

From: [Amber Slayton](#)
To: [Alice White](#); [Phil Stokes](#); [Pete Emrich](#); [Barbara Langdon](#); [Debbie McDowell](#)
Cc: [Jerome Fletcher](#); [Anna Duffey](#); [Heather Faust](#); [Michael Golen](#); [Margaret Roberts](#)
Subject: Commissioner Question - Ord 2023-18 - QUASI-JUDICIAL
Date: Monday, December 11, 2023 9:10:46 AM
Attachments: [image001.png](#)
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Good morning, Commissioners. Please see the following responses to a Commissioner's questions regarding Ordinance No. 2023-18 regarding a comprehensive plan amendment scheduled for the December 12 meeting.

Question 1:

In the letter from DEO, it states:

*"The second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, must be held **within 180 days** of your receipt of agency comments or the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)l., F.S."*

We received SWFMD responses dated 6/13/23 (unknown delivery method) and DEO responses, via email, on 6/16/23. SWFMD responses may put us over the 180 day mark depending on when they were received (email vs snail mail). The DEO responses, by my count, puts us at exactly 180 days from receipt. Just want to make sure we didn't miss the compliance deadline to avoid a potential challenge. Also, in legalese, is exactly 180 days the same as within 180 days? Makes no difference to me, but will it to the state?

Response to Question 1:

The City Attorney's Office has confirmed with the Assistant Director of the Development Services Department that the deadline for the second public hearing is December 13, 2023. Based on Planning and Zoning's calculations, the City is in compliance with the DEO requirements as long as the public hearing occurs on or before December 13.

Question 2:

The State recently adopted HB #1C, <https://www.flsenate.gov/Session/Bill/2023C/1C/BillText/er/PDF>, have you or your staff reviewed the comp plan revisions to ensure we are in compliance with the state's new law, especially Line 827, where it speaks about restrictive and burdensome amendments?

Response to Question 2:

The City Attorney's Office has analyzed the new law and advised the Development Services Department as to how we believe the law applies. Whether an amendment

is “more restrictive” or “burdensome” under the legislation is very fact specific. As with any new law, there is no guidance or legal interpretation at this time. As time passes and courts issue guidance (or the law is amended), we will understand better how to apply the legislation.

We are in the process of adding a finding to this ordinance that it is not more restrictive or burdensome (you should see that in an upcoming amendment to the agenda). You will see similar language in future ordinances relating to comprehensive plan amendments and amendments to land development regulations.

Thanks,
Amber



Amber L. Slayton, B.C.S.

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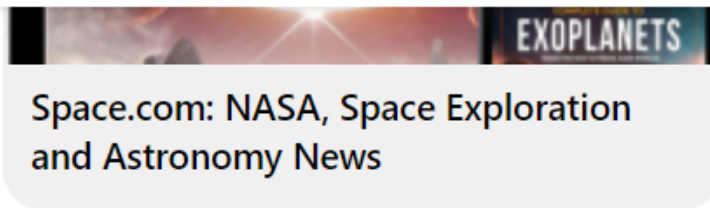
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David Iannotti



Mon 10:13 AM

Hello 😊 what changes to 7A are proposed? I assume commercial development? I know it was supposedly zoned illegally previously.

Mon 4:20 PM

If you open the 2nd reading ordinance — anything underlined is new text, anything crossed out is deleted text. One of the biggest changes is to create a separate area 7a so it isn't lumped together or confused with the publically owned land. Hope that helps.

Mon 4:52 PM

Ok thanks will do



Aa



David Iannotti



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2:46 PM
12/14/2023