertainment facilities.

C. Communication towers.

D. Industrial land uses.

E. Motorized boats and similar recreational vehicles used on the springs.

F. Other similar uses as determined by the Director of the Planning and
Sec. 53-168. Development Standards.

All development shall be required to submit a Development Concept Plan and an environmental impact assessment in addition to the other PCD application requirements. The following development standards shall apply:

A. Residential uses shall not exceed 270 equivalent residential units.

B. Retail/Commercial/tourist uses shall not exceed 62,000 gross square feet, excluding required parking areas.

C. Institutional/conference center uses shall not exceed 45,000 gross square feet, excluding required parking areas.

D. No residential lot shall be located closer than 400 feet from the conservation buffer immediately surrounding the springs and creek flowing from the springs.

E. A minimum 300-foot natural resource buffer shall be established between the springs and any residential lot or structure. Uses within said buffer shall be restricted to passive recreation.

In addition to the requirements of Article VIII, PCD Planned Community Development District, specific requirements for the above uses found in Article 26, Enumeration of Regulations may apply depending on the specific use.

A. All development shall be reviewed pursuant to the requirements of Article VIII.

Sec. 53-170. Historical.

A. Provisions of Chapter 58 shall apply.

ARTICLE XIV. NEIGHBORHOOD COMMERCIAL HIGH/LOW INTENSITY DISTRICTS

[Added 11-24-2003 by Ord. No. 2002-49]

Sec. 53-177. Relationship to Comprehensive Plan.

The Zoning Regulations in this section implement Objective 4 of the Future Land Use Element which states: “The City shall establish City-wide and neighborhood specific policies addressing development and redevelopment efforts, safety, stability, property values, mobility and aesthetic controls”, and Objective 4 of the Housing Element of the Comprehensive Plan, which states: “Increase efforts to preserve and rehabilitate existing dwelling units and neighborhoods”, as well as the following policy:

“Policy 4.1: The Land Development Code shall be amended in 1998 to continue to preserve and promote positive neighborhood characteristics.

“Policy 4.2: Residential neighborhoods shall be designed to include an efficient system of internal pedestrian and vehicle circulation.

“Policy 4.3: For those neighborhoods within the City in which approximate locations for neighborhood sponsored entry features have not been indicated on
Neighborhood maps, the City shall support citizen sponsored efforts to establish entry features. All entry features shall be maintained and funded by the neighborhood. All expenses shall be the neighborhood's responsibility.

"Policy 4.4: The City shall encourage FDOT to construct a noise barrier along both sides of I-75 to buffer single-family residences from traffic generated noise on the interstate.

"Policy 4.5: To enhance the aesthetics and safety of neighborhoods, the City shall amend the Land Development Code to allow staff administered exceptions to the setback requirements to permit the addition of front porches to existing homes, provided specific criteria are met.

"Policy 4.6: To promote community safety and enhance neighborhood aesthetics, the City shall research and apply for neighborhood enhancement grants and participate in appropriate state and federal programs which address neighborhood issues. Such programs may include, but not be limited to the Community Protection Through Environmental Design (CPTED) program” and the following policy of the Housing Element:

"Policy 4.5: By 1999, provide neighborhood preservation mechanisms through the Unified Land Development Code in residential neighborhoods by:

• non-expansion of incompatible land uses,
• requiring non-residential height limitations be compatible to the scale of the adjacent land uses,
• requiring buffering and screening from nearby incompatible land uses through significant landscaped buffer guards and/or compatible transitional uses,
• requiring protection from through traffic by means such as the use of
selected roadway materials such as bricks, restriction on the use of roadways
by non-residential vehicles, redirecting traffic flow patterns,
• encouraging supportive retail uses by providing/requiring infrastructure
such as sidewalks to neighborhood retail areas,
• providing incentives in the Unified Land Development Code for the
construction of sustainable neighborhoods by utilizing neo-traditional CPTED
concepts and others,
• encouraging residential units in conjunction with commercial uses,
especially in neighborhood commercial areas.”

Sec. 53-171. Intent.

The Neighborhood Commercial (NC) Districts are 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 Zoning Districts establish 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 Districts is achieved. Additionally, it provides a mechanism to attract
and encourage employers to locate appropriate uses within neighborhood settings,
and contribute to the diversification of the economic base and the quality of
life.

Sec. 53-172. Permitted principal uses and structures.
A. The following shall be principal (P), conditional special exceptions (SE) or not permitted (NP) uses and structures allowable in one or both of the NC Neighborhood Commercial Districts. All commercial uses listed herein shall be conducted within completely enclosed buildings, unless exempted herein, and shall be visible and accessible to patrons walking or driving to the site.

Permitted/Conditional Principal Uses

<table>
<thead>
<tr>
<th>and/or Structures</th>
<th>NC-LI</th>
<th>NC-HI</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Retail sales and service, provided that all inventory shall be stored within fully enclosed buildings whenever the facility is closed for business</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(2) Restaurant</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(a) With Exterior Seating</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(b) With Drive-Through</td>
<td>NP</td>
<td>P</td>
</tr>
<tr>
<td>(c) Outside Entertainment</td>
<td>SE</td>
<td>P</td>
</tr>
<tr>
<td>(3) Package store to sell alcoholic beverages</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(4) Convenience store (no fuel)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>(a) With Fuel Pumps</td>
<td>SE</td>
<td>P</td>
</tr>
<tr>
<td>(b) With Car Wash</td>
<td>NP</td>
<td>SE</td>
</tr>
<tr>
<td>(5) Veterinary Clinic/hospital facility accommodating animal convalescence inside completely enclosable buildings</td>
<td>SE</td>
<td>P</td>
</tr>
<tr>
<td>(6) Bank and other financial institution/ATM</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Type</td>
</tr>
<tr>
<td>------</td>
<td>------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>28015</td>
<td>(7) Laundry/dry-cleaning intake facility</td>
<td>P</td>
</tr>
<tr>
<td>28018</td>
<td>(8) Essential and emergency service</td>
<td>P</td>
</tr>
<tr>
<td>28020</td>
<td>(9) Personal service</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Appliance services</td>
<td>SE</td>
</tr>
<tr>
<td></td>
<td>Automobile quick-wash</td>
<td>SE</td>
</tr>
<tr>
<td></td>
<td>Barber shops</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Beauty shops</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Body art shops</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Dance studios</td>
<td>SE</td>
</tr>
<tr>
<td></td>
<td>Duplicating services</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Funeral homes</td>
<td>SE</td>
</tr>
<tr>
<td></td>
<td>Health spas</td>
<td>NP</td>
</tr>
<tr>
<td></td>
<td>In-house carpet servicing</td>
<td>NP</td>
</tr>
<tr>
<td></td>
<td>Massage establishments</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Photographic studios</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Radio repair</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Shoe repair</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Television repair</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Tailoring</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Watch and clock repair</td>
<td>P</td>
</tr>
<tr>
<td>28039</td>
<td>(10) Day Care</td>
<td>SE</td>
</tr>
<tr>
<td>28042</td>
<td>(11) Professional office(s) including</td>
<td></td>
</tr>
<tr>
<td></td>
<td>medical and dental office/clinic</td>
<td>P</td>
</tr>
</tbody>
</table>
(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. 53-225 238(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-premise consumption of alcoholic beverages  SE  P

(17) Essential and emergency services  P  P

(18) Bail Bondsman  SE  SE

(19) Check Cashing  SE  SE

(20) Quick Loan  SE  SE
(21) Pawn Shops

(22) Adult Congregate Living Facility
Group Home or Foster Care

B. Permitted accessory uses and structures. Accessory uses and structures shall be allowable in one or both of the NC Neighborhood Commercial Districts, providing that they are: Customarily accessory and clearly incidental and subordinate to permitted or permissible principal or conditional uses and structures. Dwelling units in conjunction with a permitted use provided there shall be a maximum of one dwelling unit per business. See Sec. 53-226 239(C). Boats or Other structures being used as Dwelling Units.

Sec. 53-172 180. Prohibited uses and structures.

Any use or structure not expressly, or by reasonable implication, permitted herein or permitted by conditional use permit shall be unlawful in this district. 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. The following uses are specifically prohibited:

A. Manufacturing or industrial establishments.

B. Wholesale establishments.

C. Wholesale Clubs
D. Warehouse and storage.

E. Junkyard or automobile wrecking yard.

F. Fireworks sales or manufacturing.

G. Incinerators.

Sec. 53-174. Design Standards.

All buildings and structures shall be designed to maintain and enhance the attractiveness of the streetscape and the existing architectural design of the neighborhood.

A. Buildings and structures shall have architectural features and patterns that reflect human scale and proportions, reduce massing and recognize local character.

B. Facades shall be designed to reduce the mass or scale and uniform monolithic appearance of large unadorned walls, while providing visual interest that will be consistent with the neighborhood identity and character through the use of detail and scale.

(1) The primary facades of all buildings and structures located on a tract zoned for neighborhood commercial uses shall be designed with a consistent architectural style, detail and trim features and shall reflect the style of the closest Activity Center.

C. Churches and other institutional uses are exempt from these requirements.
<table>
<thead>
<tr>
<th>Standards</th>
<th>NC-LI</th>
<th>NC-HI</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Roof Pitch</td>
<td>4/12</td>
<td>N/A</td>
</tr>
<tr>
<td>(2) Front Yard Parking</td>
<td>NP</td>
<td>1 row of parking spaces.</td>
</tr>
<tr>
<td>(3) Building orientation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Front door</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td>b. Front windows</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td>c. Sidewalk from street to building</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td>(4) Vehicular Access Spacing</td>
<td>60 ft from adjacent driveway or 10 feet from side property line if adjacent driveway does not exist.</td>
<td>TBD</td>
</tr>
<tr>
<td>(5) 8 ft Buffer Wall and landscaping adjacent to residential. Prohibited in the required front and side yards abutting a road.</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td>(6) Building setbacks.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front yard</td>
<td>25 ft 10</td>
<td>25 ft 0 lot line permitted</td>
</tr>
<tr>
<td>Rear yard</td>
<td>30 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Side yard:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior</td>
<td>71/2 ft.</td>
<td>71/2 ft.</td>
</tr>
<tr>
<td>Abutting a road</td>
<td>25 10 ft.</td>
<td>25 10 ft.</td>
</tr>
<tr>
<td>Waterfront:</td>
<td>25 ft.</td>
<td>25 ft.</td>
</tr>
</tbody>
</table>

(7) Building height

1 story | P | P |
2 story | C | P |
3 story NP SE
(8) Minimum Parking per Chapter 25 1/2 the required Per chapter 25
(9) Street Trees: 1 every 30 ft
on center Required Required
(10) Parking lot landscaping:
         hedge 6 ft height when buffer
         parallels a street. Required Required
(11) Floor Area Ratio (FAR) .10 .20
(12) Maximum Lot Coverage 25% 30%
(13) Minimum Lot Size 7,500 sq. ft. 7,500 sq. ft.
(14) Minimum Lot width 50 ft 50 ft
(15) Minimum open space 25% 30%

Sec. 53-175. Landscaping.

Landscaping and buffering shall conform to the requirements of 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.

A. Mechanical equipment, including air conditioning units, areas shall be
enclosed by opaque fence a continuous wall or which reflects the architecture of
the area and shall be planted with a hedge a minimum of six (6) feet in height
or to the highest point of the equipment, whichever is lower.

(1) For air conditioning or other equipment requiring airflow, a lattice
screen of at least fifty (50) percent opacity shall be sufficient to meet
this requirement.
(1) For mechanical equipment placed on top of buildings, there shall be no part of the unit visible from any ground level point. The protective structure shall be painted the same color as the roof or building.

B. Lift stations shall be placed to the rear of any non-residential property and in compliance with the City of North Port Utilities Department standards and provide easement and access to the lift station in accordance with Chapter 53 of this Unified Land Development Code.

(1) All lift stations shall be enclosed with a wall which reflects the architecture of the area and landscaped to improve aesthetic quality.

Sec. 53-176. 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 Unified Land Development Code.

B. The developer shall have the option of placing public art or to contribute to the City’s Public Art Account.

C. Bicycle racks shall be provided within fifty (50) feet of any customer entrance. These racks shall be the inverted "U" type 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.
D. 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.

<table>
<thead>
<tr>
<th>Gross Floor Area of Structure(s)</th>
<th>Required Bicycle or Pedestrian Amenity</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 -- 20,999</td>
<td>1 bike rack, one bench</td>
</tr>
<tr>
<td>10,000 -- 20,999</td>
<td>2 bike racks, two benches</td>
</tr>
<tr>
<td>21,000+ 41,000+</td>
<td>4 bike racks, three benches</td>
</tr>
</tbody>
</table>

Sec. 53-177 184. 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:

(1) Exempt signs.

(2) Primary Class A monument signs: no greater than 24 square feet of sign face and a maximum structural height of 10 feet, and secondary Class A signs, shall not exceed a total of 24 square footage in NC-LI.

    NC-LI ---- 24 sq. ft. of sign face and maximum structural height of 8 ft.

    NC-HI ---- 48 sq. ft. of sign face and maximum structural height of 8 ft.
(3) Primary Class A monument signs no greater than 48 square feet of sign face and a maximum structural height of 10 feet, and secondary Class A signs, shall not exceed a total of 48 square footage in NC-HI.

(3) Secondary Class A signs:

NC-LI ---- 24 sq. ft. of maximum allowable sign face.
NC-HI ---- 48 sq. ft. of maximum allowable sign face.

(4) Sign style and design. Any sign design shall use placement, colors and form compatible with building design on the premises or in the vicinity of the premises.

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

(1) Class B signs are prohibited in all NC Districts.

(2) Pole signs, per Sec. 29-6 7(M).

(3) No banner-type signs will be permitted in the NC District except as defined for durations of no more than fourteen days to announce the grand opening of a facility.

(4) 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 Districts.

Sec. 53-178 185. Minimum lot requirements.
Building sites on existing tracts or parcels in an NC Districts shall have an area of not less than 7,500 square feet with a minimum width of 50 feet measured along the front property line.

Sec. 53-179 186. 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.

ARTICLE XVI. COMMERCIAL/RECREATION (COMREC)

[Added 11-24-2003 by Ord. No. 2002-49]

Sec. 53-180 187. Relationship to Comprehensive Plan.

The Commercial/Recreation District is established for the purpose of protection, preservation and the beneficial use of the property and surrounding neighborhoods. It is intended that this District shall not be a holding category for land, but rather, a terminal category to insure that the present and future...
residents of the City of North Port shall be able to enjoy open space, whether or not the property is open to the public, and to encourage recreation facilities while protecting, and preserving surrounding land uses and neighborhoods. [Amended 5-9-2005 by Ord. No. 05-12].

The provisions of this District are intended primarily to provide open space and to preserve lands for recreational facilities such as, but not limited to, golf courses and associated accessory uses and structures. Although these uses are commercial enterprises, the commercial characteristics of the land uses apply to the permitted and conditional uses special exception and structures. Residential use is an Accessory Use to be reviewed as a Planned Community Development through the Conditional Use Special Exception process in order to make sure that any such development maintains a character consistent with this District and with the intent of the Commercial Recreation Future Land Use Designation. [Amended 5-9-2005 by Ord. No. 05-12].

Sec. 53-182. Permitted Principal Uses and structures.

Permitted uses and structures shall be permitted as follows:

A. Golf and Frisbee courses.

B. City of North Port governmental uses (50% recreational or open space). [Amended 5-9-2005 by Ord. No. 05-12].

C. Activity/Passive recreation uses.

D. Fishing lakes/ponds.
E. Boating facilities

F. Tennis and swim facilities.

G. Churches

House of worship (50% recreational or open space). [Amended 5-9-2005 by Ord. No. 05-12].

H. Caretaker’s housing unit in conjunction with the principal use.

I. Drainage Facilities shall be permitted in this zoning district and shall be designed as an amenities including, but not limited to, fountains, habitat and wood areas.

Sec. 53-183. Permitted accessory uses and structures.

Permitted accessory uses and structures shall be as follows:

A. Uses and structures, which are customarily accessory and clearly incidental and subordinate to permitted uses and structures.

B. A caretaker’s housing unit.

C. Residential (maximum of 4 Dwelling units per acre and reviewed pursuant to 53-102 D and E, and 53-269). [Amended 5-9-2005 by Ord. No. 05-12].

Sec. 53-184. Prohibited uses and structures.

The following uses and structures shall be prohibited:

A. Institutional uses and structures.
B. Commercial, industrial, or manufacturing uses and structures other than those listed as permitted or conditional special exception.

C. Communication towers.

D. Outdoor lighting, except lighting on a building or for a parking lot.

E. Adult Entertainment uses and structures.

F. Billboards.

G. Adult Congregate Living, Group homes, Foster Care facilities.

H. Warehouse and storage.

I. Junkyard or automobile wrecking yard.

J. Incinerators.

Sec. 53-185 Conditional uses. Special Exceptions.

All conditional uses special exceptions shall be required to submit a Site Plan and an environmental impact assessment in addition to the other conditional use special exception application requirements. The following conditional uses shall be permitted. 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.

A. Motorized sport vehicles, such as ATVs, motorcycles.

B. Bicycle tracks such as BMX facilities.

C. Regional Drainage Facilities.

Specific requirements for the above conditional uses are found in Article XXI,
Enumeration of Regulations.

Sec. 53-186 204. Drainage Facilities.

A. These facilities shall be designed as an amenity including, but not limited
to, fountains, habitat and wood areas.

ARTICLE XVII. RECREATION/OPEN SPACE (ROS)
[Added 11-24-2003 by Ord. No. 2002-49]

Sec. 53-187 192. Relationship with the Comprehensive Plan.

The ROS district implements the Comprehensive Plan Future Land Use Map contained
in the Future Land Element, Goal 1, Objectives 1, to provide for a new zoning
district to implement the Recreation/Open Space future land use classification;
locations for the classification are shown on the Future Land Use Map contained
in the Future Land Use Element of the Comprehensive Plan.

Sec. 53-187 193. Intent.
The purpose and intent of the ROS district is to locate and establish areas within the City, which are deemed to be uniquely suited for the conservation of open space and the natural environment, while allowing the limited use of said areas for recreational and open space activities.

Sec. 53-189. Permitted Principal Uses and structures.

Permitted uses and structures shall be permitted as follows:

A. Open space devoted to the conservation and maintenance of natural waterways, vegetation, environmental corridors and wild life.

B. Reserved.

C. Reserved.

D. City of North Port governmental uses.

E. Passive recreation uses including hiking and/or bicycle trails.

F. Fishing lakes/ponds.

G. Nature study areas and boardwalks

H. Picnic areas.

I. A caretaker's housing unit in conjunction with the principal use.
Sec. 53-190. Permitted accessory uses and structures.

Permitted accessory uses and structures shall be as follows:

A. Uses and structures, which are customarily accessory and clearly incidental and subordinate to permitted uses and structures.

B. A caretaker's housing unit.

Sec. 53-191. Prohibited uses and structures

The following uses and structures shall be prohibited:

A. Institutional uses and structures.

B. Commercial, residential and industrial uses and structures other than those listed as permitted or conditional.

C. Communication towers.

D. Outdoor lighting.

E. Adult Entertainment uses and structures.

F. Billboards.

G. Adult congregate living facility, group homes, foster care facilities.

H. Warehouse and storage.
I. Junkyard or automobile wrecking yard.

J. Fireworks sales or manufacturing.

K. Incinerators.

Sec. 53-192. Conditional uses. Special Exceptions.

All conditional uses and special exceptions shall be required to submit a Site Plan and an environmental impact assessment in addition to the other conditional use special exception application requirements. The following conditional uses shall be permitted. 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.

A. Boat ramps or docks

B. Camping area (public or non-profit)

C. Regional Drainage Facilities and facilities serving adjacent development.

D. Observation towers or platforms

E. Pavilions for outdoor exhibits and special nature study instruction.

Specific requirements for the above conditional uses are found in Article 26.
Enumeration of Regulations Sec. 53-258, Conditional Use.

Sec. 53-193. Special Provisions.

A. Development rights from the area zoned ROS may be transferred to the adjacent land area provided such transfer is approved by the City Commission after review and recommendation by the Planning and Zoning Advisory Board and DRC.

B. The number of development rights contained in the area zoned ROS shall be determined by averaging the rights permitted in the abutting Future Land Use classifications. To convert the residential development rights to non-residential, a residential unit shall be equivalent to 850 square feet of non-residential use.

C. The exact boundary of the ROS zoning district shall be determined by the approved State or Federal environmental permit(s), whichever contains the largest land area. If no State or Federal environmental permit is required, then the City Planning, Zoning Department shall determine the exact boundary after review of an environmental analysis submitted by the property owner.

ARTICLE XVIII. CONSERVATION DISTRICT (CD)

[Added 11-24-2003 by Ord. No. 2002-49]

Sec. 53-194. Relationship with the Comprehensive Plan.

The Conservation District (CD) implements the Comprehensive Plan by creating a new zoning district which is consistent with and implements the "Conservation" future land use classification as specified in Objective 1, Policy 1.1 of the Comprehensive Plan.
Future Land Use Element, which states “Land development regulations adopted to
implement this Comprehensive Plan shall be consistent with F.S. 163.3202(1), as
amended, and based on and be consistent with the following densities and
intensities, presuming concurrency requirements are satisfied, for residential
and non-residential development as indicated below:

“Conservation – These lands are designated to protect environmentally
sensitive lands by maintaining them in a nearly pristine state as aquatic
preserves, wilderness areas, wildlife sanctuaries or similar uses. No other
uses may be permitted within conservation areas, with the exception of the
Winchester Boulevard hurricane evacuation route through the Myakka State
Forest, which is deemed necessary to protect human life from the threat of
natural disasters provided that such facility is constructed so that the
impact upon native habitat and wildlife populations are minimized consistent
with the policies in the Conservation Plan, and consistent with the
requirements of all permitting agencies.”

Sec. 53-195 199. Intent.

It is the intent of the Conservation District to implement the "Conservation"
land use classification on the Future Land Use Map and this district shall be
used for other properties, which have natural limitations to development because
of their sensitive environmental character. This zoning district is to protect
environmentally sensitive lands to maintain a nearly pristine setting.
Development in the Conservation District (CD) shall be permitted only as
provided in this section.

Sec. 53-196 200. Permitted Principal Uses and Structures.
Permitted uses and structures shall be permitted as follows:

A. Public and private game preserves and wildlife management areas, state forests, refuge areas.

B. Public and Private recreation and open space areas that do not significantly alter natural systems, and which are consistent with the overall use of the designated conservation area. Such uses shall include, but not be limited to, nature trails, primitive camping, bird watching, recreational fishing, canoeing, nature/educational centers, and horseback riding. Consistency of use shall be determined, in writing, by the government agency charged with managing the designated conservation area.

C. Water conservation areas, water reservoirs and control structures, drainage wells and water wells.

D. Winchester Boulevard Hurricane Evacuation Route.

E. Wetlands.

F. Natural vegetation areas.

G. Silviculture (employing best management practices) within the Myakka State Forest.

H. Residential units on 3 acres or more, including a guest house.

Sec. 53-197.215. Permitted accessory uses and structures.
Permitted accessory uses and structures shall be as follows.

A. Uses and structures, which are customarily accessory and clearly incidental and subordinate to permitted uses and structures.

Sec. 53-198 201. Prohibited uses and structures.

The following uses and structures shall be prohibited:

A. Commercial uses which are not consistent with the overall use of the designated conservation area.

B. Manufacturing and Industrial Uses.

C. Off-site signs.

D. Communication Towers

E. All uses not specifically listed as permitted or permissible uses.


All conditional uses special exceptions shall be required to submit a Development Concept Master Plan and an environmental impact assessment in addition to the other conditional use special exception application requirements. The following conditional uses shall be permitted: 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.

A. Living Quarters for custodians/rangers.

B. Scientific/archaeological studies.

C. Silviculture (employing best management practices) on conservation lands that are not part of the Myakka State Forest.

D. Regional drainage facilities.

E. Agriculture uses performed for profit.

F. Riding/boarding stables.

G. Linear facilities including electric transmission lines, underground telecommunications, pipelines.

Sec. 53-200 203. Special Provisions.

A. Development rights from the area zoned CD may be transferred to the adjacent land area provided such transfer is approved by the City Commission after staff review and recommendation by the Planning and Zoning Advisory Board and DRC.

B. The number of development rights contained in the area zoned CD shall be determined by averaging the rights permitted in the abutting Future Land Use classifications. To convert the residential development rights to
non-residential, a residential unit shall be equivalent to 850 square feet of
non-residential use.

C. The exact boundary of the CD zoning district shall be determined by the
approved State or Federal environmental permit(s), whichever contains the
largest land area. If no State or Federal environmental permit is required, then
the City Planning and Zoning Department shall determine the exact boundary after
review of an environmental analysis submitted by the property owner.

ARTICLE XIX. VILLAGE (V)

[Added 11-24-2003 by Ord. No. 2002-49]

Sec. 53-204. Relationship to Comprehensive Plan.

The Zoning Regulations in this section implement Objective 1 and 13 of the
Future Land Use Element of the Comprehensive Plan, which state: “Future
development activities shall continue to be directed in appropriate areas as
depicted on the Future Land Use Map, and shall encourage the use of innovative
land development regulations, consistent with sound planning principles, minimal
natural limitations, the goals, objectives and policies contained within this
plan, and the community character” and “In order to fulfill the build-out vision
for the City of North Port, any property under unified ownership or united
application within the City, which can meet the minimum requirements to form a
village, town center, and neighborhoods contributing to the formation of a
village, may receive a Village Land Use Classification”, as well as the
following policy:

Policy 13.1: General Village Principles - Each Village must adhere to the
following general Community Planning Principles:
a. Planning for villages shall be in the form of distinct neighborhoods served by a mixed-use village center. Each neighborhood shall contain a neighborhood center consisting of a civic space to accommodate a neighborhood park, elementary school or other similar neighborhood servicing civic facility. Neighborhood servicing commercial development shall be permitted in the neighborhood center. Groups of two or more neighborhoods shall be served by a mixed-use village center containing one or more of the following: housing, shops, work places, schools, parks, or civic facilities essential to the daily life of the Village residents.

b. Village size shall be designed so that the neighborhood centers are generally within a 1.0 to 2.0 mile radius of the Village Center (shops, services and other activities). This radius may be relaxed for rural villages and where natural or community facilities and services interrupt the design.

c. All Villages containing more than one neighborhood should contain a diversity of housing types to encourage citizens from a wide range of economic levels and age groups to live within its boundaries. This is accomplished by using the adjusted gross acreage approach, which is the gross acreage minus water bodies, wetland/conservation areas, and open space.

d. Transit stops shall be incorporated into the design of the Village Center.

e. The Village shall have a center focus that combines commercial, civic, cultural, or recreational uses.
f. The Village shall contain an ample supply of open space (includes stormwater management areas, golf courses, floodplains, greenbelts, upland habitat areas, vehicular/utility corridors) in the form of squares, greens and parks whose frequent use is encouraged through access, placement, and design.

g. Each Village shall have a well-defined edge, such as greenbelts, wildlife corridors permanently protected from development, or through the use of urban design features which distinctly define the edge of the village.

h. Local and collector streets, pedestrian paths and bike paths shall contribute to a system of fully-connected and interesting routes from individual neighborhoods to the Village Center and to other Villages. Their design shall encourage pedestrian and bicycle use.

i. The natural terrain, drainage patterns and vegetation of preserved tracts of native habitats shall be contained within parks, open space or greenbelts.

j. The Village Center shall be designed to encourage and accommodate linkage with the regional transit system.

k. Planning requirements for the design of each Village District Pattern Plan shall exceed or be consistent with 1) the requirements of the Florida Fish and Wildlife Conservation Commission, the United States Fish and Wildlife Service, and the Conservation and Coastal Zone Management Element of the City of North Port Comprehensive Plan with regard to listed species and their associated habitats; 2) the protection of wetlands pursuant to Chapter 373, Florida Statutes permitting requirements as administered by the Florida
Department of Environmental Protection and the Southwest Florida Water
Management District.

1. Where appropriate, civic structures, schools, clubhouses and other
structures shall be designed as hurricane shelters to provide a safe
environment for the residents or employees.

m. City shall adopt standards governing development in storm surge I and II
areas, per FEMA regulations.

n. The maximum density for properties designated Village Land Use
Classification shall be specifically established at the time of the
comprehensive plan amendment. The maximum number of units for the Thomas
Ranch property, as the boundaries existed on the date of adoption of this
plan amendment shall be 15,000 dwelling units.

Sec. 53-201. Intent.

Village District has been designed to promote a pattern of development that will
overcome the problems associated with urban sprawl; encourage a better
jobs/housing balance; promote a pattern of development that will reduce reliance
on the personal automobile by allowing a greater variety of land uses closer to
work and home; protect and enhance environmental assets and provide for an
orderly transition from rural to urban land uses through a planning process that
couples a build out vision with the proper timing and location of adequate
public facilities through the preparation of Village District Pattern Plan(s)
(VDPP).

A. Each Village shall adhere to the following general Community Planning Principles:

(1) Planning for villages shall be in the form of distinct neighborhoods served by a mixed-use village center.

   (a) Each neighborhood shall contain a neighborhood center consisting of a civic space to accommodate a park, elementary school or other similar neighborhood servicing civic facility.

   (b) Neighborhood commercial development shall be permitted in the neighborhood center.

   (c) Groups of two or more neighborhoods shall be served by a mixed-use village center containing one or more of the following: housing, shops, work places, schools, parks, or civic facilities essential to the daily life of the Village residents.

(2) Village size shall be designed so that the neighborhood centers are generally within a 1.0 to 2.0 mile radius of the Village Center (shops, services and other activities). This radius may be relaxed for rural villages and where natural or community facilities and services interrupt the design.

(3) All Villages containing more than two neighborhoods should contain a diversity of housing types to encourage citizens from a wide range of economic levels and age groups to live within its boundaries. This is accomplished by using the adjusted gross acreage approach, which is the gross acreage minus water bodies, wetland/conservation areas, and open space.
(4) Transit stops shall be incorporated into the design of the Village Center.

(5) The Village shall have a center focus that combines commercial, civic, cultural, or recreational uses.

(6) The Village shall contain an ample supply of open space such as in the form of squares, greens and parks whose frequent use is encouraged through access, placement, and design.

(7) Each Village shall have a well-defined edge, such as greenbelts or wildlife corridors permanently protected from development, or through the use of urban design features, which distinctly define the edge of the village.

(8) Local and collector streets, pedestrian paths and bike lanes and paths shall contribute to a system of fully connected and interesting routes from individual neighborhoods to the Village Center and to other neighboring Villages. Their design shall encourage accommodate pedestrian and bicycle use.

(9) The natural terrain, drainage patterns and vegetation of preserved tracts of native habitats shall be contained with parks, open space or greenbelts.

(10) The Village Center shall be designed to encourage and accommodate linkage with the regional transit system.

(11) Planning requirements for the design of each Village District Pattern Plan shall exceed or be consistent with:
(a) The requirements of the Florida Fish and Wildlife Conservation Commission, the United States Fish and Wildlife Service, and the Conservation and Coastal Zone Management Element of the City of North Port Comprehensive Plan with regard to listed species and their associated habitats;

(b) The protection of wetlands pursuant to Chapter 373, Florida Statutes permitting requirements as administered by the Florida Department of Environmental Protection and the Southwest Florida Water Management District.

(12) Where appropriate, civic structures, schools, clubhouses and other structures shall be designed as hurricane shelters to provide a safe environment for the residents or employees.

(13) Development(s) in storm surge I and II areas shall comply with appropriate City, State and Federal requirements.

Sec. 53-203. Town Center Design Principles.

A. A Town Center may be developed in support of Villages programmed for large annexed areas or land assemblages. The purpose of the Town Center will be to provide a place for residential, office, retail, civic, and light industrial land uses with a more regional market base, the scale of which should not be appropriate in the villages (standards for design are identified in the accompanying table which follows).

In order for development to take place:
(1) A Town Center shall be located such that it has access to a major interchange/intersection.

(2) A Town Center shall be designed to encourage and accommodate linkage with the regional transit system. Town Center design shall provide for connections with the collector streets, pedestrian and bike path system provided in individual Villages.

(3) Existing civic uses such as Fire/Police Stations and educational facilities shall be connected to the Town Center, where applicable. When developing a Town Center, close coordination with the School Board of Sarasota County shall be required to determine whether a school site should be reserved within the Town Center.

Prior to any development proceeding in a Town Center, a Village District Pattern Plan for the Town Center shall be approved by the City of North Port. Requirements for the Town Center shall be the same as the Village District Pattern Plan identified in the following sections.

C. The following standards shall be used in designing Town Centers:

Maximum Size: ________________ To be determined by Village District Pattern Plan

Minimum Density: ________________ 4.0 DU/Adjusted Gross Acre

Maximum F.A.R. ________________ 1.0

Density Incentives: ________________ Up to 24 DU/Adjusted Gross Acre

______________________________ with Transfer of Development Rights (TDR)

Land Use Mix __________________ Minimum Land Area __ Maximum Land Area
Guideline Required

Residential* 15% 30%
Commercial Retail Services 30% 70%
Office 0% 30%
Light Industrial 0% 20%
Overall Office and Industrial

(2 & 3 & 4) 30% 70%
Civic 5% No Max
Parks and Open Space 10% No Max

*Residential dwellings are permitted above ground-floor commercial uses and home businesses utilizing the Internet and similar technologies are encouraged.

D. A Town Center shall be integrated with the regional transit system. The design shall include designated locations for establishment of transit stations/stops as a component of a mixed-use development.

Sec. 53-204 207. Village Standards.

A. Village Size

Each Village should be planned so that it includes no greater than 2000 acres of gross land area. This area may be increased at the discretion of the City where substantial acreage is included in natural water bodies, open space, or wetlands/conservation areas.

(1) The adjusted gross density in the Village shall generally be 3.0 Dwelling Units (DU)/per adjusted gross acre. Adjusted gross density in the Village shall be capable of supporting, at a minimum:
(a) a grocery store anchored commercial center of 80,000 to 150,000 square feet.

(2) The Village shall be composed of no less than:

(a) Two (2) neighborhoods, except where constrained by natural or manmade features.

(b) Each Village shall contain civic space in the form of a village park and, if required by the Public Improvements Plan analyses completed pursuant to this section(s) one (1) elementary school.

(c) A village park and, if required by this section(s),

   (i) Size requirements for the village park shall be consistent with minimum standards in this section(s).

   (ii) The minimum size of a village park shall be at least 5 acres.

(d) One (1) middle school site should be provided in the Village Center, if determined by concurrency analysis by the City and Sarasota County School Board.

B. Rural Villages

(1) Each Rural Village should be planned so that it includes no less than 3,000 acres of gross land area.
(2) Gross density within the rural village shall be no greater than 1 Dwelling Units/3 acres.

(3) Each Rural Village Center, which should be designed as the focal point for the Rural Village, shall contain civic-space for:

(a) an elementary school or civic related use and

(b) central square or park

(4) The size and amount of non-residential uses in the Rural Village Center should support the scale and market demand associated with the total number of residential units in the Rural Village and not surrounding regional or sub-regional market demands.

Sec. 53-208. Village Center standards.

A. Village Center

(1) The Village Center shall function as a community of compatible uses in a compact setting serving the surrounding neighborhoods.

(2) The Village Center shall provide for a mix of land uses such as residential, commercial, office uses, personal and household service establishments, civic uses, public facilities, parks, playgrounds, or other similar services designed to meet the needs of the adjoining neighborhoods.

The following standards shall be used in designing the Village Center:
Maximum Size: 50 adjusted gross acres and location to be determined by Village District Pattern Plan

Maximum Density: 3.0 units/adjusted gross acre

Maximum FAR: .40

Density Incentives: Up to 16 units/adjusted gross acre/with Transfer Development rights (TDR)

<table>
<thead>
<tr>
<th>Land Use Mix</th>
<th>Minimum Land Area</th>
<th>Maximum Land Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guideline Required</td>
<td>Guideline Required</td>
<td></td>
</tr>
<tr>
<td>1. Residential</td>
<td>25%</td>
<td>40%</td>
</tr>
<tr>
<td>2. Commercial Retail &amp; Services</td>
<td>20%</td>
<td>60%</td>
</tr>
<tr>
<td>3. Office</td>
<td>10%</td>
<td>25%</td>
</tr>
<tr>
<td>4. Overall Business(2 &amp; 3 Combined)</td>
<td>30%</td>
<td>60%</td>
</tr>
<tr>
<td>5. Civic</td>
<td>5%</td>
<td>No Max</td>
</tr>
<tr>
<td>6. Parks and Open Space</td>
<td>10%</td>
<td>No Max</td>
</tr>
</tbody>
</table>

(3) The Village Center may be located on a collector road serving the village or at the intersection of two collector roads. Collector roads shall not split the Village Center unless the road is designed to facilitate and encourage pedestrian access along and across the roadway.

(4) The Village Center may be located on an arterial road provided that the center is not designed to be located on both sides of the arterial road.

(5) The Village Center shall be designed to accommodate linkage with the regional transit system. The transit stops shall be located so that they are easily accessible to commercial uses and in accordance with Sarasota County Area Transit and the City approved design and development site.
(6) The Village Center shall not be consolidated into a larger commercial complex serving more than one Village, except in circumstances where it can be demonstrated that placing Village Centers proximate to each other will advance City goals for accessibility and reduced vehicle trips.

(7) Village Centers should generally maintain a separation of approximately one mile from another Village center and 1/2 mile from a Neighborhood Center.

(8) School sites, if required, shall not be included in the computation for maximum size of the Village Center.

(9) Public Art. Public art is required at all major entrances with more than two lanes or any entrance with a median and at primary corner parcels. The exact location of the public art is to be approved by City Commission. If a developer does not wish to place public art, the developer may choose the option of contribution of funds in compliance with Sec. 59-8.

B. The Rural Village Center shall function as the focal point and serve the neighborhood and convenience retail and office needs of the surrounding rural community. The Rural Village Center shall call for a mix of land uses such as residential, commercial, office, civic and/or parks.

The following standards shall be used in designing the Rural Village Center:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Size:</td>
<td>10 acres</td>
</tr>
<tr>
<td>Maximum Density:</td>
<td>1 DU/3 Adjusted Gross Acres</td>
</tr>
<tr>
<td>Maximum FAR:</td>
<td>.30 maximum non-residential floor area limited to no greater than 40K square feet.</td>
</tr>
</tbody>
</table>
Density Incentives: Up to 8 DU/adjusted gross acre/with Transfer Development rights (TDR).

Where rural development is clustered on lots no smaller than 1 DU/acre to rate greater open space, TDR's may be transferred into the rural village center at a rate of up to 1 DU/1 Acre.

Sec. 53-205. Neighborhood Standards.

A. Neighborhood Development. A Neighborhood shall not exceed 500 adjusted gross acres unless modified during the VDPP process and should offer neighborhood facilities and civic services including passive and active recreation facilities.

(1) The development shall have of a variety of housing types is encouraged.

(2) Attached dwellings are encouraged for the property surrounding the neighborhood center.

(3) Civic space shall be provided within each neighborhood.

(4) Each neighborhood shall be designed so all housing units are generally within a 1/2 mile radius of the neighborhood center.

B. Rural Neighborhoods

No minimum Size requirements. will be instituted for rural neighborhoods. As a general guideline, it is recommended that approximately 1,500 adjusted gross
acres shall be included in a rural neighborhood. Due to the low density of development (1 Dwelling Unit/3 acres), the focal point for rural neighborhoods shall be contained in the rural village, with no minimum radius required.

Sec. 53-206. Neighborhood Center Standards.

A. Commercial development shall be permitted in conjunction with a Neighborhood or Village Center.

1. Neighborhood Centers

Area set aside for commercial development shall be in addition to that required for any civic use. Commercial development shall be permitted in Neighborhood Centers in association with the following standards:

(a) Total land area shall not exceed four (4) acres (not including lands uses such as civic areas, open space, schools)

(b) Floor area ratio (FAR) may not exceed .25 FAR with maximum gross floor area of approximately 20,000 square feet.

(c) Located within walking distance criteria required in this Section(s).

(d) Should be located central to the neighborhood separated from major collector or arterial roads.

(e) Site design, which emphasizes parking behind or beside buildings, or use of on-street parking and incorporates the use of landscaping and pedestrian amenities such as public art, benches, water fountains, trash
receptacles, bike parking and coordinated architectural scheme. The site design shall maintain the mass, scale and character of the surrounding neighborhoods. The Neighborhood Center shall be linked to the adjoining neighborhood by sidewalks and bike paths and racks, and both pedestrian and vehicular bridges.

(f) Public Art. Public art is required at all major entrances with more than two lanes or any entrance with a median and at primary corner parcels. The exact location of the public art is to be approved by City Commission. If a developer does not wish to place public art, the developer may choose the option of contribution of funds in compliance with Sec. 59-8.

(g) Residential dwellings above ground floor commercial uses may be permitted.

(h) Users shall be limited to convenience retail and service operations and office, which are intended to serve the neighborhood population.

Sec. 53-207. Village Center standards.

A. Village Center

(1) The Village Center shall function as a community of compatible uses in a compact setting serving the surrounding neighborhoods.

(2) The Village Center shall provide for a mix of land uses such as residential, commercial, office uses, personal and household service
establishments, civic uses, public facilities, parks, playgrounds, or other similar services designed to meet the needs of the adjoining neighborhoods.

The following standards shall be used in designing the Village Center:

Maximum Size: ____________________ 50 adjusted gross acres and location to be determined by Village District Pattern Plan

Maximum Density: ____________________ 3.0 units/adjusted gross acre

Maximum FAR: ____________________ .40

Density Incentives: ____________________ Up to 16 units/adjusted gross acre/with Transfer Development rights (TDR)

Land Use Mix

<table>
<thead>
<tr>
<th>Minimum Land Area</th>
<th>Maximum Land Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guideline Required</td>
<td>Guideline Required</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land Use Mix</th>
<th>Minimum Land Area</th>
<th>Maximum Land Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>25%</td>
<td>40%</td>
</tr>
<tr>
<td>Commercial Retail &amp; Services</td>
<td>20%</td>
<td>60%</td>
</tr>
<tr>
<td>Office</td>
<td>10%</td>
<td>25%</td>
</tr>
<tr>
<td>Overall Business (2 &amp; 3 Combined)</td>
<td>30%</td>
<td>60%</td>
</tr>
<tr>
<td>Civic</td>
<td>5%</td>
<td>No Max</td>
</tr>
<tr>
<td>Parks and Open Space</td>
<td>10%</td>
<td>No Max</td>
</tr>
</tbody>
</table>

(3) The Village Center may be located on a collector road serving the village or at the intersection of two collector roads. Collector roads shall not split the Village Center unless the road is designed to facilitate and encourage pedestrian access along and across the roadway.

(4) The Village Center may be located on an arterial road provided that the center is not designed to be located on both sides of the arterial road.
(5) The Village Center shall be designed to accommodate linkage with the regional transit system. The transit stops shall be located so that they are easily accessible to commercial uses.

(6) The Village Center shall not be consolidated into a larger commercial complex serving more than one Village, except in circumstances where it can be demonstrated that placing Village Centers proximate to each other will advance City goals for accessibility and reduced vehicle trips.

(7) Village Centers should generally maintain a separation of approximately one mile from another Village center and 1/2 mile from a Neighborhood Center.

(8) School sites if required shall not be included in the computation for maximum size of the Village Center.

B. The Rural Village Center shall function as the focal point and serve the neighborhood and convenience retail and office needs of the surrounding rural community. The Rural Village Center shall call for a mix of land uses such as residential, commercial, office, civic and/or parks.

The following standards shall be used in designing the Rural Village Center:

Maximum Size: ______________________ 10 acres

Maximum Density: ______________________ 1 DU/3 Adjusted Gross Acres

Maximum FAR: ______________________ .30 maximum non-residential floor area limited to no greater than 40K square feet.
Density Incentives: Up to 8 DU/adjusted gross acre/with Transfer Development rights (TDR). Where rural development is clustered on lots no smaller than 1 DU/acre to rate greater open space, TDR's may be transferred into the rural village center at a rate of up to 1 DU/1 Acre.

Sec. 53-211. Town Center Design Principles.

A. A Town Center may shall be developed in support of Villages programmed for large annexed areas or land assemblages. The purpose of the Town Center will be to provide a place for residential, office, retail, civic, and light industrial land uses with a more regional market base, the scale of which should not be appropriate in the villages. The standards for design are identified in the accompanying table which follows.

In order for development to take place:

(1) A Town Center shall be located such that it has there is access to a major interchange/intersection.

(2) A Town Center shall be designed to encourage and accommodate linkage with the regional transit system. Town Center design shall provide for connections with the collector streets, pedestrian and bike path system provided in individual Villages.

(3) Existing civic uses such as Fire/Police Stations and educational facilitates shall be connected to the Town Center, where applicable. When
developing a Town Center, close coordination with the School Board of Sarasota County shall be required to determine whether a school site should be reserved within the Town Center. If school concurrency has been met.

B. Prior to any development proceeding in a Town Center, a Village District Pattern Plan for the Town Center shall be approved by the City of North Port. Requirements for the Town Center shall be the same as the Village District Pattern Plan identified in the following sections.

C. The following standards shall be used in designing Town Centers:

<table>
<thead>
<tr>
<th>Land Use Mix</th>
<th>Minimum Land Area</th>
<th>Maximum Land Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guideline Required</td>
<td>Guideline Required</td>
<td></td>
</tr>
<tr>
<td>1. Residential</td>
<td>15%</td>
<td>30%</td>
</tr>
<tr>
<td>2. Commercial Retail Services</td>
<td>30%</td>
<td>70%</td>
</tr>
<tr>
<td>3. Office</td>
<td>0%</td>
<td>30%</td>
</tr>
<tr>
<td>4. Light Industrial</td>
<td>0%</td>
<td>20%</td>
</tr>
<tr>
<td>5. Overall Office and Industrial (2 &amp; 3 &amp; 4)</td>
<td>30%</td>
<td>70%</td>
</tr>
<tr>
<td>6. Civic</td>
<td>5%</td>
<td>No Max</td>
</tr>
<tr>
<td>7. Parks and Open Space</td>
<td>10%</td>
<td>No Max</td>
</tr>
</tbody>
</table>

Residential dwellings are permitted above ground-floor commercial uses and home
businesses utilizing the Internet and similar technologies are encouraged.

D. A Town Center shall be integrated with the regional transit system. The design shall include designated locations for establishment of transit stations/stops as a component of a mixed-use development.

Sec. 53-208. Pattern Book/Village Index Map.

A. Village Index Map shall be prepared by the property owner and submitted for the City staff review, review and recommendations by the Planning and Zoning Advisory Board and final action by the City Commission. City review and approval shall be prior to or concurrent with the application for the first VDPP. At a minimum, the Village Index Map shall show the following:

(1) The general location(s), size(s) and configuration(s) of all villages, village centers and town center as defined by existing and proposed natural and man made features.

(2) The map shall illustrate the relationship between each village, village center(s) and town center.

(3) The map shall depict the greenbelt framework providing for village edges, major environmental, multi-use pathways and village, village centers and town center inter-connections, including all modes of transportation.

(4) The map shall show the general location of public use sites, the City acreage pursuant to previous stipulations or agreements.

(5) The village and town center boundaries, proposed roadway corridors.
alignments, mass transit corridors and greenbelt alignments, which are subject to adjustments based on more detailed planning and designs.

B. Pattern Book shall be prepared by the property owner and submitted for DRC staff review, Planning and Zoning Advisory Board review and recommendation(s) and City Commission final action. City review and approval shall be prior to or concurrent with the application for the first VDPP. At a minimum, the Pattern Book shall contain the following information:

(1) The Pattern Book shall contain conceptual design drawings of collector and higher roadways. Typically, this will include one or more cross sections illustrating the road, pedestrian ways, street lighting, and street furniture.

(2) The Pattern Book shall contain conceptual design drawings of the greenbelts and environmental systems.

(3) The Pattern Book shall contain architectural styles for public buildings.

(4) The Pattern Book shall contain, at least, one prototype example of site design requirements for the village center(s).

(5) The general locations of items (1)-(4) above shall be shown on the Village Index Map.

(6) The Pattern Book shall contain the calculation of the total acres by use to be included in the overall Village development.
Sec. 53-209 213. Purpose and Intent of the Village District Pattern Plan (VDPP) process.

A. This is the important and fundamental part of the code as it provides for the comprehensive and inclusive process, which makes the VMUD as flexible and "open ended" as it appears. Simply put, the VDPP process and the VMUD code provides for a much broader approach to land uses, tempered by a process, which ensures that future land development proposals are consistent with the City's Comprehensive Plan objectives. This package avoids Euclidian zoning in favor of a more spontaneous and market driven mixed use approach providing a plan of development that is well conceived, revenue neutral to local government, and consistent with adopted City goals, policies, objectives, and standards.

B. The VDPP shall be consistent with the Pattern Book and the Village Index Map.

C. Initiation of a Village/District Planned Development

(1) Detailed Village boundaries shall be established through the adoption of a Village District Pattern Plan (VDPP).

(2) No development shall be permitted within a Neighborhood, Neighborhood Center, Village Center or a Town Center until a VDPP for the entire Village or Town Center has been approved by the North Port City Commission.

(3) However, the initiation of a VDPP does not constitute proposal of an actual plan of development by the developers of land within the Village.
(4) The approval of a VDPP by the North Port City Commission does not constitute an authorization to commence development within the Village.

(5) Following approval of a VDPP, a developer of land within the Village shall apply for and obtain from the City approval of specific plans of development, which are consistent with the approved VDPP.

(6) A VDPP shall be prepared in sufficient detail to allow evaluation of the interrelationship of its parts and establish consistency with Policies 13.1 -- 13.12 in this section.

(7) Each and every step involved in the preparation of the VDPP shall be directed by, or coordinated with the City and shall include at a minimum the following information:

(a) Site Analysis. Prior to the initiation of the VDPP, a site analysis shall be prepared including, but not limited to, the following information:

(i) Identification of extent and location of natural features in the VDPP area pursuant to the Section 53-202 and (11). The preparation of any VDPP shall utilize, but not be limited to, the baseline environmental mapping, consistent with Chapter 62-340, F.A.C., the State of Florida Unified Wetland Delineation Methodology, the Florida Land Use Forms and Classification System, and shall comply with the regulatory requirements of State and Federal agencies identified in Section 53-202 and (11).
(ii) Identification of the quality and character of the native habitats in the VDPP area within an environmental report, which identifies corresponding opportunities and constraints to development within the area.

(iii) Identification of the usable land area, and the need for the proposed development.

(iv) Identification at a conceptual level of the area suitable to address stormwater management requirements.

(v) Identification of public facilities and services available to the area; capacity available; and, any deficiencies.

(vi) In addition to the criteria in the Village Land Use Classification, preparation of specific guidelines and standards for staff and community review which will guide development of the VDPP.

(vii) Identification of existing and proposed land uses in proximity to the property, which should be considered in preparation of the VDPP.

(viii) Preparation of a map identifying any perceived opportunities and constraints to development of the Village.

(ix) Provide an opportunity for the public to review the findings of the site analysis to provide input related to the identification of opportunities and constraints to development.
(8) Preliminary VDPP. Prior to the submission of the VDPP, the property included in the VDPP shall have City zoning classification of Village.

Prepare rough sketch plans for staff and community review. The sketch plans shall include:

(a) The location of each neighborhood, neighborhood center and village center in conjunction with the provisions of the Village Land Use Classification.

(i) For the neighborhoods, a computation of the adjusted gross density should be provided along with the permitted uses and proposed lot sizes.

(ii) For neighborhood and village center, a computation of gross density shall be provided, as well as the area and percentage of land use mix in conjunction with the categories found in Sections 53-208 and 53-207 including preliminary data on number of dwelling units by type, number of bedroom and estimated sales price range, nonresidential uses by type and square feet per use.

(b) Circulation routes for auto, transit, pedestrian, and bicycles including consideration for connection with the surrounding area. For each facility to be included in the VDPP, design criteria shall be included addressing:

(i) Approximate center line locations of proposed primary roadways

(ii) Right-of-Way width's
(iii) On street parking (if applicable)

(iv) Landscape and streetscape treatments

(v) Design cross section(s)

(c) The proposed location, size and capacity of major infrastructure components including wastewater, water, stormwater, and solid waste.

(d) Preliminary criteria for each land use category, pursuant to Sections 53-203 and Section 53-207, proposed for the VDPP including, but not limited to:

(i) Minimum lot size

(ii) Setbacks

(iii) Height

(iv) Density

(v) Floor Area Ratio (non-residential)

(vi) Signage

(vii) Architectural style for non-residential areas
(e) Illustrate how existing development, if any, is to be integrated within the plan.

(f) Calculation of the total acres by use to be included in the overall Village development.

(g) The applicant shall provide an opportunity for the public to review the Preliminary VDDP. Each property owner(s) within the VDPP boundary shall be notified of the opportunity as well as special interest groups identified by the City of North Port Planning and Zoning Department. The public review opportunity shall also be advertised in a newspaper of general circulation in the area. Comments from the public shall be documented and summarized in a report to the City of North Port Planning and Zoning Department.

3. Proposed VDPP

Based on the results of the informational session described in Section 53-209C.213(C)(7) preparation of the proposed Village District Pattern Plan shall include the following elements:

(a) Statement of the community goals and objectives to be accomplished by the VDPP.

(b) Preparation of the VDPP Exhibits:

(i) Land use plan

(ii) Transportation plan
(iii) Environmental impact plan

(iv) Public facilities plan

(v) Design performance standards

(c) Preparation of a Public Improvements Plan which identifies the infrastructure necessary to support development of the VDPP, the proposed source of funding, and the approximate timing for construction. The Public Improvements Plan shall include an analysis of the need for roadways, utilities and schools and shall demonstrate how the VDPP addresses those including:

(i) Detailed land use plan indicating the location of neighborhoods, neighborhood centers, and village center including the proposed locations for transportation facilities (auto, transit, bike, pedestrian), major community services, as applicable, (water and wastewater plants, stormwater and floodplain management, solid waste transfer stations, fire and police substations, government, buildings), neighborhood school(s), parks, greenbelt, public amenities and any conservation areas; including data on number of dwelling units by type, number of bedrooms and estimated sales price range, and nonresidential uses by type and square feet per use.

(ii) A Transportation Plan. This plan shall include the location of all arterial and collector roadways, their right-of-way width, and design cross section.
[1] It shall also address the proposed location of transit routes and the manner in which they can be integrated into the regional transportation system.

[2] The location of all bikeways and pedestrian paths shall be provided demonstrating the ability to access all schools, commercial and civic areas.

[3] The transportation plan shall be accompanied by an analysis report demonstrating the impact on transportation facilities, including impact on hurricane evacuation clearance times, and documenting the timing and estimated cost for transportation improvements required by development.

(iii) Identification of anticipated impacts to native habitats including:

[1] Wetlands and representative tracts of upland habitats. Native habitats not proposed for impact shall be preserved in a manner that protects or enhances any significant ecological functions.

[2] Particular emphasis shall be placed on the conservation of wetlands and upland habitats as linked ecological components within greenbelts.

[3] Land uses shall be distributed in a manner that minimizes the effect and impact on wetlands. The protection and conservation of wetlands shall be ensured during the preparation of the VDPP.
[4] The type, intensity or density, extent, distribution and location of allowable land uses and the types, values, functions, sizes, conditions and locations of wetlands are land use factors which shall be considered when directing incompatible land uses away from wetlands during the preparation of the VDPP. When no reasonable alternatives to avoid wetland impacts exist, mitigation shall be considered as one of the means to compensate for loss of wetland functions, pursuant to State and Federal requirements.

(iv) Location and size of necessary water and wastewater systems. Include an analysis of demand, the location and size of plants, major distribution and collection systems.

(v) The design performance standards that shall be utilized in the review and approval of all development plans processed for different land use categories in the village.

(vi) As part of the VDPP approval process, the applicant shall be required to coordinate with the School Board pursuant to the Interlocal Agreement between the School Board and the City of North Port, to meet school concurrency.

(vii) The methodology, data and models for analyzing the stormwater and transportation impacts shall be approved by the City Manager or designee. The transportation analysis shall indicate how the project will achieve the goal of 40% internal capture upon development and at buildout of the entire Village area.
(d) Prepare an analysis, the methodology, data and model shall be approved by the Finance Director, for the anticipated cost of development including ongoing maintenance and administration vs. revenues and other public benefits. Where a short fall that is not mitigated by other public benefits, such as economic development, exists, the applicant shall identify the financial mechanisms that shall be utilized to cover any shortfall and anticipated revenues accruing from application of the financial mechanism.

(e) The applicant shall provide an opportunity for public review and comment on the proposed VDPP as per the requirements of Section 53-209C.21.f., 213(C)(7), make any refinements to the Proposed VDPP documents and submit the resulting Proposed VDPP to the City of North Port Planning and Zoning Department for review and approval by the Local Planning Agency and City Commission.

4. Final VDPP

(a) Based on any changes resulting from required public sessions make any refinements to the VDPP and submit to the City of North Port, including, but not limited to number of dwelling units by type, number of bedrooms and estimated sales price range, nonresidential uses by type and square feet per use and calculation of the total acres by use to be included in the overall Village development which shall agree with the calculations of land mass in the Index Map and Village District Pattern Book. Preparation of a Final VDPP with related drawings and text will be based upon final approval by the North Port City Commission.
(b) Where the fiscal analysis provided in the VDPP requires implementation of an independent tax district or other related financial mechanism to support development, such district or mechanism shall be in place before recordation of the first final plat.

(c) The City shall may amend the CIP, as appropriate.

(d) Approval of a VDPP shall not constitute approval of construction drawings of public and private improvements.

(e) The proposed design and location of utilities and streets will be subject to review by the City and may be subject to revisions in the construction drawings review phase in conjunction with the subdivision process or in the building permit process.

Sec. 53-210. Facilities and Services providing for Developer’s Development Agreements.

A. Facilities and Services

(1) The City of North Port may shall adopt a Developer’s Development Agreement, pursuant to Chapter 54, for directing the timing and location of future development within the Village Classification and VDPP.

(2) The Developer’s Development Agreement shall identify those community facilities (including but not limited to schools and park sites, road rights-of-way, water and wastewater treatment sites, and other utility rights-of-way), which will be subject to the agreement.
(3) The land required to accommodate adequate public facilities shall be conveyed to the City pursuant to the Developer's Development Agreement.

(4) The Developer's Development Agreement shall be in addition to and shall not replace or supersede any provisions of the North Port Concurrency Management System.

(5) Each Developer's Development Agreement for each VDPP shall be evaluated to determine that adequate facilities and services are or will be available.

(a) Where facilities or services are determined to be inadequate, the provisions of the developer's Development Agreement shall correct any deficiency and allow development to proceed before development is permitted.

(b) All developments in the Village shall be served by City central sewer and water service.

(c) Rural Villages may be served by wells and septic systems.

(6) However, On-site utilities, temporary septic tanks, and potable water wells, where deemed appropriate by the City of North Port, may be used in initial stages of development until adequate demand is available to support a central water and wastewater system, at which time the structures shall be required to connect to the system(s) pursuant to local ordinance or, absent of such local ordinance, pursuant to Florida Statutes.
(7) On-site utilities shall only be utilized where soil and water table conditions will permit their use and; where the developer shall install the necessary water and sewer lines (dry lines) to ultimately connect the development to the central utility system; and, the area is included in a capital improvement program which provides for central utility services to be in place in the next five (5) years or the planning period approved in the VDPP.

(8) Where applicable, the City shall pursue an interlocal agreement with Sarasota County, or other utility providers, to interconnect City system and County (or other) water systems, provided such interconnection is consistent with the Comprehensive Plan.

(9) Where applicable, the City shall pursue an arrangement for the provision of fire and emergency management services to proposed Town Center(s) and associated proposed villages.

Sec. 53-211-215. Village Greenbelts.

A. Village Greenbelts

Purpose: In addition to requirements for formal parks and neighborhood greens, greenbelts surrounding each village and Town Center shall be required at the perimeter of each Village. This greenbelt shall be provided to discourage sprawl by creating a definable Village and provide a permanent undeveloped edge, except as set forth in Section 53-211A.1.(g) subsection (A)(1) and Section 53-212-216, so that planning a Village within limited space takes on meaning. These greenbelts may function as an environmental corridor(s) incorporating passive recreation uses such as hiking and surface water management systems. The
functions shall be consistent and compatible with the type of Village (i.e. Village or Rural Village). In greenbelts, which contain listed plant or animal species, or unique habitat types; no development other than passive recreational facilities shall be permitted within these areas. Significance shall be determined based upon an environmental assessment report and consultation with appropriate state or federal agencies. Transfer of Development Rights (TDR) shall be assigned to the Greenbelt at a rate of two (2) dwelling units per acre and may be applied within the Village or Town Center unless the transfer will result in over crowding of the schools serving the area where TDR's are transferred.

(1) Design Standards: In addition to discouraging sprawl by creating a definable Village and providing a permanent edge, the following design standards may be applicable depending on the Village type and the site constraints and opportunities.

(a) Where incompatible uses exist between villages, the greenbelt shall function to buffer incompatible uses from a visual, auditory and separation perspective. For example, the greenbelt may be designed to reduce noise impacts created by a principle arterial.

(b) Significant environmental features may be linked by or incorporated into the greenbelt.

(c) Greenbelts may be designed to preserve/enhance ambient water quality with contiguous wetland ecosystems.

(d) The greenbelts may create and enhance a mosaic of preserved representative tracts of native habitat (both uplands and wetlands).
(e) Greenbelt vistas and features shall be compatible with the village type.

(f) Greenbelts may facilitate collector and arterial roadways, as shown in the City of North Port Comprehensive Plan and pedestrian ways that shall link the villages to each other and the Town Center.

(g) Where the Village Center may be located near or adjacent to the periphery of the Village, the village edge may include urban design features such as:

(i) the buildings placed adjacent to the sidewalk along the arterial or collector road,

(ii) distinctive architectural style or site design requirements that differentiate one Village Center from another, and

(iii) the creation of pedestrian promenades which by their landscaping and other amenities clearly define one village edge from another.

Sec. 53-212. Collector and Arterial Roadways.

A. Collector and Arterial Roads

A. To protect the Village form of complete and integrated neighborhoods, villages shall not be designed to be served by arterial highways as defined by the City of North Port, or the Florida Department Of Transportation (FDOT).
B. Arterials shall include a separation from the Village perimeter to the edge of the roadway. The area of separation shall be maintained as a permanent greenbelt and buffer.

C. Arterials may be located within greenbelts provided the roadway does not encroach on any preserved tracts of native habitat or conflict with the maintenance of wetland or preserved native habitat functions.

D. As a requirement of approval, a Village District Pattern Plan shall consider provision and location of Rights-of-Way for any collector or principal arterial highway.

E. Area sufficient to accommodate long range plans for mass transit shall be considered when acquiring rights-of-way for collector and arterial highways serving the area included in the Village Land Use Classification.

F. Any owner or developer of property located within the Village Land Use Classification and within the right-of-way of the collector or arterial highways, as identified by the City of North Port, may donate the right-of-way in exchange for Transferable Development rights.

(1) Transportation Impact Fee Credits may be granted in accordance with the City of North Port's Impact Fee Ordinance, and shall be specified in the Development Agreement.

G. To encourage provision of rights-of-way for collector or principal arterial highways necessary to support the Villages, North Port will allow Transfer of Development Rights from the rights-of-way to designated receiving areas.
Sec. 53-213. Transfer of Development Rights.

A. Transfer of Development Rights (TDR)

In order to encourage the implementation of the greenbelt requirements in Section 53-211, as well as preserve other important uplands, agriculture areas, water reuse area, aquifer recharge, wetland connections and wildlife corridors, the City of North Port may allow the transfer of development rights from these sending areas to receiving areas in the City of North Port. Priority will be given to these areas where platted lots of record have been assembled to allow infill development.

Sec. 53-214. General Definitions Section

Adjusted Gross Acres (AGA). The AGA is the gross area of a given area less water bodies, wetlands, conservation areas, and open space.

Civic Space. A public space located within a Neighborhood or Village.

Village Index Map. The Village Index Map defines a series of Villages on a given area of land. These Villages are defined by the edges of man-made features (roads, easements, property lines, existing improvements), and natural features (primary environmental systems, lakes, conservation areas, greenways).

Greenbelt. A multi-purpose corridor or environmental system, or open space, which accommodates non-vehicular traffic and certain environmental benefits including the restoration of native habitat; buffers for adjacent land development; or the conveyance, storage, or treatment of stormwater discharge.
FAR (Floor To Area Ratio). The ratio of Gross Floor Area of non-residential development to the square footage of a given lot, parcel, or site. With multi-story structures it gauges the intensity of permitted or proposed non-residential development. When residential units are proposed to be vertically integrated with non-residential uses, the FAR shall NOT reflect the square footage devoted to the residential use.

Neighborhood Center (NC). The Neighborhood Center is an area set aside for commercial development and/or civic space within a neighborhood.

Open Space. Includes stormwater management areas, golf courses, floodplains, greenbelts, upland habitat areas, and vehicular/utility corridors and takes a form such as squares, greens and parks whose frequent use is encouraged through access, placement, and design. (Policy 13.1.f)

Town Center (TC). A place for higher densities/intensities for residential, office, retail, and civic, and light industrial land uses with a more regional market base than the Village Center (N.P. CPA, "Village" Future Land Use Element Amendments, Policy 13.2).

Village (V). A building block of the City.

Village Center (VC). Village Centers serve as the focus for Villages and consist of a mix of land uses supporting Neighborhoods comprising the Village.

Village District Pattern Plan (VDPP). Village planning and development process as defined by the N.P. CPA, "Village" Future Land Use Element Amendments, Policy 13.6.
Sec. 53-215. Relation to general land use, subdivision, other applicable regulations.

A. VDPP shall meet the requirements of all applicable City, State and Federal requirements.

(1) Where there are conflicts between VDPP, ULDC provisions, the general land use, subdivision or other applicable regulations, those adopted and shown on the approved Pattern Book and VDPP shall apply.

(2) Where the VDPP does not address an area, the ULDC shall apply.

(3) Deviations may be requested by the applicant, but shall be specified on the VDPP and approved by the City.

(4) The proposed Pattern Book and VDPP shall be consistent with the intent of the comprehensive plan, and the future land use designation of the site which is currently in effect.

(5) All VDPPs shall be consistent with the criteria and standards of the District Pattern Book and Village Index Map as applicable.

Sec. 53-216. Unified control.

The applicant shall present evidence of the unified control of the development area within the proposed Village, and shall agree, if they proceed with the proposed development, to do so in accord with:
A. The adopted Village Index Map, Pattern Book and VDPP and all applicable standards.

B. Other such conditions or modifications as may be contained in the VDPP, Preliminary/final subdivision plans, final plat or Major Site and Development Plan.

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

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

Sec. 53-217. Amendments.

Once a Village zoning district, Pattern Book, and Village District Pattern Plan have been approved by the City Commission, and there is any cause for amendment to the plan, or any portion thereof, such amendment shall be processed in the same manner as the original Pattern Book or VDPP application(s).

Sec. 53-218. Village District Pattern Plan.

Approval of a VDPP shall not constitute approval of construction drawings of public and private improvements. The proposed design and location of utilities and streets will be subject to review by the City and may be subject to revisions in the construction drawings review phase in conjunction with the
subdivision process or in the building permit process.

Sec. 53-219. Subdivision Plan approval.

Subdivision plans and plats shall be processed pursuant to City code requirements and shall implement the approved Village Index Map, Pattern Book, agreements and VDPP.

ARTICLE XIX. COMMERCIAL REDEVELOPMENT LOW IMPACT DISTRICT (CRL).

Sec. 53-222. Relationship to Comprehensive Plan.

The general provisions of this section implements Policy 2.1.4 of the Future Land Use Element of the Comprehensive Plan which states, “For the area bounded by Pan American Boulevard to the east, Hoffman Street to the west and the frontage road to the north and the residential units to the south (excluding the library site and Biscayne Plaza) the following land uses shall be permitted as conditional uses: residential (4du/ac), artist studios and professional offices such as accountants, doctor/dentist.”

Sec. 53-223. Intent.

The CRL Commercial Redevelopment Low Impact District is intended to provide areas in which the residential buildings may be converted to art oriented and certain low intensity retail sales and services. The area is intended to provide the opportunity to convert the existing dwelling units to other uses while maintaining the existing residential building scale. While this section address the specific area mentioned in the Comprehensive Plan, it also addresses future redevelopment districts.
Sec. 53-224. Permitted principal uses and structures.

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

(1) Restaurants.

(a) Exterior seating.

(b) No outside entertainment.

(c) No drive-through.

(2) Personal service

(a) Dance, art, music studios.

(b) Art gallery and museum.

(c) Photographic studios.

(d) Reading rooms.

(3) Small Retail sales and services.

Sec. 53-225. Special Exceptions.

A. In the Commercial Redevelopment Low Impact District the following special exceptions shall be permitted. The City Commission may allow a use not
specifically listed 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.

(1) Bed and Breakfast.

(2) Artist studios.

(3) Professional offices.

(4) Residential units in conjunction with a business.

Sec. 53-226. Prohibited uses and structures.

A. Any use, structure or activity not expressly permitted herein, including
specifically adult entertainment, 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. Listed permitted or
permissible uses do not include either as a principal or an accessory use any of
the following which are listed for emphasis:

(1) Billboards.

(2) Gaming establishments.

(3) Tattoo or Body Art establishments.

(4) Manufacturing or Industrial.
(5) Wholesale establishments.

(6) Bail Bondsman.

(7) Check Cashing or Quick Loan establishments.

(8) Pawn shops.

(9) Automobile services of any kind.

(10) Fireworks sales or manufacturing.

(11) Fire arms.

(12) Adult congregate living facilities, group homes, foster care facilities.

Sec. 53-227. Maximum density/intensity.

A. For new construction that may be added to the lot the maximum density shall be 4 dwelling units per acre.

B. For lots that have existing structures, no additional structures may be added, except those that are ancillary in nature to the registered principal use.

Sec. 53-228. Minimum lot requirements.
A. Building sites in the Commercial Redevelopment Low Impact District shall have an area of not less than 7,500 square feet with a minimum width of 70 feet measured along the front property line.

B. For lots that have existing development within this district, there shall be no additional requirement applied to the size of the lot.

Sec. 53-229. Minimum building size.

A. Minimum building size shall be unrestricted.

B. Any addition to an existing structure, shall adhere to all applicable zoning regulations and shall be submitted to the City of North Port staff responsible for land development review for review and approval.

Sec. 53-230. Minimum setback requirements.

A. New construction.

(1) Front yard: none.

(2) Side yard:

(a) Interior: 7 1/2

(b) Abutting a road: 12 feet

(3) Rear yard: 20 feet.
(4) Waterfront yard: 20 feet

B. Existing structures.

(1) The setback of the existing structure shall be acceptable under these regulations.

(2) If the existing structure is demolished at any time, the setback requirements under (A) of this section shall apply.

Sec. 53-231. Maximum building height.

Maximum building height shall be 35 feet.

Sec. 53-232. Permitted signs.

A. Permitted signs shall be as follows:

(1) Exempt signs.

(2) Secondary Class A signs.

(3) Hanging signs.

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

Sec. 53-233. Prohibited signs.
A. Any sign not expressly permitted is prohibited in the CRL district.

Section 53-234. Parking requirements.

In order to maintain the scale of the buildings, there shall be no more than six (6) parking spaces on-site.

A. Parking shall be allowed in an existing drive-way in existing buildings.

B. Additional parking may be located on the street, provided that this parking is approved by the Public Works Director or designee.

C. In new construction, all parking shall be located at the rear of the building.

Section 53-235. Architecture

A. Upon substantial enlargement or improvement or new construction, the buildings located on or visible from US-41 shall comply with the architectural design standards of Tamiami Trail and the Urban Design Standards Pattern Book and shall be reviewed and approved by the Tamiami Trail Appearance Review Board and the City prior to issuance of a building permit.

B. All remaining Commercial Redevelopment Low Impact Districts shall comply with the architectural design of the nearest Activity Center.

Part 3. Special District Regulations.

 ARTICLE 26 XX. ENUMERATION OF SPECIAL CIRCUMSTANCE REGULATIONS
Sec. 53-236. Relationship to Comprehensive Plan.

The special circumstance regulations in this chapter implement Objective 5 of the Future Land Use Element of the Comprehensive Plan, which states: “Future growth and development will be managed through the preparation, adoption, implementation and enforcement of land development regulations”.

Sec. 53-237. Intent.

The intent of these special regulations is to supplement, modify or further explain rules and regulations found elsewhere in this Unified Land Development Code and, unless specifically noted to the contrary, shall apply to all zoning districts.

Sec. 53-238. Special Circumstances.

Sec. 53-222. Access to buildings.

1. Every building hereafter erected or moved shall be on a lot adjacent to an approved and constructed public or private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

2. For all existing residential platted lots that access a collector or arterial street that are either a double lot, corner lot, or through lot, the residential unit shall be placed on the lot in such a fashion to provide for vehicles exiting the lot in a forward direction or accessing the lot from an adjacent local street.
For existing interior platted lots the owner may apply for an administrative variance to allow for the vehicle exiting the lot in a backward direction provided the builder proves that without the variance the lot is **unbuildable**. The variance may be granted by the City Engineer Manager or designee, and Planning Director or designee responsible for land development services after appropriate review and a the fee of $350 ($100 for Planning and Zoning Department and $250 for Engineering Department) is paid.

For all platted lots, the mailboxes shall be designed with a front and rear door to allow residents to retrieve the mail as far away from the travel portion of the right-of-way as possible except in areas where the United States Post Office has required that mailboxes be placed across the roadway from the platted lot. (05-54)

B. Alcoholic beverages.

No bar, cocktail lounge, nightclub, restaurant or tavern providing for on-site consumption of alcoholic beverages shall be located less than 800 feet from an established school, daycare or house of worship. No place of business shall be established and located for the sale of alcoholic beverages within the corporate limits of this municipality that is within 800 feet of an established house of worship, school, or daycare, which distance shall be measured on a straight line connecting the closest point of the structure of such bar, nightclub, cocktail lounge or tavern business to the closest point of the structure of such any school, daycare or house of worship, and in the case of a school or daycare, to the nearest point of the school property.
C. Awnings are permitted, subject to:

(1) Permanently fixed or retractable awnings over private property are permitted.

(2) Permanently fixed or retractable awnings extending over a public right-of-way are allowed by a special exception permit granted pursuant to Article XXII of this chapter of this Unified Land Development Code.

(3) Any group of lettering larger than three inches in height, and/or symbols or logo exceeding four square feet in area, shall be included in the total area of signage allowed on the face of the building.

(4) In the case of multiple business, the building frontage shall be that linear measurement of the front of the area occupied by the business.

D. Carnivals, fairs and circuses.

A carnival, fair or circus proposed for 14 days or less may be permitted in any zoning district, provided that a Special Event Permit is obtained from the department responsible for land development services (06-42), in accordance with the requirements in Sec. 53-264.

E. Christmas tree sales.

(1) Christmas tree sales shall be permitted in residential zoning districts only in association with a church or nonprofit organization after obtaining a Temporary Use Permit.
(2) Christmas tree sales in non-residential zoning districts are permitted in accordance with permitted, accessory, or special exceptions within a specific district, and in accordance with Sec. 53-264.

F. Essential services and emergency services.

(1) Essential services and emergency services shall be permitted in all non-residential zoning districts and by special exception in all residential zoning districts. The term essential services shall include utility facilities, including sewage treatment plants; electric generating plants, distribution, equipment and storage; telephone and cable television facilities and emergency services. The term shall not include water wells and septic tanks which are not associated with a utility facility. Essential services shall be required to comply with all other requirements as set forth within the Land Development Code. The following standards shall also apply:

(a) New sewage treatment plants shall be no closer than 500 feet to any residential lot line. Expansion to existing sewage treatment plants shall be exempt from this setback requirement. Additionally, sewage treatment plants, when a part of a mobile or modular home park or a recreational vehicle park shall be exempt from the above setback requirement.

(b) New water treatment plants shall be located no closer than 500 feet to any residential lot line. Expansion to existing water treatment plants shall be exempt from this setback requirement.

(c) Holding ponds required for the operation of sewage treatment facilities shall be required to be setback a minimum 100 feet from any residential structure or 50 feet from the residential property line,
whichever is greater. Measurements shall be from the residential structure or property line to the edge of the water.

(d) Essential services located in zoning districts other than Commercial General (CG) and Light Industrial Warehousing (ILW) shall be required to provide a screening buffer in accordance with Chapter 21, Landscaping Regulations, of this Unified Land Development Code.

(e) No variance to the above minimum setback requirements shall be allowed.

(f) For all Developments of Regional Impact, Major Developments, Development Master Plans, preliminary and final Subdivision Plans all electric service adjacent to the development tract shall be placed underground at the developers expense. In addition, all electric service interior to the development tract shall be installed underground.


(1) Enforcement. The City shall be responsible for the enforcement of this section. Any sign erected in violation of the provisions of this section or the provisions of Sec. 29-8 of this Unified Land Development Code shall constitute a public nuisance and may be removed by any City employee. Enforcement of this section shall be levied against the property owner where the sale is being conducted. [Amended 1-27-2003 by Ord. No. 2002-53; Amended 5-27-2003 by Ord. 2003-19]

(a) No garage sale shall be allowed if, in the opinion of the City it may
constitute a traffic or fire hazard. [Amended 1-27-2003 by Ord. No. 2002-53]

(b) If any individual is found guilty of violating any of the provisions of this section or Sec. 29-8 of this Code, the City shall take the appropriate action. [Amended 1-27-2003 by Ord. No. 2002-53]

(c) Enforcement. A law enforcement officer or a property standards or code enforcement inspector may order the termination of any garage sale found to be in violation of the provisions of this section and Sec. 29-8 of this code. In the event of a violation, the law enforcement officer or property standard inspector shall issue a citation and refer such citation to the Code Enforcement Board for necessary action. [Amended 1-27-2003 by Ord. No. 2002-53]

(d) Illegal sales shall be closed by the City and remain closed until the violation is corrected. [Amended 1-27-2003 by Ord. No. 2002-53]

(e) All signs, either on-site or off-site, advertising or directing customers to the yard sale shall be removed by the person conducting the yard sale no later than 9pm on the final day of the sale. All signs shall display the date(s) of the sale. Signs located on a City, County, or State right-of-way shall be placed where there is no obstruction of the view to the traffic on the roadway. Signs shall not be located in a center median of a divided roadway. [Amended 1-27-2003 by Ord. No. 2002-60; Amended 03-19 by Ord. No. 2003-19][Amended 12-02-08 by Ord. No.08-60]

(i) Sign(s) in violation of this section shall be issued a warning for the first offense. Each violation thereafter shall be issued a $75
Each sign in violation is considered a separate violation. [Amended 03-19 by Ord. No. 2003-19]

(ii) Any aggrieved party issued a fine for a violation of this section may file an appeal with the Code Enforcement Board. Failure to file an appeal or to pay a fine within the prescribed time may result in a lien being filed against the property with the Sarasota County Clerk of the Court. [Amended 03-19 by Ord. No. 2003-19]

(2) Frequency. No person, including nonprofit corporations/organization, shall operate, manage or permit the garage sale upon his premises or other property under his control more than three (3) times per calendar year. Such sale shall not be continued for a period of time of more than three consecutive days and shall be conducted within the timeframe of 7:00 a.m. to 8:00 p.m. [Amended 1-27-2003 by Ord. No. 2002-53]

(3) Exemptions. The provisions of this section shall not apply to or affect the following:

(a) A person selling goods pursuant to an order or process of a court of competent jurisdiction.

(b) Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the Unified Land Development Code of this municipality or under the protection of the nonconforming use section or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.
(c) A person acting in accordance with the powers and duties as a public official.

(d) Any bona fide charitable, elementary, educational, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

(4) Parking. All parking of vehicles shall be conducted in accordance with the provisions of the Traffic Control Code. Further, a law enforcement officer may enforce such temporary controls to alleviate any special hazards or congestion created by the garage sale.

(5) Maintenance of order. The individual conducting the sale shall be responsible for the maintenance of the order and decorum on premises during all hours of such sale or activity. Such individual shall not allow any loud noise or boisterous conduct on said premises nor allow any vehicles to impede the passage of traffic on any roadways in the area of such premises. All such individuals shall obey the orders of members of the police or fire departments of this municipality in order to maintain the public health, safety and welfare of its citizenry. [Amended 1-27-2003 by Ord. No. 2002-53]

H. Height limit exclusions.

The height limitations contained in the Schedule of District Regulations (Part 2) do not apply to spires belfries, cupolas, flagpoles, antennas, water tanks, fire towers, ventilators, chimneys, feed storage structures or to other appurtenances usually required to be placed above the roof level and not
intended for human occupancy, unless specifically regulated in this Unified Land Development Code.


It is the intent of this section to allow the operation of home occupations in any residential and agricultural zoning district as an accessory use and to regulate them that a neighborhood, under normal circumstances, will not be disturbed or inconvenienced. The following conditions shall be met and complied with:

(1) All home occupations shall receive a home occupation permit from the City prior to the commencement of business.

(2) Home occupations shall be conducted only by residents of the principal dwelling unit.

(3) No more than 20% of the total floor area of a dwelling unit may be devoted to such use and shall not alter the outside appearance of the dwelling unit.

(4) The principal use of the dwelling unit shall at all time during the conduct of the home occupation remain residential.

(5) No retail sales shall be conducted on the premises.

(a) Retail sales shall not include items used in repair services. All parts shall be sold in conjunction with the on-premise repair of an item and shall not be sold individually.
(6) No signs other than the address and name of the resident.

(7) No equipment shall be used which creates noise, vibration, glare, fumes, odors or electrical interference objections to the normal senses. No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

(8) No home occupation shall generate greater volumes of traffic than would otherwise be expected by normal residential uses.

(9) No traffic is generated so as to require any additional on-site parking spaces other than those spaces normally utilized by the dwelling unit without the home occupation.

(10) The granting of a license to conduct a home occupation shall be automatically conditioned upon continued compliance with all the requirements of this section, the right to inspect the premises and provided that all other licenses and permits granted by the City are current. Failure of the occupant to meet these requirements shall empower the Building Director or designee to revoke the license. The Building Director or designee may also take any action necessary to revoke a certificate of competency or occupational license.

(11) The approval of a license for a home occupation shall be subject to renewal annually and expire upon a change of ownership of the property. Each home occupation shall be subject to periodic inspections by the North Port
Fire Rescue District for compliance with applicable Fire and Life Safety Codes, and the Building Department.

(12) There shall be no outside storage of materials used in connection with the home occupation. For purposes of this section, trailers used in connection with lawn mowing operations or other similar home occupations involving trailers are exempt from this section, provided that said trailers are in compliance with other City codes and regulations.

(13) No storage of hazardous material except liquids and fuels customarily used in connection with a home occupation, i.e. gasoline, propane, etc., shall be stored on site but may be stored on or in a motor vehicle or trailer, provided that said motor vehicle or trailer is used in connection with the home occupation. Storage of all fuels shall comply with all applicable local and state Fire and Life Safety Codes. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.

J. Performance standards.

(1) Generally. In addition to standards imposed by other governmental authorities, including the State Department of Environmental Regulation, the standards in this section shall apply to the permitting of commercial and industrial uses.

(2) Radioactive emission. There shall be no radiation emitted from materials or by-products that create a dangerous level of radioactivity at any point. Radiation emission shall not exceed those levels established as safe by
United States Bureau of Standards any state or Federal Agency. Radioactive material storage or disposal of radioactive waste is prohibited.

(3) Electromagnetic interference.

(a) Electromagnetic interference shall be defined as disturbances of an electromagnetic nature which are generated by the use of electrical equipment, other than sources of electromagnetic energy, which disturbances interfere with the operation of electromagnetic receptors.

(i) It shall be unlawful for any person to operate or cause to be operated any source of electromagnetic radiation for any purpose unless such source shall comply with the applicable regulations of the Federal Communications Commission. Further, operations in compliance with Federal Communications Commission regulations shall be unlawful if such radiation causes an abnormal degradation in the performance of other electromagnetic receptors or electromagnetic radiators because of proximity, primary field, blanketing electromagnetic radiators because of proximity, primary field blanketing, electromagnetic radiators, spurious radiation, conduct energy and power or telephone systems or harmonic content.

(ii) The determination of abnormal degradation in performance shall be made in accordance with good engineering practices as defined in the principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers and the Radio Manufacturers' Association.
(iii) In case of any conflict between the standards and principles of the above-named groups, the following priority of interpretation shall apply:


[2] Institute of Radio Engineers.


(b) It shall be unlawful for any person to operate or maintain without a permit any source of electromagnetic energy, the radiator power from which exceeds 1,000 watts.

(4) Smoke, dust and dirt. Emission of visible smoke, dust, dirt, fly ash or any particulate matter from any pipes, air vents or other openings of any other source into the air shall meet State Department of Environmental Regulations standards. Fuels shall be smokeless or shall prevent emission of fly ash or cinders into the air.

(5) Fumes, vapors and gases. It shall be unlawful for any person to emit fumes, vapors or gases of a noxious, toxic or corrosive nature which cause danger to humans, animals, vegetation or any form of property.

(6) Sewage; industrial waste.

(a) It shall be unlawful for any person to discharge liquid or solid waste into any public sewage disposal system which may cause to
overload such system or create detrimental effects in the flow and
treatment of public sewage.

(b) It shall be unlawful for any person to discharge any industrial waste
of any kind or nature into the private sewage disposal system, stream or
the ground which would contaminate any water supply or otherwise cause
the emission of dangerous or objectionable elements or conditions. It
shall be unlawful for any person to accumulate solid waste conducive to
the breeding of rodents or insects.

(c) It shall be unlawful for any person to store or dispose of industrial
waste, solids or liquids within the City.

(7) Measurements of emissions. Measurement of an emission at the property
line on which the principal use is located for all districts shall be
determined as follows:

(a) Vibration. There shall be no perceptive earth vibration. All stamping
machines, punch presses, press brakes, hot forges, steam board hammers or
similar devices shall be placed on shock-absorbing mountings and on
suitable reinforced concrete footings. No machine shall be loaded beyond
the capacity prescribed by the manufacturer.

(b) Heat, cold, dampness or movement of air. Activities which produce any
adverse effect on the temperature, motion or humidity of the atmosphere
shall not be permitted.

(c) Noise. The permitted level of noise or sound emission shall not exceed
the values in any octave band of frequency in the following table. Sound
pressure levels shall be measured with a sound level meter and an octave band analyzer that conforms to the specifications published by the American National Standards Institute Association (ANSI) or other recognized standards organizations.

(i) For industrial zoned property:

Maximum Sound Pressure Level of Decibels

(Decibel = 0.0002 Dynes per Square Centimeter)

<table>
<thead>
<tr>
<th>Cycles Per Sound Second</th>
<th>ILN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 75</td>
<td>70</td>
</tr>
<tr>
<td>75 - 150</td>
<td>65</td>
</tr>
<tr>
<td>150 - 300</td>
<td>57</td>
</tr>
<tr>
<td>300 - 600</td>
<td>50</td>
</tr>
<tr>
<td>600 - 1,200</td>
<td>44</td>
</tr>
<tr>
<td>1,200 - 2,400</td>
<td>38</td>
</tr>
<tr>
<td>2,400 - 4,800</td>
<td>32</td>
</tr>
<tr>
<td>Over 4,800</td>
<td>30</td>
</tr>
</tbody>
</table>

(ii) For all other property. It shall be unlawful for any person to permit the level of noise or sound emission to exceed at any time the average noise level prevailing for the same hour as generated by street and traffic activity. The determination of noise level shall be measured with a sound-level meter conforming to the specifications published by the American National Standards Institute Association (ANSI) or other recognized standards organizations.
(d) Odor. It shall be unlawful for any person to cause or permit the emission of odorous gases or other odorous matter in such quantities as to be offensive at the points of measurement. Any process which may involve the creation of emission of any such odor shall be provided with both a primary and secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system. Chapter 5, Air Pollution Abatement Manual, copyright 1951 current edition, published by Manufacturing Chemists, Inc., Washington, D.C., is hereby incorporated in this section as a guide in determining quantities of offensive odors.

(e) Glare. It shall be unlawful for any person to cause or permit any direct or sky-reflected glare, whether from floodlights, high-temperature processing, combustion, welding or other source of high-intensity lighting, so as to be visible at the points of measurements.

(8) Administration of performance standards in Industrial Districts. Prior to the establishment of industrial uses in industrial districts, every person shall apply for such uses under the following procedures:

(a) Application. Application for a building permit or a certificate of occupancy for any industrial use shall be submitted to the City's Building Department for review and approval by the City. The applicant shall also submit, in duplicate, a plan for the proposed construction or development, including a description of the proposed machinery operations, products and specifications for the mechanisms and techniques used in restricting the emission of dangerous or objectionable elements previously referred to in this section. The applicant shall also acknowledge, in writing, his understanding of the applicable performance standards.
standards and shall submit an agreement to conform with such performance
standards at all times. Notwithstanding, no applicant shall be required
to reveal any secret process or patented process, and any information
submitted will be treated as confidential, if so requested.

(i) Due to proprietary processes that may be necessary to the
production of a product and to ensure the safety, health and welfare
of the residents of the City, a statement ensuring no harm to the
environment pursuant to these regulations will be required from an
appropriate licensed professional.

(b) Review of application. If, after review of the application by the
Department, there is found to be a reasonable doubt as to the likelihood
of conformance with industrial performance standards, the Department
responsible for land development services shall refer the application to
the Zoning Board of Appeals. The Board of Appeals may determine whether
or not the building permit or certificate of occupancy should be issued.
In the event that the Zoning Board of Appeals is unable to determine
whether or not the applicant will conform to the performance of its own
motion, it shall request advice and recommendations from experts or
consultants in such technical fields as may be deemed necessary. The cost
of such experts or consultants shall be borne by the applicant.

(9) Enforcement. The City shall cause any alleged violations of the
industrial performance standards to be investigated. If there is found to be
reasonable evidence that a violation exists, such violation shall be treated
as a misdemeanor as provided in Special Acts, Chapter 63-1209, Laws of
Florida.

These facilities shall be designed as an amenity including, but not limited to, fountains, habitat, walking trails and wood areas.

L. Yard encroachments.

(1) Sills and belt courses may project not more than 12 inches into a required yard.

(2) Movable awnings may project not more than three feet into a required yard, provided that where the yard is less than five feet in width, the projection shall not exceed 1/2 the width of the yard.

(3) Window- or wall-mounted air-conditioning units, chimneys, fireplaces, bay windows or pilasters may project not more than two feet into a required yard.

(4) Fire escapes, stairways and balconies which are unroofed and unenclosed may project not more than five feet into a required side yard of a multiple-family dwelling, hotel or motel and not more than three feet into a required yard located in a Residential Single-Family (RSF) or Residential Two-Family (RTF) District.

(5) Hoods, canopies, roof overhangs, marquees and wing walls may project not more than three feet into a required yard, but shall not come closer than one foot to the lot line.

(6) Fences, walls and hedges, subject to § 53-239(K) are permitted in required
yards.

(7) Porticoes and pilasters may encroach not more than five feet into any required yard.

Sec. 53-239. Special Structures.

Sec. 53-221. A. Accessory uses and structures.

Permitted accessory uses and structures in all zoning districts shall be as follows:

(1) Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

(2) Do not involve the conduct of business on the premises, except as otherwise permitted under these regulations.

(3) Are located on the same lot as the permitted or permissible principal use or structure.

(4) Permitted home occupations as defined in Sec. 53-238(I), Home Occupation, of this Unified Land Development Code.

(5) In the Agricultural (AG) and all residential districts, accessory uses and structures less than 500 square feet in size, excluding fences as further described in § 53-236 below subsection (K) of this section, may be located in side or rear yards only, provided that a minimum setback of 10 feet from the rear lot line and 7.5 feet from all side yard lot lines is maintained;
provided, however, that no accessory structure shall be located on waterfront property closer than 20 feet to the rear lot line.

(6) Accessory structures over 500 square feet in total area, other than swimming pools, tennis courts and other similar recreational facilities, shall maintain the same required setbacks as the principle structure.

[Amended 11-24-2003 by Ord. No. 2002-56]

(7) Accessory structures located in nonresidential zoning districts, excluding agricultural districts, shall be permitted in any yard, provided that the setbacks required for the principal structure are maintained, that the accessory structure does not reduce the total amount of parking and off-street loading space required for the project and provided that the accessory structure will not involve additional impervious cover.

(8) Primary structures located in Commercial General Zoning Districts (CG), may have on the same premises and in conjunction with the permitted principal uses and structures, dwelling units [Amended 11-24-2003 by Ord. No. 2002-56] mated to an adjoining primary wall or floor. The dwelling unit shall meet all current City, Fire/Rescue and Building Codes.

(9) Accessory structures located in the RMH District may be located in the side and rear yards, provided that the same setbacks as required for the mobile modular home are maintained.

(10) Agricultural uses in residential areas. Nothing in this Code shall prohibit the growing of plants in residential districts, including vegetable gardens and horticultural specialties, provided that no agricultural products, including plants, shall be sold from a residential site.
See 53-223 B. Adult **congregate** living facilities (ACLF's).

This section provides minimum regulations and standards for adult **congregate** living facilities (ACLF's).

**A.** (1) **Location.**

(a) Adult **congregate** living facilities shall be permissible only by conditional use special exceptions within the Residential Single-Family (RSF), Residential Two-Family (RTF), Residential Manufactured Home (RMF) and Commercial General (CG) Districts.

(b) No adult **congregate** living facility (ALF) in a residential zone shall be located less than 1,500 feet from an established existing ACLF, Group Home or Foster Care Facilities.

**B.** (2) Development standards.

(a) All adult **congregate** living facilities (ACLF) shall meet the development standards applicable to the zoning district in which they are located.

(b) No external evidence of an ACLF distinguishing it from a regular dwelling shall be visible from adjacent properties, public or private.
(c) The requirements and standards of the Florida Department of Health and Rehabilitative Services Agency for Health Care Administration shall be met.

(d) ACFL's shall be subject to the sign regulations for residential structures within the zoning districts in which the facility is located.

(e) There shall be evidence of a current Florida Department of Health and Rehabilitative Services Agency for Health Care Administration license.

Sec. 53-224 B. Agricultural uses in residential areas.

Nothing in this Code shall prohibit the growing of plants in residential districts, including vegetable gardens and horticultural specialties, provided that no agricultural products, including plants, shall be sold from a residential site.

Sec. 53-225 239. Alcoholic beverages.

No bar, cocktail lounge, nightclub, restaurant or tavern providing for on-site consumption of alcoholic beverages shall be located less than 800 feet from an established school, or house of worship, which distance shall be measured on a straight line connecting the closest point of the structure of such bar, nightclub, cocktail lounge or tavern to the closest point of the structure of such school, or house of worship.

Sec. 53-226 C. Boats or other structures being used as dwelling units.
(1) Boats or other floating structures being used as dwelling units or commercial establishments may not anchor or tie offshore in City sovereign waters for longer than 48 hours, except at marinas, boatyards and ways and boat liveries, and shall be regulated by Chapter 14 of these regulations.

(2) No structure of any type shall be used as a dwelling unit unless such structure has been permitted for residential occupancies or is designated an evacuation shelter by either the City of North Port or Sarasota County.

D. Bus shelters, Bike racks and Benches.

(1) School bus shelters, bike racks and Benches. School bus shelters, bicycle racks and benches may be located in any district. District setbacks are waived. Locations and setbacks shall be approved by the School Board of Sarasota County and the City's Road and Drainage Director.

(a) School bus shelters shall be permitted only at locations where there exist established school bus stops authorized by the Sarasota County School Board.

(b) The location of these shelters shall be in accordance with the City Public Works Department regulations.

(c) Shelters located within the City right-of-way or easement shall require an approved right-of-way use permit.

(d) Bike racks and benches shall be provided at all school bus stops.
(e) Bike racks and benches shall be in the design and color of the City’s approved standard.

(2) Public Bus Shelters, Bike Racks and Benches.

(a) Bus stop benches, shelters and bike racks may be located in any district. Locations and setbacks shall be approved by the City's Road and Drainage Public Works Director.

(b) Benches, Bike racks and shelters shall be provided at all public transit stops.

(c) The location of bus benches shall be in accordance with the rules and regulations set forth with the City Public Works Department and the Florida Department of Transportation and the Sarasota County Area Transit.

(d) No bench shall be more than 43 inches high, nor more than 74 inches long, nor more than 28 inches wide.

(e) Benches, bike racks, and shelters located within the City right-of-way or easement shall require an approved right-of-way use permit.

(f) Bus Shelters, Bike racks and benches shall be in the design and color of the jointly approved Sarasota County Area Transit and the City of North Port design standard.

(3) Bike racks shall be provided within fifty (50) feet of any customer entrance in a non-residential district. These racks shall be in a design and
type indicated in the Urban Design Standards Pattern Book and shall be designed to store a minimum of six (6) bicycles. The racks shall be appropriately secured.

(4) No advertising of any kind is permitted on bike racks, bus shelters or benches.

Sec. 53-227 241. Carnivals, fairs and circuses.

A carnival, fair or circus proposed for 14 days or less may be permitted in any zoning district, provided that a Special Event Permit is obtained from the Planning and Zoning Department (06-42).

Sec. 53-228 242. Christmas tree sales.

A. reserved (06-42).

B. Christmas tree sales shall be permitted in residential zoning districts only in association with a church or nonprofit organization.

E. Caretaker housing are is permitted subject to:

(1) Shall not be rented.

(2) Shall not be occupied by more than one family.

(3) Shall have a minimum of 900 sq. ft. of living area.
(4) Shall be located on the property it serves and in conjunction with primary use.

(5) Shall adhere to all regulations for the zoning district in which it is located.

F. Carwash

All carwashes, including self-serve and automatic, shall use reused water and shall utilize best management practices.

Sec. 53-229 G. Cluster housing.

(1) In certain districts, cluster housing is permitted. In such developments, a lot size smaller than normally required is permitted so long if density does not exceed the maximum density permitted in such district.

(2) Procedures for development. Land to be used for cluster housing shall be developed in accordance with an approved development plan.

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

(4) Development standards. The development standard of the applicable district shall apply, except that there shall be no interior yard setback, minimum lot area or width requirements.
A contractor's office and/or construction equipment shed/trailer may be permitted in any zoning district where the use is incidental to an ongoing construction project with an active development permit.

(1) Such office or shed/trailer shall not contain sleeping or cooking accommodations or be used for such purposes.

(2) The office or shed shall be removed within 10 days of the date of final inspection for the project.

I. Convenience stores.

Convenience stores shall be regulated by all appropriate codes pertaining to commercial structures and are not accessory to any other use.

See 53-231 I. Drive-in theater or outdoor cinemas regulations.

A. (1) The screen must be so oriented that the picture is not visible from any existing or proposed major street roadway.

B. (2) Not more than two exits shall be provided to each access roadway, but such exit may be suitably channelized to provide for right and left turns onto the highway, and not more than one traffic lane shall be permitted for each traffic lane on the highway available to vehicles leaving the theater.
C. (3) No entrance or exit on a state road or primary state-maintained system shall be within 500 feet of its intersection with another major street road.

D. (4) Sufficient area shall be provided between highway roadway and the viewing area to provide storage stacking space for vehicles equal to not less than 25% percent of theater capacity and of that storage stacking space, provided that not less than 10% percent of the theater capacity shall be provided between the highway roadway and the ticket booths.

(a) In all cases, sufficient storage stacking space shall be provided so that vehicles will not back up on to the traveled way of the highway roadway.

(b) Stacking area shall be calculated on the basis of one space per 25 linear feet of storage stacking lane.

E. (5) An individual speaker shall be provided for each vehicle. All speakers shall be equipped with sufficient cord allowable distance to permit the speaker to be placed inside the vehicle. Speakers shall not be audible beyond the boundaries of the theater lines.

J. Emergency Housing.

In the event a housing emergency is declared to exist by the City Commission following a natural or man-made disaster, and subject to the conditions contained in this section, temporary structures such as mobile homes, travel trailers and recreational vehicles may be used as temporary housing by
individuals who have been displaced from their primary residences due to damage from the disaster.

(1) The following conditions shall apply the use and placement of temporary structures such as mobile homes, travel trailers and recreational vehicles on properties only after the City Commission declares a housing emergency following a natural or man-made disaster.

(2) A maximum of one (1) mobile home, travel trailer or recreational vehicle for the sole occupancy by existing residents of the damaged home will be allowed on an existing home site providing the following conditions exist on the site:

(a) The home on the site has been declared “unsafe” by the Building Official or designee.

(b) The sanitary sewer shall be properly connected to the utility provider or septic system in accordance with codes in effect at the time.

(c) The water system shall be properly connected to the utility provider or subsurface well system in accordance with all codes in effect at the time.

(d) Electrical service shall be available on site and have a proper connection in accordance with codes in effect at the time.

(e) All plumbing, electrical and mechanical work shall be completed by licensed and insured Contractors. It shall be the Contractors
responsibility to obtain all required permits from the City Building Department.

(f) Setback requirements shall be complied with to the extent possible. Approval of setbacks shall be determined by the Building Official or his designee.

(g) All other applicable regulations and code requirements shall apply.

(h) The use of mobile homes, recreational vehicles, or travel trailers as temporary residences in a zoning district where such use is prohibited prior to the declaration of the housing emergency shall cease if one of the following occur:

(i) The repair or reconstruction of the individual’s residence or;

(ii) Eighteen (18) months after the date the City Commission declared a housing emergency.

(i) If the Federal Emergency Management Agency has extended the period for which funding from the Individual Assistance program remains available beyond 18 months, the City, on written application from the property owner, may extend the period wherein the temporary residence is permitted to continue for a period up to an additional 18 months, in six-months increments. The property owner shall demonstrate that the repair or reconstruction is progressing, or such reason why additional time is required.
(j) Housing sites for multiple temporary dwelling units established by the Federal Emergency Management Agency and approved by the City Commission, may be established in any zoning district.

(k) Legal and proper disposal of all sanitary sewer and stormwater is required.

(l) Water and/or sewer connection at all locations will require permits and the payment of all applicable connection fees.

(m) The Building Department shall issue a Temporary Certificate of Occupancy for the temporary dwelling unit after all inspections have been approved. No person shall occupy a temporary unit without a Temporary Certificate of Occupancy.

Sec. 53-232. Essential services.

Essential services shall be permitted in ILW and CG Districts and permitted by special exception in GU, RSF, RTF, RMF and RMH Districts, except as provided in Subsection F of this section below. The term essential services shall include utility facilities, including sewage treatment plants; electric generating plants, distribution, equipment and storage; telephone and cable television facilities and emergency services. The term shall not include water wells and septic tanks which are not associated with a utility facility. Essential services shall be required to comply with all other requirements as set forth within the Land Development Code. The following standards shall also apply:

A. New sewage treatment plants shall be no closer than 500 feet to any residential lot line. Expansion to existing sewage treatment plants shall be
exempt from this setback requirement. Additionally, sewage treatment plants, when a part of a mobile home park or a recreational vehicle park shall be exempt from the above setback requirement.

B. New water treatment plants shall be located no closer than 500 feet to any residential lot line. Expansion to existing water treatment plants shall be exempt from this setback requirement.

C. Holding ponds required for the operation of sewage treatment facilities shall be required to be setback a minimum 100 feet from any residential structure or 50 feet from the residential property line, whichever is greater. Measurements shall be from the residential structure or property line to the edge of the water.

D. Essential services located in zoning districts other than CG and ILW shall be required to provide a screening buffer in accordance with Chapter 21, Landscaping Regulations, of this Unified Land Development Code.

E. No variance to the above minimum setback requirements shall be allowed.

F. Emergency services shall be a permitted use in the RM, OPI and AG Districts.

Sec. 53-233. Excavations for lakes and ponds.

A. Scope.

(1) The requirements of this section shall apply to any man-made lake, pond or similar water body accessory to a single-family or nonresidential use. The
construction of lakes, ponds or similar water bodies shall be permitted as an accessory use in the AG, CC, ILW, PCD and GU Zoning Districts and may be located in any yard. This section does not include ornamental ponds fountains, waterfalls or other similar accessories under 50 square feet in total area typically used as an embellishment to landscaping.

(2) This section shall not apply to man-made lakes, ponds or similar water bodies intended to be used as a component of an approved and permitted drainage plan for other than individual single-family and two-family development.

B. Maximum excavation depth. Excavation permitted under this section shall not exceed 12 feet in depth.

C. Setbacks for excavation site. Setbacks from street a right-of-way or easement shall be a minimum of 50 feet and a minimum of 50 feet from a private property line. All required excavation setbacks shall be measured from the highest level on the excavated bank.

D. Excavation banks/slopes. The design of shorelines of lakes and ponds shall be sinuous rather than straight whenever practicable. The banks for all excavations permitted under this section shall be sloped at a ratio not greater than four horizontal to one vertical out to a depth of two feet below the normal water elevation. The slopes shall be no greater than two horizontal to one vertical thereafter.

E. Approval required.
(1) All excavations for the construction of lakes or ponds consistent with the requirements of this section shall be required to obtain a permit from the Department of Planning and Zoning, Building and Development Services.

(2) A permit from the Southwest Florida Water Management District shall be obtained (when required) before any City permit is issued.

F. Wetland areas. Excavation for the purpose of constructing lakes and ponds as an accessory use to a residential use shall not be permitted in wetland areas as defined within this Code. (see Chapter 49, Wetlands Protection Regulations, of this Unified Land Development Code.) Under no circumstances shall an excavation connect to a natural surface water body or drainage facility.

See. 53-234. K. Fallout shelters.

A. (1) Fallout shelters are a permitted use in all zoning districts. Individual structures in residential districts shall be considered as accessory uses. Cooperative shelters constructed by adjoining owners may be placed on common lot lines, unless prohibited by lot-line easements, provided that encroachment into front yards is not permitted except with the approval of the Board of Zoning Appeals.

B. (2) Community or public shelters are permitted uses in all zoning districts.

C. (3) Prior to issuance of a building permit for any fallout shelter, a detailed site and development plan shall be submitted.
L. Fences, walls and hedges. Fences, hedges or walls located in Residential Single-Family (RSF) districts of the City are not required to meet the applicable minimum setback requirements set forth elsewhere in these regulations. [Amended 11-24-2003 by Ord. No. 2002-56]

(1) Fences and hedges in residential zoning districts shall follow the restrictions as follows: [Amended 11-24-2003 by Ord. No. 2002-56]

(a) In residential districts, the following height and setback restrictions shall apply for fences: [Amended 11-24-2003 by Ord. No. 2002-56].

   (a) Height

   (i) Front yard: not to exceed three feet for solid fences, four feet for see-through-type fences, such as but not limited to post/rail fencing, chain link, etc., where see-through visibility is not substantially affected. [Amended 11-24-2003 by Ord. No. 2002-56]

   (ii) Side and rear yards: not to exceed six feet. [Amended 11-24-2003 by Ord. No. 2002-56]

   (iii) Hedges planted along side and rear property lines shall not exceed 10 feet in height. Hedges planted along the front property line shall not exceed three feet in height. The overall height of allowable shrubbery shall include the height of any berm or any altered ground level. [Amended 11-24-2003 by Ord. No. 2002-56]
(iv) All side yards abutting a roadway shall maintain the required 12-foot setback. [Amended 11-24-2003 by Ord. No. 2002-56]

(v) All rear yards abutting a roadway shall maintain the required 25-foot setback. [Amended 11-24-2003 by Ord. No. 2002-56]

(vi) Waterfront Yard: Not to exceed four feet.

(vii) For the purpose of a boundary fence around a daycare or school playground area, the fence shall be no less than 6 feet in height.

(viii) Recreational fencing. Fencing surrounding recreational facilities, such as but not limited to racquetball, tennis and basketball courts, shall be permitted fencing not to exceed 12 feet in height.

(ix) Boundary walls and fences may be constructed along the perimeter boundary of a planned project or subdivision to create a gated community in appropriate residential districts. The height of such boundary wall or fence is limited to 8 feet. The fence or wall shall comply with § 21-9(B)(3). Landscaping the perimeter of abutting land uses. [Amended 11-24-2003 by Ord. No. 2002-56]

(b) Location

(i) For the purpose of locating fences only, the front lot line shall be defined as the lot line abutting the street right-of-way and running parallel to the front of the building. The front yard shall be defined as that area extending from the front property line as
described above to the front building line. [Amended 11-24-2003 by Ord. No. 2002-56]

(ii) For buildings placed on the diagonal of a lot or parcel, the front lot line shall be defined as the line measured in a straight line from the right and left front corners of the building to the property line.

(c) Design

(i) Waterfront Yard: Not to exceed four feet. Only Vinyl coated chain link or open decorative wrought iron fences shall be permitted. [Amended 11-24-2003 by Ord. No. 2002-56]

(ii) For the purpose of a boundary fence around a daycare or school playground area, the fence shall be no less than 6 feet in height and have an accessible gate, and shall be vinyl coated chain link or of similar material to allow surveillance from the roadway.

(iii) The exposed fence posts and supports shall face toward the applicant’s property.

(iv) All chain link fencing located in non-residential districts shall be vinyl coated, and North Port City Center Green or black in color.

(b) Hedges planted along side and rear property lines shall not exceed 10 feet in height. Hedges planted along the front property line shall not exceed three feet in height. The overall height of allowable shrubbery
shall include the height of any berm or any altered ground level.

[Amended 11-24-2003 by Ord. No. 2002-56]

(d) Setback

(i) All side yards abutting a roadway shall maintain the required 12-foot setback. [Amended 11-24-2003 by Ord. No. 2002-56]

[1] If the fence is three foot in height and solid or four foot in height and see-through, the fence may be located on the lot line or any distance between the 12 foot setback and the lot line.

(ii) All rear yards abutting a roadway shall maintain the required 25-foot setback. [Amended 11-24-2003 by Ord. No. 2002-56]

[1] If the fence is three foot in height and solid or four foot in height and see-through, the fence may be located on the lot line or any distance between the 25 foot setback and the lot line.

(iii) Recreational fencing surrounding recreational facilities, such as but not limited to racquetball, tennis and basketball courts, shall be a minimum setback of 10 feet.


(a) In all nonresidential districts, fences and walls shall not exceed eight feet in height. [Amended 11-24-2003 by Ord. No. 2002-56]
(b) All fences must meet the visibility triangle requirements listed in [Amended 11-24-2003 by Ord. No. 2002-56]

(c) Fences charged with electricity are permitted in agricultural districts only. [Amended 11-24-2003 by Ord. No. 2002-56]

(d) Barbed wire fencing shall be permitted only: [Amended 11-24-2003 by Ord. No. 2002-56]

   (i) In agricultural districts. [Amended 11-24-2003 by Ord. No. 2002-56]

   (ii) In industrial districts on top of fences or walls. [Amended 11-24-2003 by Ord. No. 2002-56]

(4) Measurement.

(a) The height of a fence or wall shall be no greater than 6 feet in a residential district and 8 feet in a commercial district and shall be measured from the contour of ground level at the fence location. However, if the Director determines that the ground level has been altered so as to provide for a higher fence or wall, then the Director shall determine the ground level for purposes of measuring the fence height.

(b) In determining whether the ground level has been altered for the purpose of increasing the height of the fence, the Director may consider, but is not limited to, consideration of the following facts:

   (i) General ground elevation of the entire lot.
(ii) In the case of a lot with varying ground elevations, the ground

elevation at the fence location and at points in the vicinity of the

fence location.

(iii) The ground elevation on both sides of the fence location.

(c) In measuring the fence height, the ground elevation on the side of the

fence location that is at the lowest elevation shall be used as the point

from which the fence height is to be measured.

(5) The exposed fence posts and supports shall face toward the applicant's

property.

(6) Visibility triangle.

(a) Within the area formed by the right-of-way on intersecting roads and a

straight line connecting points of such right-of-way lines at a distance

of 30 feet from the point of intersection, such connecting line extending

beyond the points to the curblines, there shall be a clear space with no

obstruction to vision between a height of three feet and a height of

eight feet above the average grade of each road as measured at the center

line thereof.

(b) Trees and other landscaping shall be permitted in the clear space if

foliage is cut away within the prescribed heights.

(c) The City Manager or designee shall determine if the visibility

triangle is adequate for roadway speed and intersection design. If the
designated City Manager or designee determines the visibility triangle is insufficient for roadway speed and intersection design, the visibility triangle will be adjusted to ensure pedestrian and vehicular safety.

(7) Recreational fencing. Fencing surrounding recreational facilities, such as but not limited to racquetball, tennis and basketball courts, shall be permitted fencing not to exceed 12 feet in height, provided that a minimum setback of 10 feet is maintained.

(8) Boundary walls and fences may be constructed along the perimeter boundary of a planned project or subdivision to create a gated community in appropriate residential districts. The height of such boundary wall or fence is limited to 8 feet. The fence or wall shall comply with § 21-9(B)(3).

Landscaping the perimeter of abutting land uses. [Amended 11-24-2003 by Ord. No. 2002-56]

(9) All playground areas used in conjunction with a daycare or school facilities shall be enclosed by a fence no less than 6 feet in height.

(10) All chain link fencing shall be vinyl coated and North Port City Center Green or black in color.

M. Group Home or Foster Care Facilities.

(1) Location.

(a) Group Home or Foster Care Facilities shall be permissible only by
Special exception within Residential Single-Family (RSF), Residential Two-Family (RTF), Residential Multi-Family (RMF) and Commercial General (CG) Districts.

(b) No Group Home or Foster Care Facility in a residential zone shall be located less than 1,5000 feet from an established existing, Group Home, Foster Care Facilities or Adult Congregate Living Facility.

(2) Development standards.

(a) All Group Home or Foster Care Facilities shall meet the development standards applicable to the zoning district in which they are located.

(b) No external evidence of a Group Home or Foster Care Facility distinguishing it from a regular dwelling shall be visible from adjacent properties, public or private.

(c) The requirements and standards of the Florida Department of Health and Rehabilitative Services applicable agency shall be met.

(d) Group Home or Foster Care Facilities shall be subject to the sign relations for residential structures within the zoning districts in which the facility is located.

(e) There shall be evidence of a current Florida Department of Health and Rehabilitative Services license for the facility.
N. Guesthouses. Guesthouses or guest apartments are permitted in Agriculture and Residential Zoning Districts, provided all of the following conditions are met:

(a) One guesthouse or guest apartment for each permitted single-family dwelling for the temporary use by guests of the occupants of the premises shall be allowed.

(i) In Residential Zoning Districts, guesthouses or guest apartments shall not be detached from the primary structure.

(b) Shall be accessory to the primary structure and located on the same lot or parcel as the primary structure.

(c) Shall contain no kitchen facilities.

(d) Shall not be rented.

(e) Shall not be occupied year round.

(f) Shall not be occupied by more than one family.

(g) Shall have the following living area:

(i) Minimum - 750 sq. ft.

(ii) Maximum - 50% of the primary living structure.

Sec. 53-235. Height limit exclusions.
The height limitations contained in the Schedule of District Regulations (Part 2) do not apply to spires belfries, cupolas, flagpoles, antennas, water tanks, fire towers, ventilators, chimneys, feed storage structures or to other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Sec. 53-236. Fences, walls and hedges.

A. Fences, hedges or walls located in R&D districts of the City are not required to meet the applicable minimum required setback requirements set forth elsewhere in these regulations. [Amended 11-24-2003 by Ord. No. 2002-56]

B. Fences and hedges. [Amended 11-24-2003 by Ord. No. 2002-56]

(1) In residential districts, the following height and setback restrictions shall apply for fences: [Amended 11-24-2003 by Ord. No. 2002-56]

(a) Front yard: not to exceed three feet for solid fences, four feet for see-through type fences, such as but not limited to post/rail fencing, chain link, etc., where see-through visibility is not substantially affected. [Amended 11-24-2003 by Ord. No. 2002-56]

(b) Side and rear yards: not to exceed six feet. [Amended 11-24-2003 by Ord. No. 2002-56]

(c) All side yards abutting a roadway shall maintain the required 12 feet setback. [Amended 11-24-2003 by Ord. No. 2002-56]
(d) All rear yards abutting a roadway shall maintain the required 25-foot setback. [Amended 11-24-2003 by Ord. No. 2002-56]

(e) For the purpose of locating fences only, the front lot line shall be defined as the lot line abutting the street right-of-way and running parallel to the front of the building. The front yard shall be defined as that area extending from the front property line as described above to the front building line. [Amended 11-24-2003 by Ord. No. 2002-56]

(f) Waterfront Yard: Not to exceed four feet. Only chain link fences shall be permitted. [Amended 11-24-2003 by Ord. No. 2002-56]

(2) Hedges planted along side and rear property lines shall not exceed 10 feet in height. Hedges planted along the front property line shall not exceed three feet in height. [Amended 11-24-2003 by Ord. No. 2002-56]


(1) In all nonresidential districts, fences and walls shall not exceed eight feet in height. [Amended 11-24-2003 by Ord. No. 2002-56]

(2) All fences must meet the visibility triangle requirements listed in F. (1), below. [Amended 11-24-2003 by Ord. No. 2002-56]

(3) Fences charged with electricity are permitted in agricultural districts only. [Amended 11-24-2003 by Ord. No. 2002-56]

(4) Barbed wire fencing shall be permitted only: [Amended 11-24-2003 by Ord.
(a) In agricultural districts. [Amended 11-24-2003 by Ord. No. 2002-56]

(b) In industrial districts on top of fences or walls. [Amended 11-24-2003 by Ord. No. 2002-56]

D. Measurement.

(1) The height of a fence or wall shall be no greater than 6 feet in a residential district and 8 feet in a commercial district and shall be measured from the ground level at the fence location. However, if the Director determines that the ground level has been altered so as to provide for a higher fence or wall, then the Director shall determine the ground level for purposes of measuring the fence height.

(2) In determining whether the ground level has been altered for the purpose of increasing the height of the fence, the Director may consider, but is not limited to, consideration of the following facts:

(a) General ground elevation of the entire lot.

(b) In the case of a lot with varying ground elevations, the ground elevation at the fence location and at points in the vicinity of the fence location.

(c) The ground elevation on both sides of the fence location.

(3) In measuring the fence height, the ground elevation on the side of the

Page 1104 of 1493
S:\ULDC MASTER UPDATE\ULDC Masterdraft 12-04-09 COMMISSION REVIEW3.doc
fence location that is at the lowest elevation shall be used as the point from which the fence height is to be measured.

E. The fence post and supports shall be faced toward the applicant's property.

F. Visibility triangle.

(1) Within the area formed by the right-of-way on intersecting roads and a straight line connecting points of such right-of-way lines at a distance of 30 feet from the point of intersection, such connecting line extending beyond the points to the curblines, there shall be a clear space with no obstruction to vision between a height of three feet and a height of eight feet above the average grade of each road as measured at the center line thereof.

(2) Trees and other landscaping shall be permitted in the clear space if foliage is cut away within the prescribed heights.

G. Recreational fencing. Fencing surrounding recreational facilities, such as but not limited to racquetball, tennis and basketball courts, shall be permitted fencing not to exceed 12 feet in height, provided that a minimum setback of 10 feet is maintained.

H. Boundary walls and fences may be constructed along the perimeter boundary of a planned project or subdivision to create a gated community in appropriate residential districts. The height of such boundary wall or fence is limited to 8 feet. The fence or wall shall comply with § 21-9.B. (3). Landscaping the perimeter of abutting land uses. [Amended 11-24-2003 by Ord. No. 2002-56]
Sec. 53-237. Miscellaneous structures.

0. Mail and Newspaper Delivery Boxes. Mail (and newspaper) delivery boxes may be placed in accord with United States Postal Service regulations and are exempt from district setbacks.

(1) Newspaper vending machines and similar machines may be located in any District.

(1) Definitions:

ADVERTING CIRCULAR - Any publication that is predominantly advertising and containing minimal or no news reports.

BASE - A concrete pad or paver blocks installed or used to support a newspaper rack.

MODULAR NEWSPAPER RACK - A connected grouping of four (4) to fourteen (14) compartments within a single structure, which may be placed on a mount or pedestal bolted to a base surface or be bolted directly to the paved surface, which is installed or use for the display, sale or distribution of newspaper, advertising circulars or similar publications.

MOUNT - A pedestal or other structure holding a newspaper rack and attached to a base.

NEWSPAPER - Any publication that is predominantly comprise of news reports or other non-commercial articles of information.
NEWSPAPER RACK COMPARTMENT - Each compartment within a newspaper rack designed to contain the newspapers, advertising circulars or similar publications being sold or distributed from that newspaper rack.

OWNER - The particular person or legal entity who is responsible for installing and for maintaining a newspaper rack, or the owner or one who distributes newspapers, periodicals, advertising circulars or other publications from the newspaper rack.

PRIVATE PROPERTY - All proper other than public property, including private right-of-ways.

PUBLIC PROPERTY - Parks, right-of-ways, easements and any and all other real property owned by the public, and governmental agency, or the City.

Public Right-of-Way. Land dedicated or deeded to the public, occupied or intended to be occupied by a street, highway, sidewalk, pedestrian path parkway, bicycle path or alley.

PUBLIC WORKS DIRECTOR - Public Works Director refers to the Public Works Director or the designee of the Public Works Director.

ROADWAY - That portion of a street improved designed or ordinarily used for vehicular travel.

SIDEWALK - Any surface within a right-of-way approved for the exclusive or primary use of pedestrians.

SINGLE FREESTANDING - Newspaper Rack. A newspaper rack designed to contain
the newspapers, advertising circular or similar publications being sold or
distributed from that newspaper rack.

VISIBILITY TRIANGLE - At street intersections, an area bounded by the first
thirty (30) feet along the intersecting edges of the right-of-way, projected
where rounded and a diagonal line extending across the proper and connecting
the ends of such thirty (30) foot lines. At intersections of driveways with
streets, an area bounded by first ten (10) feet along the intersection edges
of the right-of-way and the driveway, projected where rounded, and a
diagonal line extending across the property and connecting the ends of such
ten (10) foot lines.

(2) Installation and Maintenance.

(a) Obstruction Prohibited. No person shall install; use or maintain any
newspaper rack which projects onto, into, or over any part of the roadway
of any public or private street, or which rests, wholly or in part, upon,
along: or over any portion of a roadway, including medians.

(b) Design/Placement. Newspaper racks shall be placed and maintained in
accordance with the following criteria:

(i) Newspaper racks constructed of metal shall be the only type of
newspaper racks allowed to be installed and maintained in the City
of North Port, except that newspaper racks installed inside an
enclosed building may be of any type allowed by the owner of the
property.
(ii) Newspaper racks allowed by the owner of a property shall be placed parallel to and not more than six (6) inches from the wall of the principle permanent structure located thereon.

(iii) No more than three (3) single freestanding metal newspaper racks may be installed and maintained in any location. Where there exists a need or demand for four (4) or more freestanding metal newspaper racks, the single compartment newspaper rack(s) must shall be removed to accommodate the placement of a modular newspaper rack.

(iv) Newspaper racks shall not exceed fifty-four (54) inches in height and twenty-four (24) inches in depth.

(v) Newspaper racks shall not be attached or otherwise secured to utility poles, sign posts, benches or other fixtures within public right-of-way or property.

(vi) Newspaper racks shall contain no advertising unless authorized in writing by the publisher i.e. rack card holder.

(vii) Newspaper racks shall be maintained in a neat and clean condition and in good repair at all times. Each newspaper rack shall be serviced and maintained so that:

[1] It is free of graffiti;

[2] It is free of dirt and grease;
[3] It is free of chipped faded, peeling and cracked paint in the visible painted areas thereof.

[4] It is free of rust and corrosion in the visible metal areas thereof;

[5] The clean clear plastic or glass parts thereon through which the publications are viewed, are unbroken and free or cracks, dirt, blemishes and discoloration;

[6] The paper or cardboard parts or inserts thereof are free of tears, peeling or fading;

[7] The structured parts are not broken;

[8] The surrounding area upon which the newspaper rack is placed will also be maintained in a neat and orderly condition; and

[9] The Road and Drainage District Public Works Department shall be responsible for repairing the asphalt which is in a deteriorated condition and correcting any drainage problems in the right-or-way area prior to the issuance or a right-or-way use permit for a single freestanding newspaper rack or a modular newspaper rack. The appropriate newspaper company shall be responsible for making all repairs to either the roadway or drainage system for any damages which have been caused by newspaper patrons.
The advertising circular or newspaper publication content shall be current and not out-or-date, so that it will have timely value to its intended consumer or user.

(viii) The name, address and telephone number of a responsible person who may be contacted at any time concerning the newspaper rack shall be displayed in a conspicuous place on the newspaper rack in such a manner as to be readily visible and readable to a prospective customer.

(ix) No newspaper rack shall be placed, installed used or maintained:


[2] Within the required minimum setback distances established by the National Fire Protection Association (N.A) for any fire hydrant, fire call box or other emergency facility. or within the required

[3] Within ten (10) feet of the point where any driveway intersects with a public or private street.

[4] Within five (5) feet ahead of, and fifteen (15) feet of the rear of, any sign marking a designated bus stop, measured along the edge of the pavement.

[5] At any location that does not provide a clear width of continuous passage of at least thirty-six (36) inches for pedestrian and wheelchairs.
[6] In a designated parking space or driveway.

[7] At any location in such a manner as to block any display window of any building abutting the sidewalk or in such a manner as to impede or interfere with the reasonable use of such window for display purposes.

[8] No newspaper racks (single freestanding newspaper racks or modular newspaper racks) shall be installed on more than one street corner at an intersection.

3) Nonconforming Single Freestanding Newspaper Racks and Modular Newspaper Racks.

(a) All single freestanding newspaper racks within the City of North Port must be in compliance with the terms of these regulations within three months of the date of adoption of this Ordinance.

(b) All modular newspaper racks within the City of North Port must be in compliance with the terms of these regulations within six months of the date of adoption of this Ordinance.

(c) Any single freestanding newspaper rack or modular newspaper rack found to be in violation at the end of the applicable period at any time thereafter shall be brought into compliance or removed by the owner within fifteen (15) days after written notification by the Public Works Director. Failure to comply with such notice within the time specified by
such order shall result in the single freestanding newspaper rack or modular newspaper rack being removed by the Public Works Department.

(4) Abandonment. In the event a single freestanding newspaper rack or fifty-one (51) percent of the total newspaper rack compartments in a modular newspaper rack remain empty for fourteen (14) continuous days, it shall be deemed abandoned and the City shall notify the owner to remove the newspaper rack or replace it with a smaller newspaper rack.

(a) For purposes of enforcing this provision, a compartment shall be considered abandoned if the content of the publication therein is not current and is out-of-date, so that it is of little or no value to its intended user or consumer.

(b) Once the single freestanding newspaper rack or modular newspaper rack has been deemed abandoned in accordance with the provisions of this section, the City's Public Works Department shall have the right to remove the single freestanding newspaper rack or modular newspaper rack from the public right-of-way, at the owner's expense.

(5) Newspaper Rack Mounting Standards. Newspaper racks shall be installed level and plumb to the ground in a safe and secure manner.

(a) Every newspaper rack on a single pedestal or a multiple post shall be securely bolted to the ground utilizing anchor bolts in all four corners or securely bolted to a concrete base or paver blocks set in the ground.

(6) Public Work Department Right-of-Way Use Permit - Newspaper Racks.
A Public Works Department Road and Drainage District Right-of-Way Use Permit
attached hereto and incorporated herein as Exhibit "A" shall be required prior to the installation of a newspaper rack in the public right-of-way.

(7) Hold Harmless: Every owner of a newspaper rack who places or maintains a newspaper rack on a public right-of-way in the City of North Port shall file a written statement with the Public Works Director in a form satisfactory to the City Attorney, whereby such owner agrees to indemnify and hold harmless the City, its officers, and employees, from any loss, liability, or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of installation, use and/or maintenance of a newspaper rack within the City of North Port.

(8) Penalties for Offenses: Violation of this chapter shall be punishable by a fine not to exceed five hundred dollars ($500.00). Each incidence of violation of any section or part of a section contained in this chapter shall be deemed a separate offense.

(a) This chapter shall be enforced by resort to in compliance with the City of North Port Code Enforcement Board.

(9) Severability: If any section, subsection, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions shall be deemed a separate, district and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(10) Conflicts: In the event of any conflict between the provisions of this chapter is for any other ordinance/chapter or portions thereof, the
provisions of this chapter shall prevail to the extent of such conflict.


 (1) This type of facility shall be located along the north side of I-75 to service the Activity Centers located along I-75 (AC #3, #4, and #6).

 (2) Appropriate structures shall be erected along the entire length of the Corridor in appropriate locations as determined by the City and placed between the facility and the adjacent residential and commercial uses to reduce any adverse effects on the residential and commercial areas. Shade trees and shrubs shall be planted every thirty-five (35) feet on center used to soften the view from I-75.

 Q. Mini storage facilities and Mini warehousing.

 (1) Mini storage or warehousing facilities shall be limited to dead storage use only. No other commercial or industrial use shall be permitted, and no occupational license shall be issued for any such use.

 (2) All storage on the property shall be located within an enclosed building. Outdoor storage is prohibited.

 (3) Plumbing shall not be extended to individual storage spaces, and plumbing fixtures such as sinks, toilets and the like shall not be installed.

 (4) Minimum building site size shall be three acres.
(5) The building site shall be designed, at a minimum, to accommodate the landscaping requirements of Chapter 21, Landscaping Regulations, of the Unified Land Development Code.

(6) Parking and travel aisle design.

(a) One-way travel aisles shall provide for one ten-foot parking/loading lane and one fifteen-foot travel lane. Traffic direction and parking/loading shall be indicated by either pavement marking or signage.

(b) Two-way travel aisle shall provide for one ten-foot parking/loading lane and two twelve-foot travel lanes.

(c) Aisles not serving storage spaces shall not be required to provide parking/loading lanes.

(7) To properly protect from the effects of fire from common adjoining units which could substantially impact life, safety and property, the City of North Port Fire Rescue district, shall require all mini, self and retail storage facilities erected within the City limits to be designed with a complete fire sprinkler system, in accordance with NFPA 13, Standard for Installation of Fire sprinkler systems.

(a) To monitor the fire sprinkler system, a complete fire alarm system, with manual pull stations and Americans with Disabilities Act (ADA) compliant audio-visual devices, shall be required, and shall be electronically monitored 24 hours a day by a UL listed central station.
(b) All structures shall have a waterproof exterior horn-strobe installed so as to be visible to responding emergency vehicles, with exact location determined by the authority having jurisdiction (AHJ).

(c) The fire alarm control panel (FACP) shall be installed in an environment protected from the Florida climate.

(d) All installations shall be in accordance with NFPA 72, National Fire Alarm code, and FFPA 70, National Electrical Code.


It is the intent of this section to allow the operation of home occupations in any residential and agricultural zoning district as an accessory use and to regulate them so that a neighborhood, under normal circumstances, will not be disturbed or inconvenienced. The following conditions must be met and complied with:

A. Home occupations shall be conducted only by residents of the principal dwelling unit.

B. No more than 20% of the total floor area of a dwelling unit may be devoted to such use.

C. The principal use of the dwelling unit shall at all time during the conduct of the home occupation remain residential.

D. No retail sales shall be conducted on the premises.
E. There shall be no outside storage of materials used in connection with the home occupation. For purposes of this section, trailers used in connection with lawn mowing operations or other similar home occupations involving trailers are exempt from this section, provided that said trailers are in compliance with other City codes and regulations.

F. No equipment shall be used which creates noise, vibration, glare, fumes, odors or electrical interference objections to the normal senses. No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

G. No home occupation shall generate greater volumes of traffic than would otherwise be expected by normal residential uses.

H. The granting of a license to conduct a home occupation shall be automatically conditioned upon continued compliance with all the requirements of this section, the right to inspect the premises and provided that all other licenses and permits granted by the City are current. Failure of the occupant to meet these requirements shall empower the Building Director or designee to revoke the license. The Building Official may also take any action necessary to revoke a certificate of competency or occupational license.

I. The approval of a license for a home occupation shall be subject to renewal annually and expire upon a change of ownership of the property. Each home occupation shall be subject to periodic inspections by the North Port Fire Rescue District for compliance with applicable Fire and Life Safety Codes.
J. No storage of hazardous material except liquids and fuels customarily used in connection with a home occupation, i.e. gasoline, propane, etc., shall be stored on site but may be stored on a motor vehicle or trailer, provided that said motor vehicle or trailer is used in connection with the home occupation. Storage of all fuels shall comply with all applicable local and state Fire and Life Safety Codes.

Sec. 53-240 Q. Mobile Modular homes and recreational vehicles.

A. (1) Mobile Modular homes in MHP Residential Modular Home (RMH) Districts shall be limited to one habitable story with customary additions, including cabanas, carports and storage units which are manufactured for combination. Mobile homes/Recreational vehicles used for temporary living purposes shall be allowed only in recreational vehicle parks permitted only as part of a planned community development residential modular home development.

B. (2) Commercial storage of unoccupied recreational vehicles shall be conducted only in CG and ILW Districts.

(3) Commercial storage of unoccupied mobile homes shall be conducted only in CG, MHP and ILW Districts.

(4) Recreational Vehicles may be stored in a residential district by the owner or renter of the property on an improved surface. The vehicle may be stored in the side or rear yard only upon an improved surface.

(5) No part of the Recreational Vehicle may encroach upon the City’s right-of-way.
Sec. 53-241. Moving of structures.

No structure shall be moved from one lot to another lot or moved to another location on the same lot unless such structure shall thereafter conform to this section and all other applicable regulations.

Sec. 53-242 S. Model residential units.

A. (1) Generally. Models of residential units may be permitted in areas zoned for such residential units after a building permit has been obtained.

(a) A model residential unit may be constructed in a commercial zoning district only if constructed in compliance with the commercial Building Code and shall not be occupied for living purposes.

(b) The model residential unit shall not be required to comply with the commercial Building Code if, at the time of application, an affidavit is submitted stating that the model residential unit will be removed when it ceases to be used as a model or that the structure will be brought into compliance if the use of the structure is altered.

(c) In residential zoning districts, when the model home ceases to be used as a model for two hundred and eighty consecutive days, the use shall comply with the permitted or conditional use special exception sections of the appropriate residential zoning district.

(2) Sales from temporary branch offices within models located in residential districts shall be permitted only for the sale of units offered by the owners or developers, provided that a model residential unit shall not be used as a
contractor's office, general real estate office or a resale listing office unless such offices are located in zones permitting such occupations. [Amended 11-24-2003 by Ord. No. 2002-56]

(3) Parking. Parking shall be in accordance with Chapter 25, Parking and Loading Regulations, of this Unified Land Development Code of this Code.

(4) Signs. One sign not exceeding 24 square feet in area and setback not less than 10 feet from another adjoining lot and no less than 10 feet from any street right-of-way shall be permitted in accordance with Chapter 29, Sign Regulations, of this Unified Land Development Code. [Amended 11-24-2003 by Ord. No. 2002-56]

(5) Model residential units accessing a collector or arterial street roadway shall design the access so the vehicles can exit the site in a forward motion. (05-54)


A. Automobiles, trucks, trailers, boats, recreational vehicles or vehicles of any type without current license plate(s) affixed to the vehicle(s) by law shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings except as provided in § 53-243H. [Amended 1-142002 by Ord No 2001-15 Ord No 2004-21, Ord No 2007-12 and Ord No 2004-45]

B. No more than four automobiles/trucks and no more than one boat with trailer, one utility trailer, recreational vehicle, one travel trailer, for a maximum of six vehicles total; however, no more than two such vehicles, other
than automobile/trucks, may be parked on any lot of two or more lots combined and used for a single-family residence (excluding fully enclosed structures having four walls and a roof) within the City intended for single-family occupancy, provided that said lot or lots have the principal structure, either a single-family dwelling or a manufactured home located on such lot. No more than three vehicles per family unit shall be parked on a duplex lot. For multifamily developments, this section shall apply to each multifamily dwelling unit located in said multifamily development. A property owner may substitute a boat with trailer for either another utility trailer or another recreational vehicle. In addition, a property owner may substitute a utility trailer or a recreational vehicle for a second boat. No other substitutions may be made.

C. No more than four of the above-referenced vehicles may be parked in the front yard (including the driveway) and the adjacent City right-of-way. The front yard is that area that extends from the dwelling unit's wall that parallels the road and typically contains the front door to the road right-of-way. Corner lots shall have one front yard as described above. The other two vehicles may be parked in the side and rear yards, provided that the vehicles shall be buffered so as to be at least 80% opaque from the adjacent residential lots and any right of way. The eighty-percent opaque requirement only applies to the length of the parking area adjacent to a residential lot and/or any right of way. If the adjacent property owner(s) consents in writing that no buffer is needed, then the property owner shall submit such written consent to the Department. In such event, and for only corner lots, the eighty-percent opaque requirement shall apply only to that portion of the parking area adjacent to the road. If the adjacent property changes ownership, then the applicant shall submit an additional letter of consent signed by the new owner in order to qualify for this exemption as described above.
(1) When three or more lots are combined (interior lot lines eliminated) then any sized truck can be parked on the property, provided that the buffering and neighbor approval in 53-243C above shall apply. In addition, no truck shall be parked in the rear, side setback areas and in the front yard. (04-45)

D. All open trucks and trailers, which are empty of debris, may be parked within the front driveway or side yard. Parking on the front yard and right-of-way shall be prohibited. Open trucks containing debris shall be parked in the rear or side yards, provided that the vehicles and accessory open trailers and equipment are buffered from view of the adjacent lots by buffer material that equals 80% opaque, or completely covered by a nontransparent tarp or similar material. Any structures build in the side yard shall meet all City, county, state and federal codes.

E. No vehicle shall be attached to a street tree or other landscaping within the City right-of-way.

F. Parallel parking, not to include the roadway, on the City right-of-way is permitted. Vehicles shall not be parked parallel to the right-of-way in a stacked fashion. Vehicles shall be parallel parked front to rear only, in the direction of traffic. Automobiles, trucks, boats, utility trailers, recreational vehicles or travel trailers shall not be parked without the permission of those lawfully residing at the property for more than four (4) hours in the right-of-way area adjacent to any residentially zoned property where the owner of the vehicle and those lawfully residing at the property is not the same. (04-21) If the parking or traversing on the City right-of-way damages the City drainage swales, the lot owner shall be responsible for repairing the damage. If the damage is not repaired within 14 days from written notice, the City shall repair
the damage and the lot owner shall be billed the cost of such repair, plus $105 administrative cost. If the bill is not paid within 30 days, the City shall record a lien on the property for the amount of the cost of repair and administrative costs.

G. No vehicle shall be stored within the City right of way or on property zoned residential (excluding the driveway, carport or garage) except as provided in Subsection H below. It shall be conclusive evidence that a vehicle is being stored where it can be demonstrated that the vehicle has not been moved within 30 days.

H. Recreational vehicles shall not be parked or stored on any residentially zoned property except within a completely enclosed structure or in the required side and required rear yard, provided the vehicle is not parked or stored within the required rear yard setback, and provided that the buffering and neighbor consent requirements in § 53-243C above are satisfied. The intent of the following requirements is to insure that the vehicles do not become unsightly and thusly negatively impact the residential neighborhood. The RV may be parked in the front yard and required front yard provided: [Amended 1-14-2002 by Ord. No. 2001-15]

(1) Said vehicle is parked on an improved surface, which shall be kept in a proper state of repair and maintained free from hazardous conditions.

(2) Vehicle tires are not worn at or below the wear bar.

(3) No inoperative or unlicensed motor vehicle shall be parked, kept, or
stored for more than 20 days on any residential premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited.

(4) No vehicle shall exhibit peeling, flaking, chipped or faded paint on the exterior that is visible from eye level.

(5) It shall be unlawful for any recreational vehicle to extend over or interfere with the use of any sidewalk or right-of-way intended for pedestrian or vehicular traffic.

(6) Recreational vehicles shall not be parked on the front yard and parallel to the front wall of the residential principal structure.

I. In the event that the owner or lessee of residentially zoned property has a house guest and said house guest arrives in a vehicle which otherwise would be prohibited from parking on said property pursuant to the provisions of this section, parking of said vehicle on the subject property is allowable for a period not to exceed 15 days in a calendar year.

J. No vehicle permitted to be parked on residentially zoned property shall be occupied for a period not to exceed 14 consecutive days living quarters or otherwise inhabited overnight. [Amended 1-14-2002 by Ord. No. 2001-15]

K. The limitations set forth in this section shall not apply to the parking or storage of vehicles on property zoned AG Agricultural District, provided that no vehicles on such property may be parked or stored within the required side yard, rear yard or waterfront yard setback.
L. Definitions. As used in this section, the following terms shall have the meanings indicated:

DRIVEWAY -- That area between the street right-of-way and the front plane of the building upon which an impervious surface is placed and used for vehicles to travel upon.

HOBBY CAR/TRUCK -- A car or a truck that can obtain a collector license plate or a bona fide race car on a trailer or placed within an enclosed structure. Such vehicles used for parts shall be stored within a completely enclosed structure.

TRUCK -- Any vehicle (excluding recreational vehicles) 25 feet or less in length and having a gross vehicle weight of 12,500 pounds or less. It shall be prohibited to park any vehicle, excluding recreational vehicles, which exceed either this length or weight restriction upon any residentially zoned private property.

VEHICLE -- Any device or conveyance for transporting person(s) or property over the public streets, including, but not limited to, the automobile, motorcycle, motor truck, trailer and semitrailer, tractor-trailer combination, commercial vehicle or trailer, recreational vehicle or trailer, hobby car or truck and boat trailer.

Sec. 53-244. Performance standards.

A. Generally. In addition to standards imposed by other governmental authorities, including the State Department of Environmental Regulation, the standards in this section shall apply to the permitting of commercial and industrial uses.
B. Radioactive emission. There shall be no radiation emitted from materials or by products that create a dangerous level of radioactivity at any point. Radiation emission shall not exceed those levels established as safe by the United States Bureau of Standards. Radioactive material storage or disposal of radioactive waste is prohibited.

C. Electromagnetic interference.

(1) Electromagnetic interference shall be defined as disturbances of an electromagnetic nature which are generated by the use of electrical equipment, other than sources of electromagnetic energy, which disturbances interfere with the operation of electromagnetic receptors. It shall be unlawful for any person to operate or cause to be operated any source of electromagnetic radiation for any purpose unless such source shall comply with the applicable regulations of the Federal Communications Commission. Further, operations in compliance with Federal Communications Commission regulations shall be unlawful if such radiation causes an abnormal degradation in the performance of other electromagnetic receptors or electromagnetic radiators because of proximity, primary field, blanketing electromagnetic radiators because of proximity, primary field blanketing, electromagnetic radiators, spurious radiation, conduct energy and power or telephone systems or harmonic content. The determination of abnormal degradation in performance shall be made in accordance with good engineering practices as defined in the principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers and the Radio Manufacturers' Association. In case of any conflict between the standards and principles of the above-named groups, the following priority of interpretation shall apply:
(a) American Institute of Electrical Engineers.

(b) Institute of Radio Engineers.

(c) Radio Manufacturers' Association.

(2) It shall be unlawful for any person to operate or maintain without a permit any source of electromagnetic energy, the radiator power from which exceeds 1,000 watts.

D. Smoke, dust and dirt. Emission of visible smoke, dust, dirt, fly ash or any particulate matter from any pipes, air vents or other openings of from any other source into the air shall meet State Department of Environmental Regulations standards. Fuels shall be smokeless or shall prevent emission of fly ash or cinders into the air.

E. Fumes, vapors and gases. It shall be unlawful for any person to emit fumes, vapors or gases of a noxious, toxic or corrosive nature which cause danger to humans, animals, vegetation or any form of property.

F. Sewage, industrial waste. It shall be unlawful for any person to discharge liquid or solid waste into any public sewage disposal system which shall overload such system or create detrimental effects in the flow and treatment of public sewage. It shall be unlawful for any person to discharge any industrial waste of any kind or nature into the private sewage disposal system, stream or the ground which would contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or conditions. It shall be unlawful for any person to accumulate solid waste conducive to the breeding of
rodents or insects. It shall be unlawful for any person to store or dispose of industrial waste, solids or liquids within the City.

G. Measurements of emissions. Measurement of an emission at the property line on which the principal use is located for all districts shall be determined as follows:

(1) Vibration. There shall be no perceptive earth vibration. All stamping machines, punch presses, press brakes, hot forges, steam board hammers or similar devices shall be placed on shock-absorbing mountings and on suitable reinforced concrete footings. No machine shall be loaded beyond the capacity prescribed by the manufacturer.

(2) Heat, cold, dampness or movement of air. Activities which produce any adverse effect on the temperature, motion or humidity of the atmosphere shall not be permitted.

(3) Noise. The permitted level of noise or sound emission shall not exceed the values in any octave band of frequency in the following table. Sound pressure levels shall be measured with a sound level meter and an octave band analyzer that conforms to the specifications published by the American Standards Association.

(a) For industrial zoned property:

<table>
<thead>
<tr>
<th>Maximum Sound Pressure Level of Decibels</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Decibel = 0.0002 Dynes per Square Centimeter)</td>
</tr>
<tr>
<td>Cycles Per Sound</td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>Below 75</td>
</tr>
<tr>
<td>75 - 150</td>
</tr>
<tr>
<td>150 - 300</td>
</tr>
<tr>
<td>300 - 600</td>
</tr>
<tr>
<td>600 - 1,200</td>
</tr>
<tr>
<td>1,200 - 2,400</td>
</tr>
<tr>
<td>2,400 - 4,800</td>
</tr>
<tr>
<td>Over 4,800</td>
</tr>
</tbody>
</table>

(b) For all other property. It shall be unlawful for any person to permit the level of noise or sound emission to exceed at any time the average noise level prevailing for the same hour as generated by street and traffic activity. The determination of noise level shall be measured with a sound-level meter conforming to the specifications published by the American Standards Association.

(4) Odor. It shall be unlawful for any person to cause or permit the emission of odorous gases or other odorous matter in such quantities as to be offensive at the points of measurement. Any process which may involve the creation of emission of any such odor shall be provided with both a primary and secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system. Chapter 5, Air Pollution Abatement Manual, copyright 1951, published by Manufacturing Chemists, Inc., Washington, D.C., is hereby incorporated in this section as a guide in determining quantities of offensive odors.

(5) Glare. It shall be unlawful for any person to cause or permit any direct
or sky-reflected glare, whether from floodlights, high-temperature processing, combustion, welding or other source of high-intensity lighting, so as to be visible at the points of measurements.

2. Administration of performance standards in industrial districts. Prior to the establishment of industrial uses in industrial districts, every person shall apply for such uses under the following procedures:

(1) Application. Application for a building permit or a certificate of occupancy for any industrial use shall be submitted to the City’s Building Department for review and approval by the City. The applicant shall also submit, in duplicate, a plan for the proposed construction or development, including a description of the proposed machinery operations, products and specifications for the mechanisms and techniques used in restricting the emission of dangerous or objectionable elements previously referred to in this section. The applicant shall also acknowledge, in writing, his understanding of the applicable performance standards and shall submit an agreement to conform with such performance standards at all times. Notwithstanding, no applicant shall be required to reveal any secret process or patented process, and any information submitted will be treated as confidential, if so requested.

(2) Review of application. If, after review of the application by the Department, there is found to be a reasonable doubt as to the likelihood of conformance with industrial performance standards, the Department of Planning and Zoning shall refer the application to the Zoning Board of Appeals. The Board of Appeals may determine whether or not the building permit or certificate of occupancy should be issued. In the event that the Zoning Board of Appeals is unable to determine whether or not the applicant will conform
to the performance of its own motion, it shall request advice and
recommendations from experts or consultants in such technical fields as may
be deemed necessary. The cost of such experts or consultants shall be borne
by the applicant.

I. Enforcement. The City shall cause any alleged violations of the industrial
performance standards to be investigated. If there is found to be reasonable
evidence that a violation exists, such violation shall be treated as a
misdemeanor as provided in Special Acts, Chapter 63-1209, Laws of Florida.

T. Moving of structures.

No structure shall be moved from one lot to another lot or moved to another
location on the same lot unless such structure shall thereafter conform to this
section and all other applicable regulations.

U. Retail Sales of Automobiles and Boats. Retail outlets for the sale of new
and used automobiles (automobile dealership), boats (boat dealership) and
associated service facilities. In addition to the special exception standards
found in Article XXII of this Chapter of this Unified Land Development Code, the
following neighborhood protection requirements shall apply to all automobile and
boat sales facilities in the CG District:

(1) Major mechanical, body overhaul and repair facilities shall be conducted
in completely enclosed buildings either located to the rear of the primary
sales facilities or buffered in such a manner that the facility cannot be
viewed from the fronting roadway.

(2) Landscaping and buffering shall conform to the requirements of Chapter 21
of the Unified Land Development Code. In cases where an automobile or boat dealership abuts a residential area, additional buffering may be required. Such buffering may include, but not be limited to, additional landscaping, **opaque fencing** or construction of a wall.

(3) Automobile and boat dealerships, lumber and building supply establishments, heavy machinery and equipment sales and service, equipment rental, plant nurseries and public recycling depositories shall be permitted by special exception within Activity Center No. 1.

(4) No banner-type signs will be permitted at automobile and boat dealerships in a CG District in any zoning district except in conjunction with a grand opening for a period of 14 days only.

(5) For aesthetic and environmental reasons, no air-driven devices, including but not limited to balloons, shall be permitted for use in sales promotions, or other activities, by an automobile or boat dealership in a CG District or in any other district.

Sec. 53-245 V. Satellite dishes. [Amended 1-13-1997 by Ord. No. 96-18]

---(1) Satellite dishes for non-commercial uses shall be permitted to be located within the side and rear yards in all zoning districts except in the AG Agricultural District where satellite dishes shall be permitted in any yard in all zoning districts.

(a) Satellite dishes shall conform to the side and rear yard setbacks for accessory structures applicable for the district in which the satellite dish is located.
(b) Satellite dishes in the AG Agricultural District shall conform to the
side and rear yard setbacks for accessory structures and the front yard
setback for principal structures.

(2) The height of the top of the satellite dish shall not extend more than
15 feet above the roof of the principal structure.

Sec. 53-246. Regional Drainage Facilities. [Added 1-13-2003 by Ord. No. 2002-46]

A. These facilities shall be designed as an amenity including, but not
limited to, fountains, habitat and wood areas.

Sec. 53-247 W. Service stations, and gas stations/convenience stores.

Service stations and/or gas stations shall be regulated by all appropriate codes
pertaining to its use and are not accessory to any other use. The following
regulations shall apply to the location, design, construction, operation and
maintenance of automotive service stations/convenience stores/gas stations. All
site plans for service stations/gas stations shall, in addition to being
reviewed by the City, be reviewed by Sarasota County Pollution Control Division:

A.(1) Lot dimensions and area. The lot shall be of adequate width and depth
to meet any setback requirement, but in no case shall minimum frontage on a
street/roadway be less than 150 feet, and no lot shall contain less than
15,000 square feet.
(2) Stacking lanes shall allow for 3 vehicles per service pump or stall. No part of the lane shall extend into the public right-of-way.

(3) Storage tanks. Storage tanks shall be located in accordance with federal, state, county and local regulations.

(4) Lighting. All lights and lighting shall be so designed to provide a level of 0.9 foot candles in all pedestrian areas and arranged that no source of light shall be visible from any residential district. No part of any light structure shall protrude beyond property lines.

(5) Location of structures, pumps, signs.

(a) No main or accessory building, no sign of any type and no gasoline pump, tank, vent, pump island or pump island canopy shall be located within 25 feet of any residentially zoned property.

(b) The main building shall conform to all street roadway frontage setbacks required for the district in which the use is located.

(c) Gasoline pumps, tanks, vents, pump islands and pump island canopies shall conform to side and rear setback requirements as for other structures in the district in which the use is located, provided that no such pump, tanks, vents, pump islands or pump island canopies shall be located closer than 25 feet to any side or rear property line.

(d) Gasoline pumps, tanks and pump islands may shall be located no closer than 20 feet to the street roadway property line. Pump island canopies
may be located no closer than 15 feet to the street property line.

(e) All gasoline stations permitted for construction after the adoption of this code shall have an emergency generator installed, or shall have hook-ups and connections installed to accommodate a generator, so that in the event of a catastrophe or emergency, gasoline can continue to be pumped to emergency vehicles (for compensation), and/or to the public, as the owner desires.

(6) Curb breaks. The number of curb breaks shall not exceed two for each 150 feet of street frontage, each break having a width of no more than 30 feet exclusive of transitions which are located not closer than 15 feet to the right-of-way lines of any intersection or 10 feet away from the point of tangency of the curb fillets, whichever is greater. Curb breaks shall not be closer than 15 feet to any other property line. There shall be a minimum distance of 20 feet between curb breaks. Clearance for curb breaks shall be obtained from the Florida Department of Transportation (FDOT) for any proposed station to be located on a street under FDOT Department of Transportation jurisdiction before a building permit will be granted. On corner lots, corner protective devices of types and sizes sufficient to prevent ingress and egress of vehicles shall be installed prior to the issuance of any certificate of occupancy.

(7) Buffer walls. Where lots abut on any property which is residentially zoned, there shall be a solid wall of concrete block with cap on all property lines other than street lines. The wall shall be six feet in height, except of and at an angle to a street line. No wall or other obstructions shall be permitted. Such wall shall be continuous and unpierced, except that
a wall along an alley line may have an opening which is closed by a solid gate when not in use.

Outside display of products. Petroleum products in cans and windshield wiper blades may be displayed outside the service station building in the standard racks provided for such display, provided that such racks shall not be placed closer to a street line than the pump island. There shall be no outside display or stacking of tires or other merchandise.

Trash facilities. Adequate completely enclosed trash storage facilities shall be provided on the site. The area shall be enclosed by a 6 ft. solid masonry wall. All trash facilities shall be built to the specifications provided by the Public Works Department.

(a) On an interior lot, such facilities shall be located at the rear of the service station's main structure;

(b) On a corner lot, such facilities shall be located where possible on the side of the main structure with street frontage carrying the lesser volume of traffic.

Convenience stores and car washes are not considered an accessory use to a service station or gas station.

Swimming pools, tennis courts and other recreational facilities.

Scope. The following regulations apply to all swimming pools, tennis courts, shuffleboard courts and other similar recreational facilities which are accessory to a permitted use and which are not owned or operated by a
governmental agency or school.

B. Definitions For the purposes of this section only, certain words or terms shall mean the following:

OPEN-MESH SCREEN -- Meshed wire or cloth fabric to prevent insects from entering the facility and including the structural members framing the screening material.

ROOFED -- Any structure or building with a roof which is intended to be impervious to weather.

(2) Location of facilities accessory to an individual single-family, two-family or duplex dwelling or mobile/modular home shall be in accordance with the following:

(a) Open-mesh screen. All swimming pools, tennis courts, decks and other similar screened accessory facilities shall comply with the side, rear and street setback requirements for accessory uses, buildings and structures as set forth in Sec. 53-221(A).

(b) Roofed enclosures. Swimming pools, patios, decks and other recreational facilities may be covered by a solid roof (impervious to weather), provided that compliance with all setback requirements for the principal structure are met.

(3) Fencing.

(a) Fenced enclosures or components attached to or part of a recreational...
facility shall not exceed the height limitations for the zoning district in which the facility is located.

(b) Setbacks for fenced enclosures shall be the same for accessory structures; provided, however, that for every one foot increase in height of the fenced enclosure over 15 feet, an increase of one foot in the side yard setback requirement shall be maintained.

(c) Fences shall be of decorative wrought iron or of a product with similar characteristics.

(d) Where chain link fences are allowed, the fence shall not be visible from the roadway and shall be vinyl coated.

(e) Permitted fence colors are black and North Port City Center Green.

Y. Telephone Booths.

Telephone booths may be located in any district. District setbacks are waived. Locations shall be approved by the City's Road and Drainage Public Works Director if nearer a street line than the district front setback line.

Sec. 53-249. Yard encroachments.

A. Sills and belt courses may project not over 12 inches into a required yard.

B. Movable awnings may project not over three feet into a required yard, provided that where the yard is less than five feet in width, the projection
shall not exceed 1/2 the width of the yard.

C. Window or wall-mounted air-conditioning units, chimneys, fireplaces, bay windows or pilasters may project not over two feet into a required yard.

D. Fire escapes, stairways and balconies which are unroofed and unenclosed may project not over five feet into a required side yard of a multiple-family dwelling, hotel or motel and not over three feet into a RSF or RTF District.

E. Hoods, canopies, roof overhangs, marquees and wing walls may project not over three feet into a required yard, but shall not come closer than one foot to the lot line.

F. Fences, walls and hedges, subject to § 53-236 are permitted in required yards.

G. Porticoes may encroach no more than five feet into any required yard.

Sec. 53-250. Pipelines. [Added 1-13-1997 by Ord. No. 96-18] Pipelines 24 inches or less in diameter are permitted in all zoning districts. Pipelines greater than 24 inches in diameter are permissible in all zoning districts as a conditional use, subject to approval by the City Commission pursuant to the provisions of Article 26II of these zoning regulations and further subject to the following regulations:

A. For the purposes of these regulations, the term "pipeline" means all parts of a pipeline greater than 24 inches in diameter, including but not limited to line pipe, valves and other appurtenances connected to the line pipe, pumping
units, fabricated assemblies associated with pumping units, metering and delivery stations and access roads required for the construction and maintenance of pipelines.

B. For the purposes of these regulations, the term "pipeline corridor" means the area within which a pipeline greater than 24 inches in diameter, including appurtenant facilities, may be located. All pipeline corridors shall include an access road for the entire length of the pipeline, a minimum of 25 feet in width, to provide access to the pipeline for maintenance and inspection purposes. The access road must be kept passable at all times.

C. These regulations are applicable to all pipelines greater than 24 inches in diameter, intended to transport potable water, nonpotable water, sewage, oil, natural gas, synthetic liquid or gaseous fuels and any refined product produced therefrom.

D. The purpose of these regulations is to:

(1) Protect city property and economic interests.

(2) Protect adjacent private property and economic interests.

(3) Protect natural resources of the area.

(4) Require siting which will cause the least damage to the environment and protect the public interest.

E. Applications for pipeline conditional use approval shall include:
(1) The appropriate fee as set forth in these regulations.

(2) A survey, the field work for which was performed not more than six months prior to the application date, signed and sealed by a Florida registered professional land surveyor, including the following information:

(a) A graphic depiction of the proposed pipeline corridor.

(b) A metes and bounds legal description of the pipeline corridor.

(c) The foundation outline of all structures located within 200 feet of the proposed pipeline corridor.

(d) The location of all public road rights-of-way within 300 feet of the proposed pipeline corridor.

(e) The location of all public and private easements within 300 feet of the proposed pipeline corridor.

(f) Designation of appropriate FEMA flood zones.*

(3) Evidence of ownership or other legal interest in the real property included within the proposed pipeline corridor.

(4) An environmental impact statement as further described in these regulations.

(5) Sufficient evidence to demonstrate compliance with all applicable federal and state regulations regarding the design and construction of the proposed
pipeline.

(6) Sufficient evidence to demonstrate compliance with the minimum performance standards provided in these regulations.

(7) Evidence of receipt of all applicable federal and state governmental authorizations necessary to construct the proposed pipeline.

F. Applications for conditional use approval for pipelines shall include a permit application fee in the amount of $30,000, plus $1,000 for each two-thousand-linear-foot segment of pipeline (or portion thereof) to be constructed within the City of North Port.

G. Applicants shall be required to submit to the city a project impact statement. The purpose of the project impact statement is to provide full and fair discussion of significant environmental, economic, safety, health and public welfare impacts which may reasonably be expected as a result of the construction and operation of the proposed pipeline. The project impact statement shall include but not be limited to a detailed scientific and analytic consideration of the following:

(1) The environmental impacts of the proposed action.

(2) All adverse environmental effects which cannot be avoided should the proposal be implemented.

(3) The relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
(4) Any irreversible or irretrievable commitments of resources which would be involved should the proposal be implemented.

(5) Consideration of the direct effects upon the environment of the proposal, i.e., effects which are caused by the action and occur at the same time and place.

(6) Consideration of the indirect effects upon the environment of the proposal, i.e., effects which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate and related effects on air and water and other natural systems, including ecosystems.

(7) Consideration of the cumulative effects upon the environment of the proposal, i.e., impacts which result from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions.

(8) Consideration of possible conflicts between the proposed action and the objectives of local land use plans, policies and controls for the area concerned.

(9) Natural or depletable resource requirements and conservation potential of the various alternatives and mitigation measures.

(10) Potential impacts of pipeline crossings on navigable waters, submerged lands and wetlands.
(11) Potential impacts of pipeline crossings on City of North Port road and drainage rights-of-way.

(12) Potential impacts of the pipeline on existing and planned city improvements, including but not limited to roadways, stormwater facilities, wastewater facilities and water supply facilities.

(13) Potential impacts on water quality and quantity, including hydrology, hydrogeology and surface drainage resulting from construction, clearing and maintenance of the proposed pipeline.

(14) Potential impacts on terrestrial and aquatic plant and animal life, including endangered and threatened species and species of special concern to the State of Florida.

(15) Compatibility with existing and future land uses as reflected on the City of North Port Comprehensive Plan, adopted regional plans and approved developments of regional impact.

II. The impact statement shall include an appendix which shall, at a minimum, include the following:

(1) Topographic maps depicting the area of the proposed pipeline corridor, including the area at least one mile to either side of the corridor.

(2) Habitat maps depicting the area of the proposed pipeline corridor, including the area at least one mile to either side of the corridor.

(3) Hydrogeologic maps depicting subsurface natural features within the area.
of the proposed pipeline corridor, including the area at least one mile to either side of the corridor.

(4) The most currently available aerial photographs and showing existing land uses and buildings, platted lots and future land uses within the area of the proposed pipeline corridor, including the area at least one mile to either side of the corridor.

(5) Maps showing existing land uses and buildings, platted lots and future land uses within the area of the proposed pipeline corridor, including the area at least one mile to either side of the corridor.

(6) Maps showing the proposed pipeline corridor and its intersection with existing and planned vehicular and pedestrian facilities, existing and planned drainage facilities, existing and planned water and sewer facilities, other existing and planned pipelines and existing and planned electric transmission lines.

I. In addition to the criteria applicable to the approval of all conditional uses as prescribed in § 53-269 of these regulations, before any pipeline conditional use may be approved, the Planning and Zoning Advisory Board and the City Commission must determine that the applicant has demonstrated the granting of the requested pipeline conditional use will not:

   (1) Cause erosion of the land surface.

   (2) Violate applicable water quality standards.

   (3) Cause damage to public and private property.
(4) Cause damage to the environment, including fish and wildlife habitat.

(5) Cause physical or economic injury to the public living in the general area of the proposed activity.

(6) Conflict with the goals, objectives and policies of the City of North Port Comprehensive Plan.

(7) Adversely affect navigable waters, submerged lands and wetlands.

(8) Adversely impact City of North Port road and drainage rights-of-way.

(9) Adversely impact existing and planned city improvements, including but not limited to roadways, stormwater facilities, wastewater facilities and water supply facilities.

(10) Adversely impact water quality and quantity, including hydrology, hydrogeology and surface drainage.

(11) Adversely impact terrestrial and aquatic plant and animal life, including endangered and threatened species and species of special concern to the State of Florida.

(12) Adversely affect the City of North Port's ability to implement its water or wastewater capital improvements programs.

(13) Adversely affect the City of North Port's water supplies or water facilities.
(14) Adversely affect any preexisting contracts to which the City of North Port is a party.

(15) Conflict with existing and future land uses as reflected on the City of North Port Comprehensive Plan, adopted regional plans and approved development regional impact.

J. In addition to the criteria applicable to the approval of all conditional uses as prescribed in § 53-269 of these regulations, before any pipeline conditional use may be approved, the Planning and Zoning Advisory Board and the City Commission must determine that the applicant has demonstrated compliance with all applicable federal and state regulations regarding the design and construction of the proposed pipeline. In addition, applicants shall demonstrate compliance with the following minimum performance standards:

1. Materials for pipe and components must be:

   a. Able to maintain the structural integrity of the pipeline under temperature and other environmental conditions that may be anticipated;

   and

   b. Chemically compatible with any materials being transported and with any other material with which the pipeline may come into contact.

2. Pipe must be designed with sufficient wall thickness, or must be installed with adequate protection, to withstand external pressures and loads that will be imposed on the pipe after installation.
(3) Pipe and associated facilities must be resistant to vandalism.

(4) Each component of a pipeline must be able to withstand operating pressures and other anticipated loadings without impairment of its serviceability.

(5) Pipelines must have valves spaced so as to reduce the time to shut down a section of the pipeline in an emergency. Valves shall be spaced no greater than 2.5 miles apart. Valves installed for emergency purposes must comply with the following:

(a) The valve must be placed in a readily accessible location so as to facilitate its operation in an emergency.

(b) The operating stem or mechanism must be readily accessible.

(6) Pipelines shall be located as far as practicable away from existing and planned streets.

(7) Pipelines shall not be placed in or across any municipal utility, drainage or road right-of-way or easement.

(8) Pipelines shall be located as far as practicable away for existing and planned municipal water and sewer facilities.

(9) Pipelines shall be resistant to corrosion and equipped with appropriate corrosion control systems.
(10) Valves shall be designed and installed so that they will not stick in a position which will make the valve inoperative.

(11) Pipelines shall be protected from washouts, floods, unstable soil or other hazards which may cause the pipeline to move or sustain abnormal loads.

(12) Underground pipelines shall be installed with at least 12 inches of clearance from any other underground structure not associated with the pipeline.

(13) Underground pipelines shall be installed with enough clearance from all other underground structures to allow proper maintenance and to protect against damage to or from other structures.

(14) Underground pipelines shall be installed with at least 36 inches of cover.

(15) Underground pipelines shall be identified with a line marker installed and maintained as close as practical over the buried line at each crossing of a public road and railroad and wherever necessary to identify the location of the pipeline to reduce the possibility of damage or interference. Markers shall be installed and maintained along the course of a buried pipeline in sufficient number so that its location is accurately known.

(16) An operational plan shall be prepared and submitted by the Applicant to demonstrate that adequate provisions have been made for maintenance, security and emergency response.

K. In addition to the conditions and safeguards which may be imposed upon the
granting of a pipeline conditional use pursuant to § 53-270 of these regulations, the City Commission shall require the applicant to provide financial security that the construction and maintenance of its pipeline will be conducted in a safe and environmentally compatible manner. Prior to any construction, the applicant shall post a bond or other form of security acceptable to the City Commission, conditioned upon the safe and environmentally compatible construction and maintenance of the approved pipeline. The applicant shall be required to provide security in the amount of $1,000,000 for each linear mile (or portion thereof) of pipeline to be constructed within the territorial limits of the City of North Port. The City Commission reserves the right to require a large amount of security where the circumstances indicate that the standard condition and amount would not be sufficient to cover a reasonable estimate of potential liability for damages to persons or property. Upon written notification from the applicant that a pipeline has been abandoned, the City Commission may release the required security.


A. Enforcement. The City shall be responsible for the enforcement of this section. Any sign erected in violation of the provisions of this section or the provisions of § 29-7 of this Code shall constitute a public nuisance and may be removed by any City employee. Enforcement of this section shall be levied against the property owner where the sale is being conducted. [Amended 1-27-2003 by Ord. No. 2002-53; Amended 5-27-2003 by Ord. 2003-191]

(1) No garage sale shall be allowed if, in the opinion of the City it may constitute a traffic or fire hazard. [Amended 1-27-2003 by Ord. No. 2002-53]

(2) If any individual is found guilty of violating any of the provisions of
(3) Enforcement. A law enforcement officer or a property standards or code enforcement inspector may order the termination of any garage sale found to be in violation of the provisions of this section and §29-7 of this code. In the event of a violation, the law enforcement officer or property standards inspector shall issue a citation and refer such citation to the Code Enforcement Board for necessary action.

(4) Illegal sales shall be closed by the City and remain closed until the violation is corrected. [Amended 1-27-2003 by Ord. No. 2002-53]

(5) Violators may be cited by the City and brought before the Code Enforcement Board. [Amended 1-27-2003 by Ord. No. 2002-53]

(6) All signs, either on-site or off-site, advertising or directing customers to the yard sale shall be removed by the person conducting the yard sale no later than 9pm on the final day of the sale. All signs must display the date(s) of the sale. Signs located on a City, County, or State right-of-way must be placed where there is no obstruction of the view to the traffic on the roadway. Signs shall not be located in a center median of a divided roadway. [Amended 1-27-2003 by Ord. No. 2002-60; Amended 03-19 by Ord. No. 2003-19]

(a) Sign(s) in violation of this section shall be issued a warning for the first offense. Each violation thereafter shall be issued a $75 fine. Each sign in violation is considered a separate violation. [Amended 03-19 by Ord. No. 2003-19]
(b) Any aggrieved party issued a fine for a violation of this section may file an appeal with the Code Enforcement Board. Failure to file an appeal or to pay a fine within the prescribed time may result in a lien being filed against the property with the Sarasota County Clerk of the Court. [Amended 03-19 by Ord. No. 2003-19]

B. Frequency. No person, including nonprofit corporations/organization, shall operate, manage or permit the garage sale upon his premises or other property under his control more than three (3) times per calendar year. Such sale shall not be continued for a period of time of more than three consecutive days and shall be conducted within the timeframe of 7:00 a.m. to 8:00 p.m. [Amended 1-27-2003 by Ord. No. 2002-53]


D. (Reserved)

E. Exemptions. The provisions of this section shall not apply to or affect the following:

(1) A person selling goods pursuant to an order or process of a court of competent jurisdiction.

(2) Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the Unified Land Development Code of this municipality or under the protection of the nonconforming use section or any other sale conducted...
by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.

(3) A person acting in accordance with the powers and duties as a public official.

(4) Any bona fide charitable, elementary, educational, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

F. Parking. All parking of vehicles shall be conducted in accordance with the provisions of the Traffic Control Code. Further, a law enforcement officer may enforce such temporary controls to alleviate any special hazards or congestion created by the garage sale.

G. Maintenance of order. The individual conducting the sale shall be responsible for the maintenance of the order and decorum premises during all hours of such sale or activity. Such individual shall not allow any loud noise or boisterous conduct on said premises nor allow any vehicles to impede the passage of traffic on any roads in the area of such premises. All such individuals shall obey the orders of members of the police or fire departments of this municipality in order to maintain the public health, safety and welfare of its citizenry. [Amended 1-27-2003 by Ord. No. 2002-53]

ARTICLE XXII. NONCONFORMITY

Sec. 53-240. Relationship to Comprehensive Plan.

The Zoning Regulations in this section implement Objective 1 of the Future Land Use Element of the Comprehensive Plan, which state: “Future development activities shall continue to be directed in appropriate areas as depicted on the Future Land Use Map, and shall encourage the use of innovative land development regulations, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the community character”, as well as the following policy:

“Policy 1.2: Expansion, reclassification or replacement of land uses shall be compatible and consistent with the Future Land Use Map. Each land use type will be reviewed individually and for their impact on the remainder of the Plan. Land use types cumulatively will be evaluated based on:

1. Extent and provision of infrastructure systems;
2. Location and gateways;
3. Distribution;
4. Density;
5. Intensity;
6. Compatibility with existing and future neighborhoods or Activity Centers;
7. Suitability;
8. Functional relationship;
9. Land use combinations;
10. Demonstrated need over the planning period;
Sec. 53-252—241. Intent.

A. Within the districts established by these zoning regulations or amendments that may later be adopted, there may exist lots, structures, uses of land or water and structures and characteristics of use which were lawful before these zoning regulations were adopted or amended, but which would be prohibited, regulated or restricted under the terms of these zoning regulations or future amendments. It is the intent of these zoning regulations to permit these nonconformities to continue until they are voluntarily moved or removed as required by these zoning regulations, but not to encourage their survival. It is further the intent of these zoning regulations that nonconformities shall not be enlarged upon, expanded, intensified or extended, significantly changed as defined in Chapter 61 of this Unified Land Development Code, nor be used as grounds for adding other structures, additions or uses unless the nonconformity is brought into conformance.

B. Nonconforming uses are declared by these regulations to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land or water or a nonconforming use of structure and land or water in combination shall not be extended or enlarged after the effective date of these zoning regulations or amendments thereto by attachment on a structure or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.

C. To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans, construction or designated use of any building or property for which a valid building permit was lawfully issued prior to the effective date of these regulations. In addition, nothing in these zoning
regulations shall be deemed to require a change in the plans, construction or
designated use of any property for which a preliminary plan or site and
development plan was lawfully approved prior to the effective date of adoption
or amendment of these zoning regulations, provided that such plan shall expire
two years from the date of said approval or one year from the date of adoption
of these regulations, whichever shall first occur, if no actual construction has
been commenced, and thereafter all development shall be in accordance with the
zoning regulations then in effect. Any such approved plan may be amended by
approval of the Development Review Committee, provided that the degree of
nonconformity with these regulations shall not be increased. Any nonconforming
use of land, structure, or water or any combination thereof, shall be brought
into compliance with these regulations by the year 2048. If the property is not
brought into compliance by the year 2048, the property will be referred to the
Code Enforcement Board for punitive action.

Sec. 53-253 242. Nonconforming lots of record.

In any district, any permitted or permissible structure may be erected, expanded
or altered on any lot of record at the effective date of adoption or amendment
of these zoning regulations, notwithstanding limitations imposed by other
provisions of these zoning regulations. The maximum residential density, maximum
lot coverage, minimum width and minimum yard requirements shall be as for the
most similar district to which such lot of record most closely conforms in
dimension or area.

Sec. 53-254 243. Nonconforming uses of lands or waters or land with minor
structures only.

Where, at the effective date of adoption or amendment of these zoning
regulations, lawful use of lands or waters exists which would not be permitted under these zoning regulations, and where such use involves no individual permanently fixed structure with a replacement cost exceeding $1,000 and no combination of permanently fixed structures with a combined replacement cost exceeding $4,000, the use may be continued, so long as it remains otherwise lawful, provided that:

A. Movement, alteration, intensification. No nonconforming use of land not involving structures shall be moved in whole or in part to adjacent property not containing such use, nor shall such use be altered or intensified by adding additional nonconforming uses within the confines of the property containing such nonconforming use on the adoption date or amendment date of these zoning regulations.

B. Discontinuance. If any such nonconforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of more than 270 consecutive days, any subsequent use of such land shall conform to the regulations specified by these zoning regulations for the district in which such land is located.

C. Division of structural additions. No land in nonconforming use shall be divided, nor shall any structures be added on such land which can be used for the nonconforming use.

Sec. 53-255 244. Nonconforming structures.

Where a structure exists lawfully under these zoning regulations at the effective date of its adoption or amendment that could not be built under these zoning regulations by reason of restrictions on lot area, lot coverage, height,
yards, location of the lot or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming attribute of a structure may be enlarged or altered in a way which increases the nonconforming attribute, but any structure or portion thereof may be altered to decrease its nonconforming attribute.

B. Reconstruction.

(1) Should such nonconforming structures or nonconforming portion of structure be destroyed by any means other than as a result of governmental action to an extent of more than 50% of its actual replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of these zoning regulations.

(2) Notwithstanding the foregoing restrictions as to reconstruction, any residential structure or structures in any residential zone district may be rebuilt after destruction, except when destruction has occurred by the voluntary act of the owner, to the prior extent, height and density of units per acre regardless of the percentage of destruction.

(a) In the event of such rebuilding, all setbacks and other applicable district requirements shall be met unless a variance therefore is obtained from the Zoning Board of Appeals.

(b) For the purpose of this section, a hotel or motel structure shall be considered to be a residential structure.
(3) If a structure or portion thereof is destroyed by governmental action, that structure shall not be rebuilt until all land uses and construction is in compliance with these zoning regulation.

C. Should such structure be moved for any reason for any distance whatever, other than as a result of governmental action, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Sec. 53-256. Nonconforming use of major structures or of major structures and premises in combination.

Where, at the effective date of adoption or amendment of these zoning regulations, lawful use of structures and premises exist, such use may be continued so long as it remains otherwise lawful, provided that:

A. Enlargement, extension or alteration. No existing structure devoted to a use not permitted by these zoning regulations in the district in which such use is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Extension of use in building manifestly designed for such use. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of adoption or amendment of these zoning regulations.

(1) Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building.
(2) No nonconforming use shall be extended to occupy any additional building on the same lot or parcel not used for such nonconforming use at the effective date of adoption or amendment of these zoning regulations.

C. Change in tenancy or ownership. There may be a change in tenancy, ownership or management of a nonconforming use, provided that there is no change in the nature or character of such nonconforming use.

D. Change in use. If no structural alterations are made, any nonconforming use of a structure, or of a structure and premises in combination, may {not} be changed to another nonconforming use of the same character, or to a more restricted but nonconforming use, provided that the Zoning Board of Appeals shall find after public notice and hearing that the proposed use is equally or more appropriate to the district than the existing nonconforming use and that the relation of the structure to surrounding properties is such that adverse effects on occupants and neighboring properties will not be greater than if the existing nonconforming use is continued. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accordance with the intent and purpose of these zoning regulations.

E. Change to conforming use requires future conformity with district regulations. Any structure, or structure and premises in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use shall not thereafter be resumed nor shall any other nonconforming use be permitted.

F. Discontinuance. If any nonconforming use of a structure, or structure and
premises in combination, ceases for any reason (except where governmental action
impedes access to the premises) for a period of more than 365 consecutive days,
any subsequent use shall conform to the regulations for the district in which
the use is located.

G. Division of structural additions. Premises which contain structures
devoid of a nonconforming use as of the effective date of adoption or amendment
of these zoning regulations shall not be divided, nor shall any additions be
added to the premises, unless the nonconforming use is discontinued.

H. Destruction of major structures. Where nonconforming use status applies to
a major structure or structures and premises in combination, removal or
destruction of the structure or structures shall eliminate the nonconforming
status of the land. "Destruction" of the structure for purposes of this
subsection is hereby defined as damage to an extent of more than 50% of the
replacement cost at the time of destruction.

(1) Upon removal or destruction as set out in this subsection, the use of
land and structures shall thereafter conform to the regulations for the
district in which such land is located.

Sec. 53-257 246. Nonconforming characteristics of use.

If characteristics of use, such as signs, off-street parking or off-street
loading or other matters pertaining to the use of land, structures and premises
are made nonconforming by these zoning regulations as adopted or amended, no
change shall thereafter be made in such characteristics of use which increases
nonconformity with the regulations herein set out; provided, however, that
changes may be made which do not increase or which decrease such nonconformity.
Sec. 53-258 247. Repairs and maintenance.

On any nonconforming structure or portion of a structure and on any structure containing a nonconforming use, repairs and maintenance to the structure may be made, provided that the structure is not enlarged to increase the nonconformity.

Sec. 53-259 248. Unsafe structures due to lack of maintenance.

If a nonconforming structure or portion of a structure or any structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by the duly authorized official of the City of North Port to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

Sec. 53-260 249. Restoration of unsafe structures.

If a nonconforming structure or portion of a structure or any structure containing a nonconforming use becomes physically unsafe or unlawful for reasons other than lack of repairs or maintenance, nothing contained herein shall be deemed to prevent the strengthening or restoring to a safe condition of such building or part thereof declared to be unsafe by the authorized official of the City of North Port charged with protecting the public safety; provided, however, that where such unsafeness or unlawfulness is the result of damage from destruction, the percentage of damage limitations set out in § 53-255 244(B) or 53-255 245(H), as the case may be, shall apply.

Sec. 53-261 250. Nonconforming residential density.
Where properties containing dwelling units that exceed the density allowed by these zoning regulations exist on the date of adoption or amendment of these zoning regulations, no structural additions or additional structures are permitted unless the density of units is reduced to the maximum allowed in the district under these zoning regulations.

Sec. 53-262 251. Casual, temporary or illegal use.

The casual, temporary or illegal use of land or structures, or land and structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

Sec. 53-263 252. Special exceptions deemed conforming uses.

Any use which was permitted as a special exception in a district under the terms of these zoning regulations shall not be deemed a nonconforming use in such district but shall without further action be deemed a conforming use in such district, and shall be regulated by Article XXII. The special exception or conditional use shall adhere to all conditions that are listed on the special exception or conditional use permit. If the special exception or conditional use is required to be reviewed, pursuant to a pre-determined time period or by reason of the regulations listed in this Unified Land Development Code, the special exception or conditional use shall come into compliance with the regulations that are in affect at the time of the pre-determined review.

ARTICLE XXIII. CONDITIONAL USES SPECIAL EXCEPTIONS

A. A conditional use special exception is a use that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or the general welfare.

(1) The following uses shall be considered special exceptions in all zoning districts and shall require a Special Exception Permit unless specifically permitted.

(a) Private clubs and lodges, provided that minimum parcel size shall not be less than two acres, except that private clubs and lodges may be permitted on less than two acres, provided that the private club or lodge occupies a unit within a shopping center on a lease basis. [Amended 3-25-2002 by Ord. No. 2004-4]. The distance shall be no less than 800 feet from a school, day care, or house of worship.

(b) Bars, cocktail lounges, nightclubs and taverns for on-premise consumption of alcoholic beverages. No place of business shall be established for the sale of alcoholic beverages within the corporate limits of this municipality that is within 800 feet of an established church, daycare or school. Such distance shall be measured by taking the shortest route of ordinary pedestrian travel along public thoroughfare from the main entrance of the vendor’s place of business to the main entrance of the nearest church and in the case of a school, to the nearest point of the school property.
(c) Alcoholic Beverage stand alone retail stores. Shall be consistent with the distances specified in (b) above.

(d) Adult uses pursuant to ordinance 02-57, which is incorporated herein by reference. The special exception permit, if approved, shall be issued to the owner of the business. Change in ownership shall require a new special exception permit and application pursuant to Ord. 02-57. This use is allowed in CG-S only.

(i) In a CG-S zoning district, alcohol shall not be consumed in the same floor space area as private clubs, lodges, bars or similar uses, with sexually explicit activity.

B. The City Commission may approve conditional uses, subject to appropriate safeguards. When appropriate, the City Commission may waive or modify specific regulations contained in the Unified Land Development Code Ordinance No. 90-28 on a case-by-case basis to ensure that the conditional use special exception will promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or the general welfare. Such uses may be permissible in a zoning classification or district as a conditional use special exception if specific provision for such a conditional use special exception is made in these zoning regulations. However, such uses are not deemed to be appropriate within a zoning district without demonstration by the petitioner that the conditional use special exception complies with this section.

C. In addition, the City Commission, in the exercise of its sound discretion, may determine that conditional uses, special exceptions, should be limited and controlled as to number, area, location or relation to the neighborhood, in
order to safeguard and promote the public health, safety, welfare, morals, 
order, comfort, convenience, appearance, prosperity or the general welfare.

D. All petitions for conditional uses special exceptions shall be considered first by the City of North Port Planning and Zoning Advisory Board and City Commission, and Planning and Zoning Advisory Board in the manner herein set out.

Sec. 53-265 254. Written petition.

A. A written petition for a conditional use special exception shall be submitted to the Director of the City's Planning, Building and Development Services department responsible for land development services indicating the section of these zoning regulations under which the conditional use special exception is sought and stating the grounds on which it is requested.

(1) Specific references shall be made to the types of findings which the City Commission must shall make under § 53-269 258 below.

(2) The petition shall include material necessary to demonstrate that the grant of conditional use special exception will be in harmony with the general intent and purpose of these zoning regulations, will not be injurious to the neighborhood or to adjoining properties or otherwise detrimental to the public welfare. Such material shall include but is not limited to the following, where applicable:

(a) A development concept master plan at an appropriate scale showing placement, square footage and height of existing or proposed structures on the property; provisions for ingress and egress, off-street parking
and off-street loading areas, locations of refuse and service areas and required yards and other open spaces.

(b) Plans showing proposed locations for utilities hookup or wells and septic systems.

(c) Plans for screening and buffering with reference as to type, dimensions and character.

(d) Proposed landscaping and provisions for trees protected by City regulations.

(e) Proposed signs and lighting, including type, dimensions, height and character.

B. Where these zoning regulations place additional requirements on specific conditional uses special exceptions, the petition should demonstrate that such requirements are met. Where the rezoning of land as well as grant of conditional use special exception is requested simultaneous for the same parcel of land, both said petitions may be processed concurrently in accordance with the procedures set forth in these regulations.

C. Granting of a Special Exception does not grant the right of construction.

Sec. 53-266. Preparation of resolution. Review Process

A. The staff of the Planning and Zoning Department shall prepare a resolution for the granting of the conditional uses requested for consideration by both the City's Planning and Zoning Advisory Board and the City Commission. Staff will
also prepare a report to be submitted to both the Board and Commission recommending whether or not the resolution should be granted.

A. Review by the Planning and Zoning Advisory Board. Upon submission of an application for Special Exception to department responsible for land development services, the petition shall be placed on the Planning and Zoning Advisory board next regularly scheduled meeting agenda. Having reviewed the application, all supporting documents, and staff report pertaining to the Unified Land Development Code, the Planning and Zoning Advisory Board will make an advisory recommendation to the City Commission.

B. Review by the City Commission. Upon completion of the Planning and Zoning Advisory Board’s review and recommendation process, the comments and recommendations along with the staff report shall be forwarded to the City Commission. Upon approval or approval with conditions by the City Commission, an Order of Approval shall be issued to the applicant.

(1) The Order of Approval shall list all conditions and the procedure to submit the appropriate application to begin the review process for the appropriate application to allow development that pertains to the approved Special Exception.

Sec. 53-267. Public hearings.

Public hearings on the resolution for the granting of a conditional use special exception shall be held by both the Planning and Zoning Advisory Board and the City Commission.

A. Any party may appear personally or by agent or attorney.
B. The staff report on the petition shall be presented prior to the close of the public hearing on the petition.

C. The petitioner shall have the right, prior to the close of the public hearing, to cross-examine persons presenting testimony, to respond to any contentions presented by any testimony or other evidence presented during the public hearing and to respond to the staff report, after receipt of which the hearing shall be concluded, unless the hearing is continued and the matter is referred back to staff for further consideration of such matters as the Planning and Zoning Advisory Board or City Commission may direct.

D. If referred back to staff, the matter shall be given the next available agenda position.

Sec. 53-268-257. Notice of public hearings.

Notice of the public hearings shall be given at least 15 days in advance of the public hearings.

A. The owner of the property for which a conditional use special exception is sought, or his agent or attorney designated by him on his petition, shall be notified by mail.

B. Notice of the public hearings shall be advertised in a newspaper of general circulation in the City at least one time and at least 15 days prior to the public hearing.
C. Notice shall be given by mail at the petitioner’s expense to all owners of property within 300 feet of the boundary line of the property for which a conditional use special exception is requested; provided, however,

(1) that where the land for which a conditional use special exception is sought is part of, or adjacent to, land owned by the same person, for properties greater than one (1) acre, the 300 ft. distance shall be 1,320 ft. provided, however;

(2) the three-hundred or 1,320-foot distance shall be measured from the boundaries of the entire ownership, except that notice need not be mailed to any property owner located more than 1/2 mile (2,640 feet) from the land for which the conditional use special exception is sought, unless otherwise required in this Unified Land Development Code.

D. If any dwelling unit within the required three-hundred-foot 300 or 1,320 foot distance of notification radius is within a property owners' association, the property owners' association must also be notified.

E. For purposes of this provision, owners of adjacent or nearby properties within the distances set forth herein shall be deemed those whose names appear on the latest available tax rolls of Sarasota County.

F. Notwithstanding any other provision herein contained, failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect, provided that proper legal notice has been published.

Sec. 53-269 258. Findings.
A. Planning and Zoning Advisory Board and City Commission action. Before any conditional use special exception shall be approved, the Planning and Zoning Advisory Board and City Commission shall determine that:

(1) The granting of the conditional use special exception will not adversely affect the public interest, health, safety and general welfare;

(2) That the specific requirements in the Schedule of District Regulations (Part 2) governing the individual conditional use special exception, if any, have been met by the petitioner;

(3) And that the following standards, where applicable, have been met:

(a) The proposed use must shall be consistent with the intent, goals, objectives, policies and programs of the City of North Port Comprehensive Plan and the intent of the zoning district as defined in this Unified Land Development Code for the area in which the property is located.

(b) The density or intensity of the proposed use must shall be consistent with the intended future use of the designated land use area in which the property is located, in accordance with the provisions of the Future Land Use Plan Map contained in the Comprehensive Plan.

(c) The proposed use, singularly or in combination with other previously approved conditional uses special exceptions, must not be detrimental to the health, safety, welfare, morals, order, comfort, convenience, appearance or prosperity of the neighborhood or adjacent uses; and shall be an economic benefit to the economy of the City. [Amended 11-24-2003 by Ord. No. 2002-56]
(d) The intensity of the proposed use must be harmonious with the character of other uses in the neighborhood.

(e) The height and orientation of any proposed structure(s) must be compatible with existing neighboring structures and uses.

(f) The subject parcel must be adequate in shape and size to accommodate the proposed use and provide for appropriate separation between neighboring uses.

(g) The proposed use must be adequately screened and buffered to effectively separate traffic, light and noise from existing or intended nearby uses.

(h) The loading and/or refuse areas must not impose negative visual, odor or noise impacts on abutting uses or thoroughfares.

(i) The size and location of proposed sign(s) must be compatible in compliance with the character of Chapter 29, Sign Regulations of these regulations, and shall be compatible with the character of the existing neighboring uses.

(j) Exterior lighting must be harmonious with the character of existing neighboring uses, in terms of glare, and required foot candles.

(k) The ingress and egress to the subject parcel and any structure involved must not adversely affect traffic flow, safety or control.
(l) The access and internal circulation must be adequate in case of fire or emergency.

(m) The proposed use must not adversely affect traffic flow, safety or control on the surrounding roadway system.

(n) The location, type and availability of proposed potable water systems must be adequate for the proposed use and must not adversely affect neighboring potable water systems.

(o) The location, type and availability of proposed wastewater systems must be adequate for the proposed use and compatible with drainage conditions in the area and neighboring uses.

(p) The proposed use must not cause or intensify flooding of neighboring uses.

B. Planning and Zoning Advisory Board report and recommendation. Before any conditional use special exception shall be recommended for approval, the Planning and Zoning Advisory Board shall make a written report and recommendation that:

(1) the granting of the conditional use special exception will not adversely affect the public interest, health, safety and general welfare;

(2) that the specific requirement in the Schedule of District Regulations (Part 2) governing the individual conditional use special exception, if any, have been met by the petitioner;
(3) and that the above referenced standards in Subsection A of this section have been met.

Sec. 53-270 259. Conditions and safeguards.

In recommending approval of any conditional use special exception, the Planning and Zoning Advisory Board may also recommend appropriate conditions and safeguards in conformity with these zoning regulations. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use special exception is granted, shall be deemed a violation of these zoning regulations.

Sec. 53-271 260. Denial.

A. If the Planning and Zoning Advisory Board shall recommend denial of a conditional use special exception, it shall state fully in its record its reason(s) for doing so. Such reasons shall take into account the factors stated in Sec. 53-269A 258(A) above, or such of them as may be applicable to the action of denial, and the particular regulations relating to the specific conditional use special exception requested, if any.

B. Denial by the City Commission. Upon denial of a Special Exception, the application is deemed void. No Special Exception application for any property applied for will be accepted within one (1) year of the denial.

Sec. 53-272 261. Status of Planning and Zoning Advisory Board report and recommendations.

The report and recommendations of the Planning and Zoning Advisory Board
required by Sec. 53-269A 258(B) above shall be advisory only and shall not be
binding upon the City Commission.

Sec. 53-273 262. Time limits for Conditional Use Special Exception.

Special Exceptions granted by the City Commission remain with the applicant of
the special exception which was granted and does not transfer with ownership.

A. Any conditional use special exception, except as provided in Subsection B
below, shall expire six months 180 calendar days from the date of grant if
substantial work, as determined by the designated City Manager or designee has
not been accomplished, unless appealed and extended by action of the City
Commission.

(1) If by that date the use for which the conditional use special exception
was granted has not been commenced, an appeal for extension shall show that
commencement of the use is being actively pursued by evidence of an
application for a building permit, preliminary plat or site and development
plan, or other evidence satisfactory to the City Commission.

(2) Said Extensions shall not exceed six months 180 calendar days.

(3) Any conditional use special exception shall expire 12 months following
the discontinuance of the use which the conditional use special exception was
granted, if the use has not been recommended.

B. Conditional use Special exception granted to any governmental entity shall be
exempt from the provisions of Subsection A above, unless a time limitation is
made a specific condition of the special exception.
C. Notwithstanding the provisions of Subsection A above, the City Commission may approve a conditional use special exception with a longer or shorter expiration date when, on a case-by-case basis, such action is deemed warranted by the City Commission. [Added 1-13-1997 by Ord. No. 96-18]

D. Special Exception applications voluntarily placed on continuance. Submissions for a special exception may be voluntarily placed on continuance by the applicant. If the applicant has not reinstated the submission for review within the 180 calendar-day time period directly following the date the submission was placed on continuance, it will be deemed void. Submissions deemed void shall be resubmitted in compliance with the regulations that are in effect at the time of resubmission.

E. Special Exception applications placed on continuance by the City. Submissions for special exception may be placed on continuance by the City and will be deemed void if the applicant does not respond to the City’s concerns within the 180 calendar-day period directly following the date the submission was placed on continuance. Submissions deemed void shall be resubmitted in compliance with the regulations that are in effect at the time of resubmission.

Sec. 53-274 263. Limitations of grant of conditional uses special exceptions.

A. Whenever the City Commission has taken final action on an application for the grant of conditional use special exception or the rezoning of property, whether approved or denied, the Planning and Zoning Advisory Board shall not thereafter consider any further application for any conditional use special exception on any part of or all of the same property for a period of 12 months from the date of such action.
B. The time limits of Subsection A of this section may be waived by three affirmative votes of the City Commission.

C. Any special exception that has been granted and the time limit has expired shall make application for extension of that special exception.

(1) If the special exception is nonconforming for any reason, the applicant shall be notified by the City and the special exception shall not be extended until the use is brought into compliance with this Unified Land Development Code.

(2) If the special exception cannot be brought into compliance within 60 days of notification from the City, the special exception of the property shall be suspended and it is the property owner’s responsibility to return the property to the condition prior to the granting of the special exception within 180 calendar-days from the date of notification of nonconformity.

ARTICLE XXIV

Sec. 53-275. Temporary Uses and Special Events (Added 1-13-997 by Ord. No. 96-18)

Certain uses are temporary in character. They vary in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use with existing uses. Any permit issued for any temporary use, for both Temporary Use and Special Event Permits, shall be visibly displayed at the main entrance of the business or in another prominent
location for the duration of the event. Unless otherwise specified in these zoning regulations, the following regulations shall govern Temporary Use and Special Event Permits:

A. Exempt from Temporary Use and Special Event Permits. The following temporary uses are exempt from these requirements:

(1) Garage or yard sales are permitted as provided in Section 53-238(G).

(2) Storage pods, shipping containers and transport containers used for off-site storage of household or other goods are permitted for a maximum of seven consecutive days, provided that such pods or containers do not exceed 64 square feet in area and 16 feet in height. Said storage pods, shipping containers and transport containers may be authorized twice per calendar year for an additional 21 days with an approved Temporary Use Permit. Said storage pods, shipping containers and transport containers are prohibited as storage for seasonal or sale merchandise in the commercial and industrial zoning districts.

(3) Uses that provide services to existing businesses.

B. Temporary Use Permits. An application for a Temporary Use Permit shall be submitted at least 60 days in advance of any use that is a long term or promotional event to be held within the City of North Port. A temporary use is defined as any structure or event held in the City that is of a non-permanent nature, lasting more than two (2) weeks in length. A Temporary Use Permit is valid for 12 consecutive months from the date of issue, but may be annually renewed. A fee of $125.00 pursuant to the City Commission adopted fee schedule as may be amended from time to time, shall be required to be submitted with the
application to the Planning and Zoning Department department responsible for land development services for processing, which shall include the following:

(1) All public health, safety, and welfare issues shall be addressed prior to the issuance of the permit. The applicant must demonstrate the following:

(a) Any nuisance or hazardous feature involved is suitably separated from adjacent uses;

(b) Excessive vehicular traffic will not be generated on minor residential streets;

(c) A vehicular parking problem will not be created;

(d) Appropriate arrangements for solid and domestic waste, if necessary, have been made;

(e) The proposed temporary use will not create a public nuisance;

(f) The event will not violate any local, state or Federal regulations.

(2) The application shall include a narrative, site plans, and proof of safe construction and materials, including but not limited to the submittal of flame spread certificates for tents. All electric and special features such as cooking areas, fireworks, stage shows, and bonfires will be specified on the site plan, and inspected by the Building Department and Fire Rescue.
(3) Applicable fees and inspections for review of building codes, electrical, and fire safety shall be required at the time of the Building Permit application, or as required by the Fire Rescue Department.

(4) The $125.00 permitting fee shall be waived for all non-profit organizations submitting an IRS non-profit certification (501 c-3) of the sponsoring organization.

(5) Requests for a waiver of personnel and equipment fees must be made, in writing, to the City Manager and/or designee at least 45 days prior to the event start date. All fee waivers are at the discretion of the affected agencies (Police, Fire Rescue, etc.) and the City Manager and/or designee.

(6) These temporary uses shall be granted for a specific time period. If the use permitted continues beyond the time limit, such conditions shall be deemed a violation of these zoning regulations and shall be punished as set forth in Section 53-264.

C. Prohibited Temporary Uses.

(1) Businesses, other than the sale of lots and homes in new subdivisions, operated in a temporary location in a trailer or motor vehicle may not be approved as a temporary use.

(2) New or used vehicle sales.

(3) Fireworks sales or manufacturing.

(4) Incinerators.
D. Permitted Temporary Uses. The following uses require a Temporary Use Permit:

(1) A manufactured home or trailer may be used in any zoning district as a temporary construction office, sales office in conjunction with a new subdivision, security shelter or shelter for material or tools (but not for residential purposes, except with new subdivision lot sales and homes) incidental to construction on or development of the premises upon which the manufactured home or trailer is located.

(2) A temporary parking lot may be approved for model homes with appropriate landscape, buffer to surrounding property, a determination of safe vehicle access, and specifications for removal and restoration of the site provided in the Temporary Use Permit.

(3) Christmas tree sales and pumpkin sales, and other uses with corresponding limitations as determined appropriate in the zoning district by the City Manager and/or designee shall require a Temporary Use Permit.

E. Special Event Permits. An application for a Special Event Permit shall be submitted at least 60 days in advance of any use that is a short term or promotional event to be held within the City of North Port. A Special Event Permit shall be required for all events held in the City that are open and advertised to the public, which could limit the normal use and access to an area by the general public, or which is deemed to have an impact on the City rights-of-way or could affect public safety; and which is no longer than two (2) weeks in duration. The processing for a Special Event Permit is the same as for the Temporary Use Permit listed in ULDC, Section 53-264(B)(1)-(6).
F. Prohibited Special Event Uses.

(1) Businesses, other than the sale of lots and homes in new subdivisions, operated in a temporary location in a trailer or motor vehicle may not be approved as a special event, except those uses that provide a service(s) to the business community or promotes a business.

(2) New or used vehicle sales.

(3) Fireworks sales or manufacturing.

G. Permitted Special Event Uses. The following uses require a Special Event Permit:

(1) Temporary religious or revival activities in tents in districts permitting such activity.

(2) Tent sales by merchants occupying the premises on which the sale is conducted and having a valid certificate of occupancy, and occurring no longer than seven consecutive days once every three months.

(3) Grand opening sales, including outside food and beverage vending, for three consecutive days, once per certificate of occupancy. Temporary signs, banners and pennants that advertise the grand opening may be displayed for a total of fourteen consecutive days including days prior to the sale and the sale days pursuant to UDLC Section 29-7A 8(B)(10) and (15) and Section 29-8 9(A)(3).

(4) Signs in the City rights-of-way.
(5) Commercial circuses, carnivals or fairs, festivals, flea markets, walk-a-thons, tournaments, concerts, battles of the bands, expo’s, parades, pony rides, car shows, fireworks displays, road races, petting zoos, boat shows, and other public/private gatherings with corresponding limitations.

(6) Other special events similar in nature to the ones listed above, as determined appropriate in the zoning district by the City Manager and/or designee, shall require a Special Event Permit.

(7) The City Manager and/or designee may waive the requirement for staff review and the Special Event Permit requirement for signs in the City rights-of-way.

H. Changes.

Any change in the nature or operation of the event must be submitted, in writing, to the Planning and Zoning Department for additional review and approval. If the changes take place on a weekend or holiday, when the Planning and Zoning Department is closed, the modification shall be brought to the attention of Police Department or Fire Rescue personnel. (06-42)

Sec. 53-276 265. Building permits and certificates of zoning compliance.

A. Powers and duties of Planning and Zoning the department responsible for land development services.
The City's Planning and Zoning department responsible for land development services shall administer and enforce these zoning regulations. The Planning and Zoning department responsible for land development services is authorized to act through aides and assistants. In the performance of his duties, the Planning and Zoning Director of the department responsible for land development services may request the assistance of any appropriate officer or agency of the City.

The director of the department responsible for land development services shall investigate promptly complaints of violations, reporting his findings and actions to the complainants, and shall use his best endeavors to prevent violations or to detect and secure the correction of violations. If he finds that any of the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall:

(a) Order the discontinuance of illegal use of land, buildings or structures;

(b) Order the removal of illegal buildings or structures or of illegal additions, alterations or structural changes;

(c) Order the discontinuance of any illegal work being done; or

(d) Take any other lawful action authorized by these zoning regulations necessary to ensure compliance with or to prevent violation of these regulations.
(3) The Planning and Zoning department responsible for land development services is authorized to interpret these zoning regulations where such interpretation is necessary, after a written request is received from any officer, board or department of the City, or from any interested person. When the Planning, Building and Development Services Director of the department responsible for land development services renders a written interpretation, copies of such interpretation shall be made available to the person or agency requesting the interpretation and to the City Manager.

(4) The Planning and Zoning department responsible for land development services shall maintain written records of all official actions of his office with relation to interpretation and administration, and the Director shall keep the records of all complaints and actions taken with regard thereto, and of all violations discovered by whatever means, with remedial action taken and disposition of all cases, and the same shall be a public record.

B. Zoning action on building permits. The Building Director, acting through the staff, shall be responsible for determining whether applications for building permits as required by the Building Code of the City are in accordance with the requirements of these zoning regulations, and no building permit shall be issued without written certification that plans submitted conform to applicable zoning regulations. No building permit shall be issued by the Building Director for the erection, moving, addition to or alteration of any building or structure except in conformity with the provisions of these zoning regulations, unless he shall receive a written order in the form of an administrative review from the Zoning Board of Appeals or unless he shall receive a written order from a court of competent jurisdiction.

C. Application for building permit.
(1) All applications for building permits shall, in addition to containing the information required by the Building Department, be accompanied by plot and construction plans drawn to scale, showing:

(a) The actual shape and dimensions of the lot to be built upon.

(b) The exact sizes and locations on the lot of buildings already existing, if any.

(c) The exact size and location on the lot of the building or buildings to be erected or altered.

(d) The existing use of buildings on the lot, if any.

(e) The number of families the building is designed to accommodate.

(f) The location and number of required off-street parking and off-street loading spaces.

(g) The exact location of trees protected by City regulations.

(h) Such other information with regard to the lot and existing and proposed structures as may be necessary to determine compliance with and provide for the enforcement of these zoning regulations.

(2) The application shall be accompanied by a signed and sealed survey of the lot, prepared by a registered land surveyor licensed in Florida.
D. Compliance with approved plans; official nature of application statements.

(1) Building permits or certificates of zoning compliance issued on the basis of plans and specifications approved by the Building Department or Planning and Zoning Director authorize only the use, arrangement and construction set forth in such approved plans and applications and no other use, arrangement or construction. Use, arrangement or construction different from that authorized shall be deemed a violation of these zoning regulations.

(2) Statements made by the applicant on the building permit application shall be deemed official statements. Approval of applications by the administrative official shall in no way exempt the applicant from strict observation of applicable provisions of these zoning regulations and all other applicable regulations, ordinances, codes and laws.

Sec. 53-277. Duties of Planning and Zoning Department/Zoning Administrator, Zoning Board of Appeals, Planning and Zoning Advisory Board, City Commission and courts on matters of appeal.
A. Interpretation and enforcement.

(1) It is the intent of these land development regulations that questions of interpretation and enforcement shall first be presented to the Planning and Zoning Director. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decision of the Planning and Zoning Director and that recourse to the courts shall be as set out in these zoning regulations.

(2) It is further the intent of these land development regulations that the duties of the City Commission in connection with these land development regulations shall not include hearing and deciding questions of enforcement and interpretation that may arise. The procedure for settling such questions shall be governed by the policy set out in this section and the procedures set out in these land development regulations.

(3) Filing of appeals. Appeals to the Planning and Zoning Advisory Board concerning interpretation of the Comprehensive Plan may be taken by any person aggrieved or by any officer, board or department of the City of North Port affected by any decision, determination or requirement of the Planning and Zoning Department. Such appeals shall be taken within a reasonable time not to exceed 30 days or such lesser period as may be provided by the rules of the Board, by filing with the Planning and Zoning Department and with the Board a notice of appeal specifying the grounds thereof. The Planning and Zoning Director shall forthwith transmit to the Planning and Zoning Advisory Board all papers constituting the record upon which the action appealed from was taken. [Amended 11-24-2003 by Ord. No. 2002-56]
B. Conditional uses. It is the intent of these zoning regulations that all conditional uses shall be heard in the first instance by the Planning and Zoning Advisory Board and that the Planning and Zoning Advisory Board's report and recommendation on such matters shall be advisory only to the City Commission.

C. Amendments.

It is the intent of these zoning regulations that all proposed amendments shall be heard in the first instance by the Planning and Zoning Advisory Board and that the Planning and Zoning Advisory Board's report and recommendations on such matters shall be advisory only to the City Commission.

(2) Text. It is the intent of these zoning regulations that all proposed amendments shall be heard in the first instance by the Planning and Zoning Advisory Board and that the Planning and Zoning Advisory Board's report and recommendations on such matters shall be advisory only to the City Commission.

D. Annexations. It is the intent of these regulations that all proposed annexations shall be heard in the first instance by the Planning and Zoning Advisory Board and that the Planning and Zoning Advisory Board's report and recommendations on such matters shall be advisory only to the City Commission.

E. Duties of City Commission. Under these zoning regulations, the City Commission shall have only the duties of:

(1) Appointing or confirming members of the Planning and Zoning Advisory Board or Zoning Board of Appeals required under these regulations.
(2) Considering and adopting or rejecting proposed amendments to or the repeal of these zoning regulations.

(3) Considering and approving or denying requests for conditional uses.

(4) Establishing a schedule of fees and charges as set out in § 53-281 below.

Sec. 53-278. Schedule of fees and charges.

A. The City Commission hereby establishes the following schedule of fees and charges for matters pertaining to these zoning regulations. It is the intent of these regulations that the City of North Port shall not be required to bear any part of the cost of applications or petitions made under these zoning regulations and that the fees and charges herein set out represent the actual cost of required legal advertising, postage, clerical, filing and other costs involved in the processing of applications and petitions:

(1) Rezonings: $955.00 + $10.00/ac per application.

(2) Variance: $350.00 per residential application; $740.00 per commercial/other application appeals: $200.00.

(3) Conditional use: $955.00 + $10.00/ac per application.

(4) Plan amendments: $1,800.00 + $10.00/ac per application.

(5) Annexations: $500.00 per application.
A. The schedule of fees and charges listed above shall be posted in the Planning, Building and Development Services Department.

(1) The charges listed in this section may be changed by resolution of the City Commission and are not subject to the procedure for amendment of these zoning regulations set out in Article XXVI.

(2) Applications or petitions initiated officially by the City, by its duly authorized agencies, or officers are exempt from the payment of the fees of charges herein set out.

C. Until the applicable fees have been paid in full, no action of any type or kind shall be taken on an application or petition. The Planning and Zoning Director may, prior to or at the time of application for rezoning or conditional use, establish an alternative method of payment of the applicable fees and charges.

Sec. 53-279. Provisions declared to be minimum or maximum requirements.

In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum or maximum requirements, as the case may be, adopted for the promotion of the public health, safety, morals or general welfare. Whenever the requirements of these zoning regulations are at variance with the requirements of any other governmentally adopted statute, rule, regulation, ordinance or code, the most restrictive or that imposing the higher standards shall govern.

Sec. 53-280. Complaints regarding violations.
Whenever a violation of these zoning regulations occurs, or is alleged to have occurred, any person may file a complaint. Such complaint stating fully the causes and basis thereof shall be filed in writing with the Police Department which shall record properly such complaint, immediately investigate and take action thereon as provided by these regulations. The Police Department shall maintain as a public record the disposition made of the complaint.

Sec. 53-281. Penalties for offenses.

A. Violation of the provisions of these zoning regulations or failure to comply with any of the requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional use, shall constitute a code enforcement violation.

B. The owner or tenant of any building, structure, premises or part thereof, and any architect, building contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

C. Nothing herein contained shall prevent the City from taking such other lawful action, including but not limited to resort to equitable action, as is necessary to prevent or remedy any violation.

Sec. 53-282. Prosecution under previous zoning regulations.

Any prosecution arising from a violation of any prior zoning code, ordinance or regulation of the City of North Port superseded by these zoning regulations, which prosecution was pending at the effective date of these zoning regulations
in consequence of any violation of any prior zoning code, ordinance or
regulation superseded hereby, which violation was committed prior to the
effective date of these zoning regulations, shall be tried and determined
exactly as if such prior zoning code, ordinance or regulation had not been
superseded.

ARTICLE XXV.  ZONING BOARD OF APPEALS

Sec. 53-283.  Establishment and proceedings.

A.  Establishment and composition.  A Zoning Board of Appeals is hereby
reestablished, which shall consist of seven regular members to be appointed by
the City Commission.  Each member shall serve a three-year term.  In case of a
vacated position, the new appointment would be for the completion of the vacated

B.  Qualifications of members.  No member of the Zoning Board of Appeals shall
hold any elective office or be employed by the City.  Members of the Board
appointed after the effective date of these regulations shall be residents of
the City of North Port for one year and appointed from among persons in a
position to represent the public interest, and no person shall be appointed with
private or personal interests likely to conflict with the general public
interest.

C.  Vacancies.  Vacancies in the Zoning Board of Appeals membership shall be
filled by appointment of the City Commission for the unexpired term of the
member affected.  It shall be the duty of the Chairman of the Zoning Board of
Appeals to notify the City Commission within 30 days after any vacancy occurs
among members of the Zoning Board of Appeals.
D. Removal. Members of the Zoning Board of Appeals may be removed from office for cause by the affirmative votes of three members of the City Commission upon written charges and public hearing, if the member of the Zoning Board of Appeals so affected requests such public hearing.

E. Compensation. Members of the Zoning Board of Appeals shall receive no salaries or fees for service on the Board but may receive actual and necessary expense incurred in the performance of their duties of office.

F. Proceedings.

(1) Officers and voting. The Zoning Board of Appeals shall select a Chairman from among its members and may create and fill such other offices as it may determine. It shall provide itself with a Secretary, either by election from its members or by appointment of an employee of the City who is not a member of the Board. All regular members of the Board, but not a Secretary who is not a member of the Board, shall be entitled to vote in matters before the Zoning Board of Appeals.

(2) Rules and procedure. The Zoning Board of Appeals shall adopt rules of procedure necessary to its governance and the conduct of its affairs, in keeping with the applicable provisions of Florida law and these zoning regulations. Such rules of procedures shall be available in a written form to persons appearing before the Zoning Board of Appeals and to the public.

(3) Meetings. Meetings shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals may determine. Meetings that are not regularly scheduled shall not be held without at least seven days' notice.
to each member. The Zoning Board of Appeals shall have the power to take
 testimony under oath and compel the attendance of witnesses.

(4) Quorum; minutes; public records.

(a) The Zoning Board of Appeals shall keep minutes of its proceedings,
 showing the vote of each member (including the Chairman), or if absent or
 failing to vote indicating such fact. The Zoning Board of Appeals shall
 keep records of its examinations and other official actions, all of which
 shall be a public record, and filed immediately in the office of the
 Board located within the Planning and Zoning Department.

(b) A quorum for the transaction of business shall consist of three
 members.

(5) Disqualification of members. If any member of the Zoning Board of
 Appeals, called on to sit in a particular case, shall find that his private
 or personal interests are involved in the matter coming before the Board, he
 shall disqualify himself from all participation in the case or he may be
 disqualified by the votes of a majority of members of the Board, not
 including the member about whom the question of disqualification has been
 raised. No member of the Zoning Board of Appeals shall appear before the
 Board as agent or attorney for any person.

Sec. 53-284.290. Filing of appeals; hearing; stay of proceeding; assistance.

A. Filing of appeals. Appeals to the Zoning Board of Appeals concerning
 interpretation or administration of these zoning regulations or for variance
 under these zoning regulations may be taken by any person aggrieved or by any
officer, board or department of the City of North Port affected by any decision, determination or requirement of the Planning and Zoning department.

(1) Such appeals shall be taken within a reasonable time not to exceed 30 days or such lesser period as may be provided by the rules of the Board, by filing with the Planning and Zoning Director and with the Board a notice of appeal specifying the grounds thereof.

(2) The Planning and Zoning Director shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken.

D. Hearing. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice of the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

C. Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Planning and Zoning Department from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed with him that, by reasons of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals and on due cause shown.

D. Financial and staff assistance. The Zoning Board of Appeals may be provided by the City Commission with such professional and financial assistance as may be deemed necessary to enable the Zoning Board of Appeals to perform the functions assigned to it by these zoning regulations.

The Zoning Board of Appeals shall have the following powers and duties:

A. Administrative review. To hear and decide appeals where it is alleged there is error in any order, decision or determination of the Planning and Zoning Director in the enforcement of these zoning regulations.

B. Variances; powers; conditions governing petitions; procedures. To authorize upon appeal in specific cases such variance from the terms of these zoning regulations as will not be contrary to the public interest where, owing to special conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the provisions of these zoning regulations would result in unnecessary and undue hardship on the land. A variance from the terms of these zoning regulations shall not be considered by the Zoning Board of Appeals unless and until:

1. Written petition. A written petition for a variance is submitted by the applicant.

2. Notice of public hearing. Notice of public hearing shall be given at least 15 days in advance of the public hearing.

(a) The owner of the property for which variance is sought, or his agent or attorney designated by him on his petition, shall be notified by mail.
(b) Notice of the public hearing shall be advertised in a newspaper of general circulation in the City at least one time 15 days prior to the hearing. [Amended 11-24-2003 by Ord. No. 2002-56]

(3) Public hearing. The public hearing shall be held by the Zoning Board of Appeals. Any party may appear in person or by agent or attorney.

(4) Conditions and safeguards. In granting any variance the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with these zoning regulations, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these zoning regulations.

(5) Limitations on power to grant variances.

(a) Under no circumstances shall the Zoning Board of Appeals grant a variance to permit a use not permitted under the terms of these zoning regulations in the zoning district involved or any use expressly or by implication prohibited by the terms of these regulations in the said zoning district.

(b) A variance is authorized only for height, parking requirements, area and size of structures or size of yards and open spaces.

(c) Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance.
(d) No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in any other district shall be considered grounds for the granting of a variance.

(e) No conditional use to these zoning regulations shall be granted by the Zoning Board of Appeals.

(6) Considerations. In reaching this decision, the Board of Appeals shall consider the following criteria, recommendations and testimony:

(a) Exceptional or extraordinary conditions or circumstances exist which are inherent in the land, structure or building involved and such exceptional or extraordinary conditions or circumstances create an undue hardship on the property owner and are not generally applicable to other lands, structures or buildings;

(b) The exceptional or extraordinary conditions or circumstances do not result from the actions of the applicant;

(c) Without the variance, the provisions of this chapter would deprive the applicant of all reasonable use of his property;

(d) The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure;

(e) The variance, if granted, will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Staff recommendations;

Testimony from the applicant; and

Testimony from the public.

Findings.

Before granting a variance, the Zoning Board of Appeals shall find that all of the following exist:

(i) That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.

(ii) That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of this chapter. (Any action taken by an applicant pursuant to lawfully adopted regulations preceding this chapter will not be considered self-created.)

(iii) That such variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

(iv) That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make it more reasonable and practical to amend these zoning regulations.

Sec. 53-286. Special authority in relation to certain nonconforming uses.

If no structural alterations are made, any nonconforming use of a structure, or of a structure and premises in combination, may be changed to another nonconforming use of the same character or to a more restricted but nonconforming use, provided that the Zoning Board of Appeals shall find after public notice and hearing that the proposed use is equally or more appropriate to the district than the existing nonconforming use and that the relation of the structure to surrounding properties is such that adverse effects on occupants and neighboring properties will not be greater than if the existing nonconforming use is continued. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the intent and purpose of these zoning regulations. Petition under this section shall be to the Planning and Zoning Department for transmittal to the Zoning Board of Appeals.

Sec. 53-287. Reversal of decision of Planning, Building and Development Director.

A. In exercising the above mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of these zoning regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as sought to be made, and to that end
shall have the powers of the Planning and Zoning Department from whom the appeal is taken.

B. In matters of review, the concurring votes of a majority of the members of the Zoning Board of Appeals present at a meeting shall be necessary to reverse any order, requirement, decision or determination of the Planning and Zoning Director, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations. The final determination of the Zoning Board of Appeals shall be made in writing and shall be made available to the applicant, the City Attorney and the City Manager.

Sec. 53-288.294. Appeals from decisions of Zoning Board of Appeals.

Any person or persons, jointly or severally, including any officer, department, board or commission of the City, aggrieved by any decision of the Zoning Board of Appeals may apply to the Circuit Court having jurisdiction in the City of North Port for judicial relief within 30 days after the rendition of the decision by the Zoning Board of Appeals. The proceedings in the Circuit Court shall be by petition for writ of certiorari, which shall be governed by the Florida Rules of Appellate Procedure.

ARTICLE XXVI. PLANNING AND ZONING ADVISORY BOARD


A Planning and Zoning Advisory Board is hereby reestablished, which shall consist of seven regular members to be appointed by the City Commission. Terms of appointment are for four years; however, in case of a vacated position, the
new appointment would be for the completion of the vacated term.

Sec. 53-296. Qualifications of members.

No member of the Planning and Zoning Advisory Board shall hold any elective office or be employed by the City. Members of the Planning and Zoning Advisory Board appointed after the effective date of these regulations shall be residents of the City for at least one year prior to the date of appointment. No more than two members of the Board shall be of the same business, trade or profession.

Sec. 53-297. Vacancies.

Vacancies in Planning and Zoning Advisory Board membership shall be filled by appointment by the City Commission for the unexpired term of the member affected. It shall be the duty of the Chairman of the Planning Board to notify the City Commission within 30 days after any vacancy shall occur among members of the Planning and Zoning Advisory Board.


If a member's absences exceed four consecutive or 25% scheduled/regular Board meetings in a calendar year, excluding special meetings, the Planning and Zoning Advisory Board may recommend to the City Commission that the appointment be terminated. The only exception to this requirement shall be absences due to illness/death in family.

Sec. 53-299. Compensation.
Members of the Planning and Zoning Advisory Board shall receive no salaries or fees for service on the Board but may receive actual and necessary expenses incurred in the performance of their duties of office.

Sec. 53-294-300. Proceedings.

A. Officers and voting. The Planning and Zoning Advisory Board shall select from its membership a Chairman and a Vice Chairman annually at the first regularly scheduled meeting in January of each year (effective January 1998), to serve a term of one year. The Vice Chairman shall serve as Chairman in the latter's absence. All members of the Planning and Zoning Advisory Board shall vote on matters before the Board. [Amended 3-10-1997 by Ord. No. 97-5]

B. Rules of procedure. The Planning and Zoning Advisory Board shall use Robert's Rules of Order as its parliamentary guideline in the conduct of all meetings in keeping with the applicable provisions of Florida law and these zoning regulations. Such rules of procedures shall be available in written form to persons appearing before the Board and to the public. [Amended 3-10-1997 by Ord. No. 97-5]

C. Meetings. Meetings may be held on the first and third Thursday of each month, at the call of the Chairman and at such other times as the majority of the Planning and Zoning Advisory Board may determine. [Amended 3-10-1997 by Ord. No. 97-5]

D. Notice of meetings. An agenda shall be posted by the City Clerk in the designated areas of City Hall at least 48 hours prior to a Planning and Zoning Advisory Board meeting. [Amended 3-10-1997 by Ord. No. 97-5]
E. Quorum; minutes; public records.

(1) The Planning and Zoning Advisory Board shall keep records of its proceedings, showing the vote of each member (including the Chairman or Vice Chairman) or, if absent or failing to vote, indicating such fact. The Board shall keep records of its examinations and other official actions, all of which shall be a public record and be filed immediately in the office of the Planning and Zoning Advisory Board located within the Planning and Zoning Department.

(2) Persons appearing before the Planning and Zoning Advisory Board shall have no right of challenge to disqualify a member of the Board, provided that this provision shall not prohibit any person appearing before the Board from placing in the record a statement alleging bias and requesting disqualification for bias of any member.

(3) A quorum for the transaction of business shall consist of a majority of the membership.

F. Disqualification of members. If any member of the Planning and Zoning Advisory Board shall find that his private or personal interests are involved in a matter coming before the Board, he shall disqualify himself from all participation in that matter, or he may be disqualified by the vote of a majority of a quorum of members, not including the member about whom the question of disqualification has been raised.

(1) No member of the Planning and Zoning Advisory Board shall appear before the Planning Board as agent or attorney for any person.
(2) No member of the Planning and Zoning Advisory Board shall appear before
the Zoning Board of Appeals or City Commission as agent or attorney for any
person.

Sec. 53-295. Appointments, fees and other income.

The City Commission shall make available to the Planning and Zoning Advisory
Board such appropriations as it may see fit for salaries, fees and expenses
necessary in the conduct of Planning and Zoning Advisory Board work. No public
funds shall be expended or be caused to be expended by the Planning and Zoning
Advisory Board without express approval of the City Commission.

Sec. 53-296. Functions, powers and duties.

A. The Planning and Zoning Advisory Board serves as the Local Planning Agency
as required by the 1985 Florida Growth Management Act as set forth in the
Florida Statutes, Chapter 163, and serving as a Planning and Zoning Advisory
Board to the City Commission. The function, powers and duties of the Planning
and Zoning Advisory Board in general shall be to:

(1) Acquire and maintain such information and materials as are necessary to
an understanding of past development trends, present development conditions
and forces at work to cause changes in these conditions. Such information and
material may include maps and photographs of man-made and natural physical
features of the City, statistics of past trends and present conditions with
respect to population, property values, economic base, land use and such
other information as is important or likely to be important in determining
the amount, direction and kind of development to be expected in the City.
Prepare and recommend to the City Commission for adoption and from time to time recommend amendments and revisions to the City’s Comprehensive Plan for meeting present requirements and such future requirements as may be foreseen.

Recommend principles and policies for guiding action affecting development in the City.

Prepare and recommend to the City Commission ordinances, regulations and other proposals promoting orderly development along the lines indicated as desirable by the Comprehensive Plan.

Determine whether specific proposed developments conform to the principles and requirements of the Comprehensive Plan.

Conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the Comprehensive Plan and ordinances, codes and regulations related to it, and to establish public committees when deemed necessary for the purpose of collecting and compiling information necessary for the plan or for the purpose of promoting the accomplishment of the plan in whole or in part.

Make or cause to be made any necessary special studies of the location, adequacy and condition of specific facilities in the City. These may include but are not limited to studies on housing, commercial and industrial conditions and facilities, recreation, public and private utilities, roads and traffic, transportation, parking and the like.

Keep the City Commission and the public informed and advised on these
matters.

(9) Perform such other duties as may be lawfully assigned to it or which may have bearing on the preparation or implementation of the Comprehensive Plan.

B. All City employees shall, upon request and within a reasonable time, furnish to the Planning and Zoning Advisory Board or its employees or agents such available records or information as may be required in its work. The Planning and Zoning Advisory Board, or its employees or agents, may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized City agents or employees and shall have such other powers as are required for the performance of official functions in carrying out the purposes of the Planning and Zoning Advisory Board.

ARTICLE XXVI. AMENDMENTS

Sec. 53-297. Amendment authorized.

These zoning regulations and the Official Zoning Map and Official Schedule or District Regulations which are a part of these zoning regulations may from time to time be amended, supplemented, changed or repealed. Procedures shall be as follows.

Sec. 53-298. Initiation of proposals for amendment.

A. A zoning amendment may be proposed by:

(1) City Commission.
Planning and Zoning Advisory Board.

Zoning Board of Appeals.

Any other department or agency of the City.

Any person other than those listed in Subsection A(1) through (4) above; provided, however, that no person shall propose an amendment for the rezoning of property (except as agent or attorney for an owner) which he does not own. The name of the owner shall appear on each application.

B. All proposals for zoning amendments shall be considered first by the Planning and Zoning Advisory Board in the manner herein set out.

C. All proposals for zoning amendments shall be submitted in writing to the Director of the North Port Planning and Zoning Department, accompanied by all pertinent information required by these zoning regulations and which may be required by the Planning and Zoning Advisory Board for proper consideration of the matter, along with payment of such fees and charges as have been established by the City Commission.

(1) No application for zoning amendment shall be heard by the Planning Board until such fees and charges have been paid.

Sec. 53-299-328. Notice.

A. General notification requirements. No request for amendment may be considered by the Planning Board until such time as notice of a public hearing on the proposed amendment has been given to the citizens of North Port by
publication of a notice of the hearing in a newspaper of general circulation in
the City, at least 15 days in advance of the public hearing.

B. Notice where proposed amendment would change zoning of land.

(1) Notice of time and place of the public hearing of the Planning and Zoning
Advisory Board shall be sent at least 15 days in advance of the hearing by
mail to the owner of the subject property or his designated agent or
attorney, if any.

(2) Notice of the time and place of the public hearing by the Planning and
Zoning Advisory Board shall be sent at least 15 days in advance of the
hearing by mail to all owners of property within 300 1,300 feet of the
property lines of the land for which rezoning is sought; provided, however,

(a) that where the land for which rezoning is sought is part of, or
adjacent to, land owned by the same person, the three-hundred feet
distance shall be measured from the boundaries of the entire
ownership, except that notice need not be mailed for property owners
located more than 1/2 mile (2,640 feet) from the land for which
rezoning is sought.

(c) If any dwelling unit within the required three-hundred foot
notification radius is within a property owner's association, the
property owner's association must also be notified. For the purposes
of this requirement, the names and addresses of property owners shall
be deemed those appearing on the latest tax rolls of Sarasota County.
(d iv) Notwithstanding any other provision herein contained, failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect, provided that proper legal notice has been published.

Sec. 53-300. Planning and Zoning Advisory Board hearing and report to City Commission.

A. Time limits. Hearings by the Planning and Zoning Advisory Board on applications for rezoning of land shall be held in conjunction with any regularly scheduled meeting of the Board.

B. Presentation of evidence. The staff report for rezoning shall be presented prior to the close of the public hearing on the application.

(1) The applicant shall be afforded the opportunity, prior to the close of the public hearing, to respond to any evidence presented during the public hearing and to respond to the staff report, after receipt of which the hearing shall be concluded, unless the hearing is continued and the matter referred back to staff for further consideration of such matters as the Planning Board may direct.

Sec. 53-301 301. Nature and requirements of Planning and Zoning Advisory Board report.

A. When pertaining to the rezoning of land, the report and recommendations of the Planning and Zoning Advisory Board to the City Commission required by § 53-303 above shall show that the Planning and Zoning Advisory Board has studied and considered the proposed change in relation to the following, where
applicable.

(1) Whether the proposed change would be consistent with the goals, objectives and policies of the Comprehensive Plan.

(2) The relationship of the proposed change to the existing land use pattern.

(3) Whether the proposed change would lead to the creation of an isolated district unrelated to adjacent and nearby districts.

(4) The impact on the availability of adequate public facilities consistent with the level of service standards adopted in the Comprehensive Plan and as defined and implemented through the City's Concurrency Management System Regulations as set forth in Chapter 5 of this Unified Land Development Code.

(5) Whether the existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

(6) Whether changed or changing conditions make the passage of the proposed amendment necessary.

(7) Whether the proposed change will adversely influence living conditions in the neighborhood.

(8) Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

(9) Whether the proposed change will create a drainage problem.
Whether the proposed change will seriously reduce light and air to adjacent areas.

Whether the proposed change will adversely affect property values in the adjacent areas.

Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

Whether the change suggested is out of scale with the deeds of the neighborhood.

Whether it is impossible to find other adequate sites in the City for the proposed use in districts already permitting such use.

B. When pertaining to other proposed amendments of these zoning regulations, the Planning and Zoning Advisory Board shall consider and study:

(1) The need and justification for the change.

(2) The relationship of the proposed amendment to the purposes and objectives of the City's Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of these zoning
regulations and other City codes, regulations and actions designed to implement the Comprehensive Plan.

Sec. 53-302  Restrictions, stipulations and safeguards.

A. The Planning and Zoning Advisory Board may recommend that a petition to amend or supplement district regulations be approved subject to stipulations, including but not limited to limiting the use of the property to certain uses provided for in the requested zoning district. The governing body, after receiving the recommendation from the Planning and Zoning Advisory Board on a request to amend or supplement a district, may grant or deny such amendment or supplement and may make the granting conditional upon such restrictions, stipulations and safeguards as it may deem necessary to ensure compliance with the intent and purposes of the Comprehensive Plan.

B. Restrictions, stipulations and safeguards attached to an amendment or supplement may include but are not limited to those necessary to protect adjacent or nearby land owners from any deleterious effects from the full impact of any permitted uses, limitations more restrictive than those generally applying to the district regarding density, height, connection to central water and sewer systems and stipulations requiring that development take place in accordance with a specific site plan.

C. The governing body may also stipulate that the development take place within a given period of time after which time public hearings will be initiated and the district returned to the original designation or such other district as determined appropriate by the governing body in accordance with the Comprehensive Plan. In cases where stipulations, restrictions or safeguards are attached.
(1) All representations of the owner or his agents at public hearing shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief.

(2) All conditions, restrictions, stipulations and safeguards which are a condition to the granting of the change in zoning district shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief.

(2) All costs, including reasonable attorney's fees, shall be awarded to the governmental unit if it prevails in such suit.

Sec. 53-303. Advisory nature of Planning and Zoning Advisory Board report and recommendations.

The report and recommendations of the Planning and Zoning Advisory Board required by § 53-304 below shall be advisory only and shall not be binding upon the City Commission.

Sec. 53-304. City Commission action on Planning and Zoning Advisory Board report.

A. Upon receipt of the Planning and Zoning Advisory Board's report and recommendations, the City Commission shall hold a second public hearing with notice to be given pursuant to the provisions of general law. The reports and recommendations of the staff and the Planning and Zoning Advisory Board on the application shall be presented prior to the close of the public hearing on the application. The applicant shall have the right, prior to the close of the
public hearing, to respond to any evidence presented during the public hearing.

B. In addition to the notice provided for in § 53.293 above notice of the time and place of the public hearing before the City Commission shall be sent at least 15 days in advance of the hearing by mail to the owner of subject property or his designated agent or attorney, if any.

(i) Notice of the time and place of the public hearing before the City Commission shall be sent at least 15 days in advance of the hearing by mail to all owners of property within 300 feet of the property lines of the land for which rezoning is sought, provided, however,

(a) That where the land for which rezoning is sought is part of, or adjacent to, land owned by the same person, the three-hundred-foot distance shall be measured from the boundaries of the entire ownership, except that notice need not be mailed to any property owner located more than 1/2 mile (2,640 feet) from the land for which rezoning is sought. If any dwelling unit within the required three-hundred-foot notification radius is within a property owner’s association, the property owner’s association must also be notified. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Sarasota County. Notwithstanding any other provision herein contained, failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect, provided that proper legal notice has been published.

C. In the case of all proposed changes or amendments, if the recommendation of the Planning and Zoning Advisory Board is adverse to the proposal, such changes or amendments shall not be adopted except by affirmative vote of a
majority of a quorum of the City Commission. Approval of the rezoning of a specific parcel of land shall be contingent upon a finding that adequate public facilities have been determined to be available concurrent with the impact of the proposed development, as determined through the City's Concurrency Management System Regulations as set forth in Chapter 5 of this Unified Land Development Code.

Sec. 53-305. Limitations of the rezoning of property.

A. Whenever the City Commission has taken final action on an application for the rezoning whether approved or denied, the Planning and Zoning Advisory board shall not thereafter consider any further application for any rezoning of any part of or all of the same property for a period of 12 months from the date of such action.

B. The City Commission shall have the authority to establish a period of time of not less than two years in duration after the effective date of any rezoning of property, within which the use for which the rezoning was granted shall have commenced. If said use has not been commenced, the zoning shall revert to the original classification unless an extension of time for commencement is granted by the City Commission.

Sec. 53-306. Waiver of time limits.

The time limits of § 53-305 above may be waived by three affirmative votes of the City Commission when such action is deemed necessary to prevent injustice or to facilitate the proper development of the City of North Port. [Amended 11-24-2003 by Ord. No. 2002-56]
Chapter 54   DEVELOPMENT AGREEMENT REGULATIONS

Sec. 54-1. Title.

Sec. 54-2. Intent and authority.

Sec. 54-3. Relationship to Comprehensive Plan.

Sec. 54-4. General requirements.

Sec. 54-5. Schedule of fees.

Sec. 54-6. Enforcement.

Sec. 54-7. Interpretation.

Sec. 54-8. Conflicts.

Sec. 54-9. Appeals.

Sec. 54-10. Severability.

Sec. 54-1. Title.

This chapter shall be known and may be cited as the “Development Agreement Regulations” of the City of North Port, Florida.

Sec. 54-2. Intent.

The purpose of these regulations is to provide procedures and requirements whereby the City of North Port may consider and enter into a development agreement with any person having a legal or equitable interest in real property within the City of North Port, under the authority of The Florida Local Government Development Agreement Act, F.S. §§ 163.3220--163.3243.

The issuance of development agreements is intended to promote and facilitate orderly and planned growth and development by providing a degree of certainty in
the development approval process. The certainty accorded developments under these regulations will: encourage greater participation in the comprehensive planning process; assure there are adequate public facilities for the development; and reduce the economic cost of development.

Sec. 54-3. Relationship to Comprehensive Plan.

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

“Policy 7.1: Through the Capital Improvements Program, the City shall program the extension of facilities to accomplish the goals, objectives and policies of this plan and ensure that facilities are concurrent with demand.”

“Policy 7.2: The City will discourage premature development by requiring that individual property owners, and not the City, will bear the appropriate costs of extending appropriate infrastructure beyond that programmed by the City.”

“Policy 7.3: Exemption from the provisions of this objective will be made only in extraordinary cases where the physical size, potentially disruptive nature,
or geographic needs of the project would make strict adherence unreasonable, consistent with F.S. 163.3187 (1) (c), as amended.”

“Policy 7.4: Development Orders or Agreements (including amendments or modifications thereto) executed pursuant to Chapter 380, F.S. cap the intensity or density of uses identified on the future land use map for the lands encompassed by such Orders or Agreements.”

“Policy 13.7: Facilities and Services

The City of North Port may adopt a Developer's Agreement for directing the timing and location of future development within the Village Classification and VDPP.

The Developer's Agreement shall identify those community facilities (including but not limited to schools and park sites, road rights-of-way, water and wastewater treatment sites, and other utility rights-of-way), which will be subject to the agreement. The land required to accommodate adequate public facilities shall be conveyed to the City pursuant to the Developer's Agreement.

The Developer's Agreement shall be in addition to and shall not replace or supersede any provisions of the North Port Concurrency Management System.

Each Developers Agreement for each VDPP shall be evaluated to determine that adequate facilities and services are or will be available. Where facilities or services are determined to be inadequate the provisions of the developer(s) agreement shall correct any deficiency and allow development to proceed. All development in the Village will be served by central sewer and water service. Rural Villages may be served by wells and septic systems. However, on-site utilities, temporary septic tanks, and potable water wells, where deemed appropriate by the City of North Port, may be used in initial stages of development until adequate demand is available to support a central water and
wastewater system, at which time the structures shall be required to connect to
the system(s) pursuant to local ordinance or, absent such local ordinance,
pursuant to Florida Statutes. On-site utilities shall only be utilized where
soil and water table conditions will permit their use and; where the developer
shall install the necessary water and sewer lines (dry lines) to ultimately
connect the development to the central utility system; and, the area is included
in a capital improvement program which provides for central utility services to
be in place in the next five (5) years or the planning period approved in the
VDPP.”

“Policy 13.7.1: Where applicable, the City shall pursue an interlocal agreement
with Sarasota County, or other utility providers, to interconnect City system
and County (or other) water systems.”

“Policy 13.9.2: Where applicable, the City shall pursue an agreement regarding
transportation impact fees that will be applied to County road projects adjacent
or within a project site. If such an agreement is not executed the City shall
perform a rational nexus study within the City limits and, based on that study,
amend the transportation impact fee ordinance appropriately.”

Sec. 54-4. General requirements.

A. Requirements of a Development Agreement. A development agreement shall
include but not be limited to the following:

(1) A legal description of the land subject to the agreement and the names of
its legal and equitable owners;

(2) The duration of the agreement;
(3) The development uses permitted on the land, including residential densities and building intensities, structure heights, maximum square footage of commercial buildings;

(4) A description of public facilities that will service the development, including:

   (a) Who shall provide such facilities;

   (b) The date any new facilities, if needed, will be constructed;

   (c) A schedule to assure public facilities are available concurrent with the impacts of the development; and

   (d) Any third party or other agreement assuring the provision of said public facilities;

(5) A description of any reservation or dedication of land for public purposes;

(6) A description of all local development permits approved or needed to be approved for the development of the land;

(7) A master conceptual development plan or an agreement to amend the development agreement within one year of the execution of said development agreement to include a conceptual development plan for the land subject to the development agreement containing the following unless the Commission approves a modification to these requirements:
(a) The general layout of the proposed development by land use and identifying the acreage and density and/or intensity of each portion of the proposed development;

(b) Access points to the surrounding road system, internal and major road rights-of-way and road widths, any proposed pedestrian and bicycle facilities, and other easements;

(c) Common open space and native habitat preservation and mitigation areas, recreational areas and any public purpose lands;

(d) General stormwater retention areas;

(e) The location of any on-site potable water supply (e.g., wells) or wastewater treatment facilities;

(f) Architectural styles and designs, facilities and designs to ensure the project is pedestrian oriented; and

(g) Site design requirements such as, but not limited to, internal and external connectivity of a multimodal transportation system.

(8) A finding that the development permitted or proposed is consistent or will be consistent with the comprehensive plan and all applicable land development regulations;

(9) A description of any conditions, terms restrictions, or other requirements determined to be necessary by City of North Port for the public
health, safety, welfare of its citizens, and meets or exceeds the community
standards as defined in the ULDC, City codes, and the Comprehensive Plan;

(10) A statement indicating the failure of the agreement to address a
particular permit, condition, term, or restriction shall not relieve the
developer of the necessity of complying with the appropriate law governing
said permitting requirements, conditions, terms or restrictions; and

(11) A description of the requirements for the filing of an annual report and
a statement indicating who shall file an annual report and the required
submission dates. A development agreement shall provide that the entire
development or any phase thereof be commenced or completed within specific
period(s) of time.

(12) A schedule of improvements both on and off site shall include the
preliminary design, costs, proportionate share or proportionate fair share to
be funded by the developer, and timing. This schedule shall be based upon
the financial impact analysis required in 53-123.

B. Duration of Development Agreements and Relationship to the Comprehensive
Plan. The duration of a development agreement shall not exceed ten (10) years.
It may be extended by mutual consent of the Commission, the developer, and any
third party to the agreement, subject to a public hearing in accordance with the
public hearing requirements contained in subsection (F) of these regulations. No
development agreement shall be effective or be implemented by City of North Port
unless the City of North Port Comprehensive Plan and Plan Amendments
implementing or related to the development agreement are found in compliance by
the state land planning agency in accordance with Florida Statute §163.3184,
163.3187, or 163.3189.
C. Processing of Development Agreements With Other Applications for Development Approval. Where an application for a development agreement is filed in conjunction with other applications for development approval, the review periods for processing development agreement applications may be altered to accommodate the concurrent processing of the other applications.

D. Periodic Review of a Development Agreement. Within 12 months of the effective date of a development agreement, City of North Port shall review the land subject to the development agreement to determine if there has been demonstrated good faith compliance with the terms of the development agreement. In addition to these requirements, any person with a legal or equitable interest in land for which a development agreement was entered into with City of North Port, or their authorized representative shall submit an annual report to the City on the date specified in the development agreement, pursuant to subsection G of this section.

E. Amendment or Cancellation of a Development Agreement. A development agreement may be canceled or amended by the City, subject to the procedural and public hearing requirements contained in these regulations, and under one or more of the following conditions:

(1) Where there is mutual consent of the parties to the agreement, or by their successors in interest.

(2) Where state or federal laws have been enacted which preclude one or more parties of the agreement from complying with the terms of the agreement.
(3) Where the Commission has found, in the annual review of land subject to a development agreement, there is substantial noncompliance with the terms of the development agreement.

(4) Where, any provision is not specifically covered in the approved development agreement, pursuant to Section 5-2(B), the City of North Port may apply subsequently adopted local laws and policies to the development agreement.

F. Public Hearing. All developer agreements shall be approved as an ordinance. After the Administrative staff as established by the City Manager has made a recommendation on the application and the proposed development agreement, the application and proposed development agreement shall be considered by the City Commission.

(1) The Commission's decision shall be “Approve”, “Approve with Conditions”, or “Deny”. If the decision is “Approve with Conditions”, all conditions shall be listed on the development agreement.

G. Recording of a Development Agreement.

(1) Within fourteen (14) calendar days after the Commission has entered into a development agreement or the amendment to or cancellation of a development agreement, the agreement shall be recorded in the County public land records by the City Clerk of City of North Port.

(2) The City Clerk shall submit a copy of the recorded development agreement, or amendment or cancellation of a development agreement, to the State Land
Planning Agency within fourteen (14) calendar days after the agreement is recorded.

(3) All costs of recording the document shall be paid by the applicant/developer within 30 days of receipt of invoice.

(4) A development agreement shall not be effective until it is properly recorded in the public records of the County and until 30 calendar days after having been received by the State Land Planning Agency pursuant to this section.

H. Binding nature of the development agreement.

The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties of the agreement.

I. Development agreement procedures pre-application Conference. Pre-application conferences are required prior to the initiation of an application for a development agreement. Applicants shall submit a written request for a pre-application conference to the Director of the department responsible for land development services.

(1) The pre-application conference shall be held with City staff review for land development (the members of the review staff shall be determined by the City Manager).

(2) The purpose of the pre-application conference is to assist in bringing the application as nearly as possible into conformity with these regulations.
or other regulations applying generally to the property involved and/or to
define specifically other information essential to the review of the
petition. In addition, the following information shall be discussed:

(a) Other applications for development approval to be filed in
conjunction with the application for a development agreement. If
appropriate, staff shall clarify the necessary requirements for the
processing of the concurrent applications and any necessary revisions or
exclusions to the review time limits;

(b) Discussion of the financial impact analysis including the form and
methodology;

(c) Other jurisdictional agencies that need to become a party to the
development agreement;

(d) Any known Level of Service (LOS) or land use compatibility issues
which need to be addressed;

(e) Whether complexities inherent in the proposed development agreement
warrant alterations to the required review times listed in Sections
(J,M,N,O) of these Regulations; and

(f) Discussion concerning the architectural style(s), site design and
multimodal transportation connectivity internal to the site and external
to adjacent land uses and the City’s transportation system including
pedestrian and mass transit facilities.
K. Filing an Application to enter into a Development Agreement with City of North Port. Applications for a development agreement shall be filed with the department responsible for land development services.

(1) There shall be no deadline for filing an application for a development agreement, unless defined as a condition in conjunction to a development application.

(2) The filing fee shall be due upon submittal of the application for a development agreement, as approved by City Commission and may be amended from time to time.

(3) The submittal shall contain all information required by the development agreement application form and these regulations.

(4) The number of copies deemed necessary for a thorough review and a CD containing all of the information in electronic format as approved by the City Manager or designee. All information required by the development agreement application form shall be submitted to the City unless otherwise directed in writing by the City Manager or designee.

(5) When a property lies within one (1) mile of the boundaries of the counties of Manatee, DeSoto, Sarasota, or Charlotte, one (1) additional set of the required information for each county shall be submitted.

L. Third Party Participation in a Development Agreement. If the participation of third parties is necessary or in the best interest of City of North Port, the approval of a development agreement may be conditioned upon the participation of
specified third parties in the processing of the development agreement application.

M. Sufficiency Review.

(1) Upon receipt of an application for a development agreement, or if appropriate, upon authorization by the City of North Port Commissioners for third party participation in the processing of a development agreement, the City Manager or designee will forward copies of the completed application to the review staff and reviewing agencies for a determination if information submitted is sufficient to assess the application for a development agreement. Each agency and review staff shall complete its sufficiency review and forward its comments to the department responsible for land development services within fifteen (15) days. All review agencies and staff shall comment in writing on the sufficiency of the development agreement application.

(2) Upon receiving all comments, the applicant shall be notified in writing if any additional information is needed.

(3) Should the applicant be notified of the need for additional information, the applicant may:

(a) Supply the additional information requested;

(b) Appeal in writing to the Director responsible for land development services requesting a reconsideration of the need for additional information; or
(c) Notify the City in writing of the intent not to submit additional information.

(4) Should the City receive a request for reconsideration of the need for additional information, the Director responsible for land development services shall, within ten (10) days, respond in writing to the applicant. The response shall state whether the City is maintaining, withdrawing, or revising the request for additional information.

(5) The sufficiency review shall be complete upon the determination by the City that all information needed to review the application has been submitted or upon the receipt from the applicant that no additional information will be forthcoming.

(6) Each member of the review agencies and staff shall be notified of the conclusion of the sufficiency review by the department responsible for land development services. Any additional information will be sent to all review agencies and staff.

N. Formal Review and Negotiation of a Development Agreement. Unless otherwise altered, the following review time frames shall apply:

(1) Upon the conclusion of the sufficiency review, each agency on the review staff shall have fifteen (15) days to review the complete application and all supportive documentation. Each staff reviewer shall submit comments and findings regarding the disposition of the development agreement application.

(2) Upon receipt of all agency review reports, department responsible for land development services shall compile a preliminary report. A copy of the
preliminary report shall be sent to the applicant and all review agencies and staff.

(3) The review agencies and staff shall meet with the applicant for the purpose of discussing the findings and recommendations contained within the preliminary report and to establish the basis for negotiating a mutually acceptable development agreement.

(a) During the negotiations, or at any time prior to the issuance of a final report by the department responsible for land development services, the applicant may revise the submitted application for a development agreement.

(b) Each additional submittal shall initiate a new review period unless this requirement is waived by the Director of the Planning and Zoning Department.

(4) At any time prior to or during the negotiation process, the applicant may be required by the review agencies and Administrative staff to prepare and submit a draft development agreement. The review agencies and Administrative staff may require inclusion of specific provisions necessary to protect the public interest which may be set forth in a standardized form provided by the City.

(a) If the applicant submits a proposed development agreement, the proposal shall be considered part of the overall application for a development agreement.
(b) Each member of the review agency and Administrative staff shall submit to the department responsible for land development, comments and findings on the proposed development agreement.

(5) The applicant may, at any time prior to or during the negotiation process, elect not to negotiate further and have the application and any draft of a development agreement presented to the Planning and Zoning Advisory Board and to the Commission. If there is an accompanying development proposal, that proposal shall be presented to the Board and Commission concurrently with the development agreement.

(6) Upon completion of a negotiated development agreement or the review of the applicant's proposed development agreement and the election by the applicant pursuant to (C) above, the City shall issue a final report on the application for a development agreement and set a date and time for the required public hearings.

O. Public Hearings. The City staff report and findings regarding the proposed development agreement shall be presented to the Planning and Zoning Advisory Board, and to the Commission for consideration. The applicant shall have the right, prior to the close of the public hearings, to respond to contentions advanced as part of any testimony or other evidence presented during the public hearing.

(1) After the close of the public hearing, the Commission, in the exercise of its legislative discretion, may approve the development agreement as proposed, approve the development agreement with amendments, or deny the development agreement.
(2) In the event the petitioner has the proceedings before the Planning and Zoning Advisory Board or the Commission taken down by a certified court reporter, pursuant to Florida Statute §286.0105, the City may require the filing of the transcript of such proceedings, and the decision of the Commission shall be rendered within (30) calendar days of the filing of the transcript.

P. Annual review procedures. Filing an Annual Monitoring Report is required.

(1) As required in a legally executed development agreement, any person with a legal or equitable interest in land for which said development agreement was entered into with City of North Port, or their authorized representative shall submit the number of copies deemed necessary by the City of an annual monitoring report to the City for review.

(2) The Annual Monitoring Report shall be submitted by the date specified in the adopted development agreement and each year thereof, until such times as the terms and conditions of the development agreement are satisfied. This report shall contain:

(a) Any changes in the plan of development, or in the representations contained in the development agreement, or in the phasing for the reporting year and for the next year;

(b) A summary comparison of development activity proposed and actually developed;
(c) The identification of undeveloped tracts of land, other than
individual single family lots, that have been sold to a separate entity or
developer;

(d) An assessment of the level of compliance with the conditions
contained in the development agreement by the developer, the local
government and if applicable, third party(s);

(e) Any indication of change in local jurisdiction by reason of changed
code requirements or policies;

(f) A list of local, state or federal permits which have been obtained or
which are pending by agency, type of permit, permit number, and purpose of
permit;

(g) The identification of any changes in state or federal legislation
substantially affecting compliance with the development agreement; and

(h) An analysis of the development’s impact on Level of Service (LOS).
This shall include projected impacts on LOS for a five year period, and
every subsequent five year period until buildout.

(3) Failure to submit an annual report or the deliberate misrepresentation or
the use of gross inaccuracies in the report shall be grounds for the
initiation of proceedings to amend or cancel the development agreement.

Q. Annual Development Agreement Review.
(1) Within five (5) days of receipt of the annual monitoring report, the City shall send a copy of the submitted report to each of the review team and DRC for their review, analysis, and comments.

(2) Review agencies and Administrative staff, upon receipt of the submitted report, will evaluate the report and issue comments to department responsible for land development services. The review agencies and Administrative staff shall respond with a written report or comments. The review shall address the following:

(a) The completeness and accuracy of the information contained within the submitted document;

(b) The degree of compliance with the terms of the development agreement; and

(c) The identification of any substantial changes warranting an amendment or cancellation of the development agreements.

(3) Upon receipt of all comments, the City shall issue a formal report on the findings of the annual review and issue a determination of compliance with the terms of the development agreement. This report shall be sent to the owner or authorized agent and shall be available for public inspection at the department responsible for land development services and City Clerk’s office.

(4) The owner(s) or authorized representative of the land, which submitted the monitoring report may request, in writing, a meeting with the City to discuss the contents of the report.
R. Determination of Noncompliance. In the event that it is determined that there has been a failure to comply with the terms of the development agreement, the City may find the use of the land is not in compliance with the development agreement. If the City issues a finding of noncompliance, the department responsible for land development services shall submit as an agenda item at a regularly scheduled meeting of the City of North Port Commission a request to initiate proceedings to amend or cancel the development agreement.

S. Procedures to amend or cancel development agreements. An application to amend or cancel an adopted development agreement may be initiated by the City, the owner of real property for which a development agreement has been adopted or any third party to a development agreement.

(1) An amendment or cancellation of a development agreement may be initiated under the following conditions:

(a) Following a proposed change by the owner;

(b) The adoption of state or federal laws preventing the carrying out of the development agreement;

(c) Following the completion of an annual review; or

(d) A proposal to apply subsequently adopted local laws and policies to a development agreement pursuant to Section 5-2(B).
(2) Applications to amend or cancel a development agreement shall conform to the general and procedural requirements for the processing of a development agreement. In addition, the following regulations shall apply:

(a) Filing an Application to Amend or Cancel a Development Agreement with City of North Port. Applications to amend a development agreement shall contain all information required by the Development agreement application form relating to the requested amendment. Applications to cancel the development agreement shall include sufficient justification warranting the cancellation of such agreement.

(b) Formal Staff Review. Where the proposal is for a cancellation of an adopted development agreement, the allotted twenty (20) day staff review period may be reduced.

Sec. 54-5. Schedule of fees.

The City Commission shall by resolution establish a schedule of fees for the filing, processing and reviewing of, or an amendment to or cancellation of a development agreement, or the annual review of a development agreement and related documents submitted to the City pursuant to the Development Agreement Act and these regulations.

Sec. 54-6. Enforcement.

Any party, any aggrieved or adversely affected person as defined in Florida Statute § 3.3215(2), or the State Land Planning Agency may file an action for injunctive relief in the circuit court to enforce the terms of a development agreement.
agreement or to challenge compliance of the agreement with the provisions of the Development Agreement Act.

A. The City shall withhold approval of developments or permits if provisions of the agreement are not met or fulfilled.

Sec. 54-7. Interpretation

Interpretations of this section shall be made by the City Manager or designee. The provisions of this Chapter shall be liberally construed in order to effectively carry out its purpose. Where any provision of this Chapter refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any amendments thereto or re-designation thereof.

Sec. 54-8. Conflict.

Whenever the requirements of these regulations differ from those imposed by the City, Federal or state regulation, law or statute, the most restrictive or imposing the higher standards shall apply.

Sec. 54-9. Appeals.

Any person aggrieved by the City Manager or designee interpretation may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders the property unbuildable. The granting of any appeal shall not be in conflict with State Statutes. The Zoning Board of Appeals decision may be
appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(1) Applications for an appeal shall be filed pursuant to Sec. 1-10.

Sec. 54-10. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.
Chapter 55 ACTIVITY CENTER DESIGN REGULATIONS

Sec. 55-1. Title.

Sec. 55-2. Relationship to Comprehensive Plan

Sec. 55-3. Intent.

Sec. 55-4. General

Sec. 55-5. Authorization and development review.

Sec. 55-6. Bicycles Racks and Benches.

Sec. 55-7. Bus Shelters.

Sec. 55-8. Parking Requirements.


Sec. 55-10. Variances.

Sec. 55-11. Interpretation.

Sec. 55-12. Conflict.

Sec. 55-13. Appeals.

Article I. Activity Center #1


Sec. 55-15. Permitted principal uses and structures.

Sec. 55-16. Prohibited uses and structures.

Sec. 55-17. Special exceptions.

Sec. 55-18. Permitted Signs.

Article II. Activity Center #2

Sec. 55-19. Intent.

Sec. 55-20. Permitted principal uses and structures.

Sec. 55-21. Permitted accessory uses and structures.
Sec. 55-22. Prohibited uses and structures.
Sec. 55-23. Special Exceptions.
Sec. 55-24. Permitted Signs.

Article III. Activity Center #3

Sec. 55-25. Intent.
Sec. 55-26. Permitted principal uses and structures.
Sec. 55-27. Prohibited uses and structures.
Sec. 55-28. Special Exceptions.
Sec. 55-29. Permitted Signs.

Article IV. Activity Center #4

Sec. 55-30. Intent.
Sec. 55-31. Permitted principal uses and structures.
Sec. 55-32. Prohibited uses and structures.
Sec. 55-33. Special Exceptions.
Sec. 55-34. Permitted Signs.

Article V. Activity Center #5

Sec. 55-35. Intent.
Sec. 55-36. Permitted principal uses and structures.
Sec. 55-37. Prohibited uses and structures.
Sec. 55-38. Special Exceptions.
Sec. 55-39. Permitted Signs.

Article VI. Activity Center #6
Sec. 55-40. Intent.
Sec. 55-41. Permitted principal uses and structures.
Sec. 55-42. Prohibited uses and structures.
Sec. 55-43. Special exceptions.
Sec. 55-44. Permitted Signs.

Article VII. Activity Center #7

Sec. 55-45. Relationship to Comprehensive Plan.
Sec. 55-46. Intent.
Sec. 55-47. Development Standards.
Sec. 55-49. Historical.
Sec. 55-50. Permitted principal uses and structures.
Sec. 55-51. Permitted accessory uses and structures.
Sec. 55-52. Prohibited uses and structures.
Sec. 55-53. Special exceptions.
Sec. 55-54. Permitted Signs.

Article VIII. Activity Center #8

Sec. 55-55. Intent.
Sec. 55-56. Permitted principal uses and structures.
Sec. 55-57. Prohibited uses and structures.
Sec. 55-58. Special exceptions.
Sec. 55-59. Permitted Signs.
Sec. 55-1. Title.
This chapter shall be known and may be cited as the “Activity Center Design Regulations” of the City of North Port, Florida.

Sec. 55-2. Relationship to Comprehensive Plan.

The Activity Center Design regulations in this chapter implement Objective 1, Objective 2 and Objective 5 of the Future Land Use Element of the Comprehensive Plan, which respectively state: “Objective 1: Future development activities shall continue to be directed in appropriate areas as depicted on the Future Land Use Map, and shall encourage the use of innovative land development regulations, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the community character”; “Objective 2: The City shall amend its Land Development Code in 1998 to provide standards, including intensity and density standards, and gateway criteria for Activity Centers to achieve the desired and economically feasible mixture of land uses”; “Objective 5: Future growth and development will be managed through the preparation, adoption, implementation and enforcement of land development regulations.”

Sec. 55-3. Intent.

The purpose of this chapter is to ensure that the development within Activity Centers shall have identifying characteristics and design. It is to promote the public health, safety and welfare and conform to the provisions regulating the development of areas designated as Activity Centers set forth in the City’s adopted Comprehensive Plan as follows:
A. Future Land Use Element, Goal 1: Ensure that the character and location of land uses maximize the potential for economic benefit and the enjoyment of natural and man-made resources by citizens while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation. Objective 1, Policy 1:1. Activity Centers - These lands are designated to provide an area for coordinated development of industrial, commercial, professional office, residential, public and recreational uses. This designation provides for a variety of uses where project components and land use relationships are physically and functionally integrated and;

B. Transportation Element, Goal 1: To develop an effective multi-modal transportation system which optimizes safety, convenience, cost and pollution reduction practices by establishing internal and external transportation linkages between residential neighborhoods and activity centers and;

C. Stormwater Management Element, Goal 1: The City of North Port shall provide a stormwater management system which protects real and personal properties, preserves natural resources, maintains recharge to the surficial aquifer, and maintains or improves the quality of surface water runoff.

Sec. 55-4. General

A. Accessory Uses and Structures. All accessory uses and structures shall be regulated by Sec. 53-239(A).

B. Architectural and Art Themes.
(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.

(a) Activity Center #1 - This activity center shall be regulated first by the Architectural Guidelines for the US 41 Corridor. Where the Architectural Guidelines for US 41 fail to address any standards pertaining to development along US 41, the regulations set forth in the Urban Design Standards Pattern Book and this Unified Land Development Code shall apply.

(b) Activity Center #2 - This activity center shall be regulated first by the Architectural guidelines in the Heron Creek Pattern Book. Where the architectural guidelines for Heron Creek fail to address any standards pertaining to development along US 41, the regulations set forth in the Urban Design Standards Pattern Book and this Unified Land Development Code shall apply.

(2) All new construction, renovation, or redevelopment shall incorporate the architectural style designated in the approved architectural guidelines for the development and the elevations shall be submitted along with the Major Site and Development Plan (MAS) or Development Master Plan (DMP) for review and approval by the City or required boards.

(3) It is the responsibility of the developer of parcels abutting lower intensity land uses or unlike land uses to provide a ten (10) foot wide landscape buffer and an eight (8) foot solid masonry wall or a landscaped berm with plantings to maintain an eight foot height along the perimeter of the Activity Center zone, to reduce adverse impacts.
(a) The masonry wall shall not be used as a substitute for the required buffer.

(b) If a wall is used, the wall shall meander every 40 feet and a canopy tree shall be planted at the 35’ required intervals in accordance with Chapter 45.

(c) Shrubs and sod shall be used as required by Chapter 21 in these regulations, and shall be a minimum of 36” at planting.

(4) All new construction, renovation, or redevelopment shall incorporate the public art theme designated in the Urban Design Standards Pattern Book, and shall be submitted with a Major Site Plan or a Development Master Plan for review by the City staff. All public art shall be approved by Commission.

(a) The City Commission shall approve the final placement and art piece prior to the issuance of the Development Order.
C. All new construction, renovations, or redevelopment within Activity Centers shall incorporate 50% of the building with Leadership in Energy and Environmental Design (LEED) or Florida Green Building standards and the site shall be Low Impact Development (LID) designed.

D. Outdoor dining is permitted in all Activity Centers and shall comply to all regulations that apply to the specific Activity Center where it is located.

Sec. 55-5. Authorization and development review.

A. All development architectural design and public art shall be submitted with the Major Site and Development plan or Development Master plan for review and approval by the City staff. The design shall adhere to the applicable design standards set forth in the Urban Design Standards Pattern Book (UDSPB) and this Unified Land Development Code.

(1) Public art shall be approved by the City Commission prior to the issuance of a Development Order.

(2) For any development within Activity Center #1, architectural design shall be submitted with the Major Site and Development plans or Development Master plan for review and approval by the Tamiami Trail Appearance Review Board prior to the issuance of a Development Order.

B. All development within Activity Centers shall make application for review in accordance with this Unified Land Development Code (ULDC) regulations.

Sec. 55-6. Bicycle Racks and Benches.
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 and may be located in any zoning district.

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 and shall be designed to store a minimum of six (6) bicycles each.

B. Benches shall not be less than six (6) feet in length and shall have vegetative shading. Water fountains shall be chilled water and meet ADA requirements.

<table>
<thead>
<tr>
<th>Gross Floor Area of Structure(s)</th>
<th>Required Bicycle or Pedestrian Amenity</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 -- 9,999</td>
<td>1 bike rack, one bench</td>
</tr>
<tr>
<td>10,000 -- 20,999</td>
<td>2 bike racks, one two benches</td>
</tr>
<tr>
<td>21,000+ 41,000+</td>
<td>4 three bike racks, two three benches</td>
</tr>
</tbody>
</table>

Sec. 55-7. Bus Shelters.

Bus shelters may be located in any zoning district. District setbacks are waived. Locations and setbacks shall be approved by the City's Public Works Director.
(1) Bus shelters shall be permitted only at locations where there is a plan by the City or Sarasota County Area Transit (SCAT) to establish an authorized SCAT bus stop.

(2) The location of these shelters shall be in accordance with the City’s Public Works Department regulations.

(3) Bus Shelters located within the City right-of-way or easement shall require an approved right-of-way use permit.

(4) Bus Shelters shall be in the design and similar placement shown below:

Sec. 55-8. Parking Requirements.

Parking regulations for all uses are found in Chapter 25 of this code and the Urban Design Standards Pattern Book.

Sec. 55-9. Public Art
A. Public art is required in all Activity Centers. Public Art shall be regulated and placed in accordance to the specifications in Chapter 59 of these regulations and shall adhere to the theme set forth in the Urban Design Standards Pattern Book. Public Art shall be approved by the City Commission.

B. Public art shall be provided as part of pedestrian amenities. It shall be the responsibility of the developer to submit plans for public art for approval by the City Commission.

C. Public Art shall be regulated by Chapter 59.

Sec. 55-10. Variances.

A. The owner of a property may seek a variance from any restrictions imposed upon that property pursuant to this chapter by filing a petition with the department in charge of land development services. The Department shall forward the petition along with all supporting documents to the Zoning Board of Appeals.

B. All variances shall be filed in accordance with Sec. 1-28(H) of this Unified Land Development Code.

C. The Zoning Board of Appeals shall hold a public hearing, after providing notice to the petitioner, and shall render a final determination on the variance petition. The Zoning Board of Appeals may grant such relief as it deems to be appropriate, including, but not limited to, funding or otherwise providing for all or part of any required survey or mitigation.

Sec. 55-11. Interpretation.
Interpretations of this chapter shall be made by the department responsible for land development services.

Sec. 55-12. Conflicts.

Whenever the requirements of these regulations differ from those imposed by the City, Federal or State regulations, law or statute, the most restrictive or imposing the higher standards shall apply.

Sec. 55-13. Appeals.

A. Any person aggrieved by the decision of the City staff may appeal to the Planning and Zoning Advisory Board. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the decision renders the property unbuildable without reasonable use. The granting of any appeal shall not be in conflict with State Statutes. The Planning and Zoning Advisory Board decision may be appealed to City Commission. The City Commission’s decision, based upon the evidence submitted to the Planning and Zoning Advisory Board, may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

B. Any person aggrieved by the interpretation of the department responsible for land development services may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the decision renders the property unbuildable without reasonable use. The granting of any appeal shall not be in conflict with State Statutes. The Zoning Board of Appeals’ decision, may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.
C. Applications for an appeal shall be filed pursuant to Sec. 1-9.

ARTICLE I. ACTIVITY CENTER #1.


It is the intent of this section to ensure all development within Activity Center #1 adheres to the “Architectural Guidelines” for the US 41 corridor and the Urban Design Standards Pattern Book (UDSPB), 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 2.1.1: This Activity Center shall be established to provide for retail, office, commercial and limited light industrial uses. This long established commercial area provides services to the surrounding neighborhoods and to people using US-41.

Sec. 55-15. Permitted principal uses and structures.

A. Percentage of allowable land uses are as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medium Density Residential</td>
<td>2%</td>
</tr>
<tr>
<td>High Density Residential</td>
<td>2%</td>
</tr>
<tr>
<td>Professional Office</td>
<td>18%</td>
</tr>
<tr>
<td>Commercial</td>
<td>58%</td>
</tr>
<tr>
<td>Industrial</td>
<td>9%</td>
</tr>
<tr>
<td>Public Recreational/Open Space</td>
<td>11%</td>
</tr>
</tbody>
</table>

B. Permitted principal uses and structures shall be as follows:
(1) Retail sales and services, provided that all merchandise shall be stored and displayed within fully enclosed buildings, except for those uses approved by conditional use special exception, which customarily display their merchandise outdoors, including but not limited to garden centers, hardware stores, etc.

(2) Banks and other financial institutions.

(3) Restaurants.

(4) Automotive service stations (including "quick lube" establishments), repair and service garages.

(5) Private clubs and lodges, provided that minimum parcel size shall not be less than two acres, except that private clubs and lodges may be permitted on less than two acres, provided that the private club or lodge occupies a unit within a shopping center on a lease basis.

(6) Post offices.

(7) Libraries.

(8) Automotive parts, provided that no installation is performed on the premises and all parts are stored within a completely enclosed building.

(9) Sports and resort marinas.

(10) Automotive car wash.
(11) Houses 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 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 § 53-225 of these regulations.

(12) Animal hospitals with boarding of animals in completely enclosed
buildings.

(13) Laundromats and dry-cleaning facilities.

(14) Garden shops, including the sale of plants, fertilizers; however, large
and customary garden supplies, equipment and furniture shall be stored and
sold within a completely enclosed building.

(15) Indoor commercial recreational facilities, such as motion-picture
theaters, swimming pools, bowling alleys, billiard parlors, family game
arcades and similar uses.

(16) Vocational, trade, business schools, colleges and universities,
provided that all activities are conducted in completely enclosed buildings.

(17) Package stores for the sale of alcoholic beverages.

(18) Automobile rental agencies; however, vehicles shall be located to the
rear of the building.

(19) Funeral homes.
(20) Bars, cocktail lounges, nightclubs and taverns for on-premise consumption of alcoholic beverages.

(a) No place of business shall be established for the sale of alcoholic beverages within the corporate limits of this municipality that is within 800 feet of an established church, daycare or school.

(b) Such distance shall be measured by taking the shortest route of ordinary pedestrian travel along public thoroughfare from the main entrance of the vendor's place of business to the main entrance of the nearest church and, in the case of a school, to the nearest point of the school property.

(21) Essential and emergency services.

(22) Exercise gymnasiums.

(23) Motor bus terminals.

(24) Adult congregate living facilities.

(25) Limited Service Hotels.

(26) Personal services.

(27) Business services.

(28) Professional services.
(29) Auditorium and convention centers.

(30) Convenience stores.

(31) Child Care.

(32) Wholesale Clubs.

(33) Medium and High Density Residential.

C. Structures listed under Recreation/Open Space are permitted in AC #1 (see Sec. 53-194).

Sec. 55-16. 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) Manufacturing or industrial establishments.

(2) Wholesale.

(3) Warehouse and storage.
(4) Junkyard or automobile wrecking yard.

(5) Mini-storage facilities.

(6) Billboards (Class B signs).

(7) Heavy machinery and equipment sales and service.

(8) Equipment rental.

(9) Adult Game Arcade.

(10) Truck Stop

(11) Fireworks sales or manufacturing.

(12) Incinerators.

B. All communication towers, including but not limited to television and radio transmitter towers, are prohibited. [Amended 3-30-1998 by Ord. No. 98-8]

Sec. 55-17. Special Exceptions.

(1) Lumber and building supply establishments provided all materials are in a fully enclosed structure.

(2) Plant nurseries. (Conditional use special exception within Activity Center No. 1.) [Amended 3-30-1998 by Ord. No. 98-8]
(3) Public recycling depositories. (Conditional use special exception within Activity Center No. 1.) [Amended 3-30-1998 by Ord. No. 98-8]

(4) Commercial tourist attractions including dog or horse tracks, jai alai arenas, carnivals or circuses, archery ranges, miniature golf courses, driving ranges and skating rinks or similar type uses.

(5) Heliport or helistop.

(6) Rehabilitative clinic.

(7) Outdoor markets.

(8) Gas Station.

(9) Automobile and boat dealerships provided all storage is within a fully enclosed building.

(10) Heavy machinery and equipment sales and services, provided all storage is in a fully enclosed building.

(11) Equipment rental, provided all storage is in a fully enclosed building.

Sec. 55-18. Permitted Signs.

See Chapter 29 and the Urban Design Standards Pattern Book.
ARTICLE II. ACTIVITY CENTER #2.

Sec. 55-19. Intent.

It is the intent of this section to ensure all development within Activity Center #2 adheres to the "Heron Creek Pattern Book" and the "Urban Design Standards Pattern Book" 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 2.2.1: This Activity Center shall be established to provide for governmental, low, medium and high residential densities, offices, commercial and medical facilities. Buildings shall be encouraged to abut or be placed very near sidewalks within this area.

A. Within Activity Center No. 2, the Pattern Book as adopted by Ordinance 02-18 is incorporated herein and where it conflicts with these requirements, the Pattern Book shall prevail. For all development in the sub-areas of Activity Center No. 2, excluding the City's master-planned project in the southeast quadrant of the Snover Waterway and Sumter Boulevard known as City Center, the Development Concept Plan (DCP) guidelines contained within the Pattern Book for Development of Heron Creek Towne Center (the "Pattern Book") (HCPB), as adopted by Resolution No. 02-R-15, are incorporated herein, to be applied without further plan approval by Planning and Zoning Advisory Board (PZAB) or the City Commission; and where conflicts occur between the "Pattern Book" HCPB, and the intent or any requirement of the PCD Zoning District, the more exacting standards of the "Pattern Book" shall prevail. [Amended 5-28-2002 by Ord. No. 2002-18; Amended 11-24-2003 by Ord. No. 2002-56; Amended 11-13-07 by Ord. No. 2007-44].
Sec. 55-20. Permitted principal uses and structures.

Permitted uses for Activity Center #2 and restrictions on the location of these uses, are found in the Heron Creek Pattern Book.

A. Percentage of allowable land uses are as follows:

- Low Density Residential 10%
- Medium Density Residential 16%
- High Density Residential 27%
- Professional Office 13%
- Commercial 22%
- Industrial 1%
- Public Recreational Open Space 11%

B. Governmental Use. (See Sec. 53-64).

(1) Designated space for civic use containing community buildings open to the public, including meeting halls, libraries, police stations, fire stations, post offices, playgrounds, playing fields, utility offices and governmental buildings.

C. Office, Professional Institutional Use (See Heron Creek Pattern Book and Sec. 53-90).

(1) Designated space for professional and business offices, institutional uses, and very limited industrial uses.

(2) Nursing homes.
(3) Adult congregate living facilities.

D. Commercial General Use, Type 1, Type 2 and Type 3 (See Heron Creek Pattern Book and Sec. 53-38).

(1) Designated space for the customary and traditional conduct of trade, retail sales and commerce by small and medium size businesses in a moderately dense environment, which facilitates pedestrian use.

(2) High Tech, non-obtrusive, and industrial uses.

E. Residential (See Heron Creek Pattern Book and Sec. 53-121).

Designated space for medium to high density residential units, day care or assisted living facilities.

F. Recreation/Open Space (see Sec. 53-194).

Sec. 55-21. Permitted accessory uses and structures.

Residential and Commercial uses, subject to Heron Creek Towne Center Pattern Book restrictions regarding their size and location within Office, Professional and Institutional buildings, shall be considered permitted accessory uses.

Sec. 55-22. Prohibited uses and structures.

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, gaming establishments, adult bookstores and any other establishments whose primary purpose is to sell sexually explicit material or exhibition of sexually explicit activities.

A. Within all Commercial General Uses, the following are prohibited:

(1) Retail mini storage facilities.
(2) Truck stop.
(3) Air-driven devices, including but not limited to ballons, wind signs or banners.
(4) Fireworks sales or manufacturing.
(5) Incinerators.
(6) Manufacturing.
(7) Adult gaming.
(8) Public recycling depositories.

B. Within the Commercial General Use, Type 1 the following are prohibited:

(1) Automotive service stations
(2) Automotive parts
(3) Automotive car washes

(4) Automobile rental agencies

(5) Motor bus terminals

C. Within the residential areas the following are prohibited:

(1) Mobile homes

(2) Private clubs

(3) Private Clubs, lodges and fraternal organizations

(4) Fireworks sales or manufacturing.

(5) Incinerators.

Sec. 55-23. Special Exceptions. See Chapter 53, Article XXII and the Heron Creek Pattern Book.

All special exceptions shall enhance the intent of this activity center.

Sec. 55-24. Permitted Signs.

See Chapter 29 and the Urban Design Standards Pattern Book.

ARTICLE III. ACTIVITY CENTER #3.
Sec. 55-25. Intent.

It is the intent of this section to ensure all development within Activity Center #3 adheres to the Urban Design Standards Pattern Book (UDSPB) 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 2.3.1: This Activity Center shall be established to provide for lower intensity highway uses such as motels, and restaurants or other highway uses primarily serving interstate commuters, and for economic development; and Policy 2.3.3: Tracts A and D in this Activity Center should be designated as a receiving zone for transfer of development rights.

Sec. 55-26. Permitted principal uses and structures.

A. Percentage of allowable land uses are as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional Office</td>
<td>23%</td>
</tr>
<tr>
<td>Commercial</td>
<td>75%</td>
</tr>
<tr>
<td>Industrial</td>
<td>2%</td>
</tr>
</tbody>
</table>

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

1. Full Limited Service Motel.

2. Full Limited Service Hotels.

3. Restaurant.
(4) Medical.

(5) Research and process laboratories.

Sec. 55-27. Prohibited uses and structures.

A. Any use or structure not expressly permitted herein or permitted by special exception shall be unlawful in this activity center, including specifically adult entertainment and exhibition establishments, adult bookstores, any other establishments whose primary purpose is to sell sexually explicit material or the exhibition of sexually explicit activities. The following prohibited uses are listed for emphasis:

(1) Mini storage and warehouse facilities.

(2) Truck stops.

(3) Air-driven devices, including but not limited to balloons.

(4) Gaming establishments.

(5) Fireworks sales or manufacturing.

(6) Incinerators.

(7) Manufacturing.

Sec. 55-28. Special Exceptions.
A. See Chapter 53, Article XXII.

B. All special exceptions shall enhance the intent of the Activity Center.

Sec. 55-29. Permitted Signs.

See Chapter 29 and the Urban Design Standards Pattern Book.

ARTICLE IV. ACTIVITY CENTER #4.

Sec. 55-30. Intent.

It is the intent of this section to ensure all development within Activity Center #4 adheres to the Urban Design Standards Pattern Book (UDSPB) 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 2.4.1: This Activity Center shall be established to provide a large concentrated area of a mixture of residential, commercial, office, medical, industrial, recreational and cultural facilities at a scale which serves the entire city, and the regional market due to its proximity to I-75.

Sec. 55-31. Permitted principal uses and structures.

A. Percentage of allowable land uses are as follows:

Low Density Residential 27%
Medium Density Residential 5%
High Density Residential 4%
Professional Office 13%
Commercial 20%
Industrial 29%
Public Recreational Open Space 1%

B. Permitted uses are as follows:

(1) Commercial General (see Sec. 53-38).

(2) Light Industrial and Warehousing (see Sec. 53-77).

(3) Office, Professional, Institutional (see Sec. 53-90).

(4) Residential Single-Family (see Sec. 53-121).

(5) Residential Two-Family (see Sec. 53-134).

(6) Residential Multifamily (see Sec. 53-147).

(7) Recreation/Open Space (see Sec. 53-194).

Sec. 55-32. Prohibited uses and structures.

A. Prohibited uses are as follows:

(1) Commercial General (see Sec. 53-39).
(2) Light Industrial and Warehousing (see Sec. 53-78).

(3) Office, Professional, Institutional (see Sec. 53-91).

(4) Residential Single-Family (see Sec. 53-122).

(5) Residential Two-Family (see Sec. 53-135).

(6) Residential Multifamily (see Sec. 53-148).

(7) Recreation/Open Space (see Sec. 53-195).

Sec. 55-33. Special Exceptions.

A. See Chapter 53, Article XXII.

B. All special exceptions shall enhance the intent of the Activity Center.

Sec. 55-34. Permitted Signs.

See Chapter 29 and the Urban Design Standards Pattern Book.

ARTICLE I. ACTIVITY CENTER #5

Sec. 55-35. Intent.

It is the intent of this section to ensure all development within Activity Center #5 adheres to the Urban Design Standards Pattern Book (UDSPB) and ULDC
Sec. 53-88 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 2.5.1: This Activity Center shall be established to provide for commercial, residential densities, motels and industrial uses.

A. The following regulations and standards shall apply to the land area within Activity Center No. 5. [Amended 11-13-07 by Ord. No. 2007-44].

(1) Definitions.

(a) “Activity Center 5” or “AC-5” shall mean the Activity Center described in Planning Framework 3e and in Future Land Use Element Policies 2.5.1 to 2.5.5 of the City of North Port Comprehensive Plan, and as shown on the Future Land Use Map at the intersection of Price Boulevard and Toledo Blade Boulevard as specified in Ordinance No. 07-44.

(b) “Quadrant” shall mean one of the four portions of AC-5 as divided by Price Boulevard and Toledo Blade Boulevard, known as the Northwest Quadrant, the Southwest Quadrant, the Southeast Quadrant and the Northeast Quadrant.

(c) “Coordinated Internal Multimodal Transportation network” shall mean a system composed of more than one mode of transportation that may provide for the automobile, mass transit, bicycles and pedestrians and may include roads, sidewalks, bicycle paths, bus shelters, fitness trails, golf cart paths and other intermodal facilities in order to provide mobility and link development within Activity Center #5 as well as
provide connections to adjacent residential neighborhoods if feasible as specified in (3)(d).

(2) Property Owners Associations. A property owners association or associations consisting of owners of land within AC-5 shall be formed for the purpose of providing and maintaining stormwater retention, ponds, lakes, drainage and landscaping within the applicable quadrant of AC-5.

(a) The landowners within each quadrant will establish their own property owners association and all landowners new development within the quadrant are required to be members of the property owners association.

(b) The City may consider, at its sole option, entering into an agreement with the applicable property owners association to address dedication and maintenance responsibility for lighting, sidewalks, irrigation, roadways, utilities and other improvements within the rights of way of Citizens parkway.

(c) In no event shall the City be obligated to accept maintenance responsibility of Citizens Parkway. Improvements outside of the public right-of-way are the responsibility of the applicable property owners association.

(3) Transportation Infrastructure. AC-5 shall be served by a developer-built, coordinated internal multi-modal transportation network. Actual improvements within the transportation network shall be determined at DCP approval or a development agreement. The network shall include facilities determined consistent with the definition of a coordinated internal multi-modal transportation network, but must include the following:
(a) A loop road linking the quadrants of AC-5 as provided by Future Land Use Element Policy 2.5.4, to be known as Citizens Parkway, but the final alignment may be subject to further refinement.

(b) Citizens Parkway shall be constructed by the developers of each quadrant.

(i) The landowners and/or developers shall coordinate with Florida Power and Light ("FP&L") to install streetlights, consistent with the design guidelines required by subsection (6), within the right-of-way of Citizens Parkway.

(ii) The landowners and/or developers shall install required landscaping within or abutting the right-of-way of Citizens Parkway, consistent with the design guidelines required by subsection (6), and one or more Property Owners Associations shall be responsible for maintaining the landscaping. The Property Owners Association shall enter into an agreement(s) with the City to address these requirements.

(c) Cross-connections and shared driveways shall be provided between adjacent parcels in order to reduce unnecessary trips and to provide a common point of access to the Citizens parkway, Price Boulevard or Toledo Blade Boulevard. The landowners and/or developers may eliminate individual cross-connections or shared driveways if the landowners and/or developers can demonstrate that these connections are not feasible, as part of the DCP approval.
(i) Roadways shall be designed to provide a consistent visual appearance and theme, in terms of pavement markings, traffic signage/signalization, sidewalk/bike paths, lighting, landscaping, streetscaping and similar elements.

(ii) If a sidewalk system within each quadrant with links to sidewalks on Price and Toledo Blade Boulevards as they are developed by the City.

(ii) Sidewalks are to provide unbroken pedestrian passage through the entire quadrant at appropriate areas.

(d) **External Direct** transportation linkages to surrounding residential neighborhoods shall be provided. The landowners and/or developers may eliminate individual external direct connections to surrounding residential neighborhoods if the landowners and/or developers can demonstrate that these connections are not feasible, as part of the DCP approval. Determining the feasibility of an external direct connection must be based upon:

(i) The ability to build the connection including environmental features, site constraints and compatibility at the locations determined by City staff or;

(ii) Community concerns as determined by the City Commission.

(4) Potable Water, Sanitary Sewer and Reclaimed Water Infrastructure.

The City is willing to provide each quadrant, or combination of quadrants, with centralized potable water, sanitary sewer and reclaimed water, provided
the landowners and/or developers shall, through one or more property owners associations, enter into a Utility Developer’s Agreement with the City. This agreement will address the availability of capacity and provision for utility services for a quadrant or combination of quadrants and will include requirements that the infrastructure be permitted, constructed and dedicated to the City by the property owners association in accordance with the City’s Utility Standards, DRC review and local, state and federal regulations in advance of the Utility Developer Agreement Capacity Allocation Schedule.

(5) Stormwater and Drainage Infrastructure.

Each quadrant shall be served by a common stormwater and drainage system designed to accommodate the stormwater runoff for that quadrant, consistent with the permitting requirements of the Southwest Florida Water Management District or the City’s Stormwater regulations, whichever is more stringent. The landowners and/or developers shall construct the stormwater and drainage system in each quadrant, and one or more property owners associations shall be responsible for maintaining the system in each quadrant.

(6) Architectural and Landscaping.

AC-5 shall be planned and designed to provide a consistent, coherent architectural and landscaping theme. This requirement shall apply to landscaping, lighting, pavement treatments, signage and architectural/building design. In order to ensure a consistent and coherent theme within each quadrant, the applicable property owners association shall enter into an agreement with the City to establish a Pattern Book that addresses the general design for the quadrant or quadrant(s) including the architectural/building design, design of streets, street furniture, lighting, landscaping, design, interconnectivity between parcels and buildings and signage. Until such time as the Pattern Book is approved, the architectural
and site design standards incorporated into the approvals of Publix Shopping Center (DCP-05-125) and Largo Residential Development (DCP-06-28) shall apply to any development proposal within Activity Center #5. The Publix Shopping Center will provide the non-residential architectural and site design standards and the Largo Residential Development will provide the residential architectural and site design standards. Projects that have received MAS or Final Subdivision Plan approval prior to the effective date of Ordinance 07-44 are exempt from these architectural and site design standards.

Sec. 55-36. Permitted principal uses and structures.

A. Percentage of allowable land uses are as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medium Density Residential</td>
<td>9%</td>
</tr>
<tr>
<td>High Density Residential</td>
<td>9%</td>
</tr>
<tr>
<td>Professional Office</td>
<td>13%</td>
</tr>
<tr>
<td>Commercial</td>
<td>39%</td>
</tr>
<tr>
<td>Industrial</td>
<td>26%</td>
</tr>
<tr>
<td>Public Recreational Open Space</td>
<td>4%</td>
</tr>
</tbody>
</table>

B. Permitted uses are as follows:

1. Commercial General (see Sec. 53-38).
2. Light Industrial and Warehousing (see Sec. 53-77).
3. Office, Professional, Institutional (see Sec. 53-90).
4. Residential Single-Family (see Sec. 53-121).
Sec. 55-37. Prohibited uses and structures.

A. Prohibited uses are as follows:

1. Mini-storage facilities.
2. Truck stops.
3. Commercial General (see Sec. 53-39).
4. Light Industrial and Warehousing (see Sec. 53-78).
5. Office, Professional, Institutional (see Sec. 53-91).
6. Residential Single-Family (see Sec. 53-122).
7. Residential Two-Family (see Sec. 53-135).
8. Residential Multifamily (see Sec. 53-148).
9. Recreation/Open Space (see Sec. 53-195).
Sec. 55-38. Special exceptions. See Chapter 53, Article XXII.

All special exceptions shall enhance the intent of this activity center.

Sec. 55-39. Permitted Signs.

See Chapter 29 and the Urban Design Standards Pattern Book.

ARTICLE VI. ACTIVITY CENTER #6

Sec. 55-40. Intent.

It is the intent of this section to ensure all development within Activity Center #6 adheres to the Urban Design Standards Pattern Book (UDSPB) 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 2.6.1: This Activity Center shall be established to provide for commercial, industrial and residential uses.

Sec. 55-41. Permitted principal uses and structures.

Permitted uses are regulated by the Future Land Use Element of the City’s Comprehensive Plan, Activity Center #6.

Sec. 55-42. Prohibited uses and structures.
Prohibited uses and structures are regulated by the Future Land Use Element of
the City’s Comprehensive Plan, Activity Center #6.

Sec. 55-43. Special exceptions. See Chapter 53, Article XXII.

All special exceptions shall enhance the intent of this activity center.

Sec. 55-44. Permitted Signs.

See Chapter 29 and Urban Design Standards Pattern Book.

ARTICLE VII. ACTIVITY CENTER #7/PCD [Added 4-14-2003 by Ord. No. 2003-08]

Sec. 55-45. Relationship with the Comprehensive Plan.

The Activity Center # 7 implements the Comprehensive Plan Future Land Use Goal
2, Objective 2, and policies 2.7.1 -- 2.7.9; Intergovernmental Coordination
Objective 1 to coordinate with other jurisdictions to manage growth.

Sec. 55-46. Intent.

The Activity Center # 7 District is established for the purpose of
identification, protection, preservation and the beneficial use of property
strategically located around the environmental resource of the natural spring.
It is intended that this District shall not be a holding category for land, but
rather, a terminal category to insure that the present and future residents of
the City of North Port shall be able to enjoy and have access to the area.

The provisions of this District are intended to provide standards for the
development of the Warm Mineral Springs and surrounding properties to accommodate health and educational facilities, offices, professional, institutional, residential and commercial land uses. These standards are intended to promote creative and unique designs including, but not limited to, neo-traditional, traffic circles, a consistent architectural theme, preservation of existing architecturally significant structures and natural resources.

The intent of this section is to ensure all development within Activity Center #7 adheres to the Urban Design Standards Pattern Book 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 2.7.1: This Activity Center shall be established to provide for the protection of Warm Mineral Springs while permitting a limited mixture of residential, office, professional, institutional and commercial uses intended to complement the existing uses of the Springs and create an internationally recognized wellness center.

Sec. 55-47. Development Standards.

All development shall be required to submit a Development Concept Master Plan and an environmental impact assessment in addition to the other PCD application requirements. The following development standards shall apply:

A. Residential uses shall not exceed 270 equivalent residential units.

B. Retail/Commercial/tourist uses shall not exceed 62,000 gross square feet, excluding required parking areas.
C. Institutional/conference center uses shall not exceed 45,000 gross square feet, excluding required parking areas.

D. No residential lot shall be located closer than 400 feet from the conservation buffer immediately surrounding the springs and creek flowing from the springs.

E. A minimum 300-foot natural resource buffer shall be established between the springs and any residential lot or structure. Uses within said buffer shall be restricted to passive recreation.

In addition to the requirements of Article VIII, PCD Planned Community Development District, specific requirements are also found in the Urban Design Standards Pattern Book.


A. All development shall be reviewed pursuant to the requirements of Article VIII, PCD Planned community Development District, and the Urban Design Standards Pattern Book.

Sec. 55-49. Historical.

A. Provisions of Chapter 58 shall apply.

Sec. 55-50. Permitted principal uses and structures.

A. Percentage of allowable land uses are as follows:
Low Density Residential 52%

Professional Office -% *

Commercial 12%

Public Recreational Open Space 36%

* The land use categories commercial and professional office are combined.

B. Permitted principal uses are as follows:

(1) Archaeological.

(2) City of North Port Governmental Uses.

(3) Recreational uses, including but not limited to swimming, diving.

(4) Residential Single-Family (see Sec. 53-121).

(5) Professional/Office uses intended to compliment the existing uses of the Springs. (see Sec. 53-90).

(6) Commercial uses intended to compliment the existing uses of the Springs. (See Sec. 53-38)

(7) Institutional and religious uses intended to compliment the existing uses of the Springs.

(8) Uses and structures existing at the time of annexation of the property.

(9) Uses within the 300 ft. buffer around the Springs and creek.
(a) Maintenance, repair or replacement of existing facilities;

(b) Construction of temporary structures;

(c) Construction and maintenance of amenities which allow access to the springs by disabled, elderly or infirmed persons; and

(d) Construction and maintenance of facilities and equipment to continue the historic use of the springs for medical, therapeutic, rehabilitative services and archaeological activities;

(e) Passive recreation such as bike riding, hiking, walking, swimming, bird watching, picnicking and certain lawn sports such as horseshoes, volleyball and bocce ball.

Sec. 55-52. Prohibited uses and structures.

A. Prohibited uses are as follows:

(1) Billboards
(2) Adult Entertainment facilities

(3) Communication towers

(4) Industrial land uses

(5) Motorized boats and similar recreational vehicles used on the springs.

(6) Other similar uses as determined by the director of the Planning Department in charge of land development services.

(7) Fireworks sales or manufacturing.

(8) Incinerators.

Sec. 55-53. Special exceptions.

There are no special exceptions permitted for Activity Center #7.

Sec. 55-54. Permitted Signs.

See Chapter 29 and the Urban Design Standards Pattern Book.

ARTICLE I. ACTIVITY CENTER #8

Sec. 55-55. Intent.
The intent of this section is to ensure all development within Activity Center 
#8 adheres to the Urban Design Standards Pattern Book 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 
2.8.1: This Activity Center shall be established to provide for a large area of 
mixed use development with commercial, office/institutional, and residential 
uses in a planned community development framework.”

Sec. 55-56. Permitted principal uses and structures.

A. Percentage of allowable land uses are as follows:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Density Residential</td>
<td>20%</td>
</tr>
<tr>
<td>Professional Office</td>
<td>24%*</td>
</tr>
<tr>
<td>Commercial</td>
<td>20%*</td>
</tr>
<tr>
<td>Public Recreational Open Space</td>
<td>36%</td>
</tr>
</tbody>
</table>

* Note: Professional Office and Commercial FAR is .55.

B. Permitted principal uses are as follows:

1. Professional offices.
2. Business offices.
3. Rest homes, nursing homes, convalescent homes, homes for the aged, homes for orphans and adult congregate living facilities.
4. Medical and dental clinics and laboratories.
(5) Art galleries, libraries, museums, community centers, publicly or privately owned and operated recreation facilities, and theaters for live stage productions.

(6) Research laboratories not involving odor, noise, smoke or other obnoxious effects detectable to normal senses from off the premises, not involving manufacturing activities.

(7) House of Worship

(8) Public Parks, playgrounds and buildings

(9) Dance, art, music and photographic studios.

(10) Funeral homes

(11) Animal hospitals with boarding of animals in completely enclosed buildings.

(12) Child and adult care facilities and group home facilities.

(13) Emergency services.

(14) Public schools, private schools, public libraries, vocational, technical and trade schools.

(15) Banks and financial institutions.
(16) Multiple-family dwellings and townhomes.

(17) Cluster houses.

(18) Community residential homes.

(19) Nonprofit parks and playgrounds.

(20) Recreational or community structures maintained by any non-profit private association or persons resident in the district.

(21) Family day-care homes.

(22) Open space devoted to the conservation and maintenance of natural waterways, vegetation, environmental corridors and wildlife.

(23) City of North Port Governmental uses.

(24) Passive recreation uses including hiking and/or bicycle trails.

(25) Fishing lakes/ponds.

(26) Nature study areas and boardwalks.

Sec. 55-57. Prohibited uses and structures.

A. Any use or structure not expressly or by reasonable implication permitted herein 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.

(1) Manufacturing or Industrial establishments.

(2) Wholesale establishments.

(3) Wholesale club.

(4) Warehouse and storage.

(5) Junkyard or automobile wrecking yard.

(6) Cemetery.

(7) Non-clustered Single-family residence.

(8) Model home.

(9) Bail Bondsman.

(10) Check cashing and Quick loan establishments.

(11) Pawn shops.

(12) Tattoo and Body Art establishments.

(13) Fireworks sales or manufacturing.
(14) Incinerators.

Sec. 55-58. Special exceptions. See Chapter 53, Article XXII.

All special exceptions shall enhance the intent of this activity center.

Sec. 55-59. Permitted Signs.

See Chapter 29 and Urban Design Standards Pattern Book.

Chapter 56 RESERVED
Chapter 57  MYAKKA RIVER PROTECTION ZONE REGULATIONS

[HISTORY: Adopted by the City Commission of the city of North Port 10-14-2008 by Ord. No. 2008-36]

Sec. 57-1. Title.

Sec. 57-2. Findings.

Sec. 57-3. Purpose.

Sec. 57-4. Definitions.

Sec. 57-5. Applicability and Interpretation.

Sec. 57-6. Review Authority and Process.

Sec. 57-7. Myakka River Protection Zone.

Sec. 57-8. Regulated Activities within the Myakka river Protection Zone.

Sec. 57-9. Standards for Development.

Sec. 57-10. Prohibited Uses.

Sec. 57-11. Variances.

Sec. 57-12. Compliance and Enforcement.

Sec. 57-13. Fees.

Sec. 57-14. Conflicts.

Sec. 57-15. Appeals.

Sec. 57-16. Appeals of Interpretation.

Sec. 57-17. Severability.

Sec. 57-1. Title.
This chapter shall be known and may be cited as the "Myakka River Protection Zone Regulations" of the City of North Port, Florida."

Sec. 57-2. Findings.

The City Commissioners of the City of North Port, Florida, hereinafter referred to as the "Commission," makes the following findings:

A. In 1985, the Legislature of the State of Florida and the Governor enacted the Myakka River Wild and Scenic Designation and Preservation Act (the "Act") Chapter 258, Part III, Florida Statutes.

B. The Act designates a corridor between River Mile 7.5 and River Mile 41.5 of the Myakka River as a Florida Wild and Scenic River. This portion of the Myakka River is more commonly referred to as that stretch between State Road 780 in Sarasota County as it flows southward to the Sarasota-Charlotte County line. The Act describes the "Wild and Scenic Protection Zone" as the area which extends 220 feet landward from the Myakka River Area.

C. The Act provides for the permanent preservation of the Myakka River through a plan for permanent administration by State and local agencies.

D. The Act requires the State of Florida, Department of Environmental Protection (the "Department") and a Coordinating Council created by the Department, to jointly develop a management plan for the Myakka River.

E. In May 1990, the Governor and Cabinet approved the Myakka Wild and Scenic River Management Plan in accordance with the Act.

G. The Act directed the Department of Environmental Protection, the Department of Community Affairs, and the City of North Port to create a State-local agreement specifying guidelines and performance standards for activities within the Myakka River Protection Zone.

H. On November 13, 2007, the Commission adopted a State-local agreement (the "Agreement") establishing interagency coordination for administrating rules and regulations pertaining to the Myakka River Wild and Scenic Protection Zone in accordance with the Act. Local adoption of the Act requires adoption or amendment of any necessary ordinances, land development regulations, and Comprehensive Plan goals, objectives and policies within one year after adoption of the Agreement.

I. It is necessary to enact this Chapter to assist in the implementation of the City of North Port Comprehensive Plan. The City of North Port Comprehensive Plan contains a number of goals, objectives and policies for protecting the Myakka River consistent with the requirements of the Act; thus, the Comprehensive Plan shall not require any additional amendments thereto.

J. The Commission held public hearings on the regulations described herein in accordance with the requirements of City of North Port Unified Land Development Code, and has considered the information received at the public hearings.

K. The Commission has reviewed the ordinance codified in this Chapter and has
found that the ordinance is consistent with the City of North Port Comprehensive Plan, as amended.

Sec. 57-3. Purpose.

The Commission finds and determines that these provisions will serve the following goals:

A. Maintain the outstanding remarkable ecological, fish and wildlife, and recreational values that are unique in the State of Florida;

B. Permanently preserve and enhance the Myakka River and its Resource Values for the citizens of the State of Florida, both present and future;

C. Promote the beneficial and appropriate Development of all land contained within the Myakka River Protection Zone, ("MRPZ") and the most consistent use of land in accordance with the City of North Port Comprehensive Plan;

D. Protect the character and the established pattern of compatible Development in the Myakka River Protection Zone;

E. Minimize potential adverse physical and visual impacts on Resource Values in the Myakka River Area;

F. Minimize adverse impacts on private landowners’ use of land for residential purposes;
G. Prevent or minimize land use incompatibilities and conflicts among different land uses;

H. Maintain property values by stabilizing expectations and ensuring predictability in Development; and

I. Establish a process that effectively and fairly applies the regulations and standards of these regulations and respects the rights of property owners and the interests of citizens of the City.

Sec. 57-4. Definitions.

General definitions may be found in Chapter 61, Definitions, of the Unified Land Development Code.

MYAKKA RIVER AREA - Consists of the corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, together with a corridor of land including the maximum upland extent of wetlands vegetation as determined by the Department of Environmental Protection pursuant to Chapter 373, Florida Statutes and Florida Administrative Code Chapter 62-340.

MYAKKA RIVER PROTECTION ZONE (MRPZ) - Consists of an upland buffer that extends 220 feet on each side of the Myakka River measured from the landward edge of the Myakka River Area.

MYAKKA RIVER AREA BUFFER - Consists of the area adjacent to a wetland or other habitat that protects the habitat from the adverse impacts of development. This
buffer extends 50 feet landward of the River Area and falls within the 220 feet Myakka River Protection Zone.

MRPZ FIRE PROTECTION CLEAR ZONE– That zone which is 35 feet deep along the waterward facing exterior wall of the Primary Structure, and a minimum of 35 feet deep from the remaining exterior walls of the Primary Structure.

MYAKKA RIVER WILD AND SCENIC RIVER RESOURCE VALUE– Refers to any one or more of the specific scenic, recreational, geologic, fish and wildlife, historic, cultural, or ecological features associated with the Myakka River Area, as set forth in the Myakka Wild and Scenic River Management Plan.

Sec. 57-4. Applicability and Interpretation.

A. Applicability.

(1) The provisions of this Chapter, as adopted by the Commission shall be applicable and enforceable within the Myakka River Protection Zone, throughout the City of North Port, in Sarasota County, Florida. The provisions of this Chapter are not applicable to upland cut man-made canals or tributaries.

(2) The Commission may provide for the enforcement of this Chapter within this municipality through an interlocal agreement.

(3) This Chapter shall apply to all applicants and to all properties located within the Myakka River Protection Zone, as adopted by the Commission.
(4) Earthmoving authorized under a valid permit, Agricultural exemption, written non-Agricultural exemption, issued by the City prior to the effective date of this Chapter, or the continuation of uninterrupted bona fide Agricultural earthmoving operations and maintenance in existence prior to the effective date of this Chapter may continue to completion of the earthmoving project, until expiration of said authorization, or until cessation of the Agricultural operation, provided no expansion or intensification of such authorized Earthmoving occurs.

B. Interpretation. The provisions of these regulations shall be interpreted in the following manner:

(1) In the interpretation of these regulations, all provisions shall be considered minimal requirements and construed liberally to effectuate the purposes of these regulations.

(2) These regulations are not intended to repeal, abrogate, or impair any existing statutes, laws, ordinances, easements, covenants, or deed restrictions which impose more stringent restrictions on the Development proposal.

(3) Where these regulations conflict with or overlap another ordinance or statute, whichever imposes the more stringent restrictions on construction and excavation shall apply.

(4) Each separate provision of these regulations is deemed independent of all other provisions herein so that if any provision or provisions of these regulations is declared invalid or unconstitutional by any court of competent jurisdiction, all other provisions shall remain valid and
C. Listed Species. In cases where impacts to Listed Species may occur, Applicants shall be required to consult with the appropriate Federal and State wildlife agencies, to use recognized sampling techniques as defined by accepted methodology of the agency to identify Listed Species, and to provide documentation of such coordination and compliance prior to City approval to conduct any activities that could disturb Listed Species or their habitat.

Sec. 57-5. Review Authority and Process.

A. The City Manager or designee shall review and provide a written determination as to whether any project or application for Development or activity proposed within the Myakka River Protection Zone is consistent with the provisions of this Chapter.

B. The City Manager or designee shall impose conditions for any Development Permit or activity within the Myakka River Protection Zone in order to ensure consistency with the provisions of this Chapter and the City of North Port Comprehensive Plan.

C. All applications within the Myakka River Protection Zone will proceed through the review process as stipulated in the City of North Port Unified Land Development Code.

Sec. 57-6. Myakka River Protection Zone.

A. For the purposes of this Article, the 220 foot wide Myakka River Protection Zone consists of four sub-zones, which are delineated graphically below, and are enforceable.
described as follows:

(1) Zone 1. The MRPZ fire protection clear zone. A zone, which is 35 feet deep along the waterward facing exterior wall of the Primary Structure and a minimum of 35 feet deep from the remaining exterior walls of the Primary Structure. This clear zone constitutes the required vegetative removal and turfgrass installation area necessary to allow for fire protection purposes and to serve as a fire protection defensible space as determined by the City of North Port Fire Rescue District. The MRPZ fire protection clear zone shall not encroach within the 150-feet setback of the Myakka River Area.

(2) Zone 2. The house and other structures, on a lot or parcel, as well as the area between the house and the street.

(3) Zone 3. The area between the landward extent of Zone 4 and the landward extent of the Myakka River Protection Zone, excluding Zones 1 and 2.

(4) Zone 4. The 50-foot Myakka River Area Buffer.
MYAKKA RIVER PROTECTION ZONES DIAGRAM

Zone 1 (MRPZ Fire Protection Clear Zone)
Zone 2 (House, other structures, and street yard)
Zone 3 (Conservation Area)
Zone 4 (Myakka River Area Buffer)

Property Line

Road

Note: This diagram is not to scale.
Sec. 57-7. Regulated Activities within the Myakka River Protection Zone.

A. Prohibition: The following activities are prohibited within the Myakka River Protection Zone, unless otherwise authorized herein:

1. Construction and Development. Construction and Development within the 50-foot Myakka River Area Buffer and Wetlands is prohibited unless otherwise authorized herein.

2. Earthmoving. Persons may not conduct Earthmoving within the Myakka River Protection Zone for any purpose except Earthmoving meeting exemption criteria pursuant to any of Sections within this chapter and filling within the MRPZ fire protection clear zone as defined in Section 57-4(1)(a). The Environmental Services Division, or other City department may request information from the Applicant, including evidence of prior approval by the appropriate agency(ies), for any of the above-referenced exemption sections to confirm that the Earthmoving meets the exemption criteria.

3. On-site sewage disposal systems. Persons may not construct on-site sewage disposal systems, or replacement systems, unless the system is located in the landward area of the Primary Structure and subject to all other applicable regulations. An alternative waste system shall be required for all new systems and replacement of existing systems, as defined in Chapter 9 of the City’s Unified Land Development Code.

4. Vegetation removal. Persons may not remove Native Vegetation or install turfgrass within the Myakka River Protection Zone with the exception of continuation of yard maintenance activities such as mowing,
trimming, or pruning of vegetation that had been conducted within the Myakka River Protection Zone prior to the adoption date of this Chapter.

(5) Tree Removal. Persons may not remove a Tree without a Tree Permit. Tree removal shall be subject to the regulations contained in Chapter 45 of the City of North Port Unified Land Development Code.

(6) Wetlands not contiguous to the Myakka River Area. A minimum 30-foot wide upland Buffer of Native Vegetation shall be provided around preserved Wetlands where the Wetland is not contiguous to the Myakka River Area and located within the Myakka River Protection Zone. Where the upland vegetation surrounding any Wetland contains mesic hammock habitat, the minimum upland Buffer width shall be 50 feet.

B. Exceptions to the prohibited activities within the Myakka River Protection Zone:

(1) Removal of invasive exotic plant species or poison ivy, nettles and sandspurs. Persons may remove invasive exotic plant species, as described in the most current Florida Exotic Pest Plant Council (FLEPPC) Invasive Plant Lists as amended, provided such removal does not damage native vegetation. The limited removal of poison ivy (Toxicodendron radicans), nettles (Urtica spp.), and sandspur (Cenchrus spp.) for public health reasons is exempt, provided that no impacts to existing Native Vegetation occur.

(2) Zone 1 and 2 exceptions. Native Vegetation removal may be allowed in association with City-approved Permits for Construction of Primary Structures or to create or maintain a MRPZ fire protection clear zone.
around the Primary Structure.

(3) Zone 3 exceptions. Native Vegetation removal may be allowed in Zone 3 only after review and written approval by the City’s Environmental Services Division only for the following purposes:

(a) To create or maintain private nature trails with a maximum width not to exceed four feet.

(b) To create or maintain a single access to a permitted dock or pier.

(c) Reasonable selective pruning of side branches to enhance a view from a Primary Structure within or outside the Myakka River Protection Zone. Such selective pruning shall not occur within the Myakka River Area and the view "window" through the Myakka River Protection Zone shall be co-aligned with other approved vegetative removal (e.g., paths or access to a dock or pier).

(d) Native Vegetation removal associated with, and limited to exempt Earthmoving activities listed in Chapter 14 of the City of North Port Unified Land Development Code.

(4) Zone 4 exceptions. Native Vegetation removal may be allowed in Zone 4 only after review and written approval by the City’s Environmental Services Division and only for the following purposes:

(a) To create or maintain private nature trails.
(b) To create or maintain a single access to a permitted dock or pier.

(c) Reasonable selective pruning of side branches to enhance a view from a Principal Building within or outside the Myakka River Protection Zone. Such selective pruning shall not occur within the Myakka River Area and the view "window" through the Myakka River Protection Zone shall be co-aligned with other approved vegetative removal (e.g. paths or access to a dock or pier).

(5) Zone 4 use exception. Family recreation, including, but not limited to, the placement of swing sets, barbeque grills, benches, and children’s swimming pools may be allowed provided that it occurs within existing cleared areas, requires no Native Vegetation removal, and does not conflict with the purposes of this Chapter.

(6) Native Vegetation removal associated with and limited to exempt Earthmoving activities listed in Chapter 14 of the City of North Port Unified Land Development Code.

(7) A lot or portion thereof that is classified by the County Property Appraiser prior to any Tree removal as bona fide Agricultural Land under the agricultural assessment provisions of the Florida Right to Farm Act, Section 193.461, Florida Statutes, and where Tree removal is undertaken solely for Agricultural or Silvicultural purposes. This exemption shall not apply to any Tree removal in preparation for, or in anticipation of, any Development or any Construction of non-Agricultural improvements. For the purposes of this Chapter, evidence of such
preparation or anticipation includes submittal of an application for a building permit for non-Agricultural use, a variance, or other Development approval. Other than for properties that are sold to settle an estate, submittal of plans listed in this section within six years of the date of Tree removal would invalidate this exemption and require an after-the-fact permit and/or mitigation in accordance with the provisions of this Article.

(8) Nothing herein shall be construed to affect the right of any Person engaged in the commercial enterprise of Agriculture or Silviculture. Any stand of timber that is harvested in the Myakka River Protection Zone shall be regenerated either by replanting, natural regeneration or by leaving a sufficient number of young trees to replace the stand of timber. This exemption does not apply within a Wetland or Watercourse Buffer required by the City.

(9) Earthmoving authorized under a City authorized Earthmoving permit, Agricultural exemption, written non-agricultural exemption, issued by the City prior to adoption of this Chapter, or the continuation of uninterrupted bona fide Agricultural Earthmoving operations and maintenance in existence prior to adoption of this Chapter, may continue to completion of the Earthmoving project, until expiration of the authorization, or until cessation of the agricultural operation, provided no expansion or intensification of such authorized Earthmoving occurs, or for a period no greater than 2 years.

(10) For the purposes of flood protection, elevation of an existing structure on a new foundation, within the existing building footprint and located no closer to the Myakka River Area.
(11) Maintenance or repair of any existing structure or Construction and related infrastructure and facilities provided that the maintenance or repair is undertaken within the limits of the existing foundation shall require new permits issued by the City of North Port Building Department.

Sec. 57-8. Standards for Development.

A. Applications. Any application for development located within the MRPZ must disclose such, and is therefore subject to the provisions of this Chapter.

B. Land Uses within the Myakka River Protection Zone. All land uses for parcels located within the Myakka River Protection Zone shall be consistent with the City of North Port Unified Land Development Code.

C. All applications for Development Permits shall be consistent with the provisions of this Chapter and the City of North Port Comprehensive Plan.

D. The City Manager or designee shall review and provide a written determination on whether the application for a Development Permit is consistent with this Chapter.

E. All applications for Construction, Development, and Earthmoving within the Myakka River Protection Zone must undergo review by the City’s Building Department and Environmental Services Division.

F. For all Development, the Applicant shall obtain all of the applicable Development Permits prior to commencing Construction, Development, or Earthmoving activities.
For all residential lots.

(1) All new Construction, Development, and Earthmoving shall be located
landward of the 150-foot setback of the Myakka River Area, except as
provided below:

(a) Elevated patios, decks, and walkways;

(b) Caged or non-caged swimming pools;

(c) Gazebos up to 400 square feet in floor area;

(d) Water dependent structures such as boat docks and piers.

(e) Public utility and drainage projects as authorized by the City.

(2) All Myakka River Protection Zone Accessory Structures not referenced
in Sec. 57-8(G)(1) shall be located no closer than 220 feet measured
landward from the Myakka River Area.

(3) For properties with an existing Primary Structure, Development and
Construction shall be approved by the City of North Port Building
Department and Environmental Services Division if the following criteria
are met:

(a) The proposed Development and Construction is designed to
minimize impacts to the Myakka River Area to the maximum extent
practicable.
(b) Sufficient buffering (e.g. Native Vegetation and structure design considerations) shall be provided to minimize visual impacts to the Myakka River and the purposes of this Chapter and as determined by the City’s Environmental Services Division. If nuisance/invasive species exist within the 50-foot Myakka River Area Buffer, they shall be removed with no impact to Native Vegetation and be replaced with appropriate native species to provide visual buffering.

(c) Driveways, tennis courts, and other impervious surfaces shall be located no closer to the Myakka River Area than the Primary Structure.

(d) Elevated patios, gazebos up to 400 square feet in floor area, decks, and walkways, and caged or non-caged swimming pools are permitted as per Sec. 57-8(G)(1)(a)-(d).

(4) Native Vegetation shall not be removed from Zone 3 or Zone 4 except as necessary and as authorized by the City for the following purposes:

(a) City maintenance and access;

(b) Road and utility crossings;

(c) Nature trails;

(d) Access to water dependent uses such as docks or piers;
(e) Public utility and drainage projects as authorized by the City.

In (a)–(e) above, the principles of avoidance first, and then minimization, shall be used in the design of all proposed projects located within the 50-foot Myakka River Area Buffer.

Sec. 57-9. Prohibited Uses.

A. Any use or structure not specifically permitted by the underlying zoning district or the Myakka River Protection Zone is prohibited.

(1) The following uses shall be prohibited in the MRPZ:

(a) Commercial uses. Only those commercial uses legally existing prior to October 14, 2008 shall be allowed to continue.

(b) Membership club or lodge.

(c) Townhouse and multifamily residential development. Only those legally existing prior to October 14, 2008 shall be allowed to continue.

(d) Manufactured home/subdivision. Only those legally existing prior to October 14, 2008 shall be allowed to continue.

(e) Monastery or convent.

(f) Landfill.
(g) Recycling Center.

(h) Any waste treatment facilities containing raw wastewater.

(i) Jails, detention facilities, or work-camps.

(j) All light industrial services/facilities.

(k) All heavy industrial uses.

(l) All sales oriented uses.

(m) Outdoor storage yard.

(n) Educational Facilities.

(o) Circus grounds.

(p) Winter quarters or training quarters.

(q) Library.

(r) City, county, state, or federal government office.

(s) Aircraft landing strip or helicopter landing facility.

(t) Excavation of sand, gravel, or minerals, borrow pit.

(u) Livestock auction.
(v) Packing house for fruits and vegetables.

(w) Processing of food or related products.

(x) Retail or wholesale sales of agriculturally related supplies and equipment.

(y) Animal hospital or veterinarian.

(z) Animal boarding facility.

(aa) Wild animal sanctuary.

(bb) Housing for farm or ranch labor, including mobile homes.

(cc) Hospice, nursing, or convalescence home.

(dd) Hospitals, including temporary housing for relative of patients.

(ee) Residential assisted living facility without individual units.

(ff) Orphanage.

(gg) Alternative or post-incarceration facility, exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents.

(hh) Group home for the physically disabled, mentally retarded, or
emotionally disturbed with 14 or more residents.

(ii) Group home for drug and alcohol treatment, treatment center.

(jj) Golf course/country club.

(kk) Miniature golf facility.

(ll) Golf driving range.

(nn) Aquaculture.

(nn) Cemetery.

Sec. 57-10. Variances.

A. The Zoning Board of Appeals may grant a variance from the Myakka River Protection Zone regulations, when such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. Such variance shall not be granted if it has the effect of nullifying the intent and purpose of this chapter. The granting of a variance requires a majority vote by the Zoning Board of Appeals.

(1) Considerations. In reaching this decision, the Zoning Board of Appeals shall consider the following criteria, recommendations, and testimony:

(a) Exceptional or extraordinary conditions or circumstances exist
which are inherent in the land, structure, or building involved, and
such exceptional or extraordinary conditions or circumstances
create an undue hardship on the property owner and are not
generally applicable to other lands, structures, or buildings;

(b) Without the variance, the provisions of this chapter would
deprive the applicant of all reasonable use of his property;

(c) The special conditions and circumstances do not result from the
actions of the applicant;

(d) The granting of the variance requested will not confer on the
applicant any special privilege that is denied by this chapter to
other lands, structures, or required improvements under similar
conditions. No pre-existing conditions on neighboring lands which
are contrary to this chapter shall be considered grounds for the
issuance of a variance;

(e) The variance, if granted, is the minimum variance that will
make possible the reasonable use of the land, building, or
structure;

(f) The variance, if granted, will not be injurious to the
neighborhood or otherwise detrimental to the public welfare;

(g) Staff recommendations;

(h) Testimony from the applicant; and
(i) Testimony from the public.

(2) Findings.

(a) Before granting a variance, the Zoning Board of Appeals shall find that all of the following exist:

(i) That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.

(ii) That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of this chapter. (Any action taken by an applicant pursuant to lawfully adopted regulations preceding this chapter will not be considered self-created.)

(iii) That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(iv) That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(v) That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent in nature
as to make it more reasonable and practical to amend these
regulations.

B. In the granting of a variance, the City may require the removal of invasive
exotic plant species and sufficient buffering (e.g. Native Vegetation and
structure design considerations) to minimize visual impacts to the Myakka River.

C. A variance shall not be granted for Development and Construction located
closer than 100 feet from the Myakka River Area.

Sec. 57-11. Compliance and Enforcement.

The City of North Port has the authority to enforce any Development Permit or
condition as well as, any provisions of the City of North Port Unified Land
Development Code and any provisions of the Florida Statutes Chapter 162. Each
day of any such violation shall constitute a separate and distinct offense.

A. Civil and Administrative.

(1) The Building Department or the City’s Environmental Services Division
may withhold issuance of a Development Permit or deny an application or
other authorization if there is an existing unresolved violation of the
City of North Port Unified Land Development Code on the subject property.

(2) The Building Department will issue a stop work order when it has been
determined that work at the site:

(a) Is proceeding in violation of this Chapter, a Development Permit
or other authorization issued hereunder or proceeding without any
required authorization; or

(b) Poses an imminent and significant hazard to the public health, safety, or welfare, or to the environment.

B. Enforcement and Penalties.

(1) Any person who fails to comply with the requirements of this Chapter shall be required to restore the affected or impacted portion of the Myakka River Protection Zone, as determined by the Environmental Services Division. The Person shall be required to monitor and maintain the restored vegetation for a minimum of one year, or until success criteria are met, as determined by the Environmental Services Division.

(2) Notwithstanding any other provisions of this Chapter for enforcement or penalties, the Commission may also enforce this Chapter by actions at law or in equity seeking damages and injunctive relief in the appropriate court. In the event the Commission prevails in any such action, the Commission shall be entitled to an award of its costs and attorney’s fees.

(3) Enforcement of Code by other means. A violation of any of the provisions of this Chapter or of any regulations adopted or permit conditions approved pursuant to this Chapter shall be punishable in the same manner as a misdemeanor as provided by law.

Sec. 57-13. Severability.

Each separate provision of this Chapter is deemed independent of all provisions herein so that if any provision or provisions of this Chapter are declared invalid...
or unconstitutional by any court of competent jurisdiction, all other provisions shall remain valid and enforceable.

Sec. 57-12. Fees.

The Commission is authorized to set reasonable fees and charges for the implementation of this Chapter. Such fees may be set by resolution. Fees charged will substantially finance the expenditures of reviewing projects pursuant to this Chapter.

A. The Applicant shall be responsible for all costs associated with the requested variance, including processing and advertising.

B. An Applicant’s failure to pay the requisite filing fees and costs may result in removal of the application from consideration by the Building Department for approval.

C. For any proposal or appeal requiring a hearing before the North Port Zoning Board of Appeals, all required fees shall be paid no later than 7 days before the scheduled hearing date.

Sec. 57-13. Conflicts.

Whenever the requirements of these regulations differ from those imposed by the City, Federal, or State regulation, law or statute, the most restrictive or imposing the higher standards shall govern.

Sec. 57-14. Appeals.
Any person aggrieved by the Zoning Board of Appeals decision regarding any variance, may file a petition for a writ of certiorari in the Circuit Court of Sarasota County within 30 days of such decision.

Sec. 57-16. Appeals of Interpretations.

Any person aggrieved by a City Environmental Services Division interpretation may appeal to the City Manager. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation is inconsistent with the provisions of this Chapter. The granting of any appeal shall not be in conflict with Florida State Statutes. The City Manager’s decision may be appealed to the City Commission. The City Commission’s decision, based upon evidence submitted to the City Manager and the City Manager’s finding(s), may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

Sec. 57-17. Effective Date.

This Ordinance shall take effect immediately upon receipt by the Office of the Secretary of the state of Florida.

Sec. 57-16. Severability.

Each separate provision of this Chapter is deemed independent of all provisions herein so that if any provision or provisions of this Chapter are declared invalid or unconstitutional by any court of competent jurisdiction, all other provisions shall remain valid and enforceable.
Chapter 58  ARCHEOLOGICAL RESOURCE PROTECTION REGULATIONS.

[HISTORY: Adopted by the City Commission of the City of North Port 3-26-2001 by Ord. No. 2001-2. Amendments noted where applicable.]

Sec. 58-1. Title.

Sec. 58-2. Relationship to Comprehensive Plan.

Sec. 58-3. Purpose Intent.

Sec. 58-4. Definitions.

Sec. 58-5. Authorization and development review.

Sec. 58-6. Determination of archaeological historic significance.

Sec. 58-7. Professional qualification and survey requirements.

Sec. 58-8. Protection requirements.


Sec. 58-10. Variances.

Sec. 58-11. Violations and penalties.

Sec. 58-12. Fortuitous finds and unmarked human burials.


Sec. 58-14. Variances.

Sec. 58-15. Interpretation.

Sec. 58-16. Conflict.

Sec. 58-17. Appeals.


Sec. 58-19. Title.

This chapter shall be known and may be cited as the “Archaeological Resource Protection Regulations” of the City of North Port, Florida.
Sec. 58-2. Relationship to Comprehensive Plan.

The Archaeological Resource Protection Regulations in this chapter implement Objective 11 of the Conservation and Coastal Zone Management of the Comprehensive Plan, which states: “Prior to 2001, and consistent with the provisions of the Unmarked Human Burial bill, procedures shall be established to preserve and protect all significant historic and archaeological sites as they become known, located within the City of North Port”.

Sec. 58-3. Purpose Intent.

The purpose of this chapter is to protect the significant historic and archaeological resources of the City of North Port to the maximum extent practicable, in accordance with the City of North Port Comprehensive Plan, by providing procedures for the review of plans and development projects as well as standards for the protection of these resources. [Amended 9-23-2002 by Ord. No. 2002-42]

Sec. 58-2. Definitions.

A. The words, terms, phrases and provisions of this chapter shall be given a meaning which is most commonly used and which accords the chapter the most reasonable interpretation and applications. [Amended 9-23-2002 by Ord. No. 2002-42]

B. As used in this chapter, the following terms shall have these meanings:

ADVERSE EFFECT (ON HISTORIC RESOURCES) -- An effect which may reduce or impair
any of the elements of integrity or other criteria for significance of a
historic resource identified in § 58-4B, including, but not limited to: physical
destruction, damage, or alteration of all or part of the property; isolation of
the resource from or alteration of the character of the resource's setting when
that setting contributes to the resource's significance; or introduction of
visual, audible, or atmospheric elements that are out of character with the
property or alter its setting. [Amended 9-23-2002 by Ord. No. 2002-42]

CITY means the City of North Port, a political subdivision of the State of
Florida.

COMPREHENSIVE PLAN means the document "the City of North Port, Florida
Comprehensive Plan," adopted by the North Port City Commission and filed with
the City Clerk pursuant to City Ordinance No. 97-27, as amended.

CONSERVATION EASEMENT means a right or interest in real property that is
appropriate to retaining the structural integrity or physical appearance of
sites or properties of archaeological or cultural significance in accordance
with F.S. 704.06

DIRECTOR means the Director of the City of North Port Planning and Zoning
Department.

FLORIDA MASTER SITE FILE means the listing of Historic or Archeological
Resources maintained by the Florida Department of State, Division of Historical
Resources, and Bureau of Archaeological Research.

HISTORIC RESOURCES -- Prehistoric or historic districts, sites, buildings,
objects, or other real or personal property of historic, architectural or
archaeological value. [Amended 9-23-2002 by Ord. No. 2002-42]

HISTORIC RESOURCE PROTECTION AREA -- An area with historic significance to be set aside in perpetuity so that it will not be disturbed, in accordance with the Conservation and Coastal Zone Management Element of the Comprehensive Plan. [Amended 9-23-2002 by Ord. No. 2002-42]

LOCAL REGISTER means the Local Register of historic or archeological places, which is a listing of buildings, structures, objects, sites and districts that have been designated as historically significant in Sarasota County and the City of North Port, and approved by the City Commission.

NATIONAL REGISTER OF HISTORIC PLACES means the official listing of culturally significant buildings, structures, objects, sites, and districts in the United States maintained by the U.S. Department of Interior.

POTENTIALLY SIGNIFICANT HISTORIC RESOURCE -- A historic resource so identified in accordance with the provisions of §58-4. [Amended 9-23-2002 by Ord. No. 2002-42]

PROTECTION -- Measures taken to avoid, minimize, or mitigate effects to historic resources consistent with the provisions of this chapter. [Amended 9-23-2002 by Ord. No. 2002-42]

RESEARCH DESIGN means a description of the purposes and goals of a proposed site assessment survey, including the previous work that has been done in the area, research topics to be addressed, the area to be covered, the kinds of information to be collected, what work will be done, what methods will be used, who will do the work, and a schedule for completion of the work.
RESOURCE OF EXCEPTIONAL IMPORTANCE -- A historic resource that has achieved significance within the last 50 years because of the extraordinary importance of an event that has occurred there on the local, state, or national level; or the fragility of the resource; or the community's strong associative attachment to the resource. [Amended 9-23-2002 by Ord. No. 2002-42]

SIGNIFICANT HISTORIC RESOURCE -- A historic resource so identified in accordance with the provisions of § 58-4. [Amended 9-23-2002 by Ord. No. 2002-42]

SITE MANAGEMENT PLAN means a long-term management program designed to protect archeological resources. A Site Management Plan includes, at a minimum, provisions for documentation of existing site conditions, strategies and techniques for site stabilization, security, maintenance, monitoring, and identification of compatible uses.

Sec. 58-4. Authorization and development review.

A. The provisions of this chapter shall govern the City review of the proposed actions or developments identified in this section for adverse effect on the historic resources of the City of North Port. [Amended 9-23-2002 by Ord. No. 2002-42]

(1) The Director City Manager or designee shall not recommend approval of any proposed action or development identified in Subsections B and C of this section unless it has been reviewed for adverse effects on historic resources and specified appropriate measures to avoid, minimize, or mitigate such effects, in accordance with the provisions of this chapter. [Amended 9-23-2002 by Ord. No. 2002-42]
(2) The North Port City Commission shall not approve any proposed action or
development within their authority as identified in Subsection B and C of
this section unless the Director City Manager or designee has reviewed it for
adverse effects on historic resources and issued a written determination as
to its effects and recommended appropriate measures to avoid, minimize, or
mitigate adverse effects to historic resources, in accordance with the
provisions of this chapter. [Amended 9-23-2002 by Ord. No. 2002-42]

B. The Director City Manager or designee shall review applications for all of
the following:

(1) Developments of regional impact in accordance with Florida Statute
380.06, Developments of Regional Impact.

(2) Developments of critical significant concern, as may be determined by the
City Commission and consistent with the City of North Port Comprehensive
Plan.

(3) Rezoning (map amendments) and conditional use special exception permit
application, pursuant to the Unified Land Development Code.

(4) Site and development plans and preliminary subdivision plans pursuant to
the Unified Land Development Code.

(5) Earthmoving permits pursuant to the Unified Land Development Code.

(6) Development Concept Master Plan and variances under Chapter 53 of this
Unified Land Development Code.
(7) Comprehensive Plan amendments

(8) These reviews shall be conducted according to the procedures specified in Section 58-6.

C. The Director City Manager or designee shall review applications for all of the following for properties where significant historic resources already have been identified in accordance with Sec. 58-4 or where an application has been referred to the Director by another department: [Amended 9-23-2002 by Ord. No. 2002-42]

(1) Construction, alteration, and demolition.

(2) Tree removal permits.

(3) Construction of Public projects such as but not limited to roads, water, and sewer lines.

(4) These reviews shall be conducted according to the procedures specified in Sec. 58-6(C). Even where significant historic resources have not yet been identified, all such activities remain subject to later review upon discovery of fortuitous finds as provided in Sec. 58-10. [Amended 9-23-2002 by Ord. No. 2002-42]

D. The Director City Manager or designee shall also review City projects listed in the capital budget/capital improvement program in the functional areas of stormwater, potable water, sanitary sewer, parks and recreation and the road program projects of traffic circulation to the extent that those projects
involve construction, demolition, excavation, or other ground-disturbing activities. This review shall include an evaluation of the effect of the project on historic resources and shall result in recommended measures to avoid, minimize, or mitigate adverse effects. It shall be conducted during the conceptual design or design report stage. [Amended 9-23-2002 by Ord. No. 2002-42]

E. The Director City Manager or designee is hereby authorized to enter such lands and properties as are necessary to determine compliance with the provisions of this chapter and any development conditions or approvals issued hereunder.

F. The Director City Manager or designee shall expeditiously provide access to available information to assist private parties conducting required studies and shall review the information they provide in a timely manner.

Sec. 58-4. Determination of historic significance.

A. For the purposes of this chapter, significant historic resources shall include such historic sites and structures as may be identified in amendments to the Comprehensive Plan adopted subsequent to the effective date of this chapter, those listed in the National Register of Historic Places, or those listed in the Local Register. It shall also include those historic resources identified through the development review process in accordance with Sec. 58-3 or by a City-authorized historic resources survey in accordance with Subsection C of this section. [Amended 9-23-2002 by Ord. No. 2002-42]

B. The criteria to be applied by the Director City Manager or designee in determining the significance of historic resources are based on those criteria
used to determine eligibility for listing in the National Register of Historic Places (Code of Federal Regulations Title 36, Part 60) and are as follows:

(1) Significant historic resources must convey an overall sense of past time and place by possessing at least three of the following attributes of integrity: location, design, setting, and one or more of the following:

   (a) Be associated with events that have made a significant contribution to the broad patterns of local, State or national history; or

   (b) Have yielded, or may be likely to yield, information important in prehistory or history.

(2) Significance may be established on a local, state, or national level. Historic resources shall be 50 years old or older. An exception to the 50-year rule may be made if the resource is of "Exceptional Importance", if it contributes to a district that is eligible for listing in the National Register of Historic Places, or if it is listed in the Local Register.

C. If a historic resource identified through the development review process or by a City-authorized survey satisfies the above criteria, the **Director** shall declare it to be significant by issuing a written notice to the applicant, describing the location of the resource, providing a summary of the basis for the determination, and indicating the right to appeal. The **Director** shall maintain a list of all sites determined to be significant since the most recent amendment of the
Comprehensive Plan. This list shall be known as the "Director's List of Significant Historic Resources in the City of North Port" and shall be used to update the list of sites identified in the Conservation and Coastal Zone Management Element of the Comprehensive Plan. The sites on the Director City's list shall be considered to be significant for the purposes of this chapter unless determined to be otherwise through an appeal. For the purposes of this chapter, the Director's determination by the City Manager or designee as to significance or potential significance shall supersede any conflicting determinations by any other agency, authority, or professional, except as provided in Sec. 58-7.14. [Amended 9-23-2002 by Ord. No. 2002-42]

D. If the Director City Manager or designee determines that the archeological resource has integrity and appears likely to satisfy one of the criteria listed in Subsection (b) of this section, but insufficient data exists to render a final determination of significance, then the resource shall be declared to be potentially significant by the Director City Manager or designee, until the applicant or owner presents sufficient research to allow the Director City Manager or designee to make a final determination.

E. The Director City Manager or designee shall maintain a copy of the Florida Master Site File form for all recorded Archeological Resources in unincorporated Sarasota County and the City of North Port. Additionally, the Director shall maintain a series of United States Geological Survey (USGS) topographic maps upon which Historic Resources recorded on the Florida Master Site File are shown, and a series of soil survey map sheets upon which archaeological sensitivity zones are shown.

Sec. 58-5. Professional qualification and survey requirements.
A. All site assessment surveys shall be conducted by professionals meeting the qualifications established by the National Park Service as codified in 36 Code of Federal Regulations Part 61.

B. The Director City Manager or designee shall require site assessment surveys for development projects identified in Sec. 58-4 that occur in areas with known historic resources for which insufficient or incomplete information is available or that occur in areas with a moderate to high probability for the presence of historic resources based upon review of the Planning and Zoning Department’s City’s historic resources database or other information available. The survey’s purpose is to locate and assess the significance of historic resources and to provide a basis for evaluating measures to avoid, minimize, or mitigate any adverse effects to such resources by the proposed project. [Amended 9-23-2002 by Ord. No. 2002-42]

C. The research design for a site assessment survey shall be reviewed and approved by the Director City Manager or designee before the survey commences. The survey shall be designed to locate all historic resources and assess their significance. At a minimum, site assessment surveys must contain sections on the following:

(1) Project scope
(2) Archival research
(3) Research design
(4) Fieldwork
(5) Analysis, and

(6) Conclusions.

(7) Florida Master Site File forms for all resources identified shall also be included. [Amended 9-23-2002 by Ord. No. 2002-42]

Sec. 58-6.7. Protection requirements.

A. If there are no historic resources on a development tract or if the archaeological resource is determined to be not significant by the Director City Manager or designee, then the Director City Manager or designee shall issue a written determination approving the development project without modification for the purposes of this chapter. [Amended 9-23-2002 by Ord. No. 2002-42]

B. When the Director City Manager or designee determines that significant or potentially significant historic resources are likely to be present on a development tract, he/she shall require that the owner or applicant provide a site assessment survey or follow the procedure for the protection of significant resources as outlined in Subsection C(2) of this section. For the purposes of this chapter, the Director City Manager or designee shall determine the likelihood of the presence of archeological resources based upon the proximity of the resources to known historic resources and defined archaeological sensitivity zones, a review of the Planning and Zoning Department City’s database, and an evaluation of current and past site conditions, including land disturbances, proximity to fresh water, topographic relief, and soil type. When the Director City Manager or designee determines that
insufficient information exists to determine the significance of historic resources present on a development tract site, he/she shall require that the applicant provide a site assessment survey or follow the procedure for the Protection of significant resources provided in subsection (C)(2) of this section. [Amended 9-23-2002 by Ord. No. 2002-42; Amended 11-24-2003 by Ord. No.2002-56]

C. When significant historic resources have been identified, the Director City Manager or designee shall make a written determination of either no effect, conditional no adverse effect, or adverse effect on significant historic resources. Where the final action is to be taken by the North Port City Commission, the Director’s determination of the City Manager or designee, and approval of applications under this section shall constitute a recommendation to the City Commission. [Amended 9-23-2002 by Ord. No. 2002-42]

(1) If the Director City Manager or designee makes a determination of no effect, then the project may proceed without modification. The "no effect" determination will be reconsidered if substantive changes in project design or the location of project ground-disturbing activities are made, or if new information becomes available.

(2) If the Director City Manager or designee determines that the proposed development would have an adverse effect, he shall review the project to consider alternatives to avoid, minimize, or mitigate that effect. Criteria to be considered by the Director City Manager or designee in making this determination shall include:

(a) The archaeological, historic or architectural significance of the site or object; [Amended 9-23-2002 by Ord. No. 2002-42]
(b) The importance of the building, structure or object to the ambience of a district; [Amended 9-23-2002 by Ord. No. 2002-42]

(c) The difficulty or the impossibility of reproducing such a building, structure, or object because of its design, texture, material, detail, or unique location; [Amended 9-23-2002 by Ord. No. 2002-42]

(d) Whether the building, structure, site or object is one of the last remaining examples; [Amended 9-23-2002 by Ord. No. 2002-42]

(e) Whether there are definite plans for reuse of the property if the proposed action is carried out, and the effect of those reuse plans on the character of the surrounding properties. Proof of definite plans for reuse of the property may include, but is not limited to, a professionally developed business plan, proof of financing, documents required for the issuance of a development permit in the City of North Port, and sealed construction drawings; [Amended 9-23-2002 by Ord. No. 2002-42]

(f) Whether reasonable measures can be taken to save the building, structure, or object from collapse; [Amended 9-23-2002 by Ord. No. 2002-42]

(g) The likelihood of the site to yield information important in prehistory or history; [Amended 9-23-2002 by Ord. No. 2002-42]

(h) Whether the building, structure, site or object is capable of earning
reasonable economic return on its value. [Amended 9-23-2002 by Ord. No. 2002-42]

(3) The Director City Manager or designee shall determine if a practicable project alternative exists to avoid adverse effects to significant historic resources. For the purposes of this section, a "practicable" project alternative is one that does not cause an unreasonable and undue hardship on the use of the property, considering the significance and condition of the resource. [Amended 9-23-2002 by Ord. No. 2002-42]

(a) If the Director City Manager or designee determines that practicable project alternatives exist to avoid adverse effects to significant historic resources, the Director City Manager’s or designee’s approval shall be conditioned upon a modification of the project that establishes a conservation easement or otherwise designates the area as an historic resource protection area on the site during construction and thereafter. Once the development plan is so modified, the Director City Manager or designee will approve the application with a written finding of "conditional no adverse effect." [Amended 9-23-2002 by Ord. No. 2002-42]

(b) If practicable project alternatives do not exist to avoid adverse effects to significant or potentially significant historic resources on the property, the Director City Manager or designee shall specify measures to minimize the adverse effects and to mitigate for the unavoidable effects.

(i) Final development approval shall be conditioned on modification of the project as specified to minimize adverse effects, as well as completion, review, and approval of all required work, and may also be
conditioned on preparation, approval, and implementation of a site

(4) Mitigation measures shall be designed to preserve, reclaim, and
compensate for as many of the values of the historic resource as are
adversely affected. Such measures may include data recovery at the involved
site or sites through archaeological excavation or through the documentation
of the architectural fabric and other pertinent historical research for any
involved structures and associated features.

(a) For structures, this may include primary archival studies, informant
interviews, measured drawings, and large scale photography.

(b) For archaeological sites, this may include literature studies,
informant interviews, field survey, test excavation, and artifact
analysis.

(c) Mitigation may also include other measures to assure preservation of
significant elements of the resources disturbed, such as voluntary
transfer to a public or nonprofit agency for curative purposes.

(d) If salvage, excavation, or documentary measures are undertaken to
mitigate project impacts, the resulting report must be submitted to the
Director for review.

(e) All mitigation projects require the preparation and approval of a
research design and final report.
(f) The Director City Manager or designee shall require that all final development approvals or permits be conditioned upon the completion of all required mitigation work and review and approval of the results by the Director City Manager or designee. [Amended 9-23-2002 by Ord. No. 2002-42]

(5) If a part or all of a significant historic resource is to be destroyed, the Director City Manager or designee shall have the authority to salvage significant features to ensure their preservation. [Amended 9-23-2002 by Ord. No. 2002-42]

(6) If previously unidentified historic resources are discovered, then project activities affecting those resources shall be halted until they have been evaluated to determine their significance in accordance with Sec. 58-10.

Sec. 58-7. Appeals.

A. Any aggrieved person or party may appeal any determination of the Director pursuant to the provisions of this chapter by filing, with the Planning and Zoning Department, a petition stating the nature of the Director's determination and the allegation of factual or interpretive error. The Zoning Board of Appeals shall hold a hearing within 30 days, after providing notice to the petitioner, and shall forward a recommendation to the North Port City Commission, which shall, after a public hearing with notice to the petitioner, affirm or reverse the Director's determination. [Amended 11-24-2003 by Ord. No. 2002-56]

B. The provisions of Subsection A of this section shall supersede the
administrative appeal provisions of the ordinances identified in §58-3 when the
appeal relates to the Director's determinations as to the protection of historic
resources. [Amended 9-23-2002 by Ord. No. 2002-42]

Sec. 58-8. Variances.

The owner of a property may seek a variance from any restrictions imposed upon
that property pursuant to this chapter by filing a petition with the Planning
and Zoning Department. Variances shall be granted only where the restrictions
are: (i) so extreme as to improperly deprive the owner of all reasonable use of
his property, or (ii) arbitrary, capricious, or inordinately burdensome as
applied to that property. The Zoning Board of Appeals shall hold a public
hearing, after providing notice to the petitioner, and shall render a final
determination on the variance petition. The Zoning Board of Appeals may grant
such relief as it deems to be appropriate, including, but not limited to,
funding or otherwise providing for all or part of any required survey or
mitigation. [Amended 11-24-2003 by Ord. No. 2002-56]

Sec. 58-9. Violations and penalties.

A. When disturbance or destruction of an archaeological resource is found by
the Code Enforcement Board to be irreparable or irreversible in nature, the
violator may be required to pay a civil fine of up to $5,000, which shall be
placed in a special revenue fund and used by the City for historic preservation
purposes. [Amended 9-23-2002 by Ord. No. 2002-42]

B. The provisions of this chapter, or of any permit, variance, or development
approval issued hereunder, may be enforced by any other means available at law
or in equity, including, but not limited to, proceedings before the Code
Enforcement Board, pursuant to Florida Statute Ch. 162 and all other City ordinances governing the Code Enforcement Board.

(C) Any development approval obtained in violation of this chapter, or based on the submission of false, misleading, or incomplete information, may be voidable by the North Port City Commission.

Sec. 58-10. Fortuitous finds and unmarked human burials.

The following requirements apply to all building construction or alteration, or land alteration activities:

A. If evidence of the existence of historic resources is discovered or observed at development tracts sites or during development activities after final approval, all work shall cease in the area of effect as determined by the Director City Manager or designee. The developer, owner, contractor, or agent thereof shall notify the Planning and Zoning Department City within two working days calendar days. Examples of such evidence include whole or fragmentary stone tools, shell tools, aboriginal or historic pottery, historic glass, historic bottles, bone tools, historic building foundations, shell mounds, shell middens, or sand mounds. The Director City Manager or designee shall assess the significance of the finds and mitigate any Adverse Effects as soon as possible, but not later than within three working days calendar days of notification. [Amended 3-26-2001 by Ord. No. 2001-2; Amended by 9-23-2002 by Ord. No. 2002-42; Amended 11-24-2003 by Ord. No. 2002-56]

B. If any human skeletal remains or associated burial artifacts are discovered at development tracts sites or during development activity, all work in the area must cease, and the permittee must immediately notify the nearest
law enforcement office and notify the Planning and Zoning Department and the City's consulting archeologist, if appropriate within two working days calendar days. According to Florida Statute Ch. 872, it is unlawful to disturb, vandalize, or damage a human burial. [Amended 11-24-2003 by Ord. No. 2002-56]

Sec. 58-11. Territorial applicability.

The provisions of this chapter shall be effective throughout the incorporated area of the City of North Port, Florida, as those boundaries existed on the effective date of this chapter, and shall include any areas annexed into the City after that date.

Sec. 58-11. Variances.

A. The owner of a property may seek a variance from any restrictions imposed upon that property pursuant to this chapter by filing a petition with the Planning and Zoning Department. Variances shall be granted only where the restrictions are:

   (1) so extreme as to improperly deprive the owner of all reasonable use of his property, or
   
   (2) arbitrary, capricious, or inordinately burdensome as applied to that property.

B. The Zoning Board of Appeals shall hold a public hearing, after providing notice to the petitioner, and shall render a final determination on the variance petition. The Zoning Board of Appeals may grant such relief as it deems to be appropriate, including, but not limited to, funding or otherwise providing for
all or part of any required survey or mitigation. [Amended 11-24-2003 by Ord. No. 2002-56]

Sec. 58-12. Interpretation.

Interpretation of this chapter shall be made by the City Manager or designee.

Sec. 58-12. Conflict.

Where any provision of this chapter refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any amendments thereto, or redesignation thereof.


A. Any aggrieved person or party may appeal any determination or interpretation of the Director City Manager or designee pursuant to the provisions of this chapter by filing, with the City, a petition stating the nature of the Director's City Manager's or designee's determination or interpretation and the allegation of factual or interpretive error. The Zoning Board of Appeals shall hold a hearing within 30 days, after providing notice to the petitioner, and shall forward a recommendation to the North Port City Commission, which shall, after a public hearing with notice to the petitioner, affirm or reverse the Director's City Manager's or designee's determination. [Amended 11-24-2003 by Ord. No. 2002-56]

(1) Applications for an appeal shall be filed pursuant to Sec. 1-10.
B. The provisions of Subsection A of this section shall supersede the administrative appeal provisions of the ordinances identified in §58-4 when the appeal relates to the Director's or City Manager's or designee's determinations or interpretation as to the protection of historic resources. [Amended 9-23-2002 by Ord. No. 2002-42]


If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.
Chapter 59  PUBLIC ART REGULATIONS

Sec. 59-1.  Title.

Sec. 59-2.  Relationship to Comprehensive Plan.

Sec. 59-3.  Intent.

Sec. 59-4.  Applicability.

Sec. 59-5.  General Requirements.

Sec. 59-6.  Removal and Replacement.


Sec. 59-10. Standards for Approval.

Sec. 59-11. Procedures.

Sec. 59-12. Public Art Themes.


Sec. 59-15. Conflict.

Sec. 59-16. Appeals.

Sec. 59-17. Severability.

Sec. 59-1.  Title.

This chapter shall be known and may be cited as the “Public Art Regulations” of the City of North Port, Florida.

Sec. 59-2.  Relationship to Comprehensive Plan.

The Public Art regulations in this chapter implement the Goal 2, Objective 2 and Policy 2.5.6 and Objective 4 of the Future Land Use Element of the City of North
Port Comprehensive Plan which states respectively: “To promote an intensive
mixture of employment, goods and services, and residential uses in Activity
Centers; to promote a wide variety of residential and employment alternatives;
to achieve the highest standards of quality in the urban environment; and to
provide a balanced and healthy tax base”, and “The City shall continue to amend
its Land Development Code to provide up-to-date standards, including intensity
and density standards, urban design standards, public art, internal/external
connectivity, architectural styles, site design standards, mixture of uses,
civic/public facilities, pedestrian friendly design standards, amenities and
uses, and gateway criteria for Activity Centers to achieve the desired and
economically feasible mixture of land uses. The City may support changes in
state legislation that create new funding sources which may be appropriate to
fund projects within any activity center.”

Policy 2.5.6: AC#5, “Complete a pattern book which will provide design
guidelines within AC 5. This book shall illustrate pedestrian features such as
sidewalks, street trees, lighting, and benches. A particular theme would be in
place that would be used in choices of colors and public art.”

Objective 4: “Support the City’s diversity of neighborhoods by implementing
targeted development and planning strategies for neighborhoods. This can be
accomplished through methods including the establishment of City-wide and
neighborhood specific policies addressing development and redevelopment efforts,
safety, stability, property values, mobility and aesthetic controls including
street trees, public art, and entry features.

Sec. 59-3. Intent.
The intent of this chapter is to ensure the commitment of the City to the aesthetic enrichment of the community through the private and public acquisition of works of art so that citizens and visitors to the City will be afforded an opportunity to enjoy and appreciate works of art. The requirements of this chapter shall be construed to promote the aesthetic values of the entire community, to encourage the preservation and protection of works of art. These provisions are consistent with and implement Florida Statute 187.201(18)b 1, 2, and 4. The legislative finding is that works of art, architectural enhancement and special landscape treatments must be an integral part of the City of North Port, if the City is to exemplify the quality of life embodied in the Comprehensive Plan, Planning Framework, policy 3 that states “The City should develop design guidelines which will guide development and define the individual character of each activity center.”

Sec. 59-4. Applicability.

These regulations shall apply to all new developments in CG, GU, NC-LI, NC-HI, OPI, PCD, and all petitions filed as DMP, FSP or MAS that apply to the City for development to construct or make improvements.

Sec. 59-5. General Requirements.

A. Existing developments shall be required to adhere to these public art regulations if the existing development is substantially improved or enlarged pursuant to (B) below.

B. All new developments that exceed $250,000.00 in construction value to a multi-family, mixed-use or commercial building shall be required to do one of the following:
(1) Contribute an amount equal to .005% of the first $50,000,000.00 in construction cost for the project for a maximum contribution of $250,000.00 to the City public art account.

(a) When a project is to be constructed in phases, the maximum contribution pursuant to this section shall be $250,000.00 for the entire phased project.

(b) For projects whose construction cost is $1,000,000.00 or less, the property owner or developer shall be required to contribute an amount equal to .005% of 1% of the construction cost to the City public art account in lieu of providing public art or public works of art on the development site or in a public place off-site in accordance with (2) or (3) of this section.

(2) Provide public art or public works of art on the development site provided that:

(a) The value of such public art or public works of art shall be equal to or greater than one-half of one percent of the construction costs for the project if the construction costs are less than $50,000,000.00 dollars. The value of such public art or works of art shall be at least $250,000.00 if construction costs are $50,000,000.00 or more; and

(b) Such public art or public work of art is approved by the Public Art Committee hereinafter established prior to placement on the site. The Public Art Committee shall be authorized to approve proposed public art or public work of art prior to its fabrication or acquisition. Nothing
herein shall be construed to require that public art or a public work of art be in existence and subject to examination at the time of its approval by the Public Art Committee.

(c) Provided, however, that buildings or portions of buildings that include attainable housing units as defined by the City Commission, shall not be required to conform to the requirements of this section.

(d) Provided, however, that building permits for individual condominium units shall not be required to conform to the requirements of this section.

(e) Provided, however, that the county shall not be required to conform to the requirements of this section so long as the county provides public art, upon the construction of its public buildings, in conformity with the county public art program and so long as the public art proposed by the county is approved by the Board of County Commissioners after receiving and considering the comments and recommendations of the city Public Art Committee.

(f) All works of public art located on private parcels shall be installed outside of any and all buildings and completely visible from the adjacent public right-of-way.

(3) To provide public art or public works of art in a public place on a lot or parcel other than the lot or parcel proposed for development provided that:
(a) The value of such public art or works of art shall be equal to or greater than one-half of one percent of the construction costs if the construction costs are less than $50,000,000.00 dollars. The value of such public art or works of art shall be at least $250,000.00 if construction costs are $50,000,000.00 or more; and

(b) Such public art or public work of art is approved by the City Commission, after receiving the recommendation of the Public Art Committee, prior to placement, on the site approved by the City Commission pursuant to paragraph (c) below. The City Commission shall be authorized to approve proposed public art or public work of art prior to its fabrication or acquisition. Nothing herein shall be construed to require that public art or a public work of art be in existence and subject to examination at the time of its approval by the City Commission.

(c) Such public art or public works of art is located in a public place off the development site which is approved by the City Commission after receiving the recommendation of the Public Art Committee.

(4) All works of art provided in accordance with subsections (2) and (3) above and located on private property shall be and remain the sole property of the private land owner. The private property owner shall also have the sole responsibility for maintenance and insurance of such works of art. All works of art provided in accordance with subsection (3) above and located on city owned property shall be and remain the sole property of the city.

(5) The above requirements shall not be applied to commercial buildings or public buildings in the event the source of funding or
other statute or regulation applicable to the development project prohibits art as an object of expenditure of funds.

Sec. 59-6. Removal or replacement.

Removal or replacement of any approved work of art is prohibited. After a work of art has been approved by the Public Art Committee or City Commission in accordance with Sec. 59-5, such work of art shall be retained on site in its approved location and shall not be removed without prior approval of the Public Art Committee and City Commission of a reasonably equivalent replacement work of art.

Sec. 59-7. Additional work of public art.

Additional works of art on the same lot or parcel may be permitted after review and approval by the City Commission. After public art which meets the requirements of this division has been installed on a development site, nothing herein shall be construed to prohibit the installation and placement of additional works of art on site, if all other regulations of this Unified Land Development Code are met.


There is hereby created a public art account which shall consist of all contributions received pursuant to Sec. 59-5(1), cash grants to the city for public art projects from governmental or private sources, and all other funds donated to the city for the provision of public art by private parties. The public art account shall be used solely for the selection, acquisition, transportation, installation, maintenance and promotion of works of art to be
displayed in the city and all expenditures from the account shall be approved by the City Commission after the recommendation of the Public Art Committee. Any works of art purchased with such funds shall be and remain the sole property of the City. The public art account shall be kept in an interest bearing account, separate from general revenues and all accrued interest shall be deposited in the public art account. The cost of insurance for public art located on property owned by the city shall be paid from the city's general fund.


Developments required to provide public art in accordance with this article shall:

(1) If a contribution to the art account is to be made, prior to the issuance of a building permit, the property owner or developer shall make the contribution as provided for in Sec. 59-5(1).

(2) If the public art has not been created, produced or rendered, then at the same time as the application for a permit is submitted to the City, the property owner or developer shall submit to the Public Art Committee:

(a) A written description, of the process by which the artist(s) were or will be selected;

(b) A proposed schedule for the creation, completion and installation of the approved art at the development site;

(c) The location where the public art is to be installed;
(d) Deposit with the city finance department in the form of cash or cashier's check the amount of 115 percent of the value of the public art, as required in Sec. 59-5(2) or (3).

(3) The application for a building permit shall certify that such submittal to the Public Art Committee and the required deposit has been made. Either prior to or subsequent to the issuance of the building permit, the Public Art Committee will review all documentation submitted by the property owner or developer, including photographic examples of existing work of the proposed artist and such other documentary material as may be requested by the Public Art Committee. The Public Art Committee shall approve, approve with conditions or deny the installation of the public art according to the standards set forth in Sec 59-9 and shall submit a report to the applicant and appropriate City departments.

(4) Upon installation, the City shall certify that the art work is properly installed according to the plans and specifications previously submitted and approved.

(5) The City shall not issue certificate of occupancy until the public art is properly installed, or an extension of time for the installation has been granted by the department responsible for land development services, or the funds deposited with the finance department have been forfeited to the City, as provided for in this section.

(6) If the public art has been created, produced or rendered, concurrently with as the application for a building permit, the property owner or developer shall:
(a) Submit graphic, photographic or architectural renderings;

(b) A description of the proposed public art which is to be installed at the development site or other public place;

(c) The location where the public art is to be installed; and

(d) An independent appraisal of the value of the art work, to the Public Art Committee or other evidence of value.

(7) The application for a building permit shall certify that such submittal to the Public Art Committee has been made. The cost of the appraisal shall be the sole responsibility of the property owner or the developer.

(8) Prior to the issuance of a building permit, the Public Art Committee shall approve, approve with conditions or deny the installation of the public art according to the standards set forth in Sec. 59-10. No building permit shall be issued prior to the approval of the public art by the Public Art Committee and City Commission.

(9) Upon installation, the City shall certify that the art work is properly installed according to the plans and specifications previously submitted and approved. The City shall not issue a certification of occupancy until the public art is properly installed or an extension of the time up to one year for the installation has been granted by the department responsible for land development services. Any such extension shall be conditioned upon the property owner or developer depositing with the city finance department, in the form of cash or cashier's check, the amount of 115 percent of the value of the public art, as required in Sec. 59-5(2) or (3).
(10) Funds of the property owner or developer deposited with the finance department, as provided for in Sec. 59-5 (2) or (3), shall be released when the City certifies to the finance director that the public art has been installed as required.

(11) If the public art has not been installed as required herein and any extensions for such installation, if any, have elapsed, the City shall petition the City Commission for authorization to forfeit all monies deposited with the finance department. Such deposit shall be ordered forfeited by the City Commission, if it determines, after notice to the property owner or developer, that the public art was not installed as required by this section.

Sec. 59-10. Standards for approval.

A. The Public Art Committee shall be governed by the following mandatory and non-mandatory criteria in the exercise of their discretion to approve, approve with conditions or deny the proposed installation of public art as required by this division. The Public Art Committee shall find that each element of the mandatory criteria has been satisfied. In addition, the Public Art Committee shall determine whether or not the proposed installation of the public art, on balance, comports generally with the elements of the non-mandatory criteria.

(1) Mandatory criteria.

(a) Whether the proposed public art conforms to the definition of public art as set forth in Chapter 61 of this Unified Land Development Code;
(b) Whether the proposed public art meets or exceeds the value requirements of Sec. 59-5;

(c) Whether the proposed public art is compatible with the neighborhood and not injurious to the neighborhood or otherwise detrimental to the public welfare;

(d) Whether the proposed public art presents a safety hazard to the public;

(e) Whether the proposed public art adheres to the art theme set forth in Sec. 59-12.

(f) Whether signs or other encroachments are or should be set back a certain distance from the proposed public art.

(2) Non-mandatory criteria.

(a) Whether the proposed public art is of exceptional quality and enduring value;

(b) Whether the proposed public art serves to further the city's goal of promoting cultural diversity;

(c) Whether the proposed public art serves to further the city's goal of promoting a broad range of artistic styles and media from traditional to contemporary works of art in order to maintain an overall balance within the city;
(d) Whether the proposed public art is supportive of the city's vision and goals;

(e) Whether the proposed public art is appropriate to the site;

(f) Whether the proposed public art should be installed at the proposed location on a site or at a different location;

(g) Whether the proposed public art requires extraordinary maintenance, such as any special servicing due to periodic adjustment, repainting, or repair or replacement of moving parts;

Sec. 59-11. Procedures

Public art shall be provided as part of pedestrian amenities and it shall be the responsibility of the developer to submit plans for public art for final approval by the City Commission.

A. The developer shall include plans in accordance with the regulations which apply to the specific type of development and shall include the integration of type and location of public art to be reviewed by the Public Art Committee, Planning and Zoning Advisory Board, and approved by Commission. The art shall comply with design themes set forth in 59-12.

Sec. 59-12. Public Art Themes

To create continuity throughout the City and create a visually pleasing environment, there shall be themes within each Activity Center. The themes for
public art in the Activity Centers and Neighborhood Commercial High Intensity areas shall be as follows:

Activity Center #1 ------------- American Culture
Activity Center #2 ------------- Government, Golf, and Learning
Activity Center #3 ------------- Healthy Lifestyles
Activity Center #4 ------------- Florida History & Culture/Family Fun
Activity Center #5 ------------- Family Fun
Activity Center #6 ------------- Modern
Activity Center #7 ------------- Holistic Medicine, Environmental
Activity Center #8 ------------- Corporate, Nature
Neighborhood Commercial ------------- Nature


The City Commission shall adopt a resolution establishing the Public Art Committee. This resolution shall state the functions of the Committee qualification(s) for appointment, procedures, the membership, etc.


Interpretations of this chapter shall be made by the City Manager or designee.

Sec. 59-15. Conflicts.

Whenever the requirements of these regulations differ from those imposed by the City, Federal or state regulations, law or statute, the most restrictive or imposing the higher standards shall apply.
Sec. 59-16. Appeals.

A. All decisions of the Public Art Committee made pursuant to this section shall be appealed to the City Commission within 30 days of the oral rendering of such decision.

B. Any person aggrieved by the City Manager or designee’s interpretation may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation renders the property unbuildable. The granting of any appeal shall not be in conflict with State Statutes. The Zoning Board of Appeals’ decision, may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

   (1) Applications for an appeal shall be filed pursuant to Sec. 1-10.

Sec. 59-17. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.
Chapter 60  FIRE SAFETY REGULATIONS

Sec. 60-1. Title.
Sec. 60-2. Relationship to Comprehensive Plan.
Sec. 60-3. Intent.
Sec. 60-4. Findings.
Sec. 60-5. Fire Sprinkler Systems in Commercial Buildings.
Sec. 60-6. Fire Department Standpipes.
Sec. 60-7. Underground Fire Lines.
Sec. 60-8. Fire Department connections (F.D.C.)
Sec. 60-9. Fire Hydrants.
Sec. 60-10. Fire Rescue Access During Construction.
Sec. 60-11. Roadways, Parking Lots and Driveways.
Sec. 60-12. Fire Lanes and Fire Department Accessibility to Buildings.
Sec. 60-14. Fire Department Key Box, Entry Gate Accessibility and Standardized Identification Requirements.
Sec. 60-15. Alternative Power Sources.
Sec. 60-16. Elevators.
Sec. 60-17. Gasoline Stations.
Sec. 60-18. Interpretation.
Sec. 60-19. Conflicts.
Sec. 60-20. Appeals.

Sec. 60-1. Title.

This chapter shall be known and may be cited as the “Fire Safety Regulations” of the City of North Port, Florida.
Sec. 60-2. Relationship to Comprehensive Plan.

The Fire and Life Safety Regulations in this chapter implement Goal 1 of the Capital Improvement Element which states: “The City of North Port shall undertake actions to adequately provide needed public facilities for both existing and future residents in a timely and efficient manner consistent with available resources that will promote orderly growth”.

It also implements Goal 1 of the Future Land Use Element which states, “Ensure that the character and location of land uses maximize the potential for economic benefit and the enjoyment of natural and man-made resources by citizens while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation”.

Sec. 60-3. Intent.

It is the intent of this chapter to establish high standards of fire and life safety for the built environment of the City.

Sec. 60-4. Findings.

To properly protect residents from the effects of fire; provide for the life safety of citizens in public places and reduce the likelihood of economic loss to the community, it is important to establish codes and standards for new development within the City of North Port. This can best be accomplished by building fire prevention and fire suppression features into our community environment. Having uniform and consistent code reference and compliance is important to build a better, safe, clean, pretty, fun community. This chapter contains several sections dedicated to the vertical construction of buildings,
including uniformity in design, installation and labeling of building safety features. This includes emergency services notification, fire suppression systems, signage, elevators and generators, among other things.

Building fire and life safety features into our environment, both in the buildings themselves as well as the infrastructure, can greatly reduce the response time and manpower required to respond to emergencies in the city. This can be a direct benefit to our citizens and businesses in reduced fire assessments and fire insurance premiums. Devastating loss of life and property can be minimized by designing into our infrastructure the roads, fire hydrants and other elements necessary for fire and rescue personnel and apparatus to safely and rapidly gain access to buildings, communities and centers of commerce.

There are now several sections on standardization of infrastructure construction. This code now includes such items as road and parking lot stabilization requirements, driveway sizes and fire hydrant and FDC placement. Provisions have also been added for the protection of lives and property during and after construction, including access to and safety of construction sites.

The standards in this chapter are to be used in conjunction with the Florida Fire Prevention Code, as adopted by City Ordinance.

Sec. 60-5. Fire Sprinkler Systems in Commercial and Multi-Family Residential Buildings.

A. All commercial structures erected in the City shall be designed and constructed with a complete fire sprinkler system in accordance with NFPA 13, Standard for Installation of Fire Sprinkler Systems.
B. All multi-family residential structures erected in the City containing three (3) or more attached residential units (apartments or townhouses) shall be designed and constructed with a complete fire sprinkler system, in accordance with NFPA 13, Standard for Installation of Fire Sprinkler Systems, or NFPA 13R, Standard for Installation of Fire Sprinkler Systems in Residential Occupancies up to and Including Four Stories.

C. Prior to release of a building permit, a professional engineer shall submit, with the construction documents, or on the final “Master Utility Plan”, Fire Protection specifications as required in Florida Administrative Code 61G15-32.004 containing:

(1) Characteristics of water supply (main size and location).

(2) Flow test data, not more than six months old, including date, time and who performed the test.

(3) Point of water service.

(4) Applicable NFPA standard.

(5) Classification of hazard.

(6) Design approach including system type, densities, device spacing and temperature rating.
D. Engineered Fire Sprinkler layout drawings, hydraulic calculations and product information sheets are due for review and approval with, or immediately following, Building Permit application.

E. The fire sprinkler system shall be installed by a Class I or II fire sprinkler contractor, licensed in the State of Florida, under a separate permit application, submitted by that contractor.

Sec. 60-6. Fire Department Standpipes

A. In all structures, commercial or residential, three stories or more in height, a Class I manual wet pipe standpipe system shall be required to be installed, in addition to the fire sprinkler system.

(1) The standpipe may be made a part of the sprinkler riser system with the approval of the Fire Official, or can be a freestanding system, with its own appropriately labeled Fire Department Connection (FDC).

(2) The standpipe shall be installed in accordance with NFPA 14 Standard for the Installation of Standpipe Systems.

(3) The fire standpipe system shall be installed by a Class I or II fire sprinkler contractor, licensed in the State of Florida, under a separate permit application, submitted by that contractor.

Sec. 60-7 Underground Fire Lines

Underground Fire Lines shall be installed in accordance with NFPA 24, Installation of Private Fire Service Mains and Their Appurtenances.
A. All underground fire lines subject to pressure shall be C-900/DR14, and shall be installed by a Class I, II or V contractor, licensed in the State of Florida, under a separate permit application, submitted by that contractor.

B. The fire line to the building shall extend to one foot above finished floor (1’ aff) or one foot above finished grade (1’ afg) at the building, per Florida Statute 633.539.

C. All restraining rods and bolts securing fire lines shall have a coat of bituminous material applied prior to backfilling of trench. A minimum of thirty-six inch (36”) tamped clean dirt cover is required.

D. All fire lines shall have a continuous number twelve (12) wire, color coded blue, attached securely to the pipe. The wire shall be laid on top of the pipe, secured to restrainer bolts, and taped at a minimum of ten foot (10’) intervals.

E. Three inch (3”) metallic location tape, color coded blue, identifying “FIRE LINE BELOW” shall be located eighteen inches (18”) above all fire lines.

F. Post Indicator Valves (PIV) shall be used only where valves in dedicated fire lines are deemed necessary, and only with the approval of the Fire Official. No other valves are permitted in fire lines.

G. After installation, inspection and testing, all double detector check valve assemblies shall be chained and padlocked, shall be maintained (including painting) on an annual basis, per NFPA 25, by the owner(s) (association) and test certificates shall be forwarded promptly to the City of North Port Fire Rescue District.
Sec. 60-8. Fire Department Connections (FDC).

A. Placement of fire department connections (FDC) shall be determined with the Fire Marshal prior to installation. Five inch (5”) Storz connections shall be used, and shall be located no closer than twenty-five feet (25’), and no further than seventy-five feet (75’) from a fire hydrant, and shall be located no further than ten feet (10’) from the curb line.

(1) All FDC’s shall be yard posts, or affixed to the system side of the back-flow preventer, and shall not be wall mounted.

(2) FDC’s shall be installed at an 18 inch minimum and 42 inch maximum height from finished grade to the center of the opening, and shall be painted “fire engine red”.

B. The minimum clearance around all fire department appliances (FDC’s and fire hydrants) shall be seven and a half feet (7½’) on each side, seven and a half feet (7½’) in the front and four feet (4’) at the rear.

C. Marking of FDC’s shall follow the requirements of Section 60-12(D) Fire Lanes and Fire Department Accessibility to Buildings.

Sec. 60-9. Fire Hydrants

A. Fire hydrants in commercial and multi-family (three (3) or more attached units) residential subdivisions shall be spaced no greater than four hundred feet (400’) apart, as measured by hose lay along the street.
(1) In commercial and multi-family residential subdivisions, isolation valves shall be installed at intervals so that no break or repair shall necessitate shutting down a length of pipe greater than four hundred feet (400’).

B. Fire hydrants in single family or single family attached (2 units) residential subdivisions shall be spaced no more than eight hundred feet (800’) apart, as measured by hose lay along the street.

(1) In single-family residential subdivisions isolation valves shall be installed at intervals so that no break or repair shall necessitate shutting down a length of pipe greater than eight hundred feet (800’).

C). All effort shall be made to locate fire hydrants at intersections.

D). The cost of fire hydrant installation shall be borne by the developer. After installation, inspection and testing, fire hydrants shall be dedicated to the City of North Port Utilities Department for maintenance.

E). Privately owned fire hydrants shall be installed only with the approval of the Fire Rescue District and North Port Utilities Department.

(1) Hydrants shall be installed per NFPA 14 and maintained (including painting) on an annual basis per NFPA 25 by the owner (association) and test certificates shall be forwarded promptly to the City of North Port Utilities Dept.

F). The minimum clearance around all fire hydrants shall be seven and a half feet (7½’) on each side, seven and a half feet (7½’) in front and four feet (4’) in the rear.
1. There shall be a minimum of eighteen inches (18") clear height from the finished grade to the center of the pumper nozzle nut.

G). For all new fire hydrants, the developer shall affix a blue traffic delineator in the middle of the driving lane nearest the hydrant.

H). Fire hydrants shall conform to the requirements of the latest revision of AWWA-C502, “Dry-Barrel Fire Hydrants” and shall be installed per NFPA 14 and the requirements of the City of North Port Fire Rescue District and North Port Utilities Dept.

I). Dry Hydrants – Subdivisions and commercial development projects without a central water system shall conform to the following standards:

   (1) When bodies of water are available, drafting points consisting of a dry hydrant assembly shall be provided. Dry hydrant placement shall be with the approval of the Fire Marshal, and shall be designed by a Florida registered engineer in accordance with NFPA 1231, Standard on Water Supplies for Suburban and Rural Fire Fighting.

   (2) The Engineer shall certify the water availability to withstand the 50 year drought.

Sec. 60-10. Fire Rescue Access During Construction

A. Prior to commencement of any construction, the developer/contractor shall have the primary means of access into the project completed with at least one half inch (1/2) of the base course of asphalt.
(1) The road shall extend to within fifty feet (50’) of the areas of construction, and as such construction progresses, shall be extended so as to consistently provide emergency access.

(2) The fire hydrant system shall be activated to within four hundred feet (400’), as measured by road, (eight hundred feet (800’) in single family home developments) of any and all construction, and as such construction progresses, shall be extended so as to provide a consistent water supply for firefighting purposes.

B. Throughout construction, the contractor shall maintain a second readily accessible entry to the property at all times.

(1) The entry shall be a minimum of twenty feet (20’) wide, hardened with LBR 80 (lime rock bearing ratio), stabilized to support the weight of fire apparatus (32 tons) and located within 75 feet of any construction related activity.

(2) The entry point shall be designated by a sign with 6” letters “FIRE RESCUE ACCESS POINT”.

(3) The sign must be of contrasting colors and be visible from the nearest major road leading to the project.

(4) If the roadway is greater than 100 feet long, red survey stakes shall be used to delineate the roadway. Stakes shall be located every 30 feet, offset on both sides of the roadway.
(5) If required by the Authority Having Jurisdiction (AHJ), at the secondary access road, a water source shall be provided within 400 feet (as measured by road) of any and all construction, so as to provide a consistent water supply for firefighting purposes.

(6) The water supply shall be approved by the AHJ.

(7) On all access drives (paved or unpaved), all construction traffic shall park on one side of the street to maintain a minimum 12’ wide clearance for emergency vehicles.

C. A mandatory pre-construction meeting shall be held prior to any site construction taking place. At this meeting, the applicant/engineer shall submit an Emergency Access Plan (EAP) clearly showing all access roads throughout the construction phases, and the progression of fire hydrant activation and secondary water source location(s).

Sec. 60-11. Roadways, Parking Lots and Driveways.

A. All new subdivisions and/or developments shall have two (2) fully functional access drives.

(1) A minimum vertical clearance of thirteen feet, six inches (13’ 6”) is required.

(2) Roadway, parking lot and driveway turning radii shall be designed to standards listed in Sec. 37-37 of this ULDC, allow large (emergency) vehicles to navigate through all turns without having to cross into oncoming traffic.
(3) Entrance driveways shall accommodate pre-entry vehicular stacking of at least three (3) cars, provide a turn-around area, and be designed such that emergency vehicles do not have to leave the travel-way to negotiate any roads, turns or gates.

(4) The Engineer of Record shall submit drawings clearly indicating vehicle stacking and turning radii of all roads, entrances and parking lots.

B. Dead-end fire department access roads in excess of one hundred fifty feet (150’) in length shall be provided with approved provisions for turning around of fire apparatus.

(1) Acceptable turnarounds include cul-de-sac, T-turn or Y-turn.

(2) The cul-de-sac turnaround shall have a minimum centerline radius of fifty feet (50’) and the T & Y turns shall have a minimum depth of forty feet (40’).

C. Dead end roads shall have a maximum length of twelve hundred feet (1200’), and shall be provided with approved provisions for turning around of fire apparatus.

(1) Acceptable turnarounds include cul-de-sac, T-turn or Y-turn.

(2) The cul-de-sac turnaround shall have a minimum centerline radius of fifty feet (50’) and the T & Y turns shall have a minimum depth of forty feet (40’).

Sec. 60-12. Fire Lanes and Fire Dept Accessibility to Buildings
A. Required fire lanes shall be provided, with the inner edge of the roadway no closer than ten feet (10’) and no farther than thirty feet (30’) from the building, and shall extend a minimum of thirty feet (30’) on each side of the major public entrance to a building, or unit of a building.

(1) Fire lanes shall have a surface designed to accommodate fire apparatus with a minimum weight of 32 tons.

(2) Buildings having ramps or other elevated roadways shall have posted weight limit signs.

B. All fire lanes shall have a minimum width of 12 feet.

(1) All fire lanes shall be completely outlined with yellow traffic paint, by a stripe of eight inches minimum width: also diagonal striping a minimum of four (4”) inches wide, at least four feet (4’) on center, to the curb line.

(2) The curb, or the line of the curb, shall be painted yellow for the entire length of the fire lane. Within the stripes shall be the words “FIRE LANE – NO PARKING” in block letters of no less than twelve inches in height with a minimum three inch stroke, directly in front of the entry/exit doors.

(3) All pavement lettering shall be 90 mil thick thermoplastic.

C. Fire lanes shall also be marked with freestanding signs with the wording “NO PARKING – FIRE LANE – BY ORDER OF THE FIRE DEPARTMENT”.
(1) Such signs shall be 12 inches by 18 inches (12” X 18”) with a white background and red letters and shall be a maximum of seven (7’) feet in height from the roadway to the bottom of the sign.

(2) The signs shall be within sight of the traffic flow, shall be readable from both directions and shall be a maximum of fifty feet (50’) apart.

D. Areas around FDC’s shall be considered fire lanes.

(1) This area shall have a minimum width of 15 feet (7½ feet on each side of the FDC), and shall be completely outlined with yellow traffic paint, by a stripe of eight (8”) inches minimum width; also diagonal striping a minimum of four (4”) inches wide, at least four feet (4’) on center, to the curb line.

(2) The curb, or the line of the curb, shall be painted yellow for the entire length of the FDC fire lane. Within the stripes shall be the words “FDC – NO PARKING” in block letters of no less than twelve inches in height with a minimum three inch stroke.

(3) All pavement lettering shall be 90 mil thermoplastic.

(4) All FDC’s shall have a sign posted 18 to 24 inches above the appliance and four (4’) feet directly behind the FDC with the letters “FDC” in six (6”) inch red letters on a white background.

E. In buildings up to two stories, with fire sprinklers and alarms installed, at least one elevation (side) of each building shall be accessible to the fire department.
(1) In buildings two stories to four stories, up to a maximum height of fifty feet (50’), with fire sprinklers and alarms installed, at least two elevations (sides) of each building shall be accessible to the fire department.

(2) In buildings greater than four stories, over fifty feet (50’) in height, with fire sprinklers and alarms installed, at least three elevations (sides) of each building shall be accessible to the fire department.

(3) With the approval of the AHJ, access roads of stabilized base covered with turf or decorative pavers, clearly delineated and with approved signage, may be permitted.

Sec. 60-13. Fire Alarms in Buildings

A. A complete fire alarm system, with manual pull stations and ADA compliant audio-visual devices, shall be required in all buildings with fire sprinkler systems and all assembly occupancies, and shall be electronically monitored 24 hours a day by a UL listed central station.

(1) Heat and/or smoke detectors shall be installed where required by the Florida Fire Prevention Code or the AHJ.

(2) All systems shall have a waterproof exterior horn-strobe installed so as to be visible to responding emergency vehicles, with exact location determined with the AHJ.
(3) The fire alarm control panel (FACP) shall be installed in an environment protected from the Florida climate.

(4) All installations shall be in accordance with NFPA 72, National Fire Alarm Code, and NFPA 70, National Electrical Code.

(5) The fire alarm system shall be installed by a Florida licensed fire alarm contractor, under a separate permit application, submitted by that contractor.

Sec. 60-14. Fire Department Key Box, Entry Gate Accessibility and Standardized identification requirements.

A. In all commercial and multi-family structures in the City of North Port a fire department key box, approved by the AHJ, shall be installed.

(1) Current keys to the fire alarm control panel, fire sprinkler riser, elevator doors and operating equipment rooms, mechanical and electrical equipment rooms, roof accesses, as well as all common areas shall be maintained inside the box for Fire Department use.

(2) The purchase and installation of the key box is the developer/ owner responsibility.

(3) Applications for the box can be obtained from the Fire Rescue District Administration Office.
B. All fire sprinkler riser rooms, fire alarm control panel (FACP) rooms, elevator equipment rooms and interior roof accesses shall be labeled, with three inch (3”) letters in a color contrasting its background.

C. Gated subdivisions or buildings shall provide emergency gate access to conform to the City of North Port Fire-Rescue District requirements (10 digit / 300 mega-hertz/multi-code frequency with receiver).

(1) Coding information will be provided by the City of North Port Fire Rescue District upon request by the developer and/or gate contractor.

(2) All new installations shall include two (2) remote control units to be donated to the Fire Rescue District.

(3) At the point that a building, subdivision or community has reached an occupancy requiring gate access, as determined by the AHJ, the primary and secondary exit electronic gates shall be fully operational, utilizing the required method of activation, and shall be inspected by the AHJ.

D. All commercial and multi-family buildings shall have address numbers posted so as to be clearly visible to incoming emergency responders.

(1) The address numbers shall be a minimum of six inches (6”) in the front and three inches (3”) in the rear of the structure and shall be in a contrasting color to its background.

(2) Any addressed structure greater than 150 feet from the road shall have six inch (6”) numbers visibly placed at the road.
Sec. 60-15. Alternative Power Sources

A. In all structures with an alternative power source, such as solar or generator, a sign shall be placed at the electric meter identifying the alternative source, and its location.

(1) The sign shall be permanently affixed and shall have red lettering of no less than one half inch (1/2) in height on a white background.

Sec. 60-16. Elevators

A. In all structures, commercial or residential, greater than 25 feet in height requiring an elevator accessible for public use, at least one elevator car shall be of sufficient size to accommodate an ambulance stretcher 76 inches long and 24 inches wide in the horizontal position.

(1) Buildings greater than three (3) stories in height, or with two or more elevators, shall be required to have at least one of the elevators served by an emergency generator.

(2) A single generator may serve a complex of buildings.

(3) All public elevator cars shall have emergency communications as required in the National Elevator Code, ASME A17.

(4) Elevator operation and door keys shall be maintained in the Fire Department key box.

Sec. 60-17. Gasoline Stations
A. All gasoline stations permitted for construction after the adoption of this code shall have an emergency generator installed, or shall have connections installed, as approved by the Fire Marshal and a City Electrical Inspector, to accommodate a generator.

(1) In the event of an emergency and/or catastrophic event, gasoline can continue to be pumped to emergency vehicles (for compensation), and/or to the public, as the owner desires.

Sec. 60-18. Interpretation.

Interpretation of this section shall be made by the Fire Chief or designee. This chapter shall be liberally construed in order to effectively carry out its purpose. Where any provisions of this chapter refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the current adopted version.

Sec. 60-19. Conflicts.

In the event of conflict between this code and the Florida Administrative Code, State Statutes or the Florida Fire Prevention Code, the most stringent code shall apply.

Sec. 60-20. Appeals.

Any person aggrieved by the Fire Marshal’s interpretation of these codes and standards may appeal to the Fire Chief. The Fire Chief’s decision may be appealed to the City Manager. The criteria for granting an appeal shall be
based upon substantial competent evidence proving that the interpretation renders the property unbuildable without reasonable use or unusable for its intended purpose. The granting of any appeal shall not be in conflict with the Florida Fire Prevention Code or State Statutes. The City Manager’s decision may be appealed to the City Commission. The City Commission’s decision, based upon the evidence submitted to the Fire Chief and City Manager and their finding(s), may be appealed to the Circuit Court of Sarasota County within 30 days of such decision.

(1) Applications for an appeal shall be filed pursuant to Sec. 1-10.

Sec. 60-21. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent, and such holding shall not affect the validity of the remaining portions thereof.
CHAPTER 61  DEFINITIONS

Sec. 61-1. Title

Sec. 61-2. Intent.

Sec. 61-3. Definitions and word usage.

Sec. 61-4. Interpretation.

Sec. 61-5. Conflict.

Sec. 61-6. Appeals.

Sec. 61-1. Title.

This chapter shall be known and may be cited as the “Definition” chapter of the City of North Port, Florida.

Sec. 61-2. Intent.

It is the intent of the City Commission of the City of North Port to provide customer friendly documentation and to aid in the understanding of this Code with definitions being placed in a centralized location for easy access.

Sec. 61-3. Definitions and Word Usage.

A. Analogous words and terms. For the purpose of these regulations, the following analogous words and terms shall be interpreted to have similar meanings when not inconsistent with the context:

(1) Words used in the singular number include the plural, and words used in the plural number include the singular.
(2) Words used in the present tense include the future tense.

(3) The word "constructed" includes the words "erected," "built," "installed," "rebuilt" and "replaced."

(4) The word "lot" includes the words "plot," "parcel" or "tract."

(5) The word "structure" includes the word "building" whether primary or accessory, or "fence" or "wall."

(6) The word "subdivider" includes the word "developer," and the word "developer" includes the word "subdivider."

(7) The word "include" is a word of enlargement and not limitation.

(8) The word "shall" is mandatory, and the word "may" is permissive.

(9) The words "his" or "hers" includes the words "he" or "she."

(10) The words “these regulations” shall mean the entirety of the Unified Land Development Code for the City of North Port, Florida.

ABANDONED VESSEL -- a vessel is deemed to be abandoned when it is left unattended for 48 hours or more, that is: (a) adrift; (b) aground; (c) discarded; (d) sinking; or (e) sunk; on public or private property without the written consent of the Owner or Operator of the property. (26)

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

ABUTTING PROPERTY -- Unless specifically stated otherwise within this ordinance, properties having a boundary line, or point or portion thereof, in common with no intervening street right-of-way or easement or any other easement over 25 feet in width. (53)

ABUTTING PROPERTY -- Any property or portion thereof that touches or is joined by a border.

ACCESS (VEHICULAR) -- The principal means of vehicular ingress and egress to abutting property from a street right-of-way or easement. (29)

ACCESS, VEHICULAR -- The principal means of vehicular ingress and egress to abutting property from a street right-of-way or easement. (53)

ACCESS, VEHICULAR -- A means of vehicular approach, entry to, or exit from property.

ACCESSORY BUILDING OR STRUCTURE -- See "building or structure, accessory."

ACCESSORY USE -- See "use, accessory." (53)

ACCESSWAY -- A paved area intended to provide ingress or egress of vehicular traffic from a public right-of-way to an off-street parking area or loading area. (21)

ACCESSWAY -- That area set aside on a site plan or plat for private street
purposes. (37)

ACCESSWAY -- A designated area intended to provide ingress or egress.

ACRE -- An area containing 43,560 square feet of area. (53)


ADDITION (TO AN EXISTING BUILDING) -- Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction. (17)

ADJACENT PROPERTY -- Any property or portion thereof that is immediately adjacent to, or contiguous with or that is located immediately across any roadway, right-of-way, easement or waterway from property that may be subject to any review or hearing required to be held under these regulations.

ADJUSTED GROSS ACRES (AGA) -- The gross area of a given area less water bodies, wetlands, conservation areas, and open space.

ADOPTED LEVEL OF SERVICE -- The level of service (LOS) standards adopted in the City of North Port's revised and updated Comprehensive Plan as referenced in Policy 3.1 of the plan's Capital Improvement Element. (5)
City of North Port's revised and updated amended Comprehensive Plan as referenced in Policy 3.1 of the plan's Capital Improvement Element. The Adopted Level of Service for public school facilities have been jointly adopted by the North Port City Commission and the Sarasota County School Board in section 4.2(b) of the Amended Interlocal Agreement for Public School Facility Planning.

(5)

ADULT BOOKSTORE -- An establishment maintained for the sale or distribution to adults of materials not limited to reading material, the sale of which to juveniles would be prohibited by F.S. § 847.012. (53)

ADULT CONGREGATE ASSISTED LIVING FACILITY (ALF) -- A residential land use, licensed under Chapter 10 A-$ 58, F.A.C., which may be a building, a section of a building, a section of a development, a private home, special boarding home, home for the aged or similar place, whether operated for profit or not, which undertakes through its ownership and/or management to provide, for a period exceeding 24 hours, housing and food service plus one or more personal services for 15 or more adults not related to the owner or administrator by blood or marriage. A facility offering such services for fewer than 15 adults shall be considered as being within the context of this definition if it formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment which provides such services. These facilities are not synonymous with nursing home. Facilities with fewer than 15 residents shall be considered a "community residential home." For purpose of this definition only, "personal services" means services in addition to housing and food service, which include but are not limited to housekeeping, dressing, ambulation or therapy. (53) which is any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which
undertakes through its ownership or management to provide housing, meals, and
one or more personal services for a period exceeding 24 hours to one or more
adults who are not relatives of the owner or administrator.

ADULT EXHIBITION/ENTERTAINMENT -- An establishment maintained for the exhibition
for a monetary consideration of motion pictures, exhibitions, shows,
presentations or representations, the exhibition of which to a minor would be
prohibited by F.S. § 847.013, as that statute now exists. (53)

ADVERSE EFFECT (ON HISTORIC RESOURCES) -- An effect which may reduce or impair
any of the elements of integrity or other criteria for significance of a
historic resource identified in § 58-4B, including, but not limited to: physical
destruction, damage, or alteration of all or part of the property; isolation of
the resource from or alteration of the character of the resource's setting when
that setting contributes to the resource's significance; or introduction of
visual, audible, or atmospheric elements that are out of character with the
property or alter its setting. [Amended 9-23-2002 by Ord. No. 2002-42](58)

ADVERSE IMPACT -- a negative effect upon a wetland, resulting from development
which contaminates, alters, or destroys, or which contributes to the destruction
of the environmental benefits and function of the wetland. (49)

ADVERTISING: CIRCULAR -- Any publication that is predominantly advertising and
containing minimal or no news reports.

AGRICULTURE or AGRICULTURAL USE -- The cultivation of the soil, the production
of crops and the raising of livestock. The definition includes the accessory
uses of packing, treating or storing the agricultural products raised on the
premises but shall not include facilities for processing agricultural
commodities brought from off the premises. (See also "farm."). (53)

AGRICULTURE -- The cultivation of soil, the production of crops and the raising of livestock. The definition includes the accessory uses of parking, treating or storing of agricultural products.

AGRICULTURAL USE – The use of land for purposes including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, aquaculture, and animal and poultry husbandry, and the necessary accessory uses for storing the products. The term shall include incidental retail sales by the producer of products raised on the farm.

ADJACENCY REVIEW – The review as provided in Sec.5-12(C)(2)(e) of these regulations of school concurrency service areas contiguous to the school concurrency service area in which the proposed development is located. (5)

ALLEY -- A roadway dedicated to public use affording only a secondary means of access to abutting property and not intended for general vehicular traffic circulation. (37)

ALTER or ALTERATION -- Any change in size, shape, character or use of a structure, including, but not limited to, a change, rearrangement or reconstruction of the structural parts and the moving from one location or position to another. Normal maintenance, painting and repairs to existing signs shall not be deemed alterations within the meaning of this chapter. (29)

ALTER or ALTERATION -- Any change in size, shape, character of a structure, including, but not limited to, a change, rearrangement or reconstruction of the structural parts and the moving from one location or
position to another. Normal maintenance, painting and repairs to existing structure shall not be deemed alterations within the meaning of these regulations; however, the changing of a sign face is considered an alteration.

ALTER or ALTERATION -- Any change in size, shape, character or use of a building or structure. (53)

ALTERATION, STRUCTURAL -- Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders; provided, however, that the application of any exterior siding or similar material to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration. (53)

ALTERATION, STRUCTURAL -- Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders; provided, however, that the application of any exterior siding or similar material applied over an existing structural finish for the purpose of beautifying and modernizing shall not be considered a structural alteration.

ALTERATION -- Any dredging, filling, cutting, drainage or flooding of a jurisdictional water body. (13)

ALTERNATIVE WASTEWATER SYSTEM -- Any Department of Health and Rehabilitative Services (DHRS) approved on-site individual sewage disposal system which will consistently provide a level of sewage treatment equal to or exceeding that of a Class I aerobic treatment unit in compliance with National Sanitation Foundation (NSF) Standard 40, as revised. The unit must also meet all requirements as called for in Chapter 10D-6, Florida Administrative Code, Standards for On-Site Sewage Disposal Systems. (9)
ANIMAL BOARDING FACILITY -- An establishment where dogs, cats or any other animals not belonging to the property owner (except litters of animals of not more than six months of age) are boarded. (53)

ANIMAL -- DOMESTIC -- Animals that are normally considered household pets, including but not limited to dogs, cats, birds, fish and rabbits.

ANIMAL -- EXOTIC -- Animals other than domestic animals that normally live in a state of nature (the wild), are not ordinarily tame or domesticated, and are maintained and housed in accordance with all local, state and federal laws and regulations. Birds kept as household pets are considered domestic animals.

ANIMAL, FARM or LIVESTOCK or POULTRY -- Includes any animal raised for food or product. In addition, they include the following, regardless of purpose:

1. All animals with hooves, either single or split.
2. All members of the ovine (sheep), bovine (cows and cattle), caprine (goats), equine (horses and ponies), and swine (pigs and hogs) families.
3. Emus, rheas, and ostriches.
4. All poultry (chicken, roosters, turkeys, ducks, geese and the like).

The following animals are specifically excluded when they are not kept or raised for food or product:

a. Purebred miniature potbellied pigs.

ANIMAL HOSPITAL -- An establishment providing for the diagnosis and treatment of ailments of animals, other than human, and which may include facilities for overnight care. (53)

ANIMATED SIGN -- A sign which utilizes motion of any part by any means,
including wind power, or displays color changing, flashing, oscillating or intermittent lighting, electronic messages, except time and temperature, moving images or which emits visible smoke, vapor, particles, noise or sounds. The definition of animated sign shall not include changeable copy or electronic signs, as defined herein. (29)

APPEAL -- A request for a review of the Administrator's interpretation of any provision of these regulations or a request for a variance. (17)

APARTMENT BUILDING -- A building or portion thereof containing three (3) or more dwelling units with independent cooking and bathroom facilities. (37)

APARTMENT BUILDING -- A building or portion thereof containing three (3) or more dwelling units with independent cooking and bathroom facilities no matter what type of ownership.

APPLICANT -- Any person or his duly authorized representative who submits plans through any City agency for the purpose of obtaining approval thereof. (37)

APPLICANT -- Any person or entity requiring a permit for construction of a structure for a water-dependent use and/or a dredge and fill permit. (13)

APPLICANT -- Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity, or their duly authorized representative, commencing proceedings under these zoning regulations. (53)

APPLICANT -- any person or his duly authorized representative who submits a request for a development agreement for the purpose of obtaining approval thereof. (58)
APPLICANT -- Any owner/agent or duly authorized representative thereof, commencing any type of proceedings under these regulations.

APPROVED PARKING FACILITY -- Any legally constructed and/or permitted area dedicated for the purpose of parking or storing motor vehicles. This includes but is not limited to parking spaces, parking lots, garages or accessways.

ARBORIST -- The arborist for the City of North Port.

ARCHITECT -- A professional architect duly registered and licensed.

ARCHITECT -- A professional architect duly registered and licensed in the State of Florida.

AREA OF SHALLOW FLOODING -- A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

AREA OF A SIGN -- The area of any sign shall be considered to include all lettering, wording and symbols, together with the background, both sides of a double-sided sign are considered one sign face for calculating maximum square footage of a monument sign only) whether open or enclosed, on which they are displayed, including the frame around the sign but not any supporting structure or brace. For signs consisting of individual letters or symbols attached to or painted on a surface, building wall or window, or for signs in which the letters, symbols, etc., extend beyond the frame, the area shall be considered to
be that of the smallest geometric shape which encompasses all of the letters and
symbols. (29)

AREA OF SPECIAL FLOOD HAZARD -- The land in the “SWFWMD approved floodplain
maps” within a community subject to a one-percent or greater chance of flooding
in any given year.(17)

ARTERIAL -- A street used for continuous traffic primarily as a main traffic
artery and carrying more traffic for a greater distance than a collector street,
and as specified in the City of North Port Comprehensive Plan, Transportation
Element.(53)

ATTENUATION - The detention of surface water through provision of sufficient
water quantity storage volume for the design storm event, such that the post-
development peak discharge rate will not exceed the pre-development peak
discharge rate for the design storm event.(18)

AUTHORITY HAVING JURISDICTION - (AHJ) - The Fire Official or his designee and/or
the Building Official or his designee. (37)

AWNING -- A covering either permanently attached to the building or which can be
raised or retracted to position against the building when not in use. (29)

AWNING CANOPY -- An awning with the long axis projecting perpendicular to the
building rather than parallel and requiring posts or poles to support the end of
the canopy furthest away from the building. (29)

BACKLOGGED PUBLIC SCHOOL FACILITIES - Those public school facilities operating
below the adopted level of service and are not scheduled for major school
capacity improvement in the City of North Port’s Five Year Schedule of Capital
Improvements which incorporates by reference the Sarasota School district Five
Year Capital Facilities Plan, dated September 11, 2007, as amended. (5)

BANNER, FLAG or PENNANT, INTENDED FOR USE AS A SIGN -- Any cloth, plastic, paper
or similar material intended for use as a sign used for advertising purposes
attached to, or appended on or from, any structure, staff, pole, line or
framing. (29)

BAR or COCKTAIL LOUNGE -- Any establishment devoted primarily to the retailing
and on-premises drinking of malt, vinous or other alcoholic beverages.(53) Bars
include taverns, night clubs, private clubs, bottle clubs, and similar
facilities serving alcoholic liquor.

BASE -- A concrete pad or paver blocks installed or used to support a newspaper
rack.

BASE FLOOD -- The flood having a one-percent chance of being equaled or exceeded
in any given year. The 100-year flood. (17)

BASEMENT -- That portion of a building having its floor sub-grade (below ground
level) on all sides.(17)

BENCH SIGNS -- Signs which are attached to benches that are placed on or along a
public right-of-way. Bench signs are only allowed in public parks and must be
when authorized in writing by action of the City Commission. in compliance with
§ 29-7 of these regulations. (29)

BERM -- A linear earthen mound with a maximum average height of three feet. (21)
BERM -- A linear mound comprised of soil. (53)

BERM -- A linear earthen mound in excess of two feet in vertical height.

BLOCK -- An area of land surrounded by streets, streams, railroad rights-of-way, parks or similar areas or facilities. (37)

BOARD -- the City of North Port Planning and Zoning Advisory Board. (54)

BOARD OF ZONING APPEALS -- The Board having the functions, powers and duties as set forth in these regulations.* (53)

BOARDINGHOUSE -- An establishment with lodging for five or more persons where meals are regularly served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu. This definition also includes rooming houses. (53)

BOAT -- Any vessel, watercraft or other artificial contrivance used, or which is capable of being used, as a means of transportation, mode of habitation or as a place of business, professional or social association on waters of North Port, Florida. (53)

BONA FIDE AGRICULTURAL PURPOSES -- Good faith commercial or domestic agricultural use of the land. In determining whether the proposed agricultural use of land is bona fide, the following factors, though nonexclusive, shall be taken into consideration:

A. The length of time the land will be so utilized.
B. The size of the land, as it relates to specific agricultural use.

C. Whether such land is under lease, and, if so, the effective length, terms and conditions of the lease.

D. The intent of the landowner to sell or convert the land for or to nonagricultural purposes.

E. The proximity of the property to existing urban or metropolitan development.

F. The productivity of land in its present use.

G. The relationship of the property to the Comprehensive Plan of the City of North Port. (21)

BOND - A surety bond, irrevocable letter of credit, or other financial assurance acceptable to the City commission. (14)

BOUNDARY FENCE -- See "fence, boundary." (53)

BOUNDARY WALLS AND FENCES -- A wall or fence constructed along the full perimeter of the property under unified ownership or by controlling home owners association, community development district or other entity to create a gated community. [Amended 11-24-2003 by Ord. No. 2002-56] (53)
BUFFER – A area of land which is required to be set aside along the perimeter of
a lot, parcel, wetland or other habitat that protects an area from the adverse
impacts of development.

BUFFER, PERIMETER LANDSCAPE -- A continuous area of land which is required to be
set aside along the perimeter of a lot, in which landscaping is used to provide
a transition between and to reduce the environmental, aesthetic and other
impacts of one type of land use upon another. (21)

BUILDING -- Any structure built or supported, either temporary or permanent,
having a roof intended to be impervious to weather, supported by columns or
walls or both and used or built for the shelter or enclosure of persons,
animals, chattels or property of any kind. This definition shall include tents,
awnings, cabanas or vehicles situated on private property and serving in any way
the function of a building, but does not include screened enclosures not having
a roof impervious to weather.

BUILDING -- Any structure built for support, shelter or enclosure for any
occupancy or storage. (17)

BUILDING -- Any structure having a permanent roof impervious to weather
supported by columns or walls or both. (37)

BUILDING, CONVENTIONAL: (53)

(1) A building, built upon a site and upon its own permanent foundation,
constructed of basic materials, such as wood, masonry or metal, or
minimally prefabricated components, such as roof trusses, wall panels and
bathroom/kitchen modules, and conformable to the locally adopted building, electrical, plumbing and other related codes; or(53)

(2) A building manufactured off site in conformance with Chapter 553, Part IV, of the Florida Statutes (or Chapter 9B-1, F.A.C.), subsequently transported to its site complete or in modules and fixed to its own foundation with no intention to relocate. (53)

BUILDING FACE – The wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marqueses, showcases or decorations. The building face stops at the first evident roofline.

BUILDING FRONTAGE -- That length of the building that directly faces a street or, for a shopping center that exceeds 100,000 square feet, an off-street parking area located on the development tract. Where a business may not face a street or off-street parking area, the building frontage shall be the main face or front of the business. (29)

BUILDING, HEIGHT OF -- The vertical distance measured from grade to the highest point of the roof surface of a flat roof, to the deck line of a mansard or Bermuda roof and to the mean-height level between eaves and ridge of gable, hip and gambrel roofs. Where minimum floor elevations in flood-prone areas have been established by law, the building height shall be measured from such required minimum floor elevations. (53)

BUILDING OFFICIAL -- The City of North Port Building Official or his duly authorized representative. (37)
BUILDING OFFICIAL -- The City of North Port Building Director or his duly authorized designee.

BUILDING OR STRUCTURE, ACCESSORY -- A building or structure which is customarily incidental and subordinate to a principal building or to the principal use of the premises and located on the same premises, and detached from the principal building. (See "building, principal.") (53)

BUILDING, PRINCIPAL -- A building in which is conducted the main or principal use of the premises in which said building is situated. (53)

BUSINESS SERVICES -- Establishments primarily engaged in rendering services to other business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; personnel and employment services; management and consulting services; protective services; equipment rental and leasing; photofinishing; copying and printing; travel; office supply; and similar services.

CALENDAR DAY -- Monday through Friday including Saturdays, Sundays and legal holidays.

CALIPER -- Diameter of a tree trunk measured six (6) inches above the groundline.

CANAL -- Waterways and irrigation canals that are used for the delivery of water. (33) An artificial open channel or waterway constructed for one or more of the following purposes: a) transporting water, b) connecting two or more bodies of water and c) serving as a waterway for watercraft.
CANOPY ROOF -- A freestanding structure attached to or covering a building designed to provide pedestrian and vehicular protection, including, but not limited to, canopies over gas pumps and drive-up windows. (29)

CANOPY SIGN -- A sign painted on or attached to a canopy or awning. (29)

CANOPY TREE -- A species of tree which normally grows to a mature height of 40 feet or more. (21)

CAPACITY (SCHOOLS) – Program capacity for the applicable school concurrency service area as programmed in the first three (3) years of the Sarasota School District Five Year Capital Facilities Plan. (5)

CAPACITY, AVAILABLE (SCHOOLS) – That portion of school capacity at the adopted level of service that remains available for the development after the following are subtracted: student enrollment, reserved capacity, and those student stations reserved for exempt development. (5)

CAPACITY, ENCUMBERED (SCHOOLS) – A temporary allocation of school capacity for 365 days during the pendency of the review for school concurrency of a development order for residential development. (5)

CAPACITY, RESERVED (SCHOOLS) – Committed school capacity allocated to a particular development by a certificate of school concurrency. (5)

CAPACITY, USED (SCHOOLS) – Student enrollment as counted in the most recent official October count and as projected for the first three (3) years of the Sarasota School district Five Year Capital Facilities Plan. (5)
CARPORT -- A freestanding or attached structure, consisting of a roof and supporting members, such as columns or beams, and designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory. (53)

CERTIFICATE OF OCCUPANCY (CO) -- The official certification that a premise has been inspected and conforms to the provisions of all applicable City regulations and codes and may be used or occupied. (37)

CHANGE OF OCCUPANCY -- The discontinuance of an existing use and the substitution therefore of a use of a different kind of class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use. (53)

CHILD-CARE FACILITY -- A facility located in a commercial zoning district where care, protection and supervision of children are provided for a fee. (53)

CHURCH -- See "house of worship." (53)

CITATION -- A fine issued to the owner of a property for failure to comply with City standards. (33)

CITY -- The City of North Port, Sarasota County, Florida. (37)

CITY -- the City of North Port, a political subdivision of the State of Florida. (58)

CITY ENGINEER -- The City of North Port City Engineer. (37)
CITY ENGINEER (designated) – The City of North Port’s City Engineer or his duly authorized designee.

CITY MANAGER -- the City of North Port City Manager, or an administrative official of City of North Port government designated by the City Manager to administer and enforce the provisions of this article code.(27)

CITY WATERS -- for the purpose of these regulations, all portions of those waters of the state within the City of North Port, up to and including the mean high water line or ordinary high water line. located within the City of North Port. (26)

CIVIC SPACE -- A public space located within a Neighborhood or Village.

CLASS A SIGNS (ON-SITE): (29)

(1) CLASS A, PRIMARY SIGN (or PRIMARY CLASS A SIGN) -- Monument sign in all zoning districts, except CG (Commercial, General) which may be either a monument or a pole sign, which is a sign, as defined in this chapter, used to convey information visually relating to or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever on the premises where the sign is located. Primary Class A signs are to be utilized as the principal advertising for the parcel or lot where one or more business entities are located on the parcel or lot. (29)

(2) CLASS A SIGNS (ON-SITE): CLASS A, SECONDARY SIGN (OR SECONDARY CLASS A SIGN) -- Sign, as defined in this chapter, other than a Class A primary sign,
and attached to a building used to convey information visually relating to or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever on the premises where the sign is located. Secondary Class A signs (such as, but not limited to, window, wall signs) provide advertising for individual occupants or businesses on a parcel or lot. Secondary Class A signs are not monument signs or ground signs. [Amended 10-28-2002 by Ord. No. 2002-28] (29)

(3) CLASS B SIGN (OFF-SITE) -- Sign, as defined in this chapter, used to convey information visually relating to or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever at a location or premises other than where the sign is located. (29)

CLERK OF THE CIRCUIT COURT -- The Sarasota County Clerk of the Circuit Court. (37)

CLOSURE - Securing an earthmoving facility upon cessation of the operation such that there is no threat to public health, safety, or the environment. (14)

CLOSURE PLAN - A plan which describes the requirements necessary to secure an earthmoving facility upon cessation of the earthmoving operation. (14)

CLUSTER DEVELOPMENT -- A site planning technique that concentrates two or more principal buildings and land uses or intensities in specific areas of a development in order to provide area for open space and buffering, for recreation and other common facilities, for surface water management, for the protection of environmentally sensitive lands and other valuable natural
resources and to reduce the cost of roads and infrastructure. (53)

CMP – Corrugated metal pipe. (33)

COASTAL HIGH HAZARD AREA -- The area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE or V. (17)

COCKTAIL LOUNGE -- Any establishment devoted primarily to the retailing and on-premises drinking of malt, vinous or other alcoholic beverages. (53) Cocktail lounges include bar, taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic liquor.

COMBINATION OF LOTS -- Two or more contiguous platted lots assembled and used as a single building site recorded under single ownership at the County Clerk of Courts, provided that no structure may be located in a recorded easement, with exception of side drainage and utility easements, which may be relocated to the new side lot lines. [Amended 11-24-2003 by Ord. No. 2002-56] (53)

COMMERCIAL NEIGHBORHOOD (NC Neighborhood Commercial) ZONING DISTRICT -- The NC Neighborhood Commercial Zoning Districts establish standards and procedures for the review of future neighborhood commercial plans and development projects on tracts or parcels located within or adjacent to existing residential neighborhoods, as are depicted on the City’s Future Land Use Map. Neighborhood Commercial Districts should provide a one-mile primary market area to conveniently serve the surrounding residential population. [Added 11-24-2003 by Ord. No. 2002-49] (53)

A. Neighborhood Commercial-Low Intensity (NC-LI) District is located on
collector streets and adjacent to residential lots. [Added 11-24-2003 by Ord. No. 2002-49] (53)

B. Neighborhood Commercial– High Intensity (NC-HI) District is situated at the intersections of collector or/and arterial streets, or surrounded by streets or other rights-of-ways. [Added 11-24-2003 by Ord. No. 2002-49] (53)

COMMERCIAL NEIGHBORHOOD USES -- Those small-scale commercial uses within or adjacent to areas or neighborhoods which are essentially residential in nature and which are meant to facilitate pedestrian activity. [Amended 11-24-2002 by Ord. No. 2002-49] (53)

COMMISSION -- the City of North Port City Commissioners. (27)

COMMISSION -- the City Commission of North Port, Florida. (30)

COMMISSION -- The City Commission of the City of North Port, Florida. (37)

COMMISSION -- the City of North Port Commissioners of City of North Port, Florida. (54)

COMMISSION -- The elected or appointed Commissioners of the City of North Port, Florida.

COMMITTEE -- the City of North Port Development Review Committee (DRC). (30)

COMMON LAND OR AREA -- Any parcel of land owned by or used jointly for mutual benefit of more than one party, such as open space or recreational areas. A
condominium association, homeowners' association or similar organizational shall be construed as being more than one party for the purposes of this definition. (37)

COMMUNITY – A subarea of the city consisting of residential, institutional, and commercial uses sharing a common identity.

COMMUNITY CENTER -- A place, structure, area or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community. (53)

COMMUNITY IDENTIFICATION SIGNS -- Identify the community, typically by landscaped entry features, fountains and the like. Within the community may be located subdivision sign(s) identifying specific and separate developments. (29)

COMMUNITY RESIDENTIAL HOME -- A dwelling unit licensed to serve clients of the Florida Department of Health and Rehabilitative Services providing a living environment for one to six or seven to 14 residents who operate as the functional equivalent of a family, including such supervision and care by support staff as may be necessary to meet the needs of the residents. (53)

COMMUNITY RESIDENTIAL HOME – A dwelling unit licensed to serve clients of the State of Florida providing a living environment for one to six or seven to 14 residents who operate as the functional equivalent of a family, including such supervision and care by support staff as may be necessary to meet the needs of the residents.

COMPATIBLE -- In describing the relation between two land uses, buildings or
structures or zoning districts, the state wherein those two things exhibit
either a positive relationship based on fit, similarity or reciprocity of
characteristics or a neutral relationship based on a relative lack of conflict
or on a failure to communicate negative or harmful influences one to another.

(53)

COMPREHENSIVE PLAN -- The revised and updated Comprehensive Plan for the City of North Port adopted by Ordinance No. 89-3 on March 15, 1989, by the City Commission. (5)

COMPREHENSIVE PLAN -- The revised and updated North Port Comprehensive Plan adopted by the City Commission as Ordinance 89-3, as the same may be amended from time to time. (37)

COMPREHENSIVE PLAN -- The document, and its amendments, adopted by the Commission pursuant to Chapter 163 of the Florida Statutes, for the orderly and balanced future economic, social, physical, environmental and fiscal development of North Port. The terms "comprehensive plan" and "comp plan" are synonymous. (53)

COMPREHENSIVE PLAN -- the document, the City of North Port Comprehensive Plan," adopted by the City of North Port Commissioners, as the same may be amended from time to time. (54)

COMPREHENSIVE PLAN -- the document "the City of North Port, Florida Comprehensive Plan," adopted by the North Port City Commission and filed with the City Clerk pursuant to City Ordinance No. 97-27, as amended. (58)
COMPREHENSIVE PLAN -- The document, and its amendments, adopted by the City of North Port Commission pursuant to Chapter 163 of the Florida Statutes, for the orderly and balanced future economic, social, physical, environmental and fiscal development of North Port. The terms "comprehensive plan" and "comp plan" are synonymous.

CONCURRENCY MANAGEMENT SYSTEM -- The procedures and processes utilized by the City of North Port to determine that development permits, when issued, will not result in a reduction of the City's adopted level of service standards. (5)

CONCURRENCY MANAGEMENT SYSTEM -- The procedures and/or process that the City utilizes to assure that development orders and permits when issued will not result in a reduction of the City's adopted level of service standards for public facilities at the time that the impact of development occurs.* (37)

CONCURRENCY MANAGEMENT SYSTEM -- The procedures and/or processes that the City utilizes to identify the level of service (LOS).

CONCURRENCY SERVICE AREA (SCHOOLS) – The geographic area for each school type in which adopted levels of service is measured by the school district. (5)

CONDITIONAL USE -- A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would not be detrimental to public health, safety or general welfare. (53)

CONDOMINIUM -- That form of ownership of property under which units or improvements are subject to ownership by one or more owners, and there is
appurtenant to each unit or part thereof an undivided share in common elements. (53)

CONNECTIVITY -- Vehicle and pedestrian facilities that link land use(s) within an activity center to each other, such as, but not limited to, cross access easement(s), shared driveway(s), sidewalk(s), golf cart path(s), mass transit, and fitness trail(s). Also, vehicular and pedestrian facilities that link an activity center to adjacent neighborhood or facilities linking neighborhood(s), such as, but not limited to vehicular bridge(s), pedestrian bridge(s), bridge(s) containing both pedestrian and vehicular facilities, sidewalk(s), fitness trails(s), golf cart path(s), mass transit. (53)

CONSERVATION -- The wise use of native habitats, other than those required to be preserved. (37)

CONSERVATION EASEMENT -- a right or interest in real property that is appropriate to retaining the structural integrity or physical appearance of sites or properties of archaeological or cultural significance in accordance with F.S. 704.06 (58)

CONSERVATION EASEMENT -- a right or interest in real property that is appropriate to retaining the structural integrity or physical appearance of sites or properties of archaeological, environmental or cultural significance in accordance with F.S. 704.06.

CONSERVATION/RESTRICTED OVERLAY ZONE -- That area depicted on the Future Land Use Map of the City of North Port as may be amended from time to time. (9)

CONSERVATION ZONE -- That area of the Conservation/Restricted Overlay Zone
referred to as Zone 3. (9)

CONSTRUCTION – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, streets, and other paving, utilities, clearing, filling, grading, excavation, mining, dredging, drilling operations, demolition or pile driving.

CONSULTANT -- An architect, attorney, engineer, environmental professional, landscape architect, planner, surveyor or other person engaged by the developer or applicant. (53)

CONTIGUOUS LOTS -- Lots which are abutting or are separated only by a street right-of-way or easement which is 60 feet or less in width. (53)

CONTIGUOUS PROPERTY – Two or more parcels of land with a common boundary or that are separated solely by a public roadway or other public right-of-way. (33)

CONTIGUOUS PROTECTIVE ZONE -- That area of the Conservation/Restricted Overlay Zone referred to as Zone 2. (9)

CONTRACTOR SALES OFFICE -- An office within a model home utilized by a licensed contractor in the State of Florida for the purpose of conducting limited business activities related to the contracting business only, such as general office-related activities and sales. (53)

CONVENIENCE STORE -- Any retail establishment offering for sale prepackaged food products, household items, gasoline/motor fuel and/or other goods commonly
associated with the same. (53) It may include on-site service of food or drink for immediate consumption. Gasoline/motor fuel are not considered as a part of a convenience store for zoning purposes.

CONVENIENCE STORE — A small retail establishment offering for sale convenience goods, such as prepackaged food items, tobacco, periodicals, over-the-counter medicines, cosmetics, and other household goods. Such stores may have on-site service of food or drink for immediate consumption.

CONVERSION -- The changing of use or density. (53)

COORDINATED INTERNAL TRANSPORTATION NETWORK -- a system composed of more than one mode of transportation that may provide for the automobile, mass transit, bicycles and pedestrians and may include roads, sidewalks, bicycle paths, bus shelters, fitness trails, golf cart paths and other intermodal facilities in order to provide mobility and link development within an Activity Center as well as provide connections to adjacent residential neighborhoods.

CRITICAL FEATURE -- An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised. (17)

CUL-DE-SAC -- A dead-end street terminated at the closed end by a circular vehicular turnaround. (37)

CULVERT — Any structure not classified as a bridge that provides an opening under the roadway or driveway. (33)

CURRENT -- Specifications, design standards and construction details in effect
or as may be changed or amended from time to time. The term "current" shall be applied at the time a plat, a site plan or a site and development plan is presented for acceptance or approval. (37)

DAY -- a working day, unless specifically referenced otherwise and shall exclude Saturdays, Sundays and legal holidays. (54)

DAY

(1) Calendar – Monday through Friday including Saturdays, Sundays and legal holidays.

(2) Working – Monday through Friday, and shall exclude Saturdays, Sundays and legal holidays.

DAY-CARE CENTER, ADULT -- A facility or establishment which undertakes through its ownership or management to provide basic services, such as but not limited to a protective setting, social or leisure time activities, self-care training and/or nutritional services to three or more adults not related by blood or marriage to the owner or operator, who require such services. This definition shall not be interpreted to include overnight care. (53)

DAY-CARE CENTER, CHILD -- A facility or establishment which provides care, protection and supervision for six or more children unrelated to the operator and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit. This definition shall not include public or nonpublic schools which are in compliance with the compulsory School Attendance Law, Chapter 232 of the Florida Statutes. This term is synonymous with preschool and nursery school. (53)

DBH -- Diameter at breast height. "Breast height" is defined to be 54 inches
above the surface of the ground at the base of the plant or tree. In the case of
a tree with multiple main stems, the diameter shall be the sum of the diameters
of the stems. (21)

DBH -- Diameter at breast height. "Breast height" is defined to be 54 inches
above the surface of the ground at the base of the plant or tree. In the case of
a tree with multiple main stems, the diameter shall be the sum of the diameters
of the stems each measured at 54 inches.

DEAD-END STREET -- A street having only one end open for vehicular access and
closed at the other end. Maximum centerline length for new dead-end streets is
of 1200 feet. (37)

DEBRIS - The scattered remains of materials broken or destroyed; rubble or
wreckage. (33)

DEMOLITION - Any dismantling, intentional destruction, or removal of public or
private structures, sites, surfaces, utilities, or other improvements.

DENSITY -- The number of residential dwelling units permitted per gross acre of
land, as determined by the regulations set forth under Chapter 53, Zoning
Regulations, of this Unified Land Development Code. (37)

DENSITY -- The number of minimum size lots, units or other measure of
development intensity that can be located or developed on a specified unit of
land. (41)

DENSITY -- An existing or projected relationship between numbers of dwelling
density means dwelling units per gross acre.

DENSITY -- the number of residential dwelling units permitted per gross acre of land as determined by the City of North Port Zoning Regulations. (54)

DEPARTMENT -- The Planning and Zoning Department of the City of North Port. (13)

DEPARTMENT -- the City of North Port Planning and Zoning Department of North Port, Florida. (30)

DEPARTMENT -- The Department of Planning and Zoning for the City of North Port, Florida. (53)

DEPARTMENT -- A distinct division of administration within the City of North Port.

DER -- The Florida Department of Environmental Regulation. (53) -- REMOVE

DETENTION -- The delay of stormwater runoff prior to discharge into receiving waters. Included as an example is a wet detention pond, where the "Detention Volume" corresponds to the storage volume behind the discharge structure measured between the control elevation and the overflow elevation. (14)

DETENTION -- The delay of stormwater runoff prior to discharge into receiving waters. Included as an example is a wet detention pond, where the "Detention Volume" corresponds to the storage volume behind the discharge structure measured between the control elevation and the overflow elevation. (18)
DETENTION -- The delay of stormwater runoff prior to discharge into receiving waters. Included as an example is a wet detention pond, where the "Detention Volume" corresponds to the storage volume behind the discharge structure measured between the control elevation and the overflow elevation. (37)

DEVELOPER -- Any person undertaking development. (41)

DEVELOPER -- Any person, individual, partnership, association, syndicate, firm, corporation, trust or legal entity engaged in the development or subdivision of land under the terms of these regulations. The term "developer" is intended to include the term "subdivider," even though the persons involved in successive stages of a development project may vary. (37)

DEVELOPER -- Any individual, firm, association, syndicate, corporation or any other legal entity commencing development. (53)

DEVELOPER -- Any person, including a governmental agency, undertaking any development. (54)

DEVELOPER -- Any person, individual, partnership, association, syndicate, firm, corporation, trust or legal entity engaged in the development, subdivision or clearing of land under the terms of these regulations. The term "developer" is intended to include the term "subdivider," even though the persons involved in successive stages of a development project may vary.

DEVELOPMENT -- A subdivision of land or a site and development as defined by these regulations, a residential mobile home park or any other construction, whether residential, commercial, industrial, office, professional, institutional or recreational, except an individual single-family residence on an individual
DEVELOPMENT -- Any construction, reconstruction or any use of real property which requires issuance of a development permit. (5)

DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations or permanent storage of materials. (17)

DEVELOPMENT -- Any proposed material change in the use or character of the land, including but not limited to land clearing or the placement of any structure or site improvement on the land. (21)

DEVELOPMENT or TO DEVELOP -- A development includes the construction of any new buildings or other structures on a lot, the relocation of any existing buildings or the use of a tract of land for any new uses. To develop is to create a development. (53)

DEVELOPMENT -- All other development customarily associated with a development permit unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this subsection. (54)

DEVELOPMENT -- The carrying out of any use permitted on land or structures by applicable regulations or making any material change in the use or character of
land or structures, including but not limited to excavation or other alteration
of the topographic, geographic or hydrologic character of the land in
preparation or as part of the placement of structures on land, or the clearing
of land or a change in the intensity of use of land. Development shall include
the ancillary activities, such as road building and/or utility construction,
that occur prior to, along with or as a result of any proposed land use. When
appropriate to the context, development refers to the act of developing or the
result of development.

(1) The following activities or uses shall be taken to involve “development,”
as defined in this Code:

(a) A reconstruction, alteration of the size, or material change in the
external appearance of a structure on land.

(b) A change in the intensity of use of land, such as an increase in the
number of dwelling units in a structure or on land or a material increase
in the number of businesses, manufacturing establishments, offices, or
dwelling units in a structure or on land.

(c) Alteration of a shore or bank of a seacoast, river, stream, lake,
pond, or canal, including any “coastal construction” as defined in
F.S.161.021.

(d) Commencement of drilling, except to obtain soil samples, mining, or
excavation on a parcel of land.

(e) Demolition of a structure.

(f) Clearing of land as an adjunct of construction.

(g) Deposit of refuse, solid or liquid waste, or fill on a parcel of
land.

(2) The following operations or uses shall not be taken for the purpose of
this Code to involve “development” as defined herein:
(a) Work by highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

(b) Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected land owners.

(c) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

(d) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

(e) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

(f) A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

(g) A change in the ownership or form of ownership of any parcel or structure.

(h) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

(3)”Development,” includes as other development customarily associated with it unless otherwise specified. When appropriate to the context, “development” refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean
that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of the definition of “development”.

DEVELOPMENT AGREEMENT -- an agreement entered into between City of North Port and a person associated with the development of land pursuant to the terms of this Ordinance. (54)

DEVELOPMENT AGREEMENT -- an agreement entered into between City of North Port and a developer associated with the development of land pursuant to the terms of these regulations.

DEVELOPMENT AGREEMENT ACT -- F.S. §§ 163.3220--163.3243, as amended from time to time. (54)

DEVELOPMENT BONUS -- An increase in the density of development that can be carried out per unit of land. (41)

DEVELOPMENT IMPACT (SCHOOLS) - The number and type of public school students generated by the proposed development calculated by multiplying the number of dwelling units by housing type by the student generation rate (SGR) for each school type as determined by the Sarasota County School District. (5)

DEVELOPMENT OF REGIONAL IMPACT -- A development within the definition of Section 380.06, Florida Statute. (5)

DEVELOPMENT OF REGIONAL IMPACT (DRI) -- Any development which, because of its character, magnitude or location, would have a substantial effect upon the health, safety or welfare of citizens of more than one county as defined in
Chapter 380 of the Florida Statutes.* (53)

DEVELOPMENT ORDER -- Any action granting, denying or granting with conditions an application for a development permit(s). (37)

DEVELOPMENT ORDER -- any action granting, denying, or granting with conditions, an application for a development permit. (54)

DEVELOPMENT ORDER – A written document reflecting official actions granting, denying or granting with conditions an application for a development permit(s).

DEVELOPMENT PARCEL -- A parcel divided from an original development tract, defined by metes and bounds or by a subdivision plat, intended for conveyance to a party (developer) subsequent to the original developer or withheld by the developer for development separately from other development parcels or the remainder of the original development tract, being the principal product, together with some infrastructural support, of the original development activity. (53)

DEVELOPMENT PERIMETER -- The exterior lot or property lines of the original (parent) tract of any development consisting of subdivided parcels or lots. (53)

DEVELOPMENT PERMIT -- Any building permit, zoning permit, preliminary subdivision plan, subdivision or other plat approval, site and development plan approval, rezoning, certification, special exception, variance, environmental permit or any other official action of the City of North Port or any other state or local government commission, board, agency, department or official, having the effect or permitting development of land subject to the provisions of this
chapter. Development shall include all activities set forth in F.S. § 380.04. (37)

DEVELOPMENT PERMIT -- Any of the following:

A. Building permit.
B. Construction plans.
C. Site and development plans.
D. Preliminary and final subdivision (including plat) approval.
E. Rezoning petitions.
F. Developments of regional impact. (5)

DEVELOPMENT PERMIT -- Any building permit, rezoning, conditional use, land clearing permit or certificate of occupancy. (53)

DEVELOPMENT PERMIT -- any preliminary subdivision plan, subdivision or other plat approval, site and development plan approval, rezoning, certification, special exception, variance, environmental permit or any other official action of City of North Port or any other state or local government, commission, board, agency, department or official having the effect of permitting development of land located within the geographic area subject to the provisions of the City of North Port Land Development Regulations. (54)

DEVELOPMENT PERMIT – Any official action of the City having the effect of permitting the development or redevelopment of land, including but not limited to any building permit, site plan approval, subdivision approval, infrastructure permit, tree removal permit, sign permit or any other permit required by the City’s Unified Land Development Code. A Development Permit must be obtained before initiating a use or development activity.
DEVELOPMENT REVIEW COMMITTEE -- A committee established administratively with representatives from the City Public Works, Engineering, Planning and Zoning, Building, Fire/Rescue, Police, the consulting Engineer or designated City Engineer and representatives of any other departments or agencies as may be required from time to time. The Chairman of the Committee shall be designated by the City Manager. (37)

DEVELOPMENT REVIEW COMMITTEE -- A committee established administratively with representatives from the City that may be required from time to time. The Chairman of the Committee shall be designated by the City Manager.

DEVELOPMENT REVIEW COMMITTEE (DRC) -- the committee as established or modified that reviews development applications. (54)

DEVELOPMENT TRACT -- The property under consideration for a development, which may contain one or more development parcels and shall be under single ownership at the time of application. (53)

DIRECTOR -- The Director of the North Port Planning and Zoning Department, or authorized designee. [Amended 11-24-2003 by Ord. No. 2002-56] (29)

DIRECTOR -- The Planning and Zoning Department or his designee. See also "Planning Director." (53)

DIRECTOR -- the Director of the City of North Port Planning and Zoning Department. (58)
DIRECTOR -- The Head of a Department of the City of North Port or designee.

DISABLED as used to describe a Vessel, means that the Vessel is unable to reasonably and effectively move under its own mechanical power or sail because of a mechanical failure or emergency. (26) (13)

DISTRICT -- Any certain described area of North Port to which these regulations apply and within which the zoning regulations are uniform. (53)

DNR -- The Florida Department of Natural Resources. (53)

DOCK -- A boat-mooring facility which has no more than 10 slips, and which does not provide a fuel facility, sewage pump-out station or commercial land-to-water boat hoist. (13)

DOCK BOX -- A storage container devoted to the storage of items related directly to the use and maintenance of watercraft or to water-oriented activities. The maximum size of a dock box shall be 100 cubic feet. The maximum height of a dock box shall be three feet. Dock boxes may not contain living or fueling facilities. (13)

DRAINAGE BASIN -- A region of land where water from rain drains downhill into a body of water, such as a river, lake, wetland or the sea. The drainage basin includes both the streams and rivers that convey the water as well as the land surfaces from which water drains into those channels. (33)

DRAINAGE PIPE -- A pipe used to convey Stormwater that may be part of a closed drainage system. (33)
DREDGING -- Any disruption or displacement of wetland substrate or bottom sediments or contours. Dredging also means the excavation or creation of a water body which is or will be connected to jurisdictional waters. (13)

DRIVEWAY -- That area between the street right-of-way and the front plane of the building upon which an impervious or stabilized surface is placed and used for vehicles to travel upon.

DUPLEX -- See "Dwelling units, types of." (53)

DWELLING -- A building or portion thereof designated or used exclusively for residential occupancy. (37)

DWELLING UNIT -- a single room or unified combination of rooms, regardless of form of ownership that is designed for residential use by a one or more persons single family. This definition shall include, but not be limited to, condominium units, individual apartments, and individual houses. (30)

DWELLING UNIT -- A room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or for rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping and sanitary facilities and one kitchen. (53)

DWELLING UNIT -- A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING UNITS, TYPES OF: (53)
(1) DUPLEX -- A single freestanding conventional building on a single lot, designed for two dwelling units under single ownership, or wherein each dwelling unit is separately owned or leased but the lot is held under common ownership. (53)

(2) SINGLE-FAMILY RESIDENCE -- A single, freestanding, conventional building designed for one dwelling unit and intended for occupancy by one family. This definition also includes modular homes. (53)

(2) SINGLE-FAMILY RESIDENCE -- A single, detached, freestanding, conventional building designed for one dwelling unit and intended for occupancy by one family. This definition also includes modular homes.

(3) TOWNHOUSE -- A group of three or more dwelling units attached to each other by a common wall or roof wherein each unit has direct exterior access and no unit is completely separated from any other by a rated fire wall or a fire-and sound-resistant enclosed separation or space, and wherein each dwelling unit is on a separate lot under separate ownership. (53)

(3) TOWNHOUSE -- A group of three or more dwelling units attached to each other by a common wall or roof wherein each unit has direct exterior access and units are completely separated from each other by a rated fire wall or a fire-and sound-resistant enclosed separation or space, and wherein each dwelling unit is on a separate lot under separate ownership.

(4) MANUFACTURED HOME -- A building manufactured off site in conformance with Housing and Urban Development (HUD), the Federal Mobile Home Construction and Safety Standards (24 CFR 3280 et seq.), subsequently transported to a site
40338 complete or in sections where it is emplaced and tied down in accordance
40339 with Chapter 15C-1, F.A.C., with the distinct possibility of being relocated
40340 and assembled at a later date. (53)
40341
40342 4) MANUFACTURED HOME -- A building manufactured off site in conformance with
40343 Housing and Urban Development (HUD), the Federal Mobile Home Construction and
40344 Safety Standards (24 CFR 3280 et seq.), subsequently transported to a site
40345 complete or in sections where it is emplaced and tied down in accordance with
40346 Chapter 15C-1, F.A.C., with the distinct possibility of being relocated and
40347 assembled at a later date. For floodplain management purposes, the term
40348 "manufactured home" also includes park trailers, travel trailers and other
40349 similar vehicles placed on a site for greater than 180 consecutive days. For
40350 insurance purposes, the term "manufactured home" does not include park
40351 trailers, travel trailers and other similar vehicles.
40352
40353 (5) MODULAR HOME – A dwelling unit, constructed as a total entity, or in
40354 parts of a total entity, which is constructed other than on the building site
40355 and then which is moved to and erected on the building site. A modular home
40356 must be constructed to meet the standards of all City of North Port Building
40357 codes and the Florida Building Commission and which bears a Department of
40358 Community Affairs Insignia.
40359
40360 (6) MULTIPLE-FAMILY BUILDING -- A group of three or more dwelling units
40361 within a single conventional building, attached side by side or one above
40362 another, or both, and wherein each dwelling unit may be individually owned
40363 or leased but the land on which the building is located is under common or
40364 single ownership. (53)
(7) VILLA -- A single freestanding conventional residential structure on two separately owned lots, designed for two attached dwelling units, each under separate ownership. [Added 12-11-2001 by Ord. No. 2001-43] (53)

EASEMENT -- A legal agreement that confers on an individual, company or governmental agency the right to use a landowner’s property for improvement or maintenance purposes. While the easement grants rights, it also has the effect of partially restricting an owner’s use of the affected portions of land. (33)

EASEMENT -- A right or interest given by the owner of land to another party for specific limited use of that land, but which does not convey title to that real property. (37)

EASEMENT -- A grant of a right to use land for specified purposes. It is nonpossessory interest in land granted for limited use purposes. (53)

EASEMENT -- A right or interest given by the owner of real property to another party for present or future specific limited use of that real property, but which does not convey title to that real property. The easement may be for use under, on, or above said real property. Such specified uses include but are not limited to transportation facilities, utilities, access, and stormwater drainage.

EARTH PRODUCTS - Any solid material, aggregate, or substance of commercial value whether consolidated or loose, found in natural deposits or in the earth found on-site including, but not limited to, shell, soil, rock, peat, clay, sand, silt, or gravel. (14)

EARTHMOVING - The creation or alteration of any excavation, the
application, or any stock piling of earth products, or the removal of each
products from a parcel. (14)

EARTHMOVING -- any movement or management of any type of fill, including
excavating, dredging, burying, filling, grading for any purpose, mounding,
piling, hauling, or transporting of any type of fill.

EARTHMOVING ACTIVITIES – Any activity only directly related to
earthmoving, including, but not limited to, construction of access roads, stock
piling over burden, disposal of byproducts, construction and operation of
processing facilities, land clearing or alteration of existing contours, or
rehabilitation of altered areas. (14)

ELEVATED BUILDING -- A non-basement building built to have the lowest floor
elevated above the ground level by means of fill, solid foundation perimeter
walls, pilings, columns (post and piers), shear walls or breakaway walls. (17)

ELEVATION – The geometric height of a point above a fixed reference point, which
is often the mean sea level. (33)

ENCROACHMENT – Advance or protrusion of a vehicle or structure beyond proper
limits such as into a required setback or landscape area.

ENCROACHMENT -- Any protrusion of a vehicle outside of a parking space, display
area or accessway into the landscaped area.

ENGINEER -- A professional engineer duly registered and licensed by the State of
Florida. (53)
ENLARGEMENT or TO ENLARGE -- An enlargement is an addition to the floor area of an existing building or an increase in that portion of a tract of land occupied by an existing use. (53)

ENVIRONMENTAL SPECIALIST -- the City of North Port Environmental Specialist. (27)

ENVIRONMENTAL SPECIALIST -- the City of North Port’s Environmental Specialist. (49)

ERECT -- To build, construct, install, reconstruct, move on or conduct any physical development of the premises required for a building or other structure. To excavate, fill, drain, cut or remove trees, brush or other vegetation in preparation for erection shall also be considered to erect. (29)

EROSION -- The displacement of solids (soil, mud, rock, and other particles) by wind or water in a downward or down-slope movement in response to gravity. (33)

ESSENTIAL SERVICES -- Services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or police, emergency medical and fire protection to the general public by providers which have been approved and authorized according to laws having appropriate jurisdiction. (53)

EQUIVALENT -- The state of correspondence or virtual identity of two land uses or zoning districts that exhibit similar levels of effects on each other and the community at large as defined by such factors as their intensities and schedules of use and activity, their demands for services and infrastructure, such as roads and water and sewer systems, their impacts on natural resources and other similar parameters. "Equivalent" is not synonymous with "compatible." (53)
EXCAVATION - The removal of earth products, typically resulting in the creation of a lake, borrow pit, pond, detention area, or depression. (14)

EXEMPT DEVELOPMENT - Any development order for residential development that qualifies for exemption under this ULDC, pursuant Sec. 5-12(B)(3) of these regulations. (5)

EXEMPT SIGN -- A sign that has been exempted from permit requirements or inspection fees, but is required to comply with all other provisions of this chapter. (29)

EXEMPT SIGN -- See Chapter 29.

EXOTIC -- A species introduced to Florida, purposefully or accidentally, from a natural range outside of Florida. (21)

EXTERIOR WALL -- Any vertical structure forming a physical barrier which has a foundation including exterior wall finish materials, that provides protection of the building structural members from the detrimental effects of the exterior environment.

FAÇADE -- The entire exterior side of a building, especially the front; the face of a structure; the front elevation or exterior face of a building.

FAÇADE-MOUNTED CHANGEABLE COPY SIGN FOR A THEATER OR CINEMA -- A sign mounted on the front wall of a building in which there is a theater or cinema on which the sign copy changes periodically. The sign copy shall only relate to events occurring or to occur within the theater or cinema or on the premises. (29)
FACIA BOARD -- Any relatively broad, flat, or decorative surface, run horizontally and placed in a vertical position at the outer edge of a cornice.

FAMILY -- One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of five or more adults who are not related by blood, marriage or adoption shall not be deemed to constitute a family. The term "family" shall not be construed to mean a fraternity, sorority, monastery, convent or institutional group, except however that residents within a community residential home as defined herein shall be deemed a family. (53)

FAR (Floor To Area Ratio) -- The ratio of Gross Floor Area of non-residential development to the square footage of a given lot, parcel, or site. With multi-story structures it gauges the intensity of permitted or proposed non-residential development. When residential units are proposed to be vertically integrated with non-residential uses, the FAR shall NOT reflect the square footage devoted to the residential use.

FDEP -- Florida Department of Environmental Protection.(49)

FDHR – Florida department of Historical Resources.

FDOT – Florida Department of Transportation.

FENCE -- Any artificially constructed barrier of any material or combination of materials constructed along the full length, or portion thereof, of any or all property line(s), or within the property for the purpose of protection or confinement or as a boundary or for the purpose of blocking part of the property from view or access. For the purposes of these land development regulations, a
boundary fence is considered to be an accessory structure. [Amended 11-24-2003 by Ord. No. 2002-56] (53)

FFWCC – Florida Fish and Wildlife Conservation Commission.

FILLING -- The placement of any material in, on or over land. (13)

FINAL LOCAL DEVELOPMENT PERMIT -- Construction plan approval for subdivision improvements, construction plan approval for other types of development requiring site and development plans or building permits. (5)

FIRE OFFICIAL -- City of North Port’s Fire Chief or designee.

FLASHING SIGN -- A sign designed to attract attention by the inclusion of a flashing, changing, revolving or flickering light source or a change of light intensity. (29)

FLEA MARKET -- A building or area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. (53)

FLOOD or FLOODING -- A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters.
B. The unusual and rapid accumulation or runoff of surface waters from any source.\textsuperscript{(17)}
FLOODPLAIN (100-YEAR) – The Southwest Florida Water Management District (SWFWMD) accepted 100-year floodplain based on best available data, and is the maximum area covered by flood waters during a 100-year storm event. The 100-year flood elevations are based on the results of the latest revision of the Big Slough watershed hydraulic model and corresponds to the highest of the elevations for the 100-year 1-day duration storm event or the 100-year 5-day duration storm event for each junction in the hydraulic model. (18)

FLOODWAY -- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (17)

FLOOR AREA -- The usable area of each story of a building, or portion thereof, within surrounding exterior walls. This shall include hallways, closets, crawl spaces, heating/cooling rooms and other similar spaces. (53)

FLOOR AREA -- The usable area of each story of a building, or portion thereof,
within surrounding exterior walls. This shall include but not limited to
hallways, closets, heating/cooling rooms and other similar spaces.

FLORIDA MASTER SITE FILE -- the listing of Historic or Archeological
Resources maintained by the Florida Department of State, Division of Historical
Resources, and Bureau of Archaeological Research. (58)

FOOTPRINT OF HOUSE (For the purpose of Heritage Tree Mitigation) — will include
the gross area of exterior walls of the primary structure, including the roof
overhang and the area of all windows and door installed therein. Also included
are the areas of required amenities, such as driveway, drain field, septic tank,
well and water lines. A ten foot clearance from the exterior walls and each
required amenity will be granted to ensure proper growth of the tree and will
help to eliminate damage to the structures in the future.

FOSTER CARE FACILITY -- A structure in which the owners or operators are subject
to licensing and approval by the State of Florida Department of Health and
Rehabilitative Services and where said owners or operators live permanently and
provide full-time care and supervision, in a family living environment, to a
maximum of 14 full-time clients, who are unrelated to the owners or operators.
See also "community residential home." (53)
FOUNDATION -- A structural system for transferring loads from a structure to the earth.

FREESTANDING SIGN -- a self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.

FREESTANDING CHANGEABLE COPY SIGN -- A freestanding sign in the front yard of the premises on which the sign copy changes periodically. The sign copy shall only relate to events occurring or to occur within the building or on the premises. (29)

FREESTANDING CHANGEABLE COPY SIGN FOR A THEATER OR CINEMA -- A freestanding sign in the front yard of the premises on which there is a theater or cinema on which the sign copy changes periodically. The sign copy shall only relate to events occurring or to occur within the theater or cinema or on the premises. (29)

FS ($) - Florida Statues.

FUNCTIONALLY DEPENDENT USE -- A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. (17)

GARAGE SALE -- Includes all general sales of personal property, open to the public, on a residential premises in any residential zone, as defined in Chapter 53, for the purpose of disposing of personal property, including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch,"
"backyard," "patio" or "rummage," or other similar sales which are advertised for the public to attend. Garage sale shall not be considered an occupation or a business. The sale of individual boats, motor vehicles, appliances or other such items shall not be considered to be a garage sale, provided that the items belong to the person living in the dwelling unit. [Added 7-19-1999 by Ord. No. 99-19] (53)

GAS STATION - Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and/or accessories, where repair service, if any, is incidental as regulated by the State of Florida. May include the sale of propane or kerosene as accessory uses.

GATED COMMUNITY -- A collection of houses, planned community or subdivision that has a boundary wall, landscaped feature (such as a berm with landscaping), or fence constructed along the entire perimeter of the project. [Amended 11-24-2003 by Ord. No. 2002-56] (53)

GRADE -- The rise and fall of the land. It may also refer to the act of changing vertical and horizontal measurements. (33)

GRADE -- The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line. (53)

GRADE -- The point of elevation of the surface of the ground, paving or sidewalk.
GRAPHIC – A sign which is an integral part of a building façade. The sign is painted directly on, carved in, or otherwise permanently embedded in the façade.

Signs in shop windows are included unless they qualify as auxiliary signs.

GREENBELT -- A multi-purpose corridor or environmental system, or open space, which accommodates non-vehicular traffic and certain environmental benefits including the restoration of native habitat; buffers for adjacent land development; or the conveyance, storage, or treatment of stormwater discharge.

GROUND COVER -- Plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity. (21)

GROUND COVER – Low growing plants, other than turf grass, used to stabilize soils, protect against erosion, and to increase the aesthetics of a development site normally reaching an average height of not more than 24 inches.

GROUP HOME – One main building, or portion thereof, on one zoning lot that is licensed by the State of Florida as a rooming and/or boarding house and receives 50% or more of its residents under a contract or other arrangements with the state or local government. It provides room and board, personal care and assistance, habilitation services, other essential daily living activities and supervision in a family setting for a period exceeding 24 consecutive hours for three or more individuals, not related to the administrator or owner thereof.

GUESTHOUSE -- An accessory building which is located on the same premises as the principal building and is to be used exclusively for housing members of the family occupying the principal building or other nonpaying guests of the family, is not occupied year round, can have kitchen facilities unless otherwise restricted and is not rented or otherwise used as a separate dwelling. It shall
not be occupied by more than one family at any time, and only one guest house is permitted for each main dwelling. (53)

HANGING SIGN -- A sign that hangs down from and is supported by or attached to the underside of a canopy, awning, marquee or a projection from or an extension of a structure. (29)

HAUL ROUTE - The route or routes connecting the earthmoving site with one or more public roadways with the functional classification of "collector" or "arterial". The "Haul Route" shall include the intersection with the collector and arterial and also include any required turn lanes and traffic control devices. (14) which a vehicle travels.

HEADWALL - A small retaining wall-like vertical structure fitted at the end of a drainage pipe which discharges into an open waterway. Its main purpose is to prevent erosion of the bank and to help in the location of the outfall pipe. (33)

HEDGE -- A continuous, dense planting of shrubs and/or trees. (21)

HEDGE -- A fence, boundary or barrier formed by a dense row of shrubs that may and/or include trees. (53)

HEIGHT OF A SIGN -- Height is the vertical distance measured from the average ground level or crown of the adjoining road on which the property fronts, whichever is greater, to the top of the sign, including supports and design features and embellishments. (29)

HELIPORT -- An area, either at ground level or elevated on a structure, licensed
or approved for the loading and takeoff of helicopters, and including auxiliary
cal facilities, such as parking, waiting rooms, fueling and maintenance equipment.

HELIPORT -- An area, either at ground level or elevated on a structure, licensed
or approved for the landing and takeoff of helicopters, and including
auxiliary facilities, such as parking, waiting rooms, fueling and/or maintenance
equipment.

HELISTOP -- A heliport helicopter landing/takeoff facility without any of the
auxiliary facilities mentioned above in the definition of "heliport." (53)

HIGHEST ADJACENT GRADE -- The highest natural elevation of the ground surface,
prior to construction, next to the proposed walls of a structure. (Chapter 17)

HISTORIC RESOURCES -- Prehistoric or historic districts, sites, buildings,
objects, or other real or personal property of historic, architectural or

HISTORIC RESOURCE PROTECTION AREA -- An area with historic significance to be
set aside in perpetuity so that it will not be disturbed, in accordance with the
Conservation and Coastal Zone Management Element of the current adopted

HOBBY CAR/TRUCK -- A car or a truck that can has obtained a collector license
plate or a bona fide race car on a licensed trailer, or placed within an
enclosed structure. Such vehicles used for parts shall be stored within a
completely enclosed structure.
HOME OCCUPATION -- An occupation customarily carried on by an occupant of a dwelling unit as an accessory use which is clearly incidental to the use of the residential dwelling unit for residential purposes and operated in accordance with the applicable provisions of these regulations. (53)

HOSPITAL -- A building or group of buildings having facilities for overnight care of one or more human patients, providing services to inpatients and medical care to the sick and injured, and which may include as related facilities offices, laboratories, out-patient facilities, training facilities; provided, however, that any related facility shall be incidental and subordinate to the principal hospital use. (53)

HOUSE OF WORSHIP -- A structure or structures designed primarily for accommodating an assembly of people for the purpose of religious worship, including related religious instruction, church/synagogue ministries activities involving classes during the week and other related functions, which do not exceed the occupancy limits of the building. (53)

IDENTIFICATION SIGN -- A sign that depicts the name and/or address of a building, an occupant or an establishment on the premises where the sign is located as a means of identifying bringing recognition to said building, occupant or establishment. (29)

ILLUMINATED SIGN -- A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source, including indirect lighting, neon, incandescent lights, backlighting and reflectorized signs which depend upon automobile headlights for an image. (29)

IMPROVEMENTS -- Street pavement, sidewalk pavement, water and sewer mains,
including appurtenances, storm sewers, drainage facilities, signs, monuments, landscaping and trees, street lighting and other similar items. (37)

IMPROVEMENTS -- Street pavement, sidewalk pavement, water and sewer mains, including appurtenances, storm sewers, drainage facilities, signs, monuments, landscaping and trees, street lighting including any type of construction and other similar items.

INCREASE NONCONFORMITY -- Any one of an infinite number of differing combinations of change which, in effect, would make a use of land or structure, already not in conformance with these regulations, less in compliance with these regulations after said change than the use or structure was prior to said change. (53)

INDIRECTLY ILLUMINATED SIGN -- A sign illuminated with a light directed primarily toward such sign, reflectorized signs which depend upon automobile headlights for an image including backlit signs, and so shielded that no direct rays from the light are visible elsewhere than on the lot where said illumination occurs and shall include reflectorized signs which depend upon automobile headlights for an image. (29)

INFRASTRUCTURE FACILITY -- a manmade structure which serves the common needs of the population, such as but not limited to a central sewage disposal system, potable water system, potable water well serving a system, solid waste disposal site or retention area, stormwater system, utility, causeway, marina, bridge, or roadway.

INTENSITY -- A measurement of the degree of customarily nonresidential uses based on use, size, impact, bulk, shape, height, coverage, sewage generation.
water demand, traffic generation or floor area ratios. (53)

INTENSITY -- the degree to which an area is developed based on density, use, mass, size, impact, floor area ratio, and traffic generations. (54)

INVERTS – The elevation at the bottom of the inside of the pipe wall. The invert of a structure is the bottom of the inside of the pipe. (33)

IRRIGATION SYSTEM -- A permanent, artificial watering system designed to transport and distribute water to plants. (21)

JURISDICTIONAL WATERS -- Any water bodies located within the corporate boundaries of the City of North Port. (13)

LAND -- The earth, water and air above, below or on the surface. (41)

LAND -- the earth, ground, soil or water, and air above, below, or on the surface, of a piece of property and includes any improvements or structures customarily regarded as land, such as fill or dredging spoil.

LAND DEVELOPMENT CODE -- The City of North Port Unified Land Development Code of which these regulations are part. (53)

LAND DEVELOPMENT CODES, City of North Port -- The code adopted by the City Commission, pursuant to F.S. 163.3202, containing land development regulations that are consistent with and implement, City of North Port Comprehensive Plan. See Unified Land Development Code (ULDC).
LAND DEVELOPMENT REGULATIONS (LDR), City of North Port -- the regulation of the development of land within the incorporated area of City of North Port, Florida as provided for in City of North Port Unified Land Development Code, as amended and codified in the City of North Port Land Development Code. (54)

LAND USE -- The development that has occurred on the land, the development that is proposed by a developer on the land or the use that is permitted or permissible on the land under the Comp Plan or element or portion thereof of the Land Development Code. (53)

LAND USE – The type of use activity occurring on a land parcel or within a building situated upon a land parcel.

LANDSCAPE ARCHITECT -- A professional landscape architect duly registered and licensed by the State of Florida. (53)

LANDSCAPING -- Any combination of living plants, such as grass, ground cover, shrubs, vines, hedges or trees and nonliving landscape material, such as rocks, pebbles, sand, mulch, walls, fences or decorative paving materials. (21)

LANDSCAPING -- Any combination of living plants, such as grass, ground cover, shrubs, vines, hedges or trees and nonliving material, including but not limited to rocks, pebbles, sand, mulch, walls, fences or decorative paving materials.

LANDSCAPING – An expanse of scenery including lawns, trees, plants, and other organic or inorganic materials used to soften or mitigate the impacts of development.

LAWFULLY -- A building or use which was permitted by right, conditional use.
special permit or other action approving the use or placement of a structure by
the City Commission or the Zoning Board of Appeals (such as by variance), at the
time it was built or occupied, and such building or use was located in
compliance with the zoning regulations for the district in which located, or in
accordance with the terms of the variance. (53)

LAWFUL – any act performed within the bounds of law or authorized by law and
that does not give rise to any legal liability; activity which is not illegal and
is not contrary to public policy.

LAWS (for the purposes of these regulations) -- ordinances, resolutions,
comprehensive plan(s), Unified Land Development Code, and rules adopted by the
City of North Port Commission affecting the development of land. (54)

LEVEE -- A man-made structure, usually an earthen embankment, designed and
constructed in accordance with sound engineering practices to contain, control
or divert the flow of water so as to provide protection from temporary
flooding. (17)

LEVEE – A man-made structure, designed and constructed in accordance with sound
engineering practices to contain, control or divert the flow of water.

LEVEE SYSTEM -- A water control system which consists of a levee or levees
and associated structures, which are constructed and operated in accordance with
sound engineering practices. (17)

LEVEL OF SERVICE (LOS) -- an indicator to the extent or degree of service
provided by, or proposed to be provided by, a facility, based on and related to
the operational characteristics of the facility. (54)
LIEN – A form of security interest granted over an item of property to secure the payment of a debt or performance of some other obligation. (33)

LISTED SPECIES – Any animal categorized by the Florida Game and Fresh Water Fish Commission as endangered, threatened, or of special concern pursuant to FAC 39-27.003, 39-27.004, and 39-27.005; or any other plant or animal categorized by the U.S. Fish and Wildlife Services as endangered or threatened pursuant to 50 CFR 17.11-12. (14)

LISTED SPECIES -- Any animal or plant afforded protection pursuant to the Florida Administrative Code, including, but not limited to, species categorized as endangered, threatened, and species of special concern; or any plant or animal categorized as endangered or threatened pursuant to the U.S. Endangered Species Act, or regulated under Federal or State law.

LITTORAL ZONE -- The shallow-water region with light penetration to the bottom that will support the growth of aquatic vegetation that will provide water quality treatment and desirable aquatic habitat. (13)

LITTORAL ZONE -- The shallow-water region with light penetration to the bottom that will support the growth of aquatic vegetation that will provide water quality treatment and desirable aquatic habitat. (14)

LITTORAL ZONE -- The shallow-water region with light penetration to the bottom that will support the growth of aquatic vegetation that will provide water quality treatment and desirable aquatic habitat. (18)
LITTORAL ZONE -- The shallow water region with light penetration to the bottom that will support the growth of aquatic vegetation that will provide water quality treatment and desirable aquatic habitat. (37)

LOADING SPACE, OFF-STREET -- A space logically and conveniently located for pick-ups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. (53)

LOADING ZONE, OFF-STREET - An off-street space on the same lot with a building or group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials.

LOCAL PLANNING AGENCY -- The City of North Port Planning and Zoning Advisory Board performing the functions set forth in F.S. § 163.3174, as well as the functions set forth in § 177-1B of the Code of the City of North Port. (53)

LOCAL PLANNING AGENCY - The City of North Port Planning and Zoning Advisory Board performing the functions set forth in Florida Statues, as well as the functions set forth in the Unified Land Development Code of the City of North Port.

LOCAL PLANNING AGENCY -- the City of North Port Planning and Zoning Advisory Board. (54)

LOCAL REGISTER -- the Local Register of historic and/or archeological places, which is a listing of buildings, structures, objects, sites and districts that have been designated as historically significant in Sarasota County and the City of North Port, and approved by the City Commission. (58)
LOGO -- A name, symbol, or trademark designed for easy and definite recognition, which has been registered with the appropriate State or Federal agencies.

LOT -- A parcel of at least sufficient size to meet the minimum applicable zoning requirements for the intended use and, at the same time, too small to be further subdivided into parcels each of which would meet the applicable zoning requirements. (37)

LOT -- A parcel of land considered as a unit. (53)

LOT -- A parcel of land considered as a single building site.

LOT, CORNER -- A lot abutting upon two or more streets at their intersection. (37)

LOT, CORNER -- A lot abutting on and at the intersection of two or more streets or street rights-of-way. (53)

LOT, CORNER -- A lot abutting the intersection of two or more streets or rights-of-way.

LOT COVERAGE -- Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot under a hard roof. (53)
LOT, DOUBLE FRONTAGE -- A lot having frontage on two streets or rights-of-way which do not intersect along the boundaries of that lot, as distinguished from a corner lot. (37)

LOT, INTERIOR -- A lot neither side of which abuts on a street. (37)

LOT, INTERIOR -- A lot where side lot lines do not abut a street or right-of-way.

LOT LINE, FRONT -- The lot line, front, is defined for the purpose of determining primary structure setbacks and the location of accessory structures, excluding fences. On an interior lot, the lot line abutting a street determined consistent with the intent of the current plat; or on a corner lot, the shorter line abutting a street; or, on a through/double frontage lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained. The front lot line of a combined corner lot shall be determined consistent with the intent of the original plat. [Amended 11-24-2003 by Ord. No. 2002-56] (53)

LOT WIDTH -- The measurement of a lot property line that runs along the roadway right-of-way used for primary access to the lot. (33)

LOT WIDTH MEASUREMENT -- The distance between the side lot lines (or a front and side lot line for corner lots) as measured along the minimum required street setback line, or the distance measured from side lot lines at the point of the required setback distance from the frontage arc, or the distance measured from the side lot lines which is the shortest distance point following the property line to the rear property line. (53)
LOWEST FLOOR -- The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Unified Land Development Code.(17)

MAJOR INFRASTRUCTURE FACILITY -- a manmade structure which serves the common needs of the population, such as but not limited to a central sewage disposal system, potable water system, potable water well serving a system, solid waste disposal site or retention area, stormwater system, utility, causeway, marina, bridge, or roadway.

MAJOR SITE AND DEVELOPMENT PLAN -- The site and development plan application package submitted for all proposed developments in the City, excluding subdivisions and individual single-family or duplex residential construction. (33)

MANATEE MANAGEMENT PLAN -- the management plan adopted by the Florida Fish and Wildlife Commission.(27)

MANATEE PROTECTION PLAN -- a State approved summary of manatee data, strategies, and management actions aimed at protecting manatees in a specific area or county.

MANGROVE STAND -- An assemblage of mangrove trees which are mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove
(Avicennianitida); red mangrove (Rhizophora mangle); white mangrove (Languncularia racemosa) or buttonwood (Conocarpus erecta). *(17)
MARINA -- A boating facility, chiefly for recreational boating, located on navigable water frontage, and providing all or any combination of the following: boat slips or dockage, dry boat storage, marine fuel and lubricants, marine supplies, restaurants or refreshment facilities, boat and motor sales and rentals. The word "marine" shall also apply to navigable freshwaters. This shall not be construed to apply to docks, davits and similar facilities appurtenant to a residential land use providing only dockage and mooring. (53)

MARQUEE SIGN -- A sign attached to or painted on the face of a marquee and not projected above or beneath the marquee face. (29)

MEAN SEA LEVEL -- For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum such as NAVD88 to which base flood elevations shown on are referenced. (17)

MINING -- The extraction of solid materials from the ground, including but not limited to phosphate rock, limereck, coral stone, limestone, sand, gravel and shell. (53) minerals from the earth.

MINI STORAGE -- Any building designed or used to provide separate storage rooms to individuals for a fee or rental, said rooms being intended solely as dead storage depositories for personal property and not intended for commercial or industrial use.

MINI WAREHOUSE -- Any building designed or used to provide separate storage spaces to individuals or businesses for a fee or rental, said rooms these spaces being intended solely as dead storage depositories for personal property, inventory and equipment and not for any other commercial or industrial use. (53)
MHW -- Mean high water. (13)

MINOR SITE AND DEVELOPMENT PLAN -- The site and development plan application package submitted for all proposed individual single-family or residential two-family duplex residential construction. (33)

MITERED END SECTION -- A finished reinforced concrete structure constructed around the end of a drainage pipe which discharges into an open waterway that matches the slope of the ditch perpendicular to the drainage pipe. (33)

MITIGATION -- actions taken to offset the any adverse impact of wetland losses. (49)

MIXED USE – A tract of land or building or structure developed for two or more different uses such as, but not limited to, residential, office manufacturing, retail, public, or entertainment.

MLW -- Mean low water. (13)

MODEL HOME -- A residential or commercial structure or part thereof and used solely for demonstration purposes or sales promotion, not occupied as a dwelling unit, and which is open to the public for inspection. (53)

MODULAR HOME -- A dwelling unit, constructed as a total entity, or in parts of a total entity, which is constructed other than on the building site and then which is moved to and erected on the building site. A modular home must be constructed to meet the standards of all North Port Building Codes and to the standards set by the State of Florida. (53)
MODULAR HOME – see Dwelling Units, Types of.

MODULAR NEWSPAPER RACK – A connected grouping of four (4) to fourteen (14) up to 8 compartments within a single structure, which may be placed on a mount or pedestal bolted to a base surface or be bolted directly to the paved surface, which is installed or use for the display, sale or distribution of newspaper, advertising circulars or similar publications.

MONUMENT SIGN -- A freestanding, self-supporting sign, supported by columns and a base which is placed on or at ground level and not attached to any building wall, fence or other structure, and in a fixed location. The definitions of a "monument sign" and a "pole sign" are mutually exclusive. Not all ground signs are monument signs; all monument signs are ground signs. This definition does not include portable or trailer-type signs. (29)

MOOR OR MOORING -- the act of docking, beaching, landing, anchoring, intentional grounding, tying-off or otherwise securing a Vessel. (26)

MOUNT - A pedestal or other structure holding a newspaper rack and attached to a base.

MULCH -- Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture. (21)

MULTIFAMILY RESIDENTIAL -- See APARTMENT BUILDING(37)

MULTIPLE-FAMILY BUILDING -- See "dwelling units, types of." (53)
MULTIPLE OCCUPANCY COMPLEX -- A parcel of property under one ownership or singular control, or developed as a unified or coordinated project, with a building or buildings housing two or more occupants conducting a business operation of any kind. (53)

MURAL – A graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic. Any pictorial or graphic representation painted on an outside wall, façade, or other surface of a building or structure other than a sign structure. (29)

MYAKKA RIVER AREA -- the corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, together with a corridor of land including the maximum upland extent of wetlands vegetation as determined by the Department of Environmental Protection pursuant to Chapter 403, Florida Statutes and Florida Administrative Code Chapter 62-340.

MYAKKA RIVER AREA- Consists of the corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, together with a corridor of land including the maximum upland extent of wetlands vegetation as determined by the Department of Environmental Protection pursuant to Chapter 373, Florida Statutes and Florida Administrative Code Chapter 62-340. (57)

MYAKKA RIVER AREA BUFFER- Consists of the area adjacent to a wetland or other habitat that protects the habitat from the adverse impacts of development. This buffer extends 50 feet landward of the River Area and falls within the 220 foot Myakka River Protection Zone. (57)
MRPZ FIRE PROTECTION CLEAR ZONE—That zone which is 35 feet deep along the waterward facing exterior wall of the Primary Structure, and a minimum of 35 feet deep from the remaining exterior walls of the Primary Structure.

MYAKKA RIVER PROTECTION ZONE (MRPZ) – Consists of an upland buffer that extends 220 feet on each side of the Myakka River measured from the landward edge of the Myakka River Area. (57)

MYAKKA RIVER PROTECTION ZONE -- an upland buffer that extends 220 feet on each side of the Myakka River measured from the landward edge of the Myakka River Area.

MYAKKA RIVER WILD AND SCENIC RIVER RESOURCE VALUE—Refers to any one or more of the specific scenic, recreational, geologic, fish and wildlife, historic, cultural, or ecological features associated with the Myakka River Area, as set forth in the Myakka Wild and Scenic River Management Plan. (57)

NATIONAL GEODETIC VERTICAL DATUM (NGVD), NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) -- As corrected in 1929, NVGD is a vertical control used as a reference for establishing varying elevations within the floodplain. A common international vertical control network called the NAVD 88 is used in floodplain map updates.(17)

NATIONAL REGISTER OF HISTORIC PLACES -- the official listing of culturally significant buildings, structures, objects, sites, and districts in the United States maintained by the U.S. Department of Interior. (58)

NATIVE VEGETATION -- a Florida native plant as defined by the Florida Native Plant Society as a species occurring within the state boundaries prior to
European contact, according to the best available scientific and historical documentation. More specifically, it includes those species understood as indigenous, occurring in natural associations in habitats that existed prior to significant human impacts and alterations of the landscape.

NAVIGATION CHANNEL means any channel used by Vessels for navigation whether marked or unmarked. (26)

N.A.V.D. 88 – Standard for vertical control named the North American Vertical Datum. (33)

NEIGHBORHOOD -- As defined in the City of North Port Comprehensive Plan, as amended from time to time. (29)

NEIGHBORHOOD -- A subarea of the City with characteristics that distinguish it from other community areas and that include parks and community centers, and may include schools, and have a distinct boundary such as railroads, arterial streets, rivers, or major drainage channels.

NEIGHBORHOOD CENTER (NC) -- The Neighborhood Center is an area set aside for commercial development and/or civic space within a neighborhood.

NEW CONSTRUCTION -- Structures for which the start of construction commenced on or after the effective date of this Unified Land Development Code.(17)

NEWSPAPER – Any publication that is predominantly comprise of news reports or other non-commercial articles of information.

NEWSPAPER RACK – A stand built to house newspapers.
NEwsPAPER RACK COMPARTMENT - Each compartment within a newspaper rack designed to contain the newspapers, advertising, circulars or similar publications being sold or distributed from that newspaper rack.

OWNEr - The particular person or legal entity who is responsible for installing and for maintaining a newspaper rack, or the owner or one who distributes newspapers, periodicals, advertising circulars or other publications from the newspaper rack.

SINGLE FREESTANDING - Newspaper Rack. A newspaper rack designed to contain the newspapers, advertising circular or similar publications being sold or distributed from that newspaper rack.

NiGHT CLUB -- Any establishment devoted primarily to the retailing and on-premises drinking of malt, vinous or other alcoholic beverages.(53) Night clubs include, bars, cocktail lounges, taverns, private clubs, bottle clubs, and similar facilities serving alcoholic liquor.

NON-CONFORMING SIGN -- Any sign which complied with this chapter or its predecessor when first permitted and properly permitted under district, county, state, federal and City regulations, but due to subsequent amendment of this chapter no longer complies with this chapter is deemed a nonconforming sign. In the case of two or more Class B signs that no longer conform to the spacing requirements in § 29-12, the sign(s) last erected shall be deemed the nonconforming sign(s). (29)

NON-CONFORMING STRUCTURE -- Any structure that does not meet the limitations on structure size, height and/or location on a lot, for the zoning district in
which such structure is located, for the use to which such structure is being put. (53)

NON-CONFORMING USE -- A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established. (53)

NON-ILLUMINATED SIGN -- A sign which has no source of illumination, either directly or indirectly. (29)

OBSCENE SIGN -- Sign(s) that display any statement, word, character, image or illustration of an obscene nature. For the purposes of this chapter, "obscene" means material which:

1. The average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest;
2. Depicts or describes, in a patently offensive way, sexual conduct as specifically defined by the laws of the State of Florida; and
3. Taken as a whole, lacks serious literary, artistic, political or scientific value. (29)

OFF-PREMISES or OFF-SITE SIGN -- Any sign in which the subject matter does not relate exclusively to the products or services sold or provided on the premises. (29)

OFFICE, BUSINESS -- An office for such activities as real estate agencies, travel agencies, insurance agencies, chambers of commerce and the like. It is
characteristic of a business office that retail or wholesale goods are not shown or delivered from the premises to a customer. A barbershop or a beauty shop is not a business office. (53)

OFFICE, PROFESSIONAL -- An office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists and the like. (53)

OPEN-MESH SCREEN -- Meshed wire or cloth fabric to prevent insects from entering the facility and including the structural members framing the screening material.

OPEN SPACE -- Shall be interpreted to mean: (21)

A. All areas of natural plant communities or areas replanted with vegetation after construction, such as re-vegetated natural areas, tree, shrub, hedge or ground cover planting areas and lawns; and (21)

B. Other areas allowed to be counted as open space as per Chapter 37, Subdivision Regulations. (21)

C. Includes stormwater management areas, golf courses, floodplains, greenbelts, upland habitat areas, and vehicular/utility corridors and takes a form such as squares, greens and parks whose frequent use is encouraged through access, placement, and design. (Policy 13.1.f)

OPEN SPACE -- Includes stormwater management areas, golf courses, floodplains, greenbelts, upland habitat areas, and vehicular/utility corridors and takes a form such as squares, greens and parks whose frequent use is encouraged through
access, placement, and design. (Policy 13.1.f)

OUTPARCEL -- A parcel divided from an original (parent) development tract, defined by metes and bounds or by a subdivision plat depicting it as an undivided tract, and intended for conveyance or conveyed to a party (developer), subsequent to the original developer or withheld by the developer for development separately from the majority of the original development tract. (53)

OPERATOR -- includes lawful occupants of real property including lessee, leaser, managers or other persons that are responsible for real property.

OUTFALL -- The end of a culvert or drainage pipe where water exits into a drainage system.

OWNER OR OPERATOR includes lawful occupants of real property including lessees, lessors, managers or other persons that are responsible for real property. (26)

OWNER -- The person with legal and/or equitable title to real property. (41)

PARAPET -- That portion of an exterior wall which extends above the roof line.

PARCEL OF LAND -- Any quantity of land, capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used as a unit. (41)

PARCEL OF LAND -- Any contiguous quantity of land, capable of being described with such definiteness that its location and boundaries may be established,
which is designated by its owner or developer as land to be used as a unit. A parcel may or may not be subdivided or improved.

PARK, COMMUNITY -- A park located near major roadways and designated to service the needs of more than one neighborhood. (37)

PARK, NEIGHBORHOOD -- A park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways. (37)

PERMANENT CONTROL POINT (PCP) -- A monument as defined in Chapter 177, Florida Statutes. (37)

PERMANENT REFERENCE MONUMENT (PRM) -- A monument as defined in Chapter 177, Florida Statutes. (37)

PERMIT REQUIRED -- Any local, state and/or federal permits required in accordance with this chapter or as required by any other local rules, regulations, ordinances or codes for proposed activities applicable to structures or work related to structures in, on, over or adjacent to waterways within the incorporated area of the City of North Port. (13)

PERSON -- Any and all persons, including but not limited to an individual, firm, association, organization, partnership, business trust, trust, corporation or company. (41)

PERSON -- any individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, state agency, or any legal entity. (54)
PERSONAL PROPERTY -- Property which is owned, utilized and maintained by an individual or members of his residence and acquired in the normal course of living in or maintaining a residence. It shall not include merchandise which was purchased for resale or obtained on consignment. [Added 7-19-1999 by Ord. No. 99-19] (53)

PERSONAL SERVICES -- Nonmedical related services, including beauty and barber shops; clothing rental; dry cleaning pick-up stores; laundromats (self-service laundries); shoe repair shops; tanning salons. These uses may include accessory retail sales of products related to the services provided. Does not include any sexually oriented establishments.

PLAN, CONCEPTUAL -- A general graphic and informational representation of a design proposal for a development indicating existing and proposed uses, contours, lots, blocks, streets, structures and other physical aspects of the land proposed for development. (37)

PLAN, FINAL SUBDIVISION -- The plat to be recorded, final engineering plans, specifications and calculations, performance guarantees and other required certifications, bonds, agreements, approvals and materials for the development of a parcel of land, meeting the requirements of these regulations and all other applicable City regulations and codes. (37)

PLAN, MASTER -- A graphic and informational representation of a specific design solution for the development of an area under unified control, designed and planned to be developed in a single operation by a series of prescheduled development phases, as in planned community developments, showing the intended division and/or improvements of the property. (37)
PLAN, SITE -- A scaled straight-line graphic and informational representation of a specific design solution for a development on which is shown an area location map; existing and proposed topography, streams, rights-of-way, easements, structures, wooded areas and water bodies; provisions for ingress and egress; off-street parking, loading, refuse and service areas; necessary facilities and utilities; required yards, open spaces, necessary facilities; proposed landscaping, fencing, screening and buffering, and provision for trees protected or required by City regulations; proposed signs and lighting; and any other information that may be reasonably necessary or reasonably required. (37)

PLAN, SITE AND DEVELOPMENT -- The site plan statements for use and unified control, preliminary and/or final engineering plans, specifications and calculations and other required certifications, performance guaranties, bonds, agreements, approvals and materials for a development meeting the requirements of these regulations and all other applicable City regulations and codes. (37)

PLANNED DEVELOPMENT -- A development that is designed and developed as a cohesive, integrated unit under single ownership or unified control which permits flexibility in building siting, mixture of housing types or land uses, clustering, common functional open space, the sharing of services, facilities and utilities and protection of environmental and natural resources. (53)

PLANNED COMMUNITY DEVELOPMENT DISTRICT (PCD) -- See Article VIII. (53)

PLANNING AND ZONING ADVISORY BOARD -- The Board having the functions, powers and duties as set forth within these regulations.* (53)
PLANNING AND ZONING ADVISORY BOARD/PLANNING BOARD -- The City of North Port’s Planning and Zoning Advisory Board, having the functions, powers and duties as set forth within this ULDC.

PLANNING BOARD -- The North Port Planning and Zoning Advisory Board. (37)

PLANNING DIRECTOR -- The Director of the North Port Department of Planning and Zoning or his duly authorized representative. (37)

PLANNING DIRECTOR -- The City of North Port Director of Planning and Zoning. See also "Director." (53)

PLAT -- A plat as defined by Chapter 177 of the Florida Statutes, as may be amended. (53)

PLAT -- A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information prepared by a registered surveyor or engineer for the purpose of identifying property in compliance with the requirement of all applicable regulations.

PLANT COMMUNITY -- A natural association of plants that are dominated by one or more prominent species or a characteristic physical attribute. (21)
PLANT SPECIES, PROHIBITED -- Those plant species which are demonstrably detrimental to native plants, native wildlife, ecosystems or human health, safety and welfare. (21)

POD – Any portable storage unit. (53)

POLE (OR PYLON) SIGN -- A sign supported by at least one upright pole, pylon or post which is secured to the ground and the bottom of the sign face is at least six feet above the finished grade level, excluding Class B signs. The definitions of "pole sign" and "monument sign" are mutually exclusive. (29)

POLITICAL SIGN -- A sign which advocates any candidate or issue to be voted upon at an upcoming election or referendum. (29)

PORTABLE ILLUMINATED SIGN -- A sign which is manifestly designed to be transported, as a trailer is transported, on its own wheels, although the wheels of such signs may be removed and the remaining chassis may be attached permanently to the ground, with electrical wiring and illumination as an integral part of total construction and with potential electrical connection to power on the site to which it is transported. It is the characteristic of a portable illuminated sign that it is a changeable copy sign. (29)

PORTABLE SIGN -- A sign which has no permanent attachment and, by its design and use, is not intended to be permanently attached to a building or the ground, including, but not limited to, A-frame signs, pole attachments, searchlights and stands. (29)
PORTABLE SIGN -- Any sign, whether on its own trailer, wheels, or otherwise, which is designed so that it can be transported from one place to another.

POTENTIALLY SIGNIFICANT HISTORIC RESOURCE -- A historic resource so identified in accordance with the provisions of §58-4. [Amended 9-23-2002 by Ord. No. 2002-42] (58)

PREMISES -- Any lot, area or tract of land. (53)

PREMISES, ON THE SAME -- Construed as being on the same lot or building parcel or on an abutting lot or adjacent building in the same ownership and zoning district. [Amended 11-24-2003 by Ord. No. 2002-56] (53)

PRESERVATION -- The perpetual maintenance of habitats in their existing, or restored, native condition. (37)

PRESERVE AREAS -- Vegetative areas required to be preserved by law. (21)

PRIMARY STORMWATER MANAGEMENT SYSTEMS -- All facilities designed to collect, detain, equalize and control stormwater runoff, such as detention basins/ponds, flow control structures, equalizer pipes, etc. (37)

PRINCIPAL BUILDING -- See "building, principal." (53)

PRIVATE CLUB -- Any establishment devoted primarily to the retailing and on-premises drinking of malt, vinous or other alcoholic beverages. (53) Private clubs include, bars, cocktail lounges, taverns, night clubs, bottle clubs, and similar facilities serving alcoholic liquor.
PRIVATE PROPERTY - All property other than public property, including private rights-of-way.

PROFESSIONAL SERVICES - A business that offers any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. By way of example, and without limiting the generality of this definition, professional services include services rendered by certified public accountants, public accountants, engineers, chiropractors, dentists, osteopaths, physicians and surgeons, podiatrists, chiropodists, architects, veterinarians, attorneys at law, physical therapists, and life insurance agents.

PROGRAM CAPACITY - The school district derived capacity of a public school facility taking into account class size reduction, actual usage of classrooms, scheduling and the district composition of special students. Program capacity is recomputed each year and reported annually to reflect facility, student and curriculum changes. (5)

PROGRAM DEFICIENCY -- A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations. (17)

PROHIBITED SIGN -- Any sign which is not permitted or exempt. (29)

PROJECTING SIGN -- A sign attached to a building or other structure and extending more than 12 inches beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached. (29)
PROPORTIONATE SHARE MITIGATION (SCHOOLS) – An improvement or contribution identified in a binding and enforceable development agreement between an applicant, the Sarasota County School Board and the North Port city Commission to provide compensation or other accommodation for the deficit in public school facilities created through the residential development of the property as mandated in section 163.3180(13)(e), Florida Statutes. (5)

PROTECTION -- Measures taken to avoid, minimize, or mitigate effects to historic resources consistent with the provisions of this chapter. [Amended 9-23-2002 by Ord. No. 2002-42] (58)

PUBLIC ART – Art that is so located as to be accessible to public view, on public or private property within the City neighborhood environs including but not limited to residential, business, or industrial buildings, apartment and condominium complexes, parks, multiple-use structures, and similar facilities, streets, sidewalks, and which does not contain characteristics of an advertising sign or identify or draw attention to a particular business, profession, or industry, to the type of products sold, manufactured, or assembled, or to the type of services or entertainment offered or available on the premises or in the City. The work of art may include but not limited to sculptures, murals, monuments frescoes, fountains, water features greater than 4 feet in height, paintings, stained glass, or ceramics.

PUBLIC FACILITIES -- capital improvements, including but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, Fire, Police, EMS, general government facilities, parks and recreational. (54)

PUBLIC FACILITIES AND SERVICES -- The following public facilities and services
for which level of service standards have been adopted in the City's Comprehensive Plan:

(1) Roadways.
(2) Potable water.
(3) Sanitary sewer.
(4) Solid waste.
(5) Drainage.
(6) Recreation and open space.
(7) Public Schools.

PUBLIC PARK -- Any park, playground, beach, parkway or other recreation area and open space, in which the City, county, state or federal government has an interest.

PUBLIC PROPERTY -- lands and improvements owned by the Federal Government, the state, the county, or a municipality and includes sovereignty submerged lands located adjacent to the county or municipality, buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way, conservation easements and other similar property.

PUBLIC PROPERTY - Parks, right-of-ways, easements and any and all other real property owned by the public, and governmental agency, or the City.

Public Right-of-Way. Land dedicated or deeded to the public, occupied or intended to be occupied by a street, highway, sidewalk, pedestrian path parkway, bicycle path or alley.

PUBLIC WORKS DIRECTOR - Public Works Director refers to the Public Works Director or the designee of the Public Works Director.
R-DITCH – a major ditch that collects and conveys Stormwater runoff directly to waterways, i.e. canals. (33)

REAL ESTATE SIGN -- A sign that advertises the sale, lease, rental or development of the premises upon which it is located. (29)

RECREATIONAL VEHICLE -- A recreational-vehicle-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. As defined below, the basic entities are: (53)

(1) The travel trailer, including fifth-wheel travel trailers, which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use. It has a body width of no more than 8 1/2 feet and an overall body length of no more than 40 feet when factory-equipped for the road. (53)

(2) The camping trailer, which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use. (53)

(3) The truck camper, which is a truck equipped with a portable unit designed to be loaded onto or affixed to the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping or travel use. (53)
(4) The motor home, which is a vehicular unit which does not exceed the length and width limitations provided in F.S. § 316.515, is built on a self-propelled motor vehicle chassis and is primarily designed to provide temporary living quarters for recreational, camping or travel use. (53)

(5) The park trailer, which is a transportable unit which has a body width not exceeding 12 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. For purposes of these regulations, the terms "park model" and "park trailer" are synonymous. (53)

RECYCLING DEPOSITORIES -- An incidental use that serves as a neighborhood dropoff point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public or quasi-public areas, such as churches and schools. (53)

REMEDY OF VIOLATION -- To bring the structure or other development into compliance with state or local floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of these regulations or otherwise deterring future similar violations or reducing federal financial exposure with regard to the structure or other development. (17)

RESEARCH DESIGN -- A description of the purposes and goals of a proposed site assessment survey, including the previous work that has been done in the area,
research topics to be addressed, the area to be covered, the kinds of
information to be collected, what work will be done, what methods will be used,
who will do the work, and a schedule for completion of the work. (58)

RESIDENCE -- See "dwelling unit." (53)

RESIDENTIAL DEVELOPMENT – Any development order that is comprised of residential
units, in whole or in part, for non-transient human habitation, and includes
single family and multi-family housing, regardless of whether the approval
procedure for such development is considered commercial or residential. (5)

RESIDENTIAL UNIT – Any occupied structure or part thereof, which is designated
exclusively for human habitation and meets all applicable government
requirements for residential use on a continuous basis; i.e. having hot and cold
running water and adequate facilities for heating, cooking, sleeping, and the
sanitary elimination of wastes. Hotels, motels, and temporary lodging
facilities are specifically excluded. (5)

RESOURCE OF EXCEPTIONAL IMPORTANCE -- A historic resource that has achieved
significance within the last 50 years because of the extraordinary importance of
an event that has occurred there on the local, state, or national level; or the
fragility of the resource; or the community's strong associative attachment to

RESOURCE VALUE -- any one or more of the specific economic, scenic,
recreational, geologic, fish and wildlife, historic, cultural, or ecological
features associated with the River Area as determined by the Myakka River
Management Coordinating Council.
RESTAURANT -- A structure in which the principal use is the preparation and sale of food and beverages.

RESTORATION -- The renewal of vegetative cover by seeding, planting or transplanting. (9)

RETAIL SALES – Sale or rental with incidental service of commonly used goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Retail sales shall not include items used in conjunction with the on-premise repair of an item if the item is not sold individually.

RETENTION - The prevention of direct discharge of storm runoff into receiving waters. Included as examples are dry pond systems and underground exfiltration systems which discharge through infiltration into the ground. These systems are designed to have residence times less than 72 hours to discourage breeding of mosquitoes. (14)

RETENTION - The prevention of direct discharge of storm runoff into receiving waters. Included as examples are dry pond systems and underground exfiltration systems which discharge through infiltration into the ground. These systems are designed to have residence times less than 72 hours to discourage breeding of mosquitoes. (18)

RETENTION - The prevention of direct discharge of storm runoff into receiving waters. Included as examples are dry pond systems and underground exfiltration systems which discharge through infiltration into the ground. These systems are designed to have residence times less than 72 hours to discourage breeding of mosquitoes. (37)
REUSE SYSTEM, CENTRAL -- A system for the production, treatment, storage and/or distribution (including the water source, pumps, treatment plants, distribution pipes and other appurtenances) of water that has received at least secondary treatment, filtration and high level disinfection in accordance with the Florida Department of Environmental Protection requirements pursuant to FAC 62-610, Part III. Also known as reclaimed water and treated water. (37)

REZONING -- A revision, change, addition, or deletion in a zone classification or zoning district of one or more properties upon the zoning map.

RIGHT-OF-WAY -- The land that the City of North Port has title to, or right of use, for the road and its structures and appurtenances, and furnished by the City. (33)

RIGHT-OF-WAY -- Land that is dedicated or deeded to (or is now used or will be used by) the public or governing body as a street, alley, walkway, drainage facility, access for ingress and egress or for other purposes and includes easements and fee interests. (37)

REVOLVING or WHIRLING SIGN -- A sign that revolves or turns by means of an external source of power, other than wind, except as otherwise permitted. (29)

ROADWAY -- That portion of a street improved designed or ordinarily used for vehicular travel.

ROOF -- A structural covering over any portion of a building or structure including projections beyond the walls or supports of the building or structure. Includes a roof covering and roof deck.
ROOFED -- Any structure or building with a roof which is intended to be impervious to weather.

ROOF SIGN -- A sign erected, constructed and maintained wholly upon the roof or above the roof or roofline of any building. (29)

SANITARY SEWERAGE SYSTEM, CENTRAL -- A system of pipes, pumps, tanks, treatment plants and all other appurtenances with a treatment capacity of 2,000 gallons per day or more. (37)

SANITARY SEWERAGE SYSTEM, INDIVIDUAL -- A system of piping, tanks or other facilities with a treatment capacity of less than 2,000 gallons per day. (37)

SATELLITE DISH ANTENNA -- A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's (television reception only satellite dish antennas), and satellite microwave antennas. (53)

SCHOOL IMPACT ANALYSIS -- The document required to be prepared and submitted as a requirement for review of a development order application. (5)

SCHOOL, PRIVATE -- A school that provides a curriculum of elementary and secondary academic instruction, including kindergarten, elementary, junior and high schools maintained by private individuals, religious organizations or corporations, not at public expense, and open only to pupils selected and
admitted by the proprietors or governors, or to pupils of a certain religion or
possessing certain qualifications, and generally supported, in part at least, by
tuition fees or charges. (53)

SCHOOL, PUBLIC -- A school that provides a curriculum of elementary and
secondary academic instruction, including kindergarten, elementary, junior and
high schools established under the laws of the State of Florida maintained at
the public's expense by taxation, and open, usually without charge, to the
children of all the residents of the City. (53)

SCHOOL TYPE - The category of public school based on instruction level or type
of instruction, whether elementary school grades, middle school grades, high
school grades or special purpose schools. (5)

SEASONAL HIGH WATER ELEVATION (SHWE) - The elevation to which the ground or
surface water can be expected to rise due to a normal wet season. (18)

SEAWALL -- A wall or embankment to protect the shore from erosion or to act as a
breakwater. (13)

SEDIMENT - Any particulate matter that can be transported by fluid flow and
which eventually is deposited as a layer of solid particles on the bed or bottom
of a body of water or other liquid. (33)

SERIAL SIGN -- Any use of a series of two or more signs placed in a line
generally parallel to the road or in a similar fashion and displaying words or a
message, part of which is contained on each sign. (29)

SERVICE, PERSONAL. A Service Use primarily engaged in providing services
involving the care of a person, his or her apparel, pets, or small appliances, and including, but not limited to, any of the following uses: Appliance services, Automobile quick-wash, Barber shops, Beauty shops, Body art shops, Dance studios, Duplicating services, Funeral homes, Health spas, In-house carpet servicing, Laundromats, Massage establishments, Photographic studios, Radio repair, Shoe repair, Television repair, Electronic repair, Tailoring, Veterinary clinic, Watch and clock repair, Any similar service use. [Added 11-24-2003 by Ord. No. 2002-49] (53)

SERVICE STATION -- Any premises where gasoline and other petroleum products are sold and/or light maintenance activities, such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning, are conducted. Service stations shall not include premises where heavy automobile maintenance activities, such as engine overhauls, automobile painting work and body work, are conducted. (53)

SETBACK -- The minimum distance required from a lot line to the nearest point of a building or structure. (53)

(1) STREET SETBACK -- A setback extending across the front of a lot, being the required minimum horizontal distance between the street right-of-way or easement and the front of the building. (53)

(2) SIDE SETBACK -- A setback between any structure and the side lot line extending from the required front setback to the required rear setback and being the minimum horizontal distance between a side lot line and the side of the structure. (53)
(3) REAR SETBACK -- A setback extending across the rear of a lot, being the required minimum horizontal distance between the rear property line and the rear of the building. (53)

SHADE TREE-- A self-supporting woody plant or species normally growing to a mature height of at least 15 feet and a mature spread of at least 15 feet in the City of North Port, and which provides relief from direct sunlight at least six months out of each year. Clusters of more than one tree may be used when it is demonstrated to the Planning and Zoning Department City that the grouping of trees will, at maturity, surpass the fifteen-foot diameter requirement and that the grouping of trees is suitable for the proposed location. [Amended 11-24-2003 by Ord. No. 2002-56] (21)

SHOPPING CENTER -- A grouping of consumer-oriented commercial establishments, planned and developed as a single structure or under a unified architectural theme, owned and managed as a unit, and providing a range of goods and services specific to a definable market area and providing customer and employee parking off street and on site. (53)

SHRUB -- A self-supporting woody perennial plant of less than 10 feet in height, characterized by multiple stems and branches continuous from the base. (21)

SIDELINE OUTFALL – Swales located between lots and part of the City’s drainage system designed to convey Stormwater from City right-of-way to drainage ways or canals. (33)

SIDEWALK - Any surface within a right-of-way approved for the exclusive or primary use of pedestrians.
SIGN -- Any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stoke, logo, symbol, device, stripe, line, trademark, reading matter or illuminated service, which is so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that it is used to convey information visually or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, which is displayed in any manner whatsoever, exposed to public view, whether or not legible. For the purposes of this chapter, the term "sign" shall include all structural members. Included within the definition of "sign" are all of the types of signs as defined in the Unified Land Development Code. The following, however, shall not be considered signs within the context of these regulations. (29)

(1) Legal notices, traffic or informational signs or devices erected or required by federal, state or local government; (29)

(2) Standard gasoline pumps bearing thereon in usual size and form the name, type and price of gasoline;

(3) Integral decorative or architectural features of buildings. However, letters, registered trade or service or copyright marks, moving parts and parts internally illuminated or decorated with gaseous tube or other lights shall be considered signs, notwithstanding that it is an integral part of the building. (29)

SIGNIFICANT HISTORIC RESOURCE - A historic resource so identified in accordance with the provisions of § 58-4. [Amended 9-23-2002 by Ord. No. 2002-42] (58)
SILT FENCE – A fence used to filter silt, sediment and other contaminants from runoff water, thereby protecting the streams, rivers, lakes, and other water resources from contamination by silt, sediment, and construction debris. (33)

SILVICULTURE -- a commercial enterprise controlling the establishment, growth, composition, health, and quality of forests and woodlands of desired characteristics with the intent to produce, reproduce, or manage a stand of pines (Pinus spp.) trees for the eventual sale to a timber company as a pulp, paper, or other timber products commercial purposes. This includes site preparation activities, prescribed burning and harvesting trees for sale.

SINGLE-FAMILY RESIDENCE -- See "dwelling units, types of." (53)

SITE MANAGEMENT PLAN -- a long-term management program designed to protect archeological resources. A Site Management Plan includes, at a minimum, provisions for documentation of existing site conditions, strategies and techniques for site stabilization, security, maintenance, monitoring, and identification of compatible uses. (58)

SLOPE – the ratio of the “rise” divided by the “run” between two points on a line, or the ratio of the vertical change to the horizontal distance between any two points on the line. It is used to describe the measurement of the steepness or gradient. (33)

SNIPE SIGN -- Any sign, generally of a temporary nature, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or other objects when the advertising matter appearing thereon is not applicable to the present use of the premises upon which the sign is located. (29)
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD) — The water management district that was created pursuant to Section 373.069, Florida Statutes. (18)

STATE LAND PLANNING AGENCY -- the Department of Community Affairs. (54)

START OF CONSTRUCTION -- For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footing, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. (17)

STIPULATION -- a statement or a condition issued with a Permit or with an approved plan, with which compliance is necessary for continued validity of the Permit or approval.

STORAGE, ENCLOSED -- The keeping of any goods or products within a building or other structure or within a completely fenced-in area sufficiently screened so as not to be seen from any other property. (53)
STORAGE, OPEN -- The keeping of any goods or products, in any area not defined as enclosed storage, for more than 24 hours. (53)

STORMWATER MANAGEMENT SYSTEM - A system which is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, overdrainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system. (18)

STORMWATER MANAGEMENT SYSTEM -- The designed features of the property which collect, convey, channel, hold, inhibit or divert the movement of stormwater. (37)

STORY (FLOOR) -- That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above. (53)

STREET -- A public vehicular right-of-way or private vehicular accessway which affords a principal means of access to more than one parcel of property. The term includes any other vehicular right-of-way except an alley, such as avenue, road, drive, lane, boulevard, place, easement and the like. (37)

STREET -- A legally constructed, City-approved public or private thoroughfare which affords vehicle access to the principal means of ingress or egress to a lot. The term "street" is synonymous with the terms "avenue," "boulevard," "drive," "lane," "place," "road," "way" or similar terms. (53)
STREET -- A public vehicular right-of-way or private vehicular accessway, existing or future which affords a principal means of access to more than one lot or parcel of property or connects two roadways existing or future, or splits a lot or parcel. The term includes any other vehicular right-of-way except an alley. The term street is synonymous with avenue, boulevard, drive, lane, place, court, road, way or similar terms.

STREET, ARTERIAL -- Those streets, existing or future, so designated on the adopted Traffic Circulation Map of the City’s adopted Comprehensive Plan which facilitate relatively long trip lengths at moderate to high operating speeds with somewhat limited access to adjacent properties. Arterials generally serve major centers of activity in urban areas and have the highest traffic volume corridors. (37)

STREET, DEAD-END -- (See Dead-End Street). (37)

STREET FRONTAGE -- That portion of the principal structure that directly faces a street. (29)

STREET, FRONTAGE -- A street that runs parallel and adjacent to an arterial or collector street and serves primarily to provide access to abutting property. (37)

STREET, LOCAL -- A street, existing or future, which generally provides access to abutting properties. Local roads possess relatively low traffic volumes, operating speeds and trip lengths and minimal through-traffic movements. (May be public or privately owned). (37)

STREET, MAJOR COLLECTOR -- Those streets, existing or future, so designated on
the Traffic Circulation Map of the City's adopted Comprehensive Plan which collect and distribute significant amounts of traffic between arterials, minor collectors and local roads at moderate operating speeds. Major collectors provide for more accessibility to adjacent properties than arterials. (37)

STREETS, MINOR COLLECTOR -- Those streets, existing or future, so designated on the Traffic Circulation Map of the City's adopted Comprehensive Plan which collect and distribute moderate amounts of traffic between arterials, major collectors and local roads at relatively moderate to low operating speeds with greater accessibility than major collectors. (37)

STREET, PRIVATE -- A recorded street not owned by the City, over which there may or may not be public access and/or may or may not be maintained by the City. (37)

STREET RIGHT-OF-WAY -- A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes which has been dedicated to the public or between private parties. (53)

STRIP DEVELOPMENT OR STRIP MALL -- Commercial, retail, or industrial development, usually one lot deep, that fronts on a major roadway.

STRUCTURE -- Without limitation, any pier, wharf, boathouse, dolphin, mooring pile, riprap, seawall, bulkhead, retaining wall, jetty, platform, boat lift, davit, boat ramp or any other obstacle, obstruction or protrusion, or other similar landing facility used primarily for watercraft, or for water oriented activities such as fishing piers. (13)

STRUCTURE -- A walled and roofed building that is principally above ground, a
manufactured home, a gas or liquid storage tank, wall, fence, or other man-made facilities or infrastructures. (17)

STRUCTURE -- That which is built or constructed. The term "structure" shall be construed as if followed by the words "or part thereof." (53)

STRUCTURE -- That which is built, erected or constructed. The term "structure" shall be construed as if followed by the words "or part thereof."

STUDENT ATTENDANCE ZONE -- The geographic area where students who reside within such area must attend a designated public school. (5)

SUBDIVISION -- The division of a parcel of land into three or more contiguous lots or parcels for the purpose of transfer of ownership or building, development or, if a new street is involved, any division of a parcel of land. A division of land for agricultural purposes into lots or parcels of three acres (1.214 hectares) or more and not involving a new street shall be deemed a subdivision. The term subdivision includes resubdivision and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivided. (37)
subdivided. The division of a parcel of land caused by purchase or condemnation by a government entity of a portion of that parcel shall be disregarded for purposes of determining when that parcel has been divided into three or more contiguous lots or parcels under this section.

SUBSTANTIAL IMPROVEMENT -- Any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during a five-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement; or, in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. (17)

SUBSTANTIAL CONSTRUCTION WORK -- the commencement and continuous prosecution of construction of required improvements to completion as determined by the City. Conditions pertaining to the phasing and timing of a proposed development may be included in a finding of concurrency for the development.

SURVEYOR -- A professional land surveyor duly registered and licensed by the State of Florida. (53)
SWALE – A ditch or shallow trough-like depression that carries water mainly during a rainstorm. (33)

SWFWMD -- Southwest Florida Water Management District. (49)

SWFWMD -- The Southwest Florida Water Management District. (53)

SWFWMD -- The Southwest Florida Water Management District created pursuant to §373.069 of the Florida Statutes.

TAVERN -- Any establishment devoted primarily to the retailing and on-premises drinking of malt, vinous or other alcoholic beverages. (53) Tavern include, bars, cocktail lounges, private club, night clubs, bottle clubs, and similar facilities serving alcoholic liquor.


TEMPORARY MODEL RESIDENTIAL UNIT FLAGS -- Any flag(s) or banner(s) on the property of a model residential unit is prohibited except for the first 30 days after the model receives final inspection. (29)

TEMPORARY SIGNS -- Any sign that is intended to remain on a property for a period not to exceed a total of 60 calendar days. (29)

TERMINAL PLATFORM -- That part of a docking facility that is connected to and generally wider than the access walkway and is used both for securing and loading a vessel. (13)
THIRD PARTY -- a government, agency or other unit of local government which does not have regulatory authority over the use of land but provides services for which City of North Port has adopted Level of Service standards. (54)

TIME AND TEMPERATURE SIGN -- A sign conveying a lighted message of time, temperature, tide change, barometric pressure or similar information by means of electrical impulse at changing intervals of not less than four seconds in duration. Information displayed for four seconds or greater shall not be deemed a flashing sign. (29)

TIME-SHARE UNIT -- Any dwelling unit or rooming unit for which a time-sharing plan, as defined in Chapter 721 of the Florida Statutes, has been established and documented. (53)

TOWN CENTER (TC) -- A place for higher densities/intensities for residential, office, retail, and civic, and light industrial land uses with a more regional market base than the Village Center (N.P. CPA, "Village" Future Land Use Element Amendments, Policy 13.2).

TOWNHOUSE -- See "dwelling units, types of." (53)

TRAVEL TRAILER -- See "recreational vehicle." (53)

TREE -- A living, woody, self-supporting plant, six feet or more in height having, or when mature will have, a main stem or cluster of main stems and any one stem of one inch in caliper. (21)

TRESPASSING or CAUTION SIGN -- A sign intended to warn off trespassers or to point out a hazard on the premises upon which the sign is located. (29)
TRIMMING -- The pruning or clipping of vegetation with hand-powered tools which does not result in the removal of more than three inches of the stem and root of the plant. (9)

TRUCK -- Any vehicle (excluding recreational vehicles) 25 feet or less in length and having a gross vehicle weight of 12,500 pounds or more. It shall be prohibited to park any vehicle, excluding recreational vehicles, which exceed either this length or weight restriction upon any residentially zoned private property.

TRUCK STOP -- An establishment where the principal use is the refueling and servicing of trucks and tractor-trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of such over-the-road equipment and may provide for the repair and maintenance of such equipment. [Added 3-30-1998 by Ord. No. 98-8] (53)

ULDC – Unified Land Development Code, the regulations that govern the development and use of land within the incorporated area of the City Of North Port, Florida, the code adopted by the Commission, pursuant to F.S. 163.3202, containing land development regulations that are consistent with and implement, City of North Port Comprehensive Plan, adopted September 17, 1990, Ord. No. 90-28, and is amended from time to time.

UNIFIED CONTROL -- A recorded agreement or covenant running with a parcel of land stipulating that the subject parcel shall be held under single ownership or control and shall not be transferred, conveyed, sold or divided in any unit other than in its entirety; provided, however, that(53)
(1) Individual condominium units or residential subdivision lots, if any, may be conveyed to a bona fide ultimate individual not intended for resale.

(53)

(2) A subunit of the project may be transferred, conveyed or sold if the purchaser agrees to abide with all applicable stipulations and conditions specified in the development permit. (53)

UNIFIED LAND DEVELOPMENT CODE (ULDC) - the regulations that govern the development and use of land within the incorporated area of the City Of North Port, Florida, the code adopted by the Commission, pursuant to F.S. 163.3202, containing land development regulations that are consistent with and implement, City of North Port Comprehensive Plan, adopted September 17, 1990, Ord. No. 90-28, and is amended from time to time.

USE -- The purpose for which land or water or a structure thereon is designated, arranged or intended to be occupied or utilized or for which it is occupied or maintained. The use of land or water in these regulations is governed by these zoning regulations. (53)

USE, ACCESSORY -- A use that: (53)

(1) Is clearly incidental to and customarily found in association connection with a principal building, structure or use and separate from the principle principal building/use (except guest houses, granny flats, apartments); (53)

(2) Is subordinate to and serves a principal building, principal structure or principal use; (53)
(3) Is subordinate in area, extent or purpose to the principal building, principal structure or principal use served; (53)

(4) Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building, principal structure or principal use served; and (53)

(5) Is located on the same lot as the principal building, principal structure or principal use served. (53)

USE, PRIMARY OR PRINCIPAL -- The primary use and chief purpose of a lot and/or structure. (53)

UTILITIES -- Includes, but is not limited to, water, sewer, gas, electricity, telephone and cable television. (37)

VACATION -- The termination of, or termination of interest in, an easement, right-of-way, or public dedication of land.

VARIANCE -- A grant of relief from the requirements of these regulations which permits construction in a manner otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship. (17)

VARIANCE -- A relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owning to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship on the land. (53)
VARIANCE -- A relaxation of the terms of these regulations where such variance
will not be contrary to the public interest and where, owing to special
conditions peculiar to the property are not the result of the actions of the
applicant, a literal enforcement of these regulations would result in
unnecessary and undue hardship on the land.

VEHICLE -- Any device or conveyance for transporting person(s) or property over
the public streets, including, but not limited to, the automobile, motorcycle,
motor truck, trailer and semitrailer, tractor-trailer combination, commercial
vehicle or trailer, recreational vehicle or trailer, hobby car or truck and boat
trailer.

VEHICULAR USE AREA -- Any area used by vehicles except public thoroughfares,
including but not limited to areas for parking, display or movement of any and
all types of vehicles, cars, motorcycles, bicycles, buses, boats, trailers,
campers, airplanes or heavy construction equipment. Also included are areas
paved for other purposes, such as outdoor storage, service and delivery, which
are similar in nature to areas paved for vehicular use. (21)

VESSEL is synonymous with boat as referenced in s. 1(b), Art. VII of the State
Constitution and includes every description of watercraft, barge, and air boat,
other than a seaplane on the water, used or capable of being used as a means of
transportation on water. (26)

VILLA -- A single freestanding conventional residential structure on two
separately owned lots, designed for two dwelling units, each under separate
ownership. (53)
VILLAGE (V) -- A building block of the City. A sub-area of the City associated with the “village” future land use designation and composed of one or more neighborhoods.

VILLAGE CENTER (VC) -- Village Centers serve as the focus for Villages and consist of a mix of land uses supporting Neighborhoods comprising the Village.

VILLAGE DISTRICT PATTERN PLAN (VDPP) -- Village planning and development process as defined by the N.P. CPA, "Village" Future Land Use Element Amendments, Policy 13.6.

VILLAGE INDEX MAP -- The Village Index Map defines a series of Villages on a given area of land. These Villages are defined by the edges of man-made features (roads, easements, property lines, existing improvements), and natural features (primary environmental systems, lakes, conservation areas, greenways).

VIOLATION -- The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required by these regulations is presumed to be in violation until such time as that documentation is provided.(17)

VISIBILITY TRIANGLE - At street intersections, an area bounded by the first thirty (30) feet along the each intersecting edges of the right-of-way line, projected where rounded and a diagonal line extending across the property and connecting the ends of such thirty (30) foot lines. At intersections of driveways with streets, an area bounded by the first ten (10) feet along the intersection edges of the right-of-way and the driveway, projected where
rounded, and a diagonal line extending across the property and connecting the ends of such ten (10) foot lines.

WALL - Any vertical structure forming a physical barrier which may or may not have a foundation.

WALL SIGN -- A sign that is painted on, incorporated into or affixed parallel to any wall of a building or other structure and with the furthest limit of the exterior face not projecting more than 12 inches from the building or structure.

WATER, BODY OF: (53)

(1) ARTIFICIAL -- A depression or concavity in the surface of the earth (other than a swimming pool) created by, or that portion of a natural body of water extended or expanded by, human artifice and in which water stands or flows for more than three months of the year. (53)

(2) NATURAL -- A depression or concavity in the part of the surface of the earth lying landward of the line of mean sea level (NGVD) which was created by natural geophysical forces and in which water stands or flows for more than three months of the year. (53)

(3) WATERWAY -- Any bay, river, lake, canal or artificial or natural body of water, connected to navigable waters of the United States. (53)

WATERCOURSE -- any natural or artificial channel, ditch, canal, stream, river, creek, waterway, or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed,
banks, or other discernable boundary. Watercourse shall not include irrigation
and drainage ditches constructed in the uplands which are not more than thirty-
five (35) square feet in total cross section area and normally has a water depth
of no more than three (3) feet; provided they are not in and do not directly
connect to Outstanding Florida Waters, Class I Waters, and Class II Waters.

WATER DEPENDENT FACILITIES includes marinas, docks, piers, boat ramps, and
other direct water access facilities. (26)

WATER SURFACE ELEVATION -- The height, in relation to the National Geodetic
Vertical Datum (NGVD) of 1929 (or other datum such as NAVD 88, where specified),
of floods of various magnitudes and frequencies in the floodplains of coastal or
riverine areas. (17)

WATER SYSTEM, CENTRAL -- A system for the production, treatment and/or
distribution (including the water source, pumps, treatment plants, distribution
pipes and other appurtenances) of potable water serving eight or more
connections. (37)

WATERWAY -- Any artificial or natural body of water connected to navigable
waters of the United States and located in the incorporated area of the City of
North Port. (13)

WET DETENTION SYSTEM - A water quality treatment system that utilizes a design
water pool in association with water-tolerant vegetation to remove pollutants
through settling, adsorption by soils and nutrient uptake by the vegetation. The
bottom elevation of the pond must be at least two foot below the control
elevation. (18)
WETLAND -- As defined in subsection 373.019 (17) F.S., means those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, aloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. (49)

WETLANDS -- An area that is subject to permanent or prolonged periods of inundation or saturation (i.e., water is at the soil surface at least two to seven months) and does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps and marshes and may include similar areas, such as sloughs, wet meadows and natural ponds. * (53)

WIND SIGN -- Any sign or display, including, but not limited to, flags, banners, balloons, streamers and rotating devices, fastened in such a manner so as to move upon being subjected to air movement, whether natural or induced. (29)

WINDOW SIGN - A sign painted or placed on the inside or outside of a window that
is visible from the exterior of the building. [Amended 10-28-2002 by Ord. No. 2002-28] (29)

WORK -- Any dredging or disposal of dredge material, excavation, filling, construction, erection or installation or any addition or other modification of a structure on a waterway within the incorporated area of the City of North Port. The term shall not include minor repairs or maintenance as exempted under § 13-9 of this chapter. (13)

WORKING DAY - Monday through Friday, and shall exclude Saturdays, Sundays and legal holidays.

WORK OF ART - All forms of original creations of visual expressions including but not limited to: sculpture, in any material or combination of materials, murals, mosaics, photographs, or unique architectural design not a part of a building.

YARD, FRONT -- A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the nearest part of the front building line in depth. (53)

YARD, REAR -- A yard extending across the full width of the lot and lying between the rear lot line and the nearest part of the building. Rear yard depth shall be measured at right angles to the rear line of the lot.

YARD, SIDE -- A yard lying between the side line of the lot and the nearest part of the building and extending from the front yard to the rear yard or, in the absence of either of such front or rear yards, to the front or rear lot lines.
Side yard widths shall be measured at right angles to side lines of the lot. (53)

**YARD, WATERFRONT** -- A yard required on waterfront property with depth measured from the property line to the nearest point of the structure, provided that no structure shall extend waterward of the shoreline except those structures customarily extending into the water, such as seawalls, docks and piers.

Waterfront property is hereby defined as property abutting on the Myakka River, Myakkahatchee Creek, other natural creeks, streams, bays or lakes, and on man-made canals, lakes or impounded reservoirs. For the purpose of this chapter, any waterfront yard shall be treated separately from a rear yard. (53)

**ZONE** -- See "district." (53)

**ZONE OF MAXIMUM PROTECTION** -- That area of the Conservation/Restricted Overlay Zone referred to as Zone 1. (9)

**ZONING ADMINISTRATOR** -- The City of North Port Director responsible for land development services Zoning Administrator or his duly authorized representative. (37)

**ZONING BOARD** -- The City of North Port Planning and Zoning Advisory Board or the City of North Port Zoning Board of Appeals, depending upon the issue under consideration and the provisions of these regulations with respect to the resolution of like issues before said Board. (53)

**ZONING REGULATIONS** -- The regulations set forth under Chapter 53, Zoning Regulations, of this Unified Land Development Code, as may be amended, which control and regulate zoning for the City of North Port. (37)
Sec. 61-4. Interpretation.

Interpretation of this chapter shall be made by the City Manager or designee.

Sec. 61-5. Conflict.

Whenever the definitions of this chapter differ from those imposed by the Federal, State or County, regulations, law or statute, the most restrictive or imposing the higher standards shall apply.

Sec. 61-6. Appeals.

Any person aggrieved by the City Manager’s or designee interpretation, may appeal to the Zoning Board of Appeals. The criteria for granting an appeal shall be based upon substantial competent evidence proving that the interpretation is inconsistent with the intent of the Code. The granting of an appeal shall not be in conflict with State Statutes. The Zoning Board of Appeals interpretation may be appealed to the Circuit Court of Sarasota County within 30 days of said interpretation.