



City of North Port
DEPARTMENT OF PUBLIC WORKS
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MEMORANDUM

TO: A. Jerome Fletcher II, ICMA-CM, MPA, City Manager **Jerome Fletcher**
Digitally signed by Jerome Fletcher
 DN: cn=Jerome Fletcher, o=City of North Port, ou=Department of Public Works, email=jerome.fletcher@northport.com, c=US
 Reason: I am the author of this document
 Location: your signing location here
 Date: 2022.08.01 14:26:18 -04'00'
 Total PDF Reader Version: 11.1.0

THRU: Jason Yarborough, ICMA-CM, Assistant City Manager *Jason Yarborough* **Date:** 2022.08.01 10:26:17 -04'00'

FROM: Chuck Speake, Public Works Director **Chuck Speake**
Digitally signed by Chuck Speake
 Date: 2022.07.28 10:35:09 -04'00'

SUBJECT: Waivers to Open Space and Park Requirements Contained in ULDC 37-14

DATE: July 25, 2022

During a Regular Meeting on February 7, 2022, the Environmental Advisory Board (EAB) moved to request that the City Manager provide the attached advisement to the members of the City Commission. Through this document, the EAB seeks Commission consideration to include the EAB on matters related to the granting of waivers to the open space requirements and for review of minimal parkland as contained within Section 37-14 of the Unified Land Development Code.

Section 4-182 of the City Code outlines the Powers and Duties of the EAB, including the following items that align with this discussion:

- (b) 1 - Advise the city commission on matters pertaining to preserving and promoting clean air and water quality.
- (b) 2 - Advise the City Commission on matters pertaining to preserving and promoting wildlife and habitat protection; and
- (b) 4 - Analyze and consider environmental concerns raised by citizens.

The Department of Public Works is providing the attached information from the EAB to provide to the members of the City Commission as applicable.

- Attachments:**
- A. EAB Request for Consideration on Waivers Signed
 - B. February 7, 2022 EAB Minutes
 - C. City Code 4-182 EAB Powers and Duties
 - D. Unified Land Development Code Section 37-14

Attachment A

Due to the rapid pace of development that is taking place in North Port, the EAB is of the opinion that all residential subdivision development that takes place should be held to the minimum 10% park requirement outlined in ULDC 37-14

Natural habitat is disappearing while population density is increasing. Considering these factors, we do not believe waivers to said provision should be granted for current or future developments.

Waivers that affect parkland, environmentally sensitive lands, water resources and/or wildlife habitat generally come under public scrutiny and discussion. The Environmental Advisory Board asks the Commissioners to consider notifying their EAB of said waiver requests.

Additionally, we respectfully suggest that the Commissioners weigh whether the minimum park requirement merits an upward adjustment in response to said population density increases and natural habitat losses.

Environmental Advisory Board

A handwritten signature in black ink, appearing to read "William E. Lynch". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final Environmental Advisory Board

Monday, February 7, 2022

5:30 PM

City Hall Room 244

1. Call to Order

Chair Hale called the meeting to order at 5:30 p.m.

2. Roll Call

Present 7 - Chair Hale, Vice Chair English, Board Member Hall, Board Member Therrien, Board Member Grona, Board Member Holland and Board Member Lafler

Also Present

Stormwater Manager Elizabeth Wong, Environmental Technician Jeremy Rogus, and Recording Secretary Susan Hale.

3. Pledge of Allegiance

The Pledge of Allegiance was led by the Board.

4. Public Comment

There was no public comment.

Chair Hale introduced Jackie Lafler, who provided a brief history of her past experience.

Ms. Wong introduced the new liaison to the Board, Jeremy Rogus, who provided his background and interests in environmental issues.

5. Approval of Minutes

A. [22-2193](#) Approval of Minutes for the January 3, 2022 Environmental Advisory Board Meeting.

Chair Hale introduced the item.

Discussion ensued regarding a possible error under New Business where it was stated the consensus was to send the Chair as a representative, and Board Member Holland was present and was marked as absent.

Ms. Hale stated she will listen to the meeting and report her findings at the next meeting where the minutes can be approved.

6. Updates

A. [22-2209](#)

Review and Possible Action Regarding the Draft Letter to the City Commission Outlining a Proposal to Schedule a Joint Meeting with the Parks and Recreation Advisory Board, the Planning and Zoning Advisory Board, and the Historic and Cultural Advisory Board.

Chair Hale introduced the item.

Ms. Wong explained the process for items to be presented to Commission.

Discussion ensued regarding the type of meeting being requested, finding an agreeable date for the meeting, inter-committee communication regarding shared projects or projects that have a shared impact, possible avenues to share and/or obtain information, a virtual collaborative forum, and clearly outlining the Board's intent and purpose.

There was consensus to amend the draft letter to Commission as follows:

North Port's Citizen Advisory Boards all have defined responsibilities. However, there are areas of overlap among the boards dependent upon the projects and objectives of the boards. With the concurrence of the Commissioners, the Board would like to send a Board representative to attend the regularly scheduled meeting of the following citizens' advisory boards: Planning and Zoning Advisory Board, Parks and Recreation Advisory Board, and the Historic and Cultural Advisory Board.

The objectives of said meetings would be to facilitate the communication of overlapping environmental issues, share informational resources when appropriate, eliminate potential duplication of tasks/projects, and work together on activities that fall under the auspices of multiple advisory boards (when appropriate and in the best interests of the City.)

B. [22-2210](#)

Review and Possible Action Regarding the Draft Letter to the City Commission Requesting more Board Involvement in the Approval of Future Waivers that may Impact the Environment.

Chair Hale introduced the item.

Discussion ensued regarding the Board's concern to protect wildlife, pseudo laws that do not protect the environment, the negative effects of clearcutting parcels of land, and avoiding future waivers due to setting a precedent of allowing waivers.

Ms. Wong addressed how and when the Board wants the Commission to inform them, the chain of notifying the Board, and watching for issues on the Planning and Zoning Advisory Board regarding waivers.

A motion was made by Vice Chair English, seconded by Board Member Therrien, to send the following memo to the City Commission amending the current date.

Due to the rapid pace of development that is taking place in North Port, the EAB is of the opinion that all residential subdivision development that takes place should be held to the minimum 10% park requirement outlined in ULDC 37-14.

Natural habitat is disappearing while population density is increasing. Considering

these factors, we do not believe waivers to said provision should be granted for current or future developments.

Waivers that affect parkland, environmentally sensitive lands, water resources and/or wildlife habitat generally come under public scrutiny and discussion. The Environmental Advisory Board asks the Commissioners to consider notifying their EAB of said waiver requests.

Additionally, we respectfully suggest that the Commissioners weigh whether the minimum park requirement merits an upwards adjustment in response to said population density increases and natural habitat losses

The motion carried unanimously on a voice vote.

- C. [22-2211](#) Update on the City's Property Acquisition of the Myakkahatchee Creek Greenway Project and the Trail between Appomattox Drive and Price Boulevard.

Chair Hale introduced the item.

Ms. Wong presented a map of the status of the Tier I and Tier II lot acquisitions along the Myakkahatchee Creek Greenway, indicated the ownership of Tiers 1, and 2, the Master Plan for the Greenway, the Appomattox Trail to include the project being designed and permitted, a budget amendment being approved, and anticipated timetable to finish the trail.

7. New Business

- A. [22-2208](#) Discussion and Possible Action Regarding scheduling a Joint Meeting with the Historic and Cultural Advisory Board Regarding Designating Pan American Boulevard to Little Salt Spring as a Historic Area.

Chair Hale introduced the item.

Discussion ensued regarding creating a communication bridge with the Historic and Cultural Advisory Board and contacting the Board through proper channels.

A motion was made by Vice Chair English, seconded by Board Member Therrien, to direct Mr. Rogus to schedule through proper channels, a joint meeting with the Historic and Cultural Advisory Board to discuss designating Pan American Boulevard to Little Salt Spring as a Historic Area. The motion carried unanimously on a voice note.

- B. [22-2057](#) Discussion Regarding the Gulf Coast Community Foundation Playbook in Relation to Septic Systems.

Chair Hale introduced the item.

Discussion ensued regarding items that may be a benefit to the City,

There was consensus to continue Item No. 22-2057 to the March Board Meeting.

C. [22-2213](#) Discussion Regarding Surtax-proposed Project Requests Related to the Environment.

Chair Hale introduced the item.

Discussion ensued regarding public requests pertaining to projects, finding the surtax online through Sarasota County Surtax, and an email of proposed projects being sent to Board Members.

There was consensus to continue Item No. 22-2213 to the March Board Meeting.

8. Future Agenda Items

Future agenda items included feedback on the two draft memos, discussion and possible action regarding scheduling a Joint Meeting with the Historic and Cultural Advisory Board, discussion regarding surtax-proposed project requests related to the environment, with Chuck English emailing backup documentation to the Board liaison, discussion of accomplishments of the Board during 2021, and a discussion regarding a memo pertaining to septic regulations, maintenance, and conversion to City Water.

9. Public Comment

There was no public comment.

10. Adjournment

Chair Hale adjourned the meeting at 7:22 p.m.

Allain Hale, Chair

Minutes were approved on the ___ day of _____, 2022.

Sec. 4-182. - Powers and duties.

- (a) The environmental advisory board shall serve as an information resource to and advise the city commission on ways to protect, conserve, enhance and raise public awareness of the city's natural and environmental resources, its wildlife habitat, its flora and fauna, and on safeguarding environmental quality for the future.
- (b) The environmental advisory board shall:
 - (1) Advise the city commission on matters pertaining to preserving and promoting clean air and water quality.
 - (2) Advise the city commission on matters pertaining to preserving and promoting wildlife and habitat protection.
 - (3) Advise the city commission on state and federal environmental regulations that may impact the city.
 - (4) Analyze and consider environmental concerns raised by citizens.
 - (5) Identify educational and outreach community opportunities related to preserving and protecting the environment and wildlife habitat.
 - (6) Research and recommend grants and incentives related to preserving and protecting the environment and wildlife habitat.
 - (7) Advise the city commission on matters pertaining to tree planting and care, landscaping, beautification of public road rights-of-way and public places within the city, grant opportunities, and the availability of special programs to assist the public.
 - (8) Perform other duties relating to preserving and protecting the environment, wildlife habitat, trees, landscaping, and beautification of public places as the city commission may from time-to-time direct.

(Ord. No. 2018-01, § 2(2.01), 3-6-2018; Ord. No. 2021-32, § 2.01, 6-22-2021)

Sec. 37-14. - Open space.

- A. For any development zoned Planned Community Development (PCD) District, the open space required shall be consistent with the adopted master plan for that development.
- B. Where a proposed park, school or other public use is shown on the City's Comprehensive Plan, the developer shall be required to reserve twenty percent (20%) of land for such purpose.
- C. Minimum area requirements.
 - (1) For a residential subdivision consisting of individual lots for single-family detached or two-family dwelling units and have less than fifty (50) dwelling units, no minimum open space shall be required.
 - (2) In residential subdivisions consisting of individual lots for single-family detached or two-family dwelling units containing more than fifty (50) dwelling units, there shall be a minimum park requirement of ten percent (10%) of the total area excluding environmentally sensitive lands.
 - (3) In residential developments containing multiple-family structures or in which dwelling units are clustered, there shall be a minimum open space requirement equal to thirty-five percent (35%) of the development area.
 - (4) In all commercial subdivisions, there shall be a minimum open space requirement equal to twenty percent (20%) of the development area.
 - (5) In all industrial subdivisions, there shall be a minimum open space requirement equal to ten percent (10%) of the development area.
 - (6) When a development is located along a waterway or park land, the open space shall be located to allow the public to utilize the maximum possible length of the waterway or park land. Public amenities shall be provided in accordance with Sec. 37-27.
- D. Minimum dimensions.
 - (1) The minimum average width of open space areas shall be ten (10) feet.
 - (2) The minimum area of open space shall be one hundred (100) square feet.
- E. Use of open space.
 - (1) The following uses may contribute to the open space requirement, provided that the minimum dimensions are met.
 - (a) Buffers.
 - (b) Landscape areas in off-street parking areas.
 - (c) Dry detention areas.
 - (d) Existing or proposed bodies of water, including stormwater management areas, and areas subject to saltwater inundation may be used to offset up to a maximum of fifty percent (50%) of the required open space area, if used as a public amenity and twenty-five percent

(25%) if not used as a public amenity.

- (i) For a wet detention pond, an aeration device shall be used in the deep pool area to increase the oxygen content of the water to improve water quality treatment. The aeration capacity of the device shall be sufficient to avoid anoxic (oxygen depleted) conditions in the pond.
 - (ii) If the wet detention pond is located in an area that is not visible to the public or visitors to the site, a bubbler aerator or mixer may be used.
 - (iii) If the wet detention pond is located in an area visible to the public or visitors to the site, it shall have a fountain or waterfall type of water feature to improve water quality treatment and provide an aesthetic appeal. The fountain or waterfall feature shall have a timer to ensure compliance with City and State water preservation requirements. On a case-by-case basis, this aeration device requirement may be waived if approved by the City Manager or designee and project planner.
- (e) Active and passive recreation areas, such as playgrounds, golf courses, beach frontage, nature trails and other similar open spaces, as long as not more than twenty-five percent (25%) of the area consists of impervious surface.
- (2) Maintenance of open space. With the exception of lawns owned solely by a lot owner, all other open space area shall be preserved or maintained so that its use and enjoyment as open space will not be diminished or destroyed. To this end, all open space area shall be commonly owned and shall be maintained by the owners of the development, as provided by covenants which run with the land. These covenants shall be in recordable form and shall include the following:
- (a) A covenant specifying the manner and method by which the open space will be preserved and maintained, which may include a maintenance assessment or a homeowners' association.
 - (b) A covenant that the open space area shall not be developed, except for the open space purposes. All subdivision plans and plats shall designate all open space area under common ownership. For platted subdivisions, dedication of and restrictions for commonly-owned open space shall be stated on the plat.