



City of North Port

ORDINANCE NO. 2016-34

(Adoption of the Amendments and Revisions to elements of the City of North Port Comprehensive Plan as Recommended in the Evaluation and Appraisal Review (EAR))

AN ORDINANCE OF THE CITY OF NORTH PORT FLORIDA, AMENDING ELEMENTS OF THE COMPREHENSIVE PLAN TO REFLECT CHANGES REQUIRED BY THE COMMUNITY PLANNING ACT PURSUANT TO FLORIDA STATUTES SECTION 163.3191, AND THE CITY'S EVALUATION AND APPRAISAL NOTIFICATION LETTER, THAT WOULD IF ADOPTED, PROVIDE FOR AMENDMENTS AND REVISIONS TO THE PLANNING FRAMEWORK, FUTURE LAND USE ELEMENT AND MAPS 2-3, 2-4, 2-6, 2-7, 2-8, TRANSPORTATION ELEMENT AND MAPS 3-2A, 3-5, 3-5A, 3-6, UTILITIES ELEMENT AND MAPS 4-1, 4-2, 4-3, CONSERVATION & COASTAL ZONE ELEMENT AND MAPS 5-5, 5-6, 5-9, 5-11, RECREATION AND OPEN SPACE ELEMENT AND MAP 6-1, INTERGOVERNMENTAL COORDINATION ELEMENT, HOUSING ELEMENT, AND CAPITAL IMPROVEMENTS ELEMENT AND MAP 10-1, CREATION OF A NEW ECONOMIC DEVELOPMENT ELEMENT, AND DUPLICATING MAPS 2-3, 2.4 IN THE FLU ELEMENT AND UTILITIES MAP 4-3 AS MAPS 5-7, 5-10, AND 5-12 IN THE CONSERVATION AND COASTAL ZONE ELEMENT; DIRECTING TRANSMITTAL OF SAID AMENDMENTS TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) UNDER RESOLUTION NO. 2016-R-29 FOR REVIEW AND A FINDING OF COMPLIANCE; PROVIDING FOR FINDINGS; PROVIDING FOR ADOPTION AND ACCEPTANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 Section 163.3161, *et. seq.*, (the "Act"), the City of North Port is authorized and required to adopt a Comprehensive Plan; and

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

WHEREAS, pursuant to Florida Statutes Section 163.3191, the City timely prepared and the City Commission approved an evaluation and appraisal notification letter and transmitted the letter to the Department of Economic Opportunity; and

WHEREAS, consistent with the Community Planning Act and the approved evaluation and appraisal notification letter, the City has prepared amendments to the elements of the Comprehensive Plan, which reflects changes in state law and local conditions; and

WHEREAS, the City of North Port Planning and Zoning Advisory Board, acting as the Local Planning agency, held a duly advertised public hearing on November 3, 2016 and recommended transmittal of the evaluation and appraisal based Comprehensive Plan amendments; and

WHEREAS, the City Commission held a duly advertised transmittal stage public hearing on November 22, 2016, pursuant to Florida Statutes Sections 163.3184 (3) and (15), and

WHEREAS, state and regional reviewing agencies and the State Land Planning Agency reviewed the transmitted documents pursuant to Sections 163,3184 (c) and (d) reviewed the transmitted documents; and

WHEREAS, the Florida Department of Economic Opportunity, serving as the State Land Planning Agency, prepared an Objections, Recommendations and Comments (ORC) Report with one Objection (Coastal Resiliency); and

WHEREAS, the City of North Port, pursuant to Section 163.3184(4)(e) responded to the Objections, Recommendations, and Comments Report; and

WHEREAS, the updated City of North Port Comprehensive Plan consists of Volume I: "The City of North Port Comprehensive Plan," which will be adopted as the revised Comprehensive Plan of the City of North Port; and Volume II: "Data and Analysis," which will be accepted as additional data and analysis supporting the Comprehensive Plan, but not adopted as part of the Comprehensive Plan.

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

SECTION 1. FINDINGS

- 1.1 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.
- 1.2 The updated City of North Port Comprehensive Plan, is attached hereto as Exhibit "A," Volume I: The City of North Port Comprehensive Plan amendments (to be adopted); and Exhibit "B," Volume II: Data and Analysis (accepted as support material);

Attached hereto and incorporated herein by reference are amendments to elements of the City's Comprehensive Plan. NOTE: Words ~~stricken~~ are deletions; words underlined are additions.

SECTION 2. ADOPTION AND ACCEPTANCE OF THE AMENDMENTS AND REVISIONS TO THE ELEMENTS OF THE CITY OF NORTH PORT COMPREHENSIVE PLAN AND MAP SERIES

- 2.1 The City Commission of the City of North Port hereby approves and adopts the updated City of North Port Comprehensive Plan, copies of which are attached hereto as Exhibit "A," Volume I: The City of North Port Comprehensive Plan (including amended provisions which are hereby adopted) and Exhibit "B," Volume II: Data and Analysis (which is hereby accepted as support material).
- 2.2 The City Commission of the City of North Port directs that said documents be transmitted to the Florida Department of Economic Opportunity, pursuant to Section 163.3184 of the Florida Statutes and Section 58-1 of the City of North Port Code. The Mayor and the City of North Port Planning Division are authorized and directed to take all necessary action to transmit these documents to the Florida Department of Economic Opportunity.

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. EFFECTIVE DATE

- 5.1 The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session this ____ day of _____, 2017.

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 _____, 2017.

CITY OF NORTH PORT, FLORIDA

LINDA M. YATES
MAYOR

ATTEST:

PATSY ADKINS, MMC
CITY CLERK

Approved as to form and correctness:

MARK MORIARTY
CITY ATTORNEY