



City of North Port

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ANNEXING ± 6.89 ACRES OF REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF SARASOTA COUNTY, FLORIDA AND CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF NORTH PORT, FLORIDA; REDEFINING THE BOUNDARY LINES OF THE CITY OF NORTH PORT TO INCLUDE THIS PROPERTY; PROVIDING FOR FINDINGS; PROVIDING FOR ANNEXATION; AMENDING THE OFFICIAL ZONING MAP; PROVIDING FOR ASSESSMENT AND TAXATION; PROVIDING FOR FILING OF DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 22, 2023, Jackson Boone, Esq., of the Boone Law Firm, in its capacity as agent of Flash Investors, LLC (“Petitioner”), submitted Petition No. ANX 23-175 for the voluntary annexation of certain real property into the corporate limits of the City of North Port, Florida (the “Petition”). The Petition is attached as “Exhibit A” and bears the signature of the property owner; and

WHEREAS, the Petition relates to ± 6.89 acres of real property, identified in the legal description and boundary survey attached as “Exhibit B” (the “Property”); and

WHEREAS, the location of the Property is identified on the map attached as “Exhibit C”; and

WHEREAS, in compliance with Section 53-22.E(1) of the Unified Land Development Code (“ULDC”), the City has prepared a fiscal impact analysis, attached as “Exhibit D”; and

WHEREAS, the Planning and Zoning Advisory Board, designated as the local planning agency, held a properly noticed public hearing on January 18, 2024 to receive public comment on the subject matter of this ordinance and to make its recommendation to the City Commission; and

WHEREAS, the City Commission of the City of North Port held properly noticed public hearings at first and second reading of this ordinance to review the recommendations of the Planning and Zoning Advisory Board and the administrative report, and to receive public comment on the subject matter of this ordinance; and

WHEREAS, the City Commission determined 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 In accordance with Florida Statutes Section 166.041(4)(a), the City timely posted a business impact estimate on the City’s website on or before the date the newspaper published notice of this ordinance’s final reading.
- 1.03 The City Commission makes the following additional findings:
 - a. The Property is wholly located in an unincorporated area of Sarasota County, is contiguous to the boundaries of the City of North Port, and is reasonably compact.
 - b. Annexing the Property will not result in the creation of enclaves.
 - c. The City is equipped to extend urban services to the Property on the date of annexation on substantially the same basis and in the same manner as those services provided within the municipality prior to annexation.
 - d. The City is equipped to supply municipal water and sewer services to the Property so that, when services are provided, property owners can secure public water and sewer service according to the City’s policies for extending water and sewer lines to individual lots or subdivisions.
 - e. The Petition and the Property meet all requirements of Florida Statutes Chapter 171 pertaining to voluntary annexations.
 - f. The Petition and the Property meet all requirements of ULDC Section 53-22 pertaining to annexations.
 - g. All procedural and notice requirements mandated by state law; the Code of the City of North Port, Florida; and the ULDC have been followed and satisfied.
- 1.04 All identified exhibits are incorporated in this ordinance by reference.

SECTION 2 – ANNEXATION AND OFFICIAL ZONING MAP

- 2.01 The City Commission approves the Petition to voluntarily annex the Property. The Property is hereby annexed into the corporate limits of the City of North Port, Florida and the boundary lines of the City are hereby redefined to include the Property.
- 2.02 The Property is designated as Future Annexation Area on the City of North Port’s Comprehensive Plan Future Land Use Map. The Property will be designated a land use on the City’s Comprehensive Plan Future Land Use Map at a later date, and the map will be redefined to include the Property at that time.

2.03 The City Commission approves the amendment to the City’s Official Zoning Map revised Official Zoning Map, attached as “Exhibit E,” incorporating the Property with a zoning designation of “No Zoning Designation.”

SECTION 3 – ASSESSMENT AND TAXATION

3.01 The City will assess and tax the Property as permitted under the law as of the effective date of this ordinance.

SECTION 4 – FILING OF DOCUMENTS

4.01 Upon this ordinance taking effect, the City Clerk is directed to place in the City Clerk’s files an updated Official Zoning Map in accordance with the requirements of ULDC Sections 53-14, 53-16, and 53-17, with the State of Florida’s Office of Economic and Demographic Research specifying the population census effect and the affected land area, with Petitioner paying all related filing costs.

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 _____, 2024.

ADOPTED by the City Commission of the City of North Port, Florida on the second and final reading in public session on _____, 2024.

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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

Exhibit A to Ordinance No. 2024-__



Annexation Packet

The following items are to be included in the submission:

- Annexation Application
- Affidavit(s)
- Annexation Checklist
- Annexation Fee Sheet
- Billable Fee Payment Agreement

Note

Please be advised that each application is considered a separate petition and will be reviewed as such. Packets will not be processed if incomplete or missing requested information.

If there is more than one property owner of the subject property, all owners must complete an affidavit.

There are additional costs included with this application. Fees for legal advertisements and adjacent property owner notifications will be billed to the applicant at actual cost. These costs shall be paid in full before any development orders/orders of approval are issued.

RECEIVED By Joy McRae-Fox at 9:03 am, Jul 21, 2023	DATE RECEIVED – DATE STAMP

	City of North Port
	Neighborhood Development Services
	4970 City Hall Boulevard, North Port, FL 34286
	Phone: (941) 429-7156 Fax: (941) 429-7164
	Web www.cityofnorthport.com

VOLUNTARY ANNEXATION (ANX) AMENDMENT APPLICATION

Upon making any application to the City for any reason, the applicant agrees to comply with all the requirements of the Unified Land Development Code and further agrees to allow authorized city staff and personnel to enter and inspect the property during normal business hours

This section to be completed by staff

Date Application Received: _____ Accepted by: _____

Project Type: **ANX** - _____ - _____

Project Name: Flash Investors - River Road

Name of Applicant:
Flash Investors, LLC

Name of Corporation/LLC (if Applicable):

Street Address:
3060 Peachtree Road NW, Suite 1550

City: Atlanta

State: Georgia Zip Code: 30305

Phone: _____

FAX No: _____

E-mail: colin@dowlingdc.com

Name of Attorney: (If Applicable)

Jackson Boone, Esq.

Street Address:

1001 Avenida Del Circo

City: Venice

State: Florida

Zip Code: 34285

Phone: 941-488-6716

FAX No:

E-mail: jackson.boone@boone-law.com

Name of Surveyor: (If Applicable)

Britt Surveying, Inc.

Street Address:

680 US 41 Bypass N, Suite 1

City: Venice

State: Florida

Zip Code: 34285

Phone: 941-493-1396

FAX No:

E-mail: tina@brittsurveying.com

Name of Contractor: (If Applicable)

Street Address:

City:

State:

Zip Code:

Phone:

FAX No:

E-mail:

Property Description

Parcel I.D. No. (s) (List Additional Parcel ID's on an attached sheet)

0788 - 03 - 0001 _____
_____ _____
_____ _____

Look for attached sheet

Land Use: vacant commercial land

FLU: Rural

Acreage: 6.89 +/-

Street Address:
9068 S Tamiami Trail, Venice, FL 34293

Legal: Lot(s): _____ Block: _____

Addition: _____ Tract or Parcel: _____

Subdivision:

Section: _____ Township: _____

Range: _____ Acreage: _____

Purpose of Application:

Please briefly state what the intended use of the property will be and/or purpose of application:

The property owner desires to annex the property into the City to facilitate development of the property.

Has this property undergone previous City development review and approval?

No: Yes:

If yes, when? (Month/Date/Year) _____/_____/_____

Has this property this property received variance, waiver or special exception use permit approval?

No: Yes:

If yes, please describe: _____

Is the property located in an Activity Center or Town Center?

No: Yes:

If yes, which Activity Center: _____

Existing land use (e.g., house, commercial structure, vacant): vacant land

Is the property designated as a "Future Annexation Area" on the Comprehensive Plan's Future Land Use Map?

No: Yes:

Surrounding existing land uses/zoning of adjacent properties:

Direction	Existing Land Uses	Future Land Use Map Designation	Zoning Map Designation
North	transitioning former commercial	Sarasota County Rural	Sarasota County CHI
South	vacant land	Sarasota County Rural	Sarasota County OUE-1
East	vacant land	Sarasota County Rural	Sarasota County OUE-1
West	vacant land	Village	Village

Adopted Future Land Use Map Designation:

Sarasota County Rural

Proposed Future Land Use Map Designation:

Commercial

Adopted Zoning Map Designation:
Sarasota County CI

Proposed Zoning Map Designation:
Commercial

Provide the following information relative to the proposed annexation: *If Property to be annexed has existing development, please provide a detailed written narrative describing the existing uses on the site.*

6.89+/- Total acres
 Total wetland acres

FIRE & RESCUE:

Nearest Fire Hydrant: 60 (feet)

TRAFFIC:

List the Roadways immediately serving the site:
S Tamiami Trail and S River Road.

List the Roadways serving this site with existing or anticipated curb-cuts (driveways) and if any, designate on site plan:
S Tamiami Trail and S River Road.

Nearest:
Traffic Control Light: 85 (feet) Stop Sign: N/A (feet)

UTILITIES:

How will Potable Water service be provided? *Please contact North Port Utilities (941) 240-8000.*

- Private Well *(Submit a letter or application from the Sarasota County Department of Health.)*
- X North Port Utilities *(Please provide a letter from the service provider stating that the proposed development is within their service area and that they have adequate capacity to serve the proposed development.)*

How will Sanitary Sewer service be provided? Please contact North Port Utilities (941) 240-8000.

Private Septic System (If the property is located within the Conservation Restricted Overlay Zone, a class 1 aerobic water treatment system is required for single family home sites. Submit a letter or application to the Sarasota County Department of Health.)

North Port Utilities (Please provide a letter from the service provider stating that the proposed development is within their service area and that they have adequate capacity to serve the proposed development.)

STORMWATER:

Please contact the City Stormwater Manager/Environmentalist at (941) 240-8321. (Flood Information can be found at <http://www.cityofnorthport.com> Search: Flood Update)

Is the application site in a FEMA Hazardous Flood Zone?

No: Yes:

If yes, what zone?

AE EL. 7

Is the application site in the Conservation Restricted Zone?

No: Yes:

If yes, what zone?

Is the application site in the Big Slough Watershed Flood Zone?

No: Yes:

If yes, what is the 100-year 1-day flood elevation? _____ ft. NGVD

Does the application site contain wetlands?

No: Yes:

If yes, how many existing wetland acres: _____

Has the Department of Environmental Protection been notified of wetlands?

No: Yes:

Is the property located in the Myakka River Protection Zone?

No: Yes:

Is the property adjacent to the Myakka River jurisdictional wetlands?

No: Yes:

If yes, please provide acreage and map of the area and schedule a meeting with City Stormwater Manager/Environmentalist. Look for attached sheet

ENVIRONMENTAL:

Are there any known Historical or Archaeological sites on the property?
(If unsure, please contact Sarasota County – Division of Historical Resources, (941) 316-1115.)

No: Yes:

Please describe: _____

Has an Environmental Assessment Report/Review been prepared for this property?

No Yes Date survey was conducted: _____

Does the property contain gopher tortoise burrows, scrub jay habit, or any plant or animal species listed as "rare", "threatened", "endangered", or "species of special concern" by State and /or Federal agencies? If yes, the applicant will be required to produce documents on how listed species or habitats will be protected or managed at the Site Development stage.

No: Yes:

If yes, please indicate which species: Unknown at this time

All information provided on this application is true and correct to the best of my knowledge.


Signature of Applicant

7/20/23
Date

Jackson R. Boone, Esq.
Print A

Checklist of Required Submittal Items:

ANNEXATION (SECTION 53-22 D)

■ Item 1: Application

Application form Provided by the City. The name of the attorney preparing any legal documents. The zoning classifications and future land use designation for the subject property, as well as for all abutting property.

■ Item 2: Ownership Documentation (Section 53-22 D.2; Mark those that Apply)

- a. Title Assurance or Current Deed, in the form of either a title certification by an attorney or a title insurance policy will be required. This title will match the Boundry Survey of **Item 4**.
- b. 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 applicant is not the owner.
- c. Ownership and Unified Control, a notarized statement of ownership or unified control of the entire subdivision.
- d. 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 it is necessary for the City to 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.

■ Item 3: Project Narrative (Section 53-22 D.1)

Provide a brief explanation of the project in plain language. Describe the development and its operations, (hours of operation, deliveries, parking, sign locations and dimensions, etc.).

■ Item 4: Boundary Survey (Section 53-22 D.9)

A legal description and boundary survey signed and sealed by a registered land surveyor in the State of Florida. The survey shall reflect a recent title search performed within six (6) months of the submission.

■ Item 5: Certificate of Payment of Taxes (Section 53-22 D.3)

Certificate of payment of taxes and assessment.

■ Item 6: Utilities letter (Section 53-22 D.4)

A written commitment letter from the agency responsible for providing central sewer and water utilities in the City to connect the property to an existing central sewer and water system.

If central sewer and/or water is not available, submission of an approved septic tank and/or well permit from the Department of Health and Rehabilitative Services.

Item 7: Environmental (Section 53-22 D.5) N/A

Environmental assessment report prepared by a professional environmental scientist, which shall include the date of the assessment, if applicable.

Item 8: Transportation Impact (Section 53-22 D.6) N/A

Transportation impact analysis prepared by a registered professional, to verify that the report was performed in accordance with the ULDC, Chapter 5, if applicable.

Item 9: Aerial Map (Section 53-22 D.7)

Aerial map of an area that clearly depicts the property under current consideration.

Item 10: Site Plan (Section 53-22 D.8)

Site plan showing the site and any improvements, present or future to be considered. Site plans shall be signed and sealed by a Florida licensed engineer.

Digital files: (Section 53-22 D.10)

The entire submittal package, in PDF format, can be emailed to PlanningInfo@CityofNorthPort.com or submitted via flash drive, or approved FTP site.

Please submit all project related spatial information in either CAD .dwg , GIS Shapefile or File Geodatabase format as well. The data must have coordinates in at least 4 corners of the petition area. The Coordinate system must be: A Projected Coordinate System, State Plane, NAD 1983 StatePlane Florida West FIPS 0902 (US Feet).

AFFIDAVIT

I (the undersigned), Jackson Boone, Esq. being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner of the property described and which is the subject matter of the proposed application; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and accurate to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be processed or hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I authorize City of North Port staff and agents to visit the site as necessary for proper review of this application. *If there are any special conditions such as locked gates, restricted hours, guard dogs, etc., please provide the name and telephone number of the individual who can allow access.*

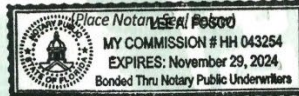
Sworn and subscribed before me this 20th day of July, 2023

[Signature] Jackson Boone, Esq, Agent
Signature of Applicant or Authorized Agent Print Name and Title

STATE OF FLORIDA COUNTY OF SARASOTA

The foregoing instrument was acknowledged by me this 20th day of July, 2023, by JACKSON R. BOONE who is personally known to me or has produced NA as identification.

[Signature]
Signature - Notary Public



AFFIDAVIT

AUTHORIZATION FOR AGENT/APPLICANT

I, Flash Investors, LLC, property owner, hereby authorize Jackson Boone, Esq. to act as Agent on our behalf to apply for this application on the property described as (legal description) please see attached.

[Signature]
Elizabeth Beattie, as Authorized Representative of Flash Investors, LLC
Owner Date 1-27-2023

STATE OF Florida COUNTY OF Escambia

The foregoing instrument was acknowledged by me this 27th day of January, 2023, by Elizabeth Beattie who is personally known to me or has produced _____ as identification.

[Signature]
Signature - Notary Public

(Place Notary Seal Below)



Revised 8-30-19 (Reviewed by CAO)

Exhibit B to Ordinance No. 2024-03

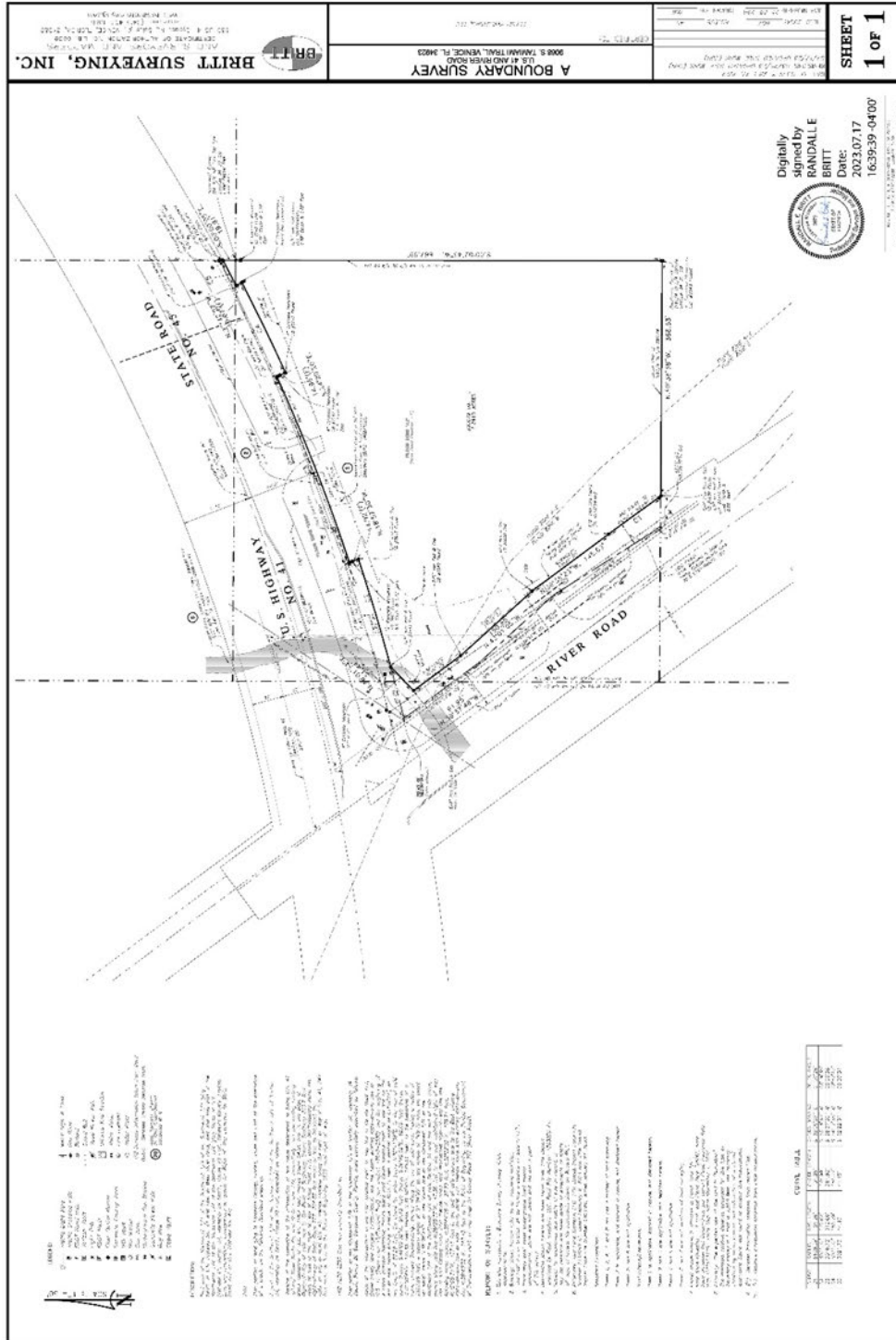


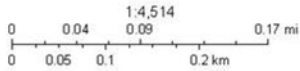
EXHIBIT C to Ordinance No. 2024-03

Sarasota County Property Appraiser



7/20/2023, 2:28:08 PM

- Parcels
- Parcels - New for 2024
- Parcels - Change for 2024
- Parcels 2023



Map created by the Sarasota County Property Appraiser

EXHIBIT D to Ordinance No. 2024-03

FISCAL IMPACT STATEMENT

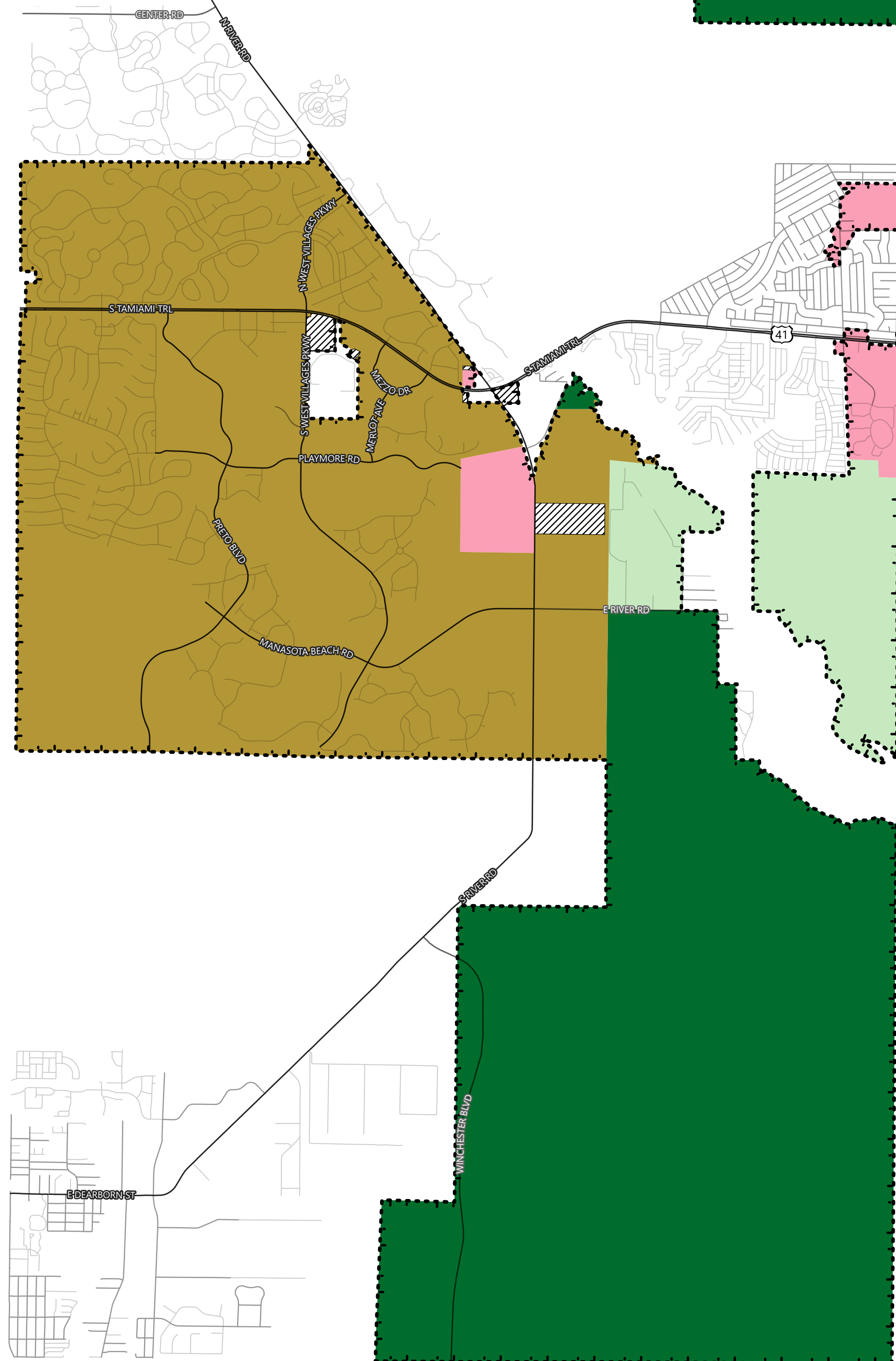
Based on an unknown end use staff has completed a fiscal impact statement of just the vacant land being annexed. Using fiscal trends based on other vacant PCD parcels in Activity Center 1, the first year net impact is \$12,605.71. With a 10% increase forecasted for the next 5 years, the total impact over five years is \$76,959.10

This is to certify that this is page ____ of the Official Zoning Map referred to and adopted by reference by Ordinance No. 2010-15 of the City of North Port, Florida adopted June 14, 2010

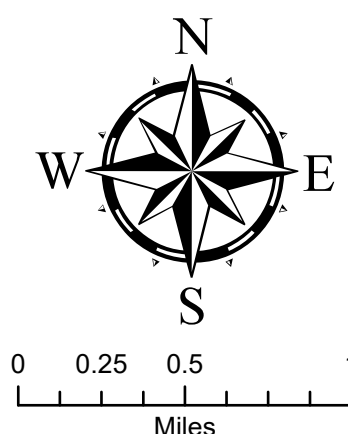
On _____ by Ordinance No. _____ of the City of North Port, the Official Zoning Map was changed as shown on this page.

Attested by the City Clerk _____

City Mayor _____



City of North Port, Florida Official Zoning Map



Current Zoning

District

- (AG) Agriculture
- (CD) Conservation District
- (CG) Commercial General
- (CGS) Commercial General S
- (CLR) Commercial Redevelopment Low impact
- (COMREC) Commercial Recreation
- (GU) Government Use
- (ILW) Industrial/Light Warehouse
- (NC) Neighborhood Commercial

- (NZD) No Zoning Designation
- (OPI) Office/Professional/Institutional
- (PCD) Planned Community Development
- (RMF) Residential Multi-Family
- (RMH) Residential Manufactured Housing
- (ROS) Recreation/Open Space
- (RSF-2) Residential Single Family 2
- (RSF-3) Residential Single Family 3
- (RTF) Residential Two Family
- (UIC) Utility Industrial Corridor
- (V) Village

City of North Port

- City Boundary
- Streets**
- Primary Arterial
- Arterial
- Collector
- Local
- Private

Note: For description of zoning districts, see City of North Port Unified Land Development Code.

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.