



# City of North Port

4970 City Hall Blvd  
North Port, FL 34286

## Meeting Minutes - Draft City Commission Joint Meeting

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Tuesday, November 5, 2019

9:00 AM

CITY COMMISSION CHAMBERS

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### Joint Meeting with PZAB: ULDC Re-Write

#### CALL TO ORDER

Vice Mayor McDowell called the meeting to order at 9:02 a.m.

#### ROLL CALL

Commissioner Carusone arrived at 9:12 a.m.

**Present:** 4 - Mayor Debbie McDowell, Vice Mayor Jill Luke, Commissioner Vanessa Carusone and Commissioner Pete Emrich

**Absent:** 1 - Commissioner Christopher Hanks

#### Also Present:

City Manager Pete Lear, City Attorney Amber Slayton, Interim City Clerk Heather Taylor, Recording Secretary Susan Hale, Planning Division Manager Nicole Galehouse, Utilities Director Rick Newkirk, Public Works Director Julie Bellia, Police Chief Todd Garrison, and Fire Chief Scott Titus.

Planning & Zoning Advisory Board Members: Chair Thomas Nicholson, Jr., Vice Chair Nicholas Trolli, Board Members Philip Lamade, John Metzger, James Sawyer, and Jerry Nicastro.

**The Pledge of Allegiance was led by Chair Nicholson.**

#### 1. APPROVAL OF AGENDA

*A motion was made by Commissioner Luke, seconded by Commissioner Emrich, to approve the agenda as presented. The motion carried by the following vote:*

**Yes:** 3 - Mayor McDowell, Vice Mayor Luke and Commissioner Emrich

**Absent:** 1 - Commissioner Carusone

#### 2. PUBLIC COMMENT:

There was no public comment.

### 3. GENERAL BUSINESS:

[CW](#)  
[GEN-18-067](#)

#### Update and Discussion of the Draft ULDC

Ms. Galehouse introduced the item.

Luis Serna, representing Calvin, Giordano & Associates, Inc., provided an overview of the draft Unified Land Development Code (ULDC) including outstanding issues, layout of document, outline of reorganized Code, navigation page, table of contents, reviewed major changes to the ULDC included removing redundant language, consolidating language, removing language referencing fees, defining multi-family, revising major site plan language, lot splits, changing names/uses of zoning districts with table, adding attached dwelling units in some districts, adding borrow pits in agriculture zone, adding location of residential units in conservation districts, moving buffering standards to landscape buffering section, clarifying a caretaker house as an accessory use, adding dwelling units in commercial re-development district, adding tasting rooms as an accessory use in Light Industrial Warehousing District, adding standards regarding low impact development requirements, adding criteria for granting waivers and appeals, adding procedures for approving Comprehensive Plan amendments, eliminating minimum size requirements for guest houses/apartments, revising size restrictions for home occupations in agricultural district, adding standards for accessory uses to houses of worship, adding standards for parking and drive-through locations, clarifying parking standards, and removing language regarding sign content, noted the updated Tree Protection Regulations will be incorporated in the second draft of the ULDC, and explained borrow pits.

Discussion ensued regarding recommending clean fill, selling of dirt, and personal homeowners using dirt vs. selling it off-site.

Ms. Galehouse explained moving dirt to build vs. selling to dirt haulers, how it is proposed and placed in the revised ULDC, moving from one development to another through an exemption permit, sunsetting special exception businesses in the estates and changing the name of the zoning district.

Discussion ensued regarding negative effect of commercial trucks on roads, concern with the ability to move dirt to a different project vs. same development usage, and a provision requiring dirt to stay in the City.

Ms. Galehouse provided additional clarification regarding development-to-development fill.

Discussion continued regarding an owner's ability to move/sell excess dirt fill land within the City.

Ms. Galehouse clarified when dirt doesn't leave a site it is not considered a borrow pit and noted borrow pits are allowed by special exception permit.

***There was a consensus not to allow borrow pits in the Agricultural District.***

***There was a consensus to allow borrow pits in Commercial General areas with a special exception.***

Mr. Serna spoke to the current size of the ULDC document and future reductions.

Discussion ensued regarding clarity of the final document.

Mr. Serna explained necessity of one person overseeing review and interpretations of the ULDC.

Discussion took place regarding keeping the City Manager accountable for decisions and an appeals system.

Ms. Galehouse spoke to interpretation and appeal process, and situations where appeal recommendations remain with the City Manager or his designee.

Mr. Lear spoke to his inability to override certain areas of City Codes and a Director's decision, and eliminating the City Manager step in the process.

Discussion ensued regarding a Commission's inability to direct a department director.

Ms. Galehouse further explained the interpretations and appeals process, and clarified recommended changes addressing locations where "City Manager or Designee" is specified.

***There was a consensus to keep City Manager or Designee as the preferred language, and other issues such as the appeals process, to be discussed at a late time.***

Discussion ensued regarding breaking the original chain of command, and it was explained that the consensus removes the draft language which designated the director of the department being responsible for land development services.

#### PUBLIC COMMENT.

Kevin Rouse: special exception conditions, permit process, and undue conditions on residents.

Chuck English: environmental studies requirement and Public Works discretionary actions with no accountability.

Richard Suggs: zoning activities in Activity Centers under Comprehensive Plan not ULDC.

Ms. Galehouse spoke to Activity Centers vs. Zoning Districts, inability to adopt Code changes in the ULDC that are contrary to the Comprehensive Plan, and removing references to specific departments.

Discussion ensued regarding an appeal process and accountability and when environmental studies should be performed.

***There was a consensus that any area in the Code left to interpretation regarding an action or study, should be mandatory and have an appeals process with accountability resting on the City Manager or department head.***

#### PARKS AND RECREATION

There were no questions or comments.

#### POLICE DEPARTMENT

There were no questions or comments.

#### FIRE DEPARTMENT

Fire Chief Titus spoke to those Fire Codes being taken out of the ULDC and placed into Administrative Code, and confirmed two separate fire access points remaining in the

ULDC or Administrative Code.

#### UTILITIES

Mr. Newkirk spoke to ensuring consistency of City Code language, ensuring correctness of landscaping/irrigation plans, and emphasizing protection of natural resources.

Ms. Galehouse cited the page referencing two access points for construction sites.

#### PUBLIC WORKS

Ms. Bellia spoke to discussing several technical items with the consultant.

#### NEIGHBORHOOD DEVELOPMENT SERVICES

Ms. Galehouse spoke to language cleaned up, changing name of the Agricultural Zoning District to Residential Estates, and not changing permitted uses.

***There was a consensus to change the Agricultural Zoning District to Residential Estates Zoning District.***

Ms. Galehouse spoke to Little Salt Spring needing a bigger discussion.

***There was a consensus to discuss Little Salt Spring at the next ULDC Workshop.***

Recess was taken from 10:20 a.m. to 10:39 a.m.

Mr. Serna clarified tasting rooms vs. a brewery.

Ms. Slayton spoke to removing the City's fee ordinance from the Code, and adopting fees by resolution, and cited State Statutes and City Charter mandates for resolutions and spoke to additional ways public input can be obtained for resolutions.

Discussion ensued regarding forwarding legislative adoption procedures to future commissioners.

Mr. Serna clarified impact fees are required to be adopted by ordinance.

Ms. Galehouse suggested changes throughout the document referencing fees adopted by resolution and fees adopted by ordinance may be changed to "the fee adopted by City Commission."

Ms. Slayton stated impact fees are required to be adopted by ordinance per Florida Statutes but there is no requirement related to the administrative fees in Appendix A in the Code.

***There was a consensus to have "the fee schedule adopted by Commission" the preferred language.***

Following a brief discussion, it was determined to schedule a future discussion regarding adopting a fee schedule.

Mr. Serna spoke to #27, revising sign regulations.

Ms. Galehouse spoke to redefining major site and development vs. minor site and development standards, development fees, no intent to remove survey requirements from a development and adding it to single family lots, further details to be brought back for discussion, "major concerns" in 4-3 (E)(4) page 301 is existing code language and could be changed or removed.

***There was a consensus for staff to review the document addressing any "major***

**concerns" and evaluate if language is required.**

Ms. Galehouse spoke to the aggrieved party process in City Code and Zoning Board of Appeals (ZBA) required by State Statutes.

Ms. Slayton explained Section 4-43 regarding appeals does not change the ZBA structure or appointments.

Ms. Galehouse spoke to streamlining appeals to all go to ZBA, next steps in the ULDC re-write include scheduling a meeting and obtaining direction from both Planning & Zoning Advisory Board (PZAB) and ZBA boards, forwarding to consultant to refine, and providing a second draft document for the next meeting.

It was requested to schedule the next workshop in January and hold a public community forum for input.

Ms. Galehouse stated community workshops were held and another is scheduled prior to Commission discussion.

Mr. Lear will provide a new ULDC draft prior to the agenda.

**4. PUBLIC COMMENT:**

There was no public comment.

**5. ADJOURNMENT:**

Vice Mayor McDowell adjourned the meeting at 11:15 a.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 \_\_\_\_\_, 2019.