



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Draft City Commission Workshop

CITY COMMISSIONERS

Debbie McDowell, Mayor

Jill Luke, Vice Mayor

Christopher Hanks, Commissioner

Pete Emrich, Commissioner

Vanessa Carusone, Commissioner

APPOINTED OFFICIALS

Peter Lear, City Manager

Amber L. Slayton, City Attorney

Heather Taylor, Interim City Clerk

Monday, February 3, 2020

9:00 AM

City Commission Chambers

CALL TO ORDER

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

ROLL CALL

Present: 4 - Mayor Debbie McDowell, Vice Mayor Jill Luke, Commissioner Christopher Hanks and Commissioner Pete Emrich

Absent: 1 - Commissioner Vanessa Carusone

Also Present:

City Manager Peter Lear, City Attorney Amber Slayton, Interim City Clerk Heather Taylor, Deputy Fire Chief Joseph McCord, Planning Division Manager Nicole Galehouse, Planner Alison Christie, Police Chief Todd Garrison, Public Works Director Julie Bellia, Arborist David Jayroe

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Tiffany Profita.

1. PUBLIC COMMENT:

Justin Tyna: the ULDC including allowance of large rental equipment and responded to Commission questions regarding types of large equipment rentals

Richard Suggs: broadening allowable uses for certain areas for light industrial and possibility of low impact businesses in residential

2. GENERAL BUSINESS:

[20-1714](#)

Discussion and Possible Consensus for Neighborhood Commercial Zoning

Mr. Lear introduced the item.

Ms. Galehouse spoke to purpose of discussion, amendments to the Code that will allow for broader uses, permitted uses, special exceptions, setback line versus built-to line, recommendation for graduated buffers based on lot coverage, and researching alternative means of buffering, and responded to Commission questions regarding Neighborhood Commercial Zoning including removing high/low, facade and maintaining aesthetic, and 24-hour access.

Commissioners provided overview comments on the proposed code amendments.

Discussion took place regarding timeframe for ULDC rewrite, timeframe to bring back code changes, and whether to move forward with the ULDC or before.

Public Comment:

Patrick Mostyn.: concern zero lot line permitted and street tree requirements, buffers and water features

Tiffany Profita: community commercial with emphasis on daycare/preschools

Commission and staff reviewed the proposed Neighborhood Commercial High/Low Intensity Districts code changes with emphasis on the build-to line (BTL), zero-foot lot line and landscaping, recommended 10-foot build-to line, two-story second floor setback. Type C buffer requirements, and GIS review.

There was a consensus to have a 15-foot build-to line from front of building on roadways.

There was a consensus for staff to bring back GIS review.

Discussion continued regarding rear lot lines, showcasing items during business hours, fuel pump special exception, gas station versus convenient store, and propane sales and storage.

There was consensus for fuel pumps/gas stations to be added to the not permitted list.

Discussion continued regarding the need for adult daycare.

There was consensus to add adult daycare to the permitted use and remove it from the not permitted list.

Discussion continued regarding permitted accessory uses and structures including residential dwelling units within commercial, not allowing accessory units in a separate structure, and safety requirements.

There was a consensus that residential components be within the business structure on second floor or rear of structure.

There was a consensus to remove "Boats or other structures being used as dwelling units".

Discussion ensued on prohibited uses and structures.

There was consensus to add "residential unless exempted herein."

There was consensus to remove non-profit from special exception uses.

Discussion took place regarding special exception uses and hours of operation.

There was consensus to add 24-hour operation as not permitted.

There was consensus to remove sound restrictions language.

Discussion followed regarding uses that were not captured on the permitted/not permitted list including a bank, adding bank without a drive-thru, including banks under definition of professional services, and evaluating definitions and bringing them to standard.

There was consensus for staff to review definitions and update accordingly.

Discussion followed regarding emergency and essential services, and non-governmental services.

There was consensus to add language that items not listed in permitted or non-permitted uses require a special exception.

Discussion took place regarding reevaluating the definition of a private club, recreational, car wash/quick auto wash, design standards including facade, phase 2, conflicts in the code, evaluating urban design standards, removing language regarding no flat or parapet roofs or roof pitch, and removing front yard parking language.

There was consensus to remove vehicular access parking.

There was consensus to remove item 5.

Discussion followed regarding scrivener error in item 6 regarding 75 feet side yard.

There was consensus for maximum 35 feet building heights.

Discussion followed regarding maximum lot coverage and buffering requirements, maximum square foot per use scrivener's error of 15,000 versus 5,000, and current language regarding waiver requirement.

There was consensus for the maximum square footage per use to be 5,000 with a 5,001 or more waiver requirement.

Discussion continued on clarifying the word use and removing the language regarding house of worship/institutional use exempt.

There was consensus for per use to be changed to per business in the previous consensus.

Further discussion took place regarding the definition of open space, buffer zone and landscaping including review of alternative buffer options, buffers dependent on use, process for change of occupancy, protection for residential property, walls versus natural buffer, and chain link fence with vinyl covering.

There was consensus for staff to provide buffer option images, and pros and cons to gain sight, sound, and restrictiveness between incompatible land uses.

Discussion continued regarding review on individual basis and possibility of setting precedent, definition of uses, updated pictures for the ULDC, editor's notes regarding amenities, and public art.

There was consensus to remove language regarding public art requirement for Neighborhood Commercial.

Discussion continued regarding bike racks, and size of rack.

There was consensus to revisit the bike rack at future discussion.

There was consensus for staff to bring back changes prior to ULDC rewrite and

bring back for first reading.

Ms. Slayton informed Commission that the draft will need to go before the Planning and Zoning Advisory Board.

Public Comment:

Patrick Mostyn: support of 5,000 square foot with a waiver and spoke to separate uses and accessory structures

Discussion ensued regarding limiting building size to blend within a neighborhood, and maximum building size.

Recess was taken from 12:05 p.m. until 1:04 p.m. Commissioner Hanks did not return after recess.

**[CCWGEN-1
8-067](#)**

Discussion and Possible Consensus Regarding the Draft Unified Land Development Code (ULDC).

Mr. Lear introduced the item.

Ms. Galehouse noted the items distributed are from the Environmental Advisory Board and they will be attached to the backup and reviewed discussion points for Commission direction.

There was consensus to include history of all amendments at the beginning of the ULDC.

There was consensus to refine definitions to include land planning department, the color City Center Green, zoning district versus district boundary, and historic signs to match the National Register of Historic Places.

There was consensus to include committee for public art; review of other obsolete committee names in the code and update where necessary.

Public Comment:

Chuck English: the higher standards shall prevail

Consensus was requested to place signs on properties for rezones and hearings.

Discussion took place regarding posting signs on parcels for public hearings for land use, and cost for signs.

There was consensus to post signs on properties for rezones and land public hearings.

There was consensus to remove language in Section 4-11 A. regarding Official Zoning Map process.

Discussion took place regarding pre-development and post-development parking, and best place to include parking within the ULDC or City Code.

There was consensus to consolidate all parking regulations and place where most appropriate.

Discussion took place regarding the appropriate number of Commissioners needed to approve special exceptions.

There was consensus to revise language in Section 7-11 B. from "three affirmative votes or majority of the Commission" to "by majority vote."

Discussion took place regarding Section 9-48 P., home occupations including percentage of used flooring, verification of use, operating a non-agricultural business in an agricultural district, enforcement, and reverting back to original square footage percentages with increases requiring a waiver.

There was consensus to remove B. and any associated language throughout.

Discussion continued regarding clients coming to homes for tax services and determination of greater traffic. and correcting language to read properly, and residential flag restrictions.

There was consensus to remove language in Section 13-11, Page 13-26 regarding the maximum size of flags but to keep the height and distance separation of the pole.

Discussion took place regarding the need to clean up definitions, focus on unwanted uses, reviewing prohibited uses, and design standards along U.S. 41.

There was consensus to create broader categories for permitted uses and be more specific for prohibited uses with outlined changes in draft 2.

Discussion took place regarding temporary sale of alcohol, noise restrictions, and staff providing recommendations.

There was consensus to develop general standard language for alcohol sales that do not require a special exception.

Ms. Slayton spoke to First Amendment rights regarding adult uses and regulating locations and distances.

There was consensus to develop standards for adult uses to bring back for discussion.

Ms. Slayton clarified the need for a separate ordinance with additional information to make changes for adult use.

There was consensus to allow paired villas/attached single-family on single-family lots.

There was consensus to allow guest houses as long as minimum lot requirements are met.

There was consensus for 600 minimum square footage for accessory unit on single-family.

There was consensus to adjust to 500 minimum square footage for accessory units on single-family.

Discussion took place regarding minimum single-family home footage, and requirements for the Estates.

There was consensus for 800 minimum square footage for primary structure on single-family.

There was consensus for 799 maximum square footage for accessory use on single-family.

Discussion continued regarding determining maximum accessory percentage based on primary unit, reviewing best practices and examples for two or more lots, accessory uses

for residential in commercial zoning districts, dependent on zoning, and second story residential not counting towards residential cap.

There was consensus that accessory uses over commercial not be counted towards residential cap.

Recess was taken from 2:51 p.m. until 3:00 p.m.

There was consensus to not rezone Price Boulevard at this time.

There was consensus to consolidate the Conservation District and Recreation Open Space Districts into one.

There was consensus for staff to provide zoning recommendation for Commercial Recreation District.

Discussion took place regarding updating sign chapter to comply with Reed V. Gilbert and regulating size of signs on back of buildings with access roads.

There was consensus to allow signs on the rear of the building if abutting a roadway (dual frontage) or drive aisle with public parking.

Discussion continued regarding appearance of feather signs, number allowed, temporary uses, standards for all businesses, and use for Grand Openings.

There was consensus to permit feather signs and for staff to develop standards for all businesses for temporary use.

There was consensus for abandoned signs timing increase to 60-days instead of 30-days.

Discussion took place regarding enforcement of development code violations, and providing language stating code enforcement has the ability to enforce standards.

Ms. Slayton spoke to provision in Code regarding the Code Enforcement Hearing Officer's ability to enforcement any city regulation.

There was consensus to move all code enforcement fines and violations where referenced in the ULDC to the City Code under Code Enforcement.

Discussion ensued regarding items that are not required to be heard by the Planning and Zoning Advisory Board, consistency with Florida Statutes.

There was consensus for staff to evaluate state and Charter requirements regarding items heard by the Planning and Zoning Advisory Board.

Ms. Slayton clarified Charter requirements regarding Planning and Zoning Advisory Board and ability to move advisory boards from the ULDC and into the City Code.

Discussion took place regarding smaller petitions that do not require the same level of staff time.

There was consensus for staff to bring back information for minor site adjustments for commercial projects.

Discussion ensued regarding determination of a qualified surveyor, survey requirements, and wildlife versus environmental surveys.

Mr. Jayroe spoke to tree survey requirements.

Discussion continued regarding gopher tortoise locations, and establishing a natural

resources department.

Ms. Bellia spoke to refilling the environmental technician position, staff surveying properties, homeowner providing environmental survey and staff verifying location of species, list of certified surveyors, and inspecting versus liability of conducting the survey.

There was consensus to include residential environmental survey requirements with all building permits.

There was consensus for staff to review Environmental Advisory Board recommendations and provide at draft 2 for discussion.

Discussion took place regarding process for second draft and Commission being provided a clean copy with highlighted recommended changes.

3. PUBLIC COMMENT:

There was no public comment.

4. ADJOURNMENT:

Mayor McDowell adjourned the meeting at 3:43 p.m.

City of North Port, Florida

By: _____
Debbie McDowell, Mayor

Attest: _____
Heather Taylor, Interim City Clerk

Minutes approved at the Commission Regular Meeting this ___ day of _____, 2020.