



## City of North Port

### ORDINANCE NO. 2016-23

(Annual update to the Capital Improvement Element of the Comprehensive Plan FY 2016/2017 through 2020/2021.)

**AN ORDINANCE OF THE CITY OF NORTH PORT FLORIDA, PROVIDING FOR FINDINGS; PROVIDING FOR ADOPTION OF A REVISION TO THE CAPITAL IMPROVEMENT ELEMENT OF THE CITY OF NORTH PORT COMPREHENSIVE PLAN, ORDINANCE NO. 89-3, AS AMENDED, TO ADD IN A FIFTH YEAR WITH PROJECTS TO ADDRESS LEVELS OF SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

#### **SECTION 1. FINDINGS**

**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 has adopted the North Port Comprehensive Plan, Ordinance No. 89-3 as amended; and

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

**WHEREAS**, the City of North Port has conducted an annual review of the Capital Improvements Element of the Comprehensive Plan as required by section 163.3177(3)(b), Florida Statutes to reflect the 2016/17 through 2020/21 five year capital improvement plan for level of service projects that will ensure adequate capacity based upon the demands of future growth; and

**WHEREAS**, pursuant to Section 163.3177(3)(b), Florida Statutes, modifications to update the Five Year Schedule of Capital Improvements (CIP) may be accomplished by ordinance and may not be deemed to be amendments to the local comprehensive plan; and

**WHEREAS**, the Sarasota County School District provides annual updates and adopts a Capital Improvement Schedule which is included and adopted by reference in the Capital Improvements element of the North Port Comprehensive Plan; and

**WHEREAS**, on September 1, 2016, the Planning and Zoning Advisory Board held a public hearing on the update to the Capital Improvement Element to add in a fifth year of projects to address levels of service pursuant to Section 163.3177, Florida Statutes; and

**WHEREAS**, on September 27, 2016, the City Commission held a public hearing with due public notice having been provided on this update to Capital Improvements Element, and held an adoption public hearing on October 11, 2016.

## **SECTION 2. ADOPTION**

- 2.1 The North Port City Commission hereby approves and adopts the revised and updated Capital Improvement Element of the City of North Port Comprehensive Plan, Ordinance No. 2016-23, adding in a fifth year with projects to address Levels of Service, as contained in "Attachment 1," Capital Improvement Element text and policy changes, as contained in "Attachment 2," all attached hereto and incorporated herein.

## **SECTION 3. SEVERABILITY**

- 3.1 If any section, subsection, sentence, clause, or provision of this ordinance is finally held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, or provision shall be deemed a separate, distinct, and independent section, subsection, sentence, clause, or provision and such holding shall not affect the validity of the remaining sections, subsections, sentences, clauses, or provisions.

## **SECTION 4. CONFLICTS**

- 4.1 In the event of any conflict between the provisions of this Ordinance and any other City of North Port City ordinance or portions thereof, the provisions of this Ordinance shall prevail to the extent of such conflict.

## **SECTION 5. EFFECTIVE DATE**

- 5.1 All portions of this Ordinance shall become effective immediately upon adoption.

**READ BY TITLE ONLY** at first reading by the City Commission of the City of North Port, Florida in public session this \_\_\_\_ day of \_\_\_\_\_, 2016.

**PASSED AND DULY ADOPTED** on the second and final reading in public session by the City Commission of City of North Port, Florida this \_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF NORTH PORT, FLORIDA**

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**JACQUELINE MOORE,**  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**PATSY C. ADKINS, MMC**  
**CITY CLERK**

Approved as to form and correctness:

\_\_\_\_\_  
**MARK MORIARTY**  
**CITY ATTORNEY**