



City of North Port

ORDINANCE NO. 2022-25

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING ORDINANCE NO. 2011-10 AND THE NORTH PORT GARDENS DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER RELATED TO LAND USE, TRANSPORTATION CONDITIONS, AND THE MASTER DEVELOPMENT PLAN; PROVIDING FOR FINDINGS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR FILING OF DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, on February 13, 2012, the City Commission of the City of North Port, Florida adopted Ordinance No. 2011-10, approving the North Port Gardens Development of Regional Impact Development Order (“Development Order”), recorded as Instrument #2012069586 in the public records of Sarasota County, Florida; and

WHEREAS, on June 2, 2022, Kelly Klepper of Kimley-Horn and Associates, Inc. (“Applicant”) on behalf of Pallardy Sarasota LLC; Carlton Sarasota LLC; Davis Sarasota LLC; and Pallardy LLC, Florida Limited Liability Companies (collectively, “Developer”), filed Petition Number NOP-22-107 requesting amendments to the Development Order to address the way in which improvements will be provided on the property; and

WHEREAS, during the review of these amendments, the development has been permitted to continue with respect to the portions of the Development Order not directly affected by the proposed amendments; and

WHEREAS, the Planning and Zoning Advisory Board considered the petition at a public hearing on November 3, 2022, and made its recommendation to the City Commission; and

WHEREAS, the City Commission held properly-noticed public hearings at first and second reading of this ordinance, at which time all interested parties had an opportunity to appear and be heard, and the City Commission considered all relevant evidence presented, as well as the Planning and Zoning Advisory Board’s recommendation; and

WHEREAS, the Planning and Zoning Advisory Board and the City Commission conducted a comprehensive review of the impacts generated by the development in conjunction with the Notice of Proposed Change (“NOPC”) and the Development Order; and

26 **WHEREAS**, the City Commission finds that competent substantial evidence supports the findings and
27 actions herein; and

28
29 **WHEREAS**, the City Commission finds that its action serves the public health, safety, and welfare of the
30 citizens of the City of North Port, Florida.

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

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34 **SECTION 1 – FINDINGS**

35
36 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.

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38 1.02 The real property subject to the Development Order is identified in Exhibit A to Ordinance
39 No. 2011-10.

40
41 1.03 Pursuant to Florida Statutes Section 380.06, the City Commission has the statutory authority to
42 consider the Notice of Proposed Change. The North Port Comprehensive Plan does not include
43 any procedures for the amendment of a development order for a development of regional impact.

44 1.04 The City Commission finds that all public notice requirements of the City and Florida Statutes
45 Chapter 380 have been adhered to and satisfied.

46 1.05 The City Commission finds the amendments to the Development Order to be consistent with the
47 North Port Comprehensive Plan and Unified Land Development Code.

48 1.06 The City Commission finds the amendments to the Development Order to be consistent with any
49 prior agreements or actions that are vested.

50 1.07 The City Commission finds the amendments to the Development Order to be consistent with
51 transportation concurrency and levels of service.

52 1.08 Pursuant to these amendments to the Development Order’s land-use trade-off matrix (“LUTM”)
53 in Table 1, the North Port Gardens DRI (“NPG”) includes:

- 54 a. 1,135 residential dwelling units;
- 55 b. 450 hotel/lodging rooms;
- 56 c. 800,000 square feet office;
- 57 d. 350,000 square feet retail; and
- 58 e. 600,000 square feet light industrial.

59 1.09 Based on the updated master development plan submitted, the development phases are as
60 follows:

- 61 a. Phase 1: 1,135 residential dwelling units; 150 hotel/lodging rooms; 200,000 square feet office;
- 62 150,000 square feet retail; and 200,000 square feet light industrial; and

63 b. Phase 2: 300 hotel/lodging rooms; 600,000 square feet office; 200,000 square feet retail; and
64 400,000 square feet light industrial.

65 1.10 All identified exhibits are incorporated in this ordinance by reference.

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67 **SECTION 2 – AMENDMENTS TO THE DEVELOPMENT ORDER**

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69 2.01 The City Commission hereby approves Petition Number NOP-22-107 and adopts the following
70 amendments to the Development Order.

71 2.02 These amendments to the Development Order are issued based on a comprehensive review of
72 the impacts generated by the development in conjunction with the Notice of Proposed Change
73 (“NOPC”) and the Development Order, as well as information provided in the Notice of Proposed
74 Change, public hearing testimony, evidence, data, information, and recommendations provided
75 by the Planning and Zoning Advisory Board and the City’s Planning and Zoning Division, which are
76 incorporated into this Development Order and which ensure continued compliance with the
77 North Port Comprehensive Plan.

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79 2.03 Except as set forth in this ordinance, all other terms and conditions of the Development Order
80 remain in full force and effect.

81

82 2.04 Exhibit B entitled “Development Order Conditions for North Port Gardens DRI” to Ordinance
83 No. 2011-10 is amended as follows:

84 a. Section C - Land Use, Table 1 is replaced in its entirety as follows:

85

“TABLE 1: DEVELOPMENT TOTALS				
Use	Units	Phase 1	Phase 2	Total
		2012-2027	2027-2032	
Residential (1) (2)	Dwelling Units	1,135	---	1,135
Hotel/Lodging Rooms (1)	Rooms	150	300	450
Office (1) (3)	SF	200,000	600,000	800,000
Retail (1)	SF	150,000	200,000	350,000
Light Industrial (1)	SF	200,000	400,000	600,000

86

87

Notes:

88

1. Includes provisions for Mixed Use subject to a transportation and land use trade-off matrix.

89

2. Residential cannot increase units through trade-off matrix, all other uses do not have a maximum increase or decrease and residential has no limit on a decrease.

90

91

3. Office may include, but not limited to, Medical, Health Sciences, and Research.”

92

93

b. Section C. Land Use, is amended to add a new subsection 11:

94 “11. Multi-family residential dwelling units exceeding six hundred fifty (650) multi-family
95 residential dwelling units and up to the entitled one thousand one hundred thirty-
96 five (1,135) dwelling units (“additional dwelling units”). The additional dwelling units
97 shall be: (a) vertically integrated with one or more non-residential uses, or (b)
98 physically and functionally integrated with other non-residential uses. Physical and
99 functional integration shall mean, but shall not be limited to, the incorporation of
100 the following:

101
102 a. The Developer(s) of all additional dwelling units shall create efficient pedestrian
103 and bicycle connectivity between the residential development and other non-
104 residential developments, as determined by City Staff. Bicycle and pedestrian
105 pathways shall include the installation of pedestrian amenities, lighting, and
106 shade trees. Shade structures are permitted and may reduce the number of shade
107 trees required, as determined by City Staff. Shade structures shall meet all
108 requirements in the Unified Land Development Code for accessory structures.
109

110 b. The Developer(s) shall be responsible for the installation of bicycle racks or bicycle
111 storage facilities at all multi-family and commercial areas. All bicycle and
112 pedestrian pathways shall be illuminated in compliance with the Unified Land
113 Development Code with outdoor fixtures that meet “dark sky” friendly lighting
114 standards.”
115

116 c. Section Q Transportation Conditions, is amended to add a new subsection 22:
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118 “22. The final location of the East West Reserved Vehicular Corridor, as shown on Map
119 H-1, may be relocated as projected engineering is refined. However, a secondary
120 accessway to the parcels located to the east of the North Port Gardens DRI shall be
121 required and shall meet the standards of a local roadway consistent with the Unified
122 Land Development Code of the City of North Port, Florida.”
123

124 2.05 Exhibit C entitled “Land Use Trade-Off Matrix” to Ordinance No. 2011-10 is amended to replace
125 Note 4 in its entirety as follows:
126

127 “4 - The LUTM does not apply to any increase in residential units above the one-thousand
128 one hundred thirty-five (1,135) units entitled or to any increase in hotel rooms above
129 the four hundred fifty (450) hotel rooms entitled as identified in Section C – Land Use,
130 Table 1. The maximum change does not apply to Retail, Industrial, or Office uses.”
131

132 2.06 Exhibit D entitled “Master Development Plan” to Ordinance No. 2011-10 is amended as follows:
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134 a. Map H-1 is replaced in its entirety with the new Map H-1 attached to this ordinance as
135 “Exhibit D-1.”
136

137 b. Map H-2 is removed in its entirety.
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139 **SECTION 3 – ENFORCEMENT**

140 3.01 The City may enforce all conditions, restrictions, requirements, commitments, and impact
141 mitigating provisions contained or incorporated by reference in the amended Development Order
142 by action at law or equity.

143 3.02 In the event the City Commission, after notice and hearing, determines that the Developer has
144 failed to comply with any conditions, restrictions, requirements, or impact mitigating provisions
145 contained or incorporated by reference in the amended Development Order, the City Commission
146 may temporarily suspend the amended Development Order, during which no development
147 permit applications shall be granted within the development until compliance is achieved.

148 3.03 The obligations of the amended Development Order shall run with the land. The Developer is
149 bound by the terms of the amended Development Order so long as it owns the property. The
150 amended Development Order shall be binding upon and inure to the benefit of the Developer and
151 its assignees or successors in interest. It is understood that any reference in the amended
152 Development Order to any governmental agency shall be construed to mean any future
153 instrumentality which may be created and designed as successor in interest hereto, or which
154 otherwise possess any of the powers and duties of any referenced governmental agency in
155 existence on the effective date of the amended Development Order.

156 **SECTION 4 – FILING OF DOCUMENTS**

157 4.01 The City Clerk is directed to send a certified copy of this ordinance by the United States Postal
158 Service to the Applicant at 609 E. Jackson Street, Suite 200, Tampa, FL, 33602.

159
160 4.02 Pursuant to Florida Statutes Section 380.06(4)(c), the Developer must file notice of this
161 amendment to the Development Order, in accordance with Florida Statutes Section 28.222, with
162 the Sarasota County Clerk of the Circuit Court to be duly recorded in the official records of the
163 county.

164 a. The notice must include a legal description of the property covered by the order and must
165 state which unit of local government adopted the development order, the date of adoption,
166 the date of adoption of the amendments to the development order, the location where the
167 adopted order with any amendments may be examined, and that the development order
168 constitutes a land development regulation applicable to the property.

169 b. The Developer must deliver a file-stamped copy of the notice to the City Clerk and to the City's
170 Planning and Zoning Division.

171 **SECTION 5 – CONFLICTS**

172 5.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in
173 whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

174 **SECTION 6 – SEVERABILITY**

175 6.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase,
176 or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be
177 deemed a separate, distinct, and independent provision and will not affect the validity of the
178 remaining portions of the ordinance.

179 **SECTION 7 – EFFECTIVE DATE**

180 7.01 This ordinance takes effect immediately upon adoption.

181
182 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public
183 session on _____, 2022.

184 ADOPTED by the City Commission of the City of North Port, Florida on the second and final reading in
185 public session on _____, 2022.

186 CITY OF NORTH PORT, FLORIDA

187
188
189 _____
190 PETE EMRICH
191 MAYOR

192
193 ATTEST

194
195 _____
196 HEATHER FAUST, MMC
197 CITY CLERK

198
199
200 APPROVED AS TO FORM AND CORRECTNESS

201
202 _____
203 AMBER L. SLAYTON, B.C.S.
204 CITY ATTORNEY