



Legislation Details (With Text)

File #: 19-0016 **Version:** 1 **Name:**
Type: Ordinance **Status:** Passed
File created: 1/9/2019 **In control:** City Commission Regular Meeting
On agenda: 1/22/2019 **Final action:** 1/22/2019
Title: Ordinance 2018-37, Second Reading, Changes to ULDC Chapter 1, General Provisions, Article III, Boards and Duties, Section 1-28 Zoning Board of Appeals and Section 1-29 Planning and Zoning Advisory Board addressing qualifications of members, removal, vacancies, and compensation, TXT-18-266.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance 2018-37, 2. July 2, 2018 City Commission Meeting Minutes, 3. ULDC Sec. 1-28 and Sec. 1-29, 4. City Code Chapter 4, Article I Boards Generally

Date	Ver.	Action By	Action	Result
1/22/2019	1	City Commission Regular Meeting	motion to approve	Pass

TO: Honorable Mayor & Members of the North Port Commission

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

TITLE: Ordinance 2018-37, Second Reading, Changes to ULDC Chapter 1, General Provisions, Article III, Boards and Duties, Section 1-28 Zoning Board of Appeals and Section 1-29 Planning and Zoning Advisory Board addressing qualifications of members, removal, vacancies, and compensation, TXT-18-266.

Recommended Action

City Commission approve Ordinance 2018-37.

Background Information

Section 4-1 of the Code of the City of North Port provides that Article I applies to all City boards, except that if a board's enacting legislation conflicts with Article I, that legislation controls over Article I. Thus, the City Code provisions in Sections 4-1 through 4-10 govern the Zoning Board of Appeals (ZBA) and Planning and Zoning Advisory Board (PZAB), except as provided in Unified Land Development Code (ULDC) Sections 1-28 and 1-29.

The proposed ULDC revisions include:

- Omitting the residency requirement so that both boards are subject to the residency requirement applicable to all boards in City Code § 4-3(b). While this currently reads 6 months, the Commission has directed that the requirement be changed to one year; this change to the City Code will be included in Ordinance 2018-36.
- Requiring that an effort be made to appoint at least 3 members to each board with experience and expertise in zoning and land use matters.
- Omitting the removal provisions so that both boards are subject to the removal provision applicable to all boards in City Code § 4-3.

•Omitting the compensation provisions so that both boards are subject to the compensation provision applicable to all boards in City Code § 4-3(d), which also does not allow board members to be compensated. The City Charter also disallows compensation. This revision was not addressed by the Commission but is suggested by the City Attorney's Office to achieve consistent language applicable to all boards.

At the December 6, 2018 Planning and Zoning Advisory Board meeting there was discussion on the omission of the residency requirement and the effort to appoint members with experience. It was explained that omitting the residency requirement from the ULDC does not remove the requirement altogether, but rather deferred to the requirement in the City Code for all boards. Some board members felt this could be confusing to the public. Additionally, it was explained that the proposed language stated an effort would be made to appoint board members with experience in zoning matters, not that those without experience would be denied an opportunity to sit on the Board. Some board members felt this language could be considered discriminatory and that it could discourage some residents from applying. The vote to recommend approval passed 3-1.

At first reading there was discussion about keeping the residency requirement for Planning and Zoning Advisory Board and Zoning Board of Appeals. Commission directed ULDC Sections 1-28.B(2) and 1-29.B(2) be revised to clarify that all PZAB and ZBA board members must be city residents. This will override the general provision in the City Code that allows an exception for one nonresident per board.

Strategic Plan

Develop and promote City governance that fosters trust and utilizes departmental strengths and innovative philosophies to facilitate effective and efficient provision of all City services.

Financial Impact

N/A

Procurement

N/A

Attachments:

1. Ordinance 2018-37
2. July 2, 2018 City Commission Meeting Minutes
3. ULDC Sec. 1-28 and Sec. 1-29
4. City Code Chapter 4, Article I Boards Generally

Prepared by: Alison Christie, Planner on behalf of Amber L. Slayton, City Attorney

Department Director: Frank Miles, MPA, Director, Neighborhood Development Services