



City of North Port

ORDINANCE NO. 2023-25

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE FUTURE LAND USE DESIGNATION FROM AGRICULTURAL, ESTATES TO INDUSTRIAL FOR A ±55.02 ACRE AREA AND TO HIGH DENSITY RESIDENTIAL FOR A ±262.34 ACRE AREA GENERALLY LOCATED NORTH OF INTERSTATE 75 AND EAST OF TOLEDO BLADE BOULEVARD; AMENDING THE CITY OF NORTH PORT COMPREHENSIVE PLAN CHAPTER 2, FUTURE LAND USE MAP 2-7; PROVIDING FOR FINDINGS; PROVIDING FOR ADOPTION; PROVIDING FOR TRANSMITTAL OF DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Port is committed to planning and managing the future growth and development of the City; and

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, Florida Statutes Chapter 163, Part II, the City is authorized and required to adopt a Comprehensive Plan; and

WHEREAS, on March 15, 1989, the City Commission adopted Ordinance No. 89-3, establishing the North Port Comprehensive Plan ("Comprehensive Plan"), as revised and updated in its entirety; and

WHEREAS, on June 27, 2017, the City Commission adopted Ordinance No. 2016-34, approving the Evaluation and Appraisal Report-based Comprehensive Plan Amendment; and

WHEREAS, Deluxeton North Port LLC, the property owner of a ±318.89 acre parcel attached as "Exhibit A", authorized the petition for a future land use map amendment on a portion of the parcel; and

WHEREAS, petition CPAL-22-247 seeks to change the designation of a ±317.36 acre portion of the parcel from Agricultural, Estates to Industrial for a ±55.02 acre area, and to High Density Residential for a ±262.34 acre area, and amend the Comprehensive Plan Future Land Use Map 2-7 (Amendment); and

WHEREAS, on September 7, 2023, the Planning and Zoning Advisory Board, acting as the Local Planning Agency for the City of North Port, held a duly advertised public hearing and recommended approval of the proposed Amendment to the City Commission; and

WHEREAS, the City Commission of the City of North Port held a duly noticed public hearing at first and second reading of this ordinance to review the recommendations of the Planning and Zoning Advisory Board and to receive public comment on the subject matter of this ordinance: and

WHEREAS, the City Commission of the City of North Port approved the transmittal of the proposed Amendment, together with supporting documentation, which was transmitted to the State Land Planning Agency of the Florida Department of Economic Opportunity and the various agencies and governments as appropriate for review and comment; and

WHEREAS, pursuant to Florida Statute Section 163.3184(3)(b)2., the State Land Planning Agency of the Florida Department of Economic Opportunity reviewed the proposed Amendment for impacts to important state resources and facilities not within the jurisdiction of other state agencies; and

WHEREAS, the City Commission has determined that the proposed Amendment 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 Pursuant to Florida Statutes Section 166.041(4)(c), a business impact estimate was not required because this ordinance is enacted to implement Part II of Florida Statutes Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits.
- 1.03 Pursuant to Florida Statutes Section 163.3184(3), the City followed the expedited state review process for large scale land use designation changes and map amendments to a local government’s comprehensive plan, as follows:
 1. Within ten (10) working days after the initial public hearing, the City transmitted the amendment and appropriate supporting data and analyses to the reviewing agencies and other local governments that filed a written request;
 2. Not later than thirty (30) days after the date the reviewing agencies and local governments first received the amendment, the City received the reviewing agencies and local governments’ comments;
 3. The adoption hearing was held within 180 days after receipt of the agency comments; and
 4. Within ten (10) working days after the second public hearing, the City transmitted the adopted comprehensive plan amendment and supporting data and analyses to the state land planning agency and any affected person that provided comments; and
 5. The City did not receive notice of any deficiencies within five (5) working days after the agency’s receipt of the amendment.
- 1.04 All identified exhibits are incorporated in this ordinance by reference.

SECTION 2 – ADOPTION

- 2.01 The City Commission hereby amends the City of North Port Comprehensive Plan Future Land Use designation from Agricultural, Estates to Industrial for a ±55.02 acre area as attached in “Exhibit B”.
- 2.02 The City Commission hereby amends the City of North Port Comprehensive Plan Future Land Use from Agricultural, Estates to High Density Residential for a ±262.34 acre area as attached in “Exhibit C”.
- 2.02 The City Commission hereby amends the North Port Comprehensive Plan Future Land Use Map 2-7 as attached in “Exhibit D”.

SECTION 3 – TRANSMITTAL OF DOCUMENTS

- 3.01 Pursuant to Florida Statutes Section 163.3184, the City Clerk is directed to transmit, within ten (10) days after first reading, this ordinance and the appropriate supporting data and analyses provided by the City Manager or designee to:
 - a. Florida Department of Economic Opportunity;
 - b. Southwest Florida Regional Planning Council;
 - c. Southwest Florida Water Management District;
 - d. Florida Department of Environmental Protection;
 - e. Florida Department of State;
 - f. Florida Department of Transportation;
 - g. Sarasota County, Florida; and
 - h. Any other local government or governmental agency who has filed a request with the City.
- 3.02 Pursuant to Florida Statutes Section 163.3184, the City Clerk is directed to transmit, within ten (10) days of final adoption of this ordinance, all documents to the Florida Department of Economic Opportunity and any other agency or local governments that provided timely comments.

SECTION 4 – CONFLICTS

- 4.01 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 5 – SEVERABILITY

- 5.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phase, 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 6 – EFFECTIVE DATE

- 6.01 If not timely challenged, this ordinance takes effect thirty-one (31) days after the Florida Department of Economic Opportunity notifies the City that the Amendment package is complete, as provided in Florida Statutes Section 163.3184(3)(c).
- 6.02 If timely challenged, this ordinance takes effect upon the Florida Department of Economic Opportunity or Administration Commission entering a final order determining the adopted Amendment complies with Florida Statutes Section 163.3184(3)(c).

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session on _____, 2023.

ADOPTED by the City Commission of the City of North Port, Florida on the second and final reading in public session on _____, 2023.

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 B to Ordinance No. 2023-25 - CPAL-22-247

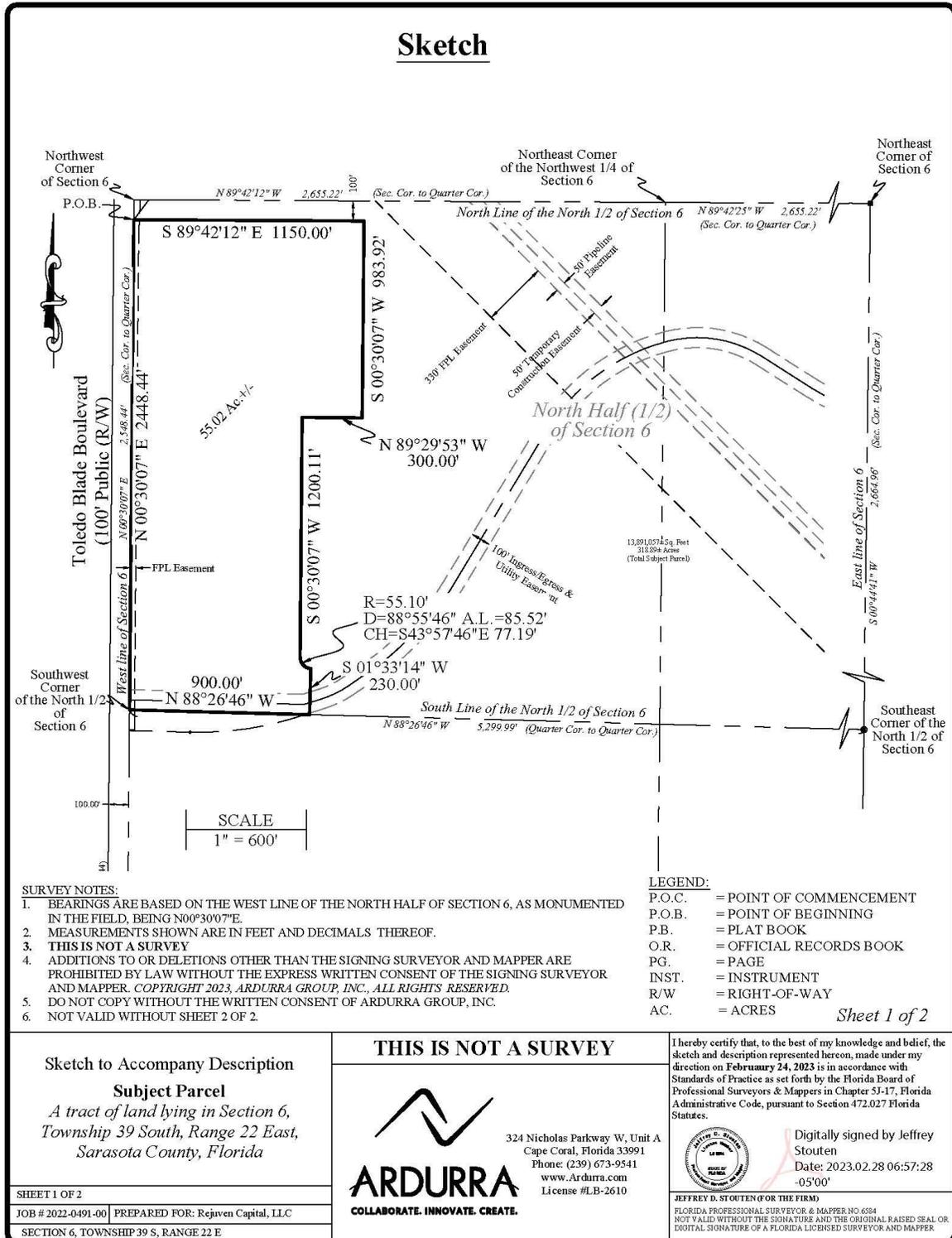


Exhibit B to Ordinance No. 2023-25 - CPAL-22-247

Description

Subject Parcel Description:

A tract or parcel of land lying in Section 6, Township 39 South, Range 22 East, Sarasota County, Florida, being more particularly described as follows:

Beginning at a point lying 100.00 feet Southerly of the Northwest corner of Section 6, said point also being on the Westerly line of said section; thence S 89°42'12" E, along a line 100.00 feet Southerly and parallel (as measured on a perpendicular) with the North line of Section 6 for a distance of 1,150.00 feet; thence run S 00°30'07" W, along a line parallel with (as measured on a perpendicular) and 1150.00 feet Easterly of the West line of the North 1/2 of Section 6 for a distance of 983.92 feet; thence run N 89°29'53" W, for a distance of 300.00 feet to an intersection with a line 850.00 feet Easterly of the West line of said Section 6; thence run S 00°30'07" W, parallel with (as measured on a perpendicular) and 850.00 feet easterly of the West line of said Section for a distance of 1,200.11 feet to a point of curvature; thence run 85.52 feet along the arc of a curve to the left of radius of 55.10 feet, concave to the Northeast, having a delta of 88°55'46", a chord bearing of S 43°57'46" E, and a chord length of 77.19 feet to a point being 230.00 feet (as measured on a perpendicular) Northerly of the South line of the North 1/2 of said Section 6; thence run S 01°33'14" W, to the intersection with the South line of the North 1/2 of said Section for a distance of 230.00 feet; thence run N 88°26'46" W, along the South line of the North 1/2 of Section 6 for a distance of 900.00 feet to the Southwest Corner of the North 1/2 of Section 6; thence run N 00°30'07" E, along the West line of Section 6 for a distance of 2,448.44 feet to the POINT OF BEGINNING.

Said parcel contains 55.02+/- acres (more or less).

<p>THIS IS NOT A SURVEY</p>	<p>Description to Accompany Sketch Subject Parcel <i>A tract of land lying in Section 6, Township 39 South, Range 22 East, Sarasota County, Florida</i></p>	<p><i>Not Valid without Sheet 1 of 2</i></p>
<p><i>Sheet 2 of 2</i></p>	 <p>324 Nicholas Parkway W, Unit A Cape Coral, Florida 33991 Phone: (239) 673-9541 www.Ardurra.com License #LB-2610</p> <p>ARDURRA COLLABORATE. INNOVATE. CREATE.</p>	<p>I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on February 24, 2023 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 53-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.</p> <p><i>See Sheet 1 of 2 for Signature and Seal</i></p>
<p>JOB # 2022-0491-00 PREPARED FOR: Rejuven Capital, LLC SECTION 6, TOWNSHIP 39 S, RANGE 22 E</p>	<p>JEFFREY D. STOUTEN (FOR THE FIRM) FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6384 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.</p>	

Exhibit C to Ordinance No. 2023-25 - CPAL-22-247

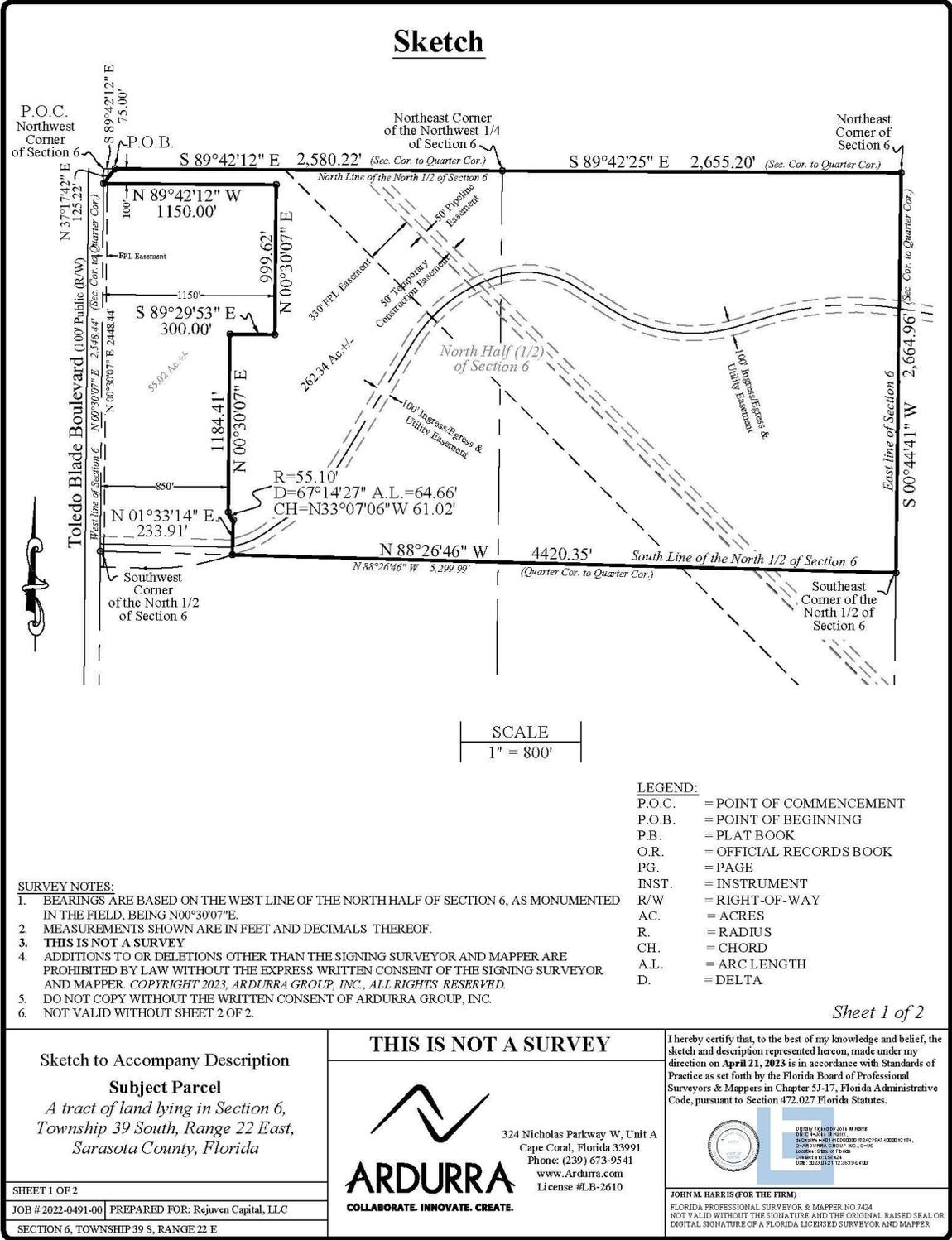


Exhibit C to Ordinance No. 2023-25 - CPAL-22-247

Description

Subject Parcel Description:

A tract or parcel of land lying in Section 6, Township 39 South, Range 22 East, Sarasota County, Florida, being more particularly described as follows:

Commencing at the Northwest Corner of Section 6, Township 39 South, Range 22 East run S89°42'12"E, along the North line of the Northwest Quarter of said Section 6 for a distance of 75.00 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue S89°42'12"E, along the North line of the Northwest Quarter of said Section for a distance of 2,580.22 feet to the Northeast Quarter Corner of said Section; thence run S89°42'25"E, along the North line of the Northeast Quarter of said Section for a distance of 2,655.20 feet to the Northeast Corner of said Section 6; thence run S00°44'41"W, along the East line of said section for a distance of 2,664.96 feet to the East Quarter Corner of said Section 6; thence run N88°26'46"W, along the South line of the North 1/2 of said Section 6 for a distance of 4,420.35 feet; thence run N01°33'14"E, for a distance of 233.91 feet to a point being 233.91 feet (as measured on a perpendicular) Northerly of the South line of the North 1/2 of said Section 6, also being a point on a non-tangent curve; thence run 55.10 feet along the arc of a curve to the right of radius 55.10 feet, concave to the Northeast, having a delta of 67°14'27", a chord bearing of N33°07'06"W, and a chord length of 61.02 feet to a point of tangency; thence run N00°30'07"E, parallel with (as measured on a perpendicular) and 850.00 feet easterly of the West line of said Section for a distance of 1,184.41 feet; thence run S89°29'53"E, for a distance of 300.00 feet; thence run N00°30'07"E, along a line parallel with (as measured on a perpendicular) and 1150.00 feet Easterly of the West line of the North 1/2 of Section 6 for a distance of 999.62 feet; thence run N89°42'12"W, along a line parallel with (as measured on a perpendicular) and 100.00 feet Southerly of the North line of the Northwest Quarter of Section 6 for a distance of 1,150.00 feet to an intersection with the West line of the Northwest Quarter of said Section; thence run N37°17'42"E, for a distance of 125.22 fee to the POINT OF BEGINNING.

Said parcel contains 262.34+/- acres

<p>THIS IS NOT A SURVEY</p>	<p>Description to Accompany Sketch Subject Parcel <i>A tract of land lying in Section 6, Township 39 South, Range 22 East, Sarasota County, Florida</i></p>	<p><i>Not Valid without Sheet 1 of 2</i></p>
<p><i>Sheet 2 of 2</i></p>	 <p>324 Nicholas Parkway W, Unit A Cape Coral, Florida 33991 Phone: (239) 673-9541 www.Ardurra.com License #LB-2610</p> <p>ARDURRA COLLABORATE. INNOVATE. CREATE.</p>	<p>I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on February 24, 2023 is in accordance with Standards of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 53-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.</p> <p><i>See Sheet 1 of 2 for Signature and Seal</i></p>
<p>JOB # 2022-0491-00 PREPARED FOR: Rejuven Capital, LLC SECTION 6, TOWNSHIP 39 S, RANGE 22 E</p>	<p>JOHN M. HARRIS (FOR THE FIRM) FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO 7424 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p>	

K:\Land\SEC 06-39-22\DWG\7020 Toledo Blade Blvd Residential Tract (Sketch and Desc).dwg, 4/21/2023 12:23:31 PM.

Exhibit D to Ordinance No. 2023-25 - CPAL-22-247

