



City of North Port

RESOLUTION NO. 2026-R-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, GRANTING A SPECIAL EXCEPTION TO ALLOW A MULTI-FAMILY RESIDENTIAL USE LOCATED GENERALLY AT THE SOUTHEAST CORNER OF SOUTH TOLEDO BLADE BOULEVARD AND WOODHAVEN DRIVE, IN THE COMMERCIAL GENERAL (CG) ZONING DISTRICT PURSUANT TO THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE SECTION 53-40 AND 53-259; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the City of North Port Unified Land Development Code (“ULDC”), Chapter 53, Zoning Regulations, Section 53-40, and Section 53-259; Nicola Tavernese, property owner, submitted on March 10, 2023, to the City of North Port Development Services Department, Planning and Zoning Division Petition No. SPX-23-053 requesting a Special Exception to allow multi-family residential use with a maximum of 155 dwelling units in the Commercial General (CG) Zoning District; and

WHEREAS, the City received the applicant’s petition prior to the Commission’s August 2024 total repeal and replacement of the ULDC with an amended and new ULDC, requiring the use of the old ULDC for purposes of considering applicant’s petition; and

WHEREAS, the property consists of ±15.97 acres (“Subject Property”) and is located at the southeast corner of the intersection of South Toledo Blade Boulevard and Woodhaven Drive, described as Tract C, 51st Addition to Port Charlotte Subdivision, as recorded in Plat Book 21, Pages 8, 8A-8GG, inclusive, of the Official Records of Sarasota County, Florida, Property Appraiser’s Parcel Identification Number 1007256327; and

WHEREAS, the Subject Property’s future land use is Commercial, and its zoning district designation is Commercial General (CG); and

WHEREAS, Policy 1.1 of the Future Land Use Element of the City of North Port’s Comprehensive Plan provides for trade, retail services, commerce, and residential uses in the Commercial future land use classification; and

WHEREAS, ULDC Sections 53-38 and 53-39 provide for the permitted and prohibited uses and structures in the Commercial General (CG) zoning district; and

WHEREAS, the proposed multi-family residential use is neither a specifically permitted nor prohibited use in the Commercial General (CG) zoning district; and

WHEREAS, ULDC Section 53-40 provides any use not explicitly permitted and not expressly prohibited in the CG zoning district may file for a special exception permit in accordance with Article XXII of Chapter 53, provided that the use applied for contributes to the intent of the zoning district as stated in the City of North Port Florida's Comprehensive Plan and ULDC; and

WHEREAS, ULDC Section 53-259 governs the required findings for special exceptions and ULDC Section 53-263 governs time limits for special exceptions; and

WHEREAS, the City of North Port Planning and Zoning Advisory Board ("PZAB"), designated as the Local Planning Agency, held properly noticed public hearings on April 2, 2026, and considered the Petitioner's request for a special exception, the testimony, and evidence presented at the public hearing; and found the Petitioner's request consistent with the Comprehensive Plan and the requirements of the ULDC for the subject property; and

WHEREAS, on April 21, 2026, the City Commission of the City of North Port held a properly noticed public hearing and considered the Petitioner's request for a special exception, the Planning and Zoning Advisory Board's action report and recommendation, the testimony, and evidence presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED 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 resolution by reference.
- 1.02 The City Commission of the City of North Port, Florida hereby finds that the petition for a special exception to allow a multi-family residential use at a density of 12 dwelling units per acre is consistent with Policy 1.1, Future Land Use Element of the City of North Port Comprehensive Plan, regarding the Commercial future land use classification.
- 1.03 The City Commission of the City of North Port, Florida hereby finds the petition for a special exception to allow the multi-family residential use in the Commercial General (CG) Zoning District meets the requirements of ULDC Section 53-259 of the City of North Port's Unified Land Development Code:
 - (1) The granting of the special exception will not adversely affect the public interest, health, safety, and general welfare;
 - (2) That the specific requirements in the Schedule of District Regulations (Part 2) Article III. - Commercial General District governing the individual special exception, if any, have been met by the petitioner; and
 - (3) That the following standards, where applicable, have been met:
 - (a) The proposed use shall be consistent with the intents, goals, objectives, policies, and programs of the City of North Port Comprehensive Plan and the intent of the zoning

district as defined in the Unified Land Development Code for the area in which the Subject Property is located.

- (b) The density or intensity of the proposed use shall be consistent with the intended future land use of the designated land use area in which the property is located, in accordance with the provisions of the Future Land Use Map contained in the Comprehensive Plan.
- (c) The proposed use, singularly or in combination with other previously approved special exceptions, must not be detrimental to the health, safety, welfare, morals, order, comfort, convenience, appearance, or prosperity of the neighborhood or adjacent uses; and shall be an economic benefit to the economy of the City.
- (d) The intensity of the proposed use shall be harmonious with the character of other uses in the neighborhood.
- (e) The height and orientation of any proposed structure(s) shall be compatible with existing neighboring structures and uses.
- (f) The subject parcel shall be adequate in shape and size to accommodate the proposed use and provide for appropriate separation between neighboring uses.
- (g) The proposed use shall be adequately screened and buffered to effectively separate traffic, light, and noise from existing or intended nearby uses.
- (h) The loading and/or refuse areas shall not impose negative visual, odor or noise impacts on abutting uses or throughfares.
- (i) The size and location of proposed sign(s) shall be in compliance with Chapter 29 Sign Regulations of these regulations and shall be compatible with the character of the existing neighboring uses.
- (j) Exterior lighting shall be harmonious with the character of existing neighboring uses, in terms of glare, and required foot candles.
- (k) The ingress and egress to the subject parcel and any structure involved shall not adversely affect traffic flow, safety, or control.
- (l) The access and internal circulation shall be adequate in case of fire or emergency.
- (m) The proposed use shall not adversely affect traffic flow, safety, or control on the surrounding roadway system.
- (n) The location, type and availability of proposed potable water system shall be adequate for the proposed use and shall not adversely affect neighboring potable water systems.
- (o) The location, type and availability of proposed wastewater system shall be adequate for the proposed use and compatible with drainage conditions in the area and neighboring uses.

(p) The proposed use shall not cause or intensify flooding of neighboring uses.

SECTION 2 – GRANT OF SPECIAL EXCEPTION

- 2.01 The Special Exception requested in Petition No. SPX-23-053 is hereby granted to allow a multi-family residential development with a maximum of 155 dwelling units in the Commercial General (CG) zoning district on the Subject Property consisting of ±15.97 acres, described as Tract C, 51st Addition to Port Charlotte Subdivision, as recorded in Plat Book 21, Pages 8, 8A-8GG, of the Official Records of Sarasota County, Florida, Property Appraiser’s Parcel Identification Number 1007256327.
- 2.02 The Special Exception granted by the City Commission remains with Tavorb, LLC (the original corporation/LLC that was applied by property owner, Nicola Tavernese) and does not transfer with ownership.
- 2.03 The Special Exception shall expire October 18, 2026, if substantial work, as determined by the City Manager or designee has not been accomplished, unless appealed and extended by action of the City Commission.
- (1) If by October 18, 2026, the use for which the special exception was granted has not been commenced, an appeal for extension shall show that commencement of the use is being actively pursued by evidence of an application for a building permit, preliminary plat or site and development plan, or other evidence satisfactory to the City Commission.
- (2) Extensions shall not exceed one hundred eighty (180) calendar days.
- (3) Any special exception shall expire twelve (12) months following the discontinuance of the use which the special exception was granted.

SECTION 3 – CONFLICTS

- 3.01 In the event of any conflict between the provisions of this resolution and any other resolution, in whole or in part, the provisions of this resolution will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

- 4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this resolution 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 resolution.

SECTION 5 – EFFECTIVE DATE

- 5.01 This resolution takes effect immediately.

ADOPTED by the City Commission of the City of North Port, Florida, in public session on April 21, 2026.

CITY OF NORTH PORT, FLORIDA

PETE EMRICH
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

MICHAEL FUINO, B.C.S.
CITY ATTORNEY