



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final City Commission Workshop

CITY COMMISSIONERS

Christopher B. Hanks, Mayor
Debbie McDowell, Vice-Mayor
Vanessa Carusone, Commissioner
Peter Emrich, Commissioner
Jill Luke, Commissioner

APPOINTED OFFICIALS

Peter Lear, City Manager
Amber L. Slayton, City Attorney
Kathryn Peto, City Clerk

Monday, December 3, 2018

9:00 AM

CITY HALL ROOM 244

Item 2.A. will be jointly heard with the Planning and Zoning Advisory Board as a Joint Work Session.

MINUTES APPROVED AT THE 01-18-2019 MEETING.

CALL TO ORDER/ROLL CALL

The North Port City Commission Workshop Meeting was called to order at 9:00 a.m. in Meeting and Training Room 244 by Mayor Hanks.

Present: Mayor Hanks; Vice-Mayor McDowell; Commissioners Carusone, Luke and Emrich, City Manager Lear; City Attorney Slayton; City Clerk Peto; Recording Secretary Hale and Police Chief Garrison.

Planning and Zoning Advisory Board: Chair Tom Nicholson; Vice-Chair Kevin Rouse; Members Norbert Schneider, Philip Lamade and James Sawyer.

The invocation was provided by Mayor Hanks followed by the Pledge of Allegiance led by Commissioner Luke.

1. PUBLIC COMMENT:

Public comment was held 9:03 a.m. - 9:13 a.m.

Lori Flaherty: parking lots with shade trees and tree canopy.

Jono Miller: tree protection.

David Iannotti: suggestions for tree ordinance.

2. GENERAL BUSINESS:

A. [18-826](#) Unified Land Development Code and Administrative Code Update Joint

Work Session with Planning and Zoning Advisory Board

City Manager Lear gave an overview of the item. Neighborhood Development Services Director Miles introduced Calvin Giordano and Associates Project Manager Luis Serna, City Senior Planner and Project Manager Hansen and members of the Staff Development Review (SDR) team. Mr. Serna provided a PowerPoint presentation.

Discussion ensued: (1) it was suggested that symbols be added to the chart to include the public in meetings with the Commission, Planning and Zoning Advisory Board (PZAB), and meetings noted in items 6B,6C and 6G; (2) the link to the ULDC rewrite is now live on the City's website, and staff will forward the link to the Commission; (3) the Uniform Land Development Code (ULDC) is for zoning and land development, the City Code is administrative and they are typically separate, it was explained that administrative items in the ULDC will be pulled and correctly listed in the City code, and vice versa; (4) the stakeholders for Phase 2 and 3 are typically architects, environmental experts, tree engineers and others that use the ULDC, it was noted that the consultant will work with the City to identify stakeholders; (5) it was explained that the consultant has a legal team that will review changes to the ULDC to ensure consistency with state and federal laws, and they will coordinate review with the City Attorney; (6) ordinances in process with the Commission will be tracked and incorporated into the rewrite.

There was a unanimous consensus to add symbols in the chart for public participation in all Commission and PZAB meetings.

There was a unanimous consensus to advertise and publicly notice the community conversations and workshops.

Discussion continued: (1) any ordinances requiring change during the rewrite will be brought before the Commission; (2) concern was expressed that there may be discrepancies between staff definitions and the original intent of the Commission in the ordinances, and that those items should be thoroughly investigated; (3) it was suggested that PZAB members be provided a link to the website for the ULDC rewrite and be added to the email list as interested parties; (4) a suggestion was made to have a page for residents that provides a summary of ordinances of what can or cannot be done when buying a house; (5) it was explained that the project hours listed in the Project Management Plan are in correlation with the project hours listed in Exhibit C, and that they are used to track costs during the process to stay within the budget; (6) task orders will not be implemented for each Phase, monthly reports will be provided to the City and the idea is to keep moving forward through the project.

There was a unanimous consensus that staff make sure that the intent and the history of the codes are applied the way they should be so that people can understand the meaning behind them.

Discussion continued: (1) it was explained that the web page provides a link that anyone can sign up to receive email notifications of the updates to the City Codes, citizens that had previously signed up for ULDC rewrite notifications will be included in the current notification list; (2) there will be a redline document, with annotations, red strikethrough and underline, it was noted that it will be a large document; (3) to track changes the new code language will be underlined, old language will be stricken and the old code will be referenced, a chart will be provided to help track the changes; (4) a suggestion was made to avoid using abbreviations for clarity; (5) the difference between high level issues and major policy issues were explained; (6) to transform North Port from a bedroom community to a viable City center with multi-use zoning the existing codes and policy issues that prevent desired development will be brought back for review.

Recess 10:03 a.m. - 10:20 a.m.

The Planning and Zoning Advisory Board meeting was adjourned at 10:20 a.m.

3. PUBLIC COMMENT:

Public comment was held 10:21 a.m. - 10:23 a.m.

Chuck English: adopting tree ordinance.

2. GENERAL BUSINESS:

B. [18-756](#)

Discussion on the City's Tree Protection Regulations

Neighborhood Development Services Director Miles gave an overview of the item and noted that the Environmental Advisory Board (EAB) has reviewed the information and provided their recommendations, he then introduced Senior Planner and Project Manager Hansen and Arborist Pieper.

Discussion ensued: (1) a summary chart was handed out that outlined Commission directions, community input and staff comments, issues raised by the community were also presented for Commission direction; (2) the community and the EAB recommended lowering the threshold for required mitigation, and this can be done by Commission direction sooner than the Uniform Land Development Code (ULDC) rewrite; (3) staff can proceed with Code amendments while working parallel with the consultant on the Code rewrite; (4) previous direction was to focus on environmental matters, due to the volume of environmental ordinances staff focused on trees and landscaping; (5) the Lowe's tree survey was to be reviewed for incentives and determine what the cost could have been if the Diameter, Breast and Height (DBH) had been lowered, it was noted that Lowe's had paid \$1,100 for tree mitigation; (6) it was suggested that modification of the DBH requirement also include the age and duration of a tree; (7) concern was expressed that land clearing permits aren't being posted as required, and it was suggested to hire an employee to monitor a construction hotline which can be paid by levying a fee to developers; (8) a suggestion was made to make a side-by-side comparison of the ordinances for Sarasota County and the City; (9) it was opined that clearcutting should be incentivized rather than mitigated; (10) it was suggested that different percentage requirements should be considered for different types and size of lots, use different measurements for different trees and that different tree species should have their own mitigating requirements; (11) it was explained that Sarasota County uses a formula based on points that encompasses the DBH and other factors for tree mitigation; (12) concerns were expressed: [a] to have mitigation factors that apply equally to commercial and residential; [b] replacing DBH with small trees is not acceptable; [c] there should be accountability for clearcutting; [d] a permit should not be required for tree mitigation once a Certificate of Occupancy (CO) is issued for residential; [e] more tree canopy is needed in parking lots of large scale commercial; (13) it was opined that large scale commercial and home buyers should not have the same requirements to mitigate trees; (14) it was explained that tree mitigation is specific to each commercial site, and it was suggested to have language in the ordinance that addresses preservation, and the size of mitigated heritage trees should be lowered; (15) mitigation fees do not apply if the tree is within the footprint of the development; (16) the intent of the mitigation fee is to divert the removal of heritage trees, not allowing removal of a heritage tree in the footprint of a development could be considered a taking of land; (17) a suggestion was made to include ordinances from Gainesville and/or Jacksonville when comparing the City's ordinance to Sarasota County; (18) it was suggested to make note of community input that isn't addressed when reviewing the different ordinances, and use the Lowe's tree survey as the example for discussion of mitigation and incentives; (19) the charting table should also include the current code as it relates to residential and commercial property; (20) a suggestion was

made to look at the history and the intent of the tree ordinance, and consider relocation of trees to viable locations to maintain a 35% canopy within the City.

There was a unanimous consensus for staff to compile a side-by-side comparable of ordinances from Gainesville, Jacksonville, Sarasota County, North Port and the City of Tallahassee, for commercial and residential and to note what is missing based on community input.

Discussion continued: (1) it was suggested that relocation versus harvesting should be considered within the ordinance; (2) it was explained that the code provides that the required canopy levels are 35-80% of the existing tree canopy as of 1997 when the plan was adopted; (3) a suggestion was made to increase code enforcement on weekends to stop illegal land clearing and other code violations; (4) it was noted that there is a fee of \$100 for not posting the permit on-site; (5) a suggestion was made that the developers should be made aware they have to display permits and that the penalty should be increased for failure to do so; (6) concern was expressed for increasing the fine because there are nonintentional reasons why a permit may not be displayed, which is different than not obtaining a permit; (7) it was explained that Property Standards is being restructured into a Code Enforcement department and this will be brought to the Commission at a later date, and that they currently respond to a variety of calls relating to possible code violations; (8) a suggestion was made to have an additional workshop scheduled in March; (9) it was suggested to review the EAB recommendations at the next workshop.

There was a unanimous consensus to continue discussion to a workshop meeting in March and review the Environmental Advisory Board (EAB) recommendations at that time.

Discussion continued: (1) it was clarified that a clearing permit is required with a development order, and that after the CO is issued a permit is still required for tree removal; (2) the intent of the permit is not to police, it is to ensure that adequate canopy cover is maintained as provided in the Code. There was no public comment.

4. COMMISSION COMMUNICATIONS:

There were no Commission Communications.

5. ADMINISTRATIVE AND LEGAL REPORTS:

There were no Administrative and Legal Reports.

6. ADJOURNMENT:

Mayor Hanks adjourned the North Port City Commission Workshop Meeting at 11:44 a.m.

City of North Port, Florida

By: _____
Christopher B. Hanks, Mayor

Attest: _____
Kathryn Peto, City Clerk

Minutes approved at the City Commission Regular Meeting this ____ day of

_____, 2019.