

Sec. 1-12. - Amendments.

- A. Amendment authorized. These zoning regulations and the Official Zoning Map and Official Schedule of District Regulations which are a part of these zoning regulations may from time to time be amended, supplemented, changed or repealed. Procedures shall be as follows.
- B. Initiation of proposals for amendment.
 - (1) A zoning map amendment may be proposed by:
 - (a) City Commission.
 - (b) Planning and Zoning Advisory Board.
 - (c) Zoning Board of Appeals.
 - (d) Any other department or agency of the City.
 - (e) Any property owner (or agent for the owner) of property covered by a proposed map amendment. No person shall propose an amendment for the rezoning of property (except as agent or attorney for an owner) which he does not own. The name of the owner shall appear on each application.
 - (2) All proposals for zoning amendments shall be considered first by the Planning and Zoning Advisory Board in the manner herein set out.
 - (3) All proposals for zoning amendments shall be submitted in writing to the Director responsible for land development services, accompanied by all pertinent 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.
 - (a) No application for zoning amendment shall be heard by the Planning Board until such fees and charges have been paid.
- C. Notice.
 - (1) General notification requirements. No request for amendment may be considered by the Planning and Zoning Advisory Board until such time as notice of a public hearing on the proposed amendment has been given to the citizens of North Port by publication of a notice of the hearing in a newspaper of general circulation in the City, at least fifteen (15) days in advance of the public hearing.
 - (2) Notice where proposed amendment would change zoning of land or land use.
 - (a) 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.
 - (b) 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; provided, however,
 - (i) 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,
 - [1] That where the land for which rezoning is sought is part of, or adjacent to, land owned by the same person, the three hundred (300) foot or 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-half (½) mile (two thousand six hundred forty (2,640) feet), from the land for which rezoning is sought.

[2] If any dwelling unit within the required three hundred (300) foot or 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.

[3] 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.

D. Planning and Zoning Advisory Board hearing and report to City Commission.

- (1) Time limits. Hearings by the Planning and Zoning Advisory Board on applications for rezoning of land shall be held in conjunction with any regularly scheduled meeting of the Board but in no case more than sixty (60) days after complete application is received by the City.
- (2) Presentation of evidence. The staff report for rezoning shall be presented prior to opening the public comment section of the hearing on the application.
 - (a) The applicant shall be afforded the opportunity, prior to the close of the public hearing, to respond to any evidence presented during the public hearing and to respond to the staff report, after receipt of which the hearing shall be concluded, unless the hearing is continued and the matter referred back to staff for further consideration of such matters as the Planning and Zoning Advisory Board may direct.

E. Nature and requirements of Planning and Zoning Advisory Board report.

- (1) When pertaining to the rezoning of land, the report and recommendations of the Planning and Zoning Advisory Board to the City Commission required by Sec. 1-29 above shall show that the Planning and Zoning Advisory Board has studied and considered the proposed change in relation to the following, where applicable:
 - (a) Whether the proposed change would be consistent with the adopted map series and the goals, objectives and policies of the Comprehensive Plan.
 - (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 district 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 the existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
 - (f) Whether changed or changing conditions make the passage of the proposed amendment necessary.
 - (g) Whether the proposed change will adversely influence living conditions in the neighborhood.
 - (h) Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
 - (i) Whether the proposed change will create a drainage problem. The proposed change shall meet applicable State standards.
 - (j) Whether the proposed change will seriously reduce light and air or solar access to adjacent areas.
 - (k) Whether the proposed change will adversely affect property values in the adjacent areas.

- (l) Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.
 - (m) Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
 - (n) Whether there are substantial reasons why the property cannot be used in accord with existing zoning.
 - (o) Whether the change suggested is out of scale with the character of the neighborhood.
 - (p) 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) When pertaining to other proposed text amendments of these zoning regulations, the Planning and Zoning Advisory Board shall consider and study:
- (a) The need and justification for the change.
 - (b) The relationship of the proposed amendment to the purposes and objectives of the City's Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of these zoning regulations and other City codes, regulations and actions designed to implement the Comprehensive Plan.

F. Restrictions, stipulations and safeguards.

- (1) The Planning and Zoning Advisory Board may recommend that a petition to amend or supplement district regulations be approved subject to stipulations, including but not limited to limiting the use of the property to certain uses provided for in the requested zoning district. The governing body, after receiving the recommendation from the Planning and Zoning Advisory Board on a request to amend or supplement a district, may grant or deny such amendment or supplement and may make the granting conditional upon such restrictions, stipulations and safeguards as it may deem necessary to ensure compliance with the intent and purposes of the Comprehensive Plan.
- (2) Restrictions, stipulations and safeguards attached to an amendment or supplement may include but are not limited to those necessary to protect adjacent or nearby land owners from any deleterious effects from the full impact of any permitted uses, limitations more restrictive than those generally applying to the district regarding density, height, connection to central water and sewer systems and stipulations requiring that development take place in accordance with a specific site plan.
- (3) The governing body may also stipulate that the development take place within a given period of time after which time public hearings will be initiated and the district returned to the original designation or such other district as determined appropriate by the governing body in accordance with the Comprehensive Plan. In cases where stipulations, restrictions or safeguards are attached;
 - (a) All representations of the owner or his agents at public hearing shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief.
 - (b) All conditions, restrictions, stipulations and safeguards which are a condition to the granting of the change in zoning district shall be deemed contractual and may be enforced by suit for injunction or other appropriate relief.
 - (c) All costs, including reasonable attorney's fees, shall be awarded to the governmental unit if it prevails in such suit.

G. Advisory nature of Planning and Zoning Advisory Board report and recommendations.

- (1) The report and recommendations of the Planning and Zoning Advisory Board required by subsection H below shall be advisory only and shall not be binding upon the City Commission.

H. City Commission action on Planning and Zoning Advisory Board report.

- (1) Upon receipt of the Planning and Zoning Advisory Board's report and recommendations, the City Commission shall hold a second public hearing with notice to be given pursuant to the provisions of general law. The reports and recommendations of the staff and the Planning and Zoning Advisory Board on the application shall be presented prior to the close of the public hearing on the application. The applicant shall have the right, prior to the close of the public hearing, to respond to any evidence presented during the public hearing.
- (2) In addition to the notice provided for in subsection C above, notice of the time and place of the public hearing before the City Commission shall be sent at least fifteen (15) days in advance of the hearing by mail to the owner of subject property or his designated agent or attorney, if any.
 - (a) Notice of the time and place of the public hearing before the City Commission 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 or change in land use (for properties greater than one (1) acre, the three hundred (300) feet distance shall be one thousand three hundred twenty (1,320) feet) is sought; provided, however,
 - (i) That where the land for which rezoning is sought is part of, or adjacent to, land owned by the same person, the three hundred (300) foot distance shall be measured from the boundaries of the entire ownership, except that notice need not be mailed to any property owner located more than one-half (½) mile (two thousand six hundred forty (2,640) feet) from the land for which rezoning is sought.
 - (ii) If any dwelling unit within the required three hundred (300) 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.
 - (iii) Failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect, provided that proper legal notice has been published, notwithstanding any other provision herein contained.
- (3) In the case of all proposed changes or amendments, if the recommendation of the Planning and Zoning Advisory Board is adverse to the proposal, such changes or amendments shall not be adopted except by affirmative vote of a majority of a quorum of the City Commission. Approval of the rezoning of a specific parcel of land shall be contingent upon a finding that adequate public facilities have been determined to be available concurrent with the impact of the proposed development, as determined through the City's Concurrency Management System Regulations as set forth in Chapter 5 of this Unified Land Development Code.