



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.

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

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

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

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

SECTION 1 – FINDINGS

- 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 The real property subject to the Development Order is identified in Exhibit A to Ordinance No. 2011-10.
- 1.03 Pursuant to Florida Statutes Section 380.06, the City Commission has the statutory authority to consider the Notice of Proposed Change. The North Port Comprehensive Plan does not include any procedures for the amendment of a development order for a development of regional impact.
- 1.04 The City Commission finds that all public notice requirements of the City and Florida Statutes Chapter 380 have been adhered to and satisfied.
- 1.05 The City Commission finds the amendments to the Development Order to be consistent with the North Port Comprehensive Plan and Unified Land Development Code.
- 1.06 The City Commission finds the amendments to the Development Order to be consistent with any prior agreements or actions that are vested.
- 1.07 The City Commission finds the amendments to the Development Order to be consistent with transportation concurrency and levels of service.
- 1.08 Pursuant to these amendments to the Development Order’s land-use trade-off matrix (“LUTM”) in Table 1, the North Port Gardens DRI (“NPG”) includes:
 - a. 1,135 residential dwelling units;
 - b. 450 hotel/lodging rooms;
 - c. 800,000 square feet office;
 - d. 350,000 square feet retail; and
 - e. 600,000 square feet light industrial.
- 1.09 Based on the updated master development plan submitted, the development phases are as follows:
 - a. Phase 1: 1,135 residential dwelling units; 150 hotel/lodging rooms; 200,000 square feet office; 150,000 square feet retail; and 200,000 square feet light industrial; and

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

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

SECTION 2 – AMENDMENTS TO THE DEVELOPMENT ORDER

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

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

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

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

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

“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

Notes:

1. Includes provisions for Mixed Use subject to a transportation and land use trade-off matrix.
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.
3. Office may include, but not limited to, Medical, Health Sciences, and Research.”

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

- “11. Multi-family residential dwelling units exceeding six hundred fifty (650) multi-family residential dwelling units and up to the entitled one thousand one hundred thirty-five (1,135) dwelling units (“additional dwelling units”). The additional dwelling units shall be: (a) vertically integrated with one or more non-residential uses, or (b) physically and functionally integrated with other non-residential uses. Physical and functional integration shall mean, but shall not be limited to, the incorporation of the following:
- a. The Developer(s) of all additional dwelling units shall create efficient pedestrian and bicycle connectivity between the residential development and other non-residential developments, as determined by City Staff. Bicycle and pedestrian pathways shall include the installation of pedestrian amenities, lighting, and shade trees. Shade structures are permitted and may reduce the number of shade trees required, as determined by City Staff. Shade structures shall meet all requirements in the Unified Land Development Code for accessory structures.
 - b. The Developer(s) shall be responsible for the installation of bicycle racks or bicycle storage facilities at all multi-family and commercial areas. All bicycle and pedestrian pathways shall be illuminated in compliance with the Unified Land Development Code with outdoor fixtures that meet “dark sky” friendly lighting standards.”
- c. Section Q Transportation Conditions, is amended to add a new subsection 22:
- “22. The final location of the East West Reserved Vehicular Corridor, as shown on Map H-1, may be relocated as projected engineering is refined. However, a secondary accessway to the parcels located to the east of the North Port Gardens DRI shall be required and shall meet the standards of a local roadway consistent with the Unified Land Development Code of the City of North Port, Florida.”
- 2.05 Exhibit C entitled “Land Use Trade-Off Matrix” to Ordinance No. 2011-10 is amended to replace Note 4 in its entirety as follows:
- “4 - The LUTM does not apply to any increase in residential units above the one-thousand one hundred thirty-five (1,135) units entitled or to any increase in hotel rooms above the four hundred fifty (450) hotel rooms entitled as identified in Section C – Land Use, Table 1. The maximum change does not apply to Retail, Industrial, or Office uses.”
- 2.06 Exhibit D entitled “Master Development Plan” to Ordinance No. 2011-10 is amended as follows:
- a. Map H-1 is replaced in its entirety with the new Map H-1 attached to this ordinance as “Exhibit D-1.”
 - b. Map H-2 is removed in its entirety.

SECTION 3 – ENFORCEMENT

- 3.01 The City may enforce all conditions, restrictions, requirements, commitments, and impact mitigating provisions contained or incorporated by reference in the amended Development Order by action at law or equity.
- 3.02 In the event the City Commission, after notice and hearing, determines that the Developer has failed to comply with any conditions, restrictions, requirements, or impact mitigating provisions contained or incorporated by reference in the amended Development Order, the City Commission may temporarily suspend the amended Development Order, during which no development permit applications shall be granted within the development until compliance is achieved.
- 3.03 The obligations of the amended Development Order shall run with the land. The Developer is bound by the terms of the amended Development Order so long as it owns the property. The amended Development Order shall be binding upon and inure to the benefit of the Developer and its assignees or successors in interest. It is understood that any reference in the amended Development Order to any governmental agency shall be construed to mean any future instrumentality which may be created and designed as successor in interest hereto, or which otherwise possess any of the powers and duties of any referenced governmental agency in existence on the effective date of the amended Development Order.

SECTION 4 – FILING OF DOCUMENTS

- 4.01 The City Clerk is directed to send a certified copy of this ordinance by the United States Postal Service to the Applicant at 609 E. Jackson Street, Suite 200, Tampa, FL, 33602.
- 4.02 Pursuant to Florida Statutes Section 380.06(4)(c), the Developer must file notice of this amendment to the Development Order, in accordance with Florida Statutes Section 28.222, with the Sarasota County Clerk of the Circuit Court to be duly recorded in the official records of the county.
 - a. The notice must include a legal description of the property covered by the order and must state which unit of local government adopted the development order, the date of adoption, the date of adoption of the amendments to the development order, the location where the adopted order with any amendments may be examined, and that the development order constitutes a land development regulation applicable to the property.
 - b. The Developer must deliver a file-stamped copy of the notice to the City Clerk and to the City's Planning and Zoning Division.

SECTION 5 – CONFLICTS

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

SECTION 6 – SEVERABILITY

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

SECTION 7 – EFFECTIVE DATE

7.01 This ordinance takes effect immediately upon adoption.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session on November 22, 2022.

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

CITY OF NORTH PORT, FLORIDA

BARBARA LANGDON
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY

MASTER DEVELOPMENT PLAN

(Map H-1)

