



City of North Port

ORDINANCE NO. 2023-18

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CITY OF NORTH PORT COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT REGARDING GOAL 2, FIGURE 1: STANDARDS FOR ACTIVITY CENTERS, AC #7 AREA A, WARM MINERAL SPRINGS; AMENDING THE DENSITY, INTENSITY, AND PERCENTAGE OF LAND USE; AND AMENDING GOAL 2, ACTIVITY CENTER #7 AREA A, POLICIES 2.7.11 THROUGH 2.7.22, PROVIDING FOR FINDINGS; PROVIDING FOR ADOPTION; PROVIDING FOR TRANSMITTAL OF DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; 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 ("Act"), Florida Statutes Chapter 163, Part II, the City is authorized and required to adopt a Comprehensive Plan; and

WHEREAS, on March 15, 1989, the City Commission adopted Ordinance No. 89-3, establishing the North Port Comprehensive Plan ("Comprehensive Plan"), as revised and updated in its entirety; and

WHEREAS, on June 27, 2017, the City Commission adopted Ordinance No. 2016-34, approving the Evaluation and Appraisal Report-based Amendments to the Comprehensive Plan; and

WHEREAS, the City Commission desires to amend the Comprehensive Plan, Chapter 2, Future Land Use Element providing flexibility for intensity, density, percentage of land use and policies within and for Area A of Activity Center #7, Warm Mineral Springs; and

WHEREAS, on May 4, 2023, 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 Amendment to the City Commission; and

WHEREAS, the City Commission of the City of North Port held duly noticed public hearing at first and second reading of this ordinance to review the recommendations of the Planning and Zoning Advisory Board and to receive public comment on the subject matter of this ordinance; and

WHEREAS, the City Commission of the City of North Port approved the transmittal of the proposed

Amendment, together with supporting documentation, which was transmitted to the State Land Planning Agency of the Florida Department of Economic Opportunity and the various agencies and governments as appropriate for review and comment; and

WHEREAS, pursuant to Florida Statutes Section 163.3184(3)(b)4.h, the State Land Planning Agency of the Florida Department of Economic Opportunity reviewed the proposed amendments for impacts to important state resources and facilities not within the jurisdiction of other state agencies; and

WHEREAS, the City Commission determined that the proposed Amendments 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:

SECTION 1 – FINDINGS

- 1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.
- 1.02 Pursuant to Florida Statutes Section 166.041(4)(c), a business impact estimate was not required because this ordinance is enacted to implement Part II of Florida Statutes Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits.
- 1.03 Pursuant to Florida Statutes Section 163.3184(3), the City followed the expedited state review process for text changes to a local government’s comprehensive plan goals, objectives, and policies, as follows:
 1. Within ten (10) working days after the initial public hearing, the City transmitted the amendment and appropriate supporting data and analyses to the reviewing agencies and other local governments that filed a written request;
 2. Not later than thirty (30) days after the date the reviewing agencies and local governments first received the amendment, the City received the reviewing agencies’ and local governments’ comments, if any;
 3. The adoption hearing was held within 180 days after receipt of the agency comments; and
 4. Within ten (10) working days after the second public hearing, the City transmitted the adopted comprehensive plan amendment and supporting data and analyses to the state land planning agency and any affected person that provided comments; and
 5. The City did not receive notice of any deficiencies within five (5) working days after the agency’s receipt of the amendment.
- 1.04 Pursuant to Section 14 of Chapter 2023-304, Laws of Florida, this comprehensive plan amendment is not more restrictive or burdensome than current regulations.

SECTION 2 – ADOPTION

- 2.01 The City Commission hereby amends the City of North Port Comprehensive Plan Future Land Use Element, Goal 2, Figure 1: Standards for Activity Centers, AC #7 Area A, to read as shown in attached Exhibit A.
- 2.02 The City Commission hereby amends the City of North Port Comprehensive Plan Future Land Use Element, Goal 2, Activity Center 7 Area A, Policies 2.7.11 through 2.7.22 as shown in the attached Exhibit B.
- 2.03 All identified exhibits are incorporated in this ordinance by reference.

SECTION 3 – TRANSMITTAL OF DOCUMENTS

- 3.01 Pursuant to Florida Statutes Section 163.3184, the City Clerk is directed to transmit, within ten (10) days after first reading, this ordinance and the appropriate supporting data and analyses provided by the City Manager or designee to:
- a. Florida Department of Economic Opportunity;
 - b. Southwest Florida Regional Planning Council;
 - c. Southwest Florida Water Management District;
 - d. Florida Department of Environmental Protection;
 - e. Florida Department of State;
 - f. Florida Department of Transportation;
 - g. Sarasota County, Florida; and
 - h. Any other local government or governmental agency who has filed a request with the City.
- 3.02 Pursuant to Florida Statutes Section 163.3184, the City Clerk is directed to transmit, within ten (10) days of final adoption of this ordinance, all documents to the Florida Department of Economic Opportunity and any other agency or local government that provided timely comments.

SECTION 4 – CONFLICTS

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

SECTION 5 – SEVERABILITY

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

SECTION 6 – CODIFICATION

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

SECTION 7 – EFFECTIVE DATE

7.01 If not timely challenged, this ordinance takes effect thirty-one (31) days after the Florida Department of Economic Opportunity notifies the City that the Comprehensive Plan Amendment package is complete, as provided in Florida Statutes Section 163.3184(3)(c).

7.02 If timely challenged, this ordinance takes effect upon the Florida Department of Economic Opportunity or Administration Commission entering a final order determining the adopted Amendment complies with Florida Statutes Section 163.3184(3)(c).

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public session on May 9, 2023.

READ BY TITLE ONLY and continued by the City Commission of the City of North Port, Florida, in public session on July 11, 2023.

ADOPTED by the City Commission of the City of North Port, Florida, on final reading in public session on on November 28, 2023.

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

ATTEST

HEATHER TAYLOR, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY

FUTURE LAND USE ELEMENT GOALS, OBJECTIVES, & POLICIES

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Figure 1: Standards for Activity Centers

Activity Centers	AC #1 US-41/ Mediterr- -anea	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 ⁵	AC #7A Area A of Golden Springs/ Warm Mineral Springs ⁵	AC #8 River Road Office Park The Gardens (3,4)	AC #9 Greenwood/ Appomattox/ Central Parc (7)
Future Land Use Map Designation	D/I %	D/I %	D/I %	D/I %	D/I %	D/I %	D/I %	D/I %	D/I %	D/I %
Low Density Residential	NPU 0	4.0/10	NPU 0	4.0/ 27	NPU 0	NPU 0	4.0/ 52	0 0	n/a n/a	4.0/ 85
Medium Density Res.	5.5/2	10.0/16	NPU 0	10.0/ 5	10.0/ 4	10.0/ 9	0 0 A: 0/30	5.0 See footnote 9	n/a n/a	n/a n/a
High Density Residential	15.0/ 2	15.0/ 27	NPU 0	15.0/ 4	15.0/ 4	15.0/ 9	0 0 A: 0/0	0 0	15.0/ 20	n/a n/a
Professional Office	/0.95 18	/0.95 13	/0.95 23	/0.95 13	/0.95 13	/ .30 10	See footnote 2	See footnote 2	/0.55 24	n/a n/a
Commercial	/0.95 58	/0.95 22	/0.95 ¹ 75	/0.95 20	/0.95 44	/ .30 16	/ .15 12 A: 60/90	0.20 See footnote 9	/0.55 20	n/a n/a
Industrial	/0.95 9	/0.95 ² 1	/0.95 ² 2	/0.95 29	/0.95 31	/ .30 38	0 0 A: 0/0	0 0	n/a n/a	NPU 0
Public – Rec/Open	— 11	— 11	— 0	— 1	— 4	n/a 6	36 A: 20 ⁶	35 ⁶	36	— 0
Utility Ind. Corr						n/a 12				NPU 0
Mixed-Use Development										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 (AC #7A) 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. Open space acreage is not required to~~ have Public or Recreation/Open Space future land use.
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.
9. Density and intensity to be calculated based on the total acreage in AC #7A, or each parcel if subdivided prior to development approval.

D/I Density/Intensity
% Percentage of land area within Activity Center
NPU Non-permitted use

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Policy 2.7.11: AC #7A. Development within Area A of the Activity Center #7 shall include a mixture of commercial, institutional, office, professional, tourism, or residential uses, varying heights and scale of buildings, an innovative land use designs, which to enhance and provide new economic development opportunities that are complimentary to Warm Mineral Springs, Activity Center #7.

Policy 2.7.12: AC #7A. The City shall adopt land development regulations to provide for street-oriented, pedestrian and multi-modal friendly, commercial areas, and encourage public plazas as gathering places. Development shall provide a cohesive design which incorporates design elements of the Warm Mineral Springs community and the Sarasota School of Architecture features. Features such as public art shall also be incorporated into the design.

Policy 2.7.13: AC #7A. To support a healthy and sustainable activity center, all development shall the City shall establish practices and implement design standards that adopt land development regulations to provide for sustainable development in this area, including but not limited to low-impact development standards: for stormwater, maximum impervious surface area ratios, minimum open space percentages, and Florida native landscaping requirements. conserve land and natural resources, reduce energy use, water consumption, waste water generation, and greenhouse gases to the greatest extent feasible.

Policy 2.7.14: AC #7A. Prior to issuance of any development order in AC #7A, a Master Utility Plan shall be developed and approved by North Port Utilities to accommodate the projected build-out of the area.

Non-residential uses shall be oriented and focused towards the intersection of Ortiz Blvd and Trionfo Ave. with transition areas of buffers and step-down uses adjacent to existing single-family residential lots and neighborhoods.

Policy 2.7.15: AC #7A. New development shall be designed with reduced or zero right-of-way setbacks to encourage street-oriented commercial activities such as street front stores, outdoor venues and seating, access from adjacent pedestrian facilities, and other features that enhance the activity center experience as a people-centric location as opposed to auto-centric design.

Policy 2.7.16: AC #7A. Public plazas shall be utilized as gathering places and a location of civic activity which is accessible through multimodal transportation opportunities, including but not limited to, bike and pedestrian trails, nearby transit stops, and streets designed for safe pedestrian crossings and accessible to all age groups.

Policy 2.7.1517: AC #7A. Proposed developments abutting the creek flowing from the Warm Mineral Springs to the Myakka River will be required to contact the Florida Department of Environmental Protection (FDEP) manatee experts to determine the best management practices for development, and any mitigation necessary, to protect manatees which may utilize this tributary. The applicant shall provide notice of the discussions with FDEP to North Port Neighborhood Development Services (Planning) staff prior to issuance of a development order. All new development shall include design considerations for the preservation of existing habitat and natural Florida friendly vegetated areas. Site design shall consider appropriate combinations of expansion or enhancement of these natural areas, incorporating them into useable areas that promote the historic and ecological significance of the Springs and adjacent water bodies.

~~**Policy 2.7.18:** AC #7A. The City of North Port shall work with developers in AC #7A. to promote environmental stewardship of the natural systems by coordinating on grant and funding opportunities, which may include extension of public sewer and water quality improvements, and Low Impact Design pilot project(s), to protect and improve Warm Mineral Springs and the surrounding area.~~

~~**Policy 2.7.19:** AC #7A. Prior to a development plan, a Master Utility Plan shall be developed and approved by North Port Utilities to accommodate the projected build out of AC 7A.~~

~~**Policy 2.7.20:** AC #7A. New development shall be designed to reduce off-street parking and associated large impervious surface areas through the use of shared parking, on-street parking design for Ortiz Blvd., complete streets design, transit and other alternative approaches by providing connectivity to multimodal systems that connect the activity center to regional connections, such as US 41 and area transit hubs.~~

~~**Policy 2.7.1621:** AC #7A. The City will adopt land development regulations to minimize impacts to eExisting single-family development, including shall be protected through requiring appropriate landscape buffers, transition of uses, and lighting design which to reduces off-site light pollution adjacent to these properties. Existing single family development shall be protected through appropriate landscape buffers, transition of uses, and lighting design which reduces off-site light pollution adjacent t o these properties.~~

Policy 2.7.1722: AC #7A. Developers shall work closely with the City to redevelop the tree canopy within the area by being permitted to submit an alternative landscape plan which provides equivalent vegetative cover as required by the Unified Land Development Code, but may substitute alternative considerations to gain additional tree canopy. Areas of focus should include transportation corridors and right-of-way trees, project perimeters, and within parking areas.”

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