



# City of North Port

## ORDINANCE NO. 2021-11

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING SECTION 2-81 OF THE CODE OF THE CITY OF NORTH PORT, FLORIDA, RELATING TO NOTICE PROCEDURES FOR AGGRIEVED OR ADVERSELY AFFECTED PERSONS FOR QUASI-JUDICIAL PROCEEDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Code of the City of North Port, Florida, establishes procedures related to quasi-judicial proceedings; and

**WHEREAS**, these amendments clarify the notice procedures for appearing at a quasi-judicial hearing as an aggrieved or adversely affected person; and

**WHEREAS**, the City Commission finds that these amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

**NOW, THEREFORE, BE IT ORDANED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

### **SECTION 1 – FINDINGS**

1.01 The recitals outlined above are incorporated by reference herein as findings of fact.

### **SECTION 2 – ADOPTION**

2.01 Chapter 2 of the Code of the City of North Port, Florida is hereby amended as follows:

**“CHAPTER 2. – ADMINISTRATION**

...

**ARTICLE III. – QUASI-JUDICIAL PROCEEDINGS**

...

**Sec. 2-81. – Notice procedures for aggrieved or adversely affected persons.**

- (a) *Generally*. All parties, including the aggrieved or adversely affected persons, are entitled to a fair and impartial hearing, notice of the hearing, and an opportunity to be heard.

(b) Notice required. Any aggrieved or adversely affected person desiring to become a party in the quasi-judicial proceeding ~~must shall~~ provide written notice to the city clerk. ~~which notice shall, at a minimum, set forth the aggrieved or affected person's name, address, and telephone number, indicate how the aggrieved or affected person qualifies as an aggrieved or affected person and indicate whether the aggrieved or affected person is in favor of or opposed to the requested quasi-judicial action. The filing of notice with the clerk shall serve as notice to the parties of the aggrieved or affected person's intent to appear at the all applicable quasi-judicial proceedings to testify, present evidence, bring forth witnesses, and cross-examine witnesses. The required notice must be received by the clerk no later than five business days at the close of business, which is 5:00 p.m., before any hearing.~~

(1) Contents. The aggrieved or adversely affected person's notice must include:

- a. The person's name, address, email, and telephone number;
- b. A description of the effect that the decision will have on the person and their particular interests, such that the person meets the definition of "aggrieved or adversely affected person" in section 2-80;
- c. A statement whether the person is in favor of or opposed to the application; and
- d. A statement whether the person requests notice of any special magistrate proceedings subsequent to the city commission's determination.

(2) Filing deadline. The city clerk must receive the required notice no later than 5:00 p.m. on the eighth (8th) calendar day before the hearing. Delivery of the notice to the city clerk will be deemed notice of the aggrieved or adversely affected person's intent to appear at all applicable quasi-judicial proceedings to present testimony and evidence, cross-examine witnesses, and participate as described in the procedures for quasi-judicial proceedings. The city clerk will include the notice of an aggrieved or adversely affected person with the agenda for the hearing(s).

(3) One notice requirement. Unless challenged by another party pursuant to subsection (c), an aggrieved or adversely affected party's notice that complies with this subsection shall be deemed proper notice for all quasi-judicial proceedings held on the matter.

~~(c) The written notice in subsection (b) above, filed with the clerk of a quasi-judicial body other than city commission for a quasi-judicial matter that will procedurally be forwarded to the city commission for consideration shall also serve as the notice for the aggrieved or affected person to appear at the proceeding held by the city commission on the same quasi-judicial matter.~~

(c) Quasi-judicial body review. Upon the request of any other party to a proceeding, the quasi-judicial body must determine whether the aggrieved or adversely affected person's notice complies with this section. In making its determination, the quasi-judicial body may consider only the content of the notice and may not consider any additional evidence. If

the quasi-judicial body finds that the request is not in compliance, then the person requesting to be recognized as an aggrieved or adversely affected party may only provide public comment in the hearing. The determination by a quasi-judicial body will not disqualify the aggrieved or adversely affected person's notice in any other quasi-judicial proceeding on the same application."

**SECTION 3 - CONFLICTS**

3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

**SECTION 4 – SEVERABILITY**

4.01 If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

**SECTION 5 – CODIFICATION**

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

**SECTION 6 – EFFECTIVE DATE**

6.01 This ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session the 12th day of January 2021.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida on the second and final reading in public session this 9th day of February 2021.

CITY OF NORTH PORT, FLORIDA

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GISELE "JILL" E. LUKE  
MAYOR

ATTEST

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HEATHER TAYLOR, CMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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AMBER L. SLAYTON  
CITY ATTORNEY