



## City of North Port

### ORDINANCE NO. 2019-07

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO CPAL-18-060, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE FIGURE 1 AND FUTURE LAND USE POLICIES 2.9.1 - 2.9.3 RELATED TO ACTIVITY CENTER #9; AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE MAP 2-7 AND EXISTING LAND USE MAP 2-8 TO CHANGE THE FUTURE LAND USE DESIGNATION OF A ± 207.5 ACRE AREA LOCATED NORTH OF U.S. 41 AND WEST OF SUMTER BOULEVARD FROM RECREATION OPEN SPACE TO ACTIVITY CENTER; PROVIDING FOR FINDINGS; PROVIDING FOR ADOPTION; PROVIDING FOR TRANSMITTAL OF DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; 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 Sections 163.3161, *et. seq.*, 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**, on April 18, 2019, 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 Comprehensive Plan Amendment No. CPAL-18-060, to the City Commission; and

**WHEREAS**, on May 2, 2019, the City Commission of the City of North Port held a duly advertised public hearing to receive public comment on the proposed amendment to the Comprehensive Plan; and

**WHEREAS**, following the public hearing, the City Commission of the City of North Port approved the transmittal of the proposed Comprehensive Plan Amendment No. CPAL-18-060 to state, regional, and local agencies for review and comment; and

**WHEREAS**, the proposed Comprehensive Plan Amendment No. CPAL-18-060 as approved for transmittal by the City Commission of the City of North Port, together with supporting documentation, was transmitted to the State Land Planning Agency-Florida Department of Economic Opportunity and the various agencies and governments as appropriate for review and comment in accordance with the provisions of the Act; and

**WHEREAS**, the State Land Planning Agency-Florida Department of Economic Opportunity reviewed the proposed Comprehensive Plan Amendment No. CPAL-18-060 for consistency with Florida Statutes Chapter 163; and

**WHEREAS**, the designation of the subject parcel consisting of  $\pm 207.5$  acres requires the creation of Future Land Use Policies 2.9.1 - 2.9.3 in addition to the modification of Figure 1 of the Land Use Element of the North Port Comprehensive Plan; and

**WHEREAS**, the City Commission has determined that the proposed amendment serve 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, 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.

#### **SECTION 2 – ADOPTION:**

2.01 Pursuant to and in compliance with the Community Planning Act, Florida Statutes Sections 163.3161, *et. seq.*, the City Commission hereby approves and adopts Comprehensive Plan Amendment No. CPAL-18-060, as set forth herein.

2.02 The City Commission hereby approves and adopts the following amendments to the Future Land Use Element Goals, Objectives, & Policies of the North Port Comprehensive Plan:

“ . . .

**Figure 1: Standards for Activity Centers**

Activity Centers	AC #1 US-41/ Mediterranean	AC #2 Town Center/ Heron Creek	AC #3 Sumter Blvd./ Gateway	AC #4 Toledo Blade/ I-75/ Panacea	AC #5 Toledo Blade/ Price Blvd./ Midway	AC #6 Yorkshire Blvd./ I-75/ The Shire	AC #7 Golden Springs/ Warm Mineral Springs <sup>5</sup>	AC #8 River Road Office Park The Gardens (3,4)	AC #9 <u>Greenwood/ Appomattox/ Central Parc</u> (7)
Future Land Use Map Designation	D/I %	D/I %	D/I %	D/I %	D/I %	D/I %	D/I %	D/I %	<u>D/I %</u>

<b>Low Density Residential</b>	NPU 0	4.0/10	NPU 0	4.0/ 27	NPU 0	NPU 0	4.0/ 52 A: 0/ 0	n/a n/a	<u>4.0/ 85</u>
<b>Medium Density Res.</b>	5.5/2	10.0/16	NPU 0	10.0/ 5	10.0/ 4	10.0/ 9	0 0 A:10.0/ 30	n/a n/a	<u>n/a n/a</u>
<b>High Density Residential</b>	15.0/ 2	15.0/ 27	NPU 0	15.0/ 4	15.0/ 4	15.0/ 9	0 0 A: 0/0	15.0/ 20	<u>n/a n/a</u>
<b>Professional Office</b>	/0.95 18	/0.95 13	/0.95 23	/0.95 13	/0.95 13	/30 10	See foot note 2	/0.55 24	<u>n/a n/a</u>
<b>Commercial</b>	/0.95 58	/0.95 22	/0.95 <sup>1</sup> 75	/0.95 20	/0.95 44	/30 16	/15 12 A: 6/90	/0.55 20	<u>n/a n/a</u>
<b>Industrial</b>	/0.95 9	/0.95 <sup>2</sup> 1	/0.95 <sup>2</sup> 2	/0.95 29	/0.95 31	/30 38	0 0 A: 0/0	n/a n/a	<u>NPU 0</u>
<b>Public – Rec/Open</b>	— 11	— 11	— 0	— 1	— 4	n/a 6	36 A: 20 <sup>6</sup>	36	<u>— 0</u>
<b>Utility Ind. Corr</b>						n/a 12			<u>NPU 0</u>
<b>Mixed-Use Development</b>									See foot note 8 / 15

## Footnotes/Notes

1. Hotels, motels, restaurants or other highway uses permitted (See Policy 2.3.1)
  2. The land use categories commercial and professional office are combined.
  3. River Road Office Park/ The Gardens - Density/Intensity and % of land area within Activity Center applicable to Parcel "B" only.
  4. River Road Office Park/ The Gardens – Parcel "A" is a 25-acre parcel for private recreational use and is not included in the density/intensity or % land area calculations above.
  5. Warm Mineral Springs Activity Center has two distinct areas with unique development standards that are designed to complement each other. The original AC 7 area represents the publicly owned property of the Springs and Area A represents the "off-site" property west of Ortiz Blvd. and south of Trionfo Ave.
  6. Public Rec/Open space for this area is intended to include green space, plazas and community gathering areas as part of the design and 20% is considered a minimum.
  7. Total open space for the entire Central Parc at North Port is 30% minimum.
  8. Medium Density Residential is 10 units per acre; Professional Office and Commercial FAR is 0.50.
- D/I Density/Intensity  
 % Percentage of land area within Activity Center  
 NPU Non-permitted use

...

- 2.03 The City Commission hereby approves and adopts the following amendments to the Future Land Use Element Goals, Objectives, & Policies of the North Port Comprehensive Plan:

"...

**Policy 2.8.3:** AC #8 - Ensure connectivity between the abutting West Villages area and Activity Center #8.

**Activity Center #9**

**Policy 2.9.1:** AC #9 (Central Parc) - This Activity Center shall be established to accommodate redevelopment and provide infill development with a mixture of low and medium density residential uses, as well as senior living, retail storage, medical office, and neighborhood commercial to serve the surrounding neighborhoods and interface with residential and commercial along the US-41 corridor.

**Policy 2.9.2:** AC #9 – This Activity Center shall consist of a residential development area and a mixed-use development area. Within the residential development area, the maximum number of units shall be 500 dwelling units. Within the mixed-use development area, the maximum number of units shall be 100 dwelling units.

**Policy 2.9.3:** AC #9 - Within a mixture of commercial/office with residential uses, this Activity Center will be pedestrian and bicyclist oriented, de-emphasis on the vehicular traffic. Emphasis will be on sidewalks, street trees, landscaping, and pedestrian oriented signs, with street designs that incorporate traffic calming techniques.

*[Current Policies 2.9 through 2.24 shall be renumbered.]*

...

- 2.04 The City Commission hereby approves and adopts the amendments to Future Land Use Map 2-7 of the North Port Comprehensive Plan to designate ± 207.5 acres from Recreation Open Space to Activity Center, as shown on Exhibit “A,” attached hereto and incorporated as if set forth herein.
- 2.05 The City Commission hereby approves and adopts the amendments to the Existing Land Use Map 2-8 of the North Port Comprehensive Plan to designate ± 207.5 acres from Recreation Open Space to Activity Center, as shown on Exhibit “B,” attached hereto and incorporated as if set forth herein.

### **SECTION 3 – TRANSMITTAL OF DOCUMENTS:**

- 3.01 The City Commission approves and directs that all required documents be transmitted to the Florida Department of Economic Opportunity, pursuant to Florida Statutes Section 163.3184. The City Manager is authorized and directed to take all necessary action to transmit these documents to the Florida Department of Economic Opportunity.

### **SECTION 4 – CONFLICTS:**

- 4.01 In the event of any conflicts between the provisions of this ordinance and any other ordinance or portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

### **SECTION 5 – SEVERABILITY:**

- 5.01 If any section, subsection, sentence, clause, phase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be

deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 6 – CODIFICATION:**

6.01 In this ordinance, additions are shown as underlined and deletions as ~~striketrough~~. Additional codification information and notations appear in *italics*. These editorial notations shall not appear in the codified text.

**SECTION 7 – EFFECTIVE DATE:**

7.01 The effective date of this Comprehensive Plan Amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the Florida Department of Economic Opportunity (“DEO”) notifies the City of North Port that the Comprehensive Plan Amendment package is complete, or if the Amendment is timely challenged, the Florida DEO or Administration Commission enters a final order determining the adopted Amendment is in compliance, as provided in Section 163.3184, Florida Statutes. No development orders, development permits, or land uses 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 the \_\_\_\_ day of \_\_\_\_\_ 2019.

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 this \_\_\_\_ day of \_\_\_\_\_ 2019.

CITY OF NORTH PORT, FLORIDA

\_\_\_\_\_  
CHRISTOPHER HANKS  
MAYOR

ATTEST:

\_\_\_\_\_  
KATHRYN WONG  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

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