



# Unified Land Development Code

## 2024 Update

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*Last Updated: April 2024*

## **CHAPTER 1 – GENERAL PROVISIONS**

### **ARTICLE I. ADOPTION OF THE UNIFIED LAND DEVELOPMENT CODE**

#### **Section 1.1.1. Title and Authority**

- A. This document is hereby known and cited as the City of North Port’s “Unified Land Development Code” and referred to herein as the “ULDC.” The City of North Port (the “City”) adopts these regulations in accordance with Florida Statutes Chapter 163 on Intergovernmental Programs, Florida Statutes Chapter 166 on General Municipal Powers, and the North Port Charter.
- B. The North Port City Commission hereby approves and adopts this ULDC, which shall take effect on **DATE** via **ORDINANCE**. Applications and inquiries initiated after the effective date shall conform to the adopted requirements, except as provided in Section 1.1.8.

#### **Section 1.1.2. Purpose and Intent**

The general purpose of this ULDC is to establish procedures and standards for developing land within the City’s corporate boundaries. This ULDC intends to promote public health, safety, and welfare, enforce, and implement the City of North Port’s Comprehensive Plan, and facilitate orderly growth and development within the City.

#### **Section 1.1.3. Relationship to the Comprehensive Plan**

This ULDC to implements the requirements of the Florida Statutes by specifically addressing the following provisions:

- A. Regulate the subdivision of land, including review procedures, design and development standards, provisions for adequate public facilities, mitigation of development impacts, land dedications, fees, and administrative requirements;
- B. Regulate the use of land and water for those land use categories included in the Comprehensive Plan Future Land Use Element and ensure the compatibility of adjacent uses and provide for open space.
- C. Implement performance standards for site design to encourage the development of sound and stable areas within the City boundaries;
- D. Coordinate land development in accordance with orderly physical patterns and general plans and policies adopted by the City Commission;
- E. Encourage recreational and commercial working waterfronts.
- F. Provide for protection of potable water wellfields.
- G. Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management.
- H. Ensure the protection of environmentally sensitive lands designated in the Comprehensive Plan.
- I. Ensure adequate and efficient supply of utilities, streets, and services to new land developments;
- J. Provide for protection of potable water wellfields.
- K. Prevent traffic hazards and congestion that result from narrow or poorly aligned streets, excessive ingress, and egress points along major traffic arteries, and the provision of safe and convenient traffic circulation, both vehicular and pedestrian, in new land development;
- L. Provide safety from fire, panic, and other dangers, to promote health, safety, and the general welfare of the City, its citizens, and visitors;
- M. Protect natural and scenic resources of the City, including surface waters and groundwater recharge areas;

- N. Implement impact fees, open space and park requirements, stormwater management, utility, and associated fees as legally permitted;
- O. Regulate signage to provide for an attractive community and safe pedestrian and transportation conditions;
- P. Provide that public facilities and services meet or exceed the standards established in the capital improvements element 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;
- Q. Ensure safe and convenient onsite traffic flow, considering needed vehicle parking.
- R. Maintain the existing density of residential properties or recreational vehicle parks if the properties are intended for residential use and are located in the unincorporated areas that have sufficient infrastructure, as determined by a local governing authority, and are not located within a coastal high-hazard area; and
- S. Incorporate preexisting development orders.

#### **Section 1.1.4. Applicability, Exceptions, and Exemptions**

- A. The City of North Port Development Services Department shall administer the regulations and requirements delineated in this ULDC. The City shall abide by the State retention law for all official development applications submitted to the City.
- B. Nothing in this ULDC authorizes development that is not consistent with the City's adopted Comprehensive Plan. When conflict arises, the City's adopted Comprehensive Plan shall govern.
- C. Exceptions. The provisions of this ULDC and any amendments thereto shall not affect the validity of any building permits or development orders lawfully issued prior to the effective date of this ULDC if:
  - (1). The development activity authorized by a building permit or development order commenced prior to the effective date of this ULDC or will commence after the effective date of this ULDC but within one (1) year of issuance of the building permit or development order; and
  - (2). The development activity continues without interruption by non-activity for one hundred eighty (180) days until the development is complete, except as extended according to the regulations herein or provided for in the Florida Statutes. If the building permit or development order expires, further development on said site shall conform to the requirements of this ULDC or amendment thereto.
- D. **Exemptions.** The provisions of this ULDC do not apply to bona fide agricultural uses as defined in 193.461 Florida Statutes and infrastructure only projects initiated by a governmental entity or public utility uses unless otherwise provided for in the Florida Statutes.

#### **Section 1.1.5. Terminology**

- A. **Definitions.** Unless the context indicates a different meaning, the definitions provided in the Chapters, Articles, Sections, and Appendix as described below shall be used to interpret the provisions of this ULDC. Words whose meanings are self-evident as used in this Code are not defined here. Undefined terms that are commonly used may be defined using a dictionary. Words used in the present tense shall include the future; the singular includes the plural, and vice versa.
  - (1). Definitions applicable to Flood Protection Regulations and Federal Emergency Management Agency requirements regarding flood zones are included in [Chapter 6, Article V](#). Should definitions listed in the Appendix conflict with those definitions included in Chapter 6, Article V. they shall not apply to the application or enforcement of Flood Protection Regulations.

- (2). Definitions applicable to Sign Regulations are included in **Chapter 5, Article I**. Should definitions listed in the Appendix conflict with those definitions included in Chapter 5, Article I. they shall not apply to the application or enforcement of Sign Regulations.
- (3). Definitions applicable to the remainder of this ULDC are listed in the **Appendix**. Where a term is sufficiently described in a Chapter, Article, or Section of this ULDC, it shall not be duplicated in the Appendix, unless the application and enforcement associated with a term is differential for specific regulations described in (1) and (2) above. When a term is not clearly defined, the common and approved usage of the word shall apply according to an ordinary dictionary or industry standard.
- B. The definitions in this ULDC may differ from the definitions used in the North Port City Code; the application of defined terms across regulations is not authorized.
- C. **The Unified Land Development Code Administrator.** "ULDC Administrator," is the Development Services Director or designee. Designee, for purposes of this ULDC may include a Deputy or Assistant Director, or the Planning and Zoning Manager.
- D. **"Shall" and "May."** Shall is an imperative command, indicating that specific actions are mandatory and not permissive. "Shall" contrasts with the word "may," which is generally used to indicate a permissive provision, ordinarily implying some degree of discretion.

#### **Section 1.1.6. Interpretation and Severability**

- A. **Conflicts.** The City shall interpret the Unified Land Development Code as minimum requirements. When provisions within this ULDC conflict, the provision imposing a more significant restriction shall govern.
- B. **Interpretation.** When questions of interpretation arise the ULDC Administrator shall interpret this ULDC. Anyone aggrieved by the interpretation may appeal the decision per the appropriate appeals process specified in Chapter 2.
- C. Whenever a provision or section requires the City Manager, department director or designee, or employee to perform a function, delegating that function to qualified subordinates is authorized unless the terms of the provision or section specify otherwise.
- D. **References.** When a provision of this ULDC 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.
- E. **Computation of time.** When this ULDC denotes a specific amount of time for completion, use calendar days to calculate the timeline for a task. This calculation shall exclude the day of submittal and extend to the end of business on the last day. If the last day is a Saturday, Sunday, or legal holiday officially recognized by City Commission, the deadline shall extend to the next available weekday.
- F. Should a court of competent jurisdiction declare any provision of these land development regulations invalid, all other provisions shall remain in full force and effect.

#### **Section 1.1.7. Vested Rights**

- A. Pursuant to Florida Statutes Chapter 163, nothing in this ULDC shall limit or modify the rights of any person to complete an authorized development of regional impact according to Florida Statutes Chapter 380, nor shall any project issued final development order or permit continuing in good faith be limited or modified.
- B. Any person may request, in writing, a determination of vested rights from the City as to whether the person has a right to complete a project under these regulations or Florida Statutes Chapter 163, notwithstanding the imposition of concurrency requirements. The ULDC Administrator shall approve or disapprove a vested pursuant to Paragraph A.

### Section 1.1.8. Transitional Rules

- A. **Existing unlawful uses, lots, and structures.** A structure, lot, or use not lawfully existing at the time of the adoption of this ULDC is lawful only if it conforms with all requirements of these regulations. All prior violations as of the effective date of this Ordinance shall remain violations and shall not qualify as legal nonconformities unless such use, lot, or structure becomes lawful by the adoption of this ULDC.
- B. **In-process prosecution.** Pending prosecution as of the effective date of this ULDC shall continue as defined under the prior ULDC unless the new ULDC makes the existing violation moot. Under that condition, prosecution ceases with each party responsible for its costs to date.
- C. **Conditions of previously approved development permits.** Land development permits and conditional uses with attached conditions shall remain in full force and effect on the land they were approved, regardless of ownership or occupant change, unless the adopted ULDC provisions create a situation where any or all conditions no longer apply as determined by the ULDC Administrator.
- D. **Pending building permits and development permits.** Unless requested otherwise in writing, the ULDC in place at application submission shall apply to all land development, unless otherwise authorized by an active development order.
- E. To the extent any property owner informs the City in writing that a particular amendment enacted herein imposes a more restrictive or burdensome regulation of development or more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, that amendment shall be effective in accordance with SB 250/HB 1C as they may be amended, expire (currently, June 30, 2027), or be repealed, and the regulations of development and procedures concerning the review, approval, or issuance of a site plan, development permit or development order effective on September 27, 2022, shall control.

### Section 1.1.9. Nonconforming Land, Structures, and Uses

- A. This section provides for the continuation, modification, or elimination of nonconforming uses and structures per the standards and conditions in this Article. To support the purpose of this ULDC, the provisions of this Article shall encourage the improvement or elimination of non-conformities. This Article also describes which non-conformities may continue.
- B. **Types and Standards.**
  - (1) **Nonconforming Lots of Record.** In any district, nonconforming lots of record, including lots of record reduced in size due to an eminent domain process, may be developed according to the regulations of the designated zoning district.
  - (2) **Nonconforming Structures.** Except as provided elsewhere in these regulations, a nonconforming structure may continue subject to the following:
    - a. A nonconforming structure shall not be altered or enlarged in a way that increases the extent of nonconformity.
    - b. Destruction or damage of nonconforming structures:
      - 1. All Structures. When a nonconforming structure is damaged or destroyed to an extent exceeding fifty (50) percent of its fair market value, the property owner may construct a new structure only in a manner that conforms to this ULDC or repair the structure without expanding the nonconformity. Repaired nonconforming structures shall conform to the Florida Building Code, FEMA, and all other applicable regulations.

2. Residential Structures. Nonconforming residential structures, including accessory structures, may be reconstructed with an approved Special Exception if damaged or destroyed by a man-made or natural disaster. Reconstruction of the nonconforming structure may not increase the extent of the nonconformities existing prior to destruction. Damaged or destroyed nonconforming residential structures located along the Myakkahatchee Creek or other similar waterbodies or designated by FEMA as Coastal High-Hazard Area (CHHA) or Flood Zone "A," "AE," or "VE," or any combination thereof, may not be reconstructed unless the structure meets all local, state, and federal floodproofing requirements and ULDC standards.

(3). **Nonconforming Uses.** A nonconforming use shall not be enlarged or expanded.

- a. Modifications. Renovations, repairs, or changes to structures housing nonconforming uses may be permitted, subject to the following requirements:
  1. The total cost of the improvements is less than fifty (50) percent of the fair market value of the structure and improvements; and
  2. The nonconforming use and associated site shall be brought into compliance to the maximum extent practicable as determined by this ULDC Administrator.
- b. Nonconforming Residential Uses. One-and-two-family residential uses legally existing prior to the adoption of this ULDC may continue on a property as a legal dwelling unit, even if the future land use designation or zoning designation has changed to one which no longer allows one-and-two-family development. In the event the use is discontinued due to a man-made or natural disaster, the residential use may be re-established on the property as an existing legal use through a Certificate of Zoning Compliance subject to the discontinuance rules in subparagraph 4 below.

(4). **Discontinuance.** A property owner may not re-establish a nonconforming use after a period of discontinuance. The property's future land use shall conform with the provisions of these regulations.

- a. Nonresidential use after six (6) months of discontinuance. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.
- b. Residential use after one (1) year of discontinuance.

#### **Section 1.1.10. Violations, Remedies, and Penalties**

- A. Anyone may file a complaint when a perceived violation of these land development regulations occurs. The Development Services Department shall record the complaint per the requirements of the Florida Statutes, investigate, and proceed with the applicable corrective measures provided by these regulations.
- B. Should a property owner or applicant violate any provisions of this ULDC, the City Commission or designee may pursue any combination of the following remedies:
  - (1). Seek damages or injunctive relief against the violator in the Sarasota County Clerk, with all reasonable attorney's fees awarded to the prevailing party and paid by the losing party.
  - (2). Refer the violations to Code Enforcement for action.
  - (3). Revoke, either permanently or temporarily, any permits, development orders, or any other development rights granted by the City.

## ARTICLE II. ZONING DISTRICTS AND OFFICIAL ZONING MAP

### Section 1.2.1. Purpose and Intent

The purpose of zoning districts and the official zoning map is to implement the Future Land Use Element of the Comprehensive Plan. This Article establishes official zoning districts, map, and boundary regulations to aid in the understanding of this ULDC. Should the zoning district of a parcel be declared invalid, a new zoning designation that is consistent with the parcel's Future Land Use classification will be assigned.

### Section 1.2.2. Establishment of Zoning Districts

The City of North Port hereby subdivides all lands and waters within its corporate boundaries into the following districts:

**Table 1.2.2.1. Zoning Districts**

<b>Zoning Symbol</b>	<b>Zoning District</b>
<b>AC-1</b>	Activity Center 1
<b>AC-2</b>	Activity Center 2
<b>AC-3</b>	Activity Center 3
<b>AC-4</b>	Activity Center 4
<b>AC-5</b>	Activity Center 5
<b>AC-6</b>	Activity Center 6
<b>AC-7</b>	Activity Center 7
<b>AC-8</b>	Activity Center 8
<b>AC-9</b>	Activity Center 9
<b>C</b>	Commercial
<b>CT</b>	Corridor, Transitional
<b>COR</b>	Corridor
<b>EC</b>	Environmental Conservation
<b>GU</b>	Government Use
<b>I-1</b>	Light Industrial
<b>I-2</b>	Heavy Industrial
<b>MH</b>	Manufactured Home Community
<b>AG</b>	Agriculture
<b>R-1</b>	Residential, Low
<b>R-2</b>	Residential, Medium
<b>R-3</b>	Residential, Multi-Family
<b>V</b>	Village

### Section 1.2.3. The Official Zoning Map

This ULDC establishes and incorporates the Official Zoning Map into these regulations by reference. The Official Zoning Map shows the boundaries of all Zoning Districts as adopted by the City Commission.

- A. **Maintenance.** The Official Zoning Map shall be the official record of the zoning designation of land within the City. The City shall maintain the map electronically. The City is divided into districts, or zones, as provided by this Ordinance. The Development Services Department shall maintain the electronic format of the map within the City's Geographic Information System (GIS) as the zoning layer.
- B. **Map Amendments.** As amended from time to time, the Official Zoning Map shall be kept on file and made available for public reference in the Office of the City Clerk and the Development Services Department. The ULDC Administrator shall ensure an accurate depiction of zoning district boundaries on the zoning map and will update the map within 30-days of any rezone approved by City Commission. The City Clerk shall keep records of the official actions amending the zoning map on file, including the date of such action, the land area affected, and the posting date.
- C. **Record Keeping.** Should the map or any portion thereof, including the digital metadata, become damaged, destroyed, or lost, the City Commission is authorized, in the manner permitted by law, to replace the map or damaged portion. The new map shall supersede the one replaced. The new map may correct drafting or other errors, but no replacement shall change the zoning status of a property. The City Clerk shall preserve any records relating to its adoption and amendment.
- D. **Unauthorized Changes.** Except as provided herein, substantial changes affecting the zoning designation of a property are strictly prohibited.

#### **Section 1.2.4. Interpretation of District Boundaries**

- A. Zoning district regulations apply to all areas included within the district's boundaries on the Official Zoning map. [Table 1.2.2.1.](#) conveys the official zoning district symbols, which indicate the appropriate district regulations per [Chapter 3](#) of this ULDC for all properties within the district boundaries depicted on the map.
- B. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply under the discretion and interpretation of this ULDC Administrator.
  - (1). District boundaries depicted on the Official Zoning Map as approximately following lot lines, public property lines, and other property boundaries as they exist on the ground. When such boundaries are adjacent to a dedicated street, roadway, alley, highway, or right-of-way, the boundaries shall follow the centerline of the street, roadway, highway, alley, or right-of-way. The district boundary shall remain at the centerline of a vacated right-of-way unless the division of ownership is not at the center of the street or right-of-way. In this case, the boundary shall follow the division of ownership.
  - (2). Boundaries shall follow the City limits as they exist on the ground when indicated as approximately following City limits on the map.
  - (3). Boundaries that follow center lines of streams, canals, lakes, or other bodies of water shall follow the feature as they exist on the ground. Boundaries indicated as entering a body of water shall be interpreted to extend in the direction in which they enter the body of water and intersect with other zoning boundaries or the limits of the City's jurisdiction.
  - (4). When a property is determined to lie in more than one zoning district:
    - a. If a property contains two (2) or more zoning designations, the district assigned to the majority of the property prevails.
    - b. Without a majority of the property depicted as any discernable zoning district, the property owner or applicant may submit for a zoning verification letter or provide a rationale for their zoning preference as part of a development application. In cases where the property owner or applicant



does not agree with the zoning verification letter, the applicant may submit a request for an appeal to the Zoning Hearing Officer.

- C. Cases not covered above. In the circumstances not covered by subsection B above, or where the property or street layout existing on the ground conflicts with that shown on the Official Zoning Map, the ULDC Administrator shall interpret the Official Zoning Map per the intent and purpose of these zoning regulations. Appeal from such interpretation shall be to the Zoning Board of Appeals in conformity with Chapter 2 of this ULDC.
- D. Prior Zoning Districts. The City of North Port hereby reclassifies all existing zoning districts to the districts described in Chapter 3, Zoning Regulations.

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## ARTICLE III. CONCURRENCY MANAGEMENT

### Section 1.3.1. Purpose and Intent

- A. The City Commission declares that the concurrency requirements contained in Florida Statutes Chapter 163 are a public necessity and essential in protecting and enhancing the quality of life in the City of North Port.
- B. This Article's purpose is to ensure the availability and adequacy of public facilities at the adopted levels of service concurrent with the impacts of development. Level of service (LOS) is the minimum level of service standards required for all development within the City of North Port.
- C. This Article intends to serve as the principal mechanism for managing growth consistent with the City of North Port's Comprehensive Plan and for monitoring the Comprehensive Plan's effectiveness and capital improvements' programming.

### Section 1.3.2. Concurrency Coordinator and Annual Report

- A. This ULDC Administrator designates the Impact Fee Administrator as responsible for implementing this Section.
- B. The Impact Fee Administrator shall have the authority to require the City's departments or special districts for each public facility to provide concurrency evaluations consistent with this section to ensure that approval of development orders will not result in reduced levels of service.
- C. The Impact Fee Administrator shall establish and maintain a concurrency monitoring system to oversee the status of public facilities and services to provide necessary data for the annual report.
- D. By October 1<sup>st</sup> of each year, the Impact Fee Administrator shall prepare a concurrency annual monitoring report and convey the annual report to City Commission.
  - (1). The annual report shall include a review of the current levels of service, indicating the capacity for all adopted levels of service standards incorporated in the plan.
  - (2). Nothing herein precludes the issuance and effectiveness of more frequent concurrency reports when updates or corrections are necessary. Corrected reports may include, but are not limited to, the following circumstances:
    - a. Errors are noted;
    - b. The impact of issued development orders, as monitored by the CMC, indicates a degradation in the adopted level of service; or
    - c. Changes in the status of Capital Improvement Projects alter the underlying assumptions of the annual concurrency report.

### Section 1.3.3. General Requirements

- A. All development applications submitted to the City, except one-and-two-family structures, are subject to concurrency review based on the City's adopted level of service standards.
- B. Public Facility Categories Subject to Concurrency Review.

**Table 1.3.3.1. Concurrency Review and Reviewing Agency**

<b>Category</b>	<b>Agency</b>
<b>Potable Water</b>	Utilities
<b>Public Safety</b>	Police and Fire
<b>Public Schools</b>	Sarasota County Schools

Category	Agency
Reuse Water	Utilities
Recreation and Open Space	Parks and Recreation
Sanitary Sewer	Utilities
Solid Waste	Public Works, Solid Waste
Stormwater <sup>1</sup>	Public Works, Infrastructure
Transportation	Public Works, Infrastructure

<sup>1</sup> Stormwater is only subject to concurrency review when multiple properties share the stormwater system.

### Section 1.3.4. Level of Service Standards

The following are the minimum LOS standards required for public facilities and services:

#### A. Potable water.

- (1). **Supply and treatment.** Water quality shall meet or exceed the Environmental Protection Agency (EPA) and Department of Environmental Protection (DEP) Primary and Secondary Drinking Water Standards. The minimum design flow, storage capacity, and pressure for potable water facilities are two hundred fifty (250) gpd per ERC average daily flow, 5.5 mg, and sixty-five (65) psi, respectively.
  - a. **Residential.** One hundred ten (110) gallons per day per capita.
  - b. **Office.** 0.0009 Equivalent Residential Connections (ERC)/SQFT
  - c. **Commercial.** 0.0008 ERC/SQFT
  - d. **Restaurant.** 0.0027 ERC/SQFT
  - e. **Industrial.** 0.0020 ERC/SQFT.
  - f. **Medical Facilities.** 0.0020 ERC/SQFT
- (2). **Distribution.** The City shall discourage the use of individual wells. When central water is unavailable at a multi-family or nonresidential property, this ULDC administrator or designee may provide written certification that connection is not economically feasible.
  - a. **Residential.** A minimum of eighty percent (80%) of houses within the urban infill area (UIA) shall be serviced by central water. Residential structure(s) are required to connect to the potable water system upon the availability of potable water service to the property. Individual water wells may be permitted consistent with the regulations promulgated by the Department of Health and Rehabilitative Services (DHRS) and administrated by Sarasota County when central water facilities are unavailable.
  - b. **Commercial.** New commercial uses within the City shall connect to the central potable water system upon the availability of service within one-quarter (0.25) mile of the property. Commercial buildings supplied by a water well shall connect to the City's potable water system within three hundred sixty-five (365) days of notification of availability.
  - c. **Industrial.** New industrial uses within the City shall connect to the central potable water system upon the availability of service within one-quarter (0.25) mile of the property. Industrial buildings currently supplied by a water well shall connect to the City's potable water system within three hundred sixty-five (365) days of notification of availability.

#### B. Public Safety. *Reserved.*

- C. **Public schools.** The City of North Port shall coordinate with Sarasota County Schools to ensure sufficient school facilities. Sarasota County Schools evaluate formal school concurrency applications based on their adopted concurrency standards. All residential development, except those indicated as exempt below, is subject to a school concurrency review to determine potential capacity issues. The following development orders for residential development shall be exempt from the requirements of school concurrency:
- (1). 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 (1) student, whichever is greater.
  - (2). One- and two-family structures on an existing platted residential lot of record;
  - (3). Buildings or structures that have received a building permit as of the effective date of these regulations;
  - (4). Amendments to previously approved projects that do not increase the number of dwelling units or change the types of dwelling units;
  - (5). Age-restricted communities subject to the submittal of the School Board's policies of required documentation;
  - (6). Development of Regional Impact that has filed a complete application for a development order prior to May 1st, 2005, or a development order was issued prior to July 1st, 2005, unless the application was withdrawn, denied, expired, or amended to include additional dwelling units; and
  - (7). Projects with a vested rights letter for school concurrency or where the law or equitable estoppel would confer the project's units.
- D. **Reuse Water.** The current agreements established by the City with the existing reuse water customers indicate that the City of North Port has committed to providing up to a combined 1.88 mgd of reuse water supply to existing customers.
- E. **Recreation and Open Space.** The City adopts a level of service of 10 acres of recreation and open space area per 1,000 people, to be allocated among four (4) park classifications with the following minimum acreages:
- (1). One and one-half (1.5) acres of community park
  - (2). One and one-half (1.5) acres of open space
  - (3). Seven (7.0) acres of conservation
- F. **Sanitary Sewer.**
- (1). **Treatment/Disposal.** Water quality shall meet or exceed the EPA and DEP Standards as depicted in City Code Chapter 78.
  - (2). **Collection.** In all currently unplatted areas, the developer, by agreement with the city, must extend sewer collection with the appropriate force mains and provide or upgrade 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 the available capacity of the City's Sanitary Sewer treatment plant prior to development. On-site pretreatment and treatment systems shall 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.
    - a. **Residential:** In all currently platted areas, the City may extend lines pursuant to the Capital Improvements Element and the utility master plans per the Comprehensive Plan. The developed lots adjacent to the gravity sewer line shall connect to facilities within three hundred sixty-five (365) days of notification of sewer availability.

- b. **Commercial:** All new commercial development within the City will be served by a central sanitary sewer, as determined by the City of North Port Staff.
- c. **Industrial:** All new industrial development within the City will be served by a central sanitary sewer, as determined by City of North Port staff. Each industry must also provide pretreatment of any industrial discharge per the Utility Department requirements.

**G. Solid waste.**

- (1). Residential: Garbage, recycling, and yard waste at a minimum, one (1) time per week. Bulk collection, as needed.
- (2). Commercial: As needed.

**H. Stormwater.**

Consistent with public health and safety, stormwater management facilities, shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent.

**I. Transportation.**

- (1). Principal Arterial—LOS Standard "D"
- (2). Arterial—LOS Standard "D"
- (3). Collector—LOS Standard "D"
- (4). Local Road—LOS Standard "D"

**Determination of Transportation 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. 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 most recent up-date of the Highway Capacity Manual. For any intersections that are found to be at a level of service 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.
- b. 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 fifteen (15) minute traffic counts. The peak hour factor used shall also be provided. 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.
- c. For all links where one (1) direction is projected to operate less 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 for the project to be granted concurrency approval.

**Section 1.3.5. Certificate of Concurrency**

- A. Generally. The City review for concurrency as part of development permit applications that result in a Development Order, and as part of Development Agreements. Applicants may also request a preliminary concurrency review.

- B. Preliminary Review. Applicants may request a preliminary concurrency review with a voluntary Master Concept Plan Application, and the City may issue a conditional certificate of concurrency. Conditional certificates are not binding upon the City and are only valid until the CMC publishes the next annual report.
- C. Certificate of Concurrency. The formal concurrency review compares the available and reserved capacity of the facility or service to the demand projected for the proposed development. The City may grant concurrency when the proposed demand does not exceed the existing capacity. The certificate of concurrency shall indicate the date of issuance and automatically expire simultaneously with either the expiration of the associated development order or the Certificate of Occupancy issued with the completion of construction. The CMC may extend the concurrency certificate's expiration date upon written request.
- D. Insufficient Capacity. When capacity is not available for a proposed development, the following methods may alleviate the level of service deficiencies:
  - (1). A Comprehensive Plan amendment that modifies the adopted level of service standard for the affected facilities or services;
  - (2). An enforceable Development Agreement, pursuant to Chapter 2 of this ULDC, between the City and the applicant to provide the necessary improvements, which may include a Proportionate Fair-Share agreement;
  - (3). A reduction in the scale or impact of the proposed development; and
  - (4). Phasing of the proposed project.

### **Section 1.3.6. Proportionate Share**

- A. Generally. The Proportionate Share Program applies to all developments in the City that impact a road segment in the City's Concurrency Management System and fails to achieve transportation concurrency. The Proportionate Share Program does not apply to developments considered de minimis or developments exempt from concurrency.
- B. Requirements. An applicant may choose to satisfy transportation concurrency requirements by making a proportionate share contribution via a Development Agreement according to the following:
  - (1). The City Manager or designee may allow an applicant to satisfy transportation concurrency through the Proportionate Share Program by contributing to an improvement included in the Five-Year Capital Improvements Program. Upon completion, the contribution should accommodate the additional traffic generated by the proposed development.
  - (2). When the Five-Year Capital Improvement Program does not include a recommended improvement, the following apply:
    - a. The City adopts, by resolution, a commitment to add the proposed improvements to the Five-Year Capital Improvement Program no later than the next regular update to qualify for consideration under this section.
    - b. The City Manager or designee shall review the proposal and determine the financial feasibility. "Financially feasible" means that additional developer contributions or other funding sources are anticipated, during a period not to exceed ten (10) years, to fully mitigate the specified impact(s) on the identified transportation facility or facilities.
    - c. When the funds in the adopted Capital Improvement Program are insufficient to fully fund a transportation improvement required by the Concurrency Management system, the City may levy a proportionate share payment for an alternative improvement. The alternative improvement shall reduce the impact of the proposed development on the transportation system.

C. Application Process. Upon notification of insufficient transportation capacity, an applicant may pursue a Proportionate Share agreement through a Development Agreement described in Chapter 2.

D. Determining Proportionate Share Obligation.

(1). As provided in the Florida Statutes, Proportionate Share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, land contributions, construction contributions, or transportation improvements.

(2). The methodology used to calculate an applicant's proportionate share obligation is calculated per Florida Statutes 163.3180(5)(h)2.

E. To determine Proportionate Share obligations, the City shall assess improvement costs based on the actual or anticipated costs of the improvement in the year that the construction will occur based on the Capital Improvements Program or another approved method of calculation.

F. When the City accepts an improvement project proposed by the applicant, the City shall determine the value of the improvement based on an engineer's certified cost estimate provided by the applicant and approved by the City Manager or designee.

G. If the City has accepted right-of-way dedication for the proportionate share payment, credit for the dedication of the non-site-related right-of-way shall be valued by 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 legal description and sketch of the land and a certificate of title or title search of the land to the City at no expense to the City.

(2). When the estimated value of the right-of-way dedication proposed by the applicant (based on a City-approved appraisal) is less than the City's estimated total share obligation for that development, the applicant must also pay the difference.

(3). When the estimated value of the right-of-way dedication proposed by the applicant (based on a City approved appraisal) is more than the City's estimated total share obligation for the development, the City will issue transportation or mobility impact fee credits for the difference.

H. Appropriation of Share Revenues

(1). The City shall deposit the proportionate share revenues in the appropriate project account for funding scheduled improvements in the City Capital Improvements Program (CIP) or as otherwise established in the proportionate share agreement. Proportionate share revenues may also be used as the fifty percent (50%) local match for funding under the Florida Department of Transportation (FDOT) Transportation Regional Incentive Program (TRIP).

(2). If the City removes a scheduled facility improvement from the Capital Improvement Program, the levied proportionate -Share revenues may apply to alternative improvements within that same corridor or area. The alternative improvement shall still mitigate the impacts of the development project on the congested roadway(s) for the original proportionate share contribution.

(3). Where an applicant constructs a transportation facility that exceeds the applicant's proportionate share obligation, the City shall reimburse the applicant for the excess contribution using transportation or mobility impact fee credits. Where excess contributions exceed impact fee credits, the City may reimburse such funds in cash or through other methods acceptable to the applicant and City.

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## **ARTICLE IV – TRANSFER OF DEVELOPMENT RIGHTS**

### **Section 1.4.1. Purpose and Intent**

- A. The City Commission intends to encourage the conservation of environmentally sensitive privately owned land by authorizing the transfer of development rights to other properties where increased density is appropriate.
- B. This Article's purpose is to create a system of land management and development regulations to protect, enhance, and preserve environmentally sensitive land and achieve the Comprehensive Plan's conservation goals and policies. The City alternative to on-site development of conservation district and environmentally sensitive land whereby property owners they can secure a financial beneficially use of their property through off-site development without the expense and cumulative environmental degradation of on-site development.

### **Section 1.4.2. Legal Concept**

Transfer of development rights (TDR) is a voluntary, market-driven growth management tool that permits higher intensity development in designated "receiving" zones in exchange for land or resource preservation in designated "sending" zones. Under TDR, a jurisdiction establishes baseline development rights for sending zones and identifies receiving zones. To exceed the maximum densities and intensities established based on zoning district per Chapter 3 of this ULDC, owners in the receiving districts must obtain unused development rights from owners in the sending zones.

### **Section 1.4.3. Sending and Receiving Zones**

- A. Sending Zone. Sending Zones shall include all properties depicted on the adopted Future Land Use Map as Conservation or Official Zoning Map as Environmental Conservation, properties located in the FEMA 100 Year Floodplain, the Conservation Restricted Overlay Zone, Myakkahatchee River Protection Zone; as well as other environmentally sensitive areas, as defined in the Appendix.
- B. Receiving Zone. Receiving Zones shall include all properties zoned Village or Activity Center as depicted on the City's Official Zoning Map except Tracts B, C & D in Activity Center 3.

### **Section 1.4.4. Establishment and Calculation of Development Rights**

- A. The following ratios establish development rights for sending zones. In no event shall a TDR result in a density exceeding 40 dwelling units per acre on a receiving zone property.
  - (1). Residential. One (1) development right is equivalent to the maximum number of dwelling units allowed on under the sending zone property's zoning district.
  - (2). Conservation. One (1) development right is equivalent to 2,500 square feet of property zoned Conservation on the Official Zoning Map.
  - (3). Nonresidential. One (1) development right is equivalent to one (1) unit of density allowable by the sending zone property's zoning district or the allowed FAR for nonresidential development.
- B. The developer must demonstrate that:
  - (1). The transferor is the owner of the development right; and
  - (2). The sending zone's development allocation has not been used to secure additional density in a previous TDR.

### **Section 1.4.5. Procedure for Transfer of Development Rights**

- A. **Determination Letter.** The property owner or authorized representative (applicant) shall submit a TDR Determination Letter Request to the Development Services Department. The request shall determine the number of transfer units created from a sending zone parcel or portion of a parcel. Each parcel requires a separate determination letter request.
- B. **Certificate.** Once the TDR Determination Letter is issued the applicant may seek the issuance of a TDR Certificate for all, or a portion of the TDRs identified in the Determination Letter.
- (1). The applicant shall prepare a conservation easement to provide for protection, maintenance, and/or enhancement of the property consistent with Florida Statutes 704.06, and in a form acceptable to the City. Dedication of the conservation easement may be offered to the SWFWMD, other applicable state environmental regulatory agencies, and private, nonprofit ecological preservation societies until one party agrees to assume the easement and provide for perpetual maintenance. If not dedicated the conservation easement document will provide for the property owner to be responsible for perpetual maintenance of the property pursuant to the conservation easement.
  - (2). The applicant submits the draft conservation easement to the Development Services Department for City review and approval.
  - (3). Upon approval of the conservation easement document by the Development Services Department and the City Attorney's office, the applicant records the conservation meeting and provides a recorded copy of the easement to the Development Services Department.
  - (4). On receipt of the recorded easement, the Development Services Department will issue the TDR Certificate.
- C. **Redemption.** Upon receiving the TDR Certificate, the owner may use, sell, trade, barter, negotiate or transfer the TDRs. Unless owned by the developer, the grantor must execute and record a deed of transfer before a developer may use the TDRs.
- D. **Tracking.** This ULDC Administrator or designee shall identify properties on which development rights have been severed via the City's land management system to ensure the properties remain undeveloped in perpetuity.

## **CHAPTER 2 – DEVELOPMENT REVIEW**

### **ARTICLE I. ADMINISTRATION AND ENFORCEMENT**

#### **Section 2.1.1. Generally**

Development approval is required prior to the development of land according to one or more of the processes outlined in [Chapter 2, Article II](#), unless the project is exempt per [Chapter 1, Section 1.1.4](#). of this ULDC.

#### **Section 2.1.2. Fees**

The City Commission may establish a schedule of fees to defray the costs of technical and administrative activities required under these land development regulations. An applicant for any development subject to these land development regulations shall bear the applicable costs in the adopted fee schedule.

#### **Section 2.1.3. General Application Information**

##### **A. Pre-Application Conference.**

Prior to filing for development approval, the applicant is encouraged to schedule a pre-application meeting with Planning and Zoning staff or applicable Development Review Committee members to discuss the City's requirements for the proposed development. Pre-Application meetings are informational and do not approve development rights.

- (1). Pre-Application conferences are strongly encouraged for large-scale projects or projects requiring significant technical detail.
- (2). To provide for the most effective pre-application meeting, applications should be accompanied by the following:
  - a. General location, aerial, and zoning maps of the subject property and surrounding properties;
  - b. Boundary survey or scaled delineation of the parcel; and
  - c. A conceptual plan of the proposed development, including initial density and intensity calculations.
- (3). During the pre-application meeting, the ULDC Administrator may waive application requirements only if the requirements are unnecessary based on the proposed project's size, nature, complexity, or character of the property. The ULDC Administrator shall provide documentation and a brief reason why an application requirement is waived.

##### **B. Formal Applications.**

Applicants shall submit applications for development permits or approvals to the Development Services Department on the appropriate forms issued by the City with the supporting documentation, plans, or materials required by the ULDC or the application form(s).

##### **C. Concurrent Reviews.**

Applications may be submitted and reviewed concurrently at the applicant's risk. When multiple applications are submitted together, the applicant must secure basic entitlements before the city may approve subsequent applications. Application approval shall occur in the following order as applicable:

- (1). Annexations and Comprehensive Plan Amendments
- (2). Rezones and Waivers
- (3). Preliminary Plats
- (4). Site Development Plan

Approval of applications not specified above may occur in any order.

#### D. Complete Applications.

Application packages shall include all application components at the time of submission, including the applicable fee. Incomplete or piecemeal applications will not be accepted. When staff determines an application is incomplete or insufficient, the applicant shall provide a revised, complete application within 30 days of notification.

- (1). **Labeling and Assembly.** The applicant shall submit application packages with the files:
  - a. Digitally labeled as the required component per [Table 2.3.1.1](#).
  - b. The digital file name shall start with a number indicating the order in which the files should be compiled, starting with "00," for example, "00 – Application"; and,
  - c. Assembled in the order in which the components appear in [Table 2.3.1.1](#).
- (2). **Applicants.** Property owners, contract buyers, or agents acting on behalf of the property owner or contract buyer may be an applicant. In instances where the applicant is not the sole property owner, all property owners shall sign the applicable documents in the application.

#### E. Process.

The review process consists of the following steps, each of which needs to be complete and satisfactory before proceeding to the next.

- (1). **Completeness.** The completeness check generally occurs within five (5) to ten (10) days of application submittals and ensures that all required materials are included in the application package.
- (2). **Sufficiency.** The sufficiency review determines whether the application materials are sufficient to send to City departments for development review. Sufficiency review must be complete 30-days after an application is deemed complete. When an application is deemed insufficient, the applicant has 30-days to remedy the insufficiency, or staff will deny the application.
- (3). **Development Review.** Development Review Committee (DRC) members review applications in the development review process for compliance with the Comprehensive Plan and the ULDC. DRC review is not required for the following application types:
  - a. Appeals;
  - b. Certificate of Zoning Compliance;
  - c. Public Art;
  - d. Minor Planning Applications;
  - e. Vacations;
  - f. Variances.
- (4). **Time Frames.** Per the Florida Statutes, development applications decided administratively must achieve a final decision within 120 days. Application decisions made by a public hearing have a 180-day deadline for completion. The applicant and the City may agree to a reasonable request for an extension of time, particularly in cases of a force majeure or other extraordinary circumstances. When an application stalls for longer than 90 days due to insufficient information and the applicant has not requested an application hold for additional time, staff may deny the application, and a new application may be required. Decision deadlines commence after the City deems an application sufficient.
  - a. **Reviewer Response Types.** Because DRC is comprised of multiple departments and applications often require more than one review for all or some of the DRC members, applications may move from one response type to another when the applicant changes the application materials in a resubmittal. DRC members select the response type that best represents their department's position on each application submittal.

1. **Approve.** The application is approved as submitted. Responding to an application submission with “approve” indicates that the application meets all applicable code requirements and that no revisions or modifications are required.
  2. **Approve with Conditions.** The application meets the requirements, but standard conditions apply. Conditions may not include revisions to the application materials.
  3. **Revisions Required.** Revisions required determination means that the application materials do not adequately address the requirements, and DRC needs additional information or revisions for review. The applicant shall resubmit the required materials within ninety (90) days, or the City will consider the application stalled unless the applicant negotiates additional time per Section 2.1.3.D.(3) or Section 2.1.3.E.
  4. **Denial.** The application does not meet the applicable requirements and should not be approved as presented. When DRC members recommend denial of an application that requires public hearing, the DRC member shall provide written justification for the denial, which staff shall provide to the applicant and include in the public hearing documentation.
- b. **Comments and Development Review Committee Meeting**
1. Upon receipt of responses from all DRC members, the Planning and Zoning Division provides compiled comments to the applicant and schedules a DRC meeting.
  2. At the DRC meeting, the applicant will have an opportunity to ask questions about any comments or required revisions and discuss possible technical approaches toward resolving a project’s noncompliance with the ULDC.
  3. The applicant’s attendance at the DRC meeting is encouraged but not required unless and until the project status is third submittal.
- c. **Resubmittals.** Applicants shall resubmit an application when one or more DRC members request revisions. Resubmittals shall follow the timelines outlined in Florida Statutes 166.033. After two resubmittals payment of a resubmittal fee per the City fee schedule is required for each subsequent resubmittal. Resubmittals shall include:
1. A letter response to DRC comments including each comment with a detailed responses including how the applicant revised the application package and where those revisions may be found.
  2. Plan changes and revisions shall be clouded to Indicate plan revisions with the appropriate revision cloud and noted in the revision block on applicable plan sheets.
  3. Digital files for resubmittals shall follow the same naming system as the initial submittal, followed by “Revised” and the revision date in MMYYYY format; for example, “00 – Application Revised 122024.”
- d. **Administrative Decisions.** When Planning and Zoning Division Staff is the decision maker, administrative approval may be granted upon verification the application is compliant with the Comprehensive Plan and ULDC. When the ULDC Administrator is the decision maker for an application the application may not be approved until all DRC members have indicated the application is approved or approved with conditions.
- e. **Applications Requiring a Public Hearing.** When an application requires public hearings, Planning and Zoning Division staff shall schedule the application for public hearing when all reviewing departments no longer require resubmittals. Staff shall assemble the digital public hearing packets for the applicable agendas with the appropriate supplementary materials.

- f. **Decisions and Public Hearings.** [Table 2.2.2.1. Decisions Matrix](#) outlines application decision makers and required public hearings.
- g. **Final Plats.** Upon obtaining the City Commission's approval, the developer shall submit the mylar which has been approved, to the City within ten (10) days of final approval. The City shall secure all required signatures within thirty (30) days of receipt of the approved plat, and then the applicant shall record the plat in the Public Records of Sarasota County and provide the City with the Plat Book and Page(s).

**F. Effective Date and Expiration of Approvals.**

- (1). Development permits or development orders (D.O.) shall take effect on the day the permit is approved or the D.O. issued.
- (2). Development Orders remain valid for two (2) years from the date of approval unless building permits are approved, and construction has commenced.
- (3). Official Letters and Certificates remain valid for one (1) year from the signature date.
- (4). Resolutions, Ordinances, and other recorded documents remain valid in perpetuity, regardless of a change in ownership, until amended or abandoned.

**G. Pre-Construction Meeting.**

A mandatory pre-construction meeting shall be held prior to construction commencement for all Site Development and Infrastructure plan projects.

- (1). Scheduling a Pre-Construction Meeting. The engineer of record for a development is to provide a written (or email) request to the Development Services Department, Planning and Zoning Division. The request is to include the following information:
  - A list of site development contractors and subcontractors with contact names and numbers, and identification of a primary and secondary emergency contact for the site;
  - A statement of regarding required federal and/or state permits are required and issuance status. (Copies of all required permits shall be provided prior to construction commencement);
  - Construction schedule and phasing schedule (if applicable) for the project overall and for each substantial site construction component (site clearing, roadway, stormwater, water, wastewater, etc.). The schedule should indicate estimated start date, duration of the project, and estimated completion date;
  - Emergency Access Plan (EAP) depicting all access roads throughout the construction phases and the progression of fire hydrant activation and secondary water source location(s) and depicting primary and secondary access roads and entry points. (Construction shall not commence until the submitted plan is approved by the Fire Rescue District).
  - Staff will schedule add the meeting to the agenda of the next available DRC meeting and advise of the meeting date and time.
- (2). Pre-Construction Meeting Attendance. The general contractor and major site work subcontractors (earthwork, utilities, paving, grading and drainage) are required to attend the pre-construction meeting. It is recommended, all utility companies (electric, gas, cable) have a representative attend the meeting. The developer is welcome to, not required, to attend the meeting. DRC representatives and other departmental staff that will be involved in the inspection process shall also attend.

## H. Construction Completion Certification and Record Drawings

- (1) All Site Development and Infrastructure Plan projects are required to be certified complete per the approved plans. Upon completion of the project, the Engineer of Record shall provide the following to the City and request final site inspections (via Certificate of Zoning Compliance).
  - a. Construction Completion Certification. A signed and sealed letter certifying that construction was completed in accordance with the approved construction plans (including date of the approved plans) and specifies any minor deviations thereto.
  - b. Record Drawings. Record Drawings are the final drawing set, signed and sealed by the Engineer of Record. The Engineer of Record shall prepare, or have prepared, record drawing(s) based on as-built information provided by a Professional Surveyor registered in the State of Florida and information provided by the Engineer of Record's staff.
  - c. Applicable DRC staff will review the submitted documents and conduct final inspections of the site as necessary. Provided the site was built in compliance with the approved plans, approval will be granted, and the applicant will be notified.
- (2) **Release of Bond.** If the project included infrastructure to be dedicated to the City and the developer posted a bond, It is the developer's responsibility to request release of the bond in conjunction with the construction completion certification process above.
  - a. Upon completion of the construction completion certification process, the ULDC shall issue a letter stating that the infrastructure requirements for the development have been met and the bond may be released.
  - b. The ULDC Administrator or designee shall retrieve the original bond from the City Finance Department and return it to the developer either by in person pickup or by certified mail. If the developer picks up the bond, the developer shall sign a receipt form verifying the receipt of the original bond.
  - c. A partial release of a bond may be granted after verification by the City the specified portion of the infrastructure that the bond or letter of credit covers has been completed. The City will not grant a partial release until another bond or letter of credit has been issued for the portion of the infrastructure that is not complete.

## I. Amendments.

Applicants may amend a most recent application approval, except those listed below. Amendments require the appropriate fee per the City fee schedule. If a development approval has expired, a new application shall be required. The following application types cannot be amended:

- (1). Comprehensive Plan Amendments
- (2). Future Land Use Map Amendments
- (3). Standard Rezones
- (4). Vacations
- (5). Variance
- (6). ULDC Amendments
- (7). Minor Planning Applications

**J. Application Holds.**

Application holds suspend application review for up to 180 days. The applicant may request up to two holds for each application at any time after the sufficiency phase. The cumulative suspension may not exceed 180 days. If the application has not progressed after the agreed-upon hold period, the application will expire. A new application will be required unless staff has provided written permission to extend the hold for a set amount of time.

**K. Application Withdrawal.**

An applicant may withdraw an application at any time by submitting a written request to the ULDC Administrator or providing testimony requesting withdrawal in a public hearing.

**L. Notice and Advertising Requirements.**

Notice of hearings will be provided when required by the Florida Statutes. [Table 2.2.1.2](#) outlines the applicable notice by application type.

**(1). Neighborhood Meetings.** To increase community awareness and participation, applicants seeking approval of certain application types are encouraged to hold a neighborhood meeting to address community concerns related to the proposed development. The meeting should be held after receiving the first round of comments from DRC and before the decision-makers make a final decision on the application. The ULDC Administrator may require a community meeting if a development proposal changes density, intensity, or use. In that event, if an applicant fails to hold a required community meeting, the ULDC Administrator may recommend denial of the application.

Neighborhood meetings are encouraged for the following application types:

- Future Land Use Map Amendment to the Comprehensive Plan
- Special Exception
- Subdivision Plats
- Rezones
- Site Development Plan when Waivers are requested.

**a. Meeting requirements:**

1. ULDC Administrator must approve the time and location of the neighborhood meeting.
2. Notification boundary???
3. The applicant shall prepare a report summarizing the meeting discussion and a list of attendees and submit it to the City prior to public hearings.
  - i. Posted notices are required for community meetings. A sign shall be posted on the land that is the subject of the application at least 15 calendar days prior to the date of the community meeting and shall remain in place throughout the application process. The sign shall be at least 10 inches by 16 inches and contain (substantially) the following language: "A COMMUNITY MEETING CONCERNING THE (INSERT ITEM) ON/FOR THIS PROPERTY WILL BE HELD BY THE (APPLICANT NAME) ON (DATE) AT (LOCATION) AT (TIME). CALL (PHONE NUMBER) OR SEE (WEBSITE) FOR MORE INFORMATION." The posted notice shall be erected on the property proposed for development and be visible from the right-of-way.



- (2). **Notice of Public Hearing Published Advertising.** The city shall place the advertisement in a newspaper of general circulation and published weekly unless the only newspaper in the city is published less than weekly.
- a. **Annexation, Voluntary.** Pursuant to the requirements in Florida Statutes 171.044(2) and advanced notice shall be mailed to Sarasota County per 171.044(6).
  - b. **Resolutions (except Vacations).** At least ten (10) days prior to adoption, noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting, the title or titles of proposed resolution, and the location within the municipality where the public may inspect such proposed resolution. The notice shall also advise interested parties to appear at the meeting or communicate in writing with the city regarding their opinion of the proposed ordinance.
  - c. **Resolution, Vacation.** By the applicant pursuant to 177.101(4) Florida Statutes.
  - d. **Printed publication for privately initiated Rezone and Comprehensive Plan Amendments:**
    1. **Rezone, less than 10 acres.** At least ten (10) days prior to adoption, noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting, the title or titles of proposed ordinances, and the location within the municipality where the public may inspect such proposed ordinances. The notice shall also advise interested parties to appear at the meeting or communicate in writing with the city regarding their opinion of the proposed ordinance.
    2. **ULDC Text Amendments, Comprehensive Plan Amendments, Rezones larger than 10 acres, and Future Land Use Map amendments larger than 10 acres.** If published in the print edition of a newspaper, the required advertisements shall be no less than two (2) columns wide by ten (10) inches long in a standard size or a tabloid-size newspaper, and the headline in the advertisement shall be in a type no smaller than 18-point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. Except for amendments that change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map that indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area.
  - e. **Printed publication for City-initiated applications Rezone and Comprehensive Plan Amendments:**
    1. **Rezone, less than 10 acres.** No published advertising.
    2. **ULDC Text Amendments, Comprehensive Plan Amendments, Rezones larger than 10 acres, and Future Land Use Map amendments larger than 10 acres.** Ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category shall follow the legal advertising requirements outlined in number 2 above.
- (3). **Mailed Notice.** When required, Planning and Zoning Division staff shall send mailed notices to all property owners via certified mail within 500 feet of the subject property fifteen (15) days prior to all required public hearings. The applicant shall use the names and addresses of property owners appearing on the latest tax rolls of Sarasota County. **When a notification boundary extends into or is adjacent to an area controlled by a Homeowner Association (HOA), the applicant shall send a notice to the HOA board as well as the property owners within the notice boundary.** Notwithstanding other provisions, failure to provide written notice to surrounding property owners shall not constitute a jurisdictional defect, provided the City has published the proper legal notice.

(4). **Continued Hearings.** When a hearing is continued at the public hearing to a date certain, the petition does not require re-advertisement and re-notification. All other continuances require re-notification and re-advertising per the requirements above.

M. **Application after Denial.**

An application denied by the Commission for cannot be resubmitted for at least one (1) year after the date of denial unless the Commission provides direction on subsequent submittals at the time of denial.

N. **Reconsideration.**

The Commission may reconsider a petition pursuant to City Commission Policy 2021-03. Applications the Commission agrees to reconsider shall meet the following conditions:

- (1). No substantive changes may be made to the application. Changes to building locations, use types, or other substantive changes are modifications to the application. A modified application requires a new review process, including, but not limited to, a new review by the Planning and Zoning Advisory Board.
- (2). Staff's presentation, recommendation, and all supporting documentation may not change.
- (3). If the reconsideration request fails, the applicant may still appeal the denial within 30 days of the reconsideration date.

## ARTICLE II. DEVELOPMENT APPLICATION TYPES

### Section 2.2.1. Application Type Quick Reference

Table 2.2.1.1. Application Types

CATEGORY	DETAILS	SECTION
<b>Annexation, Voluntary</b>	Incorporate land into the City limits.	<a href="#">2.2.3</a>
<b>Appeal</b>	Appeal a decision by staff, a board, or the City Commission	<a href="#">2.2.4</a>
<b>Certificate of Zoning Compliance</b>	Review one-and-two family development, residential accessory structures, and land or underbrush clearing not associated with a site development and infrastructure plan	<a href="#">2.2.5.</a>
<b>Comprehensive Plan Amendment</b>	Changes to the Future Land Use Map or Comprehensive Plan Text	<a href="#">2.2.6.</a>
<b>Conditional Uses</b>	Development of property indicated as CU in Chapter 3	<a href="#">2.2.7.</a>
<b>Development Agreement</b>	Formal agreements with the City relating to a specific project	<a href="#">2.2.8.</a>
<b>Division of Land</b>	Adjusting, combining, splitting, and platting of land	<a href="#">2.2.9.</a>
<b>Master Concept Plan</b>	Conceptual design of a property for development, voluntary and mandatory	<a href="#">2.2.10.</a>
<b>Preliminary Project Review</b>	Courtesy review of a proposed project by DRC	<a href="#">2.2.11.</a>
<b>Public Art</b>	Public Art review	<a href="#">2.2.12.</a>
<b>Rezone</b>	Change the zoning designation on a property, standard and village	<a href="#">2.2.13.</a>
<b>Site Development and Infrastructure Plan</b>	Site design and infrastructure for proposed development	<a href="#">2.2.14.</a>
<b>Special Exception</b>	Approval of a use indicated as SE in Chapter 3	<a href="#">2.2.15.</a>
<b>ULDC Amendments</b>	Change ULDC regulations	<a href="#">2.2.16.</a>
<b>Vacation</b>	Remove or relocate a platted lot line, easement, or right-of-way	<a href="#">2.2.17.</a>
<b>Variance</b>	Request to reduce required dimensional standards	<a href="#">2.2.18.</a>
<b>Waiver</b>	Request City Commission waive a requirement of the ULDC	<a href="#">2.2.19.</a>
<b>Minor Planning Applications</b>	Addressing, hearing request, temporary use, zoning determination, zoning verification	<a href="#">2.2.20.</a>

## Section 2.2.2. Development Review Matrix

Table 2.2.2.1. lists the application types, decision maker, number of hearings, noticing requirements, and appeal process for the various development approval processes. Abbreviations in the Decision Matrix represent the following:

**Table 2.2.2.1. Decision Matrix**

<b>ABBREVIATION</b>	<b>MEANING</b>
-	Not Applicable
✓	Required
<b>AAB</b>	Art Advisory Board
<b>CC</b>	City Commission
<b>CC- Consent</b>	City Commission via Quasi-Judicial Consent
<b>Court</b>	Sarasota County Circuit Court
<b>DO</b>	Development Order
<b>M</b>	Mailed notification to surrounding landowners
<b>N</b>	Newspaper or published in print
<b>PZAB</b>	Planning and Zoning Advisory Board
<b>Staff</b>	Planning and Zoning Division Staff
<b>ULDC</b>	ULDC Administrator
<b>ZHO</b>	Zoning Hearing Officer

APPLICATION	APPROVAL DOCUMENT	DECISION MAKER	PUBLIC HEARINGS			NOTICE REQUIREMENTS		APPEALS <sup>1</sup>
			PZAB	CC	ZHO	N <sup>2</sup>	M	
Annexation, Voluntary	Ordinance	CC	1	2	-	√ <sup>3</sup>	-	Court
Appeal to CC	Resolution	CC	-	1	-	-	-	-
Appeal to Court	<i>Requirements Determined by the Sarasota County Circuit Court</i>							
Appeal to ZHO	Order	ZHO	-	-	1	-	-	-
Certificate of Zoning Compliance	Certificate	Staff	-	-	-	-	-	ZHO
Comprehensive Plan Amendments, Large-Scale	Ordinance	CC	1	2 <sup>4</sup>	-	√	-	Court
Comprehensive Plan Amendments, Small-Scale	Ordinance	CC	1	2 <sup>4</sup>	-	√	-	Court
Conditional Uses	DO	Staff	-	-	-	-	-	ZHO
Development Agreement	Ordinance	CC	-	2	-	√	-	Court
Lot Line Adjustment	Recording Document	Staff	-	-	-	-	-	ZHO
Lot Split	Recording Document	Staff	-	-	-	-	-	ZHO
Master Concept Plan <sup>QJ</sup>	Resolution	CC <sup>5</sup>	1	1	-	√	√ <sup>6</sup>	Court
Preliminary Project Review	-	-	-	-	-	-	-	-
Public Art	Letter/ Resolution	Staff or CC	-	1 <sup>7</sup>	-	-	-	ZHO/ Court
Rezone <sup>QJ</sup>	Ordinance	CC	1	2	-	√ <sup>8</sup>	√	Court
Site Development and Infrastructure Plan	DO	ULDC	-	-	-	-	-	ZHO
Special Exceptions <sup>QJ</sup>	Resolution	CC	-	1	-	√	√	Court
Subdivision, Final Plat	Resolution	CC-Consent	-	1	-	-	-	Court
Subdivision, Minor <sup>QJ</sup>	Resolution	CC	1	1	-	√	√	Court
Subdivision, Preliminary Plat <sup>QJ</sup>	Resolution	CC	1	1	-	√	√	Court
Temporary Use	Certificate	Staff	-	-	-	-	-	ZHO
ULDC Text Amendments	Ordinance	CC	1	2	-	√	-	Court
Vacations	Resolution	CC-Consent	-	1	-	√ <sup>9</sup>	-	Court
Variance <sup>QJ</sup>	Order	ZHO	-	-	1	√	√	CC
Variance, Minor	Letter	Staff	-	-	-	-	-	ZHO
Waiver	Resolution	CC	1	1	-	√	√	Court
Zoning Determination Letter	Letter	Staff	-	-	-	-	-	ZHO

APPLICATION	APPROVAL DOCUMENT	DECISION MAKER	PUBLIC HEARINGS			NOTICE REQUIREMENTS		APPEALS <sup>1</sup>
			PZAB	CC	ZHO	N <sup>2</sup>	M	
Zoning Verification Letter	Letter <sup>10</sup>	Staff	-	-	-	-	-	ZHO

QJ Quasi-judicial hearing applies.

1 The appeals column indicates the body that hears an appeal for each application type.

2 See [Section 2.1.3.L](#) for details on the published notice.

3 No fewer than ten (10) days before a public hearing, the applicant is responsible for sending a certified letter to Sarasota County per F.S. Section 171.044(6).

4 Large-Scale Comprehensive Plan Amendments must be transmitted and reviewed by the state between the first reading and adoption hearings. Both Small-Scale and Large-Scale Amendments must be transmitted to the state within 10-days of adoption.

5 Voluntary Master Concept Plans do not require public hearings. Applicants may request a review of Voluntary Master Concept Plans by DRC or City Commission. If an applicant requests review by City Commission, DRC will review the application, and PZAB shall provide a recommendation to City Commission who will make the final decision.

6 Voluntary Master Concept Plans do not require mailed notice. Required Master Concept Plans shall follow the standard mailed notice requirements.

7 When a public art application does not meet the requirements for public art per Chapter 4 of this ULDC, the Art Advisory Board shall make a recommend to the City Commission who will make the final decision.

8 City-initiated rezones of less than 10-acres do not require published notice, only mailed notice applies.

9 The applicant is required to publish notice of intent per 177.101(4) Florida Statutes

10 Zoning Verifications may result in signed forms provided by a state agency instead of a letter.

### Section 2.2.3. Annexation, Voluntary

- A. **Generally.** Changes in the City boundaries through voluntary annexation shall revise the City's official boundaries depicted on the City limits map. Annexations shall meet the requirements and follow the procedures of Florida Statutes Chapter 171.044. The City Commission shall decide Voluntary Annexations by non-emergency ordinance.
- B. **Decision Criteria.** Voluntary annexation is a legislative decision. To aid the decision-making process, the City shall conduct a fiscal impact analysis. This analysis does not dictate the appropriateness of annexation but provides information on the potential financial burdens the annexation may impose on the City. City Commission may approve or deny an annexation based on thorough consideration of the Comprehensive Plan, fiscal analysis, and other application components.
- C. **Noticing After Approval.** If the City Commission approves a Voluntary Annexation, the ULDC Administrator shall notify the following agencies and providers:
  - (1). Florida Department of State, Executive Office of the Governor and Florida Legislative Office of Economic and Demographic Research
  - (2). Sarasota County Administrator; and
  - (3). All applicable utility providers.

#### **Section 2.2.4. Appeals**

- A. **Generally.** Any aggrieved party by a decision may file an appeal to the Zoning Hearing Officer or City Commission within thirty (30) calendar days of the decision issuance by filing a written Notice of Appeal with the Development Services Department. The petitioner shall base the appeal on the official record.
- B. **Types.** The decision-makers described in the subsections below are those indicated as the decision-makers for the applicable application types in [Table 2.2.1.1](#).
- (1). **Appeals to Staff Decisions.** The Zoning Hearing Officer reviews appeals to decisions made by staff.
  - (2). **Appeals to ZHO Decisions.** The City Commission reviews appeals to decisions made by the Zoning Hearing Officer.
  - (3). **Appeals to Commission Decisions.** An aggrieved party may appeal City Commission's decision in the Sarasota County Circuit Court.
- C. **Filing of Appeals to Staff or ZHO Decisions.** Appeal applications shall include the following materials:
- (1). Complete application;
  - (2). Narrative describing a complete explanation of facts and the cause of the appeal;
  - (3). A copy of the interpretation or decision being appealed, including the original petition, ordinance, or resolution number assigned by the City; and
  - (4). ULDC reference related to the appeal.
- D. **Stay of Proceedings.** An appeal shall stay all proceedings in the matter appealed until the final disposition of the appeal. In instances where the appeal would impact another development decision with a statutory time limit, the City shall hold pending applications per [Section 2.1.3.J](#).
- (1). In instances where the ULDC Administrator provides evidence in writing that a stay would cause an immediate risk of harm to a person or property, the proceedings shall continue without a stay.
  - (2). If an aggrieved person or any officer, board, or department may request, in writing, based on detailed facts, and shows good cause, the Zoning Hearing Officer or City Commission may issue a restraining order to stay such proceedings. The Zoning Hearing Office or City Commission may condition such restraining order on such safeguards and time limits as deemed appropriate to protect any person or property at risk of harm.

#### **Section 2.2.5. Certificate of Zoning Compliance**

- A. **Generally.** Certificate of Zoning Compliance review is required for the following development proposals, which review must be approved prior to building permit application, if applicable:
- (1). One-and-two family development;
  - (2). Residential accessory structures;
  - (3). Land and underbrush clearing not associated with a site development and infrastructure plan;
- B. **Decision Criteria:**
- (1). Site plan demonstrates compliance with all applicable requirements in [Chapter 3](#) and [4](#) of this ULDC;
  - (2). Impacts to natural resources have been adequately addressed per [Chapter 6](#) of this ULDC.

#### **Section 2.2.6. Comprehensive Plan Amendments**

- A. **Generally.** Amendments to the Comprehensive Plan are subject to the requirements of Chapter 163 Florida Statutes and the requirements in this Section. Comprehensive Plan Amendments may be Future Land Use Map (FLUM) or text amendments.
- B. **Types.** The Florida Statutes define the processes and requirements for comprehensive plan amendments.
- (1). Small-scale comprehensive plan amendments are FLUM amendments. The City shall default to the state's current definition and procedures for small-scale amendments.
  - (2). Large-scale text and map amendments that do not qualify as small-scale amendments per state statute. Large-scale Comprehensive Plan Amendments require state review before adoption.
- C. **Privately Initiated Text Amendments, Process.** Privately initiated text amendments to the Comprehensive Plan require Commission's consent to proceed with a formal amendment. Private individuals or entities may propose an amendment to the Comprehensive Plan per the following:
- (1). The private individual or entity submits a written request and applicable fee to the ULDC Administrator outlining the requested change;
  - (2). The ULDC Administrator prepares an agenda item for Commission to consider the requested amendment at an advertised public hearing; and
  - (3). City Commission determines if there is willingness to consider hearing a formal application for the request. If Commission directs the ULDC Administrator to pursue the amendment, staff will prepare the proposed amendment according to the request.
- D. **Decision Criteria.** In reviewing applications for proposed amendments to the comprehensive plan, the Planning and Zoning Advisory Board and City Commission shall determine whether and the extent to which the proposed Amendment is:
- (1). Consistent with the Florida Statutes 163.3184 or 163.3187 as applicable;
  - (2). Discourages the proliferation of sprawl pursuant to Florida Statutes 163.3177(6)(a) 9.a. and b.;
  - (3). Consistent with the Comprehensive Plan;
  - (4). Consistent with this ULDC;
  - (5). Forming an orderly and logical development pattern;
  - (6). Capable of being made compatible with existing and potential adjacent land uses;
  - (7). Justified by changing conditions on the site or in the City; and
  - (8). Served or will be served by adequate capacity for public facilities, infrastructure, and services.

### **Section 2.2.7. Conditional Uses**

- A. **Generally.** Conditional Uses are uses that may be administratively approved through the Site Development and Infrastructure Plan process when the site plan reflects required criteria on site. The requirements assign reasonable limitations or special conditions to mitigate potential impacts of the use on surrounding properties. Applicants may not request waivers or variances to conditional use requirements. If the Conditional Use criteria in Chapter 3, Article VIII, is not met, a Special Exception will be required. If the criteria are met, the Development Review Committee may approve or approve with conditions.
- B. **Decision Criteria.** The Development Review Committee shall determine whether and the extent to which the application for a Conditional Use meets the following, in addition to the requirements in [Section 2.2.14](#) for Site Development Plans:



- (1). The Use Tables in [Chapter 3](#) indicates the use as a Conditional Use in zoning district in which it's proposed; and
- (2). The proposed site plan complies with the criteria from [Chapter 3, Article VIII](#) for the specified use.

### **Section 2.2.8. Development Agreements**

A. **Generally.** Under the Florida Statutes, the City has the authority to enter into a Development Agreement with any person with a legal or equitable interest in real property within the City limits detailing the agreed-upon obligations of both parties and specifying the standards and conditions that will govern the development. Changes to the development concept may necessitate amendments to the Development Agreement. The City and the applicant may enter into a Development Agreement when one or more of the following exist:

- (1). The proposed development does not meet concurrency standards;
- (2). The applicant intends to construct a development in phases with substantial public improvements committed in a specific stage of construction;
- (3). The location, topography, or other physical characteristics of the property necessitate public improvements beyond those ordinarily required of similar development; or
- (4). The city provides incentives for development based on a specific plan.

B. **Types.**

- (1). Development Agreements. These agreements may include requirements from any combination of City departments, including, but not limited to, utilities, fire, transportation, or others.
  - a. Interested parties may propose a Development Agreement at any time before the project completes the approval process. The applicant and the City Manager, ULDC Administrator and relevant departments, shall formulate the proposal.
  - b. Development Agreements shall follow the procedures in state statute for adoption, amendment, or revocation.
  - c. The City shall adopt or amend Development Agreements by mutual consent of the parties to the agreement or by their successors in interest.
  - d. No more than 14 days after approval of a Development Agreement, the developer shall record the agreement in the public records of the County and provide documentation of recording to the City.
- (2). Proportionate Fair-Share Agreements.
  - a. An applicant shall receive a City certificate of concurrency approval upon executing a proportionate fair-share agreement and satisfying other concurrency requirements. Should the applicant fail to apply for building permits within the timeframe allotted in the City concurrency certificate, the project's concurrency vesting shall expire, and the applicant shall be required to reapply. Once the applicant makes a proportionate fair-share payment for a project and pays other impact fees, the City shall not issue refunds or reimbursements. All payments shall run with the land.
  - b. The applicant shall pay the proportionate fair-share contribution and other impact fees prior to the effective date included in the agreement or application for a building permit.
  - c. The applicant shall complete the improvements accepted as proportionate fair-share contributions within three (3) years of the issuance of the first building permit for the project. A sufficient security instrument conforming to the subdivision construction security requirements to ensure the completion of all required improvements shall accompany the agreement.

- d. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement shall occur prior to the effective date of the proportionate fair-share agreement.
  - e. Changes requested to a development project after 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 requiring mitigation.
  - f. The City may enter into proportionate fair-share agreements for specific corridor enhancements 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 associated advertising costs to the City are nonrefundable.
- C. **Required Elements.** Development Agreements and Proportionate Fair Share Agreements shall include the following:
- (1). The legal description of the land subject to the agreement and the names of its legal and equitable owners;
  - (2). The duration of the agreement, which shall not exceed ten (10) years unless extended by mutual agreement;
  - (3). The uses permitted on the land, including densities, intensities, and height;
  - (4). A description of public facilities that will service the development, including:
    - a. Who shall provide such facilities;
    - b. The construction date of new facilities, if needed;
    - c. A construction schedule to ensure public facilities remain concurrent with the impacts of the development;
    - d. Descriptions of reservations or dedications of land for public purposes;
    - e. Descriptions of the development permits approved or required for land development;
    - f. A finding that the proposed development is consistent with the Comprehensive Plan and ULDC;
    - g. Descriptions of any conditions, terms, restrictions, or other requirements determined to be necessary for the public health, safety, or welfare;
    - h. Statements indicating that 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 law governing said permitting requirements, conditions, term, or restriction; and
    - i. Other items required by statute, the agreement, or other City ordinances.

### **Section 2.2.9. Division of Land**

- A. **Generally.** Land changes configuration over time, and the extent of the land division dictates the type of subdivision required. Decision makers may approve, approve with conditions, or deny requests for land division. Final Plats cannot be conditioned.
- B. **Types.**
- (1). **Lot Split.** Lot splits shall meet the following requirements:

- a. Platted lots of record reverting to the original, platted lot configuration after combination, or other division of a platted lot subject to compliance with minimum lot sizes;
- b. Existing structures meet the minimum setback requirements when the split is complete;
- c. The lot split shall not create nonconforming building lots, structures, setbacks, or other noncompliance issues related to the ULDC; and
- d. No utilities or easements exist that conflict with the utilization of each lot individually.

(2). **Lot Line Adjustment.** Lot line adjustments are appropriate in the following scenarios:

- a. To reconfigure two or more lots of record or legally created lots, each of which currently meets all other sections of this ULDC; or
- b. To reconfigure two or more lots of record which are nonconforming and make them conforming lots of record.

(3). **Subdivision Plat.** Subdivision plats apply to all divisions of land that division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and re-subdivisions (re-plat). Plats shall meet the subdivision requirements of Florida Statutes Chapter 177 and [Chapter 4, Article XII](#) of this ULDC.

- a. **Preliminary Plat.** A tentative plat, including supporting data, indicating a proposed subdivision design, prepared by any combination of a civil engineer, land surveyor, landscape architect, architect, or land planner. The purpose of the Preliminary Plat is to review the proposed plat for compliance with applicable requirements and provide an opportunity for public input through the public hearing process.
- b. **Final Plat.** Except as provided for a Minor Subdivision, a Final Plat is required following Preliminary Plat approval. A land surveyor shall prepare the plat per Chapter 177 of the Florida Statutes. The Final Plat must be substantially consistent with the approved Preliminary Plat.
- c. **Minor Subdivision.** The City offers a Minor Subdivision process for simple plats, where all the proposed lots have frontage on an existing public right-of-way, and no additional infrastructure or common areas requiring property owner associations is required. Newly created lots under a minor subdivision may not be less than 43,560 square feet (1 acre) and may be served by well and septic. Subdivisions for lots smaller than 1-acre shall be processed via the Preliminary Plat and Final Plat process and must be served by public water and wastewater and provide common areas and infrastructure per this ULDC.
- d. **Street Name Change.** A street name change shall be treated as a Final Plat Amendment unless the name change is only ceremonial. A ceremonial name change shall only add the revised name to the street signage without officially changing the street's name, so no final plat amendment would be required. Ceremonial name changes may be approved by a majority vote at a City Commission meeting via resolution.

C. **Decision Criteria.** The decision-makers shall determine whether and the extent to which the proposed division of land meets the required criteria per the division type.

(1). Lot splits and lot line adjustments shall:

- a. Meet the applicable zoning regulations minimum area and dimensional standards;
- b. Have documented legal access to a public right-of-way;

(2). Preliminary Subdivision Plats shall:

- a. Satisfy the criteria included [2.2.9.B.\(3\)a.](#) of this ULDC;

- b. Be consistent with the Comprehensive Plan;
  - c. Be consistent with all applicable requirements in Chapter 1 through 6 of this ULDC; and
  - d. Address the applicable bylaws, covenants, deeds, articles of incorporation, dedications, and other legal documents regarding ongoing maintenance.
- (3). Final Plats shall:
- a. Be consistent with the approved Preliminary Subdivision Plat; and
  - b. Meet the requirements of Florida Statutes Chapter 177.
- (4). Minor Subdivisions shall:
- a. Satisfy the criteria included in 2.9.B.(3)c. this ULDC;
  - b. Be consistent with the Comprehensive Plan;
  - c. Be consistent with applicable requirements in Chapter 1 through 6 of this ULDC; and
  - d. Meet the requirements of Florida Statutes Chapter 177.
- D. **Recording.** The applicant is responsible for recording all divisions of land in the Public Records of Sarasota County and providing the Development Services Department with the Official Record Book and Page and/or Plat Book and Page information of the recorded documents or plat.

#### **Section 2.2.10. Master Concept Plans**

- A. **Generally.** Master Concept Plans show the use areas, access points, major internal road networks, buffers, environmentally sensitive areas, general location of water and sewer mains, and other relevant information for illustrating the general layout and design of the property. The applicant shall include sample elevations depicting the project's proposed or required architectural style.
- (1). **Voluntary.** Applicants may request a conceptual plan review by DRC. Voluntary conceptual plan reviews do not convey land entitlements and are not binding. The purpose of voluntary conceptual plan reviews is to elicit feedback on the viability of a project.
  - (2). **Mandatory.** All projects requesting waivers, utilizing the horizontal mixed-use alternative, and Special Exceptions require Master Concept Plan approval by the City Commission. Village District rezones also require Master Concept Plans, which are reviewed as part of the rezone and preliminary plat applications. These Master Concept Plans are a separate application and binding for the development unless the applicant amends the plan, and the Commission approves the amended plan.
- B. **Decision Criteria.** The decision-makers shall determine whether and the extent to which the proposed Master Concept Plan, either voluntary or mandatory:
- (1). Is consistent with the Comprehensive Plan;
  - (2). Meets all applicable requirements in Chapters 1 through 6 of this ULDC; and
  - (3). If waivers to regulations have been requested, appropriate mitigation is provided to minimize negative impacts, if any.

#### **Section 2.2.11. Preliminary Project Review**

- A. **Generally.** Preliminary Project Review is an application process to obtain initial comments on potential projects from the Development Review Committee. This application type provides one review of each submission, requires a fee, and does not provide a final decision. Preliminary Project Review does not apply to conceptual conversations with one reviewing department.

### **Section 2.2.12. Public Art**

A. **Generally.** The City of North Port intends to promote the aesthetic enrichment of the community by supporting the private acquisition, installation, and maintenance of public art on private property accessible to the public for citizens' and visitors' appreciation and enjoyment and to encourage the preservation and protection of existing works of art.

B. **Decision Criteria.**

- (1). Staff. Public Art must meet the minimum requirements established in [Chapter 4, Section 4.4.4.](#) of this ULDC.
- (2). City Commission. When Public Art does not meet all the requirements for public art specified in Chapter 4, Section 4.4.4. the Art Advisory Board shall review the proposed art and provide a recommendation for the City Commission's decision. City Commission may approve, approve with conditions, or deny Public Art applications that do not meet the requirements. This decision is legislative. City Commission shall consider whether and the extent to which the public art:
  - a. Furthers the City's goal to promote a broad range of artistic styles and media, from traditional to contemporary works of art, to provide overall balance within the City;
  - b. Is compatible with the architectural style of the development (i.e., color, construction materials, design, height, mass); and
  - c. Is not injurious to public health, safety, or welfare.

C. **Certification of a Public Art Installation.**

- (1). Before certification of construction completion approval, the applicant shall obtain the following:
  - a. A certificate indicating that the installation of the public art is complete; or
  - b. An approved deferral pursuant to this section.
- (2). To obtain the certification of public art installation, the applicant must notify the City that the public art installation is complete;
- (3). If the installation is consistent with the approved public art application, then the City will issue a certification of public art installation.

D. **Deferred Public Art Installation.**

- (1). The applicant may request to defer the required public art installation for one (1) year.
- (2). The City may approve a deferral subject to the applicant posting security (bond) in the amount of one hundred fifteen percent (115%) of the value of the public art. The City of North Port's Finance Department will hold the security.
- (3). Upon public art installation certification, the City will release the bond.
- (4). Failure to install required public art before the deferral period has lapsed will result in forfeiture of the security, and code enforcement action for noncompliance with development order conditions.

### **Section 2.2.13. Rezones**

A. **Generally.** The zoning map may require updates initiated by the City or private individuals to support growth and development.

B. **Types.**

- (1). **Standard Rezone.** Standard rezones are rezones to any zoning district except the Village (V) designation. Standard rezones cannot be conditioned.
  - (2). **Village District.** New Village districts require a Master Concept Plan. Amendments to existing approved Village District Pattern Plans (VDPP) may be approved administratively provided the amendment does not increase the density or intensity of the Village district. The City shall process VDPP amendments proposing increased density or intensity as rezones.
- C. **Decision Criteria.** The decision-makers shall determine whether and the extent to which the proposed rezone is:
- (1). Consistent with the Comprehensive Plan;
  - (2). Creating an isolated district unrelated to adjacent and nearby districts or resulting in an orderly and logical development pattern.
  - (3). Capable of being served by public facilities, including adequate roadway capacity for any increase in traffic generation;
  - (4). Necessary due to changed or changing conditions;
  - (5). Deterring the improvement or development of adjacent abutting property;
  - (6). Granting a special privilege to an individual owner as contrasted with the public welfare;
  - (7). Unusable under the current zoning designation; and
  - (8). Properly mitigating a changing scale to ensure compatibility with adjacent neighborhoods.

#### **Section 2.2.14. Site Development and Infrastructure Plans**

- A. **Generally.** Site Development Plan and Infrastructure Plan applications involve review engineered plans of a proposed development. These plans typically include the following elements: building footprints and square footage, proposed uses, landscape areas, buffers, plazas, pedestrian and vehicular circulation, parking, site access, service areas, water and sewer utilities, and the identification of potentially sensitive design issues. Upon satisfaction of DRC comments, the ULDC Administrator may approve, approve with conditions, or deny Site Development and Infrastructure Plans.
- B. **Decision Criteria.** The decision-makers shall determine whether and the extent to which the proposed development is:
- (1). Consistent with the Comprehensive Plan;
  - (2). Consistent with all applicable requirements in Chapter 1 through 6 of this ULDC; and

#### **Section 2.2.15. Special Exceptions**

- A. **Generally.** Special Exception uses may not be appropriate for all properties due to aesthetics, noise, odor, or other potential negative impacts. The City does not allow Special Exception uses by right and may condition their approval to mitigate potential inconsistencies with the surrounding properties. Each Special Exception application is unique and reviewed based on the conditions presented. City Commission may approve, approve with conditions, or deny Special Exception requests.
- B. **Decision Criteria.** City Commission shall determine whether and the extent to which the Special Exception request is consistent with and incorporates the following:
- (1). Is consistent with the Comprehensive Plan;
  - (2). Meets all applicable requirements of Chapters 1 through 6 of this ULDC;

- (3). Appropriate mitigation for potential noise, dust, fumes, or other nuisances through site design, engineering, or other methods;

### **Section 2.2.16. Unified Land Development Code Text Amendments**

A. **Generally.** The Unified Land Development Code may require amendments from time to time to ensure the Code is consistent with the Florida Statutes and the interests of the City and its residents.

B. **Privately Initiated Amendments.**

As an alternative to the procedure provided in City Code, private individuals or entities may propose an amendment to the ULDC per the following:

- (1). The private individual or entity submits a written request and applicable fee to the ULDC Administrator outlining the requested change;
- (2). The ULDC Administrator prepares an agenda item for consideration of the request at a regular City Commission Meeting
- (3). City Commission determines if there is willingness to consider hearing a formal application for the request. If Commission directs the ULDC Administrator to pursue the amendment, staff will prepare the proposed amendment according to the request.
- (4). If Commission directs the ULDC Administrator to pursue the amendment, staff will prepare the proposed amendment according to the request.

C. **De Minimis Revisions.** De minimis revisions to the ULDC as authorized by the City Manager or designee, are permissible and do not require City Commission approval. The ULDC Administrator shall file a corrected copy of the ULDC with the City Clerk. The term "de minimis revisions" includes the following:

- (1). The renumbering or re-lettering of any of the sections or subsections of the Code;
- (2). Correction of any typographical errors; and
- (3). The change of departmental names and corresponding revision of text specifying standard land development processing procedures, provided that said modification does not affect the primary intent of the applicable section or subsection of the ULDC.

D. **Decision Criteria.** City Commission shall determine whether and the extent to which the text amendment is consistent with the following:

- (1). The Comprehensive Plan;
- (2). The Strategic Plan;
- (3). Florida Statutes;
- (4). Changing needs of the City based on updated data or current limitations in the ULDC; and
- (5). The City Commission shall also consider potential unintended consequences, including but not limited to creation of incompatible, nonconforming, or conflicting uses, structures, or standards; and the amendment's burden or benefit on property owners.

### **Section 2.2.17. Vacations**

A. **Generally.** The purpose and intent of this section is to provide procedures for the City to vacate right-of-way, easements, and plats according to the authority granted under the Florida Statutes. A vacation may be requested for easements, platted lot lines, rights-of-way.

B. **Decision Criteria.** City Commission shall determine whether and the extent to which the vacation:

- (1). Is currently occupied by public facilities;
- (2). Necessitates additional easements for future public facilities;
- (3). Impairs or eliminates access to any lot of record;
- (4). Adversely impacts the existing road network or substantially alters travel patterns;

- C. **Utility Letters of No Objection.** When an applicant requests a public utility easement vacation, the City shall contact the utility providers for a written response to the request.
- D. **Recording.** The applicant is responsible for recording documents approving vacations in Public Records of Sarasota County and providing the Development Services Department with the Official Record Book and Page and/or Plat Book and Page information of the recorded documents or plat.

### **Section 2.2.18. Variances**

- A. **Generally.** The purpose of a variance is to ensure that no property, because of its unique conditions, shall be deprived of privileges commonly enjoyed by other properties in the same zone and vicinity. Decision makers may approve, approve with conditions, or deny variances.
- B. **Types.** The City of North Port utilizes two types of variances:
- (1). **Minor Variance.** Minor variances may be administratively approved but may not exceed the following thresholds:
    - a. Setback, lot width, and lot depth reduction of no more than 25%; including for the purpose of tree preservation;
    - b. Building height increased by no more than 5%;
    - c. Buffer reduction of no more than 10%;
    - d. Parking reduction of no more than 15%;
    - e. Dumpster enclosure swapped for roll-out cans in non-residential districts.
  - (2). **Major Variance.** Any variance application that does not meet the threshold for a minor variance will be considered a major variance. The Zoning Hearing Officer may approve a variance to height, setbacks, parking, and other site requirements. Applicants may not request a variance to use, density, or FAR.
- C. **Decision Criteria.** Every variance request is unique. The City shall not consider the nonconforming site conditions of neighboring lands, buildings, or other structures in consideration of variances. Decision makers shall determine whether and the extent to which the variance request or property meets all the following criteria:
- (1). Special conditions exist that are peculiar to the land, building, or other structures for which the variance is sought, and which do not generally apply to other lands, buildings, or structures in the same district;
  - (2). The applicant or property owner did not create the conditions requiring the variance;
  - (3). Literal enforcement of the ULDC standards results in unnecessary hardship;
  - (4). Strict application of the provisions of the ULDC would provide the applicant with no means for reasonable use of the land, buildings, or other structures;
  - (5). The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or other structures;
  - (6). The request would not be injurious to neighboring properties or otherwise detrimental to the public welfare;



- (7). The reasoning in the application justifies the variance request; and
- (8). The unique condition for which the applicant requested the variance is not so general or recurrent, necessitating an amendment to the ULDC.

### **Section 2.2.19. Waivers**

- A. **Generally.** In certain circumstances, a ULDC requirement may be overly burdensome, and a waiver from the requirement may be appropriate to accommodate the design of a particular development. (Master Concept Plan required). An applicant may request a waiver to any required dimensional or design standard in Chapter 3, 4, or 6 of this ULDC, provided density, intensity (FAR) and allowable uses, may not be waived.
- B. **Decision Criteria.** City Commission shall determine whether and the extent to which the waiver request or project meets the following criteria:
  - (1). Is consistent with the Comprehensive Plan;
  - (2). The project will result in a structure or site design of superior quality;
  - (3). The project addresses the impact of the waiver through alternative design or mitigation efforts;
  - (4). The project or property is unique from others meeting the standards the applicant requested to waive;
  - (5). Waiving the requirement is not injurious to the adjacent property or road network;
  - (6). The waiver request does not impede access for service or emergency vehicles; and
  - (7). The reasoning in the application justifies the waiver request.

### **Section 2.2.20. Minor Planning Applications**

- A. **Generally.**

Applications in this section are reviewed and decided by Planning and Zoning Division staff under the direction of the ULDC Administrator.
- B. **Address Change.**

Address change applications may alter the address number used to determine the location of a property to avoid addressing and emergency response errors. In rare instances, an address change may alter the street name. Address changes may not occur after development unless the address poses a safety concern. Existing and established address numbers may not change if they follow the numbering system outlined in the [City Code Chapter 70 Article III Sec. 70-56](#).
- C. **Address Verification.**

Address verification applications provide formal documentation on the assigned address of a property.
- D. **Zoning Determination Letter.**

Zoning Determination letters provide an official interpretation of the ULDC and Comprehensive Plan based on a provided question. Applicants may request determination letters for questions on a specific property or, more generally, to request an interpretation of a particular ULDC regulation.
- E. **Zoning Verification.**

Zoning Verification provides an official determination regarding the zoning of a specific property. Zoning Verifications are provided in the following forms:

  - a. An official letter addressing the requested information for the verification; or

- b. Completion of a form provided by a state agency to verify zoning information for a state license or agency.

**F. Temporary Use Permit.**

The City may allow certain temporary uses per the limitations in [Chapter 3, Section 3.10.2.](#):

- a. An application for a temporary use permit shall be submitted to the Development Services Department at least 60-days in advance of the event, accompanied by the temporary use permit fee specified in the City fee schedule. The fee shall be waived for all non-profit organizations submitting an Internal Revenue Service (IRS) non-profit certification (501 C-3) of the sponsoring organization.
- b. 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. If building permits are required, applicable fees and inspections for review of building codes, electrical, and fire safety shall be payable at time of the building permit issuance.
- c. **Decision Criteria.** When considering an application for temporary use, the decision maker shall consider whether and the extent to which:
  - (1). The nature of the proposed temporary use is consistent with the permissible uses in the zoning district in which it's proposed;
  - (2). The design, duration, and hours of operation of the temporary use minimizes the adverse effects on nearby properties, including visual and noise effects;
  - (3). The use complies with all relevant standards related to health, sanitation, and transportation;
  - (4). The temporary use complies with all other applicable provisions of this Code;
  - (5). A public safety detail is necessary.



Submittal	Address Change/ Verification	Annexation	Appeals	Certificate of Zoning Compliance	Comprehensive Plan Amendment	Development Agreement	FLUM Amendments	Master Concept Plan	Public Art	Rezone, Standard	Rezone, Village	Site Development & Infrastructure	Special Exceptions	Street Name Change	Preliminary Project Review	Preliminary Plat & Minor Subdivision	Final Plat	Lot line adjustment, Lot Split	Temporary Use	ULDC Text Amendment	Vacation	Waiver	Zoning Verification or Determination	Variance
Building Elevations	-	-	-	-	-	-	-	*	-	-	✓	✓	✓	-	*	✓	-	-	-	-	-	✓	-	*
Concurrency Analysis	-	-	-	-	-	✓	-	-	-	-	-	✓	-	-	-	✓	-	-	-	-	-	-	-	-
Comprehensive Plan Consistency Analysis	-	-	-	-	✓	-	-	✓	-	✓	✓	-	✓	-	-	✓	-	-	-	✓	-	✓	-	-
Construction Plan	-	-	-	-	-	-	-	-	-	-	-	✓	-	-	-	✓	-	-	-	-	-	-	-	-
Cultural Resource Assessment Survey	-	-	-	■	-	*	■	-	*	■	■	■	-	-	*	■	-	-	-	-	-	-	-	-
Deed Restrictions/ Covenants	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	✓	✓	-	-	-	-	-	-	-
Density, Intensity, Impervious Surface Area Calcs	-	-	-	✓	-	-	-	✓	-	-	-	✓	✓	-	-	✓	-	-	-	-	-	-	-	-
Drainage and Stormwater Calcs	-	-	-	-	-	-	-	-	-	-	-	✓	-	-	*	✓	-	-	-	-	-	-	-	-
Earthmoving Plan	-	-	-	-	-	-	-	-	-	-	-	✓	✓ <sup>1</sup>	-	-	-	-	-	-	-	-	-	-	-
Environmental Assessment	-	-	-	■	-	-	*	-	-	*	*	✓	-	-	-	✓	-	-	-	-	-	-	-	-
Final Plat	-	-	-	-	-	-	-	-	-	-	-	-	-	✓	-	-	✓	-	-	-	-	-	-	-
GIS/CAD Digital Data	-	✓	-	-	-	-	✓	✓	-	✓	✓	✓	✓	-	-	✓	✓	✓	-	-	✓	-	-	-
Gopher Tortoise Survey	-	-	-	■	-	-	-	-	-	-	-	■	-	-	-	-	-	-	-	-	-	-	-	-
Hurricane Evacuation Plan	-	-	-	-	-	-	-	-	-	-	✓	-	-	-	-	✓	-	-	-	-	-	-	-	-
Landscaping Plan	-	-	-	-	-	-	-	*	-	-	✓	✓	-	-	*	✓	✓	-	-	-	-	-	-	*
Legal Description (metes and bounds for Annex)	-	✓	-	-	-	✓	✓	✓	-	✓	✓	-	✓	-	-	✓	✓	✓	-	-	✓	✓	-	✓

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Lighting Plan	-	-	-	-	-	-	-	✓	✓	-	-	✓	✓	-	-	✓	-	-	✓	-	-	-	-	-
Master Concept Plan	-	-	-	-	-	-	-	✓	-	-	✓	-	-	-	*	✓	-	-	-	-	-	-	-	-
Open Space/Park Calculations	-	-	-	-	-	-	-	✓	-	-	✓	✓	✓	-	*	✓	✓	-	-	-	-	-	-	-
Ownership Documentation	✓	✓	-	✓	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	✓	-	✓	✓	✓	✓
Parking Calculations	-	-	-	-	-	-	-	*	-	-	-	✓	✓	-	*	*	-	-	-	-	-	*	-	-
Phasing Plan	-	-	-	-	-	-	-	✓	-	-	✓	✓	-	-	*	✓	-	-	-	-	-	-	-	-
Plat Recording and Mylars	-	-	-	-	-	-	-	-	-	-	-	-	-	✓	-	-	✓	-	-	-	-	-	-	-
Project Appraisal and Valuation	-	-	-	-	-	-	-	-	✓	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Improvement Plan	-	-	-	-	-	-	-	-	-	-	✓	-	-	-	-	-	-	-	-	-	-	-	-	-
Record Drawings (at Construction Completion)	-	-	-	-	-	-	-	-	-	-	-	✓	-	-	-	-	-	-	-	-	-	-	-	-
Schedule of Completion	-	-	-	-	-	-	-	-	✓	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
School Capacity Determination/ School Concurrency	-	-	-	-	-	-	-	-	-	-	-	✓	-	-	-	✓	✓	-	-	-	-	-	-	-
Site Plan	-	-	-	✓	-	-	-	-	✓	-	-	✓	✓	-	✓	✓	✓	✓	✓	-	✓	✓	-	✓

Submittal	Address Change/ Verification	Annexation	Appeals	Certificate of Zoning Compliance	Comprehensive Plan Amendment	Development Agreement	FLUM Amendments	Master Concept Plan	Public Art	Rezone, Standard	Rezone, Village	Site Development & Infrastructure	Special Exceptions	Street Name Change	Preliminary Project Review	Preliminary Plat & Minor Subdivision	Final Plat	Lot line adjustment, Lot Split	Temporary Use	ULDC Text Amendment	Vacation	Waiver	Zoning Verification or Determination	Variance
Street Names and Addressing Plan	-	-	-	-	-	-	-	-	-	-	-	✓	-	✓	-	✓	✓	-	-	-	-	-	-	-
Subdivision Plan	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	✓	-	-	-	-	-	-	-	-
Survey, Boundary	-	✓	-	-	-	-	✓	✓	✓	✓	✓	✓	✓	-	*	✓	✓	✓	-	-	✓	-	-	✓
Survey, Topographic	-	-	-	-	-	-	-	✓	-	✓	✓	✓	-	-	-	✓	-	-	-	-	-	-	-	-
Traffic Impact Statement	-	-	-	-	-	-	-	-	-	-	✓	✓	-	-	-	✓	-	-	-	-	-	-	-	-
Tree Survey/Tree Removal and Protection Plan	-	-	-	■	-	-	-	*	-	-	*	✓	-	-	-	✓	-	-	-	-	-	-	-	✓
Trip Generation Statement	-	-	-	-	-	-	✓	✓	-	✓	-	-	✓	-	-	-	-	-	-	-	-	-	-	-
Vehicular and Pedestrian Circulation	-	-	-	-	-	-	-	✓	-	-	✓	✓	-	-	-	✓	-	-	✓	-	-	-	-	-
Additional Information	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

### Section 2.3.2. Application Requirement Descriptions

- A. **Digital Application Package.** All development applications shall include a digital version of the application package that includes all application components, labeled as each component type, in individual files saved as a Portable Document Format (PDF). An applicant may provide the digital application package to Planning and Zoning via a single file link or another physical file-sharing medium such as a flash drive, DVD, or CD.
- B. **Application.** The completed form or forms and all accompanying documents, exhibits, and fees required of based on application type and application requirements per Table 2.3.1.
- C. **Application fee.** Per the city-wide fee schedule adopted by City Commission, which includes a fee for each application type.

- D. **Narrative.** A detailed explanation and summary of the project in plain language. Describe the project, its operations, background, requested waivers, and other pertinent information that may aid review.
- E. **Analysis and Response to Decision Criteria.** Most development application types listed in Article II include decision criteria that the decision makers shall make findings on for their final decision. When marked as required, the application shall include a summary addressing each criterion with details illustrating how the project meets or exceeds the ULDC requirements.
- F. **3-Dimensional Rendering.** A scaled, 3-Dimensional depiction of the structure or art piece in the setting in which it will be located.
- G. **Area Map.** The area map shall be an aerial map legibly depicting the subject property, surrounding properties and their uses, and major roadways.
- H. **Bond.** Developers shall provide bonds to the City for proposed infrastructure improvements that will be dedicated to the City (right-of-way, water, wastewater). Bonds shall be submitted to the ULDC Administrator and held until the improvements are completed.
- I. **Building Elevations.** A flat, scaled drawing of all proposed structures' front, rear, and sides, including the height, form, details, treatments, textures, construction materials, and roof design. Elevation drawings shall also include a note indicating where the building height is measured.
- J. **Certificate of Concurrency Statement.** A written description of the anticipated demands on public facilities level of service for all categories addressed in Chapter 1, Article III of this ULDC.
- K. **Comprehensive Plan Consistency Analysis.** A written description of how the application is consistent with the goals, policies, and objectives of the Comprehensive Plan, supported by verifiable data. The Comprehensive Plan analysis may not be one statement of consistency. The applicant shall address how the project supports specific goals, objectives, and policies from the Comprehensive Plan.
- L. **Construction Plans.** Construction plans are maps or drawings depicting the proposed improvements' specific location and design specifications. Construction plans shall include the following:
- (1). Diagram illustrating the surface hydrology of the site. Description of potential impacts to ground and surface waters. Description of impacts on floodplains or riverine areas and mitigation measures;
  - (2). Earthmoving and stockpiling plans, if applicable, including: the amount of earth that will be moved onto the site or removed from the site. The estimated number of truckloads required, the hauling route(s), and maintenance of the traffic plan (if activity impacts the City's right-of-way). The hauling route should identify where the material will be deposited; a site plan that shows stockpiling locations; a Best Management Plan (BMP) identifies the appropriate erosion and sediment controls and stormwater best management practices to reduce erosion, sedimentation, and pollution. The BMP shall be provided for the excavation site and the excavated material recipient site.
  - (3). Lots and all proposed dividing lines;
  - (4). A plan showing the exact 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;
  - (5). A drawing at a scale no greater than one (1) inch equals one hundred (100) feet showing the location and details of all curbs and gutters, inlets, culverts, swales, ditches, water control structures, retention/detention areas, and other drainage or water management structures or facilities. Plan sets shall depict the following:

- a. Sufficient elevations to adequately address 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;
  - c. The plan shall address the soils classification of the site as determined by the United States Department of Agriculture Soil Conservation Service Atlas, latest edition; and
  - d. The plan shall show the areas for the detention/retention of stormwater runoff and the extent of flooding resulting from the approved SWFWMD floodplain map; easements; and engineering cross-sections for all applicable improvements.
- L. **Covenants and Deed Restrictions.** The covenants used for maintenance and operation of the improvements as required by these regulations shall include, but may not be limited to, the following: private street and adjacent drainage; drainage and stormwater management; private utilities; and common area including open space or parks.
- M. **Cultural Resource Assessment Survey.** A Phase I Cultural Resource Assessment Survey (CRAS) prepared per Chapter 6, Section 6.2.2.B.
- N. **Density, Intensity, Impervious Surface Area Calculations.** The applicant shall include density and intensity calculations on the cover sheet of the plan set or the site plan in dwelling units per gross acre and Floor Area Ratio (FAR). The impervious surface area of the site shall also be shown.
- O. **Drainage and Stormwater Calculations/Paving Grading and Drainage Plans.** Drainage and stormwater calculations shall include the methodology and calculations for on-site drainage and stormwater systems and shall be signed and sealed by a Florida professional engineer. Stormwater plans shall depict the existing hydrological conditions of the site and of receiving water shall be described where appropriate, including the following:
- (1). The direction, flow rate, and volume of flow of surface water runoff under predevelopment conditions.
  - (2). The location of areas on the site where surface waters collect.
  - (3). A description of all watercourses, wetlands, and water bodies on or adjacent to the site.
  - (4). Groundwater levels, including seasonal fluctuations, using U.S. Soil Conservation Service (SCS) methodology or other appropriate means. (Give elevations based on National Geodetic Vertical Data (NGVD) wherever possible.)
  - (5). A map and description of the 100-year floodplain.
  - (6). Elevations in floodplains shall be NGVD.
  - (7). A soil percolation rate and an estimated wet season groundwater elevation and shall describe the methodology used, determining each, which shall be consistent with the application submittal.
  - (8). Dimensions used in stormwater computation shall be shown on plans.
  - (9). The channel, direction, flow rate and volume of surface water that will be conveyed from the site, with a comparison of predevelopment conditions.
  - (10). Detention and retention areas, including plans for discharge of contained water.
  - (11). A plan for the control of erosion and sedimentation which specifies the type and location of control measures, the stage of development at which they will be put into place or used, and provisions for the maintenance of them.



(12). Any other information which the engineer of record and the city engineer consider necessary for an evaluation of a proposed development.

- O. **Earthmoving Plan for Special Exception (Commercial Earthmoving (Mining/Borrow Pit) and Excavation).** Per Chapter 4, Article V of this ULDC. For Site Development and Infrastructure Plans see earthmoving and stockpiling requirements under Construction Plans above.
- P. **Environmental Assessment.** An environmental professional shall complete an Environmental Assessment. The report must have been completed within a year of the application and shall include the following. An updated wildlife survey shall be provided if, at the time development or earthmoving is set to commence, the date on the wildlife survey is older than one (1) year.
- (1). A wildlife survey conducted per the Florida Fish and Wildlife Conservation Commission (FWC) criteria indicating which protected or endangered wildlife species are present on site;
  - (2). A vegetative survey, including a site plan, which identifies dominant plant communities, dominant species and other unusual or unique features of the vegetation association.
  - (3). Location of wetland(s) and other surface waters and, when present, provide an approved Wetland Jurisdictional survey approved by the appropriate regulatory agency (SWFWMD/FDEP/USACOE).
- Q. **Final Plat.** The plat shall be prepared in accordance with the requirements of Florida Statutes Chapter 177, Land Boundaries, Part I, Platting, as amended.
- R. **GIS/CAD Digital Data:** Project related spatial information as CAD (.dwg) or GIS (Shapefile or File Geodatabase), with a spatial reference using the projected coordinate system of 'NAD 1983 HARN StatePlane Florida West FIPS 0902 (US Feet)'. Data should include project label and date and should not include data from outside the project area.
- S. **Gopher Tortoise Survey.** A survey prepared according to the Gopher Tortoise Survey Handbook prepared by the U.S. Army Corp of Engineers, which survey must be updated, if necessary, within 90-days of construction commencement.
- T. **Hurricane Evacuation Plan.** A scaled map depicting the potential emergency evacuation route(s). The evacuation plan shall illustrate the evacuation route from the project location to Interstate 75.
- U. **Landscaping Plan.** A State of Florida licensed Landscape Architect or Engineer must sign and seal the landscape plan. The landscape plan shall include a sheet depicting the landscaping of the entire site and, when applicable, separate sheets illustrating all phases of the project. Landscape plans shall include the following:
- (1). Location of subject property lines and dimensions of the site, the zoning classification of the site, and the zoning classification of adjacent properties; a vicinity map should also be attached to or made a part of the plan;
  - (2). Location of the twenty-five (25) year and one hundred (100) year floodplain, if applicable; any applicable Coastal Regulatory lines; the approximate location of significant drainage features; and the location and size of existing and proposed buildings, streets, utility easements, driveways, parking, sidewalks, and similar features;
  - (3). Location, height, and material of proposed screening, walls, and fencing (including berms to be delineated by one (1) foot contours and top of berm spot grades);
  - (4). Location(s) and dimension(s) of proposed landscape buffer areas and cross-section;
  - (5). One page depicting the location(s) of existing and proposed utility systems, the locations and species of proposed trees, and information on proposed root-control mechanisms;

- (6). Complete plant schedule including common and scientific name, symbols with a legend, quantities, container size or tree caliper, container size or diameter at breast height (DBH) at installation, heights, spread, spacing, and irrigation method at installation. The location, size, and type of all protected trees as per Chapter 5 shall also be provided;
- (7). Calculations as to the amount (in square feet) of all vehicle use and parking areas and the amount of square footage for all landscaped areas required and provided;
- (8). Location(s), size, species, and protective barriers of existing vegetation to be preserved;
- (9). A narrative on how existing healthy trees proposed to be retained will be protected from damage during construction per the requirements of Chapter 6;
- (10). The size, height, location, and material of proposed planters, sculptures, and water features;
- (11). A site plan drawn to scale no smaller than 1:10 and no greater than 1:60 showing, in addition to the above items, the location of roads, sidewalks, buildings, buffers, planters, drainage facilities, easements, property lines, fences, and environmental features such as conservation or wetland areas and historical resources;
- (12). Location of visibility triangles on the site, including visibility triangles within parking areas and intersections of rights-of-way; and
- (13). The irrigation plan, signed by a certified irrigation technician or Landscape Architect and indicate the following: the type of irrigation system proposed; and the irrigation application rates and controller duration times for each zone.

V. **Legal Description.** The full description of a property's location, including subdivision, block, lot, and total acreage. The legal description shall be in metes and bounds when a project location is not platted. Annexation applications, according to Florida Statutes, must include the legal description of the property described in metes and bounds.

W. **Lighting Plan.** The registered lighting plan engineer or architect shall certify the lighting has been designed in substantial compliance with the City approved regulations. Lighting Plans shall include the following:

- (1). Proposed and existing buildings on the site, pedestrian and vehicular areas, other above-ground improvements, the horizontal location of all proposed and existing outdoor lighting fixtures, including pole and wall-mounted fixtures, mounting heights of each fixture, overall height of each pole above grade, location of externally illuminated signs and associated fixtures, and the location of all architectural and landscape lighting fixtures;
- (2). The hours of operation for the facility;
- (3). The initial horizontal illuminance values in footcandles for the area to be illuminated; other illuminance measurement types are unacceptable;
- (4). These values must be calculated at grade and include contributions from all onsite fixtures. The plan must plot footcandles of illumination at ground level to the nearest tenth of a footcandle and at horizontal grid intervals of no more than ten (10) feet.
- (5). The manufacturer's cut sheets (specifications) for each proposed fixture; and
- (6). The plan must include a lighting fixture schedule that presents the following information:
- (7). Lighting fixture plan identification symbol or abbreviation.
- (8). Fixture type, including the manufacturer's product identification catalog number.
- (9). Lamp type and wattage or LED luminaire wattage.

(10). Fixture mounting height.

X. **Master Concept Plan.** A generalized plan indicating tract boundaries and proposed land uses with details on density, intensity, and right-of-way alignment. Master concept plans should include the following:

(1). Locations of proposed land uses;

(2). Locations of proposed entrances and rights-of-way; and

(3). Calculations for Open Space, Density, Floor Area Ratio, Impervious Surface Ratio, and Trip Generation.

Y. **Open Space/Parks Calculations.** Proposed open space and parks areas shall be shown on the site plan. A list of the facilities to be constructed within each park shall be included.

Z. **Ownership Documentation.**

(1). Title Assurance or Current Deed, either a title certification by an attorney or a title insurance policy that matches the survey;

(2). Letter of Authorization, a notarized letter signed by all owners of the property authorizing the applicant to submit and be responsible for the application if the applicant is not the owner;

(3). Articles of Corporation/Organization, a set of formal documents filed with a government body to legally document the creation of a corporation. If Corporation or LLC is applicable, the City shall be aware of such business ties. Articles of incorporation must contain pertinent information such as the firm's name, street address, agent for service of process, and the amount and type of stock to be issued.

AA. **Parking Calculations.** The plans need to indicate the total number of standard parking spaces, the total number of ADA-compliant parking spaces, the maximum number of spaces permitted for the project, and the ratio used to calculate the total number per the parking requirements in Chapter 4. When an applicant uses alternative parking calculations to reduce the required parking spaces, the application shall indicate the type and number of alternative spaces and the ratio used for calculating alternative spaces.

BB. **Phasing Plan.** The applicant shall submit a master phasing plan and narrative describing the stages numbered in sequence. The City shall issue separate development permits for phased projects, but each phase shall be considered in relation to the overall project. When infrastructure or other common area construction transcends the geographic borders of a phasing plan, the phasing narrative shall include details of the anticipated construction timeline.

CC. **Project Appraisal and Valuation.** A document indicating the value of the public art expressed in total cost and cost per square foot of gross building area.

DD. **Schedule of completion.** A document describing the anticipated completion schedule of the project.

EE. **Subdivision Plan.** Per Section 2.2.9.

FF. **Survey, Boundary.** The boundary survey shall be signed and sealed by a registered land surveyor in the State of Florida, reflect a title search performed within six months of application, and indicate the location,

GG. **Survey, Topographic** The boundary survey also indicating the land contours. The contours should be 0.5-feet in NAVD88 vertical datum unless it is an outparcel on a master stormwater system previously designed in NGVD29. The vertical datum used must be noted on the survey.

HH. **Plat Recording and Mylars.** Upon obtaining the City Commission's approval, the developer shall submit the mylar which has been approved, to the City within ten (10) days of final approval. The City shall secure all required signatures within thirty (30) days of receipt of the approved plat, and then the applicant shall record the plat in the Public Records of Sarasota County and provide the City with the Plat Book and Page(s).

- II. **Public Improvements Plan.** A Public Improvements Plan identifies the infrastructure necessary to support the development of a Master Concept Plan in a Village (formerly known as a Village District Pattern Plan-VDPP), the proposed funding source, 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 Village addresses those including:
- (1). Detailed land use plan indicating the location of neighborhood centers and village center, including the proposed locations for transportation facilities (auto, transit, bike, pedestrian), primary 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 the number of dwelling units by type, number of bedrooms and estimated sales price range, and nonresidential uses by type and square feet per use. 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.
  - (2). Transportation plan. This plan shall include the location of all arterial and collector roadways, their right-of-way width, and cross-section. It shall also address the proposed location of transit routes and the way transit can be integrated into the regional transportation system. The location of all bikeways and pedestrian paths shall be provided, demonstrating the ability to access schools, commercial, and civic areas. The transportation plan shall be accompanied by an analysis report demonstrating the impact on transportation facilities, including the implications for hurricane evacuation clearance times, and documenting the timing and estimated cost for transportation improvements required by development.
  - (3). Identification of anticipated impacts to native habitats. Native habitats not proposed for impact shall be preserved in a manner that protects or enhances any significant ecological functions. Emphasis shall be placed on conserving wetlands and upland habitats as linked ecological components within greenbelts. Land uses shall be distributed in a manner that minimizes the effect and impact on wetlands. 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 that 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 (1) of the means to compensate for the loss of wetland functions under State and Federal requirements.
  - (4). 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.
  - (5). Impact on schools; the applicant shall be required to coordinate with the School to meet school concurrency.
  - (6). 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 forty percent (40%) internal capture upon the development and at buildout of the entire Village area.
- JJ. **School Capacity Determination/School Concurrency.** For projects including a residential component: For Preliminary Plats, a school capacity determination from Sarasota School Board to be submitted at time of application or before approval. For Site and Infrastructure Plans and Final Plat, proof of school concurrency shall be provided prior to issuance of a development order or recording the plat.

KK. **Site Plan.** A scaled site and drainage plan signed and sealed by a State of Florida licensed engineer. The site plan shall be depicted at an appropriate scale for review of the project, and should include the following:

- (1) Directions, notes, and abbreviations, as well as project data and a vicinity map.
- (2) Property lines and easements;
- (3) Existing and proposed conditions: Fence lines, utility and power lines, fire hydrants, water and sewer line locations and sizes, if applicable; surrounding streets and driveways with dimensions of driveways and curbs; proposed buildings and setbacks, as well as limits of construction.
- (4) Additional information as may be required by the ULDC Administrator.

LL. **Street Names and Addressing Plan.** An Addressing Plan delineating all lots and approved street names per Chapter 70 of the City Code and the National Emergency Number Association's (NENA) addressing guidelines. (Preliminary Plats only require street names).

MM. **Traffic Impact Statement.** A study prepared by a licensed traffic engineer that assesses the impacts of a proposed development on the existing and future multi-modal transportation network. The study shall recommend mitigation measures for the anticipated impacts and analyze the adequacy of the development's planned access points. If the project impact would not affect more than five 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 (2) way peak hour volumes in the Florida Department of Transportation (FDOT), Level of Service Handbook, a Traffic Impact Statement is not required. If a Traffic Impact Statement is required, it shall include the following:

- a. Traffic circulation plan, internal and external; ingress and egress from adjacent roadways; show all modes of transportation, including pedestrian and bicycles.
- b. 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 five percent (5%) of the roadway's capacity at LOS D as determined from Florida Department of Transportation's (FDOT's) Generalized Service Volume Tables.
- c. Existing conditions. 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.
- d. 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. 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 most recent update of the Highway Capacity Manual.
- e. 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 (1) of the following procedures:
  1. Multiply existing volumes by an annual growth factor provided by the City.
  2. 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 (3) roadways in the vicinity of the project over the last three (3) years, when available.
  3. Develop a computer model.

- f. Project traffic generation. Project traffic will be calculated by the applicant using the current Institute of Transportation Engineers (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.
- g. 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.
- h. Project traffic distribution. The applicant must develop a project traffic distribution using any of the following three (3) methods:
  - 1. For projects generating one hundred (100) or fewer p.m. peak-hour trips, a distribution can be developed based upon similar projects.
  - 2. 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.
  - 3. 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.

**NN. Tree Survey/Tree Removal and Protection Plan.**

**Tree Survey:** A signed and sealed survey of the property boundary prepared by a Florida licensed land surveyor depicting the location of all heritage and protected trees onsite and detailing the existing trees by the botanical and common name, height, canopy spread, and DBH. Groups of trees (5-foot spacing or closer) may be designated as a "clump" of trees, with the predominant species, estimated number and average size listed. For heavily wooded (40% canopy) parcels or combined parcels for development of 100-acres or larger, the ULDC Administrator may approve an alternate tree survey methodology based on FLUCCS (Florida Land Use and Cover Classification System) maps and test plots as follows:

- (1). FLUCCS Map. Represents the FLUCCS Plant Communities on site and the locations of the Test Plots as they relate to the different FLUCCS categories.
- (2). Test Plots: Shows the surveyed protected trees on an aerial with the breakdown of the acreage and percentage of FLUCCS categories represented within each Test Plot.
- (3). Test Plot Delineation: Represents the areas on site that were identified to match the different Test Plots.
- (4). Tree mitigation fees for heavily wooded parcels or combined parcels for development of 100-acres or larger, with an approved alternate methodology, tree mitigation fees shall be calculated based on the extrapolated test plot data and test plot delineation overlaid site-wide and represented on a spread sheet listing estimating trees to be removed (types and DBH) along with tree mitigation calculations, conservation credits, and mitigation fees due.

**Tree Removal and Protection Plan.** The tree survey overlaid on the site plan showing all proposed improvements (building, parking, etc.). Identify all trees proposed to be removed, preserved, or relocated. A spread sheet listing of trees to be removed (types and DBH) shall also be provided, along with tree mitigation calculations, conservation credits, and mitigation fees due. (Alternatively, a separate City provided mitigation form may be separately attached). The plan scale must be suitable for evaluation. Provided legibility can be assured, the tree survey and tree removal and protection plan may be combined.

**OO. Trip Generation.** The total number of trips produced by specific land use or activity and calculated based on the latest edition of the ITE manual. Trip generation calculations shall be based on the most intensive possible use.

**PP. Vehicular and Pedestrian Circulation.**

- (1) Proposed vehicular ingress and egress to the development;
- (2) Proposed streets within the development;
- (3) Proposed location of sidewalks and bike paths;
- (4) The engineer of record shall include a maintenance of traffic plan specific to the location of the construction; and
- (5) Proposed right-of-way.

QQ. **Additional Information.** Development applications contain many variables; some may require more information than others. The City may require additional data, maps, plans, surveys, statements, or general information to review a development application. The Development Review Committee (DRC) may request additional information at any time in the application review process.

DRAFT

## **ARTICLE IV. DECISION MAKERS**

### **Section 2.4.1. Planning and Zoning Division Staff**

Planning and Zoning Division Staff, under the direction of the ULDC Administrator has the authority to administer and interpret the Unified Land Development Code. The Planning and Zoning Division manages the applications for development included in Article II of this Chapter. Staff has the authority to make administrative decisions on certain development applications, as indicated in Table 2.2.2., when it's determined such development proposals meet the minimum requirements of the applicable regulations in this ULDC.

When Planning and Zoning Division staff is not authorized to approve development applications administratively, they prepare reports regarding the development's compliance with the Comprehensive Plan and ULDC and provide recommendations to Planning and Zoning Advisory Board, Zoning Hearing Officer, Art Advisory Board, and City Commission.'

### **Section 2.4.2. ULDC Administrator**

When the ULDC Administrator is the decision maker for an application the application may not be approved until all DRC representatives have indicated the application is approved or approved with conditions.

#### **2.4.2.1. Development Review Committee (DRC)**

A. **Generally.** The Development Review Committee is hereby established to be composed of representatives from the following City departments:

- (1) Building;
- (2) Economic Development;
- (3) Fire Rescue;
- (4) Natural Resources;
- (5) Parks and Recreation;
- (6) Planning and Zoning;
- (7) Police;
- (8) Public Works, Infrastructure;
- (9) Public Works, Solid Waste;
- (10) Public Works, Stormwater; Utilities; and
- (11) Other city personnel designated or assigned by the City Manager.

B. **Outside Agencies.** While not official representative of the DRC, the following outside agencies are engaged in the development review process. Planning and Zoning Division staff distributes development applications to the agencies for review and receives comments from them that are compiled with the DRC comments for distribution to the applicant.

- (1) Sarasota County Schools;
- (2) Health Department;
- (3) Electricity;
- (4) Gas provider;
- (5) Cable providers; and
- (6) Other entities as required by the ULDC Administrator or designee.



### C. **DRC Duties and Responsibilities.**

- (1). Reviewing the following development application types and making recommendations based on technical compliance with the regulations within this ULDC, as well as concurrency evaluations.
- (2). Reviewing proposed amendments to the Comprehensive Plan and Unified Land Development Code and providing feedback related to any impact on the operations of their departments or requirements of the applicable state and local regulations.
- (3). )Reviewing all site plans.(2)Reviewing all planned unit development master plans.(3)Reviewing all proposed subdivision plats.(4)Reviewing items appearing before the city commission on land use matters, as requested by any individual member or department.(5)Reviewing all proposed specific amendments to the comprehensive plan.(6)Preparing and reviewing proposed changes to Land Development Code.(7)Providing information and analysis to applicants, review boards, and the city commission prior to meetings and public hearings.(8)Reviewing and approving administrative site plans, site development plans and final engineering/construction plans.
- (4). The development review committee shall meet at least monthly unless there are no review items for the agenda. An agenda shall be prepared and distributed to each member in advance of the meeting.

D. **DRC Meetings Frequency and Notice.** DRC shall meet bi-monthly unless there are no review items on the agenda, which shall be prepared, distributed, and published on the City's website prior to each scheduled meeting.

### **Section 2.4.3. City Commission, Boards, and Officers**

Chapter 4 of the Code of Ordinances details the composition and responsibilities of all boards and committees. This Section of the ULDC provides information on each board's role as it applies to making decisions relating to development applications.

- A. **City Commission.** City Commission makes the final decision on all the applications indicated in [Table 2.2.2.1.](#) where the decision maker is indicated as CC. They are also responsible for adoption of the city-wide fee schedule and other duties per the Charter of the City.
- B. **Planning and Zoning Advisory Board.** The Planning and Zoning Advisory Board (PZAB) is the City of North Port's Local Planning Agency required by the Florida Statutes, Chapter 163. PZAB is responsible for determining development applications' consistency with the Comprehensive Plan and providing recommendations to City Commission for the development petitions indicated in [Table 2.2.2.1.](#) as requiring a PZAB public hearing.
- C. **Zoning Hearing Officer.** The Zoning Hearing Officer (ZHO) is responsible for hearing appeals for the applications indicated ZHO in the Appeals column of [Table 2.2.2.1.](#) and making decisions on variance requests.
- D. **Art Advisory Board.** The Art Advisory Board is responsible reviewing public art applications that do not meet the requirements of [Chapter 4, Section 4.4.4.](#) of this ULDC and providing a recommendation to City Commission who make the final decision on the application.

**CHAPTER 3 – ZONING**

**ARTICLE I – IN GENERAL**

**Section 3.1.1. Comprehensive Plan Consistency**

- A. The City of North Port’s Comprehensive Plan, specifically the Future Land Use Element and Future Land Use Map Series, has established and defined land use classifications determining allowed and prohibited activities within each land use district. The City of North Port is divided into zoning districts for regulating and restricting the use of land and the erection, construction, reconstruction, alteration, relocation, and utilization of buildings and structures.
- B. Zoning districts implement the Comprehensive Plan’s vision of the City and shall be consistent with the Future Land Use classification as depicted in Table 3.1.1.1.

**Table 3.1.1.1. Implementing Zoning Districts**

FUTURE LAND USE	IMPLEMENTING ZONING
<p style="text-align: center;"><b>Agricultural, Estates</b></p>	<p style="text-align: center;">Agriculture (AG) Environmental Conservation (EC) Government Use (GU)</p>
<p style="text-align: center;"><b>Commercial</b></p>	<p style="text-align: center;">Commercial (C) Corridor, Transitional (CT) Corridor (COR) Industrial, Light (I-1) Environmental Conservation (EC) Government Use (GU)</p>
<p style="text-align: center;"><b>Conservation</b></p>	<p style="text-align: center;">Environmental Conservation (EC) Government Use (GU)</p>
<p style="text-align: center;"><b>Industrial</b></p>	<p style="text-align: center;">Corridor (COR) Industrial, Heavy (I-2) Industrial, Light (I-1) Environmental Conservation (EC) Government Use (GU)</p>

FUTURE LAND USE	IMPLEMENTING ZONING
<p><b>Low-Density Residential</b></p>	<p>Residential, Low (R-1)  Environmental Conservation (EC)  Government Use (GU)</p>
<p><b>Medium-Density Residential</b></p>	<p>Residential, Medium (R-2)  Environmental Conservation (EC)  Government Use (GU)</p>
<p><b>High-Density Residential</b></p>	<p>Manufactured Home Community (MH)  Residential, High (R-3)  Environmental Conservation (EC)  Government Use (GU)</p>
<p><b>Medium-Density Corridor</b></p>	<p>Commercial (C)  Corridor, Transitional (CT)  Residential, Medium (R-2)  Residential, High (R-3) Environmental  Conservation (EC)  Government Use (GU)</p>
<p><b>High-Density Corridor</b></p>	<p>Commercial (C)  Corridor, Transitional (CT)  Corridor (COR)  Industrial, Light (I-1)  Residential, High (R-3)  Environmental Conservation (EC)  Government Use (GU)</p>

FUTURE LAND USE	IMPLEMENTING ZONING
<b>Public/Institutional</b>	Commercial (C) Industrial, Light (I-1) Environmental Conservation (EC) Government Use (GU)
<b>Village</b>	Village (V) Environmental Conservation (EC) Government Use (GU)
<b>Activity Center 1</b>	Activity Center 1 (AC-1) Environmental Conservation (EC) Government Use (GU)
<b>Activity Center 2</b>	Activity Center 2 (AC-2) Environmental Conservation (EC) Government Use (GU)
<b>Activity Center 3</b>	Activity Center 3 (AC-3) Environmental Conservation (EC) Government Use (GU)
<b>Activity Center 4</b>	Activity Center 4 (AC-4) Environmental Conservation (EC) Government Use (GU)
<b>Activity Center 5</b>	Activity Center 5 (AC-5) Environmental Conservation (EC) Government Use (GU)
<b>Activity Center 6</b>	Activity Center 6 (AC-6) Environmental Conservation (EC) Government Use (GU)
<b>Activity Center 7</b>	Activity Center 7 (AC-7) Environmental Conservation (EC) Government Use (GU)
<b>Activity Center 7A</b>	Activity Center 7A (AC-7A) Environmental Conservation (EC) Government Use (GU)

FUTURE LAND USE	IMPLEMENTING ZONING
<p style="text-align: center;"><b>Activity Center 7B</b></p>	<p style="text-align: center;">Activity Center 7B (AC-7B) Environmental Conservation (EC) Government Use (GU)</p>
<p style="text-align: center;"><b>Activity Center 8</b></p>	<p style="text-align: center;">Activity Center 8 (AC-8) Environmental Conservation (EC) Government Use (GU)</p>
<p style="text-align: center;"><b>Activity Center 9</b></p>	<p style="text-align: center;">Activity Center 9 (AC-9) Environmental Conservation (EC) Government Use (GU)</p>
<p style="text-align: center;"><b>Activity Center 10</b></p>	<p style="text-align: center;">Activity Center 10 (AC-10) Environmental Conservation (EC) Government Use (GU)</p>

### Section 3.1.2. Zoning District Descriptions

#### A. Residential Districts:

- (1). **Agriculture (AG)**, The Agriculture district supports very low-density residential uses and low-intensity agricultural uses.
- (2). **Residential, Low (R-1)**. The Residential, Low district supports traditional, detached single-family dwelling units.
- (3). **Residential, Medium (R-2)**. The Residential, Medium district supports one-and-two-family dwelling units. Development in this zoning district may include cluster housing, tiny homes, co-living or cohousing developments, townhomes, and other types of single- and two-family structures. Single-family dwelling units may be attached or detached.
- (4). **Residential, Multi-Family (R-3)**. The Residential, Multi-Family district supports high-density residential development emphasizing multi-family use. Development in this district may include quadplexes, townhomes, build-to-rent communities, low-and-mid-rise multi-family structures, and other types of dense residential structures.
- (5). **Manufactured Home Community (MH)**. The Manufactured Home Community district applies to areas of the city already developed as manufactured home communities. The City does not anticipate additional areas to be redesignated to this zoning district.

#### B. Non-residential Districts

- (1). **Environmental Conservation (EC)**. The Environmental Conservation district indicates properties with natural limitations to development due to environmental concerns. This zoning district protects environmentally sensitive lands.
- (2). **Commercial (C)**. The Commercial district supports all types of commercial and office uses.
- (3). **Government Use (GU)**. The Government Use district supports federal, state, or local governmental uses. Development in GU districts shall be completed by government agencies or private entities in partnership with a government agency.

- (4). **Industrial, Light (I-1).** The Industrial, Light district supports light manufacturing, processing, storage and warehousing, wholesaling and distribution, office, and commercial uses.
- (5). **Industrial, Heavy (I-2).** The Industrial, Heavy district is intended to support all types of industrial uses, including heavy industrial and commercial uses.

#### C. Corridor Districts

- (1). **Corridor, Transitional (CT).** The Corridor, Transitional district is generally located along arterial and collector roads and may include parcels within approximately ½ mile of a right-of-way designated as an arterial or collector. This district allows medium-density residential and medium-intensity non-residential uses in which non-residential uses may be developed separately or in combination with residential development subject to the Use Standards in Section 3.2.3.
- (2). **Corridor (COR).** The Corridor district is generally located along arterial roads and may include parcels on a collector road within approximately 1 and ½ miles of a right-of-way designated as an arterial. This district allows high-density residential and high-intensity non-residential uses in which non-residential uses may be developed separately or in combination with residential development subject to the Use Standards in Section 3.2.3.

#### D. Activity Centers.

- (1). **Activity Center 1 (AC-1).** Activity Center 1, located along US-41, is an established commercial corridor. The AC-1 district supports commercial, light industrial, office and retail use to provide employment and amenities to the adjacent residential neighborhoods.
- (2). **Activity Center 2 (AC-2).** Activity Center 2, located in vicinity of S. Sumter Blvd. and W. Price Blvd. and includes the Heron Creek Development of Regional Impact and the City Center. AC-2 supports civic, commercial, medical, mixed-use, office, residential and other uses in a pedestrian-friendly, mixed-use environment.
- (3). **Activity Center 3 (AC-3).** Activity Center 3, located at the intersection of Interstate-75 and N. Sumter Blvd., is a major gateway to the City. AC-3 supports commercial, medical, destination recreational and residential uses.
- (4). **Activity Center 4 (AC-4).** Activity Center 4, another major gateway to the City, located along Toledo Blade Blvd. and Interstate-75, Includes the Panacea and North Port Gardens Developments of Regional Impact and supports commercial, entertainment, industrial, medical, office, recreational, and residential uses.at a scale serving the city and region.
- (5). **Activity Center 5 (AC-5).** Activity Center 5, located along N. and S. Toledo Blade Blvd, bisected by E. and W. Price Blvd., is the midway point of the City. AC-5 supports commercial, light industrial, and residential uses.
- (6). **Activity Center 6 (AC-6).** Activity Center 6, located in the southeastern corner of the City along Yorkshire Blvd and Interstate 75, is intended to be an employment epicenter. AC-6 supports intense commercial, industrial, and residential uses.
- (7). **Activity Center 7 (AC-7).** These lands include the city-owned property on which Warm Mineral Spring Park exists. Uses include parks and recreation, culture, and supporting commercial enterprises.
- (8). **Activity Center 7A (AC-7A).** These lands include property to the south and southwest of Warm Mineral Springs Park, bisected by Ortiz Blvd., portions of which abut the creek flowing from Warm Mineral Springs to the Myakka River. Uses include commercial, office and residential.

- (9). **Activity Center 7B (7-B).** These lands include the city-owned property lying east of Warm Mineral Springs Park. Uses may include cultural and community facilities, commercial, hotel/resort, office and residential.
  - (10). **Activity Center 8 (AC-8).** Activity Center 8 is located along River Road adjacent to Wellen Park. AC-8 supports mixed-use development with commercial, institutional, office, and residential uses.
  - (11). **Activity Center 9 (AC-9).** Activity Center 9 is located on US-41 bounded by North Port Blvd. and S. Sumter Blvd. on the west and east, and between Greenwood Ave. and Appomattox Dr. on the south and north. AC-9 supports commercial, light industrial, medical, and residential uses to serve the surrounding neighborhoods.
  - (12). **Activity Center 10 (AC-10).** Activity Center 10 is located at the southeast corner of the City along the border with Charlotte County, near Interstate 75. AC-10 supports a variety of commercial and industrial uses, as well as limited residential uses.
- E. **Village Districts Village (V).** The Village district is a designation for master-planned communities. Existing Villages have an approved Village District Pattern Plan (VDPP) and Village District Pattern Book (VDPB) regulating development. Future Villages will be governed by a Master Concept Plan.

### **Section 3.1.3. Terminology and Abbreviations**

- A. Density calculations applicable to residential development in residential zoning districts are expressed as units per acre.
  - (1). When a development subdivides a large parcel into multiple smaller parcels exclusively for residential development, the gross acreage of the large parcel is used to determine the allowable density.
  - (2). When a large parcel is divided to create smaller parcels and each of the smaller parcels will contain a different use, only the acreage of the parcel containing the residential development shall be used to determine the total number of allowed units.
- B. Intensity is expressed as Floor Area Ratio (FAR). FAR is calculated by multiplying the permitted FAR by the gross area of the site, expressed in square feet, which yields the permitted size of a structure.
  - (1). In instances where the development contains residential uses within the vertical mixing of uses or horizontal mixing of uses in a development, the dwelling units are dictated by FAR, instead of residential density.
- C. The City of North Port's zoning districts are divided into three (3) categories: Standard, Activity Center, and Village. The following Zoning Districts are included in each category:

**Table 3.1.3.1. Zoning Categories and Districts**

<b>CATEGORY</b>	<b>DISTRICTS</b>
<b>Standard</b>	EC AG R-1 R-2 R-3 MH C CT COR I-1 I-2 GU
<b>Activity Center 1</b>	AC-1
<b>Activity Center 2</b>	AC-2
<b>Activity Center 3</b>	AC-3
<b>Activity Center 4</b>	AC-4
<b>Activity Center 5</b>	AC-5
<b>Activity Center 6</b>	AC-6
<b>Activity Center 7</b>	AC-7
<b>Activity Center 7A</b>	AC-7A
<b>Activity Center 7B</b>	AC-7B
<b>Activity Center 8</b>	AC-8
<b>Activity Center 9</b>	AC-9
<b>Activity Center 10</b>	AC-10
<b>Village</b>	V

D. This Chapter utilizes the following abbreviations throughout:

**Table 3.1.3.2. Abbreviations**

<b>ABBREVIATION</b>	<b>USE CATEGORY</b>
<b>A</b>	Accessory
<b>CU</b>	Conditional
<b>P</b>	Primary
<b>SE</b>	Special Exception
<b>X</b>	Prohibited
<b>-</b>	Not Applicable



**ARTICLE II—STANDARD DISTRICTS**

**Section 3.1.4. Standard Districts Density, Intensity, and Dimensional Standards**

A. Generally. The purpose of this Section is to identify the appropriate density, intensity, and dimensional standards for development in each standard zoning district. Table 3.1.4.1. identifies allowable density and intensity. Table 3.1.4.2. identifies the dimensional standards.

**Table 3.1.4.1. Density and Intensity**

<b>ZONING DISTRICT</b>	<b>MAXIMUM DENSITY (UNIT PER ACRE)</b>	<b>INTENSITY (FAR)</b>
<b>EC</b>	-	0.15
<b>AG</b>	1:3	0.15
<b>R-1</b>	4:1 <sup>1</sup>	0.05
<b>R-2</b>	10:1	0.05
<b>R-3</b>	20:1	0.05
<b>MH</b>	15:1	0.05
<b>C</b>	-	1.0
<b>CT</b>		0.35
<b>COR</b>	-	0.50
<b>I-1</b>	-	1.0
<b>I-2</b>	-	1.0
<b>GU</b>	NA	NA

<sup>1</sup> The maximum density for General Development Corporation platted lots in the Port Charlotte Subdivision and subsequent Port Charlotte Subdivision Additions. is 4.3 units per gross acre. The maximum density of unplatted areas utilizing this designation is 4.0 units per gross acre.

**Table 3.1.4.2. Dimensional Standards**

Additional restrictions apply in the Conservation Restricted Overlay District, the Myakka River Protection Zone, and adjacent to wetlands per Chapter 6 of this ULDC.

ZONING DISTRICT	MIN. LOT SIZE	MIN. LOT WIDTH (FT)	SETBACKS (FT) <sup>1</sup>				BUILDING HEIGHT (FT)	MAXIMUM IMPERVIOUS SURFACE RATIO (%) LOT	MAXIMUM IMPERVIOUS SURFACE RATIO (%) OVERALL <sup>4</sup>
			FRONT	SIDE <sup>2</sup>	REAR <sup>2</sup>	WATERFRONT <sup>3</sup>			
<b>EC</b>	None	None	50	50	100	35	35	10	10
<b>AG</b>	3 Acres	None	30	25	35	35	35	20	20
<b>R-1<sup>4</sup></b>	7,500 SF	70	25	7.5	15	20	35	60	40
<b>R-2</b>	6,500 SF	65	20	6	15	20	35	70	40
<b>R-3</b>	5,000 SF	35	20	7.5	15	20	70	80	50
<b>MH</b>	4,000 SF	40	20	5	10	10	35	80	60
<b>C</b>	None	50	-	10	10	20	70	70	70
<b>CT</b>	None	50	-	10	10	20	50	70	70
<b>COR</b>	None	50	-	-	-	-	100	70	70
<b>I-1</b>	None	100	20	10	10	20	70	70	70
<b>I-2</b>	None	100	50	25	25	100	70	70	70
<b>GU</b>	None	None	20	10	10	10	70	-	-

<sup>1</sup> Residential accessory structures may be located in side or rear yards only. Minimum setbacks of 10-foot rear (20-foot waterfront) and 5-foot side apply to accessory structures 300 SF or smaller. Accessory structures larger than 300 SF, other than swimming pools, screen enclosures, tennis courts and other similar recreational facilities, shall maintain the same required setbacks as the primary structure. Non-residential accessory structures may be located in any yard and must meet the primary structure setbacks.

<sup>2</sup> If the width of a required landscape buffer per Chapter 4, Article III, Section 4.2.12. exceeds the minimum setback the buffer requirement establishes the minimum setback.

<sup>3</sup> Waterfront setbacks do not apply to docks and accessory structures associated with activating the waterfront nor do they apply to platted drainage easements. See Chapter 4, Article II, Section 4.2.7.

<sup>4</sup> Overall ISR applies to a development as a whole when common area is provided. Open space requirements also apply per Chapter 4, Article IX. Overall maximum impervious surface area and open space requirements are not applicable for General Development Corporation (GDC) platted lots in the Port Charlotte Subdivision and subsequent Port Charlotte Subdivision Additions.

<sup>5</sup> R-1 has a minimum dwelling unit size of 900sqft. The minimum size applies to all portions of the structure under air.

**Section 3.2.3. Standard Districts Use Standards**

- A. **Generally.** The purpose of this Section is to authorize the establishment, expansion, and continuation of land uses that are allowed as the primary uses on land in standard zoning districts. Table 3.2.3.1. identifies permissible primary and accessory uses in each standard zoning district. In instances where a specific use is not listed, the ULDC Administrator shall utilize the regulations for the most similar use based on the definitions included in the Appendix, the North American Industry Classification System (NAICS), the Institute of Transportation Engineers (ITE) manual, their successors, or another accepted professional reference.
- B. **Residential Uses in Corridor Districts.** Developments proposed to incorporate residential uses in Corridor districts (CT and COR) shall contain a minimum of two (2) distinct primary uses according to Table 3.2.3.1.
- (1). **Residential Uses.** Residential uses in the Corridor districts shall be part of a project that is vertically integrated with non-residential uses. The residential use may not exceed sixty-five percent (65%) of the total FAR. When residential uses are included, the other uses shall be commercial, industrial, and/or office. Amenity areas provided for the enjoyment of residents or patrons shall not contribute to the non-residential percentage. A mixture of uses is not required in every structure when multiple buildings are proposed. Mixed-use buildings or commercial uses shall be oriented toward the front property line(s).
- a. **Horizontal Mixed-Use Alternative.** Horizontal mixing of uses may be authorized when the residential and non-residential uses meet all the following standards:
1. The proposed development shall have a binding concept plan approved by City Commission through the mandatory Master Concept Plan process described in Chapter 2 of this ULDC;
  2. The residential uses include at least two distinct housing types. Single-family detached and two-family residential is prohibited;
  3. All residential use areas are within 0.25-miles or 1,320 feet from the non-residential uses;
  4. The residential and nonresidential uses are functionally integrated with:
    - i. Shared public space, parking, and amenity areas;
    - ii. Internal connecting pedestrian, bicycle, multi-use trails, and roadways; and
    - iii. Shared external access points.

**Table 3.2.3.1. Use Table**

Additional restrictions apply in the Conservation Restricted Overlay District, the Myakka River Protection Zone, and in wetlands per Chapter 6 of this ULDC.

RESIDENTIAL USES	AG	R-1	R-2	R-3	MH	C	CT	COR	I-1	I-2	GU	EC
Accessory Dwelling Unit	A	A	A	A	A	A	A	A	A	A	A	X
Assisted Living Facilities, and Group Homes, ≤ 6 beds	P	P	P	P	P	X	X	X	X	X	X	X
Assisted Living Facilities, and Group Homes, > 6 beds	X	X	X	X	X	P	X	X	X	X	P	X
Assisted Living Facilities, 50+ Beds	X	X	P	X	X	X	X	P	X	X	P	X
Cluster Housing	X	X	P	P	P	X	P <sup>3</sup>	X	X	X	P	X
Manufactured Homes	X	X	X	X	P	X	X	X	X	X	X	X

<b>RESIDENTIAL USES</b>	<b>AG</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>MH</b>	<b>C</b>	<b>CT</b>	<b>COR</b>	<b>I-1</b>	<b>I-2</b>	<b>GU</b>	<b>EC</b>
Multi-Family	X	X	X	P	X	P <sup>4</sup>	P	P	X	X	P	X
Single-Family	P	P	P	X	P	X	X	X	X	X	X	X
Single-Family Attached	X	X	P	P	P	X	P <sup>3</sup>	SE	X	X	X	X

<b>NONRESIDENTIAL USES</b>	<b>AG</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>MH</b>	<b>C</b>	<b>CT</b>	<b>COR</b>	<b>I-1</b>	<b>I-2</b>	<b>GU</b>	<b>EC</b>
Adult Arcades	X	X	X	X	X	X	X	X	X	X	X	X
Agriculture	P	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	X	X	X	P	X	P	X
Agriculture, Industrial	X	X	X	X	X	X	X	X	P	P	P	X
Agritourism and Ecotourism	P	X	X	X	X	X	X	X	X	X	X	SE
Animal Boarding <sup>1</sup>	SE	X	X	X	X	P	X	P	X	X	P	X
Animal Daycare	P	X	X	X	X	P	P	P	X	X	X	X
Animal Hospitals & Veterinary Offices <sup>1</sup>	P	X	X	X	X	P	P	X	X	X	P	X
Animal Sanctuaries & Rescues <sup>1</sup>	P	X	X	X	X	P	X	X	X	X	P	SE
Automobile Junkyards	X	X	X	X	X	X	X	X	X	SE	X	X
Automobile Repair Shops, Major	X	X	X	X	X	SE	X	SE	P	P	P	X
Automobile Repair Shops, Minor	X	X	X	X	X	P	X	P	P	P	P	X
Banks and Financial Institutions	X	X	X	X	X	P	P	P	P	P	X	X
Bar or Nightclub	X	X	X	X	X	P	SE	P	X	X	X	X
Bed and Breakfast	SE	X	X	X	X	P	P	P	X	X	X	X
Campground or Retreat	CU	X	X	X	X	SE	X	SE	X	X	X	SE
Car Wash <sup>1</sup>	X	X	X	X	X	P	X	SE	P	X	P	X
Cemeteries	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	X	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	X	X	P	X
Community Gardens <sup>1</sup>	P	P	P	P	P	P	P	P	X	X	P	X
Conservation	P	P	P	P	P	X	X	X	X	X	P	P
Craft Brewery, Distillery, Winery	X	X	X	X	X	P	SE	P	P	P	X	X
Crematories	X	X	X	X	X	X	X	X	SE	P	P	X
Daycare Facilities, All Ages <sup>6</sup>	P	X	X	SE	X	P	P	P	X	X	P	X

NONRESIDENTIAL USES												
	AG	R-1	R-2	R-3	MH	C	CT	COR	I-1	I-2	GU	EC
Dealership, Automobile Sales, and Rental	X	X	X	X	X	P	X	P	P	X	X	X
Dealership, Boats, and Recreational Vehicles Sales and Rentals	X	X	X	X	X	P	X	P	SE		X	X
Electric Vehicle Charging Station, Public <sup>1</sup>	X	X	X	A	A	P	A	P	P	P	P	X
Equestrian Stables and Boarding	P	X	X	X	X	X	X	X	X	X	X	SE
Essential Services, Major	P	P	P	P	P	P	P	P	P	P	P	P
Essential Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P
Farmer's Markets	SE	X	X	X	X	P	SE	X	X	X	P	SE
Food Truck Park <sup>1</sup>	X	X	X	X	X	P	P	P	P	X	P	X
Funeral Homes	X	X	X	X	X	P	X	P	X	X	X	X
Game Reserves, Public or Private	SE	X	X	X	X	X	X	X	X	X	X	SE
Golf Course	X	X	X	X	X	X	X	X	X	X	P	X
Golf, Driving Range	X	X	X	X	X	P	X	P	X	X	P	X
Golf, Miniature	X	X	X	X	X	P	SE	P	X	X	P	X
Heavy Machinery Repair and Rental	X	X	X	X	X	X	X	X	P	P	P	X
Heavy Machinery Sales	X	X	X	X	X	X	X	SE	SE	P	X	X
Helipads <sup>1,2</sup>	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	SE
Hospital	X	X	X	X	X	P	X	SE	SE	SE	P	X
Hotel	X	X	X	X	X	P	X	P	X	X	P	SE
Incinerators	X	X	X	X	X	X	X	X	SE	P	P	X
Industrial, Heavy	X	X	X	X	X	X	X	SE	X	P	P	X
Industrial, Light	X	X	X	X	X	P	X	P	P	P	P	X
Laboratories, Research, Medical, Testing	X	X	X	X	X	SE	X	P	P	P	P	X
Laundromat/Dry Cleaning Store	X	X	X	A	A	P	P	P	P	P	P	X
Medical and Dental Offices	X	X	X	X	X	P	P	P	X	X	P	X
Mining/Borrow Pits	X	X	X	X	X	X	X	X	X	SE	P	X

NONRESIDENTIAL USES												
	AG	R-1	R-2	R-3	MH	C	CT	COR	I-1	I-2	GU	EC
Mobile Food Vendor	P	X	X	P	P	P	P	P	P	P	P	X
Model Homes <sup>1</sup>	X	CU	CU	X	CU	SE	SE	X	X	X	X	X
Museums and Galleries	X	X	X	X	X	P	P	P	P	P	P	X
Office, No Outdoor Storage	A	A	A	A	A	P	P	P	P	P	P	X
Office, Outdoor Storage	X	X	X	X	X	P	X	P	P	P	X	X
Oil or Natural Gas Exploration or Production	X	X	X	X	X	X	X	X	X	X	X	X
Pain Management Clinics	X	X	X	X	X	P	X	SE	X	X	X	X
Parking, Offsite or Commercial <sup>1</sup>	X	X	X	X	X	P	P	P	P	P	P	X
Personal Services	A	A	A	A	A	P	P	P	P	P	P	X
Personal Storage Facilities <sup>1</sup>	X	X	X	X	X	P	X	P	X	X	X	X
Phosphate Mining	X	X	X	X	X	X	X	X	X	X	X	X
Places of Assembly, Small Scale	CU	CU	CU	CU	X	P	P	P	X	X	P	X
Places of Assembly, Large Scale	X	X	X	X	X	P	X	P	X	X	P	X
Radio and TV Stations	X	X	X	X	X	P	X	P	P	P	P	X
Recreation Facilities, Public or Private	P	X	X	P	P	P	P	P	X	X	P	SE
Recreation, Commercial	X	X	X	X	X	P	SE	P	X	X	P	X
Recreation, Passive	P	P	P	P	P	P	P	P	X	X	P	P
Recreation, Pocket Park	P	P	P	P	P	P	P	P	P	P	P	P
Refineries	X	X	X	X	X	X	X	X	X	SE	X	X
Resort	X	X	X	X	X	P	X	P	X	X	X	X
Restaurant	CU	X	X	X	X	P	P	P	P	X	P	X
Retail Sales and Services	X	X	X	A	X	P	P	P	X	X	P	X
RV Resort	X	X	X	X	X	X	X	SE	X	X	X	X
Schools, Post-Secondary Institutions	X	X	X	X	X	P	X	P	P	P	P	X
Schools, Public or Private (Pre-K through 12)	X	P	P	P	X	P	X	X	X	X	P	X
Sexually Oriented Business	X	X	X	X	X	X	X	SE	P	X	X	X
Shooting Range/Archery - Indoor	SE	X	X	X	X	P	X	P	X	X	P	X

NONRESIDENTIAL USES												
	AG	R-1	R-2	R-3	MH	C	CT	COR	I-1	I-2	GU	EC
Shooting Range/Archery - Outdoor	SE	X	X	X	X	X	X	X	X	X	P	SE
Slaughterhouses	X	X	X	X	X	X	X	X	X	SE	X	X
Social Services	SE	X	X	X	X	P	P	P	P	X	P	X
Solar Arrays	A	A	A	A	A	A	A	A	A	A	A	X
Solar Facility and Floatovoltaics	P	X	X	X	X	X	X	X	X	X	P	X
Stadiums and Commercial Sports Complexes	X	X	X	X	X	SE	X	SE	X	X	P	X
Tasting Room	CU	X	X	X	X	P	P	P	X	X	X	X
Theatres, Auditoriums, and Performance Halls	X	X	X	X	X	P	X	P	X	X	P	X
Transportation Terminals	X	X	X	X	X	SE	X	SE	P	P	P	X
Travel Center	X	X	X	X	X	X	X	X	SE	X	X	X
Truck Stop	X	X	X	X	X	X	X	X	X	P	P	X
Vehicle Fueling Station <sup>1</sup>	X	X	X	X	X	P	X	P	P	P	P	X
Warehouse and Wholesale	X	X	X	X	X	X	X	P	P	P	P	X
Well Stimulation (any production using)	X	X	X	X	X	X	X	X	X	X	X	X
Wireless Communication Tower, Camouflaged <sup>1</sup>	P	P	P	P	P	P	P	P	P	P	P	P
Wireless Communication Tower <sup>1</sup>	X	X	X	X	X	X	X	X	P	P	P	X

<sup>1</sup> The uses with this footnote have additional design requirements in [Article XI](#).

<sup>2</sup> Helipads associated with hospital uses and other emergency services are permissible accessory uses, exempt from the Special Exception requirements. Requirements of [Article IX](#), Specific Use Standards, apply.

<sup>3</sup> Subject to the Use Standards in [Section 3.2.3.B](#).

<sup>4</sup> Multi-Family development in the Commercial district shall be constructed as part of a vertical, mixed-use development. No residential uses may be located below the second floor of the structure.

<sup>5</sup> Allowed as an accessory to a religious institution.

<sup>6</sup> Daycare facilities following the Florida Statutory requirements of Family Daycare Homes do not require a Special Exception.

**ARTICLE III – ACTIVITY CENTER DISTRICTS**

**Section 3.3.1. Activity Center Districts Density, Intensity, and Dimensional Standards**

A. **Generally.** The purpose of this Section is to identify the appropriate density, intensity, and dimensional standards for development in each Activity Center zoning district. Table 3.3.1.1. identifies allowable density and intensity. Table 3.3.1.2. identifies the dimensional standards.

**Table 3.3.1.1: Density and Intensity**

<b>ZONING DISTRICT</b>	<b>MAXIMUM DENSITY (UNIT PER ACRE)</b>	<b>INTENSITY (FAR)</b>
<b>AC-1</b>	-	1.0
<b>AC-2<sup>1</sup></b>	-	1.0
<b>AC-3</b>	-	1.0
<b>AC-4<sup>2</sup></b>	-	1.0
<b>AC-5</b>	-	1.0
<b>AC-6</b>	-	1.0
<b>AC-7</b>	-	0.15
<b>AC-7A</b>	5 du/ac	0.20
<b>AC-7B</b>	6 du/ac	0.30
<b>AC-8</b>	15 du/ac	0.55
<b>AC-9</b>	4 du/ac <sup>3</sup>	0.55
<b>AC-10</b>	-	1.0

<sup>1</sup> Marsh Creek/Heron Creek development standards are governed by Development of Regional Impact Development Order, not the standards provided above.

<sup>2</sup> Panacea/The Woodlands and North Port Gardens development standards are governed by Development of Regional Impact Development Orders, not the standards provided above.

<sup>3</sup> Medium Density Residential development in the mixed-use development area of AC 9 allows 10 du/acre.



**Table 3.3.1.2: Dimensional Standards**

Additional restrictions apply in the Conservation Restricted Overlay District, the Myakka River Protection Zone, and adjacent to wetlands per Chapter 6 of this ULDC.

ZONING DISTRICT	MINIMUM BUILDING FRONTAGE (%)	SETBACKS (FT) <sup>1</sup>				BUILDING HEIGHT (FT)	MAXIMUM IMPERVIOUS SURFACE RATIO (%) LOT	MAXIMUM IMPERVIOUS SURFACE RATIO (%) OVERALL <sup>4</sup>
		MAX. FRONT <sup>2</sup>	SIDE <sup>2</sup>	REAR <sup>2</sup>	WATERFRONT <sup>3</sup>			
<b>AC-1</b>	50	25	10	10	10	100	70	70
<b>AC-2<sup>5</sup></b>	65	15	10	20	10	100	70	70
<b>AC-3</b>	65	25	20	20	10	100	70	70
<b>AC-4<sup>6</sup></b>	65	15	10	20	10	100	70	70
<b>AC-5</b>	65	15	10	20	10	100	70	70
<b>AC-6</b>	40	25	10	20	10	100	70	70
<b>AC-7</b>	-	-	25	-	50	40	30	30
<b>AC-7A</b>	50	15	10	10	20	40	70	30
<b>AC-7B</b>	-	-	25	40	10	40	70	30
<b>AC-8</b>	100	Per the West River Villages Development Master Plan DMP-22-093				70	70	70
<b>AC-9</b>	100	Per the Central Parc Planned Community Development Pattern Plan Exhibit C to Ordinance 2019-09				30 <sup>7</sup>	70	70
<b>AC-10</b>	40	25	10	20	10	100	70	70

<sup>1</sup> Residential accessory structures may be located in side or rear yards only. Minimum setbacks of 10-foot rear (20-foot waterfront) and 5-foot side apply to accessory structures 300 SF or smaller. Accessory structures larger than 300 SF, other than swimming pools, screen enclosures, tennis courts and other similar recreational facilities, shall maintain the same required setbacks as the primary structure. Non-residential accessory structures may be located in any yard and must meet the primary structure setbacks.

<sup>2</sup> If the width of a required landscape buffer per Chapter 4, Article III, Section 4.2.12 exceeds the required setback the buffer requirement establishes the minimum setback. If a maximum or minimum setback conflicts with an easement, the setback may be adjusted to the minimum necessary to ensure the structure does not impact access to the easement.

<sup>3</sup> Waterfront setbacks do not apply to docks and accessory structures associated with activating the waterfront nor do they apply to platted drainage easements. Chapter 4, Article II, Section 4.2.7.

<sup>4</sup> Overall ISR applies to a development as a whole when common area is provided. Open space requirements also apply per Chapter 4, Article IX.

<sup>5</sup> Marsh Creek/Heron Creek development standards are governed by the Heron Creek Pattern Book, not the standards provided herein.

<sup>6</sup> Panacea/The Woodlands and North Port Gardens development standards are governed by Development of Regional Impact Development Orders, not the standards provided above.

<sup>7</sup> Maximum building height for senior living facilities is 50-feet.

### Section 3.3.2. Activity Center Districts Use Standards

A. **Generally.** The purpose of this Section is to authorize the establishment, expansion, and continuation of land uses that are allowed as the primary uses on land in Activity Center zoning districts. Table 3.3.2. identifies permissible primary and accessory uses in each Activity Center district. In instances where a specific use is not listed, the ULDC Administrator shall utilize the regulations for the most similar use based on the definitions included in the Appendix, North American Industry Classification System (NAICS), Institute of Transportation Engineers (ITE) manual, their successors, or another accepted professional reference.

#### B. Residential Uses in Activity Center Districts.

(1). Single-family attached shall be townhouses or a similar product.

(2). Multi-family residential development in Activity Centers shall be part of a vertically mixed development with a minimum of two (2) distinct primary uses from Table 3.3.2.1., where residential development does not exceed sixty-five percent (65%) of the total FAR. When residential uses are included in mixed-use developments, the other uses shall be commercial, industrial, and/or office use. Amenity areas provided for the enjoyment of residents or patrons shall not contribute to the non-residential percentage. A mixture of uses is not required in every structure when multiple buildings are proposed. Mixed-use buildings or commercial uses shall be oriented toward the front property line(s).

a. **Horizontal Mixed-Use Alternative.** Horizontal mixing of uses may be authorized in an Activity Center when the residential and non-residential uses meet all the following standards:

1. The proposed development shall have a binding concept plan approved by the City Commission through the Master Concept Plan process described in Chapter 2 of this ULDC;
2. The residential uses include at least two distinct housing types. Single-family detached and two-family residential are prohibited;
3. All residential parcels are within 0.25-miles or 1,320 feet from the non-residential uses;
4. The residential and non-residential uses are functionally integrated with:
  - i. Shared public space, parking, and amenity areas;
  - ii. Internally connected pedestrian, bicycle, multi-use trails, and roadways; and
  - iii. Shared external access points.

**Table 3.3.2.1. Use Table**

Additional restrictions apply in the Conservation Restricted Overlay District, the Myakka River Protection Zone, and adjacent to wetlands per Chapter 6 of this ULDC.

Use	AC-1	AC-2	AC-3	AC-4	AC-5	AC-6	AC-7	AC-7A	AC-7B	AC-8	AC-9	AC-10
<b>Adult Arcades</b>	X	X	X	X	X	X	X	X	X	X	X	X
<b>Agriculture</b>	X	X	X	X	X	X	X	X	X	X	X	X
<b>Agriculture, Industrial</b>	X	X	X	X	X	P	X	X	X	X	X	P
<b>Agritourism and Ecotourism</b>	X	X	X	X	X	X	P	P	P	X	X	X
<b>Animal Boarding<sup>1</sup></b>	P	P	P	P	P	P	X	X	X	P	SE	P
<b>Animal Daycare</b>	P	P	P	P	P	P	X	SE	X	P	SE	P
<b>Animal Hospitals &amp; Veterinary Offices<sup>1</sup></b>	P	P	P	P	P	P	X	X	X	P	SE	P
<b>Animal Sanctuaries &amp; Rescues<sup>1</sup></b>	X	P	X	P	P	X	X	X	X	P	P	X
<b>Automobile Junkyards</b>	X	X	X	X	X	P	X	X	X	X	X	P
<b>Automobile Repair Shops, Major</b>	X	X	P	P	X	P	X	X	X	X	X	P
<b>Automobile Repair Shops, Minor</b>	P	P	P	P	P	P	X	X	X	X	X	P
<b>Banks and Financial Institutions</b>	P	P	P	P	P	P	X	P	X	P	P <sup>3</sup>	P
<b>Bar or Nightclub</b>	P	P	P	P	P	P	X	P	SE	SE	SE	P
<b>Bed and Breakfast</b>	X	X	X	X	X	X	X	P	X	X	X	X
<b>Campground or Retreat</b>	X	X	X	X	X	X	X	X	X	X	X	X
<b>Car Wash<sup>1</sup></b>	P	P	P	P	P	P	X	X	X	SE	SE	P
<b>Cemeteries</b>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	X	X	X	X	X	X

Use	AC-1	AC-2	AC-3	AC-4	AC-5	AC-6	AC-7	AC-7A	AC-7B	AC-8	AC-9	AC-10
<b>Community Gardens</b>	P	P	P	P	P	P	P	P	P	P	P	P
<b>Conservation</b>	P	P	P	P	P	P	P	P	P	P	P	P
<b>Craft Brewery, Distillery, Winery</b>	P	P	P	P	P	P	X	SE	SE	P	SE	P
<b>Crematories</b>	SE	SE	SE	SE	SE	SE	X	X	X	X	X	SE
<b>Daycare Facilities, All Ages<sup>5</sup></b>	P	P	P	P	P	P	X	P	P	P	P	P
<b>Dealership, Automobile Sales and Rental</b>	CU	CU	SE	CU	CU	X	X	X	X	SE	X	X
<b>Dealership, Boats and Recreational Vehicles Sales and Rentals</b>	CU	CU	SE	CU	CU	CU	X	X	X	SE	X	P
<b>Electric Vehicle Charging Station, Public<sup>1</sup></b>	A	A	A	A	A	A	A	A	A	A	A	A
<b>Equestrian Stables and Boarding</b>	SE	SE	SE	SE	SE	SE	X	X	X	X	X	X
<b>Essential Services - Major</b>	P	P	P	P	P	P	X	X	X	P	P	P
<b>Essential Services - Minor</b>	P	P	P	P	P	P	P	P	P	P	P	P
<b>Farmer's Markets</b>	X	P	X	P	P	X	P	P	P	P	X	X
<b>Food Truck Park<sup>1</sup></b>	P	X	P	SE	SE	P	X	P	X	X	X	P
<b>Funeral Homes</b>	P	P	SE	P	SE	X	X	X	X	P	X	X
<b>Game Reserves, Public or Private</b>	X	X	X	X	X	X	X	X	X	X	X	X
<b>Golf Course</b>	SE	P	SE	SE	SE	X	X	X	X	SE	SE	X
<b>Golf, Driving Range</b>	P	P	P	P	P	X	X	X	X	P	SE	X
<b>Golf, Miniature</b>	P	P	P	P	P	X	X	P	P	P	SE	X

Use	AC-1	AC-2	AC-3	AC-4	AC-5	AC-6	AC-7	AC-7A	AC-7B	AC-8	AC-9	AC-10
<b>Heavy Machinery Repair and Rental</b>	X	X	X	P	X	P	X	X	X	SE	X	P
<b>Heavy Machinery Sales</b>	X	X	X	P	X	P	X	X	X	SE	X	P
<b>Helipads<sup>1,2</sup></b>	SE	SE	SE	P	P	P	X	X	SE	SE	SE	P
<b>Hospital</b>	P	P	P	P	P	X	X	X	X	P	SE	X
<b>Hotel</b>	P	P	P	P	P	P	X	X	P	P	SE	X
<b>Incinerators</b>	SE	X	X	SE	SE	P	X	X	X	X	X	SE
<b>Industrial, Heavy</b>	X	X	X	SE	X	P	X	X	X	X	X	P
<b>Industrial, Light</b>	P	X	X	P	P	P	X	X	X	X	X	P
<b>Laboratories, Research, Medical, Testing</b>	SE	P	P	P	P	P	X	X	X	SE	SE	P
<b>Laundromat/ Dry Cleaning Store</b>	P	P	P	P	P	P	X	X	X	P	P	P
<b>Medical and Dental Offices</b>	P	P	P	P	P	P	X	P	P	P	P	P
<b>Mining/Borrow Pits</b>	X	X	X	X	X	SE	X	X	X	X	X	SE
<b>Mobile Food Vendor</b>	P	P	P	P	P	P	P	P	P	P	P	P
<b>Model Homes<sup>1</sup></b>	SE	CU	SE	CU	SE	X	X	SE	SE	SE	CU	X
<b>Museums and Galleries</b>	P	P	SE	P	P	X	P	P	P	P	P	X
<b>Office, No Outdoor Storage</b>	P	P	P	P	P	P	P	P	P	P	P	P
<b>Office, Outdoor Storage</b>	P	P	SE	P	SE	P	X	X	X	P	P	P
<b>Oil or Natural Gas Exploration or Production</b>	X	X	X	X	X	X	X	X	X	X	X	X
<b>Pain Management Clinics</b>	SE	P	SE	P	P	SE	X	X	X	SE	SE	SE

Use	AC-1	AC-2	AC-3	AC-4	AC-5	AC-6	AC-7	AC-7A	AC-7B	AC-8	AC-9	AC-10
<b>Parking, Offsite or Commercial<sup>1</sup></b>	SE	P	P	P	P	P	X	X	X	X	SE	P
<b>Personal Services</b>	P	P	P	P	P	P	P	P	P	P	P	P
<b>Personal Storage Facilities<sup>1</sup></b>	P	X	X	P	P	X	X	X	X	P	P	X
<b>Phosphate Mining</b>	X	X	X	X	X	X	X	X	X	X	X	X
<b>Places of Assembly, Small Scale</b>	P	P	P	P	P	X	P	P	P	P	P	X
<b>Places of Assembly, Large Scale</b>	P	P	P	P	P	X	P	X	P	P	P	X
<b>Radio and TV Stations</b>	SE	SE	X	P	P	SE	X	P	X	SE	X	SE
<b>Recreation Facilities, Public or Private</b>	P	P	P	P	P	P	P	P	P	P	P	P
<b>Recreation, Commercial</b>	P	P	P	P	P	X	P	P	P	P	X	X
<b>Recreation, Passive</b>	P	P	P	P	P	P	P	P	P	P	P	P
<b>Recreation, Pocket Park</b>	P	P	P	P	P	P	P	P	P	P	P	P
<b>Refineries</b>	X	X	X	X	X	SE	X	X	X	X	X	SE
<b>Residential, Accessory Dwelling Units</b>	CU	CU	CU	CU	CU	X	X	CU	CU	CU	CU	X
<b>Residential, Assisted Living Facilities, and Group Homes, ≤ 6 beds</b>	X	X	X	X	X	X	X	X	X	X	X	X
<b>Residential, Assisted Living Facilities, and Group Homes, &lt;6 beds</b>	P	P	P	SE	X	X	X	X	X	P	P	X

Use	AC-1	AC-2	AC-3	AC-4	AC-5	AC-6	AC-7	AC-7A	AC-7B	AC-8	AC-9	AC-10
<b>Residential, Assisted Living Facilities, 50+ Beds</b>	P	P	P	P	P	X	X	X	X	P	P	X
<b>Residential, Cluster Housing</b>	SE	P	SE	P	P	X	X	P	P	P	P	X
<b>Residential, Manufactured Homes</b>	X	X	X	X	X	X	X	X	X	X	X	X
<b>Residential, Multi-family</b>	P	P	SE	P	P	P	X	P	P	P	P	P
<b>Residential, Single-family</b>	X	P	X	P	X	X	X	X	X	X	P	X
<b>Residential, Single-Family Attached</b>	SE	P	SE	P	P	X	X	P	P	X	P	SE
<b>Resort</b>	P	P	SE	SE	P	X	X	SE	P	P	SE	X
<b>Restaurant</b>	P	P	P	P	P	P	P	P	P	P	P <sup>3</sup>	P
<b>Retail Sales and Services</b>	P	P	P	P	P	P	P	P	P	P	P	P
<b>RV Resort</b>	P	X	X	X	X	X	X	X	SE	SE	SE	X
<b>Schools, Post Secondary Institutions</b>	P	P	P	P	P	SE	X	X	X	P	SE	SE
<b>Schools, Public or Private (Pre-K through 12)</b>	X	X	X	X	X	X	X	X	X	X	X	P
<b>Sexually Oriented Business</b>	X	X	X	X	X	P	X	X	X	X	X	P
<b>Shooting Range/Archery - Indoor</b>	P	P	P	P	P	SE	X	P	SE	X	SE	SE
<b>Shooting Range/Archery - Outdoor</b>	X	X	X	X	X	SE	X	X	SE	X	X	SE
<b>Slaughterhouses</b>	X	X	X	X	X	X	X	X	X	X	X	X
<b>Social Services</b>	P	P	P	P	P	X	X	X	X	X	X	X

Use	AC-1	AC-2	AC-3	AC-4	AC-5	AC-6	AC-7	AC-7A	AC-7B	AC-8	AC-9	AC-10
<b>Solar Arrays and Floatovoltaics</b>	A	A	A	A	A	A	A	A	A	X	A	P
<b>Stadiums and Commercial Sports Complexes</b>	P	P	P	P	P	X	X	X	X	X	X	X
<b>Tasting Room</b>	P	P	P	P	P	X	P	P	P	P	P	X
<b>Theatres, Auditoriums, and Performance Halls</b>	P	P	P	P	P	X	SE	SE	SE	P	SE	X
<b>Transportation Terminals</b>	P	P	P	P	X	P	X	P	P	SE	SE	P
<b>Travel Center</b>	X	X	P	P	X	P	X	X	X	X	X	P
<b>Truck Stop</b>	X	X	P	P	X	P	X	X	X	X	X	P
<b>Vehicle Fueling Station<sup>1</sup></b>	P	P	P	P	P	P	X	X	X	SE	SE	P
<b>Warehouse and Wholesale</b>	X	X	X	P	X	P	X	X	X	X	X	P
<b>Well Stimulation (any production using)</b>	X	X	X	X	X	X	X	X	X	X	X	X
<b>Wireless Communication Tower, Camouflaged<sup>1</sup></b>	P	P	P	P	P	P	X	X	X	P	P	P
<b>Wireless Communication Tower<sup>1</sup></b>	SE	SE	SE	SE	SE	SE	X	X	X	SE	SE	SE

<sup>1</sup> The uses with this footnote have additional design requirements in [Article IX](#).

<sup>2</sup> Helipads associated with hospital uses and other emergency services are permissible accessory uses, exempt from the Special Exception requirements. Requirements of Article IX, Specific Use Standards, apply.

<sup>3</sup> Restaurants, Banks, and Financial Institutions in AC-9 may not contain a drive-thru.

<sup>4</sup> Allowed as an accessory to a religious facility.

<sup>5</sup> Daycare facilities following the Florida Statutory requirements of Family Daycare Homes do not require a Special Exception.



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## **ARTICLE VI – VILLAGE DISTRICTS**

### **Section 3.4.1. Village Districts Density, Intensity, and Dimensional Standards**

- A. Generally. Existing Village Districts are regulated by the adopted Village District Pattern Plan and Village District Pattern Book. Future Village districts will be regulated by approved Master Concept Plans.
- B. Village Districts each have unique standards specific to the anticipated design and use. The Village District includes the following subdistricts:

(1). **Wellen Park:**

**Village A:**

Village A Village Center Village District Pattern Plan, as approved on December 10, 2007 (DCP-07-05);

Gran Paradiso Village A Village District Pattern Plan as amended, as approved October 14, 2014 (VPA-14-010), and

Neighborhood 8 Village A District Pattern Plan as amended, as approved May 26, 2015 (VPA-15-039), and

Village A Village District Pattern Plan as amended, as approved on January 24, 2017 (Petition VPA-16-196)

**Village B:** Village District Pattern Plan, as approved on May 26, 2015, with conditions (Petition No. VDC-14-161);

**Village C:**

Original Village C Village District Pattern Plan as approved, July 25, 2005, (DCP-05-030):

Village C District Pattern Plan as amended, as approved June 12, 2006 (DCP-06-037), and

Village C District Pattern Plan (Islandwalk) as amended, as approved July 13, 2009 (VDF-09-014), and

Village C Island Walk Village District Pattern Plan, as amended, as approved on January 26, 2015 (Petition No. VPA-14-050)

**Village D:**

Village D Village District Pattern Plan (West Villages AKA Wellen Park), as amended

West Villages Town Center (Village D) Village District Pattern Plan, as approved September 26, 2017 (Petition No. VDC-15-159);

West Villages Town Center (Village D) Village District Pattern Plan, as amended May 11, 2021, Ordinance No. 2021-18 (Petition No. VPA-20-239), and

Village D Village District Pattern Plan (West Villages AKA Wellen Park), as amended April 25, 2023, Ordinance No. 2023-04 (Petition No. VPA-22-180).

**Village E:** Village District Pattern Plan (West Villages) July 23, 2019, Ordinance No. 2019-25 (Petition No. VDC-17-159)

**Village F:** Village District Pattern Plan (West Villages), July 23, 2019, Ordinance No. 2019-19 (VDC-17-160);

Village District Pattern Plan (West Villages) as amended; July 2, 2020, Ordinance No. 2020-14 (Petition No. VPA-20-009)

**Village G:** Village District Pattern Plan (West Villages), July 23, 2019, Ordinance No. 2019-26 (VDC-17-161);

Village District Pattern Plan (West Villages) as amended; July 2, 2020, Ordinance No. 2020-15 (Petition No. VPA-20-010)

**Village I:** Village District Pattern Plan (West Villages AKA Wellen Park) April 26, 2022, Ordinance No. 2022-07 (Petition No. VDC-21-318)

**Village J:** Village District Pattern Plan (West Villages); March 2, 2021, Ordinance No. 2021-14 (Petition No. VDC-20-152)

**Village K:** Village District Pattern Plan (West Villages AKA Wellen Park); April 26, 2022, Ordinance No. 2022-08 (Petition No. VDC-21-319)

(2) **Toledo Village:** Village District Pattern Plan; September 26, 2023, Ordinance No. 2023-19 (Petition No. VDC-22-212)

(3) **Bobcat Village:** April 14, 1997 (Petition No. DCP 97-137)

C. Village districts are comprised of various neighborhoods. The neighborhood type determines the use allowances. [Table 3.4.1.2, Existing Neighborhood Standards](#), provides the density, intensity, use, setback, coverage, and height standards for each Neighborhood of each Village.

(1). Setback requirements indicated as having no standards are subject to the minimum separation requirements of the Florida Building and Fire Codes.

**Table 3.4.1.1: Village District Abbreviations**

ABBREVIATION	MEANING
-	No standards
SFD	Single-Family Detached
SFA	Single-Family Attached
SDPV	Semi-Detached Paired Villa
N	Neighborhood
NC	Neighborhood Center
TH	Townhouse
TH-FL	Townhouse Front-Loaded
TH-AL	Townhouse Alley-Loaded
MF	Multi-Family
MU	Mixed Use
MR	Mixed Use Residential
CH	Carriage House
ICMU	Institutional/Commercial/ Mixed Use

**Table 3.4.1.2: Existing Neighborhood Standards**

Additional restrictions apply in the Myakka River Protection Zone and adjacent to wetlands per Chapter 6 of this ULDC.

VILLAGE	NEIGHBORHOOD	DENSITY (DU:ACRE)	INTENSITY (FAR)	NON-RESIDENTIAL SETBACKS (FT) <i>(SEE TABLE 3.4.1.2. FOR RESIDENTIAL SETBACKS)</i>			MAX. BUILDING HEIGHT (FT)
				FRONT	SIDE	REAR	
WELLEN PARK A <sup>WA</sup>	N 1	16:1	-	10	10	10	50
	N 2, 4, & 6	7:1	-	10	10	10	35
	N 3	5:1	-	10	10	10	35
	N 5 & 7	3:1	-	10	10	10	35
	NC	-	0.25	10	10	10	50
	N 8	4:1	0.15	10	10	10	42
	NC 8	-	0.25 <sup>W-A1</sup>	10	10	10	35
WELLEN PARK B <sup>WB</sup>	N 1	4:1	0.15	10	10	10	50
	N 2	4:1	0.15	10	10	10	50
	NC 1	-	0.25	10	10	10	30
	NC 2	-	0.25	10	10	10	30
	NC Combined	-	0.01	25	25	25	30
WELLEN PARK C	N 1	5:1	0.15	10	10	10	50
	N 2	5:1	0.15	10	10	10	50
	N 3	5:1	0.15	10	10	10	50
	N 4	10:1	0.25	10	10	10	60
	NC 1 – 3A	-	0 .25	10	10	10	30
	NC 3B - 4	-	0.25	10	10	10	60
WELLEN PARK D	MR	16:1	2.0	-	-	-	120
	N	4:1	0.25	-	-	-	60
	MU	24:1	3.0	-	-	-	120
WELLEN PARK E	MU	24:1	3.0	-	-	-	120
	MR	16:1	2.0	-	-	-	120

VILLAGE	NEIGHBORHOOD	DENSITY (DU:ACRE)	INTENSITY (FAR)	NON-RESIDENTIAL SETBACKS (FT) <i>(SEE TABLE 3.4.1.2. FOR RESIDENTIAL SETBACKS)</i>			MAX. BUILDING HEIGHT (FT)
				FRONT	SIDE	REAR	
WELLEN PARK F	N	6:1	0.25	-	-	-	72
	MU	24:1	3.0	-	-	-	120
	MR	16:1	2.0	-	-	-	120
WELLEN PARK G	MU	24:1	3.0	-	-	-	120
	MR	16:1	2.0	-	-	-	120
	ICMU	16:1	2.0	-	-	-	120
WELLEN PARK H	<i>Reserved.</i>						
WELLEN PARK I	N	6:1	0.25	-	-	-	72
	MU	24:1	3.0	-	-	-	120
	MR	16:1	2.0	-	-	-	120
WELLEN PARK J	N	6:1	0.25	-	-	-	72
	MU	24:1	3.0	-	-	-	120
	MR	16:1	2.0	-	-	-	120
WELLEN PARK K	N	6:1	0.25	-	-	-	72
	MU	24:1	3.0	-	-	-	120
	MR	16:1	2.0	-	-	-	120
WELLEN PARK L	<i>Reserved.</i>						
TOLEDO	MIXED USE NEIGHBORHOOD/ VILLAGE CENTER #1	14:1	1.0	Per Florida Building Code and State Fire Code			60 RES. 75 NON- RES
	VILLAGE PARK/ NEIGHBORHOOD CENTER/ VILLAGE CENTER #2	14:1	1.0	Per Florida Building Code and State Fire Code			75

VILLAGE	NEIGHBORHOOD	DENSITY (DU:ACRE)	INTENSITY (FAR)	NON-RESIDENTIAL SETBACKS (FT) <i>(SEE TABLE 3.4.1.2. FOR RESIDENTIAL SETBACKS)</i>			MAX. BUILDING HEIGHT (FT)
				FRONT	SIDE	REAR	
	RESIDENTIAL NEIGHBORHOOD	8:1	1.0	Per Florida Building Code and State Fire Code			60 RES. 75 NON-RES
<b>BOBCAT TRAIL</b>	N	4:1	-	40	0/20	20	35 SFD 50 SDPV 50 MF
	ICMU	-	0.50 IND. 0.20 COM.	40	0 INT. 20 CORNER	20	50 IND. 35 COM.

<sup>WA</sup> Wellen Park Village A

- Commercial structures in neighborhood centers shall not exceed 20,000 SF.
- Fences, walls, columns, decorative features, and utility facilities such as lift stations, storage tanks, ground mounted transformers and wells shall be exempt from any setback standard (except Type F side yard setbacks).
- Air conditioning equipment, pool pumps, and the like shall be permitted in side yard setbacks (except Type F).
- Setbacks for accessory structures such as pool cages and pool equipment shall be 5-feet from the rear property line.
- Setbacks may be reduced to 0-feet when the subject parcel is adjacent to an easement, open space tract or water body that is at least 30 feet in width.

More for WA

<sup>WB</sup> Wellen Park Village B

- Above ground utility structures shall be allowed anywhere within the Village provided that such facilities incorporate adequate levels of buffers to appropriately protect enjoyment on adjacent uses.
- Fences, walls, columns, decorative features, and utility facilities such as lift stations, storage tanks, ground mounted transformers and wells shall be exempt from any setback standards. A berm up to 8' in height may be constructed as part of a buffer. Up to 8' in height of wall or fence may be constructed with or without a berm as part of the landscape or buffering plans.
- Floor to area ratio (FAR) standards shall be applied to individual parcels in which a non-residential use is proposed.
- Setbacks may be reduced to 0-feet when the subject parcel is adjacent to an easement, open space tract or water body that is at least 30-feet in width.
- Utility structures shall be located in easements or in rights-of-way as indicated in roadway cross-sections.

VILLAGE	NEIGHBORHOOD	DENSITY (DU:ACRE)	INTENSITY (FAR)	NON-RESIDENTIAL SETBACKS (FT) <i>(SEE TABLE 3.4.1.2. FOR RESIDENTIAL SETBACKS)</i>			MAX. BUILDING HEIGHT (FT)
				FRONT	SIDE	REAR	
<sup>WC</sup> Wellen Park Village C							
<ol style="list-style-type: none"> <li>Above ground utility structures shall be allowed anywhere within the Village provided that such facilities incorporate adequate levels of buffers to appropriately protect enjoyment on adjacent uses.</li> <li>Fences, walls, columns, decorative features, and utility facilities such as lift stations, storage tanks, ground mounted transformers and wells shall be exempt from any setback standards.</li> <li>For areas that may not be within a Neighborhood or Neighborhood Center, the intensity, height and setback standards for Neighborhood Center 4 shall govern.</li> <li>Floor to area ratio (FAR) standards shall be applied to individual parcels in which a non-residential use is proposed.</li> <li>Setbacks may be reduced to 0 feet when the subject parcel is adjacent to an easement, open space tract or water body that is at least 50 ft in width.</li> <li>Utility structures shall be located in easements or in rows as indicated in roadway cross-sections.</li> </ol>							
<sup>WD</sup> Wellen Park Village D							
<ol style="list-style-type: none"> <li>Above ground utility structures shall be allowed anywhere within the Village provided that such facilities incorporate adequate levels of buffers to appropriately protect enjoyment on adjacent uses.</li> <li>Fences, walls, columns, entry monumentation, decorative features, and utility facilities such as lift stations, storage tanks, ground mounted transformers and wells shall be exempt from any setback standards. A berm up to 8' in height may be constructed as part of a buffer. Up to 8' in height of wall or fence may be constructed with or without a berm as part of the landscape or buffering plans.</li> <li>Floor to area ratio (FAR) standards shall be calculated for the land areas identified on the Village District Plan (MURN, MU). With each Site &amp; Development and/or Plat Application, a Tracking Chart will be provided to demonstrate compliance with the required Land Use Mix.</li> <li>Setbacks may be reduced to 0 feet when the subject parcel is adjacent to public/private right-of-way, easement, open space tract or water body that is at least 30 ft in width. Air conditioning units, pool pumps and other mechanical equipment shall be permitted in side yard setbacks.</li> <li>Residential density shall be calculated for the land areas identified on the Village District Plan (MURN, RN, MU). With each Site &amp; Development and/or Plat Application, a Tracking Chart will be provided to demonstrate compliance with the overall maximum density of West Villages, and to ensure compliance with the required Land Use Mix.</li> </ol>							

D. Residential Standards – **Wellen Park.**

- Maximum building height in Residential areas is determined by development type unless specified otherwise in Table 3.4.1.2. or the Village District Pattern Plan:
  - Single Family: 35-feet
  - Single-Family Attached, and Community Centers: 80-feet

c. Multi-Family: 120 feet

(2). Front Setbacks are measured to the sidewalk.

(3). Lot coverage in Table 3.4.1.3. is the percentage of the site under a fixed roof. The lot coverage calculation does not include pools, decks, driveways, patios, sidewalks, or other non-roofed structures.

**Table 3.4.1.3 Village District Residential Development Standards**

Additional restrictions apply in the Myakka River Protection Zone and adjacent to wetlands per Chapter 6 of this ULDC.

VILLAGE	TYPE	MINIMUM LOT SIZE			SETBACKS (FT)			LOT COVERAGE (%)
		SIZE (SQFT)	WIDTH (FT)	DEPTH (FT)	FRONT	SIDE	REAR	
A <sup>WA</sup>	SFD A	9,600	80	120	20	7	10	50
	SFD B	8,400	70	120	20	6	10	50
	SFD C	7,800	65	120	20	6	10	50
	SFD D	6,240	45	120	20	5	10	50
	SFD E	6,300	45	140	20	5	10	50
	SFD F	4,900	35	140	20	3	10	50
	SFD G	9,600	80	120	20	3/10	10	55
	SFD H	8,400	70	120	20	3/10	10	55
	SFD I	7,800	65	120	20	3/10	10	55
B <sup>WB</sup>	SFD A	7,800	60	120	20/14	10/3	10	55
	SFD B	5,200	40	120	20/14	10/3	10	55
	SFA	2,250	25	95	20/14	5/0/10	10	60
	TH	1,620	18	90	15/8	5/0/10	10	75
	MF	-	-	-	20/14	10	15	-
C <sup>WC</sup>	SFD A	7,800	60	120	20/14	10/3	10	55
	SFD B	5,200	40	120	20/14	10/3	10	55
	SFA	4,160	32	130	20/14	5/0/10	10	55
	TH	2,160	18	120	15/8	5/0/10	10	65
	CH	-	-	-	20/14	-	15	-
D <sup>WD</sup>	SFD A	4,800	60	80	20/10	10/10	10	65
	SFD B	3,200	40	80	20/10	10/10	10	65
	SDPV	1,750	25	70	20/10	10/0/10	10	75
	TH-FL	1,170	18	65	20/20	10/0/10	10	80
	TH-AL	1,080	18	60	7/0	5/0/10	5	80



VILLAGE	TYPE	MINIMUM LOT SIZE			SETBACKS (FT)			LOT COVERAGE (%)
		SIZE (SQFT)	WIDTH (FT)	DEPTH (FT)	FRONT	SIDE	REAR	
	MF	-	-	-	0/20/10	-	15	-
	MU	-	-	-	0	-	-	-
ALL OTHER VILLAGES IN WELLEN PARK	SFD A	4,800	60	80	20/10	10/5	10	65
	SFD B	2,400	30	80	20/10	10/5	10	65
	SDPV	1,400	20	70	20/10	10/0/5	10	75
	TH-FL	1,170	18	65	20/20	10/0/10	10	65
	TH-AL	1,080	18	60	7/0	5/0/10	5	60
	MF	-	-	-	0/20/10	-	15	-
	MU	-	-	-	0	-	-	-
TOLEDO VILLAGE	SFD		34	90	20 <sup>T1/T2</sup>	5 <sup>T1/T3</sup>	10/5	
	SDPV		20	90	20 <sup>T1/T2</sup>	0/5 <sup>T1/T3</sup>	10/5	
	TH		16	90	20 <sup>T1/T2</sup>	10 <sup>T1/T3</sup>	10/5	
	MF	-	-	-	20	5 <sup>T1/T3</sup>	10/5	
BOBCAT TRAIL	SFD	7,200	60	-	20 <sup>B1</sup>	5/7.5 <sup>B2</sup>	20 <sup>B4</sup>	-
	SDPV	5,000	40	-	50	0/5 <sup>B2</sup>	10 <sup>B4</sup>	-
	MF	2,900	100	-	40	10/25 <sup>B3</sup>	20 <sup>B4</sup>	-
	ICMU	15,000	100	-	40	0/20	20	20

<sup>WA</sup> Wellen Park Village A

- Minimum lot are and width for curvilinear lots may be less than required provided the average lot width (front lot line and rear lot line) is equal to or greater than the minimum required.
- Air conditioning equipment, above ground pool pumps, and the like shall be permitted in side yard setbacks EXCEPT Type F structures with side yard setbacks of 3-feet. Type F structures shall place air conditioning and pool equipment within the front or rear yard.

More for Village A

<sup>WB</sup> Wellen Park Village B

- Front loading garage requires a 20-foot front setback. Side load garage and recessed garage option require a 14-foot setback. Townhome primary structure front setback is 15-foot; the 8-foot setback applies to non-enclosed spaces (i.e., porches).
- Screen enclosures for Townhouses and Single-Family Attached will have a 5 FT side setback without a privacy wall, or a 0 FT side setback with a min. 6' height privacy wall, provided that the screen is located atop the privacy wall.
- Patios and pool decks for Townhouses and Single-Family Attached may have a 0 FT side setback provided they abut a shared privacy wall.

VILLAGE	TYPE	MINIMUM LOT SIZE			SETBACKS (FT)			LOT COVERAGE (%)
		SIZE (SQFT)	WIDTH (FT)	DEPTH (FT)	FRONT	SIDE	REAR	

4. Corner setbacks do not apply when the side property line is adjacent to a platted open space tract of at least 5 FT in width.
5. The rear setback may be reduced to 0 FT when the rear property line abuts an easement, water body or open space tract of at least 30 FT in width.
6. Townhouse units may include two or more attached units.
7. Cornices, veneers or other non-structural projections shall not count towards setbacks. They shall be treated like roof overhangs.
8. Side yard setbacks for Single Family Type A and Type B as shown are a combined separation of 10 FT.
9. Min. lot area and width for curvilinear lots may be less than required provided that all min. setback requirements are met, and the average lot width (front lot line and rear lot line) is equal to or greater than the min. lot width required.
10. Lot Coverage is defined as percent of lot area under fixed roof. Lot Coverage does not include pools, decks, driveways, patios, sidewalks, etc.
11. AC units and mechanical equipment shall be allowed in side yard setbacks.

<sup>WC</sup> Wellen Park Village C

1. Front loading garage requires a 20-foot front setback. Side load garage and recessed garage option require a 14-foot setback. Townhome primary structure front setback is 15-foot; the 8-foot setback applies to non-enclosed spaces (i.e., porches).
2. Screen enclosures for Townhouses and Single-Family Attached will have a 5 FT side setback without a privacy wall, or a 0 FT side setback with a privacy wall, provided that the screen is located atop the privacy wall.
3. Patios and pool decks for Townhouses and Single-Family Attached may have a 0 FT side setback provided they abut a shared privacy wall.
4. Corner setbacks do not apply when the side property line is adjacent to a platted open space tract of at least 10 FT in width.
5. The rear setback for pools, pool decks and screen enclosures may be reduced to 0 FT when the rear property line abuts an easement, water body or open space tract of at least 50 FT in width.
6. Townhouse units may include two or more attached units.
7. Cornices, veneers or other non-structural projections shall not count towards setbacks. They shall be treated like roof overhangs.
8. Side yard setbacks for Single Family Type A and Type B as show are 3FT left side and 6 FT 6 IN right side, however, these side yard setbacks may be altered at time of building permit submittal, so long as in no event shall one side be less than 3FT and the total of both sides be less than 10 FT.
9. Min. lot area and width for curvilinear lots may be less than required provided that all min. setback requirements are met, and the average lot width (front lot line and rear lot line) is equal to or greater than the min. lot width required.
10. Lot Coverage is defined as percent of lot area under fixed roof. Lot Coverage does not include pools, decks, driveways, patios, sidewalks, etc.

<sup>WD</sup> Wellen Park Village D

VILLAGE	TYPE	MINIMUM LOT SIZE			SETBACKS (FT)			LOT COVERAGE (%)
		SIZE (SQFT)	WIDTH (FT)	DEPTH (FT)	FRONT	SIDE	REAR	

Add notes from Page 8 of amended VDPP.

**Toledo Village**

<sup>T1</sup> A minimum 10-foot distance will be maintained between residential lot/tract lines and the Pond Control Water Elevation Line. Utility facilities, fences, walls, entry monuments, signs and other decorative features shall not be subject to any setbacks.

<sup>T2</sup> For lots adjacent to more than one right-of-way, the front yard setback is to be provided for the yard containing the driveway to the dwelling unit. The secondary front yard not containing a driveway may have a primary structure setback of 5-feet. A 15-foot minimum front yard setback is permitted for units with side entry garages.

<sup>T3</sup> For all unit types, the side yard may be reduced to 0-feet (zero lot line alternative) as long as the total lot side yard setback is provided, and a minimum of 10-feet is provided between two primary buildings.

**Bobcat Village**

<sup>B1</sup> The front setback for 60- and 70-foot-wide lots is 20-feet and for 80 foot lots it is 25-feet.

<sup>B2</sup> The side setback for 60- and 70-foot-wide lots is 5-feet and for 80 foot lots it is 7.5 feet. A zero-foot setback can be used on one side if a 10-foot setback is provided on the opposite side and a there is a minimum of 10-feet between structures. In instances where there is a street-side yard, the minimum setback shall be 15-feet.

<sup>B3</sup> Side yard interior setback is 10-feet or ½ the building height whichever is greater. In instances where there is a street-side yard, the minimum setback shall be 25-feet.

<sup>B4</sup> The minimum rear setback to water (on-site lakes) shall be 20-feet.

**Section 3.4.2. New Village Districts**

- A. New Village districts shall incorporate the following areas by the percentage of the total area proposed for a new Village district:

**Table 3.4.2.1. Density and Intensity for New Village Districts**

	TOWN CENTER	VILLAGE CENTER	NEIGHBORHOOD CENTER	RESIDENTIAL NEIGHBORHOODS
<b>Minimum Size</b>	20%	10%	10%	-
<b>Maximum Size</b>	1000 Ac	50 Ac	-	60%
<b>Minimum Density</b>	4:1	3:1	-	-
<b>Maximum FAR</b>	1.0	0.40	0.25	0.05
<b>Density Incentives</b>	+24 DU/Acre TDR	+16 DU/Acre TDR	+24/Acre TDR	+24 DU/Acre TDR

- (1). **Town Center.** Town Centers serve as commercial, industrial, and office centers that provide various services and amenities to the surrounding residential uses. Town Centers shall contain a vertical mixing of uses.
  - a. Town Centers shall:
    1. Have access to a major interchange or intersection.
    2. Connect with the regional transit system when available.
    3. Provide connections between collector streets with pedestrian and bike path systems provided in individual Villages that connect to external bike and pedestrian systems.
  - b. Civic Uses. Civic uses, such as Fire/Police Stations and educational facilities, shall connect to the Town Center, where applicable. When developing a Town Center, close coordination with the School Board of Sarasota County is required to ensure conformity with school concurrency requirements.
- (2). **Village Center.** Village Centers are commercial centers of the community located at the intersections of collector streets.
  - a. The Village Center may be located on a collector road serving the village or at the intersection of two (2) 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.
  - b. 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.
  - c. 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.
  - d. The Village Center shall not be consolidated into a larger commercial complex serving more than one (1) 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.
  - e. Village Centers should generally maintain a separation of approximately one (1) mile from another Village Center and one-half (½) mile from a Neighborhood Center.
  - f. School sites, if required, shall not be included in the computation for maximum size of the Village Center.
- (3). **Neighborhood Center.** Neighborhood Centers contain amenity centers and neighborhood-scale commercial uses for the residential portion of the Village district:
  - a. Shall be located central to the neighborhood separated from major collector or arterial roads to facilitate multi-modal connectivity.
  - b. Residential dwellings above ground floor commercial uses are permitted.
- (4). **Residential Neighborhoods.** Residential areas of a Village District shall contain a combination of different housing types.
  - a. The development shall have a variety of housing types.
  - b. Attached dwellings are encouraged for the property surrounding the neighborhood center.
  - c. Neighborhoods shall contain civic space.
  - d. Neighborhoods shall be designed so all housing units are within approximately a one-half (½) mile radius of the Neighborhood Center.

(5). **Open Space.** All Village districts shall have a minimum of 30% open space.

- B. Villages shall be in the form of distinct neighborhoods served by a mixed-use village center.
  - (1). Each residential neighborhood shall contain a neighborhood center consisting of a civic space to accommodate a park, school or other similar neighborhood servicing civic activities.
  - (2). Groups of two (2) or more neighborhoods shall be served by a mixed-use village center containing two (2) or more of the following: housing, shops, workplaces, schools, parks, or civic facilities essential to the daily life of the Village residents.
- C. Village size shall be designed so that the neighborhood centers are generally within a one (1.0) to two (2.0) mile radius of the Village Center (shops, services, and other activities).
- D. Villages containing more than two (2) neighborhoods shall include diverse housing types to encourage persons from various economic levels and age groups to live within its boundaries. Transit stops shall be incorporated into the design of the Village Center.
- E. 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.
- F. Each Village shall have a well-defined edge, such as greenbelts or wildlife corridors permanently protected from development, or using urban design features, which distinctly define the edge of the village.
- G. Local and collector streets, bike lanes, sidewalks, and multi-use paths shall contribute to a fully connected route from individual neighborhoods to the Village Center and neighboring Villages. The transportation network design shall accommodate pedestrian, and bicycle uses with protected bike lanes and multi-use trail systems.
- H. The natural terrain, drainage patterns, and vegetation of preserved tracts of native habitats shall contain parks, open spaces, or greenbelts.
- I. Villages shall include hurricane-hardened civic spaces to serve as shelters in cases of emergency.

**Section 3.4.3. Village District Use Standards**

A. **Generally.** The following Section applies to new Village Districts. Village Districts existing prior to **adoption of Ordinance XXXX** shall maintain the permissible primary and accessory uses described in the applicable Village District Pattern Plan (VDPP) or Village District Pattern Book (VDPB). The use composition in each subdistrict shall follow Table 3.4.3.1. The Village District Use Table, Table 3.4.3.2., describes the specific uses which may be permissible in each use category.

**Table 3.4.3.1: Village Districts Composition Standards (%)**

Use Category	TOWN CENTER		VILLAGE CENTER		NEIGHBORHOOD CENTER		RESIDENTIAL NEIGHBORHOODS	
	MIN	MAX	MIN	MAX	MIN	MAX	MIN	MAX
<b>Residential</b>	15	30	25	40	15	30	-	95
<b>Commercial Retail &amp; Services</b>	30	70	20	60	30	70	-	30
<b>Industrial</b>	-	20	-	-	-	20	-	-
<b>Civic</b>	5	-	5	-	5	-	5	-
<b>Parks and Open Space</b>	10	-	10	-	10	-	10	-

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**Table 3.4.3.2: Use Table**

Additional restrictions apply in the Myakka River Protection Zone and adjacent to wetlands per Chapter 6 of this ULDC.

<b>USES</b>	<b>Residential</b>	<b>Commercial Retail &amp; Services</b>	<b>Industrial</b>	<b>Civic</b>	<b>Parks and Open Space</b>
<b>Adult Arcades</b>	X	X	X	X	X
<b>Agriculture</b>	X	X	P	X	X
<b>Agriculture, Industrial</b>	X	X	P	P	X
<b>Agritourism and Ecotourism</b>	X	X	X	X	P
<b>Animal Boarding<sup>1</sup></b>	X	P	P	P	X
<b>Animal Daycare</b>	X	P	P	P	X
<b>Animal Hospitals &amp; Veterinary Offices<sup>1</sup></b>	X	P	X	P	X
<b>Animal Sanctuaries &amp; Rescues<sup>1</sup></b>	X	X	X	P	P
<b>Archaeological Research Facility</b>	X	P	P	P	P
<b>Automobile Junkyards</b>	X	X	P	X	X
<b>Automobile Repair Shop, Minor</b>	X	P	P	P	X
<b>Automobile Repair Shops, Major</b>	X	P	P	P	X
<b>Banks and Financial Institutions</b>	X	P	P	X	X
<b>Bar or Nightclub</b>	X	P	X	X	X
<b>Bed and Breakfast</b>	SE	P	X	X	X
<b>Campground or Retreat</b>	X	X	X	X	X
<b>Car Wash<sup>1</sup></b>	X	P	P	P	X
<b>Cemeteries</b>	X	X	X	P	X
<b>Community Gardens<sup>1</sup></b>	P	P	X	P	P
<b>Conservation</b>	X	X	X	P	P
<b>Craft Brewery, Distillery, Winery</b>	X	P	P	X	X
<b>Crematories</b>	X	X	P	X	X
<b>Daycare Facilities, All Ages</b>	P	P	P	P	X

<b>USES</b>	<b>Residential</b>	<b>Commercial Retail &amp; Services</b>	<b>Industrial</b>	<b>Civic</b>	<b>Parks and Open Space</b>
<b>Dealership, Automobile Sales and Rental</b>	X	P	P	X	X
<b>Dealership, Boats, and Recreational Vehicles Sales and Rentals</b>	X	P	P	X	X
<b>Electric Vehicle Charging Station, Public<sup>1</sup></b>	A	A	A	A	A
<b>Equestrian Stables and Boarding</b>	X	X	X	X	X
<b>Essential Services – Major</b>	SE	SE	P	P	SE
<b>Essential Services – Minor</b>	P	P	P	P	P
<b>Farmer’s Markets</b>	X	P	X	P	X
<b>Food Truck Park <sup>1</sup></b>	X	P	P	P	X
<b>Funeral Homes</b>	X	P	X	P	X
<b>Game Reserves, Public or Private</b>	X	X	X	X	X
<b>Golf Course</b>	X	X	X	P	P
<b>Golf, Driving Range</b>	X	P	X	P	P
<b>Golf, Miniature</b>	X	P	X	P	X
<b>Heavy Machinery Repair and Rental</b>	X	X	P	X	X
<b>Heavy Machinery Sales</b>	X	X	P	X	X
<b>Helipads<sup>1,2</sup></b>	SE	SE	SE	SE	SE
<b>Hospital</b>	X	P	P	P	X
<b>Hotel/Motel</b>	X	P	P	P	X
<b>Incinerators</b>	X	X	P	X	X
<b>Industrial, Heavy</b>	X	X	P	X	X
<b>Industrial, Light</b>	X	P	P	X	X
<b>Laboratories, Research, Medical, Testing</b>	X	P	P	P	X
<b>Laundromat/Dry Cleaning Store</b>	X	P	P	X	X
<b>Medical and Dental Offices</b>	X	P	X	X	X
<b>Mining/Borrow Pits</b>	X	X	P	X	X



<b>USES</b>	<b>Residential</b>	<b>Commercial Retail &amp; Services</b>	<b>Industrial</b>	<b>Civic</b>	<b>Parks and Open Space</b>
Mobile Food Vendor	X	P	P	P	P
Model Homes <sup>1</sup>	P	X	X	X	X
Museums and Galleries	X	P	X	P	P
Office, No Outdoor Storage	A	P	X	X	P
Office, Outdoor Storage	X	X	P	X	X
Oil or Natural Gas Exploration or Production	X	X	X	X	X
Pain Management Clinics	X	P	X	X	X
Parking, Offsite or Commercial <sup>1</sup>	X	P	P	P	X
Personal Services	X	P	P	X	X
Personal Storage Facilities <sup>1</sup>	X	P	P	X	X
Phosphate Mining	X	X	X	X	X
Places of Assembly, Small Scale	X	P	P	X	X
Places of Assembly, Large Scale	X	P	X	P	X
Radio and TV Stations	X	P	P	P	X
Recreation Facilities, Public or Private	P	P	X	X	P
Recreation, Commercial	X	P	P	P	X
Recreation, Passive	P	P	P	P	P
Recreation, Pocket Park	P	P	P	P	P
Refineries	X	X	P	X	X
Religious Institution	X	P	X	X	X
Residential, Accessory Dwelling Unit	A	A	A	A	X
Residential, Assisted Living Facilities, and Group Homes, ≤ 6 beds	P	P	X	X	X
Residential, Assisted Living Facilities, and Group Homes, > 6 beds	SE	P	X	X	X
Residential, Assisted Living Facilities, 50+ Beds					
Residential, Cluster Housing	P	X	X	X	X

<b>USES</b>	<b>Residential</b>	<b>Commercial Retail &amp; Services</b>	<b>Industrial</b>	<b>Civic</b>	<b>Parks and Open Space</b>
<b>Residential, Manufactured Homes</b>	X	X	X	X	X
<b>Residential, Multi-family</b>	P	X	X	X	X
<b>Residential, Single-family</b>	P	X	X	X	X
<b>Residential, Single-Family Attached</b>	P	X	X	X	X
<b>Resort</b>	X	P	X	X	X
<b>Restaurant</b>	X	P	P	X	X
<b>Retail Sales and Services</b>	X	P	P	X	X
<b>RV Resort</b>	X	P	X	X	X
<b>Schools, Post-Secondary Institutions</b>	P	P	X	P	X
<b>Schools, Public or Private (Pre-K through 12)</b>	P	P	X	P	X
<b>Sexually Oriented Business</b>	X	X	X	X	X
<b>Shooting Range/Archery - Indoor</b>	X	P	P	X	X
<b>Shooting Range/Archery - Outdoor</b>	X	X	P	X	P
<b>Slaughterhouses</b>	X	X	X	X	X
<b>Social Services</b>	X	X	X	P	X
<b>Solar Arrays and Floatovoltaics</b>	A	P	P	P	X
<b>Stadiums and Commercial Sports Complexes</b>	X	P	P	P	X
<b>Tasting Room</b>	X	P	X	X	X
<b>Theatres, Auditoriums, and Performance Halls</b>	X	P	X	P	X
<b>Transportation Terminals</b>	X	SE	P	P	X
<b>Travel Center</b>	X	P	SE	X	X
<b>Truck Stop</b>	X	X	P	X	X
<b>Vehicle Fueling Station<sup>1</sup></b>	X	P	P	P	X
<b>Warehouse and Wholesale</b>	X	X	P	X	X
<b>Well Stimulation (any production using)</b>	X	X	X	X	X

USES	Residential	Commercial Retail & Services	Industrial	Civic	Parks and Open Space
Wireless Communication Tower, Camouflaged <sup>1</sup>	P	P	P	P	P
Wireless Communication Tower <sup>1</sup>	X	X	P	P	P

<sup>1</sup> The uses with this footnote have additional design requirements in [Article IX](#).

<sup>2</sup> Helipads associated with hospital uses and other emergency services are permissible accessory uses, exempt from the Special Exception requirements. Requirements of [Article IX](#), Specific Use Standards, apply.

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## ARTICLE V – ALLOWABLE ENCROACHMENTS

### Section 3.5.1. Allowable Encroachments

Certain appurtenances and architectural features have a minimal impact on adjacent properties but may need additional flexibility when designing a site. To accommodate these features, Table 3.5.1. outlines allowable encroachments into required setbacks. When a variance to a setback has been granted, no additional encroachment, which is set forth in this Section is allowed. No structures, except for fences, shall encroach in or over any easement. Encroachments are not applicable zero lot line structures. Site improvements that do not meet the definition of a structure have no limitation to allowable encroachment.

**Table 3.5.1: Allowable Encroachments**

Structure/Improvement	Encroachment Amount <sup>1</sup> (FT)			
	Front	Side	Rear	Waterfront
Ancillary Mechanical Equipment, Residential	-	2	5	5
Awnings, Eaves, or Roof Overhangs	3	3	3	3
Balcony	-	2	5	5
Bay window	2	2	5	5
Chimney	4	2	4	4
Decks, at grade <sup>2</sup>	10	No closer than 2 feet to the property line.		To the property line
Fences	Fences may be constructed on the property line per Section 3.7.7.			
Flagpoles	½ of Setback	-	May not be constructed in an Easement	
Garages, Side-Loading	10	-	-	-
Garages, Rear-Loading	-	-	10 <sup>3</sup>	
Pergola <sup>4</sup>	5	-	10	10
Retaining Wall				
Screened Enclosure or Porch, Screened Roof	-	2	5	5
Shed, less than 200 sqft	-	2	5	5
Stairs	4	½ of Setback	10	10
Steps, not exceeding 3ft above grade	5	½ of Setback	5	5
Stoop (up to 3 ft. by 6 ft. in area)	Non-structural concrete as defined by the Florida Building Code is not required to meet setbacks.			
Walkway, 6ft wide or less made of concrete, pavers, or other permanent material <sup>2</sup>	No closer than 2 ft to the property line unless connected to a sidewalk, dock, or other walkways.			

<b>Walls</b>	-	Walls may be constructed on the property line per Section 3.7.7.
<p><sup>1</sup> Encroachment amount is the maximum reduction to the required setback unless noted otherwise.</p> <p><sup>2</sup> Walkways, decks, and slabs may be constructed in an easement at the property owner's risk. If work in the easement is required, the conditions included in Article V of this Chapter apply.</p> <p><sup>3</sup> Rear-loaded garages may not be closer to the property line than 18 feet.</p> <p><sup>4</sup> Only pergolas 100-square feet or less and less than 8-feet in height qualify for reduced setbacks.</p>		

**Section 3.5.2. Occupation of Easement.**

- A. Occupation of easement may be authorized via a Certificate of Zoning Compliance when objects do not appear to:
  - (1). Physically obstruct timely access to infrastructure facilities, i.e., canals, ditches, outfalls, and swales, for personnel to carry out needed maintenance;
  - (2). Impede the flow of storm water within the drainage systems, i.e., swales, and ditches, thereby reducing drainage performance; and
  - (3). Pose a hazard to vehicular or pedestrian traffic.
- B. Objects occupying the City's easements are placed at the risk of the resident.
  - (1). Any object found to be obstructing access to the easement shall be removed at the City's request.
  - (2). When possible, the City will give notification of the need to access to allow proper time for removal of the object or structure. The owner of the property shall solely bear the cost of the removal and replacement.
  - (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 during maintenance, the cost of replacement is the sole responsibility of the owner or resident.

**ARTICLE VI – BONUSES AND INCENTIVES**

**Section 3.6.1. Generally**

- A. **Purpose.** The City of North Port incentivizes specific development types to help make the city more sustainable, affordable, and functional. Density and intensity bonuses are incentives for development types in areas of the City where they are permissible primary uses. When a development type that is not a permissible primary use is proposed, bonuses and incentives for that development type do not apply. Table XXY identifies bonuses to intensity and density in each district, which may be in addition to the bonus density from Transfer of Development Rights in Chapter 1.
- B. **Table 3.6.1.1.** Bonuses and Incentives, summarizes the bonuses and incentives the City has created for the indicated development types. The individual Sections within this Article provide details on each of the development types that must be met to obtain the bonus. Unless noted otherwise, the density and intensity bonuses may stack. The developer is responsible for providing documentation proving satisfaction of the requirements for the bonus or incentive.
- (1). **FAR Bonuses.** The FAR bonus is added to the permitted FAR in the zoning district for non-residential and mixed-use projects.
  - (2). **Density Bonus (DU/Ac).** The density bonus is added to the permitted density in the zoning district for residential uses.
  - (3). **Height.** The height bonus shall not stack. The intention of providing additional height is to accommodate the additional FAR or density provided in the table. When more than one incentive with a height bonus is utilized, the largest height bonus shall apply.
  - (4). **Impervious Surface Ratio (ISR).** The impervious surface ratio bonus is added to the maximum allowable ISR per the zoning district regulation.
  - (5). **Buffer.** The buffer bonus is a percentage subtracted from the width of the required buffer per Chapter 4 of this ULDC.
  - (6). **Setbacks.** The setback bonus is a percentage subtracted from the required setbacks per the requirements of the zoning district. In instances where the setback is zero (0), the setback may not be reduced.

**Table 3.6.1.1. Bonuses and Incentives**

DEVELOPMENT TYPE	BONUS OR INCENTIVE					
	FAR	DU/Acre	Height (FT)	ISR	Buffer	Setbacks
Adaptive Play Areas and Equipment	.15	2:1	-	+15%	-	-
Affordable Housing, 81- 120% AMI	.50	5:1	10	-	-	-
Affordable Housing, 51-80% AMI	.50	6:1	10	-	-	-
Affordable Housing, 31-50% AMI	1.0	8:1	10	-	-	-
Affordable Housing, 30% AMI and Below	1.0	10:1	20	-	-	-
Affordable Nonresidential	.50	-	10	-	-	-
Age-Restricted Affordable Housing	1.0	8:1	10	-	-	-
Community Gardens	.25	2:1	-	-	- 10%	-

DEVELOPMENT TYPE	BONUS OR INCENTIVE					
	FAR	DU/Acre	Height (FT)	ISR	Buffer	Setbacks
Environmentally Friendly Site Design	-	-	Up to a 25 % reduction to buffer or setbacks or a 15% increase in coverage or height			
EV Charging Station, DC Fast Chargers	.25	-	10 ft	-	-	-
EV Charging Station, Standard <20 kW	.15	1:1	10 ft	-	-	-
EV DC Fast Charging Station Co-located with other uses	.50	-	15 ft	-	-	-
EV Charging Station, Covered	-	-	-	+ SQFT of Cover	-	-
Florida Native Landscaping Materials	-	-	-	+ 5%	- 5 %	-
Hurricane Resistant Construction	.50	2:1	-	-	-	-
Land Assembly, up to 4-acres	1.0	4:1	10 ft	-	-	-
Land Assembly, over 4-acres	1.5	4:1	20 ft	-	-	-
Mixed Use, Vertical	1.0	3:1	15 ft	-	-	-
Non-Residential Development in AC	1.0	-	15 ft	-	-	-
Parking Garage in lieu of surface parking	.50	-	15 ft	-	-	-
Parking Garage, Vertical Mixed-Use	1.0	2:1	30 ft	-	-	-
Parking Garage, Retail-Wrapped	.75	-	15	-	-	-
Permeable/Pervious Pavers	-	-	-	% offset	-	-
Targeted Industry per City Code Chapter 3 Article III	1.5	-	25 ft	+ 10%	-	-
Solar Panels/Alt Energy Production	.15	-	10 ft	-	-	-
Stormwater - 100 Year, 72-hour storm	.25	-	15 ft	-	-	-
Stormwater - 100 Year, 7-day storm	.50	-	20 ft	-	-	-
Stormwater - 500 Year	1.0	-	30 ft	-	-	-

### Section 3.6.2. Adaptive Play Areas and Equipment

- A. Adaptive play areas and equipment are playgrounds that meet ADA regulations and ensure that persons of all ages, with or without disabilities, have access to and can use playground or recreation equipment. Adaptive play areas and equipment may include, but are not limited to:
- (1). Playgrounds; and
  - (2). Recreation equipment such as accessible kayak launches.
- B. Adaptive play area facilities must be open and accessible to the public to receive the bonus.
- C. Accessible play areas shall include the appropriate ADA-compliant access points.

### Section 3.6.3. Affordable Housing.

- A. **Generally.** The affordable housing density and FAR bonus applies in the AC-1, AC-2, AC-3, AC-4, AC-5, AC-6, AC-8, AC-9, AC-10, R-2, and R-3, zoning districts.
- B. **Percent Affordable.** A minimum of 35% of all units shall be offered at a defined level of affordability to receive the bonus.
- C. **Duration.** The affordable housing created to facilitate density bonuses shall be maintained as an affordable unit for a minimum of 30 years. Affordability shall be included in a Land Use Restriction Agreement (LURA) with annual reporting to ensure affordability is maintained.
- D. **Density and Intensity.** When affordable housing is proposed as part of a mixed-use development, only the FAR bonus applies.
- E. **Access.** Affordable housing units in mixed-income developments shall be located throughout the development and have the same access and adornments as market-rate units.
- F. **Levels of Affordability.** The City recognizes the following income levels as affordable housing to support housing access for all:
  - (1). Affordable Housing, 81- 120% AMI
  - (2). Affordable Housing, 51-80% AMI
  - (3). Affordable Housing, 31-50% AMI
  - (4). Affordable Housing, 30% AMI and Below
- G. **Age-Restricted Affordable Housing.** Affordable Housing at any income level listed in Subsection E above may be age-restricted for a bonus.

#### **Section 3.6.4. Affordable Nonresidential**

- A. **Percent Affordable.** Affordable nonresidential development shall comprise a minimum of 50% of the proposed development to obtain the bonus.
- B. **Duration.** The affordable nonresidential spaces created with the bonus shall remain affordable for a minimum of ten (10) years.
- C. **Types.** Affordable nonresidential development may include, but is not limited to, the following:
  - (1). Microunits, Nonresidential
  - (2). Co-working Space
  - (3). Pop-up Space
  - (4). Affordable Live-Work Units
  - (5). Nonresidential development created through a Community Land Trust or Co-operative
  - (6). Food Truck Parks

#### **Section 3.6.5. Community Gardens**

- A. **Generally.** To obtain the development bonus, public or private community gardens shall be:
  - (1). The primary use of the areas in which the garden is located;
  - (2). A minimum of one quarter (0.25) acre;
  - (3). Compliant with Section 3.9.5; and
  - (4). Maintained as community space in perpetuity.



### **Section 3.6.6. Environmentally Friendly Site Design**

- A. **New Development.** Buildings shall be placed to maintain natural wetlands, preserve heritage trees, and maximize energy efficiency. To obtain this bonus:
- (1). Buildings shall be placed with the long axis of the structure running east to west;
  - (2). Clear glazing shall be minimized on the east and west facades to provide year-round temperature control by reducing the solar heat gain;
  - (3). A minimum of seventy-five percent (75%) of the wetlands shall remain intact; and
  - (4). All healthy heritage trees shall be preserved.
- B. **Redevelopment.** Redevelopment of existing buildings or previously developed sites may also utilize this bonus when the design meets the following conditions:
- (1). The design does not propose additional impervious surfaces;
  - (2). Redevelopment meets all FEMA flood elevation standards;
  - (3). A minimum of seventy-five percent (75%) of the existing wetlands shall be preserved, enhanced, and/or restored; and
  - (4). All healthy heritage trees shall be preserved.

### **Section 3.6.7. EV Charging Stations**

- A. **Generally.** To qualify for the bonus, the additional EV charging stations shall be open to the public.
- B. **Qualifying EV Chargers.** Bonuses and incentives are available for the following types of EV charging stations:
- (1). EV Charging, DC Fast Chargers
  - (2). EV Charging, Level 2
  - (3). EV DC Fast Charging Station Co-located with other uses.
  - (4). EV Charging Station, Covered

### **Section 3.6.8. Florida Native Landscaping Materials**

- A. **Generally.** Seventy-Five percent (75%) of the vegetative materials used for landscaping shall be Florida-native to receive the bonus. When developing a previously undeveloped parcel, existing, non-invasive vegetative materials may be preserved to help satisfy this requirement.

### **Section 3.6.9. Hurricane Resistant Construction**

- A. **Generally.** Hurricane Resistant construction shall include, but may not be limited to, the following:
- (1). New or renovated existing structures hardened to withstand hurricanes.
  - (2). A battery backup system designed to collect and store energy for use in an emergency.

### **Section 3.6.10. Land Assembly**

- A. **Generally.** Land assembly bonuses shall be obtained by assembling contiguous lots to provide for development alternative to single-family detached uses, as allowed by the zoning district assigned to the assembled parcels. When parcels are assembled, access to collector or arterial roads may be limited. Bonuses may be used for land assembly in the following sizes:
- (1). Land Assembly, up to 18 pre-platted lots or 4 acres.

(2). Land Assembly, 4 acres+. The assembly of parcels exceeds 19 lots or 4 acres.

### **Section 3.6.11. Mixed Use, Vertical**

A. **Generally.** Bonuses for vertical mixing of uses may be obtained when the mixing of uses is required or elective when the following conditions are met:

(1). The mixture facilitates distinct and separate uses contained within one structure. The whole development may include vertical and horizontal mixed-use, but the bonus may only be obtained when uses are mixed vertically; and

(2). Residential uses shall be located on, or above, the second floor.

### **Section 3.6.12. Parking Garages.**

A. **Accessibility.** Parking garages may be public or private to receive the bonus.

B. **Types.** Parking garage bonuses may be obtained through any combination of the following:

(1). Parking Garage in lieu of surface parking

(2). Parking Garage, Vertical Mixed-Use

(3). Parking Garage, Retail-Wrapped

### **Section 3.6.13. Permeable or Pervious Pavers**

A. **Generally.** Impervious surface areas may be offset with pervious pavers or other permeable surface materials. The property owner shall maintain all permeable surface materials to the installation standard to ensure the material remains pervious over time. The proposed permeable surface materials shall comply with all other applicable engineering standards for paved surfaces.

### **Section 3.6.14. Targeted Industry**

A. **Generally.** Development which includes an industry indicated as a targeted industry in Chapter 58, Article III of the City Code is eligible for a development bonus.

### **Section 3.6.15. Solar Panels/Alt Energy Production**

A. **Generally.** The density or intensity bonus applies when the proposed development offsets its energy consumption by 50% or more through a renewable source.

### **Section 3.6.16. Stormwater**

A. **Generally.** Site stormwater facilities that are engineered above and beyond the City's requirement. The following storm events are eligible:

(1). Stormwater – 100-Year, 72-hour storm

(2). Stormwater – 100-Year, 7-day storm

(3). Stormwater – 500-Year event

## **ARTICLE VII –ACCESSORY USES AND STRUCTURES**

### **Section 3.7.1. Generally**

#### **A. Residential.**

- (1). Accessory uses traditionally associated with residential uses such as swimming pools or storage sheds are allowed as accessory uses in agricultural and residential zoning districts in addition to the accessory structures and uses specified in this Article. These uses must be accessory to an established residential use.
- (2). Accessory structures shall maintain minimum setbacks per the applicable dimensional standards table for the zoning district in which they are located. Accessory structures shall be located behind the façade of the primary structure, unless otherwise provided for in this Article or in the applicable dimensional standards table. In no instance shall an accessory structure be located in an easement.

#### **B. Multi-Family, Non-Residential, and Mixed-Use.**

- (1). All permissible uses may be allowable as an accessory use to a permissible primary use.
- (2). Accessory structures in non-residential districts shall follow the required primary structure dimensional standards for the applicable zoning district.

### **Section 3.7.2. Accessory Dwelling Units**

**A. Purpose.** Accessory Dwelling Units (ADU) in residential districts allow property owners to establish separate living quarters to care for seniors, house their children, or obtain rental income. Additionally, ADUs increase the range of housing choices and the supply of accessible and affordable housing units within the community. ADUs in nonresidential development may take the form of a caretaker's unit and shall be included on the Site Development and Infrastructure Plan. Because ADUs are size-restricted and accessory to another use, ADUs are exempt from residential density calculations.

#### **B. Minimum parcel size.**

- (1). One ADU may be permitted on a single lot or parcel in all standard zoning districts when the property has access to public water and sewer.
- (2). When public water and sewer are unavailable, ADUs may be permissible on a single lot or parcel, subject to the separation requirements for the well and septic systems. Property owners shall verify the separation requirements with the Health Department to determine the viability of an ADU when a parcel does not have access to public water and sewer.

#### **C. Design.**

- (1). ADUs shall comply with the dimensional standards of the zoning district for accessory structures and all habitable structure standards from the Florida Building Code, including the base flood elevation.
- (2). The architectural design, character, style, and appearance shall be consistent and compatible with the primary structure.
- (3). Existing, non-conforming accessory structures may be converted to a legal ADU, subject to the Florida Building Code standards for habitable structures, with the appropriate building permits and inspections. Conversion may not increase the non-conformity of the structure.
- (4). ADUs extending from existing structures may not comprise more than 50% of the total visible facade area parallel to the front property line.

**D. Dwelling Unit Size.** ADUs may not exceed 65% of the primary structure's livable area measured by square feet under air with a maximum size of 800-square feet.

**E. Utilities.**

- (1). ADUs may share existing utility and service infrastructure with the primary unit, subject to compliance with state and local standards.
- (2). In instances where an ADU has been developed without public water and sewer, the ADU shall convert to public water and sewer upon the availability of services.

**F. Parking.** ADUs require one additional parking space within the property lines. The parking space may be incorporated into the driveway or stand-alone.

**G. Common Ownership.** Unless the ADU independently meets all the requirements of the zoning district. The ADU and the property on which it shares a parcel shall be under common ownership.

**Section 3.7.3. Accessory Agriculture in Residential Districts**

**A. Purpose.** Non-industrial urban agriculture, through backyard farms, can support community health, improve the environment, control pests, and provide additional sources of income for residents. Fowl allowed in this Section shall be kept or raised for personal use, except youth projects such as 4-H or FFA activities. The raising and keeping of fowl or livestock shall be conducted in a manner to minimize any potential public nuisance.

**B. Permissible Activities.** Vegetable and fruit gardens are permitted in all zoning districts. The maximum allowed number of fowl or livestock for accessory agricultural uses is as follows:

TYPE	MAXIMUM NUMBER ALLOWED
Fowl	Four (4) Gallus Domesticus hens per 10,000 SQFT of land. No other types of fowl are allowed.

**C. Prohibited Activities:**

- (1). Commercial raising or keeping of fowl or livestock;
- (2). Keeping of roosters, crowing chickens, or any livestock not listed in the table above; and
- (3). Slaughtering of hens, goats, or other animals.

**D. Containment.** It shall be unlawful for any person to allow fowl to run at large upon the streets, alleys, or other public places of the City or upon the property of any other person. Stored feed shall be secured in rodentproof and raccoon-proof enclosed containers.

- (1). Chicken coops, and containment areas shall:
  - a. Reside in the rear half of the residential lot behind the primary structure;
  - b. Meet the setback requirements for an accessory structure in the zoning district;
  - c. Maintain clean and sanitary conditions, free of insects and rodents, offensive odors detectable at property boundaries, excessive noise, or any other potential nuisance;
  - d. Hens shall be contained within a covered chicken coop or fenced pen area;
  - e. A building permit is not required for movable or prefabricated coops that 12-square feet or less in size.

- f. Moveable coops shall be removed or stored appropriately for all major storm events to prevent airborne debris.

(2). Chickens shall be stored appropriately for all major storm events.

#### **Section 3.7.4. Automated Teller Machines (ATM) and Other Vending Machines**

- A. An ATM or other machine designed for walk-up use shall be located in the exterior wall, or built-in surround, of a building or a parking area and shall be designed to avoid:
  - (1). Obstructions to pedestrian movement along sidewalks, public use areas, or parking areas and building entrances; and
  - (2). Disruption to vehicular movement in front of buildings or through parking areas.
- B. If an ATM or other vending machine is designed for use by customers in their vehicles, it shall comply with the accessory use standards in Section 3.7.6.

#### **Section 3.7.5. Detached Garages, Carports, Sheds, and Other Accessory Storage Structures**

- A. **Purpose.** This section applies to detached accessory storage structures. Storage areas attached to the primary structure shall conform to the setback and permitting requirements of the primary structure.
- B. **Permit Exemption.** Prefabricated sheds, 50 square feet or less, in one-and-two-family residential districts are exempt from building permits and the design requirements in this Section. Storage structures associated with other uses are not exempt from any development standards. The property owner is responsible for ensuring the shed is not placed in a required setback or easement. Sheds placed in easements are at owners' risk; should the city damage or destroy the structure while conducting construction or maintenance in the easement, repair or replacement is at the property owner's expense.
- C. **Standards.**
  - (1). One accessory storage structure is permitted per primary dwelling unit in the one-and-two-family residential districts. Multi-family, nonresidential and mixed uses are limited by their lot coverage and FAR calculations.
  - (2). The architectural design, character, style, and appearance of accessory storage structures exceeding 600-square feet, or visible from a public right-of-way shall be consistent and compatible with the primary structure.
  - (3). Driveways. On corner lots, driveways to the accessory structure shall face the addressing street. When the parcel is considered a through lot according to Chapter 4, Article II, the driveway may face the non-addressed street.
  - (4). Accessory storage structures shall be:
    - a. Designed to comply with the dimensional standards of the zoning district and construction standards from the Florida Building Code;
    - b. Subordinate in total area to the primary structure unless the structure is located on a property 1-acre or larger, in which case the impervious surface ratio shall dictate the size permitted;
    - c. Located behind the front façade of the primary structure; and
    - d. On the same parcel as the primary structure.

#### **Section 3.7.6. Drive-Thru and Mobile Pick-Up Spaces**

- A. **Purpose.** Drive-Thru and Mobile Pick-Up Spaces are integral accessory uses to many different businesses. The purpose of this Section is to ensure safe pedestrian and vehicular movement and maintain the aesthetic integrity of sites with these uses.
- B. **Drive Thru Facilities.** Permitted ancillary drive-through facilities, including all improvements associated with the drive-through activity, such as entry and exit drives, stacking lanes, service windows, canopies, drive-up ATMs, and informational signage, shall be located and designed to meet the following standards:
- (1). Drive-through facilities shall be located at the rear or side of the primary building,
  - (2). Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall be located a minimum 100-foot or face away from the property lines of any adjacent residential zoning districts.
  - (3). Stacking Lanes.
    - a. Each drive-thru lane shall include stacking spaces per Chapter 4, Article X, Section 4.10.6, to ensure queuing vehicles do not block driveways, access to parking areas, or pedestrian walkways.
    - b. Drive-thru lanes along pedestrian walkways shall be buffered with a minimum 24-inch-wide landscaped strip between the drive-thru lane and sidewalk with plantings and hedges not exceeding 36 inches in height.
- C. **Mobile Pick-Up Spaces.** Required parking spaces may not be utilized for mobile pick-up spaces. Mobile Pick-Up or To-Go parking shall be located and designed to meet the following standards:
- (1). May be located on the front, side, or rear of the primary structure.
  - (2). Mobile pick-up spaces shall not be located directly adjacent to the property's primary access points or in a location that would impede normal traffic flow.
  - (3). Employees shall have direct access from the structure to the Mobile Pick-Up Spaces via a properly marked crosswalk or sidewalk.
- D. **Signage.** On-site signage and pavement markings shall be provided to mark pedestrian walkways and crossings and indicate the direction of vehicular travel and other conditions required to ensure safe vehicular and pedestrian movement.

### **Section 3.7.7. Fences, Hedges, and Walls**

- A. **Purpose.** The purpose of this Section is to regulate the location, height, and appearance of fences and walls to maintain visual harmony throughout the City and ensure safe visibility around fences and walls throughout the City.
- B. **Permit.** Constructing a six-foot high fence or shorter on one-and-two-family properties does not require a building permit or zoning review. Property owners are responsible for ensuring compliance with height, location, and construction requirements herein. Fences taller than 6-feet or walls of any height require a building permit showing compliance with the Florida Building Code. Privacy hedges may be planted without a permit in any required yard or easement but must be maintained and ensure no obstruction to the visibility triangle.
- C. **Location.** A fence or wall may be constructed on the property line but shall not be located within a visibility triangle or impede the visibility of street traffic from vehicles or exiting driveways. All support structures shall be completely within the property lines of the constructing property. Fences or walls are not permitted in a public right-of-way.
- D. **Visibility Triangle.** No obstruction to vision is permitted at the intersection of a driveway and the street. The area must be clear of all visual obstructions to allow drivers adequate time to perceive a problem (e.g.,

vehicle, person, animal, or object), react to it, and safely stop to avoid a collision or injury. The length and shape of this area is affected by the speed of a vehicle, pavement conditions, curves in the road, slopes, and other factors. Chapter 4, Article II, Section 4.2.8. contains visibility triangle limitations.

E. **Height.** Fence and wall height is measured from the average grade of the property.

(1). Maximum heights:

a. Residential:

1. Front Yard and Secondary Front Yard: 4 Feet
2. Side, Rear, Waterfront: 8 Feet

b. Non-residential: 8 feet

(2). Fence posts and wall columns may extend above the maximum fence height by one-foot, provided no part of a fence or wall post, or column shall have a height greater than 5-feet in the front yard of a residential district, or nine-feet elsewhere.

F. **Materials and Appearance.** The finished side of the fence or wall shall face outward from the property constructing the fence or wall.

(1). Fences and walls shall be constructed of the following materials:

- a. Masonry or stone;
- b. Ornamental iron or other decorative metal;
- c. Painted wood, pressure-treated wood, or rot-resistant wood such as cedar, cypress, or teak;
- d. Composite materials designed to appear as wood, metal, or masonry;
- e. Vinyl Coated Chain link, in black or North Port City Center Green;
- f. Vinyl fencing; and
- g. Walls clad with substrate material intended to support living vegetation.

(2). Prohibited Materials. The following fence types or materials are prohibited.

- a. Barbed and razor wire;
- b. Fences or walls with any material or substance designed to inflict pain or injury on any person or animal, such as broken glass, spikes, nails, barbs, or similar material;
- c. Fences constructed of chicken wire, corrugated metal, fabric materials, fiberboard, garage door panels, plywood, rolled plastic, sheet metal, debris, junk, or waste materials, unless such materials are recycled and reprocessed, for marketing to the public, as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber);
- d. Chain link fences except as permitted in subsection (1)e above; and
- e. Above-ground fences that carry electrical current (below-ground electrical fences intended for the keeping of pets are not prohibited).

(3). Exemptions.

- a. Properties in the AG, EC district, or properties on which water/wastewater treatment plants or electric substations may utilize a split rail, barbed wire, razor, or electric fences. Barbed wire may only be installed on the top and inside of the fence but is included in the fence height calculation.

### Section 3.7.8. Flagpoles

- A. One flagpole may be installed on a property. The flagpole may not exceed the maximum building height of the zoning district.

### **Section 3.7.9. Home-Based Businesses**

- A. **Purpose.** Home-based businesses are permissible accessory uses in all residential districts, provided such use is in compliance with 559.955, Florida Statutes.

### **Section 3.7.10. Mobile Food Vending**

- A. **Purpose.** The purpose of this section is to provide details on where and how a Mobile Food Vendor may operate within the City of North Port to ensure the health, safety, and general welfare of residents and visitors. Ice cream trucks are not considered Mobile Food Vending.

#### **B. General Standards.**

- (1). A Mobile Food Vendor shall be:

- a. Licensed by the state;
- b. Parked with written permission from the property owner;
- c. Limited to the hours between 7:00 am and 12:00 am (midnight); and
- d. Removed from any site during the hours when the vehicle is not operating and may not be stored, parked, or left overnight on any public street or sidewalk.

- (2). The Mobile Food Vendors may not provide seating areas for dining associated with food dispensing vehicles, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.

- (3). All food preparation, storage, and sales or distribution by a food dispensing vehicle operator shall comply with all applicable county, state, and federal health, and sanitary regulations. In accordance with such laws, the food dispensing vehicle shall return daily to a commissary for proper servicing.

- (4). One sandwich board, feather flag or banner shall be allowed.

- (5). Amplified music is prohibited.

- (6). The operator shall keep all areas within 10-feet of the food dispensing vehicle and any associated customer or dining area clean of grease, trash, paper, cups, cans, or other debris associated with the food truck.

- a. Each operator is responsible for properly disposing of solid waste associated with food dispensing vehicle operation and any outdoor dining areas prior to leaving a location. City-maintained trash receptacles shall not be used for this purpose.
- b. No waste or grease may be disposed in storm drains, into the sanitary sewer system, or onto sidewalks, streets, or other public spaces.
- c. If evidence of the improper disposal of liquid waste or grease is discovered at any time, the food dispensing vehicle operator shall cease operation immediately. The owner of the food dispensing vehicle business and the property owner shall be liable for the violation.
- d. A fire extinguisher must be located on-site when a Mobile Food Vendor uses a generator or open flame.
- e. Mobile Food Vendors shall maintain all applicable insurance policies required by local, state, and federal law and regulation.

- C. **Non-Residential and CT/COR Districts.** In addition to the general standards, the following additional standards apply:



- (1). No more than one (1) Mobile Food Vendors is permitted per parcel as an accessory use to a developed site. Food Truck Parks are exempt from this limitation.
  - (2). Mobile Food Vendors shall not be located closer than 100-feet from a lot occupied by a one-and-two-family dwelling unit. Separation is measured in a straight line from the location of the food truck to the nearest property boundary.
  - (3). Mobile Food Vendors shall be at least five (5) feet from any fire hydrant, sidewalk, utility box, handicap ramp, and building entrance.
  - (4). Mobile Food Vendors shall not occupy parking spaces required to fulfill the minimum requirements of the primary use unless the hours of operation of the primary use do not coincide with those of the Mobile Food Vendor.
  - (5). Mobile Food Vendors may not encroach upon open space, landscaping, vehicular accessways, or pedestrian walkways and shall not obstruct or disturb existing buffers or required setbacks from buffers or streetscapes.
  - (6). Mobile Food Vendors shall be located at least 100-feet from the main entrance of any eating establishment or similar food service business, from any outdoor dining area, and any other food dispensing vehicle, as measured in a straight line.
  - (7). The owner of any private property upon which a violation of the regulations within this subsection occurs shall be individually responsible and liable for the violation.
- D. **Residential.** In residential zone districts, a food dispensing vehicle shall be allowed only in conjunction with a neighborhood activity or function sanctioned by a homeowner's association.
- E. **City-Owned property.** A mobile food vendor may operate on city-owned or public property.
- (1). In addition to the general standards above, the total operation shall be contained within the designated areas identified by the Parks and Recreation Department or City Manager in the following locations:
    - a. Dallas White Park, a maximum of four (4) designated spaces;
    - b. The Garden of the Five Senses, a maximum of four (4) designated spaces;
    - c. Highland Ridge Park, a maximum of one (1) designated space;
    - d. City Center Green, a maximum of six (6) designated spaces;
    - e. Blue Ridge Park, a maximum of two (2) designated spaces;
    - f. McKibben Park, a maximum of two (2) designated spaces; and
    - g. Atwater Park, a maximum of two (2) designated spaces near the splash pad, except during Little League games.
    - h. Warm Mineral Springs Park, a maximum of two (2) designated spaces.
  - (2). A mobile food vendor must maintain insurance and coverage in occurrence form when operating on city-owned property. The mobile food vendor must also have a current certificate of insurance on file with the city, naming the city as an additional insured with the following:
    - a. Commercial general liability insurance. The policy must include a minimum limit of \$300,000.00 for each accident, \$600,000.00 for general aggregate, \$600,000.00 for products and completed ops, and \$100,000.00 damage to rented premises.
    - b. Commercial auto liability insurance. The policy must include a minimum limit of \$1,000,000.00 for each accident for property damage and bodily injury with contractual liability coverage.

- c. Workers' compensation insurance. The policy must include a minimum limit of \$100,000.00 for each accident, \$100,000.00 for each employee, a \$500,000.00 policy limit for diseases; coverage must apply for all employees at the statutory limits provided by state and federal laws. Including proof of current workers' compensation coverage or workers' compensation exemption (notarized affidavit).
- F. **Construction areas.** A mobile food vendor may operate on private property with an active building permit as part of a nonresidential, mixed-use, or multi-family construction site. Such operation may also occur on a site undergoing master infrastructure construction within a one-and-two-family subdivision until the first certificate of occupancy is issued.

### **Section 3.7.11. Outdoor and Sidewalk Cafés**

#### **A. General Standards.**

- (1). The outdoor seating area shall not be located closer than 100-feet from an R-1 or R-2 zoning district.
- (2). Hours of operation of the outdoor seating area shall be the same as those for the eating or drinking establishment.
- (3). Food preparation shall occur only within the enclosed primary building containing the eating or drinking establishment.
- (4). Outdoor or sidewalk cafés may not reduce a pedestrian walkway to less than 60-inches or impede general vehicular or pedestrian circulation to adjoining streets, alleys, or sidewalks.
- (5). Outdoor cafés may not be located in a side or rear yard when abutting any residential zoning district.
- (6). When seating is provided adjacent to a walkway or parking area, the seating area shall be:
  - a. Attached to the primary structure on at least one (1) side of the seating area;
  - b. Enclosed with a fence or wall of a design that is consistent with the primary structure;
  - c. Buffered with a minimum 24-inch-wide landscaped strip between the walkway and the seating area.
- (7). Smoke, odor, or other environmental nuisances must be confined to the lot upon which the outdoor café is located.
- (8). Outdoor and sidewalk cafes shall not be located in a required buffer or landscape area.
- (9). Live music or sound-producing devices (including, but not limited to, musical instruments, loudspeakers, and sound amplifiers) may be played in the outdoor seating area provided that all speakers face toward the building and the volume measured at the property line does not exceed the City's noise ordinance.

### **Section 3.7.12. Outdoor Display of Merchandise**

- A. **Purpose.** Outdoor display is intended to regulate the display of merchandise on a site. An outdoor display may be models or general merchandise. This does not include dealerships for automobiles, recreational vehicles, manufactured homes, or other similar dealerships.
- B. Permanent outdoor display areas for models or oversized equipment shall meet the following:
- (1). Merchandise displayed shall be limited to that sold or rented by the primary use on the lot.
  - (2). The display area shall be stabilized and finished.
  - (3). No outdoor display may be located in a required buffer.
  - (4). The outdoor displays may not utilize required parking spaces or block loading zones, fire lanes, or other emergency access areas.

- (5). The proposal shall be in accordance with the overall design and conditions of the development plan for the primary use.
  - (6). Models on display may be kept in place when the associated commercial enterprise is closed. General merchandise may only be on display during store hours.
  - (7). The outdoor display shall be clearly incidental to the primary use.
  - (8). The outdoor display shall be completely contained within the property lines.
  - (9). Outdoor display areas shall be located to maintain a clearance area in front of a primary building entrance for at least 10-feet directly, outward from the entrance width.
  - (10). An obstruction-free area at least 5-feet wide shall be maintained through the entire length of the display area, or between it and adjacent parking areas to allow pedestrians and handicapped persons with disabilities to travel between parking areas safely and conveniently, without being required to detour around the display area.
- C. Outdoor display of merchandise, such as sidewalk sales or portable displays, shall meet the following:
- (1). Maximum area: The area devoted to an outdoor display of merchandise shall not exceed a footprint of 32-square feet per business.
  - (2). Maximum height: the maximum height for any portion of an outdoor merchandise display is 6-feet.
  - (3). Dimensions: Outdoor merchandise display areas shall not extend more than 5-feet from the adjacent storefront.
  - (4). Displays may not obstruct ADA required access.
  - (5). Display: Merchandise shall be displayed on shelves or tables and arranged neatly.

### **Section 3.7.13. Outdoor Storage**

- A. The outdoor storage area shall be in accordance with the overall design and conditions of the development plan for the primary use.
- B. All proposed outdoor storage shall be enclosed and screened by a wall, fence, or hedge that is not less than two-thirds the height of any equipment or fixtures used or any material stored.
- C. Outdoor storage areas shall be completely contained within the property lines.

### **Section 3.7.14. Solar Arrays**

- A. The array may be located on the roof of a primary or accessory structure, the side of such structures, a pole, the ground, or a pond. Any ground-mounted solar array located in the front yard, or within view of a public right-of-way shall be designed as public art consistent with Chapter 4, Section 4.4.4.
- B. The facility shall not extend more than 15-feet above the roof line of the structure on which it is mounted.
- C. When an existing structure is within 5-feet of or exceeds the maximum building height, a solar energy collection facility may be located on its roof but shall not extend more than 5-feet above the roof surface.
- D. The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the small-scale solar energy collection facility, and for recording any such solar easement in the Public Records of Sarasota County.

### **Section 3.7.15. Swimming Pools, Screened Enclosures, Courts, and Other Recreational Facilities**

- A. **Purpose.** The following regulations apply to all swimming pools, tennis courts, shuffleboard courts, and other recreational facilities which are accessory to an established primary use.

B. **Setbacks.** Accessory structures shall meet the accessory structure setback requirements of the applicable zoning district. Decks, pavers, or other non-structural surfaces at grade do not need to meet setback requirements. Setbacks are measured per the following:

- (1). **Pools.** Setbacks are measured to the edge of the pool structure if unenclosed.
- (2). **Screened Enclosures.** Setbacks are measured to the structure façade.
- (3). **Other Structures.** Setbacks are measured from the surface of the structure.

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## ARTICLE VIII – CONDITIONAL USES

### Section 3.8.1. Generally

- A. Conditional uses provide reasonable limitations to specific uses to address, minimize, or eliminate the potential impacts of the use on surrounding properties to protect public health, safety, and welfare.
- B. The Conditional use requirements apply to the uses indicated as a conditional use in the Use Standards tables. When a use is permitted in some districts and a conditional use in others, the conditional use requirements are only required for projects in the zoning districts where the use is conditional.
- C. Conditional uses are approved administratively through the Site Development and Infrastructure Plan process.
- D. Failing to meet the conditional use requirements for a use allowed by conditional use approval will result in a required special exception approval.
- E. The Conditional use requirements are in addition to the zoning district standards and site development standards in Chapter 4.

### Section 3.8.2. Campground or Retreat

- A. **Purpose.** Campgrounds or retreats located in the Agricultural district must mitigate all potential impacts to the adjacent single-family and farm uses.
- B. **Size.** Minimum size of 12 acres.
- C. **Additional setbacks.** Cabins or camping areas may not be within 50-feet of the property line.
- D. **Sanitary Facilities.** Permanent sanitary facilities shall be provided on site.
- E. **Fencing.** Fencing or walls are required along all side and rear property lines. The fencing shall match the architectural design of the main structure or blend with the environment.
- F. **Hours of Operation.** Outdoor activities may not occur prior to 7am or after 10pm.

### Section 3.8.3. Dealerships, All Types

- A. In the Activity Center districts, all dealerships shall keep the bulk of their inventory behind the primary structure, within a parking structure, or within another type of building meeting the design standards for non-residential structures. A single line of cars may be parked in front of the primary structure on an improved surface with associated landscaping.

### Section 3.8.4. Model Homes. See Section 3.9.9.

### Section 3.8.5. Places of Assembly

- A. **Roadway Access.** In the residential zoning districts and the CT and COR districts, a place of assembly shall have direct access to an arterial or collector street.
- B. **Modifications.** The ULDC Administrator shall have the authority to grant modifications to any of the standards listed in this Section or Chapter 4 of this ULDC to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). In granting such a modification, the ULDC Administrator may require conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and that will mitigate any potential adverse effect on the environment or adjacent properties.

### Section 3.8.6. Restaurant

- A. **Purpose.** The purpose of this section is to appropriate commercial uses accessory to agricultural uses. Restaurants in the AG district shall be accessory to an established agricultural use. The intent is to allow low-

impact, commercial agricultural uses that do not interfere with the residential and agricultural nature of the AG district.

- B. **Minimum Size.** 6 acres
- C. **Days of operation.** Restaurants in the AG district are restricted to operating Friday to Sunday and holidays.
- D. **Hours of Operation.** Restaurants in the AG district may not accept patrons before 9:00am or after 10:00pm.

### **Section 3.8.7. Tasting Rooms**

- A. **Purpose.** The purpose of this section is to appropriate commercial uses accessory to agricultural uses. Tasting Rooms in the AG district shall be accessory to an agricultural use. The intent is to allow low-impact, commercial agricultural uses that do not interfere with the residential and agricultural nature of the AG district.
- B. **Hours of Operation.** Tasting Rooms in the AG district may not accept patrons before 10:00am or after 7:00pm.
- C. **Minimum Size.** 6 acres.

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## ARTICLE IX – SPECIFIC USE STANDARDS

### Section 3.9.1. Generally

- A. Specific use standards apply to some uses in Use Standards tables, regardless of zoning district, to address, minimize, or eliminate the potential negative impacts associated with the use on surrounding properties to protect public health, safety, and welfare.
- B. The Specific Use standards shall be incorporated into the Site Development and Infrastructure Plan.

### Section 3.9.2. Animal Boarding

- A. **Purpose.** Facilities that board animals should have the opportunity to develop in a convenient location for the people in which they provide service; however, these facilities may produce noise or other negative externalities, which can be mitigated through design. The standards in this Section are also intended to support the safety and well-being of the animals cared for in these facilities.
- B. **Location.** Kennels for overnight boarding shall not be located outdoors.
- C. **Supervision.** Animals shall not be left outside unattended.
- D. **Screening & Design.** Outdoor play or observation areas shall be surrounded on a minimum of two sides by the primary structure to ensure the secured transfer of animals to the outdoor areas, minimize noise, and shield the outdoor areas from view.
  - (1). Outdoor areas adjacent to residential zoning districts shall be screened from view with a 100% opaque fence or wall.
  - (2). Shade structures and water access for hydration and cooling shall be included in all outdoor areas.
- E. **Hours of Operation.** Activities above and beyond standard boarding practices shall only occur between the hours of 7 a.m. and 7 p.m. These activities may be, but are not limited to, training classes, special events, or outdoor group play times, where noise may be increased beyond the reasonable level of any other use within the zoning district.

### Section 3.9.3. Animal Hospitals & Veterinary Offices

- A. **Purpose.** Animal Hospitals and Veterinary Offices often include services that may produce noise or other negative externalities to the adjacent properties. The standards in this section are intended to mitigate these externalities as well as support the health and safety of the animals cared for at these facilities.
- B. **Location.** Kennels for overnight boarding shall not be located outdoors.
- C. **Supervision.** Animals shall not be left outside unattended.
- D. **Screening & Design.** Outdoor play or observation areas shall be surrounded on a minimum of two sides by the primary structure to ensure the secured transfer of animals to the outdoor areas, minimize noise, and shield the outdoor areas from view.
  - (1). Outdoor areas adjacent to residential zoning districts shall be screened from view with a 100% opaque fence or wall.
  - (2). Shade structures and water access for hydration and cooling shall be included in all outdoor areas.
- F. **Hours of Operation.** Activities above and beyond standard veterinary medical practices shall only occur between the hours of 7 a.m. and 7 p.m. These activities may be, but are not limited to, training classes, special events, or outdoor group play times, where noise may be increased beyond the reasonable level of any other use within the zoning district.

### Section 3.9.4. Animal Sanctuaries and Rescues

- A. **Purpose.** Animal sanctuaries and rescues often include a variety of services that may produce noise or other negative externalities to the adjacent properties. The standards in this Section are intended to mitigate these externalities as well as support the health and safety of the animals cared for at these facilities.
- B. **Location.** When the animals served by the sanctuary or rescue are small enough to be housed indoors, kennels for overnight boarding shall be located indoors. Where indoor boarding is not appropriate due to size or species of the rescue animal, outdoor shelter area and overnight boarding space shall not be located within 500-feet of an existing one-and-two family home. Outdoor animal sanctuaries and rescues should be weather- and climate-appropriate for the species being housed.
- C. **Screening & Design.**
  - (1). Outdoor areas adjacent to residential zoning districts shall be screened from view with a 100% opaque fence or wall.
  - (2). Shade structures and water access for hydration and cooling shall be included in all outdoor areas.
- D. **Hours of Operation.** Activities above and beyond standard practices where noise may be increased beyond the reasonable level of any other use within the zoning district shall only occur between the hours of 7 a.m. and 7 p.m.

#### **Section 3.9.4. Car Wash**

- A. **Purpose.** Car washes are important to residents and visitors for the maintenance and appearance of vehicles but produce numerous environmental concerns.
- B. **Mitigation from Residential.** The entrance or exit of any automatic car wash structure shall not face a residential zoning district or use unless there is:
  - (1). 50-feet of separation between the entrance/exit of the car wash structure and the residential zoning district or use; and
  - (2). An 8-foot tall, 100% masonry wall, at least twice the width of the entrance or exit with landscaping to deflect the noise away from the residential zoning district or use.
- C. **Accessory Use.** When a car wash is accessory to another permitted use:
  - (1). The car wash structure shall be constructed of materials consistent with that of the primary structure.
  - (2). The car wash shall be located to the side or rear of the primary structure.
- D. **Vehicle Stacking.** The site shall provide stacking space for the car wash per Chapter 4, Article X, Section 4.10.6. Stacking spaces shall not interfere with parking spaces, traffic circulation, or pedestrian access to the site.
- E. **Bypass Lane.** A bypass lane shall be provided around drive-thru use, allowing cars to leave the drive-thru lane from the stacking area.
- F. **Hours of Operation.** When the car wash structure is within 60-feet of a residential property, it shall not operate before 8:00 am or after 8:00 pm.
- G. **Water Management.** All car washes, including self-serve and automatic, shall use reused water and shall utilize best management practices.

#### **Section 3.9.5. Community Gardens**

- A. **Purpose.** A community garden is a permissible primary use that allows the growing, harvesting and the incidental retail sale, of edible fruits or vegetables or other plant products intended for ingestion by neighboring residents, friends, owners, and the permittees of the owner for their consumption and



enjoyment and for the consumption and enjoyment of others. Community gardens shall help maintain food accessibility for the residents of North Port.

- B. **Setbacks and structures.** Structures, fences, walls, and other appurtenances shall comply with the setbacks of the underlying zoning district.
- C. **Property Maintenance.**
  - (1). Incidental retail sales shall not occur on the community garden site if it is in a residential zoning district;
  - (2). The property shall be maintained in an orderly and neat condition consistent with the City property maintenance standards.
  - (3). No trash or debris shall be stored or allowed to remain on the property outside of approved garbage containers.
  - (4). Tools and supplies shall be stored indoors or removed from the property daily.
  - (5). Vegetative material (e.g., compost), additional dirt for distribution and other bulk supplies shall be stored to the rear or center of the property, shall be kept in a neat and orderly fashion, and shall not create a visual blight or offensive odors.
  - (6). Large power tools (e.g., mowers, tillers) shall be stored at the rear of the property.
  - (7). The community garden shall be designed and maintained to prevent any chemical pesticide, fertilizer, or other garden waste from draining off the property. Pesticides and fertilizers may only be stored on the property in a locked building or shed and must comply with any other applicable requirements for hazardous materials.
- D. **Environmental.** The soil, fertilizer, pesticides, herbicides, and water usage shall comply with all applicable local, state, and federal regulations.

### **Section 3.9.6. Electric Vehicle Charging Stations**

- A. **Purpose.** Electric Vehicle Charging stations are essential transportation infrastructure that may or may not be open to the public. See Article VI of this Chapter for EV charging Station incentives.
- B. **Private.** Private EV charging stations are allowable accessory uses in all zoning districts without conditions. Private EV chargers may be permitted through the appropriate building permit.
- C. **Public.** Public EV charging stations are allowed accessory uses in R-3, MH, CT, V, and all AC districts, and allowed primary uses in C, COR, GU, I-1, and I-2. EV charging stations for use by patrons of the site, or the public are permissible accessory uses to non-residential uses in the Residential zoning districts. Public EV charging stations should be denoted on the Site Development and Infrastructure Plan and shall meet the following:
  - (1). **Accessibility.** One EV charging space shall be dimensioned to accommodate persons with physical disabilities. The charging station parking space and its controls shall meet ADA standards for accessibility to persons with physical disabilities.
  - (2). **Signage.** EV charging station spaces shall be reserved for charging electric vehicles only. Such reserved spaces shall be posted with signage identifying the spaces as reserved only for charging electric vehicles, the amperage and voltage levels, cost of charging, any enforceable time limits, or tow-away provisions, and contact information for reporting non-operating equipment or other problems.
  - (3). **Pedestrian Connections.** A safe pedestrian connection shall connect the EV charging area to internal and external pedestrian or multi-modal transportation routes via sidewalks and appropriately marked crosswalks.

### Section 3.9.7. Food Truck Parks

- A. **Purpose.** Food truck parks provide an opportunity for up-and-coming restaurants to grow into brick-and-mortar establishments while offering a variety of cuisine options to the public. Because food truck parks may provide outdoor entertainment, pop-up markets, or other similar activities in addition to a selection of food trucks, they require additional siting standards.
- B. **Outdoor entertainment and pop-up markets.** Food truck parks may offer outdoor entertainment, markets, or other similar activities in conjunction with rotating food trucks when located a minimum of 100-feet from an R-1 or R-2 zoning district. All entertainment shall abide by the City's noise Chapter 46, Division 2 of the City Code.
- C. **Design.** All permanent structures shall have a unified architectural theme and consistent finishes and colors, including facades not visible from the right-of-way. The food truck park shall include:
  - (1). Permanent sanitary facilities;
  - (2). ADA-accessible and stabilized pedestrian access to the food truck areas;
  - (3). Seating options; and
  - (4). Cover seating options for a minimum of 30% of the total seats.
- D. **Food truck rotation.** Food trucks should be rotated on a regular basis to provide variety for the patrons. In no event shall a food truck be modified to be temporarily or permanently anchored resembling a permanent structure nor remain onsite for more than 180-days.

### Section 3.9.8. Helipads

- A. **Purpose.** In addition to the requirements contained in this Section, Helipads shall comply with all Federal Aviation Administration, Florida Department of Transportation, Division of Aeronautics, and all other applicable state and federal standards.
- B. **Separation.** All heliports shall be located a minimum of 300-feet from any residentially zoned property.
- C. **Expiration.** The Special Exception will expire if a proposed helipad fails to obtain, or is denied, the appropriate permit from the state within one year of the Special Exception approval date.
- D. **Design.** Specifications, design, and operation of helipads shall be conducted in accordance with the Federal Aviation Authority (FAA) Heliport Design Guide and Florida Department of Transportation licensing requirements.
- E. **Inoperable Aircraft.** Helipads are not intended for the repair or restoration of helicopters. Inoperable aircraft shall be removed by the property owner.

### Section 3.9.9. Model Homes

- A. **Purpose.** Model homes are intended to facilitate the sale of the model design, or products similar in design to the model and is not intended to allow the full scope of real estate activities. Model Homes allowed as a permissible primary use in V, subject to compliance with special district or homeowner association requirements for converting to a one-and-two-family use when the property is no longer used as a model. In other districts, model homes may be allowed as a Conditional Use, a Special Exception or may be prohibited. Where the Use Tables indicate a model home as CU or SE, the following standards, along with all the zoning and building requirements for a residence in the zoning district in which it is located apply:
- B. **Parking.** Three off-street vehicular parking spaces, including the garage, shall be provided on the model site or on an abutting property under common ownership.

- (1). **On-site parking.** A parking space may be provided in the garage if not converted to office space. A handicap parking space is required and shall count as one of the three required spaces.
  - (2). **Offsite parking.** Adjacent single-family lot(s) may be used for model home parking. A plan to provide parking on an adjacent parcel shall require a surety deposit payable to the City of North Port to convert the property back to a residential or other allowable use when the structure is converted or sold. The deposit shall cover the costs associated with the conversion of the parking lot. The deposit shall be based on no less than 110% of the estimated cost by a professional engineer licensed in the State of Florida which shall be signed and sealed by the engineer and found to be acceptable to the City. Funds shall be returned upon conversion of the site to a residential or other permitted use, the entire amount if the work is completed by the applicant, or the remaining funds if the City completes the work.
  - (3). A hedge row of at least 36-inches in height shall be planted and maintained around the vehicular parking area.
  - (4). Onsite or offsite parking shall be a paved or approved impervious surface with appropriate signs and markings, including handicap parking.
  - (5). Treatment of stormwater runoff will be required for the first inch of runoff from the paved area associated with the parking lot area only.
- C. **ADA Compliance.** Handicapped standards shall be met throughout the home, including access per the Florida Building Code and handrail and grab bar requirements.
- D. **Garage office.** For any garage being used as an office for a model home the applicant must submit the following:
- (1). Plan of garage-office facility, including false walls, temporary electrical, and plumbing.
  - (2). Plan showing how garage will be converted to meet the requirements of 4.4.1.H., if applicable.
  - (3). \$10,000.00 refundable surety to ensure the garage is converted back to the standards for R-1 home usage.
- E. **Time Limits.** Model home shall be allowed by Conditional Use or Special Exception per the Use Tables and may remain in use as a model for no more than 10 years.

### **Section 3.9.10. Offsite and Commercial Parking**

- A. **Purpose.** Offsite and commercial parking applies to land developed primarily parking facilities, disconnected from another primary use.
- B. **Buffers.** A Type C landscape buffer is required around the entire site, regardless of adjacent zoning.
- C. **Enhanced Landscaping.** The parking area shall include the following to offset the heat-island effect:
- (1). Minimum landscape islands of two hundred (200) square feet;
  - (2). Landscape islands every ten (10) linear parking spaces; and
  - (3). One canopy tree, as defined in Chapter 4, Section 4.3.4., in each landscaped island.
- D. **Pedestrian Connections.** Parking areas shall connect to sidewalks and multi-use trails adjacent to the site.

### **Section 3.9.10. Personal Storage Facilities**

- A. **Outdoor Storage.** Outdoor storage is prohibited unless it is dedicated to the storage of light passenger vehicles and trucks, medium duty vehicles, recreational vehicles, and/or boats. All outdoor storage areas shall be screened from view with an 8-foot tall 100% opaque fence or wall.

- B. **Enhanced Landscaping.** A landscaped area with a minimum width of 10-feet shall be provided around the perimeter of the site, unless a wider buffer is required by Chapter 4, Section 4.3.12. Perimeter landscaping shall consist of a minimum of three canopy trees per 100 feet, three accent trees per 100-feet, and 33 shrubs per 100-feet. Palms trees cannot be used to meet the minimum planting requirement of this Section. All shrubs shall be installed at a minimum height of 32-inches and be in a minimum 7-gallon container at the time of planting.
- C. **Design.** Building facades visible from a right-of-way shall comply with the following:
- (1). No roll-up doors shall face a right-of-way.
  - (2). Any facade visible from the public right of way shall present the appearance of an office or retail commercial use by incorporating the below design features.
    - a. Blank walls shall occupy no more than 50% of a street-facing frontage and shall extend no more than 30-linear-feet without being interrupted by a window or entry.
    - b. 50% of the ground floor must consist of windows, stylized facades, or doors.
    - c. A minimum of 30% glazing on the front and rear and 15% on the sides.
    - d. Buildings that are more than 150-feet in length/width shall comply with the following for all building walls and frontage walls facing the street: No more than 60-feet of horizontal distance of wall shall extend without architectural relief that is a minimum of 30-feet wide and 3-feet deep.
- D. **Onsite operations.**
- (1). Personal storage establishments shall be limited to use for personal storage only. The personal storage establishment may offer vehicles for sale or rent on the property provided that the personal storage establishment owns or leases the vehicles and places them in the rear of the establishment. No other commercial or industrial use shall be permitted.
  - (2). The personal storage establishment operator shall notify each tenant that the unit shall not be used for the maintenance or repair or the storage of animals, hazardous materials, and waste, or any other noxious or dangerous materials.

### **Section 3.9.11. Vehicle Fueling Stations**

- A. **Setbacks.** Buildings, pump islands, and canopy structures shall meet the setback standards of the zoning district. Canopy setbacks are measured from the edge of the canopy.
- B. **Design.** All structures on site, including perimeter walls, canopy columns, and accessory structures, shall have a unified architectural theme and consistent finishes and colors, including facades not visible from the right-of-way.
- C. **Glazing.** Glass windows and doors shall constitute at 30% of the front elevation and 15% of the side elevations.
- D. **Storage.** Combustible materials in receptacles greater than 55 gallons shall be stored underground according to the applicable local, state, and federal standards. The accumulation and storage of waste petroleum products shall comply with Environmental Protection Agency (EPA) standards.
- E. **Stormwater.** Stormwater runoff from the fueling and storage tank loading areas shall be directed to an oil/gas/water separator prior to entering the project's surface water treatment area.

### **Section 3.9.12. Wireless Communication Towers**

- A. **Purpose.** Wireless Communication Towers are necessary infrastructure that may pose aesthetic and safety concerns.

- B. **Co-Location.** Wireless Communication Towers shall be co-located whenever possible. When co-location on an existing tower, building, or structure has been attempted and determined to be infeasible, the applicant shall provide the City documentation on the inability to co-locate, including:
- (1). The results of a service study demonstrating that the proposed equipment cannot be accommodated on an existing or approved but unbuilt structure within three-quarters of a mile from the proposed location for one or more of the following reasons:
    - a. Structural limitation. The proposed equipment would exceed the structural capacity of the existing or approved structure, as documented by a licensed professional engineer, and the existing or approved structure cannot be reinforced, modified, or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
    - b. Interference. The proposed equipment would cause interference or obstruction materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified professional and the interference or obstruction cannot be prevented at a reasonable cost.
    - c. Insufficient height. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed, if applicable, professional.
    - d. Lack of space. Evidence from the applicant of the lack of space on existing towers or other structures within the search radius to accommodate the proposed facility, verified by a licensed professional.
    - e. Other factors. Other reasons that make it unfeasible to locate the planned equipment upon an existing or approved tower or building as documented by a qualified and licensed, if applicable, professional.
    - f. Technical consultants. The city shall have the right to retain independent technical consultants and experts that it deems necessary to properly evaluate applications for wireless telecommunications facilities or towers and to charge reasonable fees as necessary to offset the cost of such evaluations.
- C. **Fall Zone.** In the event of a catastrophic failure or collapse, towers shall be designed to collapse within an engineered fall zone lying wholly within the lot lines of the parcel containing the tower. Such fall zone shall be certified by a professional engineer, licensed in the State of Florida.
- D. **Tower Design for Co-Location.** A proposed tower shall be designed to allow for future rearrangement of antennas to provide space at varying elevations to accommodate future co-location.
- E. **Monopoles or Stealth.** Towers shall be monopole or stealth design.
- F. **Illumination.** Towers shall not be artificially lighted except as required by federal or state regulations.
- G. **Surface or Finish Color.** All towers shall be painted or have a non-contrasting finish that minimizes the visibility of the facility from public view, except where contrasting color is required by federal or state regulation. In addition, the exterior of support facilities shall be designed to be compatible with the architectural design prevailing among the structures in the surrounding developed area.
- H. **Signs.** The tower's main access gate shall have an affixed sign, not to exceed two feet by three feet in size, which displays the owner's or permittee's name and an emergency telephone number.
- I. **Maximum Height.** The maximum height of towers shall be 100-feet if the tower is designed for one service provider, 120-feet if the tower is designed to accommodate two service providers, or 140-feet if the tower is designed to accommodate three or more service providers.
- J. **Landscape Screening.** The accessory components to the tower shall be screened from view by an 8-foot fence, hedges at a minimum height of 4-feet, and a minimum of eight (8) trees planted outside of the hedge buffer.

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## ARTICLE X – SPECIAL EVENTS AND TEMPORARY USES

The purpose of this article is to establish regulations and a permitting process for special events and temporary uses because of their potential to create traffic control, crowd control, public safety, sanitation and/or other public health, safety, and welfare issues of a nature sufficient to require review by the City.

### Section 3.10.1. Special Events

- A. A special event is a planned short-term or promotional event held on City-owned property, including public right-of-way, for a period of two-weeks or less, which is not within the normal and ordinary use of that public premises or place or which by nature of the event, may have a greater impact on City services or resources than would have occurred had the event not taken place. City-owned property includes public parks, public facilities (e.g., park, meeting hall, shelter, street right-of-way, parking lot, etc.), and public right-of-way.
- B. Special events include athletic events, car shows, concerts, expos, gatherings, festivals, fairs, and parades, and other similar events as approved by the City Manager.
- C. Special events including fireworks sales and vehicle sales are prohibited; tent sales not associated with an arts/craft fair, festival or parade, or athletic events are also prohibited.
- D. An application for a special event permit shall be submitted to the Parks and Recreation Department at least 30-days in advance of the event start date, accompanied by all required supporting documentation.
- E. The application shall include a narrative, site plans, required insurance certificates 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.
- F. If building permits are required, applicable fees and inspections for review of building codes, electrical, and fire safety shall be payable at time of the building permit issuance.
- G. If building permits are required, applicable fees and inspections for review of building codes, electrical, and fire safety shall be payable at time of the building permit issuance.
- H. For any events that require road and/or sidewalk closure, a temporary traffic plan shall be included and must be approved by the Public Works Department. All signage, barricades, etc. are at the expense of the organizer.
- I. Onsite signage shall be of size and number consistent with the size and scope of the event but shall not exceed 4-signs or 100-square feet total unless approved by the City Manager or designee.
- J. The City Commission shall consider on a case-by-case basis special events for which the costs of City fees and or resources are subsidized through a specially funded account. For funding consideration, the event must be held in the City of North Port and meet the criteria for special events described herein and in the [Special Event Program Guidelines](#). A special event permit is not required at the time of application for assistance. However, an issued special event permit is required for the event and shall follow the guidelines for the special event permitting process. To be eligible for funding any North Port based entity or organization may apply to the program if the following apply:
  - (1). Event must be open to the public;
  - (2). Event must be **FREE** to the public for admission. Fees may be charged for participants, such as competitors or vendors;
  - (3). Event must demonstrate primary benefit to the community at large; and
  - (4). Event estimated attendance must be a minimum of 100 people to be eligible for the program;

### Section 3.10.2 Temporary Use Permits

- A. A temporary use is defined as any structure or event held on private property that is of a non-permanent nature. An application for a temporary use permit shall be submitted to the Development Services Department per the requirements in [Chapter 2, Section 3.10.2](#) of the ULDC. A temporary use permit may be authorized for up to 90 days from the date of issue.
- B. Allowable Temporary Uses. Uses similar in nature to the ones listed below, that are not prohibited herein, may be authorized when determined appropriate in the zoning district by the ULDC Administrator.
- (1) Temporary religious or revival activities in tents in districts permitting such activity.
  - (2) Commercial circuses, carnivals or fairs, festivals, flea markets, tournaments, concerts, battles of the bands, expos, pony rides, car shows, fireworks display, petting zoos, boat shows, and other similar activities.
  - (3) Seasonal sales such as pumpkins or Christmas trees.
  - (4) Tent sales only 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.
  - (5) Automobile and boat sales.
- C. Signage. Any signs associated with a temporary use will be limited to Exempt signs or Limited Duration signs as applicable pursuant to Chapter 5 of this ULDC.
- D. Exemptions. The following temporary uses do not require a temporary use permit, provided they comply with the limitations listed and are not located in the City right-of-way or easement.
- (1) Garage or yard sales, for no more than three consecutive days, four times a year;
  - (2) Construction trailer on a property with an active building permit;
  - (3) Storage containers, as indicated below. The owner and operator of any site on which a storage container is placed shall be responsible for ensuring that the container is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks. When not in use, containers shall be kept locked. Containers shall not be vertically stacked. The owner and operator of any site on which container is placed shall also be responsible that no hazardous substances are stored or kept within the container.
    - a. Short-Term Storage Containers (Portable Storage Units or PODs) shall be permitted as follows:
      1. In all districts.
      2. Duration: Once per year for a duration of no more than 30-days.
      3. Maximum Size: 8-ft wide, 16-ft long, 8-ft high.
      4. All short-term storage containers (portable storage units) shall be removed immediately upon the issuance of a hurricane warning by a recognized government agency.
    - b. Storage Containers on active construction sites shall be permitted as follows:
      1. In all districts.
      2. Duration: As needed with active building permits and active, ongoing construction.
      3. Number: One per homesite or small commercial project; maximum of three for subdivision projects.



4. Maximum Size: 10-ft wide, 25-ft long, 8.5-ft high, or 40-ft long if a combination office/storage container is utilized.

E. Prohibited Temporary Uses

- (1) Businesses operated in a temporary location in a motor vehicle, tent, or trailer or open air.
- (2) Fireworks sales or manufacturing.
- (3) Incinerators.

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## **CHAPTER 4 – SITE DEVELOPMENT STANDARDS**

### **ARTICLE I – IN GENERAL**

#### **Section 4.1.1. Purpose**

The City strives to cultivate an exceptional built environment through the enforcement of building and site design standards. Unless exempted by Chapters 1 or 2 of this ULDC, as provided for in this Chapter, new development, and applicable modifications to existing development in all zoning districts shall incorporate the standards contained in this chapter.

#### **Section 4.1.2. Applicability**

- A. No land or building shall be used or occupied, and no part of a building or structure shall be constructed, erected, altered, or moved unless it conforms to all the regulations specified for the zoning district in which it is or will be located.
- B. No development permit shall be issued unless the proposed building or structure conforms to the standards established in this ULDC.
- C. No part of a required yard or open space shall be included as part of a yard or other open space required for another building.

#### **Section 4.1.3. Context-Sensitive Site Design**

- A. Excepting one-and-two-family development on existing platted lots, development plans must demonstrate compliance with context-sensitive design principles. Proposed development plans must be organized into five components: wetlands and water bodies; open space, tree preservation, street systems, development lots and tracts. The plan design must respect the natural topography of the site and generally follow the four-step design process described below:
  - (1). Delineate open space areas as outlined below:
    - a. Create or add to a larger contiguous off-site network of interconnected open space, particularly existing habitats and opportunities and methods for preserving and restoring native habitats.
    - b. Create connected and integrated open space within the development to the maximum extent practicable based on the context-sensitive site design standards and priorities below:
      - 1. Protect listed species.
      - 2. Create and/or enhance connectivity.
      - 3. Protect native habitat.
      - 4. Restore native habitat.
  - (2). Define development areas in such a way as to preserve the function, purpose, and integrity of the natural features of the land, the on-site natural resources, and the environmental systems to the maximum extent practicable.
  - (3). Provide for a minimum preservation of 15 to 25% of onsite non-invasive trees.
  - (4). Align streets and trails to avoid or at least minimize adverse effects on designated open spaces. The streets and trails shall provide external and internal connectivity, and the street layout of subsequent phases shall be coordinated with the street system of previous phases.
  - (5). Lots, tracts, and building placement should be drawn as the final step in the design process.\

## **ARTICLE II – RULES OF MEASUREMENT**

### **Section 4.2.1. Building Height**

- A. The building height is the vertical distance of a building measured from the finished grade of the site to:
  - (1). The highest point of the roof surface of a flat roof;
  - (2). The deck line of a mansard or Bermuda roof; or
  - (3). The mean height of the eaves or the ridge of gable, hip, and gambrel roofs.
- B. When FEMA, or the Florida Building Code, establishes a minimum floor elevation, the building height shall be measured from the minimum required floor elevations.
- C. The height measurement shall include structures located above the roof level of the building, such as penthouses or mechanical rooms.
- D. The height measurement shall not include spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances required to be placed on the roof and not intended for human occupancy.

### **Section 4.2.2. Building Frontage**

- A. Building frontage is the horizontal linear dimension of a building facade along a public or private road.
- B. When a zoning district includes a minimum frontage requirement, the development shall maintain the minimum frontage requirements with the facades of the primary structure, a full or partial wall, or some combination thereof to ensure a uniform frontage line along the right-of-way(s).
- C. Building frontage percentage is determined by dividing the length of the building façade by the lot width and then multiplying that by 100.

### **Section 4.2.3. Residential Density and Floor Area Ratio (FAR)**

#### **A. Residential Density**

- (1). Density is the number of dwelling units permitted per gross acre of land. Density is calculated by dividing the gross acreage by the number of dwelling units the zoning district allows or requires per acre.
- (2). Density calculations are determined based on the proposed density of the site and should be presented in conjunction with the maximum allowable density of the property based on zoning district.
- (3). Density calculations that result in a fraction shall be rounded down to the nearest whole number.
- (4). When public rights-of-way is to be dedicated as part of a development proposal, the residential density shall be calculated using the gross land area, including the area of the proposed rights-of-way dedication.

#### **B. Floor Area Ratio (FAR)**

- (1). FAR measures the intensity of building development on a site. FAR is calculated by dividing the total building area by the gross area.
- (2). All references to non-residential intensity shall refer to floor area ratio (FAR) and should be presented in conjunction with the maximum FAR of the property based on zoning district.
- (3). When public rights-of-way is to be dedicated as part of any development proposal, the floor area ratio shall be calculated using the gross land area, including the area of the proposed right-of-way dedication.

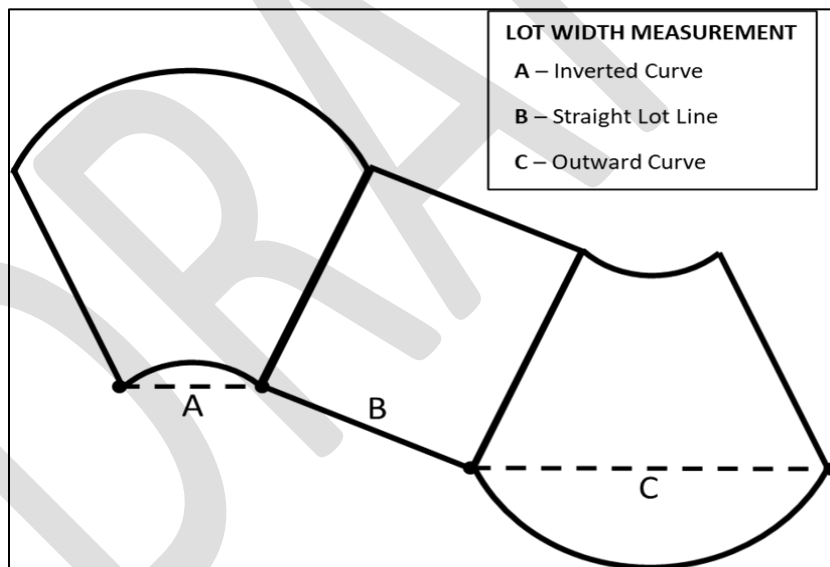
- C. **Mixed-Uses.** Development projects with a mixture of uses shall utilize FAR for residential and non-residential uses. Chapter 3 of this ULDC details maximum percentages of residential development and specifies what uses are classified as non-residential for purposes of FAR calculation and use mix.

#### Section 4.2.4. Lot Lines

- A. **Front.** The property line separating the lot area from the street. In the case of an exterior lot, the primary front line is the shorter of any two adjacent street lot lines, and all other front lot lines are secondary front lot lines.
- B. **Side.** Side lot lines connect the front and rear lot lines with the following exceptions:
  - (1). **Double frontage lots.** The side lot lines connect the two front lot lines.
  - (2). **Multiple frontage lots.** The side lot lines are opposite and often parallel to the secondary front lot line.
- C. **Rear.** The rear property line is opposite and parallel to the primary front lot line.

#### Section 4.2.5. Lot Measurements

- A. **Generally.** ULDC Chapter 3 establishes the dimensional standards for all parcels of land within the City.
- B. **Lots.** An area of land established by a plat or otherwise permitted by law identified and referenced by a recorded plat, map, or deed. The word lot includes the words plot, parcel, and tract.
- C. **Minimum Lot Width.** The horizontal distance between the side lot lines. For this section only, "side lot line" means a boundary line intersecting the front lot line. If a lot line is curved, the measurement shall be taken from a straight line connecting the points where the curved lot line intersects other lot lines per the diagram below.



- D. **Minimum Lot Area.** Lot area is the total area of a lot between the boundary lines of the lot. The term "minimum lot area" means the minimum size of the lot required to establish a use or building type on the lot.
- E. **Impervious Surface.** The total area of a parcel covered by a structure or other improved surface impervious to water is divided by the gross area of the parcel.

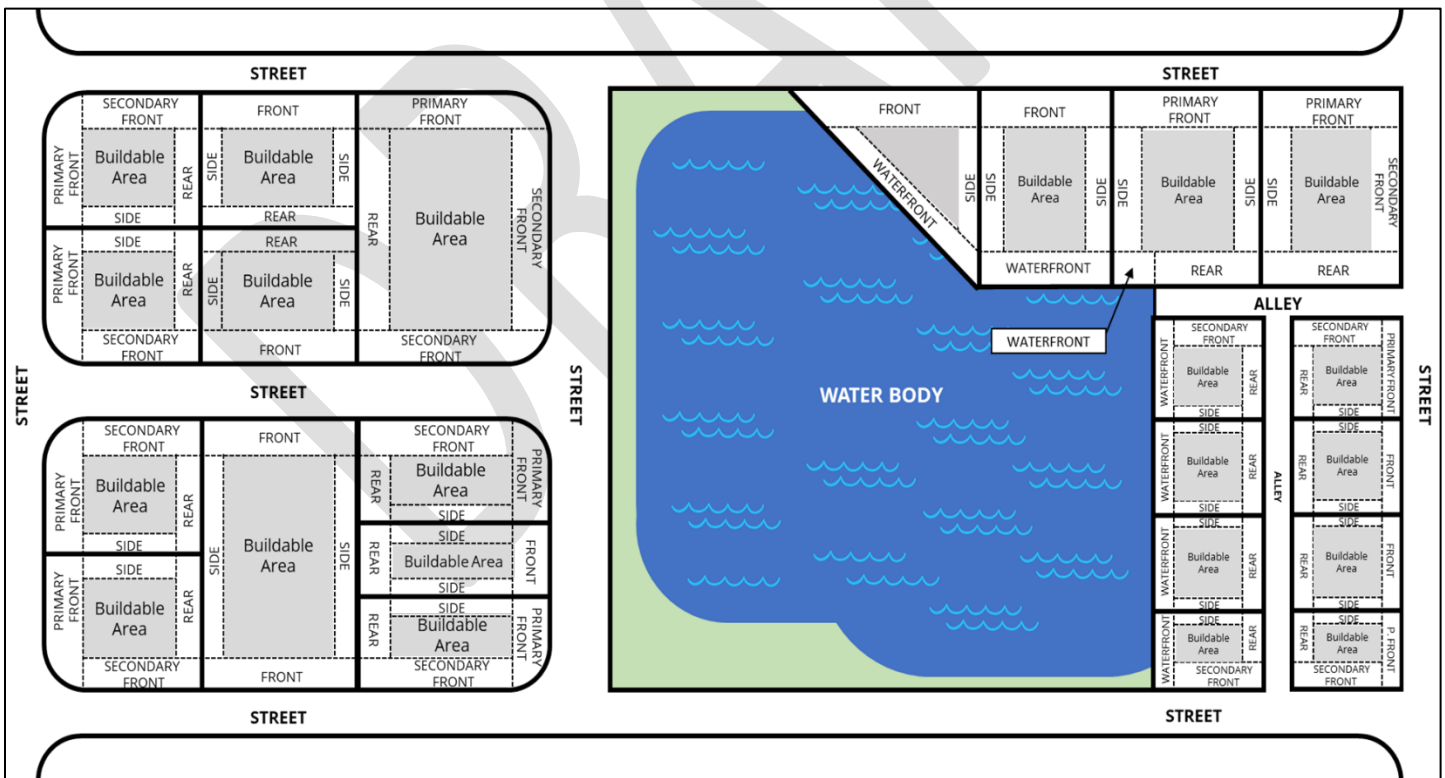
#### Section 4.2.6. Lot Types

- A. **Corner Lot.** A lot abutting the intersection of two (2) or more rights-of-way. Corner lots shall have front-yard setbacks along all property lines abutting a public or private street. The yard size is determined by the primary or secondary front yard location.

- B. **Multiple-Frontage Lot.** A lot having frontage on at least three (3) rights-of-way which do not intersect along the boundaries of that lot, as distinguished from a corner lot. Multiple frontage lots shall have front yard setbacks along all property lines abutting a right-of-way. The yard size is determined by the primary or secondary front yard location.
- C. **Flag Lot.** A lot that has access to a right-of-way via a narrow strip of land that leads to the main lot area. Flag lots are prohibited.
- D. **Interior Lot.** A lot where side lot lines do not abut a right-of-way.
- E. **Through Lot.** A lot, other than a corner lot, with frontage on two parallel, or approximately parallel, rights-of-way. Through lots shall have front yard setbacks along all property lines abutting a public or private street.

**Section 4.2.7. Yards**

- A. **Generally.** Yards determine the buildable area of a property. Every part of every yard between the property line and any setback line shall remain open and unobstructed from the ground to the sky except as permitted in Chapter 3, Table 3.5.1, Allowable Encroachments, or elsewhere in this ULDC.
  - (1). Required yards are adjacent to the lot lines and determined by the required setbacks of the zoning district and other applicable regulations of this ULDC.
  - (2). Yards may be front, side, rear, or waterfront.
  - (3). The yard and the lot line designation are the same. For example, the rear yard is adjacent to the rear lot line, or the side yard is adjacent to the side lot line.



- B. **Front Yard.** The required front yard extends along the entire width of a front lot line to the façade of the primary structure. Properties with multiple frontages shall have one front yard designated as the primary

front yard and the others as the secondary front yards to maintain setback consistency with the adjacent properties along the right-of-way.

(1). **Primary Front Yard.** Primary front yards shall maintain the required front yard setback for the zoning district as defined in Chapter 3 of this ULDC. The primary front yard is the shortest property line along a right-of-way. When all property lines are the same length, the primary front yard is along the right-of-way where the property is addressed or the right-of-way the primary building entrance faces.

(2). **Secondary Front Yard.** Secondary front yards are all yards along rights-of-ways that are not the primary front yard. Secondary front yards shall maintain a front yard requirement of twice the side setback or 15- feet, whichever is greater, with the following exceptions:

- a. Zoning districts without a required front setback shall not have a different standard for secondary front yards.
- b. Zoning districts with a maximum setback shall follow the maximum setback allowed.

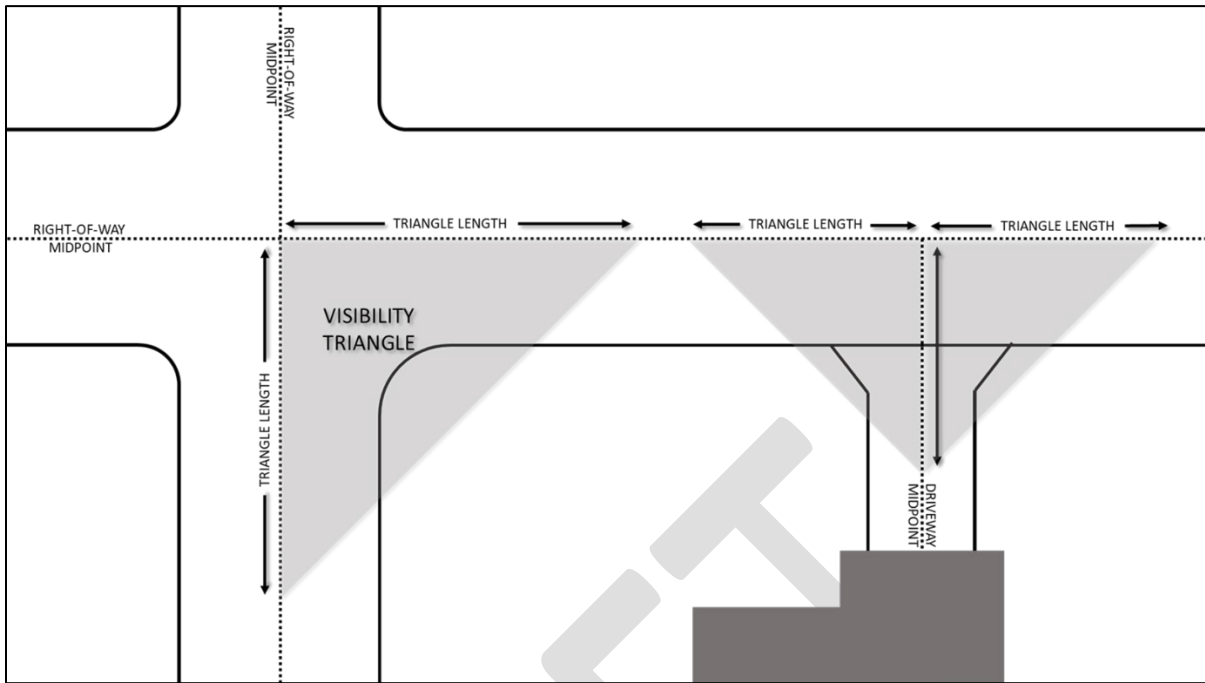
C. **Rear Yard.** The rear yard is the yard that extends across a lot between the side yard lines opposite the front yard, except in the case of through or waterfront lots. When an alley is present, the rear yard is adjacent to the alley.

D. **Side Yard.** The side yard is the yard that extends along the side of a lot between the rear line of the front yard and the rear lot line. The side yards of a through lot shall extend between the front yards.

E. **Waterfront yard.** Waterfront yards apply to all yards adjacent to water features. When only a portion of a yard is waterfront, the waterfront yard applies to the area adjacent to the water body. Waterfront property abuts the Myakka River, Myakkahatchee Creek, open water, bays, bayous, lakes over five acres in area, manmade canals, and similar navigable waterways. Properties abutting platted drainage easements are not waterfront. A waterfront yard may be a front yard when a platted alley provides access to the property with a rear-loaded garage.

#### **Section 4.2.8. Visibility Triangles**

A. **Generally.** Visibility triangles shall be designed and maintained to facilitate visibility for pedestrians, bicyclists, and drivers for safe ingress, egress, crossing, and turning maneuvers. Additional visibility requirements may be imposed by the Development Services Department where unusual topography or traffic patterns are needed to protect pedestrian or vehicular safety.



B. **Measurement.** Visibility triangle lengths are measured from perpendicular lines starting where the midpoints of the rights-of-way or driveway and right-of-way meet and are connected by a third line creating a right triangle per the diagram above. Driveways shall maintain visibility triangles in both directions. The required triangle lengths are as follows:

**Table 4.2.8.1. Visibility Triangle Length**

ROAD TYPE	TRIANGLE LENGTH (FT)
Arterial street	200
Collector street	160
Local street	100
Driveway (on arterial)	50
Driveway (on collector)	35
Driveway (on local)	25

C. **Vertical Visibility.** Clear lines of sight shall be maintained for the entire visibility triangle between two and one-half (2½) feet and nine (9) feet above the ground. Open fences, mailboxes, signs, and vegetation not exceeding a height of 4-feet may be permitted in the visibility triangle.

## ARTICLE III—BUFFERS AND LANDSCAPING

### Section 4.3.1. Generally

- A. **Purpose and Intent.** The City of North Port intends to promote an attractive community and enhanced quality of live by establishing minimum landscaping installation and continued maintenance standards for development.
- B. **Applicability.** Development applications shall include landscape plans according to Chapter 2, Article III, Application Requirements. Certificates of Zoning Compliance applications for one-and two-family structures shall include a landscape plan per the requirements of this Article and, when applicable, a tree survey and tree protection plan per the requirements of Chapter 6 of this ULDC.
- (1). **Exemptions.** Expansion of existing one-and-two-family dwellings; and expansion of existing multi-family and non-residential development by twenty-five percent (25%) or less shall not be subject to the requirements of this article.
- (2). **Suspension of Requirements.**
- a. **Temporary suspension.** Where the ULDC Administrator has suspended enforcement of all or part of these regulations due to natural disasters such as hurricanes, tornadoes, floods, storms/high winds, hard freezes, fires, the waiver shall apply to a geographically defined area for a period not to exceed 90 days. Longer periods of suspension shall require City Commission approval.
- b. **Conditioned Suspension.** While a temporary suspension is effective, the ULDC Administrator shall condition the suspension of planting in any development order issued during this period that will require installation of required landscaping to resume as soon as the temporary suspension concludes.
- C. **Landscape Maintenance.** The property owner or their successor shall:
- (1). Maintain all landscaping materials in healthy condition, as approved, in perpetuity; and
- (2). Replace landscape materials that are damaged, disease-ridden, dead, or considered a hazard. From the date Code Enforcement issues a violation per this Section, a property owner has six (6) months to replace inadequate landscaping material.
- D. **Irrigation.** To ensure vegetation health and longevity, multi-family, non-residential, and properties containing a mixture of uses shall irrigate all required landscaping with permanent irrigation systems. Irrigation systems shall be operational prior to construction completion certification, and shall:
- (1). Include water efficient with WaterSense (as administered by the United States Environmental Protection Agency) labeled irrigation controllers to meet watering needs without overwatering;
- (2). Not be visible to the public and shall utilize underground piping where possible;
- (3). Minimize the application of water to impervious areas;
- (4). Operate with an automatic irrigation controller or timer and a rain sensor.
- (5). Include sprinkler heads and devices appropriate for the landscape material; and
- (6). Utilize reclaimed water or onsite water collection systems, such as stormwater ponds, when available.

### Section 4.3.2. Landscaping Material Standards

- A. **Generally.** Plant materials used to meet the requirements of this Section must meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, Parts I and II, Department of



Agriculture, State of Florida (as amended). Root ball sizes on all transplanted plant materials must also meet state standards.

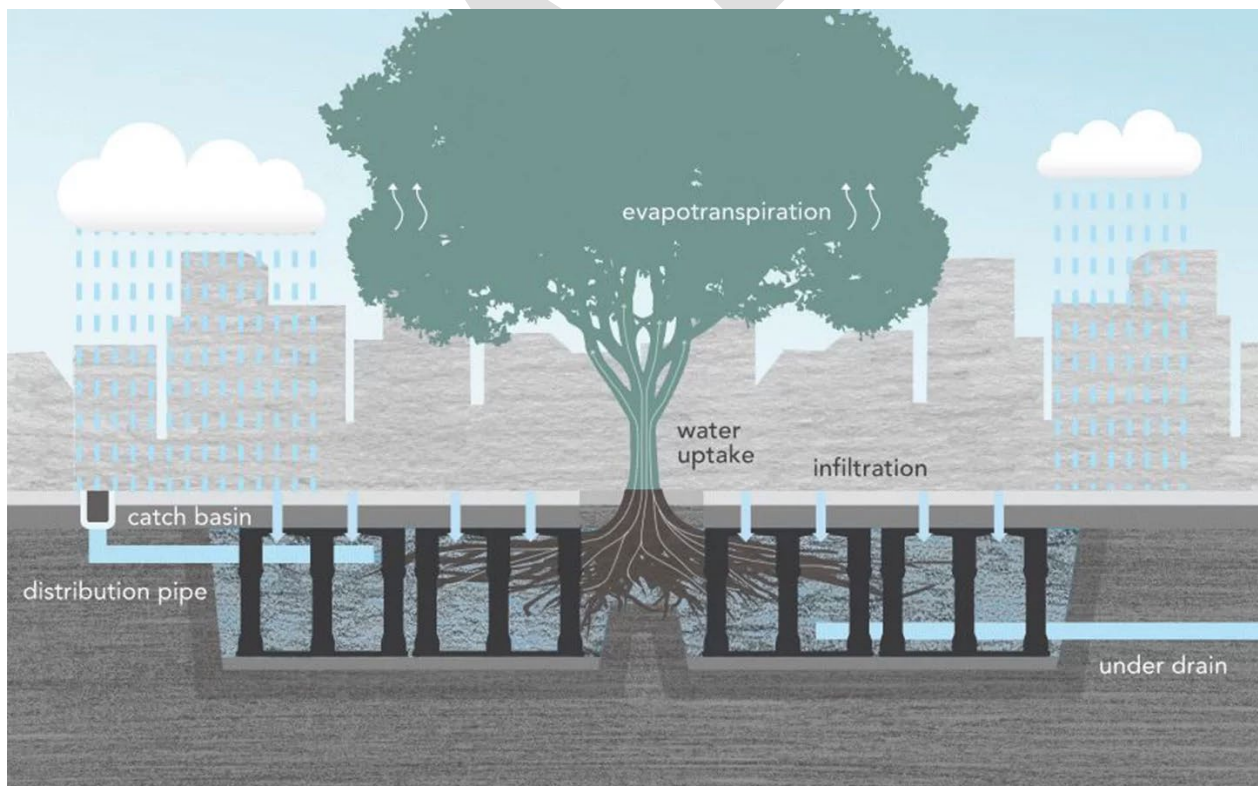
- B. **Trees.** All trees shall be rated Florida Grade No. 1 or better. Where spacing is designated, “on center” is implied. The ULDC administrator may alter the spacing requirements to allow the incorporation of existing trees into the landscape plan. The substitution ratio for the number of palms that may substitute for a canopy tree is included in [Table 4.3.4.3](#). Palms indicated as “may not be substituted” may not be used as a substitute for a canopy tree. No more than 50% of required shade trees may be substituted for palms in vehicular use areas. All palm trees shall be credited on a one for one basis towards understory tree planting requirements.

**Table 4.3.2.1. Minimum Size Requirements for Trees at Time of Planting**

TYPE	MINIMUM HEIGHT (FT)	DBH (IN)
Canopy Trees	10	2
Understory Trees	8	1.5
Palms	8 of Clear Trunk <sup>1</sup>	N/A
<sup>1</sup> For palms used as a substitute for canopy trees.		

- C. **Mulch.** Mulch material shall consist of shredded softwood or hardwood chips, oak leaves, brick chips, and other alternate materials as approved by the City on a case-by-case basis. Non-porous materials shall not be used as mulch. Mulch shall be placed to a minimum depth of two (2) inches and a maximum depth of four (4) inches. Each tree must have a ring of mulch no less than twenty-four (24) inches beyond its trunk and no greater than its dripline in all directions.
  - (1). **Installation Standards.** The top level of the mulch shall not exceed the height of the immediately adjacent ground surface. Mulch shall not be placed directly against a plant stem or tree trunk. “Non-organic mulch,” defined for the purpose of this Section, shall include (but is not limited to) rubber, decorative gravel, or crushed stone and shall be allowed only in planting bed areas (e.g., in gardens or hedge areas) or directly adjacent to a building. Plant material installation and establishment shall follow the guidelines in the current edition of the ANSI A300 Planting Standards (American Standards Institute). Container stock shall require root ball remediation and shearing at the time of installation.
- D. **Native and Florida Friendly Plant Material.** A minimum of fifty percent (50%) of all required vegetation shall be Native to Florida or Florida Friendly, as identified in the Florida-Friendly Plant Database administered by the University of Florida’s Institute of Food and Agricultural Sciences . Existing Florida-native plant material shall be given priority for preservation in development.
- E. **Vines.** Vines shall be a minimum of thirty (30) inches in height immediately after planting and may be used with fences, screens, or walls to meet screening requirements.
- F. **Hedge Plants.**
  - (1). Hedge plants shall be a minimum of twenty-four (24) inches in height when measured immediately after planting.
  - (2). Hedge plants shall be a minimum three-gallon (3) nursery specification.
  - (3). Required hedges rows shall be opaque, planted not more than thirty (30) inches on center, and maintained to form a continuous, unbroken, solid visual screen at least five (5) feet in height. Species shall be selected to provide for a 90 percent opacity within 1 year of planting.

- G. **Accent Plants.** All required accent plants shall be a minimum of one-gallon nursery specification, unless otherwise noted in this section, at the time of planting.
- H. **Groundcover and Lawn Grass.** Groundcover and lawn grass shall be installed in such a manner as to present a finished, neat appearance. Grass areas shall be consolidated to areas of a site which are frequented by pedestrian traffic, provide recreational uses, provide cover for drain basins, or provide soil erosion control.
- I. **Invasive Exotics.** Invasive exotic plant species as described in the most current Florida Exotic Pest Plant Council (FLEPPC) Invasive Plant Lists, as amended, shall be removed from the site. The landscape plan shall include the proposed methods to eradicate and control invasive exotic plants. Sites shall be maintained to ensure no invasive exotic plants return to the site.
- J. **Root Barriers.** When a tree is within ten (10) feet of any street, sidewalk, driveway, underground utilities, or structure, trees shall have a root barrier installed.
- (1). All root barrier(s) installation shall be linear. The applicant shall provide installation details and specifications with landscaping plans.
  - (2). Where root barriers are required for street trees, and the root barrier installation is not feasible, one of the following methods shall be utilized instead of root barrier installation:
    - a. Soil cell system to incorporate trees in areas with sidewalks to support large tree growth and provide on-site stormwater management.



- b. Mechanical compaction of the soil before paving and the use of thicker concrete with wire mesh reinforcement to prolong the life of the sidewalk whether tree roots are present or not.
- c. To the greatest extent possible, meander the sidewalk away from the tree to allow for the main structural root system to grow and prevent the upheaval of the sidewalk in the future.

### Section 4.3.4. Master Tree List

- A. **Generally.** The tables in this Section include trees the City has recognized as appropriate tree and palm species within the City. Alternative tree species may be utilized with approval from the ULDC Administrator. All trees and palms shall be North American Native or Florida Friendly. Trees with shallow or surface root structures shall not be used near paved areas.
- B. **Canopy Trees.** Major and intermediate shade trees with a mature height exceeding fifty (50) feet.
- C. **Understory Trees.** Medium and small shade trees with a mature height of less than fifty (50) feet.
- D. **Street Trees.** The trees included in this list provide shade without disrupting adjacent paved surfaces.

Abbreviation	Definition
NAN	North American Native
NNFF	Non-native, Florida Friendly
*	Trees susceptible to frost

Table 4.3.4.1. Canopy Trees

ORIGIN	COMMON NAME	SCIENTIFIC NAME	SPREAD (FT)	HEIGHT (FT)	HARDINESS/RANGE	PERSISTENCE
NAN	American Elm	<i>Ulmus americana</i>	50-70	70-90	2A-9B	Deciduous
NAN	Bald Cypress	<i>Taxodium distichum</i>	25-35	50-75	4A-10B	Deciduous
NNFF*	Black Olive	<i>Bucida buceras</i>	35-40	25-40	10B-11	Evergreen
NAN*	Black Tupelo	<i>Nyssa sylvatica</i>	25-35	65-75	4B-9B	Deciduous
NAN	Bluejack Oak	<i>Quercus incana</i>	25-45	30-55	7B-9A	Deciduous
NNFF	Bluff Oak	<i>Quercus austrina</i>	35-50	40-60	8A-9B	Deciduous
NNFF*	Camphor	<i>Cinnamomum camphora</i>	45-65	50-60	9B-11	Evergreen
NAN	Catalpa	<i>Catalpa speciosa</i>	35-45	35-70	4B-9A	Deciduous
NNFF	Chinese Elm	<i>Ulmus parvifolia</i>	35-45	40-65	5B-10A	Deciduous
NAN	Common Persimmon	<i>Diospyros virginiana</i>	20-35	40-60	4B-9B	Deciduous
NNFF*	Eucalyptus	<i>Eucalyptus sideroxylon</i>	35-50	35-70	10A-11	Evergreen
NAN*	Florida Mahogany	<i>Swietenia mahogoni</i>	35-50	50-80	10B-11	Semi-Evergreen
NNFF*	Floss Silk	<i>Chorisia speciosa</i>	25-35	25-50	9B-11	Deciduous
NNFF*	Golden Poinciana	<i>Peltophorum pterocarpum</i>	25-35	25-50	10A-11	Semi-Evergreen

ORIGIN	COMMON NAME	SCIENTIFIC NAME	SPREAD (FT)	HEIGHT (FT)	HARDINESS/RANGE	PERSISTENCE
NNFF	Green Ash	<i>Fraxinus pennsylvanica</i>	30-70	50-100	4A-9B	Deciduous
NAN	Florida Maple	<i>Acer barbatum</i>	20-35	50-60	6B-9B	Deciduous
NNFF*	Hong Kong Orchid	<i>Bauhinia x blakeana</i>	15-30	25-50	9B-11	Evergreen
NNFF*	Jacaranda	<i>Jacaranda mimosifolia</i>	40-50	35-50	9B-11	Deciduous
NNFF	Juniper	<i>Juniperus chinensis</i>	15-25	40-50	4A-10A	Evergreen
NAN	Live Oak	<i>Quercus virginiana</i>	60-100	50-75	7B-10B	Semi-Evergreen
NAN	Loblolly Pine	<i>Pinus taeda</i>	25-35	50-75	6B-9A	Evergreen
NAN	Long Leaf Pine	<i>Pinus pilustras</i>	35-50	60-90	7A-10A	Evergreen
NNFF	Norfolk Island Pine	<i>Araucaria heterophylla</i>	35-50	100-200	10A-11	Evergreen
NAN	Nuttall Oak	<i>Quercus nuttallii</i>	35-50	60-80	6B -8B	Deciduous
NAN	Paradise Tree	<i>Simarouba glauca</i>	25-30	30-50	9B-11	Evergreen
NAN	Pignut Hickory	<i>Carya glabra</i>	25-35	50-75	4B-9A	Deciduous
NAN	Pond Cypress	<i>Taxodium ascendens</i>	20-40	50-75	5B-10A	Deciduous
NNFF	Red Bay	<i>Persea borbonia</i>	25-40	30-65	7A-11	Evergreen
NAN	Red Maple	<i>Acer rubrum</i>	40-60	50-75	4A-10B	Deciduous
NAN	Red Mulberry	<i>Morus rubra</i>	35-45	40-70	5A-9B	Deciduous
NAN	River Birch	<i>Betula nigra</i>	25-35	40-50	4A-9B	Deciduous
NNFF*	Royal Poinciana	<i>Delonix regia</i>	50-70	25-50	10A-11	Semi-Evergreen
NAN	Sand Live Oak	<i>Quercus geminata</i>	45-60	35-50	8A-10A	Evergreen
NAN	Shumard Oak	<i>Quercus shumardii</i>	35-60	75-90	5B-9B	Deciduous
NNFF	Silk Oak	<i>Grevillea robusta</i>	25-35	60-100	9B-11	Evergreen
NAN	Slash Pine	<i>Pinus ellioti</i>	35-50	75-100	7A-11	Evergreen
NAN	Southern Magnolia	<i>Magnolia grandiflora</i>	35-50	60-80	6B-10A	Evergreen
NAN	Southern Red Cedar	<i>Juniperis virginiana</i>	25-35	25-50	7B-10A	Evergreen
NAN	Southern Red Oak	<i>Quercus falcata</i>	60-70	60-80	7A-9B	Deciduous
NAN	Strangler Fig	<i>Ficus aurea</i>	30-50	40-60	9B-11	Evergreen
NAN	Sugarberry	<i>Celtis laevigata</i>	50-60	50-70	5A-10B	Deciduous

ORIGIN	COMMON NAME	SCIENTIFIC NAME	SPREAD (FT)	HEIGHT (FT)	HARDINESS/RANGE	PERSISTENCE
NAN	Swamp Chesnut Oak	<i>Quercus michauxii</i>	40-60	50-60	4A-10A	Deciduous
NAN	Sweetgum	<i>Liquidambar styraciflua</i>	35-50	50-70	5B-9B	Deciduous
NAN	Sycamore	<i>Plantanus occidentalis</i>	70-80	70-90	4B-9A	Deciduous
NAN	Tulip Poplar	<i>Liriodendron tulipifera</i>	40-80	80-100	4A-10B	Deciduous
NAN	Water Hickory	<i>Carya aquatica</i>	50-60	50-90	6B-9A	Deciduous
NAN	White Ash	<i>Fraxinus americana</i>	50-80	50-80	8A-9B	Deciduous
NAN	Winged Elm	<i>Ulmus alata</i>	30-40	45-75	6A-9B	Deciduous

**Table 4.3.4.2. Understory Trees**

ORIGIN	COMMON NAME	SCIENTIFIC NAME	SPREAD (FT)	HEIGHT (FT)	HARDINESS/RANGE	PERSISTENCE
NAN	American Holly	<i>Ilex opaca</i>	15-30	35-50	5B-9B	Evergreen
NNFF	Arborvitae	<i>Platycladus orientalis</i>	15-20	15-20	6A-10A	Evergreen
NAN	Arizona Cypress	<i>Cupressus arizonica</i>	15-25	30-40	6A-9B	Evergreen
NAN*	Avocado	<i>Persea americana</i>	25-35	35-140	9B-11	Evergreen
NAN	Black Mangrove	<i>Avicennia germinans</i>	10-20	20-30	9A-11	Evergreen
NAN*	Black Mesquite	<i>Prosopis velutina</i>	20-25	15-25	8B-11	Semi-Evergreen
NAN	Bottlebrush	<i>Callistemon viminalis</i>	15-25	15-25	9B-11	Evergreen
NAN	Buckthorn	<i>Sideroxylon spp.</i>	50-75	35-50	5B-9B	Evergreen
NAN	Buttonbush	<i>Cephalanthus occidentalis</i>	6-8	6-20	4A-10A	Deciduous
NNFF*	Camellia	<i>Camellia japonica</i>	10-20	10-20	6A-9B	Evergreen
NAN	Carolina Ash	<i>Fraxinus caroliniana</i>	25-35	25-50	7B-10A	Deciduous
NNFF*	Cassia	<i>Senna spectabilis</i>	15-20	15-20	10B-11	Evergreen
NAN	Chapman Oak	<i>Quercus chapmanii</i>	25-35	20-40	8B-10B	Semi-Evergreen
NAN	Cherry Laurel	<i>Prunus caroliniana</i>	15-25	25-40	8A-10A	Evergreen
NAN	Chickasaw Plum	<i>Prunus angustifolia</i>	15-20	15-20	6A-9B	Deciduous
NNFF	Chinese Fringe Tree	<i>Chionanthus retusus</i>	10-12	15-30	5A-9B	Deciduous

ORIGIN	COMMON NAME	SCIENTIFIC NAME	SPREAD (FT)	HEIGHT (FT)	HARDINESS/RANGE	PERSISTENCE
NNFF	Chinese Holly	<i>Ilex cornuta</i>	8-25	8-25	7A-9B	Evergreen
NNFF*	Citrus	<i>Citrus spp.</i>	15-25	12-30	9A-11	Evergreen
NAN	Crape Myrtle	<i>Lagerstremia indica</i>	5-25	10-30	6B-10A	Deciduous
NAN	Dahoon Holly	<i>Ilex cassine</i>	15-25	25-40	7A-11	Evergreen
NAN	Devils Walking Stick	<i>Aralia spinosa</i>	6-10	10-25	5A-9B	Deciduous
NAN	East Palatka Holly	<i>Ilex x attenuata</i>	15-25	25-50	7A-9B	Evergreen
NAN	Fiddlewood	<i>Citharexylum spinosum</i>	8-15	15-25	9A-11B	Evergreen
NAN	Flatwoods Plum	<i>Prunus umbellata</i>	12-20	12-20	8A-9B	Deciduous
NAN	Fringe Tree	<i>Chionanthus virginicus</i>	10-15	12-20	3A-9B	Deciduous
NAN*	Geiger Tree	<i>Cordia sebestena</i>	15-25	15-25	10B-11	Evergreen
NNFF*	Golden Rain Tree	<i>Koelreuteria elegans</i>	20-30	20-40	5A-9B	Deciduous
NNFF	Golden Trumpet Tree	<i>Handroanthus chrysotrichus</i>	25-35	25-35	10A-11	Deciduous
NAN*	Green Buttonwood	<i>Conocarpus erectus</i>	25-35	25-35	10B-11	Evergreen
NAN	Hawthorn	<i>Crataegus spp.</i>	15-40	20-30	4A-9B	Deciduous
NAN	Hercules' Club	<i>Zanthoxylum clava-herculis</i>	10-20	15-30	7B-9B	Deciduous
NNFF	Japanese Blueberry	<i>Elaeocarpus decipens</i>	30-40	30-40	8A-11	Evergreen
NAN	Loblolly Bay	<i>Franklinia lasianthus</i>	15-25	25-50	7A-9B	Evergreen
NNFF	Loquat	<i>Eriobotrya japonica</i>	25-35	15-25	8A-11	Evergreen
NNFF*	Mahoe	<i>Hibiscus elatus</i>	15-25	20-30	10A-11	Evergreen
NAN*	Marlberry	<i>Ardisia escallonioides</i>	<a href="#">5-15</a>	15-20	7A-11	Evergreen
NAN	Myrtle Oak	<i>Quercus myrtifolia</i>	8-10	15-20	8B-10A	Evergreen
NAN*	Pigeon Plum	<i>Coccoloba diversifolia</i>	15-25	15-25	10B-11	Evergreen
NNFF*	Pink Trumpet	<i>Tabebuia heterophylla</i>	15-25	15-35	10A-11	Semi-Evergreen
NNFF	Podocarpus	<i>Podocarpus falcatus</i>	25-35	30-40	10A-11	Evergreen
NAN*	Pond Apple	<i>Annona glabra</i>	15-25	15-25	10A-11	Evergreen
NNFF	Round Holly	<i>Ilex rotunda</i>	20-30	20-30	8A-10B	Evergreen
NAN	Sand Pine	<i>Pinus clausa</i>	15-25	25-50	7A-10A	Evergreen

ORIGIN	COMMON NAME	SCIENTIFIC NAME	SPREAD (FT)	HEIGHT (FT)	HARDINESS/RANGE	PERSISTENCE
NAN	Satinleaf	<i>Chrysophyllum oliviforme</i>	18-25	30-45	9B-11	Evergreen
NAN*	Sea Grape	<i>Coccoloba uvifera</i>	20-30	20-35	10A-11	Evergreen
NAN*	Silver Buttonwood	<i>Conocarpus Erectus var. Sericeus</i>	25-35	25-35	10B-11	Evergreen
NAN	Simpson Stopper	<i>Myrcianthes fragrans</i>	15-25	15-25	9B-11	Evergreen
NAN	Swamp Bay	<i>Persea palustris</i>	20-30	20-30	8A-10B	Evergreen
NNFF	Sweet Magnolia Bay	<i>Magnoli virginiana</i>	15-30	15-40	5A-10A	Evergreen
NNFF*	Sweet Viburnum	<i>Viburnum odoratissimum</i>	15-30	15-25	8B-10A	Evergreen
NNFF*	Taiwan Cherry	<i>Prunus campanulata</i>	15-25	12-20	3B-9B	Deciduous
NAN	Wax Myrtle	<i>Myrica cerifera</i>	15-20	15-30	7A-10B	Evergreen
NAN*	White Geiger	<i>Cordia boissieri</i>	10-15	15-20	9A-11	Evergreen
NAN	Yaupon Holly	<i>Lix vomitoria</i>	10-15	15-20	7A-10A	Evergreen
NNFF*	Yellow Elder	<i>Tecoma stans</i>	8-15	10-20	9B-11	Evergreen

**Table 4.3.4.3. Palms**

ORIGIN	COMMON NAME	SCIENTIFIC NAME	SUBSTITUTION RATIO
NNFF	Bismarck Palm	<i>Bismarckia nobilis</i>	3:1
NAN	Cabbage Palm	<i>Sabal palmetto</i>	3:1
NNFF	Date Palm, Medjool	<i>Phoenix dactylifera</i>	3:1
NNFF	Date Palm, Pygmy	<i>Phoenix roebelenii</i>	May not be substituted.
NNFF	Date Palm, Silver	<i>Phoenix sylvestris</i>	May not be substituted.
NNFF	Fan Palm, Ribbon	<i>Livistona decipiens</i>	May not be substituted.
NNFF	Foxtail palm	<i>Wodyetia bifurcata</i>	May not be substituted.
NAN*	Mule Palm	<i>Syagrus X fairchildiana</i>	3:1
NAN	Paurotis Palm	<i>Acoelorrhaphe wrightii</i>	May not be substituted.
NNFF	Pindo Palm	<i>Butia odorata</i>	May not be substituted.
NNFF	Royal Palm, Cuba	<i>Roystonea regia</i>	3:1
NAN	Royal Palm, Florida	<i>Roystonea elata</i>	3:1
NAN	Thatch Palm, Florida	<i>Thrinax radiata</i>	May not be substituted.

ORIGIN	COMMON NAME	SCIENTIFIC NAME	SUBSTITUTION RATIO
NNFF	Triangle Palm	Neodypsis decaryi	May not be substituted.
NNFF	Washington Palm	Washingtonia robusta	3:1
NNFF	Windmill Palm	Trachycarpus fortunei	May not be substituted.

**Table 4.3.4.4. Street Trees**

ORIGIN	COMMON NAME	SCIENTIFIC NAME	SPREAD (FT)	HEIGHT (FT)	HARDINESS/RANGE	PERSISTENCE
NAN	American Holly	<i>Ilex opaca</i>	15-30	35-50	5B-9B	Evergreen
NAN	Bald Cypress	<i>Taxodium distichum</i>	25-35	50-75	4A-10B	Deciduous
NNFF	Bismarck Palm	<i>Bismarckia nobilis</i>	12-16	30-60	10-11	-
NNFF	Bluff Oak	<i>Quercus austrina</i>	35-50	40-60	8A-9B	Deciduous
NAN	Bottlebrush	<i>Callistemon viminalis</i>	15-25	15-25	9B-11	Evergreen
NAN	Crape Myrtle	<i>Lagerstremia indica</i>	5-25	10-30	6B-10A	Deciduous
NAN	Dahoon Holly	<i>Ilex cassine</i>	15-25	25-40	7A-11	Evergreen
NNFF	Golden Trumpet Tree	<i>Handroanthus chrysotrichus</i>	25-35	25-35	10A-11	Deciduous
NAN	Florida Maple	<i>Acer barbatum</i>	20-35	50-60	6B-9B	Deciduous
NNFF	Japanese Blueberry	<i>Elaeocarpus decipens</i>	30-40	30-40	8A-11	Evergreen
NAN	Mahogany	<i>Swietenia mahagoni</i>	40-60	40-60	10B-11	Semi-Evergreen
NAN	Nuttall Oak	<i>Quercus nuttallii</i>	35-50	60-80	6B -8B	Deciduous
NAN	Winged Elm	<i>Ulmus alata</i>	30-40	45-75	6A-9B	Deciduous

### Section 4.3.5. Prohibited Plant Species

Table 4.3.5.1. includes prohibited plant species in the City of North Port. The plant species included in this table shall not be planted within the City, nor shall any invasive exotic plant species in the most current Florida Exotic Pest Plant Council (FLEPPC) Invasive Plant Lists, as amended.

**Table 4.3.5.1. Prohibited Plant Species**

COMMON NAME	SCIENTIFIC NAME
Air-Potato	<i>Dioscorea bulbifera</i>
Alligator Weed	<i>Alternanthera philoxeroides</i>
Arabian Jasmine	<i>Jasminum sambac</i>



COMMON NAME	SCIENTIFIC NAME
Arrowhead Vine	<i>Syngonium podophyllum</i>
Asian Marshweed	<i>Limnophila sessiliflora</i>
Asian Sword Fern	<i>Nephrolepis multiflora</i>
Asparagus-Fern	<i>Asparagus aethiopicus</i> (= <i>A. sprengeri</i> ; <i>A. densiflorus</i> misapplied)
Australian Almond	<i>Terminalia muelleri</i>
Australian Pine	<i>Casuarina equisetifolia</i>
Australian Pine	<i>Casuarina cunninghamiana</i>
Bamboo Palm	<i>Chamaedorea seifrizii</i>
Bischofia	<i>Bischofia javanica</i>
Bowstring Hemp	<i>Sansevieria hyacinthoides</i>
Brazilian Jasmine	<i>Jasminum fluminense</i>
Brazilian Pepper	<i>Schinus terebinthifolius</i>
Burma Reed, Cane Grass	<i>Neyraudia reynaudiana</i>
Caesar's Weed	<i>Urena lobata</i>
Calico Flower	<i>Aristolochia littoralis</i>
Carrotwood	<i>Cupaniopsis anacardioides</i>
Castor Bean	<i>Ricinus communis</i>
Cat's Claw Vine	<i>Macfadyena unguis-cati</i>
Catclaw Mimosa	<i>Mimosa pigra</i>
Chinaberry	<i>Melia azedarach</i>
Chinese Brake Fern	<i>Pteris vittata</i>
Chinese Wisteria	<i>Wisteria sinensis</i>
Climbing Cassia, Christmas Cassia, Christmas Senna	<i>Senna pendula</i> var. <i>glabrata</i> (= <i>Cassia coluteoides</i> )
Cogon Grass	<i>Imperata cylindrica</i> ( <i>I. brasiliensis</i> misapplied)
Coral Ardisia	<i>Ardisia crenata</i> (= <i>A. crenulata</i> )
Coral Vine	<i>Antigonon leptopus</i>
Day Jessamine	<i>Cestrum diurnum</i>
Devil-Tree	<i>Alstonia macrophylla</i>
Downy Rose-Myrtle	<i>Rhodomyrtus tomentosa</i>
Dwarf Papyrus	<i>Cyperus prolifer</i>
Earleaf Acacia	<i>Acacia auriculiformis</i>

COMMON NAME	SCIENTIFIC NAME
Eurasian Water-Milfoil	<i>Myriophyllum spicatum</i>
False Banyan, Council Tree	<i>Ficus altissima</i>
Flamegold Tree	<i>Koelreuteria elegans</i> ssp. <i>formosana</i> (= <i>K. formosana</i> ; <i>K. aniculata</i> misapplied)
Ganges Primrose	<i>Asystasia gangetica</i>
Gold Coast Jasmine	<i>Jasminum dichotomum</i>
Golden Bamboo	<i>Phyllostachys aurea</i>
Governor's Plum	<i>Flacourtia indica</i>
Green Hygro	<i>Hygrophila polysperma</i>
Guinea Grass	<i>Panicum maximum</i>
Hydrilla	<i>Hydrilla verticillata</i>
Inch Plant, Spironema	<i>Callisia fragrans</i>
Incised Halberd Fern	<i>Tectaria incisa</i>
Indian Rosewood, Sissoo	<i>Dalbergia sissoo</i>
Jambolan, Java Plum	<i>Syzygium cumini</i>
Jamiaca Nightshade	<i>Solanum jamaicense</i>
Japanese Clematis	<i>Clematis terniflora</i>
Japanese Climbing Fern	<i>Lygodium japonicum</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Kudzu	<i>Pueraria montana</i> var. <i>lobata</i> (= <i>P. lobata</i> )
Lantana, Shrub Verbena	<i>Lantana camara</i>
Lather Leaf	<i>Colubrina asiatica</i>
Laurel Fig	<i>Ficus microcarpa</i> ( <i>F. nitida</i> and <i>F. retusa</i> var. <i>nitida</i> misapplied)
Lead Tree	<i>Leucaena leucocephala</i>
Life Plant	<i>Kalanchoe pinnata</i>
Limpo Grass	<i>Hemarthria altissima</i>
Melaleuca, Paper Bark	<i>Melaleuca quinquenervia</i>
Mimosa, Silk Tree	<i>Albizia julibrissin</i>
Nandina, Heavenly Bamboo	<i>Nandina domestica</i>
Napier Grass	<i>Pennisetum purpureum</i>
Natal Grass	<i>Rhynchelytrum repens</i>

COMMON NAME	SCIENTIFIC NAME
Nettle-Leaf Porterweed	<i>Stachytarpheta urticifolia</i> (= <i>S. cayennensis</i> )
Old World Climbing Fern	<i>Lygodium microphyllum</i>
Oyster Plant	<i>Tradescantia spathacea</i> (= <i>Rhoeo spathacea</i> , <i>Rhoeo discolor</i> )
Paper Mulberry	<i>Broussonetia papyrifera</i>
Pará Grass	<i>Urochloa mutica</i> (= <i>Brachiaria mutica</i> )
Popcorn Tree, Chinese Tallow Tree	<i>Sapium sebiferum</i> (= <i>Triadeca sebifera</i> )
Pothos	<i>Epipremnum pinnatum</i> cv. <i>Aureum</i>
Puncture Vine, Burr-Nut	<i>Tribulus cistoides</i>
Purple Sesban, Rattlebox	<i>Sesbania punicea</i>
Red Sandalwood	<i>Adenanthera pavonina</i>
Rosary Pea	<i>Abrus precatorius</i>
Rose-Apple	<i>Syzygium jambos</i>
Rubber Vine	<i>Cryptostegia madagascariensis</i>
Santa Maria (Names "Mast Wood," "Alexandrian Laurel" Used In Cultivation)	<i>Calophyllum antillanum</i> (= <i>C. calaba</i> ; <i>C. inophyllum</i> misapplied)
Sapodilla	<i>Manilkara zapota</i>
Scaevola, Half-Flower, Beach Naupaka	<i>Scaevola taccada</i> (= <i>Scaevola sericea</i> , <i>S. frutescens</i> )
Sewer Vine, Onion Vine	<i>Paederia cruddasiana</i>
Shoebuttan Ardisia	<i>Ardisia elliptica</i> (= <i>A. humilis</i> )
Simple-Leaf Chaste Tree	<i>Vitex trifolia</i>
Sisal Hemp	<i>Agave sisalana</i>
Skunk Vine	<i>Paederia foetida</i>
Snowflake	<i>Nymphoides cristata</i>
Suckering Australian Pine	<i>Casuarina glauca</i>
Susumber, Turkey Berry	<i>Solanum torvum</i>
Sword Fern	<i>Nephrolepis cordifolia</i>
Thorny Eleagnus	<i>Elaeagnus pungens</i>
Torpedo Grass	<i>Panicum repens</i>
Tropical Almond	<i>Terminalia catappa</i>
Tropical Soda Apple	<i>Solanum viarum</i>
Tung Oil Tree	<i>Aleurites fordii</i> (= <i>Vernicia fordii</i> )
Two-Flowered Passion Vine	<i>Passiflora biflora</i>

COMMON NAME	SCIENTIFIC NAME
Two-Leaf Nightshade	<i>Solanum diphyllum</i>
Umbrella Plant	<i>Cyperus involucratus</i> ( <i>C. alternifolius</i> misapplied)
Water-Hyacinth	<i>Eichhornia crassipes</i>
Waterlettuce	<i>Pistia stratiotes</i>
Waterspinach	<i>Ipomoea aquatica</i>
Wedelia	<i>Sphagneticola trilobata</i> (= <i>Wedelia trilobata</i> )
West Indian Marsh Grass	<i>Hymenachne amplexicaulis</i>
Wetland Night Shade, Aquatic Soda Apple	<i>Solanum tampicense</i> (= <i>S. houstonii</i> )
Wild Taro	<i>Colocasia esculenta</i>
Winged Yam	<i>Dioscorea alata</i>
Woman's Tongue	<i>Albizia lebbek</i>
Wood-Rose	<i>Merremia tuberosa</i>
Wright's Nutrush	<i>Scleria lacustris</i>

#### Section 4.3.6. One-and-Two-Family Dwelling Landscaping

- A. **Generally.** Property owners shall maintain in perpetuity a minimum number of trees and shrubs on properties developed with one-and two-family structures.
- B. **Applicability.** The entirety of Article III applies to residential subdivision developments. However, individual one-and-two-family structures on pre-platted lots shall only be required to meet the landscaping standards of this Section and the previous Sections in this Article.
- C. **Shrubs.** A minimum of three (3) shrubs shall be planted or preserved for every two thousand five hundred (2,500) square feet of area lot area. Required shrubs shall be planted in the front yard.
- D. **Trees.** A minimum of two (2) canopy trees, or the equivalent number of understory trees and palms, shall be planted or preserved for 7,500 square feet of lot area. At least one (1) canopy tree, or the equivalent number of understory trees and palms, shall be planted in the front yard. In no instance can understory trees and palms be substituted for all required canopy trees; at least one canopy tree shall be located on each parcel. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.
- E. **Lawns and Groundcover.** Turf, groundcover, shrubs, and landscape covering such as, but not limited to, mulch shall cover all ground not occupied by structures and paving or preserved ecological areas to provide ground stabilization and prevent washout. A minimum of 70% of the pervious surfaces on a residential property shall be greenspace. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision. Green space may consist of the following materials:
- (1). **Lawns.** Grass areas shall be sodded with Florida-Friendly sod, except for parcels over one (1) acre in size. When residential parcels exceed one (1) acre in size, a minimum of 7,500 square feet of sod shall be provided, and the remaining area may be hydroseed or xeriscape. Sod installed must be viable, reasonably free of weeds, and capable of growth and development. Generally, sod strips shall align with

tightly fitted, staggered joints without overlapping 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 be required.

- (2). **Vegetative Groundcover.** Vegetative groundcover may be utilized instead of or supplemental to grass lawns. Groundcover is generally defined as living plants designed to grow low to the ground, typically 1-foot or in less in height, and intended to stabilize soils and protect against erosion.
- (3). **Synthetic Grass.** In limited areas, permeable, synthetic grass may be installed instead of or supplemental to vegetative grass; synthetic grass may not be used in yards visible from a right-of-way.
- (4). **Other plant material.** Decorative shrubs, grasses, or edible plants may also be used as landscaping materials in any yard space.

#### **Section 4.3.7. Foundation Landscaping**

- A. **Generally.** Foundation plantings enhance the general aesthetics of development and help obscure potential undesirable elements of the foundation.
- B. **Size and Materials.** Foundation landscaping shall be at least 5-feet in width along the entire length of the building façade(s) visible from a right-of-way or other public area. The foundation landscaping shall consist of shrubs and at least one understory tree for every twenty (20) feet in length. Trees may be clustered. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

#### **Section 4.3.8. Parking Area Landscaping**

- A. **Generally.** Landscaped areas shall be provided for vehicular use areas to provide visual and climatic relief from broad expanses of pavement and to channel and define logical areas for pedestrian and vehicular circulation.
- B. **Minimum Landscaped Area.** The landscape plan shall include a minimum of ten square feet of parking area landscaping for every one (1) parking space and one (1) canopy tree per ten (10) parking spaces. Required buffers do not count towards this landscaping requirement.
- C. **Curbing.** Concrete curbing shall be provided within all parking areas. Wheel stops may be substituted for curbing where they abut required plantings or sidewalks.
- D. **Vehicle Encroachment.** Vehicles may not encroach into a required buffer or the required open space. The front of a vehicle may encroach upon any interior landscaped area or walkway when the area is at least 3½ feet in depth per immediately abutting parking space and protected by wheel stops or curbing. Two feet of such landscaped area or walkway may be part of the required depth of each abutting parking space.
- E. **Perimeter Landscaping.** The perimeter of all parking areas shall be landscaped. For the purposes of this section, the width of vehicular ingress and egress lanes are excluded when determining the length of perimeter landscaping requirements.
  - (1). Parking areas visible from the right-of-way or another external public area shall include a 5-foot-wide landscaped strip around the parking area with a minimum of one (1) canopy tree per 35-linear feet or portion thereof. Trees within the perimeter landscape strip may be grouped, but the distance between trees or groups of trees shall not exceed 50-feet.
  - (2). A hedge, wall, or decorative fence at least 3-feet in height and 80% opaque shall be placed along the entire length of the perimeter landscaping area to prevent headlights from shining onto the street or

other public areas. Parking areas abutting one-and-two-family structures shall include a minimum 4-foot-high solid masonry wall or opaque decorative fence to limit light pollution from headlights and screen the vehicle use area from the abutting property. The wall or fence shall span the entire length of the parking area that abuts a one-and-two-family use. Where this wall or fence requirement is applied to properties with existing mature shade trees, the wall or fence may be truncated and supplemented with trees and shrubs to achieve the required screening. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

(3). Perimeter landscaping for parking areas shall include at least one pedestrian access point connecting to a public sidewalk and crosswalk for every 400-linear feet of parking area frontage.

(4). The remaining area within the required perimeter landscaped strip shall be landscaped with accent plants, grass, ground cover, or other approved landscaping treatment.

F. **Terminal and Interior Island Landscaping.** Each row of parking spaces shall end with terminal islands to separate parking from adjacent drive lanes. The terminal and interior islands shall meet the following criteria:

(1). Each island shall measure at least ten (10) feet in width by eighteen (18) feet in length per aisle of parking, measured from the inside of the curb;

(2). No more than ten (10) parking spaces may be located between islands;

(3). All parking lot planting areas receiving trees shall have uncompacted coarse loam that is a minimum of thirty-six (36) inches deep;

(4). A minimum of one canopy tree required per terminal island; and

(5). The entire area of a terminal island shall be landscaped.

(6). This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

G. **Median Landscaping.** Parking areas shall include a minimum 10-foot-wide landscaped median in every other row of parking spaces. The landscaped medians shall provide the following:

(1). Paved pedestrian pathway, following the applicable state and federal requirements and a minimum of 5-foot-wide, every 200-feet, with one pedestrian walkway aligned with and perpendicular to the main entrance;

(2). One (1) canopy tree shall be required for each 35-linear feet of divider median;

(3). Landscaping materials to cover the portions of the median not covered by a pedestrian pathway; and

(4). Hedges in divider medians which separate parking areas from access drives to form a continuous hedge the full length of the divider median.

(5). This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

#### **Section 4.3.9. Mechanical Equipment Landscaping**

Mechanical equipment, visible from a public right-of-way or other public area, shall be landscaped with a continuous hedge. When the equipment is situated in a location unsuitable for vegetation due to lack of sun or insufficient size, a decorative fence or architectural screen, consistent with the design of the primary structure, may be used in place of the hedge. Landscaping shall be installed no less than 3-feet from the equipment to allow access, maintenance, and airflow.

### Section 4.3.10. Fence and Wall Landscaping

- A. The exterior of any opaque fence, wall, or dumpster enclosure shall be landscaped with a minimum of one shrub for every 3-linear feet and one under-story tree for every 25-linear feet.
- B. No blank wall or fence facade may exceed 16-linear feet. Blank facades shall be broken up with shrubs, vines, or other vegetative or architectural accents.

### Section 4.3.11. Street Trees

- A. **Location.** Street trees shall be provided along the development site's street frontage and along private rights-of-way at intervals of not more than one tree per 50-linear feet nor less than one tree 100-linear feet, except where a tree planting will jeopardize the proper functioning of public utilities or would be placed too close to existing natural trees.
- B. **Installation timing.** Street trees shall be planted prior to the issuance of a construction completion certification.
- C. **Species.** Only tree species indicated as an appropriate street tree in [Table 4.3.4.4.](#) may be utilized as a street tree unless an alternative species is approved by the ULDC Administrator. Street trees must be drought-tolerant and have a medium to high wind tolerance.

### Section 4.3.12. Buffers

- A. **Generally.** Buffers help mitigate potential incompatibilities between different land uses. New development is responsible for installing the appropriate buffer based on the zoning designation of the adjacent properties. No buildings, structures, principal, or accessory uses are allowed in the required landscape buffer areas.
- B. **Location.** Landscape buffers shall be placed abutting property line of the development site. When an easement disallows the installation of the buffer along the property line, the required buffer shall be placed as close to the property line as possible and adjacent to the easement.
- C. **Minimum Requirements.** Tables 4.3.12.1 and 4.3.12.2. provide the minimum buffer requirements. The minimum number of trees and shrubs is calculated per 100-linear feet. All landscaping materials shall meet or exceed the requirements described in [Section 4.3.1. through 4.3.4.](#)
  - (1). **Berms.** Berms shall be graded to a smooth level to create a natural ground landscape. Berms shall be designed with a maximum slope of 3:1 plus a 2-foot minimum width at its crown, excluding the necessary base for a wall/foundation. The depth of the buffer yard may be reduced by twenty-five (25) percent if:
    - a. The berm is landscaped so at least 75% of the raised area is planted with a combination of trees, shrubs, hedging, and ground cover, and the remainder of the berm is sodded; and
    - b. The berm is constructed in a curvilinear manner.
  - (2). **Walls and Fences.** Walls and fences shall be placed to maximize the landscaped area in the buffer unless the buffer includes a berm. When the abutting property has a wall or fence along the common property line, the developing property shall not include an additional fence or wall.
  - (3). **Landscape Material Placement.** When a buffer includes a wall or fence, it shall be placed so the required landscaping material is located on the outside of the wall or fence and in such a manner that adequate space for maintenance is provided.
- D. **Buffer Descriptions.**

- (1). **Type A Buffers.** An enhanced buffer that provides full separation between uses from the ground to over 8-feet in height. This buffer mitigates dust, noise, glare, aesthetics, and other potentially negative effects between properties.
- (2). **Type B Buffers.** This buffer functions as an opaque screen from the ground to a height of at 6-feet to prevent visual contact between uses and create a defined separation. Type B buffers may utilize a wall or fence to provide visual screening between uses. When an 8-foot-tall fence is used instead of a wall, a hedge shall be included in lieu of the shrub requirement.
- (3). **Type C Buffers.** This buffer functions as a semi-opaque screen from the ground to at least a height of six feet.
- (4). **Type D Buffers.** This buffer functions as a visual obstruction and creates the impression of spatial separation without eliminating visual contact between uses. Type D buffers may include a decorative fence with a minimum height of 4-feet allowing a reduction in buffer width from 15-feet to 10- feet.
- (5). **Type E Buffers.** This buffer functions as a basic edge demarcating individual properties with slight visual obstructions. Type E buffers may include a decorative fence with a minimum height 4-feet allowing a reduction of the buffer width from 10-feet to 5-feet.

**Table 4.3.12.1. Landscape Buffer Types**

BUFFER TYPES	A	B	C	D	E
<b>Names</b>	Enhanced	Opaque	Semi-Opaque	Aesthetic	Basic
<b>Minimum Width (FT)</b>	50	35	20	15/10	10/5
<b>Minimum Number of Canopy Trees</b>	8	5	5	3	3
<b>Minimum Number of Understory Trees</b>	4	2	2	2	2
<b>Minimum Shrubs</b>	-	100	80	80	50
<b>Hedge</b>	Continuous	Continuous	-	-	-
<b>Minimum Fence (FT)</b>	-	8	6	0/4	0/4
<b>Minimum Wall (FT)</b>	6	6	-	-	-
<b>Minimum Berm (FT)</b>	5	3	-	-	-

- E. **Buffer Matrix.** Table 4.3.12.2, defines the minimum required buffer type when a zoning district abuts a different zoning district, and along rights-of-ways. Nothing in this Section shall preclude an applicant from installing a buffer type exceeding the minimum standards.
- (1). The buffer requirement in the “AC” district below applies to all Activity Center zoning districts.
  - (2). The buffer requirements in the “ROW” column below apply to public and private road rights-of-way which are classified as collector road or higher. When a new development is located on a road which does not have a collector road or higher classification, the buffer requirement shall be determined by the zoning district of the properties across the street.
  - (3). Where parking lot landscaping requirements overlap with these buffer requirements, they shall be counted toward the perimeter buffer requirements.



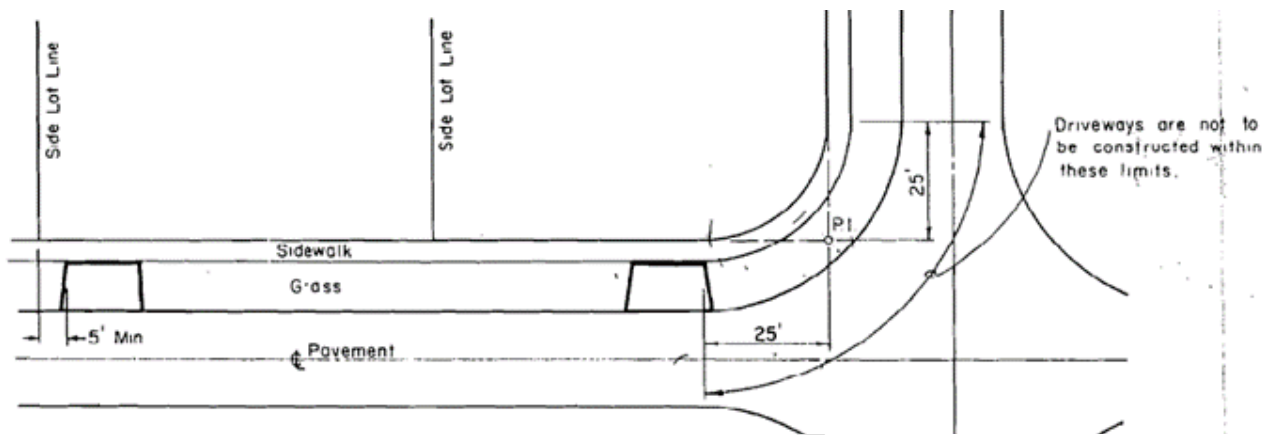
**Table 4.3.12.2. Buffer Matrix**

NEW	EXISTING														
	AG	R-1	R-2	R-3	MH	EC	C	GU	I-1	I-2	CT	COR	AC	V	ROW
AG	-	E	D	D	D	E	C	C	C	B	C	B	B	B	E
R-1	E	-	E	D	C	E	C	C	C	B	C	C	C	C	-
R-2	C	D	-	D	D	D	C	D	C	B	C	C	C	C	-
R-3	B	B	C	E	C	B	E	D	D	C	D	E	D	D	D
MH	C	C	C	C	E	C	B	C	C	B	C	C	B	B	C
EC	E	E	D	C	C	-	C	D	C	B	C	B	B	B	E
C	B	B	C	D	C	B	E	D	D	C	C	D	D	C	D
GU	C	C	C	D	D	D	E	E	D	C	C	D	D	D	E
I-1	B	B	B	B	B	A	C	C	E	C	B	C	C	C	D
I-2	A	A	A	B	B	A	B	B	D	E	B	B	B	B	C
CT	C	D	D	D	D	C	D	D	C	B	-	D	D	D	E
COR	A	A	B	D	B	B	D	D	C	C	D	-	D	D	-
AC	A	A	B	C	B	B	D	D	D	D	B	C	E	C	-
V	A	B	B	C	B	B	C	D	C	C	B	C	C	E	B

## ARTICLE IV – DEVELOPMENT STANDARDS

### Section 4.4.1. One-and-Two-Family Development

- A. **Applicability.** In addition to other applicable provisions of the ULDC, one-and-two family development are subject to the requirements of this Section.
- B. **One Residence per Parcel.** One single-family residence may be constructed per parcel in the AG and R-1 zoning districts; this does not include accessory dwelling units. A parcel may be one or many platted lots combined for tax purposes or unified by title.
- C. **Water and Sewer.** New one-and-two-family development shall connect to city water and sewer where available. When water and sewer are not available, well and septic may be utilized with a permit from the applicable state agency. The applicable state agency may have minimum separation requirements that cannot be met on a single, platted property. When City water or wastewater is not available on a property, the property owner should always verify the requirements with the applicable state agency to ensure a proposed development will fit on a specific property.
- D. **Culverts.** Culverts shall be permitted, designed, constructed, and inspected per the requirements specified in Section A.1.1. in the Appendix of this ULDC.
- E. **Driveway.** All one-and-two-family development shall be connected to a right-of-way by a driveway of concrete, brick paver, or other material approved by the Public Works Department. Driveway aprons in the City right-of-way shall be constructed of impervious material, such as concrete, asphalt, or brick pavers. Driveways shall be designed as follows:
- (1). **Front-loaded garage.** When one-and-two-family residences have a front-loading garage, the driveway shall measure a minimum length of 18-feet between the garage and the property line and minimum width of 10-feet measured at the front property line.
  - (2). **Side-loaded garage.** When one-and-two-family residences have a side-loaded garage, the driveway shall extend to a minimum width 30-feet in front of the garage to allow for proper vehicular parking movement. The driveway may narrow to 10-feet at the property line.
  - (3). **Properties on Major Roads.** One-and-two-family development located on a right-of-way classified as a collector road or higher shall install a circular or hammerhead driveway to eliminate the need to back into the roadway. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.
  - (4). **To Detached Garages or ADUs.** Gravel or another alternative material may be utilized within the property lines for driveway extensions.
  - (5). **Location and Separation.**
    - a. Access driveways shall be designed to intersect at right angles to the street.
    - b. Driveways in AG zoning districts 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.
    - c. Where feasible, a driveway should align with an existing driveway on the other side of the road. 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.
    - d. Driveways shall be no closer than 25-feet to any intersection as measured from the point of intersection of the property lines as indicated in the diagram below.



**(6). Driveway Technical Specifications.**

- a. 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.
- b. Concrete driveways shall have a 6-inch × 6-inch #10 mesh with a minimum thickness of 4-inch 2500 psi concrete over a stable subgrade.

**(7). Site and Drainage Plan Requirements.** The site and drainage plan shall include, at a minimum, the following existing conditions:

- a. Property lines and dimensions, and adjacent edge of roadway.
- b. Front yard roadside drainage swale location; side and/or rear yard outfall ditch, R-ditch, or canal location; easement and right-of-way limits; and street name and legal description (lot, block, and addition).
- c. Location and invert grades of any drainage features (pipes, headwalls, etc.) within the confines of the property line extension to the road center line.
- d. All proposed improvements, structures, and driveway locations; septic system location, if applicable; and well location, if applicable.
- e. At least ten (10) existing grades referenced to either NGVD29 or NAVD88 set at the street center line along the extension of a side property line. The benchmark location shall appear on the site plan. The existing grades shall be those at the four (4) property corners and those along the side property lines opposite the extension of the proposed structure corner.
- f. The proposed drainage design shall include, at a minimum, the following proposed conditions; Elevations referenced to the same datum as the existing grades, depicting the proposed levels at points set forth above as well as a proposed first-floor grade for the structure.
- g. 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. If the property is bound by a City-maintained drainage right-of-way, runoff will be allowed into those facilities.
- h. Arrows shall be used to depict the positive drainage of stormwater runoff from the rear to the front of the property. Arrows will show half the drainage to the rear and half to the front when the rear of the lot borders on a canal or other drainage feature.
- i. 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 effects on-site or off-site.

- j. Location of silt screens and permanent and/or temporary piping, and the type of culvert pipe material.
- k. Slopes shall not exceed three to one (3:1) (horizontal to vertical).
- l. 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 to ensure that positive drainage occurs across the proposed property without interference to drainage or cause flooding of the adjoining properties.
- m. Placement of retaining walls within the six (6) foot side drainage easement will not be allowed, except as approved by the City.

(8). **Additional Drainage Plan Requirements.** Site and drainage plans shall be reviewed for compliance with drainage requirements. If after review and site visit it is determined that there is or will be adverse effects to adjacent lots, a resubmittal will be required as noted below:

- a. A topographic 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 and shall be conducted within one (1) year of the application. Assumed elevations are not allowed. This requirement does not apply to General Development single-family platted lots or lots that are verified as not being in the floodplain prior to April 2010, pursuant to the approved official FEMA maps.
- b. Survey must include the proposed finished floor of the proposed structure, the elevations of the adjacent lots, and the finished floor elevation of any existing structures located on the subject parcel or adjacent lots when needed to show no adverse effects of stormwater flows to those lots.
- c. A new site and drainage plan shall be prepared and be signed, sealed, and dated by a Florida licensed professional engineer. The date of the drainage plan shall not exceed twelve (12) months from the date of submittal to the City. Proposed drainage plan for development of the lot shall include the following:
  - d. Finished floor elevations above latest FEMA base flood elevation maps (BFE).
  - e. Sufficient survey points and data shall be shown on site plan to demonstrate positive drainage on new lot and no adverse effects to adjoining developed or undeveloped lots. 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.
  - f. A minimum of three (3) 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.
  - g. 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 ten (10) year frequency twenty-four (24) hour duration design storm event.

F. **Trash and Recycling Receptacles.** New one-and-two-family residences shall include a designated place to store trash and recycling receptacles, which shall be:

- (1). Located on a concrete pad measuring a minimum of 36-feet deep and 5-feet wide; and
- (2). Shielded from view from the right-of-way with a fence, wall, or vegetation.
- (3). This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

- G. **Mechanical Equipment and Fuel Storage Tanks.** Ancillary mechanical equipment and storage tanks for propane, natural gas, or other material shall be located on the side or rear of the primary structure and shielded from view from the right-of-way with a fence, wall, or vegetation. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.
- H. **Garage.** Single-family development in the R-1 zoning district shall include a garage with minimum interior dimensions of 14-feet by 20-feet of unobstructed space.
- (1). Carports are prohibited as the sole vehicular storage area in the R-1 district. Carports may be permitted for single-family development in the other zoning districts when an enclosed storage area with a minimum size of 100 square feet is provided.
  - (2). No garage or storage area shall be used as living quarters unless another garage is constructed prior to conversion.
  - (3). An operable garage door capable of providing access to the garage by a motor vehicle is required.
  - (4). This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

#### **Section 4.4.2. Transitional Design Elements and Compatibility**

**A. Applicability. This Section is applicable to new development or redevelopment to a more intense use on properties rezoned by Ordinance No. 2024-XX.**

- B. **Transitional Design Elements.** To mitigate potential impacts on existing single-family homes, development applicable to this Section shall include the following transitional design elements:
- (1). The side setback shall be half the building height or the applicable setback in the zoning district, whichever is greater;
  - (2). Buildings that are more than twice the height of existing homes on an abutting property shall incorporate one or more transitional height elements to transition the height of the new building to the height of the closest existing building. New development shall include the transitional height element at the approximate cornice or roof line of the nearest existing building. Where there is no extant building on adjacent property, the requirements of this subsection will not apply. Transitional height elements may include:
    - a. Cornices or other decorative elements that run the length and width of the building and project a minimum of six inches from the wall;
    - b. Upper story setbacks and offsets at the approximate cornice or roof line of the nearest existing building as provided above; and
    - c. Variations in roof planes.
    - d. Structures over forty (40) feet in height shall be stepped back a minimum of ten (10) feet on all facades facing a public right of way or abutting a residential district.
  - (3). Development applicable to this Section shall provide an enhanced buffer; the required buffer shall be increased to the next level included in [Table 4.3.12.2., Buffer Matrix](#). For example, if the required buffer is an "E" type buffer, a "D" type buffer would be required instead. In instances where an "A" type buffer is required, an additional ten (10) feet shall be added to the required buffer size.

#### **Section 4.4.3. Activity Centers**

- A. **Generally.** These regulations apply to all properties in Activity Center zoning districts (AC-1 through AC-10). This Section seeks to ensure that properties within an Activity Center have architectural interest and pedestrian-oriented design. The requirements below are in addition to the design standards in [Section 4.4.5](#).
- B. **Blueway Connections.** The City's canals provide a natural barrier between land uses and provide opportunities for connectivity, recreation, and public space. Activity Centers located along waterways shall incorporate a common area along the length of the adjacent waterway, including pedestrian amenities such as gardens, seating, and walkways that connect the blue ways to the Activity Center's sidewalk system. These Blueway Commons areas shall be available to the public.
- C. **Building Step-Back.** Structures over forty (40) feet in height shall be stepped back a minimum of ten (10) feet on all facades facing a public right of way or abutting an R-1, R-2, or CT district. This regulation as it applies to R-1 and R-2 districts, will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.
- D. **Community Amenities.** Development in the Activity Centers shall include the following elements for the public benefit. North Port City Center Green (Pantone 567C) is preferred for right-of-way furniture and accents, but not required.
- (1). **Benches.** Benches shall be placed at least every half (0.50) mile or 2,640 feet along all roadways.
  - (2). **Bicycle Racks.** Bicycle racks, able to accommodate at least two (2) bicycles, shall be placed with every bench.
  - (3). **Landscaped Planters.** Planters with a minimum height of two (2) feet shall be placed along sidewalks and entryways at a ratio of two (2) planters for every fifty (50) feet of building frontage. Planters shall be landscaped and irrigated in perpetuity to complement the rest of the landscaping on site.
  - (4). **Public Art.** Public Art shall be provided per [Chapter 4, Section 4.4.4](#).
- E. **Crosswalks.** Brick pavers or stamped concrete shall be installed at all intersections, pedestrian crossings, and turn lanes on any arterial or collector roadway.
- F. **Entrances.** Main entrances shall face the public right-of-way to facilitate pedestrian-oriented design. Secondary entrances may be included in the building design to provide an entrance adjacent to parking or other common areas. All entrances shall be architecturally emphasized and covered with a minimum coverage depth of ten (10) feet and a width of twenty-five (25) feet. Main entrances shall provide continuous coverage to weather and sun between adjacent entrances to allow patrons to safely walk from one entrance to another under cover whenever possible. Corner lots with frontage on one or more public rights-of-way shall provide at least one entrance per right-of-way with a maximum of two entrances per street. Entrances may be placed at an angle facing the intersection of the two rights-of-way to achieve compliance with this standard.
- G. **Glazing.** Activity Centers have additional glazing requirements, particularly on the first floor, to facilitate pedestrian-oriented design.
- (1). At least 50% of street-level façades of non-residential development shall provide the appearance of glazing or windows. A minimum of 50% of the street-level glazing shall be transparent. The bottom of windows shall begin no higher than two feet above grade level, and the top of all windows and doors shall be no lower than eight feet above grade level. Taller windows are encouraged.
  - (2). Facades above street level shall incorporate a minimum of 30% glazing.
  - (3). This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

- H. **Utilities.** All utility infrastructure shall be underground; appurtenances and associated equipment, including, but not limited to surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, telephone cable closures, and connection boxes may be located above ground.
- I. **Enhanced Design Elements.** Development in the Activity Centers shall be pedestrian-oriented to maximize environmental, economic, physical, and social health by incorporating the following elements:
- (1). **Build-to line.** Primary structures in the Activity Centers shall be a maximum of fifteen (15) feet from the front property line on internal spine roads and perimeter streets to maintain a consistent building façade. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.
  - (5). **Minimum Frontage.** All development shall provide a minimum of 65% building frontage along the right-of-way. Walls of any height with architectural details consistent with the primary structure may be used to satisfy the frontage requirement. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.
  - (2). **Parking.** Off-street parking spaces shall be located behind the front façade of the building.
  - (3). **Multi-modal transportation.** The streetscape design shall incorporate a multi-modal transportation model with sidewalks, protected bike lanes, and transit stops.

#### **Section 4.4.4. Public Art**

- E. **Generally.** The City of North Port intends to promote the aesthetic enrichment of the community by supporting the private acquisition, installation, and maintenance of public art on private property accessible to the public for citizens' and visitors' appreciation and enjoyment and to encourage the preservation and protection of existing works of art.
- F. **Applicability and Exemptions.**
- (1). Public art is required for commercial, multi-family, and mixed-use development in Activity Centers as follows:
    - a. New construction with a combined site and building construction value exceeding \$250,000.00; and
    - b. Existing development subject to repair, reconstruction, rehabilitation, addition, or improvement, having a construction value exceeding fifty percent (50%) of the structure's fair market value calculated prior to commencement of construction.
  - (2). The following development types are exempt from public art requirements:
    - a. One- and two-family residential subdivisions.
    - b. Affordable housing wherein at least twenty percent (20%) of the dwelling units are affordable to families having incomes less than eighty percent (80%) of the Sarasota County Area Median Income (AMI), or where at least fifty percent (50%) of the dwelling units are affordable to families having incomes less than one hundred twenty percent (120%) of the Sarasota County average mean income.
    - c. Sarasota County public facilities that incorporate public art pursuant to Sarasota County's public art program.
    - d. Public facilities where funding sources prohibit art expenditures or other applicable regulations that discourage or prohibit public art.

#### **G. Minimum Requirements.**

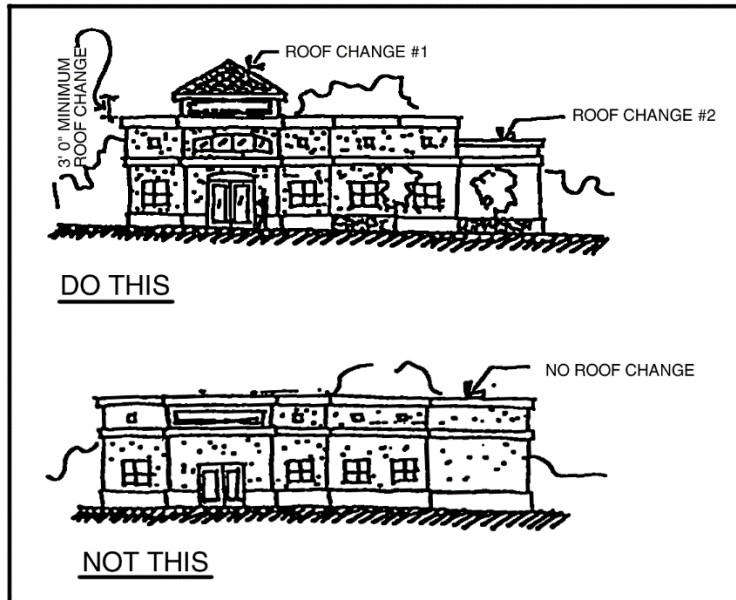
- (1). Public art has a proportionate value of \$0.25 per square foot of gross building area, not to exceed one hundred fifty thousand dollars (\$150,000.00);
  - (2). Public art must comply with the definition of public art in the Unified Land Development Code; and
  - (3). Public art must adhere to the following themes:
    - a. Animal or plant species native to Florida;
    - b. Culturally, socially, or historically significant to the City of North Port, the region, or its persons;  
or
    - c. Related to the architectural style of the Activity Center where the art is located.
  - (4). Installation. Public art must be:
    - a. Positioned on the development site outside a structure or building as a pedestrian amenity;
    - b. Visible at all times from a public right-of-way, sidewalk, walkway, open space, or from privately owned publicly accessible open space; and
    - c. Located a minimum of fifty feet (50') from freestanding signs. If site constraints prevent the placement of public art fifty (50) feet from freestanding signs, the ULDC Administrator, or designee, may approve an exception, provided no visibility conflicts exist.
- H. **Additional Public Art.** Additional public art is allowed on a development parcel, provided public art is not placed within an easement or visibility triangle.
- I. **Maintenance and Repair.** To ensure public art maintains its integrity, the property owner must perform maintenance and repair as necessary. Failure to maintain public art constitutes a public nuisance.
- J. **Removal, Replacement, or Relocation.**
- (1). Removal of required public art is prohibited.
  - (2). Replacement or relocation of public art requires application, review, and approval consistent with this chapter's general requirements and procedures.
  - (3). Relocated art must be positioned on the same property initially subject to public art regulations.
- K. **Public Art Fund.** The public art fund established by Ordinance No. 2010-14 is reserved solely for the acquisition, transportation, installation, maintenance, and promotion of works of art displayed in the City. The City Commission must approve all expenditures from the fund after considering the Art Advisory Board recommendations. Any works of art purchased with such funds will remain the sole property of the City. The City must hold public art funds in an interest-bearing account separate from general revenue and deposit all accrued interest into the public art fund. The City must pay insurance costs from the City's general fund for public art located on public property.

#### **Section 4.4.5. Multi-Family, Non-Residential, and Mixed-Use Development**

- A. **Generally.** The appearance of multi-family, non-residential, and mixed-use development affects the aesthetic quality of the City. Development with minimal architectural features detracts from the City's image and character.
- B. **Applicability.** These regulations apply to all development except one-and two-family-residential, including development on properties with Activity Center zoning (AC-1 through AC-10). Where [Section 4.4.3](#), includes stricter requirements for Activity Centers, those standards will apply.
- C. **Building Height.** New buildings that are more than twice the height of any existing building within 300-feet shall be designed to provide a transition between buildings of lower height.

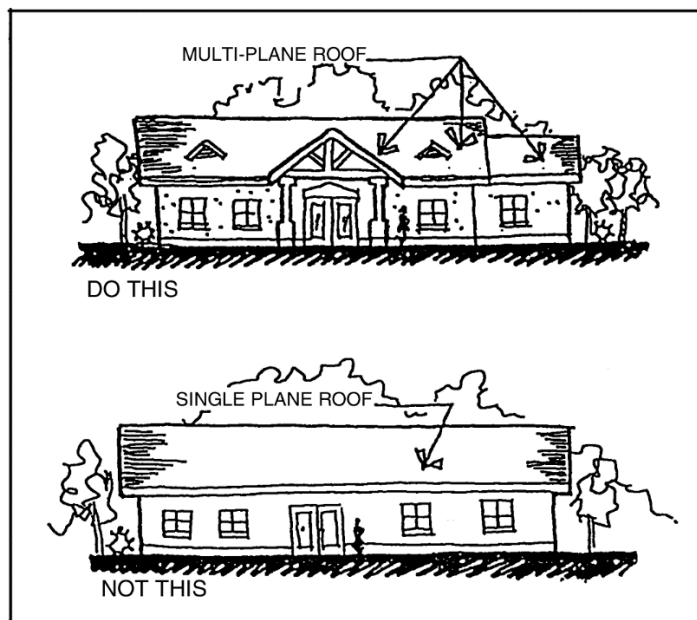


- D. **Corner Lots.** In addition to other requirements, corner lots at an intersection of two or more arterial or collector roads must be designed with additional architectural embellishments, such as corner towers, or other such design features, to emphasize their location as gateways and transition points within the community.
- E. **Dumpster and Compactor Enclosures.** Except where noted below, all sites with uses other than one-and-two-family attached, shall provide commercial trash receptacles in accordance with the regulations in this Section, in addition to the specifications in Section A.1.4. of the Appendix of this ULDC.
- (1). **Screening.** Per the specification in Section A.1.4 of the Appendix, all commercial trash receptacles shall be enclosed from view on at least three with an opaque swinging or sliding door concealing it from view. On the three sides that do not contain the gate, and landscaping per Section 4.3.10.A.
  - (2). **Location.** Dumpster enclosures shall be located on the side or rear of the property with a minimum setback of 10-feet.
    - a. Commercial trash receptacles shall not be located on unimproved sites.
    - b. Compliance with technical standards in Appendix Section A.1.4. is required.
  - (3). **Maintenance.** All solid waste or other refuse, including recycling materials stored in commercial trash receptacles, shall be concealed by a lid attached that shall remain in the closed position unless materials are being placed into the receptacle or the receptacle is being serviced. No material shall be permitted to overflow the receptacle. All gates shall remain closed unless the receptacle is being serviced.
- F. **Entrance Features.** Public entrances shall be emphasized with architectural features and detailing that create a frame and definition. When a development is located on an arterial or collector street, the entrance shall be oriented toward the arterial or collector street.
- G. **Equipment Shielding.** Mechanical equipment shall be located on the roof and shielded from view on all sides, including the top, to ensure it is not visible from all rights-of-way, sidewalks, navigable waterways, and adjacent structures. In instances where equipment cannot be located on the roof, the equipment shall be shielded from view from the public by a 100% opaque wall or fence and landscaping.
- H. **Glazing.** Primary building facades and all facades facing a public right-of-way, alley, or navigable waterway shall have the appearance of a minimum of 30% glazing. Other facades shall have the appearance of a minimum of 15%.
- I. **Roof Treatment.** Variations in roof lines must be used, to add interest to, and reduce the massing of buildings. Roof features and materials must be in scale with the building's mass and complement the character of adjoining and/or adjacent buildings and neighborhoods. The following standards identify appropriate roof treatments and features.
- (1). **Roof edge and parapet treatment.** The roof edge and/or parapet must have a vertical change from the dominant roof condition, in two locations. At least one such change must be located on a façade facing a public right-of-way.



(2). Roofs must be designed to include at least two of the following requirements:

- a. Three or more roof slope planes per primary façade
- b. Sloping roofs, which do not exceed the average height of the supporting walls, must have an average slope equal to or greater than 4V:12H but not greater than 12V:12H;
- c. Additional vertical roof changes with a minimum change in elevation of 2-feet (flat roofs must have a minimum of two changes); or
- d. Three-dimensional cornice treatment which must be a minimum of 10-inches in height with a minimum of three reliefs.



(3). Prohibited roof types and materials. The following roof types are prohibited:

- a. Roofs utilizing less than or equal to a 2V:12H pitch unless utilizing full parapet coverage or mansard; and

- b. Mansard roofs except roofs with a minimum vertical distance of 8-feet and an angle between 45% and 70% from horizontal.

J. **Wall Façades.** All primary facades of a building must be designed with consistent architectural style, detail, and trim features.

(1). Buildings shall provide a minimum of three of the following building design treatments integrated with the massing and style of the buildings. All architectural details shall be of consistent and compatible colors, shapes, materials, and design.

- a. Awnings or attached canopies;
- b. Overhangs;
- c. Porticos;
- d. Arcades, a minimum of eight feet wide;
- e. Peaked roof forms;
- f. Windows;
- g. Clock or bell towers; or
- h. Any other treatment that the ULDC Administrator finds meets the intent of this Section.

(2). The design elements in the following standards must be integral parts of the building's exterior facade and must be integrated into the overall architectural style. These elements may not consist solely of applied graphics or paint.

a. **Blank walls.** Building walls and facades must avoid large blank wall areas by including at least three of the design elements listed below in a repeating pattern. At least one of the design elements must repeat horizontally.

- 1. Texture change;
- 2. Material change;
- 3. Architectural features such as bandings, bays, reveals, offsets, or projecting ribs.
- 4. Building setbacks or projections; or,
- 5. Pattern change.

b. **Materials.** Exterior building materials contribute significantly to the visual impact of a building on the community. They must be well-designed and integrated into a comprehensive design style for the project. The following exterior building materials cannot be used on more than 50 percent of the building facade area:

- 1. Corrugated or reflective metal panels;
- 2. Tile (prohibition does not apply to roofs);
- 3. Smooth, scored, or rib-faced concrete block;
- 4. Any translucent material, other than glass; or
- 5. Any combination of the above.

c. Building trim and accent areas, consistent with the overall building, are limited to ten percent of the affected wall area, with a maximum trim width of 24 inches.

- K. **Stormwater Areas with Fountains.** Retention ponds exceeding one (1) acre (43,560 square feet) in size shall be designed as an amenity that includes a fountain or a waterfall with night lighting and a stabilized perimeter walking path with benches, and bollard lighting.

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## **ARTICLE V – EARTHMOVING, DREDGING, AND STOCKPILING**

### **Section 4.5.1. Generally**

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 the City of North Port while promoting opportunities for responsible development including associated earthmoving activities.

### **Section 4.5.2. Prohibited Activities**

- A. Oil or natural gas exploration or production.
- B. Any production that utilizes well stimulation.
- C. Phosphate mining.

### **Section 4.5.3. Site Development and Infrastructure Plan Related**

#### **A. Earthmoving**

The size, shape and orientation of earthmoving associated activities shall be designed in accordance with Section 4.1.3. of this Article.

#### **B. Required Submittals.**

Per the Construction Plan submittal requirements in Chapter 2, Article III of this ULDC.

#### **C. Land Clearing Debris.**

- (1). No land clearing debris shall be allowed to be placed or stored within twenty-five (25) feet of the front, side, and rear property lines of the site under the following conditions:
  - a. The debris is piled together in one (1) single mass in only one (1) location on the site.
  - b. The pile of debris shall not exceed six (6) feet in height.
  - c. The pile of debris shall be completely enclosed on all four sides by a solid, non-opaque six-foot high fence and shall include a gate for Fire Department access.
  - d. No burning of debris shall occur unless a valid permit has been secured from State, County and/or local jurisdictions where appropriate.
- (2). For all land clearing debris that won't 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.
- (3). Trees that are felled in the process of land clearing, may be mulched, and spread over the site, but shall not be buried in bulk. The mulched material may not be used to build a permanent berm.
- (4). Land clearing debris in any form may not be used for a business operation from the project site.

#### **D. Stormwater Management System**

A stormwater management system shall be provided for the adequate control of stormwater runoff and water quality treatment that originates within the earthmoving and stockpiling development parcel that flows onto or across the property from adjacent lands.

- (1). 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 best management practices.
- (2). To the maximum extent practicable, natural systems shall be used to accommodate stormwater.

- (3). No surface water may be channeled or directed into a sanitary sewer.
- (4). The banks of retention and detention areas shall be sloped at a ratio of no greater than four (4) to one (1) in order to accommodate vegetation as shown on the closure plan.
- (5). Dredging, filling, clearing of vegetation, deepening, widening, straightening, stabilizing, or otherwise altering natural surface waters shall be prohibited unless the activity is in compliance with applicable regulations in Chapter 6 of this ULDC.
- (6). Natural surface waters shall not be used as sediment traps during or after earthmoving.

**E. Lakes and Ponds.**

Ponds shall be constructed to meet the specifications in Section A.1.3. of the Appendix of this ULDC.

**F. Stockpiling.**

Temporary storage of materials for future use in a construction project located on the same property is permissible in compliance with the following:

- (1). Stockpiles placement shall minimize nuisance to the public, with consideration given to storm water drainage routing, dust control, safety, and aesthetic appearance.
- (2). Stockpile material shall consist of clean earth fill (Type A), free of construction debris, vegetation, and other deleterious materials not suitable for fills.
- (3). BMPs must be in place around all stockpiles to prevent silt runoff and erosion control.
- (4). Maximum side slope for stockpiles four feet tall or less 1.5 (horizontal): 1 (vertical) and for stockpiles higher than 4 feet 2(horizontal):1 (vertical).

**Section 4.5.4. Commercial Earthmoving (Mining/Borrow Pit) and Excavation:**

**A. Generally**

Except as provided in the Use Tables in Chapter 2 of this ULDC, commercial earthmoving, such as borrow pits or excavation, is only allowed after the approval of a special exception.

**B. Applications**

In addition to the Special Exception application requirements per Chapter 2 of this ULDC, an applicant for an earthmoving approval shall submit the information required in Paragraph C. below based on the type of earthwork proposed as follows:

Type	Volume (yd <sup>3</sup> ) Type A Fill	Volume (yd <sup>3</sup> ) Type B-C Fill
General	100—2,500	N/A
Minor	2,500—100,000	1 to 50,000
Major <sup>1</sup>	>100,000	>50,000

<sup>1</sup>Conceptual. A person may, as an option, apply for a Conceptual approval for excavations involving more than 100,000 cubic yards of Type A Fill, or more than 50,000 cubic yards of Type B or C Fill.

### **C. Application Submittal Requirements**

(1). All Types:

- a. Legal description and property identification number (PIN) of the site to be permitted;
- b. Street address of the site, if any, and a vicinity map showing location of the site in relation to nearby roadways;
- c. Authorization for entry upon any portion of the site by County agents or employees for purposes of inspection for compliance with, and enforcement of, the provisions of this article;
- d. Area of proposed Earthmoving in acres or square feet;
- e. Volume of Earthmoving in cubic yards;
- f. Proposed source and type of material for fill;
- g. Reason for Earthmoving;
- h. For Excavation projects greater than one acre in size, a Littoral Zone plan, showing the proposed location(s) of the Littoral Zone(s) and a typical cross section, as well as demonstrating compliance with the applicable provisions of this article;
- i. If wetland impacts are proposed, a wetland mitigation, monitoring, and maintenance plan prepared by a professional environmental consultant;
- j. If wetlands are onsite, a hydroperiod maintenance plan;
- k. If native habitats exist onsite, a Resource Management Plan prepared by a professional environmental consultant but containing the following:
  - i. An identification of prohibited activities, including, but not limited to, Filling, Excavating, Alteration, trimming and/or removing of native vegetation within the preservation and conservation areas, as appropriate;
  - ii. An identification and description of Best Management Practices and proposed management activities to be conducted to maintain the habitats in their existing, enhanced, or restored condition, including measures to remove or eradicate and maintain exotic, nuisance, and invasive vegetation; prescriptive burns, roller-chopping, etc.;
  - iii. The time frames and intervals for implementation of the Resource Management Plan activities.
- l. A site plan clearly showing the boundaries of the property, map scale and north arrow, and the following information:
  - i. A site boundary and topographical survey clearly showing existing and proposed elevations, existing site features, easements, and rights-of-way;
  - ii. Proposed location(s) for Excavation and/or disposition of material;

- iii. Proposed slopes, setbacks, method of dewatering and on-site retention for Excavation projects;
- iv. Location and accurate boundaries of Wetlands, associated buffers and other native habitats;
- v. Septic tanks and drain fields within 100 feet of the edge of any Excavation or Wetland;
- vi. Proposed method(s) to control erosion, including stabilization of excavated side slopes, Filled and Stockpiled areas;
- vii. On-site and adjacent off-site stormwater flow patterns for existing and proposed conditions;
- m. For proposed fills or Stockpiles within 100-year floodplains only, a compensation plan prepared by a Florida Registered Engineer to demonstrate no net encroachment into the floodplain;
- n. For projects that occur in areas with known historic resources or in areas with a moderate to high probability for the presence of historic resources, Phase I Cultural Resource Assessment Survey (CRAS) per Chapter 6, Article II of this ULDC;
- o. For all projects involving excavation, the location of all underground utilities in the vicinity of the proposed Excavation.

(2). Minor and Major Earthmoving applications, requires the following additional submittals:

- a. A site plan (scale: one-inch equals 200 feet or less). For earthmoving projects greater than 10,000 cubic yards the site plan shall be prepared, signed, and sealed by a Florida Registered Engineer.
- b. Identification of a designated Haul Route, if applicable;
- c. Evidence of existing road conditions along a designated Haul Route, if applicable, including photographs or videotape;
- d. Destination(s) of material to be transported for all fill removal (haul) applications;
- e. Test borings (to a minimum depth of 20 feet) showing the seasonal high-water table and type of materials to the depth of any proposed excavation;
- f. All water wells within 500 feet of the edge of any proposed excavation;
- g. Area of groundwater drawdown (for excavations where dewatering may occur within 200 feet of a wetland for a period greater than 30 days);
- h. A preliminary Closure Plan and Reclamation cost breakdown certified by a Florida Registered Engineer; and

(3). Conceptual Earthmoving applications require the following additional submittals:

- a. A Master Plan;
- b. Volume of excavation, stockpile, and/or fill in cubic yards;

#### **D. Requirements for Excavations.**

- (1). Borrow pits, artificial lakes and other excavations below the normal groundwater level designed to be left open upon completion shall be sufficiently graded to avoid flooding or erosion on any off-site property or public roads, and shall not be excavated within the following minimum setback areas (measured at top of bank of excavation):



- a. Excavations less than 10,000 cubic yards, 50-feet.
  - b. Excavations in excess of 10,000 cubic yards but less than 100,000 cubic yards in volume, 100-feet.
  - c. Excavations in excess of 100,000 cubic yards of volume, 200-feet
  - d. Within 200 feet of a Wetland where dewatering of an excavation in excess of 10,000 cubic yards will occur for a period greater than 30 days.
- (2). Structural and vegetative buffers may be required as necessary to prevent adverse visual, noise, vibration, dust, and safety impacts between potentially incompatible land uses.
- a. Existing vegetation (excluding nuisance or exotic plant species) must remain in required setback areas, to the extent possible.
  - b. If existing vegetation is not sufficient to provide an adequate visual buffer, supplemental planting, berms, or berms with supplemental planting may be required.
- (3). All Excavated areas shall have side slopes no steeper than one-foot vertical drop for each four feet of horizontal distance to a minimum depth of two feet below normal water level (NWL). Below this depth, the side slopes shall be no steeper than one-foot vertical drop for each two feet of horizontal distance. All excavated ditches and swales along roadways shall have side slopes no steeper than one-foot vertical drop for each four feet of horizontal distance. The back slopes of these ditches and swales shall be no steeper than one-foot vertical drop for each three feet of horizontal distance. These standards are intended to be minimal sloping requirements, providing for maximum permissible steepness of the side slopes. The Applicant may opt to create more gradual side slopes for safety purposes.
- (4). The depth of an excavation shall not exceed 20 feet and shall not penetrate any rock strata or other aquiclude.
- (5). All ongoing excavations shall be maintained by securing the property (e.g., fencing).
- (6). During and upon completion of excavation and prior to expiration of the earthmoving authorization, sediment shall be stabilized, and erosion controlled. Sediment shall not be allowed to encroach into wetlands, watercourses, or adjacent properties.
- (7). Receiving waters shall not exceed a turbidity level of 29 nephelometric turbidity units (NTU's) above natural background.
- (8). If evidence of the existence of historic resources is discovered during earthmoving activities (e.g., shell middens, aboriginal or historic pottery), all work shall cease in the area of effect and the permittee or shall contact the ULDC Administrator per Chapter 6, Article 2 of this ULDC. If any human skeletal remains or associated burial artifacts are discovered, all work in the area shall cease and the permittee North Port Police Department, the Sarasota County Coroner and the ULDC Administrator within two working days.
- (9). There shall be no unconfined emissions of particulate matter arising from earthmoving activities, beyond the boundary lines of the property for which an earthmoving permit has been issued, including any designated haul route.
- (10). Upon completion of the excavation or prior to expiration of the operation the excavation shall be left in a free-form configuration. Square or rectangular designs are not permissible. The banks shall be grassed to prevent erosion. Spoil piles or stockpiling of material shall be removed from or spread upon

the site. All site cleanup and stabilization activities shall be completed prior to the expiration of the authorization.

#### **E. Stockpiling**

Stockpiling. Stockpiling of Types B, C and D Fills generated on-site shall not last longer than 180 days. Additionally, Stockpiling shall also meet the following requirements:

- (1). Only Stockpiling of Type A Fill on the site of its origination is allowed without first obtaining authorization in accordance with the provisions of this article.
- (2). On-site recycle facilities may stockpile Type B, C, or recyclable Type D Fill.
- (3). Stockpiles of Types A, B or C Fill shall be stabilized (e.g., grassed) and secured (e.g., fencing).
- (4). Burying and Filling. No burying or Filling of Type B, C, or D Fills, including yard trash, shall occur except in a Landfill or Type D landfill.

#### **F. Roadway Impacts and Mitigation**

Hauling operations shall not generate dust or noise at levels that create, in the sole determination of the City, a nuisance to adjacent property owners along unpaved roads. Permits for new or existing excavations shall not be issued to haul 10,000 cubic yards or more of material on unpaved roads adjacent developed residential areas. The permittee is responsible for mitigation of impacts on the haul route arising from activities authorized under a development order. Required mitigation measures shall be determined by the City on a case-by-case basis, and may include any or all the following:

- (1). Cleanup of materials over spills;
- (2). Shoulder grading;
- (3). Pavement patching;
- (4). Pavement reconstruction;
- (5). Pavement maintenance, including resurfacing;
- (6). Traffic safety improvements such as signage, striping, barrier rails, turn and/or acceleration lanes with tapers, all meeting AASHTO standards; and
- (7). Watering and other dust control measures.

#### **G. Bonds and Financial Assurances**

Upon approval and before commencement of construction, performance and reclamation bonds shall be provided by the owner or designated assignee of property upon which earthmoving is proposed. Bonds, in a form acceptable and payable to the City, shall be required as hereinafter described, to ensure compliance with all the terms and conditions of the permit and that all site stabilization and other actions required by this Article and within any approved closure plan meeting the requirements of this section are performed during and upon completion of the permitted activities. Bonds, or portions thereof, shall remain in effect until the project or closure of an earthmoving operation is successfully completed in accordance with the requirements herein. Partial release or reduction of a reclamation bond can be requested upon City acceptance of completed reclamation measure(s). The portion of the bond held for any mitigation or Littoral Zone project shall be returned to the permittee only when deemed by the ULDC Administrator. The portion of the bond set aside to guarantee success of any mitigation area or littoral zone shall extend beyond permit expiration, until such time as the area is deemed successful.

- (1). For a General Earthmoving authorization, a minimum performance bond of \$500.00 is required.
- (2). For a Minor Earthmoving authorization, a minimum performance bond of \$1,000.00 is required.
- (3). For a Major Earthmoving authorization, a reclamation bond shall be required.
  - a. The bond shall total 120 percent of the amount necessary to complete each component of reclamation specified within an approved closure plan meeting the requirements of this article as certified by an engineer registered in the State of Florida. The total bond shall be itemized according to the respective reclamation measure, including any earthmoving associated with up-front mitigation.
  - b. For a Major Earthmoving authorization, a roadway performance bond shall be required whenever more than 100,000 cubic yards of Type A Fill is removed from the site or hauling more than 50,000 cubic yards of Type B or C Fill using a designated Haul Route. A bond in the amount of \$72,000.00 per mile along the haul route is required. This amount may be applied as determined necessary by the City to affect repair of any damage to the haul route arising, in the sole determination of the city, from hauling activities performed under the authorization.

#### **H. Annual Monitoring Reports**

Major and Conceptual Earthmoving authorizations shall submit an annual report, due on the annual anniversary of development order issuance to include the following:

- (1). The limits of the earthmoving activities, the current active earthmoving areas, and the proposed limits for the coming year shown, including the distances between required preserved native habitats and current and proposed excavation limits;
- (2). Estimates of in-place earthmoving volumes during each of the previous years and an estimate for the coming year;
- (3). A report with sufficient detail to demonstrate compliance with applicable regulations and conditions;
- (4). Any other information requested by the ULDC Administrator to assist in their review of specific compliance concerns.

## ARTICLE VI – FIRE SAFETY

### Section 4.6.1. Generally

This Article and the regulations contained in the City Code establish the fire and life safety standards for the City's built environment.

### Section 4.6.2. Fire Hydrants

A. **Locations.** Fire Hydrants shall be located according to the following:

- (1). Fire hydrants in non-residential, mixed-use, and multi-family (three (3) or more attached units) subdivisions and developments shall be spaced no greater than four hundred (400) feet apart, as measured by hose lay along the street.
  - a. Isolation valves shall be installed in non-residential, mixed-use, and multi-family subdivisions pursuant to City of North Port Utilities Standards for water and wastewater systems.
- (2). Fire hydrants in single-family or single-family attached (not more than two (2) units) residential subdivisions and developments shall be spaced no more than eight hundred (800) feet apart, as measured by hose lay along the street.
  - a. In single-family residential subdivisions and developments, 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 (800) feet.
- (3). All efforts shall be made to locate fire hydrants at intersections.

B. **Public Hydrants.** The developer shall bear the cost of fire hydrant installation. After installation, inspection, and testing, fire hydrants shall be dedicated to the City of North Port Utilities Department for maintenance.

C. **Private Hydrants.** 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 North Port Utilities Department specifications. Maintenance shall be conducted on an annual basis and include painting. Per NFPA 25, the owner, association, or representative shall forward the maintenance, inspection, and testing certification to the City of North Port Fire Rescue District.

D. **Hydrant Clearance.** The minimum clearance around all fire hydrants shall be seven and one-half (7½) feet on each side, seven and one-half (7½) feet in front, and four (4) feet in the rear.

- (1). There shall be a minimum of eighteen (18) inches of clear height from the finished grade to the center of the pumper nozzle nut.

E. **Traffic Markers.** The developer shall affix blue traffic markers per the standards of the most current Florida Department of Transportation (FDOT) Standard Plans for Typical Placement of Raised Pavement Markers for all new fire hydrants.

F. **Dry hydrants.** Where required by the Fire Rescue District, subdivisions and commercial development projects without a central water system shall conform to the following standards:

- (1). Dry hydrant drafting point assemblies shall be provided when bodies of water are available. Dry hydrant placement shall be with the approval of the Fire Chief or designee 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.

### Section 4.6.3. Water Supply

A. **Distribution system capabilities.** The distribution systems shall be capable of delivering fire flows listed in the table below, in residential areas consisting of one- and two-dwelling units not exceeding two (2) stories in height:

<b>DISTANCE BETWEEN BUILDINGS (FEET)</b>	<b>NEEDED FIRE FLOWS (GALLONS PER MINUTE)</b>
<b>OVER 100</b>	500
<b>31—100</b>	750
<b>11—30</b>	1,000
<b>10 OR LESS</b>	1,500

(1). The procedure determining fire flow requirements for Non-residential, Mixed-Use, and Multi-Family shall be in accordance with The Florida Fire Prevention Code. Delivery capability shall be a minimum standard required, in addition to domestic requirements, at a residual pressure of not less than twenty (20) pounds per square inch.

(2). The water mains should be interconnected with a maximum distance between intersecting mains of one thousand seven hundred sixty (1,760) feet. The City Utility Director may require larger diameter mains for long lines that are not connected to other mains at intervals close enough for proper mutual support.

(3). 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 four hundred (400) feet, as measured along the street in for Non-residential, Mixed-Use, and Multi-Family subdivisions, or greater than eight hundred (800) feet in single-family residential subdivisions.

B. Subdivisions, Non-residential, Mixed-Use, and Multi-Family development without a central water system shall also conform to the following additional regulations:

(1). Said developments shall have a fire-protection system designed by a Florida licensed engineer in accordance with NFPA 1231, Standard on Water Supplies for Suburban and Rural Fire Fighting.

(2). Water for fire protection shall be made available on the fire ground at a rate not less than the required fire flow.

(3). When bodies of surface water are available, drafting points consisting of a dry hydrant assembly with eight (8) inch pipe and Fire Department connections shall be provided. A Florida licensed professional engineer shall certify the water availability to withstand the fifty (50) year drought.

(4). 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).

### Section 4.6.4. Fire Rescue Access During Construction

A. **Primary Access Roads.**

(1). The primary access road shall generally extend to within one hundred (100) feet of the construction areas and, as such construction progresses, shall extend to provide consistent emergency access. The entry roadways shall be a minimum of twenty (20) feet wide, stabilized base compacted to ninety percent (90%) density with a Limerock Bearing Ratio (LBR) of eighty (80). The access road shall support the imposed loads of fire apparatus with a minimum weight of forty (40) tons.

(2). The fire hydrant system shall meet the minimum spacing and distancing requirements outlined in Section 4.6.2. and be fully activated within four hundred (400) feet of the construction area, measured along the road (eight hundred (800) feet in single-family home developments), prior to combustibles arriving on site. As construction progresses, the fire hydrant system shall be extended to provide a consistent water supply for fire suppression.

**B. Secondary Access Roads.** Secondary and other access roadways shall be maintained throughout construction for access to the property. The secondary access roadways shall be constructed to the same criteria as the primary access and shall support the imposed load of a fire apparatus of at least 40 tons.

(1). The entry point shall be designated by a sign with six (6) inch letters: "FIRE RESCUE ACCESS POINT."

(2). The sign must be reflective, weather resistant, and suitable for the environment and measure twelve (12) inches by eighteen (18) inches with a white background and red letters. The Sign shall be visible from the nearest major road to the project.

(3). If the roadway is longer than one hundred (100) feet, red survey stakes shall be used to delineate the roadway. Stakes shall be reflective, weather resistant, and suitable for the environment, with a minimum offset of thirty (30) feet on both sides of the roadway.

(4). If required by the AHJ at the secondary access road, a water source shall be provided within four hundred (400) feet of construction (measured by hose lay) to provide a consistent water supply for fire suppression.

(5). The water supply shall be approved by the AHJ.

(6). On all access drives (paved or unpaved), all construction traffic shall park on one (1) side of the street to maintain a minimum twelve (12) foot wide clearance for emergency vehicles.

**C. Design.** With the approval of the AHJ, access roads of stabilized base covered with turf or decorative pavers designed by a professional engineer, clearly delineated with approved signage, may be permitted.

#### **Section 4.6.5. Roadways, Parking Lots, and Driveways**

**A. Access Points.** New subdivisions and developments shall have a minimum of two (2) fully functional access drives, remotely located from one another, as determined by the AHJ. Where feasible, the access drives shall not be accessed from the same roadway. Residential subdivisions and developments with fewer than one hundred (100) dwelling units shall provide one (1) fully functional access drive and one (1) emergency access drive into the community. The single access drive shall meet the requirements in Section 4.6.4.B Fire Rescue Access During Construction. The emergency access drive shall meet the requirements in Section 4.6.4.C Fire Rescue Access During Construction. The AHJ shall have the authority to require additional measures when necessary to ensure public safety.

(1). A minimum vertical clearance of thirteen (13) feet, six (6) inches is required.

(2). Roadway, parking lot and driveway turning radii shall be designed to standards included in Section A.1.2. in the Appendix and in Chapter 4, Article X of this ULDC, and all other applicable regulatory documents as amended.

(3). The Engineer of Record shall submit drawings clearly indicating vehicle stacking and turning radii of all roads, entrances, cul-de-sacs, and parking lots.

**B. Dead-End Roads.** Dead-end roads shall provide appropriate turning space for fire apparatus per the requirements in this section.

(1). Dead-end fire department access roads longer than one hundred fifty (150) feet shall provide appropriate turning space for fire apparatuses. Acceptable turnarounds include cul-de-sac, T-turn, or Y-turn.

a. The paved surface of a cul-de-sac turnaround shall have a centerline radius of no less than fifty (50) feet.

b. The paved surface of a T or Y turn shall have a depth of no less than 40 feet.

(2). Dead-end roads shall not exceed twelve hundred (1,200) feet and shall provide appropriate turning space for fire apparatus. Acceptable turnarounds include cul-de-sac, T-turn, or Y-turn.

a. The paved surface of a cul-de-sac turnaround shall have a centerline radius of no less than fifty (50) feet.

b. The paved surface of a T or Y turn shall have a depth of no less than 40 feet.

#### **Section 4.6.6. Fire Lanes and Fire Department Accessibility to Buildings**

**A. Fire Lanes.** Fire lanes shall be provided for all non-residential, mixed-use, and multi-family development per the requirements in this Section.

(1). Required fire lanes shall be provided with the inner edge of the roadway no closer than ten (10) feet and no farther than thirty (30) feet from the building. Fire lanes shall extend a minimum of thirty (30) feet on each side of a public entrance or unit of a building.

a. Fire lanes shall have a surface designed to accommodate fire apparatus with a minimum weight of forty (40) tons.

b. Buildings having ramps or other elevated roadways shall have posted weight limit signs.

(2). All fire lanes shall have a minimum width of twelve (12) feet.

a. All fire lanes shall be completely outlined with yellow traffic paint by a stripe of eight (8) inches minimum width and diagonal striping a minimum of four (4) inches wide, at least four (4) feet on center, to the curb line.

b. 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 (12) inches in height with a minimum three (3) inch stroke, directly in front of the entry/exit doors.

c. All pavement lettering shall be ninety (90) mil thick thermoplastic.

(3). Fire lanes shall also be marked with freestanding signs with the wording: "NO PARKING - FIRE LANE - BY ORDER OF THE FIRE DEPARTMENT."

- a. Signs shall be reflective, weather resistant, and suitable for the environment and be twelve (12) inches by eighteen (18) inches with red letters on a white background and shall be a maximum of seven (7) feet in height from the roadway to the bottom of the sign.
- b. The signs shall be within sight of the traffic flow, shall be readable from both directions and shall be a maximum of fifty (50) feet apart.

(4). Areas around FDC's shall be considered fire lanes.

- a. This area shall have a minimum width of fifteen (15) feet (seven and one-half (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 with diagonal striping a minimum of four (4) inches wide and at least four (4) feet on center, to the curb line.
- b. 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 (12) inches in height with a minimum three (3) inch stroke.
- c. All pavement lettering shall be ninety (90) mil thermoplastic.
- d. All FDC's shall have a sign posted eighteen (18) to twenty-four (24) inches above the appliance and not more than four (4) feet directly behind the FDC. The sign shall be reflective, weather resistant, and suitable for the environment and have the letters "FDC" in six-inch red letter on a white background.

#### **B. Building Access.**

- (1). In buildings up to two (2) stories, at least one (1) elevation (side) of each building shall be accessible to the fire department.
- (2). In buildings two (2) stories to four (4) stories, up to a maximum height of fifty (50) feet, at least two (2) elevations (sides) of each building shall be accessible to the fire department.
- (3). In buildings greater than four (4) stories or over fifty (50) feet in height, at least three (3) elevations (sides) of each building shall be accessible to the fire department.



## ARTICLE VII—LIGHTING

### Section 4.7.1. Generally.

- A. **Purpose.** Lighting is essential to building design and site safety and navigation. This Article ensures all exterior lighting is designed, installed, and maintained to provide safe, convenient, and efficient lighting to city residents and visitors while decreasing the impacts of ambient lighting on the natural sky by establishing maximum intensities of lighting and controlling glare from lighting fixtures. The City strives for Dark Skies per the Illuminating Engineering Society of North America.
- B. **Applicability.** The provisions of this section shall govern outdoor lighting (or "exterior lighting") for all development and redevelopment in the City. Lighting shall be designed in a consistent and coordinated manner for the entire project. Lighting shall accent key architectural elements or emphasize landscape features and shall be designed and installed to avoid creating hot spots, glare, or nuisance.
- C. **Exemptions.** The following development types are exempt from the City's lighting requirements:
- (1). Single-family detached and attached units;
  - (2). Lighting for bridges, flags, and public buildings;
  - (3). Landscape and decorative lights with lamps of sixty (60) watts or less, or the functional equivalent of sixty (60) watts or less;
  - (4). Temporary holiday or event lighting;
  - (5). Lighting required by federal, state, or local laws and regulations;
  - (6). Work in the public right-of-way; and
- D. **Lighting and Photometric Plans.** Lighting and photometric plans shall be required during the review of any site and development plan per Table 2.3.1 to determine consistency with these regulations. Unless otherwise exempt, it is a violation of this Section to install or operate outdoor lighting without first obtaining lighting plan approval and subsequent permits.

### Section 4.7.2. Outdoor Lighting Standards

- A. **Footcandles.** Illumination levels may not exceed 0.5 footcandles at the property line where the neighboring property is a residential use or is zoned for residential use. Illumination levels may not exceed 1.0 footcandles at the property line for all other uses. Fixtures shall be installed with shields and reflectors to avoid glare and light spilling onto neighboring properties.
- B. **Light Fixtures.** All outdoor lighting fixtures shall be installed in such a manner that the source of each individual light is shielded, positioned, and maintained so as not to be visible off the premises and conform to the following regulations:
- (1). All fixtures, including security lighting, must be cutoff fixtures.
  - (2). All fixtures must be incorporated into the building or site as an integrated design element through the use of common or complementary style, material, and color.
  - (3). Fixtures may not be tilted towards adjacent properties.
  - (4). Sag lenses, convex lenses, and drop lenses are prohibited.

(5). Floodlighting is prohibited except for non-retail industrial uses where the floodlight is internal to the site and cannot be seen from adjacent public rights-of-way and neighboring residential uses or zoning districts.

(6). Fixtures that decoratively light a building or wall may not light above the parapet of the building or the top of the wall and may not produce glare or spill light.

C. **Time Controls and Motion Detectors.** Lighting on non-residential sites must include time controls. The time controls must dim all outdoor lights by at least 50% of normal illumination levels within one hour of the close of business on the site. The lights must remain dimmed until the business re-opens in the morning, or the automatic light sensors switch the light off in the morning. Where a site includes more than one business, the time controls must dim the lights associated with each discrete place of business within the hour of the respective business closing to the public, but common area lighting may remain fully lit until the last onsite business closes. This requirement does not apply to businesses that operate twenty-four (24) hours a day. Dimmed lights may return to full luminance for no more than 30 seconds if triggered by a motion detector. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

D. **Light Sensors.** All outdoor lighting must include light sensors that automatically turn lights off when daylight exceeds 85% of the ground-level luminance of the fixture. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

E. **Height.** Light fixtures may not exceed 30-feet in height when located within a parking lot and may not exceed 15-feet on the exterior of the parking area or anywhere else. Height shall be measured from the finished grade to the top of the fixture. Industrial uses at least 500-feet from a residential use or residential zoning district, measured between property lines, may include fixtures up to 50-feet in height to illuminate roads or berths used by trucks. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

F. **Design.**

(1). **Parking lots.** Parking lot lighting must be coordinated with the parking lot's landscaping to avoid conflict in layout. Parking lot lighting must conform to the following regulations:

a. Lamps must be metal halide, compact fluorescent, LED, or a source that produces a CRI of 65 or greater. Wattage may not exceed 400-watts per bulb unless necessary to illuminate roads or berths used by trucks at industrial uses not within five hundred (500) feet of a residential use or residential zoning district (measured between property lines).

b. Illumination levels outside the radius of all light poles must range between 0.6 and 3.6 footcandles. For purposes of this part, the radius of a light pole equals the height of the pole or 20-feet, whichever is greater. Each light pole's radius must be shown on its respective outdoor lighting plan. Areas of a parking lot adjacent to a building canopy, porte-cochere, or other illuminated building overhangs may exceed 3.6 footcandles if the luminance otherwise complies with this Article.

c. Light poles must be spaced apart from each other at least 2.5 times the height of the pole.

d. Decorative acorn-type fixtures may not exceed 18-feet in height and may not exceed 250 watts per bulb. Acorn-type fixtures must have a textured, clear lens and globe, frosted phosphor-coated bulbs, and an internal louvered optical system or refractor-type glass globes that meet the cutoff

standards of this part. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

- (2). **Roadways.** Street lighting, sidewalk, pedestrian ways, and bicycle lane illumination levels will be subject to the [Florida Green Book Standards](#).
- (3). **Walkways, bikeways, and trails.** Walkways, bikeways, and trail lighting must conform to the following regulations:
  - a. Fixtures must be decorative in appearance, style, and finish.
  - b. Lamps must be metal halide, compact fluorescent, LED, or a source that produces a CRI 65 or greater. Wattage may not exceed one hundred (100) watts per bulb.
  - c. Illumination levels outside the radius of all light poles must range between 0.2 and 2.5 footcandles. Nature trails, walkways, and bikeways may be exempted from this minimum illumination level by the ULDC Administrator that the natural environmental objectives and purposes of the trail, walkway, or bikeway would be unreasonably compromised by this minimum lighting requirement and that the location and environmental design of the trail, walkway, or bikeway reasonably provide natural surveillance and otherwise protects public safety.
- (4). **Canopied areas for vehicles.** Light fixtures in canopied areas for vehicular use, such as drive-through facilities at banks and restaurants, gas stations, porte-cochere, and building canopies and awnings within vehicle use areas, must be recessed or cutoff fixtures. Light fixtures in canopied areas for vehicles shall conform to the following regulations:
  - a. Lamps must be metal halide, compact fluorescent, LED, or a source that produces a CRI of 65 or greater. Wattage may not exceed two hundred fifty (250) watts per bulb.
  - b. Illumination at ground level under canopies may not exceed twenty (20) footcandles.
  - c. Canopy fascia's may not be internally lit.
  - d. Luminaires in canopies may not rely on surrounding structures, including the canopy edge, for required shielding.
- (5). **Outdoor automobile dealerships.** Illumination at the ground level of outdoor display areas for products such as automobiles, recreational vehicles, motorcycles, and boats, may not exceed 40 footcandles for display rows adjacent to external rights-of-way and may not exceed 24 footcandles for all other areas. Illumination at the ground level of all other outdoor areas of the dealership may not exceed ten (10) footcandles.
- (6). **Fire Lanes and Driveways.** Illumination at the ground level of fire lanes and driveways may exceed the applicable maximum value provided by this part if the ULDC Administrator finds that strict compliance with the maximum value would create an unreasonable safety hazard, but in no event may the illumination level 5-footcandles unless the applicable maximum value is greater.
- (7). **Awnings.** Back- and rear-lit awnings are prohibited. Awnings may be lit from above or from the front by fixtures that meet the cutoff requirements. Shielding on awning light fixtures may be tilted above the horizontal in order to effectively illuminate awnings and awning signs from the front or from an angle, but the fixtures must prevent spill light.

(8). **Parking Garages.** Interior fixtures must be shielded to prevent light from spilling from the garage. Light fixtures on the top deck of a parking garage may not exceed 25-feet in height and must be shielded to prevent light spilling from the boundary of the garage deck.

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## ARTICLE VIII – MARINE IMPROVEMENTS

### Section 4.8.1. Generally

- A. **Purpose.** The purpose of this Article is to ensure that the erection of water-dependent structures do 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. 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.
- B. **Exemptions.** 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. Any design change or alternate use of construction material on the structures to be maintained may cause the project to be non-exempt.
- (1). Re-decking or resurfacing of docks, piers, and other similar structures within the existing structure's limits and dimensions using materials not impregnated with arsenic.
  - (2). Replacing or repairing handrails, guardrails, and benches.
  - (3). Replacing existing hardware and fasteners on dock decking, framing, and boat lifts.
  - (4). The replacement of riprap at the toe of an existing seawall provided that no native aquatic vegetation is removed or impacted.
  - (5). Maintenance of navigation signage.
  - (6). Projects by the City, State, or Federal governmental agencies performed as part of their normal official duties for the general public.
  - (7). Sealing of cracks in a seawall or bulkhead cap or face.
  - (8). Repair or sealing of the pilasters of an existing seawall or bulkhead.
- C. **Prohibited Uses.** 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 which does not have a water-dependent use.
- (1). Fixed structures that do not have a water-dependent use include, but are not limited to:
    - a. Residences,
    - b. Offices,
    - c. Hotels,
    - d. Motels,
    - e. Restaurants,
    - f. Lounges,
    - g. Retail or wholesale stores,
    - h. Clubhouses,
    - i. Helicopter pads,
    - j. Meeting facilities,

- k. Commercial signs,
- l. Transmitting or receiving antennas, and
- m. Towers or storage or parking facilities.

## **Section 4.8.2. Permits**

### **A. General Permits.**

- (1). All requests for docks and seawalls shall secure a Certificate of Zoning Compliance and building permit.
- (2). All requests for a permit submitted in writing to the City of North Port and shall include an overall site plan of the area, including dimensions. The written application shall include but not be limited to the following information:
  - a. A completed application form.
  - b. Signed and sealed site plan and construction drawings demonstrating compliance with all applicable requirements and specifications in this Article, including water depths referenced to mean low water (MLW) or mean high water (MHW), as appropriate.
  - c. Copies of all State and/or Federal agency permits and/or notices of exemption.
- (3). 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 that the City determines meets acceptable standards for professional engineering design.
  - c. Repairs to the cap of an existing seawall.
  - 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 the continuity of existing use for an established road, road right-of-way, or stormwater management structure to the bridge.

## **Section 4.8.3. Requirements**

A. 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:

### **B. Single-family docks.**

- (1). No more than one (1) dock may be permitted per single-family property and shall not be used for the mooring of more than two (2) vessels.
- (2). A dock and mooring structures may extend a maximum of 1/3 of the width of the platted waterway.
- (3). All dock or pier structures must be set back a minimum of five (5) feet from the side lot lines.
- (4). The dock must have a narrow access ramp no more than six (6) feet wide which leads to a wider main or terminal platform.
- (5). The terminal platform must not exceed two hundred fifty (250) square feet in area.

- (6). Mooring piling shall project above the surface of the water or land four (4) feet or higher as may be necessary for use and application.
- (7). Docks along seawalls in canals, called marginal docks, shall be of minimal size not to exceed a total of two hundred fifty (250) square feet and shall be built directly against the seawall, as long as the littoral zone is not preempted.

**C. Multi-family docks.**

- (1). The main access ramp shall be no more than six (6) feet wide.
- (2). Crosswalks shall be no more than six (6) feet wide.
- (3). The terminal platform shall be no more than eight (8) feet wide.
- (4). Finger piers may be no more than five (5) feet wide and twenty-five (25) feet long.
- (5). Mooring pilings will be required when they can be used in lieu of additional structure size.
- (6). All dock or pier structures must be set back a minimum of fifteen (15) feet from the nearest property line.

**D. Commercial docks and piers.**

- (1). The terminal platform, together with any catwalks or finger extensions, shall not exceed two hundred fifty (250) square feet, nor eight (8) feet in width. In areas of an aquatic preserve, the size of the terminal platform shall not exceed one hundred sixty (160) square feet.
- (2). Boathouses and vessel lifting devices shall be considered a part of a Dock structure for the purposes of calculating maximum square footage. Boathouses shall not exceed a maximum size of two hundred fifty (250) square feet, including the terminal platform area. Maximum roof overhang shall be three (3) feet from the support pilings. Boathouses and vessel lifting devices must have open sides and shall not exceed fifteen (15) feet in height as measured from mean high water.
- (3). Boathouses must have a pitched roof of not less than four (4) feet horizontal to one (1) foot vertical slope.

- E. Boat ramps.** Bulkheads shall in no case exceed five (5) feet waterward of the MHW. Tie-up piers shall not exceed the length of the boat ramp and a width of six (6) feet and may have a single catwalk or "L" not to exceed twenty (20) feet in length and four (4) feet in width.

**F. Seawalls, Bulkheads, and Retaining Walls.**

- (1). 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 (4) feet above bottom, whichever is less; or
- (2). A minimum three (3) feet wide littoral zone planted and maintained with native non-invasive aquatic vegetation at the appropriate elevations.
- (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). The height of a seawall measured from the top of the cap shall be a minimum of four (4) feet above mean low water (MLW).
- (5). No rubbish, old chunks of concrete or anything but sand and shell shall be dumped along the seawall or in the channel.

#### **Section 4.8.4. Specifications.**

Docks and pilings shall conform to the following which will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

- A. No dock shall be built to extend above the top of the seawall cap, if a seawall exists
- B. The closets part of any boat lift or davit shall be at least five (5) feet from the side property line.
- C. Pilings. Wooden piling shall be of pressure-treated creosote or comparable process and shall measure a minimum of eight (8) inches in diameter at the butt end. Concrete or metal pilings of comparable size and/or strength may be used. Any piling used to support a dock must be sunk at least to the depth of hard sand or to the point of refusal so that the piling could remain upright unsupported by props. Such pilings shall be placed no more than eight (8) feet apart except when four-inch-wide stringers are used, then the pilings may be up to ten (10) feet apart.
- D. Stringers.
  - (1). Supporting timbers shall be of treated lumber no less than two (2) inches thick and six (6) inches wide, nominal measurement. Galvanized or stainless steel lag screws of no less than one-half-inch in diameter shall be used to secure a stringer to the seawall cap. Such screws shall be screwed into anchors imbedded not less than two (2) inches into the seawall cap. These supporting screws shall be placed at intervals not more than five (5) feet apart.
  - (2). Stringers where secured to pilings shall be secured by:
    - a. Galvanized nails of not less than twenty (20) penny; or
    - b. Galvanized lag screws of not less than three-eighths-inch in diameter and imbedded not less than three (3) inches into the piling; or
    - c. Galvanized or stainless steel through bolts of not less than three-eighths-inch in diameter secured with washer and nut.
- E. Decking. Wooden decking shall be of treated lumber not less than two (2) inches thick and six (6) inches wide and shall be secured to stringers with galvanized nails of not less than ten (10) penny or the equivalent galvanized lag screws. Concrete slab decks shall be not less than four (4) inches thick and reinforced with a grid of eight-inch squares of steel rods not less than one-half inch in diameter. The slab shall be placed, poured, and finished in keeping with good engineering practices. The decking and walking surfaces shall be designed and constructed to ensure a maximum of light penetration through the dock. Maximum plank width shall be eight (8) inches with a minimum of one-half (½) inch spacing required between decking planks.
- F. Plans for marine elevators, boat lifts and davits shall show the following:
  - (1). The design of the foundation. If general specifications as issued by the contractor are used to portray the information required for a permit, the design of the foundation shall bear the seal of a professional engineer.
  - (2). The lift capacity of the marine elevator, boat lift or davits and the dead weight of the vessel for which it is to be used.



#### **Section 4.8.5. Nonliability of City for Construction or Maintenance.**

It is understood that the specifications set forth in this article are minimum guideline specifications and that due to the uncertainties and special conditions inherent in the construction of seawalls, docks, boat lifts and davits the ultimate responsibility for the proper design thereof rests with the state-licensed engineer who shall sign and seal the design prints submitted for building permits. The ultimate proper construction on such approved engineer's design shall rest with the contractor employing proper construction procedures and techniques in erecting such seawall, dock, boat lift or davits, and the ultimate responsibility for the maintenance of such seawall, dock, boat lift or davits as a safe structure shall thereafter rest with the owner thereof, it thus being the express intent of the city that the property owner, the designing engineer and the contractor, individually or collectively, will be held accountable for any degree of functional or structural failure and that the minimum specifications referred to above are promulgated by the city as a purely governmental function mandated by the Florida Building Code for which the city assumes no obligation or responsibility; nor does the city, by the issuing of a construction permit, inspecting or failure to inspect such construction, or any other act, assume any obligation or responsibility to anyone for the structural or functional adequacy of a seawall, dock, boat lift or davits which, by their very nature, are subject to special and varying conditions which warrant special design, construction and maintenance procedures and techniques. Accordingly, in issuing any such permit, the city does not assume any responsibility for the accuracy or reliability of the information shown by the construction plans or with their conformity to either the minimum specifications set forth above or with any ascertainable approved minimum governmental standard.

## ARTICLE IX – OPEN SPACE

### Section 4.9.1. Generally

- A. **Purpose.** Open Space provides natural areas in all development in perpetuity.
- B. **Applicability.** Except as exempted in accordance with subsection (C) below:
- (1). **New Development.** All new development shall comply with the standards in this section.
  - (2). **Existing Development.** Any expansion or alteration of development existing prior the adoption of these regulation shall comply with the standards of this section to the maximum extent practicable if the expansion increases the building's floor area by fifty (50) percent or more or the alteration involves fifty (50) percent or more of the building's floor area (including interior alterations), as measured over any five-year period.
- C. **Exemptions.** The following development is exempt from the standards in this section:
- (1). One-and-two-family dwellings on individual platted lots;
  - (2). Utility facility uses;
  - (3). Minor Subdivisions.

### Section 4.9.2. Open Space Requirements

Development subject to the standards in this article shall provide the minimum amounts of open space identified in Table 4.9.2.1. Open Space Requirements.

**Table 4.9.2.1. Open Space Requirements**

Use Type	Open Space Requirement (%)
Residential	35
Commercial	20
Industrial	15
Mixed-Use	20

### Section 4.9.3. Areas that Qualify as Open Space

Table 4.9.3.1 contains information on the areas which count toward the City's Open Space requirements.

**Table 4.9.3.1. Areas Qualifying as Open Space**

AREA TYPE	DESCRIPTION	REQUIREMENTS
<b>Natural Features</b>	Lakes, rivers, streams, ponds, wetlands, other riparian areas, flood hazard areas, natural vegetation, and wildlife habitat areas that are useable by the public for passive recreation.	<ul style="list-style-type: none"><li>• Preserving any existing natural features and flood hazard areas shall be the highest priority for locating open space set-asides.</li><li>• Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, and unhealthy conditions.</li></ul>

AREA TYPE	DESCRIPTION	REQUIREMENTS
<b>Passive Recreation</b>	Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, community gardens, green roofs, gazebos, and similar structures.	Formal plantings and gardens shall have at least one direct access to a building, street, bikeway, or walkway accessible to the development's occupants and users.
<b>Landscape Areas</b>	All areas which are occupied by required landscape areas or vegetative screening, except landscaped areas within parking lots.	See <a href="#">Chapter 4, Article III.</a>
<b>Protection Areas</b>	All areas occupied by tree protection areas, water quality buffers, or other natural protection areas.	See Chapter 6
<b>Stormwater Management Areas</b>	All the land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices), when such features are treated as an open space site amenity.	To qualify, stormwater management facilities shall support passive recreation uses by providing access, pedestrian elements such as paths and benches, gentle slopes (less than 4:1), and vegetative landscaping.
<b>Pedestrian Paths or Trails</b>	Public paths or trails available for passive recreational activities such as walking, running, or biking.	<ul style="list-style-type: none"> <li>• Such facilities shall include at least one improved access from a public street, sidewalk, or trail that includes signage designating the access point and adequate path and right-of-way width to accommodate the use and maintenance of the facilities.</li> <li>• The path shall be pervious.</li> </ul>
<b>Squares and Plazas</b>	Flat, open areas immediately in front of a building or framed by buildings or streets that provide gathering places, opportunities for outdoor dining, etc.	<ul style="list-style-type: none"> <li>• A square or plaza shall be at least 200 square feet but no more than one acre in area.</li> <li>• A square or plaza shall have at least one direct access to a principal building, street, bikeway, or walkway accessible to the public or the development's occupants and users.</li> <li>• Surrounding principal buildings shall have entrances oriented toward the square or plaza.</li> </ul>

AREA TYPE	DESCRIPTION	REQUIREMENTS
		<ul style="list-style-type: none"> <li>Squares and Plazas shall incorporate a minimum of twenty-five (25) percent greenspace in planters or planting beds.</li> </ul>
<b>Active Recreation</b>	Leisure activities, usually performed with others, which often require equipment and take place at prescribed places, sites, or fields; including, but not limited to, swimming, tennis, and other court games, baseball and other field sports, golf, and playground activities.	The recreation facility shall have at least one direct access to a building, street, bikeway, or walkway accessible to the development's occupants and/or public users.

A. Areas that do not qualify as Open Space.

- (1). Private yards and setbacks not subject to an open space or conservation easement;
- (2). Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements;
- (3). Open parking areas and driveways;
- (4). Land covered by structures;
- (5). Designated outdoor storage areas;
- (6). Stormwater ponds not located and designed as a site amenity (fenced ponds not accessible to the public);
- (7). Parking Islands or other interior parking landscaping.

**Section 4.9.4. Ownership, Maintenance, and Management**

A. **Management and Maintenance.** Open space shall be managed and maintained as permanent open space through one (1) or more of the following options:

- (1). Conveyance of open space set-aside areas to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open space purposes in perpetuity;
- (2). Conveyance of open space set-aside areas to a third-party beneficiary such as an environmental or civic organization that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes, in perpetuity; or
- (3). Establishment of easements on those parts of individually-owned lots, including open space set-aside areas that require the areas to be managed consistent with the land's intended open space purposes and prohibit any inconsistent future development, including construction of impervious surface areas, in perpetuity.

B. **Deed Restrictions, Covenants, or Other Legal Instruments.** Options involving private ownership of open space areas shall include deed restrictions, covenants, or other legal instruments that ensure continued use

of the land for its intended open space purposes in perpetuity and provide for the continued and effective management, operation, and maintenance of the land and facilities. Such legal documents shall be recorded in the Public Records of Sarasota County, where appropriate.

- C. **Responsibility for Managing and Maintaining.** Responsibility for managing and maintaining open space set-asides rests with the owner of the land of the open space set-asides. Failure to maintain open space per this section and the development approval or permit shall be a violation of this ULDC.

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## ARTICLE X – PARKING AND LOADING

### Section 4.10.1. Generally

A. **Purpose.** The purpose of these regulations is to:

- (1). Support various transportation modes used throughout the City;
- (2). Provide enough on-site parking to accommodate the majority of traffic generated by the potential uses, which may be in any one location over time;
- (3). Allow flexibility in addressing vehicle parking, loading, and access to address changes in demand over time;
- (4). Present a menu of options to solve parking issues instead of prescribing minimum space requirements;
- (5). Maintain and enhance a safe and efficient transportation system that supports the City's environmental, transportation, and economic goals; and
- (6). Ensure that off-street parking, loading, and access demands associated with new development will be met without adversely affecting nearby land uses and surrounding neighborhoods.

B. **Applicability.** The following standards apply to all off-street vehicular serving three (3) or more vehicles, except for parking areas serving one-and-two-family structures on a single parcel or land.

- (1). Parking lots required by this Section shall be used solely for parking registered motorized vehicles in operating condition. Required parking spaces and loading berths shall not be used for the display of goods for sale (except as otherwise allowed under this ULDC) or for the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, manufactured homes, building materials, equipment, or supplies.
- (2). Development applications subject to review for compliance with the standards of this Section which shall include a parking and loading plan. The plan shall accurately designate the number and location of required vehicular parking spaces, delivery/pick-up/rideshare spaces, access aisles, driveways, bicycle parking spaces, and loading facilities, as applicable. The plan shall also illustrate how the vehicular and bicycle parking and loading facilities relate to the uses or structures they are designed to serve, including how they coordinate with the vehicular, pedestrian, bicycle, and transit circulation systems within and adjacent to the development. The plan shall also demonstrate any alternatives to the off-street parking requirements in [Table 4.10.3.1](#). Required Vehicular Parking by providing the information required by Section 4.10.H.
- (3). Section 4.10.H. also applies to changes of use within an existing building, even when a new Site Development and Infrastructure Plan is not required. Where an applicant proposes to change the use of a building to a new use that has increased parking standards, but the site cannot reasonably accommodate the additional parking required by the new use, the ULDC Administrator may approve an alternative parking plan when a parking study is provided.

C. **Surfacing.** Except as provided below, all parking lots and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material. Use of surfacing that includes recycled materials, such as glass, rubber, used asphalt, brick, block, and concrete, is encouraged. All surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.

(1). The use of pervious or semi-pervious parking lot surfacing materials, including but not limited to pervious asphalt and concrete, open joint pavers, and reinforced grass/gravel/shell grids, is encouraged and may be approved for parking lots and loading areas, provided such surfacing is subject to an on-going maintenance program, such as sweeping or annual vacuuming. Any pervious or semi-pervious surfacing used for aisles within or driveways to parking and loading areas shall be certified to accommodate anticipated traffic loading stresses and maintenance impacts.

- D. All parking areas shall be engineered according to the standards set by the City’s Public Works Department.
- E. All parking lots and loading areas shall be completed prior to the construction completion approval for the development they serve. In the case of phased development, parking lots and loading areas are only required to be provided for the phase being developed.

**Section 4.10.2. Dimensional Standards**

- A. **Standard Parking Spaces.** Parking spaces shall be a minimum of 10-feet wide and 20-feet long.
- B. **Compact or Low-Speed Vehicle Spaces.** Parking spaces for compact cars or specified for low-speed vehicles may be a minimum of 8-feet wide and 16-feet long. These spaces shall be clearly marked and clustered together.
- C. **Parallel Parking Spaces.** Parallel parking spaces shall be a minimum of 22-feet wide, along the curb, and 9-feet long.
- D. **Minimum Aisle Width.** Minimum aisle width shall be according to Table 4.10.2.1. Minimum Aisle Widths.

**Table 4.10.2.1. Minimum Aisle Width**

PARKING ANGLE	REQUIRED AISLE WIDTH (FT)	
	ONE-WAY	TWO-WAY
Parallel	12	24
30°	12	24
45°	12	24
60°	18	24
90°	22	24

**Section 4.10.3. Off-Street Vehicular Parking Requirements**

- A. **Generally.** Off-street parking facilities shall be located on the same parcel as the use it serves, except where the parking facility is the primary use of the parcel. [Table 4.10.3.1.](#) contains the required parking by use.
- B. Parking areas may not exceed 120% of the required parking spaces. When more than the required spaces are proposed, the development shall incorporate green initiatives to break up the heat island created by the parking lot, such as green roofs, solar-covered spaces, covered EV parking, or other environmental initiatives approved by the ULDC Administrator. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

(1). **Unlisted Uses.** An applicant planning to develop a principal use that is unlisted in [Table 4.10.3.1.](#) Required Vehicular Parking shall propose the amount of required vehicular parking by one of the three methods below. On receiving an application, the ULDC Administrator shall determine the amount of

required vehicular parking using the applicant's methodology or the other methods listed and may require that the applicant prepare a study as described in Subsection c. below:

- a. Apply the minimum off-street parking space standard for the listed use that the ULDC Administrator deems most similar to the proposed use the ULDC Administrator based on the definitions included in the Appendix, the North American Industry Classification System (NAICS), the Institute of Transportation Engineers (ITE) manual, their successors, or another accepted professional reference.
  - b. Establish the minimum off-street parking space standard by reference to standard parking resources published by the Institute for Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association, or the American Planning Association (APA); or
  - c. Conduct a parking demand study to demonstrate the appropriate minimum off-street parking space standard. The study shall estimate parking demand based on the recommendations of the ITE, ULI, or another acceptable source of parking demand data. This demand study shall include relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.
- C. **Accessible Parking.** Development required to provide off-street vehicular parking spaces shall ensure that a portion of the total number of required off-street parking spaces is specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in Florida Statutes, the Florida Building Code, and the federal Americans with Disabilities Act Accessibility Guidelines.

**Table 4.10.3.1. Required Vehicular Parking**

Use	REQUIREMENT
<i>Residential</i>	
Accessory Dwelling Unit	1 per DU
Assisted Living Facilities	1 per 4 beds and 1 per 500 sf of office
Cluster Housing	2 per DU + 0.5 per DU for visitors
Group Homes	1 per 3 bedrooms
Manufactured Homes	2 per DU + 0.5 per DU for visitors <sup>1</sup>
Multi-Family	1 per DU + 0.10 for visitors
Single-Family	2 per DU
Single-Family Attached	2 per DU + 0.5 per DU for visitors <sup>1</sup>
<i>Non-Residential</i>	
Alcoholic Beverage Retail Sales	3 per 1,000 sf
Animal Kennel	4 per 1,000 sf
Arboretum/Botanical Garden	1 per acre + 1 per employee
Arena, Stadium, or Amphitheater	1 per 3 seats <sup>2</sup>
Arts, Performing Arts, And Craft Studios	3 per 1,000 sf



Use	REQUIREMENT
Automobile Repair And Service Garages	4 per 1,000 sf
Automobile Service Station	3.5 per 1,000 sf
Aviary/Bird Sanctuary	1 per acre + 1 per employee
Bank Or Financial Institution	2.5 per 1,000 sf
Bars, Taverns, And Nightclubs	8 per 1,000 sf seating area
Beauty Salon, Barber Shop, Nail Salon	2.5 per 1,000 sf
Bus Or Rail Terminal, Private	2 per 1,000 sf office facilities + 2.5 per 1,000 sf passenger waiting area
Call Center	4 per 1,000 sf
Cemetery	1 per acre, up to 10 total
Child Care Center	1 per 10 children + 1 per Employee
Clinic And Laboratory	4 per 1,000 sf
Community Center/Civic Club	4 per 1,000 sf
Community Garden	Minimum of 3 Spaces
Community Service Facility	4 per 1,000 sf
Computer Hardware Service	3 per 1,000 sf
Conference or Training Center	4 per 1,000 sf rentable space + 2 per 1,000 sf office or administrative space
Consumer Goods Establishment (10,000 Square Feet or Less)	4 per 1,000 sf
Consumer Goods Establishment (More Than 10,000 Square Feet)	3.75 per 1,000 sf
Contractors' Office	3 per 1,000 sf
Crematory	1 per employee
Cultural Facility	3 per 1,000 sf
Drugstore/Pharmacy	4 per 1,000 sf
Educational, Scientific, Or Industrial Research Or Development	2 per 1,000 sf
Employment Agency	4 per 1,000 sf
Funeral Home	1 per 150 sf assembly area
General Business Office	3 per 1,000 sf
Government Building	3 per 1,000 sf

Use	REQUIREMENT
Grocery Store And Food Market	4 per 1,000 sf
Hospital	1 per 4 beds + 1 per doctor + 1 per 4 other employees
Hotel Or Motel	1 per guest room + 1 per 2 employees + 5 per 1,000 sf of restaurant space or meeting/ banquet area
Interior Decorating Shop	2.5 per 1,000 sf
Laundry Or Dry-Cleaning Establishment	2 per 1,000 sf
Laundry, Self-Service	2.5 per 1,000 sf
Lawn Care, Pool, Or Pest Control Service	2.5 per 1,000 sf
Limited Service Eating And Drinking Establishments	1 per 4 seats <sup>2</sup>
Manufacturing, Assembly Or Fabrication, Light	2 per 1,000 sf
Massage Therapy Establishment	3 per 1,000 sf
Microbrewery Or Micro-Distillery	10 per 1,000 sf seating area
Mobility Services	3 per 1,000 sf office space
Moving And Storage Facility	2 per 1,000 sf office
Newspaper/Periodical Publishing Establishment	3 per 1,000 sf
Nursing Home	2 per 1,000 sf
Outpatient Care Facility (Including Urgent Care)	3 per 1,000 sf
Pain Management Clinic	3 per 1,000 sf
Park, Community	2 per acre, Minimum of 5
Park, Neighborhood	1 per acre, Minimum of 3
Park-And-Ride Lot	No minimum
Parking Facility, Private	No minimum
Parking Facility, Public	No minimum
Personal Or Household Goods Repair Shop	2.5 per 1,000 sf
Personal Training Studio	3 per 1,000 sf
Personal Vehicle Rentals	3 per 1,000 sf
Personal Vehicle Sales	3 per 1,000 sf
Post Office	1 per 2 employees, + 1 per office vehicle + 4 per service window

Use	REQUIREMENT
Print Shops, Job Printing, Bindery, Silk Screening	2.5 per 1,000 sf
Professional Office	3 per 1,000 sf
Recreation Facility, Indoor	6 per 1,000 sf
Recreation Facility, Outdoor	5 per 1,000 sf activity area
Religious Facility	1 per 4 seats <sup>2</sup> in auditorium or chapel
Restaurant, Sit-Down	1 per 4 seats <sup>2</sup>
Restaurant, Take-Out/Delivery Only	5 per 1,000 sf
School, Higher Education (College Or University)	1 per 2 faculty/FTE + 2 per 1,000 sf classroom and research space
School, Private Secondary (9-12)	1 per 3 students (design capacity)
School, Private Secondary (K—8)	1 per 8 students (design capacity)
School, Vocational Or Trade	1 per 2 students, plus 1 per employee
Shopping Center	4 per 1,000 sf
Short-Term Rental Unit	1 per 2 guests
Solar Energy Collection Facility, Large-Scale	2 per 1,000 sf office facilities
Television And Radio Station	3 per 1,000 sf
Theater	1 per 4 seats <sup>2</sup>
Transportation Terminal And Station	2 per 1,000 sf office facilities + 2.5 per 1,000 sf passenger waiting area
Travel Agency	3 per 1,000 sf
Utility Facility, Major	2 per 1,000 sf office facilities
Utility Facility, Minor	Minimum of 1 space
Vehicle Sale, Rental, Service, And Repair	One space per 400 sq. ft. of gross floor area plus one space per service bay
Veterinary Hospital Or Clinic	3 per 1,000 sf
Warehouse, Distribution	2 per 1,000 sf office
Warehouse, Storage	2 per 1,000 sf up to 5 spaces + 0.3 per 1,000 sf thereafter
Wireless Communication Facility/Tower	Minimum of 1 space
<sup>1</sup> Visitor Parking Is Only Applicable When Developed As A Community.	

Use	REQUIREMENT
	<p><sup>2</sup> When Seating Is Fixed, The Number Of Seats Is Based On The Actual Number Of Seats Within The Use. When Seating Is Not Fixed, The Number Of Seats Is Based On The Maximum Occupant Load Per Fire Code.</p>

**D. Location and Arrangement.**

- (1). Parking areas in nonresidential, CT, and COR zoning districts shall provide vehicular, pedestrian, and cyclist connections to the adjacent properties.
- (2). Except for off-street vehicular parking serving one-and-two-family dwellings, parking lots shall be arranged so an automobile may be parked or un-parked without moving another automobile.
- (3). Parking lots, aisles, pedestrian walks, landscaping, and open space shall be integral parts of an overall development plan and properly related to existing and proposed buildings.
- (4). Buildings, parking and loading areas, landscaping, and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are minimally exposed to vehicular traffic.
- (5). No parking space shall be located to block access by emergency vehicles.
- (6). Off-street loading areas shall be arranged so no loading berth extends into the required aisle of a parking lot or pedestrian walkway or over a water meter.
- (7). Except for off-street vehicular parking areas serving one-and-two-family dwellings on local roads all parking lots and loading areas shall be arranged so that no vehicle is required or encouraged to back out from such areas directly onto a street.

**E. Large Parking Lots.** Parking lots containing more than 100 spaces shall contain the following elements to separate the parking lot visually and functionally into smaller lots using landscaping, medians, pedestrian paths, and other design elements. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

- (1). **Primary Drive Aisle.** The primary drive aisle shall be designed to appear as an extension of the public street network, with sidewalks and landscaping extending from the public right-of-way along the full length of the primary façades of structures served by the drive, incorporating the following:
  - a. Have a minimum cross-section width between curbs to serve two (2) travel lanes;
  - b. Include a sidewalk or curb-delineated pedestrian passageway along the front façade of a building when the drive aisle is aligned parallel to that building façade; and
  - c. Provide street trees along both sides of the primary drive aisle with a maximum spacing of 50-feet on center. Small-maturing trees may be used adjacent to the building façade within 40-feet of building entrances.
- (2). **Pedestrian Pathway.** Pedestrian pathways shall be incorporated into the parking lot design at a minimum of every other parking row or 200-feet. Pedestrian pathways shall:
  - a. Provide landscaping complimentary to the overall site landscaping;

- b. Align with and be perpendicular to the primary entrance into the building served by the parking lot;
  - c. Be paved with asphalt, cement, or other comparable material;
  - d. Incorporate a contrasting color or material when crossing drive aisles;
  - e. Follow applicable state and federal requirements while at a minimum are at least 5-feet wide when located within planting strips and 10-feet wide when crossing drive aisles;
  - f. Connect to all existing or planned adjacent transit and pedestrian facilities; and
  - g. Provide safe and efficient pedestrian access to the use they serve.
- F. **Shared Parking.** When a development contains more than one use type, the parking requirement shall be the sum of the required parking for each use, unless shopping center parking requirements apply. The ULDC Administrator may reduce the required parking spaces by up to 20% when the businesses' hours of operation are not the same or a parking study determines the reduction will adequately support the parking need.
- G. **Reductions.** The ULDC Administrator may reduce vehicular parking requirements in the following scenarios to support non-vehicular travel. A parking study is required when parking is reduced by more than 30% to prove the reasonableness of the reduction.
- (1). **Alternative Maximum.** When the industry standard parking resources published by the Institute for Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association, or the American Planning Association (APA) for required parking is less than the City's parking requirement, the ULDC administrator may allow a reduction to the industry standard.
  - (2). **Neighborhood Development.** When development is within 1,000-feet of a residential use with a density of ten (10) or more units an acre and connected via a multi-use trail or sidewalk, the ULDC Administrator may reduce the required parking by 20%.
  - (3). **Bicycle and PEV storage.** In areas of the City connected to pedestrian and multi-use trails, developments may include bicycle, scooter, or personal electric vehicle (PEV) storage as an alternative to standard parking spaces. The parking requirement may be reduced at a ratio of 1-traditional parking space per 6-alternative transportation storage areas for a maximum reduction of 15%. The alternative transportation storage area may be additional bicycle storage, skateboard, or scooter storage, PEV lockers, or another alternative approved by the ULDC Administrator.
  - (4). **Golf Carts and Other Low-Speed Vehicles.** In areas of the City that allow golf cart use on the street, golf cart parking may be included to reduce the required number of parking spaces. The parking minimum may be reduced by one-traditional space for every 2-golf cart spaces for a maximum reduction 10%.

#### **Section 4.10.4. On-Street Parking**

- A. **Generally.** On-street parking may be created when the requirements of this Section are met through Site Development and Infrastructure Plan approval.
- B. On-street parking is prohibited on arterial roadways.
- C. On-street parking spaces within 1000-feet of a business applies to minimum parking requirements.
- D. The following conditions shall apply to on-street parking:

- (1). New on-street parking may be located entirely within the right-of-way provided the width can accommodate the spaces and there is no capital improvement plan for road widening that would preclude the placement of the on-street parking; or partially within the property lines of the site if the spaces extend into the right-of-way.
  - (2). On-street parking shall be parallel to the roadway or sixty (60) degree angled parking.
  - (3). On-street parking may not interfere with pedestrian walkways.
  - (4). On-street parking shall be open to the public.
- E. No space along the service drive shall be used to satisfy the accessible parking requirements.
- F. Businesses located along US 41 (Tamiami Trail) service drive, may utilize parallel on-street parking in front of the business to satisfy required parking. The parking spaces that will be credited to a business must be directly in front of the business. All parking spaces to be credited shall be at least 50% within the property lines of the business if they were extended across the roadway. These parking spaces may not be prohibitive to the general public but may be counted to satisfy the business parking requirements.

**Section 4.10.5. Bicycle Parking**

- G. **Generally.** New development and expansion or expansion of existing development by more 25% of the total floor area shall provide bicycle parking spaces per Table 4.10.5.1. One-and-two-family structures and subdivisions without an amenity center are exempt. Bicycle parking areas shall be maintained free of inoperable bicycles (such as bicycles with flat tires or missing parts) and debris. Bicycle parking racks shall be maintained in good repair, securely anchored, and rust-free. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

**Table 4.10.5.1. – Required Bicycle Parking**

<b>SIZE OF DEVELOPMENT (SQFT)</b>	<b>NUMBER OF BICYCLE SPACES</b>
<b>0 - 50,000</b>	5
<b>50,001- 200,000</b>	10
<b>200,001 or Larger</b>	15
<b>Multi-Family Uses</b>	1 space/10 units

- A. **Surfacing.** A bicycle parking space shall be located on a paved or similar hard, all-weather surface, having a slope not greater than 3%.
- B. **Lighting.** Lighting shall be provided for bicycle parking spaces that are accessible to the public or bicyclists after dark.
- C. **Dimensional Standards.** Bicycle storage areas shall be accessible without requiring moving another parked bicycle. The minimum dimensional requirements for a bicycle parking space are:
- (1). 6-feet long by 2-feet wide for bicycle racks located on the ground; and
  - (2). 4-feet long by 2-feet wide by 8-feet high for vertical bicycle storage.

D. **Location.** Bicycle parking is encouraged to be visible from the main entrance of the building it serves; however, directional signage shall be provided where a bicycle parking space is not visible from the main entrance to the building for which the bicycle parking space is required.

**Section 4.10.6. Vehicle Stacking**

A. **Generally.** Development shall provide stacking space for vehicles to ensure vehicular circulation does not interfere with the surrounding transportation network, impede movement into or out of parking spaces, or disrupt pedestrian or cyclist movement safety.

B. **Dimensions.** Stacking spaces shall measure 10-feet wide and 20-feet long.

C. **Requirements.** All stacking spaces shall be:

(1). Contiguous; and

(2). Separated from access aisles and other vehicular surface areas by raised medians a minimum of 24-inches wide.

D. **Drive-Through or Similar Facilities.** Uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide at least the minimum number of stacking spaces established in Table 4.10.6.1. Minimum Stacking Spaces for Drive-Through and Similar Facilities.

**Table 4.10.6.1. Minimum Stacking Spaces for Drive-Through and Similar Facilities**

ACTIVITY	MINIMUM # OF STACKING SPACES	MEASURED FROM
Automobile repair and service garages, car washes and auto detailing, automatic	4 per Bay	Bay Entrance
Automobile repair and service garages, car washes, fueling stations, and auto detailing, self-service	2 per Bay	Bay Entrance
Automobile repair and service garages, specifically with oil change/lubrication shop	3 per Bay	Bay Entrance
Bank, retail, or bank, finance, and office with a drive-through facility	4 per Lane	Teller window or teller machine
Childcare Centers	1 per 2 children	Pick-up Entrance
Gated Entrances and Parking Garages	3	Gate <sup>1</sup>
Drop-off center	3 per Bay	Bay Entrance
Restaurant or Café with Drive-through	4 per Order Station	Order Box to Start of Queue
	4	Order Box & Pick-Up
School, Private, Vocational or Trade	As determined necessary by the ULDC Administrator following consultation with school administration and review of stacking spaces provided at comparable facilities	

ACTIVITY	MINIMUM # OF STACKING SPACES	MEASURED FROM
Other	Uses not listed are determined by the ULDC Administrator based on standards for comparable uses or based on a parking demand study.	

<sup>1</sup> Gated entrance driveways and parking garages shall accommodate pre-entry vehicular stacking of a minimum of three (3) cars, provide a turn-around area, and be designed so that emergency vehicles do not have to leave the travel-way to negotiate any roads, turns, or gates.

**Section 4.10.7. Loading Areas**

A. **Generally.** Development with the routine delivery, shipping, or collection of goods, supplies, or equipment shall provide enough off-street loading berths to accommodate these functions in a safe and convenient manner per Table 4.10.7.1. When a proposed use is not listed in the table, the most similar use’s requirement shall apply, as determined by the ULDC Administrator. Commercial vehicles shall not be loaded or unloaded on public streets.

Table 4.10.7.1. Loading Area Requirements

USE	FLOOR AREA OR DWELLING UNITS	MINIMUM NUMBER OF LOADING BERTHS
<i>Residential, Public, Civic &amp; Institutional, and Commercial Uses</i>		
Household Living uses (Dwelling, multi-family only)	At least 100 dwelling units, up to 300 dwelling units	1
	Each additional 200 dwelling units or fraction thereof	add 1
Group Living uses (Assisted care community only)	At least 100 rooms, up to 300 rooms	1
	Each additional 200 rooms or fraction thereof	Add 1
Personal Services use	At least 10,000 sf, up to 30,000 sf	1
	Each additional 30,000 sf or fraction thereof	add 1
Retail Sales use or Eating, Drinking, and Entertainment Use (Restaurant, sit-down, and Microbrewery and micro distillery only)	At least 10,000 sf up to 25,000 sf	1
	At least 25,000 sf, up to 40,000 sf	2
	At least 40,000 sf, up to 100,000 sf	3



USE	FLOOR AREA OR DWELLING UNITS	MINIMUM NUMBER OF LOADING BERTHS
	At least 1000,000 sf, up to 250,000 sf	4
	Each additional 250,000 sf or fraction thereof	add 1
Recreation and Tourism Use (Arena, stadium or amphitheater, Hotel or motel, Theater only)	At least 10,000 sf up to 40,000 sf	1
	Each additional 50,000 sf or fraction thereof	add 1
All other Commercial Uses	At least 2,000 sf up to 10,000 sf	1
	Each additional 50,000 sf or fraction thereof	add 1
<i>Light Industrial, Research and Development, and Warehousing</i>		
Warehouse and Freight Movement uses	At least 500 sf but less than 5,000 square feet	1
	Each additional 30,000 sf or fraction thereof	add 1
Industrial Services uses, and Manufacturing and Production uses	At least 2,000 sq. ft. but less than 25,000 sq. ft.	1
	At least 25,000 sq. ft. but less than 40,000 sq. ft.	2
	At least 40,000 sq. ft. but less than 100,000 sq. ft.	3
	At least 100,000 sq. ft. but less than 160,000 sq. ft.	4
	At least 160,000 sq. ft. but less than 240,000 sq. ft.	5
	At least 240,000 sq. ft. but less than 320,000 sq. ft.	6
	At least 320,000 sq. ft. but less than 400,000 sq. ft.	7
Each 90,000 sq. ft. above 400,000	add 1	

- B. **Shared Loading Areas.** Two (2) more uses or buildings may make joint use of off-street loading facilities, provided that the total amount of loading facilities are equal in size and capacity to the combined requirements of all buildings or uses.
- C. **Dimensions.** Each loading berth shall be of sufficient size to accommodate the types of vehicles likely to use the loading area.
- (1). The minimum loading berth size that presumably satisfies loading berth needs is at least 12-feet wide and 45-feet long in general industrial, distribution, or warehousing uses. A berth as short as 33-feet may be allowed for all other uses. The ULDC Administrator may require a larger loading berth or allow a smaller loading berth to determine that the characteristics of the development warrant such increase or reduction and the general standard are met.
  - (2). Each loading berth shall have at least 15-feet of overhead clearance.
  - (3). The off-street loading berth shall be arranged so that vehicles shall maneuver for loading and unloading entirely within the site's property lines.
- D. **Location.** Loading berths shall be:
- (1). Provided for each building for residential uses and each unit for non-residential uses;
  - (2). Located to the side or rear of the structure or use they serve;
  - (3). Adjacent to the structure's loading doors, in an area that promotes practical use, accessible from the interior of the building it serves;
  - (4). Directly accessible from a street or alley without crossing or entering any other required off-street loading space; and
  - (5). Located and designed so vehicles can maneuver safely and conveniently to them from a public street and complete loading without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

## ARTICLE XI – STORMWATER

### Section 4.11.1. Generally.

- A. **Purpose.** It shall be unlawful to engage in any development activity prior to obtaining approval of a stormwater plan by the City's Public Works Department in accordance with the provisions of this Article, Southwest Florida Water Management District (SWFWMD), and all other applicable local, state, and federal regulations.
- B. **Stormwater Management.** The design for the stormwater management facilities shall be consistent with the requirements of SWFWMD, this Article and the technical standards in Section A.1.3. in the Appendix of this ULDC.
- C. **Applicability and Exemptions.** This Article shall apply to all development not exempted by below or per the Florida Statutes.
- (1). One-and-two-family structures on an individual site used for housing.
  - (2). Minor Subdivisions;
  - (3). Model home used for model home or single-family housing.
  - (4). Storage buildings, sheds, swimming pools, and other accessory structures constructed on (1) above.
  - (5). Any proposal for a development activity causing an insignificant impact upon the stormwater facility, as determined by the Public Works Director.

## ARTICLE XII – SUBDIVISION STANDARDS

### Section 4.12.1. Generally

- A. The purpose and intent of this Article is to establish the procedures for review and approval of proposed subdivisions and plats within the City of North Port in accordance with Florida Statutes and the ULDC.
- B. **Applicability.** This Section shall apply to any subdivision or re-subdivision of land in the City.
- (1). No subdivision shall be platted or recorded, no lot shall be sold, and no building or development permit be issued unless the subdivision meets all applicable laws of the state, this ULDC, and has been approved by the City in accordance with the requirements Chapter 2 for Preliminary Plat and Final Plat.
  - (2). This Section shall not apply to any land forming part of a subdivision created and recorded prior to the effective date of the ordinance from which this Article is derived, but it shall apply to any re-subdividing (replats) of previously approved subdivisions and all new subdivisions.
  - (3). It is not intended by the provisions of these regulations to repeal, abrogate, annul, or in any way impair or interfere with private restrictions placed upon property by deed, covenant, or private agreement, except that where this article imposes higher standards than imposed by such deeds, covenants, or private agreements, then the provisions of this Article shall apply. The City shall not be responsible for the enforcement of such deeds, covenants, or agreements.
- C. **Exemptions.** Minor Subdivisions as described in [Chapter 2, Section 2.2.9.\(3\)c](#), are exempt from the requirements of this section.
- D. **Division of Land.** All division of land in the City shall occur only as a new subdivision plat, a subdivision amendment (replat), or a lot split. Chapter 2 details the requirements for a lot split. No lot split shall be recognized by the City, and no building permit shall be issued unless the lot split has been approved by the City prior to recording in accordance with the requirements of Chapter 2.
- (1). Unless otherwise exempt from this Section or approved as a lot split, all subdivision of land is subject to a two-step review process consisting of:
    - a. Subdivision, Preliminary Plat approval;
    - b. Subdivision, Final Plat approval
  - (2). Applicants must receive Preliminary Plats approval prior to Subdivision, Final Plat review or approval.

### Section 4.12.2. Addressing and Street Names

- A. **Name Approval.** At the time of application for Subdivision, Preliminary Plat, an applicant shall submit a plat that includes any proposed street name(s) of all proposed streets and ten (10) alternate street names approved by Sarasota County.
- (1). Street names shall comply with the following.
    - a. Street name suffixes shall comply with Chapter 70 of City Code.
    - b. 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.
    - c. 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 subdivision plan shall not duplicate the name of any existing street or street designated on a previously recorded plat within Sarasota County.

(2). Changes required for approval.

- a. When Sarasota County does not approve enough street names to complete the naming of all streets in any proposed project, the applicant shall submit ten (10) additional street names for approval.
  - b. If any of the street name(s) placed on a subdivision construction plan at the time of submission are not accepted by the County, the applicant may choose from any of the approved street name(s), and the Subdivision, Preliminary Plat shall be corrected prior to being placed on the Commission agenda for final decision.
- B. **Renaming.** If a plat has been recorded with the approved street names, any change to the street names shall be changed by an amendment to the plat and the applicant shall submit in accordance with the Final Plat Amendment application requirements in Chapter 2 and Street Naming requirements of this Section.
- C. **Numbering.** All buildings shall have address numbers posted on the building, and parcel signage shall be visible to incoming emergency responders per Chapter 70 of the City Code.
- D. **Addressing.** Street numbering shall be pursuant to the North Port Street Grid as adopted by Ordinance No. 06-61 as amended. Any subdivision that needs numbering should contact the department responsible for addressing to request the creation of a subdivision address plan and pay a fee pursuant to the City Commission adopted fee schedule as may be amended from time to time.

#### Section 4.12.3. Easements

- A. **Generally.** Easements shall be provided for utility and drainage areas per the requirements of this section, the ULDC, and other applicable regulating documents as amended.
- B. **Utility Easements.** All utility lines shall be installed in street rights-of-way. Within the accessways of private streets, a 10-foot utilities easement on each side of the right-of-way 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 10-feet in width, if the width is adequate for the intended purpose. Additional widths may be required for closed drainage easements.
- C. **Drainage Easements.** Where a proposed subdivision is traversed by or abuts a watercourse, drainage way, 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, drainage way, canal, or stream. The easement (or right-of-way) shall include on one (1) side a 25-foot width for maintenance purposes unless a lesser dimension is approved by the City's Public Works Director. No improvements may be constructed in the easement or right-of-way, and adequate vehicle access shall be provided.

#### Section 4.12.4. Lots and Blocks

- A. **Required lot area.** The size, width, depth, shape, and orientation of all lots shall be appropriate for the location of the subdivision; provided, however, that no lot shall have an area or frontage less than that required under the zoning regulations in Chapter 3 of this ULDC.
- B. **Corner lots.** In residential subdivisions, corner lots shall be at least 15% wider than the minimum required for the zoning district. However, where the minimum width established in the zoning regulations exceeds

one hundred (100) feet, no additional width shall be required. Mid-block lots adjacent to a pedestrian crosswalk shall not be considered corner lots.

- C. **Double frontage lots.** To ensure adequate buffers and uniform streetscapes along roadways double-frontage lots are not permitted. Parcels between a road right-of-way and a platted alley shall not be considered double-frontage lots.
- D. **Block lengths.** Block lengths shall not exceed 1,800-feet in any development except under the following conditions:
  - (1) The subdivision is zoned Agriculture (AG).
  - (2) The blocks border major collector roadways.
  - (3) The blocks border the water.
- E. **Pedestrian crosswalks.** Pedestrian crosswalks complying with City engineering standards and FDOT's Greenbook shall be required at all intersections or crossing areas. When the roadway speed limit is 40-miles per hour or higher a midpoint refuge area 4-feet wide shall be provided.
- F. **Access.**
  - (1) The development shall be so designed that remnants and landlocked areas shall not be created unless established as a common area.
  - (2) Subdivisions shall connect to a City, County, or State road.
  - (3) All new subdivision 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.
  - (4) New subdivisions shall have two (2) fully functional access streets consistent with the Fire Safety standards in Article VI of this Chapter.
  - (5) Pedestrian and vehicular access shall be provided to adjacent neighborhoods.

#### **Section 4.12.5. Orientation to Natural Features**

The size, shape, and orientation of a lot and the 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 that have historical significance, scenic views, or similar assets.

#### **Section 4.12.6. Monuments**

Monuments and control points shall be placed according to the Florida Statutes Chapter 177.

#### **Section 4.12.7. Park Space**

- A. **Generally.** The City requires that all new residential subdivisions incorporate into their Master Concept Plan and/or Preliminary Plat and Final Plat. Park space provided applies toward the minimum open space percentages for Open Space in Article IX of this Chapter.

**B. Minimum Area Required.**

<b>Number of Residential Lots</b>	<b>Minimum Park Area (AC)</b>
<b>&lt; 25 lots</b>	One quarter (1/4) acre
<b>25—49 lots</b>	One half (1/2) acre
<b>50—99 lots</b>	One (1) acre
<b>100 subdivision lots or greater</b>	One and one-half (1.5) acres  An additional minimum one-half acre is required for each additional 100 lots over the base level of 100 lots.

**C. Park Space Configuration.** Required park space shall be designed consistent with the following park types and should be provided in number and scale consistent with the gross acreage of the subdivision.

<b>Park Type</b>	<b>Min. Size (AC)</b>	<b>Max. Size (AC)</b>	<b>Description</b>
Cultural Resource Area	-	-	Special archaeological or historic resource areas set aside for preservation. Amenities may include gardens, cultural centers, arts centers, and picnic areas.
Community Park	25	50	Used for informal and formal active recreation and passive recreation. Generally designed to serve multiple neighborhoods over an area of 1/2 mile to 3-mile distance. Amenities may include baseball and/or softball fields, basketball, volleyball, and/or tennis courts, football/soccer fields, multi-purpose fields, swimming pools, gymnasiums, playgrounds, picnic areas, trails, dog parks, skate parks, and special events.
Green	2	5	Area of formal or informal landscape used for unstructured recreation generally serving an area up to ¼-mile radius and may be located internal to a neighborhood. Amenities may include open lawns, multi-purpose fields, and seating areas.
Greenway	-	-	Bicycle trails, walking/jogging trails, hiking trails, and associated picnic areas, tot lots, nature areas, or boat launches
Natural Resource Area	-	-	Lands set aside for preservation of significant natural resources/environmentally sensitive land.

Park Type	Min. Size (AC)	Max. Size (AC)	Description
			Amenities may include nature areas, canoe/kayak launches, picnic areas, fishing piers, bicycling, jogging, and hiking trails.
Neighborhood Park	5	10	Area for informal active and passive recreation generally serving an area of ¼-mile to 1/2-mile distance. Amenities may include basketball or tennis courts, picnic areas, multi-purpose fields, playgrounds, nature areas, and canoe/kayak launches.
Mini Park/Playground	0.05	1	Small scale recreational area to serve an isolated area. Amenities may include playgrounds, picnic areas, canoe/kayak launches, and community gardens.
Plazas or Squares	0.5	3	Formal landscape and hardscape area used for civic purposes and public gathering, which may include supporting temporary commercial activities, usually located at the intersection of important streets. Amenities and activities may include cultural/arts centers, fountains, seating areas, special events, craft fairs and farmers markets.
Regional Park	80	-	Broad purpose park that serves people at a city-wide or larger scale and may be either natural-resource based or programmed recreation located on or in close proximity to arterial/collector roads. Amenities may include Baseball and/or softball fields, basketball, volleyball, and/or tennis courts, football/soccer fields, multi-purpose fields, swimming pools, gymnasiums, playgrounds, picnic areas, trails, dog parks, skate parks, and special events facilities.
Special Use Facility	-	-	Includes a broad range of parks and recreation facilities oriented toward a single-purpose use. This type includes dog parks, BMX facilities, skate parks, aquatic centers, and similar uses.
Sports Complex	25	80	Heavily programmed athletic fields and associated facilities strategically located community-wide and located on or in close proximity to arterial/collector roads. Amenities may include baseball and/or softball fields, basketball, volleyball, and/or tennis



Park Type	Min. Size (AC)	Max. Size (AC)	Description
			courts, football/soccer fields, golf, racquetball/handball courts, skate parks, and gymnasiums.

D. **Platting and Dedication of Park Space.** Areas identified as parks in a Master Concept Plan and/or Preliminary Plat, shall be platted as tracts on the Final Plat. Parks shall be preserved and maintained in perpetuity by the homeowner association; covenants and restrictions specifying the manner and methods through which the parks will be maintained are required.

**Section 4.12.8. Public Amenities**

A. **Community Amenities.** New subdivisions shall include the following elements for the public benefit:

- (1). **Benches.** Benches shall be placed at least 0.25-miles or 1,320 feet along all sidewalks or multi-use trails.
- (2). **Bicycle Racks.** Bicycle racks, able to accommodate at least two (2) bicycles, shall be placed with every bench.
- (3). **Bus Stops.**
  - a. The location of public school bus stops shall be placed as specified by the Sarasota County School Board.
  - b. The location of public transportation stops shall be placed as specified by the Sarasota County Area Transit and the City of North Port.

**Section 4.12.9. Roads and Sidewalks**

A. **Generally.** Subdivisions shall have roads and sidewalks that meet or exceed the standards included in the Section A.1.2. in the Appendix of this ULDC.

**Section 4.12.10. Stormwater Management**

A. **Generally.** 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 the standards in Article XI Stormwater, and the technical standards in Section A.1.3. in the Appendix of this ULDC.

**Section 4.12.12. Utilities**

A. **Generally.** New subdivisions shall have buried utilities per the requirements of [Article XIV – Utilities.](#)

## **ARTICLE XIII – TRANSPORTATION**

### **Section 4.13.1. Generally**

- A. Roadways, sidewalks, bridges, transit stops, and all other transportation elements shall conform with the technical standards in Sections A.1.2. in the Appendix of this ULDC

### **Section 4.13.2. Sidewalks**

#### **A. Generally.**

- (1). Sidewalks shall meet the ADA Standards for Accessible Design and all other applicable state and local laws to ensure accessibility.
- (2). Sidewalks shall safely connect directly to the main entrance of a building through a combination of sidewalks and crosswalks.

- B. **Sidewalk standards.** Sidewalks shall be installed in accordance with Section 522 of Florida Department of Transportation in addition to the technical standards in Section A.1.2. in the Appendix of this ULDC.

### **Section 4.13.3. Bike Lanes and Multi-Modal Trails**

- A. **Bike Lanes.** Bike lanes shall be provided in accordance with Section A.1.2. in the Appendix of this ULDC.
- B. **Multi-Modal Trails.** Multi-modal trails shall be required in all non-residential subdivisions, in new residential subdivisions of more than ten (10) lots, and along all waterways to provide aesthetic quality and pedestrian amenities.

## **ARTICLE XIV - UTILITIES**

### **Section 4.10.1. Generally**

- A. To facilitate city-wide access to central utilities, including, but not limited to, potable water, sewer, and reuse systems, development in the City of North Port shall connect to a central utility provider when available within one-quarter of a mile (0.25 miles) or 1,320 feet.
- B. **Exemptions.** When the City has system availability at any site, the site shall connect to the central utilities. The following development types are exempt from the requirements of this section at the time of permitting:
- (1). One-and-two-family residential structures;
  - (2). Minor Subdivisions.
- C. **Development Agreements.** Developers may be required to enter into a comprehensive Development Agreement with the City per the requirements of ULDC, Chapter 2, to plan for the utility capacities and other city services needed for a proposed development.
- D. **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 that 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.
- E. **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 one hundred (100) feet from any perimeter property line.
  - (3). Below-ground disposal facilities (drain fields, injection wells, etc. shall be no closer than fifty (50) feet to the nearest residential lot.
  - (4). The location of all facilities shall be in accordance with the applicable local, State, and Federal regulations.
- F. **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 notify the developer and his engineer in writing to remedy 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 and corrections as necessary.

### **Section 4.20.2. Potable Water Systems**

- A. **Generally.** All development shall connect to a central potable water system upon availability.

- B. **City Potable Water Connection.** When the City's potable water system is within one-fourth (0.25) mile or 1,320 feet from a point on the perimeter of the development closest to the source of service and measured along an accessible right-of-way or easement, the development shall connect with the City's central potable water system.
- C. **Existing Potable Water Connection.** In the absence of a City water system, a central water system shall be provided in all new developments, and connection shall be required with any other existing central water system that is available within one-fourth ( $\frac{1}{4}$ ) 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:
- (1). The system has sufficient capacity to allow such a connection.
  - (2). Any rules or regulations that govern said system can be amended to accommodate such a connection.
- D. **New Potable Water System.** In the absence of a City or other existing central water system, the developer shall provide a central water system. 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 the City Commission waives such dedication.
- E. **Engineering and Design.** Central water systems shall:
- (1). Provide water meeting quality standards as described in Florida Statutes, Florida Administrative Code, and prescribed by the United States Environmental Protection Agency.
  - (2). Be designed by a Florida registered engineer 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).
- F. **Individual potable water systems.** Individual potable water systems may be permitted for one-and-two-family structures on pre-platted lots or Minor Subdivisions. All individual potable water systems shall comply with the permitting requirements of the applicable state agency.

### **Section 4.20.3. Wastewater Systems**

- A. **Generally.** All development shall connect to a central wastewater system upon availability.
- B. **City Wastewater Connection.** When the City's wastewater system is within one-fourth (0.25) mile or 1,320 feet from a point on the perimeter of the development closest to the source of service and measured along an accessible right-of-way or easement, the development shall connect with the City's central wastewater system.
- C. **Existing Wastewater System Connection.** In the absence of a City central wastewater system, the connection shall be required with any other existing central wastewater system that is available within one-fourth (0.25) mile or 1,320 feet from a point on the property line closest to the source of service and measured along an accessible right-of-way or easement, provided that:
- (1). The system has sufficient capacity to allow such a connection.
  - (2). Any rules or regulations that govern said system can be amended to accommodate such a connection.

- D. **New Central Wastewater System.** 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 appurtenances shall be deeded at no cost to the City to be operated and maintained by the City unless the City Commission waives dedication.
- E. **Engineering.** A Florida registered engineer shall design the central wastewater systems in accordance with these regulations, the requirements of any applicable State agencies, and the following minimum design standards:
- (1). Central wastewater 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.
  - (2). Central wastewater systems shall be designed to be compatible with the City central wastewater system or other existing surrounding central wastewater systems if different than the City and approved.
  - (3). On curbed streets, the curbs shall be marked to indicate the point where the sewer line crosses to each abutting lot.
- F. **Individual Wastewater Systems.** Individual sanitary wastewater systems with a treatment capacity of less than two thousand (2,000) gallons per day may be permitted when the development is exempt from the central wastewater system requirement. Such an individual system shall fulfill the permitting requirements of the applicable state agency and shall be maintained in accordance with the law.

#### **Section 4.20.5. Reuse Water Systems**

- A. **Generally.** All development shall connect to a central reuse water system upon availability.
- B. **Subdivisions.** A reuse water system shall be provided in all new subdivisions for irrigation. The order of supply sources of water for irrigation purposes shall be reuse water, stormwater, then well water. New subdivisions shall connect to the City's reuse water system when the City system is within one-fourth (0.25) mile or 1,320 feet 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. When the City's system is not within the required connection distance, dry lines shall be provided to facilitate connection when the system becomes available.
- C. **Other Development.** Non-residential, mixed-use, and multi-family development shall connect to the City's reuse water systems when the system is within one-fourth (0.25) mile or 1,320 feet from a point on the property line closest to the source of service and measured along an accessible right-of-way or easement. When the City's system is not within the required connection distance, dry lines shall be provided to facilitate connection when the system becomes available.
- D. 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.
- E. **Engineering and Design.** Reuse water systems shall be designed and constructed to meet quality standards as described in Florida Statutes, Florida Administrative Code, and as prescribed by the United States Environmental Protection Agency.

(1). 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.
  1. 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.
  2. Other reuse application areas, such as golf courses, may require up to five hundred thousand (500,000) gallons a day in less than an eight (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 eight hundred (800) feet, as measured along the street in residential, commercial, and industrial subdivisions.

F. **Water Features.** Water supply sources for decorative fountains or water features shall be reuse water or stormwater. The developer or property owner shall install and maintain timers on water features or fountains to limit the run time and reduce water loss through evaporation. Timers shall function according to any mandates or restrictions by the City of North Port or the Southwest Florida Water Management District (SWFWMD).

#### **Section 4.20.6. Other Utilities**

Utility lines of all kinds, including but not limited to electric power and light, telephone, cable television, water, sewer, and gas, shall be constructed and installed beneath the surface of the ground. It shall be the developer's responsibility to make the necessary arrangements with each utility in accordance with the utilities' established policies. 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 be required for bulk electric power supply lines and major communication feeder lines.

DRAFT

## **CHAPTER 6 –NATURAL RESOURCES**

### ARTICLE I – IN GENERAL

#### **Section 6.1.1. Purpose**

Through the enforcement of regulations in this Chapter, and the Context-Sensitive Site design requirements per Chapter 4 of this ULDC, these regulations aim to balance conservation and urban development by allowing for appropriate growth while safeguarding cultural resources and environmentally sensitive land, species, and habitats.

#### **Section 6.1.2. Applicability**

- A. The provisions of this Chapter apply to all development in the City, including one-and-two family, when potential archeological or historic resources, environmentally sensitive lands, habitats, and/or species that are Federally designated as Endangered, Threatened, Threatened due to Similarity of Appearance, Federal Non-Essential Experimental Population, State-designated Threatened, or State Species of Special Concern exist. These regulations are applicable to all forms of residential and commercial development, including, but not limited to, clearing and underbrush removal, construction of one-and-two family homes, multiple-unit residential dwellings, non-residential structures, and properties containing a mixture of uses. The regulations also apply to all associated improvements of road and utility infrastructure that may be needed to service this development, as well as land management activities on properties subject to habitat management plans or environmental conservation easements.
- B. Review for compliance with this Chapter is required for the following application types and any amendments thereto:
  - (1). Certificate of Zoning Compliance
  - (2). Future Land Use Map Amendments
  - (3). Master Concept Plan
  - (4). Preliminary Project Review
  - (5). Preliminary Subdivision Plat
  - (6). Rezone, Standard and Village
  - (7). Site Development and Infrastructure Plan

#### **Section 6.1.3. Environmental Protection Fund**

Administrative costs, fees, and penalties collected as part of the enforcement of this Chapter shall be placed in the Environmental Protection Fund. This fund shall be used to support the operations of the Natural Resources Division of the Development Services Department and for the following purposes:

- A. Acquisition of environmentally sensitive land;
- B. Acquisition of land for sustainability projects;
- C. Planting trees in public places and maintaining trees to protect health and safety on public lands in the City.
- D. Tree education, planting, and conservation programs.



## ARTICLE II— ARCHEOLOGICAL & HISTORICAL PRESERVATION REGULATIONS

### Section 6.2.1. Generally

- A. The purpose of this Article is to protect the significant archaeological and historic resources of the City of North Port to the maximum extent practicable, by providing standards for the protection of these resources.
- B. The ULDC Administrator shall maintain a recorded copy of the Florida Master Site File form for all archaeological or historic resources in unincorporated Sarasota County and the City of North Port. Additionally, the ULDC Administrator shall maintain a series of United States Geological Survey (USGS) topographic maps upon which archaeological or 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.

### Section 6.2.2. Determination of Archeological Significance

- A. Potentially significant archeological sites include:
  - (1). Sites identified in the Comprehensive Plan;
  - (2). Sites listed in the National Register of Historic Places;
  - (3). Properties for which a Florida Master Site File exists;
  - (4). Properties listed by State of Florida Division of Historic Resources
  - (5). Any property within 15-meters (49.2 feet) of a property on which archeological field work has resulted in the discovery of artifacts, including but not limited to fragmentary stone tools, shell tools, aboriginal or historic pottery, historic glass, historic bottles, bone tools, historic building foundations, shell mounds, shell middens, sand mounds, human skeletal remains or associated burial artifacts.
- B. For the review of each application type specified in Section 6.1.2., the ULDC Administrator shall require a Phase I Cultural Resource Assessment Survey (CRAS) prepared by a professional meeting the [Professional Qualification Standards](#) established by the National Park Service (previously published Code of Federal Regulations, 36 CFR Part 61).
  - (1). The research design for a site assessment survey shall be reviewed and approved by the ULDC Administrator before the survey commences.
  - (2). The survey shall be designed to locate all historic resources and assess their significance. At a minimum, site assessment surveys must contain the following sections:
    - a. Project scope;
    - b. Archival research;
    - c. Research design;
    - d. Fieldwork;
    - e. Analysis;
    - f. Conclusions;
    - g. Florida Master Site File forms.
- C. Upon the ULDC Administrator's determination that a proposed development site has no archaeological significance the project may proceed subject to compliance with all other applicable provisions of this

ULDC. If the ULDC Administrator’s review of a CRAS results in a determination that the proposed development site is archaeologically significant, the provisions of Section 6.2.3. through 6.2.5. apply.

**Section 6.2.3. Archeologically Significant Sites**

If the ULDC Administrator determines in review of a CRAS that a proposed development site contains or potentially contains significant archaeological resources, the site will be rated as follows. Protection regulations in Section 6.2.5. shall apply based on the site’s rating.

- A. Level 1: The site meets the criterion for listing on the National Register;
- B. Level 2: The CRAS indicates that the site has potential significance and recommends additional investigation and/or monitoring during construction.

**Section 6.2.4. Transfer of Development Rights**

Due to the cultural sensitivity of the archeological sites, properties determined to be archeologically significant qualify as Sending Zones for purposes of Transfer of Development Rights as provided for in Chapter 1, Article IV.

**Section 6.2.5. Archeological Protection Regulations**

Archeological site protection regulations involve a tiered approach including Avoidance of Adverse Effects, Minimization of Adverse Effects, and Mitigation.

- A. **Avoidance of Adverse Effects.** The ULDC Administrator’s initial recommendation for both Level 1 and Level 2 sites shall be Avoidance of Adverse Effects.

**Table 6.2.5.1. Avoidance of Adverse Effects**

Site Rating	Tier 1	Tier 2
Level 1	<ul style="list-style-type: none"> <li>• Listing on the National Register;</li> <li>• Authorization of Transfer of Development Rights</li> <li>• Establishment of a conservation easement over the entire site;</li> <li>• Dedication of the site to the State of Florida or The Florida Anthropological Society</li> </ul>	<ul style="list-style-type: none"> <li>• Design (or redesign) the site development to avoid the Area of Potential Effect (APE);</li> <li>• Establishment of a conservation easement over the APE</li> </ul>
Level 2	<ul style="list-style-type: none"> <li>• Authorization of Transfer of Development Rights</li> <li>• Establishment of a conservation easement over the entire site;</li> <li>• If possible, dedication of the site to the State of Florida or The Florida Anthropological Society</li> </ul>	<ul style="list-style-type: none"> <li>• Design (or redesign) the site development to avoid the Area of Potential Effect (APE);</li> <li>• Establishment of a conservation easement over the APE</li> </ul>

- B. **Minimization of Adverse Effects, Site Management Plan, and Mitigation.** If a property owner is unwilling to participate in an Avoidance of Adverse Effects Tier I approach or the ULDC Administrator determines a Tier II approach would result in conditions listed in (1) or (2) below and considering the significance and condition of the resource on the property execution of a Site Management Plan shall be required.

- (1) The ULDC Administrator determines that a primary structure and common residential accessory structures of a scale consistent with other one-and-two-family development in the City may not be developed in conjunction with the preservation of the resource.
- (2) The ULDC Administrator determines that, for all other development types, the site may not be redesigned at the same level of intensity in conjunction with the preservation of the resource due to flood zones, soils or topography of the site, access management constraints, or height restrictions.
- C. The Site Management Plan shall be prepared by a by a professional who meets the [Professional Qualification Standards](#) established by the National Park Service, and shall be reviewed and approved prior to commencement of any site development. Site Management Plans shall include the following:

**Table 6.2.5.2. Site Management Plan**

Section	Minimum Requirements
Minimization of Adverse Effects	<ul style="list-style-type: none"> <li>• Identify site development area and Area of Potential Effect (APE);</li> <li>• Explain site design and efforts to Minimize Adverse Effects;</li> <li>• Justify resulting APE.</li> </ul>
Site Management	<ul style="list-style-type: none"> <li>• Specify construction management measures to minimize Adverse Effects and mitigate for Unavoidable Effects;</li> <li>• Describe how these measures will accomplish minimization and mitigation.</li> </ul>
Monitoring Schedule	<ul style="list-style-type: none"> <li>• Indicate inspection schedule, including frequency of site visits by a professional meeting the Professional Qualification Standards of the National Park Service;</li> <li>• Detail action plan to be initiated if previously unidentified resources are discovered;</li> <li>• Establish communication and record plan, and frequency of notification to ULDC Administrator.</li> </ul>
Data Recovery	<ul style="list-style-type: none"> <li>• Establish data recovery plan and record retention plan for literature studies, informant interviews, field survey, test excavation and artifact analysis.</li> </ul>
Mitigation	<ul style="list-style-type: none"> <li>• Describe research design or methodology;</li> <li>• Identify measures to assure preservation of significant elements of the resources disturbed;</li> <li>• Provide for agreement of voluntary transfer of artifacts to a public or nonprofit agency for curation purposes, or other preservation plan.</li> <li>• Provide for final report submission to ULDC Administrator regarding salvage, excavation, or documentary measures are employed to mitigate the project.</li> </ul>
Completion Requirements	<ul style="list-style-type: none"> <li>• Identify obligations of the property owner and the ULDC Administrator as to project close-out and issuance of certificate of completion.</li> </ul>

### **Section 6.2.6. Determination of Historical Significance, Building or Structure**

- A. Significant historical buildings or structures include City-owned:
  - (1). Buildings or structures identified in the Comprehensive Plan;
  - (2). Buildings or structures listed in the National Register of Historic Places;
  - (3). Properties for which a Florida Master Site File exists;

### **Section 6.2.7. Historic Building or Structure Alteration, Demolition or Rehabilitation or Repair**

- A. When alteration, rehabilitation, or repair of a significant historical building or structure is proposed, the City of North Port, when financially feasible, will ensure construction is consistent with The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings.
- B. When demolition is proposed, the ULDC Administrator will review the proposal and provide a recommendation to the City Commission in consideration of the following:
  - (1). The importance of the building, structure, or object to the ambience of the community or neighborhood;
  - (2). The challenge or the impossibility of reproducing such a building, structure, or object because of its design, texture, material, detail, or unique location;
  - (3). Whether the building, structure, or object is one of the last remaining examples in the state, county, or region;
  - (4). The existence of definite plans for the property's reuse if the proposed demolition is carried out, and the effects of those plans on the character of the surrounding area;
  - (5). The difficulty or the impossibility of saving the building or structure from collapse;
  - (6). Whether the building or structure can yield reasonable economic return on its value;
  - (7). Whether it would be undue economic hardship to deny the property owner the right to demolish the building or structure.
  - (8). Recommended measures for data recovery, the documentation of the architectural fabric and other pertinent historical research for any involved structures and associated features, including primary archival studies, informant interviews, measured drawings and large-scale photography, and salvage of significant features to ensure their preservation.

### **Section 6.2.8. Little Salt Springs Allowable Activities and Uses**

- A. Passive recreation.
- B. Scientific research.
- C. Structures relating to scientific research.
- D. Unpaved parking areas, rest rooms and nature trails.
- E. Elevated boardwalks.

All other activities and uses shall be prohibited on the Little Salt Springs site, unless approved by Special Exception.

### **Section 6.2.9. Warm Mineral Springs Development Buffers and Use Restrictions**

- A. No residential lot shall be located closer than 400-feet from the boundary of the Conservation future land use designation and Environmental Conservation zoning area which is applied over the Warm Mineral Springs and surrounding area.
- B. A natural resource buffer of at least 300-feet shall be established between Warm Mineral Springs and any residential lot. The usage within the said buffer shall be restricted to community and recreational uses.

### **Section 6.2.10. Fortuitous Finds and Unmarked Human Burials**

The following requirements apply to all site construction, building construction, or land alteration activities:

- A. If evidence of the existence of archaeological or historic resources is discovered or observed at development sites or during development activities, all work shall cease in the area. The developer, owner, contractor, or agent thereof shall notify the ULDC Administrator within two working 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 ULDC Administrator shall assess the significance of the finds within five working days of notification so as to minimize delays to development activities.
- B. If any human skeletal remains or associated burial artifacts are discovered at development sites or during development activity, all work in the area must cease and the permittee must immediately notify the North Port Police Department, the Sarasota County Coroner, and the ULDC Administrator within two working days.

## ARTICLE III – CONSERVATION RESTRICTED OVERLAY ZONE REGULATIONS

### **Section 6.3.1. Generally**

The purpose of this Article is to prevent the degradation of water quality, water quantity and aquatic and wetland-dependent wildlife in the 100-year floodplain bordering the North Myakkahatchee Creek by:

- A. Protecting the public's interest in environmentally sensitive areas from the adverse effects of development while protecting the rights of property owners.
- B. Protecting, maintaining, and restoring the chemical, physical and biological integrity of natural habitats, such as wetlands, floodplains, and shore lands, within the conservation/restricted area.
- C. Protecting, maintaining, and restoring the chemical, physical and biological integrity of ground- and surface waters.
- D. Preventing activities which adversely impact ground- and surface waters, natural habitats and native flora and fauna.
- E. Encouraging the construction of stormwater management systems that aesthetically and functionally approximate natural systems.
- F. Protecting natural drainage systems.
- G. Minimizing runoff pollution of ground and surface waters.
- H. Minimizing erosion and sedimentation.
- I. Prohibiting certain uses which are detrimental to the Myakkahatchee Creek and Myakka River systems.
- J. Minimizing adverse effects on the City's freshwater resources.

### **Section 6.3.2. Transfer of Development Rights**

Due to the environmental sensitivity of the Conservation Restricted Overlay Zone (CRZ), properties within the CRZ qualify as Sending Zones for purposes of Transfer of Development Rights per Chapter 1, Article IV.

### **Section 6.3.3 Protection Zones**

The Conservation Restricted Overlay Zone is divided into three (3) zones of protection as follows and as depicted in Figure 6.3.1.:

- A. Zone 1 (Zone of Maximum Restriction). The boundaries of this zone shall be the waterway(s) of the North Myakkahatchee Creek and Myakkahatchee Creek Bypass Canal right-of-way and contiguous jurisdictional wetlands, excluding manmade canals and lakes.
- B. Zone 2 (Contiguous Protective Zone). The boundaries of this zone shall be 150-feet landward from the landward edge of Zone 1.
- C. Zone 3 (Conservation Zone). The boundaries of this zone shall be the remainder of the conservation/restricted area landward of Zone 2.

### **Section 6.3.4. Protection Zone Regulations**

A. Zone 1 Allowed Activities and Uses:

- (1). Scenic, historic, wildlife or scientific preserves.
- (2). Minor maintenance or repair to existing structures or improved areas.

- (3). Cleared walking trails (no structural components).
- (4). Dredge and fill only associated with an approved plan for the restoration of the creek area.
- (5). Stormwater management facilities.

All other activities and uses shall be prohibited in Zone 1, unless approved by Special Exception.

B. Zone 2 Allowed Activities and Uses:

- (1). All uses and activities included in Zone 1.
- (2). Educational facilities for the study of wildlife, conservation, or ecology.
- (3). Passive recreation and non-motorized recreational uses including but not limited to off-road bicycling, Bicycle Motocross (BMX) activities.
- (4). Gazebos or similar structures in conjunction with a nature trail or similar trail.
- (5). Unpaved parking facilities and rest rooms related to the construction of passive recreation areas.
- (6). 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.
- (7). Single-family homes, subject to the following restrictions:
- (8). Rear yard setback of fifty (50) feet from the Zone 1 boundary.
- (9). Impervious surface area shall not exceed twenty-five percent (25%) of the gross area of the lot proposed for development.
- (10). Alternative or central wastewater systems only. (See definition, Appendix).
- (11). Fill placed on the land shall not decrease the water storage capacity or alter the hydrologic regime of the zone.

All other activities and uses shall be prohibited in Zone 2, unless approved by Special Exception.

C. Zone 3 Allowed Activities and Uses:

- (1). All uses and activities included in Zone 1.
- (2). All uses and activities in Zone 2.
- (3). One-and-two-family homes on alternative wastewater systems if central sewer is not available. Note the Zone 2 single-family restrictions do not apply to Zone 3.
- (4). Non-residential (excluding industrial) and multi-family development subject to a Master Concept Plan approval per Chapter 2 of this ULDC, and in compliance with the following:
- (5). Structures and impervious surfaces shall be setback a minimum of 50-feet from the landward boundary of Zone 2.
- (6). Stormwater discharges shall include an additional level of treatment equal to 1.5 times the treatment criteria specified in the City of North Port Engineering and Design Standards, Stormwater.

All other activities and uses shall be prohibited in Zone 3, unless approved by Special Exception.

## ARTICLE IV – ENDANGERED AND THREATENED SPECIES PROTECTION REGULATIONS

### **Section 6.4.1. Generally**

- A. The purpose of this Article is to limit development related impacts on Federally-designated Endangered, Federally-designated Threatened, State-designated Threatened, and State Species of Special Concern.
- B. No development may commence until the ULDC Administrator approves the development via the appropriate review process outlined in Section 6.1.2.B. of this Chapter, and state or federal permits are obtained when required and documentation provided to the City.
- C. In the event any of the species listed in this Article that were addressed during development review are discovered during construction, construction shall cease until required approvals, avoidance measures, or state or federal permits are obtained.

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## Section 6.4.2. Bird Protection Regulations

A. Pursuant to 68A-27.003(a), Florida Administrative Code, no person shall take, possess, or sell any of the endangered or threatened bird species included in this subsection, or parts thereof or their nests, eggs, or young is permitted without proper authorization by the U.S. Fish and Wildlife Service (FWS) or the Florida Fish and Wildlife Conservation Commission (FWC) as applicable.

Species	Federal Endangered	Federal Threatened	State Endangered	State Threatened
American Oystercatcher				X
Black Skimmer				X
Crested Caracara		X		
Florida Burrowing Owl				X
Florida Sandhill Crane				X
Florida Scrub-Jay		X		
Least Tern				X
Little Blue Heron				X
Red-cockaded Woodpecker	X			X
Reddish Egret				X
Roseate Spoonbill				X
Roseate Tern		X		
Sandhill Crane				X
Southeastern American Kestrel				X
Snail Kite	X		X	X
Snowy Plover				X
Tricolored Heron				X

Additional federal protection is provided for bird species under the Migratory Bird Treaty Act and The Bald and Golden Eagle Protection Act.

B. When an environmental assessment indicates the presence of the species identified above, or they are identified by Natural Resources Division staff upon initial site inspection, the ULDC Administrator's initial recommendation shall be avoidance of take as outlined in the FWC Species Conservation and Permitting Guidelines, Measures to Avoid Take section or as authorized by the U.S. Fish and Wildlife Service as follows:

- (1). [Beach-Nesting Birds](#) (American oystercatcher, snowy plover, black skimmer, least tern)
- (2). Crested Caracara: As authorized by U.S. Fish and Wildlife Service.
- (3). [Florida Burrowing Owl](#)
- (4). [Florida Sand Hill Crane](#)
- (5). Florida Scrub Jay (FWC Guidance not available at time of this code; visit [Species Conservation Measures and Permitting Guidelines](#) to ascertain if guidelines have been published). Also see [Section 6.4.4.](#) of this ULDC.

- (6). Red-cockaded Woodpecker (FWC Guidance not available at time of this code; visit [Species Conservation Measures and Permitting Guidelines](#) to ascertain if guidelines have been published). Roseate Tern: As authorized by U.S. Fish and Wildlife Service.
  - (7). Snail Kite (FWC Guidance not available at time of this code; visit [Species Conservation Measures and Permitting Guidelines](#) to ascertain if guidelines have been published).
  - (8). [Southeastern American Kestrel](#)
  - (9). [Wading Birds](#) (Little Blue Heron, Reddish Egret, Roseate Spoonbill, Tricolored Heron)
- A. If the ULDC Administrator determines avoidance would result in the conditions listed in (1) or (2) below, approval will be granted subject to required federal or state permitting prior to commencing development.
- (1) The ULDC Administrator determines that a primary structure and common residential accessory structures of a scale consistent with other one-and-two-family development in the City may not be developed in conjunction with the preservation of the bird species.
  - (2) The ULDC Administrator determines, for all other development types, that the site may not be redesigned at the same level of intensity in conjunction with the preservation of the bird species due to flood zones, soils or topography of the site, access management constraints, or height restrictions.

#### **Section 6.4.3. Eastern Indigo Snake Protection Regulations**

- A. The eastern indigo snake is protected as a Threatened species by the Federal Endangered Species Act and as a Federally-designated Threatened species by Florida's Endangered and Threatened Species Rule.
- B. The eastern indigo snake is a non-venomous, bluish-black colored snake that can reach lengths of eight feet (2.4 meters). Its chin, cheek, and throat are mostly red or brown, but can also be white or black. Most indigo snakes have smooth scales, although adults do have keels (ridges) on the front of some of their scales (Florida Natural Areas Inventory 2001). Eastern indigo snakes inhabit pine flatwoods, hardwood forests, moist hammocks, and areas that surround cypress swamps. They can be found throughout Peninsular Florida and southeastern Georgia (Florida Museum of Natural History, n.d.).
- C. [U.S. Fish & Wildlife Services Standard Protection Measures for the Eastern Indigo Snake](#) shall be followed when a development site incorporates eastern indigo snake habitat.

#### **Section 6.4.4. Florida Scrub-Jay Protection Regulations**

- A. The Florida scrub-jay is protected by the U.S. Migratory Bird Treaty Act. It is also protected as a Threatened species by the Federal Endangered Species Act and as a Federally-designated Threatened species by Florida's Endangered and Threatened Species Rule.
- B. The Florida scrub-jay is a blue and gray bird about the size of a blue jay. Scrub-jays have blue wings, head, and tail, and gray back and underparts, and a whitish forehead and neck. Unlike blue jays, this species does not have black markings or a crest. The Florida scrub-jay is the only species of bird that is endemic to Florida. Scrub-jays inhabit sand pine and xeric oak scrub, and scrubby flatwoods, which occur in some of the highest and driest areas of Florida – ancient sandy ridges that run down the middle of the state, old sand dunes along the coasts, and sandy deposits along rivers in the interior of the state. Scrub-jays do best in areas that are dominated by scrub oak species that average 3.28-6.56 feet (1-2 meters), low tree canopy density, and patchy areas of open sand. Prescribed burning is an essential element to conserving the Florida scrub-jay.

C. **Transfer of Development Rights.** Lots included on the City of North Port’s [Identified Scrub Jay Lots](#) list qualify as Sending Zones for purposes of Transfer of Development Rights as provided for in Chapter 1, Article IV.

**6.4.4.1. Protection Regulations**

A. Where a property is identified as a Florida scrub-jay lot, the ULDC Administrator’s initial recommendation shall be avoidance of take.

**Table 6.4.4.1. Avoidance of Take**

Tier 1	Tier 2
<ul style="list-style-type: none"> <li>• Authorization of Transfer of Development Rights</li> <li>• Establishment of a conservation easement over the entire site;</li> <li>• Dedication of the site to the State of Florida or non-profit nature or wildlife protection organization</li> </ul>	<ul style="list-style-type: none"> <li>• Design (or redesign) the site development to avoid or minimize the impacts to the Florida Scrub-Jay habitat;</li> <li>• U.S. Fish and Wildlife Service Project Review Under the Endangered Species Act.</li> <li>• Habitat preservation and enhancement via development approval conditions, Habitat Management Plan, or as recommended by U.S. Fish and Wildlife Service</li> </ul>

B. If a property owner is unwilling to participate in an Avoidance of Take Tier I approach and/or the ULDC Administrator determines a Tier II approach would result in the conditions listed in (1) or (2) below, approval will be granted subject to required federal or state permitting prior to commencing development. Notwithstanding the foregoing, the City of North Port shall not authorize land clearing or underbrush clearing activities during the Florida Scrub-Jay nesting season (March 1 through June 30). This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

- (1) The ULDC Administrator determines that a primary structure and common residential accessory structures of a scale consistent with other one-and-two-family development in the City may not be developed in conjunction with the preservation of the scrub-jay/scrub-jay habitat.
- (2) The ULDC Administrator determines, for all other development types, that the site may not be redesigned at the same level of intensity in conjunction with the preservation of the scrub-jay/scrub-jay habitat due to flood zones, soils or topography of the site, access management constraints, or height restrictions.

**Section 6.4.5. Gopher Tortoise Protection Regulations**

A. The gopher tortoise is a listed State-designated Threatened species. Both the tortoise and its burrow are protected under state law (Chapter 68A-2, Florida Administrative Code). Gopher tortoises must be avoided or relocated before any land clearing or development takes place, and property owners must obtain permits from Florida Fish and Wildlife Conservation Commission (FWC) before capturing and relocating tortoises.

B. Gopher tortoises are long-lived reptiles that occupy upland habitat throughout Florida including forests, pastures, and yards. They prefer well-drained, sandy soils found in habitats such as longleaf pine sandhills, xeric oak hammocks, scrub, pine flatwoods, dry prairies, and coastal dunes. They are also found in a variety of disturbed habitats including pastures and urban areas. They dig deep burrows for shelter and forage on low-growing plants. Keystone species providing habitat and shelter for numerous other species.

C. **Transfer of Development Rights.** Properties exhibiting gopher tortoise habitat characteristics and those with existing occupied or unoccupied burrows qualify as Sending Zones for purposes of Transfer of Development Rights as provided for in Chapter 1, Article IV.

**6.5.4.1. Protection Regulations**

- A. If an environmental assessment required by Chapter 2 of this ULDC reflects the presence of gopher tortoise burrows, a resurvey shall be required within 90-days of development commencement including land or underbrush clearing. Environmental assessments are generally not required for General Development Corporation platted lots, however, if Natural Resources Division staff identify a burrow upon initial site inspection, the ULDC Administrator may require an environmental assessment.
- B. When an environmental assessment indicates the presence gopher tortoise burrows, or they are identified by Natural Resources Division staff or other professional identifies a potentially occupied gopher tortoise upon initial site inspection, the ULDC Administrator’s initial recommendation shall be avoidance.

**Table 5.4.5.1. Avoidance of Take**

Tier 1	Tier 2
<ul style="list-style-type: none"> <li>• Authorization of Transfer of Development Rights</li> <li>• Establishment of a conservation easement over the entire site;</li> <li>• Dedication of the site to the State of Florida or non-profit nature or wildlife protection organization</li> </ul>	<ul style="list-style-type: none"> <li>• Design (or redesign) the site development to avoid gopher tortoise burrows and incorporation of protection measures per paragraph C. below.</li> </ul>

- C. If the site can be designed or redesigned to provide for gopher tortoise burrow preservation, an FWC permit is not required provided burrows whether on or offsite, are avoided by 25-feet in all directions. When a development project proposes preservation of burrows, exclusionary silt fencing shall be required as follows and shall be maintained throughout all phases of construction:
  - (1). Installed, trenched and taut, and buried at least 8-inches into the ground:
  - (2). Configuration shall not “pen” tortoises, nor trap tortoises between silt fence and any adjacent construction site fencing. It should allow the opportunity for tortoise movement but prevent tortoises from entering the construction zone.
  - (3). All avoidance procedural practices shall meet all state and federal criteria.
- D. If the ULDC Administrator determines avoidance would result in the conditions listed in (1) or (2) below, approval will be granted subject to required federal or state permitting prior to commencing development.
  - (1) The ULDC Administrator determines that a primary structure and common residential accessory structures of a scale consistent with other one-and-two-family development in the City may not be developed in conjunction with the preservation of the gopher tortoise(s).
  - (2) The ULDC Administrator determines, for all other development types, that the site may not be redesigned at the same level of intensity in conjunction with the preservation of the gopher tortoise(s) due to flood zones, soils or topography of the site, access management constraints, or height restrictions.

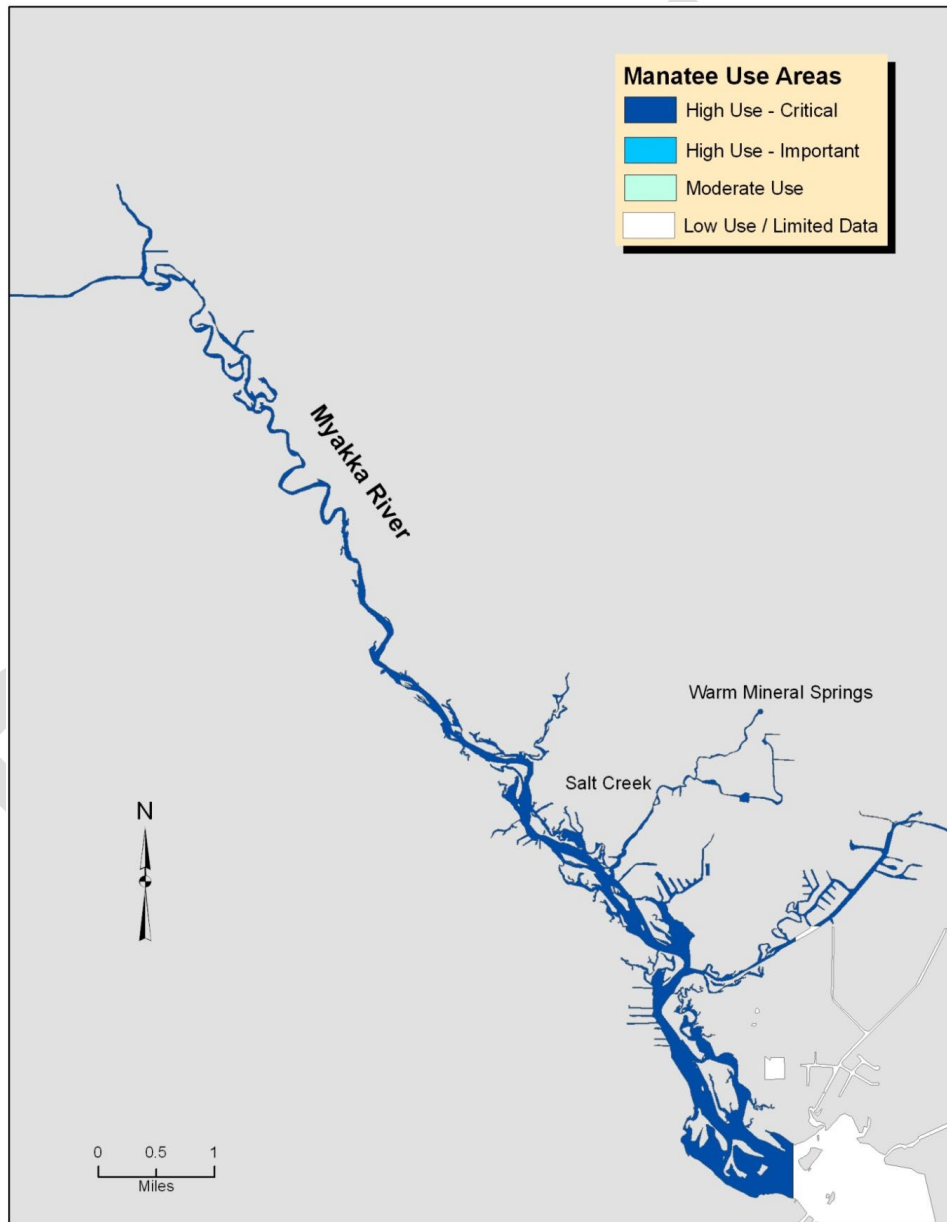
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## Section 6.4.6. Manatee Protection Regulations

### 6.4.6.1. Generally

- A. The manatee is protected under federal law by the Marine Mammal Protection Act of 1972 and by the Endangered Species Act of 1973, which makes it illegal to harass, hunt, capture or kill any marine mammal. The manatee is also protected by the Florida Manatee Sanctuary Act of 1978, which states: "It is unlawful for any person, at any time, intentionally or negligently, to annoy, molest, harass, or disturb any manatee."
- B. The provisions of these regulations shall be applicable in waterways in the City of North Port shown on Figure 6.4.6.1.

Figure 6.4.6.1. Manatee Use Areas (Sarasota County 2011 Manatee Protection Plan)



### 6.4.6.2. Protection Regulations

- A. Construction and/or expansion of a boat facility representing an increase of 5 slips or greater shall be compliant with the Sarasota County Manatee Protection Plan (MPP) adopted July 27, 2011, as may be amended. Boat facility means a public or private structure or operation where boats are moored and/or

launched, including commercial, recreational, and residential marinas, and public boat ramps. A dry storage facility is considered part of a boat facility if the dry storage facility has the capability of launching vessels into adjacent waters. Single-family docks with less than five wet slips are not considered boat facilities.

- B. Upon receipt of an application for a boat facility meeting the criteria in paragraph A., the ULDC Administrator will transmit the application to Sarasota County staff to obtain initial comments for consistency with the MPP.
- C. If a boat facility development proposal is found to be inconsistent with the MPP the development proposal shall not be authorized unless a variance is granted by the Zoning Hearing Officer.

#### **6.4.6.3. Variances**

The Zoning Hearing Officer may grant a variance to approving a development proposal for a boat facility that is inconsistent with the provisions of the MPP. In review of such variance request, the Zoning Hearing Officer will consider recommendations from Sarasota County staff, recommendations, if any, from the Southwest Florida Water Management District, Florida Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, and the standard variance criteria per Chapter 2 of this ULDC.

### Section 6.4.7. Plants & Lichens Protection Regulations

When an environmental assessment indicates the presence of the following species, or they are identified by Natural Resources Division staff upon initial site inspection, every effort shall be made to modify the development plan to avoid and preserve the communities. Where impacts may not be avoided, the ULDC Administrator shall encourage the participation of a qualifying non-profit organization to obtain a permit to harvest and propagate the endangered or threatened native flora according to Florida Statutes 581.185. In the event a qualifying non-profit is engaged, the property shall provide written permission authorizing access to the property for harvesting.

Species	Federal Endangered	Federal Threatened	State Endangered	State Threatened
Golden leather fern				X
Meadow jointvetch			X	
Florida bonamia		X	X	
Manyflowered grasspink				X
Pygmy fringetree	X		X	
Sanibel Island lovegrass			X	
Tampa vervain			X	
Aboriginal prickly apple	X		X	
Edison's ascyrum			X	
Gulf Coast Florida lantana			X	
Nodding pinweed				X
Pine pinweed				X
Lowland loosestrife				X
Toothed maiden fern				X
Florida Keys ladiestresses			X	
Piedmont jointgrass				X
Sleeping Beauty waterlily			X	
Large-plumed beaksedge			X	
Redmargin zephyrlily				X



## **ARTICLE V – FLOOD DAMAGE PREVENTION REGULATIONS**

### **Section 6.5.1. Scope and Administration**

#### **6.5.1.1 Title.**

These regulations shall be known as the Flood Damage Prevention Regulations of the City of North Port, hereinafter referred to as "this ordinance."

#### **6.5.1.2. Scope.**

The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

#### **6.5.1.3. Intent.**

The purposes of this ordinance and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- A. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- B. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
- C. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- D. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- E. Minimize damage to public and private facilities and utilities;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- G. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- H. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

#### **6.5.1.4. Coordination with the Florida Building Code.**

This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

#### **6.5.1.5. Warning.**

The degree of flood protection required by this ordinance and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard

areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

#### **6.5.1.6. Disclaimer of Liability.**

This ordinance shall not create liability on the part of the City Commission of the City of North Port or by any officer or employee thereof for any flood damage that results from reliance on this ordinance, or any administrative decision lawfully made thereunder.

### **Section 6.5.2. Applicability**

#### **6.5.2.1. Generally.**

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

#### **6.5.2.2. Areas to Which this Ordinance Applies.**

This ordinance shall apply to all flood hazard areas within the City of North Port, as established in Section 6.5.2., Subsection 6.5.3. of this ordinance.

#### **6.5.2.3. Basis for Establishing Flood Hazard Areas.**

The Flood Insurance Study for Sarasota County, Florida and Incorporated Areas dated March 27, 2024, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Department of Public Works located at 1100 N. Chamberlain Blvd., North Port FL, 34286 and on the City of North Port website.

#### **6.5.2.4. Submission of Additional Data to Establish Flood Hazard Areas.**

To establish flood hazard areas and base flood elevations, pursuant to Section 6.5.5. of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- A. Are below the closest applicable base flood elevation, including areas immediately adjacent to areas delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
- B. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

#### **6.5.2.5. Other Laws.**

The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

#### **6.5.2.6. Abrogation and Greater Restrictions.**

This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building

Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

#### **6.5.2.7. Interpretation.**

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under the Florida Statutes.

### **Section 6.5.3. Duties and Powers of the Floodplain Administrator**

#### **6.5.3.1. Designation.**

The Building Official or designee is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

#### **6.5.3.2. Generally.**

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 6.5.7. of this ordinance.

#### **6.5.3.4. Applications and permits.**

The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

- A. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- B. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
- C. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- D. Provide available flood elevation and flood hazard information;
- E. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- F. Review applications to determine whether proposed development will be reasonably safe from flooding;
- G. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and

- H. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

#### **6.5.3.5. Substantial Improvement and Substantial Damage Determinations.**

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- A. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- B. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- D. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.

#### **6.5.3.6. Modifications of the Strict Application of the Requirements of the Florida Building Code.**

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 6.5.7. of this ordinance.

#### **6.5.3.7. Notices and Orders.**

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

#### **6.5.3.8. Inspections.**

The Floodplain Administrator shall make the required inspections as specified in Section 6.5.6. of this ordinance for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

#### **6.5.3.9. Other Duties of the Floodplain Administrator.**

The Floodplain Administrator shall have other duties, including but not limited to:

- A. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 6.5.3., Subsection 6.5.3.5. of this ordinance;

- B. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;
- C. Review required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance to determine that such certifications and documentations are complete;
- D. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of North Port are modified;
- E. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- F. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- G. Manage the activities associated with the Insurance Services Office—Community Rating System program and Local Mitigation Strategy program and maintain all records accordingly.
- H. For projects that are required to be reviewed through the site development review (SDR) process, determine if any portion of the development is within the special flood hazard area.
- I. For projects with proposed floodplain impact, require floodplain compensation pursuant to Section 6.5.11., Subsection 6.5.11.4. of this ordinance and the requirements in the City of North Port Engineering Design Standards, Stormwater Regulation.
- J. Manage flood reduction projects and water control structure rehabilitation or replacement.
- K. Review all requests for letter of map changes (LOMCs).
- L. Review proposed plats for flood zone designation.

#### **6.5.3.10. Floodplain Management Records.**

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain, retain, and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at City of North Port Neighborhood Development Services Division, Building Department located at 4970 City Hall Blvd., North Port FL, 34288.

### **Section 6.5.4. Permits**

#### **6.5.4.1. Permits Required.**

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida

Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

#### **6.5.4.2. Myakka River Protection Zone.**

Development proposed in the Myakka River Protection Zone (MRPZ) shall also comply with the requirements of Chapter 6, Article VIII of this ULDC.

#### **6.5.4.3. Development Orders and/or Building Permits.**

Development orders (for subdivision projects) and/or building permits (for all projects) shall be issued pursuant to this ordinance for any development activities, whether they are or are not subject to the conditions of the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a Development Order is required in addition to a building permit. All development orders and approvals shall adhere to the requirements included in this ULDC.

#### **6.5.4.4. Buildings, Structures and Facilities Exempt from the Florida Building Code.**

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), a development order shall be required for the following buildings, structures and facilities that are otherwise exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ordinance:

- A. Railroads and ancillary facilities associated with the railroad.
- B. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- C. Temporary buildings or sheds used exclusively for construction purposes.
- D. Mobile or modular structures used as temporary offices.
- E. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- F. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- G. Family mausoleums not exceeding two hundred fifty (250) square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- H. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- I. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

#### **6.5.4.5. Application for a Permit or Approval.**

To obtain a building permit (or development order), the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

- A. Identify and describe the development to be covered by the permit or approval.
- B. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- C. Indicate the use and occupancy for which the proposed development is intended.
- D. Be accompanied by a site plan or construction documents as specified in Section 6.5.5. of this ordinance.
- E. State the valuation of the proposed work.
- F. Be signed by the applicant or the applicant's authorized agent.
- G. Give such other data and information as required by the Floodplain Administrator.

#### **6.5.4.6. Validity of Permit or Approval.**

The issuance of a development order and/or building permit pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

#### **6.5.4.7. Expiration.**

A development order and/or building permit shall become invalid unless the work authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions for periods of not more than one hundred eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.

#### **6.5.4.8. Suspension or Revocation.**

The Building Official is authorized to suspend or revoke a development order and/or building permit if the permit was issued in error, on the basis of incorrect, inaccurate, or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

#### **6.5.4.9. Other Permits Required.**

Development orders and/or building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

- A. The Southwest Florida Water Management District; section 373.036, F.S.
- B. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
- C. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
- D. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- E. Federal permits and approvals.

#### **Section 6.5.5. Site Plans and Construction Documents**

### **6.5.5.1. Information for Development in Flood Hazard Areas.**

A. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

- (1). Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- (2). Where base flood elevations, or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with Section 6.5.5. Subsection 6.5.5.2.A. or C. of this ordinance.
- (3). Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with Section 6.5.5., Subsection 6.5.5.1.A. of this ordinance.
- (4). Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
- (5). Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6). Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- (7). For all on a parcel that has any portion of the parcel impacted by the special flood hazard area, an elevation certificate signed and sealed by a Florida licensed surveyor will be required for the construction. The lowest floor of the building must be raised above the base flood elevation in accordance with the Florida Building Code.
- (8). Existing and proposed alignment of any proposed alteration of a watercourse.

B. The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

### **6.5.5.2. Information in Flood Hazard Areas without Base Flood Elevations (approximate Zone A).**

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

- A. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- B. Obtain, review, and provide to applicants' base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- C. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding or existing site conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:



- (1). Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - (2). Specify that the base flood elevation is a minimum of two (2) feet above the highest adjacent grade at the proposed structure, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
- D. Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

#### **6.5.5.3. Additional Analyses and Certifications.**

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

- A. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to the Floodplain Administrator and FEMA as specified in Section 6.5.5., Subsection 6.5.5.4. of this ordinance and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
- B. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one-tenth of one foot (0.1 feet) at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- C. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 6.5.5., Subsection 6.5.5.4. of this ordinance.

#### **6.5.5.4. Submission of Additional Data.**

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on firms, and to submit such data to FEMA for such purposes. the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

#### **Section 6.5.6. Inspections**

#### **6.5.6.1. Generally.**

Development for which a floodplain development permit or approval is required shall be subject to inspection.

#### **6.5.6.2. Development Other than Buildings and Structures.**

The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

#### **6.5.6.3. Buildings, Structures and Facilities Exempt from the Florida Building Code.**

The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

#### **6.5.6.4. Buildings, Structures, and Facilities Exempt from the Florida Building Code, Lowest Floor Inspection.**

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

- A. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
- B. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 6.5.5., Subsection 6.5.5.2.C.(2). of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

#### **6.5.6.5. Buildings, Structures, and Facilities Exempt from the Florida Building Code, Final Inspection.**

As part of the final inspection, the owner or owner's authorized agent shall submit to the Building Official a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 6.5.6., Subsection 6.5.6.4. of this ordinance.

#### **6.5.6.5. Manufactured Homes.**

The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

### **Section 6.5.7. Variances and Appeals**

#### **6.5.7.1. Generally.**

The Zoning Hearing Officer shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Zoning Hearing Officer shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

#### **6.5.7.2. Appeals.**

The Zoning Hearing Officer shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this

ordinance. Any person aggrieved by the decision of the Hearing Officer may appeal such decision to the Circuit Court, as provided by Florida Statutes.

#### **6.5.7.3. Limitations on Authority to Grant Variances.**

The Zoning Hearing Officer shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 6.5.7., Subsection 6.5.7.7. of this ordinance, the conditions of issuance set forth in Section 6.5.7., Subsection 6.5.7.8. of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Zoning Hearing Officer has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

#### **6.5.7.4. Restrictions in Floodways.**

A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 6.5.5., Subsection 6.5.5.3. of this ordinance.

#### **6.5.7.5. Historic Buildings.**

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

#### **6.5.7.6. Functionally Dependent Uses.**

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 6.5.7., Subsection 6.5.7.4., is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

#### **6.5.7.7. Considerations for Issuance of Variances.**

In reviewing requests for variances, the Zoning Hearing Officer shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:

- A. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- B. The danger to life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- D. The importance of the services provided by the proposed development to the community;
- E. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- F. The compatibility of the proposed development with existing and anticipated development;
- G. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

- H. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- I. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- J. 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, streets and bridges.

#### **6.5.7.8. Conditions for Issuance of Variances.**

Variances shall be issued only upon:

- A. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
- B. Determination by the Zoning Hearing Officer that:
  - (1). Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - (2). The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; The variance is the minimum necessary, considering the flood hazard, to afford relief;
- C. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- D. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

#### **Section 6.5.8. Violations.**

##### **6.5.8.1 Violations.**

Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance, or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

##### **6.5.8.2. Authority.**

For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation

or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

### **6.5.8.3. Unlawful Continuance.**

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by 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.

## **Section 6.5.9. Buildings and Structures**

### **6.5.9.1. Design and Construction of Buildings, Structures, and Facilities.**

- A. Buildings, structures, and facilities exempt from the Florida Building Code. Pursuant to Section 6.5.4., Subsection 6.5.4.4. of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings must comply with the requirements of Section 6.5.15. of this ordinance.
- B. Non-elevated accessory structures. Accessory structures are permitted below elevations required by the Florida Building Code, provided the accessory structures are used only for parking or storage and:
  - (1). If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than six hundred (600) square feet and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential;
  - (2). Are anchored to resist flotation, collapse, or lateral movement resulting from flood loads;
  - (3). Use flood damage-resistant materials below the base flood elevation, plus one (1) foot; and
  - (4). Have mechanical, plumbing, and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

## **Section 6.5.10. Subdivisions**

### **6.5.10.1. Minimum Requirements.**

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- A. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

### **6.5.10.2. Subdivision Plats.**

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- A. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- B. Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 6.5.5.A. of this ordinance; and
- C. Compliance with the site improvement and utilities requirements of Section 6.5.11. of this ordinance.

## **Section 6.5.11. Site Improvements, Utilities, and Limitations**

### **6.5.11.1. Minimum Requirements.**

All proposed new development shall be reviewed to determine that:

- A. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- B. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- C. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

### **6.5.11.2. Sanitary Sewage Facilities.**

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.

### **6.5.11.3. Water Supply Facilities.**

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

### **6.5.11.4. Floodplain Compensation.**

Floodplain compensation as specified in the City of North Port Engineering Design Standards, Stormwater Regulations or by the Southwest Florida Water Management District shall be required for all sites that are required to obtain an environmental resource permit issued by Southwest Florida Water Management District (SWFWMD) or Florida Department of Environmental Protection (FDEP). Floodplain compensation storage is not required for a single-family General Development Corporation platted lot.

### **6.5.11.5. Limitations on Sites in Regulatory Floodways.**

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 6.5.5., Subsection 6.5.5.3.A. of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

### **6.5.11.6. Limitations on Placement of Fill.**

Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-

related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

#### **6.5.11.7. Limitations for Streams without Established Base Flood Elevations and/or Floodways.**

No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of bank or twenty (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.

### **Section 6.5.12. Manufactured Homes**

#### **6.5.12.1. Generally.**

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S. and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

#### **6.5.12.2. Limitations on Installation in Floodways.**

New installations of manufactured homes shall not be permitted in floodways except in existing manufactured home parks and subdivisions, and provided the foundation, anchoring and elevation requirements of Section 6.5.12. are met.

#### **6.5.12.3. Foundations.**

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code residential section R322.2 and this ordinance. Pilings shall be installed in stable soil no more than ten (10) feet apart and reinforcement shall be provided for pilings more than six (6) feet above ground level.

#### **6.5.12.4. Anchoring.**

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. this anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

#### **6.5.12.5. Elevation.**

All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas must be elevated to ensure the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

#### **6.5.12.6. Enclosures.**

Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.

#### **6.5.12.7. Utility Equipment.**

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

### **Section 6.5.13. Recreational Vehicles and Park Trailers**

### **6.5.13.1. Temporary placement.**

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- A. Be on the site for fewer than one hundred eighty (180) consecutive days; or
- B. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

### **6.5.13.2. Permanent placement.**

Recreational vehicles and park trailers that do not meet the limitations in Section 6.5.13., Subsection 6.5.13.1. of this ordinance for temporary placement shall meet the requirements Section 6.5.12. of this ordinance for manufactured homes.

## **Section 6.5.14. Tanks**

### **6.5.14.1. Underground Tanks.**

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

### **6.5.14.2. Above-Ground Tanks, Not Elevated.**

Above-ground tanks that do not meet the elevation requirements of Section 6.5.14., Subsection 6.5.14.3. of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

### **6.5.14.3. Above-Ground Tanks, Elevated.**

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

### **6.5.14.4. Tank Inlets and Vents.**

Tank inlets, fill openings, outlets and vents shall be:

- A. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- B. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

## **Section 6.5.15. Other Development**

### **6.5.15.1. General Requirements for Other Development.**

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:

- A. Be located and constructed to minimize flood damage;
- B. Meet the limitations of Section 6.5.11., Subsection 6.5.11.5. of this ordinance if located in a regulated floodway;



- C. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- D. Be constructed of flood damage-resistant materials; and
- E. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

#### **6.5.15.2. Fences in Regulated Floodways.**

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 6.5.11., Subsection 6.5.11.5. of this ordinance.

#### **6.5.15.3. Retaining Walls, Sidewalks, and Driveways in Regulated Floodways.**

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 6.5.11., Subsection 6.5.11.5. of this ordinance.

#### **6.5.15.4. Roads and Watercourse Crossings in Regulated Floodways.**

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 6.5.11., Subsection 6.5.11.5. of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 6.5.5., Subsection 6.5.5.3.C. of this ordinance.

### **Section 6.5.16. Definitions**

#### **6.5.16.1. Scope.**

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

#### **6.5.16.2. Terms Defined in the Florida Building Code.**

Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

#### **6.5.16.3. Terms Not Defined in the Florida Building Code.**

Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

#### **6.5.16.4. Flood Damage Prevention Definitions.**

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is limited to parking and storage incidental to the use of the principal structure.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202.]

Design flood. The flood associated with the greater of the following two (2) areas: [Also defined in FBC, B, Section 202.]

1. Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet. [Also defined in FBC, B, Section 202.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any structure for which the "start of construction" commenced before September 2, 1981, in areas of the City east of the Myakka River and before July 30, 1971, for all areas of the City west of the Myakka River. [Also defined in FBC, B, Section 202.]

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area. The greater of the following two (2) areas: [Also defined in FBC, B, Section 202.]

1. The area within a floodplain subject to a one percent (1%) or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood insurance study (FIS). The official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodway. The channel of a river or other riverine 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 (1) foot. [Also defined in FBC, B, Section 202.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term 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 or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12, Historic Buildings.

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

1. Letter of map amendment (LOMA). An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. Letter of map revision (LOMR). A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. Letter of map revision based on fill (LOMR-F). A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. Conditional letter of map revision (CLOMR). A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance

rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds gross vehicular weight rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
2. Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

Manufactured home. A structure, transportable in one (1) or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Market value. The value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 2, 1981, for properties located east of the Myakka River and on or after July 30, 1971 for properties located west of the Myakka River and includes any subsequent improvements to such structures.

Recreational vehicle. A vehicle, including a park trailer, which is: [see in section 320.01, F.S.)

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and

Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area. Special flood hazard areas are shown on FIRMs as Zone A, AO, AR, A1-A30, AE, A99, AH, V1-V30, VE, VO, or V. [Also defined in FBC, B Section 202.]

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a

manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the Building Official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Trailer, park. A transportable unit which has a body width not exceeding fourteen (14) 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. [Defined in section 320.01, F.S.]

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

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.

Watercourse, alteration of. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard, or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

## **ARTICLE VI - MYAKKA RIVER PROTECTION ZONE REGULATIONS**

### **Section 6.6.1. Generally**

- A. The purpose of this Section is to ensure compliance with the Myakka River Wild and Scenic Designation and Preservation Act (the "Act") Chapter 258, Part III, Florida Statutes and the November 13, 2007, Commission adopted a State-local agreement (the "Agreement") regarding administrating rules and regulations in accordance with the Act.
- B. The Act designates a corridor between River Mile seven and one-half (7.5) and River Mile forty-one and one-half (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 from State Road 780 in Sarasota County to the Sarasota-Charlotte County line. The Act describes the "Wild and Scenic Protection Zone" as the area which extends two hundred twenty (220) feet landward from the Myakka River Area.
- C. The provisions of this chapter shall be applicable within the 220-foot-wide Myakka River Protection Zone and are not applicable to upland cut man-made canals or tributaries.

### **Section 6.6.2. Transfer of Development Rights**

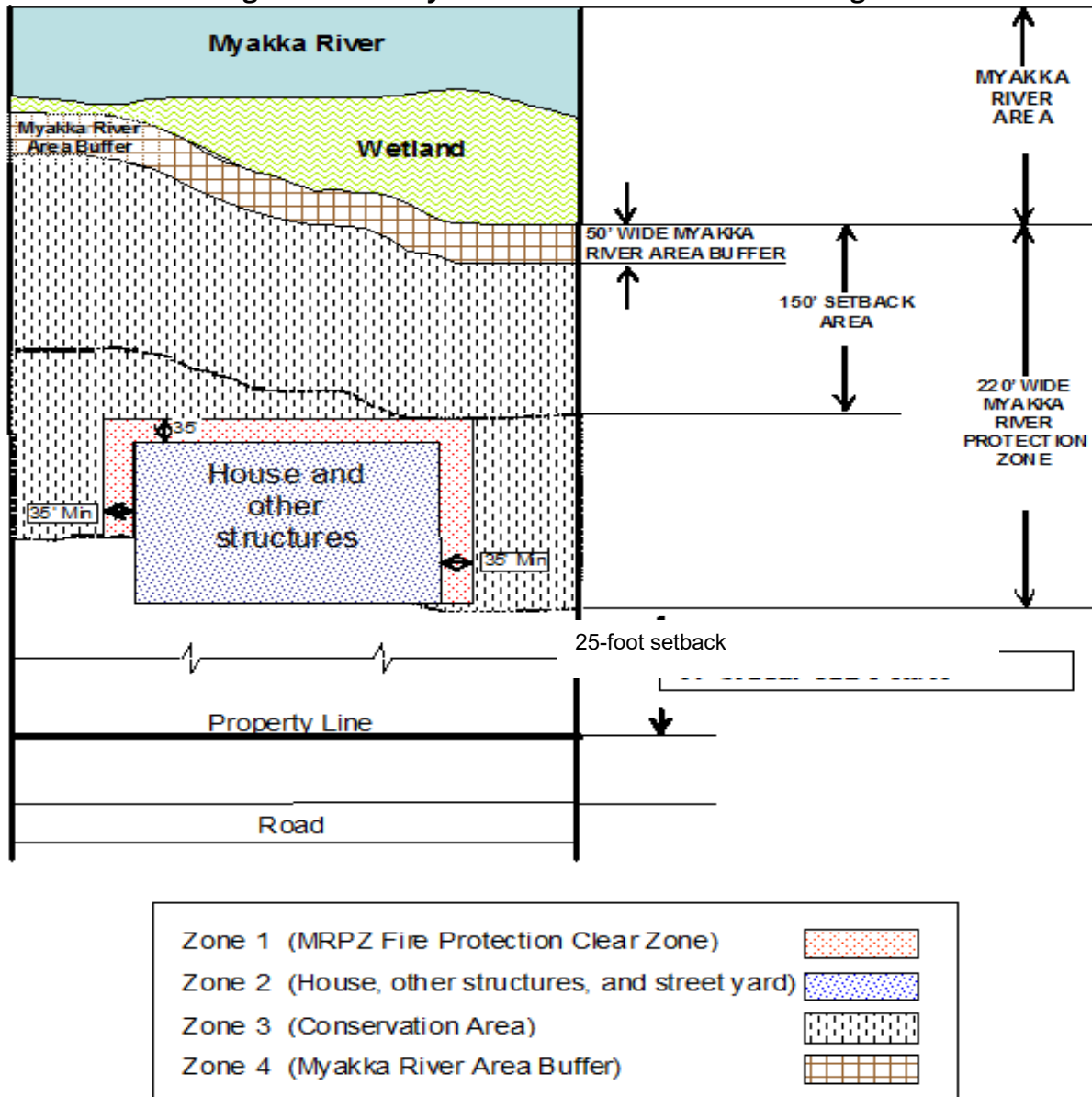
Due to the environmental sensitivity of the Myakka River Protection Zone (MRPZ), properties within the MRZP qualify as Sending Zones for purposes of Transfer of Development Rights per Chapter 1, Article IV.

### **Section 6.6.3. Protection Zones.**

The 220-foot-wide Myakka River Protection Zone is divided into four zones of protection as follows and as depicted in Figure 6.6.1.:

- A. Zone 1. Fire Protection Clear Zone. An area 35-feet in depth along the waterward facing exterior wall of the primary structure and a minimum of 35-feet 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-foot setback of the Myakka River Area.
- B. Zone 2. The house and other structures, on a lot or parcel, as well as the area between the house and the street.
- C. 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.
- D. Zone 4. The 50-foot Myakka River Area Buffer.

Figure 6.6.3.1. Myakka River Protection Zones Diagram



Note: This diagram is not to scale.

## Section 6.6.4. Protection Zone Regulations

### 6.6.4.1. Zone 1 and 2 Allowed Activities and Uses:

- Single-family homes and associated accessory structures;
- Townhouse and multifamily residential development legally existing prior to October 14, 2008.
- Commercial uses legally existing prior to October 14, 2008;
- Native vegetation removal in association with City-approved permits for construction of primary structures or to create or maintain a fire protection clear zone around the primary structure.
- Earthmoving/filling;
- Installation of turf grass;

- G. Removal of 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, as well as the removal of poison ivy (*Toxicodendron radicans*), nettles (*Urtica* spp.) and sandspur (*Cenchrus* spp.).

All other activities and uses are prohibited.

#### **6.6.4.2. Zone 3 Allowed Activities and Uses:**

Native vegetation removal may be allowed in Zone 3 only for the following purposes:

- A. To create or maintain private nature trails having a maximum width of 4-feet;
- B. To create or maintain a single access to a permitted dock or pier;
- C. To construct elevated patios, gazebos up to four hundred (400) square feet in floor area, decks, and walkways, and caged or non-caged swimming pools;
- D. City maintenance and access;
- E. Road and utility crossings;
- F. Nature trails;
- G. Public utility and drainage projects.

All other activities and uses are prohibited.

#### **6.6.4.3. Zone 4 Allowed Activities and Uses:**

- A. Public utility and drainage projects, including removal of native vegetation as necessary. The principles of avoidance first then minimization shall be used in the design of all proposed projects.
- B. Family recreation, including, but not limited to, the placement of swing sets, barbeque grills, benches, and children's swimming pools within existing cleared areas.
- C. Native vegetation removal to create or maintain private nature trails having a maximum width of 4-feet, or to create or maintain a single access to a permitted dock or pier.

All other uses and activities are prohibited.

#### **6.6.4.4. Development Standards:**

- A. On-site sewage disposal systems. An alternative waste system (see definition, Appendix) shall be required for all new systems and replacement of existing systems and shall only be placed landward of the primary structure.
- B. Elevated patios, gazebos up to four hundred (400) square feet in floor area, decks, and walkways, and caged or non-caged swimming pools shall maintain a minimum setback of 100-feet landward of Zone 4. All other accessory structures except docs and piers shall maintain a 150-foot setback landward of Zone 4.

#### **Section 6.6.5. Variances**

The Zoning Hearing Officer may grant a variance to the Myakka River Protection Zone regulations pursuant to Chapter 2 of this ULDC, provided such variance shall not allow construction or development within 100-feet of Zone 4.



## **ARTICLE VII – TREE PROTECTION REGULATIONS**

### **Section 6.7.1. Generally**

- A. The purpose of this Article is to establish rules and regulations governing the protection of trees as a valuable community resource within the City; to encourage the proliferation of trees within the City as well as their replacement; to recognize their importance and their meaningful contribution to a healthy, beautiful, and safer community attributable to their carbon dioxide absorption, oxygen production, dust filtration, wind and noise reduction, soil erosion prevention, wildlife habitat, surface drainage improvement, beautification and aesthetic enhancement of improved and vacant lands; and the general promotion of the health, safety, welfare and well-being of the community.
- B. Except where exempted herein, no development, site clearing, or tree removal may commence until the ULDC Administrator approves the development via the appropriate review process outlined in Section 6.1.2.B. of this Chapter.

### **Section 6.7.2. Exemptions**

- A. Exempt agencies: Federal, county, and municipal government agencies and public utilities.
- B. Exempt trees:
  - (1). Any on the list of Prohibited Plant Species list, Chapter 4, Article III, or any tree species on the most recent Florida Exotic Pest Plant Council Category I list of invasive species.
  - (2). Dead trees on vacant property, as verified by the ULDC Administrator;
  - (3). Trees on private or public property that pose an imminent danger to the public as determined by the ULDC Administrator in accordance with tree risk assessment language, defined by the International Society of Arboriculture (ISA).
  - (4). Trees planted on the premises of a plant nursery or tree farm that have been grown expressly for the purpose of selling.
- C. Exempt conditions:
  - (1). The property owner possesses documentation from an arborist, certified by the ISA, or a Florida licensed landscape architect, stating that the tree poses an unacceptable risk to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017). Replanting shall not be required for a tree that was pruned, trimmed, or removed in accordance with Florida Statute 163.045.
  - (2). Where the ULDC Administrator has suspended enforcement of all or part of these regulations due to natural disasters such as hurricanes, tornadoes, floods, storms/high winds, hard freezes, fires, The waiver shall apply to a geographically defined area for a period not to exceed 90 days. Longer periods of suspension shall require city commission approval.

### **Section 6.7.3. Harmful Acts**

- A. Nothing in this section shall be construed to prevent reasonable and proper trimming of trees on public or private property by authorized persons in accordance American National Standards Institute (ANSI) A300 Tree Care Standards.

- B. No person shall abuse, mutilate, or otherwise damage any tree, including those trees located in the public right-of-way. Any person who mutilates a tree in conflict with this Article shall be required to remove the tree and will be required to comply with tree replacement provisions herein.
- C. No person shall attach any signs in an injurious manner to any tree, nor shall any person cause any substance harmful to trees to touch them or prevent water or oxygen from reaching their roots by excessive cut and fill activities.

**Section 6.7.4. Protection Regulations**

Heritage tree/protected tree removal shall only be authorized in compliance with this Section.

**6.7.4.1. New Development Clearing and Tree Removal**

- A. **Tree Survey and Tree Preservation and Protection Plan Required.** Except as provided for in Paragraph B. below, a tree location survey, and if trees are proposed to remain on site, a tree preservation and protection plan are required per Chapter 2 of this ULDC which plan, for Subdivision or Site Development and Infrastructure Plans shall depict tree preservation percentages meeting the requirements of Chapter 4, Section 4.1.3.
- B. **One-and-Two Family Lot Clearing and Tree Removal**  
 At the option of the property owner, instead of providing a tree survey and mitigation per tree removed, clearing and tree removal may be authorized subject to payment of an environmental mitigation fee per the City fee schedule. However, if a heritage tree(s) is identified on the property by Natural Resources Division staff upon initial site inspection, payment of the heritage tree removal fee per the City fee schedule will also be required.
- C. **Heritage Tree Designation.** Criteria for designation as a Heritage tree are provided in the table below which are in addition to the requirement that the tree has a Condition Classification of 70% or greater, as defined by the "Guide for Plant Appraisal" latest edition, published by the ISA.

**Table 6.7.4.1. Heritage Tree Designation Points**

Species	Measurement	Points	Points for Heritage Tree Designation
Native Trees (all)	24 DBH	-	-
Bald Cypress ( <i>Taxodium distichum</i> ) Hickory ( <i>Carya spp.</i> ) Live Oak ( <i>Quercus virginiana</i> ) Sand Live Oak ( <i>Quercus geminata</i> ) Southern Magnolia ( <i>Magnolia grandiflora</i> ) Southern Red Cedar ( <i>Juniperus silicicola</i> )	DBH	1 / inch	80
	Height <sup>1</sup>	1 /foot	
	Canopy spread <sup>2</sup>	1 / 4 feet	
Pine ( <i>Pinus spp.</i> )	DBH	1 / inch	60
	Height <sup>1</sup>	1 /foot	
	Canopy spread <sup>2</sup>	1 / 4 feet	

<sup>1</sup> Height measured to the nearest foot.

<sup>2</sup> Measure the longest and shortest diameters of the limb spread or drip line and divide by 2.

**D. Heritage Tree Protection and Preservation.**

Healthy heritage trees shall be preserved and protected and may not be removed unless ULDC Administrator determines that preservation would result in the conditions listed in (1) or (2) below. In those cases, approval will be granted subject to satisfying the mitigation requirements provided for herein.

- (1) The ULDC Administrator determines that a primary structure and common residential accessory structures of a scale consistent with other one-and-two-family development in the City may not be developed in conjunction with preservation of heritage trees.
- (2) The ULDC Administrator determines, for all other development types, that the site may not be redesigned at the same level of intensity in conjunction with the preservation of heritages tree due to flood zones, soils or topography of the site, access management constraints, or height restrictions.

**E. Tree Mitigation Required.** The following provides tree mitigation as a basis for offsetting the loss of tree canopy based on species and size. Mitigation for Heritage tree removal shall require payment of a fee per the City fee schedule. Mitigation fees for protected trees is based on mitigation points and shall be paid per the City fee schedule.

**Table 6.7.4.2. Protected Tree Mitigation Points**

<b>Protected Tree Species</b>	<b>Mitigation Point Basis<sup>1</sup></b>
Protected Scrub Oaks, Live Oaks, and Laurel Oaks	DBH
Slash Pines, Longleaf Pines	DBH/3
Sabal Palms (4.5 feet or more of clear trunk height)	4 Points/Palm

<sup>1</sup> Tree mitigation fees for heavily wooded parcels or combined parcels for development of 100-acres or larger, with an approved alternate methodology, tree mitigation fees shall be calculated based on the extrapolated test plot data and test plot delineation overlaid site-wide.

**F. Conservation Credits.** Credits apply to preserved trees and newly planted trees represented on a landscape plan that comply with the size requirements in Chapter 4, Article III. Conservation credits allow applicants to lower their mitigation points thereby reducing or eliminating mitigation fees. If the calculation results in a negative balance the default balance is zero. (Negative balance do not result in payment to the applicant). Balances with decimals will be rounded up when the decimal is five (5) or greater and rounded down if the decimal is less than five (5). A negative balance cannot offset a heritage tree outside of the footprint. However, a negative balance can be used to offset a heritage tree mitigation fee on a residential lot when the tree is located within the footprint of the residential unit, and there is no alternative to reposition the residential unit location on the lot to avoid removal of the tree.

Mitigation Points Conservation Credits = Balance ≥ zero

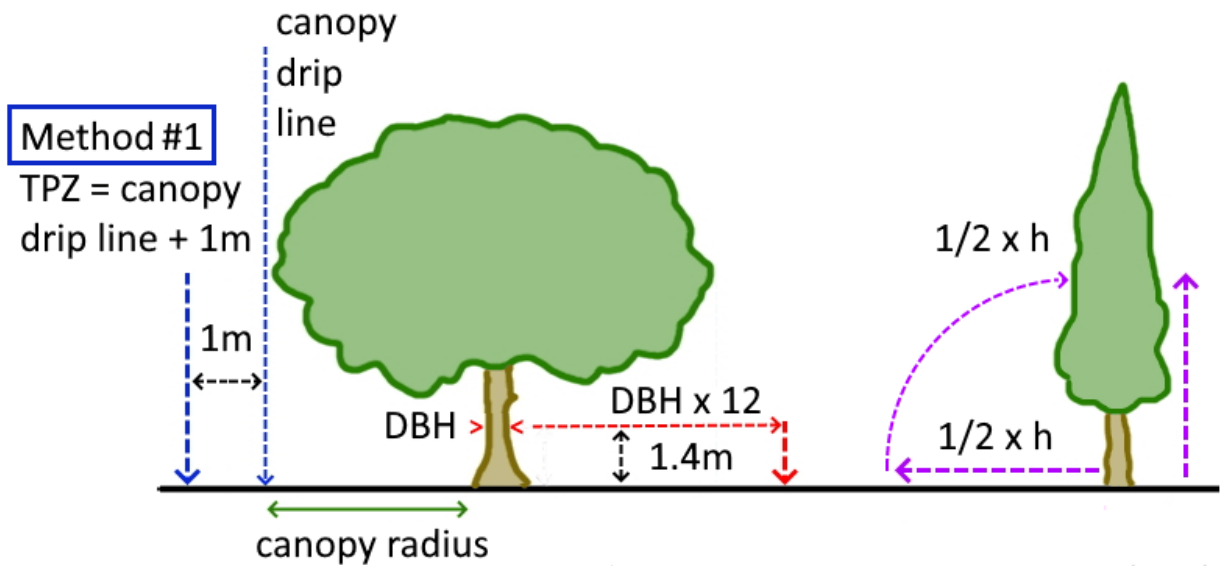
**Table 6.7.4.3. Conservation Credits**

Preserved Tree Species or Type	Conservation Credit Point Basis
Heritage	3 x DBH
Protected Pines, Oaks, or Native Trees	2 x DBH
Protected Sabal Palms	DBH
Other Trees on Master Tree List (Chapter 4, Article III)	DBH
New Trees Planted by Species or Type	Conservation Credit Point Basis
Master Tree List (Chapter 4, Article III)	DBH
Sabal Palms (4.5 feet or more of clear trunk height)	12/Palm

G. **Tree Preservation and Protection During Construction.** Prior to commencing work and throughout the duration of the clearing and/or construction all trees proposed to be removed shall be clearly marked with red flagging. Barricades shall be erected around the tree protection zone of trees to be preserved per Figure 6.7.4.2. The barricade and tree protection zone may be modified at the discretion of the ULDC Administrator.

**Figure 6.7.4.1 Required Tree Protection Zones**

**Calculating the Tree Protection Zone (TPZ)**



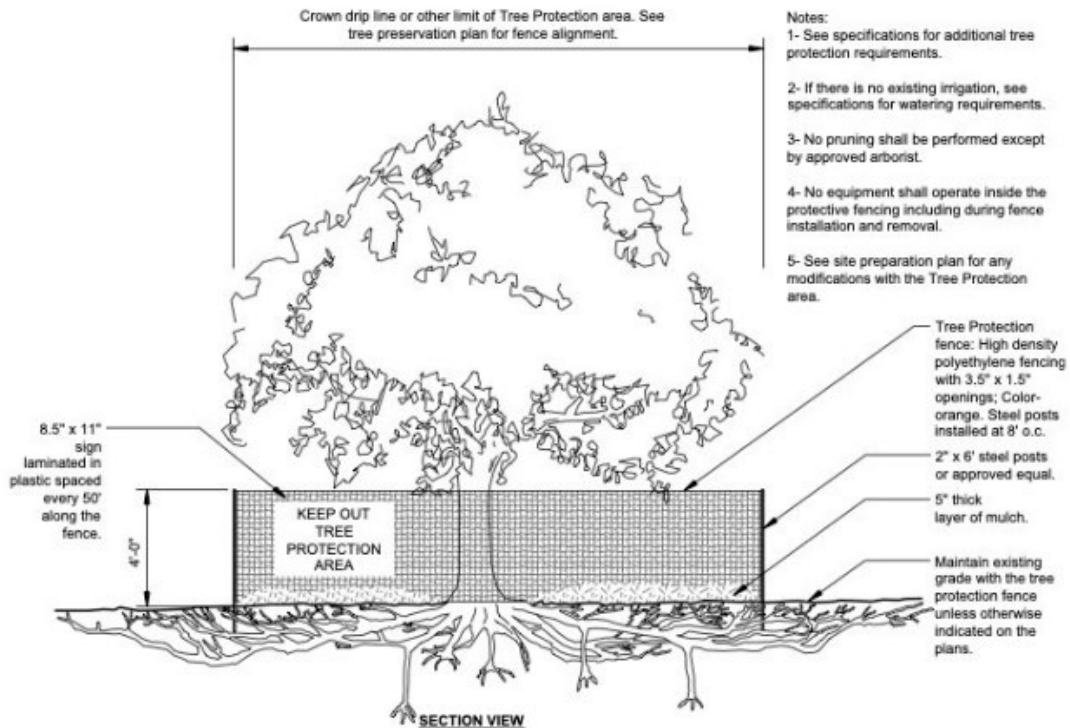
**Method #2**

TPZ = tree diameter at breast height (DBH) x 12

**Method #3**

TPZ = 1/2 x tree height (for tall, narrow trees)

**Figure 6.7.4.2. Tree Protection Zone Barrier**



- H. The tree protection zone barrier shall meet the specifications shown in Figure 6.7.4.2. including:
- (1). Installation of a 4-foot fence around the tree protection zone of high-density polyethylene material with 2.5-inch x 1.5-inch openings; color of orange; 2-inch by 6-foot steel posts installed at 8-foot on center.
  - (2). Place 8.5-inch x 11-inch plastic laminated signs indicating, "KEEP OUT TREE PROTECTION AREA," spaced every 50-feet along the fence.
  - (3). Provide a 5-inch layer of mulch inside the fenced area;
  - (4). Maintain existing read with the tree protection fence unless otherwise indicated on the approved engineering construction plans.
- I. The following activities and uses are prohibited in the tree protection zone and barrier area. Removal of understory vegetation may only occur at time of final grading and accomplished only by mowing or hand-clearing;
- (1). Parking of heavy equipment, cars and trucks or vehicular traffic;
  - (2). Stockpiling of any materials;
  - (3). Deposition of soil, or sediment;
  - (4). Grading or grubbing;
  - (5). Excavation or trenching;
  - (6). Burning or burial of debris (within the entire construction site);

(7). Dumping oil, gasoline, paint, chemicals, wastewater, or other construction wastes. Potentially hazardous materials shall be stored in appropriate, non-leaking containers as far away from tree protection zone as possible.

#### **6.7.4.2. Tree Removal on Developed Property**

- A. **Site Plan Required.** A site plan showing the location of the primary structure, access points, parking areas, etc. is required to be submitted with requests for tree removal authorization. The plan must show all trees on the property including species and DBH.
- B. Tree removal on developed property may be authorized for the following reasons subject to tree replacement, if replacement is required, to comply with minimum planting requirements or compliance with an approved landscape plan per Chapter 4, Article III.
- (1). Hazard. A tree that constitutes a hazard to life or property;
  - (2). Poor tree health. Tree is diseased, lacking functioning vascular tissue, or deteriorating to such a state that restoration methods to bring the tree to a sound condition are not practical; or the tree has a disease that can be expected to be transmitted to other trees.
  - (3). Occupied structure. The tree is located within 15-feet of an occupied structure but not on an adjacent property under separate ownership.

## **ARTICLE VIII – WETLAND PROTECTION REGULATIONS**

### **Section 6.8.1. Generally**

- A. Recognizing the crucial natural function of wetlands in flood control, water quality and quantity, and wildlife preservation, the purpose of this Article is to preserve, protect, and enhance wetlands within the City, based on a policy of no net loss of wetland function.
- B. The regulations in this Article apply to all wetland areas as defined in Chapter 62-340, Florida Administrative Code (FAC).
- C. If the wetland is within the Conservation Restricted Overlay Zone, or the Myakka River Protection Zone (MRPZ), the provisions of Article III and Article VII of this Chapter apply in addition to the regulations in this Article.
- D. The regulations in this Article are not intended to interfere with, abrogate, or annul any other City rule or regulation, statute, or other provision of law. Where any 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 prevail. Additionally, these regulations are not intended to abrogate any easements, covenant, or any other private agreement or restriction. However, 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.

### **Section 6.8.2. Transfer of Development Rights**

Given the environmental sensitivity of the wetlands, the City prioritizes their preservation, maintenance, and enhancement over authorizing impacts through the development approval process. Therefore, wetland areas as defined in Chapter 62-340 qualify as Sending Zones for purposes of Transfer of Development Rights per Chapter 1, Article IV.

### **Section 6.8.3. Relationship to State and Federal Regulations.**

- A. Single-family lots, platted by the General Development Corporation, are regulated by the Florida Department of Environmental Protection (FDEP) and may be regulated by the U.S. Army Corps of Engineers (USACE). All other development is regulated by the Southwest Florida Water Management District (SWFWMD) and may be regulated by the USACE. Any filling of wetlands shall require mitigation in accordance with the FDEP/SWFWMD and a consultation with the USACE.
- B. 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 accurately reflected in the construction plans that are submitted to the City for review.
- C. Prior to commencing construction in any wetland area as defined herein, all required state and federal approvals shall be obtained and submitted to the City. In cases when a state or federal permit is not required, a copy of an exemption letter from the respective agency shall be presented to the City before commencement of development.

### **Section 6.8.4. Exemptions**

The following activities are exempt from the requirements of this Article; however, all other applicable permits shall be obtained, and if applicable the property owner must obtain a verification of exemption or permit from FDEP, SWFWMD, or USACE prior to commencing work.

- A. Routine maintenance or emergency repair to existing structures or improved areas. There shall be no increase in size or coverage of the structure or other improved area.

- B. One-and-two-family dwellings constructed prior to the adoption of this exempt from the upland buffer requirement.
- C. Exempt docks per Florida Statutes and Florida Administrative Code.
- D. Selective cutting and hand-removal of problematic vegetation including Cattails (*Typha* spp.), Primrose Willow (*Ludwigia* spp.), Wild Taro (*Colocasia esculenta*), Elephant-Ear (*Xanthosoma sagittifolium*), Giant Reed (*Phragmites* spp.), Paragrass (*Brachiaria mutica*), Punk Tree (*Melaleuca quinquenervia*), Elderberry (*Sambucus canadensis*), Chinaberry (*Melia azedarach*), Castor Bean (*Ricinus communis*), Chinese tallow tree (*Sapium sebiferum*), and Brazilian Pepper Tree (*Schinus terebinthifolius*). Additionally, cutting and hand removal of any other Category I or Category II invasive plant species as identified by the Florida Invasive Species Council.
- E. Hand clearing of native vegetation within a wetland buffer if needed to provide access to the shoreline as authorized by FDEP, SWFMD, or USACE.
  - A. Hand-cleared primitive trails four feet or less in width having no structural components, introduced substrate materials (e.g., flagstone, mulch, gravel, sand, etc.), or other improvements.
  - B. Repair or maintenance of ditches, water retention areas, public road and other rights-of-way, and similar drainage systems providing such work is limited to that needed to restore the site to original design specifications.
  - C. Repair or maintenance of ditches or dikes related to bona fide mosquito control activities providing such work is limited to that needed to restore the site to original design specifications.
  - D. Activities within artificial wetlands created as part of a manmade treatment system, provided they are not connected to a non-isolated wetland, river, stream, or lake.

#### **Section 6.8.5. Protection Regulations**

- A. The City shall prioritize wetland protective activities as follows: avoid filling wetland resources; minimize adverse effects to those wetlands that cannot reasonably be avoided; and provide compensatory mitigation via the state permitting process. If the ULDC Administrator determines avoidance would result in conditions listed in (1) or (2) below, approval to impact or mitigate wetlands will be granted subject to state or federal permits being obtained prior to commencing construction.
  - (1) The ULDC Administrator determines that a primary structure and common residential accessory structures of a scale consistent with other one-and-two-family development in the City may not be developed in conjunction with the wetland preservation.
  - (2) The ULDC Administrator determines, for all other development types, that the site may not be redesigned at the same level of intensity in conjunction with the wetland preservation due to flood zones, soils or topography of the site, access management constraints, or height restrictions.
- B. Wetlands, whether endemic or artificially created or otherwise altered, may be protected, maintained, and/or enhanced under a conservation easement and maintained in accordance with Florida Statutes 704.06., which conservation easement shall be required in association with an authorization for Transfer of Development Rights. Dedication of the conservation easement may be offered to the SWFWMD, other applicable state environmental regulatory agencies, and private, nonprofit ecological preservation societies until one party agrees to assume the easement and provide for perpetual maintenance. If not dedicated the property owner shall be responsible for ongoing maintenance pursuant to the conservation easement.



- C. The use of heavy equipment in a wetland during construction will be prohibited, unless specifically authorized by FDEP/SWFWMD and the impacts mitigated.
- D. Stormwater facilities 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.

**6.8.5.1. Development Approval Required**

It is hereby unlawful for any person to engage in any activity which will remove, fill, drain, dredge, clear, destroy, or alter any wetland or adjacent upland buffer area, without obtaining a wetlands alteration permit or exemption from all appropriate jurisdictional agencies. Application shall be made to the City as part of the applicable application for development plan approval per Section 6.1.2.B. of this Chapter.

**6.8.5.2. Buffer Requirements**

- A. Buffer zones shall be established upland of the landward extent of the wetland jurisdictional line as defined by SWFWMD criteria. The size of the buffer shall vary accordingly in proportion with the ecological value of the adjacent wetland, based on the following classifications:

Isolated: Onsite wetlands that are entirely isolated hydrologically from offsite wetlands and are not considered waters-of-the-state.

Non-isolated: Onsite wetlands that are connected hydrologically to offsite wetlands; however, the connection is not through permanent standing water.

River, Stream, or Lake: Onsite wetlands which are riparian or otherwise connected to offsite wetlands via permanent bodies of water.

- B. The following buffers, which may coincide with a portion of the required building setback shall be required:

Wetland Classification	Width
Isolated	25 feet
Non-isolated	35 feet
Canal	35 feet
River/Stream/Lake	50 feet

The buffer may be modified along the perimeter of the wetland system to accommodate the development design. In this case, the upland buffer shall be located such that no less than average and minimum buffer, as listed below, exists along the perimeter of the wetland system.

Wetland Classification	Average Width	Minimum Width
Isolated	25 feet	15 feet
Non-isolated	35 feet	15 feet
Canal	35 feet	15 feet
River/Stream/Lake	50 feet	35 feet

In no case shall a buffer impede reasonable access to a body of water. If the lake or open water body is wholly owned and contained within a single lot or parcel, the buffer may be modified to allow for greater water access. In this case, the upland buffer shall be located such that not less than an average of 25-feet of total upland buffer with a minimum of 15-foot width exists along the perimeter of the wetland littoral

zone. This regulation will become effective on July 1, 2027, or upon amendment, expiration, or repeal of SB 250/HB 1C; voluntary compliance is encouraged in advance of the effective date of this provision.

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- C. Within the wetland buffer, native vegetation shall be preserved, restored, or otherwise maintained within a belt no less than 15-feet wide, sited adjacent to and landward of the State's wetland jurisdictional boundary. This native vegetation belt shall not be subject to mowing, trimming, or chemical spraying.
- D. Stormwater swale encroachment within the upland buffer shall be limited to 50 percent of the buffer width if approved by the appropriate regulatory agencies. However, stormwater swales shall not infringe on the 10-foot-wide native vegetation belt.

#### **Section 6.8.6. Erosion and Sediment Control Required**

- A. Erosion control plans will be required for all development in areas sited on or immediately above (within 50 feet) a slope of ten percent or more, upslope of nearby aquatic habitats, or within 400 feet of the state's wetland jurisdictional boundaries.
- B. Standard practices shall be used to prevent erosion and offsite soil deposition via water and air currents. Erosion rates are influenced by soil characteristics, plant cover, topography, and climatic conditions. The following principles must be considered when planning and undertaking construction within a development:
  - (1). Plan for the development project to fit the topography, soils, and drainage patterns;
  - (2). Minimize the extent and duration of the area's exposure at one time;
  - (3). Schedule the exposure of areas with the greatest erosion potential for the dry season (November through April), rather than the wet season (May through October);
  - (4). Apply erosion control practices to minimize erosion from undisturbed areas;
  - (5). Use turbidity barriers to minimize impacts to wetlands;
  - (6). Apply perimeter controls to protect the disturbed area from offsite runoff and to trap eroded material onsite, preventing sedimentation in downstream areas;
  - (7). Stabilize the undisturbed area immediately after the final grade is attained or during interim periods of inactivity due to construction delays; and
  - (8). Implement a maintenance and follow-up program.
- C. Erosion and Sediment Control Plan Requirements: The plan must consider the site-specific erosion potential, including slopes, soil erodibility, extent and type of plant cover, and runoff characteristics. Projects with larger exposed areas, long duration of construction, steep slopes, erosive soils, or close proximity to streams, lakes or other wetlands, will require more detailed and comprehensive plans. The following information must be included in the plan and shall be shown on the development construction plans or other appropriate documents.
  - (1). The existing and proposed topography, mapped to scale;
  - (2). The distribution of soil types as identified and mapped to scale by the U.S. Department of Agriculture's Soil Conservation Service (NRCS) for Sarasota County . A table describing the erodibility potential for each soil type as determined by the NRCS shall also be included;

- (3). The schedule and general description of each construction phase of the project. At a minimum, the following applicable phases must be addressed: clearing, excavation, earthwork, embankment earthwork, site utilities, roads, site grading and stabilization. The schedule must include the estimated starting date and duration. Description must include area boundary by each phase; and
- (4). Specific erosion control measures shall be described and illustrated on construction plans or detail sheets for each phase. Such information shall include the following:
- a. Estimated date of installation and removal for erosion control elements;
  - b. Thorough descriptions of the materials used in the construction of erosion control elements. Descriptions should include any references to industry- or government-approved standards and design specifications associated with each erosion control element;
  - c. Placement and function of each type of erosion control element;
- D. No more than 15 days may elapse between site clearance and construction commencement; no more than 30 days may elapse between construction completion and the beginning of ground cover restoration.

## **APPENDIX: DEFINITIONS**

### **-A-**

ABUT – To share a common property line.

ABUTTING PROPERTY — Properties having a property line or portion thereof in common, with no intervening right-of-way.

ACCESS, PEDESTRIAN — A means of pedestrian approach to enter and exit a property.

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."

ACCESSWAY — A designated area intended to provide ingress or egress.

ACID WELL STIMULATION TREATMENT or ACIDIZING - Any type of well stimulation treatment that uses, in whole or in part, the application or injection of one or more acids into a well or underground geological formation to enhance production of oil and/or gas.

ACRE — Land area containing forty-three thousand five hundred sixty (43,560) square feet of area.

ACRE, GROSS — The total area within a parcel of land.

ADDITION (TO AN EXISTING BUILDING) — Any increase to the gross floor area of a structure. 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.

ADDRESS — The number or other designation assigned to a housing unit, business establishment, or other structure for purposes of mail delivery, emergency services, and so forth.

ADJACENT PROPERTY — Any property or portion thereof that is immediately adjacent to, or contiguous with or a property or that is located immediately across any right-of-way.

ADOPTED LEVEL OF SERVICE — The level of service (LOS) standards adopted in the City of North Comprehensive Plan.

ADULT — A person eighteen (18) years of age or older.

ADULT ARCADE — Any commercial business in which simulated gambling devices on the premises are available to the public for purposes of sweepstakes, winning of games, betting, and any play for money or other valuable

things at any game whatever. This definition does not include Bingo, or establishments operating in compliance with the Family Amusement Games Act per 546.10, Florida Statutes.

**ADVERSE EFFECT** — A negative consequence to the economic environment, cultural or historic resources, or impacting the health, safety, and welfare of the public Also, 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.

**AESTHETIC(S)** — The desirable appearance of a building or site.

**AGRICULTURE** — 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.

**AGRICULTURE, INDUSTRIAL** - Farming operations which raise and cultivate large numbers of livestock and plants in high-density environments using technology to promote faster growth and reduce illness and death rates in livestock, creating food products on a mass scale.

**AGRITOURISM AND ECOTOURISM** - Any agricultural or ecological activity consistent with a bona fide farm or ranch or in a working forest or park which allows members of the general public to view or enjoy activities related to farming, ranching, historical, cultural, ecological, or harvest-your-own attractions for recreational, entertainment or educational purposes.

**ALLEY** — A public or private access dedicated to only a secondary means of access abutting property and not intended for general vehicular traffic circulation.

**ALTERNATIVE WASTEWATER SYSTEM** — Any Department of Health (DOH) 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, including Aerobic Treatment Units (ATU), DOH approved Alternative Wastewater system that is equivalent to ATU, or standard septic systems with drain field size expanded by 15% vertical separation between seasonal high water and drain-field bed increased from 24-inches to 30-inches.

**ANIMAL BOARDING**— Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding, or care of dogs, cats, pets, fowl, horses, or other domestic animals for profit, but exclusive of animals used for agricultural purposes.

**ANIMAL DAYCARE** — An establishment offering short-term daytime care for dogs, with no overnight care.

**ANIMAL HOSPITAL & VETERINARY OFFICE**— An establishment providing for the diagnosis and treatment of ailments of animals, other than human, and which may include facilities for overnight care.

ANIMAL SANCTUARIES & RESCUES – *Also, Animal Rescue.* A specially equipped facility for the boarding of seized, stray, confiscated, and ownerless animals, as well as animals that are in need of assistance.

ANTENNA — Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

APPLICANT — Any property owner/agent or duly authorized representative thereof, commencing any type of proceedings under these regulations.

AQUIFER — A formation, group of formations, or part of a formation capable of yielding, storing, or transmitting a usable amount of groundwater to wells or springs.

ARCHAEOLOGICAL RESEARCH FACILITY -- A facility assessing archaeological potential, surface survey (according to the classical notion and the archaeological survey methods, such as research, excavation, ground-penetrating radar employment, etc.) archaeological surveys, archaeological excavations, monitoring, conservation, archaeological administration and drafting of activity-generated documentation as well as preliminary and final reports, and dissemination of results.

ARCHITECT — A professional architect duly registered and licensed in the State of Florida.

ART, PUBLIC — Any visual work of art, accessible to public view, on public or private property.

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.

AS-BUILT PLAN — The construction or engineering plans, also known as record drawings, prepared after the completion of construction, by the engineer of record, in such a manner as to accurately identify and depict the location of all on-site improvements.

ASSISTED LIVING FACILITY — A facility providing housing and limited care designed for senior citizens who need some assistance with daily activities but do not require care in a nursing home.

AUTOMOBILE DEALERSHIP — Any business establishment that sells new or used automobiles, trucks, vans, trailers, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles.

AUTOMOBILE JUNKYARD — Facilities engaged in the dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled, inoperable, or wrecked motor vehicles or their parts.

AUTOMOBILE REPAIR SHOP, MINOR -- A facility specializing in preventive maintenance, safety inspections, and minor repair typically limited to automotive fluids, batteries, belts, hoses, tires, and replacement of minor automotive components, such as alternators, breaks, fuel filters, and water pumps.

AUTOMOBILE REPAIR SHOP, MAJOR -- Major repair, rebuilding, or reconditioning of engines or transmissions, motor vehicles, or trailers, including bodywork, framework, welding, and major painting services.

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.

AUTHORITY HAVING JURISDICTION (AHJ) — The Fire Official or his designee.

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.

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**BALCONY** — A platform that projects from the wall of a building and is surrounded by a railing, balustrade or other partitioning material.

**BAR OR NIGHT CLUB** - An area primarily devoted to the serving of alcoholic beverages and in which the service of food is not provided or is only incidental to the consumption of such beverages.

**BED-AND-BREAKFAST (B & B)** — A transient lodging establishment, generally in a single-family dwelling and/or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

**BERM** — An earthen mound exceeding 2-feet in height.

**BIKE LANE** — A paved route on a street, roadway or sidewalk, in addition to lanes for motorized vehicles or pedestrian traffic.

**BIKE PATH** — An off-street bikeway with an improved surface for bicycle traffic.

**BLOCK** — An area of land surrounded by streets, streams, railroad rights-of-way, parks or similar areas or facilities.

**BOARD** — A designated group of individuals appointed by the City Commission and whose powers and duties are approved by the City Commission.

**BOND** — A surety bond, irrevocable letter of credit, or other financial assurance acceptable to the City commission.

**BORROW PIT** — Any place or premises where dirt, soil, sand, gravel, or other material is removed below the grade of surrounding land, for any purpose other than that necessary and incidental to site grading or building construction.

**BOUNDARY** — A line, which may or may not follow a visible feature, that defines the limits of a geographic entity such as a lot, block, block numbering area, census tract, county, or place.

**BUFFER** — An area of land that is required to be set aside along the perimeter of a lot, parcel, wetland, or other habitat.

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

**BUILDABLE AREA** — The space remaining on a lot after the minimum open space, offset, and setback requirements have been identified.

**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, 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 OFFICIAL** — The City of North Port Building Division Manager and Certified Building Official (CB0) 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.")

**BUILDING, PRINCIPAL** — A building in which is conducted the main or principal use of the premises in which said building is situated.

**-C-**

**CALENDAR DAY** — Monday through Friday including Saturdays, Sundays, and legal holidays.

**CANAL** — An artificial open channel or waterway constructed for one (1) or more of the following purposes: a) transporting water; b) connecting two (2) or more bodies of water and c) serving as a waterway for watercraft.

**CANOPY** — A roofed structure constructed of fabric or other material supported by the building or by support extending to the building or ground. A marquee is not a canopy.

**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.

**CAR WASH** — The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

**CASINO** — The operation or conducting of any games played with, including but not limited to cards, roulette wheels, dice, craps, slot machines, video lottery terminals, mechanical, electro-mechanical, or electronic amusement devices or machine for money, property, checks, credit, or any representative of value.

**CEMETERY** — Land used for interment of human or animal remains including a burial park, columbarium, crematoriums, mausoleums, and funeral establishments, when operated in conjunction with and within the boundary of such cemetery.

**CERTIFICATE OF COMPLETION** — A written document required prior to occupancy, issued for a use upon a developer's compliance with the provisions of this code and any applicable development agreement or conditions.

**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.

**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.

**CIRCULATION, GENERAL** — A newspaper publication available to the general public and which informs the public of an event.

**CIRCULATION, PEDESTRIAN** — A network for bicycle, scooters, foot traffic or other non-motorized apparatus.

**CIRCULATION, TRANSPORTATION** — Systems, structures, and physical improvements for the movement of people, goods, fuel, water, air, sewage, or power by such means as street, roadway, highway, railways,

waterways, towers, airways, pipes, and conduits, and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or transshipment points.

CIRCULATION, TRAFFIC — A network of transit that carries passengers or goods from a point of origin to a destination.

CITY — The City of North Port, Sarasota County, Florida.

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 code.

CIVIC ORGANIZATION — A governmental entity or non-profit organization established to promote the health, safety, welfare, and improve the quality of life of the citizens of North Port.

CLOSURE — Securing an earthmoving facility upon cessation of the operation such that there is no threat to public health, safety, or the environment.

CLOSURE PLAN — A plan which describes the requirements necessary to secure an earthmoving facility upon cessation of the earthmoving operation.

CLUSTER DEVELOPMENT — A site planning technique that concentrates two (2) 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.

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.

CODE ENFORCEMENT — The office which puts into effect the provisions of this code.

COMBINATION OF LOTS — Two (2) 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.

COMMERCIAL — The purchase, sale, or transaction involving the disposition of any article, substance, commodity, or service; the maintenance or conduct of offices, professions, or recreational or amusement enterprises conducted for profit and also including renting of rooms, business offices, and sales display rooms and premises.

COMMERCIAL RECREATION ESTABLISHMENT — A recreational facility operated as a business and open to the public for a fee, such as a golf driving range, baseball batting cage, and trampoline park.

COMMISSION — The elected or appointed Commissioners 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 (1) party, such as open space or recreational areas. A condominium association, homeowners' association or similar organizational shall be construed as being more than one (1) party for the purposes of this definition.

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.

COMPATIBLE — In describing the relation between two (2) land uses, buildings or structures or zoning districts, the state wherein those two (2) 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 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/or processes that the City utilizes to identify the level of service (LOS).

CONDOMINIUM — That form of ownership of property under which units or improvements are subject to ownership by one (1) or more owners, and there is appurtenant to each unit or part thereof an undivided share in common elements. This definition applies to residential and commercial uses.

CONFORMING — In compliance with the regulations of the applicable zoning district.

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.

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.

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)

CRAFT BREWERY, DISTILLERY, WINERY – An establishment for the production and packaging of malt beverages, wines, or spirits for distribution, retail, or wholesale, on or off premises. Craft Breweries shall not exceed a capacity of more than 35,000 barrels per year; wineries a capacity of 2,000 barrels per year; and distilleries a capacity of 75,000 barrels per year.

CROSS SECTION — A profile of a structure, land, or component, that is shown or drawn perpendicular to a center line.

CROSSWALK — A public right-of-way or private passageway used primarily for pedestrian travel through or across any portion of a roadway, drive, or intersection of any kind.

CUL-DE-SAC — A dead-end street terminated at the closed end by a circular vehicular turnaround.

CULVERT — Any structure not classified as a bridge that provides an opening under the roadway or driveway.

CURB — A stone or concrete boundary usually marking the edge of a roadway or paved area.

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**DEAD-END ROAD** — A street having only one (1) end open for vehicular access and closed at the other end. Maximum centerline length for new dead-end streets is twelve hundred (1,200) feet.

**DECK** — A platform, either freestanding or attached to a building, that is supported by pillars or posts.

**DEFENSIBLE SPACE** — An area of noncombustible surfaces separating urban and wild land areas.

**DEMOLITION** — Any dismantling, intentional destruction, or removal of public or private structures, sites, surfaces, utilities, or other improvements.

**DENSITY** — An existing or projected relationship between numbers of dwelling units and land area. Unless specifically noted in the context of its use, density means dwelling units per gross acre.

**DESIGN** — The physical aspects of a development, road improvement, or other construction projects. Design includes but is not limited to such items as street alignment, grading, landscaping, site layout, building elevations, and signage.

**DESIGN STANDARDS** — A set of guidelines regarding the architectural appearance of a building, or improvement, that governs the alteration, construction, demolition, or relocation of a building or improvement.

**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 POND** — A pond or pool used for the temporary storage of water runoff and which provides for the controlled release of such water.

**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** — 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 developer associated with the development of land pursuant to the terms of these regulations.

**DEVELOPMENT BONUS** — An increase in the density of development that can be carried out per unit of land.

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

**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.

**DEVELOPMENT PERMIT** — Statutory definition.

**DEVELOPMENT PLAN** — A dimensional presentation of the proposed development of a specified parcel of land that reflects thereon the location of buildings, easements, parking arrangements, public access, street pattern, and other similar features.

**DEVELOPMENT TRACT** — The property under consideration for a development, which may contain one (1) or more development parcels. [Amended 1-24-2023 by Ord. No. 2023-02 , § 2.04]

**DIAMETER AT BREAST HEIGHT (DBH)** — Fifty-four (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 fifty-four (54) inches.

**DISTRICT** — Any certain described area of North Port to which these regulations apply and within which the zoning regulations are uniform.

**DISTURBANCE** — Any action by a person which causes irreparable harm to a protected tree. Actions which disturb a protected tree include, but are not limited to, damage inflicted upon the root system by heavy machinery, excessive trimming, changing the natural grade above the root system or around the trunk, damage inflicted on the tree permitting infection or pest infestation, application of herbicides or other chemical agents, infliction of a trunk wound, measured at its greatest dimension, that is fifty percent (50%) or greater of the diameter of the tree, or removal of sufficient canopy to cause unnatural decline of the tree. (Chapter 45)

**DIVERSITY** — Differences among uses or developments.

**DOCK, COMMERCIAL** — A fixed or floating structure, including moorings, used for the purpose of berthing buoyant vessels on a commercial basis. a commercial dock does not include a marina, boat livery, or boat yard. a commercial dock may exist independently or as an incidental part of a marina, boat livery, or boat yard.

**DOCK, PRIVATE** — A fixed or floating facility for secure mooring of buoyant vessels provided in conjunction with a residential zoning district for use by residents of development, and which does not produce income, and does not serve as an inducement to renting, purchasing, or using accompanying facilities. A dock may include a pier.

**DOWNSTREAM** — Lands and waters which receive stormwater runoff and other surface water flows from a designated site. Downstream lands and waters are down gradient from the designated site.

**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.

**DRAINAGE EASEMENT** — Land in which the public, the City and the County has an easement devoted to, planned, proposed, or required for use as a public drainage system.

**DRAINAGE PIPE** — A pipe used to convey stormwater that may be part of a closed drainage system.

**DRAINAGE, POSITIVE** — Clear, unobstructed flow of stormwater away from any building.

**DRAINAGE SYSTEM** — All facilities, channels, and areas which serve to convey [convey], filter, store, and/or receive stormwater, wither on a temporary or permanent basis.

**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.

**DRIP LINE** — An imaginary vertical line running from the outermost branches or portion of the tree crown to the ground. (Chapter 45)

**DRIVE-THROUGH** — An establishment developed to service patrons in an automobile which is prepared to proceed out of the service area immediately after service is provided.

**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.

**DUMPSTER** — A container used for the temporary storage of rubbish, or materials to be recycled pending collection, having a capacity of at least one (1) cubic yard.

**DUPLEX** — See "Dwelling units, types of."

**DWELLING** — A building or portion thereof designated or used exclusively for residential occupancy.

**DWELLING UNIT** — A single room or unified combination of rooms, regardless of form of ownership that is designed for residential use by one (1) or more persons or single family. This definition shall include, but not be limited to, condominium units, individual apartments, and individual houses.

**DWELLING UNITS, TYPES OF:**

(1) **DUPLEX** — A single freestanding conventional building on a single lot, designed for two (2) dwelling units under single ownership.

(2) **SINGLE-FAMILY RESIDENCE** — A single, detached, freestanding, conventional building designed for one (1) dwelling unit and intended for occupancy by one (1) family. This definition also includes modular homes.

(3) **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 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. 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 one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

(4) 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 City of North Port Building codes and the Florida Building Commission and which bears a Department of Community Affairs Insignia.

(5) MULTIPLE-FAMILY BUILDING — A group of three (3) or more dwelling units within a single conventional building, attached side by side or one (1) 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) TOWNHOUSE — A group of three (3) 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.

(7) VILLA — A single freestanding conventional residential structure on two (2) separately owned lots, designed for two (2) attached dwelling units, each under separate ownership.

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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.

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.

EARTHMOVING, INCIDENTAL — Any earthmoving activity that is necessary in the development of a parcel or structure.

EARTHMOVING PERMIT, GENERAL – A permit authorization to conduct or engage in earthmoving more than 100 cubic yards and up to 2,500 cubic yards of Type A Fill.

EARTHMOVING PERMIT, MINOR – A permit authorization to conduct or engage in Earthmoving more than 2,500 and up to 100,000 cubic yards of Type A Fill or Stockpiling up to 50,000 cubic yards of Type B or C Fill.

EARTHMOVING PERMIT, MAJOR – A permit authorization to conduct or engage in Earthmoving more than 100,000 cubic yards of Type A Fill, or Stockpiling more than 50,000 cubic yards of Type B or C Fill.

PERMIT, CONCEPTUAL – A permit authorization to conduct or engage in Earthmoving Master Plan for earthmoving activities involving more than 100,000 cubic yards of Type A Fill or more than 50,000 cubic yards of Type B or C Fill.

ECOTOURISM — *See Agritourism.*

EGRESS — An exit.

EMERGENCY [Amended 2-22-2022 by Ord. No. 2021-46 ] —

1. A condition arising from actual or imminent failure and resulting in a substantial health or safety hazard.
2. Any man-made or natural disaster, which is specifically declared to be an emergency by ordinance, geographically defining the emergency area, and adopted by the City Commission.

EMINENT DOMAIN — The authority of a government to take, or to authorize the taking of, private property for public use.

EMISSION — Release of pollutants into the air from a source.

ENCROACHMENT — Advance or protrusion of a vehicle or structure beyond proper limits such as into a required setback or landscape area.

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.

ENTERTAINMENT — A performance of any type, whether passive or active, and is provided for the pleasure of the patrons, either independent or in conjunction with any other event or use.

ENTRANCE — Ingress and egress to and from a structure.

ENVIRONMENT — The physical conditions which exist within the area that will be affected by a proposed project, including land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance.

ERECT — To build, construct, install, reconstruct, attach, hang, place, suspend, relocate, enlarge, alter, paint, post, display, fix, 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.

EROSION — The removal of soil or rock fragments through the actions of water, wind or ice.

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.

EQUIPMENT — Non-vehicular items such as but not limited to boats, campers, camper shells, tents, tools, machinery, air craft, barrels, drums, large cans or containers, and parts related to these items or any related supplies.

EQUIPMENT RENTAL — The temporary leasing of tools, materials, or construction equipment.

EQUIVALENT — The state of correspondence or virtual identity of two (2) 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."

EXCAVATION — The removal of earth products, typically resulting in the creation of a lake, borrow pit, pond, detention area, or depression.

EXCAVATING - The act or process of removing Fill which creates any sort of depression in a landscape, including but not limited to removal of Fill to create a borrow pit (whether or not materials are removed for commercial purposes), lake, pond, retention area, swale, or ditch.

EXPLORATION - The process of trying to find accumulations of oil and natural gas trapped under the Earth's surface.

EXISTING USE — The use of a lot, parcel or structure at the time of the enactment of the code or any section thereof.

EXIT — An unobstructed passageway to the out of doors at ground level.

EXOTIC — A species introduced to Florida, purposefully or accidentally, from a natural range outside of Florida. Any species of plants or animals that are not indigenous to the planning area.

EXPANSION — An increase in the floor area or volume of a structure, including all extensions such as but not limited to attached decks, lanais, garages, porches, and greenhouses.

EXPLOSIVE — Any chemical compound mixture or device that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

EXTERIOR — Any external area or outside part.

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**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.

**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.

**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 (1) or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of five (5) 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.

**FAMILY DAY CARE** — A home which generally provides care, protection, and supervision for fourteen (14) or fewer children, under the age of ten (10) years, in the provider's own home, for periods of less than twenty-four (24) hours per day.

**FARM** — A parcel of land containing at least five (5) acres used for the primary purpose of agriculture, dairying, pasturage, agriculture, the keeping of domestic pets, horticulture, floriculture, aquaculture, silviculture, animal and poultry husbandry and necessary accessory structures and uses incidental to farming activity.

**FDEP** — Florida Department of Environmental Protection.

**FDHR** — Florida department of Historical Resources.

**FDOT** — Florida Department of Transportation.

**FEE** — A payment of funds to the City, approved by the City Commission, for any of the appropriate applications or entitlements

**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 fence is considered to be an accessory structure and therefore requires a principle use or structure in order to be permitted. [Amended 11-24-2003 by Ord. No. 2002-56; Amended 3-3-2020 by Ord. No. 2019-15 ]

**FENCE, CHAIN-LINK** — An open mesh fence made entirely of wire woven in squares with vertical supports.

FENCE, STOCKADE — A fence constructed of vertical wood strips or material similar in appearance.

FFWCC — Florida Fish and Wildlife Conservation Commission.

FILL - Any type of material which fills up a piece of land, including the following types:

Type A or Clean Fill means clean earthen material essentially free of roots and other vegetative debris whether in an in-ground, stockpiled, compacted, or noncompacted form.

Type B or Inorganic Fill consists of concrete, rocks, broken asphalt, and other similar type inorganic and nonmetallic materials.

Type C or Organic Fill consists of vegetative land-clearing debris, in raw or mulched form, with associated earthen material.

Type D or Miscellaneous Fill consists of all other refuse not defined as Type A, B, or C Fill, including but not limited to construction and/or demolition debris and garbage. Type D consists also of any fill containing solid or hazardous waste, as those terms are defined in Florida Statutes, Florida Administrative Code, or the Federal Resource Conservation and Recovery Act, 42 U.S.C.A. § 6903.

Type B and C Composite Fill consist of a combination of recycled Type B and C Fill.

FILL, REMOVAL - The removal by mechanical means of Fill from the site of generation.

FILLING — The placement or spreading of any type of Fill on a site.

FINAL PLAT — A document prepared by a registered surveyor or engineer, that delineates property lines and shows monuments and other landmarks for the purpose of identifying property.

FINISHED GRADE means the average elevation of the finished surface of the ground abutting the external walls of the Building or structure, exclusive of any embankment in lieu of steps.

FIRE ESCAPE — A fireproof stairway, ladder, or chute on the outside wall of a building intended to be used to aid people in escaping from a building in case of fire or other calamity. The stairway may be located within the interior of the building.

FIRE LANE — A path of ingress and egress whether on public roads and highways, or on private property, that is a continuous path of travel from any one (1) point at a building or structure, to any other point along that structure, so posted and marked as a fire lane.

FIRE HYDRANT — An apparatus situated and maintained to provide water for firefighting purposes. The location is such that it is accessible for immediate use by the fire authority at any time.

FIRE OFFICIAL — City of North Port's Fire Chief or designee.

FIRE STATION — A building used to house fire equipment and firefighters.



**FIREWORKS** — Any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives other than toy paper caps are used, firecrackers, torpedoes, sky rockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction, any fireworks containing any explosive or flammable compound, or any tablet or other device containing any explosive substance.

**FISCAL IMPACT ANALYSIS** — A projection of the direct public costs and revenues resulting from population or employment change to the local jurisdiction in which the change is taking place.

**FLAG** — Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

**FLAGPOLE** — A freestanding structure or a structure attached to a building or to the roof of a building and used for the purpose of displaying flags.

**FLAMMABLE** — Any compound which has a flash point at or above seventy (70) degrees Fahrenheit.

**FLEA MARKET** — A building or area in which stalls or sales areas are open or semi-open and are set aside and rented/leased or otherwise provided, and which are intended for use by various unrelated individuals to sell articles, including but not limited to, 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 but not limited to hallways, closets, heating/cooling rooms and other similar spaces.

**FLOOR AREA RATIO (FAR)** — FAR is a mathematical relation between the volume of building and unit of land equal to the total floor area of all non-residential buildings or structures on a lot, parcel, or site divided by the area of said lot, parcel, or site. When a proposed development includes a vertical mixing of uses, residential uses are included in the FAR calculation to ensure the bulk of the development does not exceed the Code allowances. [Amended 1-24-2023 by Ord. No. 2023-02 , § 2.04]

**FOOT CANDLE** — A unit of illumination on a surface that is everywhere one (1) foot from a uniform point source of light of one (1) candle and equal to one (1) lumen one (1) square foot.

**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.

**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 (10) 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.

**FOUNDATION** — A structural system for transferring loads from a structure to the earth.

**FREIGHT** — Goods, merchandise, substances, materials, and commodities of any kind that may be transported or transferred from one place to another by air, rail, or motor-carrier.

**FS (§)** — Florida Statutes.

**FUMES** — A vaporous, odorous, noxious, or corrosive exhalation.

**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.

**FUNERAL HOME** — A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home, as defined for purposes of this code, includes a funeral chapel.

**-G-**

**GAMBLING** — To deal, operate, carry on, conduct, maintain, or expose for play any game, sports book, pari-mutuel, sweepstakes, or any other form of wagering.

**GARDEN** — A parcel used for the growing of vegetables, flowers, fruits, or small plants that may be used for human consumption.

**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.

**GATE** — A movable frame or solid structure which swings, slides, or rolls controlling ingress and egress through an opening in a fence, wall, or vegetation.

**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]

**GATEWAY** — An entrance corridor that points to the approach of an object destination.

**GATEWAY ENTRY FEATURE** — A landscape feature and/or built decorative feature located at the entrance to a state, county, city, or development.

**GAZEBO** — A freestanding structure (similar to a detached open patio cover), with a pitched roof design, having a maximum height of fifteen (15) feet, and a maximum area of six hundred (600) square feet, and shall be designed for recreational use only and not for habitation.

**GIS (GEOGRAPHIC INFORMATION SYSTEM)** — A computer method of storing geographic information that may include but not limited to topographical maps, soil maps, aerial and satellite photographs, and remote sensing technology.

**GLARE** — The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**GOLF COURSE** — A tract of land laid out with at least nine (9) holes for play the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses, but does not include miniature golf courses, or other similar commercial enterprises.

**GOVERNMENT** — A use in which a facility is operated by any level of government or one of its agencies. [Added 6-7-2022 by Ord. No. 2022-02 , § 2.08]

**GRADE** — The point of elevation of the surface of the ground, paving or sidewalk.

**GRADE, ADJACENT** — The point of elevation of the surface of the ground, paving or sidewalk which is located five (5) feet from the property line into the abutting property.

GRADE, ESTABLISHED — The elevation of the centerline of the streets as officially set by the City authorities.

GRADE, EXISTING — The vertical elevation of the ground surface prior to excavating or filling.

GRADE, FINISHED — The final elevation of the ground surface after alterations.

GRADE, STREET — The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

GRAND OPENING — A promotional activity used by newly established businesses, to inform the public of their location and services available to the community. "Grand Opening" does not mean an annual or occasional promotion.

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.

GREENHOUSE — A building or structure constructed mainly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

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 twenty-four (24) inches.

GROUND FLOOR — The first floor or floor level of any building or structure above or on the same plane as the surface of the sidewalk.

GROUP HOME — One (1) main building, or portion thereof, on one (1) zoning lot that is licensed by the State of Florida as a rooming and/or boarding house and receives fifty percent (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 twenty-four (24) consecutive hours for three (3) or more individuals, not related to the administrator or owner thereof.

GUEST — Any person, other than a member of a resident family, who occupies quarters for sleeping purposes and who is not required to pay rental of any kind for such occupancy.

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**HABITAT** — The physical location or type of environment in which an organism or biological population lives or occurs.

**HAND CLEARING** — The use of any handheld devices to clear the area, including power tools and chainsaws. [Added 2-22-2022 by Ord. No. 2021-46 ]

**HAZARDOUS WASTE** — Any refuse or discarded material or combinations of refuse or discarded material or combinations of refuse or discarded materials in solid, semisolid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health other living organisms because of their chemical, biological, or physical properties.

**HAUL ROUTE** — The route or routes connecting the site where Earthmoving activities take place with one or more public roadways under the jurisdiction of the City of North Port where the functional classification of "collector" or "arterial," is identified in the Transportation Element of the Comprehensive Plan. The "Haul Route" shall include the intersection with the collector and arterial and also include any required turn lanes and traffic control devices.

**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.

**HEAVY EQUIPMENT SALES, RENTAL AND/OR SERVICE** — An establishment where the site is used for the sale, rental and/or servicing of tools, trucks, tractors, construction equipment, agricultural implements, or similar industrial equipment. [Added 6-7-2022 by Ord. No. 2022-02 , § 2.08]

**HEDGE** — A fence, boundary or barrier formed by a dense row of shrubs that may include trees.

**HEIGHT OF A SIGN** — Height is the vertical distance measured from the 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.

**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 helicopter landing/takeoff facility without any of the auxiliary facilities mentioned above in the definition of "heliport."

**HIGHEST ADJACENT GRADE** — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure. (Chapter 17)

**HIGHWAY** — A major thoroughfare which is an important rural and urban traffic artery of the State or County.

HISTORIC RESOURCES — Prehistoric or historic districts, sites, buildings, objects, or other real or personal property of historic, architectural, or archeological significance.

HYDRAULIC FRACTURING or FRACKING - Any type of well stimulation treatment that involves a high-pressure injection of hydraulic fracturing fluids containing a mix of water and/or sand and/or chemicals into underground geological formations.

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ILLUMINATE — To be lit by an artificial light source.

IMPACT FEE — A fee levied on the developer or builder of a project by the City or other public agency as compensation for otherwise unmitigated impacts the project will produce.

IMPERVIOUS — Any material which prevents, impedes, or slows infiltration or absorption of stormwater directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel, or other surfaces.

IMPROVED SURFACE — A surface that has been graded, compacted and covered with pervious or impervious material. The term may include turf cells but does not include compaction only of grassy areas.

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.

INCINERATOR — An apparatus for burning waste.

INCREASE NONCONFORMITY — Any one (1) 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.

INDUSTRIAL — A use related to the fabrication, manufacturing, finishing, packaging, processing, or distribution of goods or raw materials. Light and heavy industrial classifications are two (2) levels of intensity of industrial.

INDUSTRIAL, HEAVY — Any industrial use that can cause significant noise, odor, or vibration detectable beyond the parcel on which it is located; requires the storage of component materials within public view; and is conducted partially or entirely outdoors.

INDUSTRIAL, LIGHT — Any industrial use that stores all needed materials outside of public view and that does not create and emit fumes, gases, smokes, vibrations, noise, or other factors regarded as nuisances or resulting in adverse effects for adjacent landowners.

INFRASTRUCTURE — Streets, water and sewer lines, and other public facilities necessary to sustain development and the functioning of a community.

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.

INGRESS — Access or entry point or entrance.

INTENSITY — the degree to which an area is developed based on density, use, mass, size, impact, floor area ratio, and traffic generations.

INTERIOR — Relating to, or located on the inside.

INTERNATIONAL SOCIETY OF ARBORICULTURE (ISA) — An international non-profit organization which certifies arborists.

INTERSECTION — The point or locus of points where one (1) line, surface, or solid crosses another.

INVASIVE PLANT — Any non-indigenous plant that grows aggressively enough to crowd out native plants.

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.

IRRIGATION SYSTEM — A permanent, artificial watering system designed to transport and distribute water to plants.

ISA — International Society of Arboriculture.

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**KENNEL** — The boarding, breeding, raising, grooming, or training of two (2) or more dogs, cats or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

**KITCHEN** — Any room principally used, intended, or designed to be used for cooking or the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven, shall normally be considered as establishing a kitchen.

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**LAKE** — Natural or artificial bodies of water of two (2) or more acres and/or where the deepest part of the basin at low water exceeds 6.6 feet. Artificial bodies of water with recirculation system approved by the public works department are not included in this definition.

**LAND CLEARING** — Any activity that removes the vegetative ground cover.

**LAND CLEARING DEBRIS** - Uprooted or cleared vegetation resulting from a land clearing operation and does not include yard trash.

**LAND USE** — The type of use activity occurring on a land parcel or within a building situated upon a land parcel.

**LANDSCAPE PLAN** — A plan, drawn to scale, showing dimensions and details for revegetating, including maintenance and protection measures.

**LANDSCAPE TREE** — Trees that are placed within the development site, but not along the perimeter of the site. Landscape island trees along the perimeter of a site are classified as landscape trees and not buffer or street trees. [Added 9-23-2013 by Ord. No. 2013-19]

**LANDSCAPED BUFFER** — An area of landscaping separating two (2) distinct land uses, or a land use and a public right-of-way, and acts to soften or mitigate the effects of one (1) land use on the other.

**LANDSCAPING** — An expanse of scenery including lawns, trees, plants, and other organic or inorganic materials used to soften or mitigate the impacts of development.

**LEASE** — A contractual agreement by which an owner of real property gives the right of possession to another for a specified period of time and for specified consideration.

**LEGISLATIVE BODY** — The governing body of a local government with the power to adopt ordinances, regulations, and other documents that have the force of law.

**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.

**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.

**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.

**LIGHT POLLUTION** — Any adverse effect of man-made light.

**LIGHT SOURCE** — A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

**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** — That portion of any lake, borrow pit, or pond measured from seasonal high-water elevation in water bodies where water elevation is not controlled by structures, or from the overflow elevation in water bodies where water elevation is controlled by structures, to a depth of three feet. Littoral zones typically support rooted aquatic vegetation. Littoral zones also include those areas in salt or brackish water (gulf, bay, estuary) from the mean high-water elevation to a depth of three feet.

**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.

**LOT** — A parcel of land considered as a single building site.

**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.

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**MAINTAIN** — In a condition or state of equivalent quality to that which was approved or required by these regulations.

**MAINTENANCE** — The servicing, repairing, or altering of any premises, appliance, apparatus, or equipment to perpetuate the use or purpose for which such premises, appliance, apparatus, or equipment was originally intended.

**MAJOR ROADWAY** — The roadway that provides ingress and egress into the subdivision or connects any two (2) other roadways. Arterial and collector roadways are major roadways. [Added 9-23-2013 by Ord. No. 2013-19]

**MAJOR SITE AND DEVELOPMENT PLAN** — A non-residential development plan or multi-family development plan for a single lot or parcel, which shows all proposed site improvements.

**MANATEE MANAGEMENT PLAN** — The management plan adopted by the Florida Fish and Wildlife Commission.

**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 (1) or more of the following species: black mangrove (*Avicennia germinar*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia racemosa*) or buttonwood (*Conocarpus erecta*).\*

**MANUFACTURED HOME** — See "Dwelling unit, types of."

**MANUFACTURED HOME PARK/SUBDIVISION** — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**MANUFACTURING** — See "Industrial." [Amended 6-7-2022 by Ord. No. 2022-02 , § 2.08]

**MARINA** — A boating facility, located on navigable water, 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.

**MASTER PLAN** is a plan which includes the boundaries and a description of the general design and operation of a commercial borrow pit, a development, or a recycle facility.

**MEAN HIGH WATER (MHW)** — The intersection of the tidal plane of mean high water with the shore.

**MEAN LOW WATER (MLW)** — The intersection of the tidal plane of mean low water with the shore.

**MEDICAL** — Of, relating to, or concerned with physicians or the practice of medicine, or treatment or prevention of illnesses and injury excluding hospitals, adult care facilities, and pain management clinics. [Added 6-7-2022 by Ord. No. 2022-02 , § 2.08]

**MINERAL** — Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including but not limited to coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

**MINING** — The development or extraction of minerals from the earth.

**MINOR SITE AND DEVELOPMENT PLAN** — The site and development plan submitted for all proposed individual single-family or residential two-family construction.

**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.

**MITIGATION** — Actions taken to offset any adverse impact of wetland losses.

**MIXED USE** — A tract of land or building or structure developed for two (2) or more uses.

**MODEL HOME** — A residential or commercial structure or part thereof and used solely for demonstration purposes or sales promotion, which is open to the public for inspection.

**MODULAR HOME** — See "Dwelling units, types of."

**MOOR OR MOORING** — The act of docking, beaching, landing, anchoring, intentional grounding, tying-off or otherwise securing a vessel.

**MOTEL** — A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door.

**MULCH** — Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture. Is used spread above ground and is not buried.

**MULTIFAMILY RESIDENTIAL** — See "Apartment building."

**MULTIPLE-FAMILY BUILDING** — See "dwelling units, types of."

**MULTIPLE OCCUPANCY COMPLEX** — A parcel of property developed as a unified or coordinated project, with a building or buildings housing two (2) or more occupants conducting a business operation. [Amended 1-24-2023 by Ord. No. 2023-02 , § 2.04]

**MUNICIPALITY** — An incorporated City or Town.

**MUSEUM** — An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

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.

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 HABITAT – The environment in which an animal or plant species could exist as a natural population.

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.

NATURAL GAS - Any gaseous substance, either combustible or non-combustible, which is produced in a natural state from the Earth and which maintains the gaseous or rarefied state at standard temperature or pressure conditions.

NAVIGATION CHANNEL — Any channel used by vessels for navigation whether marked or unmarked.

NAVIGABLE WATERS — Waterways used or susceptible of being used in their natural or ordinary condition as highways for commerce over which trade and travel are or may be conducted in customary modes of trade and travel on water.

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 — 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.

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.

NONPROFIT — Any person(s), partnership, association, corporation, or other group whose activities are conducted for unselfish, civic, or humanitarian motives, or for the benefit of others, and not for the gain of any private individual or group and may include, but shall not be limited to, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, charitable, scientific, historical, athletic, or medical activities.

NUISANCE — Any thing, condition, or conduct that endangers health, safety, and welfare, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

NURSERY — An enterprise that conducts the cultivating, harvesting, and retail and/or wholesale of plants, bushes, trees, grown on the premises or established in the ground prior to sale, and for related accessory sales and uses.

NURSERY SCHOOL — See "School, nursery."

NURSING HOME — A home licensed by the State for the aged or chronically or incurably ill persons in which three (3) or more persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospital, clinics, or similar institutions. Provides care for those persons not in need of hospital care.



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OCCUPANCY — All or a portion of a structure used by a tenant.

OCCUPANCY, CHANGE OF — A discontinuance of an existing use or tenant and the substitution therefore of a use or tenant of a different kind or class, or the expansion of a use.

OCCUPANT — Tenant or person in actual possession.

OFFICIAL MAP — A map adopted by a legislative body through a resolution or ordinance, showing existing streets and approved proposed streets, parks, and other public places.

OFF-SITE — Outside the limits of the area encompassed by the tract area or the parcel of record [record] on which the activity is conducted.

OFFICE, GENERAL — An administrative establishment providing direct services such as advice or the production of intellectual property to the public. [Added 6-7-2022 by Ord. No. 2022-02 , § 2.08]

ON-SITE — Within the limits of the area encompassed by the tract area or parcel of record [record] on which the activity is conducted.

OPACITY — The degree to which a material blocks vision or rays of light.

OPEN-MESH SCREEN — Meshed wire or cloth fabric to prevent insects from entering the facility and including the structural members framing the screening material.

OPERATOR — Includes lawful occupants of real property including lessee, leaser, managers or other persons that are responsible for real property.

ORDINANCE — A law or regulation set forth and adopted by a governmental authority.

OUTDOOR STORAGE — The keeping of any material for a period greater than twenty-four (24) hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

OUTFALL — The end of a culvert or drainage pipe where water exits into a drainage system.

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.

OWNER OR OPERATOR — Includes lawful occupants of real property including lessees, lessors, managers or other persons that are responsible for real property.

OWNER — The person with legal and/or equitable title to real property.

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**PAIN MANAGEMENT CLINIC** — A privately owned clinic, facility, or office, whatever its title, including but not limited to a "wellness center," "urgent care facility," or "detox center," which engages in pain management. This definition is subject to the following: [Added 10-10-2011 by Ord. No. 2011-21]

(a) A medical clinic, facility or office which has at least one (1) of the following characteristics is a pain management clinic:

(1) It employs one (1) or more physicians licensed under Chapters 458 or 459, Florida Statutes, who in a single day issue more than twenty (20) prescriptions of a controlled substance for the treatment of pain;

(2) It holds itself out through advertising as being in business to prescribe or dispense a controlled substance for the treatment of pain;

(3) It holds itself out through advertising as being in business to provide services for the treatment of pain wherein the services are accompanied with prescription of or dispensing of a controlled substance for the treatment of pain; or

(4) It meets the definition of pain management clinic in Section 458.3265, Florida Statutes, as may be amended from time to time.

(b) The definition of pain management clinic does not include any privately owned clinic, medical facility or office which has at least one (1) of the following characteristics:

(1) It employs physicians, the majority of who provide services in the clinic, facility, or office primarily provide surgical services (excluding interventional pain management procedures that are invoiced or coded as surgical procedures) as measured over a one (1) month time period;

(2) It is licensed as a facility pursuant to Chapter 395, Florida Statutes (hospitals, etc.) excluding outpatient facilities that provide pain management services as outlined in subsection (a) above; or

(3) It does not prescribe or dispense controlled substances for the treatment of pain.

**PARADE** — Any march or procession consisting of people, animals, or vehicles, or any combination thereof, except funeral processions, upon any public street, sidewalk, alley, trail, or path which does not comply with normal and usual traffic regulations or controls.

**PARAPET** — That portion of an exterior wall which extends above the roof line.

**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** — A natural or semi-natural area designed for human enjoyment and recreation. This may include active and/or passive recreational amenities such as, playgrounds, walking trails, benches, gazebos, bodies of water,

picnic tables, fishing piers, sport courts, and fields and other similar structures. [Added 6-7-2022 by Ord. No. 2022-02 , § 2.08]

PARK, COMMUNITY — A park located near major roadways and designated to service the needs of more than one (1) neighborhood.

PARK, NEIGHBORHOOD — A park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

PARKING AISLE — An area within a parking facility intended to provide ingress and egress to parking spaces.

PARKING, OFF-STREET — A land surface or facility providing vehicular parking spaces off of a street together with drives and maneuvering lanes so as to provide access for entrance and exit for the parking of vehicles.

PARKING, ON-STREET — The space which is intended for vehicular parking that may be located on a street, alley, or right-of-way.

PARKING, SHARED — A public or private parking area used jointly by two (2) or more uses.

PARKING, STACKED — The parking of cars in a line, one (1) in back of the other.

PARKING LOT — An open-air, hard-surfaced area, or approved stabilized area, other than a street or public way, used for the parking of vehicles on a temporary basis.

PARKING SPACE, HANDICAP — A space in a parking area that is designed by the standards of the American with Disabilities Act and is intended for those vehicles with an approved license plate or those that display an official city- or State-issued handicapped placard.

PARTICULATE MATTER - With respect to emissions, all finely divided solid or liquid material, other than uncombined water, emitted to the atmosphere.

PATTERN BOOK — A document which specifies design standards for any particular area.

PAVEMENT — A uniform, hard, and durable material composed of cementitious concrete or asphaltic concrete.

PAVERS — Grid blocks designed for use as a driving or parking surface.

PEDESTRIAN — One who travels on foot, or by a non-motorized method.

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. (Chapter 37)

PERMIT — A document issued by the Federal, State, County or City allowing a person to begin an activity provided for in applicable regulations and ordinances.

PERMIT, SPECIAL EXCEPTION — A permit issued by the City stating that the conditions and intent of the Comprehensive Plan and Unified Land Development Code has been met and that the use complies with all the conditions and standards set forth in the approval.

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.

PERMITTEE - Individuals, firms, partnerships, corporations, associations, organizations, trusts, companies, or any other legal entities that have received a Permit.

PERMITTED USE — Any use authorized or allowed alone or in conjunction with another use in a specific zoning district and subject to the limitations of the regulations of such use district.

PERSON — Any individual, corporation, business or land trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, State agency, or any legal entity.

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]

PERSONAL SERVICES — A use that provides a service directly to the public that is nonmedical in nature as the primary use and may include accessory retail sales of products related to the services. [Amended 6-7-2022 by Ord. No. 2022-02 , § 2.08]

PERSONAL STORAGE ESTABLISHMENT — An establishment that has a structure or a group of structures containing individual and compartmentalized facilities for the use of personal storage. [Added 6-7-2022 by Ord. No. 2022-02 , § 2.08]

PERVIOUS SURFACE — Any surface which permits full or partial absorption of stormwater directly into the ground.

PET — An animal kept for amusement, companionship, and affection, which is named.

PETITIONER — An applicant.

PHOSPHATE MINING - The extraction of phosphate ore from the earth by whatever process including the removal of overburden for the purpose of reaching underlying ore, the reclamation of previously mined land, the transporting, washing, sizing, flotation, storage, drying, grinding, and shipping of the phosphate, and all activities reasonably related thereto, except chemical processing.

PIER — Any fixed or floating structure for securing vessels, loading or unloading persons or property, or providing access to the water, including wharfs, docks, floats, or other landing facilities, and dry docks.

**PILINGS** — Vertical poles, concrete bars, or other material forming the structural support of a water access structure.

**PLANNED DEVELOPMENT** — A development that is designed and developed as a cohesive, integrated unit 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. [Amended 1-24-2023 by Ord. No. 2023-02 , § 2.04]

**PLANT NURSERY** — The use of land and buildings for the purpose of growing plants for sale, which may include selling those plants and other similar commodities that are accessories to the growth and maintenance of plants. [Amended 6-7-2022 by Ord. No. 2022-02 , § 2.08]

**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, replant, 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. A plat as defined by Chapter 177 of the Florida Statutes, as may be amended.

**PLANT COMMUNITY** — A natural association of plants that are dominated by one (1) or more prominent species or a characteristic physical attribute.

**PLANT NURSERY** — The use of land and buildings for the purpose of growing for sale or selling various ornamental plants, grasses, shrubs, flowers, and horticultural specialties, and including the sale of landscaping accessories such as statuary, fertilizer, tools and similar commodities as accessory to the propagation and growth of plants. [Added 11-26-2019 by Ord. No. 2019-11 ]

**PLANT SPECIES, PROHIBITED** — Those plant species which are demonstrably detrimental to native plants, native wildlife, ecosystems or human health, safety and welfare.

**POD** — Any portable storage unit.

**POLE SIGN** — A sign supported by at least one (1) upright pole, pylon or post which is secured to the ground. The definitions of "pole sign" and "monument sign" are mutually exclusive.

**POLICY** — A general rule of principle or of guiding actions.

**POLITICAL SIGN** — A sign which advocates any candidate or issue to be voted upon at an upcoming election or referendum.

**POLLUTANT** — Any substance, contaminant, noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

**POND** — A permanent or temporary body of open water which is more than one (1) acre in size and less than five (5) acres in size.

PORCH — A covered but unenclosed projection from the entrance to a building on a main wall that may or may not use columns or other ground supports for structural purposes.

POTENTIALLY SIGNIFICANT HISTORIC RESOURCE — A historic resource so identified in accordance with the provisions of Sec. 58-4. [Amended 9-23-2002 by Ord. No. 2002-42]

PREMISES — A lot, together with all buildings and structures thereon.

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]

PRESERVATION — The perpetual maintenance of habitats in their existing, or restored, native condition.

PRESERVE AREAS — Vegetative areas required to be preserved by law.

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.

PRINCIPAL BUILDING — See "Building, principal."

PRIVATE PROPERTY — All property other than public property, including private rights-of-way.

PRODUCTION - The phase that occurs after successful exploration and development and during which hydrocarbons are drained from an oil or gas field.

PROPERTY — A lot, parcel, tract, or plot of land together with the buildings and structures thereon.

PROFESSIONAL SERVICES — See "Office, General." [Amended 6-7-2022 by Ord. No. 2022-02 , § 2.08]

PUBLIC — Anything owned or operated by the government or any municipality.

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, 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 four (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.

PUBLIC HEARING — A duly advertised public meeting called by the City for the purpose of taking formal public comment, both in favor and opposition to a proposed action.

**PUBLIC NOTICE** — A document announcing to the public of a public hearing or meeting as required by the State or this Unified Land Development Code.

**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 WORKS DIRECTOR** — Public Works Director refers to the Public Works Director or the designee of the Public Works Director.

**-Q-**

**QUALITY OF LIFE** — The physical, economic, and emotional attributes or any amenities that combine to create well-being that exists in a community.

**QUORUM** — A majority of the authorized members of a board or Commission.

**-R-**

R-DITCH — A major ditch that collects and conveys stormwater runoff directly to waterways, i.e. canals. (33)

RECLAMATION. Measures to clean up and close an Earthmoving operation, including reshaping, grading, seeding, site stabilizing, re-vegetating, and creating mitigation areas and Littoral Zones.

RECONSTRUCT — The rebuilding of a structure in such a manner and to such an extent as to substantially replace the existing structure.

RECREATION, ACTIVE — Leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields. The term "active recreation" includes but is not limited to swimming, tennis, and other court games, baseball and other field sports, golf and playground activities.

RECREATION, PASSIVE — Non-motorized recreation not requiring "development," as defined, nor requiring any alteration of existing topography, or any activity regulated pursuant to this Unified Land Development Code. Such passive recreation shall include but not be limited to hiking, hang gliding, bicycling, picnicking, and bird watching.

RECREATIONAL VEHICLE [RV] — 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:

(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 eight and one-half (8½) feet and an overall body length of no more than forty (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 twelve (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, COMMERCIAL — A large scale use that serves as a drop-off point for the temporary storage of recoverable resources.

RECYCLING DEPOSITORIES, NEIGHBORHOOD — An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources and is limited to a single container. 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.

RECYCLABLE CONSTRUCTION AND DEMOLITION DEBRIS - A component of Type D Fill and means construction and demolition debris from commercial users, which is capable of being recycled, including wood pallets, wood construction materials, scrap metal, and brick which can be effectively processed for Recycling.

RECYCLE FACILITY - Any facility that recycles Type B, C, or D Fills.

RECYCLING OR RECYCLED - Any process by which Type B, C, and D Fills are collected, separated, processed, and reused or returned to use in the form of raw materials or products.

REGULATION — A rule or order prescribed for managing government.

RELOCATE — To move to another portion, area, lot, or parcel.

REMEDY OF VIOLATION — To bring the structure or other development into compliance with State or local regulations.

REMODEL — Any improvement to the exterior or interior of a building that is not a structural alteration, new construction, or enlargement.

RENT — Any payment in whole or part cash made in exchange for the human habitation or occupation of a building or dwelling unit.

REPLAT — The act of platting any lot, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots.

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.

RESERVOIR — A pond, lake, basin, or other space, either natural or created in whole or in part by engineered walls or structures, which is used for storage, regulation, and control of water for recreation, power, flood control, or drinking.

RESIDENCE — See "Dwelling unit."

RESIDENT — An individual whose principal place of living and sleeping is in a particular location.

**RESIDENTIAL DEVELOPMENT** — Any development 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 DISTRICT** — A zoning district that is specified for single-family, two-family, or multi-family dwellings and their accessory uses.

**RESIDENTIAL UNIT** — Any 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.

**RESIDENTIAL USE** — Activities within land areas used predominantly for housing. [Added 12-8-2020 by 2020-39, § 2(2.03)]

**RESOURCE MANAGEMENT PLAN** - A plan for all preservation and conservation areas, which includes conservation easements and wetland mitigation areas, to ensure the maintenance of the functions and values of these areas.

**RESOURCE VALUE** — Any one (1) 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** — 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 for the purpose of this code shall not include auction houses, flea markets, pawn shops or similar establishments, or items used in conjunction with the on-premises repair of an item if the item is not sold individually. [Amended 6-7-2022 by Ord. No. 2022-02, § 2.08]

**RETAIL PHARMACY** — Every location where medicinal drugs are compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an outpatient basis. [Added 10-10-2011 by Ord. No. 2011-21]

**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 for the purpose of this code shall not include auction houses, flea markets, pawn shops or similar establishments, or items used in conjunction with the on-premise repair of an item if the item is not sold individually.

**RETAINING WALL** — A man-made barrier constructed for the purpose of restraining soil, retarding erosion, or terracing a parcel or site.

**RETENTION** — The prevention of direct discharge of storm runoff into receiving waters. Included as examples are dry pond systems and underground infiltration systems which discharge through infiltration into the

ground. These systems are designed to have residence times less than seventy-two (72) hours to discourage breeding of mosquitoes. (37)

RETROFIT — To improve or reconstruct an existing facility with the intent of bringing it into compliance, or more near to compliance.

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.

REZONING — A revision, change, addition, or deletion in a zone classification or zoning district of one (1) or more properties upon the zoning map.

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.

RIPRAP — Rocks, irregularly shaped, used for erosion control and soil stabilization on ground slopes or embankments.

RESTRICTED — To cause limited use.

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.

RUMMAGE SALE — The sale of used goods, of tangible personal property.

RUNOFF — That portion of precipitation from a drainage area or watershed that flows over the ground surface or in stream channels.

RURAL — A sparsely developed area where the land is primarily used for farming, forestry, resource extraction, very low-density residential uses, or open space uses.

**-S-**

**SALVAGE YARD** — A parcel of land on which wastes or used secondhand materials are bought, sold, exchanged, stored, processed, or handled.

**SANITARY SEWERAGE SYSTEM, CENTRAL** — A system of pipes, pumps, tanks, treatment plants and all other appurtenances with a treatment capacity of two thousand (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 two thousand (2,000) gallons per day.

**SCENIC** — Pertaining to natural or man-made features of the landscape that are visually significant or unique.

**SCHOOL AREA** — Those streets and highways abutting the grounds of an active educational institution that includes school property. Only streets and highways that are adjacent to a school are included in the school area. [Added 1-30-2012 by Ord. No. 2011-32]

**SCHOOL CROSSING** — An official school student crossing on an adopted school route plan of a school safety program. Any crossing not so officially designated is termed a "pedestrian crossing." [Added 1-30-2012 by Ord. No. 2011-32]

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

**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.

**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.

**SCHOOL ZONE** — That portion of a street or highway located within a school area that is subject to a reduced speed limit at certain times of the day. A school zone is defined by traffic control devices and normally adjacent to the school property. It may be established at other locations when justified by an engineering study. School zones are not to be applied in a blanket manner for all streets and highways within a school area. [Added 1-30-2012 by Ord. No. 2011-32]

**SCREENED** — Obscured from public view.

SCULPTURE — A three (3) dimensional construction or form created as a work of art.

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.

SEAWALL — A wall or embankment to protect the shore from erosion or to act as a breakwater.

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.

SEPTIC SYSTEM — A sewage-treatment system that consists of a tank used for the decomposition of waste.

SERVICE AREA — A space provided to supply helpful activity or to supply with services.

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, shoe repair, electronic 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 engine overhauls, 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.

SEWAGE SYSTEM — A system of subterranean conduits that carries refuse liquids or waste matter to a plant where the sewage is treated.

SHOPPING CENTER — A grouping of consumer-oriented commercial establishments, providing a range of goods and services specific to a definable market area and providing customer and employee parking off street and on site. [Amended 1-24-2023 by Ord. No. 2023-02 , § 2.04]

SHRUB — A self-supporting woody perennial plant of less than ten (10) feet in height, characterized by multiple stems and branches continuous from the base.

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.

SIDEWALK — Any surface within a right-of-way approved for the exclusive or primary use of pedestrians.

SIGNIFICANT CHANGE — A change in a structure or site whereby the cost is greater than fifty percent (50%) of the appraised value or a change that creates a space more than twenty percent (20%) of the current floor space.

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.

SILTATION — Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land disturbing activity; and which has been deposited, or is in suspension in water.

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 trees for commercial purposes. This includes site preparation activities, prescribed burning and harvesting trees for sale.

SIMULATED GAMBLING DEVICE – Any device that, upon connection with an object, is available to play or operate a computer simulation of any game, and which may deliver or entitle the person or persons playing or operating the device to a payoff. The following rules of construction apply to this definition of "simulated gambling device":

1. The term "device" means any mechanical or electrical contrivance, computer, terminal, video or other equipment that may or may not be capable of downloading games from a central server system, machine, computer or other device or equipment. The term "device" also includes associated equipment necessary to conduct the operation of the device.
2. The term "upon connection with" means insertion, swiping, passing in range, or any other technical means of physically or electromagnetically connecting an object to a device.
3. The Term "object" means a coin, bill, ticket, token, card or similar object, obtained directly or indirectly through payment of consideration, or obtained as a bonus or supplement to another transaction involving the payment of consideration.
4. The terms "play or operate" or "play or operation" includes the use of skill, the application of the element of chance, or both.
5. The term "computer simulation" includes simulations by means of a computer, computer system, video display, video system or any other form of electronic video presentation.
6. The term "game" includes slot machines, poker, bingo, craps, keno, any other type of game ordinarily played in a casino, a game involving the display of the results of a raffle, sweepstakes, drawing, contest or other promotion, lotto, sweepstakes, regardless of any preview or pre-reveal component, and any

other game associated with gambling or which could be associated with gambling, but the term "games" does not necessarily imply gambling as that term may be defined elsewhere.

7. The term "payoff" means cash, monetary or other credit, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether made automatically from the machine or manually.
8. The use of the word "gambling" in the term "simulated gambling device" is for convenience of reference only. The term "simulated gambling device" as used in this section is defined exclusively by this subsection and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.

SINGLE-FAMILY RESIDENCE — See "Dwelling units, types of."

SITE — The entire lot or series of adjoining lots on which a use is or will locate and that is otherwise subject to the provisions of this code.

*Site* means the boundaries of a property, or portion thereof, as identified by its legal description, upon which Earthmoving takes place. Any portion of a property, however, which has a separate, valid construction plan or Earthmoving Permit shall constitute a separate site. Proposed Earthmoving activities on Neighboring Properties may be considered under one permit.

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.

SLAUGHTERHOUSE — A facility for the slaughtering and/or processing of animals and/or the refining of their byproducts.

SLOPE — The ratio of the "rise" divided by the "run" between two (2) points on a line, or the ratio of the vertical change to the horizontal distance between any two (2) points on the line. It is used to describe the measurement of the steepness or gradient.

SLUDGE — Any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects.

SMOKE — Small gasborne particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash, and other combustible material that form a visible plume in the air.

SOD — A section of grass-covered surface soil held together by matted roots.

SOIL — All unconsolidated mineral and organic material of whatever origin that overlies bedrock and can be readily excavated.

SOIL STABILIZATION — Measures that protect soil from the erosive forces of flowing water.

SOIL, TOPSOIL — The top layer of soil.

SOLAR ACCESS — The provision of direct sunlight to an area specified for solar energy collection by natural forces or for any solar energy device.

SOLAR ORIENTATION — A parcel that is oriented where the front lot line is to within thirty (30) degrees of a true east-west line.

SOLICIT — See "Peddler."

SOLID WASTE — Any garbage, refuse, rubbish, sludge, or other discarded materials, that may be in solid or liquid form.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD) — The water management district that was created pursuant to Section 373.069, Florida Statutes.

SPECIAL EVENT — A temporary outdoor use on private property that extends beyond the normal uses and standards allowed by the City or Zoning Codes.

SPECIAL EXCEPTION — A use which may be authorized by the City Commission that would not be appropriate generally or without restriction throughout a district but which, if controlled, could be appropriate within that district.

SPIRE — The tapering termination of a roof tower or roof form to a point, as a steeple.

SPRAWL, URBAN — A development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

STACKING LANE — An area for temporary queuing of motor vehicles.

STADIUM — A large open or enclosed space used for games or major events, and partly or completely surrounded by tiers of seats for spectators.

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 one hundred eighty (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.

STOCKPILING — The temporary collection, accumulation, or storage of any type of fill upon a parcel of land.

STOP-WORK ORDER — An administrative order which requires cessation of activities on a site.

STORAGE, BULK — The holding or stockpiling on land of material or products.

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, MINI — A facility divided into small spaces used to store items for individuals or businesses on a rental or leased basis.

STORAGE, OPEN — The keeping of any goods or products, in any area not defined as enclosed storage, for more than twenty-four (24) hours.

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, over drainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system.

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 public vehicular right-of-way or private vehicular accessway, existing or future which affords a principal means of access to more than one (1) lot or parcel of property or connects two (2) 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.

STREET, DEAD-END — See "Dead-end street."

STREET FRONTAGE —

STREET FURNITURE — Those features placed along a street that are intended to enhance the street's physical character and used by pedestrians, such as but not limited to benches, trash receptacles, kiosks, lights, newspaper racks, etc.

STREET INTERSECTION — The point of crossing or meeting of two (2) or more streets.

**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).

**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.

**STREET, 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, 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.

**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.

**STREETSCAPE** — All the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, including trees and other plantings, awnings and marquees, signs, and lighting.

**STRIP DEVELOPMENT OR STRIP MALL** — Commercial, retail, or industrial development, usually one (1) lot deep, that fronts on a major roadway.

**STRUCTURE, Water** — 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.

**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 (Chapter 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.

**SUBDIVISION** — The division of a parcel of land into three (3) or more contiguous lots or parcels for the purpose of transfer of ownership or building, development or, if a new street (see definition), is involved, any division of a parcel of land. A division of land for agricultural purposes into lots or parcels of three (3) 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. 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 (3) or more contiguous lots or parcels.

**SUBSTANTIAL IMPROVEMENT** — Any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure or an increase of twenty percent (20%) of the existing floor space. 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.

**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.

**SUBSTANTIAL DAMAGE** — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**SURVEYOR** — A professional land surveyor duly registered and licensed by the State of Florida.

**SUSTAINABLE DEVELOPMENT** — Development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

**SWALE** — A manmade stormwater conveyance with gradual side slopes and vegetation for soil stabilization, stormwater treatment, and uptake.

**SWFWMD** — The Southwest Florida Water Management District created pursuant to § 373.069 of the Florida Statutes.

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**TAXI** — All motor vehicles carrying passengers for hire for which public patronage is solicited. Limousines, railroad cars, motor buses, medical vans, and street railway cars shall not be considered taxis.

**TDR (TRANSFER OF DEVELOPMENT RIGHTS)** — The removal of the right to develop or build, expressed in units per acre or floor area ratio, from one (1) lot or parcel to another.

**TEMPORARY FENCE** — A fence that does not have a permanent foundation or footing and that is erected for a designated time period, activity, or use. [Added 3-3-2020 by Ord. No. 2019-15 ]

**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 thirty (30) days after the model receives final inspection. [Amended 3-3-2020 by Ord. No. 2019-15 ]

**TEMPORARY USE** — A use established for a fixed period of time with the intent that such use will terminate automatically upon expiration of the fixed time period unless permission to conduct such use is renewed.

**TENANT** — A person or business that occupies land or a building for a fixed time, through a lease or rental agreement with the property owner.

**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.

**THEATER** — A structure used for dramatic, operatic, motion pictures, or other performance, where a fee is paid to enter and food may or may not be served.

**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.

**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.

**TOW TRUCK** — A motor vehicle that is equipped with mechanical or hydraulic lifting devices or winches capable of, and used for, the recovery and transport of wrecked, disabled, abandoned, used, or replacement vehicles.

**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."

**TRACT** — See "Parcel of land."

TRACTOR — Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry any load thereon, and not so constructed as to carry any load thereon other than part of the weight of the load being drawn. This does not include small lawn tractors.

TRAFFIC — Pedestrians, ridden or herded animals, vehicles, and other devices, either singly or together, while using any street, highway or accessway, for the purposes of travel.

TRAFFIC IMPACT — An adverse traffic effect as represented by an increase in congestion, worsening of level of service, or reduction in safety and efficiency.

TRAFFIC IMPACT ANALYSIS — An analysis of the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system.

TRAIL — A way designed for and used by equestrians, pedestrians, and cyclists using non-motorized bicycles.

TRAILER — Any vehicle which is drawn by or used in connection with a motor vehicle.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) — The removal of the right to develop or build, expressed in units per acre or floor area ratio, from one (1) lot or parcel to another.

TRANSIENT LODGING FACILITIES — Accommodations for overnight or temporary habitation, including, but not limited to bed and breakfast inns, guest cabins and cottages, hotels, motels, inns, and recreational vehicle parks that are offered to the public and intended for rental to transient guests with daily, weekly, or seasonal charges. In addition to lodging, these establishments may provide a range of services to their guests. [Added 6-7-2022 by Ord. No. 2022-02 , § 2.08]

TRANSIT, PUBLIC — A system of regularly-scheduled buses and/or other vehicles available to the public on a fee-per-ride basis.

TRAVEL CENTER — An establishment whose primary use is to provide amenities such as lodging, food and beverage services, and retail to those traveling. A travel center may include accessory uses such as automotive fuel services. [Added 6-7-2022 by Ord. No. 2022-02 , § 2.08]

TRAVEL TRAILER — See "Recreational vehicle."

TRAVELWAY — The portion of the roadway for the movement of vehicles exclusive of the shoulders, bike lanes, or gutters.

TREE — A living, woody, self-supporting plant, which when mature will reach ten (10) feet or more in height, having main stems, and any one (1) stem measuring three (3) inches DBH. Further, for the purpose of this article, all rooted species of mangrove or two-inch DBH scrub oak, including red mangrove (*rhizophora mangle*), white mangrove (*laguncularia racemosa*), black mangrove (*avicennia germinans*), buttonwood (*conocarpus erecta*), sand live oak (*quercus geminata*), myrtle oak (*quercus myrtifolia*), bluejack oak (*quercus incana*), and chapman oak (*quercus chapmanii*) are hereby declared to be trees, and are hereby regulated by the provisions of this Code. In

addition, all palms with more than four and one-half (4½) feet of clear trunk are declared to be trees and are regulated by the provisions of this Code. This definition includes any tree planted, relocated, or replaced pursuant to this Code.

TREE, CANOPY — A species of tree which normally grows to a mature height of forty (40) feet or more.

TREE, HERITAGE Any native tree that has a 24-inch DBH or greater, or which meets the standards set forth in Schedule A and Schedule B shall be designated as a heritage tree. 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 (1) tree. Additionally, all heritage trees shall have a seventy (70) percent or greater condition classification.

TREE, NATIVE An indigenous tree that has a DBH of twelve (12) inches to twenty-three and seven-eighths (23 ⅞) inches. 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.

TREE, PROTECTED A slash pine, longleaf pine, live oak, or laurel oak that has a DBH of twelve (12) inches to twenty-three and seven-eighths (23 ⅞) inches, a sabal palm that has four (4) and one-half (½) feet of clear trunk height, and a scrub oak located in a North Port scrub jay designated zone with a DBH of two (2) inches or greater. 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 (1) tree.

TREE, SHADE — A self-supporting woody plant or species normally growing to a mature height of at least fifteen (15) feet and a mature spread of at least fifteen (15) feet in the City of North Port, and which provides relief from direct sunlight at least six (6) months out of each year. Clusters of more than one (1) tree may be used when it is demonstrated to the City that the grouping of trees will, at maturity, surpass the 15-foot diameter requirement and that the grouping of trees is suitable for the proposed location. [Added 2-22-2022 by Ord. No. 2021-46 ]

TREE, STREET — Any tree that has any part of its trunk located in City transportation rights-of-way. Trees naturally occurring within the transportation rights-of-way, and trees planted in and around retention ponds and features created solely for the purpose of stormwater management in a road construction or enhancement project.

TREE LOCATION SURVEY/INVENTORY — A survey that provides the following information: location of all trees, plotted by accurate techniques, common name of all trees, and DBH, printed on the proposed site plan. A site plan printed on an aerial photograph may only be substituted if it is approved by the City Manager or designee prior to submittal and if it is a recent, legible aerial photograph that reflects existing site conditions.

TREE PROTECTION — Avoiding direct and indirect damage to trees.

TREE RELOCATION — To transplant, reestablish, or move a tree to another place within a site or off site.

TREE REMOVAL — To cut down, poison, or in any other manner destroy, or cause to be destroyed, a tree as defined in this ULDC.

TRIMMING — The pruning or clipping of vegetation with hand-held tools which does not result in the removal of more than three (3) inches of the stem and root of the plant. (9 and 45)

TRUCK — Any vehicle (excluding recreational vehicles) twenty-five (25) feet or less in length and having a gross vehicle weight of twelve thousand five hundred (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. [Amended 1-30-2012 by Ord. No. 2011-32]

TRUCK STOP — An establishment where the primary use is the refueling, servicing, and overnight parking of tractor trailers. [Amended 6-7-2022 by Ord. No. 2022-02 , § 2.08]

TYPE D LANDFILL - A Landfill which accepts Type D Fill and is operated by City or County government.

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ULDC — Acronym representing the Unified Land Development Code.

UNCONFINED EMISSIONS - Emissions which escape and become airborne from unenclosed operations, or which are emitted into the atmosphere without being conducted through a stack.

UNDERSTORY VEGETATION — An underlying layer of vegetation, specifically a layer of plants and bushes that grows under the tree canopy. Understory vegetation does not include trees. [Added 2-22-2022 by Ord. No. 2021-46 ]

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 regulations 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.

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 association with a principal building, structure or use and separate from the principal building/use (except guest houses, granny flats, apartments);
- (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, PERMITTED — That use of land by occupancy, activity, building, or other structure which is specifically enumerated as permissible by the regulations of the zoning district in which land is located.

USE, PRIMARY OR PRINCIPAL — The primary use and chief purpose of a lot and/or structure.

USE, PROHIBITED — A use which is not permitted in a zoning district.

USE, REASONABLE — See State and Federal definition.

USE, SIMILAR — A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele.



UTILITIES — Includes, but is not limited to, water, sewer, gas, electricity, telephone and cable television.

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**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)

**VEGETATION** — The sum total of plant life in some area; or a plant community with distinguishable characteristic.

**VEGETATIVE BUFFER** — An strip of land on the border of a property that include grasses, shrubs, trees, and other vegetation.

**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.

**VENDOR** — Any person or persons, including corporations as well as natural persons, who engage in the activity of display, sale, offering for sale, offering to give away, or giving away of anything of value including any food, beverage, goods, wares, merchandise, or services.

**VENDING MACHINES** — Any unattended self-service device that, upon insertion of a coin, coins, or token, or by similar means, dispenses anything of value including food, beverages, goods, wares, merchandise, or services. Vending machines not placed within a completely enclosed building are considered as outside retail sales.

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.

VETERINARY OFFICE – *See Animal Hospital.*

VIBRATION — A motion that repeatedly reverses itself.

VICINITY MAP — A map showing the general location of the proposed development in relation to other developments within a one (1) mile radius.

VIEWSHED — The area within view from a defined observation point.

VILLA — A single freestanding conventional residential structure on two (2) separately owned lots, designed for two (2) dwelling units, each under separate ownership.

VILLAGE (V) — A sub-area of the City associated with the "Village" future land use designation and composed of one (1) 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.

VISIBILITY TRIANGLE — At street intersections, an area bounded by the first thirty (30) feet along each 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.

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**WALKWAY** — Any sidewalk or path that is intended and suitable for pedestrian use.

**WALL** — Any vertical structure forming a physical barrier which may or may not have a foundation.

**WAREHOUSE** — A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

**WASTEWATER** — Water carrying waste from domestic, commercial, or industrial facilities together with other waters which may inadvertently enter the sewer system through infiltration and inflow.

**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 (3) 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 (3) 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.

**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.

**WATERFRONT** — The land-water edge and the immediately adjacent property providing access to a waterbody.

**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.

**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 (8) or more connections. (37)

WELL STIMULATION - A well intervention, exploration, operation, or maintenance procedure performed by injecting fluid into a rock formation in order to increase production at an oil or gas well. This includes but is not limited to hydraulic fracturing or fracking and acid well stimulation treatment or acidizing.

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 (2) foot below the control elevation. (18)

WETLAND OR WETLANDS - Those areas defined under the Florida Administrative Code Chapter 62-340 and Florida Statutes Section 373.019(25).

WETLAND HYDROPERIOD MAINTENANCE PLAN - a method of maintaining the frequency of water flow and water levels of a wetland prior to and following permitted earthmoving activities.

WHEEL STOP — A physical obstruction used to prevent a car from moving beyond a predetermined point.

WHOLESALE CLUB — An establishment or place of business engaged in selling merchandise to the public in which a fee is charged for membership.

WHOLESALE ESTABLISHMENT — An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesales; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WILDLIFE CORRIDOR — A strip of land forming a passageway between two (2) otherwise separate parts.

WINERY — An industrial use that produces wine or other similar beverages onsite and manufactures more than two thousand (2,000) barrels of wine per year. [Added 6-7-2022 by Ord. No. 2022-02 , § 2.08]

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 Sec. 13-9 of this chapter [Code].

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.

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XERISCAPE — Landscaping using vegetation that is drought-tolerant or of low water use in character.

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YARD TRASH - Vegetative matter resulting from landscaping maintenance including such materials as tree and shrub trimmings, grass clippings, and palm fronds.

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ZONE — A specifically delineated area or district within which uniform development standards govern the use, placement, spacing, and size of land and buildings.

ZONING HEARING OFFICER — The City of North Port, depending upon the issue under consideration and the provisions of these regulations with respect to the resolution of like issues before said Board.

ZONING MAP — The map adopted as an ordinance by the City that delineates the extent of each district or zone established by the ordinance.

ZONING REGULATIONS — The regulations set forth under Chapter 3 of this ULDC.

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