

Sec. 1-33. - Rezoning.

The zoning classifications for all lands lying within the corporate limits of the City of North Port are hereby changed as depicted on the revised Official Zoning Map of the City of North Port which is held in the office of the City Clerk.

- A. All petitions for rezoning that changes the property's zoning designation to a zone that is incompatible with a land use designation per the Comprehensive Plan must file a concurrent comprehensive plan amendment application. [Amended 9-14-2015 by Ord. No. 2015-23]
- B. A zoning amendment may be proposed by:
 - (1) City Commission.
 - (2) Planning and Zoning Advisory Board.
 - (3) Zoning Board of Appeals.
 - (4) Any other department or agency of the City.
 - (5) Any person other than those listed in subsection B(1) through (4) above; provided, however, that no person shall propose an amendment for the rezoning of property (except as agent or attorney for an owner) which is not owned by the petitioner. The name of the owner shall appear on each application.
- C. All proposals for zoning amendments shall be considered first by the Planning and Zoning Advisory Board, and then City Commission for final decision in the manner herein set out.
- D. All proposals for zoning amendments shall be submitted in writing to the Director of the department responsible for land development services, accompanied by all applicable information required by these zoning regulations and which may be required by the Planning and Zoning Advisory Board for proper consideration of the matter, along with payment of such fees and charges as have been established by the City Commission and may be amended from time to time.
 - (1) No application for a zoning amendment shall be heard by the Planning and Zoning Advisory Board prior to all fees and charges being paid.
- E. Submission requirements. A complete application packet for rezoning shall be filed with the department responsible for land development services for review by the Planning and Zoning Advisory Board with the number of copies deemed necessary for a thorough review and must include:
 - (1) Written narrative explaining the following:
 - (a) Whether the proposed change would be consistent with the future land use map and the goals, objectives and policies of the Comprehensive Plan (See Comprehensive Plan - Future Land Use Element).

- (b) The relationship of the proposed change to the existing land use pattern.
 - (c) Whether the proposed change would lead to the creation of an isolated zoning unrelated to adjacent and nearby districts.
 - (d) The impact on the availability of adequate public facilities consistent with the level of service standards adopted in the Comprehensive Plan and as defined and implemented through the City's Concurrency Management System Regulations as set forth in Chapter 5 of this Unified Land Development Code.
 - (e) Whether changed or changing conditions make the passage of the proposed zoning necessary.
 - (f) Whether the proposed change will adversely influence living conditions in the neighborhood.
 - (g) Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
 - (h) Whether the proposed change will create a drainage problem.
 - (i) Whether the proposed change will seriously reduce light and air to adjacent areas.
 - (j) Whether the proposed change will adversely affect property values in the adjacent areas.
 - (k) Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.
 - (l) Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
 - (m) Whether there are substantial reasons why the property cannot be used in accord with existing zoning.
 - (n) Whether the change suggested is out of scale with the character of the neighborhood.
 - (o) Whether the use causes a decrease in level of service, concurrency in any area listed in Chapter 5, or causes adverse effects on the health, safety and welfare of the citizens of North Port and it is impossible to find other adequate sites in the City for the proposed use in districts already permitting such use that would maintain the adopted level of service, concurrency levels as listed in Chapter 5 or adequate services for the health, safety and welfare of the citizens of North Port.
- (2) Survey showing boundaries and topography with legal description of property to be rezoned, signed and sealed by a Florida registered land surveyor.
 - (3) Aerial map showing the adjacent properties and clearly depicting property under consideration.
 - (4) Most current deed or title policy showing proof of ownership.

- (5) Utilities availability commitment letter.
- (6) Environmental assessment report (if applicable) prepared by a professional environmental scientist, which shall include the date of the assessment.
- (7) Traffic impact analysis prepared by a professional engineer or a certified planner qualified in transportation in accordance with Chapter 5 of these regulations.
- (8) Any additional data, maps, plans, surveys or statements as determined by the City to be necessary for a thorough review.
- (9) Digital files, one (1) compact disk (CD) GIS and/or AutoCAD requirements and digital PDF as determined by the City. All disks must have a project label and date.

F. Review process.

- (1) Review by the Planning and Zoning Advisory Board. The Planning and Zoning Advisory Board shall review at its next regularly scheduled meeting, the application and staff findings for rezoning. Having reviewed the application, all supporting documents, along with staff findings, the Planning and Zoning Advisory Board will make an advisory recommendation to the City Commission.
- (2) Review by the City Commission. Upon completion of the Planning and Zoning Advisory Board's review process, the Planning and Zoning Advisory Board's comments and recommendations along with the staff findings shall be forwarded to the City Commission. After review, the City Commission shall vote whether the plans should be "Approved," "Approved with Conditions," "Continued" or "Deny." Upon approval or approval with conditions by the City Commission, the applicant shall be permitted to submit the appropriate application to begin the review process to allow development that pertains to the approved zoning.

G. Notice of public hearing.

- (1) Notice of time and place of the public hearing of the Planning and Zoning Advisory Board shall be sent at least fifteen (15) days in advance of the hearing by mail to the owner of the subject property or his designated agent or attorney, if any.
- (2) Notice of the time and place of the public hearing by the Planning and Zoning Advisory Board shall be sent at least fifteen (15) days in advance of the hearing by mail to all owners of property within three hundred (300) feet of the property lines of the land for which rezoning is sought (for properties greater than one (1) acre, the three hundred (300) foot distance shall be one thousand three hundred twenty (1,320) feet); provided however,
 - (a) That where the land for which rezoning is sought is part of, or adjacent to, land owned by the same person, the one thousand three hundred twenty (1,320) foot distance shall be measured from the boundaries of the entire ownership, except that notice

need not be mailed for property owners located more than one (1) mile (five thousand two hundred eighty (5,280) feet) from the land for which rezoning is sought.

- (b) If any dwelling unit within the required one thousand three hundred twenty (1,320) foot notification radius is within a property owner's association, the property owner's association must also be notified. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Sarasota County.
 - (c) Notwithstanding any other provision herein contained, failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect, provided that proper legal notice has been published.
- H. Public hearings. Public hearings on the resolution for the granting of a rezoning shall be held by both the Planning and Zoning Advisory Board and the City Commission.
- (1) Any party may appear personally or by agent or attorney.
 - (2) The staff findings on the petition shall be presented prior to the close of the public hearing on the petition.
 - (3) The petitioner shall have the right, prior to the close of the public hearing, to cross-examine persons presenting testimony, to respond to any contentions presented by any testimony or other evidence presented during the public hearing and to respond to the staff findings, after receipt of which the hearing shall be concluded, unless the hearing is continued and the matter is referred back to staff for further consideration of such matters as the Planning and Zoning Advisory Board or City Commission may direct.
 - (4) If referred back to staff, the matter shall be given the next available agenda position.