



## City of North Port

### ORDINANCE NO. 2018-26

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ADOPTING AMENDMENT CPA-18-092 TO THE FUTURE LAND USE MAP 2-7 OF THE COMPREHENSIVE PLAN, TO CHANGE THE DESIGNATION OF A ± 3.00 ACRE AREA LOCATED AT 12580 SOUTH TAMIAMI TRAIL AT THE INTERSECTION OF SOUTH TAMIAMI TRAIL AND TALON BAY DRIVE FROM THE SARASOTA COUNTY DESIGNATIONS OF COMMERCIAL CORRIDOR AND MEDIUM DENSITY RESIDENTIAL TO A CITY OF NORTH PORT ACTIVITY CENTER DESIGNATION; PROVIDING FOR FINDINGS; PROVIDING FOR ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, on June 14, 2010, the City Commission enacted the updated Unified Land Development Code which regulates all land uses within the City of North Port, by Ordinance No. 10-14; and

**WHEREAS**, on June 27, 2017, the City Commission adopted the Evaluation and Appraisal Report-based Amendments to the North Port Comprehensive Plan, by Ordinance No. 16-34; and

**WHEREAS**, 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; and

**WHEREAS**, on August 16, 2018, the Planning and Zoning Advisory Board, acting as the Local Planning Agency for the City of North Port, held a duly advertised public hearing at which time all interested parties had an opportunity to appear and be heard regarding Ordinance No. 2018-26, and recommended approval of the proposed Comprehensive Plan Amendment CPA-18-092 to the City Commission; and

**WHEREAS**, Chapter 163.3187, Florida Statutes, has established a process whereby communities may conduct small scale amendments to an adopted Comprehensive Plan that only proposes a land use change to the future land use map for a site-specific small-scale development activity.

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

SECTION 1 – FINDINGS:

- 1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.
- 1.02 On July 25, 2017, the subject property was purchased by Patriot Self Storage #1 – Tamiami Trail from Life Storage LP.
- 1.03 On May 1, 2018, Brian Thornton of RaceTrac Petroleum, Inc., on behalf of Patriot Self-Storage #1-Tamiami Trail North Port LLC, property owner(s), submitted petition number CPA-18-092 to propose a land use change to  $\pm$  3.00 acres of certain real property located wholly within the corporate limits of the City of North Port, Florida, from a Sarasota County designations of Commercial Corridor and Medium Density Residential to City of North Port Activity Center designation.
- 1.04 The  $\pm$  3.00 acres, as shown on the boundary survey, attached hereto and incorporated herein as Exhibit “A” to Ordinance No. 2018-26, shows the current Sarasota County future land use designation of Commercial Corridor and Medium Density Residential.
- 1.05 The public notice requirements pursuant to Chapter 163, Florida Statutes, and the Unified Land Development Code, have been adhered to and satisfied.
- 1.06 The City Commission held duly noticed public hearings on September 25, 2018 and October 9, 2018, received and reviewed petition CPA-18-092 and the recommendation of the Local Planning Agency along with staff findings and found this Ordinance to be consistent with the adopted North Port Comprehensive Plan and Unified Land Development Code.

SECTION 2 – ADOPTION:

- 2.01 Pursuant to and in compliance with the Community Planning Act, Chapter 163, Part II, and Florida Statutes, the City Commission hereby approves and adopts Amendment No. CPA-18-092 to the City of North Port Comprehensive Plan.
- 2.02 Amendment No. CPA-18-092 to the Future Land Use Map 2-7 amends the City of North Port Comprehensive Plan to designate  $\pm$  3.00 acres from Sarasota County Designation of Commercial Corridor and Medium Density Residential to a City of North Port Activity Center designation, and is attached hereto as Exhibit “B” and incorporated as if set forth herein.

SECTION 3 – CONFLICTS:

3.01 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:

4.01 If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5 – EFFECTIVE DATE:

5.01 The effective date of this Comprehensive Plan Amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after adoption, or if the Amendment is timely challenged, immediately upon the DEO or Administration Commission entering a final order determining the adopted Amendment is in compliance, as provided in Section 163.3187, Florida Statutes. No development orders or development permits dependent on this Amendment may be issued 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 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**PASSED AND DULY ADOPTED** by the City Commission of the City of North Port, Florida on the second and final reading in public session on the \_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF NORTH PORT, FLORIDA

\_\_\_\_\_  
VANESSA CARUSONE  
MAYOR

ATTEST:

\_\_\_\_\_  
KATHRYN PETO  
INTERIM CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
AMBER L. SLAYTON  
CITY ATTORNEY



