



City of North Port

ORDINANCE NO. 2017-29

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE CHAPTER 1 - GENERAL PROVISIONS, ARTICLE III - BOARDS AND DUTIES, SECTIONS 1-28 AND 1-29, TO PROVIDE FOR THE ADDITION AND APPOINTMENT OF ALTERNATE MEMBERS TO THE CITY'S ZONING BOARD OF APPEALS AND PLANNING AND ZONING ADVISORY BOARD; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR RESOLUTION OF CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 5.05 of the North Port City Charter provides that the City Commission may appoint advisory boards and committees composed of citizens qualified to act in an advisory capacity to the City Commission, the City Manager or to any department of the City government, with respect to the conduct and management of any property or institution or the exercise of any public function of the City; and

WHEREAS, Florida Statutes § 163.3174 requires the City to designate by ordinance a local planning agency; and

WHEREAS, pursuant to these authorities the City Commission created a Zoning Board of Appeals (ZBA) and a Planning and Zoning Advisory Board (PZAB) to assist it in the development, interpretation and application of zoning and land development policies of the City; and

WHEREAS, the City Commission has recently discussed the merits of having alternate members of advisory boards and concluded that the ability to have the maximum amount of citizen participation in the zoning and land use processes of the City as well as the ability of the City's zoning and land use processes to not be delayed for lack of a quorum argue in favor of the inclusion of two alternates being added to the City's ZBA and PZAB; and

WHEREAS, the City Commission also desires to recognize the service of citizens who serve as alternate members of its boards by providing for automatic appointment to regular member seats which become available during their service; and

WHEREAS, the City of North Port Planning and Zoning Advisory Board designated as the Local Planning Agency (LPA) held a public hearing on September 21, 2017 with due public notice to receive public comments on the revision of the Unified Land Development Code; and

WHEREAS, the City Commission has held public hearings with due public notice on October 10, 2017 and October 24, 2017, on the proposed amendments described herein in accordance with the requirements of the City of North Port Unified Land Development Code and has considered the information received at said public hearings; and

WHEREAS, the City Commission has reviewed the proposed amendments provided herein and has found that the amendments are consistent with the City of North Port Comprehensive Plan; and

WHEREAS, the City Commission has determined that the proposed amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, AS FOLLOWS:

SECTION 1 – FINDINGS. The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

SECTION 2 – ADOPTION. The City Commission hereby approves and adopts the following amendments to Sections 1-28 and 1-29 of the Unified Land Development Code:

“Chapter 1 – GENERAL PROVISIONS

...

ARTICLE III. – BOARDS AND DUTIES

...

Sec. 1-28. - Zoning Board of Appeals (ZBA).

A. Establishment and composition. A Zoning Board of Appeals is hereby reestablished, which shall consist of seven (7) regular members and two alternate members to be appointed by the City Commission. Each member shall serve a three

(3) year term. ~~In case of a vacated position, the new appointment would be for the completion of the vacated term.~~ [Amended 11-8-1993 by Ord. No. 93-27; 9-28-1998 by Ord. No. 98-31]

B. Qualifications of members. No member of the Zoning Board of Appeals shall hold any elective office or be employed by the City. Members of the Board appointed after the effective date of these regulations shall have been residents of the City of North Port for one (1) year and appointed from among persons in a position to represent the public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest.

C. Vacancies. Vacancies in the Zoning Board of Appeals membership shall be filled by appointment of the City Commission for the unexpired term of the member affected. It shall be the duty of the Chair of the Zoning Board of Appeals to notify the City Commission within thirty (30) days after any vacancy occurs among members of the Zoning Board of Appeals. In the event of a vacancy of a regular member seat on the Zoning Board of Appeals, the alternate member with the longest continuous service as alternate on that board shall be deemed to be automatically appointed fill the regular member vacancy.

[subsections D through J unchanged]

...

Sec. 1-29. - Planning and Zoning Advisory Board (PZAB).

A. Establishment and composition. [Amended 8-14-1995 by Ord. No. 95-7; 3-10-1997 by Ord. No. 97-5] A Planning and Zoning Advisory Board is hereby reestablished, which shall consist of seven (7) regular members and two alternate members to be appointed by the City Commission. Terms of appointment are for four (4) years; however, in case of a vacated position, the new appointment would be for the completion of the vacated term.

B. Qualifications of members. No member of the Planning and Zoning Advisory Board shall hold any elective office of or be employed by the City. Members of the Planning and Zoning Advisory Board appointed after the effective date of these regulations shall have been residents of the City for at least one (1) year prior to the date of appointment. No more than two (2) members of the Board, including alternate members, shall be of the same business, trade or profession.

C. Vacancies. Vacancies in Planning and Zoning Advisory Board membership shall be filled by appointment by the City Commission for the unexpired term of the member affected. It shall be the duty of the Chairman of the Planning Board to notify the City Commission within thirty (30) days after any vacancy shall occur among members of the Planning and Zoning Advisory Board. In the event of a vacancy of a regular member seat on the Planning and Zoning Advisory Board, the alternate member with

the longest continuous service as alternate on that board be appointed to fill the regular member vacancy.

...”

[subsections D through E unchanged]

SECTION 3 – SEVERABILITY. If any section, subsection, sentence, clause, provision or word 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 hereof.

SECTION 4 – CONFLICTS. 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 5 – CODIFICATION.

5.01 For purposes of codification of any existing section of the North Port Unified Land Development Code herein amended, words **underlined** represent additions to original text, and words **~~stricken~~** are deletions from the original text. These editorial notations shall not appear in the codified text.

5.02 Pursuant to § 9.10 of the North Port City Charter, Codifier shall codify the substantive amendments to the North Port Unified Land Development Code contained in Section 2 of this Ordinance as provided for therein, and shall not codify any other sections not designated for codification.

SECTION 6 – EFFECTIVE DATE. This Ordinance shall take effect immediately after 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 this ____ day of _____, 2017.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second
and final reading in public session this ____ day of _____, 2017.

CITY OF NORTH PORT, FLORIDA

LINDA M. YATES
MAYOR

ATTEST:

PATSY C. ADKINS, MMC
CITY CLERK

APPROVED AS TO FORM AND
CORRECTNESS:

AMBER L. SLAYTON
CITY ATTORNEY