

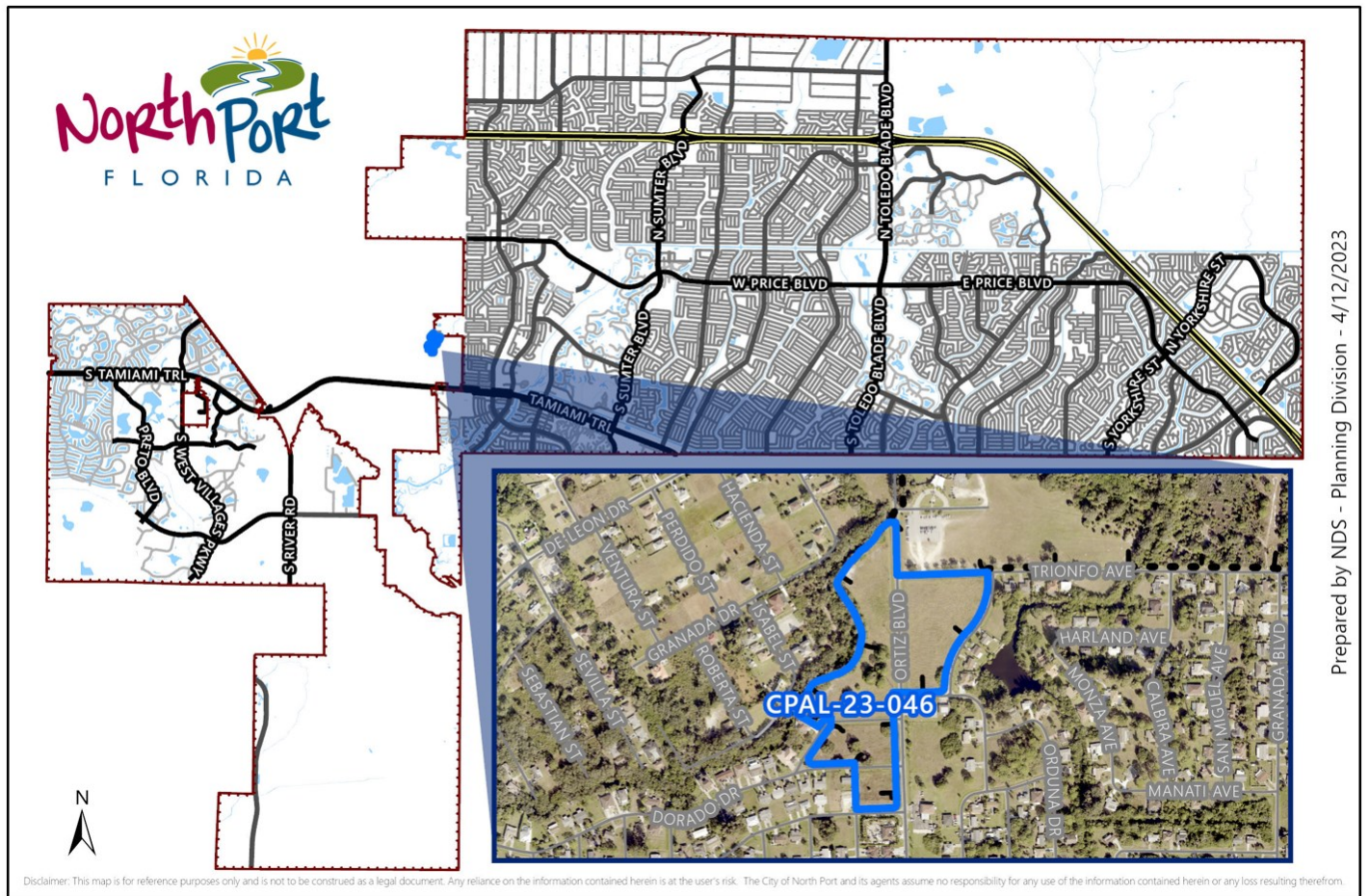


STAFF REPORT

Ordinance No. 2023-18

CPAL-23-046—Activity Center 7A

- From:** Lori Barnes, AICP, CPM, Development Services Assistant Director
- Thru:** Alaina Ray, AICP, Development Services Director
- Thru:** Jason Yarborough, ICMA-CM, Assistant City Manager
- Thru:** A. Jerome Fletcher II, City Manager
- Date:** May 4, 2023



PROJECT: Activity Center 7A—Warm Mineral Springs
REQUEST: Consideration of Corrective Amendment to the Comprehensive Plan
APPLICANT: City of North Port
LOCATION: Activity Center 7A
PROPERTY SIZE: ± 15.7 acres

I. BACKGROUND

On June 22, 2015, the City Commission approved Ordinance No. 2015-02 (**Exhibit C**), establishing “Area A” within Activity Center 7, which area is also known as Activity Center 7A. Acreage percentages by land use type, density, and intensity, were incorporated into the Future Land Use Element, Figure 1, Standards for Activity Centers as follows: 30% Medium Density Residential at 10 dwelling units per acre, 90% Commercial and Office at and intensity of 0.6, and 36% public rec/open. Immediately following the adoption of Ordinance No. 2015-02, the City Commission approved rezoning of the property via Ordinance No. 2015-03 (**Exhibit D**), which ordinance directly conflicted with the Comprehensive Plan (allowed 72 multi-family dwelling units vs. 47 maximum). Furthermore, the rezoning ordinance incorporated impermissible contract zoning including limitations of non-residential square footage and approved a development master plan with no expiration.

II. PETITION

COMPREHENSIVE PLAN AMENDMENT

The applicant is the City of North Port; these amendments are corrective and per City Commission direction on January 9, 2023. Amendments to Figure 1 include establishing a maximum density of 5 dwelling units per acre and a maximum intensity of 0.20 which maximums will be allocated across the entire 15.7 acres, unless subdivided prior to development approval. The amendment also consolidates the AC #7A policies and provides direction for adoption of land development regulations for sustainable development, including maximum impervious surface area ratios, minimum open space requirements, and low impact development standards for stormwater. (Ordinance No. 2023-18, **Exhibit A**).

III. REVIEW PROCESS

The proposed ordinance for the Comprehensive Plan Amendment has been reviewed and approved as to form and correctness by the City Attorney’s Office.

IV. DATA & ANALYSIS

FLORIDA STATUTES

Florida Statutes § 163.3177 Required and optional elements of comprehensive plan; studies and surveys.

This Statute provides the required elements for Comprehensive Plans. Subsection (6)(a) requires a future land use element, which future land use element shall provide for a balance of uses that foster vibrant, viable communities and economic development opportunities and address outdated development patterns...

The proposed amendment was prepared in compliance with all applicable provisions of 163.3177.

IV. DATA & ANALYSIS (CONTINUED)

FLORIDA STATUTES

Florida Statutes § 163.3184 Process for adoption of comprehensive plan or plan amendment.

This Statute provides the requirements for transmittal of documents for State review and to nearby, local jurisdictions, and for transmittal of documents following adoption.

Expedited State Review will be completed in accordance with this Statute following the first reading before the North Port City Commission; documents will also be transmitted to all relevant agencies following the adoption hearing.

Florida Statutes § 166.041 Procedures for adoption of ordinances and resolutions.

This Statute provides the notice requirements for ordinances.

A notice of public hearings was published in a newspaper of general

V. PUBLIC NOTICE & HEARING SCHEDULE

PUBLIC NOTICE

The petition for a Large-Scale Comprehensive Plan Amendment was advertised in a newspaper of general circulation within the City of North Port on April 17, 2023 pursuant to the provisions of Section 166.041(3)(a), Florida Statutes and Section 7.01(c) of the Charter of the City of North Port, and Chapter 1, Article II., Section 1-12 of the City's Unified Land Development Code (ULDC) as amended (**Exhibit B**).

PUBLIC HEARING SCHEDULE

Planning & Zoning Advisory Board	May 4, 2023 9:00 AM or as soon thereafter
City Commission 1st Reading	May 9, 2023 10:00 AM or as soon thereafter
City Commission 2nd Reading	June 27, 2023 6:00 PM or as soon thereafter

VI. RECOMMENDED MOTION

The Planning & Zoning Division recommends that the Planning & Zoning Advisory Board recommend approval of Petition CPAL-23-045 and motion as follows:

VI. RECOMMENDED MOTION (CONTINUED)

I move to recommend approval of Petition CPAL-23-046 (Ordinance No. 2023-18) and find that, based on competent substantial evidence, the Comprehensive Plan Amendment meets the standards in Florida Statutes § 163.3177, § 163.3184, and § 166.041.

VII. ALTERNATIVE MOTIONS

1. **DENIAL** of Petition CPAL-23-046 (Ordinance No. 2023-18).

I move to recommend denial of Petition CPAL-23-046, and find that, based on the competent substantial evidence:

- The proposed Comprehensive Plan Amendment **DOES NOT COMPLY** with the Florida Statutes § 163.3177, § 163.3184, and § 166.041.

VIII. EXHIBITS

A.	Ordinance No. 2023-18
B.	Legal Advertisement
C.	Ordinance No. 2015-02
D.	Ordinance No. 2015-03



City of North Port

ORDINANCE NO. 2023-18

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CITY OF NORTH PORT COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT REGARDING GOAL 2, FIGURE 1: STANDARDS FOR ACTIVITY CENTERS, AC #7 AREA A, WARM MINERAL SPRINGS; AMENDING THE DENSITY, INTENSITY, AND PERCENTAGE OF LAND USE; AND AMENDING GOAL 2, ACTIVITY CENTER #7 AREA A, POLICIES 2.7.11 THROUGH 2.7.22, PROVIDING FOR FINDINGS; PROVIDING FOR ADOPTION; PROVIDING FOR TRANSMITTAL OF DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

- 1 **WHEREAS**, the City of North Port is committed to planning and managing the future growth and
2 development of the City; and
3
4 **WHEREAS**, pursuant to Article VIII, Section 2(b) of the Constitution of the State of Florida, the North Port
5 City Charter, and the Community Planning Act ("Act"), Florida Statutes Chapter 163, Part II, the City is
6 authorized and required to adopt a Comprehensive Plan; and
7
8 **WHEREAS**, on March 15, 1989, the City Commission adopted Ordinance No. 89-3, establishing the North
9 Port Comprehensive Plan ("Comprehensive Plan"), as revised and updated in its entirety; and
10
11 **WHEREAS**, on June 27, 2017, the City Commission adopted Ordinance No. 2016-34, approving the
12 Evaluation and Appraisal Report-based Amendments to the Comprehensive Plan; and
13
14 **WHEREAS**, the City Commission desires to amend the Comprehensive Plan, Chapter 2, Future Land Use
15 Element providing flexibility for intensity, density, percentage of land use and policies within and for Area
16 A of Activity Center #7, Warm Mineral Springs; and
17
18 **WHEREAS**, on May 4, 2023, the Planning and Zoning Advisory Board, acting as the Local Planning Agency for
19 the City of North Port, held a duly advertised public hearing and recommended approval of the proposed
20 Amendment to the City Commission; and
21
22 **WHEREAS**, the City Commission of the City of North Port held duly noticed public hearing at first and
23 second reading of this ordinance to review the recommendations of the Planning and Zoning Advisory
24 Board and to receive public comment on the subject matter of this ordinance; and
25
26 **WHEREAS**, the City Commission of the City of North Port approved the transmittal of the proposed

27 Amendment, together with supporting documentation, which was transmitted to the State Land Planning
28 Agency of the Florida Department of Economic Opportunity and the various agencies and governments
29 as appropriate for review and comment; and
30

31 **WHEREAS**, pursuant to Florida Statutes Section 163.3184(3)(b)4.h, the State Land Planning Agency of the
32 Florida Department of Economic Opportunity reviewed the proposed amendments for impacts to important
33 state resources and facilities not within the jurisdiction of other state agencies; and
34

35 **WHEREAS**, the City Commission determined that the proposed Amendments serve the public health,
36 safety, and welfare of the citizens of the City of North Port, Florida.
37

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

39
40 **SECTION 1 – FINDINGS**

- 41
42 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
43
44 1.02 Pursuant to Florida Statutes Section 163.3184(3), the City followed the expedited state review
45 process for text changes to a local government’s comprehensive plan goals, objectives, and
46 policies, as follows:
47
48 1. Within ten (10) working days after the initial public hearing, the City transmitted the
49 amendment and appropriate supporting data and analyses to the reviewing agencies and
50 other local governments that filed a written request;
51
52 2. Not later than thirty (30) days after the date the reviewing agencies and local governments
53 first received the amendment, the City received the reviewing agencies’ and local
54 governments’ comments, if any;
55
56 3. The adoption hearing was held within 180 days after receipt of the agency comments; and
57
58 4. Within ten (10) working days after the second public hearing, the City transmitted the
59 adopted comprehensive plan amendment and supporting data and analyses to the state land
60 planning agency and any affected person that provided comments; and
61
62 5. The City did not receive notice of any deficiencies within five (5) working days after the
63 agency’s receipt of the amendment.
64

65 **SECTION 2 – ADOPTION**

- 66
67 2.01 The City Commission hereby amends the City of North Port Comprehensive Plan Future Land Use
68 Element, Goal 2, Figure 1: Standards for Activity Centers, AC #7 Area A, to read as shown in
69 attached Exhibit A.
70
71 2.02 The City Commission hereby amends the City of North Port Comprehensive Plan Future Land Use
72 Element, Goal 2, Activity Center 7 Area A, Policies 2.7.11 through 2.7.22 as shown in the attached
73 Exhibit B.
74

75 2.03 All identified exhibits are incorporated in this ordinance by reference.

76

77 **SECTION 3 – TRANSMITTAL OF DOCUMENTS**

78

79 3.01 Pursuant to Florida Statutes Section 163.3184, the City Clerk is directed to transmit, within ten
80 (10) days after first reading, this ordinance and the appropriate supporting data and analyses
81 provided by the City Manager or designee to:

82

83 a. Florida Department of Economic Opportunity;

84 b. Southwest Florida Regional Planning Council;

85 c. Southwest Florida Water Management District;

86 d. Florida Department of Environmental Protection;

87 e. Florida Department of State;

88 f. Florida Department of Transportation;

89 g. Sarasota County, Florida; and

90 h. Any other local government or governmental agency who has filed a request with the City.

91

92 3.02 Pursuant to Florida Statutes Section 163.3184, the City Clerk is directed to transmit, within ten
93 (10) days of final adoption of this ordinance, all documents to the Florida Department of Economic
94 Opportunity and any other agency or local government that provided timely comments.

95

96 **SECTION 4 – CONFLICTS**

97

98 4.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in
99 whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

100

101 **SECTION 5 – SEVERABILITY**

102

103 5.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase,
104 or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be
105 deemed a separate, distinct, and independent provision and will not affect the validity of the
106 remaining portions of the ordinance.

107

108 **SECTION 6 – CODIFICATION**

109

110 6.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Any
111 additional codification information and notations appear in *italics*. These editorial notations are
112 not intended to appear in the codified text.

113

114 **SECTION 7 – EFFECTIVE DATE**

115
116 7.01 If not timely challenged, this ordinance takes effect thirty-one (31) days after the Florida
117 Department of Economic Opportunity notifies the City that the Comprehensive Plan Amendment
118 package is complete, as provided in Florida Statutes Section 163.3184(3)(c).

119
120 7.02 If timely challenged, this ordinance takes effect upon the Florida Department of Economic
121 Opportunity or Administration Commission entering a final order determining the adopted
122 Amendment complies with Florida Statutes Section 163.3184(3)(c).

123
124 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public
125 session on May 9, 2023.

126
127 ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in
128 public session on June 27, 2023.

129

CITY OF NORTH PORT, FLORIDA

BARBARA LANGDON
MAYOR

ATTEST

HEATHER TAYLOR, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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

FUTURE LAND USE ELEMENT GOALS, OBJECTIVES, & POLICIES

...

Figure 1: Standards for Activity Centers

Activity Centers	AC #1 US-41/ Mediterranean	AC #2 Town Center/ Heron Creek	AC #3 Sumter Blvd./ Gateway	AC #4 Toledo Blade/ I-75/ Panacea	AC #5 Toledo Blade/ Price Blvd./ Midway	AC #6 Yorkshire Blvd./ I-75/ The Shire	AC #7 Golden Springs/ Warm Mineral Springs ⁵	AC #8 River Road Office Park The Gardens (3,4)	AC #9 Greenwood/ Appomattox/ Central Parc (7)
Future Land Use Map Designation	D/I %	D/I %	D/I %	D/I %	D/I %	D/I %	D/I %	D/I %	D/I %
Low Density Residential	NPU 0	4.0/10	NPU 0	4.0/ 27	NPU 0	NPU 0	4.0/ 52 A: 0/ 0	n/a n/a	4.0/ 85
Medium Density Res.	5.5/2	10.0/16	NPU 0	10.0/ 5	10.0/ 4	10.0/ 9	0 0 A: 10.0/30 A: 5.0 See footnote 9	n/a n/a	n/a n/a
High Density Residential	15.0/ 2	15.0/ 27	NPU 0	15.0/ 4	15.0/ 4	15.0/ 9	0 0 A: 0/0	15.0/ 20	n/a n/a
Professional Office	/0.95 18	/0.95 13	/0.95 23	/0.95 13	/0.95 13	/ .30 10	See footnote 2	/0.55 24	n/a n/a
Commercial	/0.95 58	/0.95 22	/0.95 ¹ 75	/0.95 20	/0.95 44	/ .30 16	/ .15 12 A: 60/90 A: 0.20 See footnote 9	/0.55 20	n/a n/a
Industrial	/0.95 9	/0.95 ² 1	/0.95 ² 2	/0.95 29	/0.95 31	/ .30 38	0 0 A: 0/0	n/a n/a	NPU 0
Public – Rec/Open	— 11	— 11	— 0	— 1	— 4	n/a 6	36 A: 20 ⁶ 35 ⁶	36	— 0
Utility Ind. Corr						n/a 12			NPU 0
Mixed-Use Development									See footnote 8 / 15

Footnotes/Notes

- Hotels, motels, restaurants or other highway uses permitted (See Policy 2.3.1)

2. The land use categories commercial and professional office are combined.
3. River Road Office Park/ The Gardens - Density/Intensity and % of land area within Activity Center applicable to Parcel "B" only.
4. River Road Office Park/ The Gardens – Parcel "A" is a 25-acre parcel for private recreational use and is not included in the density/intensity or % land area calculations above.
5. Warm Mineral Springs Activity Center has two distinct areas with unique development standards that are designed to complement each other. The original AC 7 area represents the publicly owned property of the Springs and Area A (AC #7A) represents the "off-site" property west of Ortiz Blvd. and south of Trionfo Ave.
6. ~~Public Rec/Open space for this area is intended to include green space, plazas and community gathering areas as part of the design and 20% is considered a minimum. Open space acreage is not required to have Public or Recreation/Open Space future land use.~~
7. Total open space for the entire Central Parc at North Port is 30% minimum.
8. Medium Density Residential is 10 units per acre; Professional Office and Commercial FAR is 0.50.
9. Density and intensity to be calculated based on the total acreage in AC #7A, or each parcel if subdivided prior to development approval.

D/I Density/Intensity
% Percentage of land area within Activity Center
NPU Non-permitted use

...

Policy 2.7.11: AC #7A. Development within Area A of the Activity Center #7 shall include a mixture of commercial, institutional, office, professional, tourism, or residential uses, varying heights and scale of buildings, an innovative land use designs, which to enhance and provide new economic development opportunities that are complimentary to Warm Mineral Springs, Activity Center #7.

Policy 2.7.12: AC #7A. The City shall adopt land development regulations to provide for street-oriented, pedestrian and multi-modal friendly, commercial areas, and encourage public plazas as gathering places. Development shall provide a cohesive design which incorporates design elements of the Warm Mineral Springs community and the Sarasota School of Architecture features. Features such as public art shall also be incorporated into the design.

Policy 2.7.13: AC #7A. To support a healthy and sustainable activity center, all development shall the City shall establish practices and implement design standards that adopt land development regulations to provide for sustainable development in this area, including but not limited to low-impact development standards: for stormwater, maximum impervious surface area ratios, minimum open space percentages, and Florida native landscaping requirements. conserve land and natural resources, reduce energy use, water consumption, waste water generation, and greenhouse gases to the greatest extent feasible.

Policy 2.7.14: AC #7A. Prior to issuance of any development order in AC #7A, a Master Utility Plan shall be developed and approved by North Port Utilities to accommodate the projected build-out of the area.

Non-residential uses shall be oriented and focused towards the intersection of Ortiz Blvd and Trionfo Ave. with transition areas of buffers and step-down uses adjacent to existing single-family residential lots and neighborhoods.

Policy 2.7.15: AC #7A. New development shall be designed with reduced or zero right-of-way setbacks to encourage street-oriented commercial activities such as street front stores, outdoor venues and seating, access from adjacent pedestrian facilities, and other features that enhance the activity center experience as a people-centric location as opposed to auto-centric design.

Policy 2.7.16: AC #7A. Public plazas shall be utilized as gathering places and a location of civic activity which is accessible through multimodal transportation opportunities, including but not limited to, bike and pedestrian trails, nearby transit stops, and streets designed for safe pedestrian crossings and accessible to all age groups.

Policy 2.7.1517: AC #7A. Proposed developments abutting the creek flowing from the Warm Mineral Springs to the Myakka River will be required to contact the Florida Department of Environmental Protection (FDEP) manatee experts to determine the best management practices for development, and any mitigation necessary, to protect manatees which may utilize this tributary. The applicant shall provide notice of the discussions with FDEP to North Port Neighborhood Development Services (Planning) staff prior to issuance of a development order. All new development shall include design considerations for the preservation of existing habitat and natural Florida friendly vegetated areas. Site design shall consider appropriate combinations of expansion or enhancement of these natural areas, incorporating them into useable areas that promote the historic and ecological significance of the Springs and adjacent water bodies.

~~**Policy 2.7.18:** AC #7A. The City of North Port shall work with developers in AC #7A. to promote environmental stewardship of the natural systems by coordinating on grant and funding opportunities, which may include extension of public sewer and water quality improvements, and Low Impact Design pilot project(s), to protect and improve Warm Mineral Springs and the surrounding area.~~

~~**Policy 2.7.19:** AC #7A. Prior to a development plan, a Master Utility Plan shall be developed and approved by North Port Utilities to accommodate the projected build out of AC 7A.~~

~~**Policy 2.7.20:** AC #7A. New development shall be designed to reduce off-street parking and associated large impervious surface areas through the use of shared parking, on-street parking design for Ortiz Blvd., complete streets design, transit and other alternative approaches by providing connectivity to multimodal systems that connect the activity center to regional connections, such as US 41 and area transit hubs.~~

~~**Policy 2.7.1621:** AC #7A. The City will adopt land development regulations to minimize impacts to existing single-family development, including shall be protected through requiring appropriate landscape buffers, transition of uses, and lighting design which to reduces off-site light pollution adjacent to these properties. Existing single family development shall be protected through appropriate landscape buffers, transition of uses, and lighting design which reduces off-site light pollution adjacent to these properties.~~

~~**Policy 2.7.22:** AC #7A. Developers shall work closely with the City to redevelop the tree canopy within the area by being permitted to submit an alternative landscape plan which provides equivalent vegetative cover as required by the Unified Land Development Code, but may substitute alternative considerations to gain additional tree canopy. Areas of focus should include transportation corridors and right of way trees, project perimeters, and within parking areas."~~

...

PUBLIC NOTICE - CITY OF NORTH PORT NOTICE OF PUBLIC HEARINGS FOR ORDINANCE NO. 2023-18

NOTICE IS HEREBY GIVEN, pursuant to Chapters 166 and 163 of the Florida Statutes, Section 7.01(c) of the Charter of the City of North Port, Florida that the City of North Port proposes to adopt an ordinance of the City of North Port, Florida, amending the City of North Port Comprehensive Plan Future Land Use Element regarding Activity Center #7A, Warm Mineral Springs.

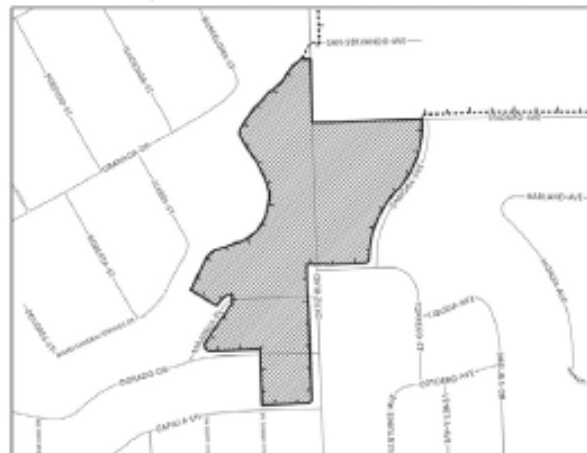
A Public Hearing will be held before the Planning and Zoning Advisory Board designated as the Local Planning Agency (LPA) on **Thursday, May 4, 2023, at 9:00 a.m.** in the **City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida 34286.**

A Public Hearing for the first reading of Ordinance No. 2023-18 will be held before the North Port City Commission on **Tuesday, May 9, 2023, at 10:00 a.m.**, in the **City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida 34286.**

A Public Hearing for the second reading of Ordinance No. 2023-18 will be held before the North Port City Commission in **City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida 34286** on **Tuesday, June 27, 2023, at 6:00 p.m.**, or as maybe continued at the City Commission's discretion.

ORDINANCE NO. 2023-18

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CITY OF NORTH PORT COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT REGARDING GOAL 2, FIGURE 1: STANDARDS FOR ACTIVITY CENTERS, AC #7 AREA A, WARM MINERAL SPRINGS; AMENDING THE DENSITY, INTENSITY, AND PERCENTAGE OF LAND USE; AND AMENDING GOAL 2, ACTIVITY CENTER #7 AREA A, POLICIES 2.7.11 THROUGH 2.7.22, PROVIDING FOR FINDINGS; PROVIDING FOR ADOPTION; PROVIDING FOR TRANSMITTAL OF DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



Note: Proposed Ordinance No. 2023 - 18 (boundary of the amendment area) is depicted on this map.

All interested parties are invited to appear and be heard in respect to this Ordinance at the public hearings in the City Hall Commission Chambers. Written comments filed with the City Commission will be heard and considered and will be made a matter of public record at the meeting. These public hearings may be continued from time to time as announced at the hearings, as may be found necessary. The files pertinent to Ordinance No. 2023-18, CPAL-23- 046, may be inspected by the public at the City of North Port Neighborhood Development Services Department, Planning & Zoning Division, and in the City of North Port City Clerk's Office, 4970 City Hall Boulevard, North Port, Florida 34286, during regular business hours.

NO STENOGRAPHIC RECORD BY A CERTIFIED COURT REPORTER IS MADE OF THESE MEETINGS. ACCORDINGLY, ANY PERSON WHO MAY SEEK TO APPEAL A DECISION INVOLVING THE MATTERS NOTICED HEREIN WILL BE RESPONSIBLE FOR MAKING A VERBATIM RECORD OF THE TESTIMONY AND EVIDENCE AT THESE MEETINGS UPON WHICH ANY APPEAL IS TO BE BASED (SEE E.S.S. 286.0105)

NOTE: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK'S OFFICE 48 HOURS IN ADVANCE OF THE MEETING (SEE E.S.S. 286.26).

NONDISCRIMINATION: The City of North Port does not discriminate on the basis of race, color, national origin, sex, age, disability, family or religious status in administration of its programs, activities or services.

AMERICAN WITH DISABILITIES ACT OF 1990 - The North Port City Hall is wheelchair accessible. Special parking is available on the west side of City Hall and the building may be accessed from the parking area. Persons with hearing difficulties should contact the City Clerk to obtain a hearing device for use during meetings.

/s/
Heather Faust, MMC
City Clerk

Publish: April 17, 2023



City of North Port

ORDINANCE NO. 2015-02

(Adoption of Amendments to the City of North Port, Florida
Comprehensive Plan Text and Future Land Use Map)

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO AMENDMENT CPAL-14-035 OF THE COMPREHENSIVE PLAN, TO AMEND THE FUTURE LAND USE MAP 2-7 BY CHANGING THE LAND USE DESIGNATION OF AN APPROXIMATELY 14.1 ACRE AREA LOCATED ADJACENT TO WARM MINERAL SPRINGS FROM MEDIUM DENSITY RESIDENTIAL WHICH INCLUDES .46 ACRE AREA FROM SARASOTA COUNTY MEDIUM DENSITY RESIDENTIAL TO ACTIVITY CENTER, AMENDING THE COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES, AMENDING FIGURE 1: STANDARDS FOR ACTIVITY CENTERS, ADDING ACTIVITY CENTER 7 POLICIES FLU POLICY 2.7.11 THROUGH 2.7.22; PROVIDING FOR FINDINGS; PROVIDING FOR ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING OF AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Pursuant to Article VIII, Section 2(b) of the Constitution of the State of Florida, the North Port City Charter, and the Community Planning Act, Section 163.3161, et. seq., Florida Statutes (the "Act"), the City of North Port is authorized and required to adopt a Comprehensive Plan; and

WHEREAS, the City of North Port Commission adopted the North Port Comprehensive Plan, Ordinance No. 89-3 as amended; and

WHEREAS, the City of North Port Commission adopted the Evaluation and Appraisal Report-based Amendments to the North Port Comprehensive Plan, by Ordinance No. 08-59; and

WHEREAS, to promote public outreach and participation in the public hearing process, the City has provided the following notices: 1) required advertising per State Statute, 2) courtesy

notification mailing to all property owners of record within one-thousand three-hundred twenty (1,320) feet of the subject property were sent on January 5th, 2015, and 3) City web page posting of the public hearing agendas; and

WHEREAS, to provide ample and effective opportunities for public participation in the City of North Port pursuant to the City's Unified Land Development Code, the applicant conducted a neighborhood meeting on August 7, 2013 in advance of the public hearings to disseminate information of the application to allow for the neighborhood and interested party input.

SECTION 1. FINDINGS

The City Commission hereby makes the following findings:

- 1.1 The City of North Port has broad home rule powers granted by the Florida Constitution to enact ordinances which are not inconsistent with general or special law for the purposes of protecting the public health, safety, and welfare of its citizens.
- 1.2 On June 14, 2010, through the adoption of Ordinance No. 2010-14, the City Commission enacted the updated Unified Land Development Code which regulates all land uses within the City of North Port.
- 1.3 The North Port Planning & Zoning Advisory Board, acting as the Local Planning Agency for the City of North Port, held a duly advertised public hearing on February 19, 2015 and recommended approval of the proposed Comprehensive Plan Amendment CPAL-14-035, to the City Commission.
- 1.4 The North Port City Commission held a duly advertised public hearing on March 23, 2015 to receive public comment on the proposed amendment to the Comprehensive Plan.
- 1.5 Following the public hearing, the City Commission approved the transmittal of the proposed amendment CPAL 2014-035 to state, regional and local agencies for review and comment.
- 1.6 Said proposed amendment as approved for transmittal by the City Commission, together with supporting documentation, was transmitted to the State Land Planning Agency-Florida Department of Economic Opportunity and the various agencies and governments as appropriate for review and comment in accordance with the provisions of the Act.
- 1.7 The State Land Planning Agency-Florida Department of Economic Opportunity reviewed the proposed plan Amendment No. CPAL 2014-035 for consistency with Chapter 163, Florida Statutes.
- 1.8 The City Commission held a duly advertised adoption public hearing on June 22, 2015 to receive public comment on the proposed amendment to the Comprehensive Plan:

SECTION 2. ADOPTION

- 2.1 The North Port City Commission hereby approves and adopts amendment CPAL 14-035 to the City of North Port Comprehensive Plan, pursuant to and in compliance with the Community Planning Act, Chapter 163, Part II, Florida Statutes.
 - (a) CPAL-14-035 amends the City of North Port Comprehensive Plan Future Land Use Policies adding Activity Center 7A Policies 2.7.11 through 2.7.22, amendment to Figure

1 to add density and intensity to Activity Center 7A, and amending the Future Land Use Map 2-7 to designate approximately 14.1 acres from medium density residential which includes .46 acres from Sarasota County Medium Density Residential, to Activity Center. The proposed amendment provides mixed use urban design elements that take into consideration the unique history of the area, environmental preservation and consideration of the historic and ecological significance of Warm Mineral Springs and adjacent water bodies.

- (b) The amendment to the Future Land Use Policies and Figure 1 is provided in Exhibit "A" and the amendment to the Future Land Use Map 2-7 is provided in Exhibit "B" attached hereto and made a part thereof.

SECTION 3. CONFLICTS

- 3.1 In the event of any conflicts between the provisions of this Ordinance and any other Ordinance, the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 4. SEVERABILITY

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

SECTION 5. CODING OF AMENDMENTS

- 5.1 In this Ordinance, additions are shown as underlined and deletions as strikethrough. These editorial notations shall not appear in the codified text.

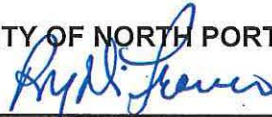
SECTION 6. EFFECTIVE DATE

- 6.1 The effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the Florida Department of Economic Opportunity notifies the City of North Port that the plan amendment package is complete, or if the Amendment is timely challenged, Division or Administration Commission enters a final order determining the adopted Amendment is in compliance, as provided in Section 163.3184, Florida Statutes. No development orders, development permits, or land uses dependent on this Amendment may be issued or commence before it has become effective.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session this 23 day of March, 2015.

PASSED AND DULY ADOPTED on the second and final reading in public session by the City Commission of City of North Port, Florida this 22 day of June, 2015.

CITY OF NORTH PORT, FLORIDA



RHONDA Y. DIFRANCO,
MAYOR

ATTEST:



HELEN M. RAIMBEAU, MMC
CITY CLERK

Approved as to form and correctness:



MARK MORIARTY
CITY ATTORNEY

Exhibit A

Proposed new language is represented with underline: 'New Language'

Proposed language being removed is represented with strikethrough: '~~Old Language~~'

FLU Policy 2.7.11: AC#7A. Development within Area A of the Activity Center 7 shall include a mixture of commercial, institutional, office, professional, tourism, or residential uses, varying heights and scale of buildings, and innovative land use designs, which enhance and provide new economic development opportunities that are complimentary to Warm Mineral Springs.

FLU Policy 2.7.12: AC#7A. Development shall provide a cohesive design which incorporates design elements of the Warm Mineral Springs community and the Sarasota School of Architecture features. Features such as public art shall also be incorporated into the design.

FLU Policy 2.7.13: AC#7A. To support a healthy and sustainable activity center, all development shall establish practices and implement design standards that conserve land and natural resources, reduce energy use, water consumption, waste water generation, and greenhouse gases to the greatest extent feasible.

FLU Policy 2.7.14: AC#7A. Non-residential uses shall be oriented and focused towards the intersection of Ortiz Blvd and Trionfo Ave. with transition areas of buffers and step-down uses adjacent to existing single-family residential lots and neighborhoods.

FLU Policy 2.7.15: AC#7A. New development shall be designed with reduced or zero right-of-way setbacks to encourage street-oriented commercial activities such as street front stores, outdoor venues and seating, access from adjacent pedestrian facilities, and other features that enhance the activity center experience as a people-centric location as opposed to auto-centric design.

FLU Policy 2.7.16: AC#7A. Public plazas shall be utilized as gathering places and a location of civic activity which is accessible through multimodal transportation opportunities, including but not limited to, bike and pedestrian trails, nearby transit stops, and streets designed for safe pedestrian crossings and accessible to all age groups.

FLU Policy 2.7.17: AC#7A. All new development shall include design considerations for the preservation of existing habitat and natural Florida friendly vegetated areas. Site design shall consider appropriate combinations of expansion or enhancement of these natural areas, incorporating them into useable areas that promote the historic and ecological significance of the Springs and adjacent water bodies.

FLU Policy 2.7.18: AC#7A. The City of North Port shall work with developers in AC #7A. to promote environmental stewardship of the natural systems by coordinating on grant and funding opportunities, which may include extension of public sewer and water quality improvements, and Low Impact Design pilot project(s), to protect and improve Warm Mineral Springs and the surrounding area.

FLU Policy 2.7.19: AC#7A. Prior to a development plan, a Master Utility Plan shall be developed and approved by North Port Utilities to accommodate the projected build-out of AC-7A.

FLU Policy 2.7.20: AC#7A. New development shall be designed to reduce off-street parking and associated large impervious surface areas through the use of shared parking, on-street parking design for Ortiz Blvd., complete streets design, transit and other alternative approaches by providing connectivity to

multimodal systems that connect the activity center to regional connections, such as US 41 and area transit hubs.

FLU Policy 2.7.21: AC#7A. Existing single-family development shall be protected through appropriate landscape buffers, transition of uses, and lighting design which reduces off-site light pollution adjacent to these properties.

FLU Policy 2.7.22: AC#7A. Developers shall work closely with the City to redevelop the tree canopy within the area by being permitted to submit an alternative landscape plan which provides equivalent vegetative cover as required by the Land Development Code, but may substitute alternative considerations to gain additional tree canopy. Areas of focus should include transportation corridors and right-of-way trees, project perimeters, and within parking areas.

Figure 1: Standards for Activity Centers

	AC#1	AC#2	AC#3	AC#4	AC#5	AC#6	AC#7	AC#8
Activity Centers	US-41	Town	Sumter	Toledo Blade/I-75	Toledo Blade/Price	Yorkshire	Golden Springs <u>Warm Mineral Springs⁵</u>	River Road Office Park (3,4)
Future Land Use Map Designation	D/I %	D/I %	D/I %	D/I %	D/I %	D/I %	D/I %	D/I %
Low Density Residential	NPU 0	4.0/ 10	NPU 0	4.0/ 27	NPU 0	NPU 0	4.0/ 52 A:0/ 0	n/a n/a
Medium Density Res.	5.5/ 2	10.0/ 16	NPU 0	10.0/ 5	10.0/ 9	10.0/ 9	0 / 0 A:10.0/ 30	n/a n/a

High Density Residential	15.0/ 2	15.0/ 27	NPU 0	15.0/ 4	15.0/ 9	15.0/ 9	0/ 0 <u>A: 0/0</u>	15.0/ 20
Professional Office	0.95/18	0.95/ 13	0.95 / 23	0.95/ 13	0.95 / 13	.30/ 10	See foot note 2	/0.55 24
Commercial	0.95/58	0.95 / 22	0.95 ¹ /75	0.95 / 20	0.95 / 39	.30 / 16	/.15 12 <u>A:.6/90</u>	/0.55 20
Industrial	0.95/ 9	0.95 ² / 1	0.95 ² / 2	0.95 / 29	0.95 / 26	.30 / 38	0 / 0 <u>A: 0/0</u>	n/a n/a
Public – Rec/Open	__ 11	__ 11	__ 0	__ 1	__ 4	n/a/ 6	__ 36 <u>A: 20°</u>	__ 36
Utility Ind. Corr						n/a/ 12		

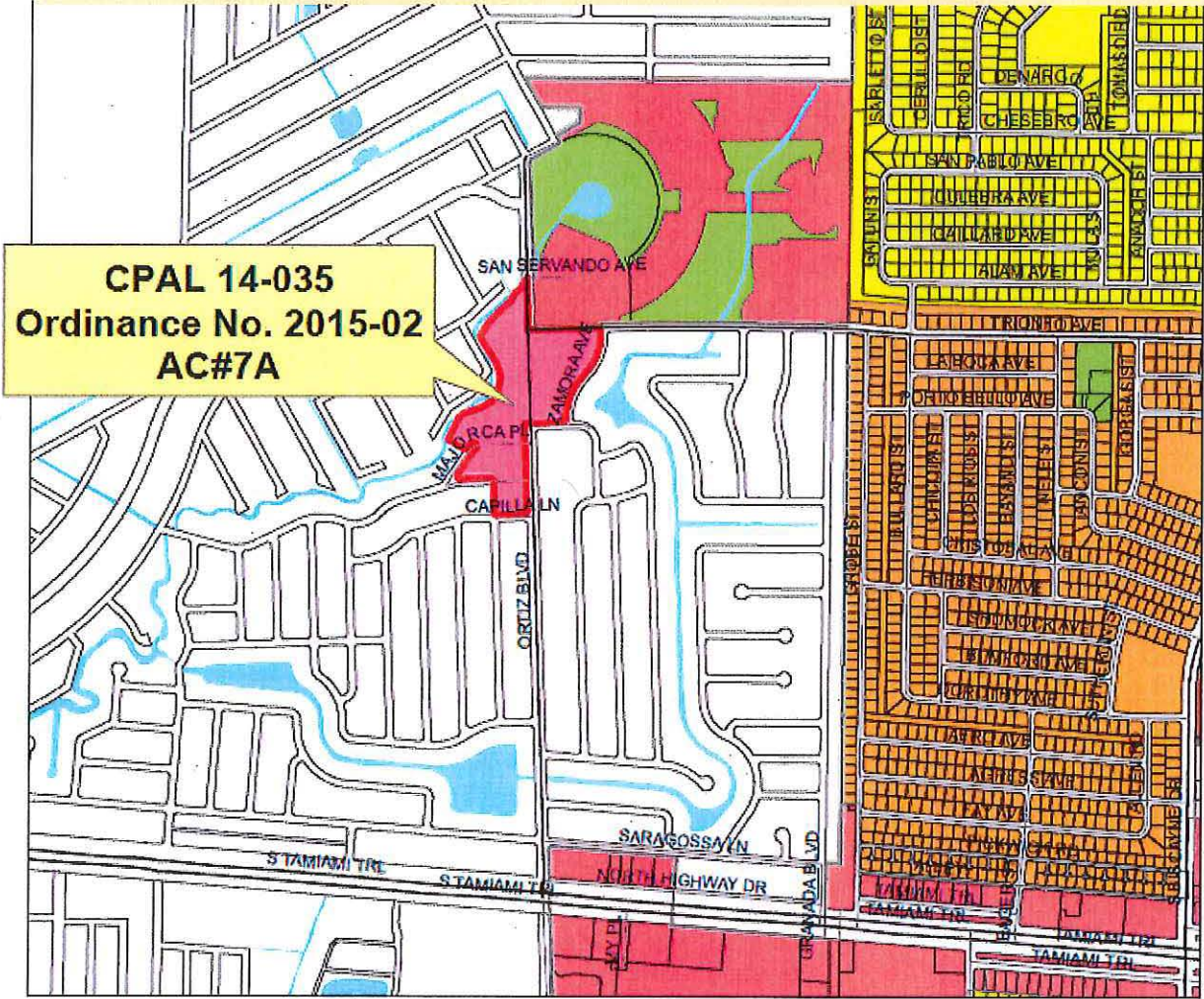
Footnotes/Notes

1. Hotels, motels, restaurants or other highway uses permitted (See Policy 2.3.1)
 2. The land use categories commercial and professional office are combined.
 3. River Road Office Park - Density/Intensity and % of land area within Activity Center applicable to Parcel "B" only.
 4. River Road Office Park – Parcel "A" is a 25 acre parcel for private recreational use and is not included in the density/intensity or % land area calculations above.
 5. Warm Mineral Springs Activity Center has two distinct areas with unique development standards that are designed to complement each other. The original AC 7 area represents the publicly owned property of the Springs and Area A represents the "off-site" property west of Ortiz Blvd. and south of Trionfo Ave.
 6. Public Rec/Open space for this area is intended to include green space, plazas and community gathering areas as part of the design and 20% is considered a minimum.
- D/I Density/Intensity
- % Percentage of land area within Activity Center
- NPU Non-permitted use

Exhibit B

Ordinance No. 2015-02

FUTURE LAND USE - PROPOSED CPAL 14-035 -Warm Mineral Springs Wellness Center FLUM

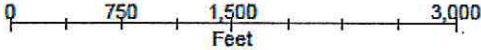


**CPAL 14-035
Ordinance No. 2015-02
AC#7A**

- | | |
|---|--|
| AGRICULTURAL, ESTATES | UTILITY INDUSTRIAL CORRIDOR |
| LOW DENSITY RESIDENTIAL | CONSERVATION (TDR SENDING ZONE) |
| MEDIUM DENSITY RESIDENTIAL | RECREATION/OPEN SPACE (TDR SENDING ZONE) |
| HIGH DENSITY RESIDENTIAL | PUBLIC |
| PROFESSIONAL OFFICE | ACTIVITY CENTER (TDR RECEIVING ZONE - EXCEPT AC-3) |
| COMMERCIAL | VILLAGE |
| INDUSTRIAL | CPAL 14-035 |



Prepared by NDS/Planning Division
May 15, 2014



NOTE: THIS MAP CANNOT BE CORRECTLY INTERPRETED INDEPENDENTLY OF THE CITY OF NORTH PORT COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 97-27. AS SAME MAY BE AMENDED FROM TIME TO TIME.

Disclaimer: This map is for reference purposes only and is not to be construed as a legal document. Any reliance on the information contained herein is at the user's risk. The City of North Port and its agents assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

Return To:
City Clerk Department
City of North Port
4970 City Hall Blvd
North Port FL 34286-4100

Exhibit D to Staff Report CPAL-23-046

Ordinance No. 2015-03

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2015081729 13 PG(S)
July 02, 2015 09 52 20 AM
KAREN E RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL



City of North Port

ORDINANCE NO. 2015-03

(To designate City of North Port Planned Community Development (PCD) zoning district designation to \pm 14.1 total acres of which 13.6 acres are not zoned and .46 acres are zoned Sarasota County (RMF3) Residential Multi-Family 3)

A REZONING OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE OFFICIAL ZONING MAP, PROVIDING FOR FINDINGS; PROVIDING FOR REZONING; PROVIDING FOR RESTRICTIONS, STIPULATIONS, AND SAFEGUARDS; PROVIDING FOR FILING OF ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. FINDINGS

The City Commission hereby makes the following findings:

- 1.1 On March 21, 2014, Dr. Grigory Pogrebinsky, as authorized agent for WMS North Port RE 2, RE 3, and RE 4, LLC, submitted a petition to rezone 14.1 acres of certain real property located wholly within the corporate limits of the City of North Port, Florida; and
- 1.2 The \pm 14.1 acres located in Section 25, Township 39 South, Range 20 East is shown on the survey and legal description, attached hereto and incorporated herein as Exhibit "A"; and
- 1.3 The proposed petition requests that the total \pm 14.1 acres, of which .46 acres has

CERTIFIED BY:
HELEN M. RAIMBEAU, CITY CLERK

Helen M. Raimbeau
DATE: 6-26-15

Sarasota County Residential Multi-Family 3 zoning and 13.6 acres of City of North Port Medium Density Residential Zoning, be rezoned to City of North Port Planned Community Development (PCD) Zoning District designation, attached hereto as Exhibit B; and

- 1.4 The rezoning herein granted is consistent with the City of North Port Comprehensive Plan and meets the requirements of the Unified Land Development Code.
- 1.5 Pursuant to the provisions of Section 1-11 and Section 53-117 of the Unified Land Development Code, an evaluation has been completed of the impacts that the proposed rezoning of the property described herein will have on the levels of service for parks, drainage, solid waste, transportation, water and sewer systems. Adequate levels of service are anticipated to be available.
- 1.6 To facilitate a superior project design consistent with the provisions of the City of North Port Comprehensive Plan and pursuant to Section 53-117 of the Unified Land Development Code, this rezoning shall include a Development Master Plan attached hereto as Exhibit "C" and shall include development conditions of approval attached hereto in Section 3. These stipulations shall be covenants running with the land.
- 1.7 The public notice requirements pursuant to Chapter 163, Florida Statutes, have been adhered to and satisfied; and
- 1.8 After consideration of a staff report from the Neighborhood Development Services, Planning Division, the North Port Planning and Zoning Advisory Board, acting as the Local Planning Agency, at its regularly scheduled meeting of Thursday, February 19, 2015, held a duly noticed public hearing at which time all interested parties had an opportunity to appear and be heard regarding Ordinance No. 2015-03; and
- 1.9 The City Commission held duly noticed public hearings on March 23, 2015 first reading and June 22, 2015 adoption hearing, received and reviewed this petition and recommendation of the Local Planning Agency and found this Ordinance to be consistent with the adopted North Port Comprehensive Plan and Unified Land Development Code.

SECTION 2. REZONING

- 2.1 The zoning classification of the 14.1 acres, as shown herein on the location map, attached hereto and incorporated as Exhibit "B" is hereby changed from Sarasota County Residential Multi-Family 3 (RMF3) Zoning District for .46 acres and 13.6 acres not zoned to City of North Port Planned Community Development (PCD) Zoning District designation.

SECTION 3. RESTRICTIONS, STIPULATIONS, AND SAFEGUARDS

- 3.1 As used in the stipulations hereinafter set forth, the term "Owner" shall refer to the Owners of the property described in Section 1 and their successors and assigns. Upon

CERTIFIED
HELEN M. RAIMBEAU, CITY CLERK
Helen M. Raimbeau
DATE: 6-26-15

recording in the public records of the City of North Port and Sarasota County, these stipulations shall be covenants running with the land. The use of the property described in Section 1 and 2 of this Ordinance, in addition to the applicable restrictions imposed by the zoning ordinance is hereby further limited by the subject to the following restrictions, stipulations, and safeguards:

FUTURE LAND USE

- (a) Development of the 14.1 acre site shall be limited to 269,000 square feet of non-residential space and 72 residential multifamily dwelling units. To ensure a proper mix of uses, any deviation of over 10% of approved uses (not to exceed cap) would be construed as major change and necessitate an amendment to the Development Master Plan (DMP).
- (b) The DMP shall not expire in 2 years but shall run with the land. Any changes or amendments to the DMP shall require Commission approval.
- (c) All buildings shall be limited to three stories of enclosed space. Additional features or equipment above three stories may be allowed as part of a roof access and usage. Associated wall or railing is considered a permitted appurtenance and is not subject to the building height limitations of the subject zoning district. Mechanical equipment shall be screened from view on all sides.
- (d) All buildings shall be oriented along right-of-way frontage in an effort to reduce suburban style parking lots fronting all public right-of-way. Each phase of development shall provide side oriented or frontage along publicly accessible streets.
- (e) All development shall be oriented towards the street and offer pedestrian scale access, which includes architectural entry features and awnings towards the public right-of-way where appropriate, outdoor seating, and pedestrian connectivity between on-site and off-site networks.
- (f) Coordinate with Sarasota County Area Transit (SCAT) to determine location of bus shelters. Projected ridership will dictate when and if service is necessary and at what stage of the development.
- (g) The developer shall provide a cohesive design which incorporates design elements of the Warm Mineral Springs community and the Sarasota School of Architecture features.
- (h) Any outdoor events shall comply with all applicable state and local ordinances and shall limit outdoor event activity to between the hours of 6AM and 11PM.
- (i) Any development proposed in 7A which abuts the creek flowing from Warm Mineral Springs to the Myakka River shall contact Florida Department of Environmental Protection (FDEP)

✓
CERTIFIED BY:
HELEN M. RAIMBEAU, CITY CLERK
Helen M. Raimbeau
DATE: 6-26-15

manatee (mammal) experts to determine the best management practices for development, and any mitigation necessary to protect manatees which may utilize this tributary. Prior to development approval by the City, the applicant shall provide written documentation of all correspondence and discussion with FDEP.

- (j) A fifty (50) foot natural buffer shall be provided from the creek running from Warm Mineral Springs. The buffer shall begin at the Ordinary High Water Line. The buffer shall be limited to passive uses including walking paths and seating areas.

HISTORIC/ARCHAEOLOGICAL

- (a) If evidence of the existence of historic or archaeological resources is discovered or observed at development tracts or during development activities after final approval, all work shall cease in the area of effect as determined by the City Manager or designee until such time as the find can be assessed. The developer, owner, contractor, or agent thereof shall notify the City and the State Archeologist for the State of Florida within two (2) calendar days. Examples of such evidence include whole or fragmentary stone tools, shell tools, aboriginal or historic pottery, historic glass, historic bottles, bone tools, historic building foundations, shell mounds, shell middens, or sand mounds. The City Manager or designee in consultation with the State Archeologist for the State of Florida shall assess the significance of the finds and the applicant shall mitigate any adverse effects as soon as possible, but not later than within three (3) calendar days of notification.

- (b) If any human skeletal remains or associated burial artifacts are discovered at development tracts or during development activity, all work in the area must cease, and the permittee must immediately notify the City of North Port Police Department, and the State Archeologist of the State of Florida. The developer shall also notify the City of North Port Department of Neighborhood Development Services within two (2) calendar days of discovery. According to Florida Statute Ch. 872, it is unlawful to disturb, vandalize, or damage a human burial.

SUBSURFACE EVALUATION/GEOTECHNICAL

- (a) For all land development projects and building permits within AC#7A, a geotechnical investigation report shall be submitted with the first submittal of project plans for review by City staff or their consultant. All reports shall be signed by appropriate registered professionals and registration numbers provided. It should be understood that if the review process identifies potential problems that have not been adequately addressed or areas which require additional information, some delays in the approval process may occur.

✓
CERTIFIED BY:
HELEN M. RAIMBEAU, CITY CLERK
Helen M. Raimbeau
DATE: 6-26-15

- (b) Report includes an in-depth evaluation which entails review of pertinent literature (may include data and information provided to City/Sarasota County from USGS), a field subsurface investigation, geologic mapping, testing, geologic and engineering analysis of the data obtained, and a summary of conclusions and recommendations concerning site development.

TRANSPORTATION

- (a) Coordinate with Sarasota County Area Transit (SCAT) on the provision of transit service and transit stops and shelters.
- (b) Ortiz Blvd. has an 80' ROW. Pursuant to the applicant's proposed Comprehensive Plan Text Amendment FLU Policy 2.7.18, adhere to 'Complete Streets' design utilizing FDOT standards and guidelines for Complete Streets design. Complete Streets are defined as, "streets that provide safe, comfortable, and convenient access for users of all abilities including pedestrians, bicyclists, motorists, and transit riders."
- (c) To the greatest extent possible, all tracts shall be connected via sidewalks and vehicular access.

WATER

- (a) The water mains on Ortiz and Trionfo must be completed and approved for service prior to the commencement of vertical construction.
- (b) The public water system will become the property of the City of North Port Utilities and shall be dedicated to the City for operation and maintenance. The water system will include all mains and appurtenances located in public right of way and utility easements up to the water meter, fire hydrant and/or fire department connection (FDC) device.

SEWER

- (a) The master lift station shall be completed and approved for operation prior to the Certificate of Occupancy.
- (b) The Public sanitary sewer system shall become the property of the City of North Port Utilities and shall be dedicated to the City for operation and maintenance. The sewer system will include all sewer mains and appurtenances located in public right of way and utility easements up to the last manhole and /or service wye.

✓
CERTIFIED BY:
HELEN M. RAIMBEAU, CITY CLERK
Helen M. Raimbeau
DATE: 6-26-15

UTILITY SYSTEM

- (a) Easements and or rights of way must be provided to the City of North Port and recorded in the Public Records of Sarasota County by the Developer prior to placing each phase of construction into operation. The easements shall be sized in accordance with the Utility Standards.
- (b) Prior to site design approval or extension of existing facilities to accommodate increased ERU's for any portion of planned or existing development within AC-7A, a Master Utility Plan shall be developed and include appropriate sizing of lines, lift stations, and any other necessary equipment or facilities, to accommodate the projected build-out of AC-7A. The Master Utility Plan shall include general location of water and sewer lines, lift station location, and identify potential off-site connection points, based on expected ERU needs from each land owner within the boundary, where feasible and appropriate. Failure by land owners to coordinate with planning of these facilities will render them responsible for upgrades to the system required by their development.
- (c) Any development within AC-7A shall be required to complete design, permitting, and construction of the utility system described in the Master Utility Plan. Each phase or sub-phase owner/operator is encouraged to develop cost-sharing agreements for water and wastewater services prior to construction of the new system, noting that each connection is separately metered.

SECTION 4. FILING OF ORDINANCE

- 4.1 Upon adoption of this Ordinance, the City Clerk is directed to cause a copy of this Ordinance to be filed with the Clerk of the Circuit Court of Sarasota County.

SECTION 5. SEVERABILITY

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

SECTION 6. CONFLICTS

- 6.1 In the event of any conflicts between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall prevail to the extent of such conflict.

✓
CERTIFIED BY:
HELEN M. RAIMBEAU, CITY CLERK
Helen M. Raimbeau
DATE: 6-26-15

SECTION 7. EFFECTIVE DATE

7.1 This Ordinance shall become effective immediately after its adoption by the City of North Port Commission. No development order, or development permits dependent on this Ordinance may be issued or commence before it has become effective.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session this 23 day of March, 2015.

PASSED AND DULY ADOPTED on the second and final reading in public session by the City Commission of City of North Port, Florida this 22 day of June, 2015.

CITY OF NORTH PORT, FLORIDA



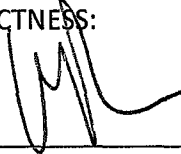
RHONDA M. DIFRANCO
MAYOR

ATTEST:



HELEN M. RAIMBEAU, MMC
CITY CLERK

APPROVED AS TO FORM AND
CORRECTNESS:



MARK MORIARTY
CITY ATTORNEY

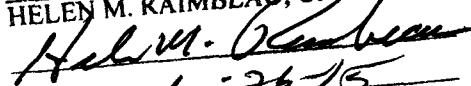
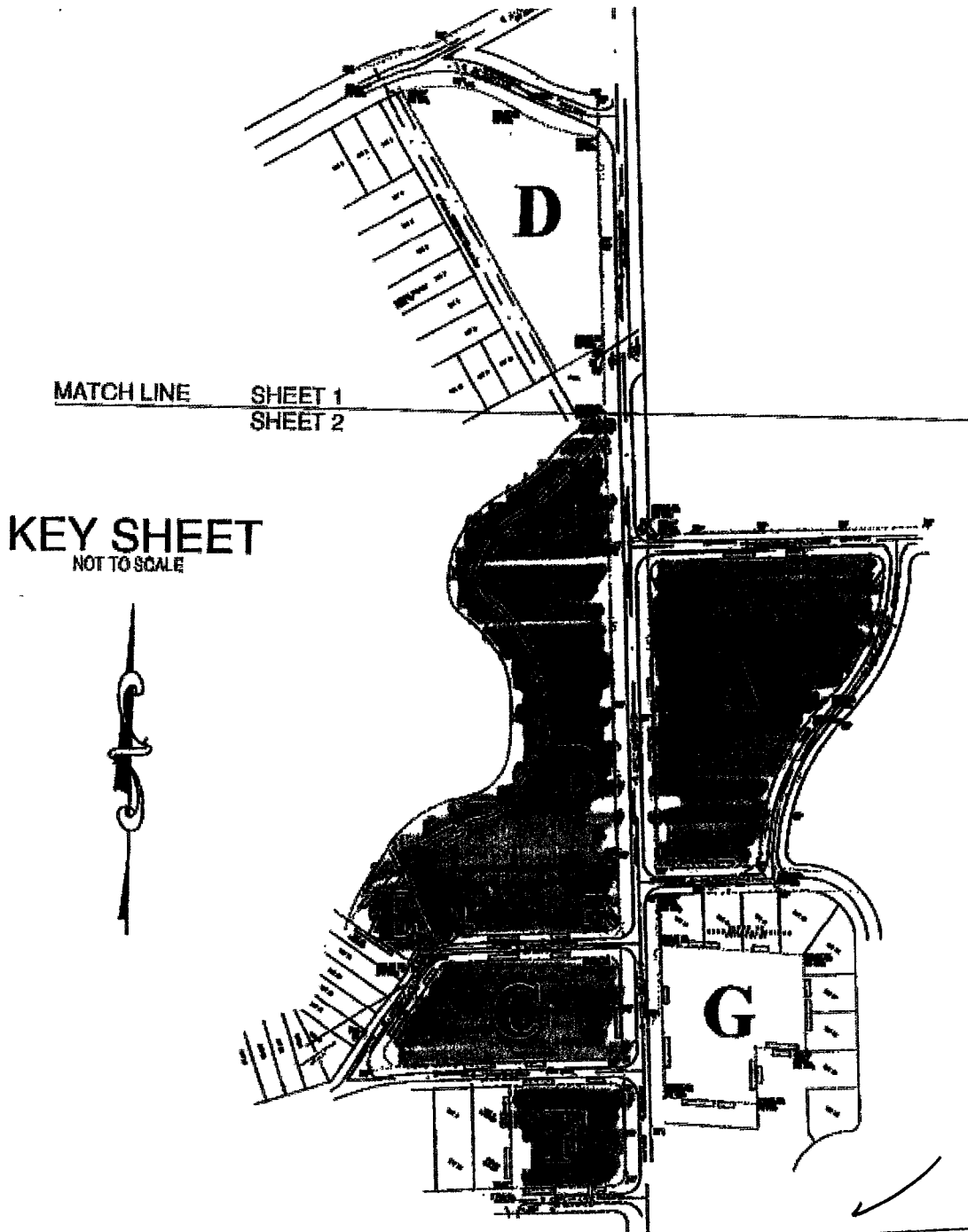
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CERTIFIED BY:
HELEN M. RAIMBEAU, CITY CLERK

DATE: 6-26-15

Exhibit A



KEY SHEET
NOT TO SCALE

CERTIFIED BY:
HELEN M. RAIMBEAU, CITY CLERK
Helen M. Raimbeau
DATE: 6-26-15

DESCRIPTION: (FURNISHED BY CLIENT)

~~RECORDS~~

~~LOTS 4 THROUGH 17, BLOCK 10, WARM MINERAL SPRINGS, REPLAT OF UNIT NO. 88 AMENDED, RECORDED IN PLAT BOOK 10 AT PAGE 82 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.~~

~~RECORDS~~

~~LOTS 18 AND 19, BLOCK 17, WARM MINERAL SPRINGS, UNIT NO. 81, RECORDED IN PLAT BOOK 9 AT PAGE 48 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.~~

~~RECORDS~~

~~LOTS 20 THROUGH 24, BLOCK 46, WARM MINERAL SPRINGS, UNIT NO. 81, RECORDED IN PLAT BOOK 9 AT PAGE 48 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.~~

PARCEL "D":

BEGIN AT THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 39 SOUTH, RANGE 20 EAST; THENCE N 87°15'47" W, 2070.72 FEET TO THE CENTERLINE OF ORTIZ BLVD., THENCE N 02°45'00" W ALONG SIDE CENTERLINE 3803.67 FEET FOR A POINT OF BEGINNING; THENCE S 59°54'00" W, 199.45 FEET TO THE EASTERLY SIDE OF WARM SALT SPRINGS SUBDIVISION; THENCE N 30°08'00" W ALONG SAID EASTERLY SIDE OF WARM SALT SPRINGS SUBDIVISION 635.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF DELEON DRIVE; THENCE EASTERLY ALONG A 22°02'20" CURVE TO THE RIGHT 285.75 FEET; THENCE EASTERLY ALONG A 16°51'00" CURVE TO THE LEFT 211.37 FEET TO THE CENTERLINE OF ORTIZ BLVD.; THENCE S 02°45'00" E, 369.19 FEET ALONG THE CENTERLINE OF ORTIZ BLVD., TO THE POINT OF BEGINNING; EXCEPT A STRIP 40 FEET IN WIDTH ON THE EAST FOR RIGHT-OF-WAY OF ORTIZ BLVD., AND EXCEPT A STRIP 50 FEET IN WIDTH ON THE WEST FOR A DRAINAGE CANAL RIGHT-OF-WAY, ALL LYING AND BEING IN SECTION 25, TOWNSHIP 39 SOUTH, RANGE 20 EAST, IN SARASOTA COUNTY, FLORIDA.

~~RECORDS~~

~~TRACT 2A, BLOCK 17, WARM MINERAL SPRINGS, UNIT NO. 81, RECORDED IN PLAT BOOK 9 AT PAGE 48 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.~~

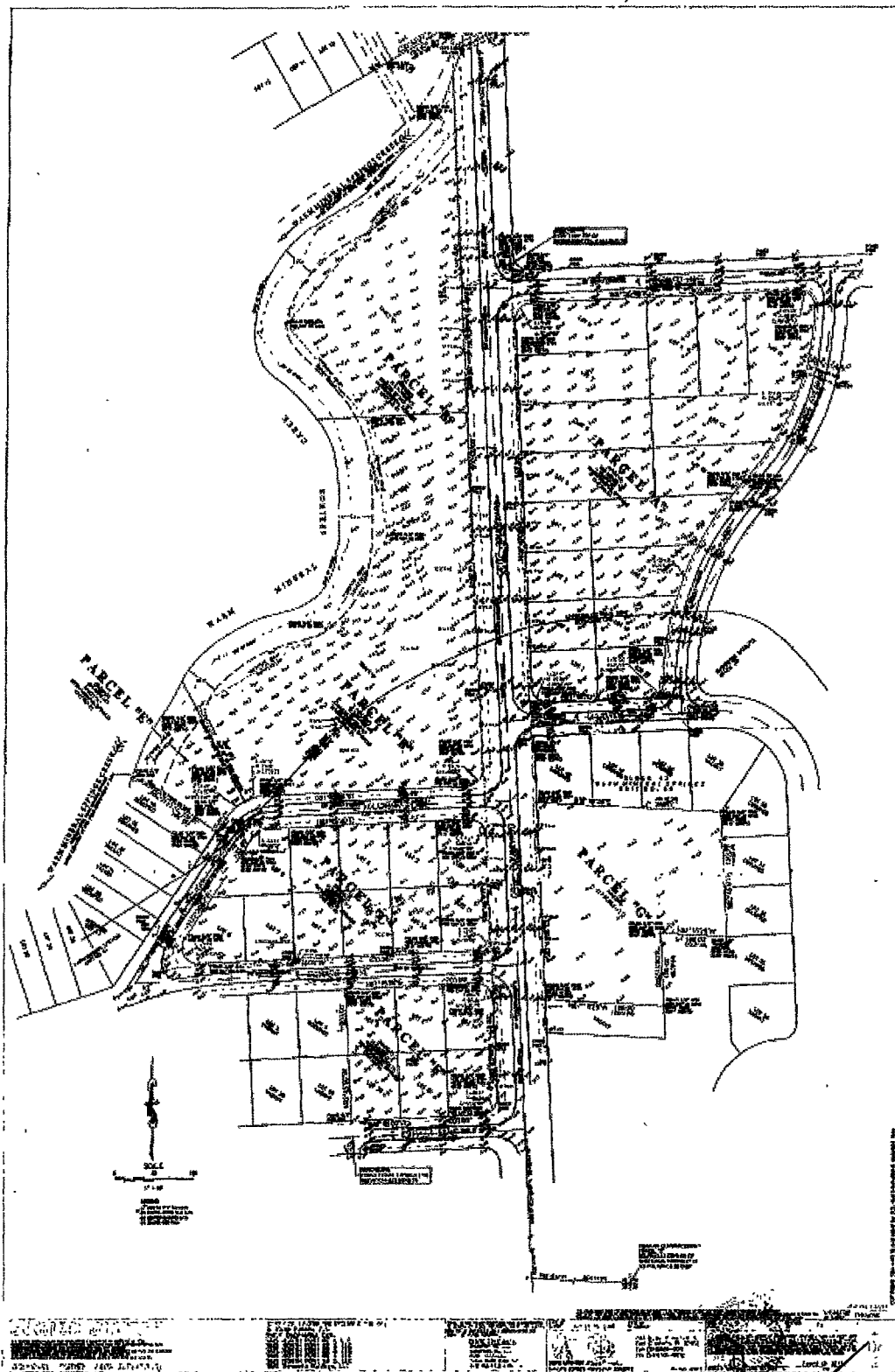
~~RECORDS~~

~~LOTS 25 THROUGH 30, AND 32 THROUGH 36, BLOCK 15, WARM MINERAL SPRINGS, UNIT NO. 81, RECORDED IN PLAT BOOK 9 AT PAGE 48 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.~~

PARCEL "G":

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 39 SOUTH, RANGE 20 EAST, SARASOTA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT DESCRIBED AS THE POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTHEAST QUARTER OF AFORESAID SECTION 25, WITH THE EAST RIGHT-OF-WAY LINE OF ORTIZ BLVD. (80.00 FEET WIDE), ALSO BEING THE SOUTHWEST CORNER OF LOT 42, BLOCK 42 IN WARM MINERAL SPRINGS REPLAT OF UNIT NO. 88 AMENDED, PER PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 82F PUBLIC RECORDS OF SAID SARASOTA COUNTY, FLORIDA; THENCE S 02°45'00" E, ALONG THE EAST RIGHT-OF-WAY LINE OF SAID ORTIZ BLVD., A DISTANCE OF 300.00 FEET; THENCE S 87°16'28" E, A DISTANCE OF 180.00 FEET; THENCE N 02°45'00" W, A DISTANCE OF 110.00 FEET; THENCE S 87°16'28" E, A DISTANCE OF 100.00 FEET; THENCE N 02°45'00" W, A DISTANCE OF 190.00 FEET; THENCE N 87°16'28" W, A DISTANCE OF 280.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 1.668 ACRES, MORE OR LESS.

CERTIFIED BY:
HELEN M. RAIMBEAU, CITY CLERK
Helen M. Raimbeau
DATE: 6-26-15

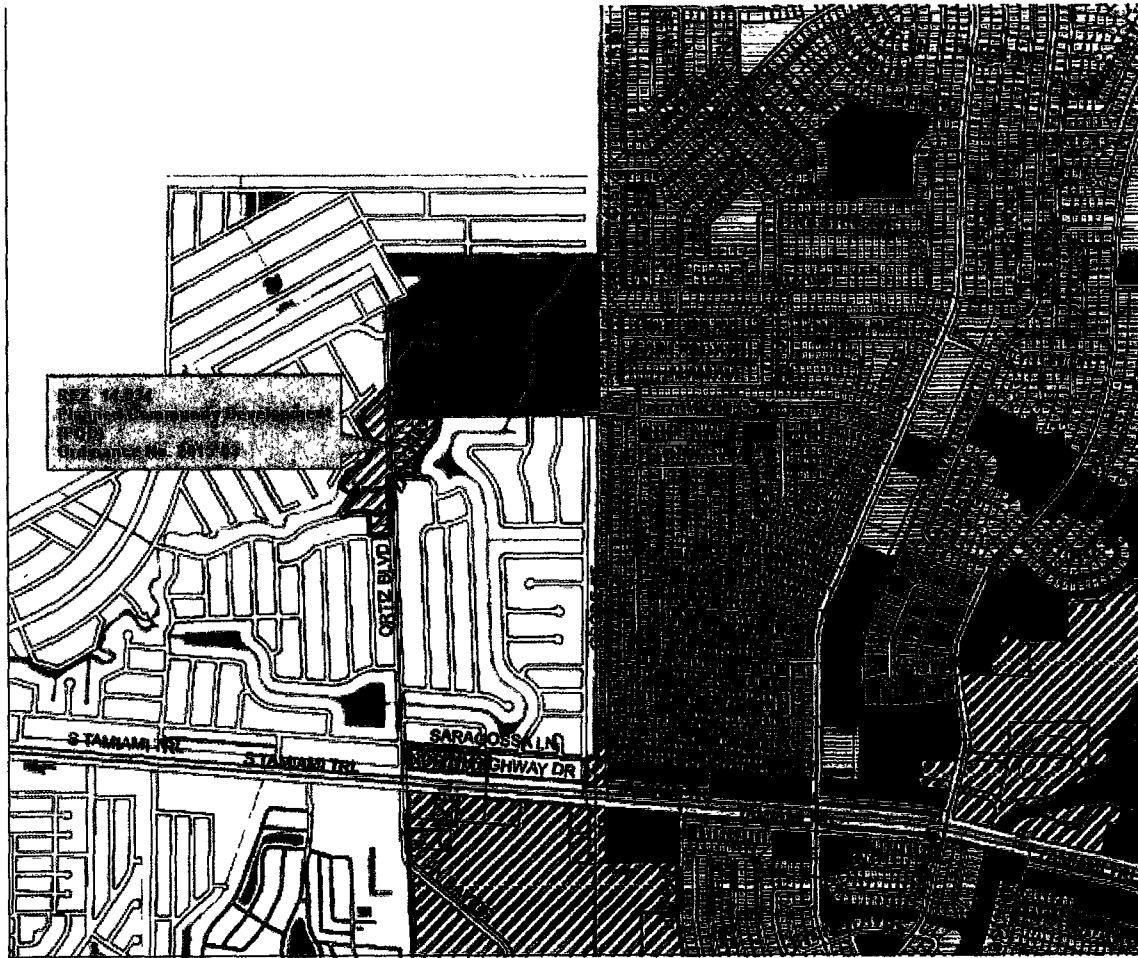


CERTIFIED BY:
HELEN M. RAIMBEAU, CITY CLERK
Helen M. Raimbeau
DATE: 6-26-13

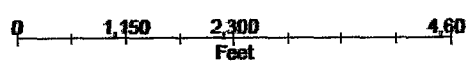
Exhibit B

Ordinance No. 2015-03

REZONE PETITION - PROPOSED 'No Zoning Designation' & Sarasota County 'Residential Multi-Family 3' to City of North Port 'Planned Community Development (PCD)' Zoning District REZ-14-034 - Warm Mineral Springs Wellness Center



- | | | |
|--|---|--------------------------------------|
| Zoning Classifications | AG - Agriculture | PCD - Planned Community Development |
| AC-7 - Activity Center 7 | CD - Conservation District | RSF-2 - Residential Single Family 2 |
| CLR - Commercial Redevelopment Low Impact | ROS - Recreation/Open Space | RSF-3 - Residential Single Family 3 |
| V - Village | GU - Government Use | RMF - Residential Multi-Family |
| CGS - Commercial General S | ILW - Industrial/Light Warehouse | RMH - Residential Manufactured House |
| NC-HI - Neighborhood Commercial-High Intensity | CG - Commercial General | RTF - Residential Two Family |
| NC-LI - Neighborhood Commercial-Low Intensity | OPI - Office/Professional/Institutional | NZD - No Zoning Designation |
| ComRec - Commercial/Recreation | UIC - Utility Industrial Corridor | Petition Area |



NOTE: THIS MAP CANNOT BE CORRECTLY INTERPRETED INDEPENDENTLY OF THE CITY OF NORTH PORT COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 87-27, AS SAME MAY BE AMENDED FROM TIME TO TIME.



Prepared by NDS/Planning Division
 May 16, 2014

Disclaimer: This map is for reference purposes only and is not to be construed as a legal document. Any reliance on the information contained herein is at the user's risk. The City of North Port and its agents assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

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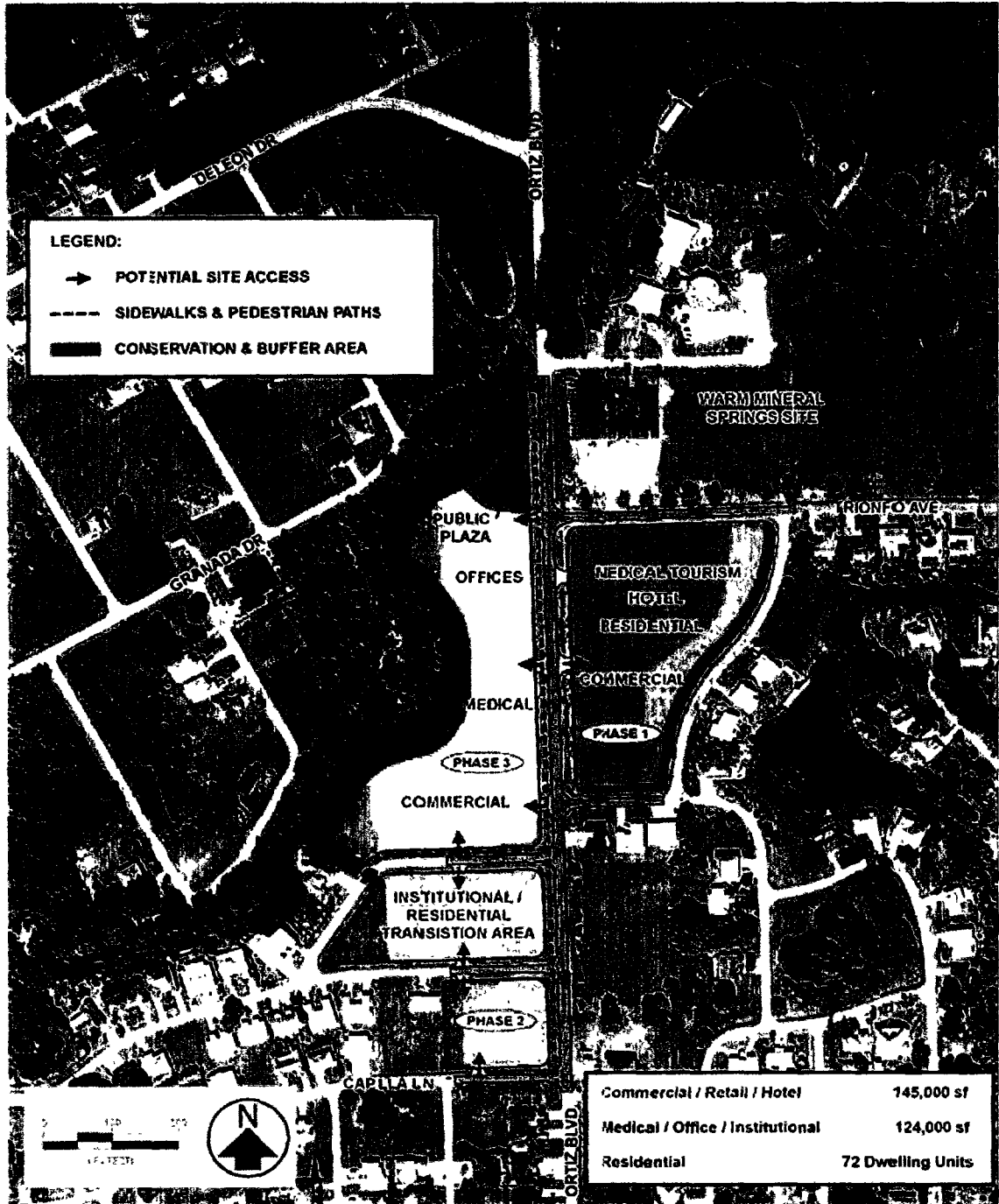
CERTIFIED BY:
 HELEN M. RAIMBEAU, CITY CLERK

 DATE: 6-26-15

Exhibit C

Ordinance No. 2015-03

DEVELOPMENT MASTER PLAN WITH WAIVERS



**DEVELOPMENT MASTER PLAN
FOR
WARM MINERAL SPRINGS
WELLNESS CENTER**

WELER ENGINEERING CORPORATION
WELER *excellence in engineering*
209 WEST MARION AVENUE - SUITE 1006 | PUNTA GORDA | FL 33958
TEL 841 506 1700 | FAX 841 506 170 2 | WWW.WELERENGINEERING.COM

CERTIFIED BY:
HELEN M. RAIMBEAU, CITY CLERK
Helen M. Raimbeau
DATE: 6-26-15