



NEIGHBORHOOD DEVELOPMENT SERVICES DEPARTMENT

Planning Division

STAFF REPORT

(TXT-17-140-Ordinance Number 2017-29)

Amendments to the Unified Land Development Code (ULDC) 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 and to provide for filling vacancies to said boards.

To: Peter D. Lear, CPA, CGMA, City Manager

Thru: Scott Williams, Neighborhood Development Services Director

Thru: Frank Miles, Planning Manager

From: Sherry Willette-Grondin

Date: November 15, 2017

I. GENERAL INFORMATION

Project: Petition No. TXT-17-140, Ordinance No. 2017-29, Amendments to the Unified Land Development Code (ULDC) 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 and to provide for filling vacancies to said boards.

Request: Approval of Ordinance No. 2017-29, TXT-17-140

Applicant: City of North Port

Owner(s): Not Applicable

Location: Citywide

Property Size: Citywide

II. BACKGROUND

On September 28, 2015, the City Commission adopted Ordinance No. 2015-39 eliminating alternate positions from boards.

The City Commission at their regularly scheduled meeting of June 27, 2017, discussed the merits of having alternate members added to its advisory boards. As a result of the meeting, the Commission 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, voted 4-0 in favor of directing the City Attorney to draft an ordinance to allow for the inclusion of two alternates being added to the City's Zoning Board of Appeals and the Planning and Zoning Advisory Board.

The proposed draft Ordinance No. 2017-29 includes language for inclusion of two alternates and provisions for alternates to serve when a vacancy of a regular member occurs.

Ordinance No. 2017-29 was heard for first reading before the City Commission on October 10, 2017. The City Commission moved to continue Ordinance No. 2017-29 to the November 28, 2017 regular Commission Meeting for second reading with the following clarifications and edits:

- Automatic fulfillment by senior alternate upon acceptance but if denied, then the next alternate in line will fill position; that is in the case of a vacancy prior to a term expiration and a vacancy created by a term limit
- Clarify alternate doesn't automatically replace an existing member's ability for a second term
- Clarify that an alternate can only participate when replacing an absent member

The vote on the motion to continue Ordinance No. 2017-29 for second reading passed 5-0.

III. STAFF RECOMMENDATION

Staff recommends Ordinance No. 2017-29, amendments the Unified Land Development Code (ULDC) 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 and to provide for filling vacancies to said boards be approved for adoption.

ALTERNATIVES

1. Deny the request.
2. Continue the item for further discussion.

PLANNING AND ZONING ADVISORY BOARD RECOMMENDATION

The Planning and Zoning Advisory Board at their regularly scheduled meeting of September 21, 2017, recommended that the City Commission approve Ordinance No. 2017-29, TXT-17-140, Amendments to the Unified Land Development Code (ULDC) 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. The motion carried with a unanimous 7-0 vote. There were no issues raised.

IV. REVIEW PROCESS

The City Attorney reviewed and approved Ordinance 2017-29 as to form and correctness.

V. PUBLIC NOTICE

- The petition was advertised in a newspaper of general circulation within the City of North Port on September 5, 2017 and November 17, 2017 pursuant to the provisions of Section 166.041(3)(a), Florida Statutes and Section 9.01(b) of the Charter of the City of North Port, and Chapter 1 Article II, Section 1-12 of the City's Unified Land Development Code (ULDC) as amended (**Exhibit A**).

VI. PUBLIC HEARING SCHEDULE

**Planning and Zoning Advisory Board
Public Hearing**

September 21, 2017
9:00 AM or as soon thereafter

**City Commission 1st Reading
Public Hearing**

October 10, 2017
1:00 PM or as soon thereafter

**City Commission 2nd Reading
Public Hearing**

November 28, 2017
6:00 PM or soon thereafter

PUBLIC NOTICE - CITY OF NORTH PORT NOTICE OF INTENT TO AMEND THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE EXHIBIT A PROPOSED ORDINANCE NO. 2017-29

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Section 166.041(3)(a), Florida Statutes and Section 9.01(b) of the Charter of the City of North Port, and Chapter 1, Article II, Section 1-12 of the City's Unified Land Development Code (ULDC), that the City of North Port proposes to adopt Ordinance No. 2017-29, Amendments to the City of North Port Florida Unified Land Development Code (ULDC).

A Public Hearing was held before the Planning and Zoning Advisory Board designated as the Local Planning Agency (LPA) on **Thursday, September 21, 2017 at 9:00 a.m.** in the **City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida 34286.**

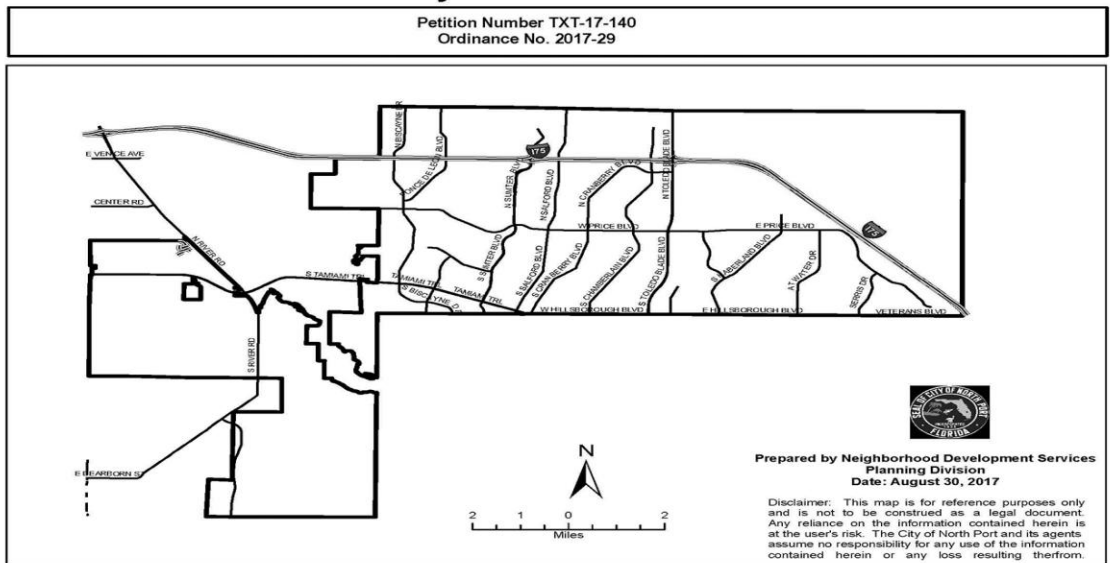
A Public Hearing for the first reading of Ordinance 2017-29 was held before the North Port City Commission on **Tuesday, October 10, 2017 at 1:00 p.m.**, or as soon thereafter as the matter may be heard. The second and final reading will be held before the North Port City Commission on **Tuesday, November 28, 2017 at 6:00 p.m.**, to consider enactment of Ordinance No. 2017-29.

These Public Hearings will be held in the **North Port City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida, 34286.**

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 128 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 AND TO PROVIDE FOR FILLING VACANCIES TO SAID BOARDS; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR RESOLUTION OF CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

City of North Port



Note: This map covers all of the incorporated areas of the City of North Port, Florida. The proposed Ordinance 2017-29, (Adoption of Amendments to the City of North Port Unified Land Development Code) applies to the entire City of North Port as depicted on this map.

All interested parties are invited to appear and be heard in respect to this Ordinance at the public hearings in the City Hall Commission Chambers. Written comments filed with the Planning and Zoning Advisory Board and the City Commission will be heard and considered and will be made a matter of public record at these meetings. These public hearings may be continued from time to time as announced at the hearings, as may be found necessary. The file pertinent to Ordinance 2017-29, TXT-17-140, may be inspected by the public at the Neighborhood Development Services Department, Planning Division, and in the City of North Port City Clerk's Office, 4970 City Hall Boulevard, North Port, Florida 34286, during regular business hours.

NO STENOGRAPHIC RECORD BY A CERTIFIED COURT REPORTER IS MADE OF THESE MEETINGS. ACCORDINGLY, ANY PERSON WHO MAY SEEK TO APPEAL A DECISION INVOLVING THE MATTERS NOTICED HEREIN WILL BE RESPONSIBLE FOR MAKING A VERBATIM RECORD OF THE TESTIMONY AND EVIDENCE AT THESE MEETINGS UPON WHICH ANY APPEAL IS TO BE BASED (SEE F.S.S. 286.0105).

NOTE: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK'S OFFICE 48 HOURS IN ADVANCE OF THE MEETING (SEE F.S.S. 286.26).

NONDISCRIMINATION: The City of North Port does not discriminate on the basis of race, color, national origin, sex, age, disability, family or religious status in administration of its programs, activities or services.

AMERICAN WITH DISABILITIES ACT OF 1990 - The North Port City Hall is wheelchair accessible. Special parking is available on the west side of City Hall and the building may be accessed from the parking area. Persons with hearing difficulties should contact the City Clerk to obtain a hearing device for use during meetings.

Patsy C. Adkins, MMC
City Clerk

EXHIBIT A

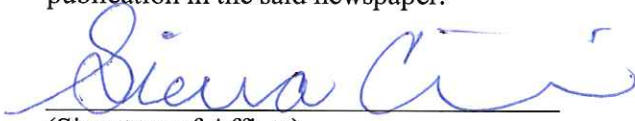


PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

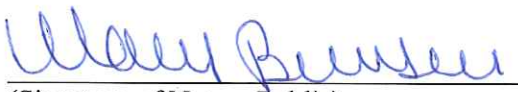
Before the undersigned authority personally appeared Sierra Civil, who on oath says that she is legal clerk of the Charlotte Sun, Englewood Sun, and North Port Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement **on page 2**, being a Public Notice of Meeting, was published in said newspaper in the issues of:

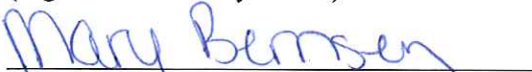
September 5, 2017

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement **on page 2**; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

Sworn and subscribed before me this 5th day of September, 2017.


(Signature of Notary Public)


(Print Name of Notary Public)

Personally known OR Produced Identification

Type of Identification Produced

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DEVELOPMENT CODE
PROPOSED ORDINANCE NO. 2017-29**

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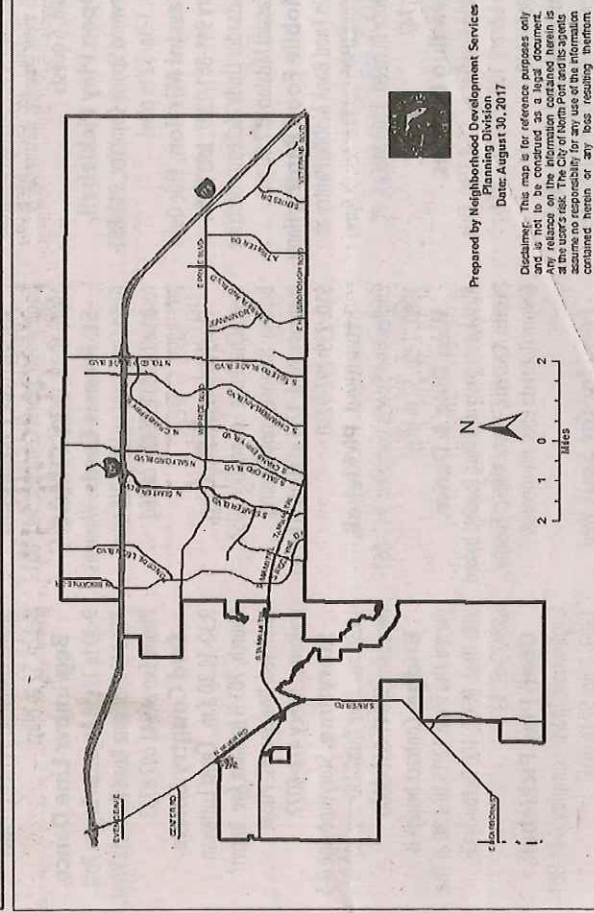
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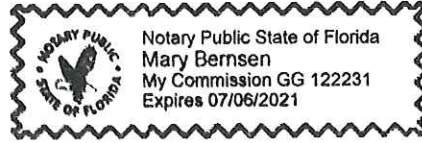
City of North Port

Petition Number TXT-17-140
Ordinance No. 2017-29



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Mary Bernsen

EXHIBIT A