



# City of North Port

4970 CITY HALL BLVD  
NORTH PORT, FL 34286

## Action Report Planning & Zoning Advisory Board

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Thursday, January 6, 2022

9:00 AM

City Hall Room 244

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### 1. CALL TO ORDER

### 2. ROLL CALL

**Present:** 3 - Chair James Sawyer, Vice Chair Nita Hester and Kenneth Maturo

**Absent:** 2 - John Metzger and Jerry Nicastro

### Also Present

### 3. PLEDGE OF ALLEGIANCE

### 4. PUBLIC COMMENT

### 5. APPROVAL OF MINUTES

- A. [22-2068](#) Approval of Minutes for the December 16, 2021 Planning and Zoning Regular Meeting and the December 20, 2021 Planning and Zoning Special Meeting.

*A motion was made by Vice Chair Hester, seconded by Board Member Maturo, to approve the Minutes as presented. The motion carried by the following vote:*

**Yes:** 3 - Chair Sawyer, Vice Chair Hester and Board Member Maturo

**Absent:** 2 - Board Member Metzger and Board Member Nicastro

### 6. PUBLIC HEARING

- A. [VAC-21-307](#) Resolution 2022-R-06, David and Chrissy Bucko, Property Owners, request to vacate a portion of the platted rear twenty-foot (20) Maintenance Easement on Lot 27, Block 1608, Thirty-Second Addition to Port Charlotte Subdivision to allow a newly constructed pool, pool deck, and screened enclosure to remain. (QUASI-JUDICIAL)

*A motion was made by Vice Chair Hester, seconded by Board Member Maturo, that the Planning and Zoning Advisory Board recommends to the City Commission approval of Resolution No. 2022-R-06 for Petition No. VAC-21-307 as presented. The motion carried by the following vote:*

**Yes:** 3 - Chair Sawyer, Vice Chair Hester and Board Member Maturo

**Absent:** 2 - Board Member Metzger and Board Member Nicastro

- B. [DMP-21-265](#)** Development Master Plan, Woodlands Parcel E, DMP-21-265 Located Southwest of Panacea Boulevard and east of Cypress Falls Development Master Plan, Woodlands Parcel E, DMP-21-265 (QUASI-JUDICIAL)

*A motion was made by Vice Chair Hester, seconded by Board Member Maturo, that the Planning and Zoning Advisory Board recommends to the City Commission approval of Petition No. DMP-21-265 with the following conditions:*

- 1. The Florida bonneted bat survey should be submitted prior to start of construction.*
- 2. Before FDEP permits will be signed, North Port Utilities requires the following:*
  - a. Four complete sets of DEP permit applications (water and sewer) and four sets of construction plans both sets of items shall be signed and sealed by the engineer of record.*
  - b. One engineer certified (sealed) estimate for the cost of utility construction.*
  - c. A check for the Utility Construction Inspection Fee. The fee shall be 6.5% of the utility construction costs for projects \$0 to \$2 million, plus 2.5% of utility construction cost over \$2 million. The minimum fee is \$250.00.*
- 3. Prior to commencement of utility site construction, three copies of shop drawings plus any copies required by the applicant shall be submitted to the Utility Department for review and approval.*
- 4. Irrigation systems shall be designed and constructed to meet reuse standards.*
- 5. Prior to utility site construction the Development Order, Department of Environmental Protection Permit and Development of Health Permit shall be posted at the project site and provided at the preconstruction meeting.*
- 6. A developer agreement shall be negotiated with the Utility Department and approved by the Utility Director and City Staff prior to DEP or DOH permits being signed and released.*
- 7. The stormwater management system design and floodplain impact/compensation analysis must meet all state and local regulations in the later infrastructure (INF) application.*
- 8. All proposed projects or developments must comply with the Florida Fire Prevention Code (FFPC), 7th Edition (NFPA 1 – Fire Code, 2018 Edition with State of Florida Amendments) and the City of North Port Unified Land Development Code (ULDC), Chapters 25, 37 and 60 as outlined prior to formal submittal.*
- 9. Emergency Access Plans (EAP) for Fire Apparatus Access must be submitted for review and approval prior to commencement of all new construction as outlined in Florida Fire Prevention Code (FFPC), 7th Edition (NFPA-1 Fire Code, 2018 Edition), § 1:18.1.3 and § 60-10(A -C) of the City of North Port’s Unified Land Development Code (ULDC).*
- 10. Emergency Access from Cedar Grove Phases 2A and 2B out through Panacea Boulevard shall be maintained as previously agreed and approved upon by the Developer, the City of North and North Port Fire Rescue.*
- 11. Per § 60-11 A(4) of the City of North Port’s Unified Land Development Code (ULDC), the Engineer of Record must submit drawings clearly indicating vehicle stacking and turning radii of all roads, entrances, cul-de-sacs and parking lots.*
- 12. Per § 60-11 A(3) of the City of North Port’s Unified Land Development Code (ULDC), the Engineer of Record must submit drawings to all gated entrance driveways to accommodate pre-entry vehicular stacking of not less than three (3) cars, provide a turn-around area, and be designed such that emergency vehicles do not have to leave the travel-way to negotiate any roads, turns or gates.*

*With approval of Waivers:*

- 1. *This waiver request is to allow for an average of 0.4 foot candles for sidewalk areas adjacent to roadways.*
- 5. *This waiver request is to allow for a 50-foot right-of-way for local guttered streets as opposed to the 60-feet.*
- 6. *This waiver request is to allow for a 10-foot multi-modal path to be constructed on one side of the entrance roads in lieu of the bike lanes to minimize wetland impacts on the entrance roads.*
- 7. *This waiver request is to allow street trees to be counted towards the minimum tree canopy requirements.*
- 8. *This waiver request is from the Unified Land Development Code (ULDC) requirement to provide five-foot sidewalks along both sides of local streets. This waiver is being requested for the entrance road to reduce the width of the road and therefore, to reduce the adjacent wetlands. All other roads will have sidewalks on both sides.*

**Yes:** 3 - Chair Sawyer, Vice Chair Hester and Board Member Maturo

**Absent:** 2 - Board Member Metzger and Board Member Nicastro

- C.** [TXT-21-317](#) An Ordinance of the City of North Port, Florida, Regarding Tree Regulations and Enforcement; Repealing and Replacing Unified Land Development Code Chapter 45 – Tree Protection Regulations; Amending Unified Land Development Code Sections 21-7 and 21-9 Relating to Landscaping Regulations; Amending Unified Land Development Code Sections 53-171, 53-182, and 53-216 Relating to Zoning Regulations in the RMH Residential Manufactured Home, NC Neighborhood Commercial, and Village District; Amending Unified Land Development Code Section 61-3 – Definitions; Amending the Code of the City of North Port, Florida, Section 2-511 Relating to Code Enforcement Fines; Amending the Code of the City of North Port, Florida, Appendix A – City Fee Structure Relating to Planning and Zoning Fees for Tree Removal; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

*A motion was made by Board Member Maturo, seconded by Vice Chair Hester, to postpone the item.*

*The motion failed by the following vote:*

**Yes:** 1 - Board Member Maturo

**No:** 2 - Chair Sawyer and Vice Chair Hester

**Absent:** 2 - Board Member Metzger and Board Member Nicastro

*A motion was made by Board Member Hester, seconded by Board Member Maturo, that the Planning and Zoning Advisory Board recommends to the City Commission approval of Ordinance No. 2021-46 for Petition TXT-21-317 with the condition that the Commission readdress the requirements for owners that have Certificates of Occupancy for their homes not to have to meet the same onerous requirements as developers and owners that are building new construction. The motion carried by the following vote:*

**Yes:** 3 - Chair Sawyer, Vice Chair Hester and Board Member Maturo

**Absent:** 2 - Board Member Metzger and Board Member Nicastro

- D. [TXT-21-320](#) An Ordinance of the City of North Port, Florida, Amending the Unified Land Development Code Relating to the Permitted and Prohibited Uses in Activity Center Number 1 (Mediterranea), Activity Center Number 2 (Heron Creek), Activity Center Number 3 (Gateway), Activity Center Number 4 (Panacea), Activity Center Number 5 (Midway), and Activity Center Number 8 (The Gardens); Amending Chapter 55 – Activity Center Design Regulations; Amending Section 61-3 – Definitions and Word Usage; Providing for Findings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

*A motion was made by Vice Chair Hester, seconded by Board Member Maturo, that the Planning and Zoning Advisory Board recommends to the City Commission approval of Ordinance No. 2022-02, Petition TXT-21-320 as modified and presented as follows:*

**Under Terms:**

1. *Distilleries and wineries are new additions.*
2. *Changing "heavy manufacturing" and "light manufacturing" to "heavy industrial" and "light industrial" where needed.*

**Definitions:**

**General Office:** *The conducting of affairs of a business, profession, service, or government, including the storage, management, processing, and transmission of digital data, but excluding manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials goods and products, or the sale and or delivery of any materials goods or products which are physically located on the premises.*

*General Office Uses are not currently listed in any of the Activity Centers and shall now be included, to add Personal Services in Activity Center 3, to confirm whether "motel" was added to Section 55-56(B), and other minor scrivener's errors as noted.*

**The motion carried by the following vote:**

**Yes:** 3 - Chair Sawyer, Vice Chair Hester and Board Member Maturo

**Absent:** 2 - Board Member Metzger and Board Member Nicastro

**7. GENERAL BUSINESS**

- A. [22-2012](#) Discussion and Possible Action Regarding Election of a Chair and Vice Chair.

*There was a consensus to postpone Item No. 22-2012 to the next meeting to allow for participation of a greater number of board members.*

- B. [22-2016](#) Discussion and Possible Action Regarding Approval of 2022 Board Meeting Schedule.

*A motion was made by Vice Chair Hester, seconded by Chair Sawyer, to approve the 2022 Meeting Schedule as presented. The motion carried by the following vote:*

**Yes:** 3 - Chair Sawyer, Vice Chair Hester and Board Member Maturo

**Absent:** 2 - Board Member Metzger and Board Member Nicastro

**8. FUTURE AGENDA ITEMS**

*A motion was made by Vice Chair Hester, seconded by Board Member Maturo, that when a Development Master Plan (DMP) is on a Board agenda for review, staff's presentation at neighborhood meetings shall be added to the backup material. The motion carried by the following vote:*

**Yes:** 3 - Chair Sawyer, Vice Chair Hester and Board Member Maturo

**Absent:** 2 - Board Member Metzger and Board Member Nicastro

**9. PUBLIC COMMENT**

**10. ADJOURNMENT**