



City of North Port

ORDINANCE NO. 2020-17

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ANNEXING ±1.60 ACRES OF REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF SARASOTA COUNTY, FLORIDA AND CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF NORTH PORT, PURSUANT TO PETITION NO. ANX-20-057, AND REDEFINING THE BOUNDARY LINES OF THE CITY TO INCLUDE THIS PROPERTY; PROVIDING FOR FINDINGS; PROVIDING FOR ANNEXATION; PROVIDING FOR ASSESSMENT AND TAXATION; PROVIDING FOR FILING OF APPROVED DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 5, 2020, Evan Duke, in his capacity as Manager of 5 Diamonds of Venice LLC ("Petitioner"), submitted Petition No. ANX-20-057 for the voluntary annexation of certain real property into the corporate limits of the City of North Port. The petition is attached and incorporated into this ordinance as "Exhibit A" ("the Petition"), and bears the signature of the sole property owner; and

WHEREAS, the Petition relates to ±1.60 acres of real property, set out in the legal description and boundary survey attached and incorporated into this ordinance as "Exhibit B" ("the Property"); and

WHEREAS, the City of North Port Planning and Zoning Advisory Board, designated as the Local Planning Agency, held a properly-noticed public hearing on May 7, 2020, to receive public comments on the Petition, and voted unanimously to recommend approval; and

WHEREAS, the City Commission of the City of North Port held properly-noticed public hearings at first and second reading of this ordinance to review the recommendations of the Planning and Zoning Advisory Board and to receive public comments on the Petition; and

WHEREAS, the City Commission finds that it is in the best interest of the public health, safety, and welfare of the citizens of the City of North Port, Florida to annex the property into the boundaries of the City.

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

SECTION 1 – FINDINGS

1.01 The recitals outlined above are incorporated by reference as findings of fact.

1.02 Additionally, the City Commission makes the following findings of fact:

- a. The Property is wholly located in an unincorporated area of Sarasota County, Florida; is contiguous to the boundaries of the City of North Port, Florida; and is reasonably compact. The location of the Property is identified on the map attached and incorporated into this ordinance as "Exhibit C."
- b. Annexing the Property will not result in the creation of enclaves.
- c. The City is equipped to extend urban services to the Property on the date of annexation on substantially the same basis and in the same manner as those services provided within the municipality prior to annexation.
- d. The City is equipped to supply municipal water and sewer services to the Property so that, when services are provided, property owners can secure public water and sewer service according to the City's policies for extending water and sewer lines to individual lots or subdivisions.
- e. The Petition and the Property meet all requirements of Chapter 171, Florida Statutes pertaining to voluntary annexations.
- f. The Petition and the Property meet all requirements of Unified Land Development Code Section 53-22 pertaining to annexations.
- g. All procedural and notice requirements mandated by state law; the Code of the City of North Port, Florida; and the Unified Land Development Code have been followed and satisfied.

SECTION 2 – ANNEXATION

- 2.01 The City Commission approves the Petition to voluntarily annex the Property. The Property is hereby annexed into the corporate limits of the City of North Port, Florida and the boundary lines of the City are hereby redefined to include the Property.
- 2.02 The Property is designated as Future Annexation Area on the City of North Port's Comprehensive Plan Future Land Use Map. The Property will be designated a land use on the City's Comprehensive Plan Future Land Use Map at a later date and the map will be redefined to include the Property at that time.
- 2.03 The City Commission approves amendments to the City of North Port Zoning Map to incorporate the Property and a zoning designation of "No Zoning Designation."

SECTION 3 – ASSESSMENT AND TAXATION

- 3.01 The City will assess and tax the Property as permitted under the law as of the effective date of this ordinance.

SECTION 4 – FILING OF APPROVED DOCUMENTS

- 4.01 The City Clerk is directed to file a copy of this ordinance with the Clerk of the Circuit Court for Sarasota County, Florida; the Chairman of the Board of County Commissioners of Sarasota County,

Florida; and the Florida Department of State within seven (7) days of the effective date, with Petitioner paying all related filing costs.

SECTION 5 – CONFLICTS

5.01 In the event of any conflict 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 6 – SEVERABILITY

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

SECTION 7 – EFFECTIVE DATE

7.01 This ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session the ____ day of _____ 2020.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second and final reading in public session this _____ day of _____ 2020.

CITY OF NORTH PORT, FLORIDA

DEBBIE MCDOWELL
MAYOR

ATTEST

HEATHER TAYLOR, CMC
CITY CLERK

103 APPROVED AS TO FORM AND CORRECTNESS

104

105

106

107 AMBER L. SLAYTON

108 CITY ATTORNEY

109

110

Exhibit A

DATE RECEIVED DATE STAMP
CITY OF NORTH PORT
PLANNING
MAR 05 2020
RECEIVED



City of North Port
Neighborhood Development Services
4970 City Hall Boulevard, North Port, FL 34286
Phone: (941) 429-7156 Fax: (941) 429-7164
Web www.cityofnorthport.com

VOLUNTARY ANNEXATION (ANX) AMENDMENT APPLICATION

Upon making any application to the City for any reason, the applicant agrees to comply with all the requirements of the Unified Land Development Code and further agrees to allow authorized city staff and personnel to enter and inspect the property during normal business hours

This section to be completed by staff

Date Application Received: 3/5/2020 Accepted by: [Signature]
Project Type: **ANX** - 20 - 057

Project Name: Duke Commercial Center

Name of Applicant:
Evan Duke (5 Diamonds of Venice, LLC)

Name of Corporation/LLC (If Applicable):

Street Address:
2389 Tamiami Trail S

City: Venice

State: Florida Zip Code: 34293

Phone: 941.928.0715

FAX No: _____

E-mail: ccdgevan@gmail.com

111

Name of Property Owner: *(if different from the applicant above)*

Street Address:

City: _____

State: _____ Zip Code: _____

Phone: _____

FAX No: _____

E-mail: _____

Name of Architect: *(If Applicable)*

NA

Street Address:

City: _____

State: _____ Zip Code: _____

Phone: _____

FAX No: _____

E-mail: _____

Name of Engineer: *(If Applicable)*

NA

Street Address:

City: _____

State: _____ Zip Code: _____

Phone: _____

FAX No: _____

E-mail: _____

Name of Attorney: (If Applicable)
NA

Street Address:

City: _____

State: _____ Zip Code: _____

Phone: _____

FAX No: _____

E-mail: _____

Name of Surveyor: (If Applicable)
Strayer Surveying & Mapping Inc.

Street Address:
742 Shamrock Blvd

City: Venice

State: Florida Zip Code: 34293

Phone: 9414969488

FAX No: _____

E-mail: _____

Name of Contractor: (If Applicable)
NA

Street Address:

City: _____

State: _____ Zip Code: _____

Phone: _____

FAX No: _____

E-mail: _____

Property Description

Parcel I.D. No. (s) (List Additional Parcel ID's on an attached sheet)

0788-04-0008 _____

Look for attached sheet ☐

Land Use: Vacant

FLU: County

Acreage: ~1.6 acres

Street Address:

Legal: Lot(s): _____ Block: _____

Addition: _____ Tract or Parcel: _____

Subdivision:

Section: 34 Township: 39S

Range: 20E Acreage: ~1.6 acres

Purpose of Application:

Please briefly state what the intended use of the property will be and/or purpose of application:

Annexation of property into City of North Port; connection to city services; development of future retail/commercial center.

Proposed second location for a family owned/operated jewelry store.

Has this property undergone previous City development review and approval?

No: X Yes: _____

If yes, when? (Month/Date/Year) _____/_____/_____

Has this property this property received variance, waiver or special exception use permit approval?

No: X Yes: _____

If yes, please describe: _____

Is the property located in an Activity Center or Town Center?

No: _____ Yes: X

If yes, which Activity Center: Future North Port upon submission of comprehensive plan and zoning amendments

Existing land use (e.g., house, commercial structure, vacant): _____

Vacant (agricultural/silviculture)

Is the property designated as a "Future Annexation Area" on the Comprehensive Plan's *Future Land Use Map*?

No: _____ Yes: X

Surrounding existing land uses/zoning of adjacent properties:

Direction	Existing Land Uses	Future Land Use Map Designation	Zoning Map Designation
North	Vacant	V/AC	V/PCD
South	Utility Plant	V	V
East	Cellular Tower	County	County
West	Vacant	V	V

Adopted Future Land Use Map Designation:

Future Activity Center

Proposed Future Land Use Map Designation:

Activity Center

Adopted Zoning Map Designation:
NA

Proposed Zoning Map Designation:
TBD

Provide the following information relative to the proposed annexation: If Property to be annexed has existing development, please provide a detailed written narrative describing the existing uses on the site.

~1.6 Total acres
0 Total wetland acres

FIRE & RESCUE:

Nearest Fire Hydrant: on property/US41 (feet)

TRAFFIC:

List the Roadways immediately serving the site:
Tamiami Trail/US41

List the Roadways serving this site with existing or anticipated curb-cuts (driveways) and if any, designate on site plan:
TBD

Nearest:
Traffic Control Light: ~1320 (feet) Stop Sign: NA (feet)

UTILITIES:

How will Potable Water service be provided? Please contact North Port Utilities (941) 240-8000.

- Private Well (Submit a letter or application from the Sarasota County Department of Health.)
 X North Port Utilities (Please provide a letter from the service provider stating that the proposed development is within their service area and that they have adequate capacity to serve the proposed development.)

How will Sanitary Sewer service be provided? Please contact North Port Utilities (941) 240-8000.

- _____ Private Septic System (If the property is located within the Conservation Restricted Overlay Zone, a class 1 aerobic water treatment system is required for single family home sites. Submit a letter or application to the Sarasota County Department of Health.)
- X _____ North Port Utilities (Please provide a letter from the service provider stating that the proposed development is within their service area and that they have adequate capacity to serve the proposed development.)

STORMWATER:

Please contact the City Stormwater Manager/Environmentalist at (941) 240-8321.
(Flood Information can be found at <http://www.cityofnorthport.com> Search: Flood Update)

Is the application site in a FEMA Hazardous Flood Zone?

No: X Yes: _____

If yes, what zone?

Is the application site in the Conservation Restricted Zone?

No: X Yes: _____

If yes, what zone?

Is the application site in the Big Slough Watershed Flood Zone?

No: X Yes: _____

If yes, what is the 100-year 1-day flood elevation? _____ ft. NGVD

Does the application site contain wetlands?

No: X Yes: _____

If yes, how many existing wetland acres: _____

Has the Departmental of Environmental Protection been notified of wetlands?

No: X Yes: _____

Is the property located in the Myakka River Protection Zone?

No: X Yes: _____

Is the property adjacent to the Myakka River jurisdictional wetlands?

No: X Yes: _____

If yes, please provide acreage and map of the area and schedule a meeting with City Stormwater Manager/Environmentalist. Look for attached sheet ☐

ENVIRONMENTAL:

Are there any known Historical or Archaeological sites on the property?

(If unsure, please contact Sarasota County – Division of Historical Resources, (941) 316-1115.)

No: ☒ Yes: ☐

Please describe: _____

Has an Environmental Assessment Report/Review been prepared for this property?

No ☐ Yes: ☒ Date survey was conducted: March 2018

Does the property contain gopher tortoise burrows, scrub jay habit, or any plant or animal species listed as "rare", "threatened", "endangered", or "species of special concern" by State and /or Federal agencies? If yes, the applicant will be required to produce documents on how listed species or habitats will be protected or managed at the Site Development stage.

No: ☒ Yes: ☐

If yes, please indicate which species: _____

All information provided on this application is true and correct to the best of my knowledge.

I, Evan Duke/Pamela Duke, LLC

By: 

By: Pamela Duke

Pamela Duke, Manager

Signature of Applicant

March 4, 2020

Date

Evan Duke/Pamela Duke

Print A

AFFIDAVIT

I (the undersigned), EVAN DUKE being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner of the property described and which is the subject matter of the proposed application; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and accurate to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be processed or hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I authorize City of North Port staff and agents to visit the site as necessary for proper review of this application. If there are any special conditions such as locked gates, restricted hours, guard dogs, etc., please provide the name and telephone number of the individual who can allow access.

Sworn and subscribed before me this 4 day of MARCH, 2020

[Signature] Signature of Applicant or Authorized Agent
EVAN DUKE, owner, Johnson Print Name and Title

STATE OF Florida COUNTY OF Sarasota
 The foregoing instrument was acknowledged by me this 4th day of March, 2020, by
Evan Duke who is personally known to me or has produced
 as identification.

[Signature]
 Signature - Notary Public

**AFFIDAVIT****AUTHORIZATION FOR AGENT/APPLICANT**

I, EVAN DUKE, property owner, hereby
 authorize MARTIN P. BLACK to act as Agent on our behalf to apply
 for this application on the property described as (legal description) TAX Parcel 0788-04-0008

[Signature] Owner Date 3/4/20
 STATE OF Florida COUNTY OF Sarasota
 The foregoing instrument was acknowledged by me this 4th day of March, 2020, by
Evan Duke who is personally known to me or has produced
 as identification.

[Signature]
 Signature - Notary Public

(Place Notary Seal Below)



Revised 8-30-19 (Reviewed by CAO)

Exhibit B

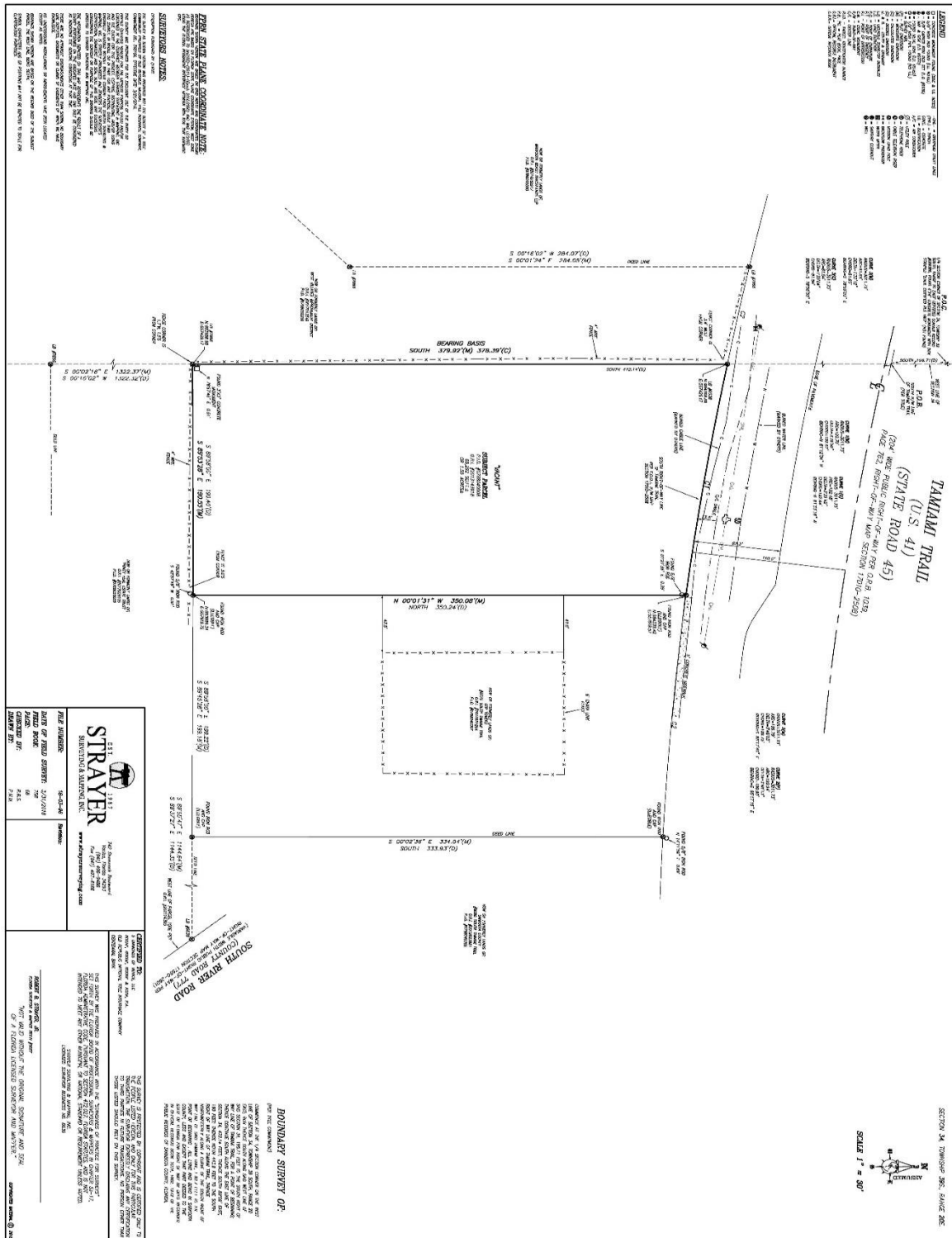
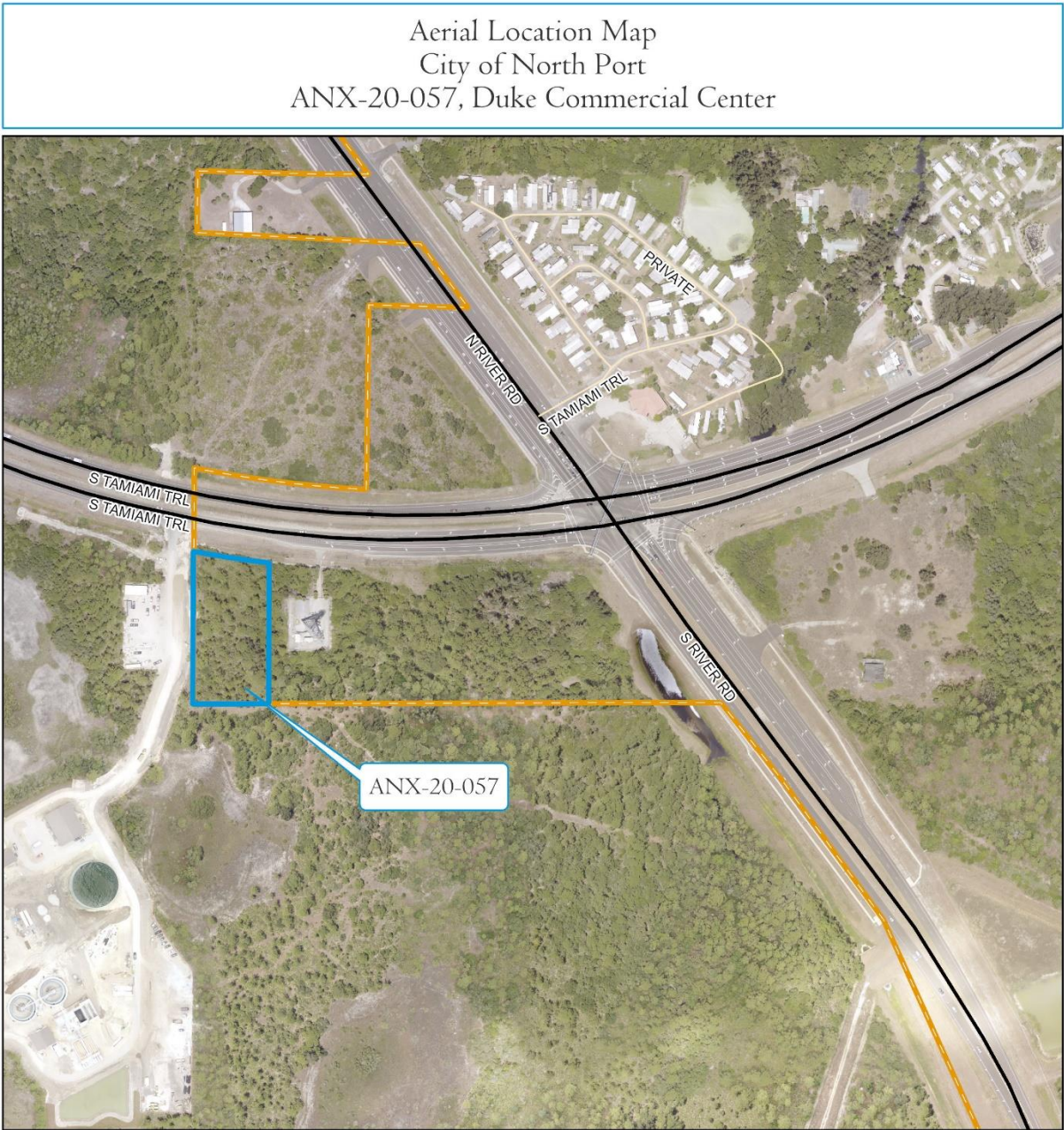

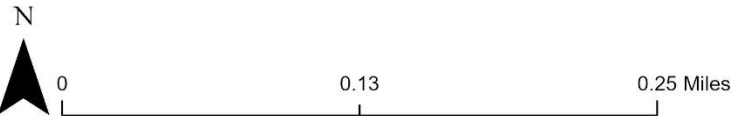


Exhibit C



Petitions

 ANX-20-057



Prepared by NDS/Planning Division
March 19, 2020

Disclaimer: This map is for reference purposes only and is not to be construed as a legal document. Any reliance on the information contained herein is at the user's risk. The City of North Port and its agents assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

Property Data Source: Sarasota County Property Appraiser
P:\Development Review Committee\SPX (Special Exception)\SPX 19-270, 7-Eleven Car Wash