



City of North Port

4970 City Hall Blvd
North Port, FL 34286

Meeting Minutes City Commission Joint Meeting

CITY COMMISSIONERS

Jill Luke, Mayor

Pete Emrich, Vice Mayor

Barbara Langdon, Commissioner

Debbie McDowell, Commissioner

Alice White, Commissioner

APPOINTED OFFICIALS

Jerome Fletcher, City Manager

Amber L. Slayton, City Attorney

Heather Taylor, City Clerk

Monday, November 1, 2021

9:00 AM

City Commission Chambers

Joint Meeting with Planning and Zoning Advisory Board

ULDC Review Chapters 8, 10, and 15

CALL TO ORDER

Mayor Luke called the meeting to order at 9:00 a.m.

ROLL CALL

Present: 5 - Commissioner Debbie McDowell, Mayor Jill Luke, Vice Mayor Pete Emrich, Commissioner Barbara Langdon and Commissioner Alice White

Also Present

City Manager Jerome Fletcher, City Attorney Amber Slayton, Assistant City Clerk Adrian Jianelli, Recording Secretary Amanda Baker, Assistant City Manager Julie Bellia, Interim Planning and Zoning Division Manager Monica Bramble (virtually), Planner III Rhea Lopes, and Project Engineer Ben Newman

Planning and Zoning Advisory Board (PZAB) Members: Nita Hester and James Sawyer

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Planning and Zoning Advisory Board Member James Sawyer.

1. APPROVAL OF AGENDA

A motion was made by Vice Mayor Emrich, seconded by Commissioner Langdon, to approve the Agenda as presented. The motion carried on the following vote:

Yes: 5 - Commissioner McDowell, Mayor Luke, Vice Mayor Emrich, Commissioner Langdon and Commissioner White

2. PUBLIC COMMENT:

There was no public comment.

3. GENERAL BUSINESS:

21-1698

Discussion and Possible Action Regarding Drafts of the Unified Land Development Code Rewrite for the New Chapter 8 - Amendments to the ULDC and Comprehensive Plan, Chapter 10 - Flood Damage Prevention, and Chapter 15 - Appendices.

Mayor Luke announced the item.

Mr. Fletcher introduced the item.

Ms. Bramble spoke to amendments to the Unified Land Development Code (ULDC) and Comprehensive Plan, Flood Prevention, and Appendices.

CHAPTER 8 - AMENDMENTS TO THE ULDC AND COMPREHENSIVE PLAN

Ms. Lopes requested direction regarding striking "at the regularly scheduled meeting in October of each year" in lines 23-24 and updating lines 21-24 to allow for text amendments to be heard throughout the year, at a minimum on a yearly basis, to keep the code more current.

Discussion took place regarding frequency of ULDC review.

Commissioner McDowell expressed her belief that a specific date should be established for at least one ULDC review.

A motion was made by Commissioner Langdon, seconded by Vice Mayor Emrich, to accept staff's recommendation regarding the wording in lines 21-24 by removing "at the regularly scheduled meeting in October of each year", but leaving in "at a minimum on a yearly basis". The motion carried on the following vote:

Yes: 4 - Mayor Luke, Vice Mayor Emrich, Commissioner Langdon and Commissioner White

No: 1 - Commissioner McDowell

Commissioner McDowell dissented for reasons stated.

Ms. Lopes requested direction regarding striking language beginning with "and" in line 125 through "Code" in line 127.

There was consensus to strike "and corresponding revision of text specifying standard land development processing procedures, provided that said revision does not affect the basic intent of the applicable section or subsection of the Code" in lines 125-127.

Ms. Lopes requested direction regarding rewording Section 8-10 D.(1) to state "Hearings by the PZAB on applications for rezoning of land shall be held in conjunction with any regularly scheduled meeting of the Board but no more than 90 days after completed application is received and reviewed by the City staff. The 90 days is exclusive of applicant review and/or rewrite period and legal extenuating circumstances".

Discussion took place regarding concerns with developers having no surety of when the rezoning application will be returned, consequences if the review goes beyond the 90-day threshold, what constitutes extenuating circumstances, and if lack of quorum in PZAB is considered an extenuating circumstance.

There was consensus to reword Section 8-10 D.(1) to state "Hearings by the PZAB on applications for rezoning of land shall be held in conjunction with any regularly scheduled meeting of the Board but no more than 90 days after completed application is received and reviewed by the City staff. The 90 days is exclusive of applicant review and/or rewrite period and legal extenuating circumstances", and direct staff to add language that lack of quorum in the Planning and Zoning Advisory Board is considered an extenuating circumstance.

Ms. Lopes requested direction to strike Section 8-10 F in its entirety for consistency with the Comprehensive Plan.

Discussion took place regarding updating the Comprehensive Plan, consistency issues with properties being annexed in to the City, and property not requiring annexation.

There was consensus to strike Section 8-10 F in its entirety.

Ms. Lopes requested direction regarding replacing "three affirmative votes" in line 472 with "super majority vote".

Discussion took place regarding three votes being standard operating procedure, and changing the requirement to four votes.

Ms. Slayton spoke to rewording the language.

Discussion took place regarding a developer wanting to zone property a second time regardless of whether the initial zoning was approved or denied, and in the case of if the application is denied, the language prevents a second application for rezone within (12) months.

There was consensus to strike "three affirmative votes" from line 472 and replace it with "a majority vote".

Ms. Lopes requested direction regarding adding the Comprehensive Plan update process as subsection "E. Enactment" to Section 8-15 to state, "When an ordinance approving changes to the Comprehensive Plan becomes effective, the City Manager or designee shall cause said changes to be reflected in the official City Comprehensive Plan within thirty days of the effective date".

Discussion took place regarding who is responsible for the changes.

Ms. Slayton spoke to codifying the Comprehensive Plan through Municode.

There was consensus to add subsection "E. Enactment" to Section 8-15 to state, "When an ordinance approving changes to the Comprehensive Plan becomes effective, the City Manager or designee shall cause said changes to be reflected in the official City Comprehensive Plan within thirty days of the effective date".

Ms. Lopes requested direction regarding revising Section 8-15 D(1) to state, "After receipt of the PZAB recommendation, the City Commission shall conduct a public hearing on the proposed amendment and, if required by Florida Statutes, shall transmit the proposed amendment to other agencies and governmental entities for review", and revising Section 8-15 D(2) to state, "The City Commission shall conduct another public hearing after such transmittal to determine if the proposed amendment should be adopted".

There was consensus to revise Section 8-15 D(1) to state, "After receipt of the PZAB recommendation, the City Commission shall conduct a public hearing on the proposed amendment and, if required by Florida Statutes, shall transmit the proposed amendment to other agencies and governmental entities for review" and to revise Section 8-15 D(2) to state, "The City Commission shall conduct another public hearing after such transmittal to determine if the proposed amendment should be adopted".

Discussion took place regarding PZAB having one-on-one meetings with the Planning Department, lines 347-364 under Section 8-9 C, and how the requirements in the section would be answered if there is no master plan or development plan.

Ms. Lopes spoke to the current criteria that is examined for rezones, and stated a developer would not be held to a development plan since the application is for a rezone through a zoning district.

Discussion took place regarding striking "if applicable" from line 371, the subsections in Section 8-9 C being for both rezoning and development applications, requirements for only rezone vs. development in conjunction with rezone, reviewing at the highest level of rezone, line 426 regarding the definition of "Continue", and Section 8-14 C pertaining to large-scale and small-scale Comprehensive Plans.

There was consensus to direct staff to review the language in Section 8-14 C.

Discussion took place regarding revising language in lines 63-67, and striking "if applicable" from line 371.

There was consensus to strike "if applicable" from line 371.

Discussion took place regarding line 350 pertaining to property value impacts on commercial developments.

CHAPTER 10 - FLOOD PREVENTION

Ms. Bramble spoke to Chapter 10 being prescriptive in nature.

Staff answered questions regarding line 37 pertaining to American Society of Civil Engineers (ASCE) 24, and stated they would add "as amended" after "24" to include any updated or amended versions.

Discussion took place regarding "Zone A" in lines 534, 598, and 631.

Ms. Wong spoke to "Zone A" being an all-embrasive zone, and changing "Zone A" to "Zone AE".

Discussion ensued regarding if Federal Emergency Management Assistance (FEMA) has any issue with replacing "Zone A" with "Zone AE" throughout Chapter 10.

There was consensus to direct staff to re-review Chapter 10 and work with FEMA to make it consistent in regards to the "Zone A/AE" terminology.

Discussion took place regarding keeping "of the City of North Port" in lines 51-52.

CHAPTER 15 - APPENDICES

Ms. Lopes requested direction on numerous sections in Chapter 15.

There was consensus to remove Section 15-5 from Chapter 15 and add it to Chapter

3.

There was consensus to remove Section 15-9 from Chapter 15 and add it to Chapter 3.

There was consensus to strike Section 15-6 A(3) in its entirety.

There was consensus to strike the table in line 849 and have a reference to the Florida Department of Transportation (FDOT) Manual of Uniform Minimum Lighting Standards for Design, Construction, and Maintenance for Streets and Highways, latest edition.

Ms. Lopes requested direction regarding removing the table on line 845, implementing the proposed table on line 842, and adding language in lines 843-844.

Discussion took place regarding the distance between sidewalks and the roadway, what classifies as adjacent, and when additional sidewalk lighting is required.

There was consensus to remove the table on line 845, implement the proposed table on line 842, and add language on line 843-844.

Ms. Lopes requested direction regarding changing "N. America Native and Non-Native" in the table under Section 15-11 to "Florida Native and Non-Native".

Discussion took place regarding the non-native trees being non-exclusive.

There was consensus to change "N. America Native and Non-Native" in the table under Section 15-11 to "Florida Native and Non-Native".

Ms. Lopes requested direction regarding adding more descriptions to the Master Tree List, and stated staff recommended to leave the list as is and implement more tree awareness in the newcomer's program and the City website.

Discussion took place regarding providing new homeowners with a detailed list of approved trees.

There was consensus to leave the Master Tree List in Section 15-11 as is.

Ms. Lopes requested direction regarding including the definition of "Technical Manual" to Chapter 15.

Discussion took place regarding what information is included in the Technical Manual, including the language referenced by outside entities adopted by the City, and adding language pertaining to including outside entities.

There was consensus to add the definition of "Technical Manual" to Chapter 15, and direct staff to include referring outside entities to the definition.

Ms. Lopes requested direction regarding staff recommendation to not add language to the ULDC regarding maintenance of private roadways.

Discussion took place regarding language that pertains to minimum standards for potholes.

Ms. Bellia spoke to placing private roads maintenance into a development order instead of the ULDC, and stated a property standards section is in process in the ULDC.

Ms. Lopes requested direction regarding changing "may" to "shall" in line 746.

Discussion took place regarding clarifying language in Section 15-2 F.

There was consensus to change "may" to "shall" in line 746.

Discussion took place regarding rewording Section 15-1 A(1) to state, "all arterial and collector streets shall conform to the City of North Port's Comprehensive Plan", and make a reference to the Comprehensive Plan.

There was consensus to reword Section 15-1 A(1) to state, "all arterial and collector streets shall conform to the City of North Port's Comprehensive Plan", and make a reference to the Comprehensive Plan.

Discussion took place regarding Section 15-3 B pertaining to regulations ensuring street signs are posted prior to construction, verifying street signs as part of a Construction Order (CO), the City Manager or designee being the responsible party for review and approval throughout Chapter 15, and staff reviewing banning the use of gypsum in pavement and asphalt.

4. PUBLIC COMMENT:

There was no public comment.

5. ADJOURNMENT:

Mayor Luke adjourned the meeting at 11:15 a.m.

City of North Port, Florida

By: _____
Pete Emrich, Mayor

Attest: _____
Heather Taylor, City Clerk

These minutes were approved on the ____ day of _____, 20__.